

A Guide to Learner Protection

Protection of Enrolled Learners

Part 6 of the Qualifications and Quality Assurance (Education and Training) Act 2012

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Section 1: Introduction and the Amended Legislation

(a) Context

The legislation that amended *Qualifications and Quality Assurance (Education and Training) Act 2012* (2012 Act)¹ replaced Part 6 of the 2012 Act in its entirety. Part 6 is concerned with the Protection of Enrolled Learners.

The amended *Part 6 Protection of Enrolled Learners*, commenced on 1st September 2024, has introduced a statutory Learner Protection Fund and a Protection of Enrolled Learners Annual Charge. It has also expanded the scope of learner protection. Under the 2012 Act, as originally enacted, only those learners on programmes of education and training, of 3 months duration or longer, and leading to QQI awards came within the scope of the Part 6. The amended Part 6 applies to a wider range of learners, including learners on English language programmes (of any duration) in English language schools that are authorised to use the TrustEd Ireland brand, and learners in certain listed awarding bodies (LABs).

The original protection of enrolled learner provisions in place on 1st September 2024, in providers of programmes leading to QQI awards and some new providers with programme validation in process, continue in place until a specified expiry date. This expiry date is 1st September 2027, or such earlier date as may be appointed by the Minister for Further and Higher Education, Research, Innovation and Science.

The original legislation and the amended legislation both identify providers that are exempt from the protection of enrolled learner provisions.²

All references throughout this document are to the amended *Part 6 Protection of Enrolled Learners* unless otherwise stated.

(b) Statutory basis for Learner Protection

Part 6 2012 Act comprises 3 sections, section 64, section 65, and section 66.

¹ Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019

² Section 65(6) 2012 Act (as amended)

Section 64 deals with interpretation and the application of Part 6.

Section 65 relates to the obligation of certain providers to pay an annual charge into the Learner Protection Fund.

Section 65A deals with existing enrolled learner protection arrangements and the status and period for which such arrangements will continue to apply.

Section 66A concerns itself with the payment of annual charges into the Learner Protection Fund.

Section 66 provides for Ministerial Regulations in relation to the establishment, maintenance, and operation of the Learner Protection Fund.

Section 66A provides for Ministerial Regulations for the prescription of the annual charge to be paid by providers into the Learner Protection Fund.

(c) Section 64 2012 Act: Interpretation and application

Protection of enrolled learners applies to:

- (i) programmes of education and training of 3 months or longer duration³, and
- (ii) English language programmes.

A '*protected programme default event*' refers to circumstances where a provider has accepted moneys from or on behalf of learners and:

- (i) does not provide the programme for any reason, or
- (ii) ceases to provide the programme before that programme has been completed by the learners.

³ Three months' duration refers to the period from the commencement of instruction to the point when learners have been assessed for the purpose of completing the programme and the result of the assessment have been confirmed by the provider. This is the point at which the learner is no longer vulnerable to the cessation of the programme. Three calendar months applies regardless of mode or nature of delivery or volume of learning.

(d) Section 65: Obligation of certain providers to pay an annual charge into the Learner Protection Fund – key provisions

Section 65(1) states that if

- (a) a relevant provider, an associated provider or a linked provider (all referred to as an ‘obligated provider’) offers for reward, a programme of education and training leading to an award that is an award included within the Framework, or
- (b) a provider offers for reward an English language programme (also referred to as an ‘obligated provider’)

it shall in each year, pay into the Learner Protection Fund, the ‘annual charge’ as prescribed under section 66A(1).

Section 65(2) states that the annual charge shall be paid into the Learner Protection Fund prior to the commencement of the provision by the obligated provider of the programme **and** prior to acceptance by the provider of any payment by or on behalf of the learners for enrolment on that programme.

Section 65(3) states that the Authority has the discretion to determine, by class of obligated provider, that the annual charge be paid after either of the events in section 65(2).

Section 65(4) states that the charges received by the Authority will be remitted to the Learner Protection Fund.

Section 65(5) requires an obligated provider to provide to the Authority any information required by it to determine the amount of the charge.

Section 65(6) lists providers that do not come within the learner protection charge.⁴

⁴ *Section 65(6) 2012 Act, providers that are not within the scope of the learner protection charge: (a) a previously established university, (b) an educational institution established as a university under section 9 of the Act of 1997, (c) a technological university, (d) the Dublin Institute of Technology, (e) an Institute of Technology, (f) deleted, (g) SOLAS, (h) the National Tourism Development Authority, (i) Teagasc, (j) An Bord Iascaigh Mhara, (k) an education and training board or an institution established and maintained by an education and training board, (l) the Institute of Public Administration, (m) a recognised school, (n) the Royal College of Surgeons in Ireland, (o) the Royal Irish Academy of Music, (p) Mary Immaculate College, (q) Marino*

Section 65(7) addresses the cessation of a requirement for a provider to pay a charge in respect of a programme.

Section 65(8) requires an obligated provider that receives moneys⁵ in relation to a programme more than 40 days before the commencement of the provision of the programme, for or on behalf of the learner, to place that money into an escrow account.

Section 65(9) stipulates how and when the money may be drawn upon from the escrow account.

(e) Section 65A: Existing learner protection arrangements – status and period from which such arrangements shall continue to have effect – key provisions

Section 65A(1) defines the previous section 65 with reference to the date on which the new section 65 commences. That date is 1st September 2024.

Section 65A(2) states that statutory learner protection arrangements⁶ in place on the date of the commencement of the new section 65 (i.e. 1st September 2024) may continue subject to section 65A(3).

Section 65A(3) states that statutory learner protection arrangements in place at the commencement of the new section 65 (1st September 2024) may remain in place for a three year period from that date, i.e. until 31st August 2027, unless an earlier date is appointed by the Minister under section 65A(4).

Institute of Education, or (r) a body established-(i) by or under an enactment (other than the Companies Act 2014 or a former enactment relating to companies within the meaning of section 5 of that Act), or (ii) under the Companies Act 2014 (or a former enactment relating to companies within the meaning of section 5 of that Act) in pursuance of powers conferred by or under another enactment, and financed wholly or partly by means of money provided, or loans made or guaranteed, by a Minister of the Government or the issue of shares held by or on behalf of a Minister of the Government.

⁵ Moneys includes tuition fees, registration fees, examination fees, library fees, student service fees and any other fees by or on behalf of the learner to the provider in respect of enrolment on the relevant programme and which related to the provision of education, training and related services.

⁶ Existing learner protection arrangements that fall within this section are those that are established under the s.65 arrangements and in place on 1st September 2024. These arrangements apply to further education and training and higher education and training programmes that lead to QQI awards. Existing PEL arrangements in place in English language schools are not statutory arrangements and therefore do not fall within this provision.

Section 65A(4) states that the Minister may appoint by order a date earlier than the 3 year period stipulated in *section 65A(3)* and any such order may relate to different classes of providers.

(f) Section 66: Protection of Enrolled Learners Fund

Section 66(1) requires the Authority to establish maintain and operate the Learner Protection Fund.

Section 66(2) makes provision for Ministerial Regulations⁷ to prescribe requirements for the Learner Protection Fund. These Regulations require the consent of the Minister for Public Expenditure and Reform.

Section 66(3) stipulates that if there is a programme default event, money in the Learner Protection Fund may be used by the Authority to:

- (a) defray the costs that will be incurred by the enrolled learners in completing the programme, if that is possible.
- (b) defray the payment of fees incurred if the enrolled learner transfers to another provider with a similar programme.
- (c) refund the most recently paid moneys, in respect of the current academic year, by or on behalf of a learner, following submission by an enrolled learner (or on the learner's behalf) that (a) and (b) above is not practicable.

Section 66(4) provides the following definition for 'moneys' in *section 66(3)(c)* above. Moneys includes tuition fees, registration fees, examination fees, library fees, student service fees and any other fees by or on behalf of the learner to the provider in respect of enrolment on the relevant programme and which related to the provision of education, training and related services.

Section 66(5) and *section 66(6)* requires the Authority to make all reasonable efforts to ensure that when a protected programme default event occurs an enrolled learner may have a reasonable opportunity to complete a programme similar to that commenced with the original provider.

Section 66(7) states that the Authority may establish criteria by reference to which it shall determine if a particular programme is similar to the programme which has ceased to be offered.

⁷ Minister for Further and Higher Education, Research, Innovation and Science

Section 66(8) provides for recovery of either a defrayment or refund from the Learner Protection Fund (Fund) from the provider of the discontinued programme as a simple contract debt.

Section 66(9) requires the Authority to pay to the Fund any money recovered under section 66(8).

Section 66(10) enables the Authority to

- (a) recoup costs incurred by it in establishing, maintaining or operating the Fund or in the protection of enrolled learners; and
- (b) repay the Minister, from money in the Fund, money received by the Fund from the Oireachtas under section 66A(4).

Section 66(11) to section 66(14) relate to the requirement of the Authority to report on the Learner Protection Fund annually and not later than 31st March in each year. This report is concerned in particular with defrayments and/or refunds from the Fund. The report which will not disclose the identity of the learners involved shall be submitted to the Minister who will submit it to each House of the Oireachtas.

Section 66(15) to section 66(17) relate to a requirement of the Authority to conduct a review of the operation of the Fund on the 5th anniversary of the establishment of the Fund and on every 5th anniversary. This review shall have regard to submissions from providers in relation to the operation of the Fund and the annual charge. The report must be published and submitted to the Minister who will submit it to each House of the Oireachtas.

(g) Section 66A: Regulations in relation to the payment of annual charges into the Learner Protection Fund

Section 66A(1) provides for Ministerial regulations that shall prescribe the annual charge to be paid by each obligated provider.

Section 66A(2) provides for the Minister to prescribe different charges for different classes of provider and different classes of programmes. A class of programme may be defined by reference to:

- (a) the number of learners enrolled on the programme;
- (b) the number of international learners enrolled on the programme;

- (c) the duration of a programme;
- (d) fees charged for the programme, and

- (e) any other matter that the Minister considers relevant, including the desirability of the Fund having sufficient money.

Section 66A(3) provides for a penalty if a provider fails to pay the annual charge on the date prescribed.

Section 66A(4) provides for the Minister, with the consent of the Minister for Public Expenditure and Reform, to pay into the Fund moneys provided by the Oireachtas. (section 66(10)(b)).

Section 66A(5) provides for unpaid annual charges to be collected as a simple contract debt in any court.

Section 66A(6) to section 66A(9) requires a provider to notify the Authority within 2 working days if a programme default event has occurred. Such a notification shall include:

- (a) details of the circumstances under which the programme has ceased to be provided;
- (b) details of the learners enrolled on the programme;
- (c) details of the programme no longer provided;
- (d) an indication of the providers intention to discharge any of its obligations towards the learners.

The provider is required to notify the learners enrolled on the programme at the same time.

Section 66A(10) provides for Ministerial regulations to govern a notice by a provider in relation to a programme default event.

Section 66A(11) to section 66A(13) provide for an offer from an alternative provider with a similar programme and an acceptance of such an offer by a learner within a prescribed timeframe.

Section 2: FAQ: English Language Education Provision

(a) *I am an English language school. Will I be subject to the annual learner protection charge?*

English language schools/providers of English language education that apply successfully for authorisation to use the international education mark under section 61 of the 2012 Act will be subject to the annual charge for learner protection. These schools/providers are called 'obligated providers'.

(b) *When will the annual charge be payable by English language schools that are authorised to use the international education mark?*

An English language school/provider of English language education will be subject to the annual learner protection charge from the date on which the school/provider is authorised to use the international education mark. The annual charge will be payable:

- (i) prior to the commencement of the relevant programme(s), and
- (ii) prior to the acceptance of any moneys from the learner (or on behalf of a learner) in respect of that programme(s).

(c) *Does an English language school/provider of English language education have to continue to maintain its current learner protection arrangements when it applies for authorisation to use the international education mark?*

Learner protection arrangements established currently by English language schools/providers of English language education are not statutory arrangements. These are required for the purpose of inclusion of programmes on the Interim List of Eligible Programmes (ILEP). These should remain in place until your programmes are no longer on the ILEP and/or you are authorised to use the TrustEd Ireland brand and your programmes are covered by the Learner Protection Fund.

(d) *What is the difference between learner protection arrangements currently in place in English language schools and the learner protection arrangements being established under the 2012 Act?*

Existing learner protection arrangements in English language schools are non-statutory. As they are only required for the purpose of inclusion of programmes on the ILEP they only apply to learners who are visa required. This is a sub-set of all learners enrolled in English language schools. The learner protection arrangements to be introduced with the establishment of the Learner Protection Fund will apply to all learners in English language schools/English language providers.

(e) Who sets the annual charge for learner protection?

The Minister for Further and Higher Education, Research, Innovation and Science prescribes the amount of the annual charge to be paid by providers through regulations.

(f) What is the amount of the protection of enrolled learners annual charge (annual charge) for English language schools/providers?

The annual charge prescribed by the Minister is set out in the section 66A Regulation attached as *Appendix A*.

The formulae for the annual charge as prescribed are based on three elements:

- (i) programme duration,
- (ii) learner bands, and
- (iii) fees.⁸

There are 3 categories of annual charges prescribed for English language programmes based on the following programme durations:

- (i) less than 4 weeks⁹
- (ii) 4 weeks to 12 weeks¹⁰, and
- (iii) more than 12 weeks.¹¹

In all cases the learner band is 15.

⁸ Fees refers to tuition fees, registration fees, examination fees, library fees, student service fees and any other fees paid by or on behalf of the learner to the provider in respect of enrolment on the relevant programme and which relate to the provision of education, training and related services.

⁹ Regulation 6

¹⁰ Regulation 7

¹¹ Regulation 8

Illustrative tables to reflect the charge for each of the three categories are attached as *Appendix B*.

Providers are required to provide any information to QQI that is relevant to determining the amount of the charge.

(g) *How do I calculate the annual charge if my learner numbers and fees are greater than those provided for on the attached illustrative tables?*

There is a linear relationship between the learner bands and fee bands and the annual charge and therefore a calculation of the annual charge for any number of learners and level of fees based on the illustrative tables is straightforward.

For example, using Illustrative Table 2 (programmes of 4 to 12 weeks duration):

- the charge for 30 learners with a tuition fee of €1,000 is €900;
- the charge for 90 learners with a tuition fee of €1,000 will be €2,700
($30 * 3 = 90$; $€900 * 3 = €2,700$);
- the charge for 900 learners with a tuition fee of €1,000 will be €27,000
($90 * 10 = 900$; $€2,700 * 10 = €27,000$).

An online calculator which will accommodate a greater range of learner numbers and fee bands will also be available on the QQI website.

(h) *Who determines the annual charge due by an English language school/English language education provider on the date on which a provider is authorised to use the international education mark?*

The annual charge to be paid by an English language school/English language education provider will be determined by QQI based on information provided by the school/provider to QQI. The information to be provided will include learner numbers linked to the duration bands specified in the regulations, (see (f) above), and the associated fees. All information supplied will remain confidential. The English language school/English language education provider will be obliged to provide a reconciliation of the information provided year on year.

(i) *What is the obligation of an English language school/English language education provider to operate an escrow account in the context of learner protection?*

An English language school/English language Education provider that receives moneys¹², from or on behalf of a learner, more than 40 days before the commencement of the provision by it of an English language programme, is obliged to lodge such moneys into an escrow account. Such moneys may not be released by the financial institution until it receives written notification that the programme has commenced. If the programme is not commenced, the moneys concerned may be returned to the learner, or someone acting on their behalf, by way of a full refund or partial refund in circumstances where the financial institution retains charges agreed under the original arrangement.

(j) *When will English language schools/providers of English language education be billed for the Learner Protection Charge?*

There will be two Learner Protection Charge billing periods for English language schools/providers of English language education each year. These are:

- (i) 1st June – 30th November, and
- (ii) 1st December – 31st May.

Invoices will be issued at the beginning of each billing period and the school/provider will have 30 days to pay. Therefore:

- (i) invoice issued in May, payment in June;
- (ii) invoice issued in November, payment in December.

Reference dates for gathering learner numbers and other required data, are as follows:

- (i) Data must be submitted by 28th February annually in respect of the previous June to November charge period inclusive.
- (ii) Data must be submitted by 31st August annually in respect of the previous December to May charge period inclusive.

¹² Moneys includes tuition fees, registration fees, examination fees, library fees, student service fees and any other fees by or on behalf of the learner to the provider in respect of enrolment on the relevant programme and which related to the provision of education, training and related services.

(k) *What happens if the number of learners in the school/provider are significantly different to the numbers in the data returned?*

Providers will be given an opportunity to identify any significant change in learner numbers anticipated for the billing period in the context of the reference learner numbers provided. A significant change is **plus or minus 10%** of the input learner numbers. Any significant change identified will be interrogated and agreed prior to the finalisation of the invoice. It will be mandatory for a provider to advise of any increase in learner numbers and/or fees greater than 10% above the numbers returned.

The relevant dates for providers for each learner protection charge period to return this information will be May and October, i.e. prior to invoicing.

(l) *What happens if a school/provider doesn't make accurate returns of information required?*

A school/provider will be required to provide a reconciliation of data provided for the purpose of the annual charge with their accounts, and other appropriate reference points if deemed necessary. A number of reconciliation processes should be possible to confirm and verify the learner numbers and other information provided.

(m) *What happens if a school/provider fails to make the annual charge payment in a timely manner?*

If a school/provider fails to pay the annual charge by the relevant due date, an additional penalty charge will be payable. The penalty charge has two elements:

- (i) a lump-sum equal to 50% of the outstanding charge as of the payment date, and
- (ii) a recurring interest penalty where the late payment persists.¹³

¹³ The interest penalty will be based on the European Communities (Late Payment in Commercial Transactions) Regulations 2012 – SI 580 of 2012. This annual interest rate which is currently 12% will be applied as follows: outstanding amount x no. days overdue x (12%/365).

(n) Is the Learner Protection Fund ever capped, and/or will the Learner Protection Fund be allowed to continue to grow?

The Authority is obliged to prepare and publish a report annually in respect of the operation of the Learner Protection Fund (Fund) during the preceding year. This report should include detail on any defrayments from the Fund, including refunds to learners. In addition, a comprehensive review of the Fund is required every fifth year, to include submissions from obligated providers in relation to the operation of the Fund and the annual charge. As this is a new Fund, it is intended that it will be actively managed and kept under regular review. There is no intention to have an over resourced Fund. If necessary and appropriate, the first statutory five-year review may be brought forward.

Section 3: FAQ: Providers of Further and Higher Education Programmes Leading to QQI Awards

(a) *I am a provider of programmes leading to QQI awards. Does the annual learner protection charge apply to me?*

The annual learner protection charge applies to programmes of education and training of three months or longer duration¹⁴ and English language programmes.

(b) *I have learner protection arrangements in place for programmes of three months duration or longer. Can I continue with these current arrangements?*

The legislation provides for a three-year period to transition from existing statutory learner protection arrangements to the Learner Protection Fund and the associated annual charge. QQI will engage with you in respect of the timing of this transition. By 1st September 2027, all current statutory learner protection arrangements will cease to have effect.

(c) *Who sets the annual charge for learner protection?*

The Minister for Further and Higher Education, Research, Innovation and Science prescribes the amount of the annual charge to be paid by providers through regulations.

(d) *What is the amount of the annual charge for providers of further and higher education and training programmes leading to QQI awards?*

The annual charge prescribed by the Minister is set out in the *section 66A Regulation* attached as **Appendix A**.

The formulae for the annual charge as prescribed are based on two elements:

- (i) learner bands, and

¹⁴ Three months' duration refers to the period from the commencement of instruction to the point when learners have been assessed for the purpose of completing the programme and the result of the assessment have been confirmed by the provider. This is the point at which the learner is no longer vulnerable to the cessation of the programme. Three calendar months applies regardless of mode or nature of delivery or volume of learning.

(ii) fees.¹⁵

Regulation 4 prescribes the annual charge for further education and training programmes.

Regulation 5 prescribes the annual charge for higher education and training programmes

An illustrative table to reflect the charges for further education and training are attached as *Appendix C*.

An illustrative table to reflect the charges for higher education and training are attached as *Appendix D*.

(e) *How do I calculate the annual charge if my learner numbers and fees are greater than those provided for on the attached illustrative tables?*

There is a linear relationship between the learner bands and fee bands and the annual charge and therefore a calculation of the annual charge for any number of learners and level of fees based on the illustrative tables is straightforward.

For example, using the table at Appendix C – further education and training programmes:

- the annual charge for 10 learners with a tuition fee of €750 is €150;
- the annual charge for 90 learners with a tuition fee of €750 will be €450
($10 \times 9 = 90$; $€150 \times 9 = €450$);
- the charge for 200 learners with a tuition fee of €750 will be €3,000
($10 \times 20 = 200$; $€150 \times 20 = €3,000$).

An online calculator which will accommodate a greater range of learner numbers and fee bands will also be available on the QQI website.

¹⁵ Fees refers to tuition fees, registration fees, examination fees, library fees, student service fees and any other fees paid by or on behalf of the learner to the provider in respect of enrolment on the relevant programme and which relate to the provision of education, training and related services.

(f) *Who determines the protection of enrolled learners annual charge (annual charge) due by a provider of further or higher education and training programmes leading to QQI awards?*

The annual charge to be paid in respect of further and higher education and training programmes will be determined by QQI based on information provided by the provider to QQI. The information to be provided will include learner numbers and the associated fees. All information supplied will remain confidential. The provider will be obliged to provide a reconciliation of the information provided year on year.

(g) *What is the obligation of a provider to operate an escrow account in the context of learner protection?*

A provider that receives moneys¹⁶ in relation to a programme more than 40 days before the commencement of the provision by it of a programme, from or on behalf of a learner, is obliged to lodge such moneys into an escrow account. Such moneys may not be released by the financial institution until it receives written notification that the programme has commenced. If the programme is not commenced, the moneys concerned may be returned to the learner, or someone acting on their behalf, by way of a full refund or partial refund in circumstances where the financial institution retains charges agreed under the original arrangement.

(h) *When will providers be billed for the Learner Protection Charge?*

The Learner Protection Charge billing period for further and higher education and training providers is the 12-month period from 1st September – 31 August each year.

Invoices will be issued during August each year and the provider will have 30 days to pay.

The information required to generate the invoice should be submitted by 31st May each year. The reference period for this information will be the 12-month period from 1st April – 31st March in that year.

¹⁶ This relates to fees paid by or on behalf of a learner.

(i) *What happens if the number of learners in the provider are significantly different to the numbers in the data returned?*

Providers will be given an opportunity to identify any significant change in learner numbers and fees anticipated for the billing period in the context of the reference learner number

provided. A significant change is deemed to be **plus or minus 10%** of the input learner numbers and/or fees. Revised numbers submitted will be interrogated and agreed prior to the finalisation of an invoice. It will be mandatory for a provider to advise of any anticipated increase greater than 10% in learner numbers and/or fees above the numbers returned.

(j) *What happens if a provider doesn't make accurate returns of information required?*

A provider will be required to produce a reconciliation of data provided for the purpose of the annual charge with their accounts and other appropriate reference points if deemed necessary. A number of reconciliation processes should be possible to confirm and verify the learner numbers/information provided.

(k) *What happens if a provider fails to make the annual charge payment in a timely manner?*

If a provider fails to pay the annual charge by the relevant due date, an additional penalty charge will be payable. The penalty charge has two elements:

- (i) lump-sum equal to 50% of the outstanding charge as of the payment date, and
- (ii) a recurring interest penalty where the late payment persists.¹⁷

(l) *Is the Learner Protection Fund ever capped, and/or will the Learner Protection Fund be allowed to continue to grow?*

The Authority is obliged to prepare and publish a report annually in respect of the operation of the Learner Protection Fund (Fund) during the preceding year. This report should include detail on any defrayments from the Fund and/or refund of fees to learners. In addition, a comprehensive review of the Fund is required every fifth year, to include submissions from

¹⁷ The interest penalty will be based on the European Communities (Late Payment in Commercial Transactions) Regulations 2012 – SI 580 of 2012. This annual interest rate which is currently 12% will be applied as follows: outstanding amount x no. days overdue x (12%/365)

obligated providers in relation to the operation of the Fund and the annual charge. As this is a new Fund, it is intended that it will be actively managed and kept under regular review.

There is no intention to have an over resourced Fund. If necessary and appropriate, the first statutory five-year review may be brought forward.

Section 4: FAQ: The Learner Protection Fund

(a) What Is the Learner Protection Fund?

The Learner Protection Fund (Fund) is a statutory fund established to support learners who experience a programme default event (see (c) below). Obligated providers¹⁸ are required to pay an annual charge into the Fund. Regulations, prescribed by the Minister for Further and Higher Education, Research, Innovation and Science, govern these annual charges.

(b) What can the moneys in the Learner Protection Fund be used for?

The moneys in the Learner Protection Fund may be used by QQI to:

- (i) meet the costs incurred in ensuring that an enrolled learner may complete the programme that they have commenced where that programme is the subject of a programme default event (see (c) below);
- (ii) cover the cost of fees required for the transfer of an enrolled learner onto a programme of another provider that is 'similar to' the programme that has been the subject of a programme default event; or
- (iii) if (i) and (ii) are not possible, refund to the enrolled learner, or to the person who paid the fees on behalf of the enrolled learner, the moneys most recently paid in respect of the relevant programme.

(c) What is a programme default event?

A protected programme default event refers to circumstances where a specified provider has accepted moneys from or on behalf of a learner and that provider,

- (i) does not provide the programme for any reason, including by reason of insolvency or winding up of the provider, or
- (ii) the enrolled learners have begun but not completed the programme and the provider ceases to provide the programme before that programme is completed for any reason, including by reason of the insolvency or winding up of the provider.

¹⁸ An obligated provider is a relevant provider, an associated provider, or a linked provider that offers for reward a programme of education and training leading to an award in the framework. or offers for reward and English language programme.

(d) *Who has responsibility for the Learner Protection Fund?*

QQI has statutory responsibility to establish, maintain, and operate the Learner Protection Fund.

(e) *When will the Learner Protection Fund be established?*

The Learner Protection Fund will be established on 1st September 2024 with the commencement of the underpinning legislation.

(f) *What moneys paid by, or on behalf of, an enrolled learner, are covered by the Learner Protection Fund?*

The moneys paid by or on behalf of an enrolled learner covered by the Learner Protection Fund include 'tuition fees, registration fees, examination fees, library fees and any other fees to the provider (including any intermediary of it) in respect of the relevant programme and which relate to the provision of education, training and related services. Fees for other services, including for example accommodation, are not covered by the Learner Protection Fund.

(g) *Where will the money paid into the Learner Protection Fund be held?*

Moneys paid into the Learner Protection Fund (Fund) are held in a designated bank account, with that name. The Fund is separate to and does not form any part of QQI's funding. It is solely for the legislative purpose of meeting the costs of a programme default event as defined in the legislation. QQI will engage with the NTMA on the management of the Fund.

(h) *What oversight mechanisms are in place for the Learner Protection Fund?*

The Learner Protection Fund (Fund), which is a stand-alone Fund, will be audited annually by the Comptroller and Auditor General.

In addition, QQI is required to prepare and publish a report not later than the 31st March each year in respect of the operation of the Fund. This report must account for payments from the fund arising from programme default events. The published report must be furnished to the Minister for Further and Higher Education, Research, Innovation and Science, who in turn must submit it to the House of the Oireachtas. The first such report will

be to 31st March 2025, although it is not expected that there will be any moneys in the Fund at that date.

On every fifth anniversary of the establishment of the Fund, QQI shall conduct a review of the operation of the Fund. As part of this review, obligated providers will be invited to make submissions in relation to the operation of the Fund and the level of the prescribed annual charges in the context of payments required from the Fund. QQI shall also consider the extent to which the charges are appropriate in the context of the demands on the Fund.

QQI will prepare and publish a report setting out the results of the review. This report will be furnished to the Minister for Further and Higher Education, Research, Innovation and Science, who in turn must submit it to the House of the Oireachtas.

(i) *Who sets the annual charge for learner protection?*

The Minister for Further and Higher Education, Research, Innovation and Science prescribes the amount of the annual charge to be paid by providers through regulations.

(j) *When must the annual charges for learner protection be paid by providers?*

The annual charge will be payable,

- (i) prior to the commencement of the relevant programme(s), and
- (ii) prior to the acceptance of any moneys from the learner (or on behalf of a learner) in respect of that programme(s).

(k) *Who raises the invoices for the Learner Protection charges?*

QQI as part of its responsibility for managing and maintaining the Learner Protection Fund (Fund) will raise the invoices for the learner protection charges. These charges will be invoiced separately from other fees/charges due to QQI. The learner protection charges will be paid directly into the Learner Protection Fund account.

(l) *What can an enrolled learner expect when a protected default event occurs?*

When a protected default event occurs, moneys available in the Learner Protection Fund will be made available to defray costs incurred in the completion by the enrolled learner of the programme that they have commenced, where such completion is possible.

If completion of the programme in the relevant provider is not possible, QQI will make all reasonable efforts to ensure that an alternative programme of education, provided by another provider, is made available to each learner enrolled on the relevant programme. This will ensure that the learner may have a reasonable opportunity to complete a programme similar to the one that they had commenced with the original provider.

A learner who is offered an alternative programme, similar to the programme on which they are enrolled, normally has 30 days from the date of the offer to accept the offer. After 30 days the offer lapses. In exceptional circumstances, this period may be for a shorter or a longer period and this period will be determined by QQI.

(m) What is a similar programme for the purpose of learner protection and a programme default event, and who determines this?

QQI will establish criteria by reference to which it shall determine whether a particular programme is similar to the programme that is the subject of the default event. These criteria shall be published by QQI.

(n) What must an obligated provider do when a programme default event occurs?

A provider of a programme that is the subject of a default event is required to notify QQI in writing of that event within **two working days** of that event occurring.

This notification should include the following:

- (i) details of the circumstances under which the provider has ceased to provide the programme;
- (ii) details of the enrolled learners on the programme;
- (iii) details of the programme that the provider has ceased to provide;
- (iv) an indication of the intentions of the provider to discharge its obligations by arranging for the transfer of the enrolled learners to a similar programme provided by another provider at the expense of the provider, or the repayment of moneys most recently paid by or on behalf of the learners.

The provider is also required to notify enrolled learners of the default event at the same time.

(o) *Are there financial obligations on a provider that has a programme that is the subject of a programme default event?*

If a programme is the subject of a default event and the obligated provider of that programme continues to trade, any defrayments and/or refunds to learners from the Learner Protection Fund may be recovered from that provider as a simple contract debt.

(p) *Will there be a cap on the Lerner Protection Fund and if so, how will that cap be determined?*

A cap has not yet been determined for the Learner Protection Fund (Fund). Such a cap is a reasonable possibility, as the sole purpose of the Fund is to ensure that enrolled learners may complete the programme that they commenced. Time will reveal the level of the draw-down required on the Fund and only that will determine at any time the adequacy or otherwise of the Fund. The capping of the Fund will be the subject of ongoing review and consideration.

(q) *Can QQI draw down moneys from the Learner Protection Fund for its own benefit or use?*

QQI cannot draw down money from the Learner Protection Fund (Fund) for its own day to day activities. It may, however, pay from the Fund appropriate expenses incurred by it in the establishment, maintenance or operation of the Fund. This will include expenses incurred in for the purpose of the protection of enrolled learners. All such expenses will be recorded in the annual accounts of the Fund.

Appendix A: Section.66A Ministerial Regulations

I, _____, Minister for Further and Higher Education, Research, Innovation and Science, in exercise of the powers conferred on me by section 66A (inserted by section 31 of the Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019 (No. 32 of 2019) of the Qualifications and Quality Assurance (Education and Training) Act 2012 (No. 28 of 2012) and the Further and Higher Education, Research, Innovation and Science (Transfer of Departmental Administration and Ministerial Functions) Order 2020 (S.I. No. 451 of 2020), hereby make the following regulations:

1. (1) These Regulations may be cited as the Qualifications and Quality Assurance (Education and Training) Act 2012 (Protection of Enrolled Learners Annual Charge) Regulations 2024.

(2) These Regulations come into operation on 1 September 2024.

2. In these Regulations:

“Act” means the Qualifications and Quality Assurance (Education and Training) Act 2012 (No. 28 of 2012);

“chargeable learners” in relation to a programme of an obligated provider, means enrolled learners who have fees payable or paid in relation to that programme in the calendar year ending on 31 December;

“chargeable learner fees” in relation to a programme of an obligated provider, means the fee payable, to include fees paid, by a chargeable learner in relation to that programme in the calendar year ending on 31 December, and in circumstances where not every enrolled learner pays the same fee in relation to a programme of an obligated provider, the fee payable in relation to that programme of an obligated provider shall be the sum of each of the chargeable learner fees paid or payable divided by the number of chargeable learners;

“fee payable” shall include tuition fees, registration fees, examination fees, library fees, student services fees and other fees payable or paid by or on behalf of the learner to the provider (or any intermediary of it) in respect of enrolment on the relevant programme and which relate to the provision of education, training and related services;

“liability date”, in relation to a programme in a given year, shall be the earlier of the date of commencement of provision by the obligated provider of the programme concerned and the date on which the obligated provider first accepts payment by or on behalf of any learners for enrolment on that programme, unless the Authority has determined a later date under section 65(3) of the Act, in which case that later date shall be the liability date;

“obligated English language education programme” means a programme of English language education provided by an obligated provider;

“obligated further education and training programme” means a programme of further education and training provided by an obligated provider;

“obligated higher education and training programme” means a programme of higher education and training provided by an obligated provider;

“obligated provider” has the same meaning as in section 65 of the Act.

3. These Regulations shall not apply to a provider of a programme of education and training listed in section 65(6) of the Act;
4. The annual charge payable in relation to each obligated further education and training programme shall be calculated in accordance with the class of each programme as follows:
 - (1) Programmes shall be classed in accordance with the number of chargeable learners in respect of the programme, in bands of 5 and in increments of 5, with the chargeable learner class denominator being the

chargeable learner limit for that class, so that programmes with one to 5 chargeable learners shall be class 5, programmes with 6 to 10 shall be class 10, and so on in the same proportions;

(2) Programmes shall also be classed in accordance with the number of chargeable learner fees in respect of the programme, in bands of €250 and increments of €250, with the chargeable learner fee class denominator being the chargeable learner fee limit for that class so that programmes with €1 to €250 chargeable learner fees shall be class €250, programmes with €251 to €500 shall be class €500, and so on in the same proportions;

(3) The total annual charge payable in respect of each class of programme shall be calculated by multiplying the chargeable learner class denominator by the chargeable learner fee class denominator, and dividing the result by 50.

5. The annual charge payable in relation to each obligated higher education and training programme shall be calculated in accordance with the class of each programme as follows:

(1) Programmes shall be classed in accordance with the number of chargeable learners in respect of the programme, in bands of 5 and in increments of 5, with the chargeable learner class denominator being the chargeable learner limit for that class, so that programmes with one to 5 chargeable learners shall be class 5, programmes with 6 to 10 shall be class 10, and so on in the same proportions;

(2) Programmes shall also be classed in accordance with the number of chargeable learner fees in respect of the programme, in bands of €500 and increments of €500, with the chargeable learner fee class denominator being the chargeable learner fee limit for that class so that programmes with €1 to €500 chargeable learner fees shall be class €500, programmes with €501 to €1,000 shall be class €1,000, and so on in the same proportions;

(3) The total annual charge payable in respect of each class of programme shall be calculated by multiplying the chargeable learner

class denominator by the chargeable learner fee class denominator, and dividing the result by 50.

6. The annual charge payable in relation to each obligated English language education programme of four weeks or less shall be calculated in accordance with the class of each programme as follows:

- (1) Programmes shall be classed in accordance with the number of chargeable learners in respect of the programme, in bands of 15 and in increments of 15, with the chargeable learner class denominator being the chargeable learner limit for that class, so that programmes with one to 15 chargeable learners shall be class 15, programmes with 16 to 30 shall be class 30, and so on in the same proportions;

- (2) Programmes shall also be classed in accordance with the number of chargeable learner fees in respect of the programme, in bands of €200 and increments of €200, with the chargeable learner fee class denominator being the chargeable learner fee limit for that class so that programmes with €1 to €200 chargeable learner fees shall be class €200, programmes with €201 to €400 shall be class €400, and so on in the same proportions;

- (3) The total annual charge payable in respect of a class of programme with less than 16 chargeable learners and less than €201 chargeable learner fees shall be €25;

- (4) The total annual charge payable in respect of each class of programme with 16 or more chargeable learners or €200 or more chargeable learner fees shall be calculated by multiplying the chargeable learner class denominator by the chargeable learner fee class denominator, dividing the result by 500 and rounding up to the nearest 25.

7. The annual charge payable in relation to each obligated English language education programme of a duration of more than four weeks but up to and including 12 weeks shall be calculated in accordance with the class of each programme as follows:

- (1) Programmes shall be classed in accordance with the number of chargeable learners in respect of the programme, in bands of 15 and in

- (2)

increments of 15, with the chargeable learner class denominator being the chargeable learner limit

for that class, so that programmes with one to 15 chargeable learners shall be class 15, programmes with 16 to 30 shall be class 30, and so on in the same proportions;

(2) Programmes shall also be classed in accordance with the number of chargeable learner fees in respect of the programme, in bands of €500 and increments of €500, with the chargeable learner fee class denominator being the chargeable learner fee limit for that class so that programmes with €1 to €1,000 chargeable learner fees shall be class €1,000, programmes with €1,001 to €1,500 shall be class €1,500, and so on in the same proportions;

(3) The total annual charge payable in respect of a class of programme with less than 16 chargeable learners and less than €1,001 chargeable learner fees shall be €300;

(4) The total annual charge payable in respect of each class of programme with 16 or more chargeable learners or €1,500 or more chargeable learner fees shall be calculated by multiplying the chargeable learner class denominator by the chargeable learner fee class denominator, and dividing the result by 50.

8. The annual charge payable in relation to each obligated English language education programme of a duration of more than 12 weeks shall be calculated in accordance with the class of each programme as follows:

(1) Programmes shall be classed in accordance with the number of chargeable learners in respect of the programme, in bands of 15 and in increments of 15, with the chargeable learner class denominator being the chargeable learner limit for that class, so that programmes with one to 15 chargeable learners shall be class 15, programmes with 16 to 30 shall be class 30, and so on in the same proportions;

(2) Programmes shall also be classed in accordance with the number of chargeable learner fees in respect of the programme, in bands of €1,000 and increments of €1,000, with the chargeable learner fee class denominator being the chargeable learner fee limit for that class so that programmes with €1 to

€2,000 chargeable learner fees shall be class €2,000, programmes with €2,001 to €3,000 shall be class €3,000, and so on in the same proportions;

(3) The total annual charge payable in respect of a class of programme with less than 16 chargeable learners and less than €2,001 chargeable learner fees shall be €1,200;

(4) The total annual charge payable in respect of each class of programme with 16 or more chargeable learners or €2,000 or more chargeable learner fees shall be calculated by multiplying the chargeable learner class denominator by the chargeable learner fee class denominator, and dividing the result by 25.

9. The total annual charge payable by an obligated provider shall be the sum of the annual charges payable in respect of each programme provided by that provider.

10. In default of payment in full of the prescribed annual charge by the liability date, the additional charge payable to the Authority by the obligated provider shall be 50% of the amount of the annual charge that is outstanding, plus an amount calculated by applying from the liability date the statutory late payment interest rate set out in Regulation 5 of the European Communities (Late Payment in Commercial Transactions) Regulations 2012 (S.I. No. 580/2012) to the amount of the annual charge that is outstanding.

11. (1) Notwithstanding any other provision in these Regulations, in the case of an obligated provider in relation to whom the arrangements referred to in Section 65A of the Act continue in being and continue to have effect, the annual charge payable by that obligated provider shall, in relation to a programme protected by such arrangements,

(a) for any full year in which those arrangements continue to have effect, be abated in full, and

(b) for any year in which those arrangements continue to have effect for part of that year, be abated in proportion to the number of days of the year for which it had effect.

(c)

- (2) This Regulation shall cease to have effect on the expiration of 3 years from the relevant commencement or on such earlier date as may be appointed by order made by the Minister under section 65A(4) of the Act.

GIVEN under my Official Seal,

_____ 2024.

Minister for Further and Higher Education,
Research, Innovation and Science.

Explanatory Note

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These Regulations prescribe the amount of the annual charge to be paid by each provider referred to in section 65(1) of the Qualifications and Quality Assurance (Education and Training) Act 2012, referred to as an obligated provider, for the benefit of the Protection of Enrolled Learners Fund. The annual charge is prescribed on the basis of the number of programmes of the provider, and the number of chargeable persons on those programmes.

Appendix B: Protection of Enrolled Learners Annual Charges for English Language Education

Illustrative Table 1: Provision of less than 4 weeks duration for English Language Education

Provision of less than 4 weeks duration										
Fee Bands		A	B	C	D	E	F	G	H	I
Fee Range		1-200	201-400	401-600	601-800	801-1,000	1,001-1,200	1,201-1,400	1,401-1,600	1,601-1,800
		€	€	€	€	€	€	€	€	€
Learner Bands	No. of Enrolled Learners per programme									
1	1-15	25	25	25	25	50	50	50	50	75
2	16-30	25	25	50	50	75	75	100	100	125
3	31-45	25	50	75	75	100	125	150	150	175
4	46-60	25	50	75	100	125	150	175	200	225
5	61-75	50	75	100	125	150	200	225	250	275
6	76-90	50	75	125	150	200	225	275	300	325
7	91-105	50	100	150	175	225	275	300	350	400
8	106-120	50	100	150	200	250	300	350	400	450
9	121-135	75	125	175	225	275	325	400	450	500
10	136-150	75	125	200	250	300	375	425	500	550
11	151-165	75	150	200	275	350	400	475	550	600
12	165-180	75	150	225	300	375	450	525	600	650

Example 1:

Learner enrolled on a two-week summer programme: Tuition Fee €600 (costs of other activities excluded)

€600 fee is in Column C (Yellow column). The learner protection charge payable by the provider is determined by the number of enrolled learners on the programme, e.g. if 85 learners are enrolled on the programme, the PEL charge for the provider will be €125 (row 6).

Illustrative Table 2: Provision of 4 to 12 weeks duration for English Language Education

Provision of 4 to 12 weeks duration										
Fee Bands		A	B	C	D	E	F	G	H	I
Fee Range		501-1,000	1,001-1,500	1,501-2,000	2,001-2,500	2,501-3,000	3,001-3,500	3,501-4,000	4,001-4,500	4,501-5,000
		€	€	€	€	€	€	€	€	€
Learner Bands	No. of Enrolled Learners per programme									
1	1-15	300	450	600	750	900	1,050	1,200	1,350	1,500
2	16-30	600	900	1,200	1,500	1,800	2,100	2,400	2,700	3,000
3	31-45	900	1,350	1,800	2,250	2,700	3,150	3,600	4,050	4,500
4	46-60	1,200	1,800	2,400	3,000	3,600	4,200	4,800	5,400	6,000
5	61-75	1,500	2,250	3,000	3,750	4,500	5,250	6,000	6,750	7,500
6	76-90	1,800	2,700	3,600	4,500	5,400	6,300	7,200	8,100	9,000
7	91-105	2,100	3,150	4,200	5,250	6,300	7,350	8,400	9,450	10,500
8	106-120	2,400	3,600	4,800	6,000	7,200	8,400	9,600	10,800	12,000
9	121-135	2,700	4,050	5,400	6,750	8,100	9,450	10,800	12,150	13,500
10	136-150	3,000	4,500	6,000	7,500	9,000	10,500	12,000	13,500	15,000
11	151-165	3,300	4,950	6,600	8,250	9,900	11,550	13,200	14,850	16,500
12	165-180	3,600	5,400	7,200	9,000	10,800	12,600	14,400	16,200	18,000

Example 2:

Learner enrolled on a four-week General English programme: Tuition Fee €1,360

€1,360 fee is in Column B (Yellow column). The learner protection charge payable by the provider is determined by the number of enrolled learners on the programme, e.g. if 55 learners are enrolled on the programme, the learner protection charge for the provider will be €1,800 (row 4).

Illustrative Table 3: Provision of more than 12 weeks duration for English Language Education

Provision of more than 12 weeks duration											
Fee Bands			A	B	C	D	E	F	G	H	I
Fee Range			1,001-2,000	2,001-3,000	3,001-4,000	4,001-5,000	5,001-6,000	6,001-7,000	7,001-8,000	8,001-9,000	9,001-10,000
			€	€	€	€	€	€	€	€	€
Learner Bands	No. of Enrolled Learners per programme										
1	1-15		1,200	1,800	2,400	3,000	3,600	4,200	4,800	5,400	6,000
2	16-30		2,400	3,600	4,800	6,000	7,200	8,400	9,600	10,800	12,000
3	31-45		3,600	5,400	7,200	9,000	10,800	12,600	14,400	16,200	18,000
4	46-60		4,800	7,200	9,600	12,000	14,400	16,800	19,200	21,600	24,000
5	61-75		6,000	9,000	12,000	15,000	18,000	21,000	24,000	27,000	30,000
6	76-90		7,200	10,800	14,400	18,000	21,600	25,200	28,800	32,400	36,000
7	91-105		8,400	12,600	16,800	21,000	25,200	29,400	33,600	37,800	42,000
8	106-120		9,600	14,400	19,200	24,000	28,800	33,600	38,400	43,200	48,000
9	121-135		10,800	16,200	21,600	27,000	32,400	37,800	43,200	48,600	54,000
10	136-150		12,000	18,000	24,000	30,000	36,000	42,000	48,000	54,000	60,000
11	151-165		13,200	19,800	26,400	33,000	39,600	46,200	52,800	59,400	66,000
12	165-180		14,400	21,600	28,800	36,000	43,200	50,400	57,600	64,800	72,000

Example 3:

Learner enrolled on 12-week exam preparation programme: Tuition Fee €3,480

€3,480 fee is in Column C (Yellow column). The learner protection charge payable by the provider is determined by the number of enrolled learners on the programme, e.g. if 33 learners are enrolled on the programme, the learner protection payable by the provider will be €7,200 (row 3).

Appendix C: Protection of Enrolled Learners Annual Charges for Further Education and Training Programmes

Illustrative Table: Further Education and Training Annual Charge

Fee Bands		A	B	C	D	E	F	G	H
Fee Range		1-250	251-500	501-750	751-1,000	1,001-1,250	1,251-1,500	1,501-1,750	1,751-2,000
		€	€	€	€	€	€	€	€
Learner Bands	No. of Enrolled Learners per programme								
1	1-5	25	50	75	100	125	150	175	200
2	6-10	50	100	150	200	250	300	350	400
3	11-15	75	150	225	300	375	450	525	600
4	16-20	100	200	300	400	500	600	700	800
5	21-25	125	250	375	500	625	750	875	1,000
6	26-30	150	300	450	600	750	900	1,050	1,200
7	31-35	175	350	525	700	875	1,050	1,225	1,400
8	36-40	200	400	600	800	1,000	1,200	1,400	1,600
9	41-45	225	450	675	900	1,125	1,350	1,575	1,800
10	46-50	250	500	750	1,000	1,250	1,500	1,750	2,000
11	51-55	275	550	825	1,100	1,375	1,650	1,925	2,200
12	56-60	300	600	900	1,200	1,500	1,800	2,100	2,400

Example:

Learner enrolled on a further education and training programme: Tuition Fee €500

€500 fee is in Column B (Yellow column). The learner protection charge payable by the provider is determined by the number of enrolled learners on the programme, e.g. if 13 learners are enrolled on the programme, the learner protection charge payable by the provider will be €150 (row 3).

Appendix D: Protection of Enrolled Learners Annual Charges for Higher Education and Training Programmes

Illustrative Table – Higher Education and Training Annual Charge

Fee Bands		A	B	C	D	E	F	G	H	I
Fee Range		1-500	501-1,000	1,001-1,500	1,501-2,000	2,001-2,500	2,501-3,000	3,001-3,500	3,501-4,000	4,001-4,500
		€	€	€	€	€	€	€	€	€
Learner Bands	No. of Enrolled Learners per programme									
1	1-5	50	100	150	200	250	300	350	400	450
2	6-10	100	200	300	400	500	600	700	800	900
3	11-15	150	300	450	600	750	900	1,050	1,200	1,350
4	16-20	200	400	600	800	1,000	1,200	1,400	1,600	1,800
5	21-25	250	500	750	1,000	1,250	1,500	1,750	2,000	2,250
6	26-30	300	600	900	1,200	1,500	1,800	2,100	2,400	2,700
7	31-35	350	700	1,050	1,400	1,750	2,100	2,450	2,800	3,150
8	36-40	400	800	1,200	1,600	2,000	2,400	2,800	3,200	3,600
9	41-45	450	900	1,350	1,000	2,250	2,700	3,150	3,600	4,050
10	46-50	500	1,000	1,500	2,000	2,500	3,000	3,500	4,000	4,500
11	51-55	550	1,100	1,650	2,200	2,750	3,300	3,850	4,400	4,950
12	56-60	600	1,200	1,800	2,400	3,000	3,600	4,200	4,800	5,400

Example

Learner enrolled on a higher education and training programme: Tuition Fee €2,500

€2,500 fee is in Column E (Yellow column). The learner protection charge payable by the provider is determined by the number of enrolled learners on the programme, e.g. if 18 learners are enrolled on the programme, the learner protection charge payable by the provider will be €1,000 (row 4).

