





Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

National Validation Office,
Health and Social Care Professions Education and
Development
Health Service Executive
Merlin Park
Galway

 (091) 775094

 (091) 775863

annette.lyons@hse.ie

APPENDIX 5

DETAILS OF THE ASSESSMENT PROCESS (FOR BOTH EEA AND NON-EEA NATIONALS).

STAGE 1: Application Fees and Payment

- (i) The application fees are as follows and are non- refundable:
- | | |
|-------|------|
| AOTI | €108 |
| IIRRT | €100 |
| IASLT | €280 |
| PROQC | €500 |
- (ii) Fees should be paid using the requested means depending on the profession (i.e. by means of an Irish Bank Draft, a cheque drawn on an Irish Bank in Euro currency, or a bank transfer, as appropriate).
- (iii) All fees must be paid in full before the assessment process commences. Please note that the fee paid to the relevant Professional Body is an administration fee for the advice it gives to the Health Service Executive/ Department of Health and is not a registration/membership fee.
- (ii) The applicant is responsible for any costs incurred in undertaking a compensation mechanism.
- (iv) If missing documentation/additional information is requested and not submitted within six months, a new application must be submitted together with a new application fee should you wish your application to be further considered.

Stage 2: Submission of Applications

(Please contact the NVO office for any changes to the Validation Process)

Applications forms are available at:

Occupational Therapy: www.aoti.ie

Diagnostic Radiography/Radiation Therapy: www.iirrt.ie

Podiatry/Chiropody : down load here or email annette.lyons@hse.ie

Speech and Language Therapy: email annette.lyons@hse.ie for a copy

Applications should be sent directly to:
Ms Annette Lyons
National Validation Office
Health and Social Care Professions Education and Development
HR Directorate
HSE, Merlin Park, Galway.

The NVO office may get in touch with an applicant during the process. The formal decision will issue from the Department of Health on behalf of the Minister for Health.

- (i) in the case of EEA nationals falling within the scope of Directive 2005/36/EC, within 4 months of acknowledgement of receipt by the NVO of a complete application;
- (ii) in the case of non-EEA nationals who do not fall within the scope of Directive 2005/36/EC, within 6 months of acknowledgement of receipt by the NVO of a complete application.

Applications received in the Validation office are:

- i) Date stamped and administratively checked to ensure that there are no missing documents
- ii) NVO checks nationality/residency documentation/eligibility to practise to see whether the applicant satisfies the criteria for consideration under Directive 2005/36/ EC
- iii) Applicant details are recorded on database creating a reference number and set up
- iv) If compliant with documentation requirements, receipt of application is acknowledged to the applicant within 10 working days who is advised that clarification on aspects of the application may be sought during the assessment process
- v) If compliant with documentation requirements, a checklist sheet is attached to relevant documentation and forwarded to the appropriate body for assessment
- vi) If non-compliant with documentation requirements, applicant is advised of missing documents (e.g., inclusion of forms, incorrect notarisation etc) and that their application will not be sent to the professional advisory body until all required documents are received
- vii) If the required missing documentation is not received within six months, applicant must submit a new application, this will be included in all letters that are requesting more information being issued to applicants
- viii) If fees are not paid to the relevant body by the appropriate means, the applicant will be advised that their application will not be considered until the

- ix) Application form is to be completed in typed script in English. If submitted in another language, the application must be accompanied by a certified, notarised translation in English. The format of the application form should not change in the event of notarized translation. A copy of all the original documents that have been translated also needs to be also forwarded.
- x) All applications are also copied and filed in the National Validation Office for future reference.

STAGE 3: Feedback from Professional Body

The Association of Occupational Therapists of Ireland (AOTI) and Irish Association of Speech and Language Therapists (IASLT) meet once a month; Irish Institute of Radiography and Radiation Therapy (IIRRT) and the Podiatry Recognition of Overseas Qualifications Committee (PROQC) meet approximately every six weeks. Following their assessment of an application, each professional body conveys its advice to the NVO.

The advice must clearly show that the 3 stages in the assessment have been undertaken i.e.

- **comparability of professional activity;**
- **assessment of qualifications and identification of any deficits;**
- **assessment of post-qualification professional experience if deficits in qualifications have been identified;**

(A) Applicants who are successful

- i) Update database in Validation Office
- ii) Validation office forward details to Department of Health & Children
- iii) Department of Health & Children issue decision letter to applicant with a copy to National Validation Office
- iv) Papers filed and closed

(B) Applicants who are unsuccessful

- i) Update database in National Validation Office
- ii) National Validation Office forward details to Department of Health highlighting the fact and reason that it was unsuccessful
- iii) Department of Health issues decision letter to applicant detailing reasons for being unsuccessful to applicant and also indicating their right to appeal with copy to National Validation Office
- iv) Papers filed and closed

(C) Applicants where additional information is required by the Professional Body

(In the interest of the applicant, the professional body may seek clarification on the detail of an application e.g. more specific breakdown details on hours, clinical placements, courses, eligibility to practise, work experience etc)

- i) Update database in National Validation Office
- ii) National Validation Office sends letter to applicant advising of further requirement for additional information by the professional body
- iii) If additional information is not received within six months, applicant must submit a new application with the appropriate new fee
- iv) If an applicant keeps re-submitting the same incorrect/incomplete information then a letter will be issued to them indicating that they have failed to supply the correct information as requested and file will be deemed unsuccessful and closed
- v) Additional information forwarded to professional body for decision
- vi) On receipt of additional information from applicant, details forwarded to the advisory body for decision

(D) Applicants requiring Compensatory Mechanisms (e.g. Period of Adaptation, Aptitude Tests) (applicable to EEA- nationals only)

- i) Professional body identifies deficits clearly to the National Validation Office
- ii) National Validation Office advises Department of Health of the deficits
- iii) The Department of Health issues a decision letter to the applicant informing them of the deficits and advises applicant that they have the choice of compensation measure – either a Period of Adaptation (which must be undertaken in Ireland) or an Aptitude Test and their right to appeal this decision

STAGE 4: Appeals process (applicable to EEA-nationals falling within the scope of Directive 2005/36/EC only)

Regulation 23 of SI 139 of 2008 states that an applicant may appeal to the High Court any decision of a competent authority or any failure of a competent authority to make a decision, in relation to the application by him/her. Such an appeal shall be brought within 42 days either of the date upon which the decision concerned is communicated to the applicant concerned, or in the case of failure to make a decision within 42 days of the expiration of the periods of time specified in Regulation 22 (2).

If an applicant wishes to appeal, they should contact a solicitor practising in Ireland.

A decision of the High Court on an appeal under this Regulation is final and not appealable. Notwithstanding the Formal Appeals process, an Informal Appeals process is also in place.

Stage 5: Informal Appeals Process (applicable to both EEA and non-EEA nationals)

Notwithstanding the formal right of appeal, in line with good administrative practice, an applicant may also avail of the informal appeals process.

The informal appeal is a review, by different members of the professional body to those who considered the original application, of all written documentation in the application.

The applicant should, within 42 days of the decision letter, advise the National Validation Office of the intention to informally appeal and:

1. Provide a copy of the decision letter from the Department of Health;
2. Submit a letter to the National Validation Office at the address below, documenting the specific grounds in detail for the appeal and enclosing any supporting documentation;
3. Submit a non refundable fee of €150.

The National Validation Office will determine if the applicant has provided grounds for appeal and if so, acknowledges the informal appeal.

The professional body will convene within 4-6 weeks from the date of acknowledgement of the appeal. The appeal committee is comprised of different personnel to the original assessment committee. The applicant will be given 10 days notice of the appeal meeting but will not attend in person.

The Professional Body notifies the National Validation Office of the outcome, and the National Validation Office forwards same to the Department of Health.

The Department of Health issues the outcome of the appeal to the applicant with copy to National Validation Office within 7 working days of receipt.

Please forward appeal in writing to:

**Ms Annette Lyons
National Validation Office
Health and Social Care Professions Education and Development
HSE
Merlin Park
Galway**

PLEASE NOTE:

Under Regulation 23 of SI 139 of 2008, it is open to an applicant who is an EEA national to appeal to the High Court the decision of the informal appeal process via the formal appeal process.

If an applicant wishes to appeal, they should contact a solicitor practising in Ireland.

STAGE 6: External Complaints Mechanisms

SOLVIT

SOLVIT (<http://ec.europa.eu/solvit/>) is an informal problem-solving network launched by the European Commission in 2002. It was created to solve problems that EU citizens or businesses are experiencing with the public administrations of EU member states. The SOLVIT centres are committed to getting a response within ten weeks without prejudice to the right of their clients to pursue other action, including legal action, if they are not satisfied with the response.

SOLVIT can be contacted at its office in the applicant's home country.

This website provides general information only and it is the responsibility of each applicant to inform themselves about the Directive, full information on which is available at http://ec.europa.eu/internal_market/qualifications/index_en.htm.

The Frequently Asked Questions(FAQ) (at http://ec.europa.eu/internal_market/qualifications/docs/future/faq_en.pdf) may also be of use to applicants.

Stage 7 (if applicable): Review of Ministerial Decisions

In the event of the Minister for Health receiving information which she considers requires a review of her decision to recognise the qualifications of an applicant, the applicant will be:

- advised that the Minister for Health proposes to review her decision;

- informed by the Department of Health of the information upon which the review will be based;
- furnished with a copy of relevant documentation;
- invited to make written representations on the information in question within 14 days from the date on which the decision to review is communicated;
- asked to indicate whether they wish to make an oral submission (which should be submitted in writing beforehand);
- advised of their right to seek legal advice on the review.

The Department of Health will:

- seek the advice of the professional body, as appropriate;
- check the veracity of the information received and seek further information if required;
- consider the written representations of the applicant;
- if required, invite the applicant to make written or oral representations clarifying any earlier representations made or in relation to any further information obtained by the Minister during the course of the review;
- within a period of 3 months from the date on which the decision to review was communicated, advise the applicant of its proposed decision and the grounds for this decision;
- invite the applicant to make representations on this proposed decision;
- issue the Minister's decision to the applicant;
- post this decision on its website;
- invite the relevant professional advisory body to post this decision on its website.

AUGUST, 2010

(This document may be updated periodically and you should ensure it is in date at the time of your application)