



**AONTAS Submission to the
Public Consultation on
Legislative Proposals:**

**Update of the Higher
Education Act 1971**

11th October 2019

Brief outline of submission:

This submission is being made on behalf of AONTAS, the National Adult Learning Organisation in response to the Department of Education and Skills' (DES) call for submissions to the public consultation on the legislative proposals for the reform of the Higher Education Authority Act 1971.

The submission comments on the legislative proposals presented in the consultation document as it concerns items originally identified by AONTAS in our 2018 submission to the Department of Education and Skills on the update of the Higher Education Act 1971. In addition we also provide comment regarding the establishment of the Irish Research Council on a statutory basis, and on the need for explicit reference to community engagement between higher education institutions and the communities and people they are created to serve.

Organisation: AONTAS, the National Adult Learning Organisation

Name and Role in the organisation: Niamh O'Reilly (CEO), Benjamin Hendriksen (Advocacy Lead) and Sam O'Brien-Olinger (Information and Policy Officer)

Postal address: AONTAS 2nd Floor, 83-87 Main Street, Ranelagh, Dublin 6, D06 E0H1

Email: noreilly@aontas.com; bhendriksen@aontas.com and sobrienolinger@aontas.com

Daytime telephone number: 01 406 8220

Web-address: www.aontas.com

Date of emailing response: 11 October 2019

Submission sent to: heconsultation@education.gov.ie

Introduction to AONTAS, the National Adult Learning Organisation

AONTAS is Ireland's National Adult Learning Organisation for adult and community education providers, and adult learners. It promotes the value and benefits of adult learning, and advocates on behalf of the adult and community education sector. Founded in 1969, it is an independent NGO, with 400 members nationwide.

In addition to promoting adult learning in Ireland, AONTAS is the national coordinating body for the European Agenda for Adult Learning (EAAL), which is aimed at increasing participation in lifelong learning across the EU, enhancing policies and supports for adult learners, and gathering and disseminating European best practices.

As a membership organisation we provide a space for members to share experience, promote their work and advocate for the value of adult and community education.

Introduction to the AONTAS submission

This submission makes the argument that the updating of the Higher Education Authority Act 1971 should align with other policy initiatives and statements from Government and the Oireachtas regarding equal access to, and equity of outcome from, participating in Higher Education. In particular we highlight *The National Plan for Equity of Access to Higher Education 2015-2019*¹; the Programme for Access to Higher Education (PATH); and the Joint Committee on Education and Skills' *Report on Education Inequality & Disadvantage and Barriers to Education* which clearly sets out what must change in order for Government to make any significant progress on rectifying the way in which 'social inequality occurs at all levels of the education system'².

Outlining what AONTAS believes needs to change as part of the Higher Education Act modernisation, our submission reviews the items discussed in our August 2018 submission and how these items have been dealt with in the draft Heads of Bill. We also provide comment on other issues, including the statutory basis of the Irish Research Council and the need for a legislative commitment to community engagement.

All recommendations are bolded in the body of the submission and are also summarised in a list at the end of the document.

¹ Department of Education and Skills. *The National Plan for Equity of Access to Higher Education 2015-2019*. <https://hea.ie/assets/uploads/2017/06/National-Plan-for-Equity-of-Access-to-Higher-Education-2015-2019.pdf>. [Accessed 04/10/2019].

² The Joint Committee on Education and Skills. *Report on Education inequality & disadvantage and Barriers to Education*. May 2019. pp. 5 [Accessed 24/09/2019].

Follow-up on proposals from the 2018 AONTAS submission updates to the Higher Education Act

The August 2018 AONTAS submission to the Higher Education Act consultation focussed on three main proposals:

- 1) The importance of promoting inclusion in higher education as well as equality of opportunity
- 2) The proposal of a new platform for engaging learners in the policy feedback and development process
- 3) The importance of promoting lifelong learning. In particular we framed this proposal in light of Ireland's ongoing underachievement toward our national target of 15% participation in lifelong learning by 2025 as stated the *National Skills Strategy 2025*.³

Inclusion (equality of condition) in higher education

The current Higher Education Authority Act, 1971, outlines one of its key functions as, 'promoting the attainment of equality of opportunity in higher education.' As stated in 2018, AONTAS would like to see the new legislation transform this function into promoting educational equality and inclusion. However, to ensure that the language is clear through this submission, what AONTAS is truly seeking both in 2018 and now is a promotion of equality of condition, with explicit emphasis placed on the Higher Education Commission's (HEC) statutory obligation to increase access pathways to Higher Education from Further Education and Training (FET) and Community Education.

The consultation document from the Department of Education and Skills states that equity of access to higher education is a national priority for the Government and the Department. It also states that the Department is committed to advancing the progress of learners at risk of educational disadvantage and learners with special educational needs in order to support them to achieve their potential. The new legislation must place equality of opportunity and equality of condition at the core of the proposed HEC's statutory obligations in order to ensure that access to higher education will truly be provided to all the people of Ireland. This legal footing for making education in Ireland more equitable and sustainable involves taking an approach to policy that is based on what Professor Kathleen Lynch, Professor of Equality Studies at University College Dublin, referred to as the principle of equality of condition⁴ in her address to the Joint Committee on Education and Skills and documented in

³ Department of Education and Skills. *National Skills Strategy 2025*. https://www.education.ie/en/Publications/Policy-Reports/pub_national_skills_strategy_2025.pdf

⁴ Much of the policy developments around increasing equality in education focuses on how to equalise access to, and participation within, different levels of formal education for different social groups (Lynch, 2000). While equalising access and participation are key equality objectives, there is a need for a more holistic and integrated approach to the achievement of equality in the Irish education system. This approach should be enshrined in legislation more clearly if the new HEC is to remove the factors which are preventing people in Ireland from participating in Higher Education. See Lynch

the *Report on Education inequality & disadvantage and Barriers to Education*. This principle should underpin the proposed update to the legislation. It should be a keystone feature of the new Higher Education Act in order to ensure access for those furthest away from higher education due to the systemic barriers described in the Joint Committee on Education and Skills' Report, including but not limited to age, class, disability, gender, race or ethnicity, and sexuality.

Recommendation: The new legislation should promote educational equality and equality of condition in higher education, with explicit emphasis placed on the Higher Education Commission's statutory obligation to increase access pathways to Higher Education from Further Education and Training (FET) and Community Education.

Learner Voice

In the 2018 submission to the consultation AONTAS highlighted the important role that learner voice must play in the evaluation and development of national higher education policy. We support the Department of Education and Skills for including a commitment to engagement with students in the draft Heads of Bill (paragraph 66). We do however have two recommendations that will further strengthen the role of learner voice in the governance of the HEC and Universities.

Recommendation: AONTAS recommends that learners views are represented on the Board of the HEC (section 56 of Heads of Bill) with a specific focus on learners who are the most educationally disadvantaged. Inclusion of a learner representation would be in line with practices of good governance from SOLAS, and Quality and Qualifications Ireland.

Recommendation: AONTAS recommends that section 70 of the Heads of Bill, concerning composition of the Governing Authority of Universities includes representation of community stakeholders and learners.

Lifelong Learning

In the 2018 submission to the consultation AONTAS proposed the inclusion of a commitment to lifelong learning in line with broader government policy established in the *National Skills Strategy 2025* to reach 15% participation in lifelong learning by 2025. This policy is, in turn, based on a European target of 15% participation in lifelong learning by 2020.

and Baker (2005) '[Equality in education: an equality of condition perspective](#)' in *Theory and Research in Education*, 3 (2): 131-164 (last accessed 24/09/2019).

AONTAS is therefore pleased to see a commitment to lifelong learning in paragraph 61 of the Heads of Bill. Unfortunately the focus proposed in the Heads of bill narrowly refers to lifelong learning for meeting the skill needs of the economy and encouraging upskilling. Lifelong learning undoubtedly contributes to the health of the economy, however it is about more than economic benefits alone. The benefits of lifelong learning are diverse and include positive impacts on areas spanning and overlapping health and well-being, civic and democratic engagement, as well as community development and social inclusion to name a few.

To ensure that the new legislation does not result in lifelong learning having too narrow an economic focus at the expense of these wider benefits of education AONTAS proposes adding the word 'society' to the proposal.

Recommendation: Lifelong and flexible learning should meet the needs of society and the economy, and encourage learning, upskilling, and reskilling.

Comments on issues not originally addressed in the AONTAS 2018 submission

In addition to the issues presented by AONTAS in our 2018 submission, we also provide our thoughts on two other issues of importance to this draft legislation. The first issue concerns the statutory basis of the Irish Research Council. The second issue concerns formally including the need for community engagement into the legislation in a similar way that a commitment to learner voice engagement has been made.

Statutory basis for the Irish Research Council

In the draft Heads of Bill it is stated that further consideration will be given to ensuring that there is an appropriate statutory basis for the performance of the research responsibility currently carried out by the Irish Research Council.

Through engagement with the Irish Research Council in advance of making this submission on the Higher Education Act modernisation, AONTAS supports the Council's position that recognising the Irish Research Council in legislation will help to promote a balanced research system that has been carried out by the Council for close to twenty years. A statutory basis would strengthen the emphasis on a balanced research system within legislation and provide enhanced leverage with which to achieve this.

In addition to giving recognition within legislation of the important role of the Council, a statutory basis would support the Council's international engagement and profile, at the centre of which is an ambition to develop new opportunities for researcher collaboration across borders, including of course with the UK and within the island of Ireland.

Recommendation: Establish the Irish Research Council on a statutory basis.

Community engagement

Section 6.13 of the Consultation Report and Response of the Department of Education and Skills on the Higher Education Authority Act, 1971⁵ pinpoints a necessary change to the legislation which would facilitate the Higher Education Commission (HEC) in fully achieving its objectives to support the provision of an excellent higher education sector. It establishes a statutory commitment on the HEC to equity of access to higher education.

It is clear to AONTAS and our members that this commitment should be adopted in the modernised Act in order to fully ensure the legal basis for realising equity in our education system. One of the ways this can be done is by including community engagement in the modernised Act and in future strategies for higher education and higher education research as reflected in the *National Strategy for Higher Education to 2030: Report of the Strategy Group*⁶.

The Report of the Strategy Group states that

Higher education institutions should have open engagement with their community and wider society and this should infuse every aspect of their mission. Outward-facing systems and structures should be embedded into institutional activity.

and

Engagement by higher education with wider society takes many forms. It includes engagement with business and industry, with the civic life of the community, with public policy and practice, with artistic, cultural and sporting life and with other educational providers in the community and region, and it includes an increasing emphasis on international engagement. The multidimensional nature of many of the social, economic and civic challenges means that they require multidisciplinary approaches, and higher education institutions are uniquely well placed to lead, develop and apply these, in partnership with others.

Recommendation: AONTAS recommends that a section be added to the Heads of Bill which commits the higher education sector to community engagement as a tool for understanding the needs of the broader Irish society beyond the education sector, thereby increasing learner access to the higher education system.

⁵ Department of Education and Skills. *Legislative Reform Higher Education Authority Act, 1971: Consultation Report and Response of the Department of Education and Skills*. <https://www.education.ie/en/The-Education-System/Higher-Education/Legislative-Reform-HEA-Act-1971-Consultation-Report-DES.pdf>. [Accessed 04/10/2019].

⁶ Department of Education and Skills. *National Strategy for Higher Education to 2030 Report of the Strategy Group*. January 2011. <https://hea.ie/assets/uploads/2017/06/National-Strategy-for-Higher-Education-2030.pdf>. [Accessed 04/10/2019].

Recommendation: AONTAS recommends that section 8(d) promote excellence in teaching, learning and research, and community engagement in higher education.

Recommendation: AONTAS recommends that section 9 (d) promote the attainment and maintenance of excellence in learning, teaching and research in higher education, including the Open Science, and community engagement and research integrity agendas.

Recommendations to the legislative proposals on the Update of the Higher Education Act 1971 listed in this submission

- 1) **Recommendation:** The new legislation should promote educational equality and equality of condition in higher education, with explicit emphasis placed on the Higher Education Commission's statutory obligation to increase access pathways to Higher Education from Further Education and Training (FET) and Community Education.
- 2) **Recommendation:** AONTAS recommends that learners are represented on the Board of the HEC (section 56 of Heads of Bill) with a specific focus on learners who are the most educationally disadvantaged. Inclusion of a learner representative would be in line with Governance practices of SOLAS, and Quality and Qualifications Ireland.
- 3) **Recommendation:** AONTAS recommends that section 70 of the Heads of Bill, concerning composition of the Governing Authority of Universities includes representation of community stakeholders and learners.
- 4) **Recommendation:** Lifelong and flexible learning should meet the needs of society and the economy, and encourage learning, upskilling and reskilling.
- 5) **Recommendation:** Establish the Irish Research Council on a statutory basis.
- 6) **Recommendation:** AONTAS recommends that a section be added to the Heads of Bill which commits the higher education sector to community engagement as a tool for understanding the needs of the broader Irish society beyond the education sector, thereby increasing learner access to the higher education system.
- 7) **Recommendation:** AONTAS recommends that section 8(d) promote excellence in teaching, learning and research, **and community engagement** in higher education.
- 8) **Recommendation:** AONTAS recommends that section 9 (d) promote the attainment and maintenance of excellence in learning, teaching and research in higher education, including the Open Science, **and community engagement** and research integrity agendas.

Conclusion

AONTAS thanks the Department of Education and Skills for engaging stakeholders on work being done to update the Higher Education Authority Act, 1971. As we have laid out in this submission AONTAS believes it is necessary that the next iteration of the legislation place a strong and clear legal emphasis on including and engaging with the people and communities that higher education institutions are created to serve.

We hope that this submission and our recommendations create a discussion within the Department of Education and Skills, as well as the agencies and institutions responsible for higher education about the broad societal importance of higher education and lifelong learning. We hope that the submission highlights the role that higher education needs to play in order to shape a more equal, just, and well-informed country.

AONTAS
2nd Floor, 83-87 Main Street,
Ranelagh, Dublin 6
www.aontas.com
01 406 8220

Company Registration Number: 80958
Registered Charity Number: 6719

