



**QQI**

Quality and Qualifications Ireland  
Dearbhú Cáilíochta agus Cáilíochtaí Éireann

# Procedures and criteria relating to delegation of authority



QQI, an integrated agency for quality and qualifications in Ireland

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# Procedures and criteria relating to delegation of authority

Procedures and criteria for the determination of a request for delegated authority to make an award in respect of a programme or class of programmes.

Procedures for the review of each programme or class of programme of education and training of a provider to which authority to make an award has been delegated and the overall operation and management of that provider.

This document does not include procedures for monitoring the operation of the authority delegated; see section 9(1)(f).

Version 1.01 includes a correction (made on 21/8/2017) to the reference to the applicable subsection (54(2)) of the Qualifications and Quality Assurance (Education and Training) Act 2012 in Heading 16.1.



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## **FOREWORD**

This document, presents QQI's procedures and criteria for the determination of a request to QQI for delegation of authority to make awards in respect of a programme or class of programmes and procedures for the review of delegated authority.

These procedures apply to all providers who are eligible to request delegated authority to make an award (including those described by section 52(2)(e) of the Qualifications and Quality Assurance (Education and Training) Act 2012).

Delegated authority to make an award enables a provider to establish its own award brand and affords it greater autonomy in establishing programmes within classes of programmes in respect of which authority to make awards has been delegated. Providers with delegated authority to make an award in respect of a particular programme are not required to apply to QQI for validation of the programme.

QQI determines the policy and criteria for awards made under delegated authority and the awards standards that apply to those awards. Such awards are recognised within the National Framework of Qualifications.

The new procedures and criteria commenced upon publication on QQI's website in February 2017 (see Unit 19 on Transition) and replace all current procedures and criteria concerning delegated authority.

Providers are delegated authority to make awards exclusively in respect of programmes that they provide, organise or procure.

# Part I: Context

## 1 INTRODUCTION

This document contains procedures and criteria established under section 52(1) of the Qualifications and Quality Assurance (Education and Training) Act 2012 (the 2012 Act) for the determination of a request to QQI by a provider under section 52(2) of the 2012 Act to delegate to it the authority to make an award.

It also contains procedures established under section 54(2) of the 2012 Act for the review of delegated authority to make an award.

The procedures in this document must be read in conjunction with the relevant parts of the 2012 Act. If there are any real or apparent disagreements between this document and the 2012 Act, they are unintentional and the 2012 Act will nevertheless be applied.

Further, the legislation on delegated authority to make an award is relatively detailed in its prescriptions and therefore this document will frequently quote rather than paraphrase the legislation within the procedures. Other quotations from the 2012 Act are for the information of those considering the procedures and criteria and their basis in law.

The more extensive quotations from the 2012 Act are presented in bordered panels. Note that QQI is “the Authority” referenced in the quotations from the 2012 Act. References to ‘sections’ in this document should be taken as references to elements in the 2012 Act unless otherwise stated. References to ‘units’ should be taken as references to elements in this document.

Frequently in this document the term ‘delegated authority’ or the abbreviation ‘DA’ will be used instead of delegated authority to make an award.

52(1) The Authority shall, as soon as practicable after the establishment day, establish and publish, in such form and manner as it thinks appropriate (including on the internet), procedures and criteria for the determination of a request under subsection (2), which criteria shall include criteria relating to the overall operation and management of the provider making the request.

## 2 THE LEGAL BASIS FOR DELEGATION OF AUTHORITY AND ITS REVIEW

QQI’s functions include to “*make awards, delegate authority to make an award where it considers it appropriate and review and monitor the operation of the authority so delegated*” (section 9(f) of the 2012 Act).

QQI’s delegation of authority functions are governed by the 2012 Act generally and particularly sections 52-55 of that Act.

The terms **award** and **programme** have the meanings provided in section 2(1) of the 2012 Act.

A **class of programmes** is defined as follows:

52(11) For the purposes of this section, and sections 53 , 54 and 55 , a class of programme of education and training may comprise either or both—

- (a) programmes which lead to awards recognised at, or up to, a particular level within the Framework,
- (b) programmes in a particular subject area.

The term “**provider**” means a person who provides, organises or procures a programme of education and training” (section 2(1) of the 2012 Act).

Section 83 of the 2012 Act concerning service of documents applies when a provider is required to notify QQI (or the reverse) under the 2012 Act (e.g. sections 53(7) and 53(8)).

### **3 PREREQUISITES FOR REQUESTING DELEGATED AUTHORITY**

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Providers who may request **delegated authority to make an award** (DA) are listed in section 52(2) of the 2012 Act amended in 2013<sup>1</sup>.

52(2) Subject to *subsection (3)*, any of the following may request the Authority to delegate to it the authority to make an award:

- (a) an Institute of Technology;
- <sup>2</sup>(aa) an education and training board established by section 9 of the Education and Training Boards Act 2013
- (b) An Foras<sup>3</sup>;
- (c) the National Tourism Development Authority;
- (d) Teagasc;
- (e) a provider of a programme of education and training fulfilling the conditions set out in regulations made under *subsection (8)*.

<sup>1</sup> Amended by Further Education and Training Act 2013 (25/2013), s. 51, S.I. No. 400 of 2013.

<sup>2</sup> Inserted (26.10.2013) by Further Education and Training Act 2013 (25/2013), s. 51, S.I. No. 400 of 2013.

<sup>3</sup> Now SOLAS (see section 38(c) of Further Education and Training Act 2013).



52(3) A provider referred to in *subsection (2)* may not make a request under that subsection unless—

- (a) the provider has established procedures for quality assurance under *section 28*,
- (b) the provider has established procedures for access, transfer and progression under *section 56*,
- (c) the provider has complied with *section 65* in respect of arrangements for the protection of enrolled learners, if applicable, and
- (d) if *subsection (10)* applies to the provider, the provider has consulted with the other person referred to in that subsection.

Requests under section 52(2) will not be accepted from providers who do not meet the prerequisites specified by section 52(3) of the 2012 Act.

Requests under section 52(2) cannot be accepted by providers referred to in section 52(2)(e) until the regulations referred to in section 52(8) have been made.

### 3.1 [Quality Assurance Procedures](#)

The quality assurance procedures (section 52(3)(a) of the 2012 Act) must address the programmes and classes of programmes in respect of which delegated authority to make an award (DA) is requested.

Any providers contemplating a request for DA are directed to establish QA procedures having regard to the new statutory quality assurance guidelines.

They must also address related services, for example, the quality assurance of the provider's programme approval procedures (we will use the term validation for this) and **its procedures for making awards and establishing joint awarding arrangements** and making **joint awards** (see QQI's *Policy and Criteria for Making Awards*<sup>4</sup> and section 51 of the 2012 Act). They must address all functions and procedures that would be required should authority to make awards be delegated by QQI.

Where applicable to the programmes in respect of which DA is sought, they should address the quality assurance of

1. collaborative programmes (e.g. where section 52(10) applies or where future collaboration is envisaged),
2. transnational programmes,
3. research degree programmes,
4. programmes of further education and training (FET),
5. programmes of FET leading to CAS awards,

<sup>4</sup> <http://www.qqi.ie/Publications/Policy%20and%20Criteria%20for%20Making%20Awards.pdf>

6. programmes of higher education and training,
7. apprenticeship programmes
8. programmes of education and training in English for speakers of other languages, and
9. flexible and distributed learning programmes.

**Transnational programmes are particularly complicated. A provider's quality assurance procedures for transnational programmes necessarily have a generalised part as well as country specific parts. A country specific QA module for a particular country must be approved by QQI before delegated authority may be requested in respect of a transnational programme involving that country and before an award may be made under delegated authority in respect of such a programme.**

An evaluation for the purposes of determining a request for delegated authority may recommend approval of incrementally modified QA procedures. This does not extend to the approval of major modifications such as those that address sector-specific or topic-specific QA guidelines that did not previously apply.

It is likely that the approved QA procedures of a relevant provider without delegated authority to make awards will need to be amended for the purpose of addressing the additional responsibilities that would be associated with the delegated authority sought. These amendments must be made and approved before a formal request for delegated authority can be made.

It may be efficient in certain instances to integrate the approval of QA procedures and evaluation for the purposes of determining a request for delegated authority. The same evaluation process might look at the evidence for both in parallel (i.e. use the same provider self-evaluation report and site visit). However, QQI's approval of the QA procedures and its determination of a request for delegated authority are sequential. In particular, the QA procedures must be approved before (see unit (3)) a formal request for delegated authority to make an award can be made.

### 3.2 Protection of Enrolled Learner

Providers should refer to the QQI document current QQI protocols and guidance relating to Protection of Enrolled Learners.

### 3.3 Providers who are not Relevant Providers

Providers who are not relevant providers should note section 52(4) of the 2012 Act. This scenario might arise for providers making a request under section 52(2)(e) or 52(2)(c).

52(4) Where a provider referred to in *subsection (2)* makes a request under that subsection and the provider is not a relevant provider or a linked provider, that provider may—

(a) for the purposes of complying with *subsection (3)(a)*, establish procedures for quality assurance under **section 28** as if the provider was a relevant provider and **sections 30** and **31** shall apply to such a provider as if that provider was a relevant provider, and

(b) for the purposes of complying with *subsection (3)(b)*, establish procedures for access, transfer and progression under **section 56** as if the provider was a relevant provider.

# Part 2: Procedures for the determination of an application for delegated authority to make an award

## 4 PRELIMINARIES

Providers requesting delegated authority should also note sections 52(5)-52(7) and 52(10). The 'other person' referred to in section 52(10) would be regarded by QQI as a collaborating provider.

DA can only be requested in respect of programmes or<sup>5</sup> classes of programmes 'of the provider' making the request. This means that the provider must provide, organise or procure the programmes in respect of which it requests DA.

A provider with DA may not otherwise request DA in respect of programmes involving other providers.

52(5) A request by a provider under *subsection (2)* for delegated authority to make an award may be made in respect of a programme or a class of programme of education and training of the provider.

52(6) Where a provider makes a request under *subsection (2)* in respect of a class of programme of education and training of the provider, that provider shall specify in the request all of its programmes of education and training within that class.

52(7) A request by a provider under *subsection (2)* shall be accompanied by such fee (if any) as may be determined by the Authority under **section 80**

52(10) Where a provider referred to in *subsection (2)* organises or procures a programme of education and training and makes a request under that subsection in respect of an award made on completion of the programme but that programme is, wholly or partly, provided by another person, the provider making the request shall consult with that other person before making the request.

### 4.1 Fees

The schedule of fees is published separately. QQI will not accept a request for delegated authority unless the applicable fee has been received with the request.

<sup>5</sup> Normally in this document, the meaning of 'A or B' includes 'A and B' i.e. the 'or' is inclusive. Nevertheless, in some cases, this may be emphasised by 'A and/or B'. The exclusive 'or' is normally indicated by the construction "either A or B".

#### 4.2 Retrospective DA

QQI will not retrospectively delegate authority to make an award.

#### 4.3 Programmes

Delegation of authority may be sought in respect of programmes or classes of programmes. It is preferable<sup>6</sup> that any programmes concerned have been validated previously by QQI under the current *Policies and Criteria for the Validation of Programmes of Education and Training*.

Note that regulations made under section 52(8) may require that programmes of a provider subject to these have been validated by QQI for a minimum period (section 52(9)).

### **5 PREPARING AND MAKING A REQUEST FOR DELEGATED AUTHORITY**

This unit outlines the steps required in making a request for delegated authority to make an award in respect of a programme or class of programmes. Guidelines may be issued to help providers prepare their requests.

#### 5.1 Preliminary Matters

A provider must ensure that the prerequisites set out in unit (3) have been met before making a request for delegated authority.

A request for delegated authority must comply with all the requirements of QQI's procedures and criteria for the determination of a request for delegated authority to make an award in respect of a programme or class of programmes (the latter will frequently be abbreviated to "**DA criteria**", see Part 3).

Submission of a request by a provider to QQI shall not imply that any of the requirements have been met.

A request for delegated authority must be accompanied by the prescribed fee, which is non-refundable.

#### 5.2 Evaluation by the Provider

Prior to making a request for delegated authority to make an award in respect of a programme or class of programmes a provider is required to conduct, and prepare a report on, a critical and candid evaluation, against QQI's DA criteria (Part 3), of

- (i) the programmes or classes of programmes of education and training of the provider for which delegated authority to make an award is sought, and
- (ii) the overall operation and management of the provider.

<sup>6</sup> Note criterion 15.1 in this context.

The evaluation must indicate whether (i) and (ii) (above) meet the applicable<sup>7</sup> DA criteria and include analysis and commentary clearly citing evidence and referencing this in the supporting documentation. It should also address the prerequisites.

The evaluation should describe the means and methodologies that the provider has used for the evaluation and include a critical analysis of, and commentary on, their effectiveness.

Unsupported assertions that the DA criteria are met will not be accepted.

### 5.3 Supporting Documentation

The documentation must include sufficient information to address QQI's DA criteria (Part 3). It must address

- (i) the programmes or classes of programmes of education and training of the provider for which delegated authority to make an award is sought, and
- (ii) the overall operation and management of the provider.

The supporting documentation must include details of all programmes (including those within classes of programmes of education and training) of the provider for which delegated authority to make an award is sought.

If section 52(10) of the 2012 Act applies to the provider, the provider should include with its application a report on its consultations with persons (typically this means other providers) referred to in that section.

The supporting documentation should include the provider's quality assurance procedures established under section 28 of the 2012 Act; see also unit (3.1).

### 5.4 Assembling and Making the Application

All requests for delegation of authority to make an award must include:

- (a) Documentation demonstrating that the Preliminary Matters (5.1) have been attended to, and in particular that the Prerequisites (3) have been satisfactorily complied with;
- (b) The provider's evaluation report (5.2);
- (c) The supporting documentation (5.3);
- (d) If section 52(e) applies to the provider the application must address the conditions set out in regulations made under subsection 52(8); and
- (e) The applicable fee (the application is incomplete if the fee has not been received by QQI).

<sup>7</sup> For example, if the provider is not applying for DA to make awards in respect of a class of programmes the criteria relating to classes of programmes may not all be applicable.

The documentation including the provider's evaluation report must address the DA criteria. QQI may refuse a request to delegate authority on the grounds that the application does not address the DA criteria. **The onus is on the applicant to present a complete case.**

Additional or elaborated requirements may be set out by QQI in operational or administrative procedures for delegation of authority (including software systems) generally or on a case-by-case basis.

The request for delegation of authority to make an award **must be signed** by the provider's chief executive (or equivalent) who confirms that the information provided is truthful and that all the applicable criteria have been addressed.

### 5.5 [Withdrawal of a Request for Delegated Authority](#)

Requests for delegated authority may be withdrawn prior to the start of the independent evaluation stage. A partial refund of fees (up to 50% of the fees received in respect of the application) may be made if the request is withdrawn prior to the start of the independent evaluation stage. After the independent evaluation stage has started, QQI will normally progress to a determination and publish the approved evaluation report.

### 5.6 [Confidentiality and the Freedom of Information Act](#)

The documentation (including that covered by unit (5.4)) relating to a request for delegated authority will be made available confidentially to QQI staff and persons and organisations involved in their evaluation. Nevertheless, it should be noted that QQI is subject to the Freedom of Information legislation and QQI records are subject to requests under the Freedom of Information Act.

### 5.7 [Screening by QQI](#)

QQI will screen the documentation supporting the request and if satisfied that it addresses its DA criteria will proceed to arrange for the evaluation of the request. If QQI is not satisfied that the documentation addresses the DA criteria it will inform the provider who may choose to make a revised submission. Passing this screening check is no guarantee that the documentation will be found to have addressed the criteria when independently evaluated.

## 6 [EVALUATION AND DETERMINATION OF A REQUEST FOR DELEGATED AUTHORITY](#)

Sections 53(1)-53(3) are particularly noteworthy in this context and will be followed by QQI. The report prepared under section 53(1) will be called the **approved evaluation report**.

53(1) The Authority shall evaluate a request made under **section 52 (2)** in accordance with procedures established under that section and shall prepare a report on its evaluation.

(2) The Authority shall furnish a copy of the report prepared under *subsection (1)* to the provider concerned and shall inform the provider that the provider may submit observations in writing to the Authority in relation to that report not later than one month after the furnishing of the report to the provider.

(3) After consideration of any observations submitted to the Authority under *subsection (2)*, the Authority shall, within 6 months of receipt of the observations or within 6 months of the expiration of the one month period referred to in *subsection (2)*, whichever is the earlier—

(a) where it is satisfied that—

(i) a programme or a class of programme of education and training of the provider for which delegated authority to make an award is sought, and

(ii) the overall operation and management of the provider, meet the criteria established under **section 52 (1)**, delegate, subject to the conditions in *subsection (4)*, to that provider the authority to make an award in respect of that programme or that class of programme, or

(b) refuse to delegate to that provider that authority and give reasons for the refusal.

All requests for delegated authority will be independently evaluated against the criteria for the determination of a request for delegated authority (the DA criteria). This independent evaluation will contribute to informing the formal evaluation of the request by QQI.

The independent evaluation of the request will be undertaken by a group of evaluators (unit 6.1).

The evaluation by QQI of a request for DA is not limited to consideration of the material submitted by the provider making the request. The independent evaluation may be supplemented by other evaluation reports commissioned by QQI at its discretion. For example, as part of the evaluation QQI may commission an independent evaluation of the clarity of the legal and beneficial ownership and financial stability of the provider.

Any supplemental commissioned evaluation reports will, if considered relevant by QQI, be

- (1) made available to the provider making the request (for factual accuracy checking and comment) and after this to the group of independent evaluators; and
- (2) included in the **independent evaluation report** and (if considered appropriate by QQI) the **approved evaluation report** (see unit 6.2).



Assuming a provider is eligible to apply for DA, approval of QA procedures by QQI under section 30(2) of the 2012 Act while necessary is insufficient for the determination of a DA request (or a DA review) because the DA criteria go far beyond examination of procedures for quality assurance.

The approach to the independent evaluation is outlined below.

As considered necessary by QQI and by arrangement with QQI, evaluators may undertake site-visits as part of the evaluation. They may interview the provider's leadership, its personnel and other relevant stakeholders including any relevant learners. The evaluation group may provide informal feedback to the provider at the conclusion of a site visit. Any such feedback will not be comprehensive and will be given without prejudice to the [approved evaluation report](#) (see unit (6.2)). The independent evaluation of requests for delegated authority to make higher education and training awards will normally involve a site visit.

The [independent evaluation report](#) must address whether the programmes or classes of programmes and overall operation and management of the provider meet the criteria for delegation of authority to make awards in respect of specified programmes or classes of programmes, in general and in detail. It must include one of the following overall conclusions in light of the applicable procedures and criteria:

- (i) Satisfactory (*meaning that it recommends that QQI can be satisfied in the context of section 52(3) of the 2012 Act*);
- (ii) Satisfactory subject to proposed special<sup>8</sup> conditions (specified with timescale for compliance for each condition; these may include proposed [pre-conditions](#) i.e. proposed (minor) things to be done before QQI completes the evaluation and makes a determination); or
- (iii) Not satisfactory.

Further, in exceptional cases the 'special conditions' may be used to identify parts of the request in respect of which the independent evaluation proposes that QQI *can be satisfied in the context of section 52(3) of the 2012 Act*. For example, QQI can be satisfied in the context of section 52(3) of the 2012 Act that (i) a subset of the programmes and classes of programmes of the provider for which delegated authority to make an award is sought, and (ii) the overall operation and management of the provider, meet the criteria established under section 52 (1) (the DA criteria).

The report may also propose recommendations for consideration by the provider.

All independent evaluation reports are required to provide a rationale for any proposed special conditions and recommendations to the provider as well as the overall conclusion.

The report must outline the independent evaluation process, the evidence considered, the systematic evaluation against the criteria, and identify the evaluators and any interests that they declared (this relates to avoidance of conflicts of interest).

<sup>8</sup> Special here means additional to selections from the conditions deriving from unit (8).

## 6.1 [Independent Evaluators](#)

Evaluators will be objective and independent of the programmes and the provider making the request e.g. free of conflicting interests.

Any related interests must be declared in the [independent evaluation report](#) and will be published.

Independent evaluators must be competent to make a recommendation on whether or not the authority requested should be delegated. Competence means having the capacity to make and defend judgements against the applicable QQI DA criteria. Specifically, an evaluator or an evaluation group will be selected to have the competence to justify their recommendation whatever it may be (see the introduction for unit (6)). For the independent evaluation of requests for delegated authority to make higher education and training awards, the groups of evaluators will include (a) student member(s) and will be composed in compliance with ESG standard 2.4.

Typically, evaluation groups will have expertise in the operation and management of providers with awarding authority comparable to that requested; in the main discipline-areas of the relevant programmes and in generic areas including pedagogy, assessment, quality assurance and all the other areas indicated by QQI's DA criteria.

QQI will exercise its judgment as to the number of evaluators that may be required in respect of the request in question and the competences required having regard to the particular provider and programmes and the nature of the relevant QQI awards standards.

Training will be provided to independent evaluators where QQI considers this necessary.

An evaluator who feels that they do not have the competence to evaluate an application should not accept an invitation to act or if this realisation, or a conflict of interest, occurs following acceptance should notify QQI without delay.

## 6.2 [Approved Evaluation Report](#)

After QQI has received the [independent evaluation report](#), it will make this available to the provider. The provider will be invited to:

- (i) Comment on the factual accuracy of the independent evaluation report;
- (ii) Submit any modified documentation and plans addressing any pre-conditions, conditions and recommendations proposed in the IER.

The independent evaluator (group) may be invited by QQI to make a supplementary statement on the provider's response that would be included as an addendum to the report. Following this, the independent evaluation report will be finalised (where necessary in consultation with the independent evaluator (group) and the provider).

QQI may disregard or reject an independent evaluation report *at any stage* if it is not satisfied that the report is consistent with QQI's procedures and criteria for the determination of a request for delegated authority to make an award or the 2012 Act or if QQI lacks confidence in any aspect of the independent evaluation process.

As a general rule, QQI will instigate a new independent evaluation process in these circumstances.

If QQI is satisfied with the independent evaluation report it will adopt it, subject to any modifications it considers necessary, as the [approved evaluation report](#) prepared under **section 53(1) of the 2012 Act**. DA is always subject to conditions and QQI may specify conditions under section 53(4)(b) (see unit 8).

## **7 PROMULGATION OF THE DETERMINATION**

### **7.1 Certificate of Delegated Authority**

Delegation of authority to make an award in respect of a programme or a class of programmes is communicated to the provider by the issue of a [certificate of delegated authority](#).

The certificate of delegated authority will include details of the scope and boundaries of the delegated authority such as (but not limited to):

- (a) Provider name;
- (b) The programme titles and codes and the corresponding award titles and codes in respect of which delegated authority to make an award is delegated;
- (c) The classes of programmes in respect of which delegated authority to make an award is delegated (and the programmes within this class); and
- (d) The conditions of the delegated authority established under section 53(4)(b).

### **7.2 Publication of the Independent Evaluation Report**

The [approved evaluation report](#) alongside the determination of the request for delegated authority to make an award by QQI is, together with the certificate of delegated authority, a substantive product of the process.

It will be published after closure of the appeal period unless the determination to refuse the request for delegation of authority is appealed, in which case the report will be published if the appeal is unsuccessful.

**In some cases, the provider's self-evaluation report may be published subject to the provider granting permission especially if it demonstrates exemplary practice.**

### **7.3 Publication of Descriptive and Administrative Information about the Delegated Authority**

Certain administrative information will also be published including information about the determination of the request for delegated authority, the programmes and classes of programmes involved, the [certificate of delegated authority](#) and the applicable protection of enrolled learners (PEL) arrangements.

## 7.4 [Delegated Authority and Certification](#)

A provider with delegated authority to make an award may, nevertheless, request QQI to make the awards. If QQI agrees then the normal QQI award fees will apply.

## 8 [CONDITIONS](#)

Sections 53(4)-53(6) are particularly noteworthy in this context and will be followed by QQI.

53(4) The provider concerned shall—

- (a) (i) co-operate with and assist the Authority in the performance of the Authority's functions in so far as those functions relate to the functions of the provider,
  - (ii) establish procedures which are fair and consistent for the assessment of enrolled learners to ensure the standards of knowledge, skill or competence determined by the Authority under **section 49 (1)** are acquired, and where appropriate, demonstrated, by enrolled learners,
  - (iii) continue to comply with **section 65** in respect of arrangements for the protection of enrolled learners, if applicable, and
  - (iv) provide such information as the Authority may from time to time require for the purposes of the performance of its functions, including information in respect of completion rates,
- and
- (b) comply with any other condition that the Authority specifies by notice in writing to the provider concerned.

53(5) The Authority shall, for the purpose of determining any other conditions under *subsection (4)(b)*, have regard in particular to any programmes of the provider of the kind referred to in **section 52 (10)**.

53(6) Where the Authority delegates authority to a provider to make an award, and the authority has not been withdrawn under **section 55**, any award made by the provider pursuant to that authority shall be an award of that provider.

Note that QQI will review each programme or class of programme of education and training of a provider to which authority to make an award has been delegated under **section 53** and the overall operation and management of that provider from time to time as it thinks appropriate AND will review at least once every 7 years after the authority is delegated. The procedures for review are described in unit (16).

If following a review QQI finds that a condition referred to in **section 53 (4)** is not being complied with QQI will, by notice in writing, inform the provider concerned that it proposes to withdraw or vary the authority to make an award in relation to a

programme or programmes of a class specified in the notice (see [section 55 of the 2012 Act](#) for further details). See unit (17) for details.

Monitoring of delegated authority may lead to a review under [section 55](#) of the 2012 Act.

## [8.1 Conditions Established Under Section 53\(4\)\(b\)](#)

Delegation of authority to make an award may be subject to one or more of the following conditions in relation to that particular delegated authority, or to any other conditions, general or specific, that QQI in the exercise of its functions deems appropriate to impose under [section 53\(4\)\(b\) of the 2012 Act](#).

Where QQI delegates to the provider authority to make an award but specifies a condition in writing under *subsection (4)(b)*, the provider may appeal against the condition to the Appeals Panel (Section 53(12) of the 2012 Act).

### [8.1.1 Conditions relating to collaborative programmes 52\(10\)](#)

- (a) Where a provider has delegated authority to make an award in respect of a particular programme and wishes to organise or procure a similar programme (i.e. having the same curriculum) to be wholly or partly provided by another person and make the award in respect of the similar programme, it must request delegated authority to make the award in respect of the similar programme.
- (b) Providers whose quality assurance procedures and overall operation and management at the time of the request for delegated authority did not address collaborative provision, may not make awards in respect of programmes that are wholly or partly, provided by another person (another provider).
- (c) Subject to (b), where a provider with delegated authority to make an award in respect of a class of programmes, wishes to organise or procure a programme wholly or partly provided by another person, the provider must agree with that person:
  - (i) a formal memorandum of agreement concerning overall operation and management of the collaborative arrangement; and
  - (ii) procedures in writing for quality assurance for the purposes of establishing, ascertaining, maintaining and improving the quality of education, training, research and related services of that provider.

Further, units 8.1.1(c)(i) and 8.1.1(c)(ii) must be consistent with the delegated authority to make an award, QQI's DA criteria, QQI's quality assurance guidelines, the provider's QQI approved quality assurance procedures and the certificate of delegated authority including the conditions of delegated authority.
- (d) Where a provider has delegated authority to make an award in respect of a class of programmes and proposes to make an award in respect of a programme within that class to be wholly or partly provided by another

person, it should ensure that the memorandum and procedures referred to in unit 8.1.1(c)(i) and (ii) are established before notifying QQI under [section 53\(7\) of the 2012 Act](#). It must also first **validate** that programme; see unit (20.1).

- (e) A proposal under (e) may only be made in respect of programmes 'of the provider' concerned. This means that the provider must provide, organise or procure the programme in respect of which it proposes to make an award. A provider with DA may not otherwise propose to make an award under DA, or offer an award to be made under DA, in respect of a programme involving other providers.

#### 8.1.2 Condition of delegated authority concerning transnational programmes

- (a) **Where, at any time after QQI delegates authority to a provider to make an award in respect of a class of programme, the provider proposes to validate a [transnational programme](#)<sup>9</sup> which it considers comes within the class but the programme was not specified under section 52 (6), the provider shall consult with QQI (in writing) three months before validating the programme.**

#### 8.1.3 Condition of delegated authority concerning a change in the QQI award or award standard

- (a) Where QQI changes an award title, an award specification or an award standard that a programme depends upon, the provider shall not enrol any further learners on the affected programmes, unless informed otherwise in writing by QQI, until it has revalidated the affected programmes.
- (b) A provider wishing to provide a transnational programme leading to an award to be made under delegated authority shall consult with all of the relevant authorities (including but not limited to the quality assurance and qualifications recognition authorities) in each and all jurisdictions where the programme is to be provided and shall comply with relevant local regulations.

#### 8.1.4 Non-transferability

- (a) Delegated authority to make an award may not be transferred or inherited or extended from one provider to another. After authority has been delegated to a specific provider, it is restricted to remaining within that provider. If that provider is, for example, acquired by another entity and if the original provider survives as a discrete unit that can function as a provider within the acquiring entity, then that unit might be able to retain the authority delegated; (see units 8.1.5 and 8.1.6), but not otherwise.
- (b) Subject to (a), a provider with delegated authority may not delegate the authority that is delegated to it by QQI nor may it franchise, sell or transfer rights to its delegated authority.

<sup>9</sup> This condition reflects that transnational programmes can be far more complicated to manage and quality assure than programmes provided in the provider's home country.

#### 8.1.5 Change in circumstances, ownership or legal status

- (a) Where a provider with delegated authority to make an award has a change in circumstances (e.g. ownership or legal status) it must notify QQI in writing to enable QQI to assess the implications for authority to make awards delegated to that provider under section 53 of the 2012 Act.

#### 8.1.6 Mergers and acquisitions condition

- (a) Where a provider with delegated authority to make an award is likely to, or planning to, merge (amalgamate) with another entity or to acquire, or be acquired by, another entity, it must notify QQI in writing to enable QQI to assess the implications for authority to make awards delegated to that provider under section 53 of the 2012 Act.

#### 8.1.7 General conditions

The provider shall

- (a) Ensure that the programmes, and classes of programmes as implemented and its overall operation and management do not differ in a material way from that set out in the documentation supporting the request for delegated authority; differing in a material way is defined as differing in any aspect that was material to QQI's DA criteria.
- (b) Ensure that the programmes are provided with the appropriate staff and physical resources.
- (c) When advertising and promoting the programme and awards, use the correct award type(s) and award class(es) indicating the level of the award(s) on the National Framework of Qualifications.
- (d) Notify QQI in writing (**note section 83 of the 2012 Act on service of documents**) without delay of:
- (i) any material change to the programmes<sup>10</sup> involved or overall operation and management;
  - (ii) anything that impacts on the integrity or reputation of the programmes, the classes of programmes or the corresponding awards;
  - (iii) anything that infringes the conditions of delegated authority; or
  - (iv) anything that would be likely to cause QQI to consider reviewing a programme or class of programme of the provider to which authority to make an award has been delegated under section 53 or the overall operation and management of that provider.
- (e) Report to QQI, when required or requested, on any of its programmes or class of programmes of education and training in respect of which authority to make an award has been delegated under section 53, on its overall operation and management and on its compliance with the conditions of delegated authority.

<sup>10</sup> This includes programmes in respect of which authority was delegated and programmes in any classes of programmes in respect of which authority was delegated.

### 8.1.8 Design and form of awards made under delegated authority

The provider shall

- (a) Consult with QQI before finalising designs and forms of awards to be made under delegated authority.
- (b) Ensure that the award design makes reference to the fact that the award is made under delegated authority from QQI.

### 8.1.9 Special conditions

QQI may attach special conditions (see unit (6)).

## **9 DELEGATED AUTHORITY TO MAKE AN AWARD IN RESPECT OF A NEW PROGRAMME**

Sections 53(7)-53(10) are particularly noteworthy in this context and will be followed by QQI.

53(7) Where, at any time after the Authority delegates authority to a provider to make an award in respect of a class of programme, the provider proposes to make an award in respect of a programme which it considers comes within the class but the programme was not specified under *section 52 (6)*, the provider shall notify the Authority in writing of its proposal.

53(8) The Authority may, within one month of receipt of a proposal under *subsection (7)*, notify the provider in writing that it does not consider the programme comes within a class of programme in respect of which the provider has delegated authority to make an award.

53(9) Where a provider is notified by the Authority under *subsection (8)*, the provider shall not make an award in respect of the programme concerned.

53(10) Where a provider does not receive a notification from the Authority under *subsection (8)*, the provider may, after the expiration of one month referred to in that subsection, make an award in respect of the programme concerned.

Notice to QQI under *section 53(7)* must be made in writing to QQI, by registered letter or one of the alternative means specified by *section 83 of the 2012 Act*.



## 10 APPEAL AGAINST REFUSAL TO DELEGATE AUTHORITY OR CONDITIONS

53(11) Where the Authority refuses under *subsection (3)(b)* to delegate to a provider the authority to make an award in respect of a programme or a class of programme of education and training, the provider may appeal against that refusal to the Appeals Panel.

53(12) Where the Authority delegates to the provider authority to make an award but specifies a condition in writing under *subsection (4)(b)*, the provider may appeal against the condition to the Appeals Panel.

Procedures for making appeals are published on QQI's website.

## 11 OFFENCE

53(13) A provider who falsely claims or represents that the Authority has delegated to the provider authority to make an award in respect of a programme or a class of programme of education and training commits an offence.

## 12 JOINT AWARDING

53(14) Where a provider has delegated authority to make an award under this section and enters into an arrangement with another awarding body to make a joint award in respect of a programme of education and training of the provider, that provider shall notify the Authority of the arrangement within 14 days of it being made.

Notice to QQI under [section 53\(7\)](#) must be made in writing to QQI, by registered letter or one of the alternative means specified by [section 83 of the 2012 Act](#).

# Part 3: Criteria for the determination of a request for delegated authority to make an award

## 13 INTRODUCTION

Unit 14 sets out the criteria relating to overall operation<sup>11</sup> and management and unit 15 relates to programmes and classes of programmes.

The criteria are numbered and supported by evidence requirements. It is necessary to address the criteria and the evidence requirements when requesting delegated authority.

There is some overlap between the topics addressed by these criteria and those addressed by validation criteria, quality assurance guidelines and such like. However, these criteria go well beyond quality assurance and the purview of typical quality assurance units. For example, corporate and academic governance and management (and not just QA of same) feature strongly in the criteria.

The criteria must be addressed anew when requesting delegated authority.

Pending the finalisation of new procedures and criteria relating to delegation of authority to make awards in respect of research degree programmes, the documents “Research Degree Programme Policy and Criteria” and “Policy and Criteria for the Delegation of Authority to the Institutes of Technology to make Higher Education and Training Awards (including joint awards)” shall apply in respect of requests for and reviews of delegation of authority to make research degree awards but with the role of the “Criteria and Procedures for the Delegation and Review of Delegation of Authority to Make Awards 2004” replaced by the new Procedures and Criteria Relating to Delegation of Authority.

## 14 CRITERIA RELATING TO OVERALL OPERATION AND MANAGEMENT (ESTABLISHED UNDER SECTION 52(1))

14.1 The scope of the provider’s quality assurance procedures established under section 28 of the 2012 act, as implemented, encompasses the programmes and classes of programmes in respect of which delegated authority is requested

<sup>11</sup> The day-to-day activities of the provider.

14.2 The provider has a clear and realistic strategy for the educational, training and research<sup>12</sup> programmes or classes of programmes and related services that fall within the scope of the delegated authority sought

To assist in meeting this criterion the provider is required to provide evidence of the following.

- (1) The provider is fully committed philosophically and financially to the success of its programmes of education and training.
- (2) The provider has promulgated a mission statement that identifies its role and purposes in relation to the education, training, research and related services it provides.
- (3) The provider has a strategy for the realisation of its mission and has established aims, objectives and plans.
- (4) The provider systematically plans for the realisation of its mission, with particular reference to the quality of the education, training, research and related services that it provides.
- (5) There is an explicit and close relationship between this planning (4) and the provider's decisions on resource allocation.
- (6) The provider implements its plans, monitors progress and regularly evaluates the efficacy of its strategy and plans.
- (7) The planning and evaluation activities involve the active participation of relevant internal and external stakeholders.
- (8) The provider gives special attention, in its evaluation of proposals for new programmes, to the role of such programmes in the overall context of the provider's planned development and the resource implications in the context of existing provision.
- (9) The provider systematically applies information obtained through its monitoring and evaluation activities to inform its planning especially as it relates to learner achievement.
- (10) The provider effectively monitors and periodically evaluates the actualisation of its mission giving primary focus to the realisation of its objectives for education, training, research and related services that it provides.
- (11) The provider regularly reviews the effectiveness of its approach to planning and evaluation.
- (12) The provider periodically reviews its mission statement and strategy in consultation with its stakeholders.

<sup>12</sup> This applies where research programmes are provided.

14.3 The provider is governed, managed and administered effectively with clear and appropriate lines of accountability overall and for its education, training, research and related services<sup>13</sup>

14.4 The provider's financial management is sound and a clear relationship exists between its financial policy and the safeguarding of the quality and standards<sup>14</sup> of all of its educational and training programmes and awards

14.5 Any of the provider's activities that don't relate to education or training are compatible with the provision of programmes of education and training and the making of educational and training awards

To assist in meeting criteria 14.3, 14.4 and 14.5 the provider is required to provide evidence of the following.

- (1) The provider's financial planning, quality assurance and resource allocation policies are coherent and consistent with its expressed educational and training mission, strategy, plans, aims and objectives.
- (2) The provider's educational and training mission and associated policies and systems are understood and applied consistently both by those connected with the provision and, where appropriate, enrolled learners.
- (3) The provider's organisational structures and decision-making processes operate effectively to facilitate the realisation of its mission.
- (4) The provider is a self-critical, cohesive educational community with a demonstrated commitment to quality assurance supported by effective quality and enhancement systems.
- (5) There is a clarity of function and responsibility at all levels in the provider's organisation in relation to its governance structures and systems for managing its educational and training provision.
  - (i) The governance structure includes at least two committees: a **governing body** (or equivalent) with overall responsibility for policies and an **academic committee** (or equivalent) with responsibilities relating to educational and training standards and quality.
  - (ii) The provider has a **chief executive** (or equivalent) who directs its activities and is responsible to its governing body for the efficient and proper operation and management of the provider.
  - (iii) All committees have prescribed membership criteria, terms of reference as to their responsibilities, powers and decision making processes and

<sup>13</sup> These criteria and the following evidential requirements are copied with some adaptation from A1 in "Taught Degree Awarding Powers and Research Degree Awarding Powers Guidance for Higher Education Providers: Criteria and Process for applying for Taught Degree Awarding Powers and Research Degree Awarding Powers" UK Department of Business, Innovation and Skills September 2015, BIS/15/525, Contains public sector information licensed under the Open Government Licence v3.0. (Crown Copyright 2015, <https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>)

<sup>14</sup> Meaning actual achievements required to qualify for the awards made by the provider. QQI sets the statutory standards for awards made under delegated authority.

- meeting schedules. The inter-relationships between all committees and personnel are clear and unambiguous.
- (iv) The proceedings of all committees are formally recorded in minutes, which are made available as appropriate within the provider. They are also made available to QQI in relation to the performance of its functions.
  - (v) The organisational structure and the provider's policies provide safeguards against nonfeasance, misfeasance and malfeasance by any element in the system.
  - (vi) The provider operates an effective system for dealing with any grievances regarding its functioning.
  - (vii) Administrative records are satisfactorily maintained. The provider has systems to ensure compliance with all ethical, professional, regulatory and legal requirements in this regard.
  - (viii) The provider regularly reviews the effectiveness of its governance, management and administration. The results of such reviews are used to make improvements.
- (6) There is depth and strength of educational and training leadership across the whole of the provider's educational and training provision.
  - (7) The provider develops, implements and communicates its educational and training policies and systems in collaboration with those who have responsibility for the provision of its programmes of education and training, and with relevant stakeholders.
  - (8) The provider's educational and training policies, systems and activities are monitored and reviewed and appropriate and timely action is taken when deficiencies are identified.
  - (9) The provider takes effective action to identify and maintain strengths and detect and respond appropriately to weaknesses.
  - (10) The provider has a sound approach to risk identification and management.
  - (11) The provider's education, training, research and related services take full account, where applicable, of:
    - (i) The Qualifications and Quality Assurance (Education and Training) Act 2012 (as currently amended);
    - (ii) QQI's quality assurance guidelines established under [section 27 of the 2012 Act](#);
    - (iii) The National Framework of Qualifications and the policies and criteria upon which it is based ([section 43 of the 2012 Act](#));
    - (iv) QQI's awards standards determined under [section 49\(1\) of the 2012 Act](#);
    - (v) QQI's policies and criteria for making awards established under [section 50\(1\) of the 2012 Act](#);

- (vi) QQI's policies and criteria for access, transfer and progression in relation to learners under [section 56\(1\) of the 2012 Act](#);
  - (vii) QQI's Code of Practice for Provision of Programmes of Education and Training to International Learners established under [section 60\(1\) of the 2012 Act](#);
  - (viii) and other applicable policies, protocols, guidelines, conventions and procedures established by QQI for the performance of its functions.
- (12) The provider's educational and training risk and change management strategies are effective.
- (13) The provider has established robust mechanisms to ensure that the **actual standards**<sup>15</sup> of its educational and training awards are not put at risk and are consistent with the applicable QQI awards standards (note [section 43\(5\) of the 2012 Act](#)).
- (14) The provider has the capability of managing successfully the additional responsibilities that would be vested in it were it to be granted delegated authority to make an award.
- (15) The provider's policies and systems include contingency plans for dealing with the consequences of a withdrawal or variation of delegated authority to make an award (see unit (17)).

#### 14.6 The provider's operation and management of collaborative and, where applicable, transnational provision are sound

To assist in meeting this criterion the provider is required to provide evidence of the following.

- (1) Sound legally binding agreements govern all collaborative activities involving provision of programmes of education and training, joint awarding and any other aspects that touch on the prospective delegated authority.

#### 14.7 The provider has established necessary infrastructure and systems for information and data management (including but not limited to learner records)

#### 14.8 The provider's overall operation and management relating to the provision, organisation and procurement of programmes of education and training and the making of educational and training awards are sound

To assist in meeting this criterion the provider is required to provide evidence of the following.

- (1) The provider has in place an appropriate regulatory framework with sufficient and suitable human and other resources, to govern education, training, and assessment and related services (covering, for example, student admissions, progress, assessment, appeals and complaints).

<sup>15</sup> Meaning the knowledge, skill and competence actually required in practice to qualify for an award of the provider.

- (2) The provider's proposed validation (programme approval, see unit (20.1)) policies and criteria are consistent with QQI's validation policies and criteria, they are clear, unambiguous and there are sound arrangements for their consistent implementation and application.
- (3) The provider has procedures for the periodic revalidation (normally every five years) of the programmes it validates.
- (4) Validation and revalidation reports are published.
- (5) The provider's proposed regulatory framework and procedures for making awards comply with QQI's policies and criteria for making awards determined under [section 50 of the 2012 Act](#) and they are effective, clear and unambiguous; and there are sound arrangements for their consistent implementation and application.
  - (i) The proposed award (e.g. certificate, diploma, and degree) designs presented with the request for delegated authority are complete and are consistent with QQI's policies and criteria for making awards, harmonious with QQI's own designs and include effective security features that will adequately combat attempted counterfeit.
  - (ii) The wording that will be used on awards (should authority be delegated) indicates that the award is made under authority delegated by QQI under [section 53 of the 2012 Act](#).
  - (iii) The provider has procedures, systems and resources to ensure that award (e.g. certificate, diploma and degree) formats (applying to parchments and any other media for issuing awards) remain consistent with QQI requirements.
  - (iv) The provider has procedures to ensure that awards made under delegated authority are well differentiated from any transcripts, certificates and such like that the provider may offer.
  - (v) The provider has suitable systems and resources to securely and reliably collect and archive (permanently) data concerning each award made under delegated authority and has secured the necessary permissions from learners and made the necessary arrangements to ensure that these data can and will be transferred to QQI in the event that authority to make awards is withdrawn by QQI.
- (6) The provider's proposed procedures establishing arrangements with other awarding bodies to make joint awards and for making joint awards are effective, clear and unambiguous; and there are sound arrangements for their consistent implementation and application.
- (7) The provider's procedures for the assessment of learners meet the requirements of the 2012 Act and are consistent with [QQI's assessment guidelines, conventions and protocols for programmes leading to QQI awards](#) and [QQI's Guidelines on the moderation of assessment](#).

- (8) The provider manages its financial resources in the interest of maintaining and improving the quality of its programmes of education and training provided, organised or procured and endeavours that sufficient resources will be secured to provide for the completion<sup>16</sup> of any programmes leading to awards to be made under delegated authority on which it enrolls learners.
- (i) relevant staff are informed of, and provided with guidance on, the provider's policies and procedures for programme design, monitoring and review;<sup>17</sup>
  - (ii) responsibility for amending or improving new programme proposals is clearly assigned and subsequent action is carefully monitored;
  - (iii) coherence of programmes with multiple elements or alternative pathways is secured and maintained;
  - (iv) close links are maintained between learning support services and the provider's programme planning, approval, monitoring and review arrangements;
  - (v) robust arrangements exist for ensuring that the learning opportunities provided to those of its learners who may be studying at a distance from the organisation are adequate;
  - (vi) through its planning, approval, review and assessment practices, it defines, monitors, and reviews intended programme learning outcomes and maintains actual standards that are consistent with these and with the applicable QQI awards standards;
  - (vii) clear mechanisms are in place for use when a decision is taken not to provide or to cease providing a programme or programme element, and that, in doing so, the interests of learners are safeguarded; these include the arrangements required under Part 6 of the 2012 Act.

14.9 The provider has sufficient educational and training staff who are available and competent to educate and train, to facilitate learning and to assess learners within the scope and scale of provision in respect of which delegated authority is requested

To assist in meeting this criterion the provider is required to provide evidence of the following.

- (1) The number, qualifications and experience of staff are appropriate.
- (2) The staff-to-learner ratios for each programme and the corresponding prescriptions/specifications for classes of programmes are sound, monitored and consistent with the teaching, learning and assessment strategies.

<sup>16</sup> Here this means providing enrolled learners with a reasonable opportunity to complete the programme.

<sup>17</sup> (i), ..., (vi) is copied with some adaptation from B3 in "Taught Degree Awarding Powers and Research Degree Awarding Powers Guidance for Higher Education Providers: Criteria and Process for applying for Taught Degree Awarding Powers and Research Degree Awarding Powers" UK Department of Business, Innovation and Skills September 2015, BIS/15/525, Contains public sector information licensed under the Open Government Licence v3.0. (Crown Copyright 2015, <https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>)



- (3) Staff are connected as appropriate with wider communities of practice such as professional bodies, scientific communities, learned societies, practitioner associations, and discipline or field of learning.
- (4) The provider's personnel policies and criteria are designed and operated to ensure the employment of sufficient qualified and competent staff of a satisfactory educational and professional standard in relation to programmes of education and training it provides, organises or procures.
- (5) The provider employs sufficient appropriately qualified teaching, management, administrative, professional, technical, and support staff to provide programmes of education and training satisfactorily at all locations where programmes are provided or to be provided.
- (6) The provider's policies and criteria are designed and operated to ensure the continuing availability of adequate and appropriate staff specified for each programme of education and training it provides, organises or procures at each location of provision, having regard to the other calls on those staff, and ensure that a programme will only be offered to learners when the required staff are secured and dedicated to the programme.
- (7) The provider requires (e.g. through conditions of service) and enables staff to engage in such continuing professional development activities as is required for them to maintain the expertise required for the performance of their functions.
- (8) The provider maintains and implements a suitable staff performance management and development system.
- (9) The provider has personnel policies and criteria that clearly and unambiguously define the responsibilities of staff and the criteria for their recruitment, appointment, evaluation, discipline, dismissal and promotion. These are supported by operational procedures and guidelines.
- (10) The provider's personnel policies are equitable and compatible with its mission. They provide for the fair redress of grievances, and they are consistently applied and periodically reviewed.
- (11) The provider has mechanisms to ensure that staff act professionally, responsibly and ethically, observe the established conditions of their employment, act with academic/ professional/ research integrity, and otherwise function in a manner consistent with the provider's mission and with the relevant educational field and/or professional discipline.
- (12) The provider regularly determines the effectiveness of its personnel policies and reviews its educational and training staff capacity and capability. Results of activities associated with these policies are used to revise and further enhance the provider's implementation of its strategy and plans.

14.10 The intellectual, physical, social, and cultural environments (including real and virtual learning environments) are supportive of, and conducive to, learning and the formation of learners in safety and they are monitored

To assist in meeting this criterion the provider is required to provide evidence of the following.

- (1) Policies on learner rights and responsibilities, including grievance guidelines, are clearly stated, well publicised and readily available. They are fairly and consistently administered.
- (2) The provider has identified promulgated and implemented an appropriate set of ethical standards for learners covering learning and other associated activities.
- (3) The provider provides an appropriate range of services and facilities to support the intellectual and personal development of its learners, including educational, training and such other services and facilities as are required to provide a safe and supportive learning environment (both physical and virtual).
- (4) Virtual learning environments are fit-for purpose and properly matched to learners needs. Effective use is made of teaching, learning and assessment technology (e.g. information technology aids).
- (5) The provider systematically identifies the characteristics and learning needs of its learner population and makes provision for responding to them. It assists learners to resolve personal, physical, and educational problems.
- (6) The provider provides its learners with appropriate and effective induction, educational counselling, career development and placement counselling together with access to professional health care, including mental health care.
- (7) The provider supports opportunities for learner leadership and participation in campus organisations and governance. The provider provides appropriate support for learner clubs, societies and such extracurricular agencies as required to provide a collegiate environment supportive of self-development and self-learning.
- (8) The provider regularly determines the effectiveness of its services and facilities to support the personal development, educational formation, training and safe accommodation of its learners. Results of activities associated with these services, including learner opinions, are used to revise and further enhance the provider's implementation of its purposes and objectives.

14.11 There is evidence of consistency of the actual learning outcomes achieved by learners with stated learning objectives and the minimum (and other) intended programme learning outcomes across all the programmes and classes of programmes in respect of which delegated authority is requested<sup>18</sup>

To assist in meeting this criterion the provider is required to provide evidence of the following.

- (1) The strategies for teaching, learning and assessment are consistent with stated educational and training objectives, the minimum and other intended programme learning outcomes and the applicable QQI awards standards.
- (2) The assessment criteria and practices are communicated clearly and unambiguously to learners and staff and understood by them.
- (3) The provider's assessment practices fully cover all declared learning objectives, intended learning outcomes and modes of delivery.
- (4) Appropriately qualified external assessors are engaged in the provider's assessment processes where necessary and consistency is maintained between internal and external assessors' marking.
- (5) Assessment of learners to determine eligibility for an award in the NFQ is externally moderated.
- (6) The reliability and validity of the provider's assessment procedures are monitored and the provider's assessment outcomes are used effectively in monitoring, planning, development and evaluation.

14.12 The provider's overall operation and management relating to the provision of research degree programmes and the making of research degrees are sound

This criterion only applies where a provider requests authority to make a research degree in respect of research degree programmes it provides.

To assist in meeting this criterion the provider is required to provide evidence of the following.

- (1) The provider operates and manages the provision of research degree programmes consistently with QQI's quality assurance guidelines, awards standards and validation policies and criteria.
- (2) The provider has an active, supportive academic environment and research community in the **discipline-areas** (subjects in the context of the 2012 Act) demonstrated by recognised research performance indicators.
  - (i) There is evidence of the presence and active participation of people who can provide academic guidance, authority and leadership in the discipline-areas concerned.

<sup>18</sup> Section 14.11 is copied with some adaptation from B3 in "Taught Degree Awarding Powers and Research Degree Awarding Powers Guidance for Higher Education Providers: Criteria and Process for applying for Taught Degree Awarding Powers and Research Degree Awarding Powers" UK Department of Business, Innovation and Skills September 2015, BIS/15/525, Contains public sector information licensed under the Open Government Licence v3.0. (Crown Copyright 2015, <https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>)

- (ii) They are well connected with the broader research communities in the discipline areas.
  - (iii) They are capable of managing the implementation of the discipline area research strategies (see paragraph 8 below).
  - (iv) There is evidence of the presence and participation of sufficient staff who are capable of and have experience of supervising research students in the discipline-areas at the appropriate NFQ level.
  - (v) There is a sufficient volume of research activity to create a stimulating environment for research students.
  - (vi) There is evidence of co-operative behaviour and collegiality.
  - (vii) There are opportunities for research students to interact with other researchers both within and outside the institution and opportunities, where appropriate, for collaboration with other providers, industry and commerce and the public sector.
- (3) There are adequate physical resources as well as technical and administrative support structures and attendant staff appropriate to the research being undertaken.
- (4) There are adequate informational resources to enable learners to read what other researchers are publishing in relevant discipline-areas.
- (5) Research degree programmes are adequately funded.
- (6) The units responsible for the discipline-areas are productive as evidenced by recognised research performance indicators (especially its recent publication record e.g. over the past five years).
- (i) The institution's claims about the quality of its research (regional, national, international recognition) are justified by reliable evidence.
- (7) The provider has a viable research strategy.
- (8) Each unit responsible for a discipline area has a viable research strategy.
- (9) The external examiners that are selected by the provider to examine candidates for research degrees (and their theses) are well matched to the subject matter in all cases, are research active by international standards and understand the standards that apply.

14.13 The provider's library and other information resources are operated and managed consistently with its mission ensuring they are adequate for the programmes it offers<sup>19</sup> and proportional to the needs and number of enrolled learners and of staff

To assist in meeting this criterion the provider is required to provide evidence of the following.

- (1) The provider holds, or provides adequate access to sufficient library (repository for books and other media for enrolled learners and teaching staff) and other information resources (including online material) to support its educational and training programmes and research activities at all locations where programmes are provided or to be provided.
- (2) Staff and enrolled learners have appropriate and convenient access to library and other learning facilities and resources, with particular reference to the stock of books and periodicals, non-book materials and on-line resources.
- (3) Information and communications technology resources and facilities are adequate to support the provider's programmes of education and training.
- (4) The provider has and regularly updates, a budgeted development plan to ensure the future adequacy of library and other information resources and facilities.
- (5) The provider's library and other information resource policies and criteria are designed and operated to ensure the continuing availability of adequate, appropriate, safe and supported library and other information resources specified for each programme of education and training it provides, organises or procures at each location of provision, having regard to the other calls on those resources, and to ensure that a programme will only be offered to learners when the required resources are secured and dedicated to the programme.
- (6) The provider regularly and systematically evaluates the adequacy and utilization of its library and information resources and uses the results of the data to improve the effectiveness of these services.

14.14 The provider's general physical resources are operated and managed consistently with its mission ensuring they are adequate for the programmes it offers and proportional to the number and needs of enrolled learners and of staff

To assist in meeting this criterion the provider is required to provide evidence of the following.

- (1) The provider possesses or has otherwise secured sufficient, appropriate and safe physical resources and satisfactory levels of learner support services at all locations of provision in relation to its programmes of education and training (provided, organised or procured).
- (2) The provider has adequate accommodation for classrooms, lecture theatres, laboratories, studios, workshops, and such like; and these are adequately equipped for the educational and training programmes provided.

19. In the context of these criteria "programmes it offers" means programmes provided, organised or procured by the provider

- (3) There are adequate spaces and facilities as appropriate for staff and learners for study, practice and research.
- (4) The provider has adequate space and facilities for health, welfare, social and recreational purposes.
- (5) The provider's physical resource policies and criteria are designed and operated to ensure the continuing availability of adequate, appropriate, safe and supported physical resources specified for each programme of education and training it provides, organises or procures at each location of provision, having regard to the other calls on those resources, and to ensure that a programme will only be offered to learners when the required resources are secured and dedicated to the programme.
- (6) The provider regularly determines the effectiveness of its physical resources. Results of activities associated with these physical resources are used to revise and further enhance the provider's implementation of its purposes and objectives.

14.15 The provider is committed to the publication of reports on (i) validation of new programmes and on (ii) periodic reviews of validated programmes and their revalidation

14.16 The provider operates policies and guidelines to facilitate accurate public knowledge of its programmes, resources, collaborators and facilities

To assist in meeting this criterion the provider is required to provide evidence of the following.

- (1) The provider provides accurate and comprehensive information to the general public regarding its programmes of education and training, their quality assurance and its resources and facilities, including appropriate information regarding qualifications and experience of its teaching, training and/or research staff, whole-time and part-time.
- (2) Details of all collaborative and transnational activities are published on the provider's website.
- (3) The provider responds helpfully to all reasonable requests from the general public for information about its programmes, resources and facilities.
- (4) The provider regularly reviews the accuracy of all its publications and is committed to the free pursuit and dissemination of information in this context.
- (5) The provider is committed to the free pursuit and dissemination of knowledge (except where it has a genuine need to protect valuable intellectual property). Subject to quality and standards requirements, it assures teaching, training and/or research staff and learners the freedom to teach and study a given field, to all pertinent data, to question assumptions, and to be guided by the evidence of scholarly research.

## **15 CRITERIA RELATING TO SPECIFIC PROGRAMMES OR CLASSES OF PROGRAMMES OF EDUCATION AND TRAINING OF THE PROVIDER FOR WHICH DELEGATED AUTHORITY TO MAKE AN AWARD IS SOUGHT (ESTABLISHED UNDER SECTION 52(1))**

### 15.1 All programmes (including programmes within any involved classes of programmes) meet QQI's general quality and qualifications expectations

To assist in meeting this criterion the provider is required to provide evidence of the following.

- (1) The programmes of education and training of the provider for which delegated authority to make an award is sought are demonstrated to meet QQI's validation criteria.
- (2) Learners enrolled on the provider's programmes of education and training consistently achieve the applicable intended programme learning outcomes and other programme objectives.
- (3) Learners enrolled on the provider's programmes of education and training (over the previous five years) have met appropriate entry requirements including proficiency in the language of instruction.
- (4) Completion rates and attrition statistics (over the previous five years) are comparable to those achieved in respect of comparable programmes provided by reputable providers.
- (5) Progression statistics (including to employment) (over the previous five years) are comparable to those achieved in respect of comparable programmes provided by reputable providers.

### 15.2 Any classes of programmes meet QQI's quality and qualifications expectations

To assist in meeting this criterion the provider is required to provide evidence of the following.

- (1) Any classes of programmes specified in the request for delegated authority are clearly defined and consistent with the provider's staffing, physical resources, information and data management systems, quality assurance procedures and overall operation and management.

### 15.3 Collaborative Programmes

- (1) No special criteria established at this time.

### 15.4 Transnational programmes

- (1) No special criteria established at this time.

### 15.5 Flexible and distributed programmes

- (1) No special criteria established at this time.

### 15.6 Apprenticeship programmes

- (1) No special criteria established at this time.

### 15.7 Level 9 research degree programmes

- (1) No special criteria established at this time.

### 15.8 Any doctoral programmes in a particular discipline-area meet QQI's quality and qualifications expectations

Doctoral programmes in a particular discipline-area constitute a particular **class of programmes**.

To assist in meeting this criterion the provider is required to provide evidence of the following.

- (1) The provider has had a doctoral research degree programme in the discipline area validated by QQI for five years.
- (2) The provider publishes details of research active staff on its website.
- (3) The provider publishes peer-reviewed research publications relating to the doctoral research programme.
- (4) The provider has a good track record in the provision of doctoral programmes in the discipline area.

### 15.9 Any doctoral programmes in unspecified discipline-areas meet QQI's quality and qualifications expectations

Doctoral programmes in unspecified discipline-areas constitute a particular class of programmes. The criteria for delegated authority to make awards in respect of this are more demanding than 15.8.

To assist in meeting this criterion the provider is required to provide evidence of the following.

- (1) The provider has had delegated authority to award doctoral degrees in respect of research degree programmes in particular discipline areas within at least M of the broad areas (Arts, Science, Engineering and Technology, Business Economic and Social Sciences, Health Sciences) for five years or more.
- (2) The provider has made at least N doctoral awards under delegated authority over the past five years.



- (3) All of the provider's current doctoral programmes meet the criteria for DA in respect of doctoral programmes in unspecified discipline-areas.
- (4) The provider has a rigorous process for validating doctoral programmes (not just individual projects) in new discipline areas. This involves international peer review of the proposed discipline-area programmes against explicit criteria. The peer review reports are published by the provider.

**Further consultation with stakeholders is required to determine suitable values for M and N before 15.9 is activated.**

# Part 4: Review, withdrawal or variation of delegated authority to make an award

## 16 PROCEDURES FOR REVIEW

Section 54 is particularly noteworthy in this context and will be followed by QQI.

54(1) The Authority shall review each programme or class of programme of education and training of a provider to which authority to make an award has been delegated under **section 53** and the overall operation and management of that provider—

- (a) at least once every 7 years after the authority is delegated, and
- (b) from time to time as the Authority thinks appropriate.

(2) The Authority shall, as soon as practicable after the establishment day, establish and publish, in such form and manner as it thinks appropriate (including on the internet), procedures for conducting reviews under *subsection (1)*.

(3) A provider subject to review under *subsection (1)* shall pay to the Authority within one month of the completion of the review such fee (if any) as may be determined by the Authority under **section 80**.

### 16.1 Procedures established under section 54(2) of the 2012 act for conducting reviews

The standard procedure for review will be the same as the procedure for the evaluation of a request for DA (unit (5) and (6) but with certain differences discussed below.

The review will involve an evaluation by the provider as required by unit (5) and an evaluation by QQI as described in unit (6).

The provider will be required to evaluate (against the DA criteria) its programmes, classes of programmes, its overall operation and management and its compliance with the conditions of delegated authority. The provider's evaluation for the purpose of review should make extensive use of its experience of operating and managing delegated authority and of providing the programmes and classes of programmes. The supporting documentation will include suitable evidence concerning this experience.

Note that the review procedures must at least address the matters covered by [section 55\(1\)\(a\) and 55\(1\)\(b\) of the 2012 Act](#) in light of [section 55 of the 2012 Act](#).

More detailed guidelines on preparing for a review may be published separately.

QQI may choose to conduct a review of delegated authority in combination with other reviews.

The DA criteria address many questions that might be considered in a review of effectiveness of quality assurance procedures but go further in respect of programmes and overall operation and management. An evaluation in respect of a DA request or a DA review might usefully be combined with a review of the effectiveness of QA.

## **17 WITHDRAWAL OR VARIATION OF DELEGATED AUTHORITY**

### **17.1 Withdrawal or variation by QQI of delegated authority to make an award**

Section 55 of the 2012 Act deals with the withdrawal or variation of delegated authority to make an award.

55(1) Upon a review under **section 54**, where the Authority considers that—

- (a) a programme or class of programme of education and training of a provider for which authority to make an award has been delegated, or the overall operation and management of the provider of the programme, no longer meets the criteria determined by the Authority under **section 52 (1)**,
- (b) a condition referred to in **section 53 (4)** is not being complied with, or
- (c) there are other reasonable grounds for withdrawing or varying the authority to make an award,

the Authority shall, by notice in writing, inform the provider concerned that it proposes to withdraw or vary the authority to make an award in relation to a programme or programmes of a class specified in the notice and state the reasons for the proposed withdrawal or variation.

(2) Where a proposal under *subsection (1)* is made in respect of—

- (a) a provider who has entered into an arrangement referred to in **section 53 (14)**, and
- (b) a programme or class of programmes which lead to a joint award referred to in **section 53 (14)**,

the Authority shall, by notice in writing, inform the awarding body referred to in **section 53 (14)** that it proposes to withdraw or vary the authority of the provider to make an award in respect of the programme or class of programmes specified in the notice and state the reasons for the proposed withdrawal or variation.

(3) A notice under *subsections (1) and (2)* shall state that the provider, and the awarding body, if applicable, may submit observations in writing to the Authority in relation to the proposed withdrawal or variation set out in the notice not later than 3 months after the service of that notice on that provider and that awarding body, if applicable.

(4) Where, after consideration of any observations submitted to the Authority under *subsection (3)*, the Authority continues to consider that paragraph (a), (b) or (c) of *subsection (1)* applies, it shall either withdraw or vary the authority in relation to the programme or programmes specified in the notice under *subsection (1)*, by notice in writing addressed to that provider, from such date (not earlier than the date of service on the provider of the notice of withdrawal or variation) as it considers appropriate and as is specified in the notice.

(5) Where the Authority withdraws or varies authority under *subsection (4)* in respect of a programme of a provider referred to in *subsection (2)*, the Authority shall, by notice in writing addressed to the awarding body referred to in that subsection, notify that awarding body of the withdrawal or variation of authority under *subsection (4)*.

(6) A notice under *subsections (4) and (5)* shall state the reasons for the withdrawal or variation referred to in that subsection.

(7) Where the Authority withdraws or varies the authority of a provider to make an award under this section the provider may appeal against the withdrawal or variation to the Appeals Panel.

(8) Where the Authority withdraws delegated authority to make an award under *subsection (4)*, each programme of education and training leading to that award shall, from the date specified in the notice referred to in that subsection, be taken to be validated under **section 45** and the provisions of this Act shall apply to each of those programmes accordingly.

(9) In this section, reference to varying the authority to make an award means varying the conditions imposed under **section 53 (4)(b)**.

Where QQI withdraws or varies the authority of a provider to make an award under Section 55 the provider may appeal against the withdrawal or variation to the Appeals Panel (section 55(7)).

Note that **varying the authority to make an award** means varying the conditions imposed under **section 53(4)(b)** of the 2012 Act.

## 17.2 [Withdrawal of authority to make awards on account of withdrawal of approval of a provider's quality assurance procedures](#)

QQI may withdraw approval of a provider's quality assurance procedures under **section 36(4) of the 2012 Act**. In such event, QQI will also by notice in writing addressed to the provider withdraw, in the precise manner prescribed by section 36(7), any authority to make awards delegated to that provider under **section 53 of the 2012 Act**<sup>20</sup>. The provider may appeal such withdrawal to the Appeals Panel (**section 36(6) of the 2012 Act**).

Where QQI proposes under **section 36(1)** to withdraw its approval of the quality assurance procedures of a provider who has entered into an arrangement with another awarding body to make a joint award in respect of a programme of education

<sup>20</sup> Note that it will then also withdraw validation under section 36(7).

and training of the provider under [section 53\(14\)](#), it will, by notice in writing, inform the awarding body concerned that—

- (a) it proposes to withdraw its approval of the quality assurance procedures established by the provider under [section 28](#) and state the reasons for the proposed withdrawal, and
- (b) if QQI withdraws its approval, it shall also withdraw any authority to make awards delegated to that provider under [section 53](#).

Where QQI withdraws approval of the quality assurance procedures of a provider who has entered into an arrangement with another awarding body to make a joint award in respect of a programme of education and training of the provider under [section 53\(14\)](#), QQI will, by notice in writing addressed to the awarding body concerned, notify it of a withdrawal under [section 36\(7\)](#) of the provider's authority to make awards delegated to it under [section 53](#).

### [17.3 Withdrawal of authority to make awards on account of withdrawal of approval of a provider's access, transfer and progression procedures](#)

QQI may withdraw approval of a provider's procedures for access, transfer and progression under subsection (4) of [section 59 of the 2012 Act](#). In such event, QQI will also by notice in writing addressed to the provider withdraw, in the precise manner prescribed by [section 59\(7\)](#), any authority to make awards delegated to that provider under [section 53 of the 2012 Act](#)<sup>21</sup>. The provider may appeal such withdrawal to the Appeals Panel ([section 59\(6\) of the 2012 Act](#)).

Where QQI proposes under [section 59\(1\)](#) to withdraw its approval of the procedures for access, transfer and progression of a provider who has entered into an arrangement with another awarding body to make a joint award in respect of a programme of education and training of the provider under [section 53\(14\)](#), it will, by notice in writing, inform the awarding body concerned that—

- (c) it proposes to withdraw its approval of the procedures for access, transfer and progression established by the provider under [section 56](#) and state the reasons for the proposed withdrawal, and
- (d) if QQI withdraws its approval, it shall also withdraw any authority to make awards delegated to that provider under [section 53](#).

Where QQI withdraws approval of the procedures for access, transfer and progression of a provider who has entered into an arrangement with another awarding body to make a joint award in respect of a programme of education and training of the provider under [section 53\(14\)](#), QQI will, by notice in writing addressed to the awarding body concerned, notify it of a withdrawal under [section 59\(7\)](#) of the provider's authority to make awards delegated to it under [section 53](#).

<sup>21</sup> Note that it will then also withdraw validation under [section 36\(7\)](#).

#### 17.4 Mergers and acquisitions

Where a provider with authority to make awards (delegated to that provider under section 53 of the 2012 Act) is likely to, or planning to, merge (amalgamate) with another entity or to acquire, or be acquired by, another entity, QQI must be notified in writing to enable it to assess the implications for authority to make awards delegated to that provider under [section 53 of the 2012 Act](#).

Change in circumstances may lead to a review under [section 54 of the 2012 Act](#) if considered appropriate by QQI.

### **18 COMPLAINTS**

Complaints may be made in accordance with the procedures set out in the QQI Customer Charter and Complaints of Service documents (available on QQI's website).

### **19 TRANSITIONAL ARRANGEMENTS**

The procedures and criteria envisaged herein will when commenced replace existing procedures and criteria which will then be phased out depending on precise scheduling of commencement for different programmes or classes of programmes.

Scheduling of commencement will be published in advance on the QQI website allowing sufficient time for providers to transition. Particular attention will be given to ensuring a smooth well-coordinated transition for those sectors where the change is greatest.

The current procedures and criteria for DA comprise:

- a) Criteria and Procedures for the Delegation and Review of Delegation of Authority to Make Awards (2004)
- b) Delegation of Authority to make minor, supplemental and special purpose Awards 2003
- c) Policy and Criteria for the Delegation of Authority to the Institutes of Technology to make Higher Education and Training Awards (including joint awards) (2014)
- d) Policy for Collaborative Programmes, Transnational Programmes and Joint Awards
- e) Research Degree Programme Policy and Criteria

Upon commencement of the new procedures and criteria (a), (b) will be rescinded along with the parts of (d) and (e) that address delegated authority; (c) will be maintained for 6 months and then rescinded.

Any authority already delegated is subject to the 2012 Act and will be subject to the procedures and criteria herein.

**QQI will conduct a desk review of the authority already delegated and issue certificates of validation clarifying the authority delegated in terms of the 2012 Act and reflecting any variation (changes in conditions) in delegated authority that will result from this review.**

Note section 84(12) on Transitional and Savings Provisions for Act of 1999 concerning delegated authority.

(12) Where authority to make a further education and training award or a higher education and training award has been delegated to a provider under section 19(5) or 29(5) of the Act of 1999 and—

- (a) the authority has not been withdrawn under section 20 or section 30 of that Act as the case may be, or
- (b) a decision to withdraw the authority has been overturned by the National Qualifications Authority of Ireland on appeal under the Act of 1999,

before the coming into operation of **section 53**, then, on that commencement—

- (i) that authority shall be taken to have been delegated under **section 53**,
- (ii) any conditions imposed under section 19, other than conditions referred to in paragraphs (a) to (d) of subsection (6) of that section, or section 29, other than conditions referred to in paragraphs (a) to (d) of subsection (6) of that section, of the Act of 1999 shall be taken to be conditions imposed by the Authority under **section 53 (4)(b)**, and
- (iii) any conditions referred to in paragraphs (a) to (d) of subsection (6) of section 19, or in paragraphs (a) to (d) of subsection (6) of section 29, of the Act of 1999, shall be taken to be conditions imposed by the Authority under **section 53 (4)(a)**,

and this Act shall apply accordingly.

## **20 ANNEXE ON VALIDATION**

### 20.1 The meaning of validation by a provider

A programme of a provider is considered validated by that provider when it satisfies itself that an enrolled learner of that provider who completes that programme will acquire, and where appropriate, be able to demonstrate, the knowledge, skill or competence determined by QQI to justify an award proposed to be made under delegated authority, being offered in respect of that programme.

The term ‘validation’ is used to refer to the provider’s programme approval process. This ‘validation’ is different from validation by QQI under section 45 of the 2012 Act. However, where QQI withdraws delegated authority to make an award under subsection 55(4) of the 2012 Act, each programme of education and training leading

to that award shall, from the date specified in the notice referred to in that subsection, be taken to be validated under section 45 and the provisions of this Act shall apply to each of those programmes accordingly (section 55(8) of the 2012 Act). Note condition 8.1.1(e).









A decorative background consisting of numerous thin, light grey curved lines that fan out from a central point on the right side of the page, creating a sense of motion and depth. A solid blue horizontal band is positioned across the middle of the page, containing the website URL.

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