

Exam Complaints Policy



Approved by:

Managing Director,
Education

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Next review due by:

September 2025

Owner:	Head of Centre (Headteacher)	Consulted department(s):	Quality and Risk Team
Version:	2.0	Date of issue:	September 2024
Date of next review:	September 2025	Executive approval:	MD Education
Policy value:	Collaborative: ensuring that we embrace feedback from students and parents, recognising the important role it plays in continuous improvement.		

Scope:	This procedure can be used by those with parental responsibility for students of Bright Minds Creative Academy to raise concerns and complaints about the delivery or administration of a qualification
Objectives	<ol style="list-style-type: none"> 1. To ensure that there is a consistent approach to the handling of concerns and complaints regarding qualifications raised in respect of Bright Minds Creative Academy. 2. To ensure that concerns and complaints are an integral part of the school's cycle of continuous improvement.
Applicable legislation/standards:	JCQ General Regulations for Approved Centres sections 5.3, 5.8

1 Our Complaints Charter

Bright Minds Creative Academy embraces feedback from the school community, recognising the key part it plays in helping us identify opportunities for improvement and development. To demonstrate our commitment, we have developed a Complaints Charter.

Complaints Charter

Compassionate	<ol style="list-style-type: none"> 1. We will speak with kindness 2. We will listen carefully and without judgement 3. We will apologise when we have made a mistake
Collaborative	<ol style="list-style-type: none"> 4. We will communicate openly 5. We will try to resolve concerns informally but will use the formal procedure when this is not possible. 6. We will make reasonable adjustments for those who need support to access this procedure
Dependable	<ol style="list-style-type: none"> 7. We will apply this procedure consistently 8. We will meet the timescales we set 9. We will do what we say we will do
Inspiring	<ol style="list-style-type: none"> 10. We will act with integrity 11. We will treat people with respect 12. We will embody our values

We will endeavour to apply our Complaints Charter in respect of all concerns and complaints received by our school.

2 Purpose of the policy

This policy confirms compliance with JCQ's General Regulations for Approved Centres (sections 5.3, 5.8) in drawing to the attention of candidates and their parents/carers its written complaints policy which will cover general complaints regarding the centre's delivery or administration of a qualification.

3 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

- 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
- 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 make a decision whether to request a review of centre assessed marks
- Candidate unhappy with internal assessment decision (complainant to refer via Headteacher 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 his/her 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 via Christina Russell, Headteacher, 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 via Headteacher 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 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

4 Raising a concern/complaint

If a candidate (or their parent/carer) has a general concern or complaint about the centre's delivery or administration of a qualification they're following, Bright Minds Creative Academy encourages them to try to resolve this informally in the first instance. A concern or complaint can be raised by email, phone call, or in writing to Head of Centre and Headteacher.

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

How to make a formal complaint

If the complainant feels that informal resolution has not worked, or the matters are too significant to be considered informally, they can submit a stage 1 formal complaint in writing or using the complaint form included in this policy document.

Complaints received out of term-time will be considered to be received on the next school day. For example, a complaint made during the school summer holidays will be considered to be received on the first day of the autumn term.

If a complainant has difficulty making a complaint in writing, the school will take reasonable steps to support the complainant in making their complaint.

Stage 1 complaints will be recorded in the school's Complaints Log.

Stage 1 complaints will usually be considered by the Head Teacher of the school concerned. If the complaint is specifically about the Head Teacher, the complaint may be referred to a senior member of Horizon's Education Team for consideration. It should be noted that complaints about the Head Teacher's *conduct* will not be considered under this Complaints Procedure; rather conduct issues will be referred to the appropriate Operations Director or the Managing Director for consideration in accordance with Horizon's human resources policies and procedures. We will not normally give detailed feedback on the outcome of a conduct-related matter for data protection reasons and to preserve employer-employee confidentiality.

Complaints will be responded to in writing. If a complaint outcome is initially delivered verbally, it will be followed up in writing.

Stage 1 complaint responses will contain details of the way in which the complainant can ask for their complaint to be considered at the next stage.

5 Internal appeals procedure

If the complainant is unhappy with the stage 1 response, they can ask for the complaint to be heard by a stage 2 review panel by writing to the Director of Governance and Regulatory Affairs (contact details will be provided in the stage 1 response letter).

A complainant should ask for their complaint to be considered at stage 2 promptly. We will not normally accept a request for escalation to stage 2 if it is made more than one month after the stage 1 response is sent unless there is a genuine reason, for example, the complainant was unwell.

The review panel will meet within 30 working days of the complainant asking for the complaint to be heard at stage 2.

The panel will be made up of three independent people with no previous experience of the complaint or the complainant. At least one panel member will be independent of the management and running of the school; this person will also not form part of the school's Proprietor body (in practice, this will usually be a senior leader from Horizon's Residential Services or Supported Accommodation divisions).

The purpose of the panel is to:

- listen to all parties;
- consider whether the stage 1 investigation was sufficient;
- consider any new information that might help to resolve the complaint;
- make a decision and recommend a solution;
- recommend any appropriate action needed to remedy any injustice suffered by the complainant; and
- recommend any service improvements that need to be made by the school.

The panel will consider:

- the stage 1 investigation report and response;
- the reasons given by the investigating officer for the outcomes reached in the stage 1 response; and
- any further oral or written representations made by the complainant.

The panel will not reinvestigate the complaint or consider any new points of complaint that have not been considered at stage 1.

The Director of Governance and Regulatory Affairs will inform the complainant whether the stage 2 review panel will meet in-person or virtually, and/or whether it will consider only written representations, in which case, the complainant will not be required to attend.

The complainant will be informed of the date and place of the review panel at least ten days before the meeting. If it is an in-person panel meeting, the complainant may be accompanied but must inform the Director of Governance and Regulatory Affairs in advance. Neither the complainant nor the school may be represented by a lawyer (or alternative qualified legal adviser).

The outcome of the review panel will be written up and sent to the complainant within five working days of the meeting.

The stage 2 review panel is the final stage in the school's complaints procedure. If the complainant remains dissatisfied after receiving the outcome of the review panel, they may choose to refer their complaint to the local authority funding the student's placement or to the Department for Education. It should be noted that the Department for Education will not normally consider individual complaints, but it may choose to pass the intelligence from the complaint to Ofsted to be used as the basis for a line of enquiry at the school's next inspection.

6 Additional elements relevant to the complaints process

6.1 Anonymous concerns and complaints

This policy and procedure only apply in respect of concerns and complaints raised by parents. We will not, therefore, respond to concerns or complaints raised anonymously. We will, however, consider the issues raised and take action where appropriate.

6.2 Repeated complaints

If we have responded to a complaint and we receive a duplicate complaint from someone else, we will assess it to determine whether there are aspects that we had not previously considered. If we are satisfied that there are no new aspects, we will inform the complainant and direct them to the local authority or the Department for Education if they are dissatisfied with our response to the original complaint. If there are new aspects, we will follow this policy and procedure again.

6.3 Campaigns

Where we receive a large volume of complaints about the same issue(s), we may respond by publishing a single response on our website, or by sending a template response to all of the complainants.

6.4 Unreasonable and unreasonably persistent complainants

As outlined in our Complaints Charter, we will always treat complainants with fairness and respect. In return, we ask that you treat our school colleagues with the same respect.

We do not normally limit contact with our school, however, if a complainant displays unreasonable or unreasonably persistent behaviour, we may need to take action to limit contact in the interests of maintaining the effectiveness of this policy and procedure and to ensure the safety and wellbeing of our colleagues.

Examples of unreasonable and unreasonably persistent behaviour include, but are not limited to:

- being abusive or making threats of any kind;
- being physically or verbally intimidating;

- refusing to leave the school's premises when asked;
- refusing to agree what the complaint is about or changing the scope of the complaint during the process;
- making the same complaint multiple times;
- making the same complaint to different people with the aim of getting a different response; or
- failing to engage fairly in the complaints process, for example, refusing to provide information when asked.

In the unlikely event that we identify that a complainant is acting unreasonably, we will write to them to draw their attention to the behaviour. If the behaviour does not change, we may take steps to limit the complainant's contact with our services by providing a single point of contact and/or we may stop responding to correspondence (we will, however, continue to read all correspondence thoroughly).

7. Learning lessons

A fundamental objective of this policy and procedure is to ensure that we learn lessons from complaints to continue developing and improving our school. At a local level, the Head Teacher will use complaints outcomes to identify actions necessary to support the school's development and will be accountable for ensuring that such actions are appropriately implemented.

We will also share the learning from complaints, being careful to protect the identity of the complainant, with other Head Teachers and leaders in the Horizon Group in order that they may benefit from it.

8 Roles and responsibilities

8.1 Head Teacher

The Head Teacher is responsible for the effective implementation of this policy at Bright Minds Creative Academy. They will:

- ensure that all school colleagues are aware of, and understand, this policy, and that it is easily accessible to them;
- respond to complaints at stage 1 of the formal process (unless they are directly involved in the matter under consideration);
- direct the complainant to stage 2 of the process in their response at stage 1;
- engage openly and transparently in the stage 2 process;
- ensure that actions identified as a result of a complaint are implemented within appropriate timescales;
- own the school's Complaints Log and ensure that entries are accurate and complete;
- share the learning from complaints with other leaders, both in school and across Horizon, in an anonymised format.

8.2 Proprietor

The proprietor is responsible for oversight of school complaints and for ensuring that there is an appropriate route for the consideration of complaints relating directly to the Head Teacher. The proprietor has delegated responsibility for coordinating stage 2 review panels to the Head of Governance and Regulatory Affairs and will make available such colleagues as may be required to form a panel with sufficient independence.

8.3 All school colleagues

School colleagues will:

- raise all concerns regarding qualifications to the Head teacher
- observe our Complaints Charter;
- participate openly and honestly in any complaint investigations;
- assist the Head Teacher to implement any actions identified as the result of a complaint.

9 Policy compliance and effectiveness

Compliance with, and effectiveness of, this policy will be monitored via reviews of school's complaints logs undertaken by senior leaders in Education Services.

10 Policy review

This policy will be reviewed every year, or earlier if there are changes in relevant legislation, guidance, best practice, or Horizon's processes.

11 Equality impact

This policy has been subject to an equality impact assessment and Horizon is satisfied that it does not unfairly disadvantage any person.

