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# Appeals FAQs

These FAQs are designed to support the JCQ guide to awarding organisation(s) appeals processes. Exam officers, the head of centre, teaching staff and other senior leaders within a centre should familiarise themselves with this guidance.

## What is an appeal?

If, as a centre or private candidate, you think an awarding body has made an error on a review of results (review of marking or moderation) or not applied its procedures consistently, properly or fairly, it's possible to submit an 'appeal'. Please note that if you are unhappy with a result, you first need to submit a review of results and receive the outcome before you can submit an appeal.

## What decisions can be appealed?

It's possible to submit appeals against:

- Results – appeals can only be submitted after a review of results has taken place

- Malpractice decisions
- Decisions about access arrangements, reasonable adjustments and special consideration

Some other administrative decisions, such as cases of missing scripts, can also be reviewed.

## Who can submit an appeal?

Appeals can be submitted by:

- Heads of centre
- Private candidates (or their representative) – A private candidate is a candidate who has not received any tuition at the centre for the subject during the academic year in which the exam series occurs

In addition, members of staff or contracted personnel may appeal against a malpractice decision or sanction directly to the awarding body.

These are referred to as the ‘Appellant’.

Unless they’re a private candidate, candidates cannot submit appeals directly to the awarding body. If they do, they will not be accepted, which may delay an appeal submission and lead to the deadline being missed.

Only in the most exceptional circumstances, for example, permanent centre closure, will an awarding body accept an appeal directly from an internal candidate.

## What is the deadline for submitting an appeal?

Appeals must be made within:

- 30 calendar days of receiving the outcome of a review of results (clerical re-check, review of marking or review of moderation)
- 14 calendar days of receiving a reasonable adjustment or special consideration decision

- 14 calendar days of receiving a malpractice decision

Requests for a review of other administrative decisions must also be received within 14 calendar days of the original decision.

Awarding bodies will not usually accept appeals after these dates.

## What is the process for appeals?

There is generally a two-stage appeals process:

- **Stage One** – the preliminary appeal – the case will be reviewed by a member of the awarding body who has not had any previous involvement with or personal interest in the matter.
- **Stage Two** – the appeal hearing – the case will be considered by a panel which will include at least one independent person.

At each stage, the appeal will either be upheld, not upheld or partially upheld.

An awarding body will send the centre or private candidate an outcome letter for each appeal once a decision has been reached.

## How long will it take for an awarding body to conduct an appeal?

Awarding bodies will process:

- Preliminary appeals (Stage One) within **42 calendar days** of receipt of a valid application.
- Appeal hearings (Stage Two) within **70 calendar days** of receipt of a valid application.
- Reviews of other administrative decisions within **42 days** of receipt of a valid application.

Awarding bodies try to process appeals as quickly as they can.

## **How can I submit an appeal?**

Please check the information provided by the relevant awarding body and follow their process to submit an appeal. In all cases, the appeal should set out the grounds for the appeal clearly and concisely.

## **Does a centre have to submit an appeal if a candidate requests it?**

A centre may decide not to submit an appeal on behalf of a candidate if the grounds for the appeal are not permitted grounds or where it does not agree there is a sound rationale for the appeal.

The centre should have its own internal appeals process for candidates to appeal any such decisions.

## **Do centres have to get consent from candidates before they submit an appeal to the awarding body?**

Yes. It is vital a centre has the consent of a candidate before they submit an appeal on a candidate's behalf. The outcome of the appeal could be that the candidate's grade goes down, stays the same or goes up. It is therefore important that the candidate knows this and has consented to the appeal to the awarding body.

Candidate consent is not required for an appeal against a review of moderation. Candidates' marks may be lowered but their published subject grades will not be lowered in the series concerned.

## **What should a centre do if they do not agree with the outcome of the appeal?**

We hope that the two-stage appeal process provides centres and candidates with confidence in the appeal outcome. However, if a school or college believes an awarding body has not followed its appeal process, it can make an application to the relevant regulator's Exam Procedures Review Service (EPRS). Details of EPRS, the types of appeal and the qualifications that are in scope of this service, can be found on the relevant regulator's website.

## **What happens if a hearing is terminated before it has been completed?**

Each appeal hearing will have a Chair who is responsible for ensuring the hearing is conducted in line with the procedure specified in paragraph 70 of the JCQ Appeals Booklet. Where the Chair believes that the hearing cannot proceed in line with the required process, they have the authority to terminate the hearing.

Following termination of a hearing, the Chair will decide whether the hearing should be rescheduled to take place at a future date. The Chair will also decide the format for any future hearing (face-to-face, remote or paper-based). The Awarding Body and the Appellant will be informed of the rationale for the Chair's decision.

A hearing may be terminated in cases where there is disruptive behaviour by any party, which includes, for example (non-exhaustive list):

- offensive, abusive, aggressive or threatening language or actions;
- repeated interruptions of the other party or the panel;
- refusal to respond appropriately to relevant questions from the panel or other party;
- refusal to follow the hearing procedure as laid out in paragraph 70 of the JCQ *A Guide to the Awarding Bodies' Appeals Processes*.

A hearing may also be terminated in situations where (non-exhaustive list):

- during a remote hearing, the appellant, a panel member or awarding body representative loses connectivity which cannot be restored in a reasonable timescale;

- it is disrupted by an emergency, including an emergency evacuation of a panel member, the appellant or an awarding body representative;
- it is disrupted by sudden illness of a member of the panel, the appellant or the awarding body representatives;
- there is an unauthorised person present for the hearing (in person or virtual);
- there is an unauthorised attempt to record the hearing by a party other than the awarding organisation.

Where an observer is affected by a situation that means they cannot observe the whole hearing, the hearing may continue as they are not a party to the hearing and are not essential to the conduct of the hearing process.

## **Moderation do's / what can be appealed against:**

- You must appeal for the whole cohort
- Refer only to work which was included in the sample
- Explain clearly why centre-awarded marks were accurate in-line with mark schemes and standardisation attended
- Demonstrate why the moderation of the sample contains moderation errors when compared to the centre awarded marks
- The appeal must include specific information and evidence referencing the work in the sample and the mark scheme to demonstrate where the centre believe the moderation error(s) has been made
- Please be aware when referring to adjusted marks for a cohort that these are not actual marks awarded by a moderator but a calculated adjustment to the marks following a moderation review in order to bring your centre's marking in line with the required standard



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