



# Teacher Assessed Grades (TAG) Appeals

Guide to appeals for results derived from a Teacher Assessed Grade (TAG) following alternative awarding arrangements in 2020-21

Version 1 | June 2021

## Contents

Version control.....	3
Introduction.....	4
Executive Summary.....	4
Scope.....	4
Centre preparation and responsibilities.....	5
Retention of evidence.....	5
Sharing information with learners.....	5
Centre appeal policy.....	6
Learner consent.....	6
Centre review (stage one).....	7
Who can request a centre review appeal?.....	7
On what grounds can a centre review appeal be submitted?.....	7
The centre review.....	7
Determining the review outcome.....	8
Reporting an outcome.....	9
Other administrative or clerical amendments.....	9
Review by NCFE (stage two).....	10
Who can request a review by NCFE?.....	10
Grounds for an appeal for review by NCFE.....	10
The NCFE review.....	10
Appeal outcomes.....	11
How to submit.....	12
Timescales.....	12
B1 qualifications.....	12
B2 qualifications.....	12
Outcomes.....	12
Contact Us.....	12
Annex A – T Level Technical Qualification in Education and Childcare (603/5829/4).....	13
Annex B – Functional Skills qualifications.....	14



## **Version control**

This is version 1, published on 17 June 2021.

## Introduction

The Coronavirus pandemic has caused substantial disruption to teaching, learning, and assessment activity in all parts of the education sector.

The decision to temporarily close some schools and cancel all external assessment from early 2021 to the end of the 2020-21 session led to the introduction of the Vocational Contingency Regulatory Framework (VCRF), and adaptations and teacher assessed grades (TAGs) for awarding in the remainder of the session.

This document provides details for centres and learners on our appeals process for results derived from Teacher Assessed Grades (TAGs) in 2020-21. It provides an important opportunity for centres and learners to highlight clear evidence where they believe something went wrong in the process.

## Executive summary

This is an exceptional appeals process, related solely to results derived from Teacher Assessed Grades (TAGs) in the 2020-21 session. It allows for a learner's teacher assessed grade to be evaluated considering the grounds of appeal put forward, first by their centre, and then by NCFE if required.

Upon receipt of results, the arrangement outlined within this document allows learners to check their results were correct based on three key grounds for appeal:

- their centre failed to follow their **procedures** properly and consistently
- their centre or NCFE made an **administrative** error
- the centre made an unreasonable exercise of **academic judgement**.

A learner can do this by:

- requesting a review by the centre, who should notify NCFE of the outcome if they believe a TAG should be amended.

If the learner believes an error persists following a centre review, they can then:

- request their centre to submit an appeal to NCFE for review to consider whether the TAG:
  - reflects an unreasonable exercise of academic judgement
  - the centre followed its procedures properly and consistently
  - the centre made an administrative error
  - or NCFE made an administrative error.

Appeals submitted to NCFE will be reviewed and either rejected or upheld, in whole or in part. A grade may go up, stay the same, or go down following an appeal.

## Scope

This document outlines the options available to a centre and learner for appeals after receiving results derived from teacher assessed grades in 2020-21, replacing our Enquiries about Results and Assessment Decisions policy. Our appeals policy continues to apply in all other circumstances outlined within its scope but does not apply to teacher assessed grade appeals.

Teacher assessed grades are submitted at component level for all NCFE qualifications in category B for awarding under the Vocational and Technical Qualifications Contingency Regulatory Framework (VCRF). Appeals must be received at component level.

## Centre preparation and responsibilities

Before results are released, centres are responsible for preparing themselves and their learners for any appeals that may be received.

## Retention of evidence

The centre must retain all evidence used for judging a learner's teacher assessed grade. This includes:

- copies of evidence
- marking records
- internal and external quality assurance records
- any additional records relating to learner reasonable adjustments, access arrangements, or any special considerations or mitigating circumstances the centre considered in their teacher assessed grade judgements.

Evidence considered but not included within the teacher assessed grade judgement, or other evidence a learner has completed for a qualification, may also be required for review within an appeal. The centre must also endeavour to retain this evidence where possible.

The centre must retain all evidence for at least 6 months after the teacher assessed grade results were issued, or 6 months from the final resolution of a learner appeal. Missing evidence will severely impact how NCFE can review the centre's judgement and may disadvantage a learner. The appeal will be based on the available evidence, and the marks or grades on which the teacher assessed grade was determined.

All instances of missing evidence will be investigated on grounds of maladministration and malpractice.

## Sharing information with learners

Centres must not share the final teacher assessed grades they are submitting with their learners before results are officially released.

However, to prepare for results release day, centres must make this information available to learners:

- the steps they can take should they believe there has been an error in determining their grade
- the options available to them
- the evidence used as part of the centre judgement for their teacher assessed grades.

Therefore, a centre must make the following information available to learners in advance of the planned results release day:

- the centre's appeals policy, including the options for centre review and appeals to NCFE if required
- the sources of evidence used to determine the learner's teacher assessed grade, including the marks or grades associated with them (where deemed appropriate)
- details of any reasonable adjustments, access arrangements, special considerations, or other mitigating circumstances considered when determining the teacher assessed grade

- which components were derived by a teacher assessed grade, and which components were awarded without the need for a teacher assessed grade as they had been completed in the standard way.<sup>1</sup>

When, and in what format this is made available to learners, is at the centre's discretion. But it is recommended to be no later than the results release date, to ensure learners can access the appeals process promptly when required.

Timely sharing of information with learners, including plans for what may be shared and when, may help reduce the possible use of Subject Access Requests (SAR) by learners made to their centre.

## **Centre appeals policy**

As part of appeals in 2020-21, centres will complete the first stage of any appeal review. They must have an internal policy or document which makes learners aware of the arrangements for the centre review, how it will happen, and the grounds for further appeal to NCFE where required.

## **Learner consent**

The centre must ensure their learners understand that as part of an appeal, at the centre review or NCFE review stage, a teacher assessed grade may go up, go down, or stay the same. Centres must have a record of learner consent before undertaking a centre review or submitting an appeal for NCFE review.

A learner can request that a review is withdrawn. This is only allowed where no outcome has been made. A centre review or NCFE review outcome cannot be withdrawn once a review outcome has been reached.

---

<sup>1</sup> It is important that learners understand appeals against TAGs must be submitted at component level. Appeals cannot be submitted against their final overall qualification outcome, as a qualification outcome may be completed with TAG and non-TAG components. Any concerns with the outcome of a non-TAG component must be raised through the appropriate method, and will not be considered as part of a TAG appeal.

## Centre review (stage one)

The first stage of an appeal in 2020-21 for results derived from a teacher assessed grade, is the centre review. This will be following a request by a learner who, after receiving their results, believes an error has occurred.

## Who can request a centre review appeal?

Any learner who has received a result from NCFE derived from a teacher assessed grade can submit an appeal to their centre for a stage one centre review.

At the point of submission, the centre must ensure learners have given their full consent for the centre review and are aware that the outcome may stay the same, go up, or go down.

Failure to process or investigate a learner appeal could constitute malpractice on behalf of the centre, which NCFE will investigate fully.

## On what grounds can a centre review appeal be submitted?

The accepted grounds for appeal are that:

- a **centre failed to follow its procedures properly and consistently**, in relation to the judgement of the teacher assessed grade
  - e.g. they failed to standardise marking of internal evidence used in the determination of a teacher assessed grade
- the **centre or NCFE made an administrative error** which resulted in an incorrect result being issued
  - e.g. the centre transposed the teacher assessed grades of two or more learners.

A learner must show their centre, in the first instance, the grounds they wish to appeal on. This must set out effectively what they consider went wrong, and how they believe this impacted the teacher assessed grade put forward to NCFE.

A learner may also believe that their centre made an unreasonable exercise of academic judgement (relating to the selection of evidence used to determine the teacher assessed grade, or the judgement made from the evidence selected). These appeals will be reviewed by NCFE, however the centre must first complete a centre review to ensure no administrative or procedural errors occurred and that the TAGs received by the learner are as intended, before then submitting to NCFE for review. For appeals submitted on the grounds of an unreasonable exercise of academic judgement, a centre should not carry out a review of any academic judgements as part of a centre review.

## The centre review

When received, a centre must promptly review all learner appeals and investigate appropriately. At all times throughout this review, from submission to resolution, the centre must keep accurate records that can be provided to NCFE if requested and retained for a minimum of 6 months from the final resolution of a learner appeal.

The centre must consider which member of staff is most appropriate to investigate each learner review received and consider possible conflicts of interest. As these reviews are primarily procedural and administrative, this person need not be a subject matter expert, however, may

need to refer to appropriate colleagues where needed. Any reviewer a centre appoints must be trained in the requirements of the role.

The reviewer will need access to the following records for their consideration as part of the review:

- the reason for the centre review appeal, as submitted by the learner
  - this does not need to be explained in full, but should allow the learner to outline their views and the error that they believe has occurred
- any supporting evidence provided by the learner at the point of submission, and whether this was known at the time the teacher judgement was made
- the centre's teacher assessed grade strategy, to review whether this was followed properly and consistently
- the evidence used to determine the learner's teacher assessed grade
  - the review will not be assessing or reviewing the marking of this evidence
- other relevant assessment records, detailing amendments to the evidence marks or grades, and rationale for why (for example details of reasonable adjustments or access arrangements)
- internal and external quality assurance records, including confirmation that all required steps were followed
- evidence of any other considerations or discussions between the centre and the learner, highlighting other mitigating circumstances which had been considered and applied or discounted)
- any other relevant centre administrative records.

## **Determining the review outcome**

Where a review identifies an administrative error, it should be easy to identify and determine the impact this has had on a teacher assessed grade.

Where a review identifies a procedural failure, the centre must decide whether they believe this would have had an impact on a learner's teacher assessed grade. It is possible for a failure of procedure to be identified, but that when rectified this has no impact on the teacher assessed grade (such as identifying a failure in the standardisation process, which when carried out makes no difference to the outcome of the evidence or teacher assessed grade derived from it).

A review outcome may find that a procedural or administrative error did take place, but that this did not have any impact on a teacher assessed grade.

Where any review results in the requirement to lower the teacher assessed grade for a learner, this must be reported to NCFE. The learner, as part of their initial consent to the centre, will have already consented to this possible outcome.

Where a review identifies wider issues that may impact the outcome for learners within the same batch or cohort who have not submitted a centre review appeal (such as instances of grade transposition) the centre must carefully consider the adverse impact on all learners before notifying NCFE. For guidance on correcting incorrect results, please consult the [JCQ guidance to centres on correcting incorrect results](#).



For reviews relating to an unreasonable exercise of academic judgement, the centre must first complete a procedural and administrative review to ensure no other errors occurred, and then submit a stage two appeal to NCFE.

## **Reporting an outcome**

When a centre review is complete, if this has resulted in a change of outcome, the centre must notify NCFE first. Where the centre review has found no change in outcome, they must notify the learner, clearly stating the reasons for why this was the outcome, and ensure that full records are kept of this decision.

There is no requirement to notify NCFE of a resolved centre review if there is no change of grade required. However, the centre must ensure the learner understands that they can request a review by NCFE.

Where a centre believes an amendment is required for a teacher assessed grade, their notification to NCFE must include the decision made, and the reasons for this. NCFE will review the rationale and evidence presented and make the final decision on whether the teacher assessed grade will be amended or not.

NCFE will provide the centre with a formal response, with reasons, for whether it was believed it was appropriate to amend the teacher assessed grade or not, which can then be shared with the learner.

Centre review outcomes must be submitted to NCFE using the form available on our website, following the instructions contained within.

## **Other administrative or clerical amendments**

If, through their internal reviews which were not requested by a learner, a centre identifies an administrative error which results in a learner receiving an incorrect teacher assessed grade, they must notify NCFE through the same process as if it has been discovered through a centre review. In these instances, the centre must ensure the learners affected are informed and aware that their teacher assessed grades are being reviewed.

The amendment must be presented with evidence and a rationale, which NCFE will consider before making a final decision on whether to amend the outcome.

## Review by NCFE (stage two)

Stage two is for instances where a learner believes that there is a procedural or administrative error which persists following the centre review, or for NCFE to review appeals on the grounds of an unrealistic exercise of academic judgement by a centre.

## Who can request a review by NCFE?

A centre must submit a request for review by NCFE on their learner's behalf, following the conclusion of a centre review (stage one). An appeal cannot be submitted to NCFE whilst a centre review is still underway or has yet to begin.

Failure to submit an appeal to NCFE on a learner's behalf will be considered malpractice and investigated accordingly.

NCFE will not accept appeals directly from learners, parents, or carers, other than in instances where the learner can clearly evidence the refusal or failure of their centre to submit to NCFE on their behalf, and they have exhausted all other avenues for escalation with their centre.

## Grounds for an appeal for review by NCFE

A centre can submit an appeal to NCFE, on behalf of their learner, only after a centre review (stage one) appeal is complete.

The centre must set out effectively what the learner considers went wrong, how the learner believes this impacted the teacher assessed grade put forward to NCFE by their centre, and why this was not resolved as part of the completed centre review.

The accepted grounds for appeal are that:

- the **centre failed to follow its procedures properly and consistently**, in relation to the judgement of the teacher assessed grade, including within their centre review (stage one)
- the **centre or NCFE made an administrative error** which resulted in an incorrect result being issued, which was not resolved within their centre review (stage one)
- the **centre made an unreasonable exercise of academic judgement** in the judgement of a teacher assessed grade e.g. relating to the **selection** of evidence used to determine the teacher assessed grade, or the **judgement** made from the evidence selected.

An appeal can only be made against a received result. Any learner who believes a centre had sufficient evidence upon which to make a judgement, but the centre chose to not submit a teacher assessed grade must raise their concerns as a complaint with their centre.

## The NCFE review

Ofqual state that an appeal is not an investigation by NCFE, but an evaluation of the learner's result considering the grounds of appeal.

A procedural appeal requires NCFE to evaluate whether a centre deviated from its own procedures in the way identified by the learner in their grounds for appeal. The appropriateness of the procedure will have already been checked as part of the quality assurance process, therefore the question on appeal is whether the centre followed that procedure properly, consistently, and fairly, in arriving at the learner's teacher assessed grade.

In appeals related to administrative or procedural errors, NCFE will appoint a member of staff to review the evidence provided, and may also appoint an independent reviewer.

For appeals submitted on grounds of unreasonable academic judgement, NCFE will appoint a reviewer. The NCFE appointed reviewer will not, throughout the course of the appeal, review the marking of individual pieces of evidence. The reviewer will consider whether the original teacher assessed grade was reasonable on its own terms.

Ofqual defines the starting point of an appeal on the grounds of an unreasonable exercise of academic judgement, as defined by Ofqual, as the teacher assessed grade itself. It is not any alternative teacher assessed grades that may or may not be put forward by a learner as part of their submission, or whether other reasonable judgements could have been made.

A review relating to the selection of evidence used to support the teacher assessed grade will review the centre policy on evidence selection, and consider other supporting evidence or rationale recorded by the teacher for the selection of evidence and both cohort level and variation at learner level. The reviewer will consider whether academic judgement in the selection of evidence has been made in such a way that no other teacher acting reasonably would have reached the same judgement.

A review relating to the judgement made for a teacher assessed grade will review the centre policy on determining teacher assessed grades, to understand the centre's overall approach, and any mitigating circumstances or other factors or rationale for the learner. The reviewer will consider whether the teacher assessed grade is contrary to any available grading descriptors such to the extent that no other teacher acting reasonably could have reached the same judgement. A grade will only be deemed unreasonable if the reviewer considers that the performance of the learner, from the evidence selected, is clearly and unequivocally indicative of a higher or lower grade. Not simply that another reasonable judgement could have been made which may differ from the teacher assessed grade submitted.

## **Appeal outcomes**

The outcome of the NCFE review may be that the appeal is upheld, or rejected, either in whole or in part for the component against which the appeal was submitted.

An appeal that is upheld will not necessarily result in a change of teacher assessed grade for the learner. A change to an assessment component may not necessarily result in a change to the overall qualification outcome for the learner.

Where NCFE uphold the appeal on administrative or procedural grounds, NCFE will inform the centre and direct them to review the teacher assessed grades submitted. In some circumstances, NCFE may amend the TAG without further consultation with the centre.

For appeals on the grounds of unreasonable exercise of academic judgement, where NCFE uphold the appeal and consider it appropriate to do so, we will report the outcome to the centre. This includes the reasonable grade determined by the independent reviewer.

The centre must promptly share the outcome of a stage two NCFE review appeal with their learners.

## How to submit

All appeals must be submitted to NCFE using the submission form available on the [Covid hub of our website](#).

The submission form sets out all the required details and evidence. Submitting this in full will avoid delays in processing the appeal and unnecessary additional correspondence between NCFE and the centre to resolve initial queries.

## Timescales

The deadline for submitting an appeal to NCFE will vary depending on the qualification type. However, in all instances, this is the date for notifying NCFE of the outcome of a centre review, or for submitting for review by NCFE.

Learners and centres must ensure that requests for centre review are submitted and resolved in advance of the below.

### B1 qualifications

For qualifications with Teacher Assessed Grades results issued on 10 and 12 August, the deadline for submitting an appeal to NCFE is no later than **17 September 2021**.

### B2 qualifications

For qualifications with Teacher Assessed Grades results issued on a rolling basis, the deadline for submitting an appeal to NCFE is no later than **30 calendar days following the receipt of results**.

## Outcomes

NCFE will endeavour to resolve all appeals as quickly as possible, prioritising Level 3 qualification learners identified as having a place in higher education dependent on the outcome.

All NCFE review appeals will aim to be completed within **42 calendar days** from receipt of a fully completed appeal submission.

In some cases, particularly where the case may be complex or further evidence and information is required, the appeal may take longer to resolve. In such instances, we will advise you of the revised timescale and the reasons why.

## Contact us

If you have further questions, you can contact our Customer Support team on 0191 239 8000, [customersupport@ncfe.org.uk](mailto:customersupport@ncfe.org.uk), or via our website.

Where your appeal relates to a regulated qualification and you remain dissatisfied with our actions, you may contact our qualifications regulators. Our regulators will require evidence that you have fully exhausted our appeals procedure.

## Annex A – T Level Technical Qualification in Education and Childcare (603/5829/4)

This policy applies to appeals relating to Teacher Assessed Grades for the T Level<sup>2</sup> Technical Qualification in Education and Childcare (603/5829/4).

TAGs for this qualification are submitted at sub-component level, and therefore any appeal must be made at sub-component level, with clear indication given to which sub-component the appeal relates to.

An appeal against more than one sub-component TAG for a single learner can be submitted within the same appeal submission, again with clear indication given to which sub-component each element of the appeal relates to.

If a provider has chosen to submit no TAGs for a student, the student cannot appeal on the grounds of an unreasonable exercise of academic judgement if they believe there was sufficient evidence upon which to make a TAG judgment and that one should have been submitted.

An appeal outcome may result in a change (either up or down) at sub-component level, which may result in a corresponding change of UMS, and therefore a recalculation of the full component outcome. A change at sub-component level may not always recalculate to a change at component level.

NCFE will aim to resolve appeals for learners on the T Level Technical Qualification in Education and Childcare within **20 working days**. No priority timescales will be offered.

---

<sup>2</sup> T Level is a registered trade mark of the Institute for Apprenticeships and Technical Education.

‘Institute for Apprenticeships & Technical Education’ and its logo are registered trade marks of the Institute for Apprenticeships and Technical Education.

Copyright in Annex A belongs to, and is used under licence from, the Institute for Apprenticeships and Technical Education, © 2021.

‘T-LEVELS’ is a registered trade mark of the Department for Education.

## **Annex B – Functional Skills qualifications**

This policy applies to appeals relating to Teacher Assessed Grades for all Functional Skills qualifications.

A centre cannot appeal the outcome of a Functional Skills TAG eligibility request. Concerns with the outcome of any TAG eligibility requests must be raised as a complaint.