
Policy for Protection of Enrolled Learners

QA Area (s)	<ul style="list-style-type: none">• Programmes of Education and Training• Documented Approach to QA
Applies to	<input type="checkbox"/> Staff only <input type="checkbox"/> Staff and Learners only <input checked="" type="checkbox"/> Learners
Policy Owner	Director of Academic Affairs and Registrar

1.1 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.

1.2 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.

1.3 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.
- 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.