

Withdrawal of Delegation of Authority to Make Awards – Appeals Procedures

Under section 30 of the Qualifications (Education and Training) Act 1999, a recognised institution of the Higher Education and Training Awards Council may appeal to the Authority against a decision to withdraw the authority to make awards delegated under section 29.

The following are the procedures established by the Authority for such appeals:

1. The appellant institution will appeal in writing to the Authority and will inform the Council of its decision to appeal.
2. The appellant institution will set out the grounds for the appeal and the nature of the appeal as part of the above letter.
3. The grounds for the appeal shall be one or more of the following:
 - a. That the Council did not examine all of the specified criteria in a comprehensive manner in reviewing the recognised institution, and did not therefore take a rounded view of how the institution has operated delegation of authority in all its respects
 - b. That the process for the conduct of the external evaluation of the institution was not implemented as per the procedures for the delegation and review of delegation of authority to make awards, determined by the Council and agreed with the Authority
 - c. That the process for the conduct of the review did not conform to the expected ethical standards as outlined in the Council's Supplementary Guidelines for the Delegation and Review of Delegation of Authority to Make Awards
4. Specific information must be supplied by the appellant institution detailing and explaining how the review process did not meet the expected standards or fulfil the agreed plan of implementation, or how it did not cover all of the required criteria.
5. The Authority will put in place a committee of at least four people comprising the Chairperson or a member of the Authority as his nominee (other than the Chairperson of the Higher Education and Training Awards Council), the Chief Executive and such others (either members, employees or others) as may be appointed by the Authority - in exceptional circumstances if it is not possible to convene a meeting of the Authority, the chairperson will appoint the committee.
6. The Authority will ensure that there is no conflict of interest in the membership of the committee.
7. The committee will consult with the recognised institution and with the Council in relation to the appeal and review the procedures implemented by the Council and any relevant documentation.
8. The committee will make a recommendation to the Authority.
9. The Authority will consider the advice of the committee and make a decision.

10. A Member of the Authority shall be precluded from considering the advice or recommendation of the committee or from making a decision on and voting on the appeal if that Member of the Authority is or has been a member of the committee.
11. The recognised institution and the relevant Council will be informed of the decision.

These procedures were established by the Authority on 5 February 2004 and revised on 22 July 2004 and 28 January 2008.