
Submission

To: Department of Further & Higher Education, Research, Innovation & Science
From: TU Dublin
Date: 10.03.21
Re: Reform of the Higher Education Authority Act, 1971

This submission is provided by TU Dublin in response to the invitation for stakeholder consultation on the reform of the Higher Education Authority Act, 1971.

TU DUBLIN

In 2019, TU Dublin became the first Technological University in Ireland, bringing together the former HEIs of DIT, ITB and ITT.

In 2019, TU Dublin was the largest provider of third level education in the state, with over 29,000 students enrolled in a wide range of disciplines. A leader in STEM disciplines, TU Dublin also supports the largest cohorts of students of business, media, culinary arts, and the creative and performing arts. The University provides opportunities across all NFQ levels and for a diverse student base. Students learn in a practice-based environment; our impact-focused research aims to benefit communities, society and the economy; and innovation and enterprise are at the heart of everything we do. Annually, we celebrate 8,000+ graduates, awarding qualifications ranging from Level 6 to Level 10.

We are passionate about life-long learning and, as the largest provider of part-time education, we make an important contribution to the economic life of Ireland, enabling capacity building for the future.

Our distinguished researchers and innovators are pioneers in science and technology discovery; play active roles in informing policy and standards; and contribute to the creative life of Ireland. Our award-winning technology transfer and business incubation activity has delivered over 400 new sustainable businesses to date.

With an international outlook, we welcome students and staff from around the world while our strong international partnerships provide opportunities for student and staff exchange programmes, major cross collaboration research projects, and employment opportunities. We are immensely proud of our network of 100,000+ TU Dublin graduates who are making their careers here in Ireland and in 70 countries worldwide.

Deeply embedded in our region, TU Dublin has campuses in Dublin City Centre, in Blanchardstown and in Tallaght and, through our major infrastructural development plan, we are currently investing over €500 million in new, state-of-the-art, technology-enabled facilities to enhance our students' learning and discovery. Joining the ranks of exceptional technological universities around the world, TU Dublin offers a unique experience for a new generation of students.

The University's plans contained in its [Strategic Intent 2030](#) were developed through lens of the Sustainable Development Goals (SDGs) with 'Quality Education' at the core - the vision is to 'Create a Better World Together' through the 3 pillars of People, Planet & Partnership. The plans sets out objectives to create transformational educational opportunities through a new education model and innovative pathways.

With this background by way of context, TU Dublin is pleased to provide input to the consultation on the '**Reform of the Higher Education Authority Act, 1971**' and thanks the Department for this opportunity.

TU Dublin welcomes the clear statement from the Minister in the foreword of the update document regarding the vision for the system and the purpose of the legislation - **“Central to the vision for a higher education system are vibrant, innovative, adaptive and autonomous HEIs which are accountable to the learner and the State, and are supported by the HEA. This legislation is intended to assist in achieving this vision.”** It would be valuable if the role of the HEA in promoting and supporting the quality of higher education and the overall student experience could also be captured in the legislation. We acknowledge the challenge of balancing autonomy and independence of institutions, with transparency and accountability to the State. This balance is critical to maintain the oversight governance role of the HEA and avoid involvement in institution management decisions.

Overall we broadly support the thrust of the document regarding the critical elements. We have a number of points on specific items that are set out below, with inclusion of the page number of the document to ease reference.

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4	The commitment to maintaining autonomous institutions within the legislative framework is important and therefore reference to issues like ‘supervisingand monitoring governance’ many need to be revisited in the text of the legislation. Indeed, there is an over-emphasis generally on regulation and control and no mention of ‘opportunity’. If the Minister’s statement on having a system of vibrant, innovative, adaptive and autonomous HEIs is to be true, then this balance should be reflected in the legislation.
5	We welcome the fundamental basis of the proposed co-regulation model . This will need a clear definition in the legislation, along the lines of that included in the footnote.
8	In terms of ‘quality of the learning experience’ QQI also currently has a role to play here. It is important that there are clear lines of responsibility between HEA and QQI and no duplication. HEIs should not have to report/provide assurance twice and in different ways to two different authorities.
11	We would welcome greater clarity on the oversight role for HEA in the co-regulation model
12	Regarding the Governing Authority - a smaller group is generally welcome, although it can be difficult to achieve. For example in the recent experience of TU Dublin, a board of 20 was deemed appropriate and fit for purpose. In terms of the composition of the board, we would suggest that the balance of internal and external members as proposed is inappropriate and the focus should be on adding value to the University through the voice of external members. The regulations regarding the Governing Authority, including appointments, should be within the remit of the Governing Authority and should not be enacted in this primary legislation.
13	Regarding the functions of the Governing Authority – we are broadly supportive of the proposed functions, which are aligned to current TU legislation.
14	Academic Council – it would be useful for the role of the Academic Council in governance and its relationship to the Governing Authority to be articulated concisely. A tight definition of responsibilities on matters such as resource management and student engagement/feedback would be important, with the distinctive roles of the Governing Authority and Academic Council clearly set out in the legislation. On a general point, primary legislation should not continue to distinguish Universities, Technological Universities and Institutes of Technology - whilst underlying legislation for each is different, this legislation should be consistent and treat all publically-funded HEIs equally without needing to name specific sectors.
15	Role of the Chief Officer. The functions as set out are broadly appropriate, although we might suggest that it would be useful to specify the Chief Officer’s responsibility in not just executing, but in developing/creating the strategic plan – this would clearly differentiate the executive responsibility of the Chief Officer from the ‘guidance and review’ /governance responsibility of the Governing Authority. It is noted that the sectoral legislation may need to be amended to achieve consistency for the functions.
16	Stakeholder Engagement. We have already had a comprehensive process for stakeholder engagement in the TU Dublin strategic plan development, so welcome this aspect in the legislation. The ‘meaningful participation of all stakeholders’ in Academic Council will require very practical considerations for each HEI and should not be too prescriptive in the legislation.

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16	Governance Framework. We are broadly supportive of the co-regulated model. There might be some concerns about the term ‘public sector numbers’ without a clear definition, as it might affect the portfolio and growth potential of any particular institution.
17	Reporting & Review Provisions – this seems in order.
18	Autonomy & Accountability – we welcome this section
19	Board of the HEA - Whilst it may pose some challenges, it is not appropriate that membership of the HEA Board are current members of Irish HEIs, for which HEA has oversight. There is obviously a direct conflict of interest and the practice should cease. On the basis of the principle that members of the HEI's governing authority are primarily 'external', members of HEA Board should be external to the current Irish HE system. Appropriate international perspectives would be particularly welcome. Secondly, if the vision of the Irish HE system is to contribute to social, economic and cultural development, then it would be appropriate for some members to be drawn from such areas.
20/21	Research – It is noted that further work and consultation is to be done on this item and we would welcome that. A clear articulation of HEA's role is required, including the function to ' <i>evaluate excellent research</i> '. Furthermore the distinctive responsibilities between HEA and Science Foundation Ireland, Enterprise Ireland etc., will need to be worked through.
21	Data Collection and Sharing – There are some practical issues here that need to be addressed, not all necessarily appropriate for the legislation, but may need to be considered to inform this. <ul style="list-style-type: none"> - The demand for data reporting is constant for HEIs now - a more streamlined approach, with even an <u>agreed</u> annual calendar for reports would be helpful. There needs to be a balance in the demands for reporting - we would be fearful that penalties would apply for what could be considered unreasonable reporting demands, if specified vaguely in the legislation - Due recognition also must be given to the costs associated with data collection and sharing for the HEIs - this has increased dramatically over the years as the demand for more data and evidence based decision-making has increased - however, some recognition of budget allocation for each HEI will be necessary to meet the requirement. - In terms of data sharing, access to all the HEA data (GDPR accounted for) should be forthcoming to the individual HEIs to assist them in their strategic planning efforts. Currently this access can be restricted to sectoral info (e.g. IoTs only) or is provided on a summary basis only. Recent developments by HEA statistics dept regarding dashboard info on the web is to be commended and recommended that this is supported for further development to help keep the HE system informed and up to date. Responsibilities of HEA in the sharing of data to the community might need to be spelt out more.
22	Equity of Participation – regarding HEIs reporting to HEA on this matter, it is well known (noted in the last National Access Plan) that there are issues with the data capture, recording and use for disadvantaged groups. The Access Data Plan will help in that regard, but until these issues are resolved the reporting can only be limited - this is a responsibility of HEA with other relevant authorities.
22	Designation – It states that the proposed designation model would include “ <i>a definition of higher education award as a programme of education and training, leading to the award of a degree or other qualifications which are to at least bachelor degree level and which are included with the National Framework of Qualifications.</i> ” - It's not clear what the implications of this are. Does it mean that an organisation that provides a level 8 qualification will automatically sit under HEA and enjoy the same treatment as a HEI designated under legislation? This would need to be tightened up. We agree with the proposed Minister's powers to seek an injunction restraining non-designated bodies from using the title “Designated Institution of Higher Education” - the process for achieving this title should be hard won, and protected. In addition, the point that “ <i>If a body is identified as qualifying for funding under the framework for the provision of funding, the funding shall be provided to the body from the HEA in accordance with conditions of funding</i> ” is noted – we would suggest that these should have the same level of governance and scrutiny as all HEA funded institutions.

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23	Conclusion – regarding consultation, we note that there is a formal engagement process with students, which is commended. It would be helpful if there was some requirement to have an engagement process (not as intensive as the student one perhaps) with other stakeholders to ensure appropriate ongoing input – indeed this would be useful even in the development plans of the HEA itself.

There are a number of mentions in the document of engaging with Higher Education providers or their representative bodies. This is not appropriate and could cause conflict. In due course, there may well be an opportunity to create an overarching single body to represent higher education as a whole - until that happens we would suggest that each HEI has the right to be consulted directly, unless otherwise agreed.

Once again, we thank the Department for the opportunity to provide feedback at this time. We would ask please that we have ongoing involvement, as appropriate, as the process continues.