

Learner Protection - English Language Education Provision

Frequently Asked Questions

(a) *I am an English language school. Will I be subject to the annual learner protection charge?*

English language schools/providers of English language education that apply successfully for authorisation to use the TrustEd Ireland mark under section 61 of the 2012 Act will be subject to the annual charge for learner protection. These schools/providers are called 'obligated providers'.

(b) *When will the annual charge be payable by English language schools that are authorised to use the TrustEd Ireland mark?*

An English language school/provider of English language education will be subject to the annual learner protection charge from the date on which the school/provider is authorised to use the TrustEd Ireland mark. The annual charge will be payable:

- (i) prior to the commencement of the relevant programme(s), and
- (ii) prior to the acceptance of any moneys from the learner (or on behalf of a learner) in respect of that programme(s).

(c) *Does an English language school/provider of English language education have to continue to maintain its current learner protection arrangements when it applies for authorisation to use TrustEd Ireland mark?*

Learner protection arrangements established currently by English language schools/providers of English language education are **not** statutory arrangements. These are required for the purpose of inclusion of programmes on the Interim List of Eligible Programmes (ILEP). These should remain in place until your programmes are no longer on the ILEP and/or you are authorised to use the TrustEd Ireland mark and your programmes are covered by the Learner Protection Fund.

(d) *What is the difference between learner protection arrangements currently in place in English language schools and the learner protection arrangements being established under the 2012 Act?*

Existing learner protection arrangements in English language schools are non-statutory. They are only required for the purpose of inclusion of programmes on the ILEP and therefore only apply to learners who are visa required. This is a sub-set of all learners enrolled in English language schools. The learner protection arrangements to be introduced with the establishment of the Learner Protection Fund will apply to all learners in English language schools/English language providers.

(e) *Who sets the annual charge for learner protection?*

The Minister for Further and Higher Education, Research, Innovation and Science prescribes the amount of the annual charge to be paid by providers through regulations.

(f) *What is the amount of the protection of enrolled learners annual charge (annual charge) for English language schools/providers?*

The annual charge prescribed by the Minister is set out in **S.I. No. 430 of 2024** [Learner Protection Fund Regulations](#).

The formulae for the annual charge as prescribed are based on three elements:

- (i) programme duration,
- (ii) learner bands, and
- (iii) fees.¹

There are 3 categories of annual charges prescribed for English language programmes based on the following programme durations:

- (i) less than 4 weeks²
- (ii) 4 weeks to 12 weeks³, and

¹ Fees refers to tuition fees, registration fees, examination fees, library fees, student service fees and any other fees paid by or on behalf of the learner to the provider in respect of enrolment on the relevant programme and which relate to the provision of education, training and related services.

² Regulation 6 *S.I. No. 430 of 2024*

³ Regulation 7 *S.I. No. 430 of 2024*

- (iii) more than 12 weeks.⁴

In all cases the learner band is 15.

Illustrative tables to reflect the charge for each of the three categories are attached as *Appendix A*.

Providers are required to provide to QQI any information that is relevant to determining the amount of the charge.

(g) How do I calculate the annual charge if my learner numbers and fees are greater than those provided for on the attached illustrative tables?

There is a linear relationship between the learner bands and fee bands and the annual charge and therefore a calculation of the annual charge for any number of learners and level of fees based on the illustrative tables is straightforward.

For example, using Illustrative Table 2 (programmes of 4 to 12 weeks duration):

- the charge for 30 learners with a tuition fee of €1,000 is €900;
- the charge for 90 learners with a tuition fee of €1,000 will be €2,700
($30 * 3 = 90$; $€900 * 3 = €2,700$);
- the charge for 900 learners with a tuition fee of €1,000 will be €27,000
($90 * 10 = 900$; $€2,700 * 10 = €27,000$).

An online calculator which will accommodate a greater range of learner numbers and fee bands is also available on the QQI website.

(h) Who calculates the annual charge due by an English language school/English language education provider on the date on which a provider is authorised to use the TrustEd mark?

⁴ Regulation 8 S.I. No. 430 of 2024

The annual charge to be paid by an English language school/English language education provider will be calculated by QQI and based on information provided by the school/provider to QQI. The information to be provided will include learner numbers linked to the duration bands specified in the regulations, (see (f) above), and the associated programme fees. All information supplied will remain confidential. The English language school/English language education provider will be obliged to provide a reconciliation of the information provided year on year.

(i) What is the obligation of an English language school/English language education provider to operate an escrow account in the context of learner protection?

An English language school/English language Education provider that receives moneys⁵, from or on behalf of a learner, more than 40 days before the commencement of the provision by it of an English language programme, is obliged to lodge such moneys into an escrow account. Such moneys may not be released by the financial institution until it receives written notification that the programme has commenced. If the programme is not commenced, the moneys concerned may be returned to the learner, or someone acting on their behalf, by way of a full refund or partial refund in circumstances where the financial institution retains charges agreed under the original arrangement.

(j) When will English language schools/providers of English language education be billed for the Learner Protection Charge?

There will be two Learner Protection Charge billing periods for English language schools/providers of English language education each year. These are:

- (i) 1st June – 30th November, and
- (ii) 1st December – 31st May.

Invoices will be issued at the beginning of each billing period and the school/provider will have 30 days to pay. Therefore:

- (i) invoice issued in May, payment in June;
- (ii) invoice issued in November, payment in December.

⁵ Moneys includes tuition fees, registration fees, examination fees, library fees, student service fees and any other fees by or on behalf of the learner to the provider in respect of enrolment on the relevant programme and which related to the provision of education, training and related services.

Reference dates for gathering learner numbers and other required data, are as follows:

- (i) Data must be submitted by 28th February annually in respect of the previous June to November charge period inclusive.
- (ii) Data must be submitted by 31st August annually in respect of the previous December to May charge period inclusive.

(k) What happens if the number of learners in the school/provider are significantly different to the numbers in the data returned?

Providers will be given an opportunity to identify any significant change in learner numbers anticipated for the billing period in the context of the reference learner numbers provided. A significant change is **plus or minus 10%** of the input learner numbers. Any significant change identified will be interrogated and agreed prior to the finalisation of the invoice. It will be mandatory for a provider to advise of any increase in learner numbers and/or fees greater than 10% above the numbers returned.

The relevant dates for providers for each learner protection charge period to return this information will be May and October, i.e. prior to invoicing.

(l) What happens if a school/provider doesn't make accurate returns of information required?

A school/provider will be required to provide a reconciliation of data provided for the purpose of the annual charge with their accounts, and other appropriate reference points if deemed necessary. A number of reconciliation processes should be possible to confirm and verify the learner numbers and other information provided.

(m) What happens if a school/provider fails to make the annual charge payment in a timely manner?

If a school/provider fails to pay the annual charge by the relevant due date, an additional penalty charge will be payable. The penalty charge has two elements:

- (i) a lump-sum equal to 50% of the outstanding charge as of the payment date, and
- (ii) a recurring interest penalty where the late payment persists.⁶

(n) ***Is the Learner Protection Fund ever capped, and/or will the Learner Protection Fund be allowed to continue to grow?***

The Authority is obliged to prepare and publish a report annually in respect of the operation of the Learner Protection Fund (Fund) during the preceding year. This report should include detail on any defrayments from the Fund, including refunds to learners. In addition, a comprehensive review of the Fund is required every fifth year, to include submissions from obligated providers in relation to the operation of the Fund and the annual charge. As this is a new Fund, it is intended that it will be actively managed and kept under regular review. There is no intention to have an over resourced Fund. If necessary and appropriate, the first statutory five-year review may be brought forward.

⁶ The interest penalty will be based on the European Communities (Late Payment in Commercial Transactions) Regulations 2012 – SI 580 of 2012. This annual interest rate which is currently 12% will be applied as follows: outstanding amount x no. days overdue x (12%/365).

Appendix B: Protection of Enrolled Learners Annual Charges for English Language Education

Illustrative Table 1: Provision of less than 4 weeks duration for English Language Education

Provision of less than 4 weeks duration										
Fee Bands		A	B	C	D	E	F	G	H	I
Fee Range		1-200	201-400	401-600	601-800	801-1,000	1,001-1,200	1,201-1,400	1,401-1,600	1,601-1,800
		€	€	€	€	€	€	€	€	€
Learner Bands	No. of Enrolled Learners per programme									
1	1-15	25	25	25	25	50	50	50	50	75
2	16-30	25	25	50	50	75	75	100	100	125
3	31-45	25	50	75	75	100	125	150	150	175
4	46-60	25	50	75	100	125	150	175	200	225
5	61-75	50	75	100	125	150	200	225	250	275
6	76-90	50	75	125	150	200	225	275	300	325
7	91-105	50	100	150	175	225	275	300	350	400
8	106-120	50	100	150	200	250	300	350	400	450
9	121-135	75	125	175	225	275	325	400	450	500
10	136-150	75	125	200	250	300	375	425	500	550
11	151-165	75	150	200	275	350	400	475	550	600
12	165-180	75	150	225	300	375	450	525	600	650

Example 1:

Learner enrolled on a two-week summer programme: Tuition Fee €600 (costs of other activities excluded)

€600 fee is in Column C (Yellow column). The learner protection charge payable by the provider is determined by the number of enrolled learners on the programme, e.g. if 85 learners are enrolled on the programme, the PEL charge for the provider will be €125 (row 6).

Illustrative Table 2: Provision of 4 to 12 weeks duration for English Language Education

Provision of 4 to 12 weeks duration										
Fee Bands		A	B	C	D	E	F	G	H	I
Fee Range		501-1,000	1,001-1,500	1,501-2,000	2,001-2,500	2,501-3,000	3,001-3,500	3,501-4,000	4,001-4,500	4,501-5,000
		€	€	€	€	€	€	€	€	€
Learner Bands	No. of Enrolled Learners per programme									
1	1-15	300	450	600	750	900	1,050	1,200	1,350	1,500
2	16-30	600	900	1,200	1,500	1,800	2,100	2,400	2,700	3,000
3	31-45	900	1,350	1,800	2,250	2,700	3,150	3,600	4,050	4,500
4	46-60	1,200	1,800	2,400	3,000	3,600	4,200	4,800	5,400	6,000
5	61-75	1,500	2,250	3,000	3,750	4,500	5,250	6,000	6,750	7,500
6	76-90	1,800	2,700	3,600	4,500	5,400	6,300	7,200	8,100	9,000
7	91-105	2,100	3,150	4,200	5,250	6,300	7,350	8,400	9,450	10,500
8	106-120	2,400	3,600	4,800	6,000	7,200	8,400	9,600	10,800	12,000
9	121-135	2,700	4,050	5,400	6,750	8,100	9,450	10,800	12,150	13,500
10	136-150	3,000	4,500	6,000	7,500	9,000	10,500	12,000	13,500	15,000
11	151-165	3,300	4,950	6,600	8,250	9,900	11,550	13,200	14,850	16,500
12	165-180	3,600	5,400	7,200	9,000	10,800	12,600	14,400	16,200	18,000

Example 2:

Learner enrolled on a four-week General English programme: Tuition Fee €1,360

€1,360 fee is in Column B (Yellow column). The learner protection charge payable by the provider is determined by the number of enrolled learners on the programme, e.g. if 55 learners are enrolled on the programme, the learner protection charge for the provider will be €1,800 (row 4).

Illustrative Table 3: Provision of more than 12 weeks duration for English Language Education

Provision of more than 12 weeks duration											
Fee Bands			A	B	C	D	E	F	G	H	I
Fee Range			1,001-2,000	2,001-3,000	3,001-4,000	4,001-5,000	5,001-6,000	6,001-7,000	7,001-8,000	8,001-9,000	9,001-10,000
			€	€	€	€	€	€	€	€	€
Learner Bands	No. of Enrolled Learners per programme										
1	1-15		1,200	1,800	2,400	3,000	3,600	4,200	4,800	5,400	6,000
2	16-30		2,400	3,600	4,800	6,000	7,200	8,400	9,600	10,800	12,000
3	31-45		3,600	5,400	7,200	9,000	10,800	12,600	14,400	16,200	18,000
4	46-60		4,800	7,200	9,600	12,000	14,400	16,800	19,200	21,600	24,000
5	61-75		6,000	9,000	12,000	15,000	18,000	21,000	24,000	27,000	30,000
6	76-90		7,200	10,800	14,400	18,000	21,600	25,200	28,800	32,400	36,000
7	91-105		8,400	12,600	16,800	21,000	25,200	29,400	33,600	37,800	42,000
8	106-120		9,600	14,400	19,200	24,000	28,800	33,600	38,400	43,200	48,000
9	121-135		10,800	16,200	21,600	27,000	32,400	37,800	43,200	48,600	54,000
10	136-150		12,000	18,000	24,000	30,000	36,000	42,000	48,000	54,000	60,000
11	151-165		13,200	19,800	26,400	33,000	39,600	46,200	52,800	59,400	66,000
12	165-180		14,400	21,600	28,800	36,000	43,200	50,400	57,600	64,800	72,000

Example 3:

Learner enrolled on 12-week exam preparation programme: Tuition Fee €3,480

€3,480 fee is in Column C (Yellow column). The learner protection charge payable by the provider is determined by the number of enrolled learners on the programme, e.g. if 33 learners are enrolled on the programme, the learner protection payable by the provider will be €7,200 (row 3).