



**Submission to the Joint Committee on
Education, Further and
Higher Education, Research, Innovation
and Science on the Regulation of the
English Language Education Sector**

May 2024

About the Irish Council for International Students (ICOS)

This submission is made on behalf of the Irish Council for International Students (ICOS). ICOS is an independent advocacy organisation whose mission is to protect and enhance the rights of international students in Ireland while championing their contribution in the places they study and the communities in which they live.

ICOS has 26 institutional members, including all of the universities and technological universities in the Republic of Ireland, and many independent third level colleges. Our membership also includes the Union of Students in Ireland (USI), and we have a Student Advisory Group to help support and inform our work.

ICOS' values include: consultation, collaboration, learning, and accountability, and our goals are to influence policy and standards in international education; build the capacity of our members; empower international students to pursue their rights; and support and showcase the important contribution of international education to international development.

1. Introduction

ICOS welcomes the opportunity to make this submission to the Joint Committee on Education, Further and Higher Education, Research, Innovation and Science on the regulation of the English Language Education (ELE) Sector. For many years, we have called on successive governments for tighter regulation of the ELE Sector to protect international students and ensure that they have a quality educational experience in Ireland. A decade has passed since ICOS' last appearance before an Oireachtas Committee in relation to the closure of more than a dozen English language schools, yet many of the issues that were highlighted to the Committee in 2014 continue to be prevalent to this day.¹ The long-awaited implementation of the International Education Mark (IEM) represents a genuine opportunity for robust quality assurances to be at the forefront of education in Ireland. ICOS hopes that greater regulation of the ELE Sector through the IEM will go towards enhancing Ireland's reputation as a global study destination while safeguarding the interests of international students.

2. Current Regulations and Lack of Enforcement

During the period 2014-2015, almost twenty private colleges and language schools ceased operating leaving thousands of international students displaced, distressed and without the classes for which they paid. ICOS took a leading role assisting affected students, both on-the-ground and online, to support and advise them about liquidation and legal processes, alternate provision, and immigration matters.²

¹ ICOS appeared before the Joint Committee on Education and Social Protection in June 2014 in relation to the closure of several English language schools

² ICOS continues to provide information, advice, and support to international students in difficulty, including those affected by school closures

The Department of Justice responded to this crisis by introducing the Interim List of Eligible Programmes (ILEP) which aimed to tackle abuses of the immigration system, protect international students, and ensure education providers meet minimum standards. While the ILEP was successful at cracking down on many rogue providers, since its introduction, five English language schools, and several student recruitment agencies, have gone into liquidation. In all but one of these cases, there were students that either lost money or were left without classes that they should have received. The most recent closure occurred in 2023 when the International House Galway announced that it would cease trading. This resulted in a surge of affected students and their agencies contacting ICOS. Although most of the impacted students of the International House Galway closure were provided with alternative classes, or a partial refund, ICOS is aware of more than a dozen students who were offered nothing. We have also seen evidence from several students who paid money to the school for Learner Protection that was never taken out for them, and it is our understand that the school continued to sell courses very shortly up until it went into liquidation.

As the ILEP is difficult to understand and navigate, particularly if English is not your first language, international students turn to ICOS for information and advice. We are regularly contacted by students who have issues with their English language schools, often relating to breaches of the ILEP, and we remain concerned over dubious practices that continue to be carried out by a minority of schools. Last year, ICOS responded to 167 complaints from English language students about their English language schools.³

Examples of breaches of the ILEP / poor practices that were reported to ICOS in 2023:

- Unfair or harsh expulsions (students not being given the benefit of the doubt)
- Failure to refund student following a visa refusal
- Failure to take out Learner Protection
- Failure to use an escrow account
- Questionable or non-transparent attendance practices
- Misleading information about studying and working in Ireland
- Poor communication

Even basic rules of the ILEP, such as the requirement for English language schools to display the timetables for programmes on their websites, are not being followed by all providers.⁴ ICOS believes that these breaches are as a direct result of the current lack of oversight and enforcement of the regulations in the ELE Sector. This is emphasised by the fact that only three inspections of English language schools were carried out across the sector in 2023.⁵

³ This figure also includes queries received about the International House Galway closure

⁴ ICOS randomly reviewed the websites of five English language schools, and found that four out of five schools did not have this information available [Date of review: 09.05.2024]

⁵ Information requested from the Department of Justice by ICOS through a Parliamentary Question

3. International Education Mark (IEM)

The IEM proposes to strengthen the role of Qualifications and Quality Ireland (QQI) as a regulator of quality in both the Higher Education and English Language Education Sectors. ICOS welcomes the quality assurance mechanisms that QQI plans to introduce in relation to governance, finance, and compliance. In particular, we are pleased to see the roll out of the mandatory Protection of Enrolled Learners (PEL) Fund. It is also positive that QQI will have the flexibility to modify the IEM codes as it sees fit. ICOS is encouraged to see that the experience of international students is central to the IEM, and an emphasis is being placed on student welfare.

Notwithstanding, we have several concerns, most notably, the absence of a regulatory framework and clear system to oversee, investigate, and enforce compliance of the IEM. From an international student perspective, and considering the lack of enforcement under the current ILEP regulations, this is of considerable importance as it can be difficult for students to assert their rights. At present, there is little effective recourse available to English language students who are unhappy with their English language school. When a dispute arises between an English language student and their school, there is often very little that the student can do if the school refuses to engage with them, and their immigration status can be placed in jeopardy. ICOS believes that international students need to be informed about the IEM, and that monitoring and enforcement of the new regulations should play a critical part to its implementation.

3.1 Statutory Quality Assurance Guidelines for ELE Providers

The introduction of statutory quality policies and procedures for English language schools is a positive step towards achieving quality standards across the ELE Sector in Ireland. Similarly, aligning English Language Education with the Common European Framework of Reference for Languages (CEFR) will streamline schools' curricula. However, ICOS is concerned that the self-assessment monitoring and evaluating of quality assurance functions alone will be insufficient to ensure compliance among all English language providers. A robust external inspection and monitoring system would complement internal quality assurance procedures and ensure that schools' policies are reasonable, appropriate, and in keeping with the IEM.

3.2 Code of Practice for ELE

ICOS welcomes the development of a Code of Practice for the Provision of Programmes of English Language Education to International Learners. The establishment of a statutory Protection of Enrolled Learners (PEL) Fund is an important step towards safeguarding students' tuition fees. In addition, we welcome that providers are required to have transparent complaints procedures in place, as well as access to an independent grievance procedure to handle disputes that cannot be resolved internally.

There are, however, several aspects of the ELE Code that ICOS views as less favourable to international students. ICOS notes that similar to the proposed Statutory Quality Assurance Guidelines for ELE providers, there is a distinct absence of external oversight to monitor, investigate, and enforce compliance with the Code. It is also unclear how an independent and consistent standard of external complaints procedure can be established if every school is responsible for organising this themselves. Evidence from ICOS' monitoring for compliance of the ILEP suggests that without external oversight from QQI, or another designated independent external party, some schools will not abide by the Code.

4. Conclusion & Recommendations

ICOS acknowledges that there are many English language schools in Ireland offering high quality classes to their students. However, we also know that some schools continuously breach the rules due to the current lack of oversight and enforcement. The success of the IEM, and Ireland's international reputation, will rest on education providers abiding by the new Codes of Practice. We believe that a crucial aspect currently absent from the IEM is an external monitoring and enforcement mechanism to hold providers in breach of the regulations to account.

ICOS recommends the following:

- Create a robust external monitoring, inspection, and enforcement system to oversee the implementation of the IEM;
- Establish an independent Ombudsman for the ELE Sector;
- Create a public awareness raising campaign about the IEM which is directed towards international students and other key stakeholders;
- English language schools should provide clear details on their websites about the student recruitment agencies that they work with.

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