

Decision by the Higher Education and Training Awards Council Not to Agree Quality Assurance Procedures – Appeals Procedures

Under section 28 of the Qualifications (Education and Training) Act 1999, a provider establishes quality assurance procedures and agrees them with the Higher Education and Training Awards Council ('the Council').

These procedures have been established by the National Qualifications Authority of Ireland ('the Authority') at the request of, and with the agreement of, the Council and apply where the Council decides not to agree to the quality assurance procedures proposed by a provider.

1. The appellant provider will appeal in writing to the Authority and will inform the Council of its decision to appeal. The appellant provider must submit its letter of appeal to the Authority within a period of three months from the date that the Council has notified the provider that it has decided not to agree to the quality assurance procedures proposed by the provider. In relation to decisions taken by the Council prior to the establishment of these appeal procedures, an appellant provider must submit an appeal within a period of three months from the date of the establishment of these procedures, namely 24 September 2008.
2. The appellant provider 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. Information basis for decisions of the awards council
 - b. Consistency of awards council's decisions
 - c. Conduct of meetings/hearings/visits by the awards council
 - d. Integrity/conflict of interest
 - e. Other deficiencies in the implementation of the policies criteria, processes and procedures of the council
4. Specific information must be supplied by the appellant provider detailing and explaining how the appellant provider considers that one or more of the grounds for appeal arise.
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 appellant provider 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 appellant provider and the Council will be informed of the decision.

The appeal can have one of the two following outcomes:

1. The Authority will confirm the decision of the Council
2. The Authority will refer the Council's decision back to the Council for reconsideration without any process deficiencies

These procedures were established by the Authority on 24 September 2008.