



QQI

Quality and Qualifications Ireland
Dearbhú Cáilíochta agus Cáilíochtaí Éireann

QQI COMPREHENSIVE POLICY DEVELOPMENT PROGRAMME

PROGRESS REPORT

AUGUST 2013 WHITE PAPERS

WHITE PAPER

Policy and Criteria for Initial Access to Validation of Programmes Leading to QQI Awards

WHITE PAPER

Regulations for Protection of Enrolled Learners: Implementation of Part 6 of the 2012 Act

WHITE PAPER

Fees for QQI Services

1 INTRODUCTION

QQI White Papers are published documents containing proposed QQI policy for public consultation and information. Following publication and consideration of the outcomes of consultation, they lead to Draft QQI Policy which is approved by the Board of QQI. Once approved, QQI policy and procedures are developed and implemented accordingly.

QQI White Papers are designed to propose new draft policy and to seek feedback on those proposals, rather than to document transitional or interim arrangements.

This report accompanies three QQI White Papers which propose principles, policy and regulations concerning:

- » Provider Access to Initial Validation of Programmes Leading to QQI Awards (White Paper 1).
- » Protection of Enrolled Learners (White Paper 2).
- » Fees for QQI Services (White Paper 3).

These three White Papers should be considered together. Each White Paper has evolved directly from a Green Paper that explored issues and options in the policy area. These Green Papers underwent public consultation up to 7 June 2013. Respectively these are:

- » Green Paper on Provider Access to Programme Accreditation (available [here](#)).
- » Green Paper on Protection for Enrolled Learners (available [here](#)).
- » Green Paper on Fees for QQI Services (available [here](#)).

The purpose of this progress report is to summarise the Comprehensive Policy Development Programme to date; to outline the context wherein these three White Papers were developed; and, to describe the specific outcomes of Green Paper consultation feedback and the rationale for policy decisions proposed.

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2 QQI'S COMPREHENSIVE POLICY DEVELOPMENT PROGRAMME

In February 2013, QQI launched its Comprehensive Policy Development Programme to take a coordinated approach to policy development in the areas of quality assurance and qualifications. A simultaneous and coordinated approach towards policy development is vital to ensure the dependencies and inter-dependencies between policy areas are identified and addressed. This is necessary in order to develop policy that will fully and effectively implement the functions of QQI as set out in the Qualifications and Quality Assurance (Education and Training) Act 2012 (the 2012 Act) in a holistic manner.

“The link between framework qualifications and the quality assurance behind these qualifications is paramount and requires QQI to deliver a coherent and holistic approach to qualifications and quality assurance as we seek to develop our suite of policies and associated procedures, in fulfilment of our functions.”

(Dr. Pádraig Walsh, CEO of QQI; Opening address at the QQI consultation event in Croke Park, 20 May 2013)

In tandem with the Comprehensive Policy Development Programme QQI has developed a draft Strategy Statement which outlines its Mission, Vision and Values (available [here](#)). QQI has also published a background discussion document ‘Qualifications Systems and Related Concepts’ (available [here](#)), which explores concepts of the qualifications system and the maintenance and further development of the National Framework of Qualifications (NFQ).

Within the Comprehensive Policy Development Programme to date, policy areas have progressed through several stages.

2.1 OUTLINE GREEN PAPER

An internal consultation and research phase was initiated using the expertise and experience of QQI staff to scope each policy area. Outline Green Papers identified topics for further research, issues to be considered, key decision areas for each policy area, dependencies and interdependencies with other policy areas and functions.

These were considered by the Board of QQI at its meeting on 22 April 2013.

2.2 GREEN PAPER

The policy areas were then developed into Green Papers which expanded on the issues and options from the Outline Green Paper. The Green Papers also explored the legal requirements, policy context and priorities of QQI. They were published for consultation on 17 May 2013 (available [here](#)).

For the three policy areas addressed by the August 2013 White Papers, consultation on the related Green Papers closed on 7 June 2013.

For the remaining 14 Green Papers consultation is on-going until 13 September 2013. Further development of these policy areas as part of the Comprehensive Policy Development Programme will be dependent upon feedback, QQI strategy and policy priorities.

2.3 WHITE PAPER

For the three August 2013 White Papers, an analysis of the feedback gathered during the consultation process has been conducted and considered together with the practical feasibility of implementation of the policy area, QQI priorities and draft strategy.

As QQI White Papers should be read as draft QQI policy, they do not reiterate the entire policy context in each area that was set out in the related Green Paper.

3 THE CURRENT POLICY LANDSCAPE

The QQI Comprehensive Policy Development Programme must be seen in the context of various developments and initiatives in further and higher education and training, which were summarised in the first Green Paper published in May 2013: *“The Comprehensive Implementation of the Functions of QQI”* (available [here](#)).

The formation of QQI as a result of the amalgamation of the FET and HET Awards Councils, the National Qualifications Authority of Ireland (NQAI) and the Irish Universities Quality Board (IUQB) is part of an on-going broader reform of the education and training sector in Ireland. QQI’s role is to act as an awarding body, custodian of the National Framework of Qualifications (NFQ) and to assure the quality of education and training in Ireland.

Important features of this reform have progressed since the publication of the Green Papers in May 2013:

- » 16 Education and Training Boards were established on 1 July 2013 to replace and rationalise the functions of the 33 Vocational Education Committees.
- » The Dáil and Seanad passed legislation to establish SOLAS as the new authority for further education to take over the functions of FÁS, with commencement planned for early autumn. One of its early functions will be to develop a national strategy for further education and training.
- » The further implementation of the National Strategy for Higher Education to 2030 (Hunt Report, January 2011) which proposed rationalisation of institutions, new funding arrangements, reform of student finance and strategies to incentivise programmes in areas perceived to have skills shortages. The minister’s letter of 30 May to the Higher Education Authority makes clear the Government’s decisions regarding HE system governance and the merger of institutions, including the introduction of technological universities, with some rationalisations having an impact on entry to HE programmes this September.
- » Institutes of Technology Ireland (IoTI) published *Principles for Internal Quality Enhancement*, - the first part of its framework for quality assurance in technological universities – on 21 June, on behalf of the 14 participating Institutes of technology.
- » Other developments continue to focus on quality assurance improvements, for example: the Irish Higher Education Quality Network published Guidelines for the Approval, Monitoring and Review of Collaborative and Transnational Provision on 21 May.

4 AUGUST 2013 WHITE PAPERS

The QQI Consultation Framework, which outlines the philosophy and methodology used by QQI to consult with the public and its stakeholders, is available on the QQI website ([here](#)). A report detailing the general themes and outcomes of the June 2013 consultation process will be published shortly.

One theme in the feedback that was of concern was the pace of the policy development process and the tight deadline for feedback on the Green Papers, both for the policy areas which are dealt with in the August 2013 White Papers and the remaining areas (for which consultation closes on 13 September). Some stakeholders are concerned that the pace of change in the system makes it difficult for them to properly debate and respond to the issues identified in the green papers. QQI appreciates the number of competing demands on stakeholders' time and effort in contributing to public policy development. However QQI has to balance this concern with the imperative to progress the reform agenda by clarifying its own role and how it will exercise its functions precisely by moving on to concrete policy proposals in White Papers. The access of private providers to the NFQ and awards made by QQI has been closed since the FET and HET Awards Councils' processes were suspended in 2011. The introduction of policy on Provider Access to Initial Validation of Programmes Leading to QQI Awards (White Paper 1) will allow QQI to open this process in such a way as to fulfil its legal requirements and commitment to facilitate access of quality providers to education and training awards made by QQI. QQI has committed to enacting policy in this area by September 2013.

As indicated in the Green Papers the implementation of policy to facilitate initial access to QQI's programme validation process requires the parallel implementation of policies and regulations on the Protection of Enrolled Learners (White Paper 2) and Fees for QQI Services (White Paper 3).

If QQI is to play its proper role in supporting evolving public policy for education and training, it needs to progress with developing the quality assurance systems that will underpin the sector and implement its functions under the 2012 Act.

5 WHITE PAPER

PROVIDER ACCESS TO INITIAL VALIDATION OF PROGRAMMES LEADING TO QQI AWARDS

This White Paper proposes policy and associated criteria and an outline process in relation to providers seeking access to the QQI programme validation process for the first time.

The Green Paper for this policy area (*Section 2: Provider Access to Programme Accreditation*) outlined the history, context, legal backdrop and issues and options for policy development. It examined the concept of assessing a candidate provider's structural and educational capacity to deliver programmes at the level and field for which they are applying for validation. Options for the process for access to validation were proposed and it explored options for re-opening ACELS for English Language Teaching Organisations (ELTOs).

5.1 SUMMARY CONSULTATION REPORT

Specific consultation in this policy area consisted of feedback gathered from online submissions on the specific questions outlined in the Green Paper. Additional seminars were also hosted in Dublin (on 30 May 2013) and Tullamore (on 6 June 2013) to gather focused feedback from potential applicant providers who had expressed an interest in seeking access to QQI validation. The seminars focused on informing potential applicants of the proposed process they would have to undertake and issues such as fees and on alternatives to QQI validation.

There were a total of 69 responses to the Green Paper. 54 delegates representing potential applicant providers attended the seminar in Dublin and 36 attended the Tullamore Seminar.

5.2 KEY THEMES ARISING FROM CONSULTATION

CAPACITY

The concept of an assessment of provider capacity to deliver their desired education and training programmes was met with broad approval. The proposed criteria and mechanisms for assessing capacity were generally felt to be correct in most cases. It was felt that a 'one-size-fits-all' approach would not be ideally suited to all types of provider, and that capacity should be proportional to a provider's activity. Restrictions to access (such as for the provision of major awards only) were proposed but specific feedback was limited in these areas and it was felt that some of these questions could not be resolved before consultation on interdependent policy areas (such as the QQI awards policy) was completed.

THE PROCESS

A significant proportion (42%) of respondents felt that Stages 1 and 2 of the process should be run in sequence rather than in parallel. Many of the qualitative responses to this question suggested that QQI should take cognisance of its own resource constraints in mapping the process and do whatever would be most effective and efficient.

ELTOS

There were relatively few online responses to the issue of access for ELTOs. A small majority felt that access should be postponed until policy on the IEM was developed. However there are a large number of ELTOs waiting for access to some form of accreditation who feel that a process should be opened as soon as practicable.

5.3 RATIONALE FOR POLICY DECISIONS

A number of substantial policy and structural decisions were made during the development of the White Paper. These are summarised below along with the rationale for their adoption by QQI.

THE TITLE

The title of the policy area was changed from *Provider Access to Programme Accreditation* (Green Paper) to *Provider Access to Initial Validation of Programmes Leading to QQI Awards* (White Paper).

This change was made to emphasise that this policy applies specifically to providers seeking to undergo their first validation process for a programme leading to an award made by QQI, not current providers seeking to have new programmes validated or providers seeking other forms of accreditation.

The term ‘provider’, meaning a provider of education and training, is used in the 2012 Act and QQI have adopted this terminology to encompass the large variety of types of organisations with whom it has or may have a relationship with.

It is furthermore emphasised that this policy will not create a registration process and that no status is conferred on any provider at any stage. Status is only conferred on the programme; upon validation it becomes a programme leading to a QQI award.

AGREEMENT OF QUALITY ASSURANCE AND THE ASSESSMENT OF CAPACITY

The concept of an assessment of capacity is proposed as QQI policy for Stage one of the Access to Validation process in the White Paper. This concept is based on the need to evaluate the ability of an applicant provider to establish and support the various elements of a quality assurance system which will be the basis of the provision for which they are applying. In essence the draft policy is articulating the agreement of Quality Assurance procedures through the lens of capacity.

The concept is endorsed by QQI’s stakeholders and is consistent with draft QQI policy to “*safeguard quality and the recognition of education and training programmes and qualifications for the benefit of learners*”. Furthermore the use of capacity as a metric is consistent with public policy and the reform of the education and training sector. It will allow QQI to make a more comprehensive and efficient judgement about the quality assurance of providers of programmes leading to awards made by QQI, and their ability to sustain that quality.

In order to address the concerns of respondents over the appropriateness of a 'one-size-fits-all' assessment of capacity, QQI proposes in the White Paper that capacity will be contextualised by the scope of the proposed provision.

PROCESS

The process proposed by QQI in the White Paper is a sequential two-stage process. Stage 1 involves the assessment of capacity (agreement of QA, ATP and PEL) and Stage 2, programme validation. Programme validation (Stage 2) will be conducted using enhanced legacy FET and HET Awards Council processes.

The adoption of a sequential process is more resource efficient for QQI and also for providers. It is also more consistent with the legal requirement that a provider's QA procedures be agreed with QQI *before* an application for validation can be made.

It should be emphasised that the rigorous process described is only for access to validation leading to a QQI award. There are numerous other routes to the NFQ which are available to providers and may be more appropriate than undertaking this process.

CRITERIA

QQI proposes three high level criteria for capacity. A provider seeking access to validation should:

- » *“Be an established legal entity with education and training as a principal function;*
- » *Have sufficient resources; and corporate, structural and internal quality assurance (QA) systems in place to ensure a sustainable basis to provide programmes of education and training that can reasonably be submitted for validation by QQI.*
- » *Demonstrate the ability to design, develop, provide and review programmes.”*

The criteria for the assessment of capacity proposed by QQI in the White Paper have been developed to ensure that providers will demonstrate that they have the capacity to deliver programmes under an effective QA system within the scope that they plan to. Detailed criteria are set out in the White Paper.

ELT SECTOR

While this issue was examined in the Green Paper, QQI took the decision to separate this ELTO question from the Access to Initial Programme Validation so as to tighten the focus of the policy area in Stage 1 of the process.

Based on the feedback received and a detailed examination of possible approaches, QQI is preparing interim arrangements to open access to accreditation for ELTOs in line with QQI's commitment to the sector and these will be communicated in due course.

6 WHITE PAPER

PROTECTION OF ENROLLED LEARNERS

This White Paper proposes regulations for providers who have to comply with the legal requirements around the Protection of Enrolled Learners as outlined in the 2012 Act.

It is important to note that at an over-arching level, the policy in this area is substantially contained in the 2012 Act and that QQI's role in this area is to regulate the implementation of that policy.

The Green Paper (*Section 3.1 – Green Paper on Protection for Enrolled Learners* available [here](#)) provides the background, context and history of the regulatory area including a detailed description of the legal obligations on providers.

6.1 SUMMARY CONSULTATION REPORT

Consultation in this area consisted of feedback being sought through the Green Paper process and legal advice sought directly by QQI.

While there were many general reactions to the Green Paper, only a small number (seven) addressed the specific questions it raised. The options proposed were the immediate or phased implementation of the PEL requirements.

Legal advice was sought on a number of specific issues contained in the legislation including a definition of terms used in the Act: 'three months or longer duration'; 'a similar programme' and 'moneys most recently paid'.

6.2 KEY THEMES ARISING FROM CONSULTATION

The majority of consultation feedback received by QQI on this area was of the view that the legislation will be difficult to implement and that requirements for financial guarantees or academic bonding arrangements would be onerous on providers. It is not within QQI's power to redress any perceived defects in the 2012 Act; QQI must implement the law as enacted.

6.3 RATIONALE FOR POLICY DECISIONS

It is important to note that this White Paper is regulatory, rather than containing policy positions proposed by QQI; due to the more prescriptive nature of the legislation in this area. There is small scope for policy options in this area.

TITLE CHANGE

The 2012 Act uses the term “*Protection of Enrolled Learners*” to describe the legal requirement. Stakeholder feedback on the Green Paper recommended using the terminology exactly as described in the law for ease of understanding and legal certainty. For this reason the term Protection of Enrolled Learners with the acronym ‘PEL’ is used.

REGULATIONS

Rather than creating policy to interpret policy, QQI proposes to implement the policies and legal requirements of the 2012 Act through the creation of regulations that indicate (amongst other things) how providers must demonstrate that they meet their obligations under the 2012 Act.

RESPONSIBILITY

One difference between the requirements of the 1999 Act and the 2012 Act is that a greater emphasis is firmly placed upon the responsibility of the providers to ensure that they have taken adequate steps to satisfy themselves and to demonstrate that the arrangements they have put in place are compliant with the law.

CONSORTIA

While the formation of consortia of providers to facilitate PEL compliance is not specifically mentioned within the regulations, QQI expects that the regulations as described also apply to consortia and do not exclude their possibility.

7 WHITE PAPER FEES FOR QQI SERVICES

This White Paper proposes policy and principles that will inform the determination of a Schedule of Fees which will establish the levels of fees charged for the services provided for in the 2012 Act. The White Paper does not propose a Schedule of Fees; this is to be determined and adopted with the consent of the Ministers for Education and Skills and Public Expenditure and Reform during summer 2013.

The share of QQI's budget derived directly from the exchequer has progressively reduced in recent years. Combined with the provision for fees for some of QQI's services in the 2012 Act and public policy on the need for efficiency and cost recovery by public sector bodies, this places a strong imperative on QQI to establish a strong principled policy basis for the determination of the Schedule of Fees. This basis is proposed in the White Paper.

The Green Paper for this area (*Section 3.2 – Green Paper on Fees for QQI Services*, available [here](#)) outlined the fee and charge arrangements for QQI's predecessor bodies as well as the detailed context wherein QQI will be charging fees.

7.1 SUMMARY CONSULTATION REPORT

Consultation on this area included the feedback gathered on the Green Paper and focused consultation with the Departments of Education and Skills and Public Expenditure and Reform. QQI also sought legal advice on some specific areas such as the charging of fees for the recognition of awards seeking alignment with the NFQ.

7.2 KEY THEMES EMERGING FROM FEEDBACK

QQI collected 72 responses to the Green Paper questions. While there was a large amount of general feedback on the Green Paper and specific responses to the questions it proposed, the crucial areas which informed the principles proposed are summarised below.

COST RECOVERY

75% of respondents said that the determination of the Schedule of Fees should reflect recovery of the resources expended. While this is in line with public policy and stakeholder feedback, QQI does not propose a blanket principle to implement full cost recovery.

PROPORTIONALITY AND VARIATION

Generally it was felt by providers (and QQI) that the determination of the Schedule of Fees should allow for variability in fees and that this variability should be determined by a proportional approach to charging providers for services.

For example, fees could be varied according to the NFQ level of the award type (76% of respondents recommended this approach). Similarly there could be fee incentives for a provider's preparedness for an engagement.

Composite fees for multiple or multi-purpose interactions were endorsed by 80% of respondents and would allow for variations in the specific fees charged for specific services. Similarly annual fees were broadly welcomed, but only in appropriate circumstances.

Exemptions, waivers or fee variations could also be influenced by public policy factors.

FEES AS A CONTROL MECHANISM

QQI posed the possibility of using fees as a mechanism to restrict access to QQI awards and services. This concept was roundly rejected by 85% of respondents.

SIMPLICITY AND TRANSPARENCY

The majority of the qualitative feedback on the Green Paper and informal feedback gathered by QQI on this issue of fees expressed the view that however the determination of the Schedule of Fees happens, it should be done simply and in a transparent manner.

7.3 RATIONALE FOR POLICY DECISIONS

PRINCIPLES

Bearing in mind that the White Paper does not propose the Schedule of Fees, rather it outlines the way in which QQI will approach the determination of the fees Schedule, QQI proposes a list of 22 principles which will govern the determination of the levels of fees. This allows QQI to ensure that the way in which fees are determined is done in a relatively straightforward and transparent manner.

COST RECOVERY AND LEVEL DETERMINATION

Feedback from stakeholders on the determination of fees recommended that fees be variable and proportional to the means and efforts required of the various sub-sectors. This means that cost-recovery may not be adopted as a blanket principle for the determination of fees. Where possible and appropriate QQI will employ cost recovery (and in some instances full cost recovery) in its determinations, but this approach will be moderated by other principles. Consistency with public policy initiatives, learner-centred-ness and the value added to the sector are equally important concerns.

VALUE-ADDED

The inclusion of a principle to reflect the value-added to the beneficiary of QQI's services is closely related to the proportionality argument in the determination of fees. While some providers may struggle to afford single blanket fees, similarly some providers derive better value from them. As such QQI proposes to consider the value-added to the provider of a QQI service in the proportional determination of the Schedule of Fees.

QQI values the contribution of its stakeholders and their input into the Comprehensive Policy Development Programme.

QQI is inviting submissions and observations on the August 2013 White Papers.

Submissions can be emailed to
consultation@QQI.ie

The closing date for submissions is **Tuesday 27th August 2013**.

In your submission please clearly indicate:

1. *Your contact details.*
2. *Whether you are responding as an individual or on behalf of an organisation.*
3. *If you do not wish your submission to be published.*