



A Note on Stimulating Competition in the Private Post-Secondary, Technical and Vocational Education and Training Institutions

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1.0 THE BACKGROUND

The post-secondary education services market plays an indispensable role in promoting sustainable economic growth. It facilitates the flow of critical information in a manner that leads to a more efficient allocation of scarce productive resources.

The flow of information by way of post-secondary institutions occurs at two distinct levels. At one level, post-secondary educational services transfer information/skills from qualified instructors to students. At the other level, certification issued by these institutions act as the primary means through which students, especially those without the requisite work experience, can convey credibly to a prospective employer the extent to which they possess the information/skills required to perform a given task. In economies characterised by a well-functioning post-secondary education market, pertinent information/skills are transferred to the next generation and students entering the labour market are matched with job opportunities commensurate with their skills.

Based on the sharp increase in complaints during the period 2009 through 2011, relative to the preceding three year period, the Fair Trading Commission (FTC) suspects that a key structural feature of the post-secondary education market may be unduly impeding competition; thereby depriving Jamaica of the potential benefits of this market. The purpose of this study is to stimulate competition in this market by proposing measures to mitigate the adverse effects of impediments to competition.

1.1 The Structure of the Educational Sector

During the 2009/10 academic year, there were 1,021 public and 2,414 independent institutions offering various categories of educational services in Jamaica (Table 1). There were 2,995 institutions providing early childhood or primary level educational services: 31 infant schools; 1,956 basic schools; 546 primary schools; and 216 Kindergarten/Preparatory schools. At the secondary level of education, there were 370 institutions: 199 secondary high schools; 82 Technical and Vocational high schools; and 2 Agricultural high schools.

Enrollment in select independent tertiary education institutions exceeded 24,000 during the 2008/09 academic year (Table 2). Northern Caribbean University (NCU) recorded the largest enrollment figures with 5,527 students. Management Institute for National Development (MIND) and the Institute of Chartered Accountant of Jamaica (ICAJ) recorded the next highest enrollment figures with 5,332 and 4,698 respectively. Institutions with less than 100 students enrolled during the year were the School of Physical Therapy (72), the Dental Auxiliary School (39), Media Technology Institute (34) and Church Teachers' College (26).

Table 1 Type of Education Institutions in Jamaica-2009-2010

School Type	Institutions*
Public Institutions	
Infant Schools	31
Primary Schools (Inclusive of Infant Departments)	546
All Age Schools (Grades 1-9 & inclusive of Infant Departments)	159
Primary & Junior High (Grades 1-9 & inclusive of Infant Dept)	87
Special Schools (Government Owned & Aided and Units)	17
Secondary High	148
Technical High	14
Agricultural High	2
Community Colleges	5
Teacher's Colleges	5
Bethlehem College	1
Moneague College	1
Edna Manley College of the Visual & Performing Arts	1
College of agriculture, science & education	1
G.C. Foster College of Physical Education & Sports	1
University of Technology	1
University of the West Indies (UWI)	1
SUB-TOTAL	1,021
Independent Institutions	
Basic Schools (recognised)	1,839
Basic Schools (unrecognised)	117
Kindergarten/Preparatory	216
Secondary High with Preparatory Department	33
Secondary High	18
Vocational High	68
Commercial/Business College	111
Special	12
SUB-TOTAL	2,414

Source: Ministry of Education, 2009-2010

*Number of Institutions offering Education at the various levels

**Data is for 2008/2009

Table 2 Enrollment in Select Tertiary Institutions, 2008/2009

Institution	Total
Caribbean Institute of Technology	1,232
Caribbean Maritime Institute	673
Church Teachers' College/Temple University	26
Dental Auxiliary School	39
International University of the Caribbean	709
Institute of Chartered Accountant of Jamaica	4,698
Jamaica Theological Seminary	229
Media Technology Institute	34
Management Institute for National Development	5,332
Northern Caribbean University	5,527
Nursing Schools – UWI	236
Other Nursing Schools	375
School of Physical Therapy	72
St. Michael's Theological College	248
University College of the Caribbean	3,188
Vocational Training Development Institute	2,001
Total	24,619

Source: Economic and Social Survey Jamaica (ESSJ 2009)

1.2 - Legislative Framework

The following Acts and Regulations play a part in governing the operations of private vocational, technical and academic tertiary institutions in Jamaica.

- Education Act (1965) & Regulations (1973, 1980)
- National Council on Education Act (1993)
- University Council of Jamaica Act (1987)
- Council of Community Colleges of Jamaica Act (2001)
- Fair Competition Act (1993)
- Consumer Protection Act (2005)

Also, there are three other pieces of legislation for the education system which are focused on human capacity development and the financing and development of training programmes. They are:

- The Human Employment and Resource Training Act (1982)
- National Qualifications Framework (2000)
- National Youth Policy (2005)

A detailed description of these legislations is provided in **Appendix A**.

1.3 Complaints

The Staff of the Fair Trading Commission (FTC) has over the years received many complaints regarding the quality of education and certification provided by private post secondary, technical and vocational educational institutions. These complaints are lodged by students against institutions which offer tuition in a variety of disciplines. Complaints received allege false or misleading representations regarding:

- registration status with local or overseas entities;
- accreditation status by local or overseas entities;
- partnership with local or overseas entities;
- unclear refund policies;
- facilities offered; and
- course materials and teachers with appropriate training.

The first complaint received by the Staff in relation to the education sector was logged on December 10, 1993. In this matter a student complained about the absence of the institution's refund policy; he decided not to pursue a course which he paid for and was denied a full refund. The first complaint in relation to accreditation was logged on December 9, 1999 against a tertiary level education institution. This complaint was made by several students alleging that the school had advertised a Diploma course and upon subsequent successful completion of the said course they were issued with certificates. Further, the school had also falsely advertised that the said Diploma course was accredited by an overseas entity.

Table 3 shows the number of complaints lodged with the Commission for the calendar years 2004 through 2011. It is observed that a high percentage of students alleged that educational institutions were engaged in misleading representation. We also observed that between 2008 and 2010, the number of complaints increased by 200%. As at October 30, 2011, students lodged 16 complaints during the calendar year.

Table 3 Complaints Made to the FTC in relation to Education

Year	2004	2005	2006	2007	2008	2009	2010	2011*
NA Investigations	2	-	-	-	-	-	4	3
Misleading Representation	14	5	1	6	5	7	17	13
Other Breaches	-	-	-	-	2	-	-	-
Total	16	5	1	6	7	10	21	16

*Up to October 30, 2011.

For the period January 1, 2010 – October 30, 2011, 37 complaints were made in relation to the education sector. These complaints spanned programmes and courses of various types including: vocational training (e.g. practical nursing, dental assistant), Degree Programmes, Diploma Programmes, and Certificate Programmes. A closer examination reveals that the most frequent matter (41%) complained about related to the perceived or represented structure and benefits of various courses or programmes in which students enrolled.

In this category, students mostly complained that institutions had represented that courses or programmes: are of certain quality, will cover particular content, are taught in partnership with local or foreign university, provide job placement, are of certain duration or provide a particular type of certification. Subsequently, students discover that the various representations made by the institutions were either false or misleading (See Table 4).

Table 4 Complaints Made to the FTC January 1, 2010 – September 22, 2011

Major Issue Complained About	No. of Complaints
Failure to pay over examination fees	1
False information regarding the structure/benefits of Courses	15
Misleadingly representing that course was accredited	5
Poor quality instructors/teachers	7
Tuition fees increased during the course	4
Unclear or Misleading Refund Policies	5
Total	37

Another major issue complained about concerned allegations that the institutions provided unqualified and incompetent lecturers for various courses or programmes. Among the 7 complaints are cases in which students alleged that the institutions falsely represented that courses would be delivered by overseas lecturers or by lecturers from prominent local universities.

Another major area of concern relates to accreditation. Students alleged that the schools falsely represented that several courses or programmes on offer were accredited. The education institutions typically claim that they have been accredited by the University Council of Jamaica (UCJ) or by the National Council on Technical and Vocational Education and Training (NCTVET). In some of these cases the Staff confirmed that the claims made were other than factual. Below are the synopsis and main findings of a matter which was investigated as result of a complaint received by the Commission in February 2011 It highlights the experience of a student which enrolled in a technical training course:

Synopsis The [student] alleged that she enrolled in a particular course with an institution which represented that it was registered with the Ministry of Education and that the course on offer was “approved by HEART/NCTVET”. She further alleged that she applied for a work permit in Canada but was denied as the Embassy told her that she did not meet the requirements because her course of study was not registered with the Ministry of Education or HEART/NCTVET. She seeks the Commission’s assistance in getting a refund of the \$25,000 she paid for the course.

Main Findings The Staff found that the said institution actually issued a certificate to the Informant indicating that she had successfully completed the course. The certificate stated that the institution was “Registered with the Ministry of Education and approved by HEART/NCTVET.” We subsequently wrote to both the

Independent Schools Unit (ISU) of the Ministry of Education and to the Manager of NCTVET, HEART Trust/NTA. The ISU in its response stated that the said institution had no valid registration status; NCTVET subsequently advised that the institution is “not approved or accredited by the NCTVET”.

2.0 DISCUSSION

The previous section suggests that inadequate information on the part of students, regarding the quality of instruction offered and/or the value of certification issued by various tertiary educational institutions, is an important issue impeding competition. Students are inadequately informed because of misleading representations on the part of a tertiary educational institution as well as their failure to acquire the requisite information.

The processes of registration and accreditation are geared toward screening the quality of tertiary education institutions. Students who enroll in a tertiary education institution which has successfully completed the processes of accreditation are less likely to be inadequately informed about the quality of instruction offered or the value of certification issued by the institution. Indeed, most of the complaints lodged were against non-accredited institutions or were related to unaccredited courses and programmes. The number of complaints could be significantly reduced, therefore, if students are made aware of the significance of registration and accreditation. Accordingly, a description of the processes and the bodies which undertake these functions is provided below.

2.1 Competition and Consumer Protection: The Role for Registration and Accreditation

A competition environment provides sufficient incentives for suppliers to offer consumers affordable high quality goods and services. One of the crucial underpinnings of a competitive environment is that consumers are adequately informed about the relevant characteristics of the services available from various suppliers. In the absence of an informed consumer base, suppliers have inadequate incentives to offer affordable high quality services.

Students enroll in tertiary level educational institutions for at least two reasons: (i) to acquire skills in a specific discipline and (ii) to improve their chances of securing gainful employment. The quality of instruction and employers’ perceived value of the institution’s certification are therefore important institutional characteristics as far as students’ decision-making processes are concerned. Since the 1980s, the number of students demanding post-secondary educational services has continuously out-paced the capacity of time-tested institutions such as University of the West Indies (UWI) and the University of Technology (UTech, formerly the College of Arts, Science and Technology). The excess demand for post-secondary education stimulated the growth of this market by encouraging institutions to enter and incumbent institutions to expand their services.

The installed enrollment capacity at long-standing institutions satisfies only a fraction of the demand, and as such a significant number of students have little choice but to enroll in institutions which have only recently entered. For students, a critical distinction between the services offered by long-standing institutions and those offered by recent entrants, is the bases upon which the desirability of these services are assessed. Long-standing institutions are assessed primarily on the basis of their reputation while other institutions are assessed on the basis of self-representation. Since an institution's reputation is a more reliable signal of quality than its self-representation, to the extent that reputation is less manipulable, students who fail to secure admission to reputable institutions are vulnerable to the vagaries of misleading representation. This observation is consistent with the discussion in a previous section on the nature and prevalence of misleading representation in the sense that fewer complaints were lodged against UWI or UTech. Further, the complaints lodged against these two institutions were related to accreditation or programme quality.

It is clear that improvement to the welfare of students is inexorably linked to providing them with information which is more reliable than that which is provided by the respective institutions. The regulatory processes of registration and accreditation provide one such means.

The wide variety of private institutions in Jamaica which offer training at the secondary, tertiary or vocational level have throughout the years sought to acquire the status of registration, accreditation, or other assistance mainly from the following entities:

- The Independent Schools Section (Ministry of Education);
- The University Council of Jamaica;
- City and Guilds of London Institute;
- Jamaica Independent Schools Association;
- Nursing Council of Jamaica;
- The Joint Board of Teacher Education;
- Joint Committee for Tertiary Education; and
- National Council on Technical and Vocational Education and Training.

A detailed description of the entities is provided in *Appendix B*.

When examining institutions or programmes for accreditation, the accreditation bodies may usually consider the following elements:

- The quality of the students;
- The quality of the staff;
- The quality of the programme: - Aims and philosophy - Structure or content of Practical work;
- Assessment & Evaluation Methods - Level of exams, course work, etc.;
- Physical Resources - Library, Computer Lab, Support Staff, etc.; and

- Student Support Services - Counseling services, Recreational facilities, Cafeteria Facilities, Loan facilities, Scholarships, and Grants etc.

In the case of University Council of Jamaica (UCJ), *"the aim of registration is to certify that an institution meets certain minimum operating standards required for the conduct of a tertiary institution in Jamaica. Registration provides an institution with the opportunity to establish a formal, publicly recognized relationship with the UCJ. Registration therefore is a pre-accreditation status"*.¹ An institution which registers with the UCJ is given four (4) years to present programmes for accreditation. Failure to do so may result in the registration status being withdrawn.

It is widely agreed that accreditation is a system by which the "level of performance, integrity and quality" of institutions and programmes are officially recognized. According to UCJ, "Accreditation is the status granted to an institution or programme that has been found, through self-study and peer review, to meet or exceed stated guidelines of educational quality". To be eligible for programme accreditation by UCJ, institutions must first seek to register with it.

There are two types of accreditation: *institutional* and *programmatic*. Institutional accreditation is accreditation of the entire institution and speaks to the general quality of the institution. Programme accreditation, on the other hand, evaluates the quality of specific programmes of study offered by an institution. A process of institutional assessment usually precedes accreditation of programmes in an institution.

Applying for accreditation of an institution or programme from any accreditation body is voluntary, but of practical importance. Entities such as the UCJ, NCTVET and City & Guilds require that institutions be registered with the Ministry of Education prior to applying for accreditation.

Accreditation of a programme is usually awarded for a defined period of time. NCTVET usually accredit programmes for a period of three (3) years. In the case of UCJ, programmes are accredited for a period of four (4) years. Re-affirmation of the accreditation of a programme must occur at the end of the period of accreditation. Accreditation and re-accreditation are similar in both substance and procedure. Re-accreditation is not automatic and Institutions should submit application for reaccreditation prior to expiry of accreditation.

2.2 The Value of Accreditation¹

The widely talked about purposes of accreditation are to attest to the educational quality of the institution or programme and the institutional integrity of the entity delivering the programme.

¹ The information contained in this section benefitted considerably from information available at <http://www.ucj.org.jm/> and <http://www.nqrjamaica.org/nationalregister/generalinfo/accreditationfees.aspx>

The various accreditation bodies put forward that accreditation holds benefits and services for students, the institutions and the public at large. These general benefits and services are as follows:

To the Institutions

- The process allows institutions to perform self-evaluation and self-direction towards institutional and programme improvement;
- Enhances the reputation of an institution and its programmes and inspires confidence in the educational community, through public certification of acceptable institutional quality;
- Expand the ability of the institution to market its services and programmes;
- Opportunity to partner with other institutions and professional bodies (local and international); and
- Provides opportunity to receive funding and donations.

To the Students

- Accreditation provides students with an assurance that the educational programme(s) of an institution have been found to be satisfactory and should therefore meet the needs of the student; and
- An accredited programme provides (a) students with a prerequisite for entering a profession; (b) a basis for admission into further studies by both local and foreign educational institutions; (c) assistance in the transfer of credits between accredited institutions.

To the Public

- Accreditation provides an assurance of external evaluation of the programme and a determination that there is conformity to general expectations;
- It provides an identification of institutions and programmes, which have voluntarily undertaken and successfully completed explicit activities towards improving the quality of their offerings; and
- It provides an avenue for improvement in educational services available to the public through mechanisms for continuous programme evaluation leading to modifications reflecting changes in knowledge and practice generally accepted in the particular field.

2.3 The Dangers of Enrolling In Unaccredited Programmes

When a programme or course is accredited, the components and structure of it are usually finalized and agreed to be of a particular standard. This provides the student with some security and the ability to properly plan their approach to their studies. Based on the issues raised in some of the complaints we have received throughout the years, it would appear that persons

who enroll in unaccredited programmes are likely to face some challenges. Such persons may find that:

- They are unable to acquire jobs since the certification obtained is deemed to be of no professional or public value, as is demonstrated by the case cited earlier in this report;
- They are unable to matriculate to other local or overseas universities;
- They are unable to transfer credits to accredited institutions for courses of identical content;
- Programmes may extend beyond the originally stated duration as the institutions seeks to improve the value of the programme as they compete with other tertiary accredited as well as non-accredited institutions;
- Components of the programmes may change at short notice;
- Lecturers or tutors may not have requisite qualifications and experience to satisfactorily impart the course material; and
- The institution may require additional tuition fees for the completion of the course or programme.

3.0 CONCLUSION AND RECOMMENDATIONS

The tertiary education market performs the crucial role of continuously training the next cohort of labor market participants and ensuring that students are matched with employment opportunities commensurate with their skills. It is clear that the institutions which have supplied these services no longer have the capacity to satisfy the burgeoning demand for tertiary education. The excess demand for tertiary education is partially being addressed by recent entrants. Based on our assessment of complaints lodged by students over the years, there is a distinct danger that Jamaica is not realizing the potential benefits of this expanding market due to uncertainty regarding the quality of institutions which have only recently entered. Students may limit their exposure to, if not avoid, misleading representation on the part of educational institutions by seeking admission to only reputable institutions. An institution may have established a good reputation through either having an extensive history of providing high quality services or by virtue of successfully completing the formal processes of registration and accreditation. To the extent that students enroll in accredited institutions only, the time taken for an institution to be accredited will represent an impediment for new entry. This means that the process of accreditation could unduly restrict competition if it is not completed as expeditiously as possible. Accordingly, we recommend the following:

- The Ministry of Education should engage in a public education campaign aimed at repeatedly sensitizing prospective students of tertiary level institutions to the difference between registration and accreditation;
- The State should require all institutions offering post-secondary level education to disclose their accreditation status in any representation made to the public; and

- Accreditation bodies should be encouraged to complete the accreditation in as short a time as possible. They may consider offering institutions a “provisional” certification of accreditation based on verifiable facilities available to the institutions. For example, if a significant proportion of the teaching faculty are holders of graduate (i.e. masters or doctoral) degrees, accreditation bodies could issue a provisional accreditation status upon application until the accreditation process has been complete.

APPENDIX A

1.0 - The Education Act & Regulations

The Education Act, 1965, the Independent Schools Regulations, 1973 and the Education Regulations, 1980, together set out the guidelines for the national education sector. In short the Education Regulations 1973 is focused on the governance of private educational institutions while the Education Regulations 1980 specifically governs public or government schools.

1.1 - The Education Regulations 1980

The Education Regulations 1980 which speaks generally to public educational institutions also speaks to tertiary education in sections 38-41. It does not define tertiary education per se, however it does state that tertiary education consists of:-

*"(i) full time education other than primary or secondary education;
(ii) part time education; and
(iii) leisure time occupation in organized cultural training and recreative activities..."*

Section 38-39 provides for the admission into such institutions, the award of scholarships and bursaries, and the board of management of such tertiary institutions. The Regulations however does not provide any modern regulations for instances which arise out of the changing educational landscape: non-local institutions which form co-operations with public tertiary institutions.

1.2- The Independent Schools Regulations 1973

The Independent Schools Regulation (ISR) which accounts for Part IV of the Education Act defines an independent school as *"any school at which education is provided for twenty or more pupils between the ages of eight years and nineteen years, not being a public educational institution"*. This definition would therefore cover from pre-primary to vocational and would not encompass the privately owned local tertiary educational institutions and non local tertiary institutions with operations in Jamaica.

The ISR initiated the registration process for private schools and sought to integrate them under the umbrella of the Ministry of Education, Youth and Culture. The Act (1965) and Regulation (1973) give the Minister of Education the power, authority and responsibility to:

- Determine the age at which children may be admitted to an Independent School;
- Evaluate the quality of the educational experiences being offered in Independent Schools and;
- Exercise control over the establishment and termination of such schools.

The third schedule of the Education Act (1965) makes provision for the appointment of an Independent Schools Committee by the Minister to hold office for a period not exceeding two (2) years. The Committee consists of three Government representatives one of whom is named chairman; one an attorney; one representative of the Jamaica Teachers' Association, and one representative of the Jamaica Independent Schools Association. The Regulations (1973) speak to the appointment of a Registrar of Independent Schools with direct responsibility to among other things, keep a Register of all Independent Schools and process all applications for registration.

2.0 - The National Council on Education Act

The National Council on Education Act which established the National Council on Education (NCE) was passed in March 1993. The Chairman and the Vice-Chairman is appointed by the Governor General acting on the advice of the Prime Minister after consultation with the Leader of Opposition. The functions of the Council are defined as follows:

The functions of the Council shall be to-

- advise the Minister on policy matters relating to education in Jamaica;
- in respect of every public educational institution owned by the Government, nominate for the purpose of appointment as members of the Board of Management of such institution, such number of persons as may be prescribed;
- assist in the preparation of plans and programmes for developing and maintaining an effective and efficient educational system;
- monitor and evaluate the implementation of the plans and programmes referred to in paragraph (c) and, in respect thereof, make to the Minister such recommendations as it thinks fit;
- manage the Fund in conformity *with* this Act;
- stimulate the development of education in Jamaica, whether by means of training programmes, competitions, exhibitions or otherwise, as the Council thinks appropriate; and
- perform such other functions relating to education as may be assigned to it by the Minister pursuant to this Act or any other enactment.

3.0 - The University Council of Jamaica Act

The University Council of Jamaica Act, which essentially established the UCJ, was passed in 1987. The Chairman and the Vice-Chairman is appointed by the Education Minister and the council is comprised of representatives of universities and professional organizations. The Act defines the functions of the UCJ as follows:

The function of the Council shall be to promote the advancement in Jamaica of education, learning and knowledge in the fields of science, technology and the arts by means of the grant of academic awards and distinctions and for that purpose –

- to determine the conditions governing the grant of such awards and distinctions; and,
- to approve courses of study to be pursued by candidates to qualify for such grants, including, where appropriate, arrangements for training and experience in industry or commerce associated with such courses.

The UCJ Act however makes no explicit mention of any fines or penalties to be imposed on any entity for whatever reason.

4.0 - The Council of Community Colleges of Jamaica Act

The Council of Community Colleges of Jamaica Act was passed in December 2001. It established the Council of Community Colleges of Jamaica (CCCJ) which is a statutory agency under the Ministry of Education. The CCCJ's work is to supervise and coordinate the work of Community Colleges in Jamaica. The Council comprises members of the Colleges, representatives from other sectors of the tertiary and secondary education system, as well as members of business and industry. In the pursuance of the twin objectives to supervise and coordinate the work of the Colleges, the CCCJ is mandated to exercise essentially three main functions: to promote, regulate and develop.

The Council through its regulatory function seeks to determine and implement common standards in the Colleges to ensure the integrity of the courses from one campus to the next, and also with the intention of addressing the need for articulation with other educational institutions both locally and abroad. In this regard, the Council:

- Prescribes the conditions under which students may be admitted as students of community colleges
- Considers, recommends and approves curricula to be used in the community colleges
- Determines conditions for the holding of exams
- Examines and assesses the work of students in the Colleges.

5.0 - Fair Competition Act

The Fair Competition Act (FCA) was established in 1993 to ensure that the benefits of the competition process in Jamaica are unhindered by anti-competitive activity. The objectives of the Act are to:

- Encourage competition in the conduct of trade and business in Jamaica;

- Ensure that all legitimate business enterprises have an equal opportunity to participate in the Jamaican economy;
- Provide consumers with better products and services, a wide range of choices at the best possible prices.

To achieve these objectives, the Act contains two broad categories of prohibitions those dealing with anti-competitive practices and those dealing with consumer protection. The Fair Trading Commission (FTC) is the administrative body responsible for implementing the FCA. Matters which have to date been brought to the FTC's attention in relation to the education sector have been mostly examined under Section 37 (misleading advertising), a consumer protection provision.

5.1 - Misleading Advertising in the Education Sector

Section 37 of the Act prohibits any *“representation to the public that is false or misleading in a material respect”* for the purposes of promoting, directly or indirectly, any business interest. The representation may be about the nature, character or performance of a product, such as the content, value, or quality of a course or programme. It also includes warranties, statements, or guarantees that are not based on adequate and proper tests. Misleading representations may include representations:

- about the performance, efficacy or length of life of goods that is not based on adequate and proper tests;
- that services of a particular kind, standard, quality or quantity will be supplied;
- that a service will be supplied by a particular person or a person of a particular qualification or skill;
- warranties or guarantees on any product or service;
- concerning the price at which any good or service will be supplied.

All methods of making representations, including printed or broadcast advertisements, written or oral representations, audio-visual promotions and illustrations, are covered by the prohibition.

6.0 - Consumer Protection Act

The Consumer Protection Act (CPA) was passed in 2005 and is administered by the Consumer Affairs Commission (CAC). The CPA provides for the promotion and protection of consumer interests, in relation to the supply of goods and the provision of services to ensure protection of life, health and safety of consumers and others. The provisions outlined in Sections 28 – 33, function similarly to Section 37 of the FCA. For instance, Section 28 of the CPA prohibits *“misleading or deceptive conduct”*; section 28 speaks to misleading the public as to the nature of goods and services; section 30 addresses false or misleading representations; section 31 relates to non delivery of good or services within the contracted time, and section 32 prohibits

a person from advertise goods or services “he does not intend to supply” or “does not have reasonable grounds for believing can be supplied by him”. The Act empowers the CAC to:

- carry out, at the request of a consumer who has been adversely affected, such investigations in relation to the sale of goods or the provision of services as will enable it to determine whether the goods were sold or the services were provided in contravention of this Act and thereafter to make such report and recommendations in connection therewith as it thinks fit to the Minister;
- carry out, on its own initiative, such other investigations in relation to the availability of goods of any class or description as it thinks fit and make such report and recommendations as it thinks fit to the Minister;
- promote the development of organizations formed for the protection of the consumer....,
- collect, compile and analyze information in relation to any trade or business;
- provide information to consumers on their rights as consumers and any other form of consumer education;
- implement education programmes for the benefit of consumers, suppliers and service providers;
- seek to resolve disagreements between consumers and providers; and
- carry out such other functions as the Minister may assign to the Commission from time to time.”

APPENDIX B

Accreditation, Registration and Monitoring Entities

The wide variety of private institutions in Jamaica which offer training at the secondary, tertiary or vocational level have throughout the years sought to acquire the status of registration, accreditation, or other assistance mainly from the following entities:

- The Independent Schools Section (Ministry of Education)
- The University Council of Jamaica
- City and Guilds of London Institute
- Jamaica Independent Schools Association
- Nursing Council of Jamaica
- The Joint Board of Teacher Education
- Joint Committee for Tertiary Education
- National Council on Technical and Vocational Education and Training

1.0 - The Independent Schools Section of MOE

The Independent Schools Section (ISS) is situated in the Educational Services Division of the Ministry of Education, and reports directly to the Chief Education Officer and through that position to the Permanent Secretary and Minister of Education. The Independent Schools committee reports directly to the Minister of Education. Independent Schools are any schools at which education is provided for 20 or more students not being a public educational institution. It, therefore, covers from Pre-Primary to Vocational.

The primary mandate of the ISS is to *“effectively **register** and **monitor** the operation of Independent Schools as an integral part of the education system, seeking to ensure that students attending these institutions are exposed to quality teaching/learning experiences to enhance their development according to abilities and that adequate preparation are given to these students for the various national and overseas examinations”*.

The Education Act (1965) and the Regulations (1973) allows for the appointment of a Registrar of Independent Schools with direct responsibility to:

- Keep a Register of all Independent Schools;
- Process all applications for registration;
- Serve notice of complaint on schools with the direction of Independent Schools Committee;
- Liaise with the Ministry of Finance and the Public Service; Ministry of Labour and Social Security; the Attorney General’s Office; as well as other Government and non-Government agencies on matters relating to Independent Schools;

- Investigate complaints from students, parents and teachers; and initiate necessary action;
- Advise Principals/Proprietors of “Finally Registered Schools” on Tax Exemptions e.g. property G.C.T. etc.
- Gazette schools which are finally registered, closed or have changed name and location;
- Review proposal for new schools prepare submission for the Director of Public Prosecution;
- Monitor advertisement in the printed and electronic media; and
- Monitor deferred schools re improvements required for registration.

All Independent Schools are required where applicable to use the National Curriculum developed as the base of their programmes. Students in these schools are eligible to sit all national and overseas examinations.

2.0 - The University Council of Jamaica

The University Council of Jamaica (UCJ), established by the University Council of Jamaica Act in October 1987. It is a statutory body currently under the portfolio of the Minister of Education, Youth and Culture. The UCJ functions essentially as an accrediting, awards and academic development body for degree, diploma and certificate programmes proposed and developed at approved tertiary institutions. Its three main functions are:

- To register institutions offering tertiary education to ensure that certain minimum standards are met with respect to: adequacy and suitability of physical facilities, educational value of institutional courses and qualifications and competence of staff, etc.
- To provide accreditation for degree and specialized programmes by: establishing and applying criteria for the accreditation of tertiary/higher educational programmes and courses of study.
- To assist in the development of tertiary institutions by providing professional advice and services for the development and improvement of programmes.

3.0 - The City and Guilds of London Institute

The City and Guilds of London Institute (City & Guilds) is a leading United Kingdom vocational education organization. City & Guilds offers more than 500 qualifications over the whole range of industry sectors through 8,500 colleges and training providers in 81 countries worldwide including the Caribbean countries of Jamaica and Trinidad & Tobago.

City & Guilds offer International Vocational Qualifications (IVQs) in a range of subjects including hairdressing and beauty, telecommunications, motor vehicle engineering, international tourism, construction, catering and hospitality, IT, and electrical engineering etc.

4.0 - The Jamaica Independent Schools' Association

The Jamaica Independent Schools' Association (JISA) was founded in 1969, and is a Professional Organization of Principals, Vice Principals and Directors of registered private schools. JISA's mandate is to build the capacity of private schools in order to improve teaching and learning. Any private school (whether Pre-Kindergarten, Kindergarten, Preparatory, High Schools, Vocational Institutions, Continuing Education or Special Learning Centres) offering education below the tertiary level and is registered by the Ministry of Education can become a member of JISA. The focus of the association is to:

- Encourage and foster establishment and maintenance of efficiently operated Independent schools in Jamaica.
- Achieve and maintain the highest moral, ethical and professional standards among administrators and teachers of Independent Schools.
- Encourage the improvement of Independent Schools and seek governmental recognition of and assistance for all such efficiently operated schools.

JISA proposes that through its guidelines, data collection, dissemination of information and the co-ordination of activities planned by the Association (i.e. sports competitions, annual general meetings, conferences, workshops) it will be able to:

- provide effective stable leadership through its Executive body
- secure funding for major projects
- provide professional development programmes for teachers in private schools
- assist member schools with keeping abreast of best practices, current knowledge and cutting edge technology
- make representation whether to the Ministry of Education or other entities and negotiate on behalf of member schools.

5.0 - The Nursing Council of Jamaica

The Nursing Council of Jamaica was established in 1952 and operates under the Nurses and Midwives Act of 1964. It is the regulatory body which controls the training and practice of nurses, midwives and assistant nurses. Additionally, it registers or enrolls these persons when they have successfully completed the Council's qualifying examinations. General nurses, midwives and assistant nurses trained abroad, who are seeking employment in Jamaica have to meet the requirements set by the Council before registration. Some of the functions of the Council are:

- Establish standards for education, practice and conduct of registered nurses, midwives and enrolled nurses.
- Set entry requirements for candidates to pursue nursing and midwifery programmes.
- Approve all educational programmes, including curricula and training institutions for nurses, midwives and assistant nurses.
- Evaluate education/training institutions on a regular basis.

- Administer the qualifying examinations for nurses, midwives and assistant nurses.
- Provide counseling and advice on professional standards and conduct for action through hearings.

The Nurses and Midwives Act 1964 prohibits deems it illegal for a nurse or midwife to practice without a license. License are renewed biannually nurses and midwives must show proof that they have obtained a minimum of sixty (60) contact hours of continuing education during the two year period.

6.0 - The Joint Board of Teacher Education

The Joint Board of Teacher Education (JBTE), Mona, which was established in 1965, functions as a quality assurance body in teacher education in several Caribbean countries. The JBTE is a statutory board of the University of the West Indies. According to Ordinance 14 [Sections 4(a) & (e)] of the University statutes, a Joint Board may be established by the Vice-Chancellor in consultation with the governments of any country or group of countries, for a country or group of countries, Currently there are two Joint Boards of Teacher Education: the JBTE based at the Mona Campus of the University of the West Indies, which serves Jamaica, the Bahamas, Belize and Turks and Caicos Islands in the Western Caribbean; and the more recently founded JBTE based at the Cave Hill campus in Barbados, which serves the Eastern Caribbean.

The JBTE Mona partners with the UWI, the Education Ministries of the governments of Jamaica, the Bahamas, Belize and Turks and Caicos Islands, and the teachers' colleges to certify teachers. Additionally it is responsible for the development of teacher education and accreditation and has the following functions:

- To consider and recommend or approve the syllabuses of teachers' colleges
- To examine and assess the work of students in training
- To make recommendations on teacher training and allied matters to the appropriate authorities
- The certification of teachers

7.0 - Joint Committee for Tertiary Education

The University Council of Jamaica (UCJ) facilitated the formation of the Joint Committee for Tertiary Education (JCTE), which was established as an umbrella organization for all public and registered private tertiary institutions. Its main functions are professional development and advising the Minister of Education on relevant matters.

8.0 - The National Council on Technical and Vocational Education and Training

The Human Employment and Resource Training (HEART) Trust was established in 1982. HEART is financed through a compulsory 3% payroll deduction levied on qualified private sector firms, which is supplemented by assistance from international partners. The Trust is mandated to

finance, develop and monitor employment-training programmes, assist in placing graduates seeking jobs and promote employment projects. The National Council on Technical and Vocational Education and Training (NCTVET), which handles the certification for HEART programmes, provides training, assessment and certification relevant to facilitators, learners, employers and other key stakeholders in the Technical Vocational Education and Training (TVET) system in Jamaica.

As the Quality Manager, NCTVET has overall responsibility for developing competency standards, assessment and qualification guidelines, certifying assessors, accrediting TVET institutions, programmes and registered training organizations. Also it issues the National Vocational Qualifications of Jamaica (NVQ-J) to individuals who have demonstrated the required competencies in the various occupational areas.