

CIPD Appeals Policy

1. Introduction

As a recognised awarding organisation, CIPD is subject to Ofqual¹, Qualifications Wales and CCEA's² General Conditions of Recognition (GCR)³. Condition I1.1 specifically relates to the need for recognised awarding organisations to have an appeals policy and process that provides for the appeal of:

- the results of assessments
- decisions regarding Reasonable Adjustments and Special Consideration
- decisions relating to any action to be taken against a centre or candidate following an investigation into malpractice and maladministration.

The purpose of the policy is to:

- provide operational definitions of the terms appeals
- clarify who can make an appeal to CIPD
- clarify the grounds for an appeal
- explain the general provisions pertaining to appeals
- clarify the appeals process with details of the roles and responsibilities of appellants and the CIPD
- provide guidance for centres when developing and reviewing their own appeals policy and process.

2. CIPD jurisdiction

CIPD study centres are approved to offer CIPD qualifications⁴ and CIPD accredited centres award their own qualifications that are accredited by the CIPD for membership purposes.⁵ All centres are required to meet CIPD performance criteria⁶ and as part of the approval and ongoing quality assurance, we check that centres have policies and processes relating to appeals.

However, it is important to highlight that the CIPD only has jurisdiction to consider appeals from learners registered on CIPD qualifications at study centres, and, when the centre's own internal appeals policy has been engaged.

CIPD does not have jurisdiction to consider appeals from learners registered at CIPD accredited centres and therefore learner appeals must be lodged directly with the centre to be considered under the centre's own academic regulations and degree awarding powers.

However, where a centre's internal process has been exhausted it may be possible for learners to make a complaint to CIPD under the Complaints policy.

¹ Office of Qualifications and Examinations Regulation

² Council for the Curriculum, Examinations and Assessment (Northern Ireland)

³ The GCR had their basis in the Apprenticeship, Skills, Children and Learning Act 2009 and are therefore legally enforceable

⁴ CIPD qualifications are subject to regulation by Ofqual, Qualifications Wales and the CCEA and are offered at centres with no qualification awarding powers.

⁵ CIPD accredited centres offer university awards or university validated awards.

⁶ Centre product licence agreement, schedule 2

Definitions of an appeal

2.1 Appeals

Appeals are defined as formal requests from either centres or learners to review one or more of the following:

- the results of assessments for CIPD qualifications where the CIPD did not properly, fairly or consistently follow procedures
- the conduct of assessments for CIPD qualifications
- decisions about Reasonable Adjustments and Special Consideration relating to candidates registered on CIPD qualifications
- decisions relating to any action taken against a centre or learner following an investigation into malpractice or maladministration.

The stages of the appeals process, CIPD action and timelines are summarised in Annex 1.

3. Who can the formal appeal be lodged against?

Learners may submit an appeal to their registered centre against a decision and/or actions taken by that centre.

Learners may also appeal to the CIPD if they remain dissatisfied with a review into a decision taken by a centre offering CIPD qualifications, once the centre's own appeals procedures have been exhausted.

Learners and centres can appeal against a decision taken by the CIPD following an investigation into malpractice and maladministration.

4. What are legitimate grounds for a formal appeal?

An appeal can only be made to the CIPD in the following circumstances:

- where CIPD has jurisdiction i.e. centres and programmes that lead to a CIPD qualification (not a university awarded programme).
- the appeal is against the results of assessment, or decisions regarding Reasonable Adjustments and Special Considerations.
- the appeal is against CIPD actions taken following malpractice or maladministration investigations.
- the centre's procedures have been exhausted and/or not followed properly.
- CIPD did not apply procedures consistently or that procedures were not followed properly or fairly in the:
 - external moderation process for centre marked and internally verified
 - work where this has resulted in changes to grades
 - conduct of CIPD examinations
 - subsequent examination script marking, standardisation and moderation
 - issuing of results and factual accuracy of examiner feedback
 - failure to consider available substantiated information (e.g. contemporaneous independent medical or other evidence/information likely to have had a significant and direct bearing on the assessment outcome).

If an appeal does not meet these criteria it may be possible to submit a complaint under the CIPD Complaints policy. Learners on programmes at CIPD accredited centres should provide a copy of the 'Completion of Procedures Letter' from the university.

5. General provisions

The appeal must be received within 20 working days of the contested decision, notification of assessment grade or investigation outcome.

It may not be possible for CIPD to consider appeals appropriately without disclosure of the identity and other details of the appellant. If an appellant wishes any matter to remain private and confidential, this must be stated clearly in the letter, otherwise CIPD will assume that permission has been granted to disclose any information provided as deemed appropriate and necessary and where CIPD need to fulfil duties within UK legislation.

The CIPD will keep information about individual cases confidential to the people involved unless there is a need to release information under the Data Protection Act 2018, General Data Protection Regulation or the Freedom of Information Act 2000 which we are obliged to comply with.

The academic judgement of examiners, assessors and moderators cannot be called into question at any stage and cannot be overturned. Academic judgement is a judgement made by an academic expert relating to assessment outcomes. Consequently, disagreement with the assessment judgement cannot constitute valid grounds for appeal.

- Appeal decisions will only be taken by individuals who have appropriate competence and who have no personal interest in the decision being appealed.

Where the outcome of an appeal brings into question the accuracy of other results for other learners, CIPD will ensure that the interests of learners who may be generally affected are protected, and that the integrity of the qualification is maintained. This may involve remarking or reassessment for a whole cohort and convening an extraordinary meeting of the appropriate CIPD committee.

The CIPD logs, monitors and evaluates all appeals and reports on these periodically through its normal governance committee structure. This information will also be made available to the regulatory authorities where appropriate.

6. How to make a formal appeal (Centres and Learners)

Stage 1:

Learners have 20 working days from the date of the contested decision to lodge an appeal. Appeals must be made by completing the CIPD Qualification Appeal form.

The Appeal form must be emailed to qa@cipd.co.uk

The form must be signed and dated and include the following information:

- appellant's name, CIPD membership number, full contact details including daytime contact number and email address
- the centre name and details of the qualification concerned
- detailed statement of the grounds for the appeal (where applicable, details of the relevant CIPD examination)

- documentary evidence to support the appeal and in the case of an appeal against a centre from a learner, evidence that the centre's internal procedures have been exhausted (copies of all relevant correspondence and the final outcome).

Failure to provide all of the above may result in a delayed response and possibly a dismissal of the appeal.

CIPD will acknowledge appeals within 5 working days of receipt.

Stage 2:

Within 5 working days of acknowledging receipt of the appeal CIPD will check that all of the required documentary evidence has been provided and that the appeal falls within the time scale, scope and definition specified earlier in this policy.

If additional information or evidence is required, CIPD will request this to be provided by a given date. If this additional information is not received by the set date, the appeal will not be progressed and CIPD will confirm this decision in writing.

Once sufficient information has been provided, it may be possible to resolve the matter at this stage. More complex issues will be progressed to the next stage.

Stage 3:

The CIPD will give serious consideration to the grounds of the appeal and the evidence provided and in so doing, will take all necessary investigative steps promptly with the parties concerned.

In some circumstances CIPD may decide it is necessary to convene a special panel meeting to review the contested decision. In all cases, the panel should include a person who is independent to the process and has no personal interest in the outcome.

At Stage 3, it should be possible to resolve all types of appeal and in all circumstances CIPD will base decisions on matters of factual accuracy and advise all parties of the outcome of our investigations.

Consequently the appeal will either be:

- accepted and resolved
- dismissed
- progressed to Stage 4.

CIPD will advise the appellant of the decision and the reasons for the decision within 20 working days of receiving the original appeal.

Appeals against the dismissal of an appeal at Stage 3 must be submitted in writing within 20 working days of the date of the decision to the Professional Development Director at the CIPD or their nominated representative, who will refer the appeal to Stage 4.

In exceptional circumstances, if the panel is unable to resolve the appeal at Stage 3, it will be referred to the Professional Development Director, or their nominated representative who will refer the appeal to Stage 4.

Stage 4:

At Stage 4, an appeals panel will be convened at the earliest opportunity. The purpose of the appeals panel at stage 4 is to review the decision made at stage 3 and any additional evidence the appellant may have.

The Appeal Panel will be chaired by the CIPD Vice President - Membership and Professional Development, or nominee, together with two other members selected for their knowledge, expertise and impartiality one of which is not, and has not been at any time during the past seven years an employee or external associate or a member of the CIPD's quality assurance community or boards or committees.

It is essential that Appeals Panel members participate impartially, which precludes them participating in any panel where they may have a material interest or in which any conflict might arise. Each panel member, including the chair, will have a primary vote and a majority decision will be carried.

A CIPD Officer will act as Secretary to the Appeals Panel and will be responsible for:

- convening the panel and attendees
- producing an agreed agenda
- disseminating documentation to all parties
- accurate recording of the discussions
- producing a report of the outcome
- ensuring all parties are notified.

All relevant parties will be given at least 15 working days' notice of the date, time and venue where the appeal will be heard.

Within 5 working days of this, all relevant documentation will be provided to all concerned. All parties will have the opportunity to present their case to the Panel, the right to be accompanied and to call and question witnesses. However, CIPD must be notified of the names of those to be present 5 working days in advance of the hearing.

Having considered the documentary evidence and heard supporting statements, the Appeals Panel will adjourn to determine the outcome in private. The Appeals Panel will make one of the following decisions, and whatever decision is reached will be final:

- the appeal is upheld and appropriate action is recommended
- the appeal is not upheld.

All parties will be advised of the outcome and officially notified of the outcome in writing within 5 working days.

Appellants who have followed and exhausted the appropriate procedures and are still dissatisfied with the outcome may, if they are registered on a CIPD qualification at a study centre, contact Ofqual (www.ofqual.gov.uk). Appellants who are registered at an accredited centre may contact the Office of the Independent Adjudicator⁷ (OIA) (this applies to higher education candidates only).

⁷ Office of the Independent Adjudicator www.oiahe.org.uk/

CIPD Appeals – Stages and Timescales

