



DÁIL ÉIREANN

AN BILLE UM CHÁILÍOCHTAÍ AGUS DEARBHÚ CÁILÍOCHTA (OIDEACHAS AGUS OILIÚINT), 2011 QUALIFICATIONS AND QUALITY ASSURANCE (EDUCATION AND TRAINING) BILL 2011

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM CHÁILÍOCHTAÍ AGUS DEARBHÚ CÁILÍOCHTA (OIDEACHAS AGUS OILIÚINT), 2011 —ROGHFHOCHOISTE

QUALIFICATIONS AND QUALITY ASSURANCE (EDUCATION AND TRAINING) BILL 2011 —SELECT SUB-COMMITTEE

Leasuithe Amendments

SECTION 2

1. In page 8, lines 17 and 18, to delete all words from and including “award” in line 17 down to and including “that” in line 18 and substitute the following:

“award” means an award, including a joint award, for education or training, or both, made by an awarding body or in the case of a joint award, by two or more awarding bodies, to a learner to record or certify that”.

—An tAire Oideachais agus Scileanna.

2. In page 9, subsection (1), between lines 8 and 9, to insert the following:

“institution of higher education” has the same meaning as it has in the Higher Education Authority Act 1971;”.

—An tAire Oideachais agus Scileanna.

3. In page 9, subsection (1), between lines 12 and 13, to insert the following:

“joint award” means a single award made jointly by two or more awarding bodies;

“joint awarding arrangement” has the meaning assigned to it by *section 51(1)**;”.

—An tAire Oideachais agus Scileanna.

[*This is a reference to the section proposed to be inserted by amendment 19.]

4. In page 10, subsection (3), line 42, to delete “for an award by the designated” and substitute “for an award of the designated”.

—An tAire Oideachais agus Scileanna.

5. In page 11, lines 1 to 3, to delete subsection (4) and substitute the following:

“(4) A provider of a programme referred to in *subsection (3)* is not a linked provider where the award referred to in that subsection is a joint award of the provider and the designated awarding body.”.

—An tAire Oideachais agus Scileanna.

[SECTION 8]

SECTION 8

6. In page 12, between lines 27 and 28, to insert the following subsection:

“(4) The National University of Ireland shall be merged into the Authority.”.

—Brendan Smith.

SECTION 21

7. In page 18, lines 37 to 39, to delete subsection (3) and substitute the following:

“(3) For the removal of doubt, the rights and entitlements in respect of tenure, remuneration and superannuation enjoyed on commencement by persons who are employees of the amalgamating bodies shall not, by virtue of the operation of this Act, be any less beneficial than those rights and entitlements enjoyed by those persons as employees, or former employees of HETAC, FETAC and NQAI, immediately before such commencement.”.

—Seán Crowe.

SECTION 27

8. In page 22, lines 14 to 18, to delete subsection (4) and substitute the following:

“(4) Where—

- (a) quality assurance guidelines and effectiveness review procedures apply to providers, and
- (b) any or all of those providers are institutions of higher education,

the Authority shall consult with An tÚdarás um Ard-Oideachas before issuing those guidelines and establishing those review procedures.”.

—An tAire Oideachais agus Scileanna.

9. In page 22, between lines 18 and 19, to insert the following subsection:

“(5) The Authority may consult with an awarding body before issuing quality assurance guidelines and establishing effectiveness review procedures where—

- (a) the quality assurance guidelines and effectiveness review procedures apply to a provider of a programme of education and training, and
- (b) successful completion of that programme of education and training of that provider leads to a joint award of the Authority and the awarding body under a joint awarding arrangement.”.

—An tAire Oideachais agus Scileanna.

SECTION 34

10. In page 27, lines 4 to 6, to delete subsection (4) and substitute the following subsection:

“(4) The Authority shall consult with An tÚdarás um Ard-Oideachas in carrying out a review under *subsection (1)* where—

[SECTION 34]

(a) that review relates to a relevant provider, and

(b) that relevant provider is an institution of higher education.”.

—An tAire Oideachais agus Scileanna.

SECTION 36

11. In page 27, between lines 43 and 44, to insert the following subsection:

“(2) Where a proposal under *subsection (1)* is made in respect of a provider who has entered into an arrangement referred to in *section 52(14)**, the Authority shall, by notice in writing, inform the awarding body referred to in *section 52(14)** that—

(a) it proposes to withdraw its approval of the quality assurance procedures established by the provider under *section 28* and state the reasons for the proposed withdrawal, and

(b) if the Authority withdraws its approval, it shall also withdraw any authority to make awards delegated to that provider under *section 52*.”.

—An tAire Oideachais agus Scileanna.

[*This is a reference to the subsection proposed to be inserted by amendment 20.]

12. In page 27, subsection (2), lines 44 and 45, to delete all words from and including “A notice” in line 44 down to and including “provider” in line 45 and substitute the following:

“A notice under *subsections (1) and (2)** shall state that the relevant provider, and the awarding body, if applicable,”.

—An tAire Oideachais agus Scileanna.

[*This is a reference to the subsection proposed to be inserted by amendment 11.]

13. In page 27, subsection (2), line 47, to delete “on the provider” and substitute the following:

“on the provider and the awarding body, if applicable”.

—An tAire Oideachais agus Scileanna.

14. In page 28, between lines 27 and 28, to insert the following subsection:

“(7) Where the Authority withdraws approval under *subsection (3)* in respect of a provider referred to in *subsection (2)**, the Authority shall, by notice in writing addressed to the awarding body referred to in that subsection, notify that awarding body of a withdrawal under *subsection (6)* of that provider’s authority to make awards delegated to it under *section 52*.”.

—An tAire Oideachais agus Scileanna.

[*This is a reference to the subsection proposed to be inserted by amendment 11.]

SECTION 42

15. In page 31, lines 26 to 29, to delete subsection (2) and substitute the following subsection:

[SECTION 42]

“(2) The Authority shall consult with An tÚdarás um Ard-Oideachas in carrying out a review under *subsection (1)* where—

(a) that review relates to a provider referred to in that subsection, and

(b) that provider is an institution of higher education.”.

—An tAire Oideachais agus Scileanna.

SECTION 44

16. In page 32, between lines 43 and 44, to insert the following subsection:

“(4) The Authority may consult with an awarding body before establishing policies and criteria for the validation of programmes of education and training where successful completion of those programmes leads to a joint award of the Authority and that awarding body under a joint awarding arrangement between the Authority and that awarding body.”.

—An tAire Oideachais agus Scileanna.

SECTION 49

17. In page 36, between lines 21 and 22, to insert the following subsection:

“(4) The Authority may consult with an awarding body before determining standards under *subsection (1)* for a joint award of the Authority and that awarding body to be made under a joint awarding arrangement between the Authority and that awarding body.”.

—An tAire Oideachais agus Scileanna.

SECTION 50

18. In page 37, between lines 22 and 23, to insert the following subsection:

“(9) In this section, “award” does not include a joint award of the Authority made under a joint awarding arrangement.”.

—An tAire Oideachais agus Scileanna.

SECTION 51

19. In page 37, before section 51, to insert the following new section:

“Joint awarding arrangement.

51.—(1) The Authority may, for the purposes of making a joint award to an enrolled learner in respect of a programme of education and training, enter into a joint awarding arrangement (in this Act referred to as a “joint awarding arrangement”) with—

(a) an awarding body, and

(b) the provider of the programme of education and training where the programme of education and training leading to the joint award is not provided by the awarding body.

(2) A joint awarding arrangement under *subsection (1)* may be made only in respect of a programme of education and training which has been validated by the Authority under *section 45*.

[SECTION 51]

(3) Where the Authority enters a joint awarding arrangement, the provider of the programme of education and training leading to the joint award may apply in respect of an enrolled learner of that programme to the Authority to make a joint award to the learner where the provider is satisfied that the learner has—

- (a) completed the programme of education and training concerned, and
- (b) acquired and where appropriate, demonstrated, the appropriate standard of knowledge, skill or competence as determined by the Authority under *section 49(1)*.

(4) Where the Authority receives an application referred to in *subsection (3)*, the Authority shall make a joint award with the awarding body with which it has entered into a joint awarding arrangement in respect of the programme concerned to the enrolled learner where the Authority is satisfied that the enrolled learner has—

- (a) completed the programme of education and training concerned, and
- (b) acquired, and where appropriate, demonstrated, the appropriate standard of knowledge, skill or competence as determined by the Authority under *section 49(1)*.

(5) An application under *subsection (3)* shall be accompanied by such fee (if any) as may be determined by the Authority under *section 79*.”.

—An tAire Oideachais agus Scileanna.

SECTION 52

20. In page 40, between lines 39 and 40, to insert the following subsection:

“(14) Where a provider has delegated authority to make an award under this section and enters into an arrangement with another awarding body to make a joint award in respect of a programme of education and training of the provider, that provider shall notify the Authority of the arrangement within 14 days of it being made.”.

—An tAire Oideachais agus Scileanna.

SECTION 54

21. In page 41, between lines 22 and 23, to insert the following subsection:

“(2) Where a proposal under *subsection (1)* is made in respect of—

- (a) a provider who has entered into an arrangement referred to in *section 52(14)**, and
- (b) a programme or class of programmes which lead to a joint award referred to in *section 52(14)**,

the Authority shall, by notice in writing, inform the awarding body referred to in *section 52(14)** that it proposes to withdraw or vary the authority of the provider to make an award in respect of the programme or class of programmes specified in the notice and state the reasons for the proposed withdrawal or variation.”.

—An tAire Oideachais agus Scileanna.

[*SECTION 54*]

[*This is a reference to the subsection proposed to be inserted by amendment 20.]

- 22.** In page 41, subsection (2), line 23, to delete “The notice under *subsection (1)* shall state that the provider” and substitute the following:

“A notice under *subsections (1) and (2)** shall state that the provider, and the awarding body, if applicable,”.

—An tAire Oideachais agus Scileanna.

[*This is a reference to the subsection proposed to be inserted by amendment 21.]

- 23.** In page 41, subsection (2), line 26, to delete “on that provider” and substitute the following:

“on that provider and that awarding body, if applicable”.

—An tAire Oideachais agus Scileanna.

- 24.** In page 41, between lines 35 and 36, to insert the following subsection:

“(4) Where the Authority withdraws or varies authority under *subsection (3)* in respect of a programme of a provider referred to in *subsection (2)**, the Authority shall, by notice in writing addressed to the awarding body referred to in that subsection, notify that awarding body of the withdrawal or variation of authority under *subsection (3)*.”.

—An tAire Oideachais agus Scileanna.

[*This is a reference to the subsection proposed to be inserted by amendment 21.]

- 25.** In page 41, subsection (4), line 36, to delete “*subsection (3)*” and substitute “*subsections (3) and (4)**”.

—An tAire Oideachais agus Scileanna.

[*This is a reference to the subsection proposed to be inserted by amendment 24.]

- 26.** In page 41, between lines 40 and 41, to insert the following subsection:

“(6) Where the Authority withdraws delegated authority to make an award under *subsection (3)*, each programme of education and training leading to that award shall, from the date specified in the notice referred to in that subsection, be taken to be validated under *section 45* and the provisions of this Act shall apply to each of those programmes accordingly.”.

—An tAire Oideachais agus Scileanna.

SECTION 56

- 27.** In page 43, lines 11 to 14, to delete subsection (3) and substitute the following subsection:

“(3) The Authority shall consult with An tÚdarás um Ard-Oideachas in carrying out a review under *subsection (1)* where—

- (a) that review relates to a provider referred to in that subsection, and

[SECTION 56]

(b) that provider is an institution of higher education.”.

—An tAire Oideachais agus Scileanna.

SECTION 58

28. In page 43, between lines 40 and 41, to insert the following subsection:

“(2) Where a proposal under *subsection (1)* is made in respect of a provider who has entered into an arrangement referred to in *section 52(14)**, the Authority shall, by notice in writing, inform the awarding body referred to in *section 52(14)** that—

(a) it proposes to withdraw its approval of the procedures for access, transfer and progression established by the provider under *section 55* and state the reasons for the proposed withdrawal, and

(b) if the Authority withdraws its approval, it shall also withdraw any authority to make awards delegated to that provider under *section 52*.”.

—An tAire Oideachais agus Scileanna.

[*This is a reference to the subsection proposed to be inserted by amendment 20.]

29. In page 43, subsection (2), line 41, to delete “A notice under *subsection (1)* shall state that the provider” and substitute the following:

“A notice under *subsections (1) and (2)** shall state that the provider, and the awarding body, if applicable,”.

—An tAire Oideachais agus Scileanna.

[*This is a reference to the subsection proposed to be inserted by amendment 28.]

30. In page 43, subsection (2), line 44, to delete “on the provider” and substitute the following:

“on the provider and the awarding body, if applicable”.

—An tAire Oideachais agus Scileanna.

31. In page 44, between lines 27 and 28, to insert the following subsection:

“(7) Where the Authority withdraws approval under *subsection (3)* in respect of a provider referred to in *subsection (2)**, the Authority shall, by notice in writing addressed to the awarding body referred to in that subsection, notify that awarding body of a withdrawal under *subsection (6)* of that provider’s authority to make awards delegated to it under *section 52*.”.

—An tAire Oideachais agus Scileanna.

[*This is a reference to the subsection proposed to be inserted by amendment 28.]

SECTION 66

32. In page 51, subsection (1)(a)(i), line 9, to delete “awarding body which will make” and substitute the following:

“awarding body or, where appropriate, awarding bodies making”.

—An tAire Oideachais agus Scileanna.

[SECTION 78]

SECTION 78

- 33.** In page 58, subsection (2)(a)(ii), line 1, to delete “the awarding body which makes” and substitute “the awarding body, or where appropriate, awarding bodies making”.

—An tAire Oideachais agus Scileanna.

- 34.** In page 58, subsection (2)(b)(v), line 13, to delete “the awarding body” and substitute “the awarding body, or where appropriate, awarding bodies”.

—An tAire Oideachais agus Scileanna.

SECTION 79

- 35.** In page 59, subsection (1), between lines 13 and 14, to insert the following paragraph:

“(h) an application under *section 51(3)**,”.

—An tAire Oideachais agus Scileanna.

[*This is a reference to the section proposed to be inserted by amendment 19.]

SCHEDULE 1

- 36.** In page 67, paragraph 2, between lines 29 and 30, to insert the following:

“(4) The Union of Students of Ireland shall be designated as a nominating body to nominate a person for appointment by the Minister to the Authority.”.

—Brendan Smith.

- 37.** In page 69, paragraph 7(1), line 43, to delete “who are members of the Authority” and substitute the following:

“who are either members of, or members of the staff of, the Authority”.

—An tAire Oideachais agus Scileanna.

[SCHEDULE 3]

SCHEDULE 3

38. In page 77, lines 21* to 39*, to delete item 9, and substitute the following:
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9.	Universities Act 1997	New Section 47A	<p>Insert the following new section after section 47: “Degrees and qualifications of Royal College of Surgeons in Ireland. 47A.— (1) Where—</p> <p>(a) degrees and qualifications awarded by the Royal College of Surgeons in Ireland are approved by the National University of Ireland, and</p> <p>(b) the Royal College of Surgeons in Ireland is a Recognised College of the National University of Ireland,</p> <p>those degrees and qualifications shall be degrees and qualifications of the National University of Ireland and shall be so designated.</p> <p>(2) If at any time the Royal College of Surgeons in Ireland ceases to be a Recognised College of the National University of Ireland, a degree or qualification referred to in subsection (1) awarded at any time prior to the Royal College of Surgeons in Ireland ceasing to be a Recognised College of the National University of Ireland—</p> <p>(a) remains a degree or qualification, as the case may be, of the National University of Ireland, and</p> <p>(b) shall be so designated,</p> <p>notwithstanding that the Royal College of Surgeons in Ireland has ceased to be a Recognised College of the National University of Ireland.”.</p>
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—An tAire Oideachais agus Scileanna.

*[*Note: A printer error has led to incorrect line references in page 77 of the Bill. The line references in this amendment refer to the actual number of lines of text in page 77 of the Bill.]*