Report on the White Paper Consultation Process

April - May 2014
1. Background

QQI commenced a consultation process on three White Papers in March 2014. The three White Papers published were:

(a) White Paper on the Re-engagement with Legacy Providers: Overarching Policy

(b) White Paper on Policy and Criteria for Further Education and Training Voluntary Legacy Providers Continuing Access to Validation Leading to QQI Awards


The White Papers seek to explain how providers that transitioned to QQI from the organisations that amalgamated will form a quality assurance arrangement with QQI under the 2012 Act.

1.1 Publication

The three White Papers were published on the consultation page of the QQI website on 28 March 2014 and notification was issued on the “latest news” section of the website. In addition to publication on the website, provider representative bodies and other key stakeholders/providers were notified directly.

An overview of the White Papers was presented to the first meeting of QQI’s Consultative Forum on 1 April 2014 for discussion.

1.2 Consultation

QQI hosted 3 regional consultation events in April. These events were held in Dublin on 14 & 15 April, Cork on 28 & 29 April, and Athlone on 7 May 2014. The events were targeted in particular at voluntary further and higher education and training providers who are likely to be most immediately impacted by the policy proposals in the White Papers.

There were 26 submissions received to the White Papers and over 200 providers attended the three consultation events.
2. Structure of Feedback

This document summarises the key findings and outcomes from this consultation process. It does not attempt to respond individually to every comment received or question raised through the consultation process. It draws out the key issues raised and QQI’s response, position and future actions where appropriate. All responses and points raised in the consultation process however have been taken into account and considered in the development of the final policy. Many of the issues raised focus on matters that will be clarified as part of the implementation process.

The three White Papers were published as a suite of interlinked policy proposals. The overarching policy refers to all groups of providers; the two detailed policy approaches focus on voluntary providers of further and higher education and training. All responses received by QQI were in the form of a single submission response to the three White Papers. In addition to reflecting the comments received via the online responses to these papers this report also includes a summary of the outcomes of the three Consultation Events. Thus the common themes emerging reflect the totality of the feedback identified through the submissions received and the consultation events. In addition to feedback on the content of the three White Papers, some stakeholders used the opportunity to provide feedback to QQI on other issues and concerns. These are summarised below as ‘other issues arising’.
3. Summary of Responses Received

Overall, many respondents felt that more details on the implementation of the proposed policy was required to provide more clarity and some indicated that the lack of implementation detail made it difficult to respond. Information was requested on timelines for implementation of the re-engagement process; the criteria and QA guidelines to be used; and further explanation on the criteria for evaluation of provider scope and capacity was also requested. Further guidance was requested on provider networks/consortia and how these might operate and the supports to be provided by QQI in establishing these arrangements. Respondents requested further consultation prior to implementation of the re-engagement policy. Fees and costs were raised as a concern once again and in particular by the not-for-profit, Community and Voluntary sector. The main responses and common themes are detailed below.

The technical nature and legal tone of QQI documents was raised by respondents in particular at the consultation events. QQI papers were considered to be jargon heavy and difficult to read and understand.

Respondents requested equity and parity of esteem for all providers. They considered that both obligatory and voluntary providers should be treated the same regardless of legislative standing.

3.1 QQI - Summary Response

QQI wishes to thank all stakeholders for taking the time to engage in this consultation process. Provider and other key stakeholder feedback is critical to the QQI policy development process. QQI’s response to the themes emerging from the consultation is provided in the context of the role of QQI as set out in the statutory functions of the Qualifications and Quality Assurance (Education and Training) Act 2012. QQI has a multi-dimensional range of functions to manage and fund. These roles are:

- to quality assure providers of further and higher education and training and their research and related services
- promote develop and maintain the National Framework of Qualifications
- validate programmes and make awards (for providers without their own awarding powers)
- 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
- inform the public about the quality of education and training programmes and qualifications
- advise the Minister for Education and Skills in relation to national policy on quality assurance and enhancement in education and training.
In the context of the Re-Engagement White Papers, QQI acknowledges the diversity of providers and of the challenges and issues arising within the higher and further education and training system. As the external quality assurance body, QQI identifies the following unifying themes that link all providers. These unifying themes provide the backdrop for all external quality assurance engagements and for re-engagement with all providers:

- The National Framework of Qualifications
- The Lifecycle of Provider Engagements
- Statutory external quality assurance and quality enhancement.

4. General Emerging Themes

4.1 Timelines

Respondents requested that clear timelines be made available on the planned implementation of the new policy and process and the commencement of the re-engagement process. Clarity was requested also on the proposed process and timelines for evaluating provider capacity within this process, and whether programmes could be validated if a provider was undergoing the re-engagement process. Respondents indicated that all timelines must be cognisant of any associated impact on providers. The timing of re-engagement and the dovetailing of the re-engagement process with the implementation of the IEM was raised as a matter of significant concern by one provider representative network. The timeline for re-engagement and the timing of the institutional review process for higher education and training was also raised.

QQI Response

QQI acknowledges that providers need to plan for and schedule their own activities and manage resources. QQI commits to providing clear timelines for providers to enable them to plan for the re-engagement process. The implementation of re-engagement will be undertaken within a managed and reasonable timeline, both for QQI and providers. The implementation of the re-engagement process and the link with other policy implementation, such as the IEM will be considered. QQI undertakes to communicate with providers and to provide sufficient notice on the re-engagement process. Providers, similarly, will be required to confirm their intent to QQI as to whether they will re-engage with QQI or if they decide not to re-engage.

QQI commits to the principle that timelines should be fair and equitable and that no provider should be disadvantaged by the implementation of the re-engagement process with QQI. During the re-engagement process providers may continue to offer programmes they have validated previously. However providers seeking to validate new programmes during this time are likely to be required to agree their complete re-engagement process in advance. Seeking validation of new programmes will trigger the re-engagement process for some providers.
4.2 Use of Technical Language

The jargon heavy and technical nature of QQI documents was raised by respondents although no specific examples were referred to. Some respondents stated that they did not understand the title of the White Papers. Others sought more clear and concise instructions.

QQI Response

QQI acknowledges that the issue of technical and legal language in QQI documentation has been raised by providers and other stakeholders previously and the challenges the technical nature of some of the QQI’s work presents for some external stakeholders. QQI endeavours to implement a plain English approach to its documentation, but technical language and a legalistic tone is often necessary for precision within a regulatory context. QQI endeavours to consider both the audience and nature of the documentation it publishes and undertakes to increase all efforts, where feasible, to ensuring documentation is more reader friendly. QQI is currently preparing a glossary of terminology and a series of frequently asked questions (FAQs) in order to address in a clear and straightforward way, any confusion and specific questions that providers have. QQI has amended the policy titles and, where possible, the text of the proposed policy to ensure further clarity.

4.3 Further Consultation and Communication

Respondents requested further engagement and consultation with QQI on the re-engagement process. One HET representative body requested that QQI establishes a mechanism for ‘system level consultation’.

QQI Response

QQI undertakes to consult with all providers on implementation of the re-engagement process. A communications plan will be developed to support the implementation of the process. A range of consultation and communication methods, including regional briefings and seminars, will be conducted throughout the different stages of the implementation process.
5. Specific Themes Emerging

Respondents from both further and higher education and training sectors sought clarity on a number of specific aspects of the three White Papers.

5.1 Lifecycle of Provider Engagements

Further insight and clarification is requested on what QQI intends by: (i) “voluntary providers’ particular obligations and entitlements based on their particular status” and (ii) the statement “Provider Lifecycle of Engagements is intended to highlight the providers’ wider responsibilities as a member of the national and international training community”.

The concept of provider lifecycle was broadly welcomed but further clarity was requested on what this means; one respondent noted that, “the consultation process and our understanding of the future transition period could have benefited from some indication of the type/extent/duration of cycle which might be experienced. This is of particular concern to an organisation which operates FET and HET programmes”.

QQI Response

QQI will elaborate on the Lifecycle of Provider Engagements in the final policy papers and in more detail in the implementation documentation and process. It is intended that the Lifecycle of Provider Engagements will be seen as a transparency tool for providers in that they will understand the full range of obligations (annual and periodic), entitlements and where appropriate, conditions associated with the scope of the provision. This is of particular importance where providers are seeking QQI validation. Providers are already involved in a range of activities, once they have validated a programme, the Lifecycle will clarify the full range of engagements and any further activities required following, for example, programme validation; follow-on processes (re-validation; review), with specific timelines. It will also include annual processes such as provision of information to QQI, certification requirements, monitoring and other activities relating to provision, assessment and state recognition of programmes. Annual information reports of activity to QQI may, for example, include completion rates and programme provision plans.

5.2 Minimum Capacity and purpose

A number of respondents requested clarity on the definition of ‘minimum capacity’ in relation to providers and whether this refers to human/financial resource. Concern was expressed by one respondent on two specific requirements that the (i) Sole purpose/core business of the applicant is in the delivery of education and training and (ii) the minimum number of learners. The response indicated that these criteria are not appropriate to the community and voluntary Sector, a sector where providers are involved in a whole range of other services and a proposed minimum number of learners would be problematic for the community and voluntary sector.
The concept of minimum capacity is directly linked to the awards a provider is offering and the specific provider context. The context in turn is linked to the sole purpose or core business of the provider in the delivery of education and training. This capacity refers to QA capacity in addition to human/financial resources as well as facilities and location. Capacity is referenced in the context of the scope (scale/diversity/level of programme/award). For example; the capacity of a provider who wishes to offer one major award at level 3 is different for a provider who offers 5 major awards at NFQ Level 7 and 8. The evaluation of capacity is proportionate to what each provider intends to provide. QQI is assuring learners, other key stakeholders, funding agencies, the government, the public and many other national and international audiences that a provider who is successful in having a programme(s) validated by QQI has taken responsibility for the quality and standard of this programme and has the capacity to provide learners with a well-supported learning experience which will allow them to achieve the learning outcomes for the type and level of QQI award sought.

QQI wishes to confirm and reiterate that it is open to engaging with all providers, large and small. The focus is not on provider size and scale but on ensuring capacity to deliver quality programmes within the education and training system. Provider capacity is considered in proportion to provision. The number of learners a provider intends to recruit (600 or 60) will impact upon the evaluation of capacity which is required to ensure a quality learning experience. QQI must be assured of the quality of the programmes and learning experience being offered by all associated providers and of the independent capacity of all providers to meet current responsibilities. QQI must be assured that learners receive education and training from providers that have the resources, capacity and expertise to deliver quality programmes at the standard and level required.

QQI understands that some providers offer a range of services; including education and training among them. The education and training aspect however needs to be as well-resourced, managed and committed to, as the other services. Education and training must be a principal function of a provider seeking to re-engage with QQI. This does not mean that providers may not have other core functions as well.

5.3 QA Guidelines and Criteria

Respondents expressed a general lack of clarity with regards to references to the QA guidelines and criteria and uncertainty about the implementation process involved for re-engagement. It was requested that QQI would consult with all providers and work collaboratively with both obligatory and voluntary providers in the development of QA guidelines.

QQI Response

As outlined at the beginning of this section, QQI undertakes to communicate with providers and ensure clarity at all stages in this re-engagement process. QQI has committed to specific consultation on those aspects of the guidelines that providers will be less familiar with. This has been referred to as the “gap analysis” - the difference between the guidelines agreed between providers and the former FET and HET Awards Councils and the QQI Guidelines and Criteria for FET and HET legacy voluntary providers. Further information, consultation and publication will be provided as part of the implementation of this policy.
5.4 Consortia and Networks

In general, respondents noted and welcomed the concept of provider consortia and networks, though some concerns were raised regarding the independence of the individual provider; the status of the legal basis for consortiums and aspects around the commercial sensitivity and time involved in establishing consortium arrangements. Some providers’ responses indicated that QQI is querying as to how this would work in reality. Respondents suggested that guidelines, advice and support will be required from QQI including additional resources to support these potential arrangements.

QQI Response

QQI welcomes the positive response to the concept of consortia and networks. QQI wants to work with provider representative bodies to establish the feasibility of providers reconfiguring themselves into networks or consortia that can introduce and sustain quality assurance systems, instead of allocating resources to the development, implementation and review of a multiplicity of quality assurance systems at an individual provider level. The establishment of networks of providers may also provide an effective means of boosting the quality assurance capacity of all providers within a sector, increasing the level of quality assurance oversight within and external to the sector, and potentially reducing the overall cost. It is important to note that within the context of the statutory requirements of both QQI and the provider, QQI must deal with a legally recognised entity. In addition, QQI is not suggesting consortium arrangements as a compulsory position. QQI accepts that providers are concerned about commercial sensitivity; their own standing as individual providers and any legal complications may not be considered to be conducive with becoming part of a consortium. All providers are entitled to re-engage with QQI as individual providers in the first instance. QQI is not in a position to provide direct support/resources to providers on the legal implications for establishing consortia.
White Paper on Policy and Criteria for Further Education and Training Voluntary Legacy Providers Continuing Access to Validation Leading to QQI Awards

Respondents from the Further Education and Training Sector, both through submissions and at the consultation events, raised concerns with regards to the future of smaller providers. This was raised in particular by voluntary providers operating through former FET awards council processes in the not-for-profit community/voluntary sector and the commercial private provider sector. Some providers felt that there was a sense that QQI does not wish to engage with small providers. Clarity was sought by providers who had previously adhered to former FET Awards Council processes and criteria, on how they will now be evaluated in the re-engagement process.

QQI Response - this question has been responded to in section 5.2 above
7. Responses specific to:

White Paper on Policy and Criteria for Higher Education and Training Voluntary Legacy Providers Continuing Access to Validation Leading to QQI Awards

Respondents were broadly supportive of the overarching proposals in the White Paper. The proposal to provide full recognition of previous statutory reviews was welcomed and it was requested that recognition be given to work completed to date by providers. One respondent acknowledged the changes and development going on but expressed concern that “no doors” should be closed to legacy providers who have proven their quality assurance in the past and invested heavily in the process.

It was proposed that whilst QQI has different groups of providers with whom it must engage, there should be no substantial difference between the guidelines for various groups of obligatory providers within public HE. IOTI acknowledges that there are different categories of providers with whom QQI will re-engage and that there will be a statutory requirement to develop guidelines and approval mechanisms appropriate to each group. This was flagged as important, particularly in the context of the current efforts within the HE sector, to ensure that there is a coherent system which “encourages collaboration between providers in regional and other types of cluster”.

The White Paper (page 11) mentions that re-submissions will be allowed on QA procedures but not on programme validations. It was proposed that there should be a consistency of approach across all processes and that re-submission should also be considered for programme validations.

Clarity was sought with regard to the “prescribed time interval” for applications to QQI and on the status of a provider and its programmes whilst an appeals process is on-going.

The response from the Previously Established Universities (PEUs) re-affirms their intention to work with QQI with respect to the QQI Act 2012 and in the collaborative development of new QA guidelines and the development of a new review mechanism. The universities confirmed they are currently engaged with QQI to clarify roles and responsibilities with respect to quality assurance by PEU’s of linked providers under the 2012 Act.

The universities confirmed they are awaiting the release of the ‘Review of Reviews’ report and the quality assurance guidelines for PEUs, in order to establish internal quality procedures as per Section 29 of the 2012 Act and anticipate discussion of any proposed timeframe with QQI.

QQI Response

QQI confirms that the re-engagement policy will clarify and confirm that full recognition will be given to providers’ previous statutory reviews. Different QA guidelines are required as some institutions are referred to in separate legislation and the QA guidelines will need to take this into consideration. Also, the current differences in the operational contexts of HET and FET render different guidelines necessary. Further clarification will be given on implementation.
8. Other Issues Arising

8.1 Fees and Costs

The issue of fees and costs associated with the re-engagement process was raised by a number of stakeholders, both through the consultation events and the formal submissions made. Stakeholders advised that the level of fees charged to providers should be in line with state funding received for education. Community and Voluntary sector respondents in particular raised concerns with regard to the impact of fees on the not-for-profit sector and requested that fees should not be applicable to this sector. This sector expressed concern that it would not be able to engage with QQI if the published fee schedule is applicable. Clarity was requested on the process for waiving fees for enrolled learners in receipt of social welfare payments or medical card holders.

QQI Response

The charging of fees to providers is enabled by the 2012 Act and is integrally linked with how QQI intends implementing its quality assurance and quality improvement role. The development of adequate internal and external quality assurance systems incurs costs. The Ministers for Education and Skills and Public Expenditure and Reform consented to fees for a number of QQI services in October 2013. QQI has adopted a fee schedule in part on the basis of the cost of engaging with a provider. Some of these costs are fixed, regardless of the scale of a provider’s provision, for example, sending a reviewer to visit a provider’s facility incurs travel costs. Fees have not been charged in the further education sector in the past and therefore the concept of fees is new; QQI acknowledges and accepts that it is not surprising that this sector in particular has reacted negatively to this development.

QQI acknowledges the work and quality of providers across the further education and training sector and the increasingly challenging financial and resource constraints within which the community and voluntary/not-for-profit sector operates. However, in implementing its statutory functions as a regulator, QQI is not in a position to subsidise or fund one provider group over another. In imposing fees on providers, the principles of consistency and equity must be applied. Higher education providers were subject to fees by QQI’s predecessor bodies. In addition, within further education and training, private providers are offering the same programmes as those offered by some providers in the community sector; these include qualifications in Childcare and Train the Trainer. In the light of this, it would be inappropriate for QQI to determine a fee schedule which would subsidise one part of the education and training system over another.

QQI has undertaken, in its Strategy Statement 2014-2016, to carry out its regulatory and quality improvement functions collaboratively with providers and with government agencies. In the absolute interest of learners, QQI is open to working with all relevant parties to constructively consider the impact of these changes in as comprehensively a manner as possible. Talks with many different provider groups along these lines have already commenced.

Within the further education and training sector, a certification fee was previously applied by QQI. A blanket exemption is in place for learner certification fees at levels 1-3 of the NFQ; for holders of medical cards; and for certain provider centres.
8.2 Communication with QQI

In addition to findings above, concern was expressed by respondents from the FET sector, on QQI communications. Notification of the consultation events had not been received by some providers. Respondents also raised the issue of responsiveness and timelines operating within current processes, in particular the process for programme validation for further education and training programmes, as a cause for concern. The 26 week timeline for a validation process was highlighted as unrealistic and as impacting significantly on providers’ ability to plan and respond to learner and market needs. This was noted as particularly problematic for providers submitting short programmes for validation. At the consultation events, some issues were raised with regards to delays on specific applications for validation.

QQI Response

QQI acknowledges that some providers are experiencing difficulty and do not appear to be receiving communications from QQI. This is a cause for serious concern to QQI. This may be as a result of changing personnel and contact details within providers which have not been updated on the QQI system - QBS. QQI has since written to all FET voluntary providers requesting updated contact details. A large number of providers have returned these. As a result, there are a number of corrections to be made on provider contacts and QQI is in the process of updating QBS. This should deal with some of the difficulties experienced in receiving communications from QQI.

Within the context of programme validation, QQI is actively working to address the issues and concerns raised. The introduction of fees in October 2013, led to a huge increase in validation applications in advance of this date. This in turn impacted significantly on the processing time and QQI is endeavouring to clear this backlog. As a result, an additional Programmes and Awards Executive Committee (PAEC) meeting was scheduled in July 2014. The Quality Assurance Services section has endeavoured to improve communications with providers to ensure that they can address common issues that arise with specific applications, which can lead to delays in process. All of the specific cases raised at the consultation events have now been followed up with the individual providers.
QQI, an integrated agency for quality and qualifications in Ireland.

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