

# QQI WHITE PAPER

**Report on QQI's Public Consultation on  
White Papers related to the International  
Education Mark**



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## 1. Background

The International Education Mark (IEM) is a statutory quality mark that is intended to represent and promote public confidence in the quality of Irish providers delivering programmes of education to international learners. The IEM, when awarded to individual providers by QQI, should attest to:

- the quality of the international students' learning experiences in their institutions;
- the delivery of a consistent standard of academic and general student supports for those learners across the different institutions;
- and the Irish state's commitment to protecting the welfare of international students studying here.

Ultimately, the institutions that are authorised to use the IEM brand will constitute a group of state-endorsed providers who can be trusted to deliver a quality educational experience for international learners who come to Ireland to study or for learners outside the state in a transnational setting or through remote/fully online modes of learning.

To achieve this objective, the IEM will be grounded in the existing national quality assurance infrastructure, enhanced through new statutory codes of practice for providers. In addition, legislative provision has also been made for the protection of the welfare of international students through the introduction of a supporting scheme for assessing the capacity and capability of private providers to quality assure and deliver education programmes (a 'due diligence' assessment); and through the establishment of a national scheme for the protection of enrolled learners by private providers (PEL), underpinned by a statutory learner protection fund.

The legislation underpinning the IEM enables QQI to authorise its use by different groups of providers. QQI has decided that it will specify and authorise the use of the IEM for higher education (HE) providers and English language education (ELE) providers. In preparation for the launch and implementation of the IEM, QQI published four White Papers for public consultation on 7 November, 2022. The White Papers encompass two draft codes of practice for providers of programmes to international learners: one for ELE and one for HE. They also include new draft Statutory Quality Assurance Guidelines for ELE providers, and a proposed policy on the authorisation of the use of the IEM. The closing date for receiving public feedback on the White Papers was 16 December, 2022.

This report sets out the key issues that were raised and communicated by stakeholders to QQI through their formal submissions to the public consultation, and in a series of bilateral meetings between QQI and key stakeholders held during, and after, the formal consultation period. The report also sets out how QQI will address these issues in preparing the final versions of the documents ahead of their adoption under QQI's governance structures.

## 2. Submissions Received

QQI received 47 submissions in total during the consultation period. The full list of stakeholders that made submissions is set out in Appendix 1 below. The submissions are classifiable as follows:

Category	Number
English language education providers	17
Other English language education providers	2
English language education stakeholders, including ELE provider representative bodies	11
Higher education providers	11
Higher education individual responses	2
Higher education stakeholders, including HE provider representative bodies	4
Total	47

In addition, QQI also met 37 organisations/representative groups in the period 24 November, 2022 to 14 March, 2023 to discuss the White Papers. The full list of stakeholders engaged with in this way is set out in Appendix Two below. In some instances, these meetings were held with organisations that had made submissions to the public consultation, with a view to discussing and clarifying the content of their submissions, and to seek their views on how particular issues relating to the White Papers might best be addressed by QQI. They also included meetings with a number of organisations that had sought a meeting with QQI in lieu of making a formal submission to the public consultation.

The remaining sections of this report will consider the feedback of stakeholders. It commences in section 3 with a consideration of some general or cross-cutting themes relating to the IEM process generally, including matters raised in relation to the related due diligence and PEL schemes. Thereafter, it considers in turn issues raised in relation to each of the White Papers, whether these were relayed to QQI through written feedback in the formal consultation or communicated to QQI in meetings with particular organisations (sections 4-7). Throughout sections 3-7, QQI will also indicate how it will respond to the feedback in finalising the Codes of Practice, the Policy on Authorisation, and the Statutory Quality Assurance Guidelines for English Language Providers.

### 3. General Themes

#### 2.1 IEM-related fees and charges

A common concern that was articulated by many stakeholders across the ELE and HE sectors during the consultation process relates to the fees and charges associated with the IEM application process, and how the fees and charges will be calculated. The general concern here is that certain groups of providers or individual providers will be unduly burdened by the various costs associated with the IEM process. The concern also relates to the cost of the PEL charge that will be levied on ELE providers following their authorisation to use the IEM, and which is generally perceived by them to constitute an 'IEM charge.'<sup>1</sup>

The White Paper Policy on Authorisation to Use the International Education Mark (Section 10, p. 23, hereafter WP Policy on Authorisation) sets out the general statutory provisions relating to the fees associated with an initial IEM application and a subsequent review of compliance. Under section 80 of the 2012 Act as amended, the latter are determinable by QQI with the consent of the Minister. The WP Policy on Authorisation also sets out the general statutory provision relating to the annual charge, which, under section 62 of the 2012 act as amended, will be prescribed by the Minister, and payable by IEM-authorised providers on or before a provider's authorisation anniversary date.

QQI was not in position at the time of the policy consultation to give an accurate indication of the likely fees and charges, other than to confirm that the IEM annual charge will be considerably less than the €50,000 statutory maximum set out in section 62 (5) of the 2012 Act as amended. In addition, it was also indicated that the fees will be benchmarked against existing fees for other QQI services referenced in section 80 of the same Act.

In several of the meetings held with stakeholders during and after the consultation process, QQI discussed in detail the different factors that will ultimately determine IEM fees and annual charge amounts. These include the requirement for QQI to recover the costs of developing and maintaining the IEM scheme, including the costs of the initial application and assessment process; the ongoing maintenance and development of the HE and ELE Codes of Practice; and the promotion and protection of the IEM brand. They will also depend on the number of providers across the ELE and HE sectors that apply for IEM authorisation and how the costs of the scheme will be apportioned across the different categories of providers: ELE Providers, Private HE Providers, Linked Providers and Public HE Providers. With a view to determining the likely number of applicants, and as part of the White Paper consultation process, QQI requested expressions of interest from providers in applying for IEM authorisation. 75 ELE providers, 13 Private HE providers and 16 public HE providers, including linked providers, expressed interest in applying.

These numbers were lower than anticipated and may reflect, to some degree, an anxiety on the part of some providers to make a public commitment to applying for IEM authorisation until they are fully apprised of the financial outlay that it will entail. One aspect of this concern that was commented upon frequently by private providers was the comparative absence of information issued to them on the regulations, processes, and costs of the related due diligence and PEL schemes. Though the latter matters are not directly related to the contents of the IEM White Papers, they do constitute key parts of the IEM regulatory infrastructure more generally and are, undoubtedly, a contributory factor to the general anxiety felt about the fees and charges related to the IEM (see also section 3.4 below).

<sup>1</sup> The PEL charge will also be levied in due course on existing private FET and HE providers statutorily engaged with QQI, following a transitional period of up to three years from the commencement of the relevant sections of the legislation.

Provider concerns about IEM fees and charges, whether articulated in the written or face to face feedback received from stakeholders, has been taken on board by QQI, and the organisation will make every effort to arrive at a schedule for IEM fees and charges that is fair, reflects the ability of different providers to pay, has a clear rationale that is easily understood, and meets the requirements of the legislation. Work on a fees/charge proposal has progressed since the consultation closed in December. The modelling of the fees and charges will be based on data from the different categories of providers, which is either publicly available or has been specifically requested by QQI during the consultation process, and which relates to the types of programmes delivered by different provider types, and the numbers of enrolled learners on these programmes, and the associated income levels. Based on this data, an initial draft proposal has been prepared by QQI and is currently being considered by the Department of Further and Higher Education, Research, Innovation and Science (DFHERIS).

**General Action 1:** *QQI to complete discussions with DFHERIS and to agree and promulgate the IEM fees and charge schedule, and the charge that will be levied on IEM authorised ELE providers for the statutory Learner Protection Fund.*

**General Action 2:** *QQI to communicate IEM-related fees and charges to providers ahead of the opening of the application process, and to set out clearly the rationale for same.*

### 3.2 IEM transitional arrangements

A matter of concern for all stakeholders relates to the transitional arrangements that will be put in place while providers migrate to the IEM authorisation scheme from the existing regulatory arrangements relating to international education, namely the Interim List of Eligible Programmes (ILEP), which is administered by the Department of Justice (DOJ); and the non-statutory ELE accreditation scheme, Accreditation and Coordination of English Language Services (ACELS), which is administered by QQI. A particular area of concern for ELE providers relates to the transitional arrangements regarding current ILEP regulations for proficiency examinations, e.g., IELTS, which are required as exit exams for programmes of 25 weeks' duration. Currently there is a list of approved examinations that providers may select from. Providers have indicated that they would appreciate confirmation regarding future arrangements for the approval and selection of proficiency examinations under the IEM scheme, noting that they will need some lead-in time to ensure that their curriculum and assessment design are integrated and coherent.

A working group comprising officials of DFHERIS and the Department of Justice (DOJ), and key executives of QQI, has been established to manage the transition from the ILEP to the IEM. The working group, which held its first meeting in February 2023, will work collectively to ensure that reasonable timeframes are established to enable an orderly and fair transition process, to confirm which current ILEP requirements will transition to the IEM and which will remain under the Department of Justice Immigration Service Delivery, and to ensure that there is a full communications programme in place so that all providers and other relevant stakeholders remain fully informed about developments. The key dates for the cessation of ILEP and ACELS, and their definitive replacement by the IEM authorisation scheme will depend on factors such as the IEM application process timelines (see below) and the progress of providers through that process. These dates have not been determined yet. They will be discussed and determined as part of the deliberations of the joint DOJ, DFHERIS and QQI Working Group on IEM transitional arrangements, and will be communicated to all stakeholders in good time. It is also the intention of QQI that once particular providers migrate successfully to the new scheme, there will be no requirement to adhere to any of the older schemes – on the contrary they will be required not to adhere to the older schemes – even though the older schemes may be maintained for a time to give other providers a fair opportunity to migrate to the IEM.

**General Action 3:** *The DOJ, DFHERIS and QQI Working Group on IEM transitional arrangements to continue to meet to review the progress of the IEM application process, and to determine and communicate key dates for the transition from the existing regulatory schemes to the IEM authorisation scheme.*

**General Action 4:** *QQI to determine a policy approach regarding ELE achievement/proficiency exams as part of the general IEM regulatory framework.*

### 3.3 Recording of student attendance on HE programmes

The draft criterion 5.1.1I proposed in the *White Paper Code of Practice for Provision of Higher Education Programmes to International Learners* (hereafter HE Code) stated that HE providers should clearly communicate attendance requirements to international learners and establish clarity on sanctions for learners who do not fulfil those requirements. The general view of the sector, both from public and private HEIs alike, is that such an approach is not appropriate in a higher education context as attendance requirements are not standardised or centralised across programme modules within programmes, or across programmes within institutions. Attendance requirements, where formalised, are managed in a distributed manner and assume that learners will engage with all aspects of the teaching and learning process in a mature and responsible manner. It is also of note that the increasing use of blended learning modes of delivery adds another layer of complexity to the question.

QQI recognises that the HE providers' viewpoint has merit and has communicated this view to colleagues in the DFHERIS and the Department of Justice. It has also emphasised in these communications that in the IEM authorisation process the unit of regulation will not be the programme, but the provider, and there has been a general agreement that this is an acceptable approach. In essence, therefore, the IEM will be an attestation of the quality and trustworthiness of providers, and successful progression of international learners will be a confirmation of this trust. While details of programmes provided by IEM holders will be recorded and published in the Irish Register of Qualifications (IRQ), it is not appropriate that QQI should monitor the operation of these programmes at the level of detail of student attendance in a diverse and diffuse range of learning activities.

Following discussions with the HEIs, QQI considers that the matter of international student attendance is a matter that relates primarily to the fulfilment by visa-requiring students of their responsibilities under the student immigration regime. QQI also considers that the most fitting way to support the broad objectives of the student immigration regime would be to remove the existing draft criterion 5.5.1I on attendance altogether, and to address the matter of student responsibilities under the student immigration regime in an amended version of criterion 5.4.1c. This amended criterion will also reference the relevant immigration requirements on the Department of Justice's website.

**General Action 5:** *Remove criterion 5.1.1I.*

**General Action 6:** *Amend criterion 5.4.1c to read as follows: 'HE providers shall ensure that inductions offered to learners also meet the needs of international learners, including intercultural awareness. They should direct students to services, supports and facilities relevant or appropriate to their programme of study. They should also remind international students requiring study visas of their responsibilities under the Department of Justice's student immigration regime.'*



### 3.4 IEM application process timelines

A number of providers expressed concern about the uncertainty of the timelines associated with the IEM application process and, on a related matter, some have expressed concern about the lack of information currently available about the due diligence and PEL arrangements that are associated with the IEM process (see also section 3.1 above).

QQI has indicated to all stakeholders that certain aspects of the process, including especially the 'due diligence' element, are particularly complex and that QQI and DFHERIS are working together to ensure that the associated regulations and the related process are sufficient and legally sound.<sup>2</sup> The application process cannot open until the due diligence regulations have been finalised. Work on the due diligence element of the IEM process will continue, and QQI has confirmed to stakeholders that the previously envisaged Q1 2023 opening for the IEM process is not now possible. A Q3 opening for the IEM application process is now more likely. In the meantime, QQI will progress other aspects of the IEM infrastructure, including finalising the Codes of Practice and other policy documents, and preparing handbooks and organising webinars on the assessment processes for ELE and HE providers. QQI has discussed the issue of the 'lead-in' period required by providers to prepare their applications from the point at which the IEM application process opens and will take this into account in determining the closing dates for submission of applications across the different provider groups.

**General Action 7: *QQI will continue to consult with stakeholders on its deliberations regarding the opening of the IEM application process and will consider advice from providers in relation to the lead-in times necessary across different provider groups to prepare and submit their applications, including securing approval for submissions through institutional governance structures.***

### 3.5 Determining which code of practice providers should adhere to for the purposes of IEM authorisation

QQI will authorise the use of a single IEM for all providers. It is QQI's intention that IEM authorisation will be confined to ELE and HE providers initially, in line with Government policy on the internationalisation of Irish education. Although there will be a single IEM brand, the distinctiveness of the two sectors that will apply for IEM authorisation will be addressed through the promulgation of two Codes of Practice (one for HE and one for ELE providers), against which individual providers will be assessed. It is QQI's intention that individual providers will only apply for assessment against one of the Codes. Because of this determination, there will be no possibility that a provider can apply for the IEM in relation to both ELE and HE provision and will not therefore be liable to pay two IEM application fees and two IEM charges. It also follows there will be no need for QQI to consider introducing a special combined fee rate, as queried by one provider in its submission.

In most cases, it will be self-evident which code the prospective applicant should seek to be assessed against. Nonetheless, there are undoubtedly some 'grey' areas that will encompass a small number of providers. One of these relates to those private providers who have secured validation for at least one programme leading to a QQI HE award, but where the bulk of the provider's provision in terms of

<sup>2</sup> The due diligence of the IEM application process will apply to ELE providers in the first instance. It will not apply to institutions expressly exempted under the legislation, nor to private HEIs that have already undergone due diligence assessment as part of previous statutory engagements with QQI, such as programme validation or the agreement of their quality assurance procedures with QQI. In the case of private HEIs, they will come fully under the new statutory due diligence regime at the point at which they subscribe to the new statutory learner protection fund.



student numbers lies in English Language Education provision. This group of private providers, as the *WP Policy on Authorisation* sets out (section 5.5, pp. 16-7), will be required to apply for the IEM by being assessed against the ELE Code.

Another such area relates to providers who have secured validation from QQI for an FET award that has links both to English language and higher education, namely, the QQI pre-higher education foundation year programme award. Here, too, the provider will be required to apply for the IEM by being assessed against the ELE Code. The *WP Policy on Authorisation* will be amended to include this determination and the ELE Code of Practice will be amended to include some references to the assessment of foundation year programme providers.

In addition to the above, there are also instances where entities affiliated to higher education institutions e.g., wholly owned corporate subsidiary companies, offer regular ELE programmes as a commercial activity. QQI is minded to engage with such entities on the same basis as other private ELE providers, and to set a requirement that they should apply for IEM authorisation separately from their 'parent' HE institution and be assessed against the ELE Code. It should be noted that these affiliated entities are not uniform in the way they operate nor in the way they are affiliated to the 'parent' HEI, in terms of their academic and/or corporate governance arrangements. Following discussions with the entities themselves and their 'parent' institutions, QQI is of the view that they would need to be assessed on a case-by-case basis to determine their precise status in relation to the IEM authorisation process, taking into account such factors as:

- the employment status of the staff, i.e., who employs staff in the affiliated entities;
- to whom and in what manner the students attending the affiliate entity's English language programmes are registered;
- the extent, if at all, to which the quality assurance arrangements of the 'parent' HEI apply to the affiliated entity;
- and whether the statutory requirements relating to due diligence and PEL would apply to the entities in cases where the 'parent' HEI is exempt under the legislation.

**General Action 8:** *QQI to conclude discussions with ELE affiliated entities of HEIs and their 'parent' HEIs, and to make a final policy determination, in consultation with DFHERIS, on their status regarding IEM authorisation.*

**General Action 9:** *QQI to amend the WP Policy on Authorisation to set a requirement that providers seeking IEM authorisation in cases where the majority of their international students are enrolled on programmes leading to the QQI FET pre-higher education foundation award will be required to apply for the IEM through the ELE provider route.*

**General Action 10:** *QQI to amend the ELE Code of Practice to include references to the assessment of foundation year programme providers.*

### **3.6 ELE student grievances and the role of QQI; establishment of a student ombudsman for international students in higher education**

Several stakeholders raised concerns about the operation of student complaint and grievance procedures in English language education and contend that QQI should have a role in hearing and determining the outcomes of individual student complaints. QQI does not consider that it has a

statutory mandate to take on such a role and would consider that it is inappropriate for a statutory quality assurance and qualifications agency like QQI. It is of note that QQI has no similar function with regard to the higher education and further education and training sectors.

Criterion 8.6 of the *White Paper Code of Practice for Provision of English Language Education Programmes to International Learners* (hereafter the ELE Code) specifies that ELE providers must establish a 'clear and accessible internal complaints and grievance procedure to ensure that learner issues are dealt with efficiently'. In addition, it also specifies that where such a procedure does not reach a mutually accepted resolution, a provider must provide 'access to an independent procedure ... independent of QQI' to resolve students' complaints and grievances. This is a matter that ELE providers must address proactively, both on an individual basis and, if and where appropriate, through collective action. Once promulgated, QQI will monitor compliance with criterion 8.6 on an ongoing basis and give consideration to its effectiveness in relation to establishing a fair, responsive, and robust approach to student complaints and grievances in the ELE sector. It is of note that failure to comply with criterion section 8.6, if proven, could result in QQI refusing to authorise the use of the IEM to, or to withdraw authorisation from, a recalcitrant provider. For the sake of clarity, QQI will also amend the wording related to the internal grievance procedure to specify that it relates to other stakeholders as well as learners.

A small number of HEIs also queried whether the HE Code of Practice would make provision for the establishment of a student ombudsman to hear the complaints of international students, presumably in cases where such international students were of the view that the providers' own procedures did not deal with their complaints adequately. Again, QQI has no mandate to establish an ombudsman for international students in Ireland but will monitor any concerns on student grievances that may arise in the context of authorising the IEM for higher education providers. QQI's general approach will be to encourage effective internal complaints/grievance procedures in the context of the higher education institutions' quality assurance processes.

**General Action 11: QQI to approve the substance of criterion 8.6 as currently drafted in the ELE Code. However, the wording will be amended to clarify that the procedure may apply to other stakeholders as well as learners: 'There is a clear and accessible internal complaints and grievance policy in place for learners and other stakeholders to ensure that issues are dealt with efficiently.' In light of stakeholder concerns, QQI will ensure that the effectiveness of the criterion is monitored on an ongoing basis.**

### 3.7 The scope of IEM authorisation and the HE Code

Some providers have expressed reservations about the way the proposed HE Code (section 2.2, p. 5) defines the scope of the IEM authorisation process. Specifically, they have sought further clarification on QQI's definition of what constitutes an international learner, and whether the HE Code applies to all categories of international learners, even those who participate in non-credit bearing modules or programmes offered in HEIs. Contrastingly, some providers have also suggested that QQI might reference the Universities of Sanctuary and/or migrants/refugees in the context of the definition of an international learner. Furthermore, it has also been requested that QQI consider aligning the HE Code's definition of an international learner with the Higher Education Authority's (HEA) SRS Survey File Codes.

As set out in the HE Code, section 2(1) of the 2012 act as amended defines an international learner 'as a person who is not an Irish citizen but is lawfully in the state primarily to receive education and

training'. Theoretically, as was indicated in the draft HE Code, this broad definition might be held to comprehend EU/EEA students undertaking programmes that lead to awards in the NFQ; citizens of the United Kingdom undertaking programmes that lead to awards in the NFQ; and non-EU/EEA students undertaking programmes that lead to awards in the NFQ. In addition, the definition might also be understood to comprehend those international learners who participate on study abroad or exchange programmes, or on continuous professional development programmes, that do not lead to awards in the NFQ.

Notwithstanding the above definition, it is evident that section 60(1) of the 2012 Act as amended – in setting out the basis for IEM authorisation (i.e., compliance with a code of practice) and as applied in a higher education context – defines international learners more narrowly. They are those international learners, both EU/EEA and non-EU/EEA, who are in the State and enrolled on higher education programmes leading to awards included in the NFQ, or learners based outside the State enrolled on programmes leading to awards in the NFQ. This immediately excludes those categories of international learners who participate in study abroad or exchange programmes or in continuous professional development programmes that do not lead to awards in the NFQ. In the light of this definition, QQI has determined that international students participating in programmes that do not lead to awards in the NFQ will not be included within the scope of the IEM authorisation process. While some providers are of the view that this is an unnecessarily restrictive approach, it is the only statutory basis for defining the scope of the IEM in relation to programmes and awards in higher education and cannot be gainsaid by QQI either in its policy on authorisation for the IEM or in the HE Code.

It is also of note that all Irish HEIs participating in the major European exchange programme, Erasmus+, are required to achieve accreditation under the Erasmus Charter for Higher Education (ECHE), which is monitored by the Higher Education Authority (HEA). The ECHE encourages excellence in European universities' internationalisation policies and the concrete execution of their mobility activities. The principles underpinning the ECHE are consonant with many elements of the HE Code, and, for this reason, there is no compelling reason to include Erasmus exchange students within the scope of the IEM, or to duplicate the HEA's ECHE monitoring activity in any fashion. QQI will clarify these exclusions in the final version of the HE Code.

It is also the case that citizens of Northern Ireland and Great Britain have access to higher education in Ireland on virtually the same basis as citizens of Ireland, and they too will not be included as categories of international students for the purposes of demonstrating adherence to the HE Code. These exclusions will also be clarified in the final version of the HE Code.

In summary, the international HE students who will be in scope for the purpose of IEM authorisation are:

- EU/EEA students undertaking programmes that lead to major or non-major awards in the NFQ;
- Non-EU/EEA students undertaking programmes that lead to major or non-major awards in the NFQ;
- Learners outside the state enrolled on programmes that lead to awards included in the NFQ, whether delivered in a transnational education setting, or through remote, fully online modes of learning.

All the above categories are comprehended by the definitions set out in the 2012 Act as amended. In addition, they are consonant with the main categories of international students classified in the HEA's

institutional profiles. Furthermore, given the statutory definitions of an international learner that pertain to the IEM, QQI also considers that it would not be appropriate to specifically reference migrants/refugees in any of the IEM documentation, as migrants/refugees are not 'in the state primarily to receive education and training'. However, in cases where individual migrants/refugees are enrolled on programmes leading to awards included in the NFQ, they would, of course, be in scope for the IEM. In addition, higher education providers are, of course, free to reference their work in supporting refugees, including their role as Universities of Sanctuary in the context of demonstrating their adherence to the HE Code. Any such referencing, however, should be mindful of the requirement that the IEM is concerned with provision of higher education programmes that lead to awards that are included in the NFQ.

Apart from seeking clarity on the definition of an international learner, providers also requested that the final definition, for the sake of clarity, be included in the final version of the IEM Policy on authorisation as well. Consequently, it will also be necessary to include a parallel definition of an international learner as it applies to English language education, both in the ELE Code and the policy on authorisation.

**General Action 12:** *QQI to refine the proposed definition of international learners in the White Paper HE and ELE Codes along the lines set out in the preceding paragraphs.*

**General Action 13:** *QQI also to include the refined definitions in the final version of the IEM policy on authorisation.*

### 3.8 Small ELE providers and compliance with IEM requirements

A group of small ELE provider stakeholders are concerned that the requirements set out in the ELE Code of Practice and QA Guidelines are not all applicable or relevant to their context and following submission of feedback, both collectively as a group, and individually in the case of some, requested meetings with QQI to discuss their concerns. The profile of these providers is typically that of a small-medium sized year-round and/or summer centre. The typical learner profile is as follows:

- EU teen learners enrolled on short stay programmes of 1-2 weeks
- EU adult learners enrolled on short-medium stay programmes of 1-12 weeks
- Smaller numbers of longer stay non- EU/EEA learners enrolled on 25-week study/work programmes.

This group is concerned that the requirements outlined in the ELE Code of Practice and the QA Guidelines are aimed more at HE and larger ELE provider contexts, i.e., providers with large numbers of non-EU/EEA learners, and they argue that the IEM requirements should be relevant to all ELE providers.

Some data were submitted by the group from the ELE Sector Report from March 2021. According to the report, in 2019, an estimated 204,000 learners came to Ireland and below is a breakdown of learner profiles:

- over 53% (approximately 108,000) of ELE students were under 18s on short stay programmes
- 21% came from non-EU/EEA countries where no prior study visa was required, e.g., Brazil, South Korea
- 9% came from non-EU/EEA countries where a prior study visa was required, e.g., Russia, Saudi Arabia, UAE

- approximately 70% of the total number of ELE students came from countries where no study visa was required.

The group has requested that the guidelines be modified to ensure that all ELE providers will be able to meet the requirements set out in the ELE Code of Practice and QA Guidelines. The group argues that the small provider is at the heart of Ireland's global success story as a study abroad destination for ELE and that there is a significant number of providers with this profile in Ireland. While the recent focus on the ELE sector has been on non-EU/EEA adult learners attending ELE programmes that require study visas, this group argues that the criteria set out in the documentation are not relevant or applicable to the small provider business model, and that they are overly complex and onerous. They request that exemptions be permitted where relevant.

The group requests that QQI have an independent consultant, along with a member of the executive, test a small provider before the mark is launched to examine the appropriateness of the guidelines and to make amendments and include exemptions where relevant.

The group requests that QQI produce a short template to support providers which would help smaller providers to prepare to meet the criteria of the IEM within the boundaries of their current staff and financial resources.

**General Action 14:** *QQI to consider the concerns of smaller providers and the inclusion of providers with this profile in a second phase or tranche of applications for the mark, based on learner numbers.*

**General Action 15:** *QQI to visit representative providers to discuss the requirements in relation to provider context and proportionality.*

**General Action 16:** *QQI to include clear guidance in the handbook for providers on compliance with the ELE Code and QA Guidelines in relation to provider context and proportionality.*

### 3.9 Corporate and academic governance in ELE

Section 6.2 of the draft ELE Code on corporate and academic governance outlines the following criteria:

- Providers ensure that academic decision-making is independent of commercial considerations or the undue influence of business directors, owners, shareholders, trustees, or others. There is a clear distinction of roles between corporate and academic governance within the organisation and there is an academic governance committee in place to ensure this distinction is maintained.
- Academic decision-making reflects the interests of learners and the maintenance and enhancement of academic quality within the organisation.
- Where a provider's scale is such that it cannot support separation of corporate and academic governance or an academic governance committee internally, alternative arrangements are put in place to ensure objective oversight, such as the use of external expertise.

The concept of separation of corporate and academic governance is central to QQI quality standards but it is a new concept for ELE providers, as it is for all types of providers who engage with QQI for the first time. For this



reason, many ELE providers requested definitions of terms and some further clarity about what this separation means and how it can be achieved. Some providers argued that decision making cannot always be independent of commercial considerations because of budgeting constraints, and because school owners/directors often fulfil many day-to-day management and administrative functions. Providers wished to know which members of staff would be included on an academic governance committee, e.g., academic managers, coordinators, and senior teachers. Clarity was requested on what type of experts would be suitable if the separation of corporate and academic governance was not achievable internally, and how this could be managed. For these reasons, it has been decided to add another point for further clarification on what this separation means, and to amend the wording of 6.2C above to include reference to the composition of the academic governance committee (6.2D below). It is also of note that Marketing English in Ireland (MEI) have suggested the establishment of an expert panel for members to serve the need for externality, particularly for smaller providers who may not have the in-house knowledge and resources to achieve this. This would be a panel of experts coming from MEI member schools and from outside the membership, with a minimum of 25% of the panel being comprised of non-MEI member staff. The panel would include experts from different ELE provider contexts, e.g., junior, young adult, small, academic year.

**General Action 17: *Amend section 6.2 as follows:***

- A** *ELE providers ensure that academic decision-making is independent of commercial considerations and influence of business directors, owners, shareholders, trustees or others, and business decisions do not unreasonably compromise the academic integrity and quality of ELE provision.*
- B** *There is a clear distinction of roles between corporate and academic governance within the organisation and there is an academic governance committee in place to ensure this distinction is maintained.*
- C** *Academic decision-making reflects the interests of learners and the maintenance and enhancement of academic quality within the organisation.*
- D** *The academic governance committee may be made up of senior members of academic staff at the centre. However, where a provider's scale is such that it cannot support the separation of corporate and academic governance or an academic governance committee internally, alternative arrangements are put in place to ensure objective oversight, such as the use of external ELE expertise.*

**General Action 18: *QQI to include clear examples of the IEM application process in the handbook for ELE providers and in associated webinar briefings.***



## 4 White Paper: Draft Code of Practice for Provision of Programmes of English Language Education to International Learners

### 4.1 Access, transfer, and progression procedures

The general statutory requirement (4.2, p. 7) proposed in the ELE Code provides that ELE providers must have established procedures for access, transfer, and progression under section 56 of the 2012 Act as amended, when invoking the ELE Code for the first time. A number of ELE provider submissions have sought clarity on what ATP could mean in the context of ELE. QQI have considered ATP in the ELE context as progression from one CEFR level in a language programme to another, and progression from an ELE provider to a degree programme following the successful completion of a proficiency examination that is accepted by the HE provider. Another suggestion is the use of the Europass document for EU learners to allow progression to programmes.

**ELE Code Action 1:** *QQI to add the following footnote: 'In the context of ELE, examples of access, transfer and progression may include progression from a programme at one provider to a programme at another provider based on a final CEFR level from the first programme, the use of the Europass document for learners from EU states, or provision of a preparation programme leading to a proficiency examination that is accepted for entry onto an undergraduate programme.'*

### 4.2 Premises

Section 5 of the draft ELE Code proposes that all premises, whether main, additional, summer and/or temporary centre(s) must be suitable for the provision of ELE to international learners. Clarity has been sought by providers in relation to the definition of 'centre.' Providers often rent extra space for classroom use when needed and many providers have separate centres for summer programmes. A definition of what constitutes a centre is requested to help providers understand what is meant by this term.

Some providers have suggested an approach to requirements for premises that permits providers to establish transparent and context specific guidelines that combine an assessment of statutory requirements and fitness of premises for the purpose of ELE provision. In relation to classroom size, however, other providers have requested that the current ILEP criteria include requirements for premises, e.g., a floor area for seated occupancy of not less than 1.56 sq. metres per person, be included to avoid ambiguity regarding the definition of 'suitable in size.'

For criterion 5(v), providers have requested that suitable acoustics be included as a requirement for classrooms.

**ELE Code Action 2:** *QQI to change the wording for premises as follows: 'Each of the premises, whether a main, additional, or temporary centre, as well as spaces used for temporary classrooms, are suitable for the provision of ELE to international learners.'*

**ELE Code Action 3:** *QQI to include the following definition as a footnote and in the glossary in the ELE Code: 'Definitions of 'centre' in the context of ELE: the main centre is defined as the premises where the main administration and academic team, and principle classrooms, whether year round or seasonal, are based; an additional centre is defined as a permanent centre with a different address and Eircode from the main centre; a*

*temporary centre is defined as a premises with a different address and Eircode from the main centre and that is used at certain times of the year, e.g., during summer. Temporary classrooms are defined as spaces within a ten-minute walk to the main or additional centre that the provider uses to accommodate an increase in student enrolments at peak periods.'*

**ELE Code Action 4:** *QQI to consider the inclusion of specific guidelines in relation to classroom size and a requirement in relation to acoustics.*

### 4.3 Operational academic management

Criterion 6.7A of the ELE Code specified that a maximum ratio of 18 learners/teachers : 1 teacher/teacher trainer was required. Some providers consider this number to be too high and have suggested 16 as a more appropriate number for ELE programmes. Some providers have also suggested that teacher training and teacher development programmes be permitted to have higher participant numbers. QQI will further clarify this criterion in the final ELE Code as per ELE Code Action 5 below.

Criterion 6.7B specified that each centre, whether permanent or temporary, must have a dedicated academic manager. Following discussion with stakeholders, QQI will clarify that this requirement does not apply to temporary classrooms (ELE Code Action 6 below).

Criterion 6.7C specified that the number of academic managers per centre be in proportion to the number of enrolled learners at the centre and that a maximum ratio of 120 learners : 1 academic manager per centre was required. In relation to this criterion, providers have requested that a definition of academic manager be included in the code. There are different roles of responsibility among academic staff, depending on the type, size, and context of the provider. Academic roles include, but are not limited to, director of studies, head of teacher training, head of teacher development, young learner coordinator, exam coordinator and level coordinator. Any academic staff member with responsibility for a specific group of teachers or learners may be considered an academic manager for different types of provisions. While an academic manager may be responsible for the management and administration of the provider, another member of staff may be responsible for teacher development. QQI will include a definition of the term 'academic manager' in the ELE Code (ELE Code Action 7 below).

The ratio of 120 learners : 1 academic manager was included in the draft code based on provider feedback. However, other providers consider this number low and have suggested a higher number, such as 160 learners : 1 academic manager. Providers have requested clarity in relation to student numbers being present on-site at the same time as there may be parallel programmes running in the morning and afternoon, where one academic manager may be responsible for both groups separately. QQI has given some thought to these views and considers that a maximum of 160 learners should be managed by one academic manager, and that another academic manager role, whether on a full or part-time basis, such as an academic manager or assistant academic manager etc., should be appointed in the case of higher learner numbers.

For some periods during the year, group programmes take place, leading to significant increases in student numbers for short periods. In this case, it would be a challenge to increase academic manager numbers on a temporary basis. However, another staff member, such as an experienced teacher or coordinator, who is given suitable training and support, could be assigned as group coordinator during these periods. QQI will amend criterion 6.7C on this basis (ELE Code Action 9 below).

Criterion 6.7D of the ELE Code specified the following: 'Academic managers may be included on the

teaching and training schedule. However, once a centre has more than five teachers with a timetable of 15+ contact teaching hours each per week, an academic manager's role will require full-time management duties. These duties can include occasional substitution work, where necessary, up to a total maximum of 15 hours at any one time. Beyond this, another teacher must be recruited.' While the substance of this criterion will not be changed, some providers pointed out that it would be beneficial for academic managers to teach a small number of hours. Accordingly, a modified wording will be included in the final draft of the ELE Code (ELE Code Action 9 below).

Criteria 6.7E and 6.7F were much commented on. They specify:

- E. Each teacher's schedule has a maximum of thirty contact teaching hours per week at all times of the year.
- F. Teaching schedules of a maximum of thirty contact teaching hours per week are fully supported by well-designed curricula, syllabi and course programmes/schemes of work, which are closely aligned to the Common European Framework of Reference for Languages (CEFR).

Some providers have requested that this number of contact teaching hours be increased as it has been a challenge to recruit teachers post-pandemic as this type of position is now considered less attractive due to instability of contracts and lower salaries than in other teaching sectors. However, QQI considers that 30 contact teaching hours per week is already a very high threshold, and these criteria will not change. One concession will be made, namely that Criteria 6.7E and 6.7F will apply to newly recruited staff but will not apply to current staff (at the time of application for the IEM) who have contracts that exceed 30 contact hours per week. QQI will add a footnote to clarify this point.

**ELE Code Action 5:** *QQI to amend 6.7A as follows: 'There is an appropriate learner : teacher ratio for all ELE programmes to ensure participation opportunities on the part of the learners and effective classroom management on the part of teachers and teacher trainers. A maximum ratio of 16 learners : 1 teacher is required for General English and exam preparation programmes. For closed groups, a maximum ratio of 18 learners : 1 teacher is required. For foundation year programmes, a maximum ratio of 24 learners : 1 teacher is required.'*

**ELE Code Action 6:** *QQI to amend 6.7B as follows: 'Each centre, whether a main or temporary centre, has a dedicated academic manager. This requirement will not apply in the case of spaces used for temporary classrooms, which are suitable for the provision of ELE programmes to international learners.'*

**ELE Code Action 7:** *QQI to add the following definition of academic manager as a footnote and in a glossary in the ELE Code: 'For the purpose of this ELE Code, an academic manager is defined as a member of staff who is responsible for academic management at an ELE provider. This may mean management of an academic department or management of a part, or parts, of an academic department, such as academic administration, teacher training, teacher development, young learners and teens, groups and examinations. Academic manager roles/titles may include, but are not limited to, the following: Principal, Head of School, Head of Education, Director of Education, Director of Studies, Academic Director/Manager, Assistant Director of Studies, Young Learner and Teens Coordinator/Manager, Group Coordinator/Manager, Examinations Coordinator/Manager, Head/Director of Teacher Training, Head/Director of Teacher Development. In each case, the*

*academic manager is suitably qualified and experienced to fulfil their designated role. Depending on the size of the provider, there may be one or more than one academic manager, but there must always be a suitably qualified and experienced academic manager employed at the centre with responsibility for teacher development.'*

**ELE Code Action 8:** *QQI to amend 6.7C as follows: 'The number of academic managers per centre is proportional to the number of enrolled learners at the centre. A maximum ratio of 160 learners : 1 academic manager per centre is required.'*

**ELE Code Action 9:** *QQI to amend 6.7D as follows: 'Academic managers may be included on the teaching and training schedule. However, once a centre has more than five groups of General English programmes taking place at any one time, i.e., five in the morning and five in the afternoon, there must an academic manager in place with a maximum of 5 contact teaching hours per week and the rest of the schedule devoted to academic management duties. These duties can include occasional substitution work, where necessary, up to a maximum of one working week at any one time. Beyond this, another teacher must be recruited, and the academic manager must return to full time academic management duties, with a maximum of five contact teaching hours per week.'*

**ELE Code Action 10:** *QQI to add the following footnote: 'These criteria will apply to newly recruited teaching staff but will not apply to current (at the time of the ELE provider's application for authorisation to use the IEM) teaching staff who have contracts that exceed 30 contact hours per week.'*

#### 4.4 Supports and Services for International Learners

Criterion 8.1B specifies: 'Providers have mechanisms in place to support international learners financially in instances of personal, or other, emergency or hardship.' It has been suggested that a provider-specific Welfare Support Policy may best reflect the unique and context-specific supports offered and would be an opportunity for providers to showcase the 'above and beyond' approach that many schools provide to supporting their learners. QQI will amend the ELE Code accordingly (ELE Code Action 11).

Criterion 8.5A of the ELE Code (on safeguarding) specifies that ELE providers who recruit learners who are minors are responsible for ensuring all legislative obligations are met in relation to safeguarding, that there is Garda vetting for all members of staff and accommodation providers and approved safeguarding training for all members of staff. Providers argue that they are unable to Garda vet staff who are employed by an external accommodation provider. To meet this challenge the wording of criterion 8.5A will be amended (ELE Code Action 12).

**ELE Code Action 11:** *QQI to amend 8.1B as follows: 'Providers have a Welfare Support Policy in place that is designed to support international learners in instances of emergency or hardship.'*

**ELE Code Action 12:** *QQI to amend criterion 8.5A as follows: 'ELE providers who recruit learners who are minors are responsible for ensuring all legislative obligations are met in relation to the following areas:*

- (i) safeguarding*
- (ii) Garda vetting is completed for all relevant members of staff who work with learners who are minors\**
- (iii) approved safeguarding training is completed by all relevant members of staff who work with learners who are minors*

**\*Where ELE providers work with external accommodation providers who have their own staff, the ELE provider is responsible for ensuring that all relevant members of staff of the accommodation provider have completed Garda vetting.'**

#### 4.5 Partnerships with recruitment agents

Section 9.2 sets out criteria relating to ELE providers' partnerships with agents as follows:

- B. ELE providers perform due diligence, e.g., three reference checks, to verify the track record of agents in relation to learner protection issues prior to entering into a contractual agreement.
- C. ELE providers ensure that any contractual arrangements entered into with recruitment agents incorporate the principles of the London Statement. Existing agreements or contracts with agents that do not incorporate these principles shall be amended appropriately within two years of the date of the ELE provider's application for authorisation to use the IEM.
- E. Providers have in place a process for reviewing, at least bi-annually, the activities of recruitment agents to ensure that the agent is operating within the required parameters of the ELE Code and the London Statement.

Providers have requested that QQI include 'prospective' in 9.2B. It has been suggested that where a prospective agent is a member of a recognised agency association or where they have previously attended a recruitment event, such as one organised by MEI, Alphe or ICEF, they would therefore be deemed reputable as they would already have been assessed by event organisers and associations. It has been decided that the National Code of Ethical Practice for UK Education Agents should also be referred to by providers when considering partnerships with new recruitment agents and devising new agent agreements.

Some providers indicated that they were unclear about the precise meaning of the term 'bi-annually' in relation to the requirement in 9.2E to review the activities of recruitment agencies. QQI will provide the requested clarification.

**ELE Code Action 13:** *To address the above matters, QQI will amend criterion 9.2 as follows:*

**9.2B** *'...verify the track record of prospective agents...'*

**9.2C** *'... Providers should also refer to the National Code of Ethical Practice for UK*



*Education Agents when considering partnerships with prospective agents and when revising existing agent agreements.'*

**9.2E** *'Providers have in place a process for reviewing, at least once every two years...'*

#### **4.6 Fees and terms and conditions**

Criterion 10.1B of the ELE Code states that information regarding current fees must be clear, accurate, transparent and publicly available in marketing materials and on the website. Providers have explained that some specific fees, e.g., for a closed group, are calculated depending on what the group requires in relation to hours of lessons, accommodation, activities and visits. These fees are not included in brochures as they are specific for each proposal made. QQI will acknowledge this through a revised wording.

Criterion 10.1H of the draft ELE Code specifies that all programme fees must be paid by bank transfer, debit/credit cards or payment portal and never in cash, and that all charges incurred, e.g., for credit card payments or payment portals, are made transparent. This requirement was based on provider feedback. However, other providers have commented that this is restrictive and that some transactions, e.g., to pay for social excursions, textbooks and accommodation, are often made in cash. To allow some flexibility on this QQI will amend the criterion.

Criterion 10.1A of the ELE Code sets out requirements for providers in relation to giving reliable indicative information to learners on the full cost of studying in Ireland, including, inter alia, information on accommodation, average transport costs, health care and medical insurance. Stakeholders have suggested that this statement be amended to include '... indicative and up-to-date information'

**ELE Code Action 14:** *QQI to amend as follows: 'Information regarding fees for all programmes included in promotional materials such as brochures and on the company website is clear, accurate, transparent, accessible, relevant and up to date.'*

**ELE Code Action 15:** *QQI to remove the requirement in relation to the prohibition of payments made in cash and to amend 10.1H as follows: 'Any fees or charges incurred. e.g., for credit card payments or payment portals, are made transparent.'*

**ELE Code Action 16:** *QQI to amend as follows: 'Providers give reliable indicative and up-to-date information on the full cost of studying in Ireland, including, but not limited to:'*

#### **4.7 Appendix 4: Minimum Requirements for ELE Teachers and Academic Managers**

A definition of academic manager has been requested and will be included in the final ELE Code (see section 4.3 above in relation to criterion 6.7D). Providers are concerned that some academic managers currently in employment do not meet the requirement in relation to qualifications and request that recognition of experience and experiential learning be included. They are also concerned about requirements for teachers of young learners. QQI will consider this and develop a matrix for qualifications and experience for teachers and academic managers, including some recognition of prior learning achievements. In this case, providers will be required to verify, justify, and document relevant prior learning and experience.



**ELE Code Action 17:** *QQI to include other types of qualifications, as well as recognition of prior experiential learning, for teachers and academic managers as alternatives and additions to qualifications.*

#### 4.8 Appendix 5: Minimum requirements for accommodation services

Providers have commented on the following requirements set out in Appendix 5. On homestay accommodation (p. 35 or main bullet point 3), it specifies that: 'Homestays are visited and inspected by the ELE provider at least once every two years, and when a change of circumstances is identified by the homestay provider, e.g., when further bedrooms are built. Each inspection is documented.' In the consultation, it was suggested that the inspection period be extended to once every three years and also that, in addition to host family inspection visits, ELE providers can supplement inspection visits with analysis of feedback from students who have stayed at homestays. QQI will accommodate these suggestions.

**ELE Code Action 18:** *QQI to amend as follows: 'Homestays are visited and inspected by the ELE provider at least once every three years, and when a change of circumstances is identified by the homestay provider, e.g., when further bedrooms are built or a new adult member of the household is identified. Each inspection visit is documented. Feedback is collected from learners about their experience with their homestay and negative comments may result in an inspection visit.'*

On homestay providers of accommodation to minors (p. 30, main bullet point 12), the ELE Code states that 'ELE providers must ensure that minors are not placed in homestay providers with other learners over the age of 18 years. In response to this during the consultation, providers maintain that they often manage groups where the age range for those travelling together, and requesting shared accommodation, includes a mix of under 18s and over 18s. To address this, the final code will set out that the requirement of learners under 18 and over 18 sharing accommodation is not enforced once parent permission for the under 18-year-old learner is submitted prior to the arrival of the student.

**ELE Code Action 19:** *QQI to amend as follows: 'ELE providers ensure that minors are not placed in homestay providers with other learners over the age of 18 years unless written permission has been received by the minor's parents or guardian prior to their arrival. All permissions are documented.'*

In relation to learners under the age of 18 staying in residences, the ELE Code specifies (p. 32) that 'ELE providers ensure that adequate supervision, i.e., at least a ratio of 1 supervisor : 15 learners, is in place 24 hours per day, and that this supervision is carried out by a Garda-vetted member of staff.' In the consultation, providers have suggested that a more realistic and feasible ratio is 1 supervisor : 20 learners. QQI accepts this contention and will amend the Code accordingly.

**ELE Code Action 20:** *'QQI to amend as follows: In the case of learners under the age of 18 staying in residences, ELE providers ensure that adequate supervision, i.e., at least a ratio of 1 supervisor : 20 learners, is in place 24 hours per day, and that this supervision is carried out by a Garda-vetted member of staff.'*

#### 4.9 Discretionary authority of QQI to revoke or amend the HE and ELE Codes.

See section 6.6 below.

## 5 White Paper: Draft Statutory Quality Assurance Guidelines for English Language Education Providers

### 5.1 Attendance at briefings and conferences

Guideline 2.3.5 in the *Draft Statutory QA guidelines for ELE* (p. 10, hereafter Statutory ELE QA), stipulates that a member of the academic management staff attend scheduled QQI briefings. In the consultation, some providers have requested that these briefings be held online. This has also been mentioned in the case of the series of in-person briefings which have been offered to help providers align course programmes to the CEFR, as some providers have not been able to attend because they are located far from Dublin.

**Statutory ELE QA Action 1: QQI to amend criterion as follows: *A member of the academic management team attends scheduled QQI briefings, which may be held online or in person.***

### 5.2 Programme Design

Guideline 2.4.1.4 on teacher training centres establishes a requirement (p. 14) for teacher training centres to include input on the CEFR. Some providers have asked QQI to remove this as a requirement as this does not necessarily form part of the syllabus of the programme. QQI will include this as a suggestion instead of a requirement in the revised document.

Guideline 2.4.3.1 (p. 15) on the types of assessment state that the placement test should include a writing component. Providers have requested that this be removed as a requirement as it is not practical to administer, given the fact that students mainly complete a language test and speaking test online. While it would be better for a full assessment of a learner's skills to be completed either prior to the learner's arrival or on their first day, the guideline will be amended to include this as a possibility and, if not, that an assessment of writing be carried out towards the beginning of the learner's programme. This is important for all learners, and particularly in the case of learners whose first language has a different alphabet. If a learner's exit exam includes a writing component, it will be essential to assess the writing skill level as soon as possible.

**Statutory ELE QA Action 2: QQI to amend criterion 2.4.1.4 as follows: *'Where the ELE provider is also a teacher training centre, input on teacher training courses may include:***

- (a) *an introduction to the principles of course design in order to help newly qualified teachers understand the basic concepts*
- (b) *an introduction to the principles of the CEFR and 'can-do' descriptors.'*

**Statutory ELE QA Action 3: QQI to amend the criterion 2.4.3.1(a) as follows: *'A fair, clear and accessible placement testing system is in place which considers the principles of validity, reliability and impact to ensure that learners are placed in the correct level at the beginning of their course. This test may be taken either before the learner arrives at the centre or on their first day. The placement test includes an assessment of grammar, lexis and speaking, and, if possible, writing, reading and listening. If it is not possible to include writing, reading and listening, the academic manager ensures that these skills are***

*assessed as soon as possible following the start of the learner's programme in order to enable the learner and their teacher assess learning needs.'*

### **5.3 Supports and services for international learners**

Guideline 2.5.3 on academic supports stipulates that provision should be made to enable learners to have access to materials and resources to use outside of class time. Providers have suggested that these could be made available either in hard copies at the centre and/or online. QQI will amend the guideline accordingly.

**Statutory ELE QA Action 4: QQI to amend guideline 2.5.3 as follows: '*Academic materials and resources are made available for learners to use outside of class time. These may be made available as hard copies on-site and/or online as soft copies.*'**

## 6 White Paper: Draft Code of Practice for Provision of Programmes of Higher Education to International Learners

### 6.1 Professional recognition status

The draft criterion 5.1.1C in the HE Code specified: 'Where applicable, information should also be provided on the professional accreditation status of programmes and whether the professional recognition status is known in the home countries of prospective international learners.' There was a consensus amongst HE providers that the second clause in this requirement is impractical as there is insufficient central service capacity amongst providers to track, on an ongoing basis, the degree to which the professional recognition status of individual programmes is known in the many home countries of their international students.

**HE Code Action 1:** *QQI has agreed to remove the second clause.*

### 6.2 Information on integration opportunities

The draft criterion 5.4.1E relating to the provision of information 'on all integration opportunities available to international learners' will be amended to better reflect the 'signposting' approach that is current practice in the majority of HEIs.

**HE Code Action 2:** *Criterion 5.4.1E will be amended as follows: 'HE providers shall provide information on appropriate learner supports and services to facilitate learner integration into the wider HE community.'*

### 6.3 Monitoring of services used by international learners

Some HE providers signalled disquiet with the wording of draft criterion 5.4.1I in the HE Code, which in the White Paper appeared as follows: 'HE providers shall monitor, where appropriate and on a continuing basis, the use of services by international learners. They shall also monitor the extent of their integration on campus.' The difficulty with this from the providers' perspective is that there is some discomfort with the idea of singling out a group of learners for monitoring, when the avowed approach of most Irish HEIs is to treat the student body as a single entity, where the same levels of support are provided equitably to all, and the monitoring of services is undertaken across the student body as a whole. Some providers also interpreted the criterion as a requirement from QQI to provide personal data to QQI on their international students' use of services, and that this would have GDPR implications. In discussions with providers, QQI made it clear that it did not intend to collect any personal data on international students through the IEM process, but accepted the contention that the criterion should enable the institutions to maintain an approach that treats the student cohort as an integrated whole. QQI agreed that it will amend the criterion accordingly. QQI has also accepted that wording relating to the monitoring by providers of the extent of their international students' integration on campus was overly prescriptive, and that the issue of student integration would be addressed in the context of an amended criterion 5.4.1E (above section 6.2). In relation to GDPR concerns, QQI will undertake data protection impact assessments on the four White Papers.

**HE Code Action 3:** *Revise criterion 5.4.1I to read: 'Institutional approaches to quality assuring student services and supports will comprehend all students, including international students.'*

**HE Code Action 4:** *QQI to conduct DPIAs on the four White Papers as part of the process of finalising them.*

## 6.4 Admissions and Qualifications' recognition

Some providers have queried the necessity of the proposed requirement set out in section 5.2F of the HE Code in relation to HE providers informing applicants, in cases where recognition of their qualifications has been withheld, of 'possible measures the applicant may take to obtain recognition at a later stage.' It has been indicated that this requirement would place a significant burden on institutions.

In response, QQI would note that this part of the HE Code is taken from Article III.5 of the Lisbon Recognition Convention ([CETS 165 - Convention on the Recognition of Qualifications concerning Higher Education in the European Region \(coe.int\)](https://www.coe.int/t/t09/Lisbon_Convention/Lisbon_Convention.asp)), and is therefore an existing requirement for HEIs in Ireland, as the Irish state has previously determined that, in assessing qualifications for the purposes of admission to their programmes, the competence to make decisions in recognition matters lies with the institutions.

It has also been suggested to QQI that it would be worth its while considering how the Central Applications Office (CAO) – given its existing role in implementing an agreed, collective assessment of the qualifications of EU applicants on behalf of its member institutions – could extend this approach to the qualifications of worldwide applicants. QQI thinks there may be some merit in the suggestion that the CAO takes on this supportive role but considers that any moves in this direction should be initiated by the providers themselves, given their ownership of the CAO and their role as the competent recognition bodies for the purposes of admission of international students to their programmes. QQI, through the National Recognition Academic Information Centre (NARIC), will be happy to advise institutions, if and where appropriate, on how this might be advanced.

## 6.5 English Language Policy

Criterion 5.5 requires HE providers to have an English language policy, which should inter alia 'give consideration to the standard of English language proficiency expected from non-native speakers on completion of their higher education programmes.' A number of providers have contended that this criterion is not entirely appropriate as the standard of English language proficiency is not generally set out as a learning outcome for non-native English speakers across the many and varied higher education programmes offered by HEIs to international students. In the engagements between QQI and HE stakeholders during and after the public consultation there was general agreement that the intent here is to ensure that HEIs provide adequate English language supports for non-native speakers to enable them to successfully complete their programmes. QQI will amend the existing text accordingly.

One provider also requested that, in relation to the English language policy, there be a complete separation of section 5A criteria from sections 5B and 5C criteria. 5B and 5C deal with international foundation year (IFY) programmes exclusively and it is contended that, as not all providers offer these programmes, the latter should form a separate section in the HE Code. While accepting that there is a need for clarity on this matter, QQI would contend that there is a strong connection between IFY programmes and English language education supports in higher education more generally. Thus, while it will not accede to the request to set up a separate section in the HE Code for the criteria pertaining to IFY programmes, on the grounds that institutional policy statements on English language should reference them, it will remove the references to them from section 5A.



**HE Code Action 5:** *QQI to replace the existing text of criterion 5.5Aiii with the following wording: 'set out the institution's approach to providing English language supports to non-native English speakers throughout the duration of their higher education programmes.'*

**HE Code Action 6:** *QQI to remove references to international foundation year programmes from section 5A and confine them to sections 5B and 5C.*

## 6.6 Discretionary authority of QQI to revoke or amend the HE and ELE Codes

Some providers have requested clarification on the circumstances in which QQI might amend or revoke an existing code of practice established under section 60(1) of the 2012 Act as amended. It is of note that this authority is conveyed to QQI by section 60(5) of the Act. The Act also specifies that QQI may publish different codes of practice for different relevant or linked providers, or groups of such providers, or for different classes of programme or different types of provision. Initially, QQI will publish codes of practice for providers of higher education and English language programmes. However, if there were compelling reasons to promulgate codes of practice for other types of provision or providers, there might, for example, be a need to adjust the existing codes or revoke them entirely to accommodate such changes.

QQI can confirm that any such decision would not be taken lightly, and that QQI would be minded to ensure that the IEM was firmly established and stable before contemplating changing the codes. The obsolescence of certain criteria over time might be another cause for changing one or other of the codes. Major changes in the global education landscape, or major education policy changes domestically, particularly where they affect international students, might also necessitate change. In making any decisions about changing the code, QQI would consult with its key stakeholders and ensure that any such changes would be signalled well in advance of their development and implementation.

## 6.7 International Foundation Year Programmes

Some providers have argued that the proposed requirements in the HE Code that all international foundation year (IFY) programmes be validated by an Irish awarding body runs counter to the spirit of the Bologna process. In response to this contention, QQI would argue that a primary purpose of the IEM and the associate HE and ELE Codes is to regulate the English language education sector in Ireland. In terms of HE, the legislation is clear that this will be achieved in relation to international learners enrolled on programmes leading to awards in the NFQ. QQI would consider that IFY programmes are very much a part of the landscape of English language education in Ireland, and in that context, given their association with access to higher education, will need to be included in the NFQ to be in scope for the IEM. If they were not included in (as opposed to 'aligned' to) the NFQ, they would not be included in the IRQ and therefore could not be considered in scope for the IEM. Apart from the anomaly of IFY programmes being left out of a scheme that is being put in place to regulate ELE provision in Ireland, it would also mean that once the IEM was established international students enrolling on IFY programmes would not be eligible for student visas. For this reason, QQI considers it an imperative of the IEM scheme that IFY programmes be included in the NFQ, which in this instance can only be given effect by validation of specific IFY programmes by Irish awarding bodies.



## 6.8 Irish Register of Qualifications (IRQ)

Section 4.3 of the HE Code highlights the importance of the IRQ as 'the IRQ is the authoritative information source on programmes leading to awards included within the NFQ' and that it 'will support national policy and strategy related to the internationalisation of Irish higher education, including the implementation of the IEM'. Several providers have noted that they have experienced difficulties in uploading the XML file to QQI for the purposes of populating the database to date. Consequently, they have requested that the language relating to their obligations in this regard would emphasise the collaborative nature of the work between QQI and providers in the process of populating the database. QQI considers this a reasonable request and will amend the language in the HE Code and Policy on Authorisation accordingly.

**HE Code Action 7:** *QQI to amend the following sentence in section 4.3: 'HE providers and/or designated awarding bodies must provide the information required to populate the database. The amended sentence will read: 'HE providers and/or designated awarding bodies will collaborate with QQI in order to furnish the information required to populate the database.'*

## 6.9 International Student Integration

QQI has received some feedback on the concept of student integration from providers, which is referenced at several points in the HE Code, especially section 5.4. Some providers have indicated that their efforts on international student integration will concentrate on provision of information; others believe that the HE Code should be strengthened in relation to setting out specific requirements for student integration activities. QQI considers that HE providers, given their diversity and the different contexts in which they operate, are best placed to make decisions on the most appropriate ways of fostering international student integration on their campuses, and that one size will not fit all. However, QQI expects that all HE providers would recognise that commencing a higher education programme can be daunting for any student, and that there may be additional challenges for international students when commencing their higher education studies in a different academic and cultural environment than they are used to, or in a language that is not their native tongue. QQI does not propose to change the draft HE Code in relation to the existing requirements on student integration but will include references to guidance on effective practice in the resources for providers and learners at the end of the document.

## 6.10 Linked Providers

See section 7.1 below and associated actions.

## 6.11 Suggestions on language, phrasing, and requests for clarification on certain concepts

HE providers have made some suggestions concerning the use of particular words and phrases. They are too detailed for inclusion in this report. Some of these offer useful enhancements to the document and can be incorporated in the preparation of the final version of the HE Code. Some of the requests, however, seek to change wording (perhaps inadvertently) that is set out in the legislation, which will not be possible to accommodate. QQI will seek to address requests for clarification on the meaning of particular words, phrases, and concepts as far as possible.

**HE Code Action 8:** *QQI to assess each suggestion on wording, phrasing, and requests for clarification, and will seek to incorporate them as far as possible.*

## 7 White Paper: Draft Policy on Authorisation to Use the International Education Mark

### 7.1 Linked Providers of Designated Awarding Bodies

Under the 2012 Act as amended, linked providers agree their quality assurance procedures with their respective designated awarding bodies (DABs), and the latter monitor and review the effectiveness of same, independent of QQI. Under the same act, a linked provider of a DAB may apply to QQI for authorisation to use the IEM. The IEM scheme represents a departure from the existing model in that the linked provider will engage directly with QQI on a statutory basis in relation to the authorisation process for the IEM. QQI has set out in the *WP Policy on Authorisation* that the regular monitoring of compliance with the HE Code, following the initial review process, will generally be monitored through the regular cycle of quality assurance engagements with QQI, including, as appropriate, cyclical institutional reviews, annual quality reports (AQRs) and quality dialogue meetings (QDMs).

It was noted in the several submissions, and in the parallel consultation meetings, that the latter stipulation was somewhat ambiguous in relation to the monitoring of the compliance of linked providers with the HE Code. The central question is who should monitor HE Code compliance amongst the linked providers of DABs: the DABs themselves or QQI? An argument could be made either way. However, given that QQI is responsible for authorising the IEM amongst all providers, and would need to take an overview of compliance across the system, QQI is minded to undertake this monitoring role directly in relation to linked providers. This will require a short monitoring policy setting out the reporting requirements for linked providers on ongoing HE Code compliance. QQI will consult on this with the DABs and their linked providers to ensure that expectations about the monitoring process are clear among all parties and that it fits seamlessly with the DABs' quality assurance role.

In this regard, QQI will also include a clarification in the policy on authorisation and the HE Code that a linked provider may apply to QQI for authorisation to use the IEM, if the initial approval of its quality assurance procedures by the DAB (under section 33 of the 2012 Act as amended) has been completed prior to the linked provider making an application. It will not be a requirement that the initial review of effectiveness of those procedures should have been completed by the DAB (under section 37 of the 2012 Act as amended) ahead of a linked provider's application for authorisation to use the IEM.

**Policy on Authorisation Action 1:** *QQI to consult further with the DABs and linked providers in relation to the compliance of linked providers with the HE Code; and to develop a short monitoring policy ahead of the IEM application process launch.*

**Policy on Authorisation Action 2:** *QQI to amend section 7.1 of the policy to include the following text: 'Linked providers of DABs, who, under the 2012 Act as amended, do not engage directly with QQI on statutory quality assurance processes, will engage directly with QQI on the authorisation process for the IEM. In this context, QQI will undertake the monitoring of the linked providers' compliance with the HE Code. QQI will establish a policy and process for IEM monitoring of linked providers ahead of the opening of the IEM application process.'*

**Policy on Authorisation Action 3:** *QQI to amend section 3.2 of the policy on authorisation and 4.1 of the HE Code to include the following text: 'In the case of a linked provider invoking the HE Code for the purpose of applying for authorisation to use the IEM, its quality assurance procedures must have been approved by the relevant DAB, and*

*published and implemented by the linked provider, under section 33 of the 2012 Act as amended. It is not a requirement of HE Code compliance, and IEM authorisation, that a review of effectiveness of the linked provider's quality assurance procedures shall have been completed by the relevant DAB prior to a linked provider applying for authorisation to the use the IEM.'*

## 7.2 Explanatory Background and Context

Section 2 of the Policy on Authorisation sets out in detail the legislative background and policy context of the IEM as it has evolved over time. Some stakeholders suggested that the text would benefit from being shortened, as it is too granular at certain points, and from the use of plain user-friendly language.

**Policy on Authorisation Action 4:** *QQI to shorten section 2 and use plain language as appropriate to improve clarity.*

## 7.3 Transitional arrangements

See section 3.2 above and the associated actions.

## 7.4 Include definition of international learners

See section 3.7 above and associated actions.

## 7.5 Internal Governance and Authorisation

The policy document states that providers may appeal in the case where authorisation to use the IEM is refused. Some providers have sought clarity on the details of the appeals process and the consequences of an unsuccessful result of an appeal. Details of QQI's statutory appeals process are available at: [Appealing a decision made by QQI | Quality and Qualifications Ireland](#). QQI will reference the statutory appeals process more clearly in the policy on authorisation. In addition, more detailed material on the appeals process will be included in the handbook and webinars on the IEM application process for applicant providers.

**Policy on Authorisation Action 5:** *QQI to reference information on statutory appeals process in the final policy, and to include detailed information on the appeals process in the handbook for providers on the IEM process.*

**Policy on Authorisation Action 6:** *QQI to include briefings on the appeals process in upcoming webinars for IEM applicant providers.*

## 7.6 Implications for the existing quality assurance scheme for ELE: Accreditation and Coordination of English Language Services (ACELS)

The draft authorisation policy document (section 9) proposed a six-month transition period during which ACELS-accredited ELE providers may apply for authorisation to use the IEM. In the consultation, certain providers sought more clarity regarding the transitional period for providers who are not ACELS-recognised in the interest of equitable treatment of all providers. QQI has not yet made a final determination on this matter. It will be considered as part of the deliberations of the joint DOJ, DFHERIS and QQI Working Group on IEM transitional arrangements, and will be communicated to all stakeholders in good time (see section 3.2 of this report above). QQI will amend the wording in section 9 of the policy on authorisation to reflect this.

**Policy Action 7:** *QQI to clarify that the dates on which the existing regulatory schemes (ILEP and ACELS) will cease will be determined in the context of the deliberations of the joint DOJ, DFHERIS and QQI working group on IEM transitional arrangements.*

### **7.7 Fees and annual charge associated with the IEM**

See section 3.1 above and associated actions.

### **7.8 Irish Register of Qualifications (IRQ)**

See section 6.8 above and associated actions.

## 8 Conclusion

This document provides an overview of the key issues raised by providers and other stakeholders during the public consultation on the IEM White Papers and sets out how QQI addressed them when preparing the final drafts of the documents.

The final drafts of the HE Code, the ELE Code and the QA Guidelines for ELE were presented by the executive to QQI's internal governance structures for approval. The Policy and Standards Committee have approved the Statutory QA Guidelines for ELE and QQI's Board have approved the ELE and HE Codes of Practice. The final draft Policy on IEM Authorisation will be submitted for approval to the QQI Board on September 22<sup>nd</sup>, 2023.

## Appendix 1: List of organisations that made submissions to the IEM White Paper Consultation

### ELE Providers

Asana School of English  
Babel Academy of English  
Bridge Mills Galway Language Centre  
Centre of English Studies  
Cork English College  
Cork English World  
Delfin English School  
Emerald Cultural Institute  
Future Learning  
Horner School of English  
IBAT College  
International House Dublin  
Irish College of English  
Liffey College  
SEDA College  
Twin Ireland  
UniHaven

### Other ELE stakeholders, including ELE representative bodies

ELE Ireland  
ELE Teacher – Margaret O'Driscoll  
English Language Teachers' Branch of Unite the Union  
ELT Ireland  
English Language Students' Union (ELSU)  
Evaluation and Accreditation of Quality Language Services (Eaquals)



Marketing English in Ireland (MEI)

Marketing English in Ireland Quality Assurance Committee

Oxford University Press English Language Teaching

Progressive College Network (PCN)

Small ELE Provider Stakeholder Group

Trinity College London

### **HE Providers**

Carlow College, St Patricks

Dublin Business School

Dublin City University

Dundalk Institute of Technology

Griffith College

Hibernia College

Marino Institute of Education

National College of Ireland

Trinity College Dublin

University of Galway

University of Limerick

### **HE individual responses**

Patrick Lynch - Atlantic Technological University

Sonya Hogan - Institute of Art, Design and Technology, Dun Laoghaire

### **Other HE stakeholders, including HE representative bodies**

Higher Education Colleges Association (HECA)

Irish Council for International Students (ICOS)

Irish Universities Association (IUA)

National University of Ireland (NUI)

## Appendix 2: List of organisations that met with QQI to discuss the IEM White Papers

BALEAP (British Association of Lecturers in English for Academic Purposes)

Berlitz

Cambridge University Press & Assessment

Castel Education

DCU and DCU Language Services

Duolingo

Evaluation and Accreditation of Quality Language Services (EAQUALS)

ELE Ireland

ELT Ireland

English Language Students' Union (ELSU)

Higher Education Authority

Interactive English Language Tests Ltd (IELT and TIE)

Irish Universities Association Working Group on IEM

Language Cert

Marino College

Marketing English in Ireland Quality Assurance Committee

Marketing English in Ireland

Maynooth University

Norwich Institute for Language Education

NCUK (as part of a meeting on LABs)

Oxford University Press English Language Teaching

Pearson Test of English

Progressive College Network (PCN)

RCSI, MTU and Castel Education

Small ELE Provider Stakeholder Group

Trinity College London

UCC Language Centre

UCD

UCD Applied Language Centre

UCD English Language Academy

Unite the Union

Universities' English for Academic Purposes Working Group

University of Limerick Language Centre

University of Galway Language Centre

Study Group

TU Dublin

Unihaven



