

**Review of the performance by the Higher Education and Training Awards Council
of its functions by the National Qualifications Authority of Ireland**

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Terms of Reference and Protocol for the Review

The review will evaluate

- how effectively the Higher Education and Training Awards Council has performed its principal statutory functions since its establishment and will have particular regard to the policies and procedures that the Council has developed for each function and how they are being implemented and operated
- the extent to which the Council in the performance of these functions complies with the *Standards and Guidelines for Quality Assurance in the European Higher Education Area*

The review will comprise

- Self-evaluation by the Council
- Evaluation by a panel of experts
- Consideration of the report of the panel by the Council and the development of a plan by the Council to implement the recommendations in the report
- Consideration of the review report and the Council's plans by the Authority

1. Background and Legislative Context

The Higher Education and Training Awards Council was established on 11 June 2001 pursuant to the provisions of the Qualifications (Education and Training) Act 1999. The Council has functions in relation to making and recognising higher education and training awards; setting standards for higher education and training awards; promoting the higher education and training awards of the Council; delegating awarding powers to recognised institutions; validating higher education and training programmes; quality assurance in higher education institutions; the establishment by higher education institutions of student assessment procedures; ensuring that arrangements are in place in commercial education and training institutions to protect learners where programmes validated by the Council cease to be provided; ensuring that the procedures for access, transfer and progression determined by the Qualifications Authority are implemented by higher education institutions; and assisting the Qualifications Authority in carrying out its functions.¹

In Bergen in May 2005 the Ministers responsible for higher education in the Bologna signatory states adopted *Standards and Guidelines for Quality Assurance in the European Higher Education Area* (hereafter cited as *European Standards and Guidelines*).² The *European Standards and Guidelines* establish standards for external quality assurance agencies and require that individual agencies should conduct or be submitted to a cyclical external review of its processes and activities at no more that five-year intervals.³ On foot of these developments, it was intended by the Council that an external review would be carried out in line with the European Standards and Guidelines. In addition, under section 9 of the Qualifications (Education and Training) Act 1999 the National Qualifications Authority of Ireland may from time to time review the performance by the Council of its functions.⁴ It was originally envisaged that such a review would take place in 2006-7. However, in September 2005, the Council requested that the Authority would undertake

¹ The principal statutory functions of the Council are set out in sections 23, 25, 26, 28, 29, 30, 43 and 44 of the Qualifications Act for which see Annex 1 [Appendix 6 of this document].

² For the European Standards and Guidelines see Annex 2 [Appendix 7 of this document].

³ The standards are set out chapter 2 part 3 of the *European Standards and Guidelines* and the review system is set out in chapter 3, for which see Annex 2 [Appendix 7 of this document].

⁴ See Annex 1 [Appendix 6 of this document].

the review both in advance of the projected 2006-7 timeline, and in line with the European Standards and Guidelines.

This document sets out the terms of reference and protocol for the review. It has been drafted following a series of consultative meetings with the Council executive and with the following stakeholders: the Department of Education and Science; the Department of Enterprise, Trade and Employment; the Further Education and Training Awards Council; the Council of Directors of Institutes of Technology; the Higher Education Colleges Association; the Union of Students of Ireland; the Higher Education Authority; the Irish Universities Association; the Irish Universities Quality Board and the European Association for Quality Assurance in Higher Education. In addition, the document has also been drafted with reference to an overview of national and international practice drawn up by the Authority. The review will also be implemented with reference to this overview of national and international practice.

2. Purpose and Scope

The review will evaluate how effectively the Council has performed its principal statutory functions since its establishment in June 2001,⁵ and will have particular regard to the policies and procedures that the Council has developed for each function and how they are being implemented and operated. As such, the review will be primarily an exercise in quality assurance. This observation is significant. As members of the Irish Higher Education Quality Network, the European Association for Quality Assurance in Higher Education and the International Network for Quality Assurance Agencies in Higher Education both the Council and Authority are guided by, and have subscribed to, shared principles with regard to the nature of quality assurance. At the heart of these is the core principle that quality assurance systems and processes are intended to promote quality improvement. To quote the *European Standards and Guidelines* ‘Quality assurance is not principally about individual external scrutiny events: it [is] ... about continuously trying to do a better job’. The general approach of the review of the Council by the Authority will reflect this core principle. It will be developmental in intent, and aim to assist the Council

⁵ For the Council’s functions see section 1 above and Annex 1 [Appendix 6 of this document].

in achieving its own quality enhancement goals and to further develop its own internal quality culture.

In this connection, the review process will be conducted in line with the *European Standards and Guidelines*. Eight European standards have been defined and are set out in Annex 2 [Appendix 7 of this document]. These standards will not only provide a key set of benchmarks for the evaluation of the performance by the Council of its functions, but will also ensure that the review will evaluate, and document in the final report, the extent to which the Council is in compliance with the European standards for external quality assurance agencies. In effect, this will be the first of a series of cyclical reviews to which the Council will be required to submit itself in order to demonstrate its compliance with the new *European Standards and Guidelines*. Compliance with these standards and guidelines is a requirement for membership of the European Association for Quality Assurance in Higher Education.

Also of relevance is section 8(2) (c) of the Qualifications Act.⁶ This section sets out that the Authority shall establish procedures for the performance by the Council of its functions and shall review these procedures from time to time. The Authority has developed and revised these procedures in consultation with the Council. Transitional procedures were put in place for the Council during the early months of its existence (June 2001-December 2001). In December 2001, the Authority put in place more permanent procedures for the performance by the Council of its functions, and these have been revised on two occasions since then. The procedures currently in operation came into effect on 29 September 2005. The current and previous procedures are set out in Annex 3 of this document [Appendix 1]. The review will have regard to the procedures.

3 Review Process

The review process will consist of the following elements:

- Nomination and appointment of a panel of experts
- Self-evaluation by the Council, including preparation of a self-evaluation report
- Site-visit by the expert panel

⁶ See Annex 1 [Appendix 6 of this document].

- Preparation and completion of final evaluation report

3.1 Nomination and appointment of a panel experts

The Authority executive has consulted with the Council executive and other stakeholders on the nature of the panel of experts, and how it should be constituted. The Review Panel will have the following make-up:

- Two Irish experts: these panellists will provide an Irish higher education and training perspective and/or a social partner/public sector perspective.
- An expert with a student/learner perspective
- Three international experts, including two European members and one North American. These panellists will provide perspectives on international quality assurance and accreditation, and on the non-university higher education sector.
- A secretary: the secretary will be independent of the Qualifications Authority.

One of the panel members will act as chairperson. The Qualifications Authority will appoint the Review Panel, the chairperson and the secretary. It will also organise briefing/training for the review panel ahead of the panel's site visit.

3.2 Self-evaluation by the Council, including preparation of a self-evaluation report

The Council will be responsible for designing its own self-evaluation process. It should encompass the following elements:

- ***Engagement with internal and external stakeholders***: including staff; those involved on behalf of the Council in quality assurance processes; representatives of students/learners; the recognised institutions; other providers of education and training programmes leading to Council awards; the Further Education and Training Awards Council; other Irish higher education and training quality assurance and awarding bodies; social partners and other relevant stakeholders.

- ***The preparation of an analytical and reflective self-evaluation report:*** The report should identify strengths, areas for improvements, opportunities and constraints in relation to the performance by the Council of its statutory functions. In so doing, the report should clearly demonstrate the extent to which the Council is in compliance with the European standards for external quality assurance agencies. In general, the report should be concise and to the point and will be submitted for distribution to the review panel at least four weeks before the site visit commences.

3.3 Site visit by expert panel

The Authority executive, in consultation with the Council executive and the chairperson and secretary of the expert panel, will prepare and publish a schedule of the site visit. This will include an indicative timetable of the meetings and other exercises to be undertaken by the expert panel during the site visit. The site visit will be two to three days in duration. The expert panel will give an oral presentation of the main findings of the review in a debriefing meeting at the end of the site visit to the Chief Executive of the Council.

3.4 Preparation and completion of final evaluation report

The report of the expert panel will be drafted by the secretary in consultation with the expert review panel, and should address in an appropriate manner the purpose and scope of the review as set out in Section 2 above. It should also provide a clear rationale for its findings. The Authority will provide administrative support to the secretary as necessary.

A draft of the report will be submitted to the Council for comment within three weeks after the site visit. The Council will make comment, if any, within two weeks. Thereafter the expert panel will consider any comments of the Council, finalise the document and submit it to the Council and the Authority.

4 Follow-up process and publication of outcomes

The Council will consider the expert panel's report and will inform the Authority of its plans to implement the recommendations in the report. The review report and the

Council's plans will then be considered by the Authority, following which the report and the Council's implementation plans will be published.

5 Indicative timetable of review

Agreement of terms of reference and protocol for review	End Nov 2005
Council commences self-evaluation	Early Dec 2005
Appointment of expert panel by Authority	Early Jan 2006
Preparation of site visit schedule and indicative timetable	Mid-Jan 2006
Council self-evaluation completed	End Feb 2006
Training/Briefing for expert review panel	Early Mar 2006
Expert panel site visit	Late Mar 2006
Draft report to Council	24 Apr 2006
Submission of final report to Council and Authority	15 May 2006
Consideration of report by Council	Late May 2006
Consideration of report and response of Council by Authority	June/July 2006
Consideration of report by ENQA	July 2006
Publication of report and implementation plans	July/August 2006

Annex 1 – Qualifications (Education and Training) Act 1999 – Sections relevant to the review of the performance by the Higher Education and Training Awards Council of its functions by the National Qualifications Authority of Ireland

See Appendix 6 of this document

Annex 2 – Standards and Guidelines for Quality Assurance in the European Higher Education Area

See Appendix 7 of this document.

Annex 3 – Procedures established by the Authority for the performance by the Council of its functions and dates of application

The Authority established the following as procedures with immediate effect on 29 September, 2005:

- The Council will operate in all matters in accordance with the principles of best public service practice and in particular, in relation to openness, transparency and accountability.
- In conformity with the requirements of the Qualifications (Education and Training) Act, the Council will continue the development of its own policies, procedures and criteria under the Act.
- The Council will implement the principles, process guidelines, policies and criteria established by the Authority in relation to the further development, implementation and communication of the framework.
- The Council will implement the policies determined by the Authority in relation to access, transfer and progression, including the further articulation of these in relation to credit accumulation and transfer and the recognition of prior learning.
- In performing its functions the Council will continue to develop and implement open and responsive consultative processes with:
 - Other higher education awarding bodies
 - Providers of higher education and training
 - The Further Education and Training Awards Council
 - Learners
 - Other relevant stakeholders

and will continue to seek to gain their support for and confidence in the nature of the Council's policies, procedures and criteria and the arrangements for their implementation.

The Council shall co-operate with the Further Education and Training Awards Council, as appropriate, in performing its functions.

The Council will have regard to the role of providers of higher education and training which is set out in the Act and which provides, inter alia, for providers taking responsibility for their own assessment and quality assurance processes.

The Council will have regard to the diversity of existing and emerging providers of higher education and training, ranging from State-funded bodies to independent providers and in-company training provision.

The Council will facilitate the recognition of learning undertaken throughout life within a personal, civic, social and/or employment-related perspective.

The Council will contribute to the national policy for the extension of bi-lingualism in Irish society.

These procedures will apply to all of the functions of the Council.

Accordingly, the procedures set out above replace the procedures previously established by the Authority. The aim of the Authority is that the procedures will be updated following the review of the Council by the Authority under section 9 of the Qualifications (Education and Training) Act 1999.

Procedures for the Higher Education and Training Awards Council –from 16 April 2003 to 29 September 2005

The Authority established the following as procedures with immediate effect on 16 April, 2003:

- The Council will operate in all matters in accordance with the principles of best public service practice and in particular, in relation to openness, transparency and accountability.
- In conformity with the requirements of the Qualifications (Education and Training) Act, the Council will continue to use as much as it considers necessary of the processes and procedures of the National Council for Educational Awards (in relation to awards other than the National Foundation Certificate), until such time as processes and procedures have been established by the Council itself.
- The Council will implement the principles, process guidelines, policies and criteria established by the Authority in relation to the further development and implementation of the framework.
- The Council will implement the policies determined by the Authority in relation to access, transfer and progression.
- In performing its functions the Council will develop and implement open and responsive consultative processes with
 - Providers of higher education and training
 - The Further Education and Training Awards Council
 - Learners
 - Other relevant stakeholders
- The Council shall co-operate with the Further Education and Training Awards Council, as appropriate, in performing its functions.
- The Council will have regard to the role of providers of higher education and training which is set out in the Act and which provides, inter alia, for providers taking responsibility for their own assessment and quality assurance processes.
- The Council will have regard to the diversity of existing and emerging providers of higher education and training, ranging from State-funded bodies to independent providers and in-company training provision.

- The Council will facilitate the recognition of learning undertaken throughout life within a personal, civic, social and/or employment-related perspective.
- The Council will contribute to the national policy for the extension of bi-lingualism in Irish society.
- These procedures will remain in place for a period which will not extend more than two years after their establishment.
- These procedures will apply to all of the functions of the Council.
- While these procedures are being established for a certain period, it may of course be necessary to modify the procedures, in consultation with the Council.

Procedures for the Higher Education and Training Awards Council – from 3 December 2001 to 16 April 2003

The Authority established the following as procedures, subject in all matters to the provisions of the Qualifications (Education & Training) Act, with immediate effect on 3 December 2001:

- Governance - The Council will operate in all matters in accordance with the principles of best public service practice and in particular, in relation to openness, transparency and accountability. In respect of the Protection of Learners the Council will exercise due diligence in conformity with the requirements of the Qualifications (Education and Training) Act and the report of the Department's Steering Committee.
- In performing its functions the Council will consult with
 - Providers of higher education and training
 - The Further Education and Training Awards Council.
 - Learners
 - Other relevant stakeholders.
- The Council will have regard to the role of providers of higher education and training which is set out in the Act and which provides, inter alia, for providers taking responsibility for their own assessment and quality assurance processes.
- The Council will have regard to the diversity of existing and emerging providers of higher education and training, ranging from State-funded bodies to independent providers and in-company training provision.
- Programme Validation and Certification Arrangements – The procedures previously operated by NCEA will be continued including titles of awards, submission of course proposals, recommendations of an expert/peer review group and deliberative processes agreed by the Council and in conformity with the

requirements of the Qualifications (Education and Training) Act and, as appropriate, the report of the Department's Steering Committee.

- Approval of Providers' Processes for Fairness and Consistency of Assessments – The procedures operated previously by NCEA will operate subject to modifications agreed by the Department of Education and Science Steering Committee for the purposes of conformity with the Qualifications (Education and Training) Act.
- Promotion of Awards – Recognising its obligations to promote its awards under the terms of the Act and recommendations of the Steering Committee the Council will seek to ensure the confidence of graduates in the awards of NCEA and the confidence of candidates for HETAC awards in the awards of the Council.
- In all other respects, to the extent that they are in conformity with the requirements of the Qualifications (Education and Training) Act, the policies and procedures of NCEA in force on 10 June 2001 will be continued during the transition period pending determination of new policies and procedures by the Authority in consultation with the Council.
- These procedures will apply to all of the functions of the Council other than under section 29 of the Act in relation to delegation of authority by the Council to make awards. Should the Council wish to consider a request for a review, it will then advise the Authority in relation to the procedures that are to be put in place by the Authority.
- These procedures should remain in place for a period, which will not extend more than three months after the Authority has initially established a framework of qualifications.
- While these procedures are being established for a certain period, it may of course, be necessary to modify the procedures, in the light of experience between now and three months after the Authority has initially established a framework of qualifications. The Council will advise the Authority of any instances where it appears that this would be necessary.

Accordingly, the procedures set out above replace the procedures previously established by the Authority.

Procedures for the Performance by the Higher Education and Training Awards Council of its Functions - From 14 June 2001 – 3 December 2001

The Authority has established following procedures to operate during an initial transitional period up to 31 December 2001 and pending development of more long-term procedures for the conduct of the Council's business to be determined by the Authority. While these procedures are being established for an initial period, it may of course be necessary to

modify the procedures, in consultation with the Council, in the light of experience between now and 31 December 2001.

The procedures are as follows

Governance

The Council will operate in all matters in accordance with the principles of best public service practice and in particular, in relation to openness, transparency and accountability. In respect of the Protection of Learners the Council will exercise due diligence in conformity with the requirements of the Qualifications (Education and Training) Act and the report of the Departments' Steering Committee.

Programme Validation and Certification Arrangements

The procedures previously operated by NCEA will be continued including titles of awards, submission of course proposals, recommendations of an expert/peer review group and deliberative processes agreed by the Council and in conformity with the report of the Departments' Steering Committee.

Approval of Providers' Processes for Fairness and Consistency of Assessments

The procedures operated previously by NCEA will operate subject to modifications agreed by the Department of Education and Science Steering Committee for the purposes of conformity with the Qualifications (Education and Training) Act.

Promotion of Awards

Recognising its obligations to promote its awards under the terms of the Act and recommendations of the Steering Committee the Council will seek to ensure the confidence of graduates in the awards of NCEA and the confidence of candidates for HETAC awards in the awards of the Council.

In all other respects the policies and procedures of NCEA in force on 10 June 2001 will be continued during the transition period pending determination of new policies and procedures by the Authority in consultation with the Council of HETAC.