

Quality and Qualifications Ireland submission to Legal Practitioner Education & Training Review

15 June, 2018

QQI – Quality and Qualifications Ireland – is an independent State agency responsible for promoting quality and accountability in education and training services in Ireland. It was established in 2012.

Our mission is to promote the enhancement of quality in Ireland’s further and higher education and training, and quality assure providers and to support and promote a qualifications system that benefits learners and other stakeholders.

Our role is to:

- promote, maintain and develop the Irish National Framework of Qualifications (NFQ), a 10-level framework for the development, recognition and awarding of qualifications in Ireland
- approve programmes offered at a variety of schools, colleges and further and higher education and training institutions
- regulate and promote the quality of programmes offered by schools and colleges leading to qualifications in the NFQ for the benefit of learners, employers and other interested parties
- provide academic advice on the recognition of foreign qualifications in Ireland through a service called NARIC Ireland – the National Academic Recognition Information Centre. We also provide advice on the recognition of Irish qualifications abroad
- inform the public about quality assured education and training programmes and qualifications through a database of programmes and a register of providers
- advise the Minister for Education and Skills about national policy on quality assurance and improvement in education and training
- cooperate with professional bodies in assuring the quality of professional education and training

The review of legal professional education commenced by the Legal Services Regulatory Authority is welcome. Irish legal training has not traditionally been subject to independent external review. In this it has lagged behind many other professions.

Irish higher education institutions, including universities, institutes of technology and private colleges with validation for QQI awards, are subject to statutory external review of their quality assurance procedures by QQI.

Separation between providing education and training and professional accreditation/external quality assurance of programmes is common to most professions in Ireland. In 2017 QQI published research by the Professional Associations Research Network on the extent of professional accreditation in Irish higher education.¹ QQI is currently undertaking some additional research to compare the accreditation procedures employed by external accrediting bodies in Ireland.

¹ Professional Body Accreditation in Higher Education Institutions in Ireland.

<https://www.qqi.ie/Publications/Publications/Professional%20Body%20Accreditation%20in%20Higher%20Education%20Institutions%20in%20Ireland%20September%202017.pdf>

Many regulated professions in Ireland have an independent statutory regulator which undertakes accreditation. There are five statutory regulators of health professions, all of whom accredit higher education programmes giving access to the profession but do not offer any programmes themselves. This is also the case for veterinary medicine. Each of these professions has separate membership bodies that represent the profession.

In other instances, such as architecture, surveying and engineering, the same body that represents the professional membership is also responsible for statutory regulation and the accreditation of programmes.

In the case of accountancy, there are a number of professional bodies, whose statutory functions are subject to an overarching regulator. These bodies variously provide education and training themselves, and/or organise examinations and/or make arrangements that recognise HE programmes as providing exemption from their examination requirements.

In some other jurisdictions, such as the United States, professional accreditation is carried out by the national representative body for the profession. This has sometimes proved problematic as tensions can arise between the interests of the profession, the schools and wider public interests, particularly those of learners. This has been the case recently for the American Bar Association.²

Key elements of professional accreditation by a regulator include the following:

- Defining a profile of occupational competence for professionals
- Defining standards for education and training provision intended to deliver to that profile
- Establishing procedures for the initial evaluation and periodic re-evaluation of programmes of education and training against those standards
- The regulator may also provide for direct assessment of individual occupational competence, independent of any particular accredited programme

International good regulatory practice is that these elements be organised by a body separate from those providing education and training or representing or advocating on behalf of the profession. This is to ensure that the interests of the general public and of learners aspiring to join the profession are protected from those of the providers education and training or those of the incumbent professionals.

While the definition of the occupational competence and setting of standards is a core responsibility of the regulator, it is not necessarily the case that the regulator needs to administer associated evaluations of programmes itself. In some jurisdictions these assessments are carried out by independent quality assurance bodies for whom such evaluations are part of their core business. For example, the Hong Kong Council for the Accreditation of Academic and Vocational Awards recently began to accredit higher education programmes on behalf of the Hong Kong Institute of Certified Public Accountants.

The direct assessment of individual competences can also be delegated to other organisations, including providers of education and training, subject to appropriate quality assurance arrangements.

² <https://www.insidehighered.com/news/2016/08/31/aba-taken-task-feds-and-critics-law-school-student-outcomes>

Given the pattern of traditional legal education in Ireland, a question arises as to whether the legal profession needs accreditation of undergraduate law degrees, or other pre-professional educational programmes, as well as accreditation of professional legal training. If the expected knowledge, skills and competence required to enter training programmes are well-defined, then existing academic quality assurance procedures within higher education institutions should be adequate to secure standards. Institutions' procedures have been established on a statutory basis and their effectiveness is subject to periodic, independent review by QQI. This is also the case for HEIs' contribution to continuing professional education, for example by way of advanced degrees. However, where such continuing education confers access to additional regulated functions then external programme accreditation by the regulator may be warranted.