

# ACER TPES Complaint and Appeals Policy

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## 1. Introduction

The Australian Council for Educational Research (ACER) is committed to providing high quality tests and service to all of our clients and candidates. We recognise the services we provide may have a significant impact on participating organisations, institutions, and individuals.

To support that participation, we encourage you to share with us any comment or complaint you wish to make. For the sake of clarity, this policy:

- only relates to issues with test procedures; and
- does not apply in respect of issues with test results. There are no appeals concerning results;
- does not apply with respect to breaches of ACER's misconduct policies.

**You should read this policy carefully as it pertains to actions you should take if an issue arises while you are undertaking the test. If you fail to take those actions, then ACER may not be able to resolve your concerns to your satisfaction.**

### Definition

A complaint refers to a grievance, problem, difficulty, failure, or defect in the provision of the test by ACER.

A **complaint** does not include any:

- exercise of a legal right taken by a candidate; or
- action by a federal, state or territory regulator or statutory body concerning any such failure or defect.

Any complaint should be made within a reasonable time but with the maximum of 30 days after the act or omission complained of occurred. This is because:

- relevant oversight bodies may have time limits;
- relevant personal information may be deleted if required by the *Privacy Act 1988* (Cth); or
- records may not be retrievable for logistical or administrative reasons or destroyed in accordance with the provisions of the *Privacy Act 1988* (Cth).

An **appeal** in this context refers to:

The right to request a further review of an outcome of the complaints policy process.

**1.1** ACER administers tests for the purposes of:

- a. Selection to undertake study at educational institutions, including tertiary and vocational institutions.
- b. Government accreditation and/or employment.
- c. Professional accreditation and/or employment.

**1.2** This policy applies to candidates whether undertaking testing by remote proctoring or in supervised test centres.

**1.3** ACER does not have remit over admissions decisions and cannot respond to complaints related to such matters. These complaints should be made to the university, government agency, and professional accreditation, admissions, or selections body directly.

**1.4** A complaint is made by a person other than the registered candidate, including a parent or guardian, explicit written permission confirming that person has the candidate's permission to act on their behalf is required. Identification documentation may also be requested. In such cases communication from ACER will only be provided in writing and sent to both parties.

**1.5** ACER takes all complaints and appeals seriously and will work to resolve them as quickly as possible. Individuals raising a concern will not suffer recrimination or disadvantage. However, all issues and complaints raised should be genuine and not made aggressively, unjustly or with malice. In such cases, ACER will not enter into discussion nor investigate the issues raised.

**1.6** ACER administers tests within publicly advertised test windows and dates each year. It is important that candidates undertake their required testing within the advertised dates. It is only on rare occasions and where operationally feasible that ACER will provide ad hoc out of window testing to accommodate an appeal or complaint. Please see the detailed outline of the complaints/appeals process on page 11 of this document.

**1.8** In order to protect the security of the tests administered, ACER does not release or permit the release of test materials to the candidate or third parties when considering an appeal or complaint.

**1.9** Failure to submit a complaint within the required time frames will result in the rejection of the complaint request, for the reasons outlined within the definition of a complaint. Complaint submission deadlines may be extended if reasonable and sufficient cause is presented to ACER, in writing, at least forty-eight (48) hours prior to the appeal deadline as outlined in this policy.

## 2. ACTIONS TO BE UNDERTAKEN IF A TEST SESSION IS DISRUPTED

**2.1 Test centre:** In the first instance candidates should advise the supervisor managing their test session so that action can be undertaken to resolve the issue.

If the issue was unresolved during the test session, then once testing is **complete** the candidate should email ACER **immediately on the test day**, with a full account of the incident that occurred.

If sitting in a test centre and you experience issues such as (but not limited to):

- Hardware problems.
- Software problems.
- Noise disturbance.
- Illness; or other distractions that affect your ability to take the exam.

You should advise the supervisor **immediately** by raising your hand so that support can be provided in an efficient manner. If you do not do this, in most cases it will not be possible to resolve your concerns or account for any perceived disadvantage post testing. Please see the time limit for raising an issue in item 2.5 below.

**2.2** In the case of a general disruptive incident such as a fire alarm or evacuation, the supervisors will minimise the disturbance and allow candidates to complete their testing. All such incidents are logged, and detailed reports provided to ACER. If the incident is deemed serious, the university, government agency, and professional accreditation, admissions or selections body will be notified.

**2.3** Candidates are free to report any anomalies, and lodge an incident report with the supervisors managing their centre, or via email to ACER directly. In the case of test centre incident reports, those reports not deemed serious will be reviewed by the ACER project team once a test window is closed. As advised in point 2.1 if an issue is serious and the candidate feels it will have significant impact on their performance or ability to sit the test, they should report it to a supervisor **immediately** and email the ACER project team following the completion of their testing, on the test day.

Only those issues deemed serious will undergo investigation, in such cases the candidate will be notified of the outcome.

**2.4 Remote proctoring:** If testing is being undertaken by remote proctoring, candidates should advise the proctor managing their test session immediately so that action can be undertaken to resolve any issues. It may be necessary to transfer the session to a technical support expert to troubleshoot technical and/or software issues.

If it is not possible to resolve the issue, then once the session is terminated the candidate should email ACER **immediately on the test day**, with a full account of the incident that occurred, so that advice and resolution can be provided. For logistical

and administrative reasons any issues must be addressed and resolved during the test or test window. If this is **not** done, then it is likely it will not be possible to resolve the concerns (e.g. by re-scheduling or alternative delivery arrangements) or account for any perceived disadvantage outside of the testing window or test date(s).

**2.5 Note:** for the reasons stated above, ACER will only consider complaints and appeals for a period of **30 days** after the act or omission complained of occurred.

At ACER's discretion and if the investigation of the complaint reveals a failure or defect in the provision of the test by ACER, the types of resolution available may include:

- Rescheduled test session;
- Deferral; or
- Refund (partial or full).

**2.6** Only on rare occasions and where operationally feasible will a candidate be offered the opportunity to repeat the sitting of a test outside of a scheduled test window. Such decisions will be made by ACER in consultation with the university, government agency, and professional accreditation, admissions or selections body affected. To be clear, in such cases the results of the final test sitting will be the scores submitted for consideration. All previous scores from that testing cycle will be become void (regardless of the result).

### 3. REASONABLE ADJUSTMENT APPEALS

If you wish to appeal the failure of ACER to deliver an approved reasonable adjustment during a test administration, in the first instance candidates should advise the supervisor managing their test session so that immediate action can be undertaken to resolve the issue.

If the issue was unresolved during the test session, then once testing is **complete** the candidate should email ACER **immediately on the test day**, with a full account of the failure that occurred. If you do not do this, in most cases it will not be possible to resolve your concerns or account for any perceived disadvantage post testing. Please see the time limit for raising an issue in item 2.5 above.

ACER will not enter into appeals or requests for consideration for any reasonable adjustment that was not approved prior to a test window. Nor will ACER consider appeals in relation to reasonable adjustment requests that were not submitted within the advertised timeframes.

### 4. RAISING A CONCERN ABOUT TEST CONTENT

If you believe a question is incorrect or inappropriate, please notify ACER in writing **immediately** following or within **14 days** of sitting your test. If possible, advise the section and/or question number so that appropriate steps can be undertaken to review the content and address the concerns raised.

## 5. RAISING A CONCERN ABOUT TEST RESULTS

If a candidate wishes to question the results of a test, then they should email ACER within **14 days** of receiving their results. The email should state the reasons the review is required, including a clear, and detailed account of their concerns regarding the results and any supporting evidence relevant to their case. At ACER's discretion, if the case put forward warrants investigation ACER will check that due process has been undertaken and that no errors have occurred in the formulation of the results.

If no processing error is found the results will remain unchanged.

For those tests where a re-mark service is provided, requests for re-mark should be submitted within the advertised timeframes and due process followed. If after a re-mark is completed and a candidate wishes to question the re-mark results, then they should email ACER within **14 days** of receiving their re-mark results. The email should state the reasons the review is required, including a clear, and detailed account of their concerns regarding the re-mark results and any supporting evidence relevant to their case. ACER will check that due process has been undertaken and that no errors have occurred in the formulation of the re-mark results.

If no processing error is found the results will remain unchanged.

For clarity's sake, it is not psychometrically possible to adjust results as a consequence of any perceived disadvantage.

## 6. INABILITY TO COMPLETE A TEST DUE TO ILLNESS, INJURY OR UPSET

If you present at a test centre or remote proctored session, then you are declaring yourself fit to complete your required test. If you are unwell, distressed or find yourself in difficult personal circumstances please advise ACER in advance of your scheduled test. Depending on your individual circumstances you may be required to provide supporting documentation including but not limited to:

- Medical certificate.
- Death certificate.
- Letter from hospital.
- Letter from GP.

At ACER's discretion, and depending on the rules and regulations of the test you are sitting you may be offered one of the following:

- Rescheduled test session.
- Deferral.
- Refund (partial or full).

**Please note:** *some tests do not offer deferrals; please ensure you are familiar with the test rules before lodging a complaint.*

If candidates choose to sit while unwell, they should understand that due to the complex nature of the psychometric analysis undertaken by ACER, it will not be possible to account for perceived disadvantage when processing or reviewing results.

If a candidate becomes unwell and cannot complete their testing, they should notify the supervisor/proctor managing their session, and email ACER immediately so that a suitable resolution can be made.

Please note: It may not always be possible to provide results for an incomplete test.

## **7. COMPLAINTS ABOUT SERVICES RECEIVED**

If you have a complaint about the service provided to you in the administration or delivery of an ACER test, then you should put your concerns in writing and address them to the Manager of the test you are undertaking.

ACER will investigate the issues raised and provide you with a response in writing. Depending on the circumstances please allow up to 10 business days for a response.

## **8. APPEALS FROM COMPLAINTS PROCESS**

If **a candidate desires** to appeal the outcome of the complaints process, they should so do within 10 days of receiving written notification of the outcome.

Any appeal should be submitted in writing and addressed to the Manager of the test you are undertaking. Include the grounds of the appeal and all relevant supporting evidence.

The matter will be referred to an ACER appeals committee for review. The appeals committee is made up of senior members of the Professional Resources Division, who have not had any previous involvement in the complaint. They will then review the matter in full. In some situations, they may request additional clarification or evidence from the candidate and/or other parties involved. In serious cases appeal decisions will be made by ACER in consultation with the university, government agency, and professional accreditation, admissions or selections body affected.

Suggested resolutions may include those outlined in point 2.5.

The appeals committee will make a final recommendation and provide a decision to the complainant in writing, including a statement of the reasons for the decision. Appeal decisions will be issued within sixty (60) days of receiving and accepting the written request.



If you remain dissatisfied with the outcome of a complaint or appeal, you may refer the matter to your local relevant regulatory authority such as:

- **Ombudsman** – an ombudsperson is an independent government official, charged with ensuring fast and fair resolution of complaints between individuals and businesses. The services are usually free, impartial, and confidential.
- **Equality and Human Rights Commission(s)** – bodies such as these have statutory powers to resolve complaints following an investigation. Their focus is on supposed breaches of human rights. Commission bodies attempt to resolve complaints through a process known as conciliation.

## 9. UNACCEPTABLE GROUNDS FOR COMPLAINTS OR APPEALS

ACER encourages you to share with us any comment or complaint you wish to make. However, for the avoidance of doubt the following do not serve as grounds for an appeal or a complaint:

- a. Candidate's lack of knowledge or preparation for the test being undertaken.
- b. Candidate's lack of knowledge or understanding in relation to the policy and procedures governing the administration of the test being undertaken.
- c. Failure by the Candidate to follow and adhere to the guidelines and procedures of the test being undertaken.
- d. Failure by the Candidate to follow the instructions of a supervisor or proctor in the administration of the test being undertaken.
- e. Candidate's mental state during the examination including anxiety, nerves and/or other emotional distress.
- f. Errors in understanding the operation of the delivery platform candidates are required to use to undertake the test.
- g. Failure of a candidate to attend a scheduled test session due to a candidate's misunderstanding and/or errors in booking their preferred test session, and/or failure to appear as scheduled either at an ACER run location or an ACER third party supplier including online proctored test sittings.
- h. Failure of a candidate's own computer equipment or Internet connection.
- i. Computer issues not related to the administration of the test being undertaken. For example, the late submission of supporting documents required to assess an application for reasonable adjustments.
- j. Late arrival by candidate to a test session irrespective of delivery mode i.e. test centre or remote proctoring.
- k. Candidate's belief that they should have achieved a better result.

## 10. FEEDBACK TO ACER?

If you wish to provide feedback to ACER, you can do so by emailing the relevant test email contact for your specific test. Or you can use the contact form on our website <https://www.acer.org/au/about-us/locations>

**Please note:** Unless a test is managed by a specific ACER office, other ACER office locations will not be able to provide information on individual complaints. Candidates are advised to follow the process as outlined and contact the project team managing their test for a response to issues and incidents arising.

## ACER Complaints/Appeals: *process flow chart*

