

HIGHER EDUCATION AND TRAINING AWARDS COUNCIL, IRELAND

Comhairle na nDámhachtainí Ardoideachais agus Oiliúna, Éire

**FREEDOM OF INFORMATION
Section 15**

2010

Short title	FOI Section 15	

FREEDOM OF INFORMATION

Section 15

Reference Book

1. INTRODUCTION

- 1.1 The Freedom of Information (FOI) Acts (1997 & 2003) commenced for the Higher Education and Training Awards Council (HETAC) as and from 31 May 2006.
- 1.2 The FOI Acts assert the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy. It derives from the principles that:
 - (a) decisions by public bodies should be more open to public scrutiny thus providing greater appreciation of the issues involved in policy decisions and stronger public ownership and acceptance of decisions made
 - (b) groups and individuals who are affected by decisions of public bodies should have the right to know the criteria used in making those decisions
 - (c) an individual should have the right to know what information is held in government records about him or her personally, subject to certain exemptions to protect key interests
 - (d) an individual should have the right to inspect files held about or relating to him/her to ensure that inaccurate material or files are corrected
 - (e) citizens and stakeholders in public bodies, should have the right to examine and review the deliberations and processes of public bodies
- 1.3 The Acts establish three new legal rights for the individual to:
 - (a) access information held by public bodies
 - (b) have official information relating to him/her amended where it is incomplete, incorrect or misleading
 - (c) obtain reasons for decisions affecting oneself
- 1.4 In addition the legislation provides for the establishment of an independent Office of Information Commissioner to review decisions relating to FOI made by public bodies.
- 1.5 Each organisation is required to publish two Reference Books to support the FOI Acts. These are:
 - (a) Section 15 manual which requires each public body to set out a general description of its organisation structure, function, services, rules and guidelines, classes of records held, names of designated members of staff of the body responsible for carrying out these arrangements and the rights of review and appeal under the Acts, and
 - (b) Section 16 manual, where the public body must publish information which comprises the rules, procedures, practices, guidelines and interpretations used by the body. It may also include an index of any precedents kept by the body which may be used in making decisions, determinations or recommendations under any enactment or scheme administered by the body with respect to rights, privileges or benefits to which members of the public are or may be entitled or obligations, penalties or other sanctions to which members of the public are or may be subject to.

These manuals should be available in both an electronic and printed version.

2. FOI & HETAC

2.1 Routinely Available Information

HETAC currently makes information routinely available to the public in relation to its functions, and activities. Such information will continue to be available without the need to use the FOI Acts. Members of the public are encouraged to contact HETAC (info@hetac.ie) prior to the submission of an FOI request. The FOI Acts are designed to allow public access to information held by public bodies that is not routinely available through other sources. Access to information under the Acts is subject to certain exemptions and involves specific procedures and time limits. This publication provides a guide to the structure of the functional areas in HETAC so as to help you access information under the FOI Acts.

2.2 Freedom of Information Requests

Requests must be made in writing, enclosing the required fee, and addressed to the Freedom of Information Officer, HETAC, 26 – 27 Denzille Lane, Dublin 2.

2.3 Rights of Review/Appeal

The FOI Acts provide for a comprehensive appeals system against initial decisions taken on requests under the Acts. The majority of all appeals must, initially, be made to a higher authority within HETAC.

If the Requester is dissatisfied with the outcome of the appeal he/she may then proceed to appeal that decision to the Information Commissioner. The Information Commissioner's decisions can only be appealed to the High Court on a point of law.

Appeals may be made to the Information Commissioner at the following address:

Office of the Information Commissioner
18 Lower Leeson Street
Dublin 2

2.4 Fees

The following charges apply to requests for records under the FOI legislation:

- (a) If your request is for a record containing non-personal information, an application fee of €15 (€10 if you are a medical card holder) must accompany your application. There is no application fee if your request is for personal information.
- (b) Fees also apply where time has to be spent searching and retrieving records or for any photocopying of records released. The rates of these fees are as follows:
 - (i) €20.95 per hour of search and retrieval;
 - (ii) €0.04 per sheet for a photocopy;
 - (iii) €0.51 for a three and a half inch computer diskette containing copy documents;
 - (iv) €10.16 for a CD-ROM containing copy documents;
 - (v) €6.35 for a radiograph (X-ray) containing copy documents.

A deposit may be required and is payable where the cost of search and retrieval of records sought is estimated to exceed €50.79. In such a case, every effort will be made by the HETAC staff to assist the requester to amend the request so as to reduce or eliminate the amount of the deposit.

Search and retrieval/copying fees are not sought where the release of the records, the subject of the FOI request, would be of particular assistance to any individual or group seeking to understand an issue of 'National Importance' or where the cost of collecting the fee is greater than the fee itself

A charge also applies to most internal and independent reviews by the Information Commissioner concerning access to non-personal records. There is a reduction for medical cardholders. A brief explanation of these charges and waivers follows:

- (a) A fee of €75 must accompany most applications for Internal Review of a decision of HETAC.
- (b) A reduced fee of €25 applies if you are covered by a medical card. There is no fee for Internal Review applications concerning only your own personal information or about a decision to impose a fee or deposit.
- (c) Applications for review by the Information Commissioner usually attract a fee of €150.
- (d) A reduced fee of €50 applies if you are covered by a medical card or if it is a review by the Information Commissioner concerning certain third party information.
- (e) There is no fee for review applications by the Information Commissioner concerning only your own personal information or on decisions to impose fees or deposits.

3. DESCRIPTION AND FUNCTIONS OF HETAC

3.1 Overview

HETAC is a public body established on 11 June 2001 under the Qualifications (Education and Training) Act, 1999. It is the national awarding body for higher education and training qualifications outside the DIT and university sector at all levels from Higher Certificate (Level 6) up to doctoral level (Level 10). HETAC may delegate authority to make awards to Recognised Institutions under the Act. These are the 13 Institutes of Technology.

HETAC is committed to promoting and enhancing opportunities in higher education and training for all learners to pursue programmes that develop their intellectual, social, cultural and professional capabilities.

It seeks to develop and maintain programmes leading to national awards at a standard and quality that meet the needs and expectations of Irish society, the economy and the international community.

3.2 What HETAC Does

HETAC

- (a) establishes policies and criteria for the validation of programmes and the making of awards
- (b) determines standards of knowledge, skill or competence to be acquired by learners
- (c) makes (or delegates authority to make) and recognises higher education and training awards
- (d) monitors and evaluates the quality of higher education and training programmes
- (e) ensures that student assessment procedures within third level institutions are fair and consistent
- (f) provides academic and financial protection for students on programmes it has validated in commercial educational institutions
- (g) facilitates lifelong learning by playing a full role in the development and management of the National Framework of Qualifications

3.3 International Recognition

HETAC ensures that qualifications awarded in accredited institutions are recognised abroad and are consistent with the "Bologna Declaration" and the European Qualifications Framework.

3.4 Awards

The National Framework of Qualifications, which was launched in October 2003, was designed to create a single, coherent, more easily understood qualifications system for all levels of education and training in Ireland. It also accords with European and International developments to enhance learner mobility within and between national systems. All HETAC awards are on the National Framework of Qualifications.

HETAC has and will continue to develop a comprehensive structure of named awards from Level 6 (See Appendix 1) to Level 10 on the National Framework of Qualifications. It is responsible for the policies and criteria for the making and recognition of awards, and which are published on HETAC's website.

HETAC has delegated authority to 13 Institutes of Technology to make their own awards. The number of awards made by HETAC and Institutes of Technology with delegated awarding powers from HETAC has risen consistently in recent years as the number of accredited courses and providers continues to grow.

4. MISSION STATEMENT

HETAC is a public body, accountable to the Irish Government and the Oireachtas, which exists to benefit learners and potential learners by:

- (a) Setting standards, accrediting programmes and awarding qualifications at all levels of higher education and training;
- (b) Providing assurance to the public that programmes of higher education and training are above an acceptable threshold level of quality and that objective quality assurance processes are in place to meet the expectations of Irish Society and the International Community;
- (c) Delivering a quality improvement service to accredited educational providers so as to contribute to raising standards to increasingly higher levels.

5. STATEMENT OF POLICY WITH REGARD TO CONFIDENTIALITY AND FOI

HETAC will continue to make available without reference to the Freedom of Information Acts information in relation to its functions and activities. In addition, it is the intention of HETAC to comply fully with the requirements of the FOI Acts by allowing the public access to information held by it that is not routinely available through other sources.

HETAC undertakes to treat as confidential any information provided to it by individuals or others on a confidential basis, subject to HETAC's obligations under law, including the FOI Acts. Any persons supplying information to HETAC that they wish to have treated as confidential should state this, when providing the information and state the reasons for its sensitivity. HETAC will consult with any individual or body so supplying sensitive information before making a decision on any FOI request received.

6. STRUCTURE AND ORGANISATION

6.1 The Council

The Council consists of 15 members who are (the current nominee, appointed for a five-year term up to 7 December 2011, is in brackets):

- (a) The Chairperson of the Council (Professor Séamus Smyth)

Head of Framework Awards and Life Long Learning	Mr. Ian McKenna
Corporate Services Manager	Mr. Andrew Bridgett

Registration and Accreditation

Director of Registration and Accreditation	Dr. Bryan Maguire
Head of Provider Monitoring	Ms. Mary Sheridan
Head of Standards, Research and Policy Development	Dr. Peter Cullen
Head of Provider Registration and Professional Body Recognition	Ms. Tara Ryan
Head of Programme Accreditation	Mr. Joe Cox

7. STRUCTURAL BREAKDOWN BY FUNCTIONAL AREA

7.1 Office of the Chief Executive

Chief Executive	Gearóid Uasal Ó Conluain
Personnel Officer/ Manager Chief Executive's Office	Ms. Thérèse Masterson

7.1.1 Functions of the Office of the Chief Executive

The Office's principal functions are:

- (a) overall strategic management of HETAC
- (b) direct link to HETAC Council
- (c) human resources and ensuring compliance with employee legislation
- (d) coordinating training and development of staff
- (e) managing recruitment processes
- (f) liaising with staff and unions
- (g) Health, Welfare and Safety at work
- (h) management of Performance Management and Development System

7.1.2 Delivery of Service

The services delivered by the Office of the CEO directly to the general public comprise media relations and responding to public queries.

7.1.3 Classes of records held

- (a) internal administrative files
- (b) management documents and papers
- (c) personnel records
- (d) Staff Handbook
- (e) recruitment and selection procedures
- (f) press queries

Contact : Ms. Thérèse Masterson tmasterson@hetac.ie

7.2 Institutional Review

7.2.1 Functions of Institutional Review

- (a) Implementing HETAC Institutional Review policy
- (b) Establishment of Institutional Review Panels
- (c) Supporting providers preparing for Institutional Review
- (d) Enhancing Quality Procedures by identifying examples of effective practice in Institutions reviewed and elsewhere
- (e) Managing the conduct of follow-up reviews
- (f) Overseeing the preparation of materials for submission to the Academic Committee of Council
- (g) Publishing Institutional Review reports, self-evaluations, terms of reference, etc.
- (h) Coordinating the review of the effectiveness of Institutional Review policy and criteria

7.2.2 Classes of Records held:

- (a) Internal notes of meetings which take place prior to visit
- (b) Information regarding panel appointments
- (c) Panel comments on reports

Contact: Ms. Karena Maguire kmaguire@hetac.ie

7.3 Recognition and Accreditation

7.3.1 Functions of the Director of Recognition and Accreditation

- (a) Leadership, management and direction of Registration and Accreditation functions
- (b) Managing provider and professional body registration
- (c) Managing programme accreditation
- (d) Managing provider monitoring
- (e) Managing the commissioning and implementation of HETAC's research programme, standard setting and internal quality assurance
- (f) Manage the business of the Academic Committee of HETAC
- (g) Contribute to strategic planning and policy development for HETAC
- (h) Contribute to national and international policy on quality assurance and qualifications
- (i) Represent HETAC externally to providers, public bodies and international peers
- (j) Liaise with FETAC, NQAI, IHEQN and Bologna Steering Group

7.3.2 Classes of Records held:

- (a) correspondence
- (b) minutes of Academic Committee

Contact : Dr. Bryan Maguire bmaguire@hetac.ie

7.4 Provider Registration & Professional Body Recognition

7.4.1 Functions of Provider Registration & Professional Body Recognition

- (a) Engaging with prospective providers through initial briefing meetings and advising applicants on process
- (b) Registering providers involving assessment of quality assurance and self-evaluation and presentation of applications to academic committee
- (c) Approving & monitoring transnational and collaborative provision and joint awards
- (d) Recognising/aligning professional bodies and awards
- (e) Recognising providers for tax relief
- (f) Reviewing practice by formally collecting feedback from stakeholders and following a formal schedule of internal reviews of policies and procedures

7.4.2 Classes of Records held:

- (a) Informal note of introductory meetings between HETAC and applicant
- (b) Application forms for registration
- (c) Eligibility reports
- (d) Self Evaluation reports
- (e) Quality Assurance Policy & Procedures Manual
- (f) Reports from Evaluation Panel on Quality Assurance site visit
- (g) Quality Assurance documentation and Learning Outcomes Analysis (in respect of the alignment of awards with the National Framework of Qualifications)
- (h) Record of meetings between HETAC and applicant
- (i) Panel reports
- (j) Programme information for validation from providers
- (k) Reports from independent evaluator following review of provider for tax relief

Contact : Ms. Tara Ryan tryan@hetac.ie

7.5 Standards, Research and Policy Development

7.5.1 Functions of Standards, Research and Policy Development

- (a) Establishing and reviewing standards for fields of learning, including developing new standards, reviewing existing standards and assessing the impact of standards on learning in institutions subject to HETAC quality procedures
- (b) Tracking new and pending legislation on education, training and professions
- (c) Procuring and conducting research projects
- (d) Quality Assurance of research degree programmes
- (e) Liaising with research bodies
- (f) Procuring and conducting development projects
- (g) Coordinating responses to consultation processes of other bodies
- (h) Liaising with the National Council for Curriculum and Assessment
- (i) Conducting labour market analysis and liaising with stakeholders on same
- (j) Internal Quality Assurance within HETAC

7.5.2 Classes of Records held:

- (a) Standards records
- (b) Policy records
- (c) Procedures records
- (d) Quality Assurance procedures
- (e) Research records
- (f) Library records

Contact: Dr. Peter Cullen pcullen@hetac.ie

7.6 Provider Monitoring

7.6.1 Functions of Provider Monitoring

- (a) General monitoring of providers
- (b) Developing and maintaining processes and criteria for the use by HETAC of external examiner reports
- (c) Developing and maintaining processes and criteria for the approval of new campuses for providers
- (d) Reviewing of the FETAC monitoring policy and liaising with them on ongoing monitoring of providers in common with HETAC and FETAC
- (e) Developing a process or processes to deal with unexpected and significant issues which arise from Programme Monitoring and require immediate action

7.6.2 Classes of Records held:

- (a) Programme Monitoring files
- (b) Information regarding panels
- (c) Panel reports
- (d) Orders of Council
- (e) External examiner reports
- (f) Approved course schedules

Contact: Ms. Mary Sheridan msheridan@hetac.ie

7.7 Programme Accreditation

7.7.1 Functions of Programme Accreditation

- (a) Implementing taught programme accreditation policy
- (b) Managing (case-by-case) registration of research degree programmes
- (c) Forming panels of experts for programme accreditation evaluations
- (d) Providing appropriate training to panel members
- (e) Arrangement of site visits
- (f) Preparing materials for submission to Academic Committee of Council
- (g) Preparing Orders in Council and Certificates of Programmes approval
- (h) Accreditation, final report and programme schedules
- (i) Publishing decisions on accreditation

7.7.2 Classes of Records held:

- (a) Information on accreditation panels
- (b) Accreditation panel reports
- (c) Programme schedules
- (d) Decisions on accreditation

Contact: Mr. Joe Cox jcox@hetac.ie

7.8 Corporate Services

Secretary/Director of Corporate Services and Learner Awards
Corporate Services Manager

Tadhg Uasal Ó hÉalaithe
Mr. Andrew Bridgett

7.8.1 Functions of Corporate Services

- (a) Corporate planning
- (b) Financial management and reporting
- (c) Supporting the Council
- (d) Support services for statutory functions and also administration of facilities and office accommodation
- (e) Purchasing
- (f) Providing access to the public under Freedom of Information and Data Protection Acts
- (g) Communications and public relations, including promotional activity
- (h) Managing HETAC events
- (i) Authorising the appropriate use of the HETAC corporate logo

7.8.2 Delivery of Service

Corporate Services deals directly with the general public in respect of their rights under the Freedom of Information and Data Protection Acts.

7.8.3 Classes of Records held:

- (a) Internal administrative files
- (b) Financial and accounting records

- (c) Legal and insurance files
- (d) Freedom of Information files and Data Protection files
- (e) Corporate publications
- (f) Council papers and documentation

Contact: Tadhg Ó hÉalaithe tohealaithe@hetac.ie

7.9 Framework Awards and Life Long Learning

7.9.1 The functions of Framework Awards and Life Long Learning comprise of the following:

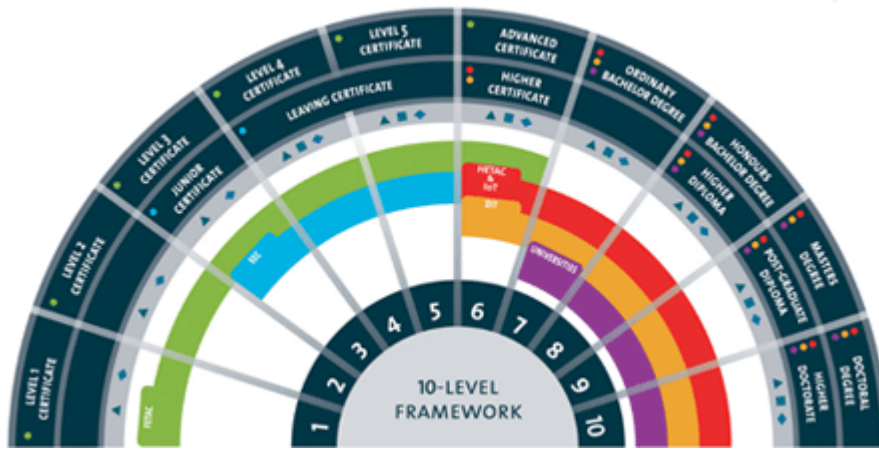
- (a) Managing the learner awards system
- (b) Recognition of Prior Learning (RPL) and Learner Portfolio Awards
- (c) Promoting Access, Transfer and Progression policies
- (d) Managing the ICT infrastructure and website
- (e) Reviewing facilities management
- (f) Managing procurement
- (g) Public Relations and advertising
- (h) Administering Learner Protection in accordance with Section 43 of the Qualifications (Education and Training) Act, 1999
- (i) Developing and reviewing the Crisis Management Plan and the Business Resumption Plan

7.9.2 Classes of Records held:

- (a) Learner records
- (b) Database relating to awards
- (c) Paper files relating to awards

Contact : Mr. Ian McKenna imckenna@hetac.ie

Appendix 1



Appendix 2

