

Guide to Functional Skills Appeals 2021

In 2021 Functional Skills qualifications (FSQ's) assessments should continue to take place wherever possible, or students should delay their assessments until such time as they can access them.

In cases where students cannot access assessments, an alternative approach in the form of a teacher assessed grade (TAG) will be implemented, this is explained in the [Functional Skills TAG guidance](#) on our website.

Where centres and/or students are dissatisfied with a decision relating to the awarding of a result there is an opportunity to appeal.

This appeals guide outlines the routes to appeal for students who have completed an assessment or received a TAG. It also provides information about how to appeal against malpractice decisions and special consideration decisions.

Appeal applications

All appeal applications should be submitted via email to edexcelappeals@pearson.com using the appropriate appeals application form:

- 1- FSQ TAG appeal form for appeals related to the award of a teacher assessed grade
- 2- JCQ APP1 form for all other types of appeal.

Where a centre prefers not to use the forms above, it should refer to them for the information we require to be able to process an appeal and ensure it includes all of that information in its chosen format. This will help to ensure appeals can be handled promptly.

Appeals when a Teacher Assessed Grade (TAG) has been awarded

Providing information to students

Following a decision to not request a pass level TAG, students will need certain information to help them decide whether to appeal.

If centres have not shared the following information before results day, they will need to be prepared to do so on results day if students request it:

- The sources of evidence used to determine their eligibility for a TAG
- The sources of evidence used to determine their TAG along with any grades/marks associated with them
- Details of any special considerations that have been taken into account in determining their TAG, e.g. access arrangements.

Student appeals

As centres are only able to request a pass TAG for Functional Skills, if a student disagrees with the decision by their centre not to request a pass TAG then they do have the opportunity to appeal the decision. The appeals process has two stages, these are outlined below.

Stage One: Centre Review

The first stage of the process is referred to as a centre review. If a student disagrees with their centre's decision not to request a pass TAG, they can ask their centre to check if an administrative or procedural error has occurred. If the centre finds that an error has occurred, they will be able to submit a request to Pearson to issue a pass grade to the student.

Examples of possible administrative errors include:

- A pass TAG was not requested when it should have been
- The centre incorrectly believed the student did not meet the eligibility criteria
- The centre did not undertake internal quality assurance
- The centre did not take account of a special consideration e.g. access arrangements.

Stage Two: Pearson Appeal Review

Following the completion of the centre review, if the student continues to believe that an error has been made they can request an appeal is submitted on their behalf to Pearson, by the centre. The grounds for an appeal to Pearson are:

- The centre did not apply a procedure correctly, examples include:
 - the centre incorrectly believed the student did not meet the eligibility criteria
 - the centre did not undertake internal quality assurance
 - the centre did not take account of access arrangements or special consideration.
- The student considers that the centre made an unreasonable exercise of academic judgement in the choice of evidence from which to determine whether the student met the pass standard and/or the determination of the standard from that evidence.
- Pearson made an administrative error, for example: the pass grade was not issued as it should have been during the processing of grades.

Centre appeals

Stage one - Pearson Appeal Review

There are two grounds which a centre may appeal to Pearson relating to Functional Skills TAGs:

1. The centre has made an error when submitting grades. The centre will need to submit details of the error that has occurred and a rationale explaining how the error occurred. Examples include:
 - an administration error in the initial submission of the TAGs by the centre
 - the centre has found an error occurred during the centre review stage.
2. The centre disagrees with the decision by Pearson not to accept TAGs for one or more of its students as Pearson does not believe they meet the eligibility criteria.

Stage Two – Pearson Appeal Hearing

Should the centre remain dissatisfied with the outcome of the Pearson Appeal Review and wish to proceed further, the centre must submit an appeal hearing request within 14 calendar days of receiving the outcome to the Pearson Appeal Review. Appeal hearing requests must be submitted to the Appeals office at edexcelappeals@pearson.com.

The hearing is conducted by a panel, normally consisting of three panellists who are independent of Pearson. Panellists are appointed in line with of the JCQ Appeals booklet, effective from November 2020 and will follow the procedures specified in that booklet. .

The Appeals office will aim to resolve a request for an appeal hearing within 70 calendar days of the receipt of a request for an appeal hearing. The Appeal hearing panel will review evidence to see whether we followed the correct policies and processes and will make a decision following a review of their findings from the hearing. The outcome will

be communicated to the Appeals team officer and will be communicated to the Appellant within 5 calendar days.

Following this, a transcript of the hearing will be provided to the centre within 28 calendar days from the date of the hearing and the case closed.

Please note, currently, all Appeal hearings are being held remotely.

Centre requirements

The appeals process relies on excellent record-keeping through the assessment process, this is made clear in the guidance issued on our website.

You must keep clear records of all internal processes used and decisions taken to arrive at the TAG outcomes for each student as we require you to be able to demonstrate how each TAG has been quality assured, reducing the risk of malpractice or unconscious bias. You must ensure suitable supporting evidence is used and retained within the centre.

The following are requirements that centres must follow:

- Centres must conduct a centre review if requested by the student.
- Centres must inform students of the outcome of a centre review. If the student wishes to appeal to Pearson, the student must then submit a request to their centre to proceed.
- Students must provide the centre with their consent before an appeal is submitted to Pearson on their behalf. This must be retained by the centre.
- Centres must submit a stage two appeal to Pearson if requested to do so by a student. The appeal to Pearson can only be submitted after the stage one centre review has been completed and the outcome issued to the student.

Appeals when a Functional Skills assessment has taken place

1. Externally Assessed FSQ's

All appeals related to externally assessed FSQ assessments, which covers Functional Skills Levels 1, 2 (including legacy FSQs) will follow the procedures set in the [JCQ Appeals booklet and summarised below](#).

Stage One – Functional Skills Team Review

Following the receipt of results, if the student or centre are concerned that the grade is wrong a request can be made for additional checks. This however must be submitted by the centre. The services that can be requested at this stage are:

1. Clerical check (Service 1)
2. Review of Marking (Service 2)

Centres must request a stage one review by sending an email to FSonscreenPRS@pearson.com. This is for both onscreen and paper based on-demand. The window for centres to apply for the stage one review opens on the day a result is issued for a test and closes 14 working days after the result was issued. Centres are advised to submit applications at the earliest opportunity, as applications cannot be made after the window has closed.

All cases are reviewed by our assessment experts who have responsibility for the qualification subject. The outcome will be sent to the centre within 30 calendar days.

Stage Two - Preliminary Appeal Review

Following the conclusion of the stage one review, should the centre or private candidate wish to appeal the outcome, appeals can be submitted to the Appeals office at edexcelappeals@pearson.com. Appeals must be submitted within 30 calendar days of receiving the outcome to the first stage review.

Appeals for internal students **must** be submitted by the **head of centre**. A head of centre can appeal against the outcome of a clerical re-check and a review of marking. Additionally, an appeal can be submitted on the basis that Pearson did not use procedures that were consistent with the regulatory authorities' requirements and/or did not apply their own procedures properly and fairly in arriving at judgments. The appeals office will also accept appeals directly from private candidates.

The Appeals office will complete a preliminary appeal within 42 calendar days of the receipt of the application.

Stage Three – Pearson Appeal Hearing

Following the conclusion of the stage two review, should the centre or private candidate remain dissatisfied with the outcome and wishes to proceed further, they must submit an appeal hearing request within 14 calendar days of receiving the outcome to the Preliminary Appeal Review. Appeal hearing requests must be submitted to the Appeals office at edexcelappeals@pearson.com.

The hearing is conducted by a panel, normally consisting of three panellists who are independent of Pearson. Panellists are appointed in line with [Section 23](#) of the JCQ Appeals booklet, effective from November 2020 and follow the procedure specified in that booklet.

The Appeals office will aim to resolve a request for an appeal hearing within 70 calendar days of the receipt of a request for an appeal hearing. The Appeal hearing panel will review evidence to see whether we followed the correct policies and processes and will make a decision following a review of their findings from the hearing. The outcome will be communicated to the Appeals team officer and will be communicated to the Appellant within 5 calendar days.

Following this, a transcript of the hearing will be provided for the Appellant within 28 calendar days from the date of the hearing and the case closed.

Please note, currently all Appeal hearings are being held remotely.

2. Internally assessed FSQ's

Appeals related to internally assessed FSQ assessments which covers Functional skills entry 1 to 3 will follow the procedures set in the [Internal assessment in vocational qualifications: Reviews and appeals policy](#)

A summary of this process is provided below.

Internal centre review

Centres are required to have in place their own policy and procedure on enquiries and appeals for Pearson qualifications. It is important that staff and students know about the policy and that it is followed. To support a Pearson review or appeal we will ask to see evidence that the centre's internal reviews or appeals procedure has first been fully used.

Stage One - Pearson Review

Any reviews about a decision made by Pearson affecting your centre or your students, including reviews about Standards Verification or External Examiner outcomes, should be communicated to Pearson via email at FSonscreenPRS@pearson.com within 14 working days of receiving our decision or results.

Pearson's appeals review procedure will review whether:

- The centre's procedures are consistent with our requirements.
- The centre's procedures were applied properly and fairly in arriving at judgments.
- Our external quality assurance activities were consistent with regulatory requirements.

The reviews and appeals process focus on procedure and is not concerned with making judgments about student work. The process does not normally involve the re-assessment of student work, but a review may be needed if the outcome of the review or appeal requires it.

All cases are reviewed by our assessment experts who have responsibility for the qualification subject. The outcome to be sent to the centre within 30 calendar days.

Stage Two - Preliminary Appeal Review

Following the conclusion of the stage one review, should the centre or private candidate wish to appeal the outcome, appeals must be submitted to the Appeals office at edexcelappeals@pearson.com. Appeals must be submitted within 30 calendar days of receiving the outcome to the first stage review.

The appellant should make an appeal based only on whether Pearson used procedures that were consistent with the regulatory authorities' requirements and applied their own procedures properly and fairly in arriving at judgments. The appeals office may refuse to accept the appellants appeal if no procedural ground is given.

An appeals officer, with no previous involvement with your case, will review the appeal. The officer will check all the information against policies and procedures to confirm if correct procedures have been followed. The Appeals office will aim to complete a preliminary appeal within 42 calendar days of the receipt of the application.

Please note, any marking error appeal requests or concerns will not be accepted by the Appeals office, however these concerns may be forwarded on to the FSQ team at FSonscreenPRS@pearson.com to review the marking concerns raised and should they deem it necessary the team can manage a further review.

Stage Three – Pearson Appeal Hearing

Should the appellant remain dissatisfied with the outcome and wishes to proceed further, the appellant must submit an appeal hearing request within 14 calendar days of receiving the outcome to the Preliminary Appeal Review. Appeal hearing requests must be submitted to the Appeals office at edexcelappeals@pearson.com.

The hearing is conducted by a panel, normally consisting of three panellists who are independent of Pearson. Panellists are appointed in line with [Section 23](#) of the JCQ Appeals booklet, effective from November 2020 and follow the procedure specified in that booklet.

The Appeals office will aim to resolve a request for an appeal hearing within 70 calendar days of the receipt of a request for an appeal hearing. The Appeal hearing panel will review evidence to see whether we followed the correct policies and processes and will make a decision following a review of their findings from the hearing. The outcome will be communicated to the Appeals team officer and will be communicated to the Appellant within 5 calendar days.

Following this, a transcript of the hearing will be provided for the Appellant within 28 calendar days from the date of the hearing and the case closed.

Please note, currently all Appeal hearings are being held remotely.

Malpractice Appeals

Appeals related to Malpractice for FSQ will follow the process set in the [JCQ Appeals booklet](#)

A head of centre can 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.

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.

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.

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.

Stage one – Preliminary Review

When an appeal is made to Pearson regarding a malpractice decision an appeals officer, with no previous involvement with your case, will review the appeal. The context and grounds of the appeal and the supporting documentation are checked for their validity and how the appeal may best be processed. The Appeals office will contact the appellant to acknowledge receipt of the appeal within 2 working days and advise on the process to be followed. The preliminary stage outcome letter with reasons will be sent to the appellant when the review is complete.

The Appeals office will aim to complete a preliminary appeal within 42 calendar days of the receipt of the application.

Stage Two – Pearson Appeal Hearing

Should the centre remain dissatisfied with the outcome of the Preliminary Review and wish to proceed further, the centre must submit an appeal hearing request within 14 calendar days of receiving the outcome to the Preliminary Review. Appeal hearing requests must be submitted to the Appeals office at edexcelappeals@pearson.com.

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The Appeals office will aim to resolve a request for an appeal hearing within 70 calendar days of the receipt of a request for an appeal hearing. The Appeal hearing panel will review evidence to see whether we followed the correct policies and processes and will make a decision following a review of their findings from the hearing. The outcome will be communicated to the Appeals team officer and will be communicated to the Appellant within 5 calendar days.

Following this, a transcript of the hearing will be provided to the centre within 28 calendar days from the date of the hearing and the case closed.

Please note, currently, all Appeal hearings are being held remotely.

Special Consideration Appeals

Appeals related to Special Consideration for FSQ will follow the process set in the [JCQ Appeals booklet](#)

If, after receiving the outcome letter 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 Appeals office at edexcelappeals@pearson.com

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.

Stage one – Preliminary Review

The preliminary stage of an appeal process involves an investigation of the case by an Appeals officer. 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. The preliminary stage outcome letter with reasons will be sent to the appellant when the review is complete.

The Appeals office will aim to complete a preliminary appeal within 42 calendar days of the receipt of the application.

Stage Two – Pearson Appeal Hearing

Should the centre remain dissatisfied with the outcome of the Preliminary Review and wish to proceed further, the centre must submit an appeal hearing request within 14 calendar days of receiving the outcome to the Preliminary Review. Appeal hearing requests must be submitted to the Appeals office at edexcelappeals@pearson.com.

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Following this, a transcript of the hearing will be provided to the centre within 28 calendar days from the date of the hearing and the case closed.

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