

Procedure for Determining Appeals under S.I. No. 503 of 2014 Qualifications and Quality Assurance (Education and Training) Act 2012 (Appeals) Regulations 2014

1. Actions subject to Appeal

The following actions of the Authority are subject to appeal under the Act:

- **Section 31(5):** Refusal to approve proposed quality assurance procedures
- **Section 36(6):** Withdrawal of approval of quality assurance procedures
- **Section 45(4):** Refusal to validate a programme of education and training
- **Section 47(5):** Withdrawal of validation of a programme of education and training
- **Section 53(11):** Refusal of a request for delegation of authority to make an award
- **Section 53(12):** Specification of a condition for the purpose of delegation of authority to make an award
- **Section 55(7):** Withdrawal or variation of delegation of authority to make an award
- **Section 59(6):** Withdrawal of approval of procedures for access, transfer and progression
- **Section 61(12):** Refusal to authorise the use by a provider of the international education mark
- **Section 63(9):** Withdrawal of provider authorisation to use the international education mark.

2. Appeals Notification

A Notice of Appeal must be submitted **within 30 days** of the date of notification of QQI's decision to the provider. QQI should obtain proof of delivery of its decisions.

The 30 day period may be extended, in exceptional circumstances, at the discretion of the Chairperson of the Appeals Panel.

An appeal fee is applicable. This fee, which is payable electronically, may vary from time to time.

The full fee is refundable if the related appeal is upheld. There is no refund in the event of an appeal being rejected or withdrawn.

Consideration of a Notice of Appeal will commence following receipt of the fee.

The Secretariat
Appeals

Faoi Cailiochtaí agus Dearbhú Cáilíochta (Oideachas agus Oilíuint) Gníomhu 2012
Under Qualifications and Quality Assurance (Education and Training) Act 2012

26/27 Denzille Lane, Dublin 2, Ireland.

Telephone +353 (0) 1 905 8100

An appeal may be withdrawn by the appellant concerned at any time by notice in writing to the Chairperson of the Appeals Panel to that effect.

Appeals must be made in writing using the Notice of Appeal form via email to [QQI Appeals – click here](#) or by post addressed to:

The Chairperson
c/o The Secretariat
QQI Appeals Panel
26-27 Denzille Lane
Dublin 2
D02 P266.

We recommend you clearly write 'Notice of Appeal' on the envelope and obtain proof of postage. The secretariat will date stamp and acknowledge each written appeal received by hard copy or by email.

3. Commencement

The procedures outlined in this document became effective on 3 November 2014 and will apply to any appeal lodged after this date.

4. Initial Consideration of an Appeal

When QQI receives a Notice of Appeal, the secretariat to the Appeals Panel will refer it to the Chairperson of the Appeals Panel.

The Chairperson will convene an Appeals Board to consider the appeal. The Board will consist of 3 members of the Appeals Panel, a fourth member of the Appeals Panel will be appointed in reserve should a member of the Appeals Board be unable to fulfil the function.

The Chairperson of the Appeals Panel will appoint the Chairperson of an Appeals Board to regulate the procedure of the Board.

The Board may refuse to deal with an appeal if the Board is of the opinion that the appeal is not made in good faith or is frivolous or vexatious. The Chairperson of the Appeals Board will confirm the reasons for rejecting the appeal.

There is no appeal from, or review of, the decision of the Appeals Board under the Qualifications and Quality Assurance (Education and Training) Act 2012 (Appeals) Regulations 2014 (S.I. 503/2014).

5. Notification of Appeals Board

The provider will be informed of the proposed membership of the Appeals Board and given the opportunity to raise objections to any individual's participation.

If the provider has any objections to the members list, these must be sent in writing to the secretariat within 7 days of notification of the list. The Chairperson of the Appeals Panel will consider any objections raised by the provider and decide whether or not to make any change(s) to the composition of the Appeals Board. The Chairperson's decision shall be final in this regard.

6. Assistance and Further Information

QQI staff who have had no involvement with the matter at hand will provide administrative support to the Appeals Board.

Once the Appeals Board has been appointed, it will send a copy of the appeal and accompanying documents to QQI. QQI will be invited to make a submission in writing to the Appeals Board normally within a four week time-frame.

The Appeals Board will furnish a copy of any submissions by QQI to the provider with an invitation to reply. Any reply by the provider will be furnished to QQI.

The Appeals Board may, at any time, require either the provider, QQI officer, or any other person appearing to the Appeals Board, to supply the Board in writing with additional information regarding the appeal or any document that it considers relevant to the appeal.

The Appeals Board will specify the period within which the particulars or documentation requested will be produced. The Appeals Board will furnish a copy of the Notice of Appeal to any other person it considers to be concerned in the matter that is the subject of appeal.

7. Oral Hearing

See separate procedures for oral hearings [\[link\]](#)

8. Withdrawal of Appeal

An appeal may be withdrawn by the provider concerned at any time by notice in writing to the Chairperson of the Appeals Panel.

The Chairperson will notify the Appeals Board and QQI of the withdrawal as soon as practicable after receipt of the notice. There is no refund of fees in the event of a withdrawal of an appeal.

9. Decisions of the Appeals Board

A decision by a majority of the members of an Appeals Board shall suffice for any purpose.

In determining an appeal, an Appeals Board may –

- a. Affirm the decision of the Authority, or
- b. Quash the decision of the Authority and direct the Authority, for stated reasons, to reconsider its decision.

QQI shall comply with a direction given to it by an Appeals Board.

The secretariat will communicate the decision of an Appeals Board on an appeal to the provider as soon as is practicable after deliberations.

An Appeals Board shall make its determination of an appeal in conformity with S.14 of S.I. 503/2014 - Qualifications and Quality Assurance (Education and Training) Act 2012 (Appeals) Regulations 2014.

10. Sending Documents relating to Appeals

The Appeals Board will send correspondence by registered post to the address and contact name provided in the Notice of Appeal, or by electronic mail to the contact email address provided. Confirmation of an electronic mail will be sought on each occasion.

In the case of QQI, correspondence will be left with or sent by registered post to the Chief Executive or a member of staff of QQI.

11. Conflict of Interest and Confidentiality

No member of an Appeals Board will have had any prior involvement in the issues in an appeal where such an involvement might, or might be perceived to, involve a conflict of interest or to compromise her/his ability to consider the appeal in a fair and objective manner.

If such a situation arises in relation to the aforementioned, the member must bring it to the attention of the Chairperson of the Appeals Panel who will determine the issue. The decision of the Chairperson shall be final.

Members of the Appeals Panel must at all times maintain the confidentiality of information obtained in the course of the work of the Appeals Panel.