

# APPEALS POLICY

Issue Number	Effective Date	Amendments	Reason for Amendments
12	10 Mar 2022	Wording within 'Scope', 'Before you Appeal' and 'Summary Table' have been updated with CPD Policy wording.	Updated to incorporate decisions made under IMI's CPD policy.

## INTRODUCTION

This document sets out the Institute of the Motor Industry appeals policy and is aimed at our customers, including approved centres and candidates, who are delivering / enrolled on or have taken an IMI product or service. It sets out the process you should follow when submitting appeals to us and the process we will follow when responding to appeals.

It is also used by our staff to ensure they deal with all appeals in a consistent manner.

## SCOPE

This policy covers appeals from:

- candidates and/or centres in relation to an assessment decision on the basis that we did not apply procedures consistently or that procedures were not followed properly and fairly
- candidates, employers or training providers relating to a conflict of interest, an assessment delivery or assessment decision of an end-point assessment (EPA).
- centres in relation to an IMI decision concerning a centre's application to offer an IMI service.
- centres concerning the contents of a centre monitoring report
- centres and/or candidates relating to an IMI decision to decline a centre's request to take into account RPL, apply reasonable adjustments or give special considerations
- centres in relation to the application by the IMI of a sanction/action on a centre resulting from a monitoring visit or an investigation into malpractice or maladministration
- centres and/or candidates about a decision to amend a candidate/set of candidates results following a malpractice or malpractice investigation
- centres relating to a decision made by IMI following an investigation into a complaint about a centre
- members following a decision made under our CPD policy
- any person who believes that we have not applied our procedures consistently or that procedures were not followed properly, consistently and fairly.

*Note: Should an appeal be submitted which is in fact an enquiry or a complaint, we will advise the relevant party that the issue is being considered, as such in accordance with the relevant IMI policy and/or procedure.*

## CENTRE'S RESPONSIBILITY

It's important that centre staff and your candidates are aware of the contents of this policy. In addition, centres must have internal appeal arrangements which candidates can access if they wish to appeal against a decision taken by the centre. If an individual wishes to appeal against a decision taken by a centre they must first of all go through the centre's appeals process before bringing the matter to the attention of the IMI.

## PROVIDER / EMPLOYER RESPONSIBILITY

For EPA services, it is the provider/employer's responsibility to ensure that the apprentice is fully aware of the role of IMI as an EPAO and the full contents of this policy, should there be a need to appeal the results of an EPA.

## FEES

The IMI will charge centres or candidates a fee to cover the administrative and personnel costs involved in dealing with appeals. These fees can be found on the IMI [fees and charges](#) page. If the appeal is upheld, any fees paid will be reimbursed.

If the appeal is taken to independent review (see below) the IMI will make an additional charge to cover the costs of this review. The appellant will be advised of these costs before the independent review is instigated and they will be refunded in full should the appeal be successful.

In all cases, if payment has not been received within 20 working days, the appeal will be rejected.

## BEFORE YOU APPEAL

- **appeals relating to decisions or actions of an IMI approved centre**

Candidates who wish to appeal their assessment results or a related decision should either be supported by their centre and should have exhausted their centre's own appeals process before appealing to us. In the latter case, candidates must provide us with evidence that they have first appealed to their centre. It is expected that candidates will only appeal directly to us in exceptional circumstances.

All appeals will incur a fee per candidate upon submission. Where the outcome of the appeal is upheld and in favour of the appellant, the IMI will refund the fee in full.

Centres that appeal on behalf of their candidates (not applicable to appeals relating to End Point Assessment) must ensure that they have obtained the written permission of the candidate(s) concerned as grades/results can go down as well as up as a result of an investigation.

- **appeals relating to IMI end-point assessment services**

Candidates who wish to appeal the decision or outcome of an end-point assessment or appeal the way in which an assessment has been carried out, can do so in line with the scope of this policy.

All appeals will incur a fee per candidate upon submission. Where the outcome of the appeal is upheld and in favour of the appellant, the IMI will refund the fee in full.

- **appeals relating to IMI decisions**

Centres wishing to appeal a decision made by IMI in relation to our centre monitoring activities, administration arrangements, membership/CPD or as a result of an investigation, can do so in line with the scope of this policy.

All such appeals will incur a review fee upon submission. Where the outcome of the appeal is upheld and in favour of the appellant, the IMI will refund the fee in full.

## HOW TO APPEAL

Appellants have 20 working days from the date we notified you of the decision you are appealing, in which to submit an appeal against that decision.

An appeal must be submitted with all relevant evidence, using [IMI's online appeals form](#). Alternatively, centre personnel can raise and submit an appeals form found in Centres Hub.

All appeals should include the following information:

- centre details including contact, address and IMI centre number
- date(s) the centre or the candidate received notification of the IMI's decision
- full nature of the appeal (including supporting documents)
- the candidate's name and IMI registration number (if appropriate)
- title and number of the IMI qualification, accreditation or apprenticeship standard affected (if appropriate)
- contents and outcome of any investigation carried out by the centre relating to the issue

## GROUNDINGS FOR APPEAL

The following are grounds for an appeal against assessment decisions which is pursued by the appeals process, examples being (this list is not exhaustive):

- Procedural or organisational irregularities in the conduct of an assessment
- The assessment did not follow the assessment plan for the unit or module
- Misleading information in relation to the assessment has been given
- Insufficient or inappropriate instructions or guidance has been provided
- Insufficient opportunity to be able to demonstrate competence has been provided.

## HOW WE HANDLE APPEALS

IMI will acknowledge receipt of the appeal within 48 hours. We aim to carry out the first stage of the appeals process upon receipt of payment and respond in full within 20 working days. However, in some cases the review processes may take longer, for example, if a centre visit is required. In such instances, we'll contact all parties concerned to inform them of the likely revised timescale.

Following the initial review of the appeal we will write to the appellant with details of our decision. There are two possible outcomes of an appeal:

- **Unsuccessful** – the appeal is rejected with no change to result(s) or decision as we stand by our original decision, stating the rationale for the appellant.
- **Upheld** – change to result(s) or decision in light of new rationale/evidence being put forward, this could be either positive or negative.

In instances where we advise the appellant that we stand by our original decision, we will ask them to respond, within 15 working days, whether they now accept this decision or if they wish to proceed to the next stage of our appeals process which will be carried out by an independent party.

## SEEKING AN INDEPENDENT REVIEW

If a centre and/or candidate is not satisfied with the decision following the initial review and want to proceed to the next appeal stage, we will arrange for an independent review to be carried out. All independent reviews will incur an additional fee upon submission. These fees can be found on the IMI [fees and charges](#). Where the outcome of the review is upheld and in favour of the appellant, the IMI will refund the fee in full.

This will be carried out by someone who is impartial and has the relevant competence to make a decision in relation to the appeal and will have no personal interest in the decision being appealed.

The person appointed to carry out the independent review will consider all the evidence presented and the investigations and decisions made at the previous stages of the appeals process. He/she will also determine whether we applied our procedures fairly, appropriately and consistently in line with our policies and procedures.

The independent review process may involve:

- a discussion with the appellant, candidate(s), centre and IMI personnel
- a request for further information from the appellant, candidate(s), centre or IMI personnel
- a centre visit (see [centre fees](#) for additional visit costs)

The decision of the person appointed to carry out the independent review is final and we will let you know the outcome of this review within 20 days of receipt of the formal appeal. However, in some cases the review processes may take longer, for example, if a centre visit is required. In such instances, we'll contact all parties concerned to inform them of the likely revised timescale.

## TAKING AN APPEAL FURTHER

If the centre and/or candidate is still unhappy with the outcome, they are entitled to raise the matter with the relevant regulatory authority for the qualification (e.g. Ofqual in England, SQA Accreditation in Scotland, CCEA Regulation in Northern Ireland or Qualifications Wales) or apprenticeship standard (the appointed External Quality Assurance Provider). Each of these organisations will have a formal procedure in place to handle appeals.

*Note: where a referral is made to SQA Accreditation, they will only undertake activities to assess the effectiveness of our arrangements in determining the outcome to ensure they are in line with regulatory requirements. SQA Accreditation are unable to overturn assessment decisions or academic judgements.*

## SUCCESSFUL APPEALS AND/OR ISSUES BOUGHT TO OUR ATTENTION BY A REGULATOR

If any part of an appeal is upheld, as part of our review process, we will give due regard to the outcome and ascertain how best we can improve our service and/or processes. In particular, we will review our procedures to assess the impact on our product development, delivery or awarding arrangements and assessment process as appropriate.

In situations where the outcome of an appeal or a notification from the regulators indicates a failure in our processes, we will give due consideration to the outcome and we will take all reasonable steps to:

- identify any other candidate and/or centre that may have been affected by that failure,
- correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure,
- ensure that the failure does not recur in the future.

### IMI Appeals – Summary Table

Enquiry type	Who can appeal?			Refundable on success of appeal
	Member	Centre	Learner/Apprentice	
Formal appeal relating to decisions or actions of IMI Approved Centre		✓	✓	✓
Appeal against decision or outcome of an End Point Assessment			✓	✓
Appeals relating to IMI centre monitoring activities/investigations		✓		✓
Appealing against a decision made under our CPD policy	✓			
Request of an independent review	✓	✓	✓	✓