RIAI
Non Statutory
Appeals Policy

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1.0 Introduction

The RIAI is required to make a range of decisions relating to membership, examinations and assessments, and specialist accreditations in its capacity as a professional body. In making these decisions and issuing the results, while the interests of, and case presented by, the applicant must be carefully considered, consumer protection must always be regarded as being of paramount importance. Clients, employers, building users, the public and other professionals are all affected by the decisions made by the RIAI.

All of the processes involved in assessment, decision making and appeal must be governed by the principles of natural justice.

1.1 Background

The commencement of the Building Control Act 2007 ("the Act") has resulted in the introduction of Statutory Boards with the power to make decisions in relation to the admission of individuals to the Register for Architects and Professional Conduct. The decisions of Statutory Boards are subject to a statutory appeal mechanism set out in the Act.

The RIAI, as a regulatory body in the ‘co-regulation’ model operates both as a regulatory body and as a professional body. For this reason the RIAI has separate appeal mechanisms for registration related decisions (statutory) and for decisions made and results issued in the professional context (non-statutory). This document deals only with the latter and not in any way with the former.

The development of RIAI activity in the area of CPD and in professional recognition decisions, as well as assessments, requires that RIAI appeal procedures address a variety of scenarios in which a candidate may seek to have a result reviewed.

1.2 Definitions

Appeal: An appeal is a request for a formal review of a result issued by the RIAI. On the direction of the Appeal Board an appeal may or may not lead to a re-assessment.

Appellant: An appellant is the candidate to whom the result, which is the subject of the appeal, relates.

Assessment: Any assessment, examination or evaluation of a candidate’s knowledge, skill and competence for the purposes of RIAI accreditation or of admission to any category of RIAI membership. This does not include ‘assessments’ of evidence provided by other bodies e.g. for the purposes of admission.
**Assessor:** Any person or organisation appointed by the RIAI to carry out an Assessment.

**Appeal Board:** The Building Control Act 2007 establishes a statutory Appeals Board which considers appeals against decisions made by the other three statutory boards established under the Act (Admission, Technical Assessment, Professional Conduct Committee). This Board is not covered by this policy.

**Board of Architectural Education:** A body appointed by Council to address Education related issues.

**Board of Architectural Education Admissions Committee:** A body appointed by Council, to operate under the oversight of the Board of Architectural Education and of Council, to decide upon applications for membership.

**Candidate:** A candidate in this instance is an individual or body corporate applying to the RIAI for a decision on a matter relating to the professional remit of the RIAI including membership, assessment of knowledge, skill and competence in the professional sphere and continuing professional development.

**Appeal Committee:** Decisions made and results issued by the RIAI in its own right and outside the structures established under the Building Control Act 2007 require a distinct appeal mechanism. The Appeals Committee is established for this purpose.

**Council:** The RIAI’s governing body, elected by the Membership.

**Decision Making Body:** The Board, Committee or grouping charged by the RIAI with the responsibility for arriving at the notified result (i.e. for specialised accreditation, for examination or assessment, for membership).

**Recheck:** A re-check is an arithmetic check carried out to ensure that all marks awarded have been included in the result; it is not a re-assessment or a review.

**Registration:** Refers to the registration of architects in accordance with the Building Control Act 2007.

**Result:** The result is the outcome of the assessment evaluation or examination which is the subject of the appeal, and may take a variety of forms including notification of a decision taken by a Board or Committee of the RIAI.

**Review:** A review of a result shall be as directed by the Appeals Committee appointed to hear the Appeal, it may involve a re-assessment of an existing submission or an opportunity to re-present some element or elements of the submission.
RIAI: The RIAI, in this context, is a Professional Body which issues a variety of results in that capacity. Results issued by the RIAI include those made by expert boards and panels on the Institute’s behalf including the Professional Practice Examination board, the Board of Architectural Education Admissions Committee, the Board of Architectural Education etc. Not all results will require individual ratification by RIAI Council, however, all decision makers must be empowered by RIAI Council to make those decisions on the RIAI’s behalf.

Statutory Board: Boards established by the RIAI, as Registration Body, under the Building Control Act 2007 to address specific registration related functions. The decision of the Statutory Boards are subject to the appeal provisions provided for in the Act, and any rules made under the Act and are not subject to this policy.

Submission: Evidence presented for the purpose of an assessment, examination or decision by the RIAI. This can include examination scripts, case studies, dossiers, application file, oral examinations, etc. This term can also include the contents of an Appeal.

2.0 Appeals Policy

This RIAI Non-Statutory Appeals Policy addresses results issued by the RIAI relating to the non-statutory, professional remit of the RIAI including membership, assessment of knowledge skill and competence in the professional sphere and continuing professional development.

2.1 Right of Appeal

There are three primary categories of Results affected by this policy:

1. RIAI examinations and assessments leading to membership of the RIAI (of any type)
2. RIAI assessments, including assessments involving partner organisations1, leading to specialist accreditation
3. Decisions of the Board of Architectural Education Admissions Committee as they relate to the membership application of an individual

All of these Results relate to an individual’s demonstration, or otherwise, of the required criteria and the Decision Making Body’s assessment of that demonstration. If an applicant fails to either submit the appropriate materials, or in the selection of materials for submission chooses evidentiary items of a lesser standard than others that are available to him or to her, that is the applicant’s responsibility. For example, in the case of a ‘Route C’ self-assessment for exemption from the professional practice examination, where an

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1 A partner organisation may be a company, an educational establishment, an individual or any legal entity with which the RIAI partners for the purpose of providing education and/or accreditation
applicant may have completed projects that demonstrate the necessary criteria but failed to choose and submit those projects and instead submitted other projects that did not successfully demonstrate the criteria, that is the individual’s responsibility and not that of the Decision Making Body. Submission of the wrong evidence or supporting information is not a basis for appeal.

2.1.1 Consideration of Compassionate Circumstances

A Candidate should inform the RIAI, either before undertaking or, in the case of an unexpected event, immediately after completing, the assessment, of any relevant medical or other circumstances (accompanied by supporting documentary evidence where applicable) that may affect his/her performance. This can then be considered by a Panel of experts appointed by the Board of Architectural Education for this purpose and the candidate may be offered an opportunity to re-sit the assessment without paying the repeat fee. Circumstances of this nature are not considered grounds for appeal and are therefore addressed outside this Appeals Policy.

2.2 Grounds for Appeal

1. That there is evidence of irregularity in the conduct of the assessment which led to the Result.
2. That, on stated grounds, other than those provided for in Ground 1, the candidate believes the Result to be unreasonable.

2.3 Deadline for making an appeal

A Candidate who wishes to make an appeal must give notice of his or her appeal within two months of the date of issue of the result. Where a recheck has been sought the deadline for making an appeal is two months from the date of issue of the recheck report.

2.4 Appeal Submission

An Appellant shall submit in writing a signed and dated statement of the grounds for the appeal, providing evidence where relevant, and accompanied by the specified fee (see Appendix). The Appeal must be submitted using the formal templates published for this purpose by the RIAI.

Notwithstanding that in some cases it may be necessary to provide specific detail or technical information as part of an appeal, appeal submissions must be jargon free and capable of general interpretation.

If appealing on Ground (2): “That, on stated grounds, other than those provided for in Ground 1, the candidate believes the result to be unreasonable.” the appellant must be
specific in terms of which parts of the assessment he/she believes were evaluated or marked unreasonably and why.

Appeals should be addressed to The Director, RIAI, 8 Merrion Square, Dublin 2. Appeals received after the expiry of the appeals deadline, which are incomplete or which do not meet the submission requirements in this policy will not be allowable.

Where the decision is that the appeal is allowable and the result should be reviewed, the fee shall be returned to the appellant.

2.5 Evidence

The nature of the evidence provided to support the stated grounds for appeal will depend on the case. However, no other supplementary material should be submitted; this is not an opportunity for the candidate to submit additional or re-worked submissions for assessment.

2.6 Administrative Review

The appeal submission will be checked by administration staff of the RIAI to verify that all necessary documentation is present and that the submission complies with all of the requirements of this RIAI Non-Statutory Appeals Policy (e.g. meets submission deadline, permissible grounds, supporting evidence, fee etc.). Non-complying submissions will be returned to the appellant; those which meet Appeal Procedure requirements will be forwarded to the relevant Appeal Committee.

Returned appeals will include the fee paid, less an appropriate sum to cover the administrative costs incurred in handling the submission. These costs are set out in the RIAI fee schedule (Appendix 1).

2.7 Appointment of Appeal Committee

The appeal will be adjudicated by an Appeal Committee. The Board of Architectural Education will establish a panel of skilled individuals to act as Appeal Committee members for the purposes of ongoing training and retention of expertise. RIAI members of Appeal Committees will be drawn from this panel. Each Appeal Committee is appointed by the Board of Architectural Education in accordance with procedures approved by RIAI Council. Appeal Committee members will generally, and unless otherwise indicated, be drawn from the Appeal Panel established by RIAI Council.

The composition of Appeal Committees will be as follows (set out by category of appeal):

Category 1 “Appeals of RIAI examinations and assessments leading to membership (of any type)”: The Appeal Committee shall consists of two members of the RIAI, at least one of
whom has relevant expertise, and one member of another professional body who is not a member of the RIAI but who has relevant expertise. Members of the relevant examination board are ineligible for inclusion on the Appeal Committee. Former members of the relevant examination board who have not been a member of the relevant examination board for at least one full year are eligible for inclusion on the Appeal Committee.

Category 2 “Appeals of RIAI assessments, including assessments involving partner organisations, leading to specialist accreditation”: The Appeal Committee shall consist of two members of the RIAI, both of whom shall have relevant expertise, and one member of the Board of Architectural Education. Members of the relevant examination board are ineligible for inclusion on the Appeal Committee. In the case of accreditations in specific areas of expertise, the Board of Architectural Education has the sole discretion to nominate to the Appeal Committee an expert in that field (who may or may not be an architect) for one of the RIAI members of the Board.

Category 3 “Appeals of decisions of the Board of Architectural Education Admissions Committee as they relate to the membership application of an individual”. The Appeal Committee shall consist of two members of the RIAI with relevant expertise and one member of the Board of Architectural Education. No Member of the Board of Architectural Education Admissions Committee shall be appointed to this Appeal Committee.

The RIAI has established Panels from which assessors may be drawn for professional examinations in the fields of Architecture and Architectural Technology. Members of examination boards and teams of assessors who carry out individualised assessments under category 1, and on occasion category 2, are drawn from these Panels. Members of these Panels may serve on an Appeal Committee as long as they comply with the relevant provisions regarding participation in decision making boards set out under the three categories above.

3. Guidance and explanatory notes

3.1 Assessments types

The RIAI utilises a variety of assessment methods for examinations and specialist accreditations. These are typically characterised as Standardised Assessments and Individualised Assessments.

In the case of standardised assessment every candidate is required to answer from the same set of questions. (e.g. Examination in Professional Practice, Architectural Technologist Entry Examination, Conservation Induction Module, PSDP Accreditation, etc.). In the case of individualised assessment the process is based on an individual submission by the candidate of a self-assessment of and reflection on work carried out in the course of his or her practice. (e.g. Membership Route C, Conservation Accreditation Grade I or II.)
3.2 Re-Checks

A candidate may request a re-check of the results of a standardised assessment on payment of the specified fee. The request must be submitted within two weeks of the date of issue of the result in question.

A re-check does not involve re-assessment of the candidate’s work. Neither does it constitute an appeal. It is intended to establish only that all parts of the assessment have been marked and that no errors occurred in the recording, collating or combining of the marks which determined the result. This ensures that no answer or any portion of an answer, or any work which counts towards the final result, has been overlooked. Re-Checks will be carried out by the Education Staff of the RIAI. The outcome of all re-checks will be reported to the Board of Architectural Education.

Seeking a recheck does not affect a candidate's entitlement to submit an appeal. Where a re-check indicates a significant change the fee shall be returned.

A re-check may not be requested for Individualised Assessments.

3.3 Re-Assessments

An appeal does not involve a review of the submission. However, the outcome of an appeal may be that a review is required.

Where the Appeal Committee directs that a re-assessment should take place the original materials will be re-evaluated and re-marked by assessors appointed by the BAE with relevant expertise in the particular area but who have had no involvement in the original assessment. Where an oral examination is involved a new oral examination may be required at the discretion of the examiner (of the re-assessment). Assessors may be drawn from a current decision making body as long as they have not had any part in the individual’s assessment previously.

4. Appeal Process

1. The appellant submits an appeal within the deadline, on the standard template provided and including the specified fee.

2. Is an Appeal Committee is not already in place for the result/decision being appealed the Board of Architectural Education will be requested to appoint an Appeal Committee.
3. A copy of the Appeal, together with copies of the original Submission (examination scripts, case studies, dossiers, application file etc.), Statement of outcome (results etc.), Assessment Feedback (if relevant) and Re-Check Report (if any), is sent by the RIAI executive to the members of the Appeal Committee.

4. The Appeal Committee, at its own discretion, may request additional information from
   - The appellant
   - The decision making body
Where additional information is sought, the request will be handled by administration staff of the RIAI on the Appeal Committee’s behalf. All parties shall be provided with copies of all information disclosed to the Appeals Board, unless the Appeal Committee makes a decision that, for specific and exceptional reasons, this should not occur.

5. The Appeal Committee shall, at its own discretion, decide if an oral hearing is required and, if so, who shall be required to attend. If an oral hearing is to take place, the appellant may choose to be accompanied. Any costs arising from being accompanied shall be the responsibility of the appellant. A maximum of one professional person is allowed to accompany an appellant and that person may not participate in the process.

6. Where the appeal is based on the second ground: “That, on stated grounds, other than those provided for in Ground 1, the candidate believes the Result to be unreasonable” the Appeal process shall not constitute a re-examination of the appellant’s competence in the areas covered by the Assessment Exercise.

7. Where the appeal is based on the first ground, and the Appeal Committee forms the view that the grounds are supported by the evidence, the Appeal Committee may direct the Board of Architectural Education to provide the appellant with the opportunity, within a reasonable period of time, to remedy deficiencies and demonstrate the necessary criteria. The Board of Architectural Education shall prescribe the mode of demonstration.

8. If during a hearing an Appellant raises as grounds for his/her appeal matters which have not been set out in the original appeal documents the Appeal Committee may decide to seek, or not to seek, additional information from the relevant decision making body to clarify the situation. The Appeal Committee may also decide to reject the new information as being outside the process.

9. During a hearing the Appeal Committee will allow the appellant to present his or her case, but will at that time offer no comment on the appellant’s case.
10. The Appeals Board may rule that:

i) the appeal is not allowable
ii) the appeal is allowable but that the appellant’s case fails and the result should stand without review
iii) the appeal is allowable and the result should be reviewed

Note: review of a result will not necessarily change or materially affect the final result.

11. Report to Council: The Appeal Committee will submit its decision to the Council for ratification. In its Report to Council the Board shall refer to appellants by reference number only.

12. Notification of Appeal Outcome: As soon as practicable after ratification the RIAI will notify the Appellant and the decision making body, in writing, of the ruling of the Appeal Committee and the reasons for it. Where the Board of Architectural Education is required to prescribe an assessment, the Board will be advised at the same time, or in advance, and will advise the appellant of the process that will apply as soon as reasonably possible.

13. Timescale: The RIAI will endeavour to complete the Appeals procedure and inform the appellant of the Appeal Committee’s decision within three months of the Appeal Submission deadline. This does not encompass any process subsequently initiated to permit the candidate to demonstrate the necessary criteria.
Appendix 1: Fees and Charges relating to Appeals 2013

Appeals in category 1: RIAI examinations and assessments leading to membership of the RIAI (of any type)

Appeal fee: €405

Appeals in category 2: RIAI assessments, including assessments involving partner organisations, leading to specialist accreditation

Appeal fee (documentary review only): €200
Appeal hearing (optional and at the discretion of the Appeal Board): €180
Recheck process (see 3.2 of the policy): €130

Appeals in category 3: Decisions of the Board of Architectural Education Admissions Committee as they relate to the membership application of an individual.

Appeal fee (documentary review only): €300

Administrative charge: Amount to be retained in the event of an appeal being incomplete and returned after the administrative check (per 2.6 above) €50

Note:

1. Fees are subject to recalculation at intervals and may be changed to reflect the cost of operating the appeal process.

2. Appeal fees paid will be remitted in the event of an outcome to the effect that the appeal is allowable and the result should be reviewed.