

## Learner Protection Fund Frequently Asked Questions

### **(a) *What Is the Learner Protection Fund?***

The Learner Protection Fund (Fund) is a statutory fund established to support learners who experience a programme default event (see (c) below). Obligated providers<sup>1</sup> are required to pay an annual charge into the Fund. Regulations, prescribed by the Minister for Further and Higher Education, Research, Innovation and Science, govern these annual charges. See S.I. 428 Of 2024 [Protection of Enrolled Learners Annual Charge Regulations](#).

### **(b) *What can the moneys in the Learner Protection Fund be used for?***

The moneys in the Learner Protection Fund may be used by QQI to:

- (i) meet the costs incurred in ensuring that an enrolled learner may complete the programme that they have commenced where that programme is the subject of a programme default event (see (c) below);
- (ii) cover the cost of fees required for the transfer of an enrolled learner onto a programme of another provider that is 'similar to' the programme that has been the subject of a programme default event; or
- (iii) if (i) and (ii) are not possible, refund to the enrolled learner, or to the person who paid the fees on behalf of the enrolled learner, the moneys most recently paid in respect of the relevant programme.

### **(c) *What is a programme default event?***

A protected programme default event refers to circumstances where a specified provider has accepted moneys from or on behalf of a learner and that provider,

- (i) does not provide the programme for any reason, including by reason of insolvency or winding up of the provider, or

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<sup>1</sup> An obligated provider is a relevant provider, an associated provider, or a linked provider that offers for reward a programme of education and training leading to an award in the framework. or offers for reward and English language programme.

- (ii) the enrolled learners have begun but not completed the programme and the provider ceases to provide the programme before that programme is completed for any reason, including by reason of the insolvency or winding up of the provider.

**(d) *Who has responsibility for the Learner Protection Fund?***

QQI has statutory responsibility to establish, maintain, and operate the Learner Protection Fund.

**(e) *When will the Learner Protection Fund be established?***

The Learner Protection Fund was established on 1<sup>st</sup> September 2024 with the commencement of the underpinning legislation. These include Ministerial regulations S.I. 430 of 2024 [Learner Protection Fund Regulations](#).

**(f) *What moneys paid by, or on behalf of, an enrolled learner, are covered by the Learner Protection Fund?***

The moneys paid by or on behalf of an enrolled learner covered by the Learner Protection Fund include 'tuition fees, registration fees, examination fees, library fees and any other fees to the provider (including any intermediary of it) in respect of the relevant programme and which relate to the provision of education, training and related services. Fees for other services, including for example accommodation, are not covered by the Learner Protection Fund.

**(g) *Where will the money paid into the Learner Protection Fund be held?***

Moneys paid into the Learner Protection Fund (Fund) are held in a designated bank account, with that name. The Fund is separate to and does not form any part of QQIs funding. It is solely for the legislative purpose of meeting the costs of a programme default event as defined in the legislation. QQI will engage with the NTMA on the management of the Fund.

**(h) *What oversight mechanisms are in place for the Learner Protection Fund?***

The Learner Protection Fund (Fund), which is a stand-alone Fund, will be audited annually by the Comptroller and Auditor General.

In addition, QQI is required to prepare and publish a report not later than the 31<sup>st</sup> March each year in respect of the operation of the Fund. This report must account for payments from the fund arising from programme default events. The published report must be furnished to the Minister for Further and Higher Education, Research, Innovation and Science, who in turn must submit it to the House of the Oireachtas. The first such report will be to 31<sup>st</sup> March 2025, although it is not expected that there will be any moneys in the Fund at that date.

On every fifth anniversary of the establishment of the Fund, QQI shall conduct a review of the operation of the Fund. As part of this review, obligated providers will be invited to make submissions in relation to the operation of the Fund and the level of the prescribed annual charges in the context of payments required from the Fund. QQI shall also consider the extent to which the charges are appropriate in the context of the demands on the Fund.

QQI will prepare and publish a report setting out the results of the review. This report will be furnished to the Minister for Further and Higher Education, Research, Innovation and Science, who in turn must submit it to the House of the Oireachtas.

**(i) *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.*

**(j) *When must the annual charges for learner protection be paid by providers?***

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).

**(k) *Who raises the invoices for the Learner Protection charges?***

QQI as part of its responsibility for managing and maintaining the Learner Protection Fund (Fund) will raise the invoices for the learner protection charges. These charges will be

invoiced separately from other fees/charges due to QQI. The learner protection charges will be paid directly into the Learner Protection Fund account.

**(l) *What can an enrolled learner expect when a protected default event occurs?***

When a protected default event occurs, moneys available in the Learner Protection Fund will be made available to defray costs incurred in the completion by the enrolled learner of the programme that they have commenced, where such completion is possible.

If completion of the programme in the relevant provider is not possible, QQI will make all reasonable efforts to ensure that an alternative programme of education, provided by another provider, is made available to each learner enrolled on the relevant programme. This will ensure that the learner may have a reasonable opportunity to complete a programme similar to the one that they had commenced with the original provider.

A learner who is offered an alternative programme, similar to the programme on which they are enrolled, normally has 30 days from the date of the offer to accept the offer. After 30 days the offer lapses. In exceptional circumstances, this period may be for a shorter or a longer period and this period will be determined by QQI.

**(m) *What is a similar programme for the purpose of learner protection and a programme default event, and who determines this?***

QQI will establish criteria by reference to which it shall determine whether a particular programme is similar to the programme that is the subject of the default event. These criteria shall be published by QQI.

**(n) *What must an obligated provider do when a programme default event occurs?***

A provider of a programme that is the subject of a default event is required to notify QQI in writing of that event within **two working days** of that event occurring.

This notification should include the following:

- (i) details of the circumstances under which the provider has ceased to provide the programme;
- (ii) details of the enrolled learners on the programme;

- (iii) details of the programme that the provider has ceased to provide;
- (iv) an indication of the intentions of the provider to discharge its obligations by arranging for the transfer of the enrolled learners to a similar programme provided by another provider at the expense of the provider, or the repayment of moneys most recently paid by or on behalf of the learners.

The provider is also required to notify enrolled learners of the default event at the same time.

**(o) *Are there financial obligations on a provider that has a programme that is the subject of a programme default event?***

If a programme is the subject of a default event and the obligated provider of that programme continues to trade, any defrayments and/or refunds to learners from the Learner Protection Fund may be recovered from that provider as a simple contract debt.

**(p) *Will there be a cap on the Lerner Protection Fund and if so, how will that cap be determined?***

A cap has not yet been determined for the Learner Protection Fund (Fund). Such a cap is a reasonable possibility, as the sole purpose of the Fund is to ensure that enrolled learners may complete the programme that they commenced. Time will reveal the level of the draw-down required on the Fund and only that will determine at any time the adequacy or otherwise of the Fund. The capping of the Fund will be the subject of ongoing review and consideration.

**(q) *Can QQI draw down moneys from the Learner Protection Fund for its own benefit or use?***

QQI cannot draw down money from the Learner Protection Fund (Fund) for its own day to day activities. It may, however, pay from the Fund appropriate expenses incurred by it in the establishment, maintenance or operation of the Fund. This will include expenses incurred in for the purpose of the protection of enrolled learners. All such expenses will be recorded in the annual accounts of the Fund.