

Meeting Legislative and Governance Compliance during Covid-19

How Ballyfermot College of Further Education rose to the challenge



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FET colleges were challenged by Covid-19 to meet all legislative, governance, and compliance requirements off-site. This involved a transformation of face-to-face FET provision to a fully remote model overnight. This article details how management and staff of Ballyfermot College of Further Education achieved a smooth transition in the crisis.

Introduction

As principal I lead and manage Ballyfermot College of Further Education (BCFE), a constituent college of the City of Dublin Education and Training Board (CDETB). Like most other educational institutions at the various levels, BCFE rose to the task of completing the academic year from 12 March to 31 May 2020 in challenging conditions caused by the Covid-19 pandemic.

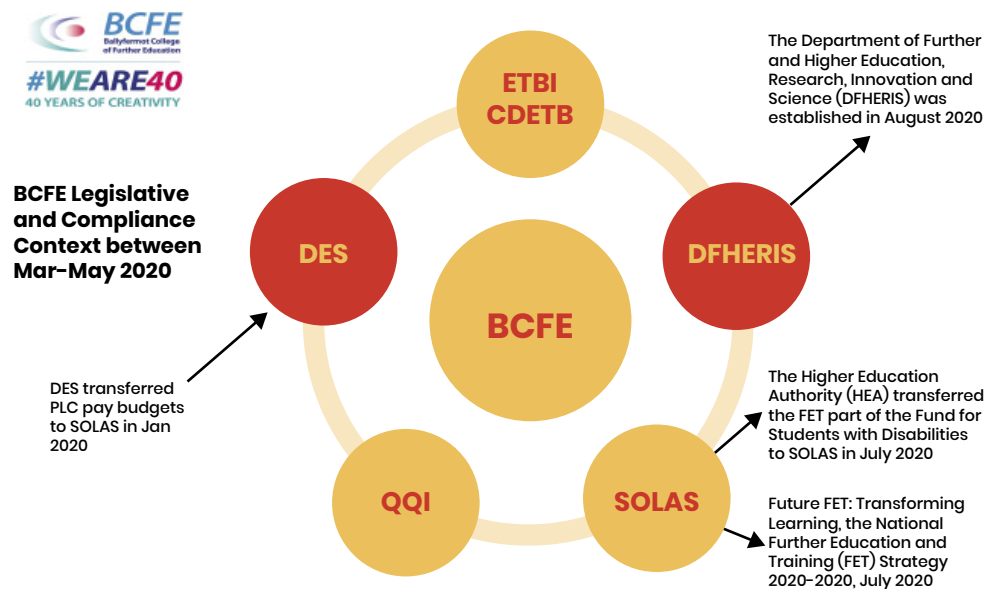
Legislative context

It is important to understand the legislative context in which BCFE is situated. Originally established in 1979 as the Senior College, Ballyfermot, it provided second-level education and pre-employment programmes to local students. In 1983 second-level delivery was phased out and replaced by Post-Leaving Certificate (PLC) courses. Over time, BCFE became one of the largest PLC providers in Ireland, earning a local, national, and international reputation for educating and training students for work and study in many different career sectors.

The global economic crisis in 2007 brought significant change and reform to the educational landscape in Ireland. Research by the Expert Group on Future Skills Needs in 2007 focused on developing a National Skills Strategy that sought to 'identify the skills required for Ireland to become a competitive, innovation-driven, knowledge-based, participative and inclusive economy by 2020' (EGFSN, 2007, p. 5). This led to legislative reform in Further Education and Training (FET), beginning in 2012 with the establishment of Quality and Qualifications Ireland (QQI), a single agency for qualifications and quality assurance (QA), spanning levels 1 to 10 on the National Framework of Qualifications (NFQ).

In 2013 the Education and Training Boards Act saw the amalgamation of thirty-three Vocational Educational Committees (VECs) and the training wing of FÁS (Foras Áiseanna Saothair) into sixteen Education and Training Boards (ETBs). The same year, SOLAS, a new national agency for coordinating policy and funding for the FET

sector, was established through the Further Education and Training Act 2013. All three pieces of legislation had a direct impact on the development, governance, and formation of the FET sector from 2013. In 2014, SOLAS launched the first national FET Strategy 2014–2019, which identified that ETBs, SOLAS, and QQI would work together to establish a world-class integrated system of FET in Ireland (SOLAS, 2014, p. 3) and to enhance quality provision in FET.



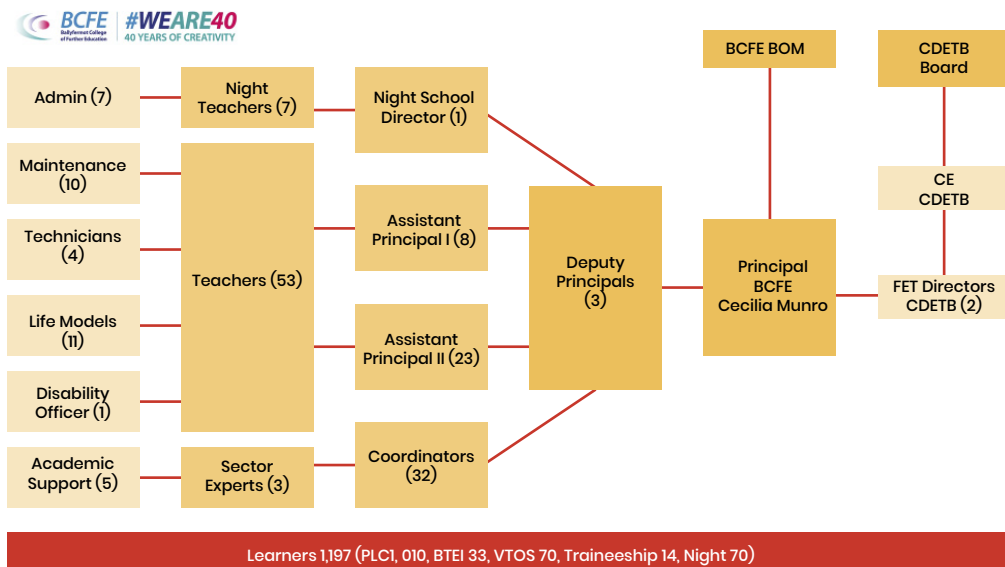
BCFE legislative and compliance context in March–May 2020

The diagram above sets out BCFE’s legislative and compliance context in March–May 2020. It points to four significant developments in 2020 that show the fluidity of the sector:

- In January, the Department of Education and Skills (DES) transferred the pay budget for PLC colleges to SOLAS.
- In July, the Fund for Students with Disabilities transferred from the Higher Education Authority (HEA) to SOLAS.
- In July, SOLAS launched Future FET: Transforming Learning, The National Further Education and Training (FET) Strategy 2020–2024.
- In August, the Department of Further and Higher Education, Research, Innovation and Science (DFHERIS) was established.

Organisational context

BCFE’s organisational chart, on the right, shows a typical public-sector hierarchical structure, comprising 128 staff, with reporting lines to the CDETb chief executive, whose performance is subject to oversight by the CDETb board. BCFE’s BOM comprises three CDETb board members who provide oversight of BCFE’s teaching and learning, and its operational and management activities.



BCFE organisational chart, March–May 2020

Governance context

Public bodies and many other organisations in receipt of public funding must ensure that their corporate governance frameworks conform to best-practice standards and comply with specified codes of corporate governance. DES supports the work of the ETBs in primary, post-primary, and FET provision through a yearly distributed fund of approximately €2bn from DES, the Department of Public Expenditure and Reform (DPER), and SOLAS.

It is therefore extremely important that the DES sets the tone and standard for the governance and assurances it requires from its different agencies, including ETBs. In tandem with DPER's governance developments, the ETB upgraded its 2015 Code of Practice for the Governance of ETBs in 2019.

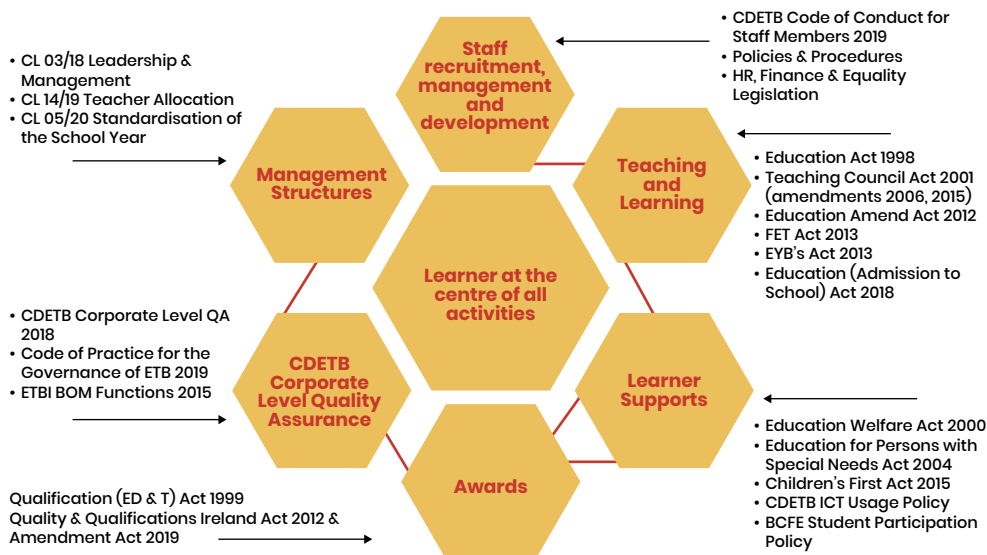
This Code of Practice should be primarily considered as a set of standards for members and staff of ETBs who are expected to ensure that their activities in relation to the ETB are governed at all times by these standards, in letter and in spirit. (DES, 2019a)

The Code concerns both the internal practices of ETBs and their external relations with the government, the Minister for Education and Skills, the Minister for Finance, the Minister for Public Expenditure and Reform, and their respective departments. The CDETB board delegates the responsibility of leading teaching and learning and managing BCFE to the principal, with oversight by BCFE's BOM. There are also three CDETB board members on the BOM. This delegation arose from the Education Act 1998 Section 15 (1), which outlines:

it shall be the duty of a board to manage the college on behalf of the patron and for the benefit of students and their parents and to provide

or cause to be provided an appropriate education for each student at the college for which that board has responsibility.

In line with this Code, the BOM plays a key role in setting the ethical tone and culture of BCFE through its actions and the support of the principal. As principal, I effectively steward the organisation to be compliant in law and governance. The diagram below illustrates the complexities of my governance role and outlines some of the different governance tools involved in running a PLC college.



BCFE's complex legislative and governance environment

I use governance tools in the form of approved policies and procedures, where roles and responsibilities are clearly outlined. These are known as 'assurances' and if followed can show that public money being spent in the delivery of quality FET courses in BCFE is adhering to the highest standards of accountability and transparency. There is a specific, overriding focus on mitigating against the risks associated with QA, financial, strategic, operational, or reputational issues:

Quality assurance is anything that a provider does to maintain, improve and ensure the quality of the learner experience and its outcomes for the learner. Procedures are how one approaches their work. (CDETb, 2017, p. 3)

The Covid-19 challenge

A challenge arising from Covid-19 was to ensure that all legislative, governance, and compliance requirements were achieved in order to sign off on the academic year 2020, while working remotely. This was no easy task, as it involved a complete transformation of the face-to-face on-site FET provision to a fully remote model overnight, from 12 March to 13 March 2020.

There are many areas to comply with, as the diagram on the left shows, but the two most important for me in my role as principal during this period were, in my opinion, BOM and Data Protection/GDPR compliance. Quality Assurance is another key area, but it is covered in an article by Blake Hodgkinson, CDETB's FET director, elsewhere in this chapter.

BOM oversight

At all times the BOM, in particular the chair, was kept up to date on the oversight of BCFE and any issues arising. This included confirmation with the chair about the closure of the college on 12 March.

At the time of the initial closure there were still two BOM meetings outstanding on the yearly oversight schedule; these had to be held virtually (using email and Zoom) and a quorum achieved. This included dealing with college business, including approving the minutes of previous meetings; oversight on child protection reports; approving any policies and procedures; and most importantly reaching consensus on these issues. For example, the BOM had to approve BCFE policy on the admissions to the school year 2021/22 in May 2020 to be compliant with the Admissions to School Act 2018. This was then published on BCFE's website.

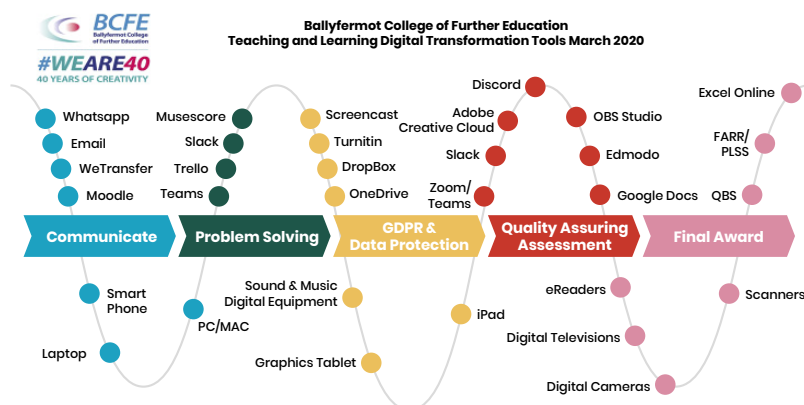
The BOM also had a key role in providing guidance and probing how risks were managed during this period. In particular, the principal and the senior management team (SMT) were accountable to the BOM for the oversight and implementation of the BCFE's Covid-19 Risk Register and for ensuring that all risks relating to Covid-19 during this period were mitigated against. At all times CDETB was kept up to date on risks as they emerged and changed.

Data protection and GDPR

Because all BCFE activities moved online overnight, it was extremely important that all data protection and GDPR were re-enforced with staff, in particular the security of students' data online and CDETB's Data Protection Policy (CDETB, 2018).

Before the college closed, staff had access to online systems such as MIT's eNROL (an admissions management system) and VSware (student data-management system). Both were account- and password-protected, cloud-based, and 3D-secure. This gave great confidence to the SMT in BCFE that students' personal and enrolment data was secure.

However, this had to be extended to the receipt and protection of students' online assessment, which was new. The pre-existing model called for the production of hard-copy assessment work so that external authenticators and examiners, across different national and international awarding bodies, could physically view students' work and assess the standard. The image below suggests the scale of the challenge as it outlines the different online platforms, software, hardware, and portable devices that BCFE teaching staff and students were using to ensure that assessments were received, marked, graded, and submitted to externs for final confirmation of standards and the final awarding of grades.



Teaching and learning digital transformation tools

Literally overnight, teaching and learning in BCFE digitally transformed. While BCFE uses Office 365 web-based applications for organisation and administration, and Moodle as its official virtual learning environment (VLE), as an SMT team we had to accept that different tools were being deployed to complete the final assessment.

Conclusion

Covid-19 brought a lot of challenges in March–May 2020. BCFE and its staff worked tirelessly to ensure that students received the teaching and learning they were entitled to and that they were given the correct recognition for the assessments they completed. While the legislative and governance compliance is complicated at FET level, it proves that by having the structures in place, following the guidelines, complying with the legislation, implementing policies and procedures, and providing assurances to all stakeholders, a smooth transition can be achieved in a crisis.

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