

Complaints, enquiries about results, and appeals in relation to examinations

1 Introduction

- 1.1 This document sets out the policy of the Royal Academy of Dance (RAD) with respect to complaints, enquiries about results, and appeals about examinations. This version supersedes any previous version.
- 1.2 We hope that candidates, teachers, and others who use our services will have no cause to complain about the quality of the service or the results which they receive; but where this is not the case, we will act fairly, courteously, legally, and without bias or prejudice, and those who choose to submit a complaint, enquiry about a result, or appeal will not be disadvantaged in any way by so doing.
- 1.3 The RAD is regulated as an awarding organisation by Ofqual, Qualifications Wales, CCEA and SQA Accreditation. As appropriate, therefore, this policy aligns with the regulatory requirements of the regulators as set out in the following:
 - 1.3.1 Ofqual's General Conditions of Recognition: Condition 11 - Appeals process, Condition 12 – Compliance with Ofqual's appeal and complaints process.
 - 1.3.2 SQA Accreditation's Regulatory Requirements: Principle 12. The awarding body and its providers shall have open and transparent systems to manage complaints; Principle 13. The awarding body and its providers shall have clear, fair and equitable procedures to manage appeals.

2 Definitions

- 2.1 **An enquiry about a result questions on whatever grounds the mark awarded to a candidate or group of candidates.**
- 2.2 **A complaint records dissatisfaction with examinations procedures and processes, but does not explicitly question marks awarded.**
- 2.3 If a *complaint* subsequently develops into an *enquiry about a result*, the matter will be treated as an enquiry about a result from that point onwards.
- 2.4 Customers who are dissatisfied with the outcome of a *complaint* or an *enquiry about a result* may lodge a formal *appeal*. An appeal may not be lodged until the appropriate initial stages have been completed.
- 2.5 All communication received concerning complaints and enquiries about results is in the first instance reviewed by the Examinations Customer Service Manager. Where necessary, the Examinations Customer Service Manager decides, on the basis of the content of the communication, whether the communication is to be treated as a *complaint* or an *enquiry about a result*, and co-ordinates and directs the subsequent investigations, processes, and response accordingly.

3 General principles

- 3.1 The following people are eligible to lodge a complaint or enquiry concerning RAD examinations:
- 3.1.1 a candidate
 - 3.1.2 where a candidate is under the age of 18, the parent/guardian of the candidate
 - 3.1.3 an RAD Registered Teacher, who is a current Member of the Royal Academy of Dance
 - 3.1.4 the Principal of a Registered School, or a person acting on behalf of the Principal such as a school secretary or administrator.
- 3.2 Where the complaint or enquiry about a result relates to a specific examination or examinations, only those with a direct and vested interest in the examination(s) may lodge the complaint or enquiry. For example, an RAD Registered Teacher may only lodge a complaint or enquiry about a result in respect of a candidate where they have been associated with an entry for that candidate.
- 3.3 **Complaints and enquiries about results should be made within ten working days of the event referred to** (e.g. the date of examination or email receipt of results), unless there are circumstances which make this timeframe impractical. It may not be possible to investigate satisfactorily matters which took place more than ten working days before the date of correspondence; however, in the interests of good customer service, every effort will be made to do so where possible.
- 3.4 Complaints or enquiries related to examiners' conduct should always be made within the timeframe outlined in 3.3 above. Examiners may not have access to notes and/or be able to recollect events which have taken place some time in the past.
- 3.5 **All correspondence should clearly indicate, as far as possible:**
- **the name of the examiner(s)**
 - **exam date(s)**
 - **exam(s) affected**
 - **all other relevant matters and events.**

Where information is missing and/or unclear and does not allow for an effective investigation, more details may be requested. The investigation will only start from the time all the necessary information is received. Should more information not be received within ten working days of the request, it will be assumed that the complainant no longer wishes to pursue the matter and the case will be closed. Where a response is received after this timeframe the RAD may at its sole discretion re-open the case.

- 3.6 Correspondence will be in English. Where communication is received in a language other than English the relevant National Office may be asked to assist with translation.
- 3.7 Correspondence by email is preferred as this helps with the speed of the process and is more environmentally friendly.

4 Complaints

- 4.1 Complaints about, or related to, examinations, examiners, reasonable adjustments, special consideration, malpractice, and all other services related to examinations should be made in writing to the Examinations Customer Service Manager by emailing examscustomerservices@rad.org.uk, setting out in detail the nature of the complaint and the reasons for making it.
- 4.2 All complaints must be made on the record. Anonymous complaints will not be processed.
- 4.3 Should a complaint regarding examinations be received by an RAD office (UK or International) or member of RAD staff other than the Examinations Customer Service Manager, it will normally be forwarded to the Examinations Customer Service Manager, unless the content of the communication specifies otherwise.
- 4.4 Complaints in respect of qualifications accredited by SQA Accreditation may be sent directly to SQA Accreditation at any stage. In this event the RAD undertakes to comply fully with any investigation undertaken by SQA Accreditation in respect of the complaint. SQA Accreditation is unable to overturn assessment decisions or academic judgements.
- 4.5 Complaints should be submitted within ten working days of the circumstances relating to the complaint.
- 4.6 All complaints submitted to the Examinations Customer Service Manager will be acknowledged within seven working days of receipt where it is sent by letter, and within two working days of receipt where it is sent by email, or where it is sent by letter and an email address is provided. Where complaints are submitted to other RAD offices for forwarding, acknowledgement may take longer. These timescales may need to be extended during seasonal closure periods e.g. Christmas, and allowing for public holidays.
- 4.7 Complaints will be investigated according to the procedures set out in Section 6 below.

5 Enquiries about results

- 5.1 *Result(s) enquiry report*
 - 5.1.1 If a teacher, candidate, or parent/guardian wishes to have further information regarding the reasons for a result, a result enquiry report may be requested.
 - 5.1.2 Result enquiry reports are available for all examinations and solo performance awards except the Solo Seal. Result enquiry reports are not available for class awards.
 - 5.1.3 This request should be sent to the Examinations Department or appropriate RAD office using a Result Enquiry Form, available from RAD websites, within ten working days of receiving the result, and should be submitted via email to examscustomerservices@rad.org.uk. Requests sent after certificates receipt will not be accepted.
 - 5.1.4 The RAD will acknowledge the request within seven working days and respond within forty working days. These timescales may need to be extended during seasonal closure periods e.g. Christmas, and allowing for public holidays. The fee will include a clerical check and a written report on each candidate concerned. Reports will be provided via email.

5.1.5 A fee is payable for each candidate report. Credit card is the preferred method of payment. Details of current fees can be found on the RAD websites. If it is found that a clerical error has been made on the part of the RAD, the fee will be refunded and the result form, certificate, and medal, if appropriate, will be re-issued.

5.2 *Other enquiries about results*

5.2.1 Where communication is received which questions a result or results received, we will normally recommend that, as a first stage in the process of investigation, the procedures outlined in 5.1 above are followed.

5.2.2 Where the communication refers to results received by a substantial number of candidates, and/or where the communication raises other substantive matters of concern, and/or if the result enquiry procedures have already been completed, the Examinations Customer Service Manager may, at their discretion, decide to bypass the initial result enquiry stages and proceed as outlined in Section 6 below. In these circumstances, the Examinations Customer Service Manager will respond to the person raising the enquiry within seven working days (for enquiries submitted by letter), or two working days (for enquiries submitted by email) indicating that a full investigation will be carried out.

5.2.3 Communication as outlined in 5.2.2 above must be made on the record; anonymous communication will not be processed.

5.2.4 Communication must be directed to the Examinations Customer Service Manager. Where it is received by another RAD office or member of RAD staff, it will normally be forwarded to the Examinations Customer Service Manager, unless the content of the communication specifies otherwise.

5.2.5 Where the option of choosing between a result enquiry report or a full investigation is offered and no reply is received within ten working days, it will be assumed that the complainant no longer wishes to pursue the matter and the case will be closed. Where a response is received after this timeframe the RAD may at its sole discretion re-open the case.

6 **Investigations**

6.1 All complaints, and (where appropriate) enquiries about results, will be investigated thoroughly and conducted in a fair and impartial manner.

6.2 The investigation will be co-ordinated by the Examinations Customer Service Manager, who will seek advice and input from other relevant colleagues, such as the Chief Examiner, the Examinations Results Quality Assurance Manager, the Panel of Examiners Consultant, the Panel of Examiners Manager, and the Head of Examinations Operations, as necessary and appropriate. Evidence will be gathered from relevant sources including examiners, examination attendants, and RAD office staff, together with detailed consideration of any points raised by the complainant/person raising the enquiry. Where appropriate, evidence will also be gathered from statistical and/or contextual analysis of the results.

6.3 In the course of investigating any complaint/enquiry, the RAD will not normally contact pianists or music operators, or take account of their views or comments. In exceptional circumstances, however,

particularly when complaints make specific reference to pianists or music operators, this may be necessary.

- 6.4 **A response to all complaints/enquiries will be sent within forty working days of receipt.** These timescales may need to be extended during seasonal closure periods e.g. Christmas, and allowing for public holidays. The response will be full and detailed, and will address all substantive points made by the complainant/person raising the enquiry, as well as indicating any action to be taken as a result of the complaint/enquiry.
- 6.5 **Where any offer of further action is made, the complainant/person raising the enquiry will be asked to give their response to this within 20 working days from receipt.** Should this response not be received within this deadline, it will be assumed that the complainant no longer wishes to pursue the matter and the case will be closed. Where a response is received after this timeframe the RAD may at its sole discretion re-open the case.
- 6.6 During the investigation, the RAD will normally delay issuing results, certificates, result forms, and medals (if applicable) related to the exam entry under investigation, until the enquiry or complaint is resolved. In such cases, the complainant/person raising the enquiry will be informed of the delay and the expected timescales for resolution and issue of results/certificates.
- 6.7 If the complainant/person raising the enquiry is dissatisfied with the response, they may lodge an appeal (see Section 7 below).
- 6.8 The possible outcomes of the investigation are as follows:
- 6.8.1 No further action to be taken
 - 6.8.2 An apology made and an undertaking to take the issues raised into account
 - 6.8.3 An offer of free result enquiry reports for one or more candidates
 - 6.8.4 An offer made to re-examine candidate(s) at no additional charge and as soon as possible.
 - 6.8.5 An offer to review a video submission of work related to the enquiry/complaint, details to be specified as appropriate
 - 6.8.6 An offer for an RAD examiner to visit the complainant's school to view students and offer advice
 - 6.8.7 Adjustment(s) to marks to be applied. This will normally be in the form of a retrospective special consideration mark (see *Reasonable adjustments and special consideration policy and procedures*)
- 6.9 In some circumstances it may be appropriate to offer alternative actions or concessions, the nature of which will be specified in the response.
- 6.10 In all cases detailed reasons for the conclusions arrived at will be given.

7 Appeals

- 7.1 The RAD will endeavour to resolve all complaints and enquiries about results without recourse to the formal appeals procedure; however, where progression to appeal becomes necessary, all appeals, if properly lodged, will be dealt with in an impartial and transparent manner.
- 7.2 Before lodging a formal appeal, a complainant who is dissatisfied with the initial response received may request a complimentary review of their case by the Director of Examinations, who will not have been involved in the process up to that point. The purpose of the review is to offer additional explanation and insight into the concerns raised, and thereby seek to avoid recourse to formal appeal procedures. In some cases, additional or alternative offers of action or redress may be made as a result of the review. A review must be requested within twenty working days of receipt of the complaint/enquiry response.
- 7.3 An appeal may only be lodged following the completion of the procedures detailed above in Sections 4, 5 and 6 (as appropriate). Appeal applications questioning the examiner's academic judgement will **not** be accepted. The RAD reserves the right to decline an appeal application if it is felt that the appellant has not made new substantive points which have not already been addressed in the first and complimentary review responses.
- 7.4 *Eligibility*
- 7.4.1 Only the person who made the initial complaint may lodge an appeal.
- 7.5 *Timeline for lodging an appeal*
- 7.5.1 **An appeal against the response to a complaint must be lodged within ten working days of receipt of the response** (see 6.4 above) **or twenty working days of receipt of a review** (see 7.2 above). Should a response not be received within these timescales, it will be assumed that the complainant no longer wishes to pursue the matter and the case will be closed. Where a response is received after this timeframe the RAD may at its sole discretion re-open the case.
- 7.6 *Submission*
- 7.6.1 Appeals must be made in writing to the Examinations Customer Service Manager and be accompanied by the relevant fee, which is included in the fees table published on the RAD website. Outside the UK fees will normally be payable to the relevant National Office. The RAD will not start the appeal process until the fee is received.
- 7.6.2 Receipt of the appeal will be acknowledged within seven working days where it is sent by letter, and within two working days where it is sent by email, or where it is sent by letter and an email address is provided. These timescales may need to be extended during seasonal closure periods e.g. Christmas, and allowing for public holidays.
- 7.7 *Content and form of the appeal*
- 7.7.1 The communication from the appellant must
- 7.7.1.1 clearly set out the grounds for appeal

- 7.7.1.2 include all information, including new information, which the appellant wishes the RAD to consider in the course of the investigation
- 7.7.1.3 be accompanied by any relevant documentary evidence
- 7.7.1.4 specify the action the appellant expects or wishes the RAD to take and/or the redress which they consider appropriate.

7.8 Consideration of appeals

- 7.8.1 The evidence for all appeals will be considered by an Appeals Panel. This will normally consist of the Director of Examinations, Panel of Examiners Consultant, Chief Examiner, Examinations Customer Service Manager, other senior RAD staff, and/or an independent person who is neither an employee, examiner, Registered Teacher or Trustee of the RAD, not in any other way connected with the RAD.
- 7.8.2 The precise composition of the Appeals Panel will depend on the nature of the appeal, but in no circumstances will it include any individual who has any *personal* interest in the decision being appealed. All members of the Appeals Panel will be persons who have appropriate competence in considering the appeal.
- 7.8.3 **The RAD aims to resolve an appeal and notify the appellant in writing of the outcome within forty working days of receipt of the appeal.** These timescales may need to be extended during seasonal closure periods e.g. Christmas, and allowing for public holidays. It may also be necessary to extend this period if key personnel are unavailable or if substantial further investigation is necessary, such as the production of specific information requested by the appellant. In this case, the appellant will be notified in writing.

7.9 Outcomes

7.9.1 Appeals against the response to a complaint

The possible outcomes are as follows:

- 7.9.1.1 The appeal is declined.
- 7.9.1.2 The appeal is accepted and suitable action is taken by the committee in accordance with the nature and circumstances of the complaint and the grounds for appeal.
- 7.9.2 If an appeal is found to be successful and the original decision is over-turned, the fee will be refunded in full.
- 7.9.3 In all cases, a letter will be sent to the appellant, which clearly sets out the detail of the investigation and includes a full explanation of the outcome.
- 7.9.4 Depending on the nature of the appeal, and if the circumstances forming the grounds for the appeal are deemed to have also affected other candidates, either in the same examination set or same centre, action will be taken to ensure that such candidates are afforded the same treatment as the candidate who is the subject of the appeal.

7.9.6 Should there be no response from the appellant within twenty working days of communicating the outcome of the appeal, the appeal will be considered closed.

7.10 Independent review

7.10.1 Should the appellant not be satisfied with the outcome of the appeal, they may, as final arbitration, seek an independent review of the appeal process and outcome. Similarly to point 7.3, the RAD reserves the right to decline an independent review application if the appellant does not make new substantive points.

7.10.2 The RAD will appoint an independent person/organisation, not associated to it to conduct the review. The appointed person/organisation may not have expert knowledge of the dance sector. The review may entail a timeframe different from that of the RAD.

7.10.3 The independent review will incur an additional charge. The independent review stage will only start when the fee is received. The fee will only be refunded if the independent review finds in favour of the appellant.

7.10.4 With the exception of cases covered in Section 7.11 below, the findings of the review will be final.

7.11 SQA Accreditation and Ofqual

7.11.1 Where the subject of the appeal relates to a qualification accredited by SQA Accreditation and Ofqual, the appellant may progress the matter to SQA Accreditation and Ofqual following the Independent Review stage outlined in Section 7.10 above, where the independent person finds against the appellant.

7.11.2 Where the complaint originated from a public body in Scotland, such as a Further Education (FE) College or local authority centre, the appellant may escalate their appeal to the Scottish Public Service Ombudsman (SPSO) once the public body's and the RAD's complaints procedures (where appropriate) have been exhausted. The SPSO will not consider complaints about academic decisions, such as the outcome of an assessment. Complaints should have been raised within the previous 12 months.

The SPSO's Further Education Colleges Model Complaints Handling Procedure can be found at <http://www.valuingcomplaints.org.uk/sites/valuingcomplaints/files/resources/The-Further-Education-Model-Complaints-Handling-Procedure1.pdf>

8 Vexatious complaints

8.1 In some cases, complainants will contact the RAD in distressing circumstances and may need significant support and assistance. However, in a small minority of cases, complainants seek to interact with staff in an unacceptable way as outlined below. The RAD may reject, without further consideration, complaints which are vexatious or disproportionate. This applies both to the nature of the complaint and to how it is pursued. We do not expect our staff to tolerate unacceptable behaviour including:

8.1.1 Vexatious or disproportionate pursuit of a complaint

- 8.1.2 Behaviour that because of its frequency or nature hinders our ability to handle complaints effectively
 - 8.1.3 Using defamatory, abusive, offensive, aggressive, racist, or foul language in conversation or correspondence with staff in regard to RAD staff, RAD Examiners, etc.
 - 8.1.4 Harassing, verbally abusing, or seeking to intimidate staff
 - 8.1.5 Engaging in unreasonably protracted or repetitive communications with staff
 - 8.1.6 Attending the RAD's offices and seeking to speak with a member of staff without an appointment
 - 8.1.7 Repeatedly refusing requests by staff to follow the RAD's procedures
 - 8.1.8 Making persistent and/or unreasonable demands of staff and/or the complaints process.
- 8.2 We reserve the right to take appropriate action in cases where complainants are behaving unacceptably including restricting the manner in which the complainant may communicate with our staff or declining to further consider a complaint.

9 Monitoring and data protection

- 9.1 Where the application of the complaints, enquiries and appeals process leads the RAD to discover a failure in its assessment processes, the RAD will take all reasonable steps to:
- 9.1.1 identify any other learner who has been affected by the failure
 - 9.1.2 correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure; and
 - 9.1.3 ensure that the failure does not recur in the future.
- 9.2 All communication related to complaints, enquiries, and appeals is confidential between the RAD and the complainant. The RAD will not discuss complaints/enquiries with any other person, even if such a person has an interest in the matter. Moreover, details will only be disclosed to those within the Academy who, by virtue of their role, have a need to be informed of the nature of the enquiry and/or the outcome. In general, this will include the relevant Regional or National office which may be copied into a letter of reply, except where the complainant specifically requests otherwise.
- 9.3 The records of any communication will be kept on file and destroyed at a time appropriate and in line with the Academy's *Information Management Policy*.
- 9.4 Anonymous details of complaints, enquiries, and appeals may be kept separately for reference at a later date in order to ensure consistency of decision making in future cases.
- 9.5 In accordance with the requirements of the qualifications regulators, information, and records related to complaints, enquiries, and appeals may be made available to the regulators on request.

10 Monitoring and review

- 10.1 This policy is monitored on a regular basis by the Examinations Strategy and Operations Committee.
- 10.2 The policy is reviewed on a biennial basis and is signed off by the Director of Examinations as Chair of the Examinations Strategy and Operations Committee.

A handwritten signature in blue ink, appearing to read 'Stockdale', is written over a light green rectangular background.

James Stockdale
Director of Examinations

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Policy review date: November 2022

Circulation:

- Regional and national offices
- RAD websites
- SQA Accreditation