

# Response to the updating of the HEA legislation, 2021

# On the updating of the HEA legislation by the Department of Further and Higher Education, Research, Innovation and Science

## Introduction

The Royal Irish Academy welcomes the latest legislative proposals from the Department of Further and Higher Education, Research, Innovation and Science (D/FHERIS) to the reform of the Higher Education Authority Act, 1971, and welcomes the opportunity to make a further submission on those proposals.

The Academy notes the main changes that have been proposed to the legislative proposals that were previously circulated by the Department. In particular the Academy notes the following:

- The further detail about the proposed co-regulation model for the future regulation of the higher education sector.
- The specific clarification provided around the continued protection of institutional autonomy and academic freedom within a robust accountability framework.
- The development of a 7-10 year strategy for the higher education sector.
- The retention of the existing name of the Higher Education Authority.
- Reform of the composition of the HEA Board
- Provisions for meaningful engagement with students
- Committing to clarifying the role of the HEA in relation to research
- Further detail around data collection and sharing
- Provisions relating to equity of participation
- The model for designating higher education institutions
- The model for funding higher education institutions.

The consultation paper indicates that in relation to the specific proposal to place the Irish Research Council on a statutory footing, that '[f]urther work and consultation will take place with regard to the statutory basis of the Irish Research Council in the context of the totality of the research responsibilities of the new Department. Such consideration and consultation will inform the final legislative proposals in this area'. The Academy would like to reiterate its support for providing a legislative basis for the very important work that is undertaken by the Irish Research Council in supporting the Sciences and the Humanities and Social Sciences.

The Academy considers that the research / scientific advisory role to government should be separated from the research funding role. An independent Council for Research should be established so that government can avail of a broader range of expertise on research matters including research strategy and policy. The responsibility of the HEA to ensure research freedom and institutional research autonomy should be clearly laid down in the legislation.

The Academy also assumes that the final legislative proposals will continue to support and encourage cooperation between the HEA and its counterpart in the further education sector, SOLAS. The creation of the new department provides an enabling environment for meaningful cooperation in this area to ensure that there is a continuum that encompasses the tertiary education sector.

In relation to its own status, the Academy notes that the updated legislative proposals make no reference to the institutions, such as the Academy, that are currently 'designated' as a higher education institution under the HEA Act of 1971. The Academy therefore understands that, as a result of the legislative proposals, it would no longer be designated as an institution of higher education. This arises in particular, as the Academy is not a provider of any higher education awards within the National Framework of Qualifications, nor does it have a quality assurance relationship with QQI.

As a result of this proposed change to the designation model, the Academy will no longer have a direct governance and funding relationship with the Higher Education Authority (HEA). As mentioned in its previous submission, the Academy has a very positive relationship with the HEA and its staff. However, the Academy remains supportive of the proposed legislative changes to the future system for designating institutions of higher education as it provides a clear delineation of the criteria that underpin the designation process.

The Academy continues to assume that its primary relationship will be, once the legislation is enacted and commenced, with the Department of FHERIS, but it would welcome early clarification on its future status within the overall educational landscape. In particular, the Academy would benefit from confirmation by the Department about its future governance and funding relationship under the new legislative framework. The Academy has a long tradition of independence and autonomy, enshrined in its foundation charter, and wishes to protect and maintain that independence into the future.

The Academy looks forward to engaging with the Department of FHERIS on these issues.

## **About the Royal Irish Academy**

The Academy promotes and supports excellence in scholarship across the sciences, humanities and social sciences. It is an independent, self-governing body of Ireland's most distinguished and internationally

renowned scholars and scientists. The Academy encourages and facilitates scholarly informed debate and discussion on issues of public interest in line with its members' expertise.

For more information on this submission please contact the Royal Irish Academy Executive Director, Dr Tony Gaynor, [t.gaynor@ria.ie](mailto:t.gaynor@ria.ie)

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