

Response to the Public Consultation on the update of the Higher Education Authority Act 1971

Introduction

The Royal Irish Academy welcomes the opportunity to respond to the consultation by the Department of Education and Skills (DES) in respect of the proposed update of the Higher Education Authority Act, 1971.

The Academy's fundamental purpose, reflected in its founding Charter of 1786 is to promote and support 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 supports research projects of cultural importance for Ireland and its Library is an important research centre for the study of Irish history, language, archaeology and the history of Irish science. The Academy is the national adhering member to numerous international discipline associations and scholarly networks and through this promotes the excellence of Ireland's higher education system. The Academy is an all-island body. It encourages and facilitates scholarly informed debate and discussion on issues of public interest in line with its members' expertise.

With its focus on the international reputation of Ireland's research and scholarship, the Academy is fully supportive of the Minister for Education and Skills stated ambition to improve and modernise the Irish education system and, specifically, of the aim of this consultation to further develop the HEA in line with the recommendation of the National Strategy for Higher Education. The Academy's responses to the consultation questions is outlined in the following sections.

I. What should be the key functions of the Higher Education Authority?

The role of higher education in delivering national objectives in respect of teaching and learning, skills development, research and innovation, access and internationalisation is well articulated in strategies and policy documents most notably, the National Strategy for Higher Education to 2030, Innovation 2020, the Action Plan for Education 2016-2019 and the Higher Education Performance Framework 2018-2020.

The HEA is required by legislation to allocate funding to higher education institutions (HEIs), to provide policy advice and to exercise certain regulatory functions in respect of almost all publicly funded HEIs. The 2011 National Strategy for Higher Education recommended reform of the HEA to specifically strengthen its regulatory and governance structures to enable it to respond better to national priorities. In 2012, the HEA was assigned responsibility for the implementation of the National Strategy by the Minister of Education and Skills.

The Academy supports the recommendations of the National Strategy and the subsequent strengthening of the HEA's role. As this role evolves, it is vital to ensure that the diversity and autonomy of Ireland's HEIs is not compromised. There is compelling international evidence that the most successful universities are those with the greatest levels of independence coupled with strong governance and accountability.

Equally the Academy recognises that HEIs must, in turn, be fully accountable to the Minister, the HEA and all other stakeholders. The Academy recognises that achieving that balance of institutional autonomy and accountability is the task that lies ahead in the current development of Irish Higher education. This issue is further discussed in the following sections.

2. What role should the Minister have in relation to the regulation of the higher education sector?

The Academy expresses its support for the established role of the Minister for Education and Skills in determining policy in respect of higher education and research in HEIs, in setting the high-level sectoral priorities and objectives and determining the overall funding for the sector. The appointment of a junior Minister of State for Higher Education is welcome and has led to positive engagement with the HEIs on numerous issues most notably the progression of gender equality initiatives.

It is the view of the Academy that the current role and function allocation for regulation of the higher education sector is well-positioned to support the ambition set out within the Action Plan for Education 2016-2019 for Ireland's education system to be the best in Europe by 2026. The HEA operates as a "buffer body" in this system of regulation between the Minister and the HEIs ensuring that institutional autonomy co-exists within a clearly defined framework for accountability responsive to national strategic priorities. In mid-2018, the Academy signed a Memorandum of Understanding with the HEA defining its role and responsibilities.

The Academy is further of the view that the regulation of a modern system of higher education, responsive to the needs of all stakeholders and commanding international respect must ensure institutional and academic freedom and autonomy within a clearly defined national framework for teaching and learning, scholarship, research and innovation.

In illustration of this, the appointment of academics is a matter for the individual HEI in compliance with stringent public sector employment legislation and frameworks. This balance between protecting universally recognised beneficial academic values and ensuring public accountability is supported through continuous stakeholder dialogue ensuring clear understanding of respective roles and functions, and communication of expectations and values in support of the common goal of excellence in the higher education system.

Academic freedom – as a defining characteristic of Irish higher education – enables academic research and scholarship, teaching and learning, to occur without interference or penalty by the state and its agencies. In exercising this freedom, the individual academic has a responsibility to adhere to the highest principles of scholarly integrity and ethical behaviour in all aspects of his/her academic activity and public engagement.

3. Are there any related updates required to other Acts?

The Academy considers it may be necessary to review the Universities Act of 1997 and the Institutes of Technology Acts 1992 and 2006 to align institutional governance structures with best international practice and to achieve a clear accountability framework.

4. Is a registration model for Higher Education Institutions appropriate?

The current mechanism for recognising higher education institutions is responsive to the diversity of provision and scope necessary and beneficial to ensure a vibrant and valued higher education ecosystem. It accommodates mission differentiation and delivery within a shared national framework of ambition for higher education recognising the contribution of diverse institutional types as set out in the National Strategy.

5. Are there international models of regulation which should be examined as part of the process of updating the Act?

The Academy works closely with similar scholarly fellowships internationally with its sister academies in the UK – the Royal Society, British Academy and Royal Society of Edinburgh – and Europe. International outcry to recent developments in Turkey and Hungary in which government ministries have sought to restrict areas of academic activity and scientific autonomy demonstrate the importance of appropriate assignment of functions in underpinning a world class higher education system.

Governments in all OECD countries are engaged, in varying degrees, in reforming their system of governance of HEIs. There are two clear directions of change. First, there are moves towards expanding the degree of institutional autonomy to improve the responsiveness of HEIs to an expanded set of national and societal demands. The second orientation is to strengthen the regulatory regime in a way that enables a more autonomous HEI sector to function more effectively in line the public interest.

OECD argues that the lack of strategic responsiveness on the part of HEIs is believed to be due mainly to the rigidity of the regulatory regimes under which the leadership of HEIs operates. They are hamstrung by these rigid requirements combined with intrusive micro-management from governments. A second argument is that decisions are best taken by those who are specialists in the subject and closest to the action. Thirdly, there is a growing awareness that HEI leadership can become more strategic and responsive through a lighter touch governance structure than through a command and control approach. Finally, there is a greater realisation on the part of governments that they are ill-equipped to provide direct micro-management and they lack the necessary planning and implementation capacity to support a more direct role in HEI governance.

6. The following are some of the areas that could be considered for updating and/or inclusion in the Act. Are there other areas which should be considered?

The Academy welcomes the increased focus put by the HEA in ensuring access to system-wide data on the higher education population and will continue to work with the HEA in identifying potential data areas for inclusion.

Greater clarity on the roles and functions of statutory authorities charged with regulation of higher education and that of state research funding agencies could be considered to achieve greater alignment of system wide objectives.

7. How should the HEA monitor compliance within the higher education sector?

The Academy notes the roll-out of significant regulatory frameworks for HEIs by the HEA in recent years, most significantly the codes of governance for HEIs and the system performance framework for HEIs, and requirement for performance compacts.

The post-2014 roll-out of system performance compacts has increased the accountability of Ireland's HEIs in the delivery of their own specified institutional strategic missions and priorities *and* national system objectives. The Higher Education System Performance Framework (2018-2020, and previous iteration) sets the future context for this continuing process of strategic dialogue with HEIs. This framework provides the policy scaffolding to ensure accountability and quality assurance and nurtures the necessary conditions to encourage behaviours beneficial to promoting excellence.

8. Are there any other relevant issues which you wish to comment on?

The Academy notes that any increase in regulation should consider the administrative burden that this will place on institutions as well as on the HEA. In this context it is useful to note a report commissioned by Universities Australia on Universities reporting requirements which went into exhaustive detail in terms of how much staff time and IT resources institutions devoted to each of 18 separate data reports required by the commonwealth government. What they found was that the median Australian institution was spending 2,000 days of staff time and \$800-900,000 per year on these reports, roughly a third of which went on collecting data on research publications. These figures do not include reporting costs related to quality assurance bodies and submissions to the national higher education regulator(s). It did not include the costs of research assessment. It did not count regulation related reporting on government compacts, health agencies, the Australian Bureau of Statistics, professional registration bodies, etc.

The point the Academy wishes to make here is not that institutions should be free of reporting requirements. If Ireland wants transparency and good system stewardship, the Academy agrees that Ireland needs institutions to provide accurate, comparable and timely data to the HEA - in many cases much more data than they currently provide. However, as a general principle, international experience points at keeping regulatory requests to what is absolutely needed.

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