

Small claims court:



Appealing your language
testing results or service at
the small claims court.

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Website & PDF document

This presentation is available as a pdf document at:

<http://www.thefreeschool.education/small-claims-court.html>

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**SUPPLYING COMPULSORY PERSONAL DATA
ON IELTS'S APPLICATION FORM**

This web page is updated from time-to-time.

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Please consult a qualified legal adviser before acting on any of the advice stated in this presentation.

This presentation has not been authored by a qualified legal adviser.

Language testing providers such as IELTS and Pearson are subject to the same laws in countries such as Australia, New Zealand, Canada and the United Kingdom as other bodies that sell goods and services.

If you are not happy with the way that a global language provider has dealt with your appeal and grievance, you may consider taking action at a local small claims court in the relevant jurisdiction.

Advantages

In most jurisdictions, the small claims court has many advantages. Examples may include:

- The application cost is small - generally less than AUD\$50 and it may be cheaper for students
- You do not need to have a strong knowledge of the law to present the facts
- You do not need to appoint a lawyer/attorney
- The court may forbid the other party (*e.g.* IELTS) from using a lawyer/attorney to defend them
- You will not be required to pay any costs if you lose your case
- If the other party refuses to attend, you will probably win your case by default.

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Applying to the small claims court may cause a language provider to take another look at your exam scores and how you have been treated. It is in their interests to do so. The language tester does not want to send a staff member to court for half a day if they can fix a genuine mistake that they have made prior your court case.

Advice

- Act in good faith - please do not waste the court's time with petty or malicious claims
- Consult a qualified legal officer prior to lodging your application with the small claims court. The university or local government may offer free legal aid services
- Carefully consider your legal argument prior to attending court
- Bring all original evidence to court such as emails, registration forms, TRF, witness statements, printouts from the language tester's website *etc.*
- If applicable, use local Freedom of Information laws and Privacy Laws to obtain details about your language testing scores and details about your language testing file.

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Freedom of Information Laws and Privacy Laws

Canada

https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/02_05_d_15/Canada

New Zealand

<https://www.privacy.org.nz/the-privacy-act-and-codes/privacy-act-and-codes-introduction/>

Application form

It is advisable to provide minimal facts of the case on your court application form if you prefer to have your case heard in court. If you provide too much detail, your case may be decided in your absence behind closed doors and the judge may not have access to all relevant facts.

This hypothetical example shows the minimum amount of factual detail that may suffice:

“The language provider has breached local consumer protection laws and anti-discrimination laws and will not rectify this injustice in response to a complaint that I have lodged with them”.

Legal argument

Examples of legal arguments relevant to your case may include:

- Fraud
- Intimidation
- Harassment
- Discrimination
- Unconscionable conduct
- Misleading and deceptive conduct
- Failure to address, consider or disclose all relevant facts related to your grievance.

In some legal jurisdictions, it is unlawful for a language tester to refuse to sell you a service because you refuse to provide private demographic data (such as your first language) that is not relevant.

Legal outcomes

Please be clear what outcome you would like the court to order on your behalf.

It is unlikely that a small claims court will force the language tester to change your grade. You may succeed in receiving one or more of the following outcomes. The court may order the language testing provider to:

- Refund your money
- Remark your assessments at no cost to yourself
- Offer compensation for your suffering and financial losses
- Make your examination content available to yourself, the court or an independent assessor.

The bigger picture

Try to see your application to the court as part of a bigger process in the pursuit of justice, even if you are not successful. If thousands of people appeal to the courts and they are making the same claims, it becomes difficult for courts, the global public, the global media and public regulators to ignore what is happening.

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Jurisdictions

Australia

<https://www.accc.gov.au/contact-us/other-helpful-agencies/small-claims-tribunals>

New Zealand

<https://disputestribunal.govt.nz/>

<http://www.thefreeschool.education/small-claims-court.html>

Canada

Ontario

<http://www.ontariocourts.ca/scj/at-court/>

British Columbia

<http://www.smallclaimsbcc.ca/court-locations>

Québec

<http://www.justice.gouv.qc.ca/english/publications/generale/creance-a.htm>

United Kingdom

<https://www.citizensadvice.org.uk/law-and-courts/legal-system/taking-legal-action/small-claims/small-claims/>

Mandatory demographic data collected by IELTS	Candidate 1	Candidate 2
First name	Liang	Alistair
Family name	Xu	Westminster
Title	Miss	Dr. (Doctor)
Sex	Female	Male
Age (Date of birth)	17	45
Country or region of origin	Asia	Western Europe
Address	Rural Cambodia	Oxford University Hall of Residence, England
Country of nationality	Cambodia	United Kingdom
First language	Cambodian	English
How many years have you been studying English	1	20
What level of education have you completed?	Secondary up to 16 years	Postgraduate
Occupation	Other	Education
Occupation level	Worker in the home	Employee (Senior Level)
Scheme code	Australia bound	Private candidate

Fictitious data for illustration purposes

Questions?

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The School's IELTS pages site map

1. [IELTS Academic 400 free official resources](#)
2. [IELTS Academic and General writing - grammar advice](#)
3. [IELTS Academic writing task 1](#)
4. [IELTS Academic writing task 1: diagram analysis](#)
5. [IELTS Academic writing task 1 daily vocabulary and diagram illust](#)
6. [IELTS Academic writing task 1: diagram analysis archive](#)
7. [IELTS Academic writing task 1 : basic mathematics and quantitativ](#)
8. [IELTS Academic writing task 2 vocabulary](#)
9. [IELTS Academic writing task 2 - to what extent analysis](#)
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11. [IELTS Genera1 400 free official resources](#)
12. [IELTS exam tips - writing](#)
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15. [IELTS exam tips - listening](#)
16. [School's YouTube channel](#)
17. [Global English Language Tests Review Series](#)
18. [Alternatives to IELTS for immigration and study purposes](#)
19. [Free IELTS and English for Academic Purposes course](#)
20. [Mandatory personal data you must supply to IELTS as a condition of enrollment](#)

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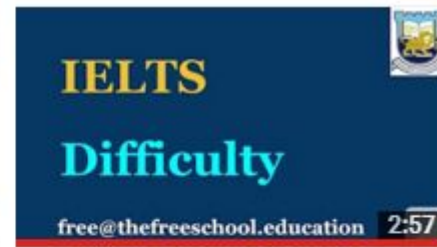


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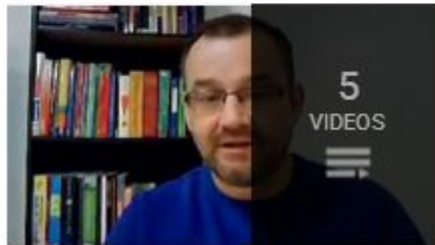
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IELTS 9 PROJECT

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