

Pre-Legislative Scrutiny of the General Scheme of a Bill to reform the Higher Education Authority Act 1971

Opening Statement

Department of Further and Higher Education, Research, Innovation and Science

- The vision for the higher education system is that it provides high quality education which is innovative and adaptive to the needs of the learner, advances equality, diversity and inclusion, strengthens engagement with the wider education system and wider society, creates knowledge and maximises the contribution of higher education to social, economic and cultural development.
- The new legislation will provide a detailed and modernised framework to provide for the achievement of this vision and the safeguarding of the reputation of the Irish higher education system aligned with best international practice.
- There is no doubt that the HEA legislation, which is 50 years old needs to be reformed. The responsibilities of the HEA has evolved from responsibility for a small number of universities in 1971 to an expanded number of universities, new technological universities and institutes of technology. There is now also a substantial number of not-for-profit and private higher education institutions catering for students in the higher education sector.
- The overall aim of the proposed legislation is to provide a high quality, student focused system with appropriate oversight and accountability to underpin public confidence of stakeholders, students and the public.
- The Irish Higher Education System is based on strong autonomous universities, technological universities, institutes of technology and other higher education institutions. We recognise the importance of the autonomy of these institutions and the excellence and diversity of education and research which is the result of this autonomy. We have no desire to change this however third level institutions need to be accountable for Government funding.
- The HEA is responsible for allocating recurrent funding to the higher education institutions of €1.4 billion and up to €106 million in Capital Infrastructure Funding in 2021.
- The planned legislative approach to the governance of the higher education institutions is a co-regulation model. The co-regulation model provides for a strong and robust system of internal governance for higher education institutions consistent with modern and best

practice governance standards balanced with a strengthened oversight role of the sector by the Higher Education Authority.

- To secure strong internal governance, the governing bodies of higher education institutions should be of a size to allow for effective oversight. Membership should be predominantly competency-based rather than representational and a strong external component to membership of governing bodies is required in order to provide genuine accountability. These smaller governing bodies will include staff and student representatives to provide the staff and student perspective.
- The legislation will also put in place effective consultation structures within higher education institutions and the higher education system to maintain a strong voice for stakeholders including employees.
- There are very strong legislative provisions for the academic freedom of universities, institutes of technology and technological universities and for academic staff in the existing sectoral legislation. There will be no change to these existing legislative provisions for academic freedom.
- The legislative approach will set out to achieve complementarity and clarity of roles for the Minister, Department, HEA, SOLAS and Quality and Qualifications Ireland.
- The legislation will also include important provisions for engagement with students, equity of access and participation, lifelong learning and data collection and sharing.
- A comprehensive consultation process has been undertaken with the sector in 2018, 2019 and 2021 and there has been ongoing engagement with the key stakeholders, in the development of the reformed legislation.
- Also as part of the consultation, officials from the HEA and Quality and Qualifications Ireland (QQI) worked with Department officials on developing the General Scheme through the establishment of a working group. This working arrangement was key to ensuring that the legislation reflects the appropriate interaction of these agencies with each other and with the Department.
- The constructive, co-operative approach by the key stakeholders has been very helpful and is much appreciated. Furthermore the close collaboration and cooperation between all stakeholders, institutions, public bodies' staff and student representatives in responding to Covid has been exemplary in seeking to ensure the continuity and quality of teaching and learning and in the planning for a return to onsite education. The Departments objective has been as much as possible to adopt this approach in developing a new regulatory and governance model for Higher Education.

- There will be continued engagement with stakeholders throughout the development of this legislation and we look forward to its successful implementation.
- I wish to thank the Committee for the opportunity to share the Departments vision for the legislative reform of the higher education sector and that we look forward to receipt of the report and outcome of the pre legislative scrutiny process.