

Some items relating to personnel and financial matters have been withheld for operational/sensitive reasons.

**C/M43**

Minutes of the forty-third meeting of the Higher Education and Training Awards Council which took place on Monday, 22 September 2008 in HETAC Offices, 26/27 Denzille Lane, at 11:00 a.m.

**PRESENT:**

Chairperson:	Professor Séamus Smyth
Chief Executive:	Gearóid Ó Conluain
Secretary:	Tadhg Ó hÉalaithe
Members:	Mr. Michael Carmody Ms. Marion Coy Dr. Finola Doyle-O'Neill Mr. Diarmuid Hegarty Ms. Mary McGlynn Mr. Stan McHugh Mr. Paddy Murray Dr. Diarmuid O'Callaghan Ms. Marion Palmer Mr. Bartley Rock Mr. Norman Sharp OBE

**IN ATTENDANCE:**

- Dr. Bryan Maguire
- Ms. Karena Maguire (Item 6)
- Ms. Tara Ryan (Item 6)
- Ms. Mary Sheridan (Item 6)
- Ms. Caitríona Lawless

**APOLOGIES:**

- Dr. Barbara Brittingham
- Ms. Margaret Duignan

The Chairperson OPENED the Meeting by introducing Mr. Gearóid Ó Conluain, the newly appointed Chief Executive to Council Members and on behalf of Council, CONVEYED best wishes to Gearóid and looked forward to working with him as Chief Executive. The Chairperson ACKNOWLEDGED the work undertaken by the Executive in its dealings with the Department of Education and Science and the Department of Finance in reaching a resolution to the contract negotiations in advance of the proposed commencement date for the new Chief Executive.

Council NOTED that the Chief Executive, together with the Chairperson, met with all staff on 17 September. The Chief Executive INFORMED the meeting that he had met the Senior Staff individually and intended to meet with the remaining staff members on an individual basis over the coming weeks. Council NOTED the Chief Executive's aim was to improve communications and organisational/managerial relations within HETAC.

The Chairperson WELCOMED Mr. Bartley Rock, recently appointed Education Officer of the Union of Students in Ireland, to his first Meeting as a Member of the Council.

**1. Minutes of the Meetings of 8 and 9 June 2008**

The Minutes of the Meetings of 8 and 9 June 2008 circulated as C/M42 were confirmed and signed.

**2. Matters Arising from Minutes**

Item 1 – C/M42

Council NOTED that the subcommittee established at the June Council Meeting, to progress matters relating to the letter issued by the Labour Relations Commission had met with Tadhg Ó hÉalaithe, Acting Chief Executive on 1 July 2008. Council NOTED that the Acting Chief Executive met with all staff available on 15 July and had briefed the Committee and Chairperson on the outcome of that meeting. Council NOTED that the Chairperson and Gearóid Ó Conluain, the newly appointed Chief Executive had also met with all staff on 17 September, a meeting which had been useful and constructive and NOTED the Chief Executive's intention to meet with the Council's subcommittee shortly to hear at first hand their advice on the Commission's recommendations. The Council NOTED the Executive's intentions to strengthen the interface between the Academic Committee and staff at Head of Function level. The Chairperson THANKED the members of the subcommittee for their work.

Item 6 – C/M42

The Council NOTED that the handover of the INQAAHE portfolio to the NVAO agency in the Netherlands was completed in early June 2008.

Item 9 – C/M42

The Council NOTED that the Internal Auditor had returned to work in July following her illness.

The Council at its Meeting in June REQUESTED the Chairperson and the Executive to meet with the Minister for Education and Science regarding the Council's concerns in relation to the current pension costs. The Council NOTED that the Chairperson and the Acting Chief Executive met with the Secretary General and the Assistant Secretary General of the Department on 20 June 2008 and a letter regarding same was subsequently issued to the Secretary General. The Department was fully aware of the situation and it is hoped that an additional allocation relating to these exceptional costs will be forthcoming before year end. Council NOTED that HETAC currently has 12 pensioners on its books in comparison with FETAC and NQAI who have a combined total of 1 pensioner. Council NOTED the Executive's intention to list expenditure on salaries and pensions as two separate items in HETAC's Accounts.

The Chairperson on behalf of Council THANKED Tadhg Ó hÉalaithe for his work over the Summer as the Acting Chief Executive.

**3. Correspondence**

3.1. Council NOTED the letter of 19 August 2008 from Ms. Margaret Kelly, Principal Officer of the Department of Education and Science circulated as C/A43/3.1. regarding Allocation and Staffing for 2008 and 2009. Council NOTED the response of 3 September 2008 from Ms. Claire Byrne, Director of Corporate Affairs, NQAI on behalf of the 3 bodies (NQAI, HETAC and FETAC), circulated as C/A43/3.2. Council also NOTED that the recommended spending cuts of 3% requested for 2008 were in hand and

NOTED the Executive's opinion that if the hoped for additional funding from the Department materialises, the financial situation for 2008 should be manageable, however, the Executive EXPRESSED concerns with regard to the budget for 2009.

#### **4. Chief Executive's Report**

- 4.1. Council NOTED the Acting Chief Executive's Report which was circulated as C/A43/4.1. Council NOTED that the Executive had been in discussions with the NQAI concerning the establishment of a Quality Assurance Appeals Procedure as a result of correspondence received from [REDACTED] following Council's decision at its June Meeting not to agree Quality Assurance Procedures for the College. Council NOTED that no Appeal Process in this regard had been in place to date as it was not a legislative requirement. Council NOTED that the Executive had on 16 September 2008 been served with notice of a Judicial Review sought by [REDACTED]. Council NOTED that the case had been mentioned in the High Court on 9 September and would return for mention on 24 September. Council NOTED that the Executive had engaged Counsel and was preparing a response on the matter.

Council NOTED the Acting Chief Executive's letter of 14 July 2008 to the Secretary General of the Department of Education and Science, Ms. Brigid McManus setting out the estimated expenditure on pensions and lump sum payments in 2008 together with comparative figures for the years 2002 to 2008, showing a significant increase over the period.

- 4.2. Council NOTED the Minutes of the Tripartite Meeting (Chief Executives and Directors of NQAI, FETAC and HETAC) held on 13 June 2008, circulated as C/A43/4.2.
- 4.3. Council APPROVED the proposed Schedule of Council Meetings for 2009 tabled as C/A43/4.3. and NOTED provisional dates for Academic Committee meetings.

#### **5. Academic Committee of Council**

- 5.1. Council NOTED the draft minutes of the sixth meeting of the Academic Committee held on 30 June 2008, circulated as C/A43/5.1.
- 5.2. Council NOTED the Explanatory Memorandum, the Annual Report of the Academic Committee 2007/2008 and the Revised Terms of Reference for the Academic Committee, circulated as C/A43/5.2.1.–5.2.3. Council DISCUSSED the Executive's proposal to allow greater interface between the Academic Committee and staff at Head of Function level by proposing the inclusion of a Head of Function as a member of the Academic Committee. Council REQUESTED the Executive to discuss options with the Academic Committee and to revert to Council with recommendations at its December Meeting.

Council APPROVED the Academic Committee's recommendations contained in its Annual Report and AGREED to renew the mandate of the Committee; that the outgoing Education Officer of USI (and former Member of Council), Peter Mannion, be appointed in place of his predecessor; that the term "approval of guidelines for academic quality enhancement [subject to confirmation by Council]" be subsumed under the term "advising the Council on matters of academic quality and procedures" and that a new term be added as follows – "approval of joint awarding agreements [subject to confirmation by Council]".

5.3. Council NOTED the information notes circulated as C/A43/5.3.1., C/A43/5.3.3, C/A43/5.3.4. and C/A43/5.3.5. relating to the following new providers which had their first programme validation(s) recommended for approval by the Academic Committee at its meeting held on 30 June 2008:

- New Media Technology College
- Irish Institute of Purchasing and Materials Management
- Independent Colleges, Dublin
- Ballyfermot College of Further Education – City of Dublin Vocational Education Committee (BCFE-CDVEC)

These providers have now completed the final stage of their Quality Assurance assessment and Council AGREED their quality assurance procedures.

Council NOTED that the Executive had been in contact with the Department of Education and Science with regard to Ballyfermot College of Further Education – City of Dublin Vocational Education Committee and NOTED that the Department policy means that the Department will not be funding Higher Education programmes in VEC Colleges. Council AGREED that the Executive should reiterate to any providers which fall within this remit, that HETAC has no responsibility for the funding of this sector and validation of a programme does not imply any approval for the funding of that programme.



## 6. Academic Matters

*Ms. Karena Maguire, Head of Life Long Learning, Ms. Tara Ryan, Head of Programme Monitoring and Ms. Mary Sheridan, Head of Recognition and Standards were in attendance for this item.*

6.1. Council NOTED the Explanatory Memorandum and Draft Policy on Monitoring of New Providers, circulated as C/A43/6.1.1 and 6.1.2. which had been considered by the Academic Committee at its meeting on 30 June 2008 and ADOPTED the draft Policy. Council INSTRUCTED the Executive to develop a system of fees in relation to the monitoring process particularly as it was likely to be resource intensive.

6.2. Council NOTED the Explanatory Memorandum, the Recommendations in relation to Complementary Therapies and the Standards for Complementary Therapies circulated as C/A43/6.2.1-6.2.3. Council NOTED that the Standards for Complementary Therapies had been through two rounds of public consultation and had also been considered by the Academic Committee at its meeting on 30 June 2008. Council ADOPTED the recommendation that HETAC engage initially (but on a pilot basis) only with providers of programmes of education and training in acupuncture, herbal medicine and Traditional Chinese Medicine. Council AGREED that during the pilot phase, only programmes leading to ab-initio major awards at Level 7 and above in the specified therapies will be considered for validation. One Council member (Diarmuid Hegarty) did not agree with this decision and wished it to be noted that in his opinion only programmes leading to major awards at level 8 and above should be considered for validation. This would parallel the standard

required of other health practitioners in Ireland. As the professions in the specified therapies develop their evidence base and providers develop research capacity, it is expected that programmes will be developed at Level 8 and above. Council AGREED that federation of professional bodies/associations within a therapy shall normally be a condition for programme validation. Council ADOPTED the Standards for Complementary Therapies, subject to the inclusion of a separate document and preamble for standards relating to Minor, Supplemental and Special Purpose Awards. Council NOTED the Chief Executive's intention to write to the Secretary General of the Department of Health and Children relating to the issue of academic endorsement (a validating issue) and the role of the licensing authority (Department of Health and Children/HSE).

6.3. Council NOTED the Explanatory Memorandum and ADOPTED the Revised Policy on Minor, Supplemental and Special Purpose Awards (subject to the deletion of the final sentence in the paragraph "Conferring Protocol and Academic Dress" i.e. 'All awards must be conferred') circulated as C/A43/6.3.1. and 6.3.2. The revised Policy covers

- Programme Validation
- HETAC Policy on Parchments and The Diploma Supplement and
- the Titling Convention for Minor, Special Purpose and Supplemental Awards as follows:
  - All Minor, Special Purpose and Supplemental Awards at Level 6 to commence with the title "Certificate...." regardless of the volume of learning;
  - All Minor, Special Purpose and Supplemental Awards at Levels 7 to 10 with ECTS credit volume under 60 credits to commence with the title "Certificate...."
  - All Minor, Special Purpose and Supplemental Awards at Levels 7 to 10 with ECTS credit volume of 60 credits or greater to commence with the title "Diploma....."

Council ADOPTED the revised parchment layout proposed and NOTED the changes to the parchment wording in relation to the above award types i.e. the titles 'Minor' and 'Special Purpose' will no longer appear as bold headings on the parchments. Council NOTED that these policy changes would affect a small number of learners during the current academic year once introduced across the board and that a condition had been attached to all Minor, Supplemental and Special Purpose Awards upon their introduction, specifying that the titles etc. of these programmes awaited confirmation of Council policy. Council REQUESTED the Executive to address the policy in relation to Conferring Protocol in the guidelines under preparation.

6.4. Council NOTED the Information Note on the Alignment of the Awards of UK Awarding Bodies with the National Framework of Qualifications which was tabled as C/A43/6.4.

## **7. Quality Assurance Appeals Process**

Council NOTED the Explanatory Memorandum and the Draft Quality Assurance Appeals Process circulated as C/A43/7.1. and 7.2. Council NOTED that legal advice had been sought on the Draft Appeals Document and REQUESTED the Executive to include a time limit by which the appellant provider should have submitted their request for an appeal as well as limiting to one the number of appeals which would be entertained from any one provider. Council NOTED that there is no legislative provision calling for the establishment of a Quality Assurance Appeals Process, but both bodies had taken steps to establish one following a recent refusal by Council to agree Quality Assurance Procedures. Council SUGGESTED that any new information submitted to the NQAI as a result of an appeal should also be submitted to the original decision makers. Council RECOMMENDED the Draft Quality Assurance Appeals Process to the NQAI for approval. Council NOTED that the Authority was scheduled to meet on Wednesday, 24 September 2008 and was expected to consider an application from Council at that meeting.

## **8. Decentralisation Update**

Council NOTED that the Government had announced that further site purchases were to be put on hold pending a re-examination of the programme. Council NOTED that Members would be kept informed of any developments at future Council Meetings.

## **9. Financial Matters**

9.1. Council NOTED the Financial Out-turn for the 8 month period to 31 August 2008, circulated as C/A43/9.1. together with the projected out-turn for the year to 31 December 2008 as furnished to the NQAI in the context of the letter of 19 August 2008 received from the Department of Education and Science (see item 3 above), circulated as C/A43/9.2. Council NOTED that the Executive estimates a shortfall in income for the current year and NOTED that the Executive had made a case to the Department of Education and Science for additional funding, a decision on which is still awaited.

9.2. Council NOTED the Fees Submission sent to the Department of Education and Science dated 28 April 2008 circulated as C/A43/9.3. which was discussed briefly at the June Council Meeting. Council NOTED that the submission was under consideration by the Department particularly in light of the current financial situation and the Executive hoped that a change in fees may be in place for the coming year. Council NOTED that no consultation on this matter had taken place between HETAC and the Institute of Technology Sector to date and it was AGREED that such consultation with the office of Institutes of Technology, Ireland would take place at an early date.

## **10. Staffing**

Council NOTED that Séamus Puirseil (Chief Executive) and Gail Brady (Grade V) had retired with effect from 3 September 2008 and that Ann Graves (Grade VI) had been seconded to FETAC for a six month period (with the option to extend that to 1 year) with effect from 14 August 2008. Council NOTED that Fiona Smyth had taken up office as a Research Assistant on a 2 year contact with effect from 23 June 2008. Council NOTED the Chief Executive's intention to review the management and organisational structure.

## **11. Chairperson's Business**

The Chairperson INFORMED Council of Séan Ó Foghlú's (former Chief Executive of NQAI) recent appointment as Assistant Secretary-General at the Department of Education and Science and on his own and Council's behalf, CONVEYED best wishes to him.

The Chairperson BRIEFED Council on the terms reached with regard to the Chief Executive's contract, brought about mainly by external factors arising from the current financial climate. Council NOTED that the Chief Executive is currently on secondment from the Department of Education and Science and that his contract runs until June 2011 and contains a letter of comfort regarding the situation prevailing at that time.

**12. Any Other Business**

No business.

The next meeting of Council will take place in the Boardroom of HETAC Offices, 26/27 Denzille Lane, Dublin 2 on Monday, 8 December 2008 at **10:30 a.m. (10:00 a.m.)**

**THIS CONCLUDED THE BUSINESS OF THE MEETING.**

**Chairperson:** \_\_\_\_\_

**Date:** \_\_\_\_\_