



Complaints Policy (Exams) - Issue 3

This procedure is reviewed annually to ensure compliance with current regulations

Centre Name	Co-op Academy Failsworth
Centre Number	33107
Date Policy first created	9/11/2020
Current Policy approved	Phill Quirk
Current Policy reviewed by	Rachael Brodrick-Walton and Karen Garside
Date of next Review	November 2025

Key staff involved in the procedure

Role	Name(s)
Head of centre	Phill Quirk
Exams officer	Karen Garside
Senior leader(s)	Rachael Brodrick-Walton
ALS lead/SENCo	Cheryl Stonehouse / Kate Darlington

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Purpose of the procedure

This procedure confirms Co-op Academy Failsworth's compliance with JCQ's General Regulations for Approved Centres (section 5.3, 5.8) in drawing to the attention of candidates and their parents/carers our written complaints policy which covers general complaints regarding the centre's delivery or administration of a qualification and our internal appeals procedure.

Grounds for complaint

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

Teaching and learning

- Quality of teaching and learning, for example
 - Non-subject specialist teacher without adequate training/subject matter expertise utilised on a long-term basis
 - Teacher lacking knowledge of new specification/incorrect core content studied/taught
 - Core content not adequately covered
 - Inadequate feedback for a candidate following assessment(s)
- 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 (centre assessed work), which contributes to the final grade of the qualification, not undertaken according to the requirements of the awarding body
- Candidate not informed of their centre assessed marks prior to marks being submitted to the awarding body
- Candidate not informed of their 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 make a decision whether to request a review of centre assessed marks

- Candidate unhappy with internal assessment decision (complainant to refer to the centre's internal appeals procedure)
- Centre fails to adhere to its internal appeals procedure

Access arrangements and special consideration

- Candidate not assessed by the centre's appointed assessor
- Candidate not involved in decisions made regarding their access arrangements
- Candidate did not consent to record their personal data online (by the non-acquisition of a completed candidate personal data 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/assistive technology 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
- Candidate unhappy with centre decision relating to access arrangements or special consideration (complainant to refer to the centre's internal appeals procedure)
- Centre fails to adhere to its internal appeals procedure

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 accepted/rejected outcome of a special consideration application if provided by awarding body

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 to the centre's *internal appeals procedure*)
- Centre fails to adhere to its *internal appeals procedure*
- Centre applied for the wrong post-results service/for the wrong script 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

Complaints and Appeals Procedure

Full details of The Co-op Academy Trust Procedure for complaints is contained within their complaints policy at <https://www.coopacademies.co.uk/attachments/download.asp?file=485&type=pdf>

Stage One (The Informal Stage) aims to resolve the concern through informal contact at the appropriate level within the academy

Stage Two (The Formal Stage) is the point at which written complaints are considered by the Headteacher or another senior member of staff.

Stage Three (Formal Resolution) is the final stage. It involves a hearing before a panel including governors and/or members of the Trust's central team and an independent person

How each of these stages operates is explained below.

Stage One (The Informal Stage) – your initial contact with the academy

1. Many concerns will be dealt with informally when you make them known to us. If you are a parent/carer raising a concern regarding your child, the first point of contact should be your child's teacher (or tutor). In the case of more serious concerns, or where a concern does not relate to a specific pupil, it may be appropriate to address them directly to the Headteacher.
2. Once your concern is made known to us, we will contact you as soon as possible.
3. If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.
4. If necessary we will normally update you on the progress of our enquiries within ten school working days.
5. If you are still dissatisfied following this informal approach, you will be asked to put your concern in writing. It will become a formal complaint and we will deal with it at Stage Two.

Stage Two (The Formal Stage) - formal consideration of your complaint this stage deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined above.

1. Normally, your written complaint should be addressed to the Headteacher. If, however, your complaint concerns the Headteacher personally, it should be sent to the academy marked, "Confidential - For the attention of the Chair of Governors". If it concerns a governor or the whole LGB, it should be addressed to the Trust's Governance Manager for the hub in which the academy is located. A complaint form is attached to this policy to assist you. It is important that you include a clear statement of the actions you would like the academy to take to resolve your concern. Without this, it is much more difficult to proceed.
2. We will acknowledge your complaint in writing as soon as possible after receiving it (usually within three school working days) and we will enclose a copy of these procedures with the acknowledgement.
3. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. This meeting will be with the Headteacher, or another suitable nominated person investigating your complaint, who may be a member of the Trust's central team. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint. If your complaint concerns the Headteacher, or a governor, it will be investigated by the Chair of Governors, or another suitable person who is not an employee of the academy; this may be another suitably skilled governor, or a member of the Trust's central team. If it concerns the Chair of Governors another suitably skilled governor, or appropriate individual, will be appointed by the Trust Governance Manager to undertake the investigation; this individual may be a member of the Trust's central team. If your complaint concerns the whole academy LGB the Governance Manager will arrange for it to be investigated by an appropriately skilled person from outside the academy.
4. The Headteacher, or the person investigating your complaint, may also be accompanied by a suitable person if they wish.
5. Following the meeting, the Headteacher, or the person investigating the complaint, will, if necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we may talk to the pupil concerned and, where appropriate, others who were present at the time of the incident in question.
6. We will sometimes talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that s/he would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
7. If the complaint is against a member of staff, it may be dealt with under the school's internal confidential procedures, rather than under this procedure.

8. The Headteacher, or person investigating the complaint, will keep records of all meetings and telephone conversations, and other related documentation.

9. Once all the relevant facts have been established, (usually within ten school working days of receipt of your complaint) you will be sent a written response. This will give an explanation of the decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.

10. There may be times when the investigation takes longer than ten school working days. Where this is the case we will keep you informed of the revised timescales and the reasons for this.

If you are unhappy with the outcome of Stage Two, you may proceed to Stage Three, as described below.

Stage Three (Formal Resolution) - consideration by a Governors' Complaints Panel

If the complaint has already been through Stage Two and you are not satisfied with the outcome, you can take it further to a Complaints Panel.

To do this you must write to the Chair of Governors (or, if the complaint concerns the Chair of Governors / another governor / the whole LGB, to the Governance Manager) within ten school working days of receipt of the decision from Stage Two. Appeals received outside of this timescale will not be considered other than in exceptional circumstances.

This is a formal process, and the ultimate recourse under this procedure.

The purpose of this arrangement is to give you the chance to present your arguments in front of a panel comprising two governors, or one governor and a member of the Trust's central team, plus a person who is independent of the management and running of the academy. All of these people will have no prior knowledge of the details of the case and can, therefore, consider it without prejudice. If it is the case that there are insufficient governors on the academy's LGB who are available and have no prior knowledge of the complaint, then the governor panel member(s) may be drawn from another Co-op academy. Also, if your complaint concerns the whole LGB, the panel will comprise governors from another Co-op Academy, and/or members of the Trust's central team, plus someone independent of the management and running of the academy. The Complaints Panel may be advised by a member of the Trust's central team.

The Complaints Panel operates according to the following formal procedures:

1. On receipt of your request to have your complaint heard by a Complaints Panel, we will confirm that we have received your letter and are making arrangements for a panel to be convened.
2. As soon as possible following this we will inform you of a date for the Complaints Hearing. This date should take into account your availability to attend, if you wish to do so. The aim will be for this panel to take place within twenty working days of receiving your request for a hearing. You will be notified by letter and this letter will inform you of the date, time and location of the hearing, and provide an explanation of what will happen at the hearing.
3. You will be asked whether you wish to provide any further written documentation in support of your complaint. If you do, then the academy will need to receive this at least ten school working days before the hearing.
4. The person who led Stage Two will be asked to prepare a written report for the panel. The panel can request additional information from other sources if necessary. You will receive copies of these papers at least five school working days before the hearing.
5. You are entitled to be accompanied to the hearing. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the academy. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish. This does not, however, give you the right to be accompanied by a solicitor.
6. The person representing the academy may invite relevant witnesses directly involved in matters raised by you to attend part of the hearing to present their evidence directly to the panel and to be questioned. The person representing the academy may be accompanied by someone from the Trust central team.
7. The Chair of the panel will bear in mind that the formal nature of the hearing can be intimidating, and will do his or her best to put all parties at their ease.
8. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the hearing will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
9. The Chair of the panel will ensure that the meeting is properly minuted. During the meeting, you can expect there to be opportunities for:
 - a. The panel to hear you explain your case and your argument for why it should be heard at Stage Three;
 - b. The panel to hear from the person who investigated the complaint at Stage Two, in response;

- c. You to raise questions via the Chair;
 - d. You to be questioned by the complaint investigator through the Chair;
 - e. The panel members, and their adviser, to be able to question you and the person who investigated the complaint at Stage Two;
 - f. You and the person who investigated the complaint at Stage Two to make a final statement.
10. In closing the meeting, the Chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the person who investigated the complaint at Stage Two within five school working days. All participants other than the panel, the Trust adviser to the panel and the Clerk will then leave.
11. The panel will then consider the complaint and all the evidence presented in order to:
- a. reach a unanimous, or at least a majority, decision on the case;
 - b. decide on the appropriate action to be taken, if necessary;
 - c. recommend, where appropriate, to the LGB changes to the academy's systems or procedures to ensure that similar problems do not happen again.
12. The Clerk will send you, the person at the centre of the complaint (where relevant) and the person who investigated the complaint a letter outlining the findings of the panel within five school working days of the Hearing. The letter will also explain that you are entitled to have the handling of the complaint reviewed by an external body.
13. We will keep a copy of all correspondence and notes on file in the academy's records but separate from pupils' personal records, for one year after your child has left the academy. This may be made available for inspection by the Trust and or the Headteacher (where s/he is not the subject of the complaint).
14. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
15. Records will indicate:
- a. whether the complaint has been resolved at an informal stage or proceeded to a Complaints Hearing
 - b. action taken by the school as a result of those complaints (regardless of whether they are upheld)

Requesting a review

If you are dissatisfied with the outcome of the complaints procedure you have the right to request a review from the ESFA. The ESFA does not have the right to change the academy's decision but will review whether proper processes have been followed.

Closure of complaints

Very occasionally, an academy will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

Both the academy and the Trust, where appropriate, will do all we can to help to resolve a complaint against the academy but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree". If a complainant persists in making representations to the academy – to the Executive Headteacher/Headteacher/Principal, Chair of Governors or anyone else, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all of the children in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process and, especially, where the complainant's action is causing distress to staff and/or pupils.

Issue	Date	Reason for Change	Custodian
1	19.11.20	Creation	ZAL / KGA
2	Dec 21	Annual Review / Staff changes	RBR / KGA
3	Nov 22	Annual Review / updated as per EO suggestions	RBR / KGA
3	Oct 23	Annual Review – No changes	RBR / KGA
4	Nov 24	Annual Review – Minor changes to him/her etc	RBR /KGA

Complaints and Appeals form

FOR CENTRE USE ONLY	
Date received	
Reference No.	

Please tick box to indicate the nature of your complaint/appeal

- Complaint/appeal against the centre's delivery of a qualification
- Complaint/appeal against the centre's administration of a qualification

Contact Name	
Contact Address (incl postcode)	
Daytime telephone number	
Evening telephone number	
Name of Child(ren) and year group	
Your relationship to the school e.g.	

Please state the grounds for your complaint/appeal below:

If your grounds are lengthy, please write as bullet points; please keep to the point and include relevant detail such as dates, names etc. and provide any evidence you may have to support what you say
 Your appeal should identify the centre's failure to follow procedures as set out in the relevant policy, and/or issues in teaching and learning which have impacted the candidate
 If necessary, continue on an additional page if this form is being completed electronically or overleaf if hard copy being completed

Detail any steps you have already taken to resolve the issue(s) and what you would consider to be a good resolution to the issue(s)

Complainant/appellant signature:

Date of signature:

