

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

**C/M50**

Minutes of the fiftieth meeting of the Higher Education and Training Awards Council which took place on Monday, 15 February 2010 at HETAC Offices, 26/27 Denzille Lane, at 10:30 a.m.

**PRESENT:**

Chairperson:	Professor Séamus Smyth
Chief Executive:	Gearóid Ó Conluain
Secretary:	Tadhg Ó hÉalaithe
Members:	Dr. Barbara Brittingham Mr. Michael Carmody Ms. Marion Coy Dr. Finola Doyle-O'Neill Mr. Diarmuid Hegarty Ms. Mary McGlynn Mr. Stan McHugh Dr. Íde Ní Fhaoláin Dr. Diarmuid O'Callaghan Mr. Norman Sharp OBE Mr. Hugh Sullivan

**IN ATTENDANCE:**

Dr. Bryan Maguire
Ms. Caitríona Lawless

**APOLOGIES:**

Mr. Paddy Murray
Dr. Marion Palmer

The Chairperson EXPRESSED sympathy on behalf of the Council to Dr. Barbara Brittingham on the recent death of her father.

**1. Minutes of the Meeting of 9 November 2009**

The Minutes of the Meeting of 9 November 2009 circulated as C/M49 were confirmed and signed.

**2. Matters Arising from Minutes**

Item 2 – C/M48

Council NOTED that the compilation of the Register of Panel Members (new and existing) had been completed and a Training Seminar for the initial group of Panel Members is being organised for 26/27 March 2010.

Item 4 – C/M48

Council NOTED that the recent issue arising from the Chinese authorities removing Irish Private Providers from their list of approved providers of Higher Education was still unresolved and that discussions were taking place at an intergovernmental level. Council EXPRESSED concern at the major implications this could have for Irish private providers if it was to remain unresolved.

Item 4 – C/M48

Council NOTED that the final session of the Professional Development Training Programme had taken place on 20 January 2010 and WELCOMED the Chief Executive's report that the sessions were very successful and positive with constructive engagement from the staff members involved.

Item 5 – C/M49

Council NOTED that draft Standards in Social Care had been published for consultation and following the consultation period, the Standards will go to the Academic Committee for consideration before being submitted to Council for adoption at a future meeting.

Item 5.3. – C/M49

Council NOTED that the Executive had written to [REDACTED] informing it of the outcome of the Section 26 Review and giving the provider one month to respond. Council NOTED that no response had been received or any appeal of the decision lodged with the NQAI. Council also NOTED that the Executive had written to the NQAI, FETAC, the Department of Education and Science and the CAO informing them of its decision to withdraw validation.

Item 7 – C/M49

Council NOTED that HETAC's 2008 Accounts have been signed on behalf of the Comptroller and Auditor General and extracts have been included in the 2006/2008 Biennial Report. Council also NOTED that the Report has been translated into Irish and is currently being prepared for printing.

### 3. Correspondence

- 3.1. Council NOTED a series of letters dated 23 November, 25 November, 9 December and 15 December 2009 between the Chief Executive and Dr. Donald E. Ross, President of The American College, Dublin regarding the HETAC Institutional Review Process and the establishment of The Irish American University, circulated as C/A50/3.1.(a)-(d). Council NOTED that an Institutional Review of the provider had recently taken place and the report of the Review Panel was in the final stages of drafting. Council REQUESTED the Executive to continue to ensure that it is sufficiently clear that HETAC programmes are not being promoted/advertised as University programmes.
- 3.2. Council NOTED the letter of 11 December 2009 from Ms. Claire Byrne, Director of Corporate Affairs and Communications, NQAI to the Chief Executive, relating to an appeal made by the [REDACTED] regarding an application for HETAC validation, circulated as C/A50/3.2. Council NOTED that the matter was considered by the Authority at its meeting on 28 January 2010 but the outcome of those deliberations had not yet been communicated to HETAC and as such Council DEFFERED the matter to its April 2010 meeting.
- 3.3. Council NOTED the letter of 1 February 2010 from [REDACTED] to the Chief Executive, relating to difficulties arising from the results of an Economics Examination held in Semester 1 2008/2009, circulated as C/A50/3.3. The Executive had since received a report

from the President of [REDACTED] on the matter but had corresponded again with [REDACTED] requesting assurance that internal procedures were sufficiently robust to prevent a reoccurrence. Council NOTED that the Executive would circulate a web address for a report published by the Innovation, Universities, Science and Skills Committee of the UK House of Commons which contains interesting findings on the use of External Examiners in the UK Higher Education system.

#### 4. Chief Executive's Report

- 4.1. Council NOTED the Chief Executive's Report circulated as C/A50/4.1. Council NOTED the Chief Executive's briefing on Dublin Business School (DBS) and the continuing adverse media commentary surrounding the provider. Council NOTED that a meeting had recently taken place with the Chief Executive and other management representatives of the provider to discuss the quinquennial review of the LLB degree programme jointly awarded by HETAC and the University of Wales. Council NOTED that during the course of this review, the panel had received a report of a review conducted by Kaplan (the parent company of DBS) which was written in May 2009 and which was critical of management and operational practices and which had not been brought to the attention of HETAC by either DBS or the University of Wales. The Quinquennial Review Panel was not satisfied with the documents presented to it by DBS during its site-visit on 5 February 2010 and Council NOTED that the Executive had, in light of the ongoing issues, advised the University of Wales that it considers it necessary that the Panel re-visits and completes the review as soon as possible, taking account of all relevant evidence including the Kaplan Report. Council REQUESTED the Executive to revisit the earlier Joint Awarding Agreements with a view to investigating where revisions to the agreements are necessary so as to prevent similar breakdowns in communications etc. arising in the future.

Council NOTED that an issue had also arisen in relation the Kings Inns recognition of this programme and to date no report concerning this had been made available to HETAC. Council NOTED that the Executive had written to Kings Inns and while recognition had again been provided for the LLB Degree programme, HETAC had, to date, not received a report on the matter from the Kings Inns.

Council NOTED that the HETAC Executive is preparing for an Institutional Review of DBS in late April 2010.

Council NOTED that the following new draft policies had been published on the HETAC website for consultation with a deadline of 12 March 2010:

- Core Validation Policy and Criteria,
- Monitoring Policy and
- Research Degree Programme Policy and Criteria.

Council AGREED that the development of these policy documents was an important step forward in updating the suite of HETAC Policy documents to include academic developments, EU guidelines and current practice in the University sector, which is particularly relevant in light of the forthcoming amalgamation. Council NOTED that on completion of the consultation process, these redrafted Policies would be reviewed by the Academic Committee before being considered by Council for adoption at a future meeting.

- 4.2. Council NOTED the Draft Minutes of the Tripartite Meeting (Chief Executives and Directors of NQAI, FETAC and HETAC) held on 4 November 2009, circulated as C/A50/4.2. Council NOTED that FETAC was currently in discussions with the Department of Education and Science and the Department

of Finance regarding the withdrawal from the FBS contract with Satyam and that plans were being drawn up to have the work completed by alternative sources.

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

- 5.1. Council NOTED the draft minutes of the thirteenth meeting of the Academic Committee held on 18 January 2010, circulated as C/A50/5.1.
- 5.2. Council NOTED the information notes circulated as C/A50/5.2.1. and 5.2.2., relating to the following new providers which had their first programme validations recommended for approval by the Academic Committee at its meeting held on 18 January 2010:
  - PMI Ireland (Project Management Institute – Ireland) Limited, trading as Institute of Project Management
  - Ennis International Business School

Council NOTED that these providers had applied and had been assessed under the previous HETAC new provider policy but NOTED that while learner protection arrangements had yet to be put in place, notification had been received from the bankers of both providers stating that the required bonds would be in place shortly. These providers have now completed the final stage of their Quality Assurance assessment and Council AGREED their quality assurance procedures subject to putting in place their learner protection arrangements.

Council NOTED that the application process for the [REDACTED] had taken a significant period of time and NOTED the Executive's explanation that the original application had been withdrawn by the provider and resubmitted resulting in the lengthy time period involved. Council REQUESTED the Executive to keep it informed of any applications which are incurring lengthy delays. Council NOTED that to date no new providers had completed the registration process under the new procedure.

- 5.3. As the Executive was still awaiting notification from the NQAI following its deliberations on the appeal lodged with it by the [REDACTED], Council DEFFERED the discussion on this matter until its April 2010 meeting. (See Item C/A50/3.2. above).

## **6. Financial Matters**

Council NOTED the Provisional Financial Out-turn for the 12 month period to 31 December 2009, circulated as C/A50/6.1. Council NOTED the balance of the Institutes of Technology Relationship Fees for 2009 had been received on 31 December 2009 and NOTED the income for 2009 included an unpredicted increase in both Award and Recognition Fees. As a result, the year ended with significant savings. Council NOTED that the Executive was awaiting confirmation of the State Grant Allocation for 2010. Council NOTED that the Executive expected to have reductions in the area of pay for 2010 as a result of pay cuts and the non-filling of vacancies. Council also NOTED that the Executive had been unable to retain a key member of staff once his contract expired in January 2010 as a result of the public sector staffing moratorium. Council EXPRESSED continuing concern in relation to HETAC's Pension liability and this issue needs to be borne in mind in light of the forthcoming amalgamation of the Education QA Agencies.

**7. Chairperson's Business**

The Chairperson BRIEFED Council on the recent developments in relation to the forthcoming amalgamation of Education QA Agencies. Council NOTED the establishment by the Department of Education and Science of the Interim Board of Qualifications and Quality Assurance Ireland, which consists of four members i.e. the four Chairs of the NQAI, HETAC, FETAC and the IUQB and chaired by the present Chair of the NQAI. Council NOTED that the Interim Board met for the first time on 1 February 2010 and had been informed by the Department that the Government had now approved the general scheme of the Bill which provides for the establishment of the new Agency. The Board discussed its draft Terms of Reference and the importance and urgency of the appointment of a CEO Designate. The Chairperson (of HETAC) informed Council Members that the draft Terms of Reference recommended that the Interim Board proceed with the development of an appropriate structure for the agency, assess the human and financial resources necessary, the ICT resources to hand and required; appropriate accommodation for the new agency and the initiation of shared services between the four bodies involved – a situation which is already in play to some degree. Council NOTED the expectation that the Heads of Bill will be published later in the Summer and also NOTED that both HETAC and one of the other bodies currently had vacancies which they were not allowed to fill and as such, any undue delay in the amalgamation of the bodies could result in a depleted workforce. Council NOTED that administrative support is currently being provided by the Department of Education and Science to the Interim Board. Council NOTED that the governing body of each of the four agencies will have to meet to consider the Terms of Appointment for the CEO Designate and once these are agreed, the post will be advertised publicly. Council NOTED the Interim Board's intention in having the post filled by May 2010 if possible.

Council NOTED the information note on the Arrangements for the Appointment of a CEO Designate for Qualifications and Quality Assurance Ireland circulated as C/A50/7.1., together with the content of an e.mail sent by the Secretary of the Council, on behalf of the Chairperson, requesting any Council Member with an interest in applying for the post to absent themselves from the meeting during discussion of this item. The Chairperson also asked that any HETAC staff member present other than the Secretary of the Council also absent themselves from the meeting. Some Council Members and officials absented themselves at that point and following discussions, Council APPROVED the draft conditions of recruitment and appointment for the CEO Designate circulated as C/A50/7.2. and REQUESTED the Interim Board to take cognisance of some issues raised by Council Members. That decision together with the issues raised were to be conveyed by the Secretary of Council to the Chairperson of the Interim Board.

**8. Any Other Business**

No business.

The next meeting of Council will take place on Monday, 26 April 2010 at 10:30 a.m., in HETAC Offices, 26/27 Denzille Lane, Dublin 2.

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

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

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