

## Quality and Qualifications Ireland

Note of the seventy-fourth Meeting of the Authority (The Board) which was held incorporeally (MS Teams) and took place on Friday, 16 August 2024 at 10:00 a.m.

**Present:** Professor Irene Sheridan (Chair)  
Dr. Pdraig Walsh (Chief Executive)  
Ms. Cliona Curley (Secretary)  
Dr. Sean Duignan  
Dr. Sharon Feeney  
Mr. Blake Hodkinson  
Mr. Kevin McStravock  
Ms. Anne Naughton  
Mr. Bryan O'Mahony

**Apologies:** Ms. Marianne Doyle  
Ms. Maria Ward

**In attendance:** Mr. Liam Butler (Item 5)  
Ms. Mary Grennan (Items 2-5)  
Dr. Bryan Maguire  
Dr. Jim Murray (Items 2-5)  
Ms. Mary Sheridan (Items 4-5)

**Co-ordinated by:** Ms. Caitriona Lawless (Recording Secretary)

### INTRODUCTION

The Chairperson opened the meeting by thanking everyone for their attendance and noting that the material under consideration was the culmination of a significant amount of work and consultation which had taken place over the last 3-4 years.

#### 1. POTENTIAL CONFLICTS OF INTEREST

The Board noted that no conflicts of interest were declared.

## 2. COMMENCEMENT OF AMENDED LEGISLATION PROGRAMME

The Board noted the documents circulated, **Commencement of Amended Legislation Programme Functions as per the 2019 Amendment Act.**

The Board noted background information on the development and progression of the new functions under the Amended Legislation Programme (ALP) presented by the Director of Integration.

The Board noted there had been a significant amount of work carried out by the Executive and the Department of Further and Higher Education, Research, Innovation and Science (DFHERIS) over the last number of years to progress the new functions to this stage. The Board noted that some of the material had been finalised and previously considered by the Board over the past year, however, because so many of the new functions are interlinked, there was a preference that all elements would be launched together. The new functions will become effective from 1 September with a formal launch scheduled for 25 September after which point the new processes will be open for applications.

The Board noted that the new functions being enacted in September will now facilitate new QQI processes, namely, the International Education Mark (IEM), also referred to as TrustEd Ireland, the Learner Protection Fund (LPF) through the Protection for Enrolled Learners (PEL) process and Due Diligence, also referred to as Capacity and Capability.

The Board noted that the Joint-Sectoral Protocol between Designated Awarding Bodies (DABs) and QQI for the inclusion of Qualifications within the National Framework of Qualifications (NFQ) was also presented as part of the material for consideration.

The Executive outlined the background to the development of the material presented to the Board for its consideration. The Board noted that there had been a significant amount of consultation with the Higher Education (HE) and the English Language Education (ELE) sectors, and engagement is still ongoing on the IEM process. There had also been in-depth discussions and consultation between the legal advisors of both QQI and DFHERIS in the development and finalisation of the documentation relating to these functions and

processes. This had impacted the timelines for launching these processes. The Board noted that the Executive had received and circulated to Members three sets of approved Ministerial Regulations. The fourth and remaining set, Section 66 Protection of Enrolled Learner (PEL) Regulations, was still at draft stage and was awaiting sign off by the Minister for Public Expenditure, NDP Delivery and Reform. The Board noted that the Executive had been expecting confirmation from DFHERIS in advance of this meeting that the Regulations had been finalised but had yet to receive it. A draft version was included in the documentation pack for Members' information.

The Board noted that the Listed Awarding Bodies process will be partially funded by the European Union/European Qualifications Framework (EQF) to encourage interest and support applications and therefore, the associated proposed fees are not based on cost recovery as a result.

During the course of the discussion, the Board noted that QQI as an organisation was used to change and the new functions were well anticipated and prepared for. It was noted that weekly meetings to progress the ALP deliverables took place over the past two years. The Board confirmed that it was satisfied to see that the processes were finally moving forward and expressed its congratulations to the Executive and the organisation for all the work completed.

A presentation by the Director of Development and the Head of International Education on IEM developments followed. The engagement to date with the HE and ELE sectors was outlined and with particular reference to that which had taken place over the last few weeks and months and the schedule for the launch and roll-out was also outlined. It was noted that the first window for confirmation of intention to submit an application for the IEM would be open from 2-27 September with the portal then opening between 14 October 2024 and 28 March 2025 for submission of those applications.

The Board noted that while all applicants will go through the process at different times, all successful applicants within a particular application window will receive the TrustEd Ireland mark at the same time. The Executive outlined the key amendments to the previously considered Policies and Procedures on foot of confirmation of the Ministerial Regulations.

The Board noted that the Executive is continuing to meet with ELE representative bodies, including during the week following this meeting. A number of targeted webinars will also be provided for HE and ELE providers in early September ahead of the Ministerial launch on 25 September.

The Board noted that the Executive had engaged significantly with providers and had taken a lot of their feedback on board during the consultation phases. The Board noted that many providers are looking forward to submitting their applications and commencing the IEM process.

### 3. MINISTERIAL REGULATIONS

The Board noted the documents related to **Ministerial Regulations**.

The Board noted the following Ministerial Regulations which had been approved by the Minister for Further and Higher Education, Research, Innovation and Science and in the case of the Section 66 Regulations, the Minister for Public Expenditure, NDP Delivery and Reform must also approve them:

- Section 29B Due Diligence Regulations
- Section 62 International Education Mark (IEM) Annual Charge Regulations
- Section 66 Protection of Enrolled Learner (PEL) Regulations and
- Section 66A Protection of Enrolled Learner (PEL) Annual Charge Regulations.

The Board noted that the Section 66 set of Ministerial Regulations were awaiting approval by the Minister for Public Expenditure, NDP Delivery and Reform. It was noted that confirmation of these specific Regulations was received by the Executive from DFHERIS as this meeting was drawing to a close.

The Board noted that Due Diligence as a new process, would now become a prerequisite as the first stage of the process for Provider Access to Initial Validation of Programmes leading to QQI Awards and while a number of applications are already in train, those will proceed

as is. Any new applications received from 1 September will have to undergo the Due Diligence process.

By the end of the meeting, all four sets of Ministerial Regulations were noted by the Board.

#### **4. SUPPORTING POLICY DOCUMENTATION**

The Board noted the documents circulated as **Supporting Policy Documentation**.

The Board noted that following receipt of the final sets of Ministerial Regulations, the Executive had reviewed the documentation which it had prepared over the last 2-3 years to support the new functions and updated the material where necessary. In the case of some of the policies, some amendments were required to bring the documentation in line with the requirements contained in the new Regulations.

##### **Capacity and Capability (Due Diligence)**

The Board **adopted** the:

- Guidelines for the evaluation by QQI of the Capacity and Capability of Specified Providers under the Qualifications and Quality Assurance (Education and Training) Act 2012 (Capacity and Capability Criteria) Regulations 2024.

##### **Listed Awarding Bodies (LABs)**

The Board noted that there had been no amendments to the policies or guidelines relating to the LABs process since the documents were previously approved by the Board in December 2023. The Board **adopted** the:

- Core Policies and Criteria for the establishment of Listed Awarding Bodies and
- Core Policies and Criteria for the inclusion of Awards within the Framework

and noted the:

- Statutory Quality Assurance Guidelines for Listed Awarding Bodies engaging with QQI on a voluntary basis and
- Joint-Sectoral Protocol between Designated Awarding Bodies (DABs) and QQI for the inclusion of Qualifications within the National Framework of Qualifications (NFQ).

The Board noted that the Joint-Sectoral Protocol was already in operation and the Executive was in receipt of lists of new programmes and awards from DABs which were being uploaded to the Irish Register of Qualifications (IRQ). The Joint-Sectoral Protocol now takes on formal legal status.

### **International Education Mark (IEM)**

The Board **adopted** the:

- Code of Practice for Provision of Programmes of Higher Education to International Learners
- Code of Practice for Provision of Programmes of English Language Education to International Learners
- Policy on Authorisation to use the International Education Mark

and noted the:

- Statutory Quality Assurance Guidelines for English Language Education Providers.

## **5. FEES AND CHARGES**

The Board noted the proposal outlining the new fees and charges associated with the new functions.

The Board noted that the fees and charges have been proposed on a cost recovery basis and the functions are expected to operate on a budget neutral basis. The Executive had noted feedback from providers and confirmed that the fees and charges proposed are staggered and relate to the size of the provider and the programme duration. The Board noted that there had also been some press attention on the matter in recent days.

In relation to the provider concerns that PEL charges are too high, the figures in question are comparable with the market rate of the existing insurance providers used in the sector. It was also noted that the IEM annual charge is calculated based on approximately 130 providers holding the Mark. The Executive confirmed that charges received from providers will build up and support the Learner Protection Fund. It was noted that the individual commitments may reduce over time as the Fund matures and is sufficiently funded. A large body of work had been undertaken in the development of the funding proposal including estimates as to what the costs should be; the processes operating on a cost recovery basis

and being cost neutral to QQI. It was noted that while the IEM application and Due Diligence fees are set by QQI with the consent of the Minister for Further and Higher Education, Research, Innovation and Science and the Minister for Public Expenditure, NDP Delivery and Reform; the PEL and IEM annual charges are Ministerially prescribed and require Board noting only. PEL and IEM annual charges are relative to the size of a provider, i.e. lower for small(er) providers. The Board also noted that QQI only operates and monitors the PEL Fund on behalf of the Minister and therefore, the monies do not belong to QQI.

The Board noted that applicants under the Listed Awarding Bodies process are also liable for fees. Fees associated with the Listed Awarding Body scheme are currently being considered by the Department. It was confirmed that the Due Diligence process is also required to be in place prior to opening for submission of non-exempted LABs applications. It was noted that the Board has no role in approving that which has been approved or directed by the Minister, the supporting material only was what was under consideration.

A Board Member queried that once established (and if fully funded), would the size of the Fund be revisited at any point. It was noted that a decision still needs to be reached on the maximum threshold of the fund which will be monitored as the fund grows and in light of any disbursements within the early years. It was noted that PEL events have been managed informally to date. The Executive acknowledged that, based on past history, there are likely to be PEL events at some point in the future. The options to manage any event include the transfer of learners to another similar programme or provider (usually the preferred option), or a refund of fees.

The Executive confirmed that it is legally required to review the Fund after five years, however it is likely that this review will take place sooner than that.

It was noted that, under the new processes, the Department of Justice has indicated that providers will now be required to have the TrustEd Ireland mark in place before a Visa will be issued to an international learner. The Board noted that there will be no new applications from providers accepted on to the Interim List of Eligible Programmes (ILEP) from 1 October 2024.

The Board **approved** the

- IEM Application Fees and
- Due Diligence Assessment Fees

and noted the

- IEM Annual Charges and
- PEL Annual Charges.

A Board Member queried the level of consultation and engagement with ELE providers through their representative bodies. The Executive confirmed that there was a significant level of engagement and meetings were still continuing, including over the next week. Following dissemination of the fees and charges and the Regulations, the Executive had recently met again with Marketing English in Ireland (MEI), in addition to individual providers. Meetings with the Progressive College Network (PCN) and the Higher Education Colleges Association (HECA) were expected to take place in the coming weeks.

The Board noted that one of the requirements of the PEL regulations is the publication of audited annual accounts on the income and expenditure of monies to the Fund.

The Chairperson concluded the meeting by thanking all present for their participation and acknowledged the efforts of the Executive and the organisation in developing and progressing the new functions to this point. It was acknowledged that these initiatives had been long awaited and there had been a considerable amount of work involved in their development. It was hoped that the upcoming webinars would also be a useful opportunity to further engage with the sector.

At this point in the meeting, the Executive stated that confirmation had been received from the Department of Further and Higher Education, Research, Innovation and Science of the approval of the Ministerial Regulations for Section 66 Protection of Enrolled Learner (PEL) Regulations by the Minister for Public Expenditure, NDP Delivery and Reform.

**THIS CONCLUDED THE BUSINESS OF THE MEETING.**