

CMI Appeals Policy and Procedure

AB/POL/0029 • Sept 2021 • V13.0



History

Date	Amendments made
September 2021 V13	Revision to stage two appeal; removing reference to external organisations, SQA new principles
December 2020 V12	Adding clarity to appeal stages; amending Policy in line with revised Conditions of Recognition
November 2019 V11	Updated SQA contact details following an external SQA audit
July 2019 V10	Complete revision of the previous document to add clarity regarding the procedure which should be followed by Learners at Approved and Registered Centres wishing to make an appeal about an assessment decision made through the CMI EA marking system. Removal of reference to 'enquiries' as the first stage of an appeal Document created as a Policy AB/POL/0029/July19/V10 Discontinuation of CMI Enquiry and Appeals Procedure AB/PRO/0015/Mar17/V7

Distribution

Distribution List

- All Quality Managers
- All Lead Moderators
- New Partner Relationship Manager
- Customer Service team
- Assessment and Support Coordinator
- HE Partnership Support Executive
- Digital Delivery
- Quality Auditor
- CMI Centres
- This policy will be published on the CMI website

Purpose

Document Purpose

This procedure applies to all Chartered Management Institute (CMI) Registered and Approved Centres and Learners registered on a CMI qualification. This document sets out guidance on how to make an appeal to CMI and the procedure to follow.

All CMI Centres, as part of the approval process, are required to have in place their own appeals procedure. CMI expects Learners to exhaust their Centre process before contacting CMI.

This Policy should be read in conjunction with the following CMI policies to check which is the most applicable:

CMI Awarding Body Whistleblowing Policy & CMI Complaints Policy and Procedure found on the CMI website.

Introduction

Document Introduction

This procedure details CMI's commitment to the provision of duty of care to CMI Learners. It also details the commitment to support CMI Centres and to deliver a high standard of customer service.

Feedback from CMI Centres and Learners is most welcome.

Regulations require CMI to publish procedures to Learners and CMI Centres for dealing with enquiries and appeals, to maintain the integrity of the CMI qualifications. This document fulfils that requirement.

Regulatory Requirements

Regulatory Requirements

This policy meets the regulatory requirements set out by the Ofqual/CCEA Regulation/Qualifications Wales General Conditions of Recognition (November 2020),:

“Condition I1 – Appeals process

11.1 An awarding organisation must establish, maintain and comply with an appeals process in relation to all qualifications which it makes available, which must provide for the appeal of –

- (a) The results of assessments,
- (b) Decisions regarding Reasonable Adjustments and Special Consideration, and
- (c) Decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice and maladministration

11.2 For these purposes, the appeals process must provide for –

- (a) The effective appeal of results on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly
- (b) All appeal decisions to be taken by individuals who have no personal interest in the decision being appealed
- (c) All appeal decisions to involve at least one decision maker who is not an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it
- (d) Appeal decisions to be only taken by persons who have appropriate competence, and
- (e) Timelines for the outcome of appeals

11.3 An awarding organisation must publish information on its appeals process to enable the results of assessments to be appealed.

11.4 Where the application of an appeals process in the case of a Learner leads an awarding organisation to discover a failure in its assessment process, it must take all reasonable steps to –

- (a) Identify any other Learner, who has been affected by the failure,
- (b) Correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure, and
- (c) Ensure that the failure does not recur in the future.”

This Policy also meets the requirements of the SQA Accreditation Regulatory Principles (2021): “Principle 17

The awarding body and its providers must have clearly defined processes to deal with appeals for services that it offers.

Consideration should be given to:

- How, when and the circumstances under which an appeal can be made,
- Timescales for appeals,
- Independent review.

Where a referral is made to SQA Accreditation, we may undertake activities to assess the effectiveness of the Awarding Body and/or the provider’s appeals process to ensure they are in line with regulatory requirements.

Where SQA Accreditation raises any concerns the Awarding Body and/or provider must take appropriate, preventative and/or corrective action to prevent re-occurrence.

The awarding body and its providers should ensure that their documentation is clear that SQA Accreditation is unable to overturn assessment decisions or academic judgments.”

Scope

Scope

This procedure applies to all key stakeholders engaged with the CMI qualifications. This includes CMI Centres, Centre staff and CMI Learners.

There are some instances where CMI will not be able to investigate or review an appeal:

- An appeal is received outside the timescales outlined in this procedure.
- A situation that has taken place prior to CMI receiving the Learner's registration, or in the instance that the Learner has never been registered with CMI
- Anything that should be dealt with under law, employer's disciplinary or grievance procedures

Definition

Definitions

Appeal

The term "Appeal" relates to the dissatisfaction with a CMI decision or CMI Centre decision which may include the following areas:

- Assessment decisions
- Decisions regarding Reasonable Adjustments or Special Consideration
- Decisions made in cases of malpractice and maladministration
- Decisions made in relation to centre status
- The outcome of a complaint

Learner

The term "Learner" refers to an individual who has been registered on a specific CMI qualification at a CMI Approved or Registered Centre. The Learner will have received confirmation from CMI that they have been registered and will have been issued with a Learner code which can be used to locate them on CMI records.

CMI Appeals Procedure

Appeals Procedure

- If you are a Learner wishing to appeal a CMI marking service decision
- If you are a Centre wishing to appeal a CMI marking service decision
- If you are a Centre wishing to appeal a CMI moderation decision
- For a Centre wishing to appeal a decision made by CMI in respect of a malpractice or maladministration investigation or other decision concerning your centre status

Stage 1 – Internal Centre appeal (Applicable to Learners at Approved Centres).

Applies to:

- Learners wishing to appeal an assessment decision made by the Approved Centre at which they are registered
- Learners wishing to appeal a decision regarding Reasonable Adjustments or Special Consideration made by the Approved Centre at which they are registered
- Learners wishing to appeal a decision regarding malpractice made by the Approved Centre at which they are registered

As part of the CMI approval process, Centres are required to have in place their own policy in relation to appeals. This policy should set out the Centre's appeals procedure and how they will work with Learners informally to resolve any issues at an early stage.

Learners should exhaust their Centre's internal Appeals Procedure in the first instance. If, after this appeal, the issue remains unresolved, Learners can make an appeal to CMI as per Stage 2.

Stage 2 – CMI Review of assessment decision (re-mark) or other decision

Applies to:

- Learners wishing to appeal an assessment, malpractice or reasonable adjustments/special consideration decision made by the Approved Centre at which they are registered (once the Centre's own procedure has been exhausted)
- Learners wishing to appeal a CMI marking service decision
- Centres wishing to appeal a CMI marking service decision
- Centres wishing to appeal a CMI moderation decision
- Centres wishing to appeal a decision made by CMI in respect of a malpractice or maladministration investigation

- Centres wishing to appeal a decision made by CMI in respect of a complaint
- Learners wishing to appeal a decision made by CMI in respect of a complaint
- Centres wishing to appeal a decision made by CMI in respect of their centre status

Approved Centre

An appeal to CMI regarding an Approved Centre's assessment decision must be made to CMI within 20 working days of the Learner being informed of the decision, outcome or result of their Centre's Appeals Procedure (i.e. after Stage 1).

NB Learners at Approved Centres wishing to appeal an assessment decision must have already exhausted the Centre Appeals Procedure (Stage 1 as above).

Registered Centre (or Approved Centre using CMI Marking service)

An appeal from a Learner at a Registered Centre (or an Approved Centre using the CMI Marking service) regarding a CMI assessment decision made as part of the CMI EA marking procedure must be made to CMI within 20 working days of the marking results for that Learner being returned to the Centre.

NB If any centre wishes to appeal an assessment/moderation decision and starts the CMI appeals process and THEN decides to resubmit the assessment at the same time it will void the appeal. Once the appeals process has begun then the correct stages must be followed.

How to make the appeal

Any appeal should be made in writing to CMI, clearly stating the grounds for the appeal with all relevant supporting documentation. The title of the letter or email should clearly state 'Appeal' in the subject header. The Appeals Template must be fully completed and returned with the appeal (see CMI Appeals Policy and Procedure Form). Where a Centre is appealing decisions made by a CMI Moderator, the Appeals Template must be completed for EACH assessment decision which is being appealed for EVERY Learner.

The following contact details should be used:

By Post:

Awarding Body & Compliance, CMI, Management House, Cottingham Road, Corby, Northamptonshire, NN17 1TT

Or via email: qualifications@managers.org.uk

CMI will confirm, in writing, receipt of the appeal within 3 working days. If Learner work is held on an e-portfolio system, access will be required to the original Learner work.

Review of the appeal

The appeal will then be reviewed by a CMI Independent Reviewer who is independent from the Learner or Centre.

Moderation decision – where an appeal is made following a moderation decision, the independent Lead Moderator will review the following documentation:

- Learner Work
- Assessment Brief
- IV Feedback
- Assessor Feedback
- Moderator Feedback Report

Marking decision – where an appeal is made following a marking decision, the Independent Reviewer will re-mark the Learner work, and the Centre/Learner will be informed of the decision in writing.

CMI will normally provide a response within 20 working days. The Centre will receive a decision on the outcome. If it is going to take longer than the 20 working days, the appellant will be kept fully informed.

If the appeal is upheld CMI will amend the Centre result and/or marks held on the Learner's records and take any further action as appropriate. The relevant Marker/Moderator and Quality Manager will be informed of the outcome.

If the appellant remains dissatisfied with the outcome of their appeal, they may make a further appeal to CMI following the Stage 3 process.

Stage 3 – Appeal against a CMI Decision – Senior Quality Manager Review

The Appeals Template must be updated for EACH assessment decision which is being appealed for EVERY Learner. Information provided should give clear reasons as to what aspects of the Stage 3 decision are being appealed.

Appeals against a malpractice or maladministration decision, a CMI assessment decision, a complaint not resolved to the satisfaction of the complainant or an unresolved Stage 2 or Stage 3 appeal will be dealt with following Stage 4.

All appeals must be made within 20 working days of receiving CMI's decision on that appeal.

All appeals should be made in writing to CMI, clearly stating the grounds for your appeal with all relevant supporting documentation, and sent to the following address:

By Post:

Awarding Body & Compliance, CMI, Management House, Cottingham Road, Corby, Northamptonshire, NN17 1TT

Or via email: qualifications@managers.org.uk

CMI will confirm, in writing, acknowledgement of receipt of the appeal within 10 working days.

The appeal will be reviewed by a member of the CMI Senior Management Team, independent from the Centre or Learner, and could include:

- Senior Quality Manager
- Head of Awarding Body and Compliance
- Independent external reviewer - employed by another Awarding Organisation

CMI will normally provide a response within 20 working days. The Centre will receive a decision on the outcome. If it is going to take longer than the 20 working days, CMI will keep the Centre and any other parties fully informed.

If the appeal is upheld, CMI will amend the Centre result and/or marks held on the Learner(s) records and take any further action as appropriate. The relevant Marker/Moderator and Quality Manager will be informed of the outcome.

If the appeals process identifies any shortcoming or failure in the assessment process, CMI will also take steps to –

- (a) Identify any other Learner who has been affected by the failure,
- (b) Correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure, and
- (c) Ensure that the failure does not recur.

The decision of the CMI Senior Management Team is final and there are no further avenues of appeal against decisions taken.

If the appellant remains dissatisfied or has cause to believe that CMI has not followed its own published procedures they may consider an independent review. The independent review will check to ensure that the correct procedures were followed. Please follow Stage 4 of this procedure.

Stage 4 – Independent Review of the process

In the event that there is cause to believe that CMI has not followed its own published procedure, CMI will direct the appeal to an independent decision maker, who is not an employee of CMI.

All appeals must be made within 20 working days of receiving CMI's decision following the Stage 4 appeal.

All appeals should be made in writing to CMI, clearly stating the grounds for your appeal with all relevant supporting documentation, and sent to the following address:

By Post:

Awarding Body & Compliance, CMI, Management House, Cottingham Road, Corby, Northamptonshire, NN17 1TT

Or via email: qualifications@managers.org.uk

CMI will confirm, in writing, acknowledgement of receipt of the appeal within 10 working days.

The independent decision maker will only review documentation and evidence from Stage 2 and Stage 3 and verify that all procedures were followed fairly and consistently as per the CMI procedure.

The independent decision maker will review the following documentation:

- CMI Appeals Policy and Procedure
- Copies of communication to Centre/Learner/CMI
- Copies of all documentation used as part of the appeal

This stage is the final stage that CMI will investigate.

CMI will normally provide a response within 20 working days. The Centre will receive a decision on the outcome. If it is going to take longer than the 20 working days, CMI will keep the appellant fully informed.

If the appeal is upheld, CMI will amend the Centre result and/or marks held on the Learner's records and take any further action as appropriate.

If a Centre or Learner remains dissatisfied with an outcome or decision, they may make a complaint to CMI's regulators (Stage 5).

Stage 5 - Final Arbitration

The regulators are not appeal bodies and will only arbitrate if evidence is provided. Therefore anyone approaching the regulators for this purpose should provide written copies of all relevant communications. The regulators will be looking to assess the effectiveness of the awarding body, their policies and procedures.

Ofqual, and the Qualifications Wales will consider complaints about CMI activities or functions but will not get involved in individual appeals. Similarly SQA Accreditation will look at any referrals but will not overturn an assessment decision or academic judgment.

If Ofqual decides that your request does not meet their criteria for a review and you are affected by the decision, or you are affected by the outcome of the review, you can contact your local MP who may refer the matter to the Independent Parliamentary Commissioner for Administration (the Ombudsman). The Ombudsman will normally only consider complaints which are brought within six months after the completion of Ofqual or the Qualifications Wales's investigation.

In Scotland, users of public bodies have the right to complain to the Scottish Public Service Ombudsman (SPSO) as the final arbiter. Users have to exhaust the public body's own complaints procedure before the SPSO will consider their complaint, and it must usually have been raised within the previous 12 months. The complaint cannot be under consideration in a court of law. The SPSO will not consider complaints about academic decisions, such as the outcomes of an assessment. These types of complaints should be treated as an appeal using the CMI appeal procedure.

The contact details are as follows:-

For former Qualification Credit Framework (QCF) qualifications and Regulated Qualifications Framework (RQF):-

Ofqual

Spring Place
Coventry Business Park
Herald Avenue
Coventry

For Scottish Vocational Qualifications (SVQ's) or qualifications on the Scottish Credit Qualification Framework (SCQF):-

Scottish Qualification Authority Accreditation (SQA)

The Optima Building
58 Robertson Street
Glasgow
G2 8DQ

Qualifications Wales

Q2 Building
Pencarn Lane
Imperial Park
Coedkernew
Newport
NP10 8AR

CCEA Regulation

29 Clarendon Road
Belfast
BT1 3BG

Monitoring and Review

Use of this procedure will be monitored annually to ensure the procedure and its approach remains fit for purpose.

Whistleblowing

Attention is also drawn to the CMI Awarding Body Whistleblowing Policy which may be more suitable for some cases.