

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM OIDEACHAS, BREISOIDEACHAS AGUS ÁRDOIDEACHAS, TAIGHDE, NUÁLAÍOCHT AGUS EOLAÍOCHT

## JOINT COMMITTEE ON EDUCATION, FURTHER AND HIGHER EDUCATION, RESEARCH, INNOVATION AND SCIENCE

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*Dé Máirt, 20 Iúil 2021*

*Tuesday, 20 July 2021*

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Tháinig an Comhchoiste le chéile ag 3.30 p.m.

The Joint Committee met at 3.30 p.m.

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Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Rose Conway-Walsh,	Malcolm Byrne,*
Jim O'Callaghan,	Aisling Dolan.
Pádraig O'Sullivan,	
Marc Ó Cathasaigh.	

\* In éagmais / In the absence of Senator Fiona O'Loughlin.

Teachta / Deputy Paul Kehoe sa Chathaoir / in the Chair.

## **Business of Joint Committee**

**Chairman:** I remind members to ensure their mobile phones are switched off for the duration of the meeting as they interfere with the broadcasting equipment even while on silent mode. Apologies have been received from Deputy Farrell. The minutes of the meeting on 14 July 2021 have been circulated to members. Are the minutes agreed to? Agreed.

### **General Scheme of the Higher Education Authority Bill 2021: Discussion (Resumed)**

**Chairman:** Today's meeting is with the officials from the Department of Further and Higher Education, Research, Innovation and Science; the Higher Education Authority, HEA; and Quality and Qualifications Ireland, QQI. On behalf of the committee, I welcome Ms Tanya Kenny, principal officer, Department of Further and Higher Education, Research, Innovation and Science; Mr. Tim Conlon, head of policy and strategic planning, HEA; and Dr. Bryan Maguire, director of quality assurance, QQI. The officials are here today for pre-legislative scrutiny of the general scheme of the Higher Education Authority Bill 2021. The format of the meeting is that I will ask Ms Kenny to make a brief opening statement, followed by Mr. Conlon and Dr. Maguire. The statements will be followed by questions from members of the committee. Each member has a six minute slot to ask questions and for a witness to respond. I would ask witnesses and members to be cognisant of the six-minute limit as I will curtail them after that. As the witnesses are probably aware, the committee will publish the opening statements on its website following the meeting.

Before we begin, I remind members of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses of the Oireachtas or an official either by name or in such a way as to make him or her identifiable. The witnesses are giving evidence remotely from a place outside of the parliamentary precincts and, as such, they may not benefit from the same level of immunity from legal proceedings as a witness physically present does. They have already been advised that they may think it appropriate to take legal advice on this matter. They are reminded of the long-standing parliamentary practice that they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative that they comply with any such direction.

I call on Ms Kenny to make her opening statement.

**Ms Tanya Kenny:** I thank the Chair. 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 achieve this vision and safeguard the reputation of the Irish higher education system aligned with best international practice. There is no doubt that the HEA legislation needs to be reformed. The HEA's responsibilities have evolved from a small number of universities in 1971 to an expanded num-

ber of universities, new technological universities and institutes of technology. There is also a substantial number of not-for-profit and private institutions catering for students.

The overall aim of the proposed legislation is to provide a high quality, student-focused system with appropriate oversight and accountability to underpin the confidence of stakeholders, students and the public. The Irish higher education system is based on strong, autonomous institutions. We recognise the importance, the excellence and diversity of education and research which results. We have no desire to change this. However, institutions need to be accountable for Government funding.

The HEA is responsible for allocating a significant amount of recurrent funding to higher education institutions. The planned legislative approach is that of a co-regulation model. This model provides for a robust system of internal governance for institutions, balanced with a strengthened oversight role of the sector by the HEA. To secure strong internal governance, governing bodies should be of a size to allow for effective oversight. Membership should be predominantly competency-based with a strong external component to provide genuine accountability. These governing bodies will include staff and student representatives.

The legislation will also put in place effective consultation structures within institutions and the higher education system to maintain a strong voice for stakeholders. There are very strong legislative provisions for the academic freedom of institutions and for academic staff in the existing sectoral legislation. There will be no change to these existing legislative provisions.

The legislative approach will set out to achieve clarity of roles for the Minister for Further and Higher Education, Research, Innovation and Science, the Department of Further and Higher Education, Research, Innovation and Science, the 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 since 2018, with ongoing engagement with key stakeholders. As part of this consultation, the HEA and QQI have worked with Department officials on developing the general scheme through the establishment of a working group. This was key to ensuring that the legislation reflected the appropriate interaction of these agencies with each other and with the Department.

The constructive, co-operative approach by key stakeholders has been very helpful and is much appreciated. Furthermore the close collaboration between all stakeholders, institutions, public bodies' staff and student representatives in responding to Covid-19 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 Department's objective is education. There will be continued engagement with stakeholders throughout the development of this legislation and we look forward to its successful implementation.

This is a priority for the Minister and, therefore, we will be seeking to bring the Bill before Government in the next term. We have followed closely the pre-legislative scrutiny process and look forward to considering the views of the committee as part of this drafting process.

**Mr. Tim Conlon:** I thank the Chair. My colleagues and I are pleased to assist the committee in its consideration of the general scheme of the Higher Education Authority Bill today, further to the observations we have earlier provided in response to the request for submissions. We consider the revision of the 1971 Act 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. They must be appropriately governed but sufficiently free to act responsively and innovatively where needed. This new legislation 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, we will be assisting institutions in the delivery of their missions. We believe the balance in the draft legislation is appropriate and workable. However, as noted in our letter to the committee of 14 June, the HEA has some suggestions that the committee may wish to consider in seeking to balance autonomy and accountability, through co-regulation, as set out in the draft legislation.

The HEA is the statutory funding authority for the Irish universities, technological universities, institutes of technology and a number of other colleges. In that regard, it provides annual funding in the region of €1.6 billion. This funding supports the provision of high quality higher education to almost 240,000 students. It supports 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 on their individual strategies. The HEA also has responsibility for the effective accountability and oversight of governance in 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 and tools available under what is now dated legislation.

This new Act is expected to give the HEA appropriate regulatory legislative powers. The original Higher Education Authority 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 will need to be resourced and empowered appropriately, for example, through an ability to recruit and deploy staff as required within agreed ceilings or budgets, rather than on a consent per post basis, as is currently the case.

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.

This new HEA Bill should give the HEA revised and appropriate legislative powers to regulate an autonomous higher education and research system and to intervene where remedial action is necessary. 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 to account. Such structures in legislation allow the HEA to protect the academic and operational freedom of institutions, holding institutions to account should issues arise without micromanaging or interfering with their institutional autonomy.

This draft Bill 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 indicators of overall system health and performance.

While there are both challenges and opportunities in higher education and research, nationally and internationally, the clarity 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. It will see institutions appropriately governed but sufficiently free to act responsively and innovatively where needed. I thank members for their time and I am happy to answer any questions they may have.

**Dr. Bryan Maguire:** I thank the committee for inviting QQI to assist the Oireachtas in shaping this legislation through written submission and, now, oral hearing. Some members may recall the work of the last Oireachtas in amending the QQI Act. That Bill was triggered in part when QQI learned the hard way, through being on the losing side of a judicial review, how vital it is that the functions of statutory bodies are made as current and explicit as possible by the Oireachtas. The fact that a body has previously undertaken certain activities, either on its own initiative or at the request of a Minister, or that many stakeholders, including public representatives, might reasonably expect certain actions to fall within the remit of a body, does not necessarily give those actions legal effect. As the higher education system has grown in size, complexity and importance to Irish society over the half century since the HEA was established, it is vital that the statutory basis of its functions be brought up to date.

When QQI was established in 2012 with responsibilities including the quality assurance of higher education, it was not long before some stakeholders, including the universities, began to question the relationship between this new body and the long-established HEA, and whether any overlap of their functions was giving rise to unnecessary regulatory and reporting burdens on the institutions. In response to this, QQI and the HEA put in place a voluntary memorandum of understanding. This set out our mutual understanding of our respective roles and responsibilities, how these were distinct and complementary and how we intended to co-operate in carrying them out. For example, we co-ordinate our schedules for visiting institutions and share various pieces of information. Our memorandum has been implemented and reviewed several times. Head 19 of this legislation proposes to put this agreement between the agencies on a statutory footing. We welcome the legal clarity this will bring. The Bill also sets out how QQI's work in regulating access to private higher education will be relied upon by the HEA in defined areas.

The philosophy of co-regulation expressed in the scheme mirrors the approach taken to the quality assurance of higher education in Ireland and internationally. Quality assurance is, in the first instance, the responsibility of the institution. QQI's approach to the exercise of its powers of monitoring, review, approval or authorisation reflects this co-regulation model. In this model, mechanisms of transparency and engagement between the regulator and the regulated address and resolve any problems that the institution's internal processes have not been able to sort out. As a result, we have rarely had to invoke the more intrusive powers of intervention given to us in law. For example, the QQI Act enables us to issue directions to a higher education institution following unsatisfactory findings in the statutory review but in the ten years to date we have never had to issue any such direction.

The proposed Bill represents a necessary, proportionate, comprehensive and timely updating of the law regulating higher education in Ireland.

**Chairman:** I thank Mr. Maguire, Mr. Conlon and Ms Kenny. Our first questioner is Senator Dolan but I ask her to forego because Deputy Jim O'Callaghan has to leave the meeting so, if it is okay with members, I will ask him to go first. He will be followed by Senator Dolan.

The Deputy is having issues regarding connection so I ask Senator Dolan to go. I offer my apologies to her.

**Senator Aisling Dolan:** That is okay. I can wait if the Deputy is coming in.

**Chairman:** He is not back. Senator Byrne is next. If the Deputy comes back in the meantime I will let him come in after Senator Dolan. Senator Dolan has her full time.

**Senator Aisling Dolan:** I welcome and thank Mr. Conlon, Mr. Maguire and Ms Kenny. Their presentations and submissions were great. It is wonderful to see this legislation is putting the student first and foremost and at the centre in everything we are doing here and to see the increase in student numbers alone and, as was mentioned, the number of institutes of technology, IOTs, our new technological universities and our existing universities. It is important to keep the reputation of our colleges in terms of their rankings. I am thinking here about world-wide rankings and QS rankings and things that are based an awful lot on research publications. It is about the masters and PhD students and those cohorts who are really developing the basis for excellence in our third level sector.

I will go through a few of the questions I have. On the HEA, Ms Kenny mentioned the budget as being €1.6 billion. I was curious about that. From what I understand, the majority of the budget, 80%, is core teaching and research, with another 20% contract, which I am guessing would probably be Science Foundation Ireland, SFI, and the Irish Research Council, IRC. SFI would have rolled out a type of capital infrastructure for universities that was based on access, in that it had an access model. What is the most recent spend on capital infrastructure? I am looking at labs and how we develop that sort of space within our universities. What are the plans in regard to the TUs? Does she have a general comment to make on that? That was a quick query.

Quality and Qualifications Ireland, QQI, is very welcome. We are big advocates here of the apprenticeship programme and how we promote it, especially in our further education and training, FET, sector. I do not know who developed the national framework of qualifications, NFQ, the lovely circle where everything fits in, but it is my go-to all the time. Is it the NFQ cycle? My apologies, but I do not know the name of it. Mr. Maguire mentioned an overlap with the Higher Education Authority, HEA. Can he talk to me about what that overlap is?

Mr. Conlon mentioned the HEA Act is five decades old and Ireland has changed an awful lot in 50 years. We are looking at the student numbers and at how to accommodate our new technological universities. The governance factor, which was mentioned, is very important. Mr. Conlon noted there is representation from staff and students on that and that it will be competency-based. What does he see as a metric once this Bill goes through? In, say, three or four years' time, what would be two or three things we could point to as achievements from this legislation? I hope that is not too broad a statement.

**Ms Tanya Kenny:** Can I come in on the first question on capital? Mr. Conlon may have more information from the HEA. Capital infrastructure funding in 2021 is up to €106 million. I imagine Mr. Conlon may have further information from the HEA on that.

**Senator Aisling Dolan:** I apologise. Did I mix up the organisations? As well as being

called Mr. Kenny, we are mixing up Ms Kenny's organisation. I apologise.

**Ms Tanya Kenny:** Not at all.

**Mr. Tim Conlon:** I am tempted to say it happens all the time. We do work very closely together. I thank the Senator for her questions. We had approximately €84 million of capital funding allocated to approved projects in 2020. These include the higher education strategic research infrastructure fund but also a number of public private partnership projects which are emerging. The Senator made particular reference to the technological university advancement. In considering future investment and investment plans, we are looking at where the growth areas are in the system and where the expected demographic growth is to be but also at new institutions and resourcing those appropriately. In the emerging technological universities, they have a science and technology focus and a particular infrastructure requirement will be needed there to meet their mission but we can certainly come back to the Senator with further details on the investment and plans, if that would help.

**Chairman:** Does anybody else want to come in there?

**Dr. Bryan Maguire:** I am glad to hear the Senator is a fan of the NFQ fan. It is a signature of the coherence we have in our system across the further and higher education system. The apprenticeship is one example of that. It is also an example of where there is complementarity between what QQI and the HEA do. The HEA, initially through the co-operation with SOLAS in the Apprenticeship Council and in future through the national apprenticeship office when it is established under the apprenticeship action plan, co-operates on identifying which fields get funded and the direction of funding to the institutions. When it comes to setting out what the academic parameters are, that falls more to QQI. It has issued quality assurance guidelines on what we expect to see in programmes of apprenticeship. We have a review process that sees that they are being implemented either directly by QQI, in the case of private sector institutions, or indirectly through the reporting the institutions make to QQI of their activities in apprenticeship, for example. One can see there is some potential for double reporting but that is why we have worked so closely with Mr. Conlon and his colleagues to streamline this in order that they are not saying one thing to QQI one week and something else to the HEA the following week.

**Senator Aisling Dolan:** It is great to see so many courses being regulated, especially around the apprenticeship programme. It makes it much more attractive. I think the national hairdressing apprenticeship is the first regulated NFQ. We were trying to promote locally as well. Well done on working with the groups and SOLAS. I apologise to Ms Kenny. I should reverse the questions I posed to Mr. Conlon. If it is okay and if I have time, I will redirect them to Ms Kenny. If this Bill is implemented, in, say, three or four years' time, what would she say are two to three measures of success or achievement, or just basically measures we might be able to look to in order to say we have seen progress in terms of the change in the legislation? Is she able to point to two or three things?

**Ms Tanya Kenny:** Yes. I mention the successful implementation of the performance framework. The Minister will set the performance framework. It puts on a legal footing the work of the HEA in having strategic dialogue to reach agreements and measures on what will be developed by the higher education institutions. Considerable work is ongoing but there is no legal basis for those elements. We are trying to put those elements on a legal footing. Having that performance framework, coupled with the strategic dialogue and agreed elements of that with the institutions to deliver on that, which will be in line with national priorities, is one clear aspect as is looking at strong internal governance of the HEI base. It is getting that balance.

Everybody is talking about autonomy and accountability and that there is good, strong accountability for that funding the Senator mentioned and accountable elements around that for the institutions as they deliver on that and on more transparency.

**Chairman:** Is Senator Dolan okay with that?

**Ms Tanya Kenny:** I can see a frozen screen.

**Chairman:** I call Senator Byrne.

**Senator Malcolm Byrne:** It is especially good to see some former work colleagues but that may mean I might herd all the sacred cows into the centre of the room to ask some of the questions. One of the crucial issues will be the relationship between the Department, especially the new Department, and the Higher Education Authority and how that will operate. I will ask Ms Kenny and Mr. Conlon, in light of the legislation, to talk about where the boundaries will be. I will also ask them to talk about the relationships with the higher education institutions, especially if the HEA is to take on a more regulatory role. What level of sanction may be appropriate and when is it envisaged that would be applied?

I will put a question to Mr. Maguire. QQI has been doing a lot of work around micro-credentials, and particularly because of the pace of technological change, we are going to see many more micro-credentials and short courses and many more providers other than the traditional providers. In the witnesses' experience, from where will they see all those being regulated?

**Ms Tanya Kenny:** I will come in first with regard to the clarity of roles and the role of the Minister and the Department. The Minister's role is about setting the policy for the sector. The HEA is responsible then for implementing this policy. I will let Mr. Conlon expand more on that. Obviously, with implementing that policy comes the distribution of funding to the sector and the oversight of the sector.

In the legislation on the general scheme, it is proposed that the Minister can issue directions to the HEA on any matter related to the Act and the implementation of any policy or objective of the Minister or the Government.

**Senator Malcolm Byrne:** I am sorry; could I interject? The crucial question is about direction by the Minister on any matter. It is really about the extent to which the HEA will be independent or whether it will be directed by the Minister.

**Ms Tanya Kenny:** It will be implementing the policy. The Minister will be setting the policy and can issue guidelines around that. The HEA then can provide information and reports and advise the Minister to inform policy. The Minister then provides the funding to the HEA and will approve the HEA corporate plan and annual plan but that is aligned with the priorities of the Department. The Minister will also prepare the strategy for higher education and then the HEA will develop the funding framework for the allocation of that funding. The Minister will also approve the equity of access and participation plan. Those are the key elements. It is really about the strategy and policy with the HEA then implementing that policy. I will allow Mr. Conlon to come in and give the Senator the full picture if that is of assistance.

**Mr. Tim Conlon:** I thank Senator Byrne for the question. I might jump back to the previous question for a moment in terms of what we would like to see different in five years' time. It is very interesting. We would like to see a HEA that is resourced and empowered. That is what is envisaged in this Act and in this legislation. Again, on that previous question, we are lucky;

we have a diversity of institutions with differing strengths and differing scale across the system. We have to respond to and engage with them all in different ways. As I said, each of them has its strengths. They are within regions and understand the regions in which they operate. We would, therefore, like to see them responsive and regionally engaged by responding to national requirements while fulfilling local and regional missions at the same time.

That goes to Senator Byrne's question about the relationship. The amalgamation of the further and higher education research system under one Department has really improved the overall landscape. We are seeing a greater relationship with our parent Department in terms of improving the setting up of policy and strategic direction versus the operational balance that we have to see.

One of the challenges, perhaps, as I mentioned in our submission, is that when we spin up a new project or respond to an emerging situation, even where we have the financial resources, we do not have the ability to hire staff, for example, to see something through and make it happen. Again, some of that economy would be an improvement. It is difficult when one wants to respond rapidly that the chain of command and control can be a break on that. As I said, however, overall, the landscape has improved and changed.

In terms of the boundaries and nationally setting strategy, I absolutely agree with my colleague, Ms Kenny. It is for the Minister and Government to set policy and for the HEA to implement it. Setting that national policy agenda needs to be at a sufficiently high elevation so as not to be getting into the micro-managing of institutions. Setting a sufficiently high-level policy, which then allows institutions to respond within that and the HEA to oversee it, would be an ideal situation.

In terms of what the sanctions would be and where they would be applied, a number of options are set out for us in the legislation. Some of them are sanctions and some are remedial actions. In our experience of engaging with institutions, sometimes where one has a problem, at the back of the issue is a financial issue or a lack of resources to do something in the way an institution might like. A further sanction does not help them. Going back to some of the earlier comments, students are the most at-risk group. A financial sanction on an institution can hit the front line and hit students who, most importantly, are the ones we are trying to protect. I will not go on further than that. I hope that was helpful with the Senator's questions.

**Dr. Bryan Maguire:** I will come in on response to the Senator's question on micro-credentials, which are obviously a key part of trying to respond to the emerging needs of industry and the skills market. The key to QQI support for these actually goes back to that same national framework for qualifications that was referred to in the earlier questions.

The framework has accommodated micro-credentials, albeit under a different name, since its inception. It would be a special purpose award. It is not, therefore, just degrees and major qualifications. It is, in fact, that we have a system that can allow the generation of micro-credentials. We know that the Irish Universities Association, for example, currently has the multi-campus micro-credentials project under the human capital initiative of €12.3 million to develop qualifications. It is working with QQI to ensure to find the best way to make these framework-friendly, as it were, in order that they will be widely recognised, portable and not just industry oriented, which is key, but that they will also build up the learners' portfolio and give them some lifelong achievements to take with them through their careers.

**Chairman:** Is that okay for Senator Byrne?

**Deputy Malcolm Byrne:** Yes, I thank the Chairman.

**Chairman:** The next speaker is Deputy Conway-Walsh followed by Deputy Ó Cathasaigh.

**Deputy Rose Conway-Walsh:** I thank the witnesses for the presentations. This is a really important session today. Will there be trade union representation on any governing authority, either the HEA or the Department? Perhaps the witnesses can answer that.

**Ms Tanya Kenny:** I can answer that. Yes, there will be staff representation. While the language of trade union movement is not used in the general scheme, staff “representative bodies” is used and there will be representation on the governing bodies.

**Deputy Rose Conway-Walsh:** Why is the trade union not mentioned in it? Is there a reason for that?

**Ms Tanya Kenny:** In the devising of the general scheme, the language we were advised to use was staff “representative bodies”, which would cover that.

**Deputy Rose Conway-Walsh:** Why? Is there a reason for that?

**Ms Tanya Kenny:** I would have to seek clarity on that from the drafters but in the general scheme it was advised to capture it that way.

**Deputy Rose Conway-Walsh:** Unions will be represented, however.

**Ms Tanya Kenny:** Absolutely. Staff “representative bodies” is the term used.

**Deputy Rose Conway-Walsh:** It is important to make that clear because I know that is causing concern. If we can take as many of those things off the table as we can then we are likely to end up with a better Bill.

One of the general functions of the Bill is to “secure and evidence value-for-money from Exchequer investment in higher education”. Deciding on what is and what is not value for money is often difficult to discern. In the 1980s, for example, when we were spending scarce Exchequer resources on higher education only for many graduates to emigrate, it could have been argued that this did not represent value for money but it laid the groundwork for attracting inward investment.

Essentially, these can be quite complex and highly political decisions. While we all want full accountability, there is a huge difference between mismanagement of funds and deciding what is and what is not worthwhile investment. Are the witnesses comfortable that the Bill provides enough clarity on what constitutes value for money? Are they clear on who makes the judgment between the HEA and the Department on this? Perhaps I can get an answer to that before I ask my next question.

**Mr. Tim Conlon:** Does Ms Kenny want me to comment on that?

**Ms Tanya Kenny:** Yes.

**Mr. Tim Conlon:** I thank Deputy Conway-Walsh. That is a very interesting question. From a HEA perspective, it is something of that balance between the national policy agenda, and, as I mentioned before, what is important locally, regionally and nationally. We will particularly have that experience on the western seaboard, for example, where we have an emerging technological university looking at the broader region and how that region can be empowered and

lifted to attract the kind of foreign direct investment, FDA, the Deputy has mentioned. It is also about keeping people, rather than having them emigrate, and there is the question of whether there will be resources and opportunity within a region. Perhaps the best people to judge that are those who are in the region on the ground, and that is the institutions themselves. When setting out their strategy, they must demonstrate how they are responding to national priorities. They are most aware of what is the requirement locally and what is happening there, and so there is a balance in accountability and autonomy that will allow them to be free enough to respond to local needs. They will understand far better than somebody sitting in Dublin, for want of a better expression.

**Deputy Rose Conway-Walsh:** That is why I have great concerns that the Mayo campus of the Galway-Mayo Institute of Technology, GMIT, will not be represented. Is that right?

**Mr. Tim Conlon:** I would not have thought that. I would have thought there is a significant opportunity. We have a diversity of small institutions in Irish higher education when it comes to being forward-looking or forward-thinking in order to be internationally competitive. We have seen online teaching throughout the Covid-19 pandemic, for example. Higher education is now being delivered in a multitude of ways and through different means. It will be a big challenge for a small campus or institution to remain internationally relevant and competitive in what will in itself be a challenging environment. Being part of a larger and more diverse institution, with many more resources available to it across multiple campuses would be an opportunity rather than a challenge.

**Deputy Rose Conway-Walsh:** It is, for sure, an opportunity, but at the same time I am concerned that after this there would not be representation from the Mayo campus to understand the unique position, the challenges and opportunities for the county.

**Ms Tanya Kenny:** In the general scheme the guiding principles for the memberships of the governing bodies are captured but the final position has not been agreed. That is why there are just guiding principles for now. We will look at outcome of this process on that. There is no final agreement and it is just the guiding principles of membership. I know the Deputy mentioned this previously and we have noted the matter.

**Deputy Rose Conway-Walsh:** It is really important we have representation from the Mayo campus of the GMIT. In the opening statement, it was indicated that one of the reasons for the legislation is the increasing number of private colleges. What oversight and governance would the Department and the Higher Education Authority have over private colleges. Will they be able to apply quotas on places as they do with some of the public colleges, particularly for primary teachers, as we have seen. We are also seeing movement on private places for nurses.

**Ms Tanya Kenny:** I will speak to the vision for the legislation, which is the designation of all higher education institutions, including those that are private institutions. It brings them under the legislative framework for that governance and oversight. The overall aim is to protect the integrity of the higher education system of the country and the student as well. It is bringing them into the fold for that oversight with respect to the various governance elements. It is different to what happens with colleges in receipt of Exchequer funding but there are elements around the plans required and oversight. Dr. Maguire can speak to elements of that.

**Dr. Bryan Maguire:** We are lucky in Ireland that our private higher education system is already subject to academic quality assurance through the awarding function of QQI awards, the Higher Education and Training Awards Council and the National Council for Educational

Awards before that. We have quite a robust floor on our academic standards across the board. That is the key role of QQI and this was strengthened in the legislation I referred to that was passed last year, whereby the learner protection fund, for example, is available where providers go out of business. On the other hand, these are private institutions that are not in receipt of public funds, except in certain limited cases such as some human capital initiatives, such as Springboard and the like. The flexibility of these providers to offer extra places has been very helpful in terms of the responsiveness of the system to short-term needs in particular courses of study.

On the question of general quotas and so on, that would also be available as a tool for the Higher Education Authority in setting the strategic direction of the system. If the institutions are funded by the HEA, it will get to say what will be funded; if, on the other hand, they remain privately funded, they will offer programmes in demand by students as they will be paying fees directly.

**Deputy Rose Conway-Walsh:** I do not agree with that at all. I cannot quite understand-----

**Chairman:** I will allow the Deputy a further six months because I know she is taking Deputy Ó Laoghaire's slot if that is agreeable to Deputy Ó Cathasaigh.

**Deputy Marc Ó Cathasaigh:** Yes.

**Deputy Rose Conway-Walsh:** This is a very interesting scenario and I have been tracking nursing places and the need, because of the pandemic, for additional medicine and nursing places across the board. I have seen places in private colleges and they are charging way more. Why are we not investing in public places rather than allowing them to be privatised and to charge multiples of what it would be if a student was to access places publicly? We have always been told there are challenges around the numbers of nursing places, for example, because they could not get placements in hospitals in Mayo or elsewhere. These private colleges must have a place for such placements as well. Why are we going down that route rather than publicly funding these colleges? Are we not concerned about accessibility and that only people with money will end up even being able to train as nurses, never mind as it is currently with medicine and its associated costs?

**Dr. Bryan Maguire:** As I have said, QQI's concern is with the academic standards of these programmes. In the case of private nursing programmes, the placements are also secured in private sector hospitals. There is a question about the structures of public and private sector institutions on the health side as well as on the education side. The question about determining the number of places in the public sector nursing provision, whether educationally or with respect to hospital placements, is subject to the constraints mentioned by the Deputy. There are a number of placements available in the public sector hospitals and HSE clinics etc.

**Deputy Rose Conway-Walsh:** Does Mr. Conlon wish to speak to that? Is there anything in the Bill that would stop this from happening and where we could have a public system rather than privatising places? I get what the witnesses have said around the governance but when something is privatised, these institutions can charge whatever they like.

**Dr. Bryan Maguire:** It is not that existing provision is being privatised but that new provision is coming on stream that is private.

**Deputy Rose Conway-Walsh:** I disagree with that but we could have a conversation about that on another day. It is the wrong way to go. How will drastically reducing the size of gov-

erning bodies increase competence and effectiveness in the operation of the boards? It is my understanding that the workload on board members is currently substantial. How will having the same workload and more spread across fewer people increase competence and effectiveness if there is already an overload?

**Ms Tanya Kenny:** The general scheme sets out the principles of the composition. It has not definitively come down on a specific number. The latest legislation about technological universities involves a smaller governing bodies. Some governing bodies at present can have up to 40 members. The feedback from consultation with institutions is that they are not as effective with large numbers. It is aligned with the National Strategy for Higher Education to 2030, which recommended more streamlined governing bodies with the competencies. They will be coupled with other stakeholder structures. There will be sub-committees where the voices of higher education institutions can be represented. There will be provisions for consultation in institutions' development of strategy. It is complemented by other structures that allow key stakeholder voices to come through to the more streamlined governing body, which will be based on competency, and will have staff and student representation.

**Deputy Rose Conway-Walsh:** I welcome the staff and student representation. This Bill sets out to replace one of the five general functions of the HEA which are set out in the Higher Education Authority Act 1971, which is promoting the democratisation of the structure of higher education. Why is this role not included in the 16 general functions in the Bill? Would it be fair to say that the new legislation will make institutions of higher education less representative and democratic in their governance?

**Ms Tanya Kenny:** An objective of the general scheme is to advance equality, diversity and inclusion for higher education. One of the general functions of the scheme is to support equality, diversity and inclusion in higher education, including participation in successive under-represented sections of society. There is also provision for the HEA to prepare an equity of access and participation plan for approval by the Minister. The plan will be published and the designated institutions will be required to have regard to that plan when preparing their own strategic development plan and equality statement.

**Deputy Marc Ó Cathasaigh:** I thank the witnesses for their presentations. It is a day when few people would prefer to be in a committee room to being somewhere else. It is a testament to the amount of stakeholder consultation that has happened in preparation for this general scheme that nearly all of the feedback provided to this committee at the pre-legislative scrutiny stage has been positive. A few recurring themes have been raised by a number of stakeholders as well as members of the committee. The three that jump out to me include the relationship between the HEA and the Minister, which Senator Malcolm Byrne has already spoken about, so I do not intend to go back to that. The issue of competence versus representation governance structure needs to be returned to. Autonomy of the universities, their research direction and whether we are doing enough to promote primary research as well as applied research is another. It is easier to find funding for applied research but primary research has significant value in and of itself.

I will return to the competency versus representation issue. Many people are worried about that. Deputy Conway-Walsh adverted to Mayo and the GMIT structure. It is a function of this new technological university structure where there will be multiple campuses. I am based in Waterford in the south east. There are similar concerns about the representation that will be provided for in Waterford, Carlow and Wexford. There is possibly some way to go to address those concerns. It probably should not be the case that we feel like each campus needs representation and that it should not be geographically-based but people have significant concerns

that this is an issue.

Regarding an adequate voice for the various needs of people within that governance structure, Ms Kenny adverted to the staff representative bodies, which is proxy language for trade unions. I am delighted to see a student voice in there although I think we need to put flesh on the bones of the student forum and how that will work. I imagine that there will be adequate representation from academic voices but I wonder about non-academic people working within the institutions and whether staff representative bodies adequately capture the needs of people who may not be academic or research staff but are working within these institutions. Will Ms Kenny comment on that?

I referred to putting flesh on the bones of various provisions. I know this is only a general scheme. We talk about provisions for engagement with students, equity of access to participation, lifelong learning, data collection and sharing, but I would like to see more detail about how exactly those are going to work. They are fine ideas to have in a general scheme but how will they translate into the actual structure? I want to allow an opportunity for Ms Kenny to respond to the HEA suggestion that section 31 could benefit from a provision for the HEA to recruit, where it may be required, within agreed ceilings or budgets, rather than on a consent per individual post basis.

I have a specific question and I am sorry if I am scatter-gunning with questions. Under heads 29(2) and 30(8), the general scheme constrains the role of the CEO of the new HEA from giving an opinion before either the Committee of Public Accounts or the wider committee structure. Is that normal practice for CEOs in the public sector or is it specific to this role? If it is specific to this role, why was it deemed necessary?

I think the preponderance of those questions are for Ms Kenny rather than Dr. Maguire or Mr. Conlon. I apologise for that.

**Ms Tanya Kenny:** There was a multitude of questions so I will address the student aspect first and the recognition and consultation. The Deputy is correct. With the extensive consultation, the general scheme takes account of the student engagement and feedback. The Deputy will see the heads that are trying to account for that. That follows engagement at an institutional and national level and a survey. The Deputy is correct that the heads need further development. The intent of the legislation is to address the aspects raised by the students in the consultation phase to ensure that we capture those three strands.

The governing body structure is to be smaller and competency-based. Regarding the representational element, staff and student representation is implicit. The selection process would be the same and be done through their representative bodies. That would be augmented by requirements for appropriate training for the competencies required for the governing body. That would address the competency and representational aspects.

I do not have an opinion on the HEA suggestion. It is my understanding that it is normal practice. We can seek further information if the Deputy wishes. There is ongoing engagement with the HEA about that so we can liaise further. The Deputy might remind me if there was another question.

**Deputy Marc Ó Cathasaigh:** I asked about the provision that the CEO cannot express an opinion before either the Committee of Public Accounts or the wider committee structures. Does that apply to CEOs in this public service model in general or is it specific to this role?

**Ms Tanya Kenny:** It is normal practice.

**Deputy Marc Ó Cathasaigh:** I will ask an additional question if the Cathaoirleach will allow me the latitude. I would like to give the witnesses an opportunity to expand on the matter of the performance framework. The performance framework would be determined by the parameters by which success is defined. If our parameters are based around academic excellence, the adaptation of needs to industry standards, or inclusion and promoting access, those indicators will give us different outcomes. I ask the three witnesses to expand a little on what they see as appropriate performance indicators to include in that framework.

**Mr. Tim Conlon:** That is a very interesting question and it is something at which we have been looking in the HEA. It goes back to my earlier point about the level at which we set that framework or engagement. The Deputy will be aware of the work of higher education institutions around sustainable development goals or just transition. Different institutions are responding to that in different ways depending on their region. Some of them have an international outlook in their engagement with just transition whereas some of them are far more local. In the midlands, for example, we are seeing that change in the industry base as part of an economic and social response. We need to set those system-level indicators at a sufficiently high level in order that we can talk about the overall contribution of the higher education and research sector and allow each institution to play to its strengths. We have some institutions that are very high performing and internationally relevant as regards research and then we have other institutions that are performing equally well in getting people from non-traditional entry backgrounds into and through higher education and out the far end into better lives, which is just as relevant a contribution in a national context as the research contribution is in an international context. It is about respecting that diversity of institutions, the diversity of missions and that balance, and seeing that each institution can make a contribution. I would ask that the framework be sufficiently high level, rather than granular, to allow every institution to play to its strengths, to demonstrate how they are playing to their strengths and to demonstrate the contribution they are making at national level.

**Dr. Bryan Maguire:** As Mr. Conlon said, the institutions have various performance targets that are individually crafted to match their local missions and ambitions but it is not just a question of meeting quantitative targets. It is not just about the width but the quality as well. The performance framework includes cross-references to quality assurance and review activities in which QQI would have taken part. To give a concrete example, last year there were a lot of questions about institutions shifting to online in the Covid pandemic. That was not envisaged as part of the performance framework and yet it had to be done. QQI co-ordinated a response with a number of other agencies, including the HEA, to gather as much evidence as we could to see what kind of response there had been in the circumstances, whether the students had been well served, if we could have confidence in the graduates who graduated last year and so on. That is an indication of the complementary methods of the two agencies but we need to know what we are trying to achieve in the first place and that is what the framework sets out.

**Deputy Marc Ó Cathasaigh:** It is like the old adage that people care about what they measure and measure what they care about. Academic excellence is obviously extremely important but WIT, for example, which is the closest institution to me, is extremely and rightfully proud of the fact that many of its entrants are the first people in their families to go on to third level. That is an important outcome as well. I allowed myself a wry smile earlier when Senator Dolan was talking about national hairdressing standards under the QQI. The pandemic haircuts I administered to my children would have attained no qualification under the sun but what happened in

lockdown stays in lockdown.

**Chairman:** I am surprised that the Deputy's wife, being a good Wexford woman, would allow him to cut their children's hair. I have a few questions myself and then I will allow other members back in before we conclude. As the witnesses know, the Irish Research Council, IRC, is the agency that funds basic discovery research across all disciplines. When it was established in 2012 the intention was that it would have a statutory footing. In this legislation, will the IRC be established as a statutory body with a council and a chair that the Minister will appoint?

**Ms Tanya Kenny:** The establishment of the new Department enables a greater focus on, and a more integrated approach to, research in the tertiary education system and its incorporation into the overall research system. It is intended that the overall research function of the Higher Education Authority will be included in the legislation. However, further consideration is being given to the issue of the appropriate statutory provisions for research funding as a result of the integration of research, innovation and science. The Irish Research Council, as the Chairman mentioned, operates under the aegis of the HEA and further consideration will be given in the course of the drafting of the Bill to the legislative and organisational elements and arrangements for research. There will be further consideration.

**Chairman:** Does Mr. Conlon have anything to add to that?

**Mr. Tim Conlon:** I do not think so. It is a matter for the Department.

**Chairman:** In previous meetings, such as the one on 6 July, the committee heard that academic councils are the parliaments of universities. Does the general scheme include provisions to ensure the important voices are heard on academic councils, that they are not lost due to the councils' size limits and that they are given opportunities?

**Dr. Bryan Maguire:** The primary legislation for the universities, technological universities and, since the Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019, the institutes of technology, guarantees the independence of academic councils or boards from the overall governing boards, so there is a clear distinction between the overall corporate accountability for the institution as a whole and the performance of its academic functions. The academic standards are not compromised by the need to graduate a certain number of students to meet a funding target or things like that. The academic council is at one side and is independent in the performance of its functions and is accountable through the external quality assurance mechanisms QQI has, whereas the main board or governing authority is accountable to the HEA, as the legislation sets out. That is the basic division of labour that goes on. That is not reflected afresh in this legislation but the legislation does not intrude on the provisions for academic autonomy that already exist in the primary legislation.

**Chairman:** Several witnesses at previous meetings raised concerns about the proposed composition and size of the governing authorities. How does the general scheme address the make-up of the governing authorities to ensure they are as representative as possible? There was a good spread of representation on the previous boards, while still being small enough to remain effective.

**Ms Tanya Kenny:** The principles are captured in the Bill and there is internal and external representation. The external representation is open to people to apply for that and the selection process is agreed and approved by the Minister. The aim is that the governing body would have the competency and composition required to allow it to undertake its duties. There are also the

guiding principles that are in place in the context of the external chair, the internal membership, the external membership and student and staff representation.

**Chairman:** Would the governing bodies make a recommendation to the Minister?

**Ms Tanya Kenny:** There is agreement with the Minister, yes.

**Chairman:** All right.

**Ms Tanya Kenny:** It is on the external appointments.

**Chairman:** Senator Dolan stated that students are at the heart of all higher education and there is no doubt an increasing number of students now wish to go to third level education. Do the officials believe the general scheme includes enough protection in respect of students' rights? If not, what further protections would they like to see included? I am aware that this has been addressed but I would like to flesh it out a little more because students must be at the centre here. It is their future and their education. Maybe we should be doing more to encourage people to go to third level education. It is not just for the members of one class in society, it is for absolutely everybody. I really feel it is now coming back to where it was perhaps 20 years when only people who were able to afford it got the chance to go to third level. We must remain cognisant of that. I raised this matter at previous meetings and we will be bringing some of the third level colleges and universities back in to discuss this specific issue. This should be affordable for all and available to all. The officials might give me a run-down on that.

**Mr. Tim Conlon:** I might start. I thank the Cathaoirleach for a good question. It reminds me of Deputy Conway-Walsh's point earlier about the reference to democratisation in the earlier legislation that is not present now. The intention of that democratisation of higher education was access for all. Higher education was a very different place 50 years ago and was far more limited with respect to the opportunities for access, transfer and progression through it. That democratisation has almost been changed now by a very specific access, transfer and progression agenda around target core groups, for example, and opening up higher education to everyone. That is very important because we can see from the data the HEA collects and the reports we have published that to get into and through higher education vastly changes life outcomes, such as the likelihood of being in employment, remaining in employment through economic cycles and so on. Of course, employment, income and so on also have health impacts on individuals. There is an important part of democratisation and equality there in that not getting access to higher education locks a person out of so much else in life. It is very important, therefore, that provision and opportunity is spread as widely as possible. I thank the Cathaoirleach. It is a very good point. I do not think there is anything in this legislation that undermines that or reduces that, rather it strengthens it as calls out in particular the access agenda. It also calls out the equality, diversity and inclusion agenda. That could be gender equality but also equality of inclusion. The legislation is sufficiently robust in that regard.

**Ms Tanya Kenny:** I can come in on that to build on what was said on student engagement. From the onset of the general scheme, the objects very clearly put the student at centre there as a primary consideration. The student and learner being at the centre of the legislation came through in the very first consultation process in 2018 and therefore we have added these student engagement provisions. The students are also included as members of the governing bodies, the HEA and QQI as well, so there is representation there to ensure the voice of the student is coming through and heard. It is informing policy. We also heard from the students about the importance of training at institutional level for going on and representing students on govern-

ing authorities. These are all captured and reflected in the legislation as well. As Mr. Conlon mentioned, the legislation is strengthened around access, participation, equality and diversity.

**Chairman:** I thank the officials. I know this is beyond the remit of what we are here for today but it does concern me on occasion. One will often see in the national newspapers that they have gone through every school in the country and shown where students placed after they did their leaving certificate and what colleges they went to. Some schools have a very low rate of take-up in the context of students going on to third level education. It is really concerning that people might think that if a person is going to a particular school then he or she must not be going to third level. Some of these schools are absolutely excellent education providers. Maybe it is the cases there are people who do not want to go on to third level, but it is something the Government must remain cognisant of. It is one of the reasons we will be doing some form of module before the end of the year on accessibility and accessibility for all because it is really important.

Just to finish up on my questions, the importance of primary research and the role of researchers were also highlighted by witnesses at previous meetings. Does the general scheme include provisions to promote research in the HEIs?

**Mr. Tim Conlon:** It does to some extent but, as Ms Kenny said in respect of other aspects of the legislation, there is a bit of working out to do. We have a new Department coming together which has a remit across higher education, research, innovation and science, which is a real opportunity. There is work ongoing on the national research and innovation strategy. The shape of that strategy, when it emerges in the later parts of this year, will probably have an influence on national science policy. There is sufficient opportunity to look at that balance. As a number of members, including the Cathaoirleach, stated, there is a piece around balancing that basic research with the applied sort because one never knows what the next challenge is going to arise. Nobody saw the pandemic coming or that there would be a need for epidemiologists, for example, to manage the response. Luckily enough, we happened to have a couple on hand. It is about that balance in the system. There is the economic endeavour and applied research in terms of meeting an industrial needs and obviously an economic need but there is also that part about knowledge for knowledge's sake, that is to say, there are certain disciplines we need research in to progress the discipline and to progress thinking about aspects other than just the economic or social. The balance piece will be important to watch and it will be interesting to see what comes through in the national research and innovation strategy later on this year.

**Chairman:** Okay. I am going to go beyond the remit of what we are doing today. I know the clerk will hand me a note saying I have done so, but I am going to do so anyway. We are doing a module on leaving certificate reform in September. I will not ask Ms Kenny for her opinion because she is working with the Department but I will ask Mr. Conlon and Dr. Maguire. On leaving certificate reform, students currently sit their exams in June. Continued assessment is the way to go. It gives people a better opportunity to get into colleges and everything like that. A final exam often scares students away. They do not get the full bang for their buck that they would get if there were continuous assessment. What advice on reform of the leaving certificate would Mr. Conlon and Dr. Maguire give the committee?

**Mr. Tim Conlon:** I will be brief. Dr. Maguire will give the Cathaoirleach chapter and verse because he is far more expert in academic assessment than I am. I will address what we see coming through. This goes to the Cathaoirleach's earlier point as well about students who are leaving second level and going on to higher education. One of the challenges we perhaps have - and again, this legislation addresses it efficiently - is we are not strong enough on lifelong

learning. It might be that an individual of school-leaving age does not think about higher education as an option at that point in time but may want to go back later in life. Our system is not as strong as it could be with respect to lifelong learning opportunities or returning to education later and the international evidence shows this. That is improving, and we are seeing changes as a result, for example, of the experience of the emergency online provision during the Covid pandemic that there will be new and different ways. However, to date one of the challenges of the system has been how do we take a more flexible approach to students at a later stage in life who might want to come into higher education.

On students coming into higher education without the appropriate academic capital, for want of a better expression, institutions do a lot, such as remedial maths programmes for example, to support students who might not have the required maths. The required maths is an underpinning part of so many programmes such as ICT. Institutions can do a lot but the revision of the second cycle has been very successful. Important work is happening there and it is important for higher education institutions education to that accordingly. There are two sides to it and we need to make sure that we work together appropriately. That is my observation on it.

**Dr. Bryan Maguire:** I will return to the framework, where the emphasis on the learning outcomes is what the students have learned and not how they have demonstrated that learning at any given point in time. It is certainly not about how they have learned it at three weeks in June of the year they happen to sit the leaving certificate. The pandemic has disclosed that there is more than one way to assess what students have learned and I hope we will be learning lessons from this and that the National Council for Curriculum and Assessment will learn lessons. Obviously, it is their prerogative to advise the Minister on that.

From the perspective of general qualifications the point we need to know is whether a student has achieved enough to have a sound basis to be able to go on to the next step. Whether that stage is into further education, into higher education, directly into the workplace or an apprenticeship, or another on-campus course, it is important that we have a variety of opportunities. One of things the HEA is doing, and which this Bill will facilitate further, is a lot of research on where students are coming from. This goes back to the Chairman's question about which schools and which areas, including the geographical and electoral districts, the students are coming from, and what this does for the students' progress right through the journey of further education, into higher education and onwards into employment, through linking up with the data collected by the CSO. We are just bringing big data to bear on this question of progression so we can get well beyond the headlines we have had in the past. This will help to give the schools, colleges and universities the information they need to help put students in the position where they can get the courses they can profit from, and to give them the support they need if they have gaps in their background.

**Mr. Tim Conlon:** I will add one additional observation. The HEA's ability to collect and monitor those data is very well provided for in this draft legislation. The power to collect data and to use it to inform evidence-based policy-making is very important. We do not have sufficient resources for that at the moment. This proposed legislation gives us some additional powers for collecting, analysing and using data to inform that evidence-based policy-making.

**Chairman:** I thank the witnesses for that. Senator Dolan would like to come back in and I will allow a further five minutes for those remaining at the meeting.

**Senator Aisling Dolan:** On leaving certificate reform, the data captured by the HEA would include the drop-out rate at first year. We are aware there is a large number dropping out at third

level. Perhaps it is young people who are not exactly sure about the courses they are taking, and it is about them having the basis to go forward. This data would really inform how we look at further education and training, and at building up the apprenticeship and in-learn sector.

Reference was made to research. I believe that the societal impact of the research we are funding is extremely important. This has come across through the research prioritisation in the past years. Our researchers are doing an excellent job in describing the impact to society of the research they conduct, and even in the way they put together the research now. In the last decade or so there has been a real focus on how one looks at the voice of the user in putting together a research plan. Researchers have really looked at the fact that we are no longer in ivory towers or hidden behind university walls where our research has no impact. Our researchers are first and foremost out there in designing the research to have impact from the very get go. It is crucial and it shows where funding has impact.

I have one or two questions for Mr. Conlon on the HEA. I apologise for earlier as my laptop overheated and literally shut down. Perhaps I could get some research innovation on how to keep these cool. I may put in for the AI, robotics and engineering section.

Mr. Conlon referred to having more resources and widening the remit of the data being gathered. How will the current skill set in the HEA be broadened in that regard? We would love to see the HEA also taking on apprentices. We are looking at public sector organisations being able to take on apprentices and train people up. Will Mr. Conlon note the amount of resources in the HEA for this or can he share that information at the moment?

My other question is for Ms Kenny on the performance framework and the resources we have in our universities. We are aware that universities are always trying to encourage research but it is difficult with such a heavy teaching load, the high student numbers in courses and the course work involved. We are all ways trying to encourage our lecturers to take on more research. In this performance framework is there anything that would point towards how we would support higher education institutions to encourage the lecturers and professors in doing more research and in building those research teams? The technological universities have done a mammoth amount of work for the applications they submitted in order to increase the amount of research performing staff at PhD level and that they are also looking at taking on more research. Ms Kenny may not be able to go into that again but does she have any thoughts on that?

**Mr. Tim Conlon:** The HEA is in constant conversation with our parent Department about resources. Perhaps we can provide the committee with some information about the background to that. On the general point, yes we are reasonably sufficiently resourced but as we expand into new areas of endeavour there is a requirement for increasing specialisation and specialist resources, for example with data analytics. We have a very capable statistics section. Building that out and increasing resources is one of the challenges. We will come back to the Senator separately on that off-line.

The Senator asked about the technological universities and the expanding research performance. We are seeing a rapid increase in the outputs and the staff profile of the former institutes of technology, now the technological universities. There are more people with PhDs, for example, and by virtue of having more staff with PhDs they want to use that PhD because otherwise why would they have one. This is in the context of supervising students and progressing their disciplines, engaging with enterprise in their regions and so on. The supporting infrastructure for that has been a bit slow to catch up. We have been lucky that we have an allocation from the Government and from the Department in the technological university transformation fund,

which is starting to put in place some of those scaffolding and resources around and about this research endeavour. They are challenged, as we all are, to build that in and to put it in place. As the Senator has said, there is vast detail in the applications about the strategies for research, what they want to do at what their ambition is. They need to be supported to achieve this ambition.

**Ms Tanya Kenny:** On the question of research, the general scheme of the Bill is intrinsically bringing research into that and the HEA's powers for instance in relation to governance and oversight apply to research activity also. It is putting parity of treatment on educational provision and research activity.

On the performance frameworks and performance agreements, the flexibility is there for the institutions that can prioritise research.

**Senator Aisling Dolan:** I am presuming that work done on research will be of equal value and taken into account when it comes to career profile and structure and the lecturer's advancement within universities, along with a number of publications and so on, and that we are looking at this as being of value in order to progress. This would be crucial.

**Deputy Rose Conway-Walsh:** This is a very useful session. I want to frame this in a way that we want this legislation to do what it needs to do. We welcome it but we need to work together and we need collaboration and inclusiveness to address what we need to address. We need joined up thinking. Mr. Conlon referred to access. Basically, we all want equality of access. Consider situations such as the student nurses. We need to have this joined up. We cannot have this legislation and then to be parked over here doing this, as it were. Last year, more than 5,000 students put nursing or midwifery as a first preference on CAO applications. We then see the numbers have been capped, and have been since 2017, at 819 places. We now have the new private course starting on 20 July at a cost of €7,995 annually. The joint committee can see the point I am making about a whole cohort where the candidates chosen are the ones who can afford it. We should not be in that situation where we are capping and not funding the places within the colleges themselves. I ask that that be looked at in the round in terms of quotas and the privatisation that is creeping in there.

I also ask Ms Kenny about the timeline in how she sees this issue as I am very mindful we will have the Cassells report which was certainly to be back from Europe by March. We are now in July and we are being told that it will be autumn now. I am aware the report is back in the Department now but it is important we do not ignore the chronic underfunding when it comes to underpinning what we are trying to achieve here across the board.

I ask Ms Kenny to deal with the timeline issue, the issue of public versus private courses, and the capping of equality of access to places, please. I thank the Chairman for allowing me to contribute again.

**Ms Tanya Kenny:** On the question of funding, the Deputy is correct in that the report and final deliverable is back and the Department has commenced its examination of it by way of analysis, findings, conclusions and recommendations. It is being examined with a view to developing proposals for Government to seek to meet the commitment contained in its statement of strategy. Once that is concluded, the report will be submitted to the Government for consideration.

**Deputy Rose Conway-Walsh:** When does Ms Kenny see this process being completed?

Will that be within one month or so?

**Ms Tanya Kenny:** I do not have an exact timeline on that for the Deputy but I know that the examination is under way. If I can assist, I will get a timeline for the Deputy from colleagues on that.

**Deputy Rose Conway-Walsh:** I thank Ms Kenny.

**Ms Tanya Kenny:** The Minister sets the policy on funding and the Higher Education Authority then distributes the funding. The legislation will not provide for quotas but will aim to work with institutions. I believe that addresses most of the Deputy's questions on that issue. We have mentioned the access plan and there is a lot of strengthening for that in the scheme.

On the Deputy's point about working together to get fit-for-purpose legislation, that is very much at the forefront of our minds, hence the emphasis on consultation and engagement to date, to assure the Deputy of that fitness for purpose.

**Deputy Rose Conway-Walsh:** What is the timeline on the legislation itself?

**Ms Tanya Kenny:** The timeline for that is that it is hoped to have enactment by the end of the year. Once we have the outcome of the pre-legislative scrutiny process, we can feed that into the drafting process and we are hoping to have the legislation enacted by the end of the year. That is the ambition level.

**Deputy Rose Conway-Walsh:** We will have the outcome of consideration of the Cassells report agreed before then, which would be great. I thank Ms Kenny.

**Ms Tanya Kenny:** I will get the Deputy the timelines she has requested on that.

**Chairman:** Has the Deputy concluded?

**Deputy Rose Conway-Walsh:** Yes.

**Chairman:** I thank the Deputy. I do not believe any other members wish to make any further contributions. That concludes our meeting. I thank Ms Kenny, Mr. Conlon and Dr. Maguire. I should have said at the outset that Dr. Maguire is a good Wexford man. I thank all the witnesses who have attended today's meeting and for briefing us all so comprehensively, which has been of enormous assistance to the committee in our examination of this issue. In respect of the replies of both Mr. Conlon and Dr. Maguire to the question of leaving certificate reform, we might take the witnesses up on the offer, which incidentally they did not make, but we may ask our witnesses to come before the committee again to give their views on that issue. This an issue which all members of the committee, together with the public, have a great interest in, specifically as a result of what happened to the leaving certificate due to Covid-19. I have some very strong personal views on this issue, as I know others do.

I thank all who have participated in the meeting, including our members. The committee is adjourned until 12.30 p.m. on Thursday, 22 July when we will meet again in public session.

The joint committee adjourned at 5.05 p.m. until 12.30 p.m. on Thursday, 22 July 2021.