



Higher Education Colleges Association

Oireachtas Joint Committee on Education, Further and Higher Education, Research, Innovation and Science

Submission July 2021

Speaking Draft

**Pre-Legislative Scrutiny meeting on the General Scheme of the
Higher Education Authority (HEA) Bill, 2021.**

Meeting date: 6th July 2021

HECA Delegation

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| Speaker for HECA: Professor Diarmuid Hegarty, Chair of HECA, President of Griffith College, president@griffith.ie. | In attendance for HECA: David Carpenter, Vice Chair of HECA, CEO of Hibernia College, dcarpenter@hiberniacollege.net . | In attendance for HECA: Patricia O Sullivan, Executive Director of HECA patriciaosullivan@heca.ie. |
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On behalf of the Higher Education Colleges Association (HECA), I would like to thank the Chair and the Joint Committee Members for the opportunity to speak with you today at the Pre-Legislative Scrutiny meeting and discuss the General Scheme of the Higher Education Authority (HEA) Bill, 2021.

HECA is the representative body for private higher education institutions in Ireland providing QQI validated and awarded cost effective and flexible programmes.

Higher education has changed dramatically in the last 50 years as has the private sector. HECA member institutions now cater for approximately 27,000 students or nearly 12% of the student HE population. These places provide valuable and much needed educational progression for learners from all backgrounds, additional and alternative to and extending the opportunities provided by public colleges.

Equality, Diversity and Inclusion

Equality, Diversity and Inclusion are identified as objects of HEA under Section 8 in the proposed legislation. They demand that the reform of the HEA legislation, having a 50 year horizon, address all sectors of higher education, and in particular the key inequalities in Irish HE, including exclusion of State, student support for students studying at Irish-based and quality assured HEIs.

Currently students at private HEIs from disadvantaged backgrounds are discriminated against when it comes to exercising their right to attend a QQI Quality Assured and validated course of their choice. These students and their families make great personal sacrifices to undertake their chosen programmes of study but are denied access to SUSI grants and other State supports for which they would otherwise be eligible.

The Joint Oireachtas Committee of Education & Skills was so convinced by the students' and parents' representations in this connection in 2017 that they issued a special report ¹ recommending that disadvantaged students from private HEIs should be entitled to State grants for QQI validated courses. This recommendation was not accepted by the then Department of Education and Skills.

If the argument against this recommendation was on a cost basis it should be appreciated that the inclusion of students from private HEIs will represent significant value for money (as evidenced by previous government tenders) which is another object of HEA in the legislation. Such inclusion will result in limited costs to the Exchequer. It is estimated that the number of eligible students living with disadvantage availing of this would be in the hundreds with an approximate cost to the Exchequer of less than €5 million. Ironically, this is little more than the €4 million sum financing total grants annually to Irish students going to the UK and other countries for their higher education. The argument of limited funds does not sit well with the decision to spend €18 million on the €250 Covid-19 support payment and €6.6 million (in 2016) to fund additional hardship grants and for disability

¹ [Report on Wake Up SUSI 163248.pdf](#)

support payments students already in receipt of SUSI grants. While Covid-19 and hardship support is welcome and disability support essential Covid-19, hardship and disability are not visited only upon students of public sector institutions. What equality is there in this? Add to this inequality the Covid-19 support funding of €32 million paid to students from families who have incomes above the SUSI means test limit. Given this clear inequality HECA suggests that the small number of HECA college students eligible on a means tested basis for SUSI grants having won their place under CAO on a QQI accredited: programme deserve to have alleviated the financial pressures they also face. Such equality should be included in the HEA corporate plan required under Section 22 of the proposed legislation.

Designated Institution (Sections 57 to 59)

It is noted that the HEA Bill provides for a procedure and conditions for the designation of institutions. There is however no provision in the proposed legislation for application by an institution for designated status. It is provided that the HEA provides a list. The bill should provide for a procedure for application by interested institutions and for a timeframe within which the decision should be made for which no imperative is currently proposed.

In this connection, we are mindful of Section 52(1) & (8) of the Qualifications and Quality Assurance (Education and Training) Act 2012 which in dealing with delegation of authority to institutions to provide their own awards provide respectively: –

S.52(1) The Authority shall, as soon as practicable after the establishment day establish and publish, procedures and criteria for the determination of a request (for delegated authority)

S.52(8) The Minister shall make regulations as soon as practicable after the establishment day specifying the conditions that shall be fulfilled by a provider (for delegated authority).

Regrettably, the expression “as soon as practicable.” was not defined in the Act. The result is that none of the procedures, criteria and regulations have yet to be published 9 years later. HECA submits that this issue should be addressed in the forthcoming HEA legislation to avoid a recurrence of this inordinate delay in institutional designation.

Learner Protection

The proposed legislation does not include any provision for learner protection for students of public sector institutions in the event of course discontinuance. This is despite the fact that on at least 3 occasions learners have lost out in such instance. In one case Plessey Management Technology Company owned 50% by University of Limerick, and 50% by Shannon Development went into receivership leading students high and dry midcourse. Most recently students were obliged to take Athlone Institute of Technology and the Higher Education Authority to the High Court to secure continuance of a course in audiology threatened with discontinuance due to lack of funding.

By contrast learners of HECA institutions have the benefit of a Protection for Enrolled Learners Scheme backed by a €3,600,000 fund growing by €1,000,000 per annum. Under the scheme arrangements have to be in place in advance to secure course continuance by another HECA member College in the event of course discontinuance. An action plan has to be in place between the colleges to cover this contingency.

A national learner protection scheme is proposed. Public sector institutions should be part of this scheme as is the case in Australia.

Board membership

The proposed Section 17 covers HEA Board membership. It is submitted that in order to connect the governance of HEA better with the governed institutions and secure their commitment to the HEA objects the HEA Board membership should reflect proportionately members from IUA, THEA and HECA backgrounds and other stakeholders, such as academic staff and industry. This model was successfully applied to the HETAC board membership.

Equity of access and participation - progress indicators

The proposed Section 46 requires of HEA an equity of access and participation plan. It is submitted that for this purpose the dashboard of progress should contain realistic indicators. An example would be participation rates in Dublin by postal district, currently 99% in Dublin 6 and 15% in Dublin 17. Little has changed in regard to these rates since first prepared by Dr Pat Clancy some 50 years ago. There should be a willingness to be judged by these realities, rather than by dashboard indicators that give a more favourable image.

Research

There needs to be more research within private HEIs. There are restrictions inhibiting access to funding by them. In most cases, the lack of an extensive history of previous research engagement is the Catch-22. HEA needs to include in its objects determination to remove these obstacles by encouraging research links between public and private sector institutions.

Strategic Development Plans and Equality Policies

The proposed sections 82, 83, 91, 92 and 102 indicate entities with which Universities and Technological Universities should consult in regard to the above. HECA submits that these should include in relation to Strategic Development Plans, employers and employer organisations, and in relation to equality policies educators of students from underrepresented sectors such as DEIS schools

Conclusion

We believe that the work done by the HECA member Colleges over the last number of years has greatly contributed to the growing demand for quality higher education in Ireland and we are a major contributor to the Irish economy. We attract students from all over the world while also providing higher education opportunities to thousands of Irish students who enrol through the CAO or through direct application for our QQI approved level 6 to level 9 NFQ programmes.

Finally, the subheading on the HEA consultation document is “a shared approach”. The HECA member HEIs are significant contributors in Irish higher education. They and their students should be recognised in the revision to the HEA Bill. This legislation has the opportunity to consider a fair, student-centred State funding model which will enhance equity of participation for disadvantaged students and support the government’s aim for a more inclusive, diverse and equal higher education system. No-one should be left behind.

Cathaoirleach agus Baill an Choiste, go raibh mile maith agaibh.

Professor Diarmuid Hegarty on behalf of the HECA