



QQI

Quality and Qualifications Ireland
Dearbhú Cáilíochta agus Cáilíochtaí Éireann

WHITE PAPER

Draft Code of Practice for Provision of Programmes of Higher Education to International Learners

FOR CONSULTATION

Submissions may be emailed to

international.education@qqi.ie

(please put 'HE CODE' in the subject field).

In your submission please clearly indicate:

1. *Your contact details.*
2. *Whether you are responding as an individual or on behalf of an organisation.*
3. *If you do not wish your submission to be published.*

The closing date for submissions is **16th December 2022**

This White Paper contains a proposed Code of Practice for Provision of Programmes of Higher Education to International Learners (the HE Code). Following publication and consideration of the outcomes of consultation, this paper will lead to a further draft HE Code which will be proposed for adoption by the Board of QQI.

This code of practice will be supplemented by:

- Code of Practice for Provision of Programmes of English Language Education to International Learners
- Statutory Quality Assurance Guidelines for English Language Education Providers
- Policy on Authorisation to Use the International Education Mark.

QQI is seeking feedback from stakeholders on the draft HE Code contained in this White Paper.

Code of Practice for Provision of Programmes of Higher Education to International Learners

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1. FOREWORD

Quality and Qualifications Ireland (QQI) was established in November 2012 by the Qualifications and Quality Assurance (Education and Training) Act 2012. The 2012 Act sets out the functions of QQI, which include the establishment of a code of practice for the provision of programmes of education and training to international learners, and the authorisation of an international education mark (IEM).

The 2012 Act was amended by the Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019. References to the legislation hereafter will be to the 2012 Act as amended. The 2012 Act as amended provides that QQI shall publish a code of practice in such form and manner as it thinks appropriate, and that it may include different provisions in respect of different providers or providers of different classes.

QQI policy is to establish and publish two codes of practice in respect of providers of different classes:

- one for higher education (HE) providers and
- one for English language education (ELE) providers.

This document is the proposed code of practice for HE providers (the HE Code) and sets out expectations related to the quality of service and supports available to international learners in Ireland, and learners outside the state enrolled on programmes leading to awards included in the National Framework of Qualifications (NFQ).

2. INTRODUCTION

The HE Code is one of a suite of measures, provided for in the 2012 Act as amended, that are designed to protect the interests of learners engaged with the Irish education and training system.¹ The particular purpose of the HE Code is to ensure that international learners attending institutions that have demonstrated their compliance with the HE Code, and have obtained authorisation to use the IEM, receive a safe, high-quality and consistent learning experience.²

The HE Code is intended to enhance the existing quality assurance infrastructure in Irish higher education, by focusing on the quality of the service and support made available to international learners in Ireland, and learners outside the state enrolled on programmes leading to awards in the NFQ. In addition, through demonstrating their adherence to the standards contained in it, the HE Code will also enable the HE providers themselves, both individually and collectively, to play their part in upholding the integrity and reputation of Ireland's higher education system internationally. As well as fostering and strengthening Ireland's reputation for international education, the HE Code and IEM will also support the promotion of Irish higher education to overseas students and Ireland's national immigration strategy.

2.1 Who is expected to comply with the HE Code?

Compliance with the HE code is required of HE providers who enrol international learners, both inside and/or outside the state, on programmes that lead to awards included in the National Framework of Qualifications (NFQ), for the purpose of obtaining authorisation from QQI to use the IEM. Awards included in the NFQ are made by:

- QQI
- HE providers with delegated authority from QQI to make awards
- designated awarding bodies (universities, technological universities, the Royal College of Surgeons in Ireland (RCSI) and institutes of technology).

HE providers that are relevant or linked providers, under the 2012 Act as amended, are eligible to apply for the IEM. Relevant providers are defined in section 2(1) of the 2012 Act as amended and, in relation to the HE Code, comprise:

- previously established universities
- technological universities
- RCSI
- HE providers whose programmes are validated by QQI
- institutes of technology

¹ Apart from the HE and ELE Codes and the IEM, the measures also include a due diligence assessment process for private providers (see section 4.4 and appendix one below); a national scheme for the protection of learners enrolled on programmes delivered by private providers (PEL), underpinned by a learner protection fund (see section 4.5.2 and appendix two below); the inclusion in the NFQ of awards made by universities and other designated awarding bodies, and also by international, professional, and sectoral bodies; and measures to protect the academic integrity of the Irish education and training system.

² The HE Code should be read in conjunction with the related QQI policy on authorisation to use the international education mark.

- HE providers with delegated authority from QQI to make awards
- listed awarding bodies providing one or more programmes leading to their own awards that are awards included in the NFQ;³

Linked providers are defined under section 2(3) of the 2012 Act as amended (see appendix 4 below).

2.2 Definition of international learners

Section 2(1) of the 2012 Act as amended defines an international learner 'as a person who is not an Irish citizen but is lawfully in the state primarily to receive education and training'. This definition comprehends:

- EU/EEA students undertaking programmes that lead to major or non-major awards that are included in the NFQ;
- British citizens undertaking programmes that lead to major or non-major awards that are included in the NFQ;⁴
- Non-EU/EEA students undertaking programmes leading to major or non-major awards that are included in the NFQ.

It is also recognised that there are significant numbers of international learners who participate on study abroad or exchange programmes, or on continuous professional development programmes, and other professional training programmes, that do not lead to awards included in the NFQ. As a result, certain regulatory requirements set out in this HE Code – specifically in relation to awards that are included in the NFQ – will not apply to these categories of programme provision. However, many of the principles and criteria set out in section 5 of the HE Code – for example, those concerning marketing and recruitment, information provision, and academic and pastoral supports – can and should apply to these categories of provision. In these and other relevant aspects, the HE Code should be observed in relation to international learners on exchange, study abroad, CPD and other professional training programmes.

2.3 Scope and content of the HE Code

In practice, the HE Code is a set of threshold requirements, particular to the provision of higher education to international learners in Ireland, and outside the state, which builds upon the strengths of the existing quality assurance system and is underpinned by national strategy. These requirements specifically relate to

- ethical and transparent marketing and recruitment processes;
- fair and transparent admission processes that support the successful participation of international students on their chosen programmes;

³ Listed awarding bodies are excluded from applying for the IEM for the purposes of offering programmes to learners outside the state that lead to awards in the NFQ. Listed awarding bodies (LABs) are defined in the Glossary of Abbreviations, Acronyms and Terms below (appendix 4).

⁴ The right of British citizens to access higher education in Ireland, and the associated access to student supports, is provided for in the *Memorandum of Understanding between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the Common Travel Area and associated reciprocal rights and privileges*: [Memorandum-of-Understanding-Ire-version.pdf \(dfa.ie\)](#).

- the provision of accurate and clear information on study and subsistence costs;
- the pastoral and academic care of international learners;
- the provision of coherent English language supports to international learners whose first language is not English;
- provision of programmes to learners outside the state, offered in transnational education settings and/or through remote, fully online modes of learning.

In establishing these threshold requirements, the HE Code has drawn upon international effective practice, as well as effective practice nationally.⁵ It recognises, however, that the needs and expectations of international learners may vary or change from pre-enrolment through to graduation or exit, and that the HE providers themselves, through their engagement with their international learners, are best placed to accommodate those varying or changing needs during the lifecycle of the learner. It also recognises that the HE providers are best placed to judge the way particular criteria are applied in particular circumstances. Individual criteria should be applied appropriately and proportionately in different circumstances. For example, it would not be appropriate to provide information on the cost of studying in Ireland to learners undertaking remote online programmes. In a similar fashion, it would not be proportionate to provide the same level of pastoral support to a learner undertaking a remote online programme leading to a micro-credential, and a learner moving to Ireland to undertake a programme leading to a major award. Furthermore, there exists significant diversity in institutional missions and practice across providers. Thus, it is possible that not all the requirements of the HE Code will necessarily be relevant to all HE providers but will be dependent upon their circumstances and the range of programmes and services they offer. In evaluating their compliance with the HE Code for the purpose of applying for authorisation to use the IEM, individual providers should carefully identify the provisions in the HE Code that are relevant to their activities with international learners.

Finally, the HE Code acknowledges the important role that an internationalised campus can play in enhancing the quality of the international learner's experience. Such an approach has the potential to support an enriched experience for all the learners, staff and stakeholders associated with the HE provider, and to assist in promoting equality, intercultural diversity, multiculturalism, plurilingualism and social integration.

5 Key international benchmarks include *inter alia* the Australian Government's *National Code of Practice for Providers of Education and Training to Overseas Students 2018*: [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(internationaleducation.gov.au\)](https://www.internationaleducation.gov.au); the New Zealand Qualification Authority's *The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021*: [NZQA Pastoral-Care-Code-of-Practice_English.pdf](#); the Quality Assurance Agency for Higher Education's (UK), *Supporting and Enhancing the Experience of International Students in the UK* (2015): [Supporting and Enhancing the Experience of International Students in the UK: A Guide for UK Higher Education Providers \(qaa.ac.uk\)](#); the UK Council for International Student Affairs' (UKCISA) *Code of practice for members 2021*: [Code of practice.pdf \(ukcisa.org.uk\)](#) and The National Code of Ethical Practice for UK Education Agents 2021: [National-Code-of-Ethical-Practice-for-UK-Education-Agents-FINAL-Flag-version-2.pdf \(buila.ac.uk\)](#).

3. STRUCTURE OF THE HE CODE

The HE Code comprises criteria to be met by providers organised under seven categories:

- General statutory requirements
- Marketing and recruitment
- Admissions and qualifications' recognition
- Fees, refunds, and subsistence
- Supports and services for international learners
- English language policy for international learners and international foundation year programmes
- Provision to international learners outside the state.

Apart from the general statutory requirements, which are considered in the following section, all of the categories are addressed in section 5 of the HE Code. Each is described by an overarching principle and supported by a series of criteria. It is of note that many of these criteria relate to how a provider communicates with its international learner cohort. Collectively, they emphasise that providers should make a focussed effort to communicate clearly and honestly with international learners in relation to the specific needs of this cohort.

The following principles are embedded throughout the seven categories:

- Learner integration and its importance in fostering a sense of community
- Learner protection
- Comprehensive information provision, which is relevant, transparent, clear, succinct, and up to date
- Feedback mechanisms which enable the provider to identify issues and respond proactively
- Opportunities for the forming of academic and social networks.

The HE Code also includes five appendices. Appendices 1 and 2 include information on related learner protection measures and the providers they apply to. Appendix 3 reproduces the text of The London Statement, an internationally recognised statement of principles for the ethical recruitment of international students by education agents and consultants. This document is referenced as the required benchmark in section 5.1.2 (criteria d, e, and h) of this HE Code. Appendix 4 provides a glossary of acronyms, abbreviations and terms used in the text. Appendix 5 provides a list of references to useful sources of information for providers and learners. These resources may also be of interest to other stakeholders.

4. General Statutory Requirements

4.1. Quality assurance

In invoking the HE Code for the purpose of applying for authorisation to use the IEM, a HE provider must:

- have established procedures for quality assurance under Section 28 of the 2012 Act as amended. These should address, in an appropriate manner, the requirements of this HE Code and other requirements for authorisation to use the IEM as set out in Part 5 of the same act.

Mindful of this requirement, the HE Code itself builds on existing sectoral practice and QQI policy to establish a focused set of standards for the provision of programmes to international learners by HE providers in Ireland. It can be used by HE providers to check their practices and to identify areas that may require development. It can also assist each HE provider in its efforts to ensure a positive experience for its international learners from the first point of engagement through to graduation or exit. Compliance with the HE Code should be integrated into providers' quality assurance policies and procedures.

4.2. Access, transfer, and progression

In invoking the HE Code for the purpose of applying for authorisation to use the IEM, a HE provider must:

- have established procedures for access, transfer, and progression under Section 56 of the 2012 act as amended.

These procedures should be cognisant of the interests and needs of international learners, and reference, in an appropriate manner, where information is provided by the HE provider on the pathways for international learners to further study, employment, and residency (where applicable).

4.3. Programmes and awards

A HE provider may invoke the HE Code for the purpose of applying for authorisation to use the IEM:

- if all programmes offered by the provider to international learners lead to one or more awards included in the NFQ;
- in respect of each programme offered by the provider which leads to an award that is included in the NFQ.

Under section 79 of the 2012 Act as amended, QQI maintains a database, the Irish Register of Qualifications (IRQ),⁶ to provide authoritative information on awards included in the NFQ, and their associated programmes. HE providers and/or designated awarding bodies must provide the information required to populate the database. The IRQ is the authoritative information source on programmes leading to awards included in the NFQ and will support national policy and strategy related to the internationalisation of Irish higher education, including the implementation of the IEM.

6 [Irish Register of Qualification \(irq.ie\)](http://irishregisterofqualification.irq.ie)

4.4. Statutory due diligence assessment

In invoking the HE Code for the purpose of applying for authorisation to use the IEM, specified HE providers or listed awarding bodies, except those expressly exempted under section 65(6) of the 2012 Act as amended, must demonstrate to QQI that they meet certain criteria concerning governance, finance, and compliance with the law (Section 29(B) 2012 Act as amended). The purpose of this due diligence requirement is to give QQI reasonable assurance that the said providers or listed awarding bodies have the capacity and capability to implement robust quality assurance procedures, and to provide coherent programmes of education and training.

Specified HE providers that have had their quality assurance procedures approved by QQI under the 2012 Act as amended, and who have had higher education programmes validated by QQI under the same act, will not be required to undergo a due diligence assessment as part of their application for authorisation to use the IEM. In assessing a specified HE provider's compliance with HE Code, QQI may, at its discretion, request a specified HE provider to demonstrate to QQI that it meets the criteria specified under the Ministerial regulations (section 29A(1) 2012 Act as amended). Additional information on the due diligence assessment process is set out in appendix one below.

4.5. Requirements relating to the protection of enrolled learners (PEL); the collection of fees; the tax compliance of providers; and the management of provider human resources

Section 60(6) of the 2012 Act as amended requires that the HE Code shall specify requirements relating to the:

- collection of fees from enrolled learners
- arrangements for the protection of enrolled learners
- tax compliance of providers
- providers' policies and procedures for the management of human resources.

These requirements are addressed in the following manner in this HE Code (sections 4.5.1-4.5.4 below).

4.5.1. Collection of fees

The statutory requirement in relation to collection of fees is addressed below in section 5.4 of this HE Code.

4.5.2. Arrangements for the protection of enrolled learners (PEL)

The statutory arrangements for the protection of enrolled learners are set out in appendix two of this HE Code.

4.5.3. Tax compliance of providers

HE providers must be fully tax compliant on an ongoing basis. This requirement is addressed in the context of the statutory due diligence assessment referred to above in section 4.4, and in appendix one, of this HE Code.

4.5.4. Providers' policies and procedures for the management of human resources

The statutory requirement in relation to providers' policies and procedures for the management of human resources is addressed in the context of the statutory due diligence assessment referred to above in section 4.4, and in appendix one, of this HE Code.

5. Principles and Criteria

5.1 MARKETING AND RECRUITMENT

Principle

HE providers recruit international learners in a transparent and ethical manner. In their marketing and promotional materials, they ensure that accurate, relevant, accessible, clear, succinct, and up to date information is provided.

HE providers shall demonstrate compliance with the following criteria in the areas of marketing and recruitment.

5.1.1 Marketing

- A. HE providers shall endeavour proactively to understand the information needs of prospective international learners.
- B. HE providers shall ensure that information provided to potential international learners about the institution and its provision is accurate, relevant, clear, succinct, and up to date. This shall include information about the intended purpose of the provision e.g., to prepare a learner for further study or specific employment etc. Where necessary, it should also include information on associated immigration requirements, including student visas.
- C. Where applicable, information should also be provided on the professional accreditation status of programmes and whether the professional recognition status is known in the home countries of prospective international learners.
- D. Where applicable, information on practice placement requirements, and how these may be fulfilled, should also be made be known to prospective international learners.
- E. HE providers shall be compliant with information for learner requirements as set out in Section 67 of the 2012 Act as amended (see also section 4.3 above). They shall confirm:
 - i. whether or not the successful completion of the programme entitles the learner to an award;
 - ii. the awarding body making the award;
 - iii. the title of the award;
 - iv. whether the award is one that is included in the NFQ;
 - v. the level at which the award is included in the NFQ;
 - vi. whether the award is a major, minor, special purpose or supplemental award as identified in the NFQ;
 - vii. the procedures for access, transfer and progression that are in place including the pathways for international learners for further study, employment, and residency where applicable (see also section 4.2 above);
 - viii. details, where appropriate, of the arrangements in place for the protection of enrolled learners under Section 65 of the 2012 Act as amended (see section 4.5.2 above and appendix two of this code).

- F. HE providers shall ensure that information is provided in a way that is accessible to international learners and assists them in making informed decisions. This information should support international learners in understanding all matters related to a programme prior to enrolment. If provided in a different language, it is the responsibility of the HE provider to ensure that the information is accurate, clear, succinct, transparent and up to date.
- G. HE providers shall accurately represent their organisation and facilities in all marketing and promotional materials and ensure that no false or misleading information is issued.
- H. HE providers shall provide contact details for an appropriate person(s) to provide assistance with queries from international learners prior to enrolment, e.g., a programme coordinator or international office.
- I. HE providers shall clearly state attendance requirements. Sanctions for learners who do not fulfil these requirements shall be clear, including the process of expulsion.⁷
- J. HE providers shall state the commencement dates for all programmes.

5.1.2. Recruitment

- A. Prior to enrolment, HE providers shall ensure the availability and provision of all relevant financial information pertaining to the study and average subsistence costs of their programme provision, from the period of enrolment through to graduation.
- B. Prior to enrolment, HE providers shall ensure that the learner is made aware of any insurance requirements, e.g., medical or travel insurance; and the availability of accommodation, and any accommodation services provided.
- C. HE providers shall have a written agreement with each recruitment agent that formally represents their programme provision.
- D. HE providers shall ensure that any contractual arrangements entered with a recruitment agent incorporate the principles of The London Statement. Existing contracts that do not incorporate these principles shall be amended appropriately within two years of the date of HE provider's application for authorisation to use the IEM.⁸
- E. The contract between the HE provider and agent shall include a termination clause in instances where the agent does not comply with the principles of the London Statement or is found to have acted in an unethical fashion to the detriment of international learners.
- F. HE providers shall perform due diligence, e.g. three reference checks, to verify the track record of agents in relation to learner protection issues prior to entering into a contractual agreement.
- G. HE providers shall ensure that all agents contracted to them are in possession of accurate and up-to-date information regarding the provider and its provision.
- H. HE providers shall have in place a transparent process for monitoring and reviewing the activities of agents including, where appropriate, feedback from applicants, to ensure that the agent is operating within the spirit of the HE Code and the London Statement.
- I. HE providers required to put in place arrangements for the protection of enrolled learners under Section 65 of the 2012 Act as amended shall do so prior to the recruitment of learners (see also section 4.5 and appendix two of this code).

⁷ Visa required students may be subject to greater scrutiny of attendance to ensure compliance with the immigration regime of the state.

⁸ The text of the London Statement is set out in Appendix 1 below.

5.2 ADMISSIONS AND QUALIFICATIONS' RECOGNITION

Principle

HE providers operate fair, transparent and consistent admission policies that support the successful participation of international learners on their chosen programmes.

HE providers will demonstrate compliance with the following criteria in the areas of admissions and qualifications recognition.

- A. HE providers shall clearly specify entry requirements for international learners that support the successful participation of the learners in their chosen programmes.
- B. HE providers' entry requirements shall clearly specify English language proficiency requirements for applicants whose first language is not English. These should include references to the benchmarks used in assessing proficiency requirements and, like other entry requirements, support the successful participation of international learners in their chosen programmes.
- C. HE providers should adopt the principles, and follow the guidance, contained in the Lisbon Recognition Convention (LRC) and subsidiary texts in assessing the qualifications presented by international learners for the purpose of admission to their programmes.⁹ Qualifications should be assessed in an accessible and fair manner and within a reasonable timeframe.¹⁰
- D. HE providers should recognise qualifications that are recognised for the purpose of access to programmes in an international applicant's own higher education system, unless a substantial difference can be demonstrated between the requirements for admission to the applicant's own higher education system and those of the Irish HE provider.¹¹
- E. HE providers shall provide a timely written response to international applicants who are refused admission.
- F. Where a HE provider decides to withhold recognition of a qualification from an international learner for the purpose of admission, the reasons for the refusal to grant recognition shall be stated, and information provided concerning possible measures the applicant may take to obtain recognition at a later stage. If a HE provider decides to withhold recognition of a qualification for the purpose of admission, or if no decision is taken, the applicant shall be able to make an appeal within a reasonable time limit.¹²
- G. HE providers shall support QQI, as appropriate, in implementing its statutory function to facilitate the recognition outside the state of awards made in the state, including the home countries of their international learners.¹³

⁹ The LRC represents the principal international legal document aimed at helping achieve fair recognition of both completed higher education qualifications and qualifications providing access to higher education in the European Region. Ireland ratified this joint Convention of the Council of Europe (CoE) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2004. The text of the convention is available at: [CETS 165 - Convention on the Recognition of Qualifications concerning Higher Education in the European Region \(coe.int\)](https://www.coe.int/t/t09/Les_Livres/Les_Livres.asp?file=9/1/13/13.pdf).

¹⁰ LRC Articles III.1, III.2 and III.5. See also the European Council's recommendation on automatic recognition: <https://education.ec.europa.eu/education-levels/higher-education/inclusive-and-connected-higher-education/automatic-recognition-of-qualifications>

¹¹ LRC Articles IV.1 and IV.3.

¹² LRC Article III.5.

¹³ 2012 Act as amended section 9(2)(m)(ii).

5.3 FEES, REFUNDS AND SUBSISTENCE

Principle

HE providers provide all learners with clear, accessible, and up to date information on all study-related costs, including subsistence and accommodation. HE providers shall inform learners about fees and other costs associated with undertaking a programme of study in Ireland.

HE providers will be assessed against and asked to demonstrate compliance with the following criteria in the areas of tuition and tuition-related fees and additional costs.

5.3.1. Tuition and tuition-related fees

- A. HE providers shall provide information on compulsory fees for the full duration of the programme from registration and admission to graduation or exit from the programme. Where fees may change, this shall be clear to applicants in information provided.
- B. HE providers shall provide information on the collection or payment of fees, including sanctions for late payment and debt collection for moneys owed.
- C. HE providers shall establish a fees structure that supports the mission of the organisation and reflects the costs associated with quality provision.
- D. HE providers shall ensure that there are no additional fees or unexpected charges that international learners have not been made aware of.
- E. HE providers shall issue a receipt to international learners upon receipt of payment of fees which will include a breakdown of fees paid.
- F. HE providers shall establish and publish a procedure on full and partial refunds. This procedure shall outline the conditions under which a refund will be granted e.g., a refused visa application in the case of a non-EEA learner.
- G. HE providers shall provide information on any financial supports or resources that exist in the organisation, or nationally, for international learners.

5.3.2. Other costs

- A. HE providers shall provide reliable indicative information on the cost of studying on their programmes e.g., the costs of textbooks, electronic resources, computer requirements, protective equipment etc.
- B. HE providers shall furnish prospective learners with information regarding the average cost of living (e.g., accommodation, food, transport, medical care) for the programme duration.
- C. HE providers shall provide information on:
 - i. fees for accommodation services, if offered by the HE provider or other accommodation service providers;
 - ii. fees for complaints and appeals procedures as relevant (e.g., rechecking of exam results).
- D. HE providers shall provide information on any other costs related to the provision of student services as considered relevant by the provider.

5.4. SUPPORTS AND SERVICES FOR INTERNATIONAL LEARNERS

Principle

HE providers shall foster a supportive environment which supports the well-being and integration of all learners into the student body and ensures a positive learning experience for all learners

5.4.1. Pastoral Supports and Services

- A. HE providers shall designate appropriate personnel to be responsible for inquiries about pastoral care issues from international learners e.g., course coordinator, counsellor, or international officer.
- B. HE providers shall offer information to international learners prior to their arrival to help them adjust to their new surroundings e.g., information on transport, banking, the availability of accommodation and accommodation services.
- C. HE providers shall ensure that inductions offered to learners also meet the needs of international learners, including intercultural awareness. They shall provide full information and advice on the services, supports and facilities available to international learners, including clarification, where appropriate, of those instances where learner expectations cannot reasonably be accommodated by the provider.
- D. The induction programme shall be provided to all cohorts of international learners that register or enrol at various times of the year, including learners that access programmes through advanced entry.
- E. HE providers shall provide information on all integration opportunities available to international learners and encourage learners to avail of those opportunities.
- F. HE providers shall ensure that international learners are aware of opportunities to participate in, and be represented at, engagements between the provider and the student body. Where possible they should provide, in collaboration with student representative bodies, information on national student engagement initiatives and opportunities for international learners to avail of training opportunities.
- G. HE providers shall have mechanisms in place to support international learners financially in instances of personal or other emergency or hardship.
- H. HE providers shall facilitate and encourage feedback from international learners on the delivery of any supports and services. This includes informing learners about complaints processes for these services.
- I. HE providers shall monitor, where appropriate and on a continuing basis, the use of services by international learners. They shall also monitor the extent of their integration on campus.

5.4.2. Academic Supports and Services

- A. HE providers shall offer induction that is accessible to all learners and, where appropriate, tailored to the needs of international learners. They shall provide full information and advice on all relevant institutional and academic policies.
- B. Inductions shall be provided to learners and cohorts that enrol at different points during the year, including those accessing programmes through advanced entry.

- C. HE providers shall ensure the information provided at induction is easily accessible throughout the academic year and shall offer reminders of this information at key points during the year e.g., in the lead-up to examinations or submission of assignments.
- D. HE providers shall include academic integrity as a core component of induction for all learners, including international learners. Recognition shall be given in inductions to the different education cultures of international learners, and the content, advice and support they impart will be relevant and specific to the Irish higher education context. Formal and informal conversations about academic integrity should be held on an ongoing basis throughout the period of enrolment of all learners, including international learners.¹⁴
- E. HE providers shall endeavour to integrate their international learners, through their inductions and through their policies, procedures, and services, into the wider learner community.

5.4.3. Staff Training

- A. HE providers shall ensure that, where needed, staff are provided with training and support to facilitate an appropriate and effective delivery of programmes and services to international learners. This should include, where appropriate, training in intercultural competence and support for the development of English language education competence.

¹⁴ National Academic Integrity Network (NAIN), *National Academic Integrity Guidelines* (QQI, 2021), sections 3.1.3, 3.2.2, and 3.2.14: [academic-integrity-guidelines.pdf \(qqi.ie\)](https://www.qqi.ie/academic-integrity-guidelines.pdf)

5.5 ENGLISH LANGUAGE POLICY AND INTERNATIONAL FOUNDATION YEAR PROGRAMMES

Principle

The English language supports provided by HE providers to international learners, including through the provision of international foundation year programmes, are underpinned by a coherent and transparent institutional policy approach.

HE providers will demonstrate compliance with the following criteria in relation to English language supports.

- A. HE providers shall have an English language policy for international learners, which shall
- i. document the policy approach and process for assessing English language proficiency entry requirements (see also section 5.2 above);
 - ii. comprehend, as appropriate, the institution's policy approach to the provision, support, and development of English for Academic Purposes;
 - iii. give consideration to the standard of English language proficiency expected from non-native speakers on completion of their higher education programmes;
 - iv. document the arrangements for different types of programmes, such as:
 - international foundation year programmes,
 - pre-sessional programmes/modules,
 - in-sessional programmes/modules.
- B. HE providers offering international foundation year programmes¹⁵ shall set out in their English language policy for international learners
- i. the quality assurance and awarding arrangements for these programmes,
 - ii. and the corporate and academic governance arrangements in place where such programmes are provided in partnership with other entities e.g., a private English language school, other private education provider or campus company.
- C. For compliance with this code of practice, an international foundation programme should lead to one of the following awards included in the NFQ:
- i. QQI Preparation for Undergraduate Programme, leading to NFQ Level 5 Special Purpose Award
 - ii. QQI Preparation for Postgraduate Programme, leading to NFQ Level 8 Special Purpose Award¹⁶
 - iii. Equivalent programmes leading to awards that are included in the NFQ and validated by an Irish awarding body.

¹⁵ See appendix four for a definition of international foundation year programmes.

¹⁶ On the QQI international foundation awards see QQI Awards Standards for Pre-Higher Education Foundation Awards for International Students (QQI, 2015): [ify-standards-201115-lr3.pdf](https://www.qqi.ie/standards-201115-lr3.pdf) (qqi.ie)

- D. Where HE providers currently offer international foundation year programmes that do not lead to awards that are included in the NFQ, they must secure programme validation/course approval for such programmes through an Irish awarding body, within two years of the date of their application for authorisation to use the IEM.¹⁷

¹⁷ This criterion is intended to clarify the nature of international foundation year programmes for international learners and their relationship to other programmes and awards in the NFQ. Its fulfilment will be a condition of authorisation to use the IEM.

5.6. INTERNATIONAL LEARNERS OUTSIDE THE STATE

Principle

HE providers ensure that learners outside the state who are enrolled on their programmes receive quality learning experiences, where these programmes lead to awards that are included in the NFQ, and whether they are offered in transnational education settings and/or through remote, fully online modes of learning.

HE providers will demonstrate compliance with the following criteria in the areas of transnational education and remote online provision.

5.6.1. Transnational education

- A. HE providers, having regard to their statutory quality assurance obligations, shall ensure that the academic quality, standard and recognition of their transnational education programmes are equivalent to the academic quality, standard and recognition of the programmes they provide within the state.
- B. HE providers should apply the principles and criteria set out in this HE Code in an equivalent manner in transnational education settings, including in relation to the provision of student support services.
- C. HE providers shall support QQI, as appropriate, in implementing its statutory function to facilitate the recognition outside the state of awards made in the state. This facilitatory function extends to awards included in the NFQ, where the programmes leading to these awards are provided outside the state.
- D. Linked providers that intend to offer transnational education programmes that lead to awards in the NFQ should only do so with the agreement of the designated awarding body or bodies making the awards.

5.6.2. Remote online provision

- A. HE providers, having regard to their statutory quality assurance obligations, should ensure that the academic quality, standard and recognition of their remote online programmes are equivalent to the academic quality, standard and recognition of the programmes they provide through other teaching and learning modes.
- B. HE providers should apply the principles and criteria set out in this HE Code in an equivalent manner in relation to learners outside the state enrolled on remote online programmes, including in relation to the provision of student support services.
- C. HE providers shall support QQI, as appropriate, in implementing its statutory function to facilitate the recognition outside the state of awards made in the state. This facilitatory function extends to awards included in the NFQ, where the programmes leading to these awards are offered through remote online programmes.
- D. Linked providers that intend to offer remote online programmes to learners outside the state that lead to awards in the NFQ shall only do so with the agreement of the designated awarding body or bodies making the awards.

Appendix One: Statutory due diligence assessment

Listed awarding bodies and specified providers invoking the HE Code for the purpose of applying for authorisation to use the IEM, except for those expressly exempted under section 65(6) of the 2012 Act as amended, must demonstrate to QQI that they meet certain due diligence criteria specified in regulations under section 29B(1) of the same Act. The regulations are determined by the Minister for Further and Higher Education, Research, Innovation and Science, and their intent is to afford a reasonable assurance to QQI that the specified HE provider or listed awarding body has the capacity and capability to:

- implement quality assurance procedures
- provide programmes of education and training consistent with the requirements of the 2012 act as amended.

The following institutions are exempt from the statutory due diligence requirements as set out in section 65(6) of the 2012 Act as amended:

- previously established universities
- technological universities
- institutes of technology
- the Institute of Public Administration, the Royal College of Surgeons in Ireland, the Royal Irish Academy of Music, Mary Immaculate College, Marino Institute of Education, and the National College of Art and Design.

Specified HE providers that have had their quality assurance procedures approved by QQI under the 2012 Act as amended, and who have had higher education programmes validated by QQI under the same act, will not be required to undergo a due diligence assessment as part of their application for authorisation to use the IEM. In assessing a specified HE provider's compliance with HE Code, QQI may, at its discretion, request a specified HE provider to demonstrate to QQI that it meets the criteria specified under the Ministerial regulations (section 29A(1) 2012 Act as amended).

Appendix Two: Arrangements for the protection of enrolled learners (PEL)

Part 6 of the 2012 Act as amended provides for a new statutory PEL scheme underpinned by a Learner Protection Fund. The new scheme applies to programmes of education and training of three months duration or longer and English language programmes. It will apply to:

- HE providers with programmes leading to QQI awards
- linked providers in respect of provision that is through designated awarding bodies, unless named as exempt in the 2012 Act as amended
- listed awarding bodies and their associated providers
- ELE providers that receive authorisation to use the IEM.

Details of the new PEL scheme and the Learner Protection fund will be published by QQI in due course. The requirements for PEL specified in this HE Code generally refer to this scheme. Some providers have previously existing PEL arrangements in place. The Minister for Further and Higher Education, Research, Innovation, and Science has the discretion to provide for the statutory continuity of existing PEL arrangements for a maximum of three years from the commencement of section 29 of the 2012 Act as amended.

The following institutions are exempt from the statutory PEL scheme:

- previously established universities
- technological universities
- institutes of technology
- the Institute of Public Administration, the Royal College of Surgeons in Ireland, the Royal Irish Academy of Music, Mary Immaculate College, Marino Institute of Education, and the National College of Art and Design.

Appendix Three: The London Statement 2012¹⁸

Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants

1 Introduction

1.1 Context

Increasing numbers of students now move across national borders seeking education and training opportunities to gain internationally recognised qualifications. The OECD publication Education at a Glance 2010 sources OECD and UNESCO Institute for Statistics, which estimated that more than three million tertiary students were educated outside their home country in 2008. Some commentators project that global demand for international education could be expected to rise to almost eight million by 2025.

The growth in the number of international students has been accompanied by an increase in the number of education agents and consultants who provide services to them. Education agents and consultants are integral and important stakeholders in international education.

1.2 Background to the Initiative

The Roundtable on the Integrity of International Education is a forum at which the UK, Australia, Canada, Ireland, New Zealand and the US meet to share knowledge and experience and identify common areas of practice and concern, as well as scope for collaboration. At the initial meeting of the Roundtable in 2010 Australia proposed developing a joint international code of ethics for international education agents which would facilitate a common approach and raise ethical standards.

The development of a 'Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants' is the initiative that flowed from that proposal. The UK, Australia, Ireland and New Zealand agreed to the statement of principles on 16 March.

Each of these countries is now working towards implementing the principles. This includes training and communications for Agents.

1.3 Purpose

This high-level Statement of Principles promotes best practice among the education agents and consultant professions that support international students. The Statement of Principles is a unifying set of understandings for the recruitment of, and related services provided to, students in international education which serve to promote best practice among education agents and consultants. The Statement will be reflected in each country's approach to international education.

A report on activity will be presented to the Roundtable meeting in 2013.

A number of factors which could be addressed under each principle when developing initiatives and actions are provided in an [Attachment](#) to this Statement of Principles.

2 Ethical Framework

The Statement of Principles is based on an underlying ethical framework of:

¹⁸ [london_statement.pdf \(britishcouncil.org\)](http://london_statement.pdf(britishcouncil.org))

- **Integrity** - being straightforward and honest in all professional and business dealings;
- **Objectivity** - not allowing professional judgment to be compromised by bias or conflict of interest;
- **Professional competence and due care** - maintaining professional knowledge and professional service, and acting diligently;
- **Transparency** - declaring conflicts of interest to all clients, especially when service fees are charged to both the education provider and the prospective student;
- **Confidentiality** - respecting and preserving the confidentiality of personal information acquired and not releasing such information to third parties without proper authority;
- **Professional behaviour** - acting in accordance with relevant laws and regulations and dealing with clients competently, diligently and fairly; and
- **Professionalism and purpose** - acting in a manner that will serve the interests of clients and the wider society even at the expense of self-interest; recognising that dedication to these principles is the means by which the profession can earn the trust and confidence of stakeholder groups (individual clients, the public, business and government).

3 Principles

- **Principle 1** - Agents and consultants practice responsible business ethics.
- **Principle 2** - Agents and consultants provide current, accurate and honest information in an ethical manner.
- **Principle 3** - Agents and consultants develop transparent business relationships with students and providers through the use of written agreements.
- **Principle 4** - Agents and consultants protect the interests of minors.
- **Principle 5** - Agents and consultants provide current and up-to-date information that enables international students to make informed choices when selecting which agent or consultant to employ.
- **Principle 6** - Agents and consultants act professionally.
- **Principle 7** - Agents and consultants work with destination countries and providers to raise ethical standards and best practice.

The Attachment to the London Statement is available at: [Attachment to the London Statement \(live.com\)](#)

Appendix Four: Glossary of Abbreviations, Acronyms and Terms

Advanced entry	Advanced entry to a higher education programme occurs in instances where a learner has attained the learning outcomes of part of the programme through prior educational and/or work experience, and is admitted by the HE provider to a later stage of the programme (Year 2, Year 3 etc.)
Agent	see recruitment agent
Designated awarding bodies (DABs)	Designated awarding bodies comprise previously established universities, the National University of Ireland, technological universities, institutes of technology and RCSI.
ELE	English Language Education
HE	Higher Education
IEM	International Education Mark
Induction	Induction comprises a series of activities conducted by providers with new students, which serve to welcome the students; introduce them to the structures and processes of the provider; ensure familiarity with the facilities and services offered by the providers; and inform them where they can obtain guidance and support during their time as a student.
International foundation year programme	An international foundation year programme is defined as a programme which provides the formation necessary to enable an international student meet the minimum academic requirements (all other things being equal) for participation in a higher education programme in an Irish higher education institution and to cope with living and studying in Ireland.
Internationalised campus	An internationalised campus may be defined as one where the higher education institution consciously endeavours to embed international and comparative perspectives into its teaching, research, and engagement missions.
Linked provider	A linked provider is a provider that has a place of business in the state and is not a designated awarding body, but who enters an arrangement with a designated awarding body, under which it provides a programme of education and training that satisfies all or part of the prerequisites for an award of the designated awarding body.

Listed awarding bodies (LABS)	Listed awarding bodies are a new category of awarding body, who, under the 2012 Act as amended, may obtain regulated access to the NFQ for their awards. The formal inclusion of such awards in the NFQ will benefit those learners who hold these awards, and further develop the NFQ as a mechanism for relating learning achievements and enhancing qualifications recognition. Listed awarding bodies may include professional bodies in areas such as law and accountancy; UK awarding bodies that issue vocational and technical qualifications; and international organisations or sectoral bodies that award qualifications linked to specific industries, technologies, or occupations
LRC	Lisbon Recognition Convention
NFQ	National Framework of Qualifications
Recruitment agent	A recruitment agent is an individual or organisation commissioned by a higher education provider to advise prospective international students on its programmes and assist them with the application process.
Relevant provider	A relevant provider is defined under section 1 of the 2012 Act as amended. For the purposes of this HE Code they include universities; technological universities; institutes of technology; RCSI; providers whose programmes have been validated by QQI; providers with delegated authority from QQI to make awards; providers authorised by QQI to use the IEM; linked providers; and listed awarding bodies providing one or more programmes leading to its own awards that are included in the NFQ.

Appendix Five: Resources for Providers and Learners

Australia, Government of, National Code of Practice for Providers of Education and Training to Overseas Students 2018: [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(internationaleducation.gov.au\)](https://internationaleducation.gov.au).

Council of Europe, Lisbon Recognition Convention, [CETS 165 - Convention on the Recognition of Qualifications concerning Higher Education in the European Region \(coe.int\)](https://www.coe.int/t/t09/Lisbon_Convention)

Education in Ireland website: [Study in Ireland - Education in Ireland](https://www.education.gov.ie)

European Council, Recommendation on promoting automatic mutual recognition of qualifications and learning periods (2018): <https://education.ec.europa.eu/education-levels/higher-education/inclusive-and-connected-higher-education/automatic-recognition-of-qualifications>

Irish Council for International Students website: [Irish Council for International Students | ICOS](https://www.icos.ie).

Law Reform Commission, administrative consolidation of the Qualifications and Quality Assurance (Education and Training) Act 2012 (updated to 21 October 2020): [Untitled \(lawreform.ie\)](https://www.lawreform.ie)

National Academic Integrity Network (NAIN), Academic Integrity: National Principles and Lexicon of Common Terms (QQI, 2021 [academic-integrity-national-principles-and-lexicon-of-common-terms.pdf \(qqi.ie\)](https://www.qqi.ie/academic-integrity-national-principles-and-lexicon-of-common-terms.pdf)).

National Academic Integrity Network (NAIN), National Academic Integrity Guidelines (QQI, 2021): [academic-integrity-guidelines.pdf \(qqi.ie\)](https://www.qqi.ie/academic-integrity-guidelines.pdf).

New Zealand Qualification Authority, The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021: [NZQA Pastoral-Care-Code-of-Practice English.pdf](https://www.nzqa.govt.nz/pastoral-care-code-of-practice)

Quality and Qualifications Ireland (QQI), QQI Awards Standards for Pre-Higher Education Foundation Awards for International Students (QQI, 2015): [ify-standards-201115-lr3.pdf \(qqi.ie\)](https://www.qqi.ie/ify-standards-201115-lr3.pdf)

UK Council for International Student Affairs (UKCISA), Code of practice for members 2021: [Code of practice.pdf \(ukcisa.org.uk\)](https://www.ukcisa.org.uk/code-of-practice.pdf)

UK Council for International Student Affairs (UKCISA), The National Code of Ethical Practice for UK Education Agents 2021: [National-Code-of-Ethical-Practice-for-UK-Education-Agents-FINAL-Flag-version-2.pdf \(buila.ac.uk\)](https://www.buila.ac.uk/national-code-of-ethical-practice-for-uk-education-agents-final-flag-version-2.pdf).

(UK) Quality Assurance Agency for Higher Education's, Supporting and Enhancing the Experience of International Students in the UK (2015): [Supporting and Enhancing the Experience of International Students in the UK: A Guide for UK Higher Education Providers \(qaa.ac.uk\)](https://www.qaa.ac.uk/supporting-and-enhancing-the-experience-of-international-students-in-the-uk)



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international.education@qqi.ie

(please put 'HE CODE' in the subject field).

In your submission please clearly indicate:

1. *Your contact details.*
2. *Whether you are responding as an individual or on behalf of an organisation.*
3. *If you do not wish your submission to be published.*

The closing date for submissions is **16th December 2022**
