

FORAS ÁISEANNA SAOTHAIR

and

...INSTITUTE OF TECHNOLOGY BLANCHARDSTOWN

MEMORANDUM OF UNDERSTANDING

relating to the provision of An Foras Apprenticeship Courses

Version: 05/06

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Section 1: Statement of Purpose

1.1 Statement of Purpose

Having regard to existing consultation arrangements, this Memorandum of Understanding is intended to formalise the agreement between An Foras as the first mentioned provider and the Institute of Technology Blanchardstown as the second mentioned provider (*sensu* Qualifications (Education and Training) Act 1999), in relation to respective obligations, roles and responsibilities in providing apprenticeship courses in accordance with the relevant provisions of the following legislation:

- Industrial Training Act, 1967
- The Labour Services Act, 1987
- The Regional Technical Colleges Act, 1992
- The Qualifications (Education and Training) Act, 1999
- The Institutes of Technology Act, 2006

Note 1: This memorandum of understanding is entered into by both parties on the basis that it is not legally binding on either party.

Note 2: This memorandum of understanding is intended to satisfy the quality assurance implications in section 2.4.3 (p.16) of FETAC quality assurance policies and guidelines for provider's (version 1.2).

Note 3: Note also that the term 'partnership' is used in this memorandum of understanding, as in general contemporary parlance, to refer to a relationship based on consultation and co-operation. The word 'partnership' is not employed here in any legal or corporate sense and should not be construed as placing any legal or formal responsibility on either party.

This Memorandum of Understanding is made on the 18 December 2006

Between:

FORAS ÁISEANNA SAOTHAIR
of
27/33 Upper Baggot Street,
Dublin 4
Ireland
(hereinafter called "An Foras")

- and -

INSTITUTE OF TECHNOLOGY BLANCHARDSTOWN
(hereinafter referred to as the "Institute")

WHEREAS:-

An Foras was established under the Labour Services Act, 1987. The relevant functions of An Foras are set down in Section 4 of the Labour Services Act, 1987 as amended by Section 62 of the Qualifications (Education and Training) Act, 1999. Under the Industrial Training Act 1967, Section 9 (2) An Foras has agreed with the Institute to secure the services of the Institute to provide and organise certain phases of apprenticeship programmes

AND WHEREAS:-

The functions of the Institutes of Technology are set down in section 5 of the Regional Technical Colleges Act, 1992 as amended by section 32 (c) of the Qualifications (Education and Training) Act, 1999 as follows:

The principal function of a college shall, subject to the provisions of this Act, be to provide vocational and technical education and training for the economic, technological, scientific, commercial, industrial, social and cultural development of the State with particular reference to the region served by the college, and, without prejudice to the generality of the foregoing, a college shall have the following functions:

- (a) to provide such courses of study as the governing body of the college considers appropriate;
- (b) as amended by section 32 (c) of the Qualifications (Education and Training) Act, 1999
 - (b)(i) to enter into arrangements with the Higher Education and Training Awards Council, or with any other authority approved by the National Qualifications Authority of Ireland, from time to time, for the purpose of having higher education and training awards made, and
 - (b)(ii) to make such other arrangements as may be approved by the Higher Education and Training Awards Council and the National Qualifications Authority of Ireland, from time to time, for that purpose and, subject to sections 29 and 30 of the Qualifications (Education and Training) Act, 1999, to make higher education and training awards, as appropriate;
 - (bb)(i) to enter into arrangements with the Further Education and Training Awards Council or with any other authority approved by the National Qualifications Authority of Ireland, from time to time, for the purpose of having further education and training awards made, and
 - (ii) to make such other arrangements as may be approved by the Further Education and Training Awards Council and the National Qualifications Authority of Ireland, from time to time, for that purpose;
 - (d) to enter into arrangements with other institutions in or outside the State for the purpose of offering joint courses of study and of engaging jointly in programmes of research, consultancy and development work in relation to such matters as the governing body of the college considers appropriate.

Section 2: Programme Validation

Protocol 1

An Foras shall, in accordance with its quality assurance policy on Programme Development and Review, which is subject to Section 15 (3) of the Qualifications (Education & Training) Act 1999, consult with the Institute before making an application for apprenticeship course validation.

Section 3: Quality Assurance

Protocol 2

Pursuant to Section 18 (6) of the Qualifications (Education & Training) Act, 1999 An Foras and the Institute shall,

- i. having regard to existing procedures, agree procedures that are fit for purpose,
- ii. mutually recognise and agree quality assurance procedures and policies which have already been agreed with either HETAC, FETAC or NQAI.
- iii. the Institute and An Foras shall provide to each other copies of their approved quality assurance procedures, as agreed with the relevant Awards Council.
- iv. The Institute hereby agrees that, in implementing its quality assurance procedures, it shall have regard to specific requirements of An Foras in relation the apprentices programme.
- v. The Institute's quality assurance procedures pertaining to An Foras apprentices programme will be reviewed periodically by the Institute in accordance with requirements of both parties and the ACT.

Section 4: Programme Provision and Delivery

An Foras and the Institutes recognise their special relationship in the provision of apprenticeship training and education. This relationship is underpinned by the relevant legislation and is based on a partnership approach to apprenticeship courses.

Protocol 3

An Foras and the Institute will work together in a spirit of partnership and continuous quality improvement in relation to apprenticeship programme design and delivery. An Foras may also engage with the Institute through the FÁS/ITAC Consultation Group.

Section 5: Reporting and Monitoring and Arrangements

The Institute acknowledges An Foras' requirement for reporting and monitoring procedures for apprenticeship courses.

Protocol 4

In this regard, the Institute shall

- i. provide An Foras with documentation relating to reporting and monitoring arrangements and outcomes.
- ii. provide the An Foras Apprenticeship Services Unit with the outcomes of the monitoring process identified in the quality assurance procedures of the Institute, as it pertains to the apprenticeship courses for each academic year.
- iii. An Foras shall provide an observer for the Institute's Examination Board whose role will be to ensure the basis of the Examination Board decision is clear to An Foras.
- iv. Designated managers from the Institute will meet annually with An Foras representatives, as designated by An Foras Apprenticeship Services Unit, to consider quality assurance of apprenticeship training and education.

Section 6: Programme Evaluation

Protocol 5

Pursuant to Section 18 (2) of the Qualifications (Education and Training Act) 1999, An Foras is required to evaluate the Apprenticeship programmes at regular intervals. An Foras will involve the Institute in the evaluation activities. The Institute will provide such information as required for evaluation, as appropriate

Section 7: Fair and Consistent Assessment of Learners

Protocol 6

Pursuant to Section 14 (1) (e) of the Qualifications (Education and Training Act) 1999,

- i. An Foras National Quality Assurance Assessment Operational Procedures, as set down from time to time, describes the programme providers' protocols and processes for ensuring the fair and consistent assessment of learners on An Foras apprenticeship courses, including the independent external assessment verification requirements. An Foras will consult with the Institute regarding the implementation of these protocols and processes.
- ii. An Foras and the Institute will agree the application of these protocols and processes for assessment of learners in apprenticeship courses in the Institute.

Section 8: Resources

An Foras has the statutory responsibility for the organisation and control of designated apprenticeship by the powers conferred on it by the Industrial Training Act, 1967 and the Labour Services Act, 1987.

Protocol 7

The Institute shall be solely responsible for providing the physical and human resources within the Institute to deliver the agreed apprenticeship courses.

Section 9: Arbitration

Protocol 8

Any dispute between the parties as to the interpretation of any provision of this memorandum of understanding shall, in the first instance, be discussed and agreed in good faith between the relevant personnel of each of the parties. In the event of failure to reach agreement, the issue in dispute shall be referred to the Chief Executive Officer of each of the parties for discussion and resolution.

Section 10: Protection of Learners

Protocol 9

In the event of an apprenticeship course cancellation the Institutes will provide the local An Foras Services to Business Manager at least four weeks notice of the proposed course cancellation and shall in co-operation with An Foras make alternative arrangements for the affected learners.

Section 11: Change Agenda

Protocol 10

It is recognised by both An Foras and the Institutes that programmes of education and training must be continuously modernised and updated. In this context, An Foras and the Institutes are committed to reviewing policies, procedures and programme provision to ensure that they remain best suited to the needs of the learner, the industry and the partner organisations. The protocols in this memorandum of understanding do not limit either of the partners to current arrangements but commit them to bringing about necessary changes in an open, productive and consultative manner.

SECTION 12: AUTHORISED SIGNATURES

SIGNED by []
duly authorised for and on behalf of
FORAS ÁISEANNA SAOTHAIR

SIGNED by []
duly authorised for and on behalf of the
INSTITUTE OF TECHNOLOGY BLANCHARDSTOWN

Mary Meaney
Director