

**Quality and Qualifications Ireland Submission on Further Public Consultation by the LRSA on the
Education and Training of Legal Practitioners.**

29 August 2019.

Context of QQI submission

Quality and Qualifications Ireland (QQI) is an independent State agency responsible for promoting quality and accountability in education and training services in Ireland. It was established in 2012.

Our mission is to sustain public confidence in the quality of education and training, promotes trust in the National Framework of Qualifications and drive a culture of continuous improvement by education and training providers in Ireland.

Our role is to:

- promote, maintain and develop the Irish National Framework of Qualifications (NFQ), a 10-level framework for the development, recognition and awarding of qualifications in Ireland
- approve programmes offered at a variety of schools, colleges and further and higher education and training institutions
- regulate and promote the quality of programmes offered by providers of education and training leading to qualifications included within the NFQ for the benefit of learners, employers and other interested parties
- provide academic advice on the recognition of foreign qualifications in Ireland through a service called NARIC Ireland – the National Academic Recognition Information Centre. We also provide advice on the recognition of Irish qualifications abroad
- inform the public about quality assured education and training programmes and qualifications through a database of programmes and a register of providers
- advise the Minister for Education and Skills about national policy on quality assurance and improvement in education and training
- cooperate with professional bodies in assuring the quality of professional education and training

This submission builds on the QQI submission to the LRSA consultation that informed the report to the Minister for Justice and Equality on the Education and Training of legal practitioners as required under section 34(1)(a) of the legal services regulation Act 2015.¹

¹ Submission in response to consultation on Section 34 report 2018
<http://www.lrsa.ie/en/LSRA/Pages/WP18000006>

Under Section 13 of the Qualifications and Quality Assurance Act², professional recognition bodies in the State are required to co-operate with QQI in the performance of its relevant statutory functions. As part of our commitment to advance such cooperation, QQI has recently published a study on the potential for greater complementarity and coherence between professional and academic accreditation of programmes offered in higher education institutions in Ireland³

Core reforms arising from Hook Tangaza study

QQI welcome the publication of the 14 proposals for reform of the education and training of legal practitioners in Ireland, included in the Hook Tangaza report (2018). The two core reforms underpinning the proposals are that:

1. A clear definition of the competence and standards required to practice law should be developed for legal practitioners
2. Roles and responsibilities of stakeholders in the legal education and training system should be reformed by the Authority establishing a Legal Practitioner education and Training (LPET) Committee, which would be responsible for setting the statement of competence and defining standards, which legal practitioners would achieve on qualification. The LPET Committee would require existing providers of legal education to demonstrate how they meet these standards and to enable new providers to explain how they would seek to meet them.

Given the statutory remit of QQI in relation to development and recognition of qualifications and the external quality assurance of providers offering qualifications in Ireland, this submission will focus on these two core reforms.

The NFQ as a reference point in defining the competence and standards to practice law.

The National Framework of Qualifications (NFQ) is a 10-level system of knowledge, skill and competence used for the development, recognition and award of qualifications in the State. The NFQ was established in law under the 1999 Qualifications (Education and Training) Act, it was launched in 2003 and re-authorised under the 2012 QQI has responsibility to promote, maintain, further develop and implement the NFQ and associated policies. The NFQ articulates national policy on qualifications and consequently agencies of the state with a policy or regulatory function in relation to qualifications use the NFQ as a central coordinating mechanism for achieving policy outcomes. It would be desirable that the LSRA would utilise NFQ interpretations and descriptors of knowledge, skill or competence in

² <http://www.irishstatutebook.ie/eli/2012/act/28/enacted/en/print#sec13>

³ See <https://www.qqi.ie/News/Pages/Finding-common-ground-on-professional-accreditation-and-regulation.aspx>

setting the statement of competence and defining standards, which legal practitioners would achieve upon qualification.

Supporting the proposed accreditation function of the LPET

Academic qualifications in law offered by higher education institutions in Ireland and regulated by QQI, are included within the NFQ. Such qualifications enjoy national and international academic recognition.

The Qualifications and Quality Assurance (Education and Training) Act 2019⁴ (the 2019 Act) makes provision for a wider range of qualifications to be similarly included within the NFQ, this includes qualifications owned and offered by professional and independent awarding bodies. Sections 55 of 2019 Act contains provisions to authorise QQI to establish a new category of awarding body to be known as 'listed awarding bodies' and to facilitate the inclusion of their awards within the NFQ. The design, development, delivery, assessment and certification of any such qualifications would come under the remit of the statutory quality assurance framework. Providers offering programmes leading to qualifications of listed awarding bodies will be required to establish and operate quality assurance procedures and comply with ancillary provisions and obligations comparable to existing providers offering programmes leading to NFQ awards.

The benefits of becoming a listed awarding body and including legal qualifications offered by independent awarding bodies within the NFQ is primarily a matter for the awarding bodies themselves and their relevant regulatory authorities. QQI is not seeking to use its recently amended statutory powers to increase its regulatory reach or to mandate any awarding body to become a listed awarding body for the purpose of having their qualifications included within the NFQ. That said, the LRSA may wish to consider the public value of requiring that qualifications designed to meet the national standard of knowledge, skill or competence expected of a graduate legal practitioner, are included within the NFQ.

Bringing relevant professional and academic qualifications within a single qualifications structure, the NFQ, has the potential to ensure public confidence in the threshold standards of qualifications recognised by the LRSA. Such a course of action would establish common statutory external quality assurance arrangements for all awarding bodies and providers offering LRSA recognised education and training of legal practitioners. Furthermore, linking professional recognition of qualifications to

⁴ Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019
<https://www.oireachtas.ie/en/bills/bill/2018/95/>

the NFQ, could facilitate the LPET in conducting its accreditation function in respect of providers, programmes and qualifications.

QQI have no statutory quality assurance or regulatory role in respect of legal education and training provided by the Law Society of Ireland or the Honourable Society of Kings Inns. Qualifications issued by these independent awarding bodies are not currently included within the NFQ. Subject to the commencement of relevant sections of the 2019 Act, such bodies may seek to become listed awarding bodies and have certain of their qualifications included within the NFQ. A successful application would lead to such bodies becoming ‘relevant providers’ under the 2019 Act. As relevant providers their internal quality assurance arrangements would be subject to approval, monitoring, review, public reporting and potentially sanctions by QQI in their own right, quite apart from the LSRA accreditation.

Hook Tangaza envisages QQI organising programme level review of providers of legal education on behalf of LSRA, to support LSRA’s accreditation function. It seems feasible to organise such reviews in a combined exercise with the QQI statutory functions even though there would be two separate lines of governance resulting – QQI confirming the inclusion of appropriate qualifications in the NFQ and LSRA confirming conformity with standards for recognition of graduates for professional legal practice.

QQI is currently formulating policy and procedures for listing of awarding bodies under Section 55 of the Amended Act 2019. This section of the amended Act has yet to be commenced by Government. Consequently, the practical implications of linking qualification requirements for legal practitioners, with the NFQ are not yet fully apparent.

The prospect of relying on QQI statutory functions in relation to the inclusion of qualifications within the NFQ and carrying out programmatic reviews as an element of the professional recognition function to be carried out by LSRA, would require further consideration and engagement. Bringing independent awarding bodies, not currently participating in the NFQ, under the regulatory scheme for programmes and qualifications operated by QQI would need to be considered a necessary, effective and proportionate response to the qualifications and quality assurance issues cited in the proposed reform of education and training of legal practitioners in the state.

Subject to the direction of the ongoing reforms, an MoU between the LSRA and QQI would assist with practical implementation of any agreed arrangements, clarify questions of governance and accountability and strengthen mutual understanding between both Authorities.

QQI would welcome the opportunity to engage further with the LSRA and other interested stakeholders to explore how best we might facilitate the qualifications and quality assurance objectives set out in the Hook Tangaza report. **END**