

*Considerations for Independent Evaluators/Assessors in the QQI
Assessment Processes for the International Education Mark (including
conflicts of interest matters)*

Version March 2024

Independent evaluators/assessors

All applications for the International Education Mark (IEM) will be independently assessed against QQI's IEM criteria.

Evaluators/Assessors will be objective and independent of the provider e.g. free of conflicting interests.

Any related interests must be declared in the Assessment report and will be published.

Independent evaluators/assessors must be competent to make a recommendation on whether or not the application should be successful. Competence means the capacity to make judgements against the applicable QQI IEM criteria. Specifically, an evaluator/assessor or an evaluation/assessment group will be selected to have the competence to justify their recommendation whatever it may be.

Typically, evaluation/assessment groups (panels) will have expertise in the discipline area and in generic areas including pedagogy, assessment, quality assurance and all the other areas indicated by QQI's IEM criteria. QQI will exercise its judgment as to the number of evaluators/assessors that may be required in respect of the application in question and the competences required having regard to the application and the relevant QQI policies.

Training will be provided to independent evaluators/assessors where QQI considers this necessary.

An evaluator/assessor who feels that they do not have the competence to evaluate an application should not accept an invitation to act or if this realisation, or a conflict of interest, occurs following acceptance should inform QQI without delay.

Members of the QQI Board and its Committees

Members of the QQI Board or any committee of the Board should not be appointed on the basis that they have a role in the determination of the application.

Conflicts of interest

Generally, QQI has a firm policy of not appointing persons as evaluators/reviewers/assessors in any case where there is any foreseen possibility of conflict of interest. Even the appearance of conflict of interest, where none exists, can damage the credibility of the person selected and the assessment process.

The instances listed below are given as examples. They are not intended to comprise an exhaustive list of situations where a conflict of interest might arise.

Independence could be compromised, or perceived to be compromised, for the following groups.

- Current or previous appointment holders in the provider making the application for the IEM (e.g. employees, consultants, guest lecturers/trainers, external examiners/authenticators, research supervisors and such like).
- Former employees, governors, directors, consultants, and graduates (except for learner representatives) of the provider making the application for the IEM. These individuals are not normally eligible to serve as members of an assessment panel for an application of the provider.
- Persons who have had long-standing service, or who are retired from their employment with the provider making the application for the IEM. Normally these individuals should not participate in any assessment panels for applications of that provider.
- Collaborators in joint projects (including research initiatives) involving the provider making the application for the IEM. Where an assessor is concerned regarding existing minor collaborations in a particular field of study or at any institutional level, he/she should consult the QQI executive for an adjudication on suitability.
- Persons who have a potential future conflict of interest.

- Persons with family or other relationship with any members employed by or attending the provider making the application for the IEM might have a conflict of interest. They should inform the provider and QQI prior to involvement in the evaluation process, so that an appropriate judgement can be made as to the advisability of the individual's involvement.
- Persons with direct financial interest of any sort, including the holding of shares in a company associated with that provider making the application for the IEM. In the case of a private, for-profit provider, no panel member, appointed to evaluate or review an application, may have a direct financial interest of any sort, including the holding of shares in a company associated with that provider.
- Direct competitors in a particular industry or professional environment or in a specific geographical location may have a conflict of interest but will not automatically be deemed to be conflicted.

Since cases can arise where the possible appearance of a conflict of interest is not generally known, the primary responsibility for disclosing such a possibility rests on the prospective independent evaluator/assessor.

Prospective QQI independent evaluators/assessors are required to declare any relevant interests and potential conflicts of interest prior to appointment. If there are no relevant interests or conflicts this should be declared. The declarations will be published with the panel report (e.g. the independent assessment report of the application process).

In addition, the provider involved (making the application for the IEM) will be informed of the intended panel by QQI and asked to declare any potential conflicts of interest prior to appointment of the panel.

Where an independent evaluator/assessor's potential conflict of interest emerges after appointment, they should inform QQI without delay and inform the panel chairperson.

Should the provider making the application for the IEM become aware of a conflict of interest after the panel has been appointed, it should inform QQI without delay.

In such cases, the QQI executive will rule on the continuing eligibility of the panel member.

Confidentiality

- The documentation relating to an application for the IEM will be made available confidentially to QQI staff and persons and organisations involved in their assessment. Nevertheless, it should be noted that QQI is subject to the Freedom of Information legislation and QQI records are subject to requests under the Freedom of Information Act.

GDPR / Data Protection Agreement

This agreement (“Agreement”) is made between Quality and Qualifications Ireland (QQI) and the Reviewer/Evaluator/Assessor. QQI and the Reviewer/Evaluator/Assessor have agreed to enter into this agreement for the purposes of ensuring compliance with Data Protection Legislation, inter alia, Regulation 2016/679 of the European Parliament and of the Council (General Data Protection Regulation) (hereinafter “the GDPR”). Terms used herein are as defined in the GDPR unless otherwise defined.

The Reviewer/Evaluator/Assessor processes data on behalf of QQI for the purpose of reviewing and assessing applications for the IEM. For the purposes of the Agreement, this shall be referred to as the assessment.

QQI and the Reviewer/Evaluator/Assessor have agreed that the Reviewer/Evaluator/Assessor is a processor as defined in Article 28 of the GDPR as he/she carries out processing of data on behalf of QQI. QQI is a controller of the data for the purposes of the GDPR.

This Agreement is limited to personal data provided by QQI to the Reviewer/Evaluator/Assessor and to personal data provided by the relevant provider to the Reviewer/Evaluator/Assessor, and to personal data duly shared between reviewers/evaluators/assessors, for the purposes of an assessment, (hereinafter “the data”).

This data may include:

- (a) Personal data of providers;
- (b) Personal data of members of staff of providers;
- (c) Personal data of enrolled learners or prospective learners of providers.
- (d) Personal data of reviewers/evaluators/assessors.

This data should not be used by the Reviewer/Evaluator/Assessor for any other purpose other than the carrying out of the assessment. The Reviewer/Evaluator/Assessor shall not transfer personal data to a third country or an international organisation (as defined in the GDPR),

unless required to do so by Union or Member State law, in such a case the Reviewer/Evaluator/Assessor shall inform QQI of that legal requirement before processing.

The Reviewer/Evaluator/Assessor understands that he/she is bound by the terms of the Confidentiality Clause which he/she has separately entered into.

The Reviewer/Evaluator/Assessor shall not engage another processor for the processing of the data without prior specific written authorisation of QQI as per Article 28.2 of the GDPR. For the avoidance of doubt, QQI hereby gives prior specific written authorisation to the Reviewer/Evaluator/Assessor to share the data with the other reviewers/evaluators/assessors engaged in the specific assessment, and this Agreement applies equally to all data received by the Reviewer/Evaluator/Assessor from fellow reviewers/evaluators/assessors in relation to the Assessment. The Reviewer/Evaluator/Assessor shall not disclose, make copies of, or discuss any received Data with any person who is not a member of the Reviewer/Evaluator/Assessor Team (without the prior written approval of the QQI Executive.

The data held by the Reviewer/Evaluator/Assessor for each assessment should be deleted at the end of each assessment, unless otherwise instructed in writing by QQI. Any hard copy data shall be shredded; if shredding facilities are not available to the Reviewer/Evaluator/Assessor, then they shall be returned to QQI.

The Reviewer/Evaluator/Assessor will implement appropriate technical and organisational security measures to protect the personal data in his/her possession. The Reviewer/Evaluator/Assessor will ensure that these measures comply with the requirements of the GDPR.

As required by Article 33(2) of the GDPR, the Reviewer/Evaluator/Assessor will promptly inform the Data Protection Officer in QQI (dpo@qqi.ie) of any loss or compromise of any Personal Data or any circumstances that could have resulted in unauthorised access to or disclosure of Personal Data. The Reviewer/Evaluator/Assessor will cooperate with any enquiries or investigations by the Data Protection Commissioner. The Reviewer/Evaluator/Assessor will assist QQI in ensuring compliance with QQI's obligation to respond to requests for exercising the data subject's rights laid down in chapter III of the GDPR. The Reviewer/Evaluator/Assessor will cooperate fully with QQI to ensure compliance with the obligations of QQI pursuant to articles 32 to 36 of the GDPR.

The Reviewer/Evaluator/Assessor will make available to QQI all information necessary to demonstrate compliance with the obligations laid down in this Article and allow for and

contribute to audits, including inspections, conducted by QQI or another auditor mandated by QQI.

This Agreement terminates at the same time as the agreement between QQI and the Reviewer/Evaluator/Assessor in relation to the Assessment. Notwithstanding the expiry or termination of this Agreement for any reason, the provisions of this Agreement shall continue to apply to any personal data in the possession of either party which was covered by the agreement.

This agreement shall be governed by Irish law and subject to the exclusive jurisdiction of the Irish courts.

Declarations:

By agreeing to this conflict-of-interest form, you are not aware of any circumstances which could be perceived to compromise your impartiality and independence in participating in the assessment panel for the IEM application.

I hereby declare that the above is an accurate and complete declaration of all circumstances of which I am aware which could be perceived to compromise my impartiality and independence in the context of the above assessment process. I undertake to inform QQI of any such circumstances of which I become aware during the lifetime of the assessment process.

I agree that I will conform to the Confidentiality and GDPR / Data Protection undertakings as outlined above.

I accept that QQI may take appropriate action in relation to conflicts of interest, including termination of my involvement in the assessment process or re-assignment of my duties and responsibilities.

If you become aware of any change to the content of this Declaration, you are obliged to notify the QQI of the change as soon as such information becomes available to you. Any conflict of interest or potential conflict of interest must be fully disclosed to OGP as soon as the conflict or potential conflict becomes apparent.

- 1) I note that this declaration will be included in the assessment report.

- 2) I understand that the IEM application documentation and materials are confidential and must (along with any copies made) be returned to QQI or destroyed once the Assessment Report has been finalised. I understand that application materials are provided for assessment purposes only and must not be distributed or used for other purposes. This applies equally to any copies made for assessment or back-up purposes. I further understand that all communications concerning the application process are confidential and that the publishable outcome of the process is the Assessment Report. I understand that QQI is subject to the Freedom of Information legislation and QQI records are subject to requests under the Freedom of Information Act.
- 3) I acknowledge that I have read and understood the GDPR Agreement included above and as a condition of my engagement as an assessor I agree to be bound by its terms.