

Learner Protection – Further and Higher Education Provision¹

Frequently Asked Questions

(a) *I am a provider of further and/or higher education and training programmes. 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 duration² and English language programmes. Further and higher education and training programmes to which it applies include programmes leading to QQI awards and programmes offered by linked providers, listed awarding bodies and other providers that engage with QQI in the context of the Qualifications and Quality Assurance (Education and Training) Act 2012 (2012 Act). Transition arrangements apply to programmes leading to QQI awards and where protection of enrolled learner arrangements are in place on 1st September 2024 (see FAQ no. 2).

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

The legislation provides for a three-year transition period from 1st September 2024 for protection of enrolled learner arrangements in place on that date. The transition will be from the existing statutory learner protection arrangements to the Learner Protection Fund and the associated annual charge. QQI will engage with providers in respect of the timing of this transition. By 1st September 2027, all statutory learner protection arrangements in place on 1st September 2024 will cease to have effect.

¹ This includes programmes leading to QQI awards and other further and higher education provision that comes within the scope of the Learner Protection Fund, e.g. programmes of listed awarding bodies and linked providers.

² 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.

(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 **S.I. No. 430 of 2024** [Learner Protection Fund Regulations](#).

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

- (i) learner bands, and
- (ii) fees.³

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 A*.

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

(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 A – further education and training programmes:

³ 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.

- 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 is available on the QQI website.

(f) Who calculates 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 calculated 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 moneys⁴ 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.

⁴ This relates to fees paid by or on behalf of a learner.

(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.

(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.⁵

(I) 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

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.

⁵ 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)

Appendix A: 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 B: 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	2,501-3000	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).