

HEA Opening Statement

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

Pre-Legislative Scrutiny of the General Scheme of the Higher Education Authority Bill, 2021

20th July 2021

Chairperson and Members of the Committee

My colleagues and I are pleased to assist this Committee in its consideration of the General Scheme of the Higher Education Authority Bill, 2021 further to the observations we have earlier provided to the Committee in response to the request for submissions.

The HEA considers the revision of the Higher Education Authority Act, 1971 is both necessary and timely given the rapid pace of development and change in Higher Education both nationally and internationally.

Ireland's higher education system has been responsive to national needs, providing education and training, building the skills base, assisting people in their lives and in conducting high quality research that attracts and retains people and investment in Ireland.

In order to prepare for the next five decades of social and economic progress the HEA and higher education institutions need to be fit for purpose; appropriately governed but sufficiently free to act responsively and innovatively, where needed.

The draft HEA Bill, 2021, protects the academic freedom of institutions, and importantly provides the HEA with the powers to collect relevant data, regulate and be the authority in the sector, holding institutions to account should issues arise. In doing so assisting institutions in their missions.

We believe the balance in the draft legislation is appropriate and workable, however as noted in our letter of 14th June 2021, the HEA also has some suggestions that the Committee may wish to consider in seeking to balance autonomy and accountability, through co-regulation, in this legislation.

As the Committee will know, the Higher Education Authority (HEA) is the statutory funding authority for the Irish universities, technological universities, institutes of technology and a number of other colleges and provides annual funding of c.€1.6bn.

The HEA funding supports the provision of higher education to almost 236,000 students as well as other key aspects of the overall mission of higher education including the advancement of research and engagement with industry and wider society.

The HEA leads the strategic development of the Irish higher education and research system by encouraging best practice and engaging with institutions on setting and delivering of their individual strategies.

The HEA also has responsibility for the effective accountability and oversight of governance in the HEA funded higher education institutions and is accountable to the Minister for Further and Higher Education, Research, Innovation and Science for the achievement of national outcomes for the higher education sector

The HEA takes this responsibility very seriously but is somewhat weakened by the processes or tools available to us under what is now dated legislation. This new Act is expected to give the HEA appropriate regulatory legislative powers. The original HEA Act is 50 years old this year and while it has done the nation some service it is no longer fit for purpose.

This new legislation will provide greater clarity in respect of the extent and operation of the HEA's responsibilities, those of the institutions, and those of the Minister and Government. In order to deliver on these responsibilities, the HEA itself will need to be resourced and empowered appropriately, for example, through an ability to recruit and deploy staff, as might be required, within agreed ceilings or budgets rather than on a consent per post basis.

In exercising its oversight role, the HEA seeks to be respectful of institutional autonomy but requires institutions to act appropriately within an accountability framework. The role of the HEA is distinct from the responsibilities of the Governing Authority of each institution and from that of the Department of Further and Higher Education, Research, Innovation and Science (DFHERIS, hereafter referred to as the Department).

This new HEA Bill should give the HEA revised and appropriate regulatory legislative powers to regulate an autonomous higher education and research system, and to intervene where remedial action is necessary or required. Interventions might include where a situation or issue arises in terms of Governance, Financial management or other matters, allowing the HEA to hold the Institution and its Governing Authority accountable. Such structures in legislation allow the HEA to protect the academic and operational freedom of institutions, while still holding the institutions to account should issues arise without micro-managing or interfering with the Institutional autonomy.

This draft HEA Bill, 2021, will also provide the HEA with the opportunity to collect information and data on the performance of institutions and the higher education and research system, in a timely manner. This information gathering will support system level planning; evidence-based policy making; risk management; financial and other monitoring requirements and will provide key performance indicator of overall system health and performance.

While there are both challenges and opportunities in higher education and research, nationally and internationally, the clarity that this new legislation will bring will empower the Authority to lead and drive change.

It will enable the HEA and higher education institutions to contribute to the next five decades of social and economic progress by being fit for purpose; appropriately governed but sufficiently free to act responsively and innovative where needed.

Thank you and I am happy to answer whatever questions the committee may have.