

A guide to OCR's post results services (appeals, complaints, admin errors) for teacher assessed grades 2021 for Functional Skills, Life and Living Skills, Digital Employability and Entry Level Award in Using ICT

For the attention of heads of centre, senior leaders within schools and colleges and teaching staff

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Introduction

1. This guidance sets out the process for post results queries regarding teacher assessed grades in relation to the following qualifications:

- Legacy Functional Skills English and maths
- Functional Skills ICT
- Life and Living Skills
- Digital Employability
- Entry Level Award in Using ICT

These qualifications have a different appeals process to GCSEs and A Levels due to different assessment structures.

2. This document provides guidance for appeals, admin errors and complaints. The table below identifies situations, what action is needed and what section of the document provides guidance for this.

| Situation | Process to follow | Section in this document |
|--|----------------------|--------------------------|
| The centre believes OCR did not apply procedures consistently, or procedures were not followed properly and fairly. | Appeal | Paragraphs 5 to 41 |
| The learner was eligible for a TAG, as they could not safely take an assessment. However, the centre has determined that the learner is not at a pass grade and has, therefore, not submitted a TAG according to OCR's policy (centres do not submit TAGs for learners who have failed). | Appeal | Paragraphs 5 to 41 |
| The learner/parent/carer believes the centre did not apply procedures consistently, or procedures were not followed properly and fairly. | | |
| The centre has provided incorrect information/evidence and a result has been issued based on that information. | Administration error | Paragraphs 42 to 44 |
| OCR has omitted a TAG from the submitted requests or OCR issued a TAG for a learner where a request was not made. | Administration error | Paragraphs 42 to 44 |
| For Functional Skills qualifications only. | Complaint | Paragraphs 45 to 48 |
| The centre has determined that a learner is not eligible for a TAG, as they believe that the learner could safely take a live assessment. The learner disagrees. | | |
| The learner/parent/carer believes the centre did not apply procedures consistently, or procedures were not followed properly and fairly. | | |

3. For appeals, this is an exceptional process which applies to the alternative arrangement of teacher assessed grades (TAGs) where learners have been unable to access live assessments.
4. These procedures are designed to meet the vocational contingency regulatory framework conditions for summer 2021, together with the relevant general/standard and qualification level conditions, of the three qualification regulators for England, Wales and Northern Ireland (Ofqual, Qualifications Wales and CCEA Regulation). Their regulatory documentation underpins OCR's appeals processes.

Who can appeal and when?

| What is the reason for appeal? | Who raises the appeal? |
|---|--|
| a. OCR did not apply procedures consistently, or procedures were not followed properly and fairly | Centre, authorised by the head of centre |
| b. The learner was eligible for a TAG, as they could not safely take an assessment. However, the centre has determined that the learner is not at a pass grade and has, therefore, not submitted a TAG according to OCR's policy. | Learner directly with OCR |

*For both types of appeal above, the centre or learner should notify OCR where the outcome is required for a UCAS offer/deadline.

a. OCR did not apply procedures consistently, or procedures were not followed properly and fairly.

5. These appeals must be authorised by the head of centre, on behalf of any learners for whom data has been provided for the purposes of calculating a grade in a relevant qualification, except for private candidates. Before authorising the appeal for submission, the Head of Centre must be able to demonstrate that the centre has the written consent of all learners on whose behalf they are appealing.

Learners in England, Northern Ireland or Wales who are not permitted to appeal directly to the awarding body may make representations to the head/principal of the centre which submitted information to the awarding body on behalf of that learner. The head of centre's decision as to whether to proceed with an appeal is subject to the centre's internal appeal arrangements.

Centres **must** have in place appropriate arrangements that allow for learners to apply to the centre to request submission of an appeal by the centre on their behalf.

6. These appeals cannot be submitted before the results are published, must be supported by evidence and must provide a clear explanation of the basis for the appeal in all cases.

b. The learner is eligible for a TAG, as they could not safely take an assessment. However, the centre has determined that the learner is not at a pass grade and has, therefore, not submitted a TAG according to OCR's policy.

7. Where a centre has decided a learner is not at a pass grade and therefore does not have sufficient evidence to support a TAG, learners will be able to appeal against your decision via your appeals process. Centres do not submit fail TAGs.
8. A learner's appeal **must** be supported by the same evidence that would be used to underpin a teacher assessed grade. So, the learner would need to demonstrate to the centre that there is sufficient evidence demonstrating they are performing at the level required for a result to be issued.
9. If on reviewing the learner's appeal, you believe that an error of judgement has been made and a TAG should be requested, provided you have conducted internal quality assurance to support the application, then you can request a TAG for the learner. All evidence of your appeals process must be retained by the centre.
10. Where a centre has investigated a learner's appeal and has still deemed the learner as not at a pass grade, then the learner may appeal to OCR. These appeals **must** be raised by the learner directly to OCR.
11. These appeals should only be submitted once the centre has confirmed their decision to not submit a TAG for the learner.

How to appeal

12. For appeal option a (the centre's appeal), the appeal process has two stages. First, the initial appeal (conducted by OCR); secondly, the independent appeal. All appeals must start by requesting an initial appeal. References here to "the centre" include references to a Private Candidate in respect of those who are permitted to appeal. Appeal option b (the learner's appeal) only has one stage as this is independent of the original decision maker (in this instance, the centre).
13. Depending on the reason for appeal, either the learner can contact OCR directly or, the head of centre must authorise the appeal application and be satisfied that all learners on whose behalf the appeal is submitted have consented to the appeal. The appeal should be submitted via email to appeals@ocr.org.uk
14. Applications for an initial review can be made once results have been received or the centre has confirmed its decision to not request a TAG for a learner.
15. The appeal documentation must set out clearly and concisely the grounds for appeal and include the evidence the centre has to support the appeal. OCR may not accept appeals where the grounds and reasons are not clear.
16. Any action taken by OCR to rectify an error identified as the result of an appeal could result in grades being withdrawn or remaining the same for those learners on whose behalf the appeal has been made. A centre **must** obtain the written consent of all learners for whom an appeal is being submitted and keep a record of that consent. This information does not need to be sent to the awarding body, but it may request the information at any point. **If an issue is identified that affects learners who have not consented to an appeal, this may also lead to grades being withdrawn or remaining the same.** However, this decision will be on the basis of individual circumstances and only where it is considered appropriate to do so.
17. When an application for appeal is received, OCR will decide whether it will be accepted for initial review or not. The decision whether or not to accept the application for an appeal is based on:
 - whether the grounds for the appeal as put forward meet the criteria set out above;
 - whether sufficient or appropriate evidence has been provided in support of the appeal;
 - whether the appeal has been authorised by the Head of Centre, where appropriate;
18. If an application for an appeal is not accepted for initial review, the reason(s) for this will be communicated to the centre/learner.

What happens during the initial appeal?

19. Depending on the grounds of appeal submitted, the initial appeal involves a check of the relevant data or procedure or process by a member of OCR's staff who is suitably competent to verify the procedure and process followed or the data used in reporting a result and who has no personal interest in the decision being appealed.
20. In order to protect the integrity of the process, further information and evidence may be requested, at the discretion of OCR.
21. At the initial appeal, the case will either be rejected or upheld. Whether the initial appeal is rejected or upheld, the centre may proceed to an independent appeal.
22. If the case is upheld, any necessary further action will be undertaken in order to correct/mitigate any errors.

23. The initial appeal outcome letter, detailing OCR's decision with reasons for that decision, will be sent to the centre or private candidate. The letter will also detail the next stage of the appeals process. Following the initial review, the centre may apply to continue the appeal to an independent appeal.

How to request an independent appeal

24. Where the head of centre, or private candidate, wishes to proceed to the next stage of the appeal (an independent appeal), a request **must** be sent via email to OCR (appeals@ocr.org.uk).
25. **A request for an independent appeal must be made within 14 calendar days of communication of the initial review outcome letter. OCR will reject appeals made outside of this timescale.**
26. The head of centre must set out clearly and concisely the grounds for appeal and include all evidence they have to support the appeal.
27. Any learner on whose behalf the appeal is submitted at this stage must have been subject to the initial review process.

What happens during an independent appeal?

28. An independent appeal will be undertaken by an independent decision-maker. The individual will not be directly employed by OCR, will not be an examiner or moderator working for OCR, and will not be connected to OCR in any other way.
29. When a centre submits its independent appeal application, OCR reserves the right to produce material in response. If OCR does so, a copy of that material will be provided to the centre, for information, prior to any independent review outcome.
30. The independent decision-maker will be provided with any relevant guidance on appeals issued by the respective regulator, the centre's grounds for appeal and supporting evidence, the information made available to the centre by OCR, the initial review application, the outcome of the initial appeal and, where applicable, any material produced by OCR in response to the request for independent appeal.
31. The independent appeal will take the form of a re-examination of the written evidence provided to and by OCR.
32. The test applied by the independent decision-maker will consider any guidance from the relevant regulator and will address whether:
 - OCR applied its procedures consistently, and its procedures were followed properly and fairly in reporting outcomes
33. The independent decision-maker will consider the grounds presented for the independent appeal and the information provided by the centre and OCR.
34. A member of OCR staff will provide support to the independent decision-maker and will assist them in obtaining further information or clarification from either the awarding body or the centre where the independent decision-maker considers it necessary in order to come to a decision. The member of staff will have no personal interest in the decision being appealed and will take no part in the independent decision-maker's deliberations.
35. In reaching a decision, the independent decision-maker will apply the test set out in **paragraph 32**. Where appropriate, they will also consider whether any remedial action subsequently taken by OCR was sufficient to rectify the matter.

36. The independent decision-maker may decide to uphold the appeal or to reject it. If the appeal is upheld, the decision-maker will refer the matter back to the appropriate OCR staff for further consideration on such basis as the independent decision-maker may direct.
37. Irrespective of whether the appeal is upheld, the independent decision-maker may make recommendations to OCR on issues/concerns that emerged during consideration of the appeal.
38. The independent decision will be sent to the Head of Centre in writing, with reasons for the decision.
- 39. The independent appeal will complete the appeals procedures.**

Timescales for appeals

| Qualification | Deadline to submit an appeal | Turnaround of outcome |
|--|------------------------------|-----------------------|
| Legacy Functional Skills English & maths | Friday 2 July 2021 | |
| Functional Skills ICT, Life and Living Skills, Digital Employability, Entry Level Award in Using ICT | Friday 9 October 2021 | 20 calendar days |

40. OCR aims to complete initial reviews **within 20 calendar days** of the receipt of the application.
Wherever possible, OCR will aim to complete initial reviews more quickly than 20 days to provide centres with the outcome as soon as possible. Particular efforts will be made where an initial review involves a learner who requires the outcome because of a UCAS offer/deadline.
41. OCR also aims to complete independent reviews **within 20 calendar days** of the receipt of the application.

Admin errors

42. If a centre believes there has been an admin error, they should contact OCR immediately by emailing support@ocr.org.uk
43. An admin error may include a scenario where:
 - a. The centre has provided incorrect information and a result has been issued based on that information
 - b. OCR has omitted a TAG from the submitted requests or OCR issued a TAG for a learner where a request was not made
44. The centre must provide the centre number, OCR candidate number(s) for the impacted TAGs, qualification and/or component title and number and the nature of the error.

Complaints (Functional Skills only)

45. There is a situation for Functional Skills where an appeal is not appropriate and instead, a learner should follow the centre's complaint process. This situation is where:
 - a. The centre has determined that a learner is **not** eligible for a TAG, as they believe that the learner could safely take a live assessment and the learner disagrees.
46. In this situation, the learner should follow the centre's complaints procedures.

The centre should complete an investigation into the complaint. If this process is complete and the learner is still dissatisfied with the outcome, the learner can request that OCR complete a review of the centre's decision. OCR will review that the centre has followed due process in determining learner eligibility for a TAG. Once OCR's review is complete the learner will be notified of the outcome.

47. If a learner wishes to request a review, this can only be requested once the centre has completed their complaints process and issues an outcome to the learner.
48. The learner should send an email to **compliance@ocr.org.uk** to request a review. They will need to provide a rationale supported with the details of the centre's investigation into the complaint.