



Joint Council for
Qualifications

A guide to the awarding bodies' appeals processes

Effective from November 2021 examination series

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

Produced on behalf of:



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Introduction

1. This booklet sets out the processes for appealing against decisions made by the JCQ awarding bodies in relation to:
 - AEA
 - AQA Applied General qualifications
 - AQA Level 1, Level 2 and Level 3 Technical qualifications
 - Cambridge Nationals
 - Cambridge Technicals
 - **City & Guilds Level 2 and Level 3 Technical qualifications**
 - Edexcel Awards in mathematics
 - Edexcel International A-level
 - Edexcel International GCSE
 - ELC
 - Essential Skills (Wales)
 - FSMQ
 - GCE AS and A-level
 - GCSE
 - Pearson BTEC (external assessments only)
 - Project qualifications
 - WJEC Level 1 and Level 2 General qualifications
 - WJEC Vocational Awards & Certificates
 - WJEC Level 3 Applied qualifications
 - WJEC Skills Challenge Certificate (Welsh Baccalaureate).

If the qualification you are concerned about is not one of these, then please refer to the individual awarding body's documentation.

2. These procedures meet the requirements of the three qualification regulators for England, Wales and Northern Ireland (Ofqual, Qualifications Wales and CCEA): their regulatory documentation underpins the awarding bodies' appeals processes.
3. Awarding bodies accept appeals in relation to three areas of their work. These are:
 - Appeals against results – **see page 2.**
 - Appeals against malpractice decisions – **see page 5.**
 - Appeals against decisions made in respect of access arrangements, reasonable adjustments and special consideration – **see page 7.**

In addition, some other administrative decisions, such as cases of missing scripts, may be subject to review by awarding body officers.

4. This booklet devotes a separate section to each of these types of appeal. As there is similarity in the way all appeals are handled, this will lead to some repetition of information.
5. Where a centre wishes to query or discuss any aspect of an awarding body's interpretation or application of the procedures detailed in this document, the relevant awarding body's appeals officer should be contacted (**see Appendix A, page 17**).
6. Awarding bodies may charge a fee for each stage of an appeal against the outcome of a clerical re-check, a review of marking or a review of moderation. Details of these fees can be obtained from the awarding body concerned. The fee will be refunded/waived if the appeal is upheld.

Appeals against the outcomes of post-results services (clerical re-checks, reviews of marking and reviews of moderation)

Who can appeal and when?

7. Appeals for internal candidates **must** be submitted by the **head of centre**.

A head of centre can appeal against the outcome of a clerical re-check, a review of marking or a review of moderation.

A private candidate may submit an application for an appeal directly to an awarding body.

A private candidate can appeal against the outcome of a clerical re-check or a review of marking.

8. Please note that internal candidates and/or their parents/carers are **not** entitled to appeal directly to the awarding body. Representations **must** be made to the head of centre where the candidate was entered or registered. The head of centre's decision as to whether to proceed with an appeal is subject to the centre's internal appeals arrangements.
9. Appeals **must not** be submitted by the head of centre or private candidate until the outcome of the relevant post-results service.
10. An appeal may be submitted if the appellant* considers that either:
- a marking or moderation (or a review of marking/moderation) error has occurred; or
 - the awarding body did not apply its procedures consistently, properly or fairly.

*The appellant is the head of centre or private candidate who submits the appeal.

11. In its guidance for Qualification Level Conditions, Ofqual defines marking error and moderation error ground for appeal as follows:

'A Marking Error is defined as the awarding of a mark which could not reasonably have been awarded given the evidence generated by the Learner, the criteria against which Learners' performance is differentiated and any procedures of the awarding organisation in relation to marking, including in particular where the awarding of a mark is based on – (see below)'

'A Moderation Error is defined as a moderation outcome which could not reasonably have been arrived at given the evidence generated by Learners which was considered for the purpose of Moderation, the centre's marking of that evidence, the criteria against which Learners' performance is differentiated and any procedure of the awarding organisation in relation to moderation, including in particular where the outcome of moderation is based on -

- an administrative error;
 - a failure to apply such criteria and procedures to the evidence generated by the Learner(s) where that failure did not involve the exercise of academic judgment; or
 - an unreasonable exercise of academic judgment'.
12. If an application for an appeal is accepted, an investigation into candidates' or centre's results, and the awarding body's procedures, will follow. Appeals accepted for investigation on procedural grounds will not generally involve a further review of candidates' work.

13. If an original hard copy script has been returned to the centre under the Access to Scripts service, it **cannot** form part of a review of marking or a subsequent appeal. However, if a scanned copy of the script was produced by the awarding body at the time of marking this may be used as the basis for these processes.

How to appeal

14. The head of centre or a private candidate (the appellant) should submit a written request for an appeal to the relevant awarding body. A list of the awarding bodies' contact details is provided in **Appendix A, page 17**. There is also a form (JCQ/App1) that may be used (**see page 14**).
15. **Appeals must be made within 30 calendar days of the awarding body issuing the outcome of the clerical re-check, review of marking or review of moderation ("the Outcome").**

If the reasons for the Outcome and/or a copy of the script(s) have been provided within 15 calendar days of the awarding body issuing the Outcome, an application for an appeal must still be submitted within 30 calendar days of receiving the Outcome.

If the reasons for the Outcome and/or a copy of the script(s) have been provided beyond 15 calendar days of the awarding body issuing the Outcome, an application for an appeal must be submitted within 15 calendar days of receiving these.

16. The appellant **must** set out clearly and concisely the grounds for the appeal using Form JCQ/App1 – see **page 14**.
17. When an application for an appeal is received, the awarding body will decide whether it will be accepted or not.
18. The decision whether to accept the application for an appeal is based on:
 - the validity of the grounds for the appeal as put forward by the appellant;
 - whether a clerical re-check, a review of marking or a review of moderation has been completed;
 - the timescale of the application.

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

What happens during the preliminary stage of an appeal?

19. The preliminary stage involves an investigation of the case by an awarding body officer who has not had any previous involvement with or personal interest in the matter. This preliminary stage will include consideration of the written submission from the appellant.
20. **After the preliminary stage the case will either be not upheld or upheld in whole or in part.**

21. If the case is upheld, any necessary further work on the candidates' scripts or results will be undertaken. Any such work will always be carried out in accordance with awarding body and inter-board JCQ agreed procedures.
22. The preliminary stage outcome letter with reasons will be sent to the appellant. The letter will also detail the next available stage of the appeals process. Following the preliminary stage, the appellant may pursue the appeal to a hearing.

The appellant is the head of centre or private candidate who submits the appeal.

Appeal hearings

23. Where the appellant wishes to proceed to the next stage of the appeal (a hearing), a written request (using Form JCQ/App1) for an appeal hearing **must** be sent to the relevant awarding body. **(Contact details are provided in Appendix A, page 17.)**
24. **A request for an appeal hearing must be made within 14 calendar days of receipt of the preliminary appeal outcome letter. Awarding bodies will reject appeals made outside of this timescale.**
25. An appeal hearing is designed to ensure that the appellant has a formal opportunity to present their case to an impartial body. A member of centre staff **must** represent the centre at the appeal hearing for internal candidate appeals.

The procedure followed at the appeal hearing is set out in **paragraphs 55-77**.

Appeals against decisions made in cases of malpractice

Introduction

26. Malpractice, maladministration or non-compliance, includes any act, default or practice which is a breach of the published JCQ regulations and awarding body requirements including, for example, that which:
- compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; **and/or**
 - damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre.
27. Awarding bodies' decisions on malpractice cases are based on an inter-board agreement which is reflected in the JCQ publication *Suspected Malpractice – Policies and Procedures*. This booklet can be downloaded from the JCQ website: <http://www.jcq.org.uk/exams-office/malpractice>
28. Decisions in cases of suspected malpractice are usually made by a dedicated and trained team of officers at the relevant awarding body. In cases of serious malpractice, the decision may be made by a committee of senior officers or an external committee.
29. Appeals may be initiated against a finding of malpractice and/or the sanction imposed by the awarding body. **It is not possible to appeal against a decision to take no further action or against a sanction which is perceived to be too lenient.**

Who can appeal?

30. A head of centre may appeal against a finding of malpractice and/or the sanction imposed on the centre or members of staff (including contracted workers), and on behalf of candidates entered or registered through the centre.
- A head of centre **must** inform candidates that he/she is submitting an appeal on their behalf. The candidate may submit a statement.
31. A member of centre staff or personnel contracted to a centre (e.g. an external invigilator) may appeal against a finding of malpractice and/or the sanction imposed on him/her.
32. A private candidate, or a third party (i.e. a person other than an internal candidate or their parents/carers), may appeal against a finding of malpractice and/or the sanction imposed on him/her directly to the relevant awarding body.
33. Please note that internal candidates and/or their parents/carers are **not** entitled to appeal directly to the awarding body. Representations **must** be made to the head of centre where the candidate was entered or registered. The head of centre's decision as to whether to submit an application for an appeal is subject to the centre's internal appeals arrangements.

How to appeal

34. The appellant should submit an application for an appeal to the relevant awarding body. Awarding bodies' contact details are provided in **Appendix A, page 17**. There is also a form (JCQ/App1) that may be used (**see page 14**).
35. **Applications for an appeal should be made within 14 calendar days of receiving the malpractice decision. Awarding bodies may reject appeals made outside of this timescale.**
36. The appellant submitting an application for an appeal **must** set out as clearly and concisely as possible the grounds for the appeal and **must** include any further evidence relevant to supporting the appeal.
37. 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 as detailed in the JCQ publication *Suspected Malpractice – Policies and Procedures*;
 - the decision was unreasonable in light of the evidence presented to the Malpractice Committee;
 - further evidence (including medical evidence) has come to light which may change the awarding body's decision;
 - the sanction imposed is disproportionate to the seriousness of the malpractice.
38. 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 FEI/HEI place or employment;
 - the individual regrets his/her actions.

What happens during a malpractice appeal investigation?

39. When an application for an appeal is received, it is checked by the awarding body. The context and grounds of the appeal and the supporting documentation are checked for their validity and how the appeal may best be processed. **It is important that all relevant documentation is included at this point, as there will be limited opportunities to submit additional information later on in the process.** The awarding body will contact the appellant to acknowledge receipt of the appeal and advise on the process to be followed. The awarding body reserves the right to inform heads of centre where relevant.

40. The awarding body may:
- refer the matter for fresh consideration to an appropriate individual who has not had any previous involvement with or any personal interest in the matter. At this stage the appeal may be upheld or not upheld. If the appellant remains dissatisfied with the outcome of this consideration, they may proceed to an appeal hearing. **A request for an appeal hearing must be made within 14 calendar days of receipt of the preliminary appeal outcome letter. Awarding bodies will not accept appeals made outside of this timescale.**
 - refer the matter to an appeal hearing. The procedure followed at the appeal hearing will be as set out in **paragraphs 55-77**;
 - not accept the appeal for investigation because no valid reasonable grounds for appeal have been provided.

Appeals relating to access arrangements, reasonable adjustments and special consideration

Introduction

41. The awarding bodies recognise that there are some candidates who may be prevented from demonstrating their achievement because of:
- a permanent or long-term disability, learning difficulty or medical condition;
 - a temporary disability, illness or indisposition immediate to or at the time of the examination;
 - circumstances at the time of or during the examination or assessment.
42. **Access arrangements and reasonable adjustments** are **pre-examination adjustments** approved before an examination or assessment. They allow candidates with special educational needs, disabilities or temporary injuries to access the examination or assessment.
43. **Special consideration** is an adjustment to a candidate's mark or grade to reflect temporary illness, injury or other indisposition **at the time of the examination or assessment**.
44. Access arrangements, reasonable adjustments and special consideration decisions are based on inter-awarding body procedures. The principles and regulations governing access arrangements and special consideration are set out in the JCQ publications *Access Arrangements and Reasonable Adjustments* and *A guide to the special consideration process*. These publications can be found on the JCQ website: <http://www.jcq.org.uk/exams-office>
45. If, after consulting the respective document which outlines the decision in relation to the access arrangement(s), reasonable adjustment(s) or special consideration that apply for a candidate or candidates, the head of centre or private candidate who is the subject of the relevant decision, ('the appellant') disagrees with the decision made and reasonably believes that the awarding body has not followed due procedures, a written request setting out the grounds for a preliminary appeal should be forwarded to the relevant awarding body. A list of the awarding bodies' contact details is provided in **Appendix A, page 17**. There is also a form (JCQ/App1) that may be used (**see page 14**).

Who can appeal?

46. Applications for appeals may only be accepted from a head of centre (on behalf of a candidate or a group of candidates) or private candidates.
47. Internal candidates and/or their parents/carers are **not** entitled to appeal directly to the awarding body. Representations **must** be made to the head of centre where the internal candidate was entered or registered. The head of centre's decision as to whether to proceed with an appeal is subject to the centre's internal appeals arrangements.

How to appeal

48. Before undertaking an appeal, it may help if the appellant discusses the situation with the relevant awarding body. Such discussions will sometimes resolve the matter without recourse to appeal.
49. **The appeal request should be made within 14 calendar days of receiving the original decision and should set out clearly and concisely the grounds for the appeal.** Form JCQ/App1 should be used – **see page 14. Awarding bodies may not accept appeals made outside of this timescale.**

What happens during the preliminary stage of an appeal?

50. The preliminary stage of an appeal process involves an investigation of the case by an officer or officers of the relevant awarding body. The officer will not have had a previous connection with, or any personal interest in the case. The preliminary stage will consider the written submission from the appellant and will involve a review of all relevant guidance, any precedent and the procedures that were followed in arriving at the decision which is subject to appeal.
51. The preliminary stage outcome letter with reasons will be sent to the appellant when the review is complete.

Appeal hearing

52. If the appellant disagrees with the outcome of the preliminary stage, a written request for an appeal hearing should be sent to the relevant awarding body. A list of the awarding bodies' contact details is provided in **Appendix A, page 17**. There is also a form (JCQ/App1) that may be used (**see page 14**). The awarding body will make arrangements for a hearing.
53. **This appeal request should be made within 14 calendar days of receiving the outcome of the preliminary appeal.**
54. The procedure followed at the appeal hearing will be as set out in **paragraphs 55-77**.

The procedure for appeal hearings

Before the hearing

55. The appellant will have submitted an application for an appeal hearing within 14 calendar days of the outcome of the preliminary stage being received.
56. **The application must clearly set out both the grounds of appeal and all supporting documentation. It is important that all relevant documentation is included at this point, as there will be limited opportunities to submit additional information later on in the process. The awarding bodies reserve the right to produce material in rebuttal of any appeal application.**
57. For an appeal hearing, an awarding body typically convenes a panel of three or four people. They will be drawn from a larger pool of individuals who are not directly employed by the awarding body and who have been trained in the task of deciding appeals.

At least one of the panel members will be an 'independent member'. Independent members are individuals who have had no employment or other connection with that awarding body for at least the previous five years.
58. Appellants will be expected to participate in the appeal hearing.
59. If when notified of the date set for the appeal panel hearing, the appellant does not attend without good reason, the hearing may proceed in their absence.
60. The appellant may be accompanied by a friend, colleague or union representative but names and contact details of all representatives **must** be provided to the awarding body **no later than seven calendar days before the date of the hearing**. It would not generally be expected that the appellant's attendees would exceed three in number.
61. The awarding bodies may also call any representatives relevant to the case. It would not generally be expected that awarding body representatives would exceed three in number.
62. Internal candidates and/or their parents/carers **will not** be called as representatives but may attend as observers with the prior permission of the Chair of the panel. Observers **are not** entitled to present cases or to engage in questioning any parties at the hearing, but they may make statements at the discretion of the Chair of the panel.
63. Other observers may attend hearings with the approval of the Chair.
64. Legal representation is not normally permitted at an appeal hearing, as an appeal hearing is not a legal function.
65. If the appellant wishes to be legally represented, this **must** be discussed with the awarding body before a hearing date is finalised. If legal representation for the appellant is agreed, the awarding body may also be legally represented.
66. A copy of all materials (correspondence/documents/reports etc) relating to the appeal will be forwarded to the appeals panel members and the appellant no later than seven calendar days prior to the hearing. Only in the most exceptional circumstances will the Chair permit additional materials to be tabled on the day of the hearing.

67. Where any material is considered by the awarding body to be of a confidential nature, the awarding body may make such material available to the appeal hearing under such conditions as are necessary to protect the confidentiality of the material. The awarding body will ensure compliance with any relevant provisions of data protection legislation.

At the appeal hearing

68. The appeal hearing will take the form of a re-examination of the evidence, comments and reports provided to and by the awarding body, and observations presented by the appellant.
69. **In an appeal concerning a clerical re-check, a review of marking or a review of moderation**, the test applied by the panel will be whether:
- a) the awarding body has applied its procedures consistently, properly and fairly in arriving at judgements; and/or
 - b) there has been a marking or moderation error, or a review of marking or review of moderation error.

In an appeal related to malpractice, the panel will consider, on the balance of probabilities, whether there was sufficient evidence to support the finding of malpractice and how appropriate the original penalty or sanction was in light of the JCQ Malpractice regulations, awarding body precedents and any additional information provided by the appellant or awarding body.

In an appeal focusing on access arrangements, reasonable adjustments or special consideration, the panel will consider whether the awarding body's actions were consistent with the published procedures and were fair.

70. The normal procedure to be followed during appeal hearings is outlined below:
- 70.1 A member of the panel will chair the hearing.
 - 70.2 The awarding body will be responsible for ensuring that a record of the proceedings is kept for seven years.
 - 70.3 The Chair will undertake introductions, outline the procedures to be followed and if appropriate, provide a summary of the case.

Each member will be asked to confirm at the start of the appeal hearing that they have not had a previous connection with, or any personal interest in the case. Specifically, that he/she has not been involved in any marking, moderation, review of marking or review of moderation of the candidate's work, or the candidate's centre, in the examination series in which the appeal arises.

The independent member(s) will make themselves known at the beginning of the appeal hearing.

The Chair will indicate that it is the role of all panel members to ensure that the hearing is conducted in accordance with the procedures detailed in this document.
 - 70.4 The Chair may, at his/her discretion, accept written evidence from a third party unable or unwilling to attend the hearing (**see paragraph 66, page 9**).
 - 70.5 The Chair will invite the appellant to present their case to the panel.

- 70.6 The Chair will then offer the representative(s) of the awarding body the opportunity to question the appellant.
- 70.7 The Chair and the panel members will then have the opportunity to question the appellant.
- 70.8 The Chair will then invite the representative(s) of the awarding body to present their case to the panel.
- 70.9 The Chair will offer the appellant the opportunity to question the representative(s) of the awarding body.
- 70.10 The Chair and the panel members will then have the opportunity to question the representative(s) of the awarding body.
- 70.11 The Chair will offer the representative(s) of the awarding body an opportunity to sum up their case, if they wish to do so. **Awarding bodies will not introduce new information at this stage.**
- 70.12 The Chair will then offer the appellant an opportunity to sum up their case, if they wish to do so. **Appellants will not introduce new information at this stage.**
- 70.13 The Chair will then invite the appellant and their representative(s) and the awarding body representative(s) to withdraw, but to remain in readiness for a brief time whilst the panel determines whether they wish to ask any further questions of either the appellant or the awarding body representative(s).
- 70.14 If the panel determines that they do wish to ask further questions, both the appellant and their representative(s) and the awarding body representative(s) will be asked to return to the hearing.
- 70.15 At the conclusion of all questions, the appellant and their representative(s), and the awarding body representative(s) will be informed that the hearing is complete and they may leave.
71. The panel will deliberate in private. In reaching its decision, the appeals panel will apply, as appropriate, the tests set out in **paragraph 69, page 10**. Where the appeal relates to the awarding body's procedures, the appeals panel will also consider whether any remedial action subsequently taken by the awarding body was sufficient to rectify the matter.

The appeals panel may decide to uphold the appeal or to reject it. If the appeal is upheld, the panel may:

- refer the matter back to the appropriate awarding body officer for further consideration on such basis as the panel may direct; or
- direct the awarding body to carry out further work;
- in a malpractice appeal, remove or confirm the finding of malpractice **and/or** confirm or amend the sanction.

After the appeal hearing

72. Irrespective of whether the appeal is upheld, the panel may make recommendations to the awarding body on issues/concerns that emerged during the appeal hearing.
73. **Any further work will be carried out in full compliance with regulatory requirements and inter-board JCQ agreed procedures.**
74. If the appellant and the awarding body were present at the hearing, the decision of the appeals panel will not normally be communicated to the appellant or to the awarding body representatives orally on the day of the hearing. The decision will be sent to the appellant, the head of centre (where relevant) and to the awarding body representative(s) no later than five working days after the hearing.
75. A summary report or transcript of the hearing may be provided to the appellant and to the awarding body representative(s) within 28 calendar days. **This report or transcript will be confidential to parties to the appeal.**
76. The appellant and the awarding body representatives will be offered the opportunity to correct errors of fact made in the report within 14 calendar days. The decision whether to accept amendments suggested by the appellant or by the awarding body representative(s) will be at the sole discretion of the Chair of the appeals panel.
77. **The hearing by the appeals panel will complete the awarding body's internal appeals procedures. No further appeal will be accepted by the awarding body.**

Further avenues of appeal

Access arrangements, reasonable adjustments, special consideration and post-results services

78. **For centres in England and Wales**, where dissatisfaction remains with the decision of the appeal hearing, an appeal may be made to the relevant Exam Procedure Review Service (EPRS). Please note that this service is confined to GCE, GCSE and Project qualifications. The Exam Procedure Review Service, which is provided by Ofqual in England and Qualifications Wales in Wales, has been set up to ensure that schools and colleges, and candidates and parents, are satisfied that grades issued by an awarding body are as fair and accurate as they can be.
79. For details about the EPRS please refer to the relevant qualification regulator's website.

Malpractice

80. **For centres in England**, the decision of the Malpractice Appeals Committee or panel is final. There are no further avenues of appeal against decisions taken by awarding bodies in cases of malpractice. Ofqual in England does not hear appeals against malpractice decisions.
81. **For centres in Wales**, for further avenues of appeal against decisions taken by awarding bodies in cases of malpractice, please refer to the website of the regulator - Qualifications Wales.

Timescales

82. The awarding bodies aim to complete a preliminary appeal within 42 calendar days of the receipt of the application.

The awarding bodies aim to resolve a request for an appeal hearing within 70 calendar days of the receipt of a request for an appeal hearing.

Review of other administrative decisions

83. During any examination series, circumstances arise that cause an awarding body to make decisions that may affect a candidate's results. Where these decisions involve an element of judgement, they may be subject to a review by awarding body officers.

A head of centre who is concerned by such administrative decisions should contact the relevant awarding body's appeals officer to discuss his/her concerns.

84. The most common types of other administrative decisions which may be subject to review are listed below. **Please note that this list is not exhaustive and other types of administrative decisions may also be subject to review.**
 - Decisions taken in cases of very late arrival.
 - Decisions taken in cases of missing scripts.
 - Decisions involving the use of aegrotats.
85. These cases will not be subject to an appeal hearing.

Application for an appeal

Centre Number

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The details provided on or appended to this form will form the basis of the case being put forward by the appellant.

When completing the details, please pay particular attention to **section 10** of this form, which outlines the grounds for appeal and summarises your reasons for appealing. If you require clarification or assistance, please contact the relevant awarding body.

Please indicate the type of appeal or review being initiated

Post-results services		Malpractice	
Access arrangements, reasonable adjustments or special consideration		Review of other administrative decisions	

If this is an appeal against the outcome of a clerical re-check, a review of marking, a review of moderation or an access arrangement/special consideration decision, please indicate below whether this is an application for a preliminary appeal or an appeal hearing.

Preliminary appeal		Appeal hearing*	
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***Please note that an appellant cannot proceed to an appeal hearing unless they have already initiated a preliminary appeal and this appeal has been completed.**

Appendix A

Awarding body contact details

AQA

appeals@aqa.org.uk

City & Guilds

policy@cityandguilds.com
<https://direc.to/hTsw>

CCEA

appealsmanager@ccea.org.uk

OCR

appeals@ocr.org.uk

Pearson

edexcelappeals@pearson.com

WJEC

Appeals Team
appeals@wjec.co.uk