

Quality and Qualifications Ireland

Note of the forty-seventh Meeting of the Authority (The Board) which took place on Friday, 28 February 2020 at 10:00 a.m. in the Boardroom, QQI Offices, 26/27 Denzille Lane, Dublin 2.

Present:

- Ms. Joanne Harmon (Chair)
- Dr. Pdraig Walsh (Chief Executive)
- Ms. Cliona Curley (Secretary)
- Dr. Barbara Brittingham
- Ms. Mary Danagher
- Mr. Blake Hodkinson
- Mr. Thomas McDermott
- Mr. Kevin McStravock
- Ms. Niamh O'Reilly
- Prof. Irene Sheridan
- Dr. Anne Walsh

Apologies: No apologies

In attendance:

- Ms. Caitriona Lawless (Recording Secretary)
- Mr. Andrew Bridgett (Item 8)
- Mr. Liam Butler (Item 10)
- Mr. Eamonn Collins (Item 11)
- Dr. Anna Murphy (Item 8)

INTRODUCTION

The Board agreed that while the agenda for the meeting was acceptable and adopted same, the order in which the items would be considered would be adjusted.

1. PRESENTATION ON GENERAL DATA PROTECTION REGULATION (GDPR)

The Board noted a presentation on GDPR. The presentation outlined the role of the Board in relation to GDPR compliance and provided an overview of the measures QQI has put in place. The Board noted that the presentation was provided on foot of a recommendation arising from a recent Internal Audit review of Data Protection.

The presentation was followed by a questions and answers session.

2. POTENTIAL CONFLICTS OF INTEREST

The Board noted that no conflicts of interest were declared.

3. MINUTES OF PREVIOUS BOARD MEETING

The *Minutes of the QQI Board Meeting* held on 25 November 2019 were **confirmed and signed**.

4. NOTE OF PREVIOUS BOARD MEETING

The Board **approved** the *Note of the Meeting of 25 November 2019* for publication on the QQI website.

5. MATTERS ARISING FROM THE MINUTES

The Board noted the **Action Tracker**.

5.1. Matters Arising/Updates

Board Meets Without the Executive Present

The Board noted that following discussions at the November 2019 Board Meeting, under item 9, *the Board Meets Without the Executive Present*, the Chairperson had since sought an update on the matter from the Department of Education and Skills (DES) and noted DES were awaiting sanction from the Department of Public Expenditure and Reform (DPER). The next session of *the Board Meets Without the Executive Present*, would take place at the Board Meeting scheduled for 27 April 2019.

Review of Committee Structure

The Board noted that following further discussions, the Executive had decided not to proceed with suggested amendments to the Terms of Reference for the Approvals and Reviews Committee. The amendments related to the one year follow up reports which form part of the Cinnte Review process. The Board noted that following its deliberations, the Executive felt that the changes were more likely to complicate the process than to assist it.

The Board noted that a request for tender had issued for the thematic analysis of Cinnte reports.

5.2. Action Tracker

The Board noted the updated Action Tracker.

5.3. Action Tracker – Items completed within 2019

The Board noted the review of actions completed in 2019.

6. **DRAFT BOARD AGENDA**

The Board noted the **Draft April 2020 Board Agenda**.

The Board noted the draft Agenda for the next Board Meeting and the Chairperson reminded members that this is an opportunity to add or change items if they wish.

The Board noted the external presentation at the April Meeting will be provided by Andrew Brownlee, Chief Executive, SOLAS. The Board confirmed that it had found the external presentation aspect of the Board Meetings very helpful to date. The Board requested a list of the external presentations conducted (to be circulated in advance of the next meeting) and suggestions for upcoming presentations could be forwarded to the Board Secretariat.

The Board also requested that the current project plan for the implementation of the revised Legislation be added to the Agenda for the April 2020 Board Meeting.

The Board **agreed** that in light of the annual Audit and Risk items which would be presented to the Board for its consideration at the April Meeting, the Audit and Risk Committee would feature as the Committee the Board would focus on under 'Items for Noting'.

A Board Member suggested that there should be a space or time for reflection on the Board's work and future work and it was suggested that the matter would be revisited under the discussion of the Board's Self-Assessment Evaluation.

7. CEO REPORT

The Board noted the **CEO Report**.

The Board noted the various updates contained in the report covering the period since the November 2019 Board Meeting.

The Board noted the information on the number of apprenticeships in development which was included following the Board's discussion at its November 2019 meeting and also noted that the figures are not inclusive of programmes under development by SOLAS, the Institutes of Technology (IoTs), universities or technological universities .

The Board noted that a Report on Five-Year Certification Data was nearing completion and requested that it be included as an agenda item for the next meeting.

The Board noted the 'Exploring Models of Success: Professional Development of Higher Education, Further Education and Training and English Language Education Staff' continuous professional development (CPD) conference had been held on 13 February with a number of Board Members in attendance. It had been an extremely successful event with a lot of positive feedback. The Chairperson, on behalf of the Board, congratulated all staff involved in the event.

The Board noted that the Executive was also examining options for conducting a professional stakeholder survey.

The Board noted that tenders had been awarded for the *NFQ Level 1-4: Developing new Broad Standards* project and the planned research on provision and the two major awards at NFQ Level 6.

Work has already commenced on the Level 1-4 project. The contract for the Level 6 project was expected to be awarded the week of 2 March.

8. AUDIT AND RISK

This item was moved from item 12 on the Agenda. The Board noted the documents entitled **Audit and Risk**.

8.1. Report of the Audit and Risk Committee

The Board noted the draft Report of the Audit and Risk Committee Meeting held on 17 January 2020 together with a brief verbal update.

The Board noted that the Audit and Risk Committee had considered the revised draft Anti-Fraud and Corruption Policy and deemed that further work was required. It was noted that the revised document was expected to be presented to the Board for consideration at its April 2020 Board Meeting.

The Board noted a number of updates arising from the meeting.

8.2. Purchasing and Procurement Policy and Procedures

The Board **approved** the revised Purchasing and Procurement Policy and Procedures and noted that a small number of amendments would be made to ensure consistency in the references to the Executive Management Team (EMT).

The Board also noted that Human Resources was exploring options in relation to the provision of procurement training for relevant staff.

8.3. Risk Register

The Board noted the recommendation of the Audit and Risk Committee and **approved** the Top Five Risks as at 31 December 2019. The Board noted the number of risks which are outside of QQI's control.

The Board noted that a revised Risk Appetite Statement will be considered by the Board at its meeting of 27 April. The Board noted the suggestion that additional time should be allocated to the Risk item at that meeting.

8.4. Internal Audit Reports

The Board noted that three internal audit reports had been considered and recommended to the Board by the Audit and Risk Committee at its meeting of 17 January 2020.

- Payroll and Personnel Cycle
- Re-engagement Cycle
- Audit of High Risks Ranked 1-5 – Risk Register Internal Controls

Payroll and Personnel Cycle

The Board suggested the development of a secondment policy. The Chairperson suggested that the HR and Organisation Committee could review the secondment situation a number of times per year and revert to the Board if any issues arise.

The Board **approved** the Internal Audit reports outlined:

- Payroll and Personnel Cycle
- Re-engagement Cycle
- Audit of High Risks Ranked 1-5 – Risk Register Internal Controls.

8.5. Minutes of the Audit and Risk Committee

The Board noted the Minutes of the Audit and Risk Committee Meeting held on 25 October 2019.

9. ITEMS FOR NOTING

The Board noted the **Items for Noting**.

9.1. Policies and Standards Committee (PSC)

The Board noted the verbal overview of the work of the Policies and Standards Committee provided by the Chairperson of the Committee. The Board also noted the report of the PSC Meeting held on 28 November 2019.

The Board noted that ' Early Learning and Care: Developing Shareable National Curricula at NFQ Levels 5 and 6', a focused event for FE and HE providers of education and training in Early Learning Care (ELC) Sector was held on 27 February following the publication of new Standards for Early Learning and Care at Levels 5 and 6.

The Board noted that the updating of the QQI policy database had proved to be a very useful exercise.

The Board noted that the Committee was examining ways of linking its agenda items to QQI's Statement of Strategy and the Committee Chair noted that any suitable items could be forwarded to the Board for its attention, where appropriate.

The Executive undertook to provide a regular calendar of upcoming events to the Board.

9.2. Approvals and Reviews Committee (ARC)

The Board noted the reports of the meetings of the Approvals and Reviews Committee held on 20 June and 3 September 2019.

9.3. Programmes and Awards Executive Committee (PAEC)

The Board noted the report of the meeting of the Programmes and Awards Executive Committee held on 5 December 2019.

9.4. Memorandum of Understanding (MoU) between QQI and TEQSA, Australia

The Board noted the Memorandum of Understanding between QQI and TEQSA (Tertiary Education Quality and Standards Agency), Australia which was developed on foot of work

carried out in the area of academic integrity. The Board noted that Ireland was one of the first countries after New Zealand to include academic integrity in primary Legislation. The Board noted QQI had been involved in a project with a group in the University of New South Wales and the Chief Executive had been invited to present at a TEQSA conference in Melbourne in November 2019 as a result.

The Board noted that QQI had established the National Academic Integrity Network. Under the revised Legislation, it is now an offence to offer services, advertise or host advertisements relating to Essay Mills or academic cheating. The Board noted the Executive had commenced discussions with a number of social media and advertising sites. The Board noted that several adverts had already been removed.

9.5. Rolling Board Agenda 2020

The Board noted an update on the Rolling Board Agenda for 2020.

10. BUDGET AND FINANCE

The Board noted the update on **Budget and Finance**.

10.1. Management Accounts to 31 December 2019

The Board noted the management accounts for the 12 months ended 31 December 2019 together with a brief verbal overview of the end of year accounts.

The Board noted that QQI had ended the year with a surplus and the Executive had been unable to predict this outcome until mid-October. The surplus had occurred following a number of factors, including a significant and unexpected increase in certification numbers in the latter half of the year, a number of vacancies that had not been filled in addition to budgeted legal costs which were not required in 2019.

The Board noted that the Executive considered it more difficult now to predict certain scenarios especially in light of changes to retirement ages and confirmed that it is prudent to have a lump sum in reserve every year. The Board noted that a number of vacancies had now been filled, including the ICT Manager and four Grade V positions.

The Board noted the continued intention of the Executive to maintain a reserve. The Board noted that there are precedents for public sector organisations to hold a reserve. The Board noted that the Executive understands that the Department cannot be sure in any given year whether QQI will require additional finances or return a surplus.

The 2020 budget was already predicting a deficit – it was an unusual alignment of factors that culminated in a surplus for 2019 which should not be taken as typical. The Board suggested that the Executive stress this point with the Department.

The Board noted a meeting with DES was scheduled for the afternoon of the Board Meeting, 28 February, to discuss the Funding Model further. It was noted that QQI is a unique agency of DES in terms of its funding. The Board noted that the current State Grant does not actually cover the totality of pension commitments which is a challenge if multiple retirements were to happen unexpectedly within a given year.

The Board noted the letter of 6 February 2019 from the Higher Education – Funding, Governance and Qualifications Section, DES, confirming the State Grant allocation of €4.579m for 2020.

The Board noted that seeking and awaiting sanction to replace staff continues to cause delays and issues for the Executive and the matter has been raised previously by the Chairperson with the Secretary General and the Minister for Education and Skills.

10.2. Revised Budget 2020

The Board noted that the Executive has revised the 2020 Budget in line with the 2019 Budget on foot of confirmation of the State Grant allocation for 2020 which was the same as for 2019. The Board noted that salaries are due to increase in 2020 in line with agreed national pay awards in addition to the filling of a number of vacancies.

The Board **approved** the revised Budget for 2020.

10.3. Funding Model Review 2020

The Board considered the Report of the Funding Model Review 2020 together with Funding Model Review Supplementary Information 2020.

The Executive broadly outlined the options contained in the Review Report. The organisation needs a funding model which is predictable and stable. Ideally as a stabiliser, the percentage of income that is predictable should be increased. The Executive is endeavouring, where possible to provide more advance notice on unpredictable income. The Board discussed a number of the options.

The Board again noted that following the amalgamation of the three legacy agencies, QQI went from a total combined grant allocation of €11m to €3m and from a total of 118 staff to 70 which should form part of the discussions with the Department as part of the overall efficiencies achieved. The Board stated that the Executive may also need to make the case for the unrecovered (to date) Certification fees due to a PSO/medical card waiver of approximately €2m per annum in addition to charging a Relationship fee to the Education and Training Boards which was included within the Review Report recommendations.

The Board noted that the Executive continues to work with Departmental officials in the first instance to ensure they have a full and proper understanding of the complexities and nuances of QQI's current model and its associated challenges.

The Board noted the amount of time and resources which has been committed to date in making a case for a relatively small budget in comparison to some other State Agencies. The Board noted that the organisation has made considerable efficiencies already but also cannot implement the revised Legislation if the resources provided are not sufficient. The value-added component is often specified.

The Board **agreed** that the supplementary information was very helpful.

The Board **approved** the Funding Model Review 2020 Supplementary Information.

11. ORGANISATION AND HUMAN RESOURCES

The Board noted the update on **Organisation and Human Resources**.

Item omitted from this note.

11.1. Update on Human Resources

The Board noted an update on Human Resources.

11.2. Keepwell Mark

The Board noted that the Executive had been informed that QQI were recently nominated in two categories in the Keepwell Mark Awards taking place on 26 March: Leadership and Best Medium Company.

12. RELATIONS WITH THE DEPARTMENT OF EDUCATION AND SKILLS

The Board noted the documents relating to **Relations with the Department of Education and Skills**.

The Board noted some of the matters under this item had already been discussed earlier in the meeting.

12.1. Draft Performance Delivery Agreement (PDA) 2020

The Board noted the Quarter 4 PDA Review Meeting with the Department had taken place on 9 December and noted the end of year progress report which had been submitted to DES in advance of the meeting.

12.2. Update on Implementation of the revised Legislation

The Board noted the update on the implementation of the revised Legislation which had been deferred from the November 2019 meeting. A further update on progress in the intervening period was provided. The Board noted the recent commencement of a number of sections of the Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019.

12.3. Reform of the Higher Education Authority (HEA) Legislation

The Board noted an update on the establishment of a Working Group on the Reform of the HEA Legislation. This item had been deferred from the November 2019 Board Meeting.

The current HEA Legislation had been in place since 1971 and as there may be some intersection between it and the QQI Legislation, it was important that QQI was involved in and contributing to the Working Group to ensure that there is no confusion around responsibilities or duplication of same. While QQI and the HEA are different bodies with different responsibilities, some areas do intersect. The Board noted that the QQI representative on the Working Group is Bryan Maguire, Director of Quality Assurance.

The Board noted that papers are being developed on Quality and Tertiary Education.

13. STRATEGIC PLANNING

The Board noted the update on **Strategic Planning**.

13.1. Corporate Plan 2019

The Board noted the Q4 Progress Report for the 2019 Corporate Plan and noted the actions completed by year end.

13.2. Revised Corporate Plan 2020

The Board noted a revised Corporate Plan for 2020 which was reviewed on foot of confirmation of the State Grant allocation for the year by the Department. The Board noted that a significant number of actions relating to the enactment of the revised Legislation are subject to resourcing. The Board **approved** the revised plan which would be prepared for publication.

13.3. Report on Progress in relation to Indicators in QQI's Strategy Statement 2019-2021

The Board noted the Report on Progress in relation to the Indicators in QQI's Statement of Strategy 2019-2021. The report related to only year one of the three-year Statement of Strategy, 2019, and some of the actions had depended on commencement of the revised Legislation.

The Board noted in relation to one action 'Providers and stakeholders have a shared vision of what constitutes quality and their related roles and responsibilities' - the Executive is seeking to capture this information in a stakeholder survey. It was noted that a tender process for the survey had taken place and a contract had been awarded the week of 2 February.

The Board noted that a Management Group Meeting was scheduled for 5 March and would see a portion of the meeting focus on the indicators; providing an opportunity to see where individual work fits and to consider the 2020 actions and use the current report as a prompt.

14. GOVERNANCE

The Board noted the documents relating to **Governance**.

14.1. Annual Review/Noting of the Reserved Functions of the Board

The Board noted the Reserved Functions of the Board. The Board also noted that while a number of sections of the Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019 have been commenced, there were no resulting amendments to the Schedule of Reserved Functions. It was noted that revisions may be required later in the year.

14.2. Protected Disclosures 2019

The Board noted the report on the Protected Disclosures received during the year ending 31 December 2019.

14.3. QQI Board Self-Assessment Evaluation 2019

The Board noted the responses received on foot of the QQI Board Self-Assessment Evaluation for 2019. Due to time constraints, the Board **decided** to defer discussion of the evaluation to the April 2020 Board Meeting.

14.4. Committee Membership

The Board **approved** the appointment of Mr. Alan Power to the Policies and Standards Committee (PSC).

The Board noted that the Executive had been notified of the intention of Prof. Daire Keogh to step down as a member of the PSC in July 2020, on foot of his appointment as President of Dublin City University (DCU). The Board noted that the resulting vacancy was already covered by two recent appointments to the Committee.

Following the completion of his initial three-year membership term, the Board **approved** the extension of the Audit and Risk Committee membership of Tony Mealy by two years to 9 February 2022.

The Board **approved** the extension of the PAEC membership of Roisin Sweeney by one year to 10 April 2021.

15. COMMUNICATIONS

The Board noted the document entitled **Communications**.

15.1. Media Mentions

The Board noted the media mentions published since the November 2019 Board Meeting.

16. NEXT MEETING

The Board noted that the next meeting is scheduled to take place on **Monday, 27 April 2020** beginning at **10:00 a.m.**

The Board noted that as there was one Board response outstanding in the Self-Assessment Evaluation for 2019, the Chairperson requested it be completed if possible, in advance of the next meeting.

17. ANY OTHER BUSINESS

There was no other business.

THIS CONCLUDED THE BUSINESS OF THE MEETING.