

OCR Appeals Processes in Vocational Qualifications – A Guide for Centres

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This guidance deals with appeals relating to OCR qualifications which are not covered by the *JCQ Guide to the Awarding Bodies' Appeals Processes*. However, this guidance is intended to complement the JCQ Guide.

The appeals dealt with in this guidance are appeals against results, assessment decisions made by OCR, sanctions, centre approval decisions, malpractice and procedural decisions in the following types of qualifications:

- Vocational qualifications (VQs) – These include qualifications such as the Certificates and Diplomas for IT Users (CLAiT), the Certificates and Diplomas in Administration or Text Processing; Certificates in Business Language Competence, Certificates of Professional Competence (CPC) and QCF units of accreditation.
- National Vocational Qualifications (NVQs)
- OCR Nationals
- Functional Skills, Key Skills and Basic Skills
- Asset Languages.

Some appeal processes do not apply to all types of qualifications; therefore, the relevant qualifications are specified in each section.

Fees

OCR charges a fee for each stage of an appeal against the outcomes of an enquiry about results. The amount charged can be found in the current edition of the fees list, which can be downloaded from the OCR website [Download](#). No charge is made for appeals which are upheld.

No charge is made for appeals against malpractice decisions, access arrangements, centre approval decisions or other procedural decisions.



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If a Head of Centre or private candidate is not happy with an examination result or assessment decision and has reasons to suspect it may not be accurate, the first step is to make an enquiry about results. Full details of the enquiry about results services are provided in the Admin Guide for the qualification, which can be downloaded from the OCR website **Download**. If doubts about the accuracy of the results still persist following the enquiry about results process, it is possible for the Head of Centre or private candidate to submit an appeal.

The appeals process

Appeals are processed in two stages:

- **Stage 1** – This involves an investigation by a senior member of OCR who has had no previous involvement with the results in question. The appellant will receive a report following this investigation. If the appellant remains dissatisfied, he/she may take the appeal to Stage 2.
- **Stage 2** – This involves a hearing before the OCR Appeals Committee which consists of external and independent members. It is usual, but not essential, for the appellant to present the case in person to the appeals panel.

If an appeal is accepted, an investigation into the candidate's and/or centre's results, and the awarding body's procedures will follow. A further re-mark of the script(s) involved may be undertaken but this is neither guaranteed nor automatic.

Who can appeal?

Appeals are accepted from:

- **Heads of Centres** on behalf of single candidates or groups of candidates.
- **Private candidates** (that is, a candidate who pursues a course of study independently but makes an entry and takes an examination at an approved examining centre).

The individuals are referred to as the 'appellant'.

Please note that internal candidates and/or their parents/carers or other third parties are not entitled to appeal directly, but must make representations to the Head of Centre where the candidate was registered. The Head of Centre's decision as to whether to make an appeal is final.

How to appeal

The appellant should submit a written request for a Stage 1 appeal to:

**The Secretary
OCR Appeals Committee
OCR
1 Hills Road
Cambridge
CB1 2EU**

The form (JCQ/App1) at the end of the JCQ Appeals booklet may be used, but it is not essential and a letter will suffice, providing it contains all the necessary information.

Appeals must be made within two calendar weeks of receiving the outcome of the enquiry about results.

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The appellant must set out as clearly as possible the nature of the concern and focus on whether OCR has applied its procedures properly and fairly in arriving at judgements.

When an application for an appeal is received, the Secretary to the Appeals Committee will decide whether the appeal can be accepted for investigation.

The decision whether or not to accept the appeal for investigation is based on:

- The validity of the grounds for the appeal put forward by the centre or private candidate
- Whether an appropriate enquiry about results has been completed
- The timing of the application (that is length of time since the enquiry about results).

If an appeal is not accepted, the reason(s) for this will be given.

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Further information

For further information on what happens during a Stage 1 investigation or Stage 2 appeal hearing, please consult the JCQ *Guide to the Awarding Bodies' Appeals Processes* which can be found on the JCQ website [here](#)

The decision of the Stage 2 appeal hearing is final, as the Examinations Appeal Board established by the regulator, Ofqual, does not accept further appeals in these types of qualifications.



Appeals against assessment decisions

NVQs

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Where a candidate disagrees with an assessment decision made by the centre assessor for their NVQ, the matter should initially be reviewed by the centre's internal verifier.

If the candidate remains dissatisfied, the matter is passed to the next stage of the centre's internal appeals procedure. This usually involves an investigation by the centre co-ordinator or other member of the senior management team.

If this does not resolve the situation and the candidate is still dissatisfied, the Head of Centre, acting on behalf of the candidate, may refer the matter to the OCR external verifier for re-consideration, either at the time of the next visit, or, alternatively, via OCR.

If the matter remains unresolved following consideration by the external verifier, an appeal should be made, either by the Head of Centre or the external verifier to the Chief Verifier for further consideration. This re-consideration of an assessment decision by the Chief Verifier will be taken to meet the requirements of a **Stage 1 appeal** (an investigation by a senior member of OCR who has had no previous involvement with the results in question).

Where the re-consideration of an NVQ assessment decision by the Chief Verifier does not resolve the matter, the Head of Centre may then write to the OCR Appeals Team and request a **Stage 2 appeal**. This involves a hearing before the OCR Appeals Committee which consists of external and independent members. It is usual, but not essential, for the appellant to present the case in person to the appeals panel.

The decision of the OCR Appeals Committee is the final stage in this process.

Further information

For further information on what happens during a Stage 2 appeal hearing, please consult the *JCQ Guide to the Awarding Bodies' Appeals Processes*.



Appeals against malpractice decisions

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Malpractice is a term used to describe all forms of irregularity or breaches of the regulations in examinations and assessments; for example, plagiarism in coursework, the introduction of unauthorised material into the examination room, maladministration, etc.

All instances of suspected malpractice are processed, and decisions are taken, in accordance with the principles and procedures set out in the *JCQ Suspected Malpractice in Examinations and Assessments*. Copies of this booklet are available to download from the JCQ website [here](#)

Most decisions in cases of suspected malpractice are made by trained OCR members of staff but, in cases of serious malpractice, the decision is made by an OCR 'Malpractice Committee'.

Appeals against the decisions made by the awarding body may only be made in malpractice cases where a sanction has been imposed. (Appeals against decisions made in cases of very late arrival for examinations in all qualifications are also processed under these arrangements.)

Who can appeal?

Appeals are accepted from:

- **Heads of Centres** may appeal against sanctions or decisions affecting the centre or members of its staff (including contracted workers), and on behalf of candidates entered or registered through the centre.
- **Members of the centre's staff** or personnel contracted to a centre, e.g. external invigilators, may appeal against sanctions imposed on them.
- **Private candidates** (that is, a candidate who pursues a course of study independently but makes an entry and takes an examination at an approved examining centre) may appeal against sanctions or decisions affecting them.
- **Third parties** who have been barred from taking examinations or assessments with an awarding body may appeal against that decision.

The individuals are referred to as the 'appellant'.

Please note that internal candidates and/or their parents/carers or other third parties are not entitled to appeal directly, but must make representations to the Head of Centre where the candidate was registered. The Head of Centre's decision as to whether to make an appeal is final.

How to appeal

The appellant should submit a written request to:

The Secretary
OCR Regulations Committee
OCR
1 Hills Road
Cambridge
CB1 2EU

The form (JCQ/App1) at the end of the JCQ Appeals booklet may be used, but it is not essential and a letter will suffice, providing it contains all the necessary information.

Appeals must be made within two calendar weeks of receiving the malpractice decision.

The appellant must set out as clearly as possible the grounds for the appeal and must submit any further evidence relevant to supporting the appeal.

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Appeals must be based on reasonable grounds which relate to the incident in question. The following are accepted as reasonable grounds:

- The incident was not dealt with in accordance with the published procedures in the JCQ *Suspected Malpractice in Examinations and Assessment*
- Further evidence (including medical evidence) has come to light which changes the basis of the decision.
- A reasonable belief that the evidence has been misinterpreted
- A reasonable belief that the outcome is not in line with the guidelines or precedent.

The following do not, by themselves, constitute grounds for an appeal:

- The individual did not intend to cheat
- The individual has an unblemished academic record
- The individual could lose a university place
- The individual regrets his/her actions.

The appeal application may be refused at this point if there is no further evidence to consider and if the grounds for the appeal are weak or unjustified.

What happens during a malpractice appeal investigation?

When an appeal is received, it is checked against the criteria above to see if the context and grounds of the appeal are valid. We will contact the centre to acknowledge receipt of the appeal and advise on the process to be followed.

Appeals which do not meet these criteria will be referred back to the centre, those that do will be forwarded to the OCR Regulations Committee for a decision.

The OCR Regulations Committee comprises members of the teaching profession, who have suitable experience in examining, and who are not employed by OCR. Members will have had no previous involvement with the case.

If the appeal goes forward for a formal consideration by the Regulations Committee, the Secretary to the committee will liaise with the appellant to determine an appropriate time for the hearing and whether the appellant will be required to attend or not.

In cases where the appellant is required to attend the hearing to make a presentation, the procedure will be the same as set out in the *OCR Malpractice Procedures – A Guide for Centres*, which can be downloaded from the OCR website.

The committee reviewing the case will decide either to uphold or to reject the appeal:

- If the appeal is upheld, the original sanction may be set aside or reduced to take into account any mitigating factors.
- If the appeal is rejected the original penalty will be confirmed.

In either case, the penalty may be increased to bring it into line with the JCQ guidelines and precedents.

Further avenues of appeal

The decision of the Regulations Committee is final and there are no further avenues of appeal against decisions taken by awarding bodies in cases of malpractice.

Timescales

All appeals will be dealt with as expeditiously as is consistent with a thorough exploration of the case.



Appeals against decisions made in cases of non-compliance (malpractice)

NVQs

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The quality assurance system which governs the delivery of NVQs is set out in the NVQ *Code of Practice* (2006).

There are three types of decisions which centres may wish to appeal; these are decisions on:

- Centre or qualification approval, following a visit of an external verifier
- Sanctions applied to a centre by OCR following the visit of an external verifier
- Sanctions applied to a centre by OCR following an investigation into a suspected irregularity, non-compliance or malpractice.

The OCR appeals process described here deals with sanctions applied by OCR following an investigation. Appeals arising from an external verifier visit can be more speedily resolved if the centre:

- Carries out the action plan agreed at the time of the visit and requests a follow-up visit
- Discusses the matter with the OCR manager who has applied the sanction
- Arranges for a visit from the Chief Verifier.

Who can appeal?

Appeals relating to centre sanctions are only accepted from the Head of the Centre.

How to appeal

The Head of Centre should submit a written request to:

The Secretary
OCR Regulations Committee
OCR
1 Hills Road
Cambridge
CB1 2EU

The form (JCQ/App1) at the end of the JCQ Appeals booklet may be used, but it is not essential and a letter will suffice, providing it contains all the necessary information.

Appeals must be made within two calendar weeks of receiving the sanction decision.

The Head of Centre must set out as clearly as possible the grounds for the appeal and must submit any further evidence relevant to supporting the appeal.

OCR reserves the right to refuse to accept an appeal application at this point if there is no further evidence to consider and if the grounds for the appeal are weak or unjustified.

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What happens during an appeal investigation?

When an appeal is received, it is checked to see if the context and grounds of the appeal are valid, and how it may best be processed. We will contact the centre to acknowledge receipt of the appeal and advise on the process to be followed.

All appeals against malpractice decisions will be heard by the OCR Regulations Committee. This committee comprises members of the teaching profession, who have suitable experience in examining, and who are not employed by OCR. Members will have had no previous involvement with the case.

If the appeal goes forward for a formal consideration by the Regulations Committee, the Secretary to the committee will liaise with the appellant to determine an appropriate time for the hearing and whether the appellant will be required to attend or not.

In cases where the appellant is required to attend the hearing to make a presentation, the procedure to be followed will be the same as set out in the JCQ Appeals booklet.

The committee reviewing the case will decide either to uphold or to reject the appeal:

- If the appeal is upheld, the original sanction may be set aside or reduced to take into account any mitigating factors.
- If the appeal is rejected the original sanction will be confirmed.

Further avenues of appeal

The decision of the Regulations Committee is final and there are no further avenues of appeal against decisions taken by awarding bodies in cases of malpractice.

Timescales

All appeals will be dealt with as expeditiously as is consistent with a thorough exploration of the case.



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We recognise that there are some candidates who are prevented from demonstrating their achievement because of:

- A permanent or long-term learning disability, learning difficulty or medical condition
- A temporary disability, illness or indisposition
- English being a second or additional language
- The immediate circumstances of the assessment.

Assessment decisions

All access arrangements and special consideration decisions are set out in the JCQ *Access Arrangements, Reasonable Adjustments and Special Consideration*, which is available from the JCQ website [here](#). Please see the section which deals with vocational qualifications.

Malpractice decisions

Since the majority of OCR vocational qualifications are competence-based and are frequently available, it may not be appropriate to make reasonable adjustments to the assessment criteria or give special consideration. See the JCQ guidance for more details.

Non-compliance (malpractice)

If the Head of Centre or a private candidate disagrees with a decision made regarding an access arrangement, a written request, setting out the grounds, for a Stage 1 appeal may be submitted. This is an investigation by a senior member of OCR who has had no previous involvement with the results in question.

Access arrangements and special consideration

Who can appeal?

Appeals are accepted from:

- Heads of Centres on behalf of single candidates or groups of candidates.
- Private candidates (that is, a candidate who pursues a course of study independently but makes an entry and takes an examination at an approved examining centre.)

Reviews of administrative decisions

Please note that internal candidates and/or their parents/carers or other third parties are not entitled to appeal directly, but must make representations to the Head of Centre where the candidate was registered. The Head of Centre's decision as to whether to make an appeal is final.

How to appeal

Appeals should be forwarded to:

The Secretary
OCR Appeals Committee
OCR
1 Hills Road
Cambridge
CB1 2EU

A copy of the form (JCQ/App1) which can be found at the end of the JCQ Appeals booklet may be used, but it is not essential, and a letter will be sufficient providing it contains all the relevant information.

The appeal request must be made within two calendar weeks of receiving the original decision letter, and should set out the grounds for the appeal.

Further information

For further information on what happens during a Stage 1 investigation or Stage 2 appeal hearing, please consult the JCQ *Guide to the Awarding Bodies' Appeals Processes*.

The decision of the Stage 2 appeal hearing is final, as the Examinations Appeal Board does not accept further appeals in these types of qualifications.



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The type of procedural decisions that arise in general qualifications as a result of circumstances, such as a candidate arriving late for an examination or candidate work being lost, are rarely found in vocational qualifications. Nevertheless, a Head of Centre may feel it is appropriate to challenge a decision made by an OCR officer relating to the results of a candidate or group of candidates. In this case, the Head of Centre should contact the Head of Compliance at OCR to discuss the most appropriate way of dealing with that particular issue.





www.ocr.org.uk

OCR customer contact centre

Vocational qualifications

Telephone 024 76 851509

Facsimile 024 76 851633

Email vocational.qualifications@ocr.org.uk

General qualifications

Telephone 01223 553998

Facsimile 01223 552627

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