

# Tutors & Exams



## COMPLAINTS AND APPEALS PROCEDURE 2022-2023

**First Issued September 2020**

Approved/reviewed by	
Wendy Quinney	
Date of next review	September 2023

This plan is reviewed annually to ensure compliance with current regulations

**Key staff involved in complaints and appeals**

<b>Role</b>	<b>Name(s)</b>
CEO	<b>Chris Spraggett</b>
Operations Director	<b>Claire Coleman</b>
Complaints and Compliance	<b>Wendy Quinney</b>

**Contact Numbers/Emergency contacts**

	<b>Phone number</b>
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## Purpose of this policy

This procedure confirms Tutors & Exams compliance with JCQ's General Regulations for Approved Centres 2022-2023 (section 5.8) that the centre will draw to the attention of candidates and their parents/carers their written complaints and appeals procedure which will cover general complaints regarding the centre's delivery or administration of a qualification.

This procedure provides a mechanism for addressing concerns raised by students promptly, fairly, and effectively to help Tutors & Exams achieve the highest quality in examinations processes.

## Exceptions to this procedure

A separate policy and reporting procedure should be used for the following appeals:

- an internal assessment decision**
- mark awarded for NEA**
- a malpractice decision**
- the centre decision not to support an enquiry about results**
- the outcome of an enquiry about results**

## Guiding principles

If you are dissatisfied with Tutors & Exams, we will seek to:

- (a) resolve the matter at the earliest possible opportunity.
- (b) investigate fairly and thoroughly.
- (c) ensure the process is unbiased.

It is the intention of the procedure that complaints are resolved as quickly and at as early a stage as possible.

To achieve this, Tutors & Exams asks that you will have observed your own obligations and raised the problem as soon as it arose.

Tutors & Exams will ensure details of your complaint will remain confidential to the parties concerned.

Tutors & Exams expects that you respect the complaints process. In doing so you are required to ensure that details of your complaint remain confidential. Failure to do this could be considered an attempt to influence the outcome of your complaint and may result in the withdrawal of this procedure.

In the interest of fairness, you, and anyone else directly involved in the complaint, will be entitled to see all evidence to be considered and to put their case.

If there is to be a hearing, all those directly involved will have the right to attend and to be heard.

Anonymous complaints or evidence will not be considered.

If there are allegations of a criminal offence, Tutors & Exams may refer the matter to the police and suspend its own proceedings until the outcome of any criminal proceedings are known, other than where they need to act in the interests of the safety and wellbeing of students, staff and third parties, including visitors.

You will not be disadvantaged as a result of making a complaint.

Frivolous, malicious and/or vexatious complaints are defined as:

- complaints which are obsessive, harassing, or repetitive
- insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes
- insistence on pursuing what may be meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress which lack any serious purpose or value

Tutors & Exams has a responsibility to protect its staff against unacceptable behaviour and provide a working environment that is safe, respectful, and tolerant. Consequently, it is expected that students, their representatives, and staff members should act reasonably and fairly towards each other and treat the process with respect.

Behaviour that is unreasonable, aggressive, or abusive, verbal or written, will not be tolerated and may result in your access to the procedure or to staff connected with your complaint being limited or withdrawn.

The decision to limit or withdraw access is not taken lightly. In the event that this decision is taken we will provide this in writing, including the reason(s) why this decision has been taken.

In the event that your access to staff or to the complaint's procedure is limited or withdrawn you may appeal the decision by submitting your grounds in writing to the Directors.

Appeals against the decision to withdraw your access to the complaints procedure or to staff connected with a complaint must be made within 10 working days of the decision being notified to you using the Appeal against Withdrawal of Procedure form.

We will normally aim to resolve an appeal within 30 calendar days of receipt of the appeal, or otherwise inform you of the expected delay.

For your appeal to be accepted you will need to demonstrate one or more of the following grounds and provide supporting evidence:

- (a) Evidence of procedural irregularities
- (b) Evidence of bias

- (c) Decision reached is one that no reasonable body (properly directing itself and considering all relevant factors) could have arrived at

You should send copies of all relevant documentation with the Appeal against Withdrawal of Procedure form to [enquires@tutorsandexams.uk](mailto:enquires@tutorsandexams.uk)

## Grounds for complaint

A candidate (or his/her/parent/carer) may make a complaint on the grounds below (this is not an exhaustive list).

### Teaching and learning - Tutors & Exams facilitate Assessments only.

- Pre-release/advance material/set task issued by the awarding body not provided on time to an exam candidate
- The taking of an assessment, which contributes to the final grade of the qualification, not conducted according to the JCQ/awarding body instructions
- The marking of an internal assessment, which contributes to the final grade of the qualification, not undertaken according to the requirements of the awarding body (complainant should refer to the centre's *internal appeals procedure*)
- Centre fails to adhere to its *internal appeals procedure*
- Candidate not informed of his/her centre assessed marks prior to marks being submitted to the awarding body
- Candidate not informed of his/her centre assessed marks in sufficient time to request/appeal a review of marking prior to marks being submitted to the awarding body
- Candidate not given sufficient time to review materials to decide whether to request a review of centre assessed marks

### Access arrangements

- Candidate not assessed by the centre's appointed assessor
- Candidate not involved in decisions made regarding his/her access arrangements
- Candidate did not consent to personal data being shared electronically (by the non-acquisition of a signed data protection notice/candidate data personal consent form)
- Candidate not informed/adequately informed of the arrangements in place and the subjects or components of subjects where the arrangements would not apply
- Exam information not appropriately adapted for a disabled candidate to access it
- Adapted equipment put in place failed during exam/assessment
- Approved access arrangement(s) not put in place at the time of an exam/assessment
- Appropriate arrangements not put in place at the time of an exam/assessment as a consequence of a temporary injury or impairment

### Entries

- Failure to clearly explain a decision of early entry for a qualification to candidate (or parent/carer)
- Candidate not entered/entered late (incurring a late entry fee) for a required exam/assessment
- Candidate entered for a wrong exam/assessment
- Candidate entered for a wrong tier of entry

### **Conducting examinations**

- Failure to adequately brief candidate on exam timetable/exam regulations prior to exam/assessment taking place
- Room in which exam held did not provide candidate with appropriate conditions for taking the exam
- Inadequate invigilation in exam room
- Failure to conduct exam according to the regulations
- Online system failed during (on-screen) exam/assessment
- Disruption during exam/assessment
- Alleged, suspected, or actual malpractice incident not investigated/reported
- Eligible application for special consideration for a candidate not submitted/not submitted to timescale
- Failure to inform/update candidate on the outcome of a special consideration application

### **Results and Post-results**

- Before exams, candidate not made aware of the arrangements for post-results services and the accessibility of senior members of centre staff after the publication of results
- Candidate not having access to a member of senior staff after the publication of results to discuss/make decision on the submission of a review/enquiry
- Candidate request for return of work after moderation and work not available/disposed of earlier than allowed in the regulations
- Candidate (or parent/carer) unhappy with a result (complainant to refer via exams officer to awarding body *post-results services*)
- Candidate (or parent/carer) unhappy with a centre decision not to support a clerical re-check, a review of marking, a review of moderation or an appeal (complainant to refer via the Centre Manager to the centre's *internal appeals procedure*)
- Centre applied for the wrong post-results service/for the wrong exam paper for a candidate
- Centre missed awarding body deadline to apply for a post-results service
- Centre applied for a post-results service for candidate without gaining required candidate consent/permission

## **Who may use this procedure and in what circumstances?**

You may only use this procedure if you are a registered student at Tutors & Exams at the time you make your complaint.

The complaints procedure is principally for the use of individual students. Where however several students have a common complaint, they may raise the matter as a group. To do so they will need to identify one of their number to act as a spokesperson. It will be the spokesperson who will act on behalf of the group and normally only the spokesperson will attend the meetings on behalf of the group. At the formal stages, each member of the group must sign the statement of the complaint for it to be accepted as a valid group complaint.

## **Complaints and appeals procedure**

If a candidate (or his/her parent/carer) has a general concern or complaint about the centre's delivery or administration of a qualification he/she is following, Tutors & Exams encourages him/her to try to resolve this informally in the first instance

If a complaint fails to be resolved informally, the candidate (or his/her parent/carer) is then at liberty to make a formal complaint.

## **How to complain**

There is one informal and two formal stages to the Complaints Procedure. In summary, they are:

### **(a) The Informal Stage**

At this stage you should raise the issue with the person most directly responsible, with the aim of resolving it as soon as possible. It is expected that both sides will make a genuine and reasonable attempt to resolve any issues at this stage. Where your complaint is about a member of staff and you do not feel you can raise this with directly you should aim to raise this with another staff member.

### **(b) Formal Stage**

If you have been unable to resolve your complaint informally, you should put your complaint in writing, addressed as appropriate to the Head of Centre stating with whom you attempted to raise the matter informally, the outcome and why you remain dissatisfied.

## **The procedure**

### **The Informal Stage**



Any complaint should normally be raised directly with the person(s) concerned or responsible for that Service as soon as possible after the experience that gave rise to the complaint. A complaint that is raised more than 30 calendar days after the incident will be difficult to follow up and will not normally be accepted other than where you can show good cause for the delay (such as independently certified medical or other extenuating circumstances).

You should try to arrange a meeting with the relevant person(s). You may wish to be accompanied by a friend, supporter, or a member of your family. At the meeting you should state the nature of your complaint and the remedy you are seeking. It may help to put your thoughts in writing and to take notes during the meeting. If a meeting is not possible or appropriate, you should email the person(s).

Normally within 5 working days following the meeting or your email, the person(s) will either:

- email you (or your spokesperson, in the case of a group complaint) with a summary of what was discussed if a meeting was held, or addressing the points you have raised if by email, what (if any) remedy is proposed and the timescale for its implementation;

or

- respond to propose a timescale for resolution.

Unless agreed otherwise with you, this timescale should be no longer than 10 working days from the date of the email. If you have not received an email within 5 working days of the meeting, you should email them yourself using your own notes of the discussion and setting a deadline of 10 working days from your email to provide a remedy to your complaint.

Exceptionally, where you feel unable to approach the person(s) concerned, you may ask a representative to submit your complaint and act as a spokesperson on your behalf.

Where you have been unable to arrange a meeting within a reasonable amount of time (5 working days would be normal) of contacting the person(s) concerned, or no acceptable resolution has been received within 15 working days following a meeting (unless you have agreed otherwise), you should email the person(s) advising them you will be making a formal complaint.

The informal stage ends when one of the following applies:

- A remedy that is acceptable to you has been put forward and you consider the matter resolved.
- You are not satisfied with the remedy proposed within 15 working days (or whatever longer period was agreed) of your informal meeting with the person(s) to whom you complained.
- You have been unable to arrange a meeting with the person(s) concerned within 5 working days of your contacting them or not received a response to your initial email.

## Formal Stage

For the complaint to be considered formally, you must put the complaint in writing on the Complaint Form - Formal Stage and send it to [feedback@tutorsandexams.uk](mailto:feedback@tutorsandexams.uk). Your details, the details of the complaint, the remedy sought, and any supporting evidence should be included. You should also explain how you have attempted to raise the matter informally and why you remain dissatisfied. You should attach an email or other written confirmation to the form that the matter has been raised informally. Unless you can demonstrate that you have been unable to receive an informal resolution of your complaint, you may be asked to return the informal stage before a formal complaint can be considered.

A formal complaint must be submitted to the Head of Centre no later than 10 working days after the email concluding the informal stage as described in THE PROCEDURE SECTION / INFORMAL STAGE.

You should expect to receive an acknowledgment from the Head of Centre within 5 working days of your formal complaint being received.

We aim to resolve a formal complaint, which has previously been raised informally, within 30 calendar days of receipt. If there is likely to be a delay you will be informed of this and the reasons for it.

You, or the spokesperson if a group complaint, will be offered a personal meeting with the Head of Centre, Head of Service or relevant nominee in order that you can explain your complaint and why you remain dissatisfied. At that meeting, an administrator will be present to take notes. You will be given a copy of these notes for your records. You may be accompanied to this meeting by a supporter, but you should inform Tutors & Exams that you wish to be accompanied and give them the name of your supporter. Your supporter is there to provide moral support, to support you in your preparation for the meeting and to support you with asking and answering questions during the meeting. You are expected to speak on your own behalf, there is no automatic right for your supporter to speak on your behalf and it is at the Head of Centres discretion as to whether your supporter is permitted to address the meeting. Should your supporter act outside those actions described the Head of Centre will suspend the meeting and ask your supporter to leave, in the event that you are unable to continue the meeting without your supporter the meeting will continue in your absence based on the documentation provided and any verbal representations received up to that point.

The Head of Centre may undertake whatever investigation is considered appropriate in order to establish the facts of the case and, if meetings are held with members of staff, notes will be taken by an administrator, and you will be entitled to a copy of those notes. All evidence considered as part of the complaint, including email correspondence, will be shared with all relevant parties. If the complaint is about a member of staff, he or she will be entitled to see all the relevant documentation, including the notes of your meeting with the

Head of Centre. The Directors may commission an investigation and request that a report into their investigation be prepared. Due to issues of confidentiality, you will not be entitled to a copy of this report. You will, however, be informed if the report, including copies of your complaint, notes of meeting and any statement you provide, are to be used.

You will receive a written decision which addresses the points you have made and gives reasons for the conclusion reached (which may include a summary of any investigation report).

### **Service improvement**

Where recommendations are made by a Review Stage Complaints Committee for service improvement, Tutors & Exams will inform the student of any remedy the situation within two months of the date of the report.