



QQI

Quality and Qualifications Ireland
Dearbhú Cáilíochta agus Cáilíochtaí Éireann

SECTION 4.14

Green Paper on the Re-engagement of Legacy Providers with QQI and Future Access to QQI Awards

FOR CONSULTATION

QQI welcomes your views.

If you have suggestions regarding any aspect of the content of this proposed Policy Document please use the *Questions and Comments* area which appears immediately after it.

PLEASE NOTE:

13 SEPTEMBER 2013

CLOSING DATE FOR SUBMISSIONS

SECTION 4.14

Green Paper on Re-engagement of Legacy Providers with QQI and Future Access to QQI awards

4.14.1 Introduction

This Green Paper is concerned with the policies and approach QQI will adopt to re-engage with providers that previously had a relationship with the FET Awards Council, HET Awards Council, the National Qualifications Authority of Ireland (NQAI) or the Irish Universities Quality Board (IUQB). For the purposes of the comprehensive policy development programme, these are referred to as 'Legacy Providers'.

4.14.2 Rationale

The 2012 Act builds on the foundations laid in the 1999 Act and the 1997 Universities Act and re-authorises many of the functions and relationships described in those Acts. However, it also introduces various new functions and re-defines the relationships between, and responsibilities of, providers and the agency. These are explored in other sections of the Comprehensive Policy Development Programme.

QQI, as a single agency, is responsible for external quality assurance (QA) processes across all levels of the national framework of qualifications (NFQ). While Section 84 of the 2012 Act makes provision for continuity of QA services and awards for legacy providers, this is considered 'transitional'. As QQI over time implements the various functions prescribed under the 2012 Act its Legacy Providers will need to re-engage with QQI so that they can fulfil their functions as 'relevant providers'. A 'relevant provider' is the term used in the 2012 Act to refer to a provider that is subject to external QA by QQI.

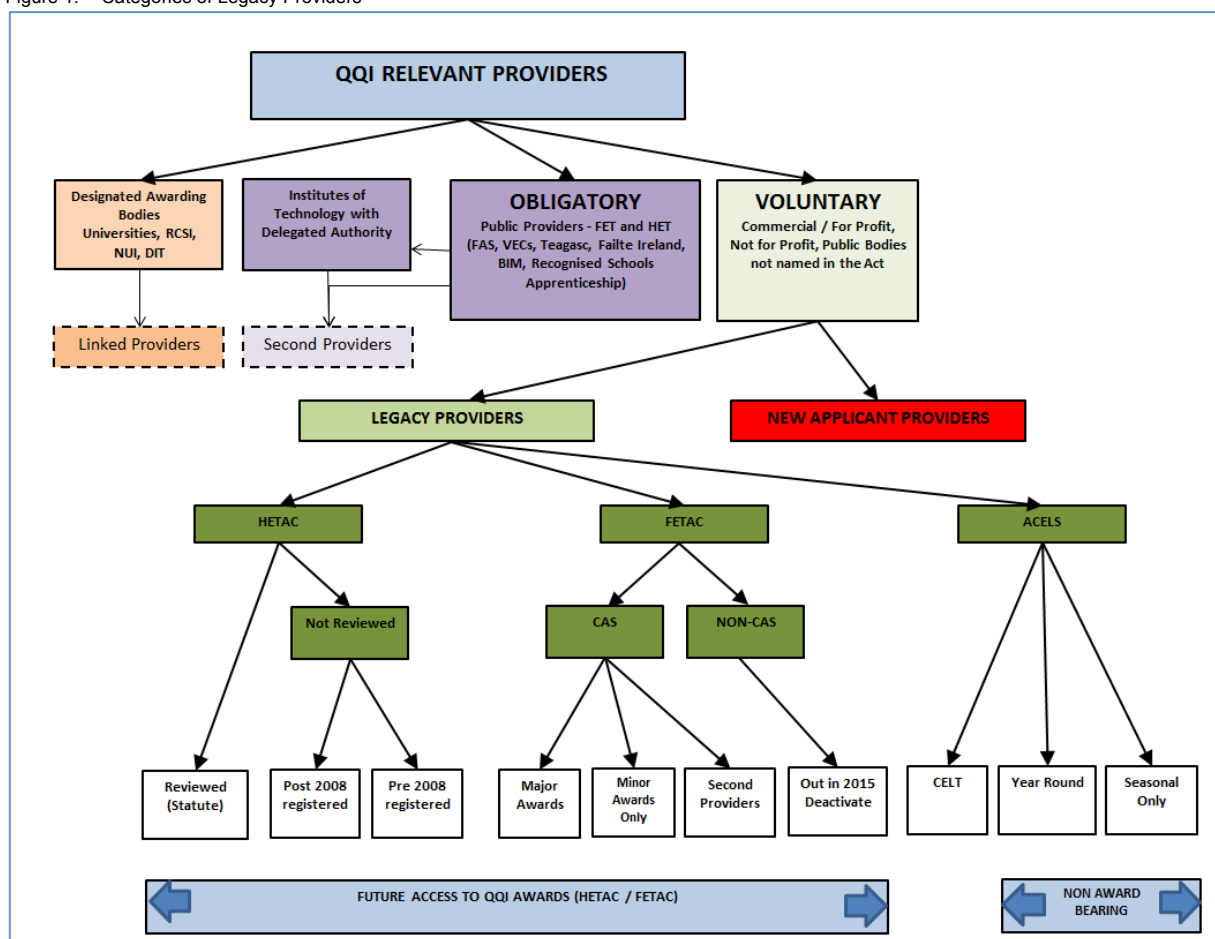
The 2012 Act gives detailed prescriptions of the different functions that apply to different types of relevant providers. One important distinction is between those providers who are automatically relevant providers by legal definition and those who choose to become relevant providers by engaging with QQI on a voluntary basis.

This policy and approach to Legacy Providers does not necessarily imply a dedicated review mechanism but a 're-engagement' with providers based on the 2012 Act and criteria elaborated by QQI for providers seeking access to accreditation. This re-engagement might best happen when new QQI policies, guidelines and criteria are developed and published. These will constitute the elements of the Provider Lifecycle of Engagement (See Section 1.5).

4.14.3 Categories of Relevant Provider

Not all Legacy Providers require access to QQI awards, for instance; Designated Awarding Bodies (DABs) (Universities, RCSI and DIT) and Institutes of Technology (IOTs) have their own awarding powers. The 2012 Act clearly differentiates between public providers with their own statutory requirements who are obliged to engage with QQI and all other providers that engage with QQI (as they did with the FET Awards Council and/or HET Awards Council) on a voluntary basis. Figure 1 below describes the categories of legacy providers.

Figure 1: Categories of Legacy Providers



4.14.3.1 Obligatory Providers

For the purposes of these Green Papers, obligatory providers are how we are describing providers with a prescribed legal obligation to seek QQI awards and/or the awards of another awarding body recognised within the NFQ.

Public providers of FET and HET which are obliged under the 2012 Act to ensure that their qualifications lead to awards in accordance with standards set by QQI can be considered in two groups:

- Institutes of technology (with Delegated Authority (DA) to make awards).
- Public Institutions providing FET and HET:
 - FÁS
 - Educational and training institutions established by Vocational Educational Committees (VECs)
 - Teagasc
 - Bórd Iascaigh Mhara (BIM)
 - Fáilte Ireland
 - Recognised Schools, *“in so far as the school, provides adult and continuing or vocational education and training leading to an award”*

4.14.3.2 Voluntary Providers

The legislation also prescribes how QQI will engage with other providers (both public and private FET and HET) that choose to engage with QQI on a voluntary basis for the purpose of seeking QQI awards and external QA.

There are¹:

- 667 Voluntary FET Awards Council Providers (e.g. non-statutory private FET provider)
- 41 Voluntary HET Awards Council Providers (e.g. private colleges)
- 110 Recognised Schools
- 94 ACELS (e.g. English Language Schools)

Some providers fall into multiple categories.

¹ Approximately, as of April 2013

4.14.4 Transitional Approaches to Legacy Providers

4.14.4.1 Designated Awarding Bodies

The seven universities were subject to external review by IUQB. They currently engage with QQI under the Framework for Quality in Irish Universities (IUQB/IUA, 2007). RCSI and DIT were subject to review by NQAI. The DABs are responsible for all their own awards including those awards made for linked providers (as defined in the 2012 Act). These legacy arrangements are continuing under QQI for the time being.

Q4.14.a. Is any further differentiation required between the different Designated Awarding Bodies to clarify the effects of this transition?

[Click here or click on respective bookmark to respond >>](#)

4.14.4.2 Institutes of Technology

IOTs were all granted DA for the majority of their HET awards by HET Awards Council. DA was saved under the 2012 Act. Moreover all the IOTs have been subject to a statutory review within the last four years both for the performance of their functions under DA and the effectiveness of their QA procedures. Transitional arrangements will focus on meeting the additional legislative requirements in the 2012 Act and any new QQI criteria required for all institutions. IOTs will continue to make awards under DA.

4.14.4.3 FÁS/SOLAS

Draft legislation has been published to make fundamental changes both to FÁS and the VECs. FÁS will be dissolved and the direct training provision currently delivered through the FÁS training centres and leading to FETAC awards will be transferred to the VECs and will come under the VEC relationship with QQI. FÁS is also responsible for the national administration of the apprenticeship scheme that leads to the FETAC advanced certificates at level 6. SOLAS will be the successor body to FÁS. It is expected to continue to administer the apprenticeship scheme during a transitional period. The effectiveness of the FÁS QA procedures did not undergo statutory review.

4.14.4.4 Vocational Education Committees

Draft legislation has also been published on the amalgamation of the VECs into local Education and Training Boards (ETBs) which will be funded by SOLAS.

QQI is engaged in discussions with the current and emerging bodies (FÁS/SOLAS and the VECs/ETBs) and the Department of Education and Skills to design appropriate transitional

arrangements for QA for the provision associated with FÁS and the VECs. In the meantime learners will continue to have access to QQI awards. The effectiveness of the QA procedures in place has not undergone statutory review.

Q4.14.b Are the standards of awards and QA provision sufficient at this time during the restructuring of the sector or are additional arrangements required? If so what are they? Do they need additional legislative underpinning?

[Click here or click on respective bookmark to respond >>](#)

4.14.4.5 Teagasc, BIM and Fáilte Ireland

The publicly established sectorial bodies with responsibility for training namely Teagasc, BIM and Fáilte Ireland currently offer programmes leading to FETAC awards. These awarding arrangements will continue. The effectiveness of the QA procedures in place has not been subject to statutory review, with the exception of Teagasc.

4.14.4.6 Recognised Schools

Recognised Schools are community, comprehensive, voluntary and special schools. Their main focus is on State Examination Commission awarded programmes (e.g. Junior and Senior Cycles). These schools' mainstream provision is subject, under the Education Act 1998, to inspection by the DES.

Q4.14.c Can the different statutory QA regimes that apply to these schools be integrated with each other, to reduce the burden on schools whilst securing the standard of QQI awards?

[Click here or click on respective bookmark to respond >>](#)

4.14.5 Re-Engagement with Voluntary Providers

Transitional approaches for obligatory providers and DABs are framed by the requirements of the 2012 Act and other draft legislation. Voluntary providers, as previously defined, include both private entities and public bodies that are not named in the 2012 Act (e.g. The HSE and the Garda Síochána College).

They also refer to private bodies that are accessing public funds for the purpose of providing education and training. Even where a regulatory or funding body expects them to seek accreditation for provision leading to QQI awards, this is not a statutory obligation. It may be

a local policy requirement by the body. Such bodies may consult with QQI on approaches to quality assuring education and training. This category of providers can also avail of other routes to awards recognised within the NFQ which are also subject to QA requirements. The 1999 Act allowed for 'Second Providers' who shared QA arrangements, responsibilities and provision with a first 'named provider'. For instance; many trainers had access to FETAC awards by providing services to FÁS as the first named provider.

Legacy providers continue to have access to QQI awards under the savings provisions of the 2012 Act. There is no legislative provision for second providers in the 2012 Act. Further consideration will need to be given to these relationships as we approach re-engagement with the first providers.

Provider engagement with the FET and HET Awards Councils was based upon the statutory premise of agreed QA procedures and the periodic monitoring and review of the effectiveness of these procedures. These requirements are continued in the 2012 Act together with additional statutory requirements, such as Protection for Learners (PFL). Many legacy FET Awards Council providers and some HET Awards Council providers have never undergone statutory review.

4.14.6 Options for Re-engagement with Voluntary Legacy Providers

A number of options may be considered to address this. These are presented below along with some of the advantages and disadvantages for each option as set out below. Re-engagement and future access to QQI awards will be based upon the agreed Life Cycle of Provider Engagement as described in Section 1.5. Insofar as possible the approach eventually adopted must be: Fair; cost-effective; learner-centred; and fit-for-purpose.

OPTION 1 All voluntary Legacy Providers who currently have access to QQI awards are automatically transitioned into relevant provider status.

Advantages

- This approach does not disrupt any category of provider, it is very clear, transparent facilitates all providers.

- There is a minimum effort required by the provider and a minimum delay in implementation.
- The resource implications for all involved are also small for both QQI and providers.
- This approach treats voluntary and obligatory Legacy Providers equally.
- It recognises that many of the provisions in the 1999 Act have continued into the 2012 Act.

Disadvantages

- This approach privileges voluntary Legacy Providers over New Applicant Providers who must meet more onerous requirements.
- This approach does not *specifically* address the requirements of the 2012 Act above and beyond the requirements of the 1999 Act. It may leave QQI and providers open to legal challenge for non-fulfilment of the statutory requirements.
- There is no acknowledgement of the efforts of Legacy Providers in meeting diverse prior statutory review requirements.
 - It does not reflect the recognition of processes that incorporate the learner feedback perspective in effectiveness review of QA and programmes re-validation.
- There is no additional consideration for providers that have incurred costs, time and resources to support and carry out the statutory QA review procedures.
- This approach implies a continued extension of the FETAC and HETAC brands, culture and approach to QQI. Voluntary Legacy Providers might claim to have QQI recognised status which is not a feature available to 'relevant providers' under the 2012 Act.
- This approach assumes that every voluntary Legacy Provider is active.
- This approach does not generate an income stream for QQI.

OPTION 2 All voluntary Legacy Providers are required to undergo a full access to accreditation process as if they were New Applicant Providers.

Advantages

- This approach provides consistency and parity of access for all providers. There is no discrimination.

- The 2012 Act provides that QA procedures that were agreed shall continue to be in force. This approach would allow QQI to develop a consistent, overarching quality assurance context to be applied equally (in so far as possible) to all providers.
- QQI will be in a position to meet the increased learner expectations of providers to meet standards for QQI awards.
- This approach will ensure that all providers can meet the changed requirements in international best practice for both HET and FET.

Disadvantages

- This approach has significant resource implications and costs for both QQI and Legacy Providers.
- This approach may destabilise the HET and FET sectors at a time of significant change in the education and training landscape.
- This approach may risk undermining the prior statutory QA procedures and reputations of HETAC and FETAC awards.
- May take an unfeasible length of time to implement.

OPTION 3 Voluntary Legacy Providers are moved from transitional to relevant provider status following a review process. Legacy Providers are categorised. Providers are re-engaged category by category over time.

Possible options for categorisation of providers include:

- (a) The size and scale of the provider.*
- (b) The extent of the relationship with FET Awards Council, HET Awards Council, or ACELS. Including multiple relationships.*
- (c) The geographical location of a provider.*
- (d) The relevance of provision to labour market requirements.*
- (e) Providers willing to pay additional charges for priority access.*
- (f) A lottery. Providers are prioritised at random.*

Advantages

- Some of the categories above are common to all providers such as size and scale.
- Providers are advantaged for:
 - Pursuing risk averse approaches towards provision.
 - Prioritising labour market responsiveness.

- It is a transparent approach to the categorisation of Legacy Providers and the sequencing of transition.
- QQI will have an income stream associated with this approach

Disadvantages

- The categories are discriminatory and, in some cases, arbitrary or unfair.
- For some categorisations, there is no objective metric.

OPTION 4 The approach taken to re-engagement of voluntary Legacy Providers is proportionate to how close the provider comes to having demonstrably met the requirements of the QQI Provider Lifecycle of Engagements through prior statutory QA processes.

Prior statutory processes may be categorised as follows:

- a) FET providers that have engaged in and completed a full statutory review of the effectiveness of QA procedures (pilot group).
- b) FET providers that have awards validated under the Common Awards System (CAS): Sub categories here include:
 - a. Those Providers that have major awards validated under CAS.
 - b. Those Providers that have minor awards only validated under CAS.
- c) FET providers that have no programmes validated under CAS.
- d) HET providers that have engaged in and completed a full statutory review of the effectiveness of quality assurance procedures, under Institutional Review.
- e) HET providers that have not engaged with Institutional Review but have engaged with and completed a programmatic review (revalidation of accredited programmes).
- f) HET providers that have engaged with an initial agreement of QA procedures under the HET Awards Council New Provider Registration Process 2008, but have not been reviewed for effectiveness of QA procedures.
- g) HET providers that registered with HET AC under the pre-2008 policy but have not been reviewed for effectiveness of QA procedures.
- h) ACELS Providers continue, administered by QQI. They do not have access to QQI awards. ACELS providers are categorised as those delivering:
 - a. Award-bearing (non-statutory) Certification for English Language Teachers (CELT) programmes.
 - b. Non-award-bearing 'year round' English Language Training.

c. Non-award-bearing 'seasonal' English Language Training.

Advantages

- This approach is transparent and fair.
- There is parity of approach between the access to accreditation for New Applicant Providers and the re-engagement of voluntary Legacy Providers.
- Providers and QQI are familiar with the criteria associated with this approach.
- It acknowledges the effort and costs associated with prior statutory engagements.
- It facilitates the learner feedback perspective on QA processes for the majority of QA engagements.
- This approach bridges the requirements of the 1999 Act and the 2012 Act.
- All providers are included in this option but the extent of re-engagement required by individual providers is different.
- QQI may implement many of the new statutory requirements for providers in one re-engagement initiative.

Disadvantages

- The approach discriminates between Legacy Providers who have had previous opportunity to engage with prior statutory processes and those that have not.
 - HET Awards Council had a programme of institutional reviews, whereas FET Awards Council did not.
- Many voluntary Legacy Providers still may face significant resource implications.
- The approach treats the voluntary and obligatory Legacy Providers differently.
- There is uncertainty surrounding how long it will take to implement such an approach.
- This approach does not address the issue of second providers.

Questions and Comments

SPECIFIC CONSULTATION QUESTIONS

Q4.14.A Is any further differentiation required between the different Designated Awarding Bodies to clarify the effects of this transition?

Q4.14.B Are the standards of awards and QA provision sufficient at this time during the restructuring of the sector or are additional arrangements required? If so what are they? Do they need additional legislative underpinning?

Q4.14.c Can the different statutory QA regimes that apply to these schools be integrated with each other, to reduce the burden on schools whilst securing the standard of QQI awards?

yes

no

Q4.14.d What are the implications of voluntary legacy providers no longer meeting the requirements to access QQI awards?

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- » When you have finished commenting please submit your comments by going to the last page and clicking the *Submit* button. Thank you.

Questions and Comments

SPECIFIC CONSULTATION QUESTIONS

Q4.14.E What are the implications for providers who currently have access to FETAC awards only but now seek to access HETAC awards and vice versa?

GENERAL CONSULTATION QUESTIONS

Are there other options that have not been considered in this Green Paper?

Are there advantages and disadvantages that have not been identified for each option?

Do you have any preferences among the options?

option 1

option 2

option 3

option 4

Do you have any comments on the issues raised in the Green Paper?

-
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Thank you for your time!