

SUBMISSION TO  
OIREACHTAS JOINT COMMITTEE ON  
EDUCATION, FURTHER AND HIGHER EDUCATION,  
RESEARCH, INNOVATION & SCIENCE  
GENERAL SCHEME OF HEA BILL

18 JUNE 2021



**QQI**

Quality and Qualifications Ireland  
Dearbhú Cáilíochta agus Cáilíochtaí Éireann

Adding Value to Qualifications



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## Summary

QQI welcomes the General Scheme of the Higher Education Authority Bill, 2021. The statutory relationship between the HEA and QQI proposed in the Scheme builds on many of the administrative arrangements that have been successfully developed in recent years.

## Introduction

QQI made submissions at earlier stages of the policy development process in 2018<sup>1</sup>, 2019<sup>2</sup> and 2021<sup>3</sup>. We note that our previous observations have been taken into account in the subsequent work of the department and are reflected in the Scheme.

## Overall approach

The philosophy of co-regulation expressed in the Scheme mirrors, in respect of wider governance matters, the approach taken to the quality assurance of higher education both in Ireland and internationally. In the first instance the quality assurance of the education, training, research and related activity of a higher education institution (HEI) is the responsibility of the institution itself<sup>4</sup>. QQI's own approach to the exercise of its functions of monitoring, review, and, where relevant, approval or authorisation, reflects this model. In such a model, mechanisms of transparency and engagement between the regulator and the regulated resolve any problems that have proven intractable through intra-institutional processes and the more intrusive powers of intervention provided for in legislation rarely if ever have to be invoked. For example, QQI's legislation includes powers to issue directions to an HEI following unsatisfactory findings in statutory review of the effectiveness of its quality assurance procedures but no such direction has ever had to issue.

## Governance

A significant safeguard to academic standards lies with the appropriate separation of decision making functions within HEIs. The arrangements proposed for institutional governance and academic governance in parts 9, 10, 11, and 12 of the scheme, amending various acts constituting HEIs, appear compatible with the requirements set out by QQI in its statutory quality assurance guidelines<sup>5</sup>. We note that the academic councils provide for the

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<sup>1</sup> [QQI submission to Higher Education Authority legislation \(Sept 2018\)](#)

<sup>2</sup> [QQI Submission on proposals to update the HEA Legislation \(Sept 2019\)](#)

<sup>3</sup> [QQI submission on further proposals to update the HEA legislation \(March 2021\)](#)

<sup>4</sup> Section 28, [Qualifications and Quality Assurance Act, 2012](#)

<sup>5</sup> [QQI Quality Assurance Guidelines \(qqi-qaguidelines.com\)](http://qqi-qaguidelines.com)



representation of academic staff and students in the academic governance of the HEI. This is a central requirement for good governance in higher education.

## Cooperation between HEA and QQI

The Scheme identifies and addresses various points at which the functions of the HEA and those of QQI overlap and provides appropriate mechanisms for mutual consultation and cooperation between the agencies. It also articulates the manner in which the functions of the two agencies complement each other, both in respect of designated HEIs and other HEIs which are not HEA designated but are relevant providers of QQI awards.

Since the establishment of QQI in 2012, we have developed a strong working relationship with the HEA over and above the existing statutory injunction on QQI<sup>6</sup> to consult with the HEA in the performance of our functions. This is formally expressed through a memorandum of understanding<sup>7</sup> outlining our respective responsibilities and functions and setting out a shared programme of actions, including coordination of our respective engagements with HEIs. QQI welcomes the proposal under Head 19 to put those shared understandings and collaborative arrangements on a statutory footing through a formal agreement. This will draw together the various references in the Qualifications and Quality Assurance Act 2012 (Sections 27, 34, 42, 57, 60), the present Scheme (Heads 18, 37, 39, 41, 43, 44, 45, 46, 47, 50, 51, 57, 61, 71) and other legislation, to exchanges between the two bodies. The two agencies have also cooperated in undertaking research. Head 52 does not refer to the HEA initiating research jointly with other bodies, though there may well be circumstances in which it is appropriate to do so.

A number of initiatives that have been jointly pursued by HEA and QQI, in partnership with others, under administrative arrangements, are to be put on a statutory footing (Head 43). The National Student Engagement Programme (NStEP)<sup>8</sup> has significantly enhanced to the capacity of student representatives in a variety of areas, including participation in quality assurance. Good quality feedback from students lies at the heart of quality assurance and the data provided by StudentSurvey.ie has become an indispensable tool and Head 45 will establish it in law. QQI welcomes both. Head 45 refers exclusively to HEA designated institutions. We note that the existing survey includes some relevant providers of QQI awards that are not HEA designated providers and we would wish to see such arrangements continue, especially for HEIs to whom QQI delegates awarding powers.

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<sup>6</sup> Section 9(2)(e), [Qualifications and Quality Assurance Act, 2012](#)

<sup>7</sup> [Memorandum of Understanding between the Higher Education Authority and Quality and Qualifications Ireland](#)

<sup>8</sup> [NStEP | National Student Engagement Programme](#)



## Equity of access and participation

HEA's role in promoting equity of access and participation in HE finds a counterpart in QQI's function of establishing policies and criteria for access, transfer and progression of learners, including into and within higher education, and monitoring the implementation of those procedures by providers, including designated HEIs. The placing of a plan for equity of access and participation into law (Head 46) is welcomed. QQI will work with the HEA to ensure that the procedures established by institutions for access, transfer and progression under the QQI legislation will be compatible with and support the objectives of the plan.

## Designation

The Scheme uses a mechanism of designation to identify which institutions fall directly under the HEA regulatory ambit. Private higher education institutions are not required to seek designation but would remain subject to regulation by QQI where they seek to become relevant providers with programmes validated under the QQI Act. The relevant regulation by QQI currently includes approval of procedures for quality assurance and access, transfer and progression, programme validation, and arrangements for the protection of enrolled learners. When the 2019 amendments to QQI's functions are commenced, the corporate capacity and capability of such providers will be open to specific scrutiny.

Private provider engagement with QQI may be used by the HEA as a criterion of eligibility for certain funding schemes (Head 39) and subsequently the agencies may exchange data, including personal information, to ensure compliance with funding requirements and other functions (Heads 41, 51). The roles identified in this part build on the administrative experience of schemes such as Springboard and the Human Capital Initiative where HEA and QQI have cooperated to bring quality assured, private sector provision to learners in a responsive manner.

Head 57 states that institutions to be designated shall have established procedures under the Qualifications and Quality Assurance Act 2012 and not received not had approval withdrawn by QQI under section 36 of that Act. Some prospective designates may however have been linked providers of designated awarding bodies (DAB) in which case any withdrawal of approval would be by the DAB under section 39 of the Act of 2012.