



QQI

Quality and Qualifications Ireland  
Dearbhú Cáilíochta agus Cáilíochtaí Éireann

## SECTION 4.4

# Green Paper on the International Education Mark

## 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 4.4

# Green Paper on International Education Mark (IEM)

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### 4.4.1 Introductory Information

QQI is required to establish a code of practice for the provision of programmes of education and training to international learners, and to authorise the use of the international education mark (IEM), by a provider that complies with the code of practice. The objective of the IEM is that it will contribute, as part of a quality framework, to the promotion of Ireland as a destination for international students.

Only relevant providers under the 2012 Act will have access to the IEM. Application by a relevant provider seeking authorisation to use the IEM is a voluntary process. Maintaining authorisation is conditional on the outcomes of on-going monitoring and review by QQI. Authorisation to use the IEM is conditional and may be withdrawn from any relevant provider.

The Purpose of this Green Paper is to:

- Provide an explanation of the legislative basis of the IEM.
- Locate the IEM within wider public policy.
- Identify issues for public consultation.
- Stimulate engagement with interested stakeholders.

### 4.4.2 Providers Eligible to Apply for Authorisation to use the IEM

Only a relevant or linked provider, as defined in the 2012 Act, that has:

- Established procedures for quality assurance under section 28.
- Established procedures for access, transfer and progression under section 56.
- In respect of each programme of education and training of the provider which leads to an award, that award is recognised within the National Framework of Qualifications (NFQ) by QQI where that award is capable of being so recognised.

The 2012 Act makes provision for a category of provider that is to be treated as a relevant provider for the purpose of authorisation to use the IEM under *Section 61*. In this Green

Paper, such providers shall be known as 'Section 61 providers' and are defined as providers authorised to use the IEM other than:

- A designated awarding body (Universities, Dublin Institute of Technology and the Royal College of Surgeons in Ireland).
- A provider whose programmes are validated by QQI.
- A provider to whom authority to make awards has been delegated.

Section 61 providers are subject to the same application, monitoring and review requirements in place for any other relevant or linked provider authorised to use the IEM. The withdrawal of authorisation to use the IEM from a Section 61 provider will mean that they are no longer a relevant provider under the 2012 Act.

#### **4.4.3 Requirements Included in the Code of Practice for the Provision of Programmes to International Learners**

QQI will determine an application from a provider seeking authorisation to use the IEM, by assessing the compliance of the provider with a code of practice for the provision of programmes to international learners (the Code). The 2012 Act specifies that the Code will include requirements relating to:

- Arrangements for the protection of learners.
- The collection of fees from enrolled learners.
- Requirements in relation to the tax compliance of a provider.

An analysis of existing national and international standards relating to the pastoral care of international students, points to a number of additional areas which may be appropriate for inclusion within the Code.

- Marketing and promotional activity.
- Provision of information.
- Recruitment and enrolment activity.
- Accommodation.
- Welfare and Support.
- Student orientation.
- Handling of student complaints.
- Post-study supports.
- Agents.

- Diversity of student body and cohorts.
- English Language policy.

#### **4.4.4 Withdrawal of Provider's Authorisation to use the IEM**

The 2012 Act requires that QQI shall withdraw a provider's authorisation to use the IEM where:

- QQI considers that the provider **no longer complies with the Code**.
- QQI considers that a **condition** imposed in relation to the operation of the IEM, **is not being complied with** by the provider.
- QQI has **withdrawn the approval of quality assurance procedures** established by a relevant provider.
- A designated awarding body has **withdrawn the approval of quality assurance procedures** established by a linked provider.
- QQI has **withdrawn the approval of access, transfer and progression** procedures established by a relevant provider.

#### **4.4.5 Fees Associated with the IEM**

QQI is required to develop a code of practice and to authorise the use of the IEM by providers. Fees and charges related to the IEM will have regard to the costs associated with:

- Maintaining and developing the code of practice.
- Promoting the IEM.
- Maintaining the integrity, on an on-going basis, of the code of practice, and the IEM, in particular by ensuring that the IEM is used only by providers who are authorised to do so.

The 2012 Act makes provision for fees and charges associated with authorisation to use the IEM. Providers seeking authorisation to use the IEM may be subject to the following fees and charges:

- An initial application fee.
- An annual charge not to exceed €50,000.
- A fee in relation to review of provider compliance with the Code.

#### **4.4.6 Public Information on Providers authorised to use the IEM**

QQI is required to establish and maintain a public register, the 'Register of Providers' (Section 78) and also to establish and maintain a public Database of programmes and awards (Section 79) (See Section 4.12). Both of these public information sources will include detail on providers authorised to use the IEM. Providers authorised to use the IEM are required to have all programmes recognised in the NFAQ where the award is capable of being so recognised.

#### **4.4.7 Public Policy Influences**

##### **4.4.7.1 National Strategy on International Education**

The IEM, as provided for in the 2012 Act, assumes the policy objectives of the 'Quality Mark' that has been referenced in public policy on International Education over the past decade. Ireland's national strategy on international education positions the International Education Mark (IEM) as part of the quality framework for the promotion of Ireland as a destination for international students. It is anticipated that the IEM will be referenced in other public policy areas such as:

- The student immigration regime
- National promotion and branding arrangements in the area of international education.

The national strategy states that the statutory code of practice and the IEM will not be mandatory for education and training providers however:

*"Visas will not be issued for study in institutions that do not have the IEM, nor will students attending such institutions from non-visa required countries outside the EEA be allowed permission to remain to study for courses of longer than three months' duration. Access to work will be limited to students attending institutions that hold the IEM. Only institutions that hold the IEM will be allowed to participate in national branding arrangements and in work with State bodies in the area of international education"*<sup>1</sup>

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<sup>1</sup> Investing in Global Relationships. Ireland's International Education Strategy 2010-2015  
<http://www.merrionstreet.ie/wp-content/uploads/2010/09/GLOBAL-REPORT-Sept-20101.pdf>

The national strategy recommends that the statutory Code should build on the Irish Higher Education Quality Network (IHEQN) voluntary code<sup>2</sup> and guidelines for the provision of education to international learners and the ACELS schools recognition scheme<sup>3</sup>. The strategy recommends certain headline elements for inclusion in the Code - marketing, recruitment and enrolment, information, orientation and induction, fees, accommodation, learner support, welfare services and learner protection.

#### **4.4.8 Policy on Student Immigration**

National policy on student immigration is likely to have an impact on the demand from providers seeking authorisation to use the IEM. In this context, student immigration regimes operated in other jurisdictions are likely to impact on the relative positioning and attractiveness of the Irish offering to international learners and to providers of education and training. In particular the UK regime on student immigration has the potential to influence demand from providers seeking authorisation to use the IEM and the interest in Ireland as a destination for international learners. While the IEM is intended to be a strong national brand associated with high quality education and training programmes and services to international learners, there may be a risk that the IEM becomes a mechanism for filtering access by providers to visa requiring students. Student immigration policy and the objectives of the IEM which are to recognise quality providers of education to international learners should be aligned and mutually supportive.

The Internationalisation Register includes information on education and training programmes which meet specified criteria. It is a reference point primarily for the Irish Naturalisation and Immigration Service (INIS) of the Department of Justice and Equality, in considering visa and residency applications from non-EEA applicants wishing to study on a full-time basis or reside in Ireland and avail of a concession to work in the State with certain restrictions. The Department of Education and Skills has an advisory role in identifying appropriate criteria for the inclusion of programmes in the Register. The Register is currently administered by Quality and Qualifications Ireland (QQI) on behalf of both Departments.

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<sup>2</sup> Provision of Education to International Students: Code of Practice and Guidelines for Irish Higher Education Institutions <http://www.iheqn.ie/publications/default.asp?NCID=154>

<sup>3</sup> ACELS regulations governing the recognition of organisations 2012-2013 <http://www.acels.ie/schoolsregulations.htm>

The Internationalisation Register provides certain information regarding programmes and providers. Primarily this information consists of:

- The name of the programme.
- The name of the recognised awarding body making the award to which the programme leads.
- The duration of the programme.
- Whether the programme is categorised, for the purposes of the Department of Justice and Equality as 'Degree' or 'Non-Degree/English Language'.
- The name, address and contact details of the provider.

It should be noted that not all programmes included in the Register lead to awards recognised through the National Framework of Qualifications (NFQ) and while QQI administers the Register, it does not control the criteria for inclusion. It is worth considering what relationship should there be between the Internationalisation Register and the IEM. It is important to note that not all international students require visas to study in Ireland. In particular, the European Union has a longstanding policy of encouraging student mobility in Europe. This has been reinforced by the Bologna process that has created the European Higher Education Area (EHEA). The IEM should support this objective of enhancing European learner mobility.

#### **4.4.9 International Practice**

Internationally, codes of practice vary in terms of their statutory/voluntary basis and their sectoral coverage. New Zealand and Australia operate statutory codes of practice. One impact of such statutory codes is that providers who are not signatories will be unable to enrol international students. The UK, South Africa, Denmark, Canada and the Netherlands all operate voluntary schemes. In most cases, the use of codes of practice, applies to higher education institutions only. The only exceptions are New Zealand where the Code is applicable to all education providers and in the UK where the Code operated by UK Council for International Student Affairs. A cursory review of similar initiatives in other jurisdictions, indicate that codes of practice for international learners include a number of common requirements, marketing, enrolment practice and fees. Standards in relation to student welfare, orientation, complaints, agents and accommodation also feature prominently in Codes from other countries. A feature of a number of codes is the use of both standards and guidelines where standards indicate minimum requirements for compliance and guidelines

identify good practice or standards to be aspired to by providers. It is important that the IEM is competitive with comparable schemes operating in other jurisdictions.

The 2012 Act provides an interpretation of an international learner as meaning a person who is not an Irish citizen but is lawfully in the State primarily to receive education and training. This interpretation is inconsistent with internationalisation strategies of many providers which are engaged in provision of education and training to learners who are outside the State. There is an anomaly between the legal interpretation of an international learner and the increasingly borderless nature of international education. It may be worth considering how the scope of the IEM could be extended to provide the appropriate coverage for provider activity.

#### **4.4.10 Issues for Consultation**

This Green Paper raises a number of issues that QQI wishes to engage on with interested stakeholders. The contribution of stakeholders is central to the development of policy on the IEM.

QQI invites stakeholders to share their views, perspectives and experience so that policy development in relation to the IEM is consistent with its statutory requirements and also to ensure that the IEM adds value to the education and training system. It is worth repeating that the stated national objective for the IEM is that it should contribute, as part of a quality framework, to the promotion of Ireland as a destination for international students.

#### **4.4.11 Issues identified with related questions and potential policy development options**

##### **Issue 1           Should there be a single or multiple versions of the IEM?**

- a. One version
  - Single IEM for all relevant providers
  
- b. Two versions
  - Further and higher education providers
  - English Language Teaching (ELT) providers

- c. Three versions
  - Further education and training
  - Higher education and training
  - English Language Teaching providers
  
- d. Multiple versions
  - All of the above
  - Publicly funded providers
  - Private providers
  - Providers with a track record in education and training / international education and training
  - New Providers (Provisional/candidate status for IEM)
  - Other

**Issue 2      When should the IEM be made available?**

- a) All current providers that have transitioned to QQI as relevant providers and that self-certify their compliance with the Code of Practice should be authorised to use the IEM immediately.
  
- b) Relevant providers that have completed an institutional review process and that self-certify their compliance with the Code of Practice would be authorised to use the IEM immediately.
  
- c) Relevant providers reviewed under new QQI policies and that have had their compliance with the Code assessed by QQI, would be authorised to use the IEM pending a satisfactory outcome of such review and assessment.
  
- d) A sub group of providers or type of provision, based on a risk assessment, would be authorised as early adopters of IEM to build brand reputation. For example, a sub-group could be that higher education and training providers would have access to the IEM for their post-graduate provision or recognised ELT providers specialising in English language provision. This would be in keeping with the approach of Enterprise Ireland which prioritises the promotion of the higher education and the ELT sectors to international students.

**Issue 3      What areas should be included in the Code of Practice?**

The 2012 Act specifies that the Code will include requirements relating to:

- Arrangements for the protection of learners
- The collection of fees from enrolled learners
- Requirements in relation to the tax compliance of a provider

Should all providers, including public providers, authorised to use the IEM be required to establish arrangements for the *protection of enrolled learners* under section 65 of the 2012 Act?

Additional areas which may be appropriate for inclusion within the Code include:

- Marketing and promotional activity
- Provision of information
- Recruitment and enrolment activity
- Accommodation
- Welfare and Support
- Student orientation
- Handling of student complaints
- Post study supports
- Agents
- Diversity of student body and cohorts
- English Language policy

*Are the suggested areas set out above for inclusion in the Code appropriate?*

*Are there other areas that should be included in the Code?*

**Issue 4      What level of prescription and detail should be included in the Code of Practice?**

- a) The Code should be based on high level principles
- b) The Code should be based on detailed criteria
- c) The Code should be based on a combination of high level principles and detailed criteria

**Issue 5      How should QQI carry out a review of compliance with the Code?**

- a) A review of compliance with the code should be a stand-alone review
  
- b) A review of compliance with the code should be integrated with other statutory reviews provided by QQI e.g. review of effectiveness of provider's quality assurance procedures
  
- c) A provider should be allowed to self-certify their compliance with the code
  
- d) External agencies and/or stakeholder groups (e.g., Irish Council for International Students, the Irish Naturalisation and Immigration Service, international students, foreign government representatives) should have a role in monitoring and review of compliance by a provider with the code of practice.

**Issue 6      In which countries should the Code be applicable?**

- a) Given the restricted interpretation of an international student in the 2012 Act, should providers be restricted from using the code and the IEM in promoting their off-shore provision?
  
- b) Should review of compliance with the code extend to the off-shore provision of relevant providers?

# Questions and Comments

## CONSULTATION - ISSUE 1

### **ISSUE 1** Should there be a single or multiple versions of the IEM?

- a. **One version**
  - Single IEM for all relevant providers
  
- b. **Two versions**
  - Further and higher education providers
  - English Language Teaching (ELT) providers
  
- c. **Three versions**
  - Further education and training
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- d. **Multiple versions**
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  - Providers with a track record in education and training/international education and training
  - New Providers (Provisional/candidate status for IEM)
  - Other

### Comments

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# Questions and Comments

## CONSULTATION - ISSUE 2

### **ISSUE 2** When should the IEM be made available?

- a. All current providers that have transitioned to QQI as relevant providers and that self-certify their compliance with the Code of Practice should be authorised to use the IEM immediately.
- b. Relevant providers that have completed an institutional review process and that self-certify their compliance with the Code of Practice would be authorised to use the IEM immediately.
- c. Relevant providers reviewed under new QQI policies and that have had their compliance with the Code assessed by QQI, would be authorised to use the IEM pending a satisfactory outcome of such review and assessment.
- d. A sub group of providers or type of provision, based on a risk assessment, would be authorised as early adopters of IEM to build brand reputation. For example, a sub-group could be that higher education and training providers would have access to the IEM for their post-graduate provision or recognised ELT providers specialising in English language provision. This would be in keeping with the approach of Enterprise Ireland which prioritises the promotion of the higher education and the ELT sectors to international students.

### Comments

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# Questions and Comments

## CONSULTATION - ISSUE 3

### **ISSUE 3** What areas should be included in the Code of Practice?

The 2012 Act specifies that the Code will include requirements relating to:

- Arrangements for the protection of learners
- The collection of fees from enrolled learners
- Requirements in relation to the tax compliance of a provider

Should all providers, including public providers, authorised to use the IEM be required to establish arrangements for the *protection of enrolled learners* under section 65 of the 2012 Act?

Additional areas which may be appropriate for inclusion within the Code include:

- |                                      |                                  |   |
|--------------------------------------|----------------------------------|---|
| - Marketing and promotional activity | - Welfare and Support            | - Agents                                |
| - Provision of information           | - Student orientation            | - Diversity of student body and cohorts |
| - Recruitment and enrolment activity | - Handling of student complaints | - English Language policy               |
| - Accommodation                      | - Post study supports            |   |

Are the suggested areas set out above for inclusion in the Code appropriate?

Are there other areas that should be included in the Code?

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# Questions and Comments

## CONSULTATION - ISSUE 4

**ISSUE 4** What level of prescription and detail should be included in the Code of Practice?

- a. The Code should be based on high level principles
- b. The Code should be based on detailed criteria
- c. The Code should be based on a combination of high level principles and detailed criteria

### Comments

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# Questions and Comments

## CONSULTATION - ISSUE 5

### **ISSUE 5** How should QQI carry out a review of compliance with the Code?

- a. A review of compliance with the code should be a stand-alone review
- b. A review of compliance with the code should be integrated with other statutory reviews provided by QQI e.g. review of effectiveness of provider's quality assurance procedures
- c. A provider should be allowed to self-certify their compliance with the code
- d. External agencies and/or stakeholder groups (e.g., Irish Council for International Students, the Irish Naturalisation and Immigration Service, international students, foreign government representatives) should have a role in monitoring and review of compliance by a provider with the code of practice.

### Comments

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# Questions and Comments

## CONSULTATION - ISSUE 6

### **ISSUE 6** In which countries should the Code be applicable?

- a) Given the restricted interpretation of an international student in the 2012 Act, should providers be restricted from using the code and the IEM in promoting their off-shore provision?

yes

no

- b) Should review of compliance with the code extend to the off-shore provision of relevant providers?

yes

no

### Comments

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Thank you for your time!