



QQI

Quality and Qualifications Ireland
Dearbhú Cáilíochta agus Cáilíochtaí Éireann

SECTION 4.6

Green Paper on the Provision of Information for Learners

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 4.6

Green Paper on the Provision of Information for Learners

4.6.1 Introduction

The 2012 Act imposes obligations on all providers to provide certain information to learners, including those providers who do not have or seek any other direct or indirect relationship with QQI. This Green Paper identifies some issues and options regarding how QQI can best police the obligations of these providers.

4.6.2 Context

All providers, not just those that already have a relationship with QQI, are obliged to furnish specified information to learners prior to commencing a programme or accepting any payment from learners, and to notify learners when that information changes. Section 67 of the 2012 Act sets out the information required:

- where completion of the programme by the learner and attainment by the learner of a specified standard of knowledge, skill or competence upon such completion entitles the learner to an award
- the name of the awarding body or, where appropriate, awarding bodies making the award
- the title of the award
- whether the award is recognised within the Framework, and if so the level of that recognition within the Framework, and whether the award is a Major, Minor, Special Purpose or Supplemental award as identified within the Framework
- where completion of the programme by the learner and the attainment by the learner of a specified standard of knowledge, skill or competence upon such completion does not entitle the learner to an award, that fact
- where the provider is required to have procedures for access, transfer and progression in place a statement of how those procedures apply to that
- where the provider is required to have arrangements in place for protection of enrolled learners.

A provider who fails to supply such information commits an offence (Section 67(3)), which may be prosecuted by QQI (Section 5 (5)).

Relevant providers will be governed by quality assurance and access, transfer and progression policy and QQI will not need to rely on Section 67 of the Act to police the information they provide to learners. As discussed in Green Paper 4.12, QQI is required by other sections of the legislation to establish an authoritative register of providers and database of programme and awards. In addition to the databases inherited by QQI from the FET and HET Awards Councils, QQI also continues to maintain the Qualifax database of programmes and is responsible for the administration of the Internationalisation Register.

The provision of accurate information to learners is a subject that was introduced for the legacy organisations and for providers through the Qualifications (Education and Training) Act 1999. Based on this legislation, the NQAI in its document *Policies, Actions and Procedures for Access, Transfer and Progression for Learners* (2003) sets out the information obligations of all providers in this regard. The monitoring of the implementation of this requirement for providers without a direct relationship to NQAI, or the FET or HET Awards Councils was not always proactive. Instead, issues of information provision associated with these providers were more likely to come to light on an *ad hoc* basis and were addressed accordingly.

QQI policy approach to recognition of qualifications in the NFQ, discussed in Green Paper 4.3, may be a potential source of confusion to providers and learners. Although some qualifications from other national qualifications frameworks are “recognised in the NFQ” not all are.

4.6.3 Rationale

The key objective underpinning the introduction of this requirement for information provision into the Qualifications (Education and Training) Act 1999, and its continuation into the 2012 Act, was to promote and facilitate access, transfer and progression. In this regard, an emphasis is placed upon all learners having accurate and reliable information available, “to enable them to plan their learning on the basis of a clear understanding of the awards available and the associated entry arrangements and transfer and progression routes” (*Policies, Actions and Procedures for Access, Transfer and Progression for Learners* (2003) p. 35). Contributing to this objective is the need to protect learners not only from absent

information but also from information which misleads, deliberately or otherwise, regarding the status of a given programme.

The provision of education and training is not a licensed or regulated activity in Ireland. QQI's inherited and extending range of engagements with providers as an awarding body and an external quality assurance body provides it with opportunities to articulate and monitor the legislative obligations of those providers regarding information provision. However, as the 2012 Act indicates, there are other providers operating within the State that QQI does not have a relationship with, but can take action against if their information provision is inadequate or misleading. How QQI can best exercise this role in the interests of learners is the subject of this Green Paper.

4.6.4 Anticipated expectations

Learners are likely to have an expectation that comprehensive and accurate information is available to support their engagement with education and training providers and to protect them from providers that make false claims about the recognition of their programmes.

Providers are equally likely to have an expectation that other providers who advertise or provide inaccurate information will be advised of the seriousness of their actions and of their potential exposure to prosecution.

4.6.5 Options for consideration

The manner in which QQI addresses information provision by providers that it is not directly engaged with, is something that will require careful consideration in the context of both its ATP policy and in the development of its register of providers and database of programmes and awards. The following potential options, which are not mutually exclusive, are identified for consultation and will contribute to this thinking.

4.6.5.1 QQI prioritises the monitoring of accurate information provision across all providers and dedicates a resource to this activity

Advantages of this approach:

- QQI could put in place a systematic process for surveying and addressing information provision issues by all providers and potentially use technology to assist it in this regard

- The standard of information provision across all education and training provision could rise
- Learners may be afforded a greater level of protection from misleading or incorrect information
- Improved information could contribute to more streamlined access, transfer and progression arrangements nationally.

Disadvantages of this approach

- Both human and financial resources would have to be dedicated to this activity and taken from other functions. As there is no revenue associated with this role, QQI would most likely have to cover its costs through revenue generating interaction with the providers it has a relationship with
- Information issues addressed and resolved would have to remain under constant scrutiny in order to ensure that corrections are maintained
- The addition of programmes on an on-going basis to education and training provision could lead to an on-going centralised review and monitoring role for QQI that may never fully meet its objectives.

4.6.5.2 QQI incorporates a condition into its engagement with other awarding bodies that have/wish to have awards recognised in the NFQ to police the information provision of their providers

Advantages of this approach

- Awarding bodies take responsibility for their providers' information provision to learners
- QQI could liaise with a smaller number of awarding bodies rather than all providers

Disadvantages of this approach

- Working with these awarding bodies won't cover all of the education and training provision in the State
- QQI can't prosecute awarding bodies for failing to provide information but it can prosecute providers
- From the awarding body perspective, this places a significant responsibility which they would need to dedicate resources to.

4.6.5.3 QQI relies on the providers that it has a relationship with to assist it in policing the information provision of other providers

QQI occasionally receives information from providers regarding deficiencies in the provision of information by other providers. In this scenario QQI would more actively seek information from providers and would provide online and in-person information routes for providers wishing to report issues regarding information provision.

Advantages to this approach

- QQI wouldn't have to police information provision centrally but instead could be supported by all providers seeking to improve information provision to learners
- Providers would have an identifiable route to reporting issues regarding information provision which they feel is misleading or incorrect.

Disadvantages to this approach

- This could lead to negative relationships between providers
- It may be inappropriate to formally give providers a role policing each other
- Providers reporting issues regarding information provision are likely to become quickly frustrated if these issues are not resolved speedily by QQI.

4.6.5.4 QQI concentrates on meeting its legislative responsibility to develop a register of programmes and awards and a database of providers as a means of communicating reliable information

If QQI were to take this option, it would place its resources into ensuring that it fulfils its legislative responsibilities to develop the register of providers and database of programmes and awards as the reference point for reliable information for learners and others.

Advantages of this approach

- QQI's resources would be dedicated to productively developing its database and register as quickly as possible and making this information available
- Learners and others would have access to this information and some assurances regarding the quality of the information contained
- The availability of these information sources may encourage providers with provision not featured in these sources to provide independent assurances to learners regarding the accuracy of their information

- The introduction of the database and the register could probably lead to a rationalisation of the other information sources that QQI has inherited (for instance the Internationalisation Register and the Qualifax database) and would ensure that QQI itself wasn't inadvertently misleading the public about its relationship with the providers and programmes included in these information sources.

Disadvantages of this approach

- QQI would be less proactive in keeping the information provision of other providers under review
- Providers that are offering perfectly legitimate provision may be discriminated against because they are not included in these information sources.

4.6.5.5 QQI extends the content of its register of programmes and awards and database of providers to include any provider that fulfils its legislative responsibility for information provision

Advantages of this approach

- The database of providers and register of programmes and awards would be all-encompassing and would fully reflect all provision in the State that is accurately described
- Learners and others would have a single reference point for accurate and reliable information on programmes, whether or not these are included in the NFQ.

Disadvantages of this approach

- This would place a very significant burden on QQI to maintain the database of providers and register of programmes and awards
- It may become confusing for learners and others to have provision that is not included in the NFQ available in the same information sources that refer to providers and provision that QQI has a relationship with.

4.6.5.6 QQI develops a protocol for dealing with providers who do not provide accurate information to learners

In this scenario QQI would respond actively to providers with a view to securing conviction of non-compliant providers who do not provide accurate and full information as identified in the 2012 Act. Such a protocol should include escalation stages such as the following:

- Request clarification from the provider of the information given

- Advise the provider of their responsibilities under the 2012 Act
- Warn the provider of the threat of prosecution
- Prosecute providers who do not comply

Advantages of this approach

- If a provider was prosecuted for not fulfilling its legislative responsibilities it may lead to other providers correcting their behaviour
- This approach emphasises the responsibilities of providers under the 2012 Act
- It may result in more confidence generally in QQI as a regulator of information provision.

Disadvantages of this approach

- It requires the dedication of resources by QQI to a non-income generating activity
- It may be considered inequitable as QQI would potentially be prosecuting on the basis of misleading information that it has encountered with one provider rather than basing its actions on a systematic review of information provision
- It would escalate the communication with providers on information provision quite quickly and potentially by-pass “softer” approaches to promote compliance
- It may place an onus on QQI to invest resources in national communication on the responsibilities of providers for information provision that are set out in the 2012 Act.

Questions and Comments

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 proposed?

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

- » You can choose to save this document and return to add further comments.
- » When you have finished commenting please submit your comments by going to the last page and clicking the *Submit* button. Thank you.

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If you are satisfied with your comments please send them to us now by clicking the *Submit* button below.

You can also give feedback to QQI at: consultation@qqi.ie

Thank you for your time!