

# HIGHER EDUCATION AND TRAINING AWARDS COUNCIL, IRELAND

Comhairle na nDámhachtainí Ardoideachais agus Oiliúna, Éire

**FOI Section 16 Booklet  
2010**

Short title	FOI Section 16 Booklet 2010	

# FREEDOM OF INFORMATION

## Section 16

### Reference Book

## 1. INTRODUCTION

### 1.1 General

Section 16 of the Freedom of Information (FOI) Acts 1997 to 2003 requires the publication of a Reference Book by The Higher Education and Training Awards Council (HETAC) containing its rules, procedures, practices, guidelines and interpretations and an index of precedents, if any, for the purposes of decisions. Section 16 also provides that such a publication may be delivered through electronic means.

These procedures are published for the benefit of the public and of all involved in the use of the FOI Acts. The procedures are aimed at ensuring consistency and fairness in its approach to dealing with the public.

### 1.2 Information Under Freedom of Information Acts

HETAC is committed to making available to the public information to the widest extent possible, consistent with the need to protect the right to privacy of the individual and the obligations placed on it to protect certain types of information (subject to a public interest test).

Where it is possible to make information available to the public without recourse to the FOI Acts HETAC will make available this option, thereby avoiding the inconvenience caused to the public in having to formally avail of the legislation to obtain access to public records.

Under the provisions of the Freedom of Information Acts 1997 to 2003 members of the public have a right of access to the records held by or under the control of HETAC unless such records are exempted under the Acts or otherwise publicly available.

### 1.3 Engagement with Stakeholders

HETAC endeavours to promote and achieve sustained improvement in higher education and training. It works in partnership with providers and other stakeholders to ensure that policies to support this objective. Consultation with stakeholders can take the following focus:

#### (a) Workshops

In pursuit of its objectives HETAC from time to time organises workshops and seminars for staff of recognised institutions and other providers, employers, professional bodies and stakeholders generally.

#### (b) Consultative Conferences

As part of ongoing policy to promote and support continuous improvement in the quality and standards of provision of higher education and training programmes, HETAC arranges conferences on relevant topics in the areas of higher education and training.

#### (c) Policy Development

HETAC, in keeping with its policy of openness, transparency and accountability, consults widely when developing its policies and procedures. From time to time HETAC

publishes draft policy documents for consultation purposes, giving stakeholders and interested parties the opportunity to comment directly to HETAC.

## **2. DECISION MAKING STRUCTURES**

### **2.1 Council**

The Qualifications (Education and Training) Act, 1999 specifies the functions of the Council and these include, inter alia, the following:

- (a) establish and publish, in such form and manner as it thinks fit, policies and criteria and to review such policies and criteria not less than once in every five years
- (b) determine standards of knowledge, skill or competence to be acquired by learners
- (c) make or recognise higher education and training awards
- (d) monitor and evaluate the quality of programmes of education and training in respect of which awards are made or recognised
- (e) establish procedures for the assessment of learners which are fair and consistent and for the purpose of compliance with standards determined by the Council
- (f) promote the higher education and training awards of the Council
- (g) consult with and advise the Minister or any other Minister, as the case may be, on such matters in respect of its functions as the Minister or any other Minister may request or as the Council thinks fit
- (h) consult, as it considers appropriate, with providers of higher education and training or other persons or bodies
- (i) following consultation with the National Qualifications Authority of Ireland, inform itself of practices outside the State in respect of matters relevant to its functions
- (j) following consultation with the National Qualifications Authority of Ireland, inform itself of the education, training, skills and qualifications requirements of industry, including agriculture, business, tourism, trade, the professions and the public service, including the level of knowledge, skill or competence to be acquired by learners and promote practices in higher education and training which meet those requirements
- (k) ensure that procedures for access, transfer and progression determined by the National Qualifications Authority of Ireland are implemented by providers of programmes of education and training whose programmes are validated by Council and recognised institutions to which authority to make awards has been delegated by 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)
- (b) The Chief Executive of the Council (Gearóid Uasal Ó Conluain)
- (c) The Chief Executive of the Further Education and Training Awards Council (Mr. Stan McHugh)
- (d) Two persons nominated by the Minister, one of whom is, in the opinion of the Minister, a representative of providers of education and training, other that recognised institutions (Mr. Diarmuid Hegarty and Ms. Mary McGlynn)
- (e) One person nominated by the Minister of Enterprise, Trade and Employment (Dr. Finola Doyle-O'Neill)
- (f) Three persons nominated by recognised institutions (Ms. Marion Coy, Mr. Michael Carmody and Dr. Diarmuid O'Callaghan)

- (g) One person who, in the opinion of the Minister, is representative of learners in recognised institutions (Mr. Hugh Sullivan)
- (h) One person who, in the opinion of the Minister, is representative of employees of recognised institutions (Dr. Marion Palmer)
- (i) One person nominated by the Irish Business and Employers Confederation (Mr. Paddy Murray)
- (j) One person nominated by the Irish Congress of Trade Unions (Dr. Íde Ní Fhaoláin) and
- (k) Two persons nominated by the Council who have special knowledge and experience related to the functions of the Council, at least one of whom shall be a person with relevant international experience related to those functions (Dr. Barbara Brittingham and Mr. Norman Sharp)

The Council meets approximately four times each year. Minutes of Council meetings are published on the website after they have been approved by Council.

## 2.2 Academic Committee

The Council agreed in principle to establish an Academic Committee at its meeting of March 5, 2007 and made a number of suggestions for revised membership and terms of reference. The membership and terms of reference were reviewed at the end of the first year of operation and minor modifications were made to the terms of reference and membership from December 8, 2008. The membership and terms of reference were again reviewed and modified on September 13, 2009 and on November 9, 2009.

The Academic Committee consists of the following (the current member is brackets):

- (a) two experts in addressing learners' perspectives on quality assurance  
(Rev. Darren McCallig, Chaplain & Doctoral candidate, TCD; former member of NCEA)  
(Vacancy)
- (b) two experts in quality assurance within providers with delegated authority  
(Dr. Diarmuid O'Callaghan, Registrar, IT Blanchardstown)  
(Dr. Marion Palmer, (Head of Dept of Learning Sciences, IADT)
- (c) two experts in the accreditation of programmes in providers without delegated authority  
(Tomás Uasal MacEochagáin, Director of Academic Programmes, Griffith College)  
(Ms. June Hosford, Director, St. Nicholas Montessori College)
- (d) two experts in the quality assurance of higher education programmes and institutions not within the remit of HETAC  
(Professor Tom Boylan, Dept of Economics, NUIG) *Chair*  
(Vacancy)
- (e) Director of Awards and Standards, FETAC  
(Ms. Barbara Kelly)
- (f) Director of Recognition and Accreditation, HETAC  
(Dr. Bryan Maguire)
- (g) Chief Executive's nominee  
(Ms. Karena Maguire)

One of the members is appointed by the Council as chair. Two positions are filled by members of the Council. The executive appoints a secretary who is not a member of the committee.

The committee is appointed for a term to December 7th, 2011. The Council may request that the committee remain in office until the first meeting of the new Council. The committee will normally meet five times per year. The minutes will be tabled at Council meetings and will be published after being received by Council. The quorum for committee meetings be one third of the total number of members rounded to the nearest whole number plus one (i.e. five).

The following Terms of Reference were agreed by Council:

*“The committee will exercise its functions on behalf of, and with the full authority of the Council. Pursuant to Section 56(2) of the Qualifications Act, the exercise of certain functions delegated to the committee will not be subject to confirmation by the Council. References in HETAC policies and procedures adopted prior to 2007 to the Programme Accreditation Committee or to the Research Degree Programme Committee shall be read as referring to the Academic Committee, which has subsumed the functions of these committees.*

*In all cases, an appeal against a decision of the committee will be reviewed by the Council in the first instance”.*

The following functions of the committee are subject to confirmation by the Council:

- (a) to determine standards of Council awards
- (b) to recognise professional awards for alignment with the National Framework of Qualifications
- (c) to register new providers or confirm the registration of providers undergoing substantive change
- (d) to approve new joint awarding agreements

The following functions of the committee are not generally subject confirmation by the Council:

- (a) to approve reports of institutional reviews
- (b) to validate programmes of higher education and training
- (c) to validate research degree programmes, through individual case registration, approval of fields of learning, and accreditation to maintain a register
- (d) to approve amendments to the orders in council for programmes delegated to institutions
- (e) to validate (re-accredit) programmes on foot of programmatic reviews
- (f) to withdraw programme validation
- (g) to monitor the implementation of recommendations of review panels
- (h) to deny progression to institutional evaluation stage for ineligible providers seeking registration
- (i) to approve progression to programme accreditation stage for providers applying for registration
- (j) to approve amendments to joint awarding agreements
- (k) to advise the Council on matters of academic policy and procedures
- (l) any other function delegated by the Council from time to time

The Committee meets approximately four times each year. Minutes of the Committee meetings are published on the website after they have been approved by the Committee.

### **2.3 Audit Committee**

The role of the Audit Committee comprises, inter alia, of the following:

- (a) To review on a regular basis -
  - (i) the implementation of the accounting functions of the Council as specified in the Qualifications (Education & Training) Act, 1999, and
  - (ii) the written code of business conduct for Council members and employees, reports from the Comptroller and Auditor General and the internal auditor

- (b) Any other functions which the Council delegates to the committee from time to time
- (c) To approve an annual Internal Audit Plan
- (d) To monitor implementation of that plan throughout the year
- (e) To report to the Council at least twice a year on its operations and to make recommendations as it sees fit.

The committee meets approximately three times each year and reports to Council.

The committee consists of 4 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 committee (Mr. Diarmuid Hegarty)
- (b) Two other members of Council (Ms. Marion Coy and Mr. Paddy Murray)
- (c) One external member (Mr. Patrick Dalton)

#### **2.4 Expert Panels on Academic Matters**

HETAC takes great care to ensure that the highest ethical and professional standards apply and are seen to apply in all of its activities. The Guidelines for participating in expert panels indicate some core principles informing the work of the panels. These include, inter alia, principles concerning the composition and conduct of panels.

All panel members are required to undertake their duties and responsibilities in a professional, thorough and objective manner. The principles governing the operation of panels, include:

- (a) Panels operate as a team under the leadership of a Chairperson – a collegial environment is vital to the proper functioning of the panel
- (b) Mix of expertise - each review panel is unique and, as such, requires different competencies
- (c) Panels should have an appropriate mix and balance of expertise
- (d) There will be appropriate gender representation on every panel. While every effort will be made to achieve appropriate gender balance in the composition of panels, this is a secondary consideration to achieving an appropriate blend of expertise.
- (e) No panel member is expected to be an expert in all areas
- (f) Panel members may contribute to any aspect or dimension of the dialogue that may occur during the evaluation.
- (g) All panel members, including observers, are expected to treat all proceedings as confidential to HETAC.
- (h) Appropriate mechanisms are available to ensure that any issues of concern to a panel member arising out of the conduct of the business of the panel can be addressed.

HETAC may appoint expert panels to carry out an evaluations for the purpose of:

- (a) Validation of a taught programme, and any subsequent review of such validation
- (b) Approval of a provider to submit research programmes for registration by HETAC in a particular field of learning, and any subsequent review of such approval
- (c) Accreditation of a provider to maintain a register of students for research degrees in a specific field of study and at a particular level, and any subsequent review of such accreditation
- (d) An institutional review
- (e) New provider registration
- (f) The granting of delegated authority to a recognised institution, and any subsequent review of same

- (g) Alignment of qualifications with the National Framework of Qualifications (in accordance with the HETAC policy and process in respect of the alignment of non- statutory awards of certain Irish bodies with the National Framework of Qualifications)
- (h) Monitoring the implementation of quality assurance policies and procedures

### **3. PUBLISHED POLICIES, PROCEDURES AND GUIDELINES**

#### **3.1 Policies & Procedures**

HETAC policies, procedures and guidelines are published and may be downloaded from HETAC's website: [www.hetac.ie](http://www.hetac.ie)

#### **3.2 Reports**

In accordance with HETAC's policy of best public practice as regards openness, transparency and accountability reports and recommendations on HETAC's main activities are also published on the HETAC website.

### **4. APPLICATION TO HETAC FOR INFORMATION UNDER THE FOI ACTS**

#### **4.1 General**

Under the Freedom of Information Acts an applicant is entitled to apply for access to information not otherwise publicly available.

Records held under the following criteria come within the scope of the Acts:

- (a) all records relating to personal information held by HETAC irrespective of when created
- (b) all other records created from commencement date
- (c) all other records necessary to the understanding of a current record
- (d) personnel records of serving staff created from 31 May 2006, and those created prior to that date where they are being used or proposed to be used in a way which adversely affects or may affect the person involved

HETAC is obliged under the Acts to respond to a request within 4 weeks.

#### **4.2 Sensitive Information**

The FOI Acts set out a series of exemptions to protect sensitive information where its disclosure may damage key interests of the State or of a third party. HETAC may invoke this provision to withhold information and in such a case you have the right to appeal this decision. The details of the appeals mechanism and applicable fees are outlined in the Section 15 manual.

#### **4.3 Material Exempt under Freedom of Information Acts**

Section 16 (7) clarifies that information need not be published or released if it comes within an exemption.

Requests to access records may be refused for any of three reasons;

- (a) the record is exempt under Part III of the legislation
- (b) the record is excluded under Section 46 (e.g. records held by the Courts, the Attorney General, records relating to an audit by the Comptroller and Auditor General or an investigation by the Ombudsman and records relating to information whose disclosure could reasonably be expected to reveal or lead to the revelation of the source of information provided in confidence to a public body)

- (c) refusal for administrative reasons under Section 10:
  - (i) the record does not exist or cannot be found
  - (ii) the request does not include sufficient detail as to identify the record sought
  - (iii) the information requested is likely to be published within 12 weeks
  - (iv) the request is frivolous or vexatious
  - (v) a fee or deposit for a previous or current request has not been paid
  - (vi) HETAC must consult with the requester to ascertain more clearly what information is being sought, before refusing a request on the grounds that it does not contain sufficient particulars or is a voluminous request. (Section 10(2) refers)

#### **4.4 Right to have Personal Information Amended**

The FOI Acts confer a legal right on each member of the public to require that personal information relating to oneself and held by HETAC be amended, where it is incomplete, incorrect or misleading. It complements the right of access to personal information. Correction of information applications must be processed within 4 weeks. In the case where HETAC does not agree that the information in question is incorrect, it must append to the record a copy of the application.

Some electronic records may be impossible to append. A notation may, instead, be added to the record indicating the existence of the application.

Details of the amended record must be furnished to any other person or public body to which the record was given in the previous 12 months.

#### **4.5 Application Procedure**

Applications for information under the FOI Acts should be addressed to:

Freedom of Information Officer  
Higher Education and Training Awards Council  
26 - 27 Denzille Lane,  
Dublin 2.  
Phone Number: 01-6441500  
Fax Number: 01-6441577  
e-mail: [foi@hetac.ie](mailto:foi@hetac.ie)

Applications should be made in writing enclosing the required fee and should indicate that the information is sought under the Freedom of Information Acts. If information is desired in a particular format, e.g. photocopy, computer disk etc. this should also be mentioned in the application.

Please give as much detail as possible to enable the staff of HETAC to identify the record. If you have difficulty in identifying the precise records that you require, the staff of HETAC will be happy to assist you in making your request.