



Qualifications Advisory Board ELC Sector

Appeal procedure – Updated August 2023

1. Decision-making role of the Qualifications Advisory Board

1.1. The Qualifications Advisory Board for the Early Learning and Care Sector (QAB) as established by the Minister for Education and Skills and the Minister for Children and Youth Affairs (the Ministers) in 2020, is tasked with the following:

- reviewing programme proposals to establish their coherence with the Professional Award Criteria and Guidelines (PACG) for Initial Professional Education (Level 7 and Level 8) Degree Programmes (**Initial Review**).
- approving any proposed changes by course providers to a QAB-approved programme in advance of implementation to ensure coherence to the PACG (**Programme Amendment Process**)
- reviewing QAB-approved programmes that are operational to confirm and certify the continued approval of the QAB of such programmes (**Implementation Review**).

1.2. This appeal procedure sets out the steps for appeal of QAB decisions made:

- (i) at the initial programme review stage (**Initial Review**)
- (ii) following submission by a course provider of proposed changes to a QAB-approved programme (**Programme Amendment Process**)
- (iii) at the implementation review of operational programmes (**Implementation Review**)

1.3. The QAB's procedures, including but not limited to its: terms of reference, membership, list of expert reviewers, review templates, application forms, appeal procedure, and the PACG, will be published on the internet or otherwise made publicly available by the Department of Education.

- 1.4. From time to time, in accordance with its published procedures, the QAB will invite course providers to submit proposed programmes for review. The QAB will also, as part of its procedures, notify a course provider that it intends to undertake an implementation review of QAB-approved programmes that are operational. Under the published Programme Amendment Process, course providers are obliged to notify the QAB of planned changes to approved programmes, and to obtain QAB approval in advance of implementing any changes. Subject to any provisions or conditions which may be set by the Ministers, it is a matter for the QAB to decide on the procedures, timescales and deadlines to be applied when issuing invitations to course providers, notifying course providers of an implementation review, making decisions, and communicating decisions to course providers.
- 1.5. If during any of the three review procedures listed in 1.1 the QAB decides that a programme does not meet the requirements of the PACG the QAB Secretary will notify the course provider within a specified deadline set by the QAB in accordance with section 1.3 and 1.4 above. This notification will also set out the reasons for the decision. As well as informing the course provider, the reasons for the decision will act as a guide to develop the proposal to meet the requirements of the PACG or to amend the existing programme so that it continues to meet the PACG.
- 1.6. The QAB may set a deadline for a course provider in relation to resubmission of a programme. However, if the QAB does not opt to set a resubmission deadline, it will be a matter for the course provider to modify the proposed programme if they wish and resubmit it at a time they find appropriate. Resubmission of a proposed programme change which does not meet the requirements of the QAB is a matter for the course provider. The course provider may opt to continue with the existing QAB approved programme. Although the QAB secretariat cannot assist course providers in developing or revising proposals, the secretariat will assist course providers as much as is reasonably possible by providing information on behalf of the QAB.
- 1.7. It is anticipated that in most instances the course provider and the QAB secretariat will engage with each other and that the course provider will engage in the options available which include: resubmission of their programme for further consideration by the QAB or resubmission of the proposed programme change to a QAB-approved programme. However, it is also acknowledged that a decision, arising from any three of the review processes listed in 1.2, which states that a proposed programme, a proposed change to an approved programme or an approved programme, does not meet the requirements of the PACG, will be a matter of disappointment for a course provider, and that a course provider may wish to appeal the decision on procedural grounds.
- 1.8. Accordingly, the QAB has put in place an appeal procedure supported by an independent external review, in circumstances in which the course provider believes that the QAB's decision procedures have not been correctly and fairly followed.

2. Appeal

2.1. If a course provider is notified under 1.4 above that a/an:

- (i) proposed programme (following initial review)
- (ii) proposed programme change (following review of a Programme Amendment Form)
- (iii) existing QAB-approved programme (following Implementation Review)

does not meet the requirements of the PACG, the course provider may undertake the following actions:

- (i) submit a revised proposal (resubmission) in the case of either an initial review or a Programme Amendment review
- (ii) continue with the QAB-approved programme (in the case of a Programme Amendment review)
- (iii) rectify the issues identified in an existing programme (in the case of an Implementation Review)
- (iv) appeal the QAB's decision on procedural grounds, subject to the conditions set out at 2.2 below.

2.2. The course provider may only seek to appeal the QAB's decision if it believes that the QAB did not correctly and fairly follow its published procedures. The course provider's request for appeal must be made in writing to the QAB Secretary within 91 days of the date of the Board's decision and must include a written statement of the grounds on which the course provider believes that the procedures have not been correctly and fairly followed.

2.3. Within 42 days of the request for appeal being made, the QAB will appoint an external reviewer to review the request, drawn from a panel of persons appointed by the QAB for the purpose of conducting external reviews, the details of which are made publicly available by the Department of Education. Neither QAB members, expert reviewers appointed by the QAB, officials of the Department of Education nor officials of the Department of Children, Equality, Disability, Integration and Youth may be members of the panel.

2.4. The external reviewer's role is to review whether the QAB correctly and fairly followed its published procedures and to make a recommendation, based on this review. The external review will focus solely on the procedural aspects of the application.

2.5. The external reviewer will have access to all documentation submitted to the QAB for consideration, and to all correspondence between the course provider and the QAB in

relation to the programme from the date of its submission, the date of notification by the QAB to the course provider of the implementation review, or the date of submission by a course provider of a proposed change to QAB-approved programme (whichever is appropriate) up to and including the notification of the decision of the QAB.

- 2.6. The external reviewer may seek written submissions from the course provider and from the QAB, subject to the condition that anything submitted in writing by the course provider will be made available to the QAB and vice versa. The external reviewer may meet with the course provider or the QAB, but not simultaneously.
- 2.7. The external reviewer will make a report to the QAB within 60 days of being appointed to conduct the review under 2.3 above. The report may recommend one of the following:
 - (a) That the QAB correctly and fairly followed its published procedures, and that it should maintain its decision that the proposed programme, existing QAB-approved programme, or proposed change to a QAB-approved programme does not meet the requirements of the PACG;
 - (b) That the QAB did not correctly and fairly follow its published procedures, and that it should conduct a new review the programme, existing QAB-approved programme, or proposed change to a QAB-approved programme.

The report will set out the grounds for the recommendation.

- 2.8. The QAB will decide to accept or to decline the recommendation of the external reviewer and the QAB Secretary will notify the course provider with its decision within 42 days of the recommendation being made. This notification will include a copy of the recommendation of the external reviewer.

3. Right to decline to consider a proposed programme

- 3.1. At its discretion, the QAB reserves the right to decline to consider any programme or proposed change to a QAB-approved programme submitted by a course provider if the QAB forms the view that the programme or proposed change to a QAB-approved programme is identical or sufficiently similar to a programme at the same National Framework of Qualifications (NFQ) level submitted by the same course provider that is already under consideration or review by the QAB under these procedures, or that has been reviewed by the QAB within the previous 12 months.
- 3.2. If the QAB decides to decline to consider a programme submitted by a course provider or proposed change to a QAB-approved programme, the QAB Secretary will notify the course provider. This notification will also set out the reasons for the decision.
- 3.3. If a course provider is notified under 3.2 above that the QAB has declined to consider a programme or proposed programme change to a QAB-approved programme, the course

provider may appeal the QAB's decision, subject to the conditions set out at 2.2 above. Any such appeal will be processed by the QAB in accordance with section 2 of these procedures.