16 Policy for Protection of Enrolled Learners

QA Area (s)	• Programmes of Education and Training • Documented Approach to QA
Applies to	☐ Staff only ☐ Staff and Learners only ☒ Learners
Policy Owner	Director of Academic Affairs and Undergraduate Programmes

16.1 Purpose

This policy sets out the principles that ensure the College's practices are compliant with Part 6 of the Qualifications and Quality Assurance (Education & Training) Act 2012. The Act requires that a provider has arrangements in place for the Protection of Enrolled Learners (PEL) on programmes of three months duration or more, where monies have been paid by, or on behalf of the learner, to a provider.

16.2 Scope

This policy applies to all Innopharma Education programmes accredited by QQI of three months' duration or more, and is inclusive of any financial bonding and academic bonding arrangements that are made in respect of those programmes.

16.3 Policy

The College is committed to implementation of the relevant protocols set out in QQI's *Protection of Enrolled Learners: Protocols for the Implementation of Part 6 of the 2012 Act, Version 2* (2013). This document stipulates that providers must demonstrate compliance with the legal requirements for PEL when submitting programmes of education and training for validation or revalidation. The 2012 Act seeks to ensure that:

- Learners have the opportunity to complete a programme leading to an award, or
- Learners are refunded the moneys most recently paid if a programme ends before they complete it, and
- Learners are provided with adequate and accurate information about the programme that they wish to pursue and about the protection in place for them in the event that the programme ceases prior to their completion.

To ensure these conditions are met, the College is therefore committed to observing the following General Protocols:

I. The College will provide adequate, accurate and transparent programme and award-related information available to learners prior to enrolling them or accepting payment

for an education and training programme (see Section 12.1 Policy for Public Information and Communication).

II. The College will agree its overall policy and procedures for PEL with QQI as part of its Quality assurance agreement with QQI. Further, and as per QQI's *Operating Principles for PEL*, programme specific PEL arrangements will be provided in writing to QQI as part of any submissions made for validation or revalidation of a programme of education and training.

III. The College will assist QQI, in so far as is practicable, and if requested in the accommodation of learners affected by the cessation of a programme.

IV. In the event that the College enters into collaborative arrangements with PEL-required providers, PEL will be addressed in the contractual arrangements underpinning those collaborations.

V. The College will ensure learners are protected by PEL arrangements from the time that fees are paid, in part or in whole, for enrolment on programmes of education and training of three months' duration or longer until they have received certification for the learning achieved or until they have been legitimately excluded from the programme.

With specific regard to Information for Learners about PEL, the College is committed to observing the following additional protocols:

I. The College will notify enrolled learners in writing of any change in the information notified to learners within 14 days of becoming aware of that change.

II. The College will publish the PEL arrangements, and notify learners of these before they begin a programme. This information will include either:

a. The names and contact details of the alternate providers and the names of the alternate programmes

OR

b. A summary of the refund arrangements that are in place

AND

c. A statement that in the event of a PEL arrangement being implemented, learner data may be shared with alternate providers and QQI.

N.B. The lawful basis for the transfer of learner data in such an instance is that (1) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract, and (2) processing is necessary for compliance with a legal obligation to which the controller is subject. These, and other lawful basis for the processing of data are specified within the College's Policy for Information and Data Management

With specific regard to Arrangements for PEL, the College is committed to observing the following additional protocols:

I. The College will submit details in writing to QQI of the arrangements for PEL when applying for validation (or revalidation) of a programme. These will comprise:

a. An agreement between the College and at least two other providers that an enrolled learner may transfer to a similar programme of those other providers

OR

b. Where it is not practicable to have an agreement with two or more other providers as per (a), the details of arrangements in place to enable the College to provide a refund to an enrolled learner (or to the person who paid the monies on behalf of the enrolled learner) of the monies most recently paid for the programme concerned for:
    i. Tuition fees
    ii. Registration fees
    iii. Examination fees
    iv. Library fees
    v. Student services fees
    vi. Any other fees relating to the provision of education, training and related services.

In relation to the above, the College is committed to ensuring that, where feasible, learners are facilitated to complete their studies.
With specific regard to the Activation of PEL arrangements, the College is committed to observing the following additional protocols:

I. PEL arrangements will be activated in the unlikely event that the College fails to provide the programme of education and training for any reason, including insolvency or QQI's withdrawal of the programme validation.
II. PEL arrangements will be activated in the unlikely event that enrolled learners have begun, but not completed a programme of education and training that the College ceases to provide for any reason, including insolvency or QQI's withdrawal of the programme validation.

With specific regard to Demonstrating Compliance with PEL Protocols, the College is committed to observing the following additional protocols:

I. The College will inform QQI in writing of the arrangements in place for PEL, setting out how the College has satisfied itself that the arrangements are adequate and meet legal requirements. The following information will be supplied accompanying any application for validation or revalidation of a College programme of education and training to which PEL applies.
    a. If an arrangement is in place to facilitate learner transfer to a similar programme offered by an alternate provider:
        i. Details of the arrangements for learners to transfer to a similar programmes offered by at least two alternate providers.
        ii. Confirmation that the alternate providers are separate legal entities and are financially independent from the applicant provider.
        iii. Confirmation that the alternate providers have the capacity to meet their obligations under the PEL arrangement, including specification of the exact number of learners that may be accommodated on a programme.
    b. If it is not practicable to arrange for the transfer of learners to a similar programme offered by an alternate provider:
        i. The reasons why it is not practicable to arrange for transfer.

ii. Details of the financial arrangements in place for the refund of monies to learners, or to those who have paid monies on their behalf, including provision for distributing funds to learners and the cost of this.

iii. How the College has satisfied itself that the PEL arrangements are adequate to meet the legal requirements set out in these protocols.

iv. The College's stated procedure for alternate providers and QQI to access learner records including fee payment records and assessment material (including assignment briefs and marking criteria etc.) in the event of the College ceasing to deliver a programme or ceasing trading entirely.

II. The PEL arrangements of the College will be duly authorised by the College's appointed representatives, specifically, the Academic Council and the Board of Directors.

III. The College will ensure the following:

a. The number of enrolled learners on a programme must not exceed the maximum number in the PEL arrangement agreed for that programme.

b. Each time a programme begins, the College will contact any alternate providers to ensure that the protection arrangements are current and sufficient.

c. The College will notify learners in writing of any change to the arrangement agreed for PEL within 14 days of becoming aware of that change.

d. The College will notify alternate providers, learners and QQI as soon as practicable when the need to implement a PEL arrangement arises.

IV. In the event that an alternate provider ceases to offer the alternate programme, or that programme changes materially so that it may no longer be claimed to be similar, or it no longer reflects the PEL arrangements that were made known to QQI, the College will ensure that a new arrangement which complies with QQI's *Protection of Enrolled Learners: Protocols for the Implementation of Part 6 of the 2012 Act, Version 2* (2013) is put in place, and that learners and QQI are advised of this within one calendar month.

16.4 Indicative Procedure for Activation of PEL Arrangements

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Applies to	☒ Staff only ☐ Learners only ☐ Staff and Learners
Policies this Procedure relates to	Policy for the Protection of Enrolled Learners

16.4.1 Notes:

This indicative procedure has been benchmarked against those of other higher education providers in the sector that have successfully reengaged for approval of QA with QQI. It represents the overall arrangements of the College in the unlikely instance that activation of College's PEL arrangements is required. It is the College's intention to further develop this indicative procedure should the College be eligible for HECA PEL Scheme membership in the future.

Further, and as per QQI's guidance, details of programme specific PEL arrangements/action plans will be submitted accompanying all applications for validation or revalidation of programmes of education and training made by the College.

The Activation of PEL arrangements will be required in the unlikely event that the College:

- Ceases trading while learners are enrolled on programmes.
- Ceases to offer a specific programme while learners are enrolled on the programme.
- QQI withdraws validation of a programme while learners are enrolled.

16.4.2 Responsibilities:

- It is the responsibility of the College President to notify QQI, the College's legal counsel, any alternate provider PEL protecting Colleges, and learners.
- It is the responsibility of the Director of Academic Affairs and Undergraduate Programmes to ensure that programme specific PEL Action Plans are maintained and fit for purpose, and that these are retained by the College and:
    a. (in the case of financial arrangements for refund) the College's legal representative.

    OR

    b. (in the case of transfer to an alternate provider) the alternate provider PEL protecting Colleges and HECA PEL Oversight Committee.
- It is the responsibility of the Director of Academic Affairs and Undergraduate Programmes to ensure programme information and records are securely stored with the College's legal representative, and to ensure access (in so far as is practicable) to relevant resources and facilities to manage the PEL event.

- It is the responsibility of the Director of Academic Affairs and Undergraduate Programmes to ensure that data management and the sharing of learner data in the context of a PEL activation event is lawful.
- It is the functional responsibility of the Head of Admissions, and the ultimate responsibility of the Director of Academic Affairs and Undergraduate Programmes to ensure that prospective and enrolled learners are provided with clear and appropriate information regarding the College's PEL arrangements.
- Where financial arrangements are in place to refund enrolled learners (or the person who paid the monies on behalf of the enrolled learner) it is the responsibility of the College's legal representative to initiate the refund process for:
    vii. Tuition fees
    viii. Registration fees
    ix. Examination fees
    x. Library fees
    xi. Student services fees
    xii. Any other fees relating to the provision of education, training and related services.

16.4.3 Indicative Steps

1. The College's PEL arrangements will be activated if the College President informs QQI and any alternate provider PEL Protecting Colleges of the need for this to occur.
2. The President will inform QQI and alternate provider PEL Protecting Colleges. The President will inform learners impacted by the PEL activation event.
3. The Director of Academic Affairs and Undergraduate Programmes will facilitate emergency internal PEL Activation Action Plan meetings as per the relevant programme's specific PEL Action Plan.
4. The Director of Academic Affairs and Undergraduate Programmes agree a timeline for, and prepare the transfer of information to QQI and any alternate providers, as soon as is practicable. The information may include:

16.4.3.1.1 Learner Records Details:

- Learner Personal detail records (including personal reports and learning needs).
- Learner Academic records.
- Learner fees records.

16.4.3.1.2 Programme Related Details:

- Provide Details of Programme Organisation, including
- Full details of academic staff (full time, part time)
- All administration support staff at all levels
- Premises information (including lease and owner information of the premises where applicable)
- Information on outreach or satellite centres in use, for programme delivery
- Key interaction contacts for the programme (including government or state agencies, international agencies etc.)

- All promotional information used to market the programme

16.4.3.1.3 Programme Information Details:

- Assessments, examination questions and marking schemes, including material related to repeat assessments and a copy of the assessment schedule
- Soft copies of any submissions, feedback issued to learners and resubmissions, hard copies of any previous examination scripts
- Soft copies of Programme Board meetings over the previous academic year
- Soft copies of minutes of Exam Board meeting minutes over the previous academic year
- Soft copies of any programme related Quality Assurance meeting minutes
- Soft copies of any applications for Reasonable Adjustment, issues of Plagiarism or other incidence of learner infringement on assessment and examinations over the previous academic year
- A soft copy of the validated programme submission document originally agreed with QQI, including programme schedule
- Soft copies of issued lecture notes and other materials distributed during the programme
- Soft copies of results transcripts (if applicable) and/or copies of results issued to learners up to the point of the activation of the PEL arrangements
- Collateral and Supporting Assets necessary to provide the Programme
- ICT Network Infrastructure
- Access to the Virtual Learning Environment(s)
- Access to digital library materials and assets (online), and borrowing records
- Online Licenses and Software related to programme delivery
- Storage and security of assessment related materials
- QA policies and procedures of the College
- Any equipment related to the programme (owned, leased)
- Location of assets
- Any and all other Intellectual Property related to the programme