

Complaints and Appeals Policy (Examinations)

Ark Tuition / Ark Education Centre

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Key staff involved in complaints and appeals

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Purpose of this policy

This procedure confirms Ark Education Centre's compliance with JCQ's General Regulations for Approved Centres 2024-2025 (section 5.3, 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 and internal appeals procedure.

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

Exceptions to this procedure

Separate policies 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
- Payments and refunds
- Teaching & Learning at Ark Tuition

Guiding principles

If you are dissatisfied with Ark Education Centre, 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, Ark Education Centre asks that you will have observed your own obligations and raised the problem as soon as it arose.

Ark Education Centre will ensure details of your complaint remain confidential to the parties concerned.

Ark Education Centre 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, Ark Education Centre may refer the matter to the police and suspend its own proceedings until the outcome of any criminal proceedings is known, other than where they need to act in the interests of the safety and well-being 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

Ark Education Centre 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, insulting 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 awarding body or professional body.

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 info@arkexamcentre.co.uk

Grounds for Complaint

A candidate (or their parent/carer) may lodge a complaint on the following grounds (this list is not exhaustive):

Teaching and Learning – Ark Education Centre facilitates assessments only.

- Pre-release/advance material or set tasks issued by the awarding body not provided to the candidate on time.
- The administration of an assessment contributing to the final qualification grade not conducted in accordance with JCQ/awarding body instructions.
- Internal assessment marking, which affects the final grade, not undertaken according to awarding body requirements (complainants should refer to the centre's internal appeals procedure).
- Failure to adhere to the internal appeals procedure.
- Candidate not informed of centre-assessed marks prior to submission to the awarding body.
- Candidate not given sufficient time to review materials and request a review of centre-assessed marks before submission.

Access Arrangements

- Candidate not assessed by the appointed assessor.
- Candidate not involved in decisions regarding their access arrangements.
- Personal data shared electronically without the candidate's consent.
- Candidate not adequately informed of access arrangements and their scope.
- Examination materials not appropriately adapted for a disabled candidate.
- Adapted equipment failed during an exam or assessment.
- Approved access arrangements not implemented at the time of an exam or assessment.
- Failure to put in place appropriate arrangements for a temporary injury or impairment.

Entries

- Decision regarding early entry for a qualification not clearly explained to the candidate (or parent/carer).
- Candidate not entered/entered late (incurring a late entry fee) for a required exam or assessment.
- Candidate entered for the wrong exam or assessment.
- Candidate entered for the wrong tier of entry.

Conducting Examinations

- Failure to adequately brief candidates on exam timetables and regulations.
- Exam room did not provide appropriate conditions for taking the exam.
- Inadequate invigilation during the exam.
- Failure to conduct the exam in accordance with regulations.
- Online system failure during an on-screen exam or assessment.
- Disruption during the exam or assessment.
- Alleged, suspected, or actual malpractice not investigated or reported.
- Eligible application for special consideration not submitted within the required timeframe.
- Candidate not informed of the outcome of a special consideration application.

Results and Post-results

- Candidate not made aware of post-results services and access to senior staff following the publication of results.
- Candidate unable to access a senior staff member to discuss or request a review or enquiry.
- Candidate requested return of moderated work, but it was unavailable or disposed of prematurely.
- Candidate (or parent/carer) dissatisfied with a result (complainants should refer to the exams officer and awarding body post-results services).
- Candidate (or parent/carer) unhappy with a centre decision not to support a review or appeal (complainants should refer to the centre's internal appeals procedure).
- Centre applied for the wrong post-results service or the wrong exam paper.
- Centre missed the awarding body deadline to apply for a post-results service.
- Centre applied for a post-results service without the candidate's consent.

Who May Use This Procedure? This procedure is available only to registered students of Ark Education Centre at the time of submitting a complaint. Individual students may use this procedure, but where multiple students have a shared complaint, they may raise it collectively through a nominated spokesperson. Each group member must sign the statement of complaint for it to be considered valid.

Complaints and Appeals Procedure If a candidate (or their parent/carer) has a general concern or complaint about the centre's delivery or administration of a qualification, they should initially attempt to resolve the issue informally. If informal resolution fails, a formal complaint may be submitted.

How to Complain The complaints procedure consists of one informal stage and two formal stages:

(a) The Informal Stage

- Raise the issue with the individual responsible, aiming for swift resolution.
- If uncomfortable raising the issue directly, another staff member may be approached.
- If a meeting is arranged, candidates may bring a supporter.
- Within 5 working days of the meeting/email, the individual should provide a summary and a proposed resolution, with implementation within 10 working days.
- If no response is received within 5 working days, the complainant should follow up via email.

(b) The Formal Stage

- If the issue remains unresolved, a written complaint should be addressed to the Head of Centre, detailing previous attempts to resolve it informally.
- Complaints must be raised within 30 calendar days of the incident, unless a valid reason for delay exists.
- Formal complaints should be submitted via the online Complaint Form within 10 working days of the informal stage conclusion.
- An acknowledgement will be sent within 5 working days, and resolution is aimed for within 30 calendar days.
- A personal meeting with the Head of Centre or a nominee may be offered.
- If the complaint concerns a staff member, they will be entitled to view all relevant documentation.
- A written decision will be provided with reasons for the conclusion.

Service Improvement Where a Review Stage Complaints Committee recommends service improvements, Ark Education Centre will implement necessary remedies within two months of the report.

Ark Education Centre Withdrawal of Procedure Form

Date of Submission: _____

Name of Complainant: _____

Candidate/Student Name: _____

Address: _____

Phone Number: _____

Email Address: _____

1. Reason for Withdrawal or Limitation of Access

Please provide a clear explanation of why access to the complaint procedure is being withdrawn or limited. Include relevant details regarding any misconduct, failure to comply with the procedure, or other reasons.

2. Description of the Incident or Issue

Please provide a detailed description of the issue or behaviour that led to the withdrawal or limitation of access to the complaint procedure.

3. Evidence of Unacceptable Behaviour or Irregularities

If applicable, please outline any specific evidence that supports the decision to withdraw or limit access to the procedure (e.g., aggressive behaviour, repeated frivolous complaints, violation of confidentiality, etc.).

4. Appeal Information

If you are appealing the decision to withdraw or limit your access to the complaints procedure, please provide the following information:

- **Grounds for Appeal** (please tick all that apply):

- Evidence of procedural irregularities
- Evidence of bias
- The decision reached was unreasonable
- **Supporting Evidence for Appeal:** Please provide any supporting documentation to demonstrate your grounds for appeal (e.g., emails, notes, records of communication).

5. Acknowledgement

I acknowledge that I have received information regarding the withdrawal or limitation of access to the complaints procedure and that I understand the reasons for this decision. I further acknowledge that I have been provided with the opportunity to appeal this decision.

Signature **of** **Complainant:** _____

Date: _____

For Office Use Only:

- **Received By:** _____
- **Date Received:** _____
- **Action Taken:** _____
- **Appeal Process Started:** [] Yes [] No