

# SUBMISSION TO THE JOINT COMMITTEE ON EDUCATION & SKILLS

QUALIFICATIONS AND QUALITY ASSURANCE (EDUCATION AND TRAINING)  
AMENDMENT BILL 2018

2 OCTOBER 2018



**QQI**

Quality and Qualifications Ireland  
Dearbhú Cáilíochta agus Cáilíochtaí Éireann

Adding Value to Qualifications

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## Executive Summary

Quality and Qualifications Ireland (QQI) is a State agency established in 2012 under the Qualifications and Quality Assurance Act 2012.

We are responsible for promoting quality and accountability in education and training services in Ireland.

Our mission is to:

- Sustain public confidence in the quality of education and training;
- Promote trust in the National Framework of Qualifications; and
- Drive a culture of continuous improvement by education and training providers.

Further details on the breadth of QQI's activities can be read [here](#).

QQI welcomes the publication of the Qualifications and Quality Assurance (Education and Training) Amendment Bill 2018 (2018 Bill). QQI is confident that the proposed amendments will safeguard the integrity of the National Framework of Qualifications, and the reputation of higher and further education and training in Ireland and simultaneously improve standards in the international education sector.

The amendments to the legislation fall into two broad categories - substantial amendments, (of which there are four) and minor amendments. The rationale for and explanation of the substantial amendments are outlined in detail below. The minor amendments will provide for a more efficient and effective operation of the quality assurance relationship between QQI and its stakeholders.



## Background to the 2018 Bill

Following its establishment in 2012, QQI launched a comprehensive policy development programme across all functions as specified in the Qualifications and Quality Assurance (Education and Training) Act 2012 (2012 Act). It became evident very quickly that there were gaps in the 2012 Act which impeded QQI from fulfilling its intended role in relation to the quality assurance of the further and higher education sectors and the English language sector. Engagement with the DES commenced at an early date to discuss the changes necessary to make QQI fully operational. The amendments proposed in the 2018 Bill are intended to enable QQI to discharge its functions as outlined in the 2012 Act. Many of the amendments proposed are informed by consultation with QQI stakeholders.



## Proposed Amendments

### Substantial Amendments

**Section 22** (*Section 55A-55I 2012 Act*) - To give QQI explicit authority to 'list' awarding bodies and to include their qualifications in the National Framework of Qualifications (the Framework)

**Section 8** (*Section 29A 2012 Act*) - To provide a legal basis for QQI to examine the *bona fides* and financial capacity of providers

**Section 24, 25, 26** (*Section 60, 61, 63 2012 Act*) - To facilitate the introduction of the International Education Mark (IEM)

**Sections 27 – 31** (*Section 64–67 2012 Act*) - To provide for a national scheme for the protection of enrolled learners (PEL)

### Minor Amendments

**Section 6, 7, 9, 11, 16, 17, 20** (*Section 27, 28, 30, 36, 45, 47, 52 2012 Act*) - To strengthen the process for approval of quality assurance procedures and programme validation

**Section 19** (*Section 50 2012 Act*) - To involve providers more centrally in the application process for recognition of prior learning (RPL)

**Section 5** (*Section 14A 2012 Act*) - To facilitate information sharing by QQI with other State Bodies

**Section 14** (*Section 43A 2012 Act*) - To empower QQI to prosecute essay mills and other forms of academic cheating

**Section 33** (*Section 80 2012 Act*) - To provide a legal basis for QQI to charge 'relationship fees' to providers

**Section 35** (*Amendment of the Regional Technical Colleges Act 1992*) - To establish Institutes of Technology as awarding bodies, and

**Section 32** (*Section 79 2012 Act*) - Exempt the listing of post-primary programmes and awards in the database of programmes.



## Substantial Amendments

### **SECTION 22 (SECTION 55A-55I 2012 ACT) AUTHORITY TO ‘LIST’ AWARDING BODIES TO INCLUDE THEIR QUALIFICATIONS IN THE FRAMEWORK**

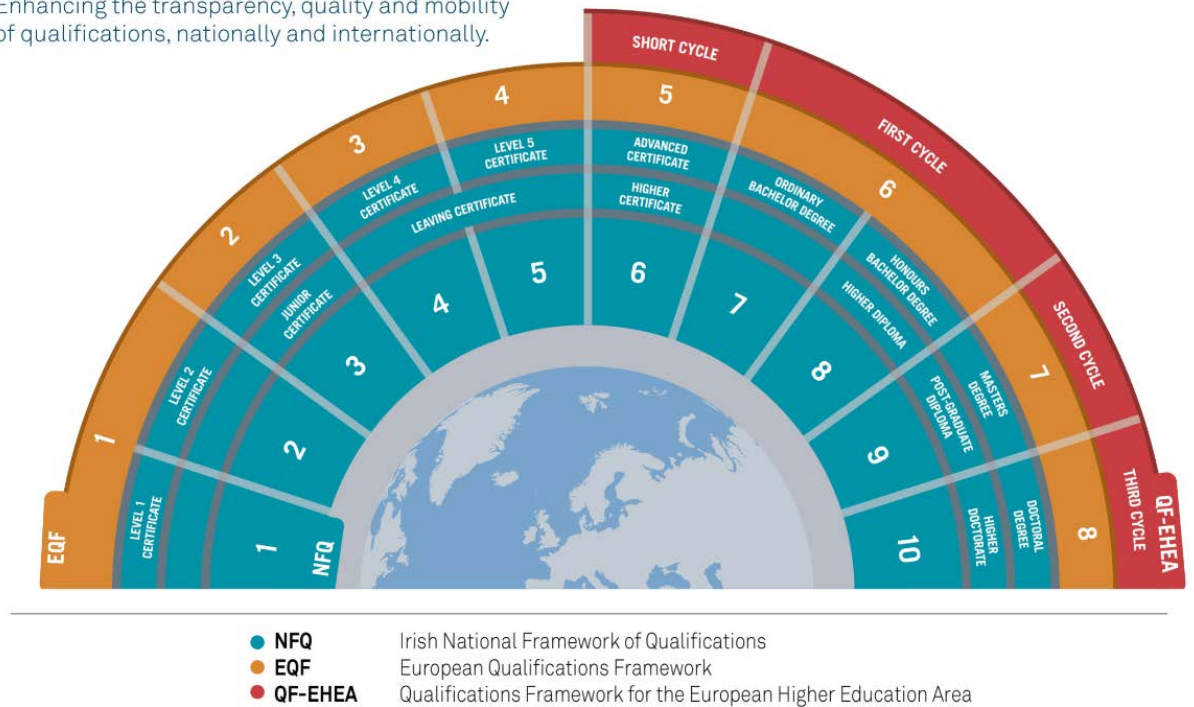
#### **What is the National Framework of Qualifications?**

The Irish National Framework of Qualifications (Framework) is a 10-level system used to classify qualifications in Ireland. For example, bachelor’s and master’s degrees, the Leaving Certificate and many qualifications in further education and training, have all been assigned a level within the Framework. The Framework was established in law under the 1999 Qualifications (Education and Training) Act, it was launched in 2003 and re-authorised under the 2012 Quality and Qualifications Act. The levelling of qualifications within the Framework has been endorsed by the education and training community in Ireland and by international peers. Qualifications Frameworks are found in over 160 countries worldwide and regional frameworks have also emerged, such as the European Qualifications Framework and the Qualifications Framework for the European Higher Education Area. The alignment of the Irish Framework with these European systems has assisted with the international mobility of learners and promoted the international recognition of qualifications gained in Ireland.



**Figure 1: The National Framework of Qualifications**

**Qualifications Frameworks - Going Global**  
Enhancing the transparency, quality and mobility of qualifications, nationally and internationally.



For any qualification to be ‘included within the Framework’ the standard of knowledge, skill and competence signalled by that qualification must be supported by transparent and effective quality assurance arrangements, in line with good practice internationally. The levels assigned to qualifications included within the Irish Framework are widely accepted. This is important for all users of qualifications and for holders of qualifications, as they seek further study or employment opportunities.

**The Framework and the 2012 Act**

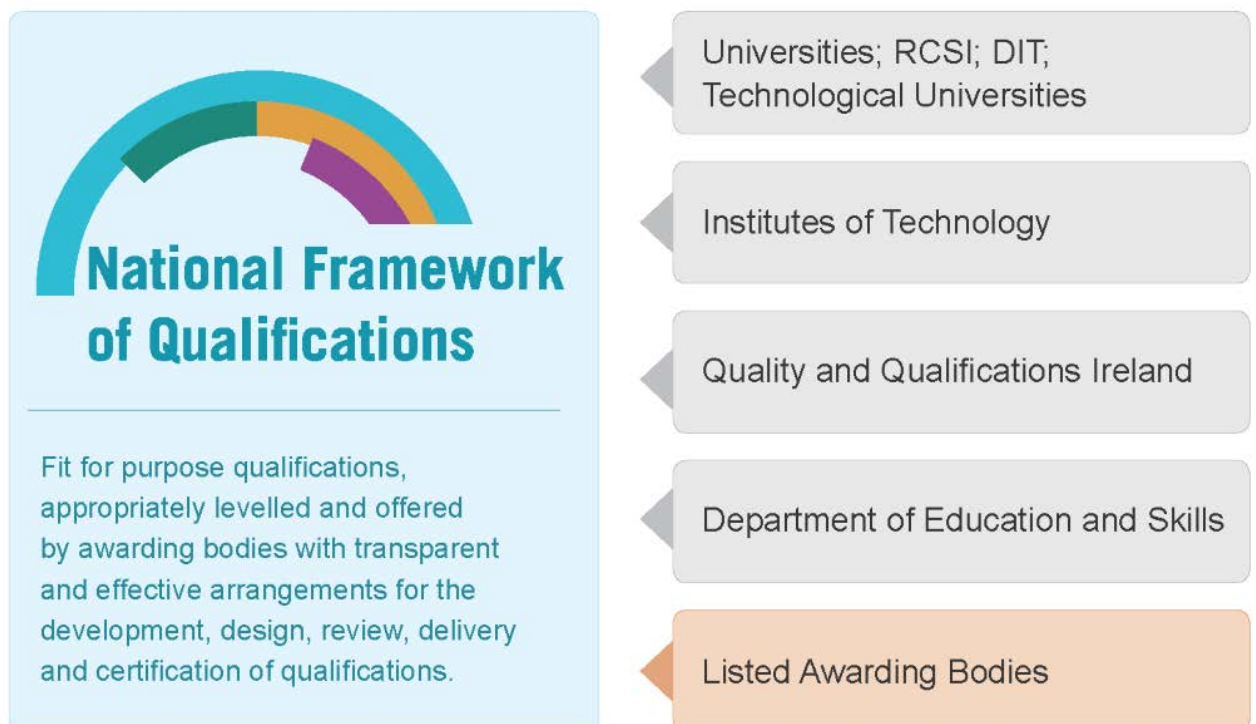
Currently, only qualifications issued by certain national awarding bodies can be included within the Framework. These are the Irish Universities, the Royal College of Surgeons in Ireland, the Institutes of Technology, Quality and Qualifications Ireland and the Department of Education and Skills.



## The Framework and the changes proposed in the 2018 Bill

There are many other qualifications offered in the State that are widely used to meet the economic and social needs of learners. These include qualifications made by professional bodies in the areas of Law and Accountancy, vocational and technical qualifications issued by UK awarding bodies such as City and Guilds, and qualifications made by international organisations or sectoral bodies often linked to specific industries, technologies or occupations. Sections 55A-55I of the Bill provides for the establishment of a new category of '**Listed Awarding Bodies**' interested in voluntary, regulated access to the Framework. Figure 2 shows the proposed routes into the Framework.

**Figure 2: The proposed range of awarding bodies with regulated access to the Framework**



Importantly, the proposed scheme for 'listing awarding bodies' will be voluntary. There is evidence of demand for this new route to the Framework. Listed awarding bodies will have the opportunity to offer their qualifications within the public education and training system. This will facilitate access to the Framework for a broader range of awarding bodies. It is also intended to achieve wider system benefits, by creating more and better qualifications pathways for learners, enhancing learner mobility and progression opportunities and promoting fair recognition of learning achievements. In addition, this

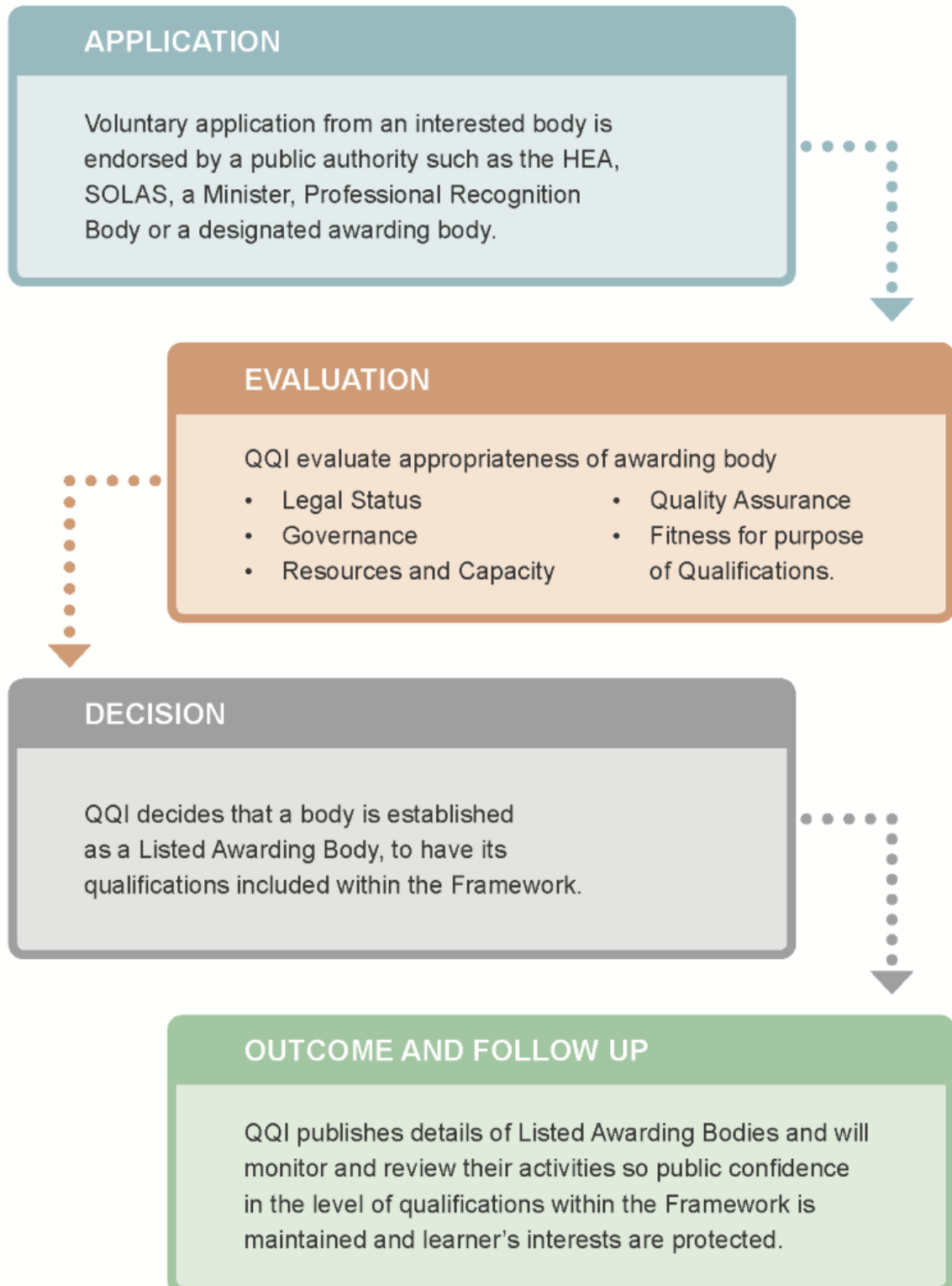




new route will facilitate accredited providers interested in seeking authorisation to use the international education mark.

For an applicant body to become a listed awarding body under section 55C of the Bill, QQI will decide whether such a body is eligible to make awards that are included within the Framework. This process is outlined in Figure 3.

**Figure 3. How an awarding body will become a listed awarding body under Section 55C**

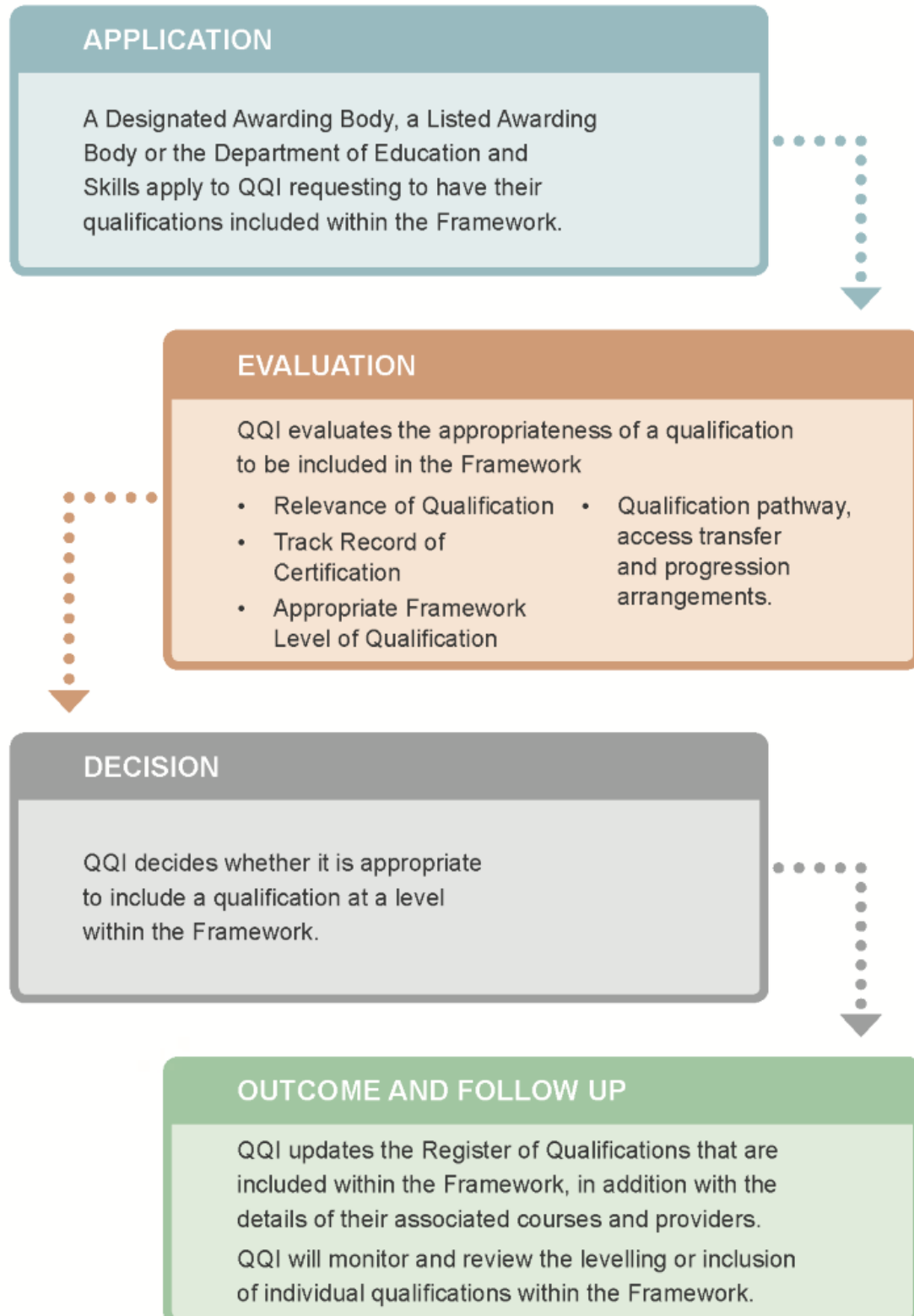




The proposed changes to the Framework set out in Section 55A-55I, are not limited to increasing the number of awarding bodies to be granted regulated access to the Framework. It is also proposed to strengthen the mechanism by which *all* qualifications are to be included within the Framework. Section 55D obliges national awarding bodies, such as Universities and the Department of Education and Skills to make an application to QQI to have their qualifications included within the Framework. This is a significant change and formalises the process by which national qualifications are assigned a level within the Framework. Figure 4 shows how national awarding bodies and listed awarding bodies are to have their qualifications included within the Framework.



**Figure 4: Outline Procedure for Including Qualifications within the Framework under Section 55D**





## Summary

Sections 55A-55I of the Bill are intended to achieve two policy aspirations. Firstly, to facilitate an expansion in the number of awarding bodies having regulated access to the Framework. Secondly, to strengthen the process by which all qualifications, regardless of their awarding body, are deemed to be included within the Framework. Expanding and strengthening the reach of the Framework as a mechanism for classifying quality assured qualifications, is in the interests of learners and other users of qualifications such as funding agencies, employers, regulators and policymakers. The proposed scheme is considered necessary and proportionate, it is consistent with and informed by practice in many other countries. It is anticipated that the scheme will operate on a cost recovery basis.



## **SECTION 8 (SECTION 29A 2012 ACT) TO PROVIDE A LEGAL BASIS FOR QQI TO EXAMINE THE *BONA FIDES* AND FINANCIAL CAPACITY OF PROVIDERS**

QQI is empowered under the 2012 Act to examine the education and training quality assurance infrastructure of a relevant provider and determine if it satisfies the minimum stated requirements. Academic governance does not exist in a vacuum; it exists in the context of corporate governance. QQI has no role in assessing the corporate fitness or financial robustness of any provider with which it engages, except in the most peripheral manner. This means that QQI and by extension the regulated education and training sector is potentially exposed to providers that it might otherwise conclude do not have the capacity to engage with a statutory quality assurance regime. There is a potential reputational risk to such engagement. The proposed Ministerial regulations will provide QQI with powers to evaluate a provider's corporate fitness, including the *bona fides* and financial status of a provider and their capacity to engage with quality assurance processes in the broadest sense. This will be an important element in underpinning and supporting the integrity of the education and training sector in the State.

Experience of past college closures and difficulties with providers can be linked directly to failures in corporate governance and financial management. These new criteria to be satisfied by all providers will support QQI in its endeavours to ensure that providers engaging with QQI and the Nfq have the capacity to do so. They will also underpin the initial phase of engagement with listed awarding bodies. QQI will also have the power to withdraw from its engagement with any provider in circumstances where the provider fails to meet the specified criteria. The more robust these criteria, the less likely there will be a call on the Protection for Enrolled Learners Fund.



## SECTION 24, 25, 26 (SECTION 60, 61, 63 2012 ACT) TO FACILITATE THE INTRODUCTION OF THE INTERNATIONAL EDUCATION MARK (IEM)

### What is the International Education Mark (IEM)?

The International Education Mark (IEM) is part of the national strategy<sup>1</sup> to foster and strengthen Ireland's reputation for international education, which will work in tandem with the policies and activities of providers, government departments and agencies implementing the strategy. The IEM will ensure that international learners can expect a high quality educational experience from providers from enrolment to completion of a programme of education and training. In addition, it is envisaged that the IEM will assist as a differentiating quality indicator that will support marketing for providers to attract international learners to their institutions.

### IEM as specified under the Qualifications and Quality Assurance (Education and Training) Act 2012

The Qualifications and Quality Assurance (Education and Training) Act 2012 (2012 Act) provided for the introduction of the IEM. Under the 2012 Act, a provider may apply to QQI for authorisation to use the IEM. QQI assesses the compliance of the provider with a Code of Practice and decides regarding whether the provider is authorised to use the IEM. To make an application for the IEM, the provider must have established quality assurance procedures (QA), procedures for access, transfer and progression (ATP) and each programme offered by the provider must lead to an award on the National Framework of Qualifications (NFQ). Providers also must have arrangements in place for the Protection of Enrolled Learners (PEL). The Act also provides for English Language Education (ELE) providers to apply for the IEM once they have established QA and ATP procedures and have PEL arrangements in place.

When QQI moved to implement the IEM as specified under the 2012 Act, the following issues were identified:

- **A single IEM was specified.** As it is necessary that the IEM encompasses Higher Education (HE) and English Language Education (ELE) provision, a

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<sup>1</sup> <https://www.education.ie/en/Publications/Policy-Reports/International-Education-Strategy-For-Ireland-2016-2020.pdf>



single IEM to cover provision in both the HE and ELE sectors is not fit-for-purpose. This is because the two sectors differ significantly in how they organise their provision and how they operate.

- **Providers were eligible to apply for authorisation to use the IEM only when QQI had oversight of the quality assurance of the entirety of the provider's provision and all programmes offered by the provider led to awards included in the NFQ.** Public higher education providers mainly offer programmes leading to NFQ awards. However, this condition had the effect of excluding some independent HE providers which offer a mixture of programmes, some leading to NFQ awards and others leading to non-NFQ awards.
- **Section 61(6) allows ELE providers to apply for the IEM once they have established QA and ATP and have PEL arrangements in place.** This provision was intended to facilitate the application for the IEM by ELE providers, but in practice it also allowed for the application by HE providers offering UK and other awards. The result was that QQI would have (via QA approval under Section 28) QA oversight of programmes leading to awards that are not in the NFQ. This is untenable, as QQI did not have a means to oversee the quality of programmes leading to non-NFQ awards.
- **The IEM could only be authorised at provider level.** The possibility did not exist for providers to obtain IEM authorisation at a programme level, where the providers offered a mix of NFQ and other awards. Either such providers would have to cease offering non-NFQ awards (which may not always be desirable from a provider or national perspective) or choose not to seek the IEM.
- **Transnational education.** The IEM applied only to the provision of education and training to international learners taking programmes leading to NFQ awards in Ireland. International learners taking programmes leading to NFQ awards with Irish higher education institutions overseas were not within the scope of the IEM.
- **Withdrawal of IEM authorisation.** There was no provision for the IEM to be withdrawn from a provider, except as a result of a review of the provider by QQI. In some cases, a provider may wish to have their authorisation for the IEM withdrawn and this could not be facilitated.

The issues listed above impeded the introduction of the IEM.





## **IEM as specified under the Qualifications and Quality Assurance (Education and Training) (Amendment) Bill 2018**

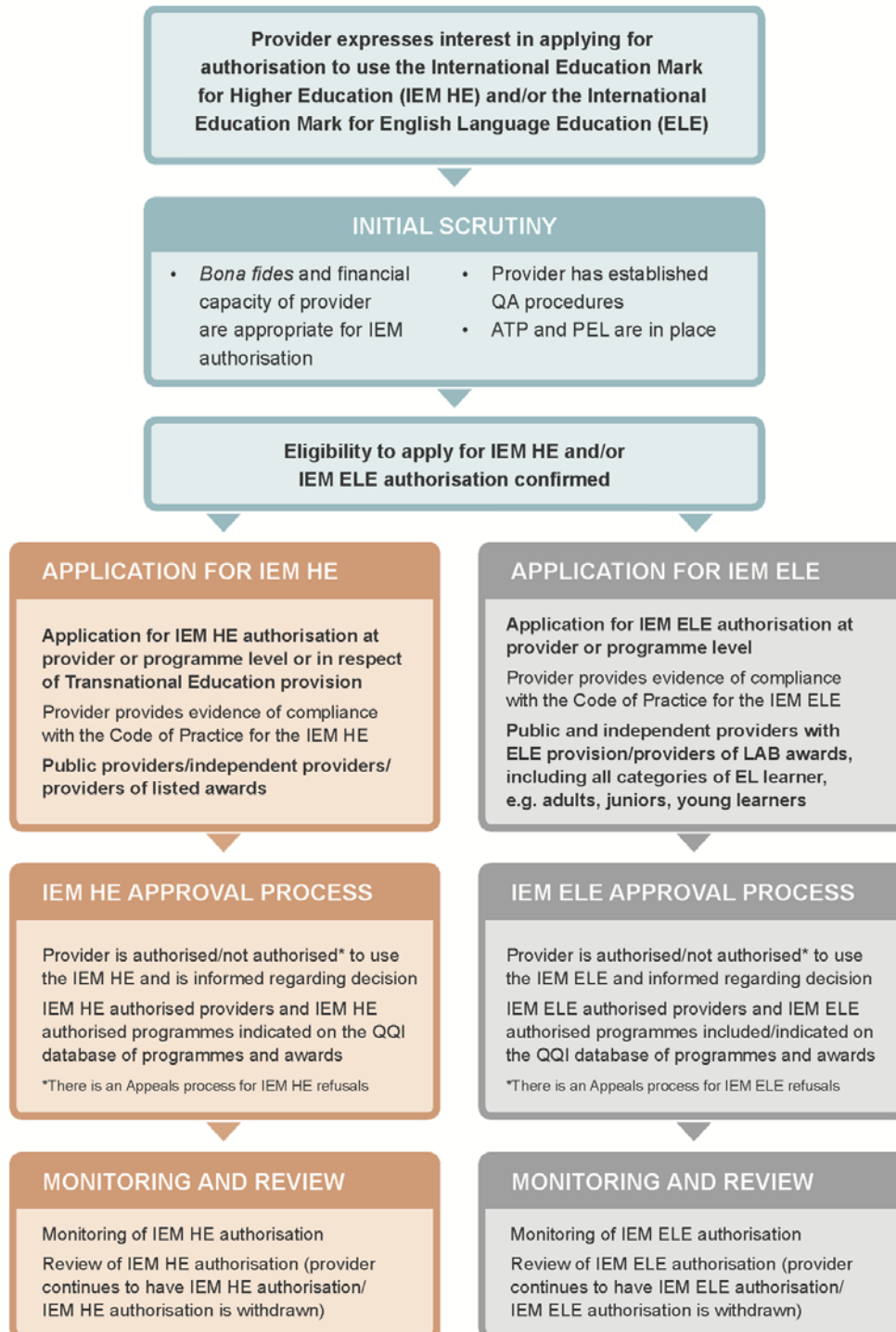
To overcome these limitations, a number of amendments relating to the IEM have been included in the Qualifications and Quality Assurance (Education and Training) (Amendment) Bill 2018. The amendments proposed are as follows:

- Variant forms of the IEM are possible for different groups of providers or classes of programmes, including in the first instance, an IEM for English language education.
- Providers can apply for authorisation to use the IEM if all programmes lead to NFQ awards or in respect of each programme which leads to an NFQ award, or in respect of English language provision.
- The Code of Practice, which providers must comply with in order to obtain authorisation to use the IEM, is extended to learners undertaking programmes of higher education and training outside the State (Transnational Education) leading to NFQ awards.
- The possibility of specifying different Codes of Practice for different providers or types of provision is provided for.
- A provision is included for QQI to withdraw IEM authorisation if a provider no longer wishes to have authorisation to use the IEM, without the need for a review to be conducted.

The amendments above will facilitate the introduction of two IEMs; an IEM HE and an IEM ELE. The IEMs will be fit-for-purpose, robust and reflect international good practice in the provision of education and training to international learners. International learners undertaking programmes with IEM-authorised providers will be assured of obtaining a high-quality educational experience for the duration of their studies.



Figure 5: Outline Application Process for International Education Mark (IEM)





## SECTION 27-31 (SECTION 64-67 2012 ACT) A NATIONAL SCHEME FOR THE PROTECTION OF ENROLLED LEARNERS (PEL)

### What is Protection of Enrolled Learners?

Protection of Enrolled Learners (PEL) is a mechanism intended to ensure that learners who commence a programme can be confident that they will be facilitated in completing their programme, or as a lesser alternative receiving a refund of fees paid, in circumstances where a provider ceases to offer a programme or ceases to trade.

### The Qualifications and Quality Assurance (Education and Training) Act 2012

The arrangements for PEL in the 2012 Act apply to:

- programmes of 3 months' duration or longer, where fees are charged and where the programme leads to a QQI award, and
- providers who apply to make an application to use the International Education Mark.

The arrangements consist of:

- '*academic bonding*' – this is an agreement between a provider (provider 1) and two other providers (alternative providers) with similar programmes, which enables the transfer of enrolled learners in provider 1 to the similar programme in the alternative provider(s) in the event of the programme ceasing to be offered by provider 1; or
- '*financial bonding*' – this is an arrangement which enables the enrolled learners to receive a refund of moneys most recently paid by them in respect of tuition, registration, examination and other fees in the event of the programme ceasing to be provided. Financial bonding may only be provided with the agreement of QQI and in circumstances where the provider considers that it is not practicable to have academic bonding.

The 2012 Act specifically exempts certain public providers of education and training from the requirements of PEL.



The 2012 Act also imposes on QQI an obligation to assist learners affected by a cessation of a programme to find another similar programme which will enable them to complete the education and training which they had commenced. It provides a similar obligation where a programme does not commence and a learner has paid fees. There is no provision to fund QQI for this activity in the event of such a cessation. The cost of QQI involvement in programme cessation and provider closure events in the past has been borne by QQI (the exchequer) and many providers of education and training, both public and private.

### **Limitations of the current legislative arrangements**

The practical implementation and operation of the provisions relating to PEL in the 2012 Act have proven to be problematic. In the first instance, academic bonding has not been achievable by providers. Although the 2012 Act regards financial bonding as a lesser option to academic bonding, the majority of providers obliged to have PEL in place have had to resort to financial bonding. There are a number of financial arrangements currently in place across QQI providers. None of these are entirely satisfactory and QQI is still obliged to assist the learner to find another similar programme which will enable them to complete the education and training which they had commenced. As stated above, there is no provision to fund an intervention by QQI in the event of such a cessation. The cost falls on QQI.

#### *Academic bonding versus financial bonding*

It is agreed that academic bonding is the preferable option for learners as a refund of most recently paid fees. However, it is of little use to a learner who cannot complete their programme of study and who may not have evidence of credit achieved to date.

#### *The obligation of QQI to assist learners affected by the cessation of a programme*

QQI and its predecessor agencies have had considerable experience in placing learners on affected programmes with alternative providers. The process of finding alternative providers has been complex and lengthy – it is resource intensive. The successful outcomes achieved have relied on the willingness of both public and private higher and further education and training providers to accommodate the learners without any financial support. This is an untenable position and cannot be relied upon indefinitely. In addition, each of these cessation events has had a significant impact on QQI resources.

It is important to note that the transfer arrangements agreed by QQI with higher and further education and training providers were in the context of statutory PEL (i.e.



programmes which led to QQI awards and to which PEL applied); QQI has had no statutory oversight of, or engagement with, college closures which have occurred within the English language sector and these have had significant negative impact on the reputation of the wider education and training sector.

### Revised Approach to PEL in the 2018 Bill

The Bill provides for amendments to Part 6 of the 2012 Act to allow for the introduction of a national scheme for PEL and a Learner Protection Fund (Fund). The new arrangements will apply to all providers engaging with the National Framework of Qualifications, e.g. providers with programmes leading to QQI awards, linked providers, listed awarding bodies and their associated providers, and English language education providers that receive authorisation to use the International Education Mark (IEM). The Bill will therefore result in a significantly expanded provider base to support a national PEL scheme. Publicly funded education and training providers will continue to be explicitly exempted from these provisions.

The Bill provides the Minister, with the consent of the Minister for Public Expenditure and Reform, with powers to prescribe procedures for the establishment, maintenance and operation of the Fund. The Minister will also prescribe the annual charge to be paid into the Learner Protection Fund. Each provider offering a programme of three months' duration or longer leading to an award included in the Framework and accepting monies from or on behalf of learners in respect of that programme, and providers of English language programmes for which authorisation to use the IEM has been received, will pay an annual charge to the Learner Protection Fund.

If a provider ceases to provide a programme, for any reason, the Fund would be used by QQI to:

- Fund the teaching out of the original programme where possible;
- Fund the payment of fees for the transfer of an enrolled learner onto a similar programme of another provider; or
- In circumstances where the learner considers, with the agreement of QQI that it is not practicable to complete the programme with another provider, QQI will refund the learner, or the person who paid the moneys on their behalf, the moneys most recently paid in respect of the programme for the current academic year.



The PEL model outlined in the 2018 Bill is designed to give equal protection to all learners enrolled on programmes leading to national awards and with providers that are authorised to use the IEM. It will also support QQI in delivering on its legislative remit to ensure that an alternative programme of education is made available to each learner affected by a programme cessation. It is based on an Australian scheme currently operating in a cost-effective manner without State intervention.

The anticipated provider/learner charge to the fund will be low compared to current PEL arrangements. This will be possible due to a broader provider/learner base. A risk-based element will apply to some categories of providers and some programmes, e.g. a unique programme with a high delivery cost, providers without a track record, etc. The PEL model proposed is designed to ensure that the State will not bear the cost of failure in the non-publicly funded education and training sector which engages with QQI. This should enhance confidence in and the reputation of the wider education and training sector.

Section 8 of the 2018 Bill, and discussed above, which provides for the establishment of criteria to be satisfied by education and training providers and awarding bodies that engage with QQI, will provide an important underpinning for the proposed national PEL scheme. These will provide for an examination of the capacity of a provider to engage with QQI in all aspects of governance, both corporate and quality assurance. In addition, therefore, to an examination of quality assurance processes, QQI will have the power to examine the corporate fitness and financial robustness of providers. The more robust these processes are, the less likely there will be a call on the PEL Fund.



## Minor Amendments

### SECTION 6, 7, 9, 11, 16, 17, 20 (SECTION 27,28,30,36,45,47,52 2012 ACT)

### TO STRENGTHEN THE PROCESS FOR APPROVAL OF QUALITY ASSURANCE PROCEDURES AND PROGRAMME VALIDATION

The 2012 Act restricts QQIs scope to deliver a more robust quality assurance system in a range of areas consistent with best international practice due to gaps and omissions. A number of minor amendments are proposed to address these deficits. Some of these will give statutory effect to current practice. Included amongst these are the following:

- *Section 6 (Section 27 2012 Act)* - Provision to provide for the periodic review and updating by QQI of quality assurance guidelines and for the issuance of different guidelines for different types of programmes including for the new category of listed awarding bodies. The 2012 Act provides for QQI to issue a single set of quality assurance guidelines on a once off basis. QQI requires the ability to review periodically these guidelines and to have multiple guidelines for different purposes – research, online delivery, different categories of providers.
- *Section 7 (Section 28 2012 Act)* - Clarification in relation to the obligation of all providers to prepare quality assurance procedures having regard to the guidelines issued by QQI. A provider's quality assurance procedures are required to be fit-for-purpose, or for the particular programme(s) being submitted for validation. This recognises that quality assurance procedures will vary according to the nature of the programme.
- *Section 9 (Section 30 2012 Act)* - Provision to allow QQI to impose conditions on a provider whose quality assurance procedures it has approved. Such conditions would include a requirement for a provider to inform QQI of any changes to its engagements with third parties and which might impact negatively on the delivery of programmes leading to QQI awards. Failure to comply with these conditions may result in the withdrawal of quality assurance approval.
- *Section 11 (Section 36 2012 Act)* - Withdrawal of approval by QQI of quality assurance procedures without conducting a review in a number of circumstances, including where there is consent from a provider and when a provider has not engaged in programme provision for a number of years.



- *Section 16 (Section 45 2012 Act)* - Provision to time-limit all programme validation.
- *Section 17 (Section 47 2012 Act)* - Withdrawal of programme validation without conducting a review in circumstances where a programme has not been delivered for a two-year period.
- *Section 20 (Section 52 2012 Act)* - Provision for QQI to define a 'class of programmes' for the purposes of facilitating a more focused approach to the delegation of authority to make awards.

### **SECTION 19 (SECTION 50 2012 ACT) TO INVOLVE PROVIDERS MORE CENTRALLY IN THE APPLICATION PROCESS FOR RECOGNITION OF PRIOR LEARNING**

Recognition of prior learning (RPL) measures and certifies competences that an individual may have acquired throughout his or her career. The amendment proposed does not reflect a change of policy. It reaffirms existing practice whereby providers are central to the process for an individual to apply for recognition of their prior learning. Individuals therefore apply directly to education and training providers and not to QQI for recognition/certification of their prior learning. QQI will continue to inform and lead national policy in relation to RPL.

### **SECTION 5 (SECTION 14 2012 ACT) TO FACILITATE INFORMATION SHARING BY QQI WITH OTHER STATE BODIES**

The proposed amendment should eliminate gaps which currently exist in the engagement between specified statutory bodies and the education and training sector.





## **SECTION 14 (SECTION 43A 2012 ACT) TO EMPOWER QQI TO PROSECUTE ESSAY MILLS AND OTHER FORMS OF ACADEMIC CHEATING**

Recent years have seen the rise of contract cheating in higher education, both nationally and internationally. Contract cheating often consists of companies, regularly referred to as “essay mills” selling learners bespoke assignments, essays and theses which learners then submit for assessment as their own work. Companies advertising such services claim that their products are “plagiarism free” in that they are original pieces of work. Risk of detection is low as such products are hard to detect even with the anti-plagiarism software used by colleges.

The facilitation of learner cheating by “essay mills” represents a growing threat to the integrity of Irish higher education. This new provision being introduced in the 2018 Bill is intended to provide QQI with statutory powers to prosecute those who assist learners to cheat by completing, in whole or in part, any piece of work required of the enrolled learner for their programme of study, or who sits an exam or facilitate the sitting of an exam by someone other than the enrolled learner or who provides answers for an exam. It will also be an offence to publish advertisements for any such prohibited service. The Junior and Leaving Certificate examinations are exempted from the legislation.

## **SECTION 33 (SECTION 80 2012 ACT) TO PROVIDE A LEGAL BASIS FOR QQI TO CHARGE 'RELATIONSHIP' FEES TO PROVIDERS**

QQI currently charges a ‘relationship’ fee to public higher education providers. This is a composite fee to reflect the multilayered nature of the engagement between QQI and providers. In providing a legal basis for this fee, QQI will be in a position to extend this fee to other categories of providers and more accurately reflect the nature and complexity of the engagement. The scope for QQI to charge fees for services provided is also extended to ensure that they may be charged equitably across all categories of providers.



## **SECTION 35 (AMENDMENT OF REGIONAL TECHNICAL COLLEGES ACT 1992) TO ESTABLISH INSTITUTES OF TECHNOLOGY AS AWARDING BODIES**

Currently, all Institutes of Technology (except for the Dublin Institute of Technology) have delegated authority from QQI to make awards from levels 6 to 9 of the National Framework of Qualifications. Seven of the 13 Institutes of Technology currently have limited delegated authority to make awards at level 10 (doctoral degree level).

In contrast, the Universities (and the Dublin Institute of Technology and the Royal College of Surgeons) are Designated Awarding Bodies, which means that they are self-awarding bodies. There is therefore a legislative difference in the relationship between QQI and the Universities and QQI and the Institutes of Technology. The 2018 Bill addresses this legislative difference by providing for amendments to the Regional Technical Colleges Act of 1992 to grant award making powers, with the exception of doctoral awards, to all of the Institutes of Technology. This will put the Institutes of Technology on an equal footing with the Designated Awarding Bodies with which they are expected to establish regional and thematic clusters, as per the goals of the National Strategy for Higher Education to 2030. It will create a single, coherent quality assurance and qualifications space amongst public higher education institutions. Provisions are also included to strengthen the independent control of the Academic Councils of the Institutes of Technology to bring them into line with those of the Designated Awarding Bodies. The autonomy of the academic decision-making of the Academic Council and its independence from the governing authority is necessary to support its awarding powers.

The Oireachtas has recently enacted the Technological Universities Act 2018 which sets out a pathway for Institutes of Technology to develop into self-awarding institutions at doctoral level. The remaining Institutes of Technology will become self-awarding at master level. The outcomes of QQI's external quality assurance reviews of Institutes of Technologies in recent years provides evidence that the sector has the maturity for this self-awarding status.