

Considerations for independent evaluators in QQI Validation / QA Approval Processes (including conflicts of interest matters)

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Independent evaluators

All applications for validation / QA Approval will be independently evaluated against QQI's guidelines and / or validation criteria. The following extract from QQI's "Policies and Criteria for The Validation of Programmes of Education and Training" addresses independent evaluators (see section 6 of the core validation policy document for more detailed information). *Note that references to the validation process should be read to include QA approval processes also.*

Evaluators will be objective and independent of the programme and its providers e.g. free of conflicting interests.

Any related interests must be declared in the independent evaluation report and will be published.

Independent evaluators must be competent to make a recommendation on whether or not the programme should be validated (see the introduction for unit (6)). Competence means the capacity to make judgements against the applicable QQI validation criteria. Specifically, an evaluator or an evaluation group will be selected to have the competence to justify their recommendation whatever it may be (see the introduction for unit (6)).

Typically, evaluation groups (panels) will have expertise in the programme's discipline area and in generic areas including pedagogy, assessment, quality assurance and all the other areas indicated by QQI's validation criteria. QQI will exercise its judgment as to the number of evaluators that may be required in respect of the programme in question and the competences required having regard to the particular programme and the relevant QQI awards standards. For certain programmes one or two evaluators may be sufficient, however a group of three or more evaluators is likely to be required where the applicable QQI awards standards are broadly determined (i.e. the expected learning outcomes are not determined in detail by QQI leaving a lot of room for interpretation as is normally the case for HET awards standards). For the independent evaluation of applications for the validation of programmes leading to higher education and training awards, the groups of

evaluators will include (a) student member(s) and will be composed in compliance with ESG standard 2.4.

Training will be provided to independent evaluators where QQI considers this necessary.

An evaluator who feels that they do not have the competence to evaluate an application should not accept an invitation to act or if this realisation, or a conflict of interest, occurs following acceptance should inform QQI without delay.

Members of the QQI Board and its Committees

Members of the QQI Board or any committee of the Board should not be appointed on the basis that they have a role in the determination of the application.

Conflicts of interest

Generally, QQI has a firm policy of not appointing persons as evaluators or reviewers in any case where there is any foreseen possibility of conflict of interest. Even the appearance of conflict of interest, where none exists, can damage the credibility of the person selected and the evaluation/review process.

The instances listed below are given as examples. They are not intended to comprise an exhaustive list of situations where a conflict of interest might arise.

Independence could be compromised, or perceived to be compromised, for the following groups.

- Current or previous appointment holders in the provider making the application for validation (e.g. employees, consultants, guest lecturers/trainers, external examiners/authenticators, research supervisors and such like).
- Former employees, governors, directors, consultants and graduates (except for learner representatives) of the provider making the application for validation. These individuals are not normally eligible to serve as members of a validation panel (independent evaluation group) for a programme of the provider.

- Persons who have had long-standing service, or who are retired from their employment with the provider making the application for validation. Normally these individuals should not participate in any validation panel for a programme of that provider.
- Collaborators in joint projects (including research initiatives) involving the provider making the application for validation. Where an assessor is concerned regarding existing minor collaborations in a particular field of study or at any institutional level, he/she should consult the QQI executive for an adjudication on suitability.
- Persons who have a potential future conflict of interest.
- Persons with family or other relationship with any members employed by or attending the provider making the application for validation might have a conflict of interest. They should inform the provider and QQI prior to involvement in the validation process, so that an appropriate judgement can be made as to the advisability of the individual's involvement.
- Persons with direct financial interest of any sort, including the holding of shares in a company associated with that provider making the application for validation. In the case of a private, for-profit provider, no panel member, appointed to evaluate or review an application, may have a direct financial interest of any sort, including the holding of shares in a company associated with that provider.
- Direct competitors in a particular industry or professional environment or in a specific geographical location may have a conflict of interest, but will not automatically be deemed to be conflicted.

Since cases can arise where the possible appearance of a conflict of interest is not generally known, the primary responsibility for disclosing such a possibility rests on the prospective independent evaluator.

Prospective QQI independent evaluators (panel members) are required to declare any relevant interests and potential conflicts of interest prior to appointment. If there are no relevant interests or conflicts this should be declared. The declarations will be published with the panel report (e.g. the independent evaluation report of the validation / QA approval process).

the review by QQI of the effectiveness of providers' quality assurance procedures. For the purposes of the Agreement, this shall be referred to as the Review.

QQI and the Reviewer/Evaluator have agreed that the Reviewer/Evaluator is a processor as defined in Article 28 of the GDPR as he/she carries out processing of data on behalf of QQI. QQI is a controller of the data for the purposes of the GDPR.

This Agreement is limited to personal data provided by QQI to the Reviewer/Evaluator and to personal data provided by the relevant provider to the Reviewer/Evaluator, and to personal data duly shared between reviewers/evaluators, for the purposes of a Review, (hereinafter "the data").

This data may include:

- (a) Personal data of providers;
- (b) Personal data of members of staff of providers;
- (c) Personal data of enrolled learners or prospective learners of providers;
- (d) Personal data of reviewers/evaluators.

This data should not be used by the Reviewer/Evaluator for any other purpose other than the carrying out of the Review. The Reviewer/Evaluator shall not transfer personal data to a third country or an international organisation (as defined in the GDPR), unless required to do so by Union or Member State law, in such a case the Reviewer/Evaluator shall inform QQI of that legal requirement before processing.

The Reviewer/Evaluator understands that he/she is bound by the terms of the Confidentiality Clause which he/she has separately entered into.

The Reviewer/Evaluator shall not engage another processor for the processing of the data without prior specific written authorisation of QQI as per Article 28.2 of the GDPR. For the avoidance of doubt, QQI hereby gives prior specific written authorisation to the Reviewer/Evaluator to share the data with the other reviewers/evaluators engaged in the specific Review, and this Agreement applies equally to all data received by the Reviewer/Evaluator from fellow reviewers/evaluators in relation to the Review.

The data held by the Reviewer/Evaluator for each Review should be deleted at the end of each Review, unless otherwise instructed in writing by QQI. Any hard copy data shall be shredded; if shredding facilities are not available to the Reviewer/Evaluator then they shall be returned to QQI.

The Reviewer/Evaluator will implement appropriate technical and organisational security measures to protect the personal data in his/her possession. The Reviewer/Evaluator will ensure that these measures comply with the requirements of the GDPR.

As required by Article 33(2) of the GDPR, the Reviewer/Evaluator will inform QQI of any personal data breach without undue delay. The Reviewer/Evaluator will cooperate with any enquiries or investigations by the Data Protection Commissioner. The Reviewer/Evaluator will assist QQI in ensuring compliance with QQI's obligation to respond to requests for exercising the data subject's rights laid down in chapter III of the GDPR. The Reviewer/Evaluator will cooperate fully with QQI to ensure compliance with the obligations of QQI pursuant to articles 32 to 36 of the GDPR.

The Reviewer/Evaluator will make available to QQI all information necessary to demonstrate compliance with the obligations laid down in this Article and allow for and contribute to audits, including inspections, conducted by QQI or another auditor mandated by QQI.

This Agreement terminates at the same time as the agreement between QQI and the Reviewer/Evaluator in relation to the Review. Notwithstanding the expiry or termination of this Agreement for any reason, the provisions of this Agreement shall continue to apply to any personal data in the possession of either party which was covered by the agreement.

This agreement shall be governed by Irish law and subject to the exclusive jurisdiction of the Irish courts.

Declarations:

1) I wish to declare the following interests and understand that this declaration will be included in the validation / QA Approval report:

- 2) I have read the above and confirm that I do not have any conflicts of interest in participating in the evaluation of application for validation / QA Approval by the **National College of Ireland (NCI)**.
- 3) I understand that the application documentation and materials are confidential and must (along with any copies made) be returned to QQI or destroyed once the Independent Evaluation Report has been finalised. I understand that application materials are provided for evaluation purposes only and must not be distributed or used for other purposes. This applies equally to any copies made for evaluation or

back-up purposes. I further understand that all communications concerning the process are confidential and that the publishable outcome of the process is the Independent Evaluation Report. I understand that QQI is subject to the Freedom of Information legislation and QQI records are subject to requests under the Freedom of Information Act.

- 4) I acknowledge that I have read and understood the GDPR Agreement included above and as a condition of my engagement as a reviewer/evaluator by signing here I agree to be bound by its terms.
- 5) For the purposes of this evaluation only, I agree that my contact details may be shared with the other reviewers/evaluators who have agreed to participate in the evaluation of the application for validation / QA Approval by the **National College of Ireland (NCI)**.

Signed: _____

Date: _____