



Rialtas na hÉireann  
Government of Ireland

**FUTURE JOBS**  
**IRELAND**

Preparing Now for Tomorrow's Economy

## **Human Capital Initiative**

### **Pillar 3**

#### **Appeals Policy and Procedure**

## 1. Introduction

### Background and Objectives of the Human Capital Initiative Pillar 3

The general purpose of the Human Capital Initiative (HCI) is to enable the higher education system to respond rapidly to changes in both skills requirements and technology.

The HCI will incentivise continued reform and innovation in Higher Education provision building on best practice nationally and internationally, strongly supporting innovation in programme design and delivery. It further aims to future proof graduates and ensure that there is a greater focus across the whole spectrum of Higher Education course provision on promoting and embedding transversal skills.

#### 1. Overview of Procedures and Responsibilities for Appeals

This policy establishes procedures and responsibilities for appeals in connection with a decision to not fund a proposal.

1. Proposals will be evaluated in an open competition via the HCI's Independent Assessment Panel.
2. When reaching their decision on the final list of proposed projects, the independent panel will take into account the funding budget available to the HCI, the overall programmatic composition of projects by quality, type, size and duration, as well as geographical spread.
3. All proposals will be considered by at least two members of the panel.
4. The final list of projects recommended for funding will be subject to Ministerial approval in accordance with the governance procedures. The Ministers decision is final. The Ministerial approved outcome will be reported to the HEA Board, The National Skills Council and the National Training Fund Advisory Group.

Proposals are assessed under the following criteria and must score the minimum mark in each category to be considered for funding:

5. Enterprise collaboration of benefit to society, economy, and education **(30) minimum mark 18**
6. Alignment with HCI objectives, national education and enterprise policy strategic objectives, and performance frameworks **(30) minimum mark 18**
7. Capacity to deliver **(20) minimum mark 12**
8. Impact & sustainability **(20) minimum mark 12**

For further details including the minimum marks please consult the Pillar 3 Call document.

## **Assessment Process:**

### **Independent Panel**

9. **As per the Pillar 3 Call Document**, proposals will be assessed on a competitive basis by an independent assessment panel which will include international experts. Institutions should have regard to this international dimension of the process and should seek to benchmark and use best international practice and theory to inform their proposals. The panel will be supported by the HEA Executive and will call on additional expert support, as necessary. The panel will make recommendations for the allocation of available funding. The panel will only make recommendations in respect of proposals that meet at least a minimum level of quality. The Minister for Higher Education, Innovation and Research will make all final decisions on projects to be approved for funding.
10. Following initial technical eligibility checks by members of the HEA executive, proposals are assessed on a competitive basis by an independent assessment panel which will include national and international experts.

As per the Call document the evaluation followed the seven evaluation steps with exception of notified changes please see below.

### **Change to the process due to Covid-19 and notification:**

11. **This following change to the process was notified to all applicants by email on Thursday 18 June 2020 and posted on the HEA website.**
12. **Due to the continued impact of Covid 19** it became necessary to amend elements of the evaluation process for HCI Pillar 3 as set out in the original call document. The change is in relation to points 3-6 p. 18. Because of the current circumstances, we are not in a position to conduct interviews as originally intended and so alternative arrangements have been developed in consultation with the independent assessment panel and the HCI process auditor.
13. The alternative to the originally planned points 3-6, is that highly ranked applicants may receive questions from the independent assessment panel through the HEA, which will require a written response. These are the questions an independent panel would have posed in an interview situation. The responses to these questions will be considered by the relevant independent assessment panel members and be inputted into the evaluation process. “ends”

### **Process Evaluation:**

14. An independent Process Auditor is employed to ensure that the Panel members were clear on the criteria of the assessment and that the assessment process was fair and reasonable.

### **Appeals**

15. The primary function of the HCI appeals procedure is to ensure that HCI's evaluation process has been fair and without bias, and that the HEA's evaluation review procedures were followed.
16. It is appreciated that applicants (Higher Education Institutions) may disagree with the perspective of the Panel. However, the HEA has full confidence in the high quality of the expertise of the panel that it engages for the assessment process and takes the position that this source of expert input allows the Minister for Further and Higher Education, Research,

Innovation and Science to make the best and most informed decisions. The judgment interpretation or level of understanding of this Independent Panel is not, therefore, an admissible ground for appeal.

17. The appeal must be received in writing (either email or hard copy writing 10 calendar days of the date of the original notification date) stating the grounds for appeal.

18. The appeal must also be accompanied by any relevant supporting documentation.

#### **Grounds for appeal**

19. As per section 8.2 of the Pillar 3 Call Document Appeals in respect of clearly identifiable issues of assessment procedure will be considered by the HEA under the HCI appeals policy.

HEI's can appeal on one or more of the following grounds

- The HEA's evaluation process was not followed (as set out in Pillar 3 Call document).
  - There is explicit evidence that an application was deemed ineligible resulting from an administrative oversight, irregularity, or fault on the part of the HCI team.
20. The process required for invoking the formal appeal is detailed in part 2. An appeal will not be processed if the matter(s) in question are already the subject of legal proceedings.
21. The HEA is satisfied that the procedures for submission of applications and associated forms (e.g. application form, QQI Certification of Approval) are clearly set out in the call documentation. It is the responsibility of an applicant for funding to ensure that these are followed correctly. Consequently, appeals based on applications that have been deemed administratively ineligible, including, but not restricted to, missed deadlines, incomplete proposals, or ineligible higher education institutions will not be considered unless it can be explicitly demonstrated that this resulted from an oversight, irregularity or fault on the part of the HCI team. The appeal process will not set aside the rules for the application processes for HEI's who appeal for mitigating circumstances or any other form of special treatment.

#### **Appeals relating to funding levels, Ministerial Decisions, or award conditions will not be considered.**

22. Award of HCI funding is discretionary and the appeal process is not an adversarial one. A formal hearing is not therefore provided.

## **2. Appeal Procedures**

23. There is a 3 Stage process to appeals:

24. The appeal must be received in writing by email **within 10 calendar days of the date of the original notification date stating the grounds for appeal.**

25. The appeal must also be accompanied by any relevant supporting documentation.

#### **Appeal Stage (A) Explanation by the HCI Senior Manager**

26. An applicant whose proposal has been declined is encouraged to request further clarification if necessary, from the relevant HCI Senior Manager, over and above the explanatory materials received with the Declination Notice. The Senior Manager will afford the applicant an opportunity to present their point of view, and will review the complaint, and will take any further action that is deemed appropriate in consultation with the HCI Management. Following

this engagement, an applicant may be satisfied with any action taken and/or may accept that no further action is required. If, however an applicant signifies dissatisfaction with the outcome of this engagement, a written explanation will be furnished to the applicant by the HCI Senior Manager within 10 days of this engagement unless exceptional circumstances arise.

Email [hci@hea.ie](mailto:hci@hea.ie) for the attention of the HCI Senior Manager

#### **Appeal Stage (B) Review by the HEA's Independent HEA Senior Manager**

27. If the appellant is dissatisfied with any action taken or the explanation provided under Appeal Stage (A), the appellant may submit a written request to the HEA's Head of Skills and Engagement requesting that reconsider its decision.
28. The HEA will consider such a request:
  - only if the HEI has first sought and obtained an explanation under the procedures described in Appeal Stage (A)
  - only if the request is received by HEA within 10 calendar days of the date of issue of the explanation in Stage A and provided the HEI's request for reconsideration is endorsed by the President/Provost/Chief Executive Officer of the HEI in question.

In the letter requesting reconsideration, the HEI should state whether the appeal is based on

a. factual inaccuracy.

or

b. procedural error.

#### **Grounds for appeal**

HEI's can appeal on one or more of the following grounds:

- The HEA's evaluation process was not followed (as set out in Pillar 3 Call document).
  - There is explicit evidence that an application was deemed ineligible resulting from an administrative oversight, irregularity or fault on the part of the HCI team.
29. An appeal will not be processed if the matter(s) in question are already the subject of legal proceedings.
  30. The HEA is satisfied that the procedures for submission of applications and associated forms (e.g. application form, QQI Certification of Approval) are clearly set out in the call documentation. It is the responsibility of an applicant for funding to ensure that these are followed correctly. Consequently, appeals based on applications that have been deemed administratively ineligible, including, but not restricted to, missed deadlines, incomplete proposals, or ineligible higher education institutions will not be considered unless it can be explicitly demonstrated that this resulted from an oversight, irregularity or fault on the part of the HCI team. The appeal process will not set aside the rules for the application processes for HEI's who appeal for mitigating circumstances or any other form of special treatment.

**Appeals relating to funding levels, Ministerial Decisions, or award conditions will not be considered.**

30. Award of HCI funding is discretionary and the appeal process is not an adversarial one. A formal hearing is not therefore provided.
31. The appeal must be received in writing (by email) within 10 calendar days of the date of the date of issue of the explanation in Stage A and provided the HEI's request for reconsideration is endorsed by the President/Provost/Chief Executive Officer of the HEI in question.

This should be emailed to [hci@hea.ie](mailto:hci@hea.ie) for the attention of Dr Vivienne Patterson

32. The HEI should also provide a concise written statement (no more than 300 words) clearly outlining the grounds for the appeal.
33. The Head of Skills and Engagement will designate a HEA Senior Manager appointed by them to conduct the review. The Head of Skills and Engagement will endeavor to provide the appeal result, in writing, within 30 days of receipt of the request for reconsideration. If the appeal result cannot be furnished within that period, the Head of Skills and Engagement will notify the HEI in writing, indicating a later date by which the appeal result can be expected to issue.

**Appeal stage (C) Further Review by an Independent Committee**

34. Within 5 days of notification of the *appeal result*, the HEI may request Further Review by an Independent Committee.
35. A request for further review by an independent Committee must be in writing and signed by the President/Provost/Chief Executive Officer of the HEI. The written request should set out concisely why the HEI is still of the opinion that an error may have occurred in the initial evaluation and why it is not satisfied with the *appeal result* issued by the Head of Skills and Engagement under the procedures described in Appeal Stage (B) above.
36. An Independent Committee, made up of three non-HCI staff or panel members, determined by the HEA, will review this request for Further Review and the record of earlier HCI actions (including the reviews conducted under Appeal Stages (A) and (B)). The Independent Committee will endeavor to furnish the result of the Further Review, in writing, to the HEI within 30 days. If the result cannot be furnished within that period, the Independent Committee will notify the HEI, in writing, indicating a later date by which the result can be expected to issue.

In determining an appeal, the Independent Committee may –

- c) Affirm the original decision

Or

- d) Request the HEA, for stated reasons, to reconsider the original decision.

## **Decisions to be Final and Binding**

37. The following decisions are to be final and binding; An Explanation, or decision following Review or Further Review (as the case may be) given by:

- (i) **the HCI's Senior Manager** under Appeal Stage (A) (if not subject to appeal),
- (ii) **the HEA's Independent Senior Manager** Appeal Stage (B) (if not subject to appeal),
- (iii) **the Independent Committee** under Appeal Stage (C), shall be final and binding on the parties.

## **Withdrawal of Appeal**

38. An appeal may be withdrawn by the HEI at any time by notice in writing to the Head of Skills and Engagement.

## **Review of Appeal Policy and Procedures**

- 39. The HEA intends to keep this policy under regular review and reserves the right update it from time to time without notice.
- 40. Policy updates will be effective on the date that the update is posted on the HEA website. Please check the HCI website regularly for updates.

**Entering an appeal, confirms acceptance of these procedures.**