



The effectiveness of FETAC's Quality Framework for providers

February 2011

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Purpose of the report

The purpose of this report is to evaluate the effectiveness of FETAC's quality framework in the further education and training sector. The evaluation is based on:

- The findings and outcomes of the following:
 - Annual monitoring reports 2008 and 2009
 - Monitoring activities in 2010 which will be published in May 2011
 - The Empower report, in particular, the findings relating to protection for learners
 - The examination report on FAS's procedures for requesting certificates, in particular, the findings relating to vulnerabilities within systems.
- The moratorium on staff recruitment.
- A comparison with similar regulatory and awarding bodies in the UK.

Section 4 sets out the main elements of FETACs quality framework for providers. Section 5 analyses the effectiveness of the quality framework under 5 key themes and section 6 makes a number of recommendations regarding how the quality framework can be enhanced to further improve quality across the sector.

Objectives of the evaluation

The objectives of the evaluation are to:

- assess the effectiveness of FETACs current policies and procedures relating to providers and programmes
- enhance and strengthen the quality framework for providers
- make specific proposals regarding how best FETAC's policies and procedures can be enhanced to further improve quality across the sector.

1. Introduction

Between 2005 and 2010 FETAC put in place a range of policies and guidelines for providers relating to quality assurance, as required by its legislative functions as set out in the Qualifications Act (Education and Training), 1999. The totality of the policies comprise a Quality Framework for providers.

The framework is a multifaceted, comprehensive and progressive approach to developing, maintaining, and enhancing quality within the further education and training sector. It includes a number of inter-related policies and procedures. .

The framework has 4 strands:

- i. a **provider registration** process based on providers meeting minimum criteria including
 - arrangements for fair and consistent assessment of learners and
 - arrangements for the recognition of prior learner for the purpose of making awards
- ii. a process for the **validation of programmes** prior to delivery including
 - arrangements for the protection of learners in the event of a commercial or profit making provider ceasing to trade and
 - arrangements for providers on an ongoing basis to self-evaluate their programmes
- iii. a process for **monitoring the effectiveness of providers programmes and services**
- iv. a process for a **5 year review of the providers quality assurance agreement** and registration.

The policies were implemented on an incremental basis between 2005 and 2010. By January 2011 all stages of the Quality Framework are now in place.

The Quality Framework was also influenced in its development by the Recommendation of June 2009 to the European Parliament and Council on the European Quality Assurance Reference Framework for VET and its forerunner the European Common Quality Assurance Framework agreed by Member States in 2004 under the Irish Presidency.

By February 2011 FETAC has over 960 registered providers offering over 8000 diverse programmes through a range of different methodologies including direct classroom contact, e-learning, distance learning, blended learning, work based learning and the recognition of prior learning. This includes public providers eg VECs, FAS and Skillnet; the community and voluntary sector; the disability sector, institutes of higher education and private providers operating on a commercial and profit making basis.

FETAC is responsible for monitoring and reviewing the effectiveness of the providers implementation of their quality assurance procedures by identifying (a) areas of good practice and areas for improvement, (b) requiring providers to implement improvement action plans, (c) when appropriate applying sanctions to providers who do not comply with requirements and (d) reviewing the providers quality assurance agreement every 5 years.

2. UK regulatory environment: a comparison

A comparison with another jurisdiction is helpful when evaluating one's own effectiveness. The Office of Qualifications and Examinations Regulation (Ofqual) regulates qualifications, examinations and assessment in England and Northern Ireland. It works closely with other regulatory authorities in Wales - the Qualifications and Curriculum Group, Department for Education, Lifelong Learning and Skills (DELL) - and Scotland - the Scottish Qualifications Authority. There are over 100 further education and training awarding bodies operating across the UK.

In order to ensure quality within the sector the regulatory authorities publish guidelines on the operations of awarding bodies and the awarding bodies publish guidelines for their respective providers. The guidelines aim to establish and maintain a culture of quality through the development and promotion of consistent and transparent standards and criteria.

The regulatory authorities recognise, monitor and audit awarding bodies within their remit and their qualifications including, when appropriate, suspending providers and declaring certificates valid. They intervene where they deem there is a risk to the fairness of the system or to an individual learner. They apply sanctions to awarding bodies and providers in order to preserve the integrity of the awarding system.

The above regulatory authorities are committed to meeting the following principles of what they define as “good regulation”:

- The regulatory system must be fit for purpose, transparent and easy to understand
- Intervention must be targeted, consistently applied and proportional to the task in hand
- The regulatory authority must be seen as accountable to the public, whose interest they seek to safeguard.

3. Qualification standards

FETAC’s role as outlined in the Qualifications Act is to determine the standards of knowledge, skill and competence to be acquired by learners before an award can be made.

In 2008 FETAC launched the Common Awards System. This is now the single way of developing awards across the further education and training sector. The Common Award System includes a national accumulation and transfer system which facilitates learners accumulating component credits in their own time and at their own pace. All existing awards are currently being migrated to the Common Awards System. This will be complete by December 2011 and will greatly facilitate providers, when developing and improving their programmes.

The Common Awards System is also compatible with the European Credit System for Vocational Education and Training (ECVET), a European initiative to promote mobility and recognition across Europe. FETAC is currently aligning the Common Award System with ECVET in order to facilitate mobility of Irish learners abroad. The Common Awards System will also be further developed to ensure greater alignment with national higher education awards in order to improve access, transfer and progression for learners across the National Framework of Qualifications.

4. The quality framework for providers

FETAC’s quality framework for providers sets out a comprehensive strategy to assure the quality of programmes leading to awards. The strategy involves the coordinated application of a number of distinct but interlinking functions. The quality framework has evolved a number of times since 2005.

Firstly, all providers who offer FETAC awards are required to have a quality assurance system and procedures agreed by FETAC. In 2007 FETAC published an assessment policy and guidelines for providers and this became part of the Quality Framework for providers from July 2008. This requires providers to put in place assessment procedures relating to internal verification, external authentication and results approval. The Quality Framework

evolved further in 2008 when FETAC commenced quality assuring providers to offer recognition of prior learning for the purposes of achieving an award.

Secondly, FETAC is responsible for validating provider's programmes. Validation is the process by which FETAC will evaluate a programme, before it is delivered, to ensure that it can provide a learner with the opportunity to achieve a named award. This includes, in the context of commercial and profit making providers arrangements regarding protection for learners. Providers are also required to self-evaluate their programmes on an ongoing basis.

Thirdly, FETAC will monitor and evaluate the effectiveness of the provider's quality assurance procedures and their programmes. Monitoring is a multi-faceted system of gathering information on provider's programmes, services and the quality assurance system which supports them. Monitoring identifies areas of good practice, areas for improvement, requires providers to put in place improvement action plans and in the event of non-compliance can lead to the application of sanctions including withholding certification, suspension, the withdrawal of validation and/or the withdrawal of registration.

FETAC directly monitors approximately 20% of registered providers annually. FETAC publishes provider monitoring reports and compiles an annual monitoring report setting out and analysing the effectiveness of quality assurance across the further education and training sector. The annual monitoring reports for 2008 and 2009 are available on the FETAC website. The Annual Monitoring Report for 2010 will be published in May 2011.

Finally, in 2010 FETAC commenced the process of 5 year reviews. This will involve all providers within 5 years of their registration undertaking a self-evaluation of the implementation of their agreement to date and an external review by FETAC of the provider's effectiveness. This will lead to the provider's agreement and registration being renewed, amended or withdrawn.

5. Strengthening the quality framework

This section analyses the effectiveness of FETACs quality framework for providers. It focuses on five key themes - provider registration, protection for learners, assessment, programmes and sanctions for providers.

5.1 Registration

The number of providers has grown significantly since 2005. There are now over 960 registered providers and these range in scale from very small providers offering one programme to VECs and FAS offering large number of programmes. It includes over 300 private providers operating on a commercial and profit making basis. The number of applicant providers is increasing on a weekly basis.

Between 2006 and 2010 14 providers ceased offering FETAC awards. This included private providers, second level schools, community providers and one Skillnet. In all cases, except one this was done in an orderly fashion and all programmes were completed in advance.

Empower Learning Ltd, a private provider, ceased trading abruptly in October 2010. This led to FETAC putting in place an action plan to assist learners to find alternative programmes as required under section 43-44 of the Qualifications Act. See Report on Empower.

It is possible that other registered providers will cease trading over time. There are a range of potential business and financial variables that could impact on their continued existence. The current registration criteria do not currently include reference to the sustainability of the provider. That is, financial or business plans are not requested.

As is evident from the published monitoring reports (2008 and 2009) and the monitoring activities for 2010 there is a direct correlation between provider experience and the extent of follow up and monitoring required by FETAC staff to ensure compliance.

See section 6 for proposals as to how best FETAC can strengthen the Quality Framework at the initial stage of provider registration.

5.2 Protection for learners

FETAC is required under section 44 (1) of the 1999 Act to “make all reasonable efforts to assist the learners concerned (in the event of a cessation of programmes) to find an appropriate programme of education and training with another provider which will enable them to complete that education and training”.

FETAC’s procedures regarding protection for learners were significantly tested as a result of the Empower closure.

To date, the Empower operation to assist learners transfer to alternative programmes and/or be assessed and certified cost FETAC approximately €30,000, excluding core staff costs.

Currently, there are over 300 private providers of which 52 have protection for learner arrangements in place. The largest single provider with arrangements in place operates 38 programmes.

See section 6 for proposals as to how best FETAC can strengthen the quality framework to protect learners by ensuring that commercial and profit making providers have fit for purpose arrangements in place in the event of a cessation.

5.3 Assessment

FETAC’s assessment policy is currently being implemented incrementally across the further education and training sector. FETAC is facilitating a dual system of external authentication¹. Part of the sector is operating external authentication as set out in FETACs assessment policy. Due to industrial relations issues the VEC sector operates the external examining process. The external examiner carries out a similar but different role to that of the external authenticator. The former involves FETAC appointing and assigning named external examiners to all VEC centres and as a result it takes place once a year in May. FÁS is commencing an external authentication process. It will be fully in place by August 2011. The rest of the sector operates authentication as set out in FETAC’s policy.

The external perspective is a key feature of all quality systems. When consistently applied it enhances quality and adds a high level of confidence. There is a need for greater consistency across the sector. Differences in practices may lead to perceived or actual difference in quality systems.

¹ External authentication is the process by which assessment evidence will be moderated or reviewed by subject matter experts to ensure the achievement of national standards.

See section 6 for proposals as to how best FETAC can strengthen the Quality Framework to ensure greater consistency regarding assessment practice across the sector.

5.4 Programmes

FETAC introduced a process for the registration of programmes in 2006. This was introduced as an interim measure prior to the validation of programmes becoming active. The latter is being introduced into the sector on an incremental basis as new awards are published.

FETAC receives regular queries from stakeholders regarding the quality of provider's programmes. These mainly relate to duration (in particular accelerated programmes) and distance learning.

See section 6 for proposals as to how best FETAC can strengthen the Quality Framework to improve the quality of current programmes.

5.5 Sanctions

FETAC has a range of sanctions in place to ensure providers comply with their quality assurance agreement. These include withdrawing certification, suspending providers, withdrawing validation and/or withdrawing provider registration. However, the sanctions are not sufficiently documented or known. Following the experiences gained as a result of FETAC's monitoring activities since 2008, the sanctions have been reviewed. See Appendix 1.

See section 6 for proposals as to how best FETAC can strengthen the Quality Framework to ensure sanctions for providers are fit for purpose and proportionate.

6. **Proposals for approval**

The proposals below address the issues outlined in section 5 and over time will further enhance a culture of quality across the sector by increasing transparency and consistency of practice. See Appendix 2.

6.1 Further development of the Common Awards System

FETAC will further develop the Common Awards System to ensure greater alignment with higher education awards and ECVET.

6.2 Comprehensive quality framework

FETAC will publish a single document capturing and outlining the comprehensive Quality Framework for providers including the sanctions in place for non-compliance.

6.3 Registration

FETAC will revise provider's registration criteria in order to gather more information regarding the applicant's financial affairs and previous delivery and assessment experience. See Appendix 3.

The revised criteria will be published in May 2011 for new providers and all existing providers will be reviewed against the revised criteria from the date of their review.

6.4 Protection for learners

FETAC will set out more clearly for commercial and profit making providers their responsibilities to learners including requiring them to publicise their specific protection for learner's arrangements for each programme and each learner cohort. Learners should be aware of their provider's arrangements regarding their specific programme prior to commencing the programme. In particular the learner should know the names and contact details of their alternative provider in advance of them needing it. FETAC will require the provider to update their arrangements regularly depending on their volume and turnover of programmes.

The role and responsibilities of the alternative provider also needs to be more clearly defined. An alternative provider may be required to complete the programme, assess the learner, internally verify the learner's evidence, undertake the external authentication of same and/or process the results to FETAC for certification.

FETAC will monitor the initial provider's implementation of their protection for learner's arrangements including their information for learners. FETAC will also monitor the readiness of the alternative provider to manage the implementation of the arrangements that they have signed up to.

FETAC will publish the register of protection for learner arrangements and update it regularly based on returns made by the provider. Learners should be able to verify the initial provider's public information with FETAC's published register.

6.5 Assessment

The authentication panel was reviewed in 2010 and will be reappointed for another two years. In addition providers are now required to use only external authenticators from the panel. If the provider wishes to nominate persons to the panel with specific skills sets they may submit details of the proposed person to FETAC for consideration.

To ensure a consistent external authentication process across the sector FETAC will, as it deems appropriate, assign external authenticators to providers to ensure the attainment of national standards. FETAC will regularly brief external authenticators regarding their role and responsibilities and seek feedback from external authenticators regarding their findings.

6.6 Programmes

To enhance the quality of current programmes FETAC will establish and publish best practice guidelines on programme duration, protection for learners and distance learning. Providers will be required to comply with published requirements and criteria.

6.7 Sanctions

FETAC will publish information regarding sanctions for providers and will revise internal procedures to ensure sanctions are operated in an effective and timely manner. See Appendix 3.

Appendix 1 Revised sanctions for providers

Sanctions will be applied to providers who do not comply with the requirements of FETAC's quality framework

In the event of issues arising with a provider's implementation of its quality assurance procedures, FETAC will request the provider to undertake an examination, enquiry or investigation and/or FETAC itself will carry out an examination, enquiry or investigation. Pending the outcome of the examination, enquiry or investigation, FETAC may withhold certification, or suspend the provider from one or more activities.

To protect the integrity of FETAC awards, FETAC may take one or more of the actions outlined below.

1 Withhold certification

FETAC will withhold certification from providers whenever there is any cause for concern regarding the integrity of the provider's process. FETAC will do so immediately. FETAC will investigate the issue and will only resume certification when it is assured that the appropriate corrective action has been taken. If not, the sanction will be escalated further. See below.

2 Suspension

Providers may be suspended, pending an examination, enquiry or investigation, from one or more activities depending on the risk identified.

Taking on more learners

FETAC will suspend the provider from taking on more learners when there is any concern regarding the integrity of the provider's processes or systems and/or funding concerns arise. This sanction will apply in the event that FETAC wishes to protect prospective learners from commencing programmes where there are serious concerns raised regarding the providers programmes, services or his/her sustainability. FETAC will investigate the issues and will advise the provider that they can resume activities when they are assured that the appropriate corrective action has been taken. If not the sanction may be escalated further.

Entering learners for certification

FETAC will suspend the provider from entering learners for certification when there is any concern regarding the provider's policies, procedures or practices that could impact on the integrity of FETAC awards. FETAC will investigate the issues and will advise the provider that they can resume activities when they are assured that the appropriate corrective action has been taken. If not, the sanction will be escalated further.

Processing any applications for programme validation

FETAC will suspend the provider from processing any applications for programme validation where there is any concern regarding the provider's policies, procedures or practices that could impact on the integrity of FETAC awards. FETAC will investigate the issues and will advise the provider that they can resume activities when they are assured that the appropriate corrective action has been taken. If not, the sanction will be escalated further.

Offering new programmes leading to FETAC awards

FETAC will suspend the provider from offering new programmes leading to FETAC award if there is any concern regarding the integrity of the providers programme (s). FETAC will investigate the issues and will only remove the suspension when they are assured that the appropriate corrective action has been taken. If not, the issue will be escalated further.

3 Withdrawing programme validation

FETAC will withdraw programme validation for one or more programmes offered by a named provider when there is sufficient evidence to suggest that the provider is not in a position to effectively deliver the programme(s). Due process, as outlined in FETAC's validation policy (including an appeal to the NQAI, as provided for in the Qualifications Act) will be applied.

4 Withdrawing provider registration

FETAC will commence proceedings to withdraw provider registration when the provider fails to comply with their QA Agreement and or their Terms and Conditions of registration. As outlined in the Monitoring policy the decision to withdraw provider registration will be taken by the FETAC Council. The provider will be offered an opportunity to appeal the Council decision.

5 Declare certificate requests invalid

Following the outcome of an examination, enquiry or investigation where FETAC finds that certificates requests are invalid, FETAC will declare the certificates issued to be null and void. FETAC will require the provider to inform the learners involved and invite them to be retrained or reassessed as appropriate.

Appendix 2 Action Plan

| Action | Indicative Timeline |
|--|--------------------------------|
| 1. Further development of the Common Awards System | Dec 2012 |
| 2. Publish the comprehensive Quality Framework for Providers | Dec 2011 |
| 3. Revise criteria for provider registration | May 2011 |
| 4. Revise arrangements and requirements for protection of learners | Jun 2011 |
| 5. Reappoint Authentication Panel and review role of the authenticator | Jun 2011 |
| 6. Publish guidelines to further improve programmes | Jun 2011 |
| 7. Publish and promote sanctions for providers | Mar 2011 |

Appendix 3 Provider Registration

Applicants for provider registration will be required to submit the following information:

Legal status

- The name of the entity/organisation/company
- The status of the entity/organisation/company - limited, charity
- Business address
- The names of the Principals and Directors
- The organisational structure
- The names of any associated sister companies
- Any previous legal name
- Any pending or old legal actions
- Acknowledgement that they have a fire safety statement
- Acknowledgement that they have a website
- Information provided to learners regarding fee refunds, examination fees, visa requirements
- The name of a third party to liaise with FETAC in the event of a cessation of business. The person must be a solicitor or accountant and they must agree (by letter) to act on behalf of the applicant.

Finance

- The most recent audited accounts, bank statements and credit references
- Acknowledgement that they make financial returns that are obligatory
- Tax clearance certificate

Experience

- Experience of programmes provided (if any) in the last 3 years
- A 3 year business plan, including projecting the number of programmes and learners, the type and range of awards, planned scale of activities and associated resources required in terms of teachers/tutors, rooms, equipment, investment etc
- A profile of teachers and trainers
- References from other accreditation bodies/organisations if the applicant is registered, accredited or a member of a body, association or sectoral body in the education and training sector or professional field.