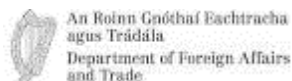


Report of the Task Force

on students affected by private college closures



Submitted to the Minister for Education & Skills and the Minister for
Justice & Equality

July 2014

Introduction

1. On 21 May 2014 the Minister for Education and Skills and the Minister for Justice and Equality announced the establishment of a Task Force on Students Affected by the Closure of Private Colleges.
2. The terms of reference of the Task Force were as follows:
 - i. *“The Task Force will report to the Minister for Education and Skills and the Minister for Justice and Equality and will be chaired by senior officials of the two Departments.*
 - ii. *The task force should aim to complete its work within a matter of weeks.*
 - iii. *To goal of the group will be to urgently:*
 - iv. *Coordinate efforts regarding protection of learners affected by private sector college closures.*
 - v. *Determine the number of students who have not yet been satisfactorily accommodated (either through placement or immigration extension).*
 - vi. *Assess what existing capacity is available in the sector to make reasonable accommodation for genuine students and what further steps need to be taken.*
 - vii. *Oversee a system that seeks to make reasonable accommodation for students.”*

3. The membership of the Task Force included the Departments of Education & Skills, Justice & Equality and Foreign Affairs and Trade, Quality and Qualifications Ireland (QQI), Enterprise Ireland, City of Dublin Education and Training Board, Irish Council for International Students (ICOS), Marketing English in Ireland (MEI) and the Higher Education Colleges Association (HECA). The full membership is set out in Annex 1.
4. The Task Force met in plenary on five occasions between 23 May and 19 June 2014. An interim update was made by the co-chairs to Ministers on 30th May.
5. This final report is made by the full Task Force to the two Ministers in pursuance of the Terms of Reference.

Background

6. *Investing in Global Relationships: Ireland's International Education Strategy 2010-2015* sets out Government policy in relation to the internationalisation of education. The overall ambition in the strategy is to make Ireland a leader in the provision of high-quality education to “the next generation of leaders, entrepreneurs and decision-makers who will make a difference in their own countries and form vital networks of influence for Ireland.”
7. The strategy identified the high-quality higher education and English language sectors as strategic sectors for promotion overseas. In implementing the strategy, Irish qualification and quality assurance standards have been seen as being an integral part of the Irish education offering being promoted internationally.
8. In that context, only higher education institutions offering a predominance of Irish awards, and English language providers with ACELS recognition¹ are promoted by Enterprise Ireland and Fáilte Ireland, the State agencies responsible for international education promotion.

¹ ACELS: Accreditation and Co-ordination of English Language Services, a voluntary non-statutory quality assurance scheme for English language training organisations which takes place under the aegis of QQI.

9. However, as they are entitled to do, a number of institutions have chosen to deliver non-Irish awards which are available from a range of overseas and multi-national providers.
10. While these providers have not been actively promoted overseas by State bodies, they have, to date, remained eligible to recruit students from outside the European Economic Area (EEA) if their programmes meet the criteria for inclusion on the State's internationalisation register, namely that they offer awards which meet certain quality criteria in their country of origin.
11. Around a third of non-EEA students registered with the Garda National Immigration Bureau attend institutions which offer either vocational training or English language and higher education programmes accredited outside the State.
12. The majority of providers in the international education sector are reputable educators and in many cases have long track records of successful course delivery. Fees charged reflect the cost of provision of high quality education services.
13. In parallel, however, there is a section of the industry that developed a model where fees were unsustainably low given the costs involved in the delivery of a high-quality programme. The low pricing model that has developed in this sub-sector area has attracted price sensitive students drawn not just by the right to work but also by the prospect of obtaining a course far more cheaply than that offered by the quality sector.
14. Significant efforts have been made in recent years to ensure greater alignment between quality assurance, promotion and immigration policies.
15. In keeping with this overall policy direction, it is the publicly declared intention of the Government that, following the introduction of the International Education Mark and Code of Practice for international learners (provided for in the Qualifications and Quality Assurance (Education and Training) Act 2012), only providers which hold the Mark will be eligible to obtain immigration permission for non-EEA students.

College closures

16. Since the beginning of 2014, five private colleges primarily targeting international students have closed, some with common ownership: Kavanagh College, Eden College, Irish Business School, Millennium College and Allied Irish College.
17. Three of the colleges which closed had recently been suspended by the Irish Naturalisation and Immigration Service (INIS) from registering new students from outside the EEA while INIS investigated alleged irregularities which came to light regarding immigration compliance. Kavanagh College closed citing a deterioration in business conditions as the reason for its closure.
18. It is important to note that the State did not close these colleges, nor were they prevented by the State from recruiting Irish or other EEA students. These were all private businesses which made their own decision to shut down.
19. Liquidation proceedings are ongoing in respect of certain of the businesses.
20. Separately, the Department of Justice and Equality has been in contact with An Garda Síochána in relation to the financial conduct of some of the colleges in question, including issues relating to payment of monies for medical insurance which was not transferred by the provider to the insurance company.
21. It is understood that insurance companies that provided health policies for students attending Irish Business School and Eden College have collectively taken a decision to fund the cost of providing full cover to all impacted students who paid for insurance.

Numbers of students affected

22. Some 2,000 non-EEA students from these colleges were registered with the Garda National Immigration Bureau (GNIB) when these colleges closed. Attendance and other student records for these students are now unavailable to the students or the authorities.
23. A number of learners from within the EEA were also affected. However, given that such students are not obliged to register with the State it has not been possible to establish the precise number within his cohort with any certainty. However, the Task Force understands that a comparatively small number of EEA nationals were affected.
24. Additional categories of student were affected including (a) students who had arrived in Ireland but not yet registered with the GNIB and (b) students who had registered with the college but not yet travelled to Ireland (or who had been waiting on a visa application/were waiting of return of fees due to a visa refusal). Again, it has not been possible to establish precise numbers in respect of these cohorts.
25. Many students affected by the closures were genuinely in Ireland for the purposes of study (perhaps in conjunction with the right to work) and the Task Force's efforts have been focused on these students.
26. However, it is not possible to have a complete picture without understanding that the clear view of the immigration authorities is that a cohort of students in these colleges were not in Ireland primarily for reasons of education, but rather to access the labour market or for other reasons not related to study. This is a situation experienced by all countries which attract international students.

Assurance to students regarding immigration permission

27. Following the closure of the colleges, the Irish Naturalisation and Immigration Service (INIS) immediately allowed all learners affected to be on academic holidays until 1 September 2014, removing any doubt about their status in Ireland, giving them time to make alternative arrangements and allowing them to continue to work in order to continue to support themselves. A central contact point was established in INIS to deal with immigration queries from affected students, and learners were dealt with in order of priority, determined by the date on which their permission to remain in the State was due to expire.
28. INIS and ICOS have worked closely to provide a solution, to date, for approximately 200 students with an immediate need for an immigration extension. This cohort of students has been granted an extension of immigration permission to 1 September 2014. This extension has, as an exception to the normal rule, been granted without the requirement for student's to pay the €300 registration fee

Learner protection and initial ad hoc alternative arrangements

29. Given that Eden College had been, by virtue of its recognition under the ACELS process, a member of MEI for a period up until 31st December 2013, that organisation's standard learner protection arrangements were put into effect for learners in Eden College. The students covered by this arrangement were those who were in Ireland and already enrolled in Eden College on ACELS programmes and attending class up to 31 December 2013. The MEI office has facilitated the relocation of such students to member schools in Dublin.
30. The other colleges which closed were not ACELS accredited, nor members of MEI and had no acceptable learner protection arrangements in place. Nevertheless, the

Task Force understands that MEI and other ACELS-recognised schools made efforts to make alternative arrangements for many of these students.

31. QQI is facilitating the accommodation of Eden College learners who understood that they were attending programmes leading to FETAC awards. These students are in the process of being assigned to the same or similar programmes leading to a FETAC award (now a QQI award) in colleges in Dublin
32. The Task Force wishes to commend the efforts and engagement of MEI and its member schools for their efforts. It also wishes to note and commend the crucial role played by the staff and volunteers of ICOS in assisting students since the closures.

Communication with students

33. The Task Force identified a need for a clear and comprehensive central portal to channel official communications with students. QQI chaired a communication sub-group which established the website www.studenttaskforce.ie to act as an information resource for affected students. This website will continue to be developed and will include information in foreign languages widely used by students affected.
34. INIS also provided a dedicated e-mail service for non-EEA students affected by the closure of these colleges and to date approximately 1200 responses have issued directly to students.

Reasonable accommodation

35. Prior to the establishment of the Task Force alternative arrangements had already been made for a few hundred students.

36. The Task Force was given the remit of assessing what further capacity is available in the sector to make “reasonable accommodation” for genuine students who wish to continue their studies and to oversee a system that seeks to make such accommodation for students.
37. The Task Force devoted considerable attention to the question of what would constitute “reasonable accommodation”.
38. The Task Force has tremendous sympathy for the many students who lost money when the colleges closed. Liquidation proceedings are underway in certain cases, and students are pursuing claims as creditors through this process, including with the support of ICOS.
39. However, it was evident that where no learner protection arrangements were in place, there was no obligation on other providers or bodies to step in. Indeed, in many cases providers which collapsed had been significantly under-cutting high-quality providers by trading in an unsustainable manner.
40. Moreover, aside from learner protection arrangements, it does not follow that a person enrolling in a course with a low quality provider at very low costs should reasonably expect to be accommodated free of charge on a high quality programme that would in the normal course cost a multiple of their lost fees.
41. In these circumstances, the Task Force worked closely with the representative bodies of the high-quality private sector providers to develop solutions that could provide reasonable accommodation for students impacted by the closures who were not covered by learner protection arrangements.
42. The Task Force regards the solutions developed by the high-quality private sector providers, detailed below, as being very welcome and positive contributions to resolving a challenging situation and endorses these initiatives as constituting reasonable accommodation for affected students.

Reasonable accommodation for English language students

43. The Task Force has endorsed the very reasonable and generous initiative developed by MEI, which represents a number of high-quality English language providers, to provide heavily discounted classes to English language students affected by the college closures.
44. Details of the initiative are set out on www.studenttaskforce.ie. In brief, students are offered classes at €60 per week to take afternoon classes which meet ACELS standards; this represents a 70% discount on the standard commercial rates for courses offered by ACELS accredited MEI providers. These classes will only be offered to students affected by college closures and attendance will be closely monitored.
45. Under this initiative students who avail of this offer will receive a higher quality language course to that which they were previously enrolled upon at a much reduced price. The outcome will be to the benefit of the student in terms of the course provided and the students can also be secure in the knowledge that protection for learner arrangements are in place.
46. Although other non-ACELS accredited language programme providers offered to accommodate students affected by the college closures the Task Force did not believe that adequate security including, most importantly, sufficient learner protection arrangements for students were in place to allow for these offers to be recommended.

Reasonable accommodation for non-English language students

47. The offer for students outside of the English language sector is necessarily more complex, as it potentially covers a variety of different disciplines and levels.
48. Quality and Qualifications Ireland (QQI) have initiated protection for learner arrangements for non-EEA students that were pursuing FETAC further education courses at Eden College. In that context QQI has to date been contacted by 116 students regarding continuing with their course of studies and is working with providers in accommodating these individuals with appropriate alternative courses.
49. The Higher Education Colleges Association is represented on the Task Force by Griffith College Dublin and Dublin Business School which have been jointly leading on the development of potential high-quality alternative arrangements. The colleges will be engaging with affected students to determine the most appropriate form of delivery.
50. It is envisaged that, as with the accommodation for English language students, students will be charged on a cost-recovery basis, enabling courses to be offered at a significant discount.
51. The intention will be to offer students one-year programmes in a certain number of fields, which will lead to a QQI validated award and will also allow access, transfer and progression to other programmes in Ireland or overseas. The discounted rate will only be available for these special programmes. On future progression to “standard” courses, students will be required to pay the normal rate of fee.
52. This solution will be rolled out for the academic year 2014-15 and further information will be announced in due course on www.studenttaskforce.ie. In the meantime, arrangements are being made to engage with the affected learners.
53. The Task Force commends HECA for the significant efforts which it, and its member institutions have made to addressing the situation of affected students, where there was absolutely no obligation to do so.

54. A number of affected students were enrolled on Australian School of Business BBA courses. The BBA is structured on a flexible modular basis and may be completed as a correspondence course by students in their home country. This may be the most appropriate option for those students who have not fulfilled the conditions of their immigration permission, i.e. to attend their courses, to engage in full time study and to make suitable academic progress.

55. In the minority of cases where the students have made considerable academic progress to date and who have shown themselves to be well motivated, the possibility of alternative programmes in Ireland is an option, subject to the time limits applicable to a student's stay in Ireland. These will be examined on a case-by-case basis.

Responsibilities of agents with respect to students

56. Education agents and consultants are a crucial part of the international education landscape. Ireland, along with other international partners, is a signatory to the London Statement (2012) on ethical recruitment of international students through such agencies. It is the intention to inform key agents in relevant priority markets of regulatory changes, when introduced, in collaboration with Enterprise Ireland.

57. Many students were placed in colleges by overseas educational agents and consultants. In many cases, domestic consumer protection frameworks in the countries concerned offer some protection for students in circumstances where the college has closed, and the Task Force is urging students to pursue these channels where available.

Regulatory issues

58. While the future regulation of the international education sector is beyond the scope of the Task Force's terms of reference, the group felt that it was important to note a number of issues relevant to the regulatory environment which have arisen in the course of the group's work.
59. In this regard the Taskforce understands that comprehensive proposals outlining comprehensive regulatory reforms will be brought forward by both Ministers very shortly.
60. The Task Force notes that the immigration and quality assurance regime in which international education is provided in Ireland has been strengthened considerably in recent years with the implementation of the international education strategy 2010-2015 and the new student immigration regime (2010).
61. Developments since 2010 have included time limits for study in Ireland, progression requirements, a realignment towards higher education and English language training, the development of a statutory basis for regulation of the international education sector in the *Qualifications and Quality Assurance (Education and Training) Act 2012* including through the introduction of an International Education Mark and Code of Practice, which are currently being developed by QQI and will be introduced from the beginning of 2015.
62. However, it is evident that, despite the strengthening of this framework, a minority of providers continue to engage in unsustainable practices, with serious implications for students and the reputation of the wider sector. In consequence, and to guard against having to deal with similar issues in the future, the Task Force is of the view that stronger regulation is essential.
63. The private sector participants in the Task Force have made it clear that the willingness of the reputable industry to assist in finding solutions for the students of the closed colleges is contingent on the creation of a strengthened regulatory environment in the future.

64. The Task Force identified a number of common characteristics among the institutions which have closed:

- a. They were primarily targeting non-EEA students, including a significant number of students from non-visa required countries, and enrolled very few Irish or EEA students. In most (though not all) high-quality Irish providers, the majority of students would usually come from within the EEA.
- b. While fees charged varied between students, it was clear that in some cases the fees were unsustainably low and, given sectoral norms, were clearly inadequate to provide for the delivery of a high-quality programme.
- c. At the time at which they closed, with the exception of Eden College, the colleges were not offering Irish-accredited or quality assured programmes.
- d. Sufficient learner protection arrangements were not in place.

65. The fact that learner protection arrangements do not extend to a number of the colleges which closed highlights a major issue. This will be addressed as part of the implementation of the International Education Mark regime.

66. Particular issues also urgently arise regarding the level of oversight being undertaken by overseas accreditation and testing bodies.

67. The Minister for Justice and Equality has recently indicated her Department's view that the levels of academic progression reported on some internationally accredited courses such as the Bachelor of Business Administration (BBA) degree from the Australian Institute of Business is so low that it "is difficult to avoid the conclusion that, with some exceptions, the BBA degree programme operated at Eden College was more about providing a means of facilitating residence in Ireland than a path to academic achievement."

68. These issues are not unique to Ireland. The UK Government took the decision on 24 June 2014 to suspend 3 British universities and 57 private further education operators from sponsoring international students following an inquiry which indicated that at least 48,000 test results in respect of international students were either invalid or were fraudulently obtained. The UK authorities have also begun a criminal investigation into the activities of one major international testing organisation².
69. Task Force members have welcomed the strong public indication by Ministers that Government would consider further robust regulatory changes to drive student protection, quality provision and immigration compliance in the sector.
70. In this context, the Task Force notes that strengthened regulations could lead to further college closures of this type (i.e. operating outside the high-quality QQI recognised sector) closing. This would need to be managed in the short term but it is anticipated that it would have a positive impact and effect in the longer term, with particular regard to the quality of offering and protection for learners.
71. In the event of any further college closures in the coming period, similar arrangements for reasonable accommodation for students will need to be made. Indeed, the reasonable accommodations developed in collaboration with the representative bodies of the high-quality sector are designed to have some scalability to accommodate such an eventuality.
72. However, the providers have made clear that this cannot be considered an open-ended offer, and it would be the intention to draw any extraordinary arrangements to a close within a year.

Implementation and oversight

² <https://www.gov.uk/government/speeches/statement-on-abuse-of-student-visas--2>

73. The Task Force considers that the terms of reference have now substantially been met, and the focus should move to implementation of the reasonable accommodation options for affected students.

74. An implementation and oversight committee will be put in place to monitor the roll-out of the initiatives developed by the Task Force. The terms of reference for this committee will be modelled on a draft Memorandum of Understanding prepared by the private sector colleges.

Annex 1: Membership of the Task Force

Brian Power (co-chair)	Department of Education and Skills
Kevin O’Sullivan (co-chair)	Department of Justice and Equality
Peter Jones	Department of Justice and Equality
Ian Kelleher	Department of Justice and Equality
Hugh Geoghegan	Department of Education and Skills
Seamus Mc Loughlin	Department of Education and Skills
Keith Moynes	Department of Education and Skills
Margaret McCarthy	Department of Education and Skills
Keith McBean	Department of Foreign Affairs and Trade
Síle Maguire	Department of Foreign Affairs and Trade
Tim Reilly	Department of Foreign Affairs and Trade
Alan O’Brien	Department of Foreign Affairs and Trade
Trish O’Brien	Quality and Qualifications Ireland
Deirdre Stritch	Quality and Qualifications Ireland
Sue Hackett	Quality and Qualifications Ireland
Lorna Conway	Quality and Qualifications Ireland
Lucia Reynolds	Enterprise Ireland
Evan Buckley	City of Dublin Education and Training Board
David O’Grady	Marketing English in Ireland
Oliver Lyons	Marketing English in Ireland
Lorcan O’Connor Lloyd	Marketing English in Ireland
Diarmuid Hegarty	Higher Education Colleges Association
Donal Quill	Higher Education Colleges Association
Sheila Power	Irish Council for International Students
Colin Tannam	Irish Council for International Students