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Independent Evaluation Report on an Application for Validation of a Programme of Education and Training v1 2020

Part 1.   Provider details

Provider name	National College of Ireland ("NCI")
Date of site visit	6 October 2021
Date of report	12 October 2021

Section A.   Overall recommendations

Principal programme	Title	Certificate in Workplace Adjudication
	Award	Special Purpose Award
	Credit	20
	Recommendation *Satisfactory OR Satisfactory subject to proposed conditions OR Not Satisfactory*	Satisfactory subject to proposed conditions

Section B.   Expert Panel

Name	Role	Affiliation
Aisling Reast	Chair	Registrar, Hibernia College
Matthew Hurley	Recording Secretary	English Language Teacher, Bridge Mills Galway Language Centre
Honora Mc Carrick	Subject Matter Expert	Lecturer, TUD (Tallaght), and Barrister
Brendan Kirwan	Industry Representative	Barrister (Senior Counsel)
Siobhán Gouffe	Learner Representative	Student, Griffith College, and Barrister

Section C.   Principal Programme

Names of centre(s) where the programme(s) is to be provided	Maximum number of learners (per centre)	Minimum number of learners
WRC Head Office, Lansdowne House, Ballsbridge, Dublin 4	25	15
National College of Ireland, IFSC, Mayor Street, Dublin 1	25	15

Proposed Enrolment	
Date of first intake	January 2022
Maximum number of annual intakes	2
Maximum total number of learners per intake	25
Intake Schedule (e.g. September, January)	Flexible (starting January 2022)
Programme duration (months from start to completion)	3 months

Panel Commentary on proposed enrolment:

Due to a recent Supreme Court judgment which reinforced the need for a Workplace Adjudication programme, along with two recruitment drives which are currently underway with the Public Appointments Service (PAS), NCI and the WRC have evidence to support their minimum and maximum proposed enrolment figures over the coming years.

However, as further noted and contextualised under Criterion 4, the panel recommends the implementation of a system to manage expressions of interest from prospective learners, should the situation arise where the number of maximum learners for a given intake has been reached.

Target learner groups

"The programme will, subject to capacity, be open to all who meet the minimum entry requirements. Learners will come from candidates who have been successful in external competition for the appointment of Adjudication Officer or Assistant Principal Adjudication Officer through the Public Appointments Service (PAS). It will also be open to the existing pool of Adjudication Officers, members of the Labour Court and selected staff members of the Workplace Relations Commission (WRC), the Labour Court and the Department of Enterprise, Trade and Employment who may wish to update their knowledge and skills. The programme will not be open to members of the public as it is a bespoke programme."

"In addition to the Adjudication Officers participating in the programme, as has happened previously (*Certificate in Workplace Adjudication* 2014-2019), the WRC will seek and consider expressions of interest from appropriate staff working in employment rights/adjudication areas of the WRC, the Labour Court and the Department of Enterprise, Trade and Employment, for participation on the programme. A sifting process ensures that prospective learners can complete the programme and are working or likely to work in areas where the content of the programme will be directly relevant to their roles. Thus, prospective learners will be Workplace Adjudication Officers, Labour Court members or staff working in employment rights areas (e.g. adjudication,

regulation, dispute resolution). The main focus of the programme is on WRC Adjudication Officers, but such participation has assisted other staff in performing their roles in areas which are directly relevant to the programme."

"The National College of Ireland and the WRC have reached a commercial agreement whereby the WRC will pay for a minimum of 25 learners in each cohort irrespective of the actual number of learners enrolled. Newly appointed workplace adjudicators will be required to complete this programme and as such, the number of learners will be determined by the WRC and the demand in place for Workplace Adjudicators at any given time."

"That said, the WRC have identified a significant demand for new Adjudication Officers over the coming five years and as such are confident that each cohort will have a minimum of 15 learners."

[Extracted from Validation Descriptor, p. 5]

Approved countries for provision	Ireland
Delivery mode: Full-time/Part-time	Part-time

The teaching and learning modalities:

Classroom / Face to Face

Practical workshops

Independent reading

Problem-solving exercises

Brief synopsis of the programme (e.g. who it is for, what is it for, what is involved for learners, what it leads to.)

"The *Certificate in Workplace Adjudication* will give learners a thorough understanding of the principles of law that underpin the operation of a quasi-judicial tribunal involving the administration of justice. This is done by examining the Irish and European legal framework. It will ensure that learners are familiar with constitutional developments, current industrial relations issues, employment rights and equality legislation with a focus on the more contentious areas of employment regulation."

"Furthermore, it will give learners the opportunity to consider the practice and procedures applicable to referrals from Irish Tribunals and court to the Court of Justice of the European Union. Equally, this is balanced by the inclusion in the programme of several practical workshop - type sessions designed to enhance learners' skills in conducting hearings and administering justice in public, dealing with parties and their witness's, and writing up formal reasoned decisions."

"The programme encourages active participation and cross-learning between learners, and the involvement of experienced adjudicators, judges, barristers and solicitors ensure a practical approach."

"The *Certificate in Workplace Adjudication* was originally validated in 2014 to coincide with the enactment of the Workplace Relations Act 2015. It was a successful programme but its validation expired in 2019."

[Extracted from Validation Descriptor, p. 4]

Summary of specifications for teaching staff	WTE
Programme Director The Programme Director will be responsible for the academic management of the programme teaching staff and will hold a post-graduate and professional qualification in law.	0.5
Lecturer Lecturers on the programme are required to have specialist legal knowledge which covers the workings of the WRC. Teaching staff will be legal practitioners and will hold a post-graduate and professional qualification in law.	1.5
Programme Coordinator The Programme Coordinator will have experience in relationship management and programme coordination and will hold a post-graduate and professional qualification in law.	1

Learning Activity	Ratio of learners to teaching staff
Classroom / Face to Face	1:25
Workshops	1:25

Panel Commentary on programme outline and staffing:

The panel notes that NCI has staff already in situ for the delivery of the programme, and that a recruitment drive is not necessary for any additional staff at the given time. It is clear to the panel that the programme has been developed with good collaboration between NCI staff, the WRC staff, stakeholders, and industry experts, and that due consideration of learner needs has been taken into account.

Programmes being replaced (applicable to applications for revalidation)		
Code	**Title**	**Last enrolment date**
N/A	N/A	N/A

Section D.   Other noteworthy features of the application

The panel would like to offer a number of commendations to NCI:

1. The panel commends the collaboration between the National College of Ireland and the Workplace Relations Commission in the development of this important Workplace Adjudication programme, supported by robust and fit-for-purpose quality assurance systems.

2. The panel commends the College-level supports and facilities which comprehensively attend to the needs of learners; be that professional support, academic support, wellbeing support; or general guidance.

3. The panel commends the good balance between the academic and practical aspects of the programme modules.

Part 1A Evaluation of the Case for an Extension of the Approved Scope of Provision (where applicable).   Having examined appropriate QA / Governance procedures, comment on the case for extending the applicant's Approved Scope of Provision to enable provision of this programme. (Especially relevant for move to online delivery / assessment)

No extension to the current scope of provision is required.

Part 2.   Evaluation against the validation criteria

Criterion 1.   The provider is eligible to apply for validation of the programme

<table>
<tr><td colspan="3">a) The provider meets the prerequisites (section 44(7) of the 2012 Act) to apply for validation of the programme.
b) The application for validation is signed by the provider's chief executive (or equivalent) who confirms that the information provided is truthful and that all the applicable criteria have been addressed.
c) The provider has declared that their programme complies with applicable statutory, regulatory and professional body requirements.[1]</td></tr>
<tr><td></td><td>Satisfactory? (yes, no, partially)</td><td>Comment</td></tr>
<tr><td>**Certificate in Workplace Adjudication**</td><td>Yes</td><td>The panel is satisfied that the provider meets the pre-requisites under Section 44(7) of the 2021 Act to apply for validation of its NFQ Level 8 Certificate in Workplace Adjudication programme.

An approval letter, signed by NCI's President, has also been submitted, reaffirming NCI's compliance with all relevant statutory, regulatory and professional body requirements.</td></tr>
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[1] This criterion is to ensure the programme can actually be provided and will not be halted on account of breach of the law. The declaration is sought to ensure this is not overlooked but QQI is not responsible for verifying this declaration of enforcing such requirements.

Criterion 2. **The programme objectives and outcomes are clear and consistent with the QQI awards sought**

a) The programme aims and objectives are expressed plainly.
b) A QQI award is specified for those who complete the programme.
   (i) Where applicable, a QQI award is specified for each embedded programme.
c) There is a satisfactory rationale for the choice of QQI award(s).
d) The award title(s) is consistent with unit 3.1 of QQI's *Policy and Criteria for Making Awards.*
e) The award title(s) is otherwise legitimate for example it must comply with applicable statutory, regulatory and professional body requirements.
f) The programme title and any embedded programme titles are
   (i) Consistent with the title of the QQI award sought.
   (ii) Clear, accurate, succinct and fit for the purpose of informing prospective learners and other stakeholders.
g) For each programme and embedded programme
   (i) The **minimum intended programme learning outcomes** and any other educational or training objectives of the programme are explicitly specified.[2]
   (ii) The minimum intended programme learning outcomes to qualify for the QQI award sought are **consistent with** the relevant QQI awards standards.
h) Where applicable, the **minimum intended module learning outcomes** are explicitly specified for each of the programme's modules.
i) Any QQI minor awards sought for those who complete the modules are specified, where applicable.

For each minor award specified, the minimum intended module learning outcomes to qualify for the award are consistent with relevant QQI minor awards standards.[3]

	Satisfactory? (yes, no, partially)	Comment
Certificate in Workplace Adjudication	Yes	The panel is satisfied that the proposed programme meets the requirements set out under this criterion.
		The programme aims and objectives are clearly and plainly stated in the documentation, as is the rationale for the award sought.
		The minimum intended programme learning outcomes (MIPLOs) and the minimum intended module learning outcomes (MIMLOs) are explicitly stated for the programme, and the panel is satisfied that these are aligned and consistent with the QQI award standards.
		However, the panel suggests that NCI to review the Candidate Information Booklet, as the programme title (as it is stated in this document) is not consistent with the award. Furthermore, in the document Self-Evaluation against QQI's Validation Criteria the panel understands that the evidence listed under criteria 2(h) should read section 2.6 rather than 2.7 and suggests that this be updated.

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[2] Other programme objectives, for example, may be to meet the educational or training requirements of a statutory, regulatory or professional body.
[3] Not all modules will warrant minor awards. Minor awards feature strongly in the QQI common awards system however further education and training awards may be made outside this system.

Criterion 3. **The programme concept, implementation strategy, and its interpretation of QQI awards standards are well informed and soundly based (considering social, cultural, educational, professional and employment objectives)**

a) The development of the programme and the intended programme learning outcomes has sought out and taken into account the views of stakeholders such as learners, graduates, teachers, lecturers, education and training institutions, employers, statutory bodies, regulatory bodies, the international scientific and academic communities, professional bodies and equivalent associations, trades unions, and social and community representatives.[4]

b) The interpretation of awards standards has been adequately informed and researched; considering the programme aims and objectives and minimum intended programme (and, where applicable, modular) learning outcomes.
  (i) There is a satisfactory rationale for providing the programme.
  (ii) The proposed programme compares favourably with existing related (comparable) programmes in Ireland and beyond. Comparators should be as close as it is possible to find.
  (iii) There is support for the introduction of the programme (such as from employers, or professional, regulatory or statutory bodies).
  (iv) There is evidence[5] of learner demand for the programme.
  (v) There is evidence of employment opportunities for graduates where relevant[6].
  (vi) The programme meets genuine education and training needs.[7]

c) There are mechanisms to keep the programme updated in consultation with internal and external stakeholders.

d) Employers and practitioners in the cases of vocational and professional awards have been systematically involved in the programme design where the programme is vocationally or professionally oriented.

e) The programme satisfies any validation-related criteria attaching to the applicable awards standards and QQI awards specifications.

	Satisfactory? (yes, no, partially)	Comment
Certificate in Workplace Adjudication	Yes	The panel is satisfied that the proposed programme meets the requirements set out under this criterion.
		Given the bespoke nature of the programme — a Special Purpose Award designed specifically for the training of Adjudication Officers for the Workplace Relations Commission (WRC), direct comparison with other programmes was not possible. However, two other programmes focusing on dispute resolution and quasi-judicial decision making were highlighted in the documentation for their general proximity to the area of workplace adjudication.
		The panel is satisfied that there is a genuine rationale for the programme, and evidence of learner demand is supported by a combination of previous enrolment numbers, the recruitment drives which are currently underway with the Public Appointment Service (PAS), and more recently, a Supreme Court judgment which emphasised the need for such a programme.

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[4] Awards standards however detailed rely on various communities for their interpretation. This consultation is necessary if the programme is to enable learners to achieve the standard in its fullest sense.

[5] This might be predictive or indirect.

[6] It is essential to involve employers in the programme development and review process when the programme is vocationally or professionally oriented.

[7] There is clear evidence that the programme meets the **target learners'** education and training needs and that there is a clear demand for the programme.

| | | NCI has clearly established mechanisms to ensure programme currency, and which detail how programmes will be updated in consultation with stakeholders.

Finally, as further noted under Criterion 6 and Criterion 9, the provider engages with industry experts and experienced practitioners, who are invited onto the programme as guest lecturers. This allows the programme to maintain currency and relevancy to the industry and profession it is aimed at.

In the document Self-Evaluation against QQI's Validation Criteria the panel noted that section 3.c) refers to section 3.8; it is suggested that this should refer to Section 9.3 only. |
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Criterion 4. **The programme's access, transfer and progression arrangements are satisfactory**

a) The information about the programme as well as its procedures for access, transfer and progression are consistent with the procedures described in QQI's policy and criteria for access, transfer and progression in relation to learners for providers of further and higher education and training. Each of its programme-specific criteria is individually and explicitly satisfied[8].

b) Programme information for learners is provided in plain language. This details what the programme expects of learners and what learners can expect of the programme and that there are procedures to ensure its availability in a range of accessible formats.

c) If the programme leads to a higher education and training award and its duration is designed for native English speakers, then the level of proficiency in English language must be greater or equal to B2+ in the Common European Framework of Reference for Languages (CEFRL[9]) in order to enable learners to reach the required standard for the QQI award.

d) The programme specifies the learning (knowledge, skill and competence) that **target learners** are expected to have achieved before they are enrolled in the programme and any other assumptions about enrolled learners (programme participants).

e) The programme includes suitable procedures and criteria for the **recognition of prior learning** for the purposes of access and, where appropriate, for advanced entry to the programme and for exemptions.

f) The programme title (the title used to refer to the programme):-
   (i) Reflects the core *intended programme learning outcomes*, and is consistent with the standards and purposes of the QQI awards to which it leads, the award title(s) and their class(es).
   (ii) Is learner focused and meaningful to the learners;
   (iii) Has long-lasting significance.

g) The programme title is otherwise legitimate; for example, it must comply with applicable statutory, regulatory and professional body requirements.

	Satisfactory? (yes, no, partially)	Comment
Certificate in Workplace Adjudication	Yes	The panel is generally satisfied that the programme's access procedures are consistent with QQI's guidelines. The primary point of entry for the Certificate in Workplace Adjudication is via the Public Appointment Service (PAS). Expressions of interest may be made by select WRC staff members, members of the Labour Court, or members of the Department of Enterprise, Trade and Employment, following which a 'sifting' process will be undertaken on applications. The panel sought to further understand this process.

Representatives clarified that the WRC undertakes an initial review of applications, making a decision on the suitability of applicants. A list of successful candidates is then given to NCI, who ensure all of these candidates meet the minimum entry requirements and are able to participate on the programme.

However, the panel observed a lack of any existing arrangements to manage expressions of interest in the event a given intake has already |

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[8] Each of the detailed criteria set out in the Policy and criteria for access, transfer and progression in relation to learners for providers of further and higher education and training must be addressed in the provider's evaluation report. The detailed criteria are (QQI, restated 2015) arranged under the headings
-   Progression and transfer routes
-   Entry arrangements
-   Information provision

[9] http://www.coe.int/t/dg4/linguistic/Source/Framework_EN.pdf (accessed 26/09/2015)

reached maximum capacity. Representatives noted during the site visit that this is an area which can certainly be explored further and factored into the process, in order to facilitate as many prospective candidates as possible. In light of this:

The panel recommends the implementation of a system to manage expressions of interest from prospective learners, should the situation arise where the number of maximum learners for a given intake has been reached.

The panel noted that no transfer or progression destinations had been identified in Section 4.4 of the programme document, and queried during the virtual site visit what options might be available for learners should they wish to progress further at NFQ Level 8 or 9. Representatives noted that students would have the option of continuing their studies with NCI, and could undertake, for example, a Master's programme, following successful completion of the Workplace Adjudication programme and assuming they meet any other eligibility requirements as required.

Given the potential progression routes that are, in fact, available to students,

the panel recommends that progression destinations be included in the documentation.

Entry procedures along with the minimum requirements for general learning are clearly articulated in the programme document, and the panel is satisfied that the programme information for learners is written in plain, accessible language. As the programme leads to a higher education and training award, applicants must have achieved a minimum of a 6.0 in the academic IELTS test (or equivalent) as evidence of their English language proficiency.

NCI's processes around Recognition of Prior Experiential Learning (RPL) are well-established and available on the college's website.

Criterion 5.   The programme's written curriculum is well structured and fit-for-purpose

a)	The programme is suitably structured and coherently oriented towards the achievement by learners of its intended programme learning outcomes. The programme (including any stages and modules) is integrated in all its dimensions.
b)	In so far as it is feasible the programme provides choice to enrolled learners so that they may align their learning opportunities towards their individual educational and training needs.
c)	Each module and stage is suitably structured and coherently oriented towards the achievement by learners of the intended *programme* learning outcomes.
d)	The objectives and purposes of each of the programme's elements are clear to learners and to the provider's staff.
e)	The programme is structured and scheduled realistically based on sound educational and training principles[10].
f)	The curriculum is comprehensively and systematically documented.
g)	The credit allocated to the programme is consistent with the difference between the entry standard and minimum intended programme learning outcomes.
h)	The credit allocated to each module is consistent with the difference between the module entry standard and minimum intended module learning outcomes.
i)	Elements such as practice placement and work-based phases are provided with the same rigour and attentiveness as other elements.
j)	The programme duration (expressed in terms of time from initial enrolment to completion) and its fulltime equivalent contact time (expressed in hours) are consistent with the difference between the minimum entry standard and award standard and with the credit allocation.[11]

	Satisfactory? (yes, no, partially)	Comment
Certificate in Workplace Adjudication	Yes	With the exception of two recommendations, the panel is largely satisfied that the written curriculum for the Certificate in Workplace Adjudication is well-structured and fit-for-purpose. Given the bespoke and specialised nature of the programme, NCI and the WRC have collaborated on the design of the curriculum to ensure it is relevant to the requirements of the Adjudication Service. The programme is comprised of two synergic and cohesive modules (each accounting for 10 ECTS), the first of which addresses the requisite legal knowledge for workplace adjudication, and the second of which attends to the practical application of this knowledge. Development of these modules, and the wider programme, integrates sound education and training principles, national best practice, and is relevant to the most recent legislation. Notwithstanding this, a number of key issues and queries were raised with representatives during the virtual site visit, leading to the first of two recommendations. These are as follows: 1. The panel noted the additional 24 contact hours which have been added to the programme in light of the Zalewski judgment, increasing the total number of hours from 120 (on the previous

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[10] This applies recursively to each and every element of the programme from enrolment through to completion.

In the case of a modular programme, the pool of modules and learning pathway constraints (such as any prerequisite and co-requisite modules) is explicit and appropriate to the intended programme learning outcomes.

[11] If the duration is variable, for example, when advanced entry is available, this should be explained and justified

iteration of the programme, which ran between 2014 and 2019) to 144. These 24 hours, according to the programme document, will facilitate the provision of "further knowledge and skills to learners and to prepare them for conducting hearings in public and taking evidence on oath/affirmation." (Validation Descriptor, Section 3.5, p. 16)

In spite of this stated rationale, the panel held the view that the breakdown/use of this additional 24 hours had not been adequately expressed within the programme content. This absence of information therefore made it difficult to justify. There is, for example, no one 24-hour block of learning that has been incorporated into the programme. Rather, the 24 hours have been dispersed among other areas to allow expansion of what is already in place, and to accommodate the incorporation of newer legislation which did not exist during the previous iterations of the programme.

2. The panel queried whether any part of the programme focuses on teaching students how to conduct a remote hearing, and the skills which may be required for such a practice.

Representatives acknowledged that remote hearings are not expressly addressed in the programme document, but that it is an area which could be incorporated.

The panel is of the view that it may be of great benefit to learners if this was addressed in the programme, given the notable difference between remote and live hearings.

3. The panel noted an absence of provision made in respect of mediation, and queried whether it was something that is addressed on the programme.

Representatives noted a Mediation Manager is available who can come on to the programme as a guest and speak to students generally to ensure there is an awareness of mediation and the wider role it plays in relation to adjudication. Following this discussion, representations noted their intention to update the documentation accordingly to accommodate this offering.

4. The panel observed no specific session in the documentation dealing with "special cases" or issues pertaining to jurisdiction. Although representatives noted that such issues are loosely addressed in Module 1, it is important to ensure programme content in relation to this, and to what extent it is covered, is made explicitly clear in the documentation.

5. The panel held concerns that the use of the term "Inquisitorial Hearing" in relation to MIPLO 2 (Section 3.5, p. 15), and the term "Inquisitorial tribunals" (Section 3.5, p. 28), may cause some confusion for learners, given the specific definition of "inquisitorial" in the legal context. Representatives clarified that the use of this label in the documentation was derived from the Workplace Relations Act ("The Act").

While acknowledging this rationale, the panel advises NCI to clearly state in the documentation that the use of this label derives from The

| | | Act (as a means of avoiding confusion), but that the skills go beyond simple inquiry.

In light of these five matters, the panel has identified a recommendation:

> *The panel recommends that programme content and underlying rationale be more clearly articulated in the programme documentation, while acknowledging the need to manage programme currency in line with existing college frameworks.*

In reviewing the indicative timetable for the programme, the panel noted the considerable learner effort required throughout the programme, particularly in Weeks 11 & 12 when the total hours required reaches as high as 70. The panel held concerns that this would be extremely demanding of learners, especially in the case of learners who are participating on the programme but still actively working.

Representatives emphasised the importance of the workload in order to effectively cover all relevant areas, and noted that the profile of learners entering onto the programme would often be professionals who are used to working in demanding environments with heavy workloads.

It was further noted that participation on the programme is a contractual commitment that Adjudication Officers agree to when they accept the offer of appointment from the PAS, and that this is flagged as a requirement in the Candidates Information Booklet. However, in the event a learner is evidently struggling while on the programme, there are supports and processes in place to address this.

While acknowledging the above, the panel held the view that the demands of the learner must not be downplayed, and that it is important for learners to understand the breadth of work involved at various points in the programme prior to course commencement. In respect of this,

> *The panel recommends that the demands made of the learners (in relation to workload and hours) be clearly articulated in all supporting documentation.* |

Criterion 6. **There are sufficient qualified and capable programme staff available to implement the programme as planned**

a)	The specification of the programme's staffing requirements (staff required as part of the programme and intrinsic to it) is precise, and rigorous and consistent with the programme and its defined purpose. The specifications include professional and educational qualifications, licences-to-practise where applicable, experience and the staff/learner ratio requirements. See also criterion 12 c).
b)	The programme has an identified complement of staff[12] (or potential staff) who are available, qualified and capable to provide the specified programme in the context of their existing commitments.
c)	The programme's complement of staff (or potential staff) (those who support learning including any employer-based personnel) are demonstrated to be competent to enable learners to achieve the intended programme learning outcomes and to assess learners' achievements as required.
d)	There are arrangements for the performance of the programme's staff to be managed to ensure continuing capability to fulfil their roles and there are staff development[13] opportunities[14].
e)	There are arrangements for programme staff performance to be reviewed and there are mechanisms for encouraging development and for addressing underperformance.
f)	Where the programme is to be provided by staff not already in post there are arrangements to ensure that the programme will not enrol learners unless a complement of staff meeting the specifications is in post.

	Satisfactory? (yes, no, partially)	Comment
Certificate in Workplace Adjudication	Yes	The provider has a team of appropriately-qualified and experienced staff members already in situ for the management and delivery of the programme. Because of this, there is no immediate plan or need to recruit other faculty. Nonetheless, there are clear specifications with regard to the requirements and qualifications for key staff members should a situation arise where recruitment becomes necessary.

Staff performance management arrangements are outlined in the programme document, with class representative meetings (*see Criterion 11*), module surveys, and the student complaints policy each utilised to understand and manage staff performance in relation to programme delivery. Additionally, the programme document reinforces the importance the provider places on continuing professional development (CPD) and upskilling. Workshops, seminars, and formal programmes are among the comprehensive set of opportunities available to staff, and all teaching staff have access to the Teaching Enhancement hub on NCI's Moodle, which offers resources on teaching effectiveness, Inclusive Practice, Digital Capability, and Reflection and Development. |

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[12] Staff here means natural persons required as part of the programme and accountable (directly or indirectly) to the programme's provider, it may for example, include contracted trainers and workplace supervisors.

[13] Development here is for the purpose of ensuring staff remain up-to-date on the discipline itself, on teaching methods or on other relevant skills or knowledge, to the extent that this is necessary to ensure an adequate standard of teaching.

[14] Professional or vocational education and training requires that teaching staff's professional/vocation knowledge is up to date. Being qualified in a discipline does not necessarily mean that a person is currently competent in that discipline. Therefore, performance management and development of professional and vocational staff needs to focus on professional/vocational competence as well as pedagogical competence. Professional development may include placement in industry, for example. In regulated professions it would be expected that there are a suitable number of registered practitioners involved.

While acknowledging this clear commitment to staff development, the panel queried how NCI supports Associate Faculty (i.e. lecturers and teaching staff from outside agencies such as the WRC or Labour Court) in terms of expertise, TLA (teaching, learning and assessment), and upskilling.

Representatives clarified that Associate Faculty are treated no differently to full-time NCI faculty, and have the full set of training and professional development opportunities available to them. This includes access to the Teaching Enhancement hub on NCI's Moodle.

The panel was of the view that the documentation did not fully reflect this good practice; specifically that it was unclear that the provision of these supports also extends to Associate Faculty. Furthermore, the staff management processes outlined in the programme document and referred to above do not specify their relevance to Associate Faculty. For these reasons, **the panel recommends:**

> *that the documentation be updated to clearly reflect the fact that processes relating to faculty also apply to Associate faculty.*

The panel commends the use of industry experts and experienced practitioners as guest lecturers to ensure learners are receiving a current, relevant and informed learning experience. It was noted that many of the contributors to these guest lectures have been participating on the programme for some years now, and are routinely invited back.

However, the panel held a concern that there was a possible risk of overreliance on the same few key people, and that this may pose a problem if, in one iteration of the programme, one or more of the guest lecturers are unable to return. For this reason,

> *The panel recommends the development and implementation of a system to mitigate any risk of overreliance on key contributors.*

Criterion 7.   **There are sufficient physical resources to implement the programme as planned**

a) The specification of the programme's physical resource requirements (physical resources required as part of the programme and intrinsic to it) is precise, and rigorous and consistent with the programme, its defined purpose and its resource/learner-ratio requirements. See also criterion 12 d).

b) The programme has an identified complement of supported physical resources (or potential supported physical resources) that are available in the context of existing commitments on these e.g. availability of:
   (i) suitable premises and accommodation for the learning and human needs (comfort, safety, health, wellbeing) of learners (this applies to all of the programme's learning environments including the workplace learning environment)
   (ii) suitable information technology and resources (including educational technology and any virtual learning environments provided)
   (iii) printed and electronic material (including software) for teaching, learning and assessment
   (iv) suitable specialist equipment (e.g. kitchen, laboratory, workshop, studio) – if applicable
   (v) technical support
   (vi) administrative support
   (vii) company placements/internships – if applicable

c) If versions of the programme are provided in parallel at more than one location each independently meets the location-sensitive validation criteria for each location (for example staffing, resources and the learning environment).

d) There is a five-year plan for the programme. It should address
   (i) Planned intake (first five years) and
   (ii) The total costs and income over the five years based on the planned intake.

e) The programme includes controls to ensure entitlement to use the property (including intellectual property, premises, materials and equipment) required.

	Satisfactory? (yes, no, partially)	Comment
Certificate in Workplace Adjudication	Yes	The panel is satisfied that the proposed programme meets the requirements set out under this criterion. The programme document (Sections 3.1.12 & 3.1.13) clearly details the planned intake and five-year financial plan for the proposed programme, and specifies the physical and technical resources available and necessary for effective programme delivery. The primary premises for delivery of the Workplace Adjudication programme has, since the programme's inception, been the WRC offices located in Ballsbridge, Dublin. This premises is equipped with sufficient classroom space, a comprehensive legal library, and appropriate technologies which learners have full access to. NCI also has approved QA procedures in place which cover off-campus delivery, and delivery at the WRC premises is covered under these arrangements. NCI is also seeking validation for delivery of the programme at its own QQI-approved IFSC premises in Dublin. Students on the Workplace Adjudication programme, as registered students of NCI, will have full access to facilities at both the WRC and NCI campuses, including IT services, library, and necessary software. The panel is satisfied that the necessary IT supports are in place at both the WRC and NCI campuses to support students and effective delivery of the programme.

Criterion 8.   **The learning environment is consistent with the needs of the programme's learners**

a)	The programme's physical, social, cultural and intellectual environment (recognising that the environment may, for example, be partly virtual or involve the workplace) including resources and support systems are consistent with the intended programme learning outcomes.	
b)	Learners can interact with, and are supported by, others in the programme's learning environments including peer learners, teachers, and where applicable supervisors, practitioners and mentors.	
c)	The programme includes arrangements to ensure that the parts of the programme that occur in the workplace are subject to the same rigours as any other part of the programme while having regard to the different nature of the workplace.	

	Satisfactory? (yes, no, partially)	Comment
Certificate in Workplace Adjudication	Yes	The panel is satisfied that the proposed programme meets the requirements set out under this criterion. The programme utilises a combined traditional and virtual learning environment (programme delivery is face to face only, but the Moodle VLE is used in support of this). With consideration that learners enrolling on the Workplace Adjudication programme are, in most cases, working professionals with backgrounds in areas of employment rights (e.g. dispute resolution, regulation), learners are encouraged to draw on their prior professional experience to facilitate peer learning opportunities and interactive discussion sessions. Moreover, engagement with faculty and guest lecturers is embedded into the learning environment. In addition, learners have full access to the wealth of resources and supports available through both the WRC and NCI (as further explored under Criterion 7).

Criterion 9.   There are sound teaching and learning strategies

a) The teaching strategies support achievement of the intended programme/module learning outcomes.
b) The programme provides authentic learning opportunities to enable learners to achieve the intended programme learning outcomes.
c) The programme enables enrolled learners to attain (if reasonably diligent) the minimum intended programme learning outcomes reliably and efficiently (in terms of overall learner effort and a reasonably balanced workload).
d) Learning is monitored/supervised.
e) Individualised guidance, support15 and timely formative feedback is regularly provided to enrolled learners as they progress within the programme.

	Satisfactory? (yes, no, partially)	Comment
Certificate in Workplace Adjudication	Partially	The Workplace Adjudication programme makes use of both academic/theory-based classes and practical skills-based workshops; allowing students to explore and practice the application of principles. A variety of methods are employed, including classroom-based lectures, interactive in-class discussion, independent reading and problem-solving exercises. Industry experts and practitioners are invited in as guest lecturers to ensure programme relevancy and authenticity. There is a keen awareness in the documentation of the importance interactivity plays in the learning process, and teaching styles are flexible to facilitate this. The panel sought to explore the teaching, learning and assessment (TLA) strategy further with representatives during the virtual site visit, as there were some initial concerns that the documentation was light on detail relating to the implementation of teaching methodologies and how these are used to facilitate the development of knowledge, skills and competencies in learners. Programme staff and lecturers actively engaged with the panel in these extensive discussions, which provided deeper insight on the teaching philosophies and methodologies employed, the rationale for choosing a face-to face mode of delivery, and how student engagement, interaction and opportunities for peer learning are facilitated. The panel was reassured by the breadth of these sound teaching and learning strategies, but agreed that the documentation did not fully articulate these. In respect of this: ***It is a special condition of validation that the teaching, learning and assessment strategy be further articulated in the documentation, setting out the rationale and implementation of teaching methodologies to support the development of learner knowledge, skill and competence.***

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15 Support and feedback concerns anything material to learning in the context of the programme. For the avoidance of doubt it includes among other things any course-related language, literacy and numeracy support.

		In the document Self-Evaluation against QQI's Validation Criteria the panel noted that 9.c) should read 20 ECTS and advises that this is updated.

Criterion 10. There are sound assessment strategies

a) All assessment is undertaken consistently with *Assessment Guidelines, Conventions and Protocols for Programmes Leading to QQI Awards*[16]

b) The programme's assessment procedures interface effectively with the provider's QQI approved quality assurance procedures.

c) The programme includes specific procedures that are fair and consistent for the assessment of enrolled learners to ensure the minimum intended programme/module learning outcomes are acquired by all who successfully complete the programme.[17]

d) The programme includes formative assessment to support learning.

e) There is a satisfactory written **programme assessment strategy** for the programme as a whole and there are satisfactory module assessment strategies for any of its constituent modules.[18]

f) Sample assessment instruments, tasks, marking schemes and related evidence have been provided for each award-stage assessment and indicate that the assessment is likely to be valid and reliable.

g) There are sound procedures for the moderation of summative assessment results.

h) The provider only puts forward an enrolled learner for certification for a particular award for which a programme has been validated if they have been specifically assessed against the standard for that award.[19]

	Satisfactory? (yes, no, partially)	Comment
Certificate in Workplace Adjudication	Partially	Assessment on the Certificate in Workplace Adjudication programme comprises three parts: • A Project, worth 100% of Module 1. • A Mock Hearing, worth 50% of Module 2. • A Written Decision from the Mock Hearing, worth 50% of Module 2. Assessments are aligned with the relevant MIPLOs and MIMLOs, and treated by NCI as learning opportunities as part of the provider's wider assessment strategy. This strategy is clearly articulated in the documentation, and a sample assessment has been provided and reviewed by the panel. However, similar to the concern outlined under Criterion 9 relating to NCI's teaching and learning strategy, the panel was of the view that the instructions to learners (as presented in the sample assessment) could be further articulated, as they did not offer much information on the structure of the submission or marking criteria.

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[16] See the section on transitional arrangements.

[17] This assumes the minimum intended programme/module learning outcomes are consistent with the applicable awards standards.

[18] The programme assessment strategy is addressed in the Assessment Guidelines, Conventions and Protocols for Programmes Leading to QQI Awards. See the section on transitional arrangements.

[19] If the award is a QQI CAS compound award it is not necessarily sufficient that the learner has achieved all the components specified in the certification requirements unless at least one of those components is a capstone component (i.e. designed to test the compound learning outcomes).

		Representatives noted that these topics would be discussed by the lecturer during class, further information would be provided to students and that there is more information available in the programme descriptor.

Criterion 11. Learners enrolled on the programme are well informed, guided and cared for

a) There are arrangements to ensure that each enrolled learner is fully informed in a timely manner about the programme including the schedule of activities and assessments.

b) Information is provided about learner supports that are available to learners enrolled on the programme.

c) Specific information is provided to learners enrolled on the programme about any programme-specific appeals and complaints procedures.

d) If the programme is modular, it includes arrangements for the provision of effective guidance services for learners on the selection of appropriate learning pathways.

e) The programme takes into account and accommodates to the differences between enrolled learners, for example, in terms of their prior learning, maturity, and capabilities.

f) There are arrangements to ensure that learners enrolled on the programme are supervised and individualised support and due care is targeted at those who need it.

g) The programme provides supports for enrolled learners who have special education and training needs.

h) The programme makes reasonable accommodations for learners with disabilities[20].

i) If the programme aims to enrol international students it complies with the *Code of Practice for Provision of Programmes to International Students*[21] and there are appropriate in-service supports in areas such as English language, learning skills, information technology skills and such like, to address the particular needs of international learners and enable such learners to successfully participate in the programme.

j) The programme's learners will be well cared for and safe while participating in the programme, (e.g. while at the provider's premises or those of any collaborators involved in provision, the programme's locations of provision including any workplace locations or practice-placement locations).

	Satisfactory? (yes, no, partially)	Comment
Certificate in Workplace Adjudication	Yes	Students enrolled on the Workplace Adjudication programme have access to the full suite of resources and supports (physical and digital) offered by NCI, including counselling supports and mental health platforms, Moodle and academic supports. A Learning Support Service is in place to assist learners on their academic journey, focusing on academic writing, plagiarism, research skills, note-taking and exam revision. In addition to this, learners have access to the library and Library Help Centre, where students can raise queries with the library staff through the online portal "LibChat." The WRC premises also has a comprehensive legal library on site, and learners can access various legal resources such as Westlaw, LexisNexis and Legal Island. Given the importance of these latter resources and platforms in particular, the panel was of the view that training in relation to these should be conducted at the outset of the programme, as they may play an important role in a learner's self-directed research, and in assessment. However, in reviewing the indicative timetable, such specific training would not take place until Week 8. The panel has therefore noted a recommendation in respect of this:

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[20] For more information on making reasonable accommodations see www.AHEAD.ie and QQI's Policies, Actions and Procedures for Access, Transfer and Progression for Learners (QQI, restated 2015).

[21] See Code of Practice for Provision of Programmes to International Students (QQI, 2015)

| | | *The panel recommends that legal research and related platforms are addressed early in the course, including at induction.*

The panel queried whether there was a class representative scheme for the programme, which would open a channel of communication for issues to be conveyed through. Additionally, the panel queried whether the College has a designated member of staff to whom issues should be addressed.

It was noted that, due to the nature of the programme, it is more challenging to organise a class rep for the programme, as students are often happy to raise questions themselves and have a good sense of being able to articulate their needs due to their (often) significant legal backgrounds. Moreover, there have been occasions where students do not wish to nominate themselves to act as class rep. However, a vote on the appointment of a class rep can still be carried out if students so wish, generally in consultation with the Student's Union.

The panel acknowledges the challenges outlined by NCI representatives, but nonetheless reinforces the important role that a class rep can play. While a class rep may not be necessary or appointed on every iteration of the programme, the panel is of the view that it should nonetheless be flagged at the outset to ensure students are fully informed on the options available to them with regard to representation. To this end:

The panel recommends that the appointment of a class representative be addressed at the outset of the programme.

With regard to the panel's second query around designated members of staff for any learner issues or questions, the Programme Coordinator was identified during the site visit as the first port of call for learners. |

Criterion 12.   The programme is well managed

> a) The programme includes intrinsic governance, quality assurance, learner assessment, and access, transfer and progression procedures that functionally interface with the provider's general or institutional procedures.
> b) The programme interfaces effectively with the provider's QQI approved quality assurance procedures. Any proposed incremental changes to the provider's QA procedures required by the programme or programme-specific QA procedures have been developed having regard to QQI's statutory QA guidelines. If the QA procedures allow the provider to approve the centres within the provider that may provide the programme, the procedures and criteria for this should be fit-for-the-purpose of identifying which centres are suited to provide the programme and which are not.
> c) There are explicit and suitable programme-specific criteria for selecting persons who meet the programme's staffing requirements and can be added to the programme's complement of staff.
> d) There are explicit and suitable programme-specific criteria for selecting physical resources that meet the programmes physical resource requirements, and can be added to the programme's complement of supported physical resources.
> e) Quality assurance[22] is intrinsic to the programme's maintenance arrangements and addresses all aspects highlighted by the validation criteria.
> f) The programme-specific quality assurance arrangements are consistent with QQI's statutory QA guidelines and use continually monitored completion rates and other sources of information that may provide insight into the quality and standards achieved.
> g) The programme operation and management arrangements are coherently documented and suitable.
> h) There are sound procedures for interface with QQI certification.

	Satisfactory? (yes, no, partially)	Comment
Certificate in Workplace Adjudication	Yes	With due regard for the condition and recommendations detailed in this report, the panel is satisfied that the proposed programme meets the requirements set out under this criterion. NCI is a well-established provider with quality assurance arrangements in place which are consistent and aligned with QQI's guidelines. A clear framework for the management of the programme is detailed in the programme document (Section 9), and the membership of the Programme Committee (who monitor and oversee the effective delivery of the programme) has been identified. This membership includes representatives from both NCI and the WRC. The panel explored the ongoing management of the programme during the virtual site visit, particularly in terms of balancing programme currency while ensuring programme updates are managed appropriately. NCI representatives noted that the Programme Committee meets before each programme, and that this allows staff from NCI and the WRC to discuss potential issues, finalise the timetable, and review guest lecturers. More broadly speaking, there are then other annual monitoring processes which provide a more formal opportunity to look at qualitative and quantitative changes.

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[22] See also QQI's Policy on Monitoring (QQI, 2014)

Part 3.   Overall recommendation to QQI

3.1   Principal programme: Certificate in Workplace Adjudication

Select one	
	Satisfactory (meaning that it recommends that QQI can be satisfied in the context of unit 2.3) of Core policies and criteria for the validation by QQI of programmes of education and training;
X	Satisfactory subject to proposed special conditions (specified with timescale for compliance for each condition; these may include proposed pre-validation conditions i.e. proposed (**minor**) things to be done to a programme that almost fully meets the validation criteria before QQI makes a determination);
	Not satisfactory.

Reasons for the overall recommendation

NCI has almost fully met the validation criteria. However, the panel has confidence that NCI can satisfactorily address the special condition of validation outline below and contextualised under Criterion 9.

Commendations

1. The panel commends the collaboration between the National College of Ireland and the Workplace Relations Commission in the development of this important Workplace Adjudication Programme, supported by robust and fit-for-purpose quality assurance systems.
2. The panel commends the College-level supports and facilities which comprehensively attend to the needs of learners; be that professional support, academic support, wellbeing support; or general guidance.
3. The panel commends the good balance between the academic and practical aspects of the programme modules.

Special Conditions of Validation (directive and with timescale for compliance)

1. The teaching, learning and assessment strategy must be further articulated in the documentation, setting out the rationale and implementation of teaching methodologies to support the development of learner knowledge, skill and competence. (**Criterion 9**)

Summary of recommended special conditions of validation

1. The teaching, learning and assessment strategy must be further articulated in the documentation, setting out the rationale and implementation of teaching methodologies to support the development of learner knowledge, skill and competence. (Criterion 9)

Summary of recommendations to the provider

1. The panel recommends the implementation of a system to manage expressions of interest from prospective learners, should the situation arise where the number of maximum learners for a given intake has been reached.

2. The panel recommends that progression destinations be included in the documentation.

3. The panel recommends that programme content and underlying rationale be more clearly articulated in the programme documentation, while acknowledging the need to manage programme currency in line with existing college frameworks.

4. The panel recommends that the demands made of learners (in relation to workload and hours) be clearly articulated in all supporting documentation.

5. The panel recommends the documentation be updated to clearly reflect the fact that processes relating to faculty also apply to Associate Faculty.

6. The panel recommends the development and implementation of a system to mitigate any risk of overreliance on key contributors.

7. The panel recommends that legal research and related platforms are addressed early in the course, including at induction.

8. The panel recommends that the appointment of a class representative be addressed at the outset of the programme.

Declarations of Evaluators' Interests

This report has been agreed by the evaluation panel and is signed on their behalf by the chairperson.

Panel chairperson: Aisling Reast   Date: 22.10.2021

Signed:

3.2   Disclaimer

The Report of the External Review Panel contains no assurances, warranties or representations express or implied, regarding the aforesaid issues, or any other issues outside the Terms of Reference.

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Part 4. Proposed programme schedules *(post panel feedback and consequent amendments, if any)*

Name of Provider:	National College Of Ireland
Programme Title	Certificate in Workplace Adjudication
Award Title	Certificate in Workplace Adjudication
Stage Exit Award Title	n/a
Modes of Delivery (FT/PT):	PT
Teaching and learning modalities	Classroom, Face-to-Face

Award Class	Award NFQ level	Award EQF Level	Stage (1, 2, 3, 4, …, or Award Stage):	Stage NFQ Level	Stage EQF Level	Stage Credit (ECTS)	Date Effective	ISCED Subject code
Special Purpose Award	8	6	Award	8	6	20	January 2022	0431

Module Title (Up to 70 characters including spaces)	Semester no where applicable. (Semester 1 or Semester2)	Module		Credit Number [5]	Total Student Effort Module (hours)						Allocation Of Marks (from the module assessment strategy)				
		Status	NFQ Level where specified	Credit Units	Total Hours	Class (or equiv) Contact Hours	Directed e-learning	Directed Learning	Hours of Independent Learning	Work-based learning effort	C.A. %	Supervised Project %	Proctored practical demonstration %	Proctored written exam %
Constitutional and Statutory Framework for Workplace Adjudication	n/a	M	8	10	250	72			178		100			
Adjudication in Practice	n/a	M	8	10	250	72			178		50	50		
Special Regulations (Up to 280 characters)														