



Linked Provider Appeal Procedure

1. Legal Context

The Qualifications and Quality Assurance (Education and Training) 2012 Act (“the Act”) provides a legislative framework under which Trinity College Dublin, the University of Dublin, as a Designated Awarding Body (DAB) and its linked providers (§28) ‘shall establish procedures in writing for quality assurance (QA) for the purpose of establishing, ascertaining, maintaining and improving the quality of education, training, research and related services.

Pursuant to §32 of the Act, Trinity must establish procedures for:

- i The review of the effectiveness of QA procedures established by a linked provider;
- ii The review of the effectiveness of the implementation by the linked provider of those QA procedures;
- iii The hearing of an appeal under §39 of the Act;
- iv The appointment of an Independent Appeals Person (“IAP”) for the purposes of hearing an appeal under §39 of the 2012 Act.

Pursuant to §38 of the Act, where Trinity carried out a review it may, following consultation with the linked provider issue such directions in writing to that linked provider as it thinks appropriate in relation to the effectiveness of the quality assurance procedures established by the linked provider under §28 and the implementation by that linked provider of those procedures.

Where a direction is issued to a linked provider the linked provider is obliged to comply with the direction and shall provide information when requested to do so regarding compliance by the linked provider with the direction.

§39 of the 2012 Act provides that where Trinity considers that:

- a) directions issued to the linked provider under section 38(1) of the 2012 Act have not been complied with; or



- b) there are serious deficiencies in the implementation of quality assurance procedures by the linked provider.

where, after consideration of any observations submitted by the linked provider to Trinity, Trinity considers that paragraph (a) or (b) of *section 39 (1)* as referred to above continues to apply, Trinity shall withdraw its approval of the procedures established by the linked provider under §28 of the Act by sending notice in writing addressed to the linked provider.

The withdrawal of approval is to take effect from such date as Trinity considers appropriate and as specified in the notice but shall not be earlier than the date of service on the linked provider of the notice of withdrawal.

2. Purpose

The purpose of this procedure is to give effect to Trinity's responsibilities under §39 of the Act and to provide transparency to linked providers, the Independent Appeals Person (IAP) and Trinity staff on the appeals process.

3. Scope

Under §39 (5) of the Act, where Trinity withdraws approval of the QA procedures under *section 39 (3)*, the linked provider concerned may appeal to an Independent Appeals Person appointed by Trinity for that purpose. Where an Appeal is received it will be considered under the procedures specified below and in accordance with the provisions of §39 of the Act.

4. Procedure

4.1 Notification of Withdrawal

- i Trinity shall, by notice in writing, inform the linked provider that it proposes to withdraw its approval of the procedures established by the linked provider under §28 of the Act and state the reasons for the proposed withdrawal.
- ii The notice shall state that the linked provider may submit observations in writing to Trinity about the reasons for the proposed withdrawal set out in the notice. The observations must be submitted not later than one month after the service of the notice on the linked provider by Trinity.
- iii Where, after consideration of any observations submitted to Trinity by the linked provider, Trinity continues to consider that the directions issued to the linked provider under §38 (1) of the Act have not been complied with, or there are serious deficiencies in the implementation of the quality assurance procedures, it shall withdraw its approval of the procedures established by the linked provider under §28, by notice in writing addressed to the linked provider as stated above.



4.2. Notification of Appeal

- i Where a linked provider intends to appeal against the withdrawal of approval of its quality procedures, Notice of Appeal must be submitted within 20 working days of the date of notification of Trinity's decision to the linked provider withdrawing approval of the QA procedures.
- ii Appeals must be made in writing, stating the grounds of appeal, with supporting evidence; using the prescribed Notice of Appeal form (see Appendix 1).
- iii Appeals must be sent via email to Registrar@tcd.ie or by registered post with 'Notice of Appeal' clearly written on the envelope, addressed to:
Office of the Registrar,
West Theatre,
Trinity College
Dublin 2
Ireland

4.3. Appointment of an Independent Appeals Person

- i When a Notice of Appeal is received Trinity shall appoint an IAP to hear the appeal.
- ii The IAP shall be:
 - independent of Trinity College Dublin;
 - have no conflict of interest regarding either party;
 - have an understanding of the procedural framework for quality assurance in Irish higher education;
 - have experience of chairing hearings, inquiries, tribunals or equivalent – such as a barrister/solicitor or a former Registrar.
- iii The linked provider will be informed of the proposed IAP.
- iv If the linked provider has any objections to the proposed IAP, these must be sent in writing to the above email or address as detailed above in section 4.2 within 5 working days of notification of the proposed IAP.
- v Trinity will consider any objections raised by the linked provider and decide whether or not to make any change(s) to the proposed IAP nominee(s). Trinity's decision shall be final in this regard.



4.4. Initial Consideration of an Appeal

- i The IAP may refuse to deal with an appeal if s/he is of the opinion that the appeal is not made in good faith or is frivolous or vexatious. The IAP will confirm the reasons for rejecting the appeal in writing to the linked provider and Trinity.

4.5. Appeal Process

4.5.1. Preliminaries

- i Once the IAP has been appointed, Trinity will send a copy of the appeal and any accompanying documents to the IAP.
- ii Terms of Reference will be put in place for the appeal.
- iii The linked provider may make a written submission to the IAP within 20 working days of the appointment of the IAP.
- iv The IAP will furnish a copy of any submission by the linked provider to Trinity and Trinity may make a replying submission within 20 working days of receipt of the linked provider's submission.
- v The IAP may, at any time, require either the linked provider, Trinity or other relevant person or party to supply the IAP with additional information regarding the appeal, or any document that is considered relevant to the appeal.
- vi The IAP will specify the period within which the particulars or documentation requested will be produced.
- vii The IAP will furnish a copy of the Notice of Appeal and relevant supplementary documents to any other person they consider to be concerned in the matter that is the subject of appeal.

4.5.2. Oral Hearing

- i The IAP will consider the appeal at an oral hearing, based on the documentation provided by both the linked provider concerned and Trinity.
- ii The IAP will give reasonable notification (at least 20 working days) to the parties, of the date and location of the hearing.

Terms of Reference for the oral hearing shall, inter alia, provide that:

- a) The IAP may invite persons with relevant expertise to attend and make statements at the hearing.



- b) If the linked provider and/or Trinity wish to call experts, the names, organisation and the position held and address of such experts must be provided to the IAP, at least 15 working days, prior to the hearing.
- c) A secretary shall be appointed to assist the IAP with the appeal if the IAP requires one.
- d) In dealing with an appeal, privacy and confidentiality will be respected as far as possible by all parties. Disclosure about the appeal will only be made insofar as this is necessary to deal with the appeal or to the extent required by law.
- e) The hearing shall be recorded.
- f) If any party is unable to attend the hearing they must notify the IAP as soon as possible. Where either or both parties to the appeal fail to attend the hearing, without notifying the IAP, the hearing may proceed in their absence, at the discretion of the IAP.
- g) In advance of the hearing, both parties will be provided with a complete set of documentation relating to the appeal, together with a list of attendees, which will include any person specifically invited by the IAP (and as appropriate the linked provider and/or Trinity). This information/documentation will be provided no later than 10 working days before the hearing.
- h) Linked providers and Trinity should not provide documents that they wish to retain for the future. Documents submitted will not be returned.
- i) The IAP (supported by a secretary if requested) will secure a location for the oral hearing.
- j) Oral hearings will be held in private and will be kept as informal as possible.
- k) At the hearing, both parties to the appeal will be entitled to be heard and to present evidence to the IAP. Both parties will be given an opportunity to present their case; each will have the right of reply and to question the other. Parties to the appeal may not be represented by another party including a legal representative.
- l) The IAP will complete oral hearings promptly and efficiently within a reasonable timescale. However, the IAP may have to adjourn an oral hearing for a short period, in order to review additional information supplied in the course of the



hearing. If necessary, the IAP may also adjourn a hearing until a date specified by the IAP.

4.6. Decisions of the IAP

- i The IAP will normally make his/her decision on the appeal in writing with reasons, within 10 working days of their review of the parties' submissions; in the event of an oral hearing within 10 working days of the completion of the oral hearing. The decision will be sent to both parties at the same time.
- ii In determining an appeal, the IAP may
 - a) Dismiss the appeal and affirm the decision of Trinity, or
 - b) Quash the decision of Trinity and direct Trinity, for stated reasons, to reconsider its decision.
- iii. The decision of the IAP is final.

4.7. Withdrawal of Appeal

- i An appeal may be withdrawn by the linked provider at any time by notice in writing to the IAP and Trinity.
- ii Trinity may withdraw its written notice served under section 39 (3) of the Act at any point up to the time when the IAP makes his/her decision, by notifying the linked provider and the IAP in writing.

4.8. Payment of Expenses

- i The linked provider is responsible for any costs incurred by both themselves and any experts that they call in relation to the appeal. Trinity will be responsible for any fees and disbursements associated with the IAP.

5. Responsibility

5.1 Responsibility for this policy lies with the College Registrar.

6. Related Documents

6.1. Qualifications and Quality Assurance (Education and Training) Act 2012



Trinity College Dublin

Coláiste na Tríonóide, Baile Átha Cliath

The University of Dublin

6.2. Approval of Higher Education Institution (Linked Provider) Quality Assurance Procedures

7. Document Control

7.1 Date approved by Board: February 2018

7.2 Date of next review: Academic Year 2020/2021



Notice of Appeal – Linked Provider

This Notice of Appeal must be completed in full and signed by the authorised person acting on behalf of the linked provider.

Section A – Contact Details

Name of linked provider:	
Address:	
Contact name (linked provider) and position held within the institution:	
Head of linked provider institution:	<i>(If different from above)</i>
Contact phone number (linked provider):	
Contact email address (linked provider):	

Please also complete sections B & C below



Trinity College Dublin

Coláiste na Tríonóide, Baile Átha Cliath

The University of Dublin

Section B – Grounds for Appeal

In this section, please state in full, details of the grounds of appeal and the facts and contentions upon which you intend to rely. Please reference supporting documents as appropriate, and also list these in Section C below. (Please attach additional pages as required)

Empty box for providing details of the grounds of appeal.



Trinity College Dublin

Coláiste na Tríonóide, Baile Átha Cliath

The University of Dublin

Section C – Supporting Documents

Please list and attach any supporting documentation that you intend to use for the appeal

Name (please print):.....

Signed:..... Date:.....

Please return this form and supporting documentation to:
Office of the Registrar,
West Theatre,
Trinity College
Dublin 2
Ireland