

QUALITY ASSURANCE AGENCY FOR HIGHER EDUCATION

RESPONSE TO DEPARTMENT FOR EDUCATION CONSULTATION: SECURING STUDENT SUCCESS

December 2017

INTRODUCTION

The Quality Assurance Agency for Higher Education (QAA) welcomes the opportunity to respond to this consultation. QAA supports the implementation of a proportionate, risk-based approach to quality assessment. This is the right approach for a mature higher education sector.

PART 1: OVERVIEW (pages 26-42)

1. Do you agree or disagree that these are the right risks for the OfS to prioritise? (Page 26)

Agree.

These risks ensure that students are at the centre of the revised regulatory framework, and that maintaining standards and quality is a key component of a good academic experience.

2. Given all the levers at its disposal, including but not limited to access and participation plans, what else could the OfS be doing to improve access and participation and where else might it be appropriate to take a more risk-based approach? (Pages 26-29)

QAA has a long-standing commitment to ensuring students from all backgrounds are supported to access and succeed in higher education. QAA welcomed recognition of the Access to HE Diploma's contribution by Jo Johnson, Minister for Universities, Science, Research & Innovation in his 2017-18 grant letter (February 2017) to HEFCE, which secured funding for QAA's work in relation to regulating the Access qualification for that year. As the regulatory landscape continues to develop, QAA believes that this important qualification should be safeguarded and funded for the future, and will seek further discussions with the Department for Education, the Welsh Government and the Director for Fair Access and Participation at the Office for Students on this matter. Regulation of the Access to HE Diploma must remain with a UK-wide quality body to safeguard the pathways and progression routes into higher education providers across the UK

3. Do you agree or disagree that a new Quality Review system should focus on securing outcomes for students to an expected standard, rather than focusing on how outcomes are achieved? (Pages 30-33)

Agree, but with significant reservations.

QAA agrees that securing quality outcomes for students should be paramount. As a UK-wide agency, it also believes that although a devolved system – England, Northern Ireland, Scotland and Wales – operates for higher education, what happens in one nation still matters to, and has an impact on, the others. As HERA and the new regulatory framework in England are implemented, the shared UK-wide common principles which underpin a coherent system must be retained, to secure quality outcomes for all UK students. It is also critical that international confidence in, and understanding of, the UK higher education brand is maintained.

Outcomes for transnational education students In 2015-16, there were 701,010 UK TNE (offshore) students, of which 74,965 were studying within the EU and 626,045 outside the EU [source: HESA]. TNE represents the main area of growth in UK higher education in terms of

student numbers – TNE student numbers exceed the number of international students in the UK by around 60%. Over 80% of UK universities are engaged in some form of TNE, either through distance learning, partnerships or branch campus arrangements. According to Universities UK International, there are now only 15 countries in the world where the UK does not offer any higher education.

Quality assurance of TNE is undertaken on a UK-wide basis to maintain the international reputation of UK higher education. Overseas governments and regulators expect that UK provision in their country is of the same quality as that delivered in the UK, and is subject to UK quality assurance. It is, therefore, appropriate that the UK-wide sector should continue to collectively own and oversee the quality assurance of TNE. In turn and in the spirit of co-regulation, a UK wide quality body should undertake the quality assurance of TNE on behalf of the UK sector. Managing the quality assurance of TNE in the future will need to take account of the requirements of each nation, whilst continuing to present a rigorous framework for the assurance of the quality of UK HE globally.

UK-wide coherence: the Quality Code is central to UK coherence, as the core, definitive reference point for UK quality and standards. It applies to higher education providers operating in all four nations of the UK, as well as UK higher education provision overseas.

The Quality Code embodies the co-regulatory approach that underpins UK higher education. It is co-owned by the higher education sector, and was developed by expert groups of sector representatives. To characterise the Quality Code as focussed purely on processes does not fully represent the diversity and richness of its sector-developed practices. The valuable guidance on subjects such as the management of academic standards should not be discarded. New providers, in particular, value this guidance.

Paragraphs 16 and 17 of the consultation document refer to the parallel consultation taking place on the Quality Code by QAA and the UK-wide Standing Committee for Quality Assessment. They state that the Quality Code may not be used in the new Quality Review system, if the revised version “is not suitable”. QAA urges that every effort be made to align the regulatory framework in England and the outcomes of the Quality Code consultation. UK higher education is a significant international success and protection should be given to the coherence of a UK system which has taken many years to build.

4. Would exploring alternative methods of assessment, including Grade Point Average (GPA), be something that the OfS should consider, alongside the work the sector is undertaking itself to agree sector-recognised standards? (Pages 30-33)

In relation to GPA as an alternative classification method, this should be given further consideration, although this may not in itself address concerns about grade inflation. QAA has supported UK work on GPA to date, including as a member of the national advisory group on GPA led by the Higher Education Academy and chaired by Sir Bob Burgess. This group was subsequently replaced by a lighter touch GPA governance committee.

While Canada and the USA are often cited as using GPA successfully, there is no single national system in these countries. In the USA and Canada, degrees awarded by different institutions are less comparable than the UK, because they are not supported by a common framework such as the UK Quality Code, Subject Benchmark Statements and the Frameworks for Higher Education Qualifications of UK Degree-Awarding Bodies.

The approach should, therefore, be based on a full understanding of the implications for different providers, their students and other stakeholders. Students and employers should also be fully involved in discussions about a GPA system would work. If there were to be a widespread adoption of GPA, it would require sector consensus on the approach to avoid duplication or confusion.

5. Do you agree or disagree that a student contracts condition should apply to providers in the Approved categories, to address the lack of consistency in providers' adherence to consumer protection law? (Pages 33-36)

Agree.

It is important that the information provided to students is reliable and consistent to ensure they can make informed choices. It is essential that providers, students, employers and other key stakeholders are consulted, to define the information they would find of most use.

QAA welcomes the OfS' intention to undertake further consultation on student contracts and consumer rights (Box E), to better understand the benefits for students.

6. What more could the OfS do to ensure students receive value for money? (Pages 36-37)

For students, a significant component of value for money (VfM) is the quality and standards of the teaching, learning and assessment practices in their academic experiences.

QAA introduced student written submissions to its review methods in 2002. Today, student engagement in quality assurance and students as partners in their education is the norm in many higher education providers. QAA's 2017 analysis of these submissions, *Taking the Long View of the Student Voice*, found that students have remained concerned about contact time, assessment and the need for timely feedback. Teaching quality more broadly has emerged recently as a concern, as has inconsistencies in the student experience. Students tend to have a greater awareness of differences between subjects in the levels of contact with staff and the provision of resources. They are also more concerned about hidden costs and the accuracy of published information.

These findings concur with 2013 research commissioned by QAA with King's College London into student expectations and perceptions of their education. The OfS should be responsive to these concerns in its regulatory activities, as should the designated quality body in designing and implementing the framework for assessment of quality and standards.

Students' unions have repeatedly told QAA that the student written submission and an external review are some of the most significant opportunities they have to influence change in their institutions. The designated quality body, in designing the new quality assessment system, should build in opportunities for direct student engagement on a systematic basis. The designated quality body should also undertake thematic inquiries on quality issues that matter to students.

Student and employer engagement in co-creating the curriculum, and in finding innovative ways to embed the development of skills and competences, should also promote a greater sense of value for money. QAA's reviews of higher education providers have found:

- They generally work well with employers
- They have consistently shown a strategic commitment to (and investment in) students' employability

QAA has a number of active networks that could facilitate opportunities for continuing dialogue in promoting value for money, including through its Student Advisory Committee and PSRB (professional, statutory and regulatory body) Forum.

A recent report by the National Audit Office draws on data from the HEPI/HEA student experience survey indicating that 32% of students from England consider that their course offers value for money (down from 50% five years ago). Value for money is open to interpretation and the *perception* of value for money is not a measure in itself. Defining tangible, transparent and evidence-based measures for value for money will be a key task for the OfS, to ensure the sector

and providers are clear about what would constitute a breach. Equally, providers that cite their own evidence for offering value for money should follow the same principle.

PART 2: SECTOR-LEVEL REGULATION (pages 43-64)

10. Do you agree or disagree with the proposed ongoing general registration condition requiring the publication of information on student transfer arrangements? How might the OfS best facilitate, encourage or promote the provision of student transfer arrangements? (Pages 56-59)

Agree.

QAA welcomes the requirement to publish information about student transfer options, as a registration condition. Many higher education providers already have policies in place for student transfers within or beyond the institution, so it should therefore be straightforward for providers to publish a statement explaining these arrangements. This would also support the OfS in its duty to monitor credit transfer arrangements in England and help raise awareness of the options available by 'normalising' transfer arrangements.

QAA publishes the frameworks on which UK higher education qualifications are based, as well as the framework and guidance that supports and facilitates transfer between English institutions based on a record of accumulated credit. The national Credit Frameworks, which align with European standards, are currently published in Part A of the Quality Code.

In 2009, QAA, with Universities UK and GuildHE, carried out a survey of the implementation of the Higher Education Credit Framework for England, which found that the vast majority (over 90%) of degree awarding bodies in England already used credit systems. Many providers also make use of the European Credit Transfer and Accumulation System (ECTS) to support student mobility in Europe.

QAA's engagement with providers suggests that this high take-up continues to be the case today. QAA would be interested in working with the OfS to conduct research to confirm this and to gain a better understanding of how these credit frameworks are used specifically to facilitate student transfer.

UK higher education has an outcomes-based approach to qualifications. The fundamental premise of this is that qualifications are awarded because a student can demonstrate achievement of pre-defined learning outcomes, rather than being based simply on the duration of study. Degree awarding bodies must be able to assure themselves that students have achieved the learning outcomes for the qualification which they are awarded, in order to ensure the academic standards of the credit and qualifications they award. It should also be noted that, while QAA would actively promote the use of credit frameworks, autonomous degree awarding bodies are not required to use them and may set academic standards through other means.

However, QAA believes that these issues can be overcome with further research on the barriers to student transfer, perceived or otherwise. Examining best practice and barriers, including regulatory disincentives, to transfer is crucial in tackling this issue.

11. Do you agree or disagree with the proposed approach to sector level regulation in chapter 2? (pages 43-64)

Agree in principle.

From the outset, QAA has strongly supported the introduction of a single register for all types of higher education providers in the new regulatory framework for England. QAA also welcomes the proposals for student protection in case of provider failure, which must be robust and have the full

confidence of students themselves.

There are a number of areas in the proposed approach that would merit further consideration:

Higher and degree apprenticeships: in relation to paragraph 66b), the OfS should take into account the importance of higher and degree apprenticeships in building the right skills base for employers and the economy. With their significant work-based components and employer-oriented nature, thought should be given to how higher and degree apprenticeships are regulated and quality assured in the proposed framework.

Transnational education (TNE): as discussed in the response to question 3, over 80% of UK universities are engaged in some form of TNE, either through distance learning, partnerships or branch campus arrangements. This significant export depends upon the world class reputation of UKHE, wherever and however it is delivered. It is, therefore, appropriate that a UK-wide quality body, on behalf of the UK-wide sector, undertakes the quality assurance of TNE in future.

Student engagement: whilst this section of the consultation references students, at a sector-level a more detailed student engagement strategy will be required to ensure that the student voice is fully represented.

Validation: QAA's views on the proposed approach to validation are set out in its response to question 24.

Accelerated degrees: QAA believes that the UK's focus on student outcomes, rather than duration of study, means that accelerated courses can fully meet the required standard of a UK degree and deliver a high quality educational experience, providing welcome extra choice for students. A QAA Viewpoint paper on accelerated degrees, published in November 2017, includes case studies from three different providers which provide insights into the benefits of, and logistical adjustments required in, delivering these courses. Support, guidance and sharing of good practice will be important for providers in developing and delivering increased numbers of accelerated degree programmes.

Co-regulation and the role of the designated quality body: to ensure a coherent, cohesive UK regulatory and quality framework, it is important that the OfS works with the co-regulatory features of the UK higher education system, represented by providers themselves, the independent designated quality body, and the UK-wide Standing Committee for Quality Assessment. The designated quality body should work in partnership with the OfS on general monitoring in relation to quality and standards, lead indicators, and the design and implementation of enhanced monitoring where risks to quality and standards are identified.

Teaching Excellence & Student Outcomes Framework: in relation to the plans set out for the TEF (paragraphs 84-93), it will be important to ensure cohesion with quality assessment, particularly given proposals for the TEF to be a primary driver for enhancement. The designated quality body should, therefore, have a core role in the design and implementation of the TEF. This will ensure the maintenance of coherence in, and an appropriate degree of independence within, the overall quality and standards assessment framework. QAA also notes that under the proposals, the TEF will become a condition of registration ahead of the independent review scheduled for 2018-19, so there must be provision for adjustments to be made in light of any relevant findings from that review.

PART 3: PROVIDER-LEVEL REGULATION (pages 65-139)

13. The initial conditions should provide reassurance that providers will meet the general ongoing conditions without creating unnecessary barriers to entry. Given this, are the initial conditions appropriate? (pages 72-78)

QAA broadly agrees with the range of conditions specified in the consultation.

It is critical, however, that the conditions of registration addressing quality and standards map precisely with the revised expectations of the UK Quality Code. This will ensure a clear, coherent UK-wide approach. It will also ensure that UK students studying in UK nations other than their home nation are not subject to different expectations.

In relation to paragraph 150, further detail on how the OfS will “use professional judgement in a structured way to evaluate whether a provider has demonstrated that they meet these conditions”, would be useful in demonstrating that the process is fully transparent.

14. Do you agree or disagree with the proposed lists of public interest principles in the Guidance, and who they apply to? (accompanying guidance on registration conditions, pages 46-50)

Agree.

15. Do you agree or disagree with the proposed approach on the application of conditions for providers wishing to seek a Tier 4 licence? (pages 84-85)

Agree.

Further clarification would be helpful on whether Approved registration for Tier 4 licences will be a requirement for providers which do not deliver full higher education courses leading to UK awards. These include: Study Abroad providers delivering parts of mainly North American courses; international providers delivering courses leading to non-UK awards; or embedded colleges which deliver bridging or preparatory courses.

As indicated in paragraph 194, further guidance from the Home Office on differences in Tier 4 licence conditions by types of provider will also be helpful.

17. Do you agree or disagree with the proposed approach for the benefits available to providers in the different registration categories? (Pages 81-88)

Agree.

QAA strongly supports the single register for providers as an important step forward. For Approved and Approved (fee cap), the benefits are clearly articulated in the consultation document. There is less information on benefits for those in the Registered Basic category. As it is voluntary to register in the Registered Basic category, the totality of higher education provision in England is still unlikely to be captured and, therefore, a group of providers will remain outside the register.

18. Do you agree or disagree with the general ongoing registration conditions proposed for each category of provider (see the Guidance for further detail)? (Pages 86-92)

Partially agree.

Condition J2 sets an ongoing registration condition requirement for Approved and Approved (fee cap) providers to provide the designated data body with information, but there is no such requirement to provide information to the designated quality body, if necessary.

A more general power applying to all providers, including Basic, is contained in Condition J1 which allows for the OfS, or a person nominated by the OfS, to require information from providers. Examples in the guidance include ‘assuring compliance with ongoing registration conditions, assessing and identifying risk and investigating issues that might arise’ as well as ‘reportable’ events such as sales, mergers and acquisitions or the ‘provider becoming aware of suspected fraud or financial irregularity’.

Much of this kind of information will be relevant to the designated quality body in the exercise of its

duties under S.23 HERA. It would be expected that, following designation, the designated quality body will be identified as a person nominated by the OfS.

19. Do you agree or disagree with the proposed approach to risk assessment and monitoring? (Pages 92-112)

Agree in principle.

QAA supports the proposed lead indicators of risk. As they are primarily lag indicators in nature, this could present potential problems in terms of delayed risk identification, however the work being undertaken by the HESA Data Futures programme should address these issues. As the consultation acknowledges, the proposed approach to risk assessment and monitoring will require refinement over time, as the effectiveness of the approaches are tested. In relation to paragraph 241 and elsewhere, it would be helpful to have further clarification on how the OfS would approach any future adjustments to risk assessment and monitoring transparently, for example through sector consultation.

In order to ensure the coherence of the regulatory functions and assessment of quality and standards, the designated quality body will have a key role in risk assessment, risk monitoring, and random sampling, as part of that body's statutory duties, as mentioned in the response to question 11 above.

QAA agrees with random sampling which is proposed at an initial level of 5%. At this stage of development of the framework, it is not clear whether this percentage would provide confidence to the public and students. QAA suggests flexibility, therefore, to adopt a range of 5-10%. Together with the risk assessment, monitoring, and quality and standards assessment arrangements, this will integrate into a model that assures standards sufficiently. The OfS and designated quality body should keep the sampling level under review and in line with the overall level of risk in the sector, and in accordance with the principles of the [Regulators' Code](#) (2014).

20. Do you agree or disagree with the proposed approach on interventions (including sanctions) and do you agree or disagree with the proposed factors the OfS should take into account when considering whether to intervene and what intervention action to take? (Pages 118-130)

Agree in principle.

We agree with the proposed approach and with the factors the OfS should take into account. The range of interventions and actions is broad, covering situations where providers are proactive in making the OfS aware of issues that could potentially lead to a breach of condition, or to more serious scenarios where an institution is complicit in dishonest or fraudulent activity.

In the former, less serious, scenarios, the OfS' approach to interventions and sanctions would be expected to be based around transparency and learning. This means that not only will the provider involved be able to learn and adapt, but others will be able to benefit from their experience.

In relation to more serious breaches involving deceit or fraud, QAA supports the OfS' intention to use severe sanctions including deregistration. However, many of the non-exhaustive list of lead indicators (paragraph 236) aiding early identification of a breach of ongoing baseline conditions are unlikely to pick up activity that is intended to mislead or defraud. Other indicators, such as the proportion of students recruited through agents, might also be considered.

21. Do you agree or disagree with the proposed approach the OfS will take to regulating providers not solely based in England? (Pages 137-139)

Agree.

Further clarity in due course will assist in making these arrangements operational.

PART 4: THE OFS AS AN INSTITUTION (pages 140-160)

22. Do you agree or disagree with what additional information is proposed that the OfS publishes on the OfS Register? (Pages 140-146)

Agree.

QAA champions clear, transparent and trustworthy information to aid student choice. Inclusion on the register will give the information authority and help the public navigate the sometimes complex sets of information, both official and unofficial, available about a course or provider today.

The range of information proposed is comprehensive, and is likely to be useful for a very wide set of the public with a stake in the standards of UK higher education, from prospective students and their supporters, to employers and many others. QAA particularly welcomes the inclusion of clear information about the quality and standards assessments to be conducted by the designated quality body, and a commitment to publish the outcomes of these assessments.

However, with 16 distinct sets of information proposed in addition to the information required by the Act (many of which will hold further data within), careful consideration will need to be given to the way in which this is presented. Consultation with stakeholder groups will help to ensure that the information presented in the register is as useful and accessible as possible. QAA's Student Advisory Committee may provide a useful sounding board. Collection and analysis of how the information is used by visitors to the register will also be helpful in making further improvements.

QAA would welcome further clarification on the circumstances that would lead to the inclusion, removal and updating of information presented on the register, and at what stages in the regulatory process those changes might take place.

23. Do you agree or disagree with the principles proposed for how the OfS will engage with other bodies? (Pages 132-137)

Agree.

The principles are sound and are in keeping with the excellent practice that already exists in the higher education sector today. QAA agrees with the principles as stated.

Chapter 6 also clarifies how the OfS will communicate with certain organisations. It could be helpful for the OfS to elaborate further here on the working relationships it envisages with its counterparts in Northern Ireland, Scotland and Wales to promote collaboration and coherence across the UK.

24. Do you have any comments on the proposed exercise of OfS functions in relation to validation, in particular in relation to ensuring that the validation service is underpinned by the necessary expertise and operates in a way that prevents or effectively mitigates conflicts of interest? (Pages 147-151)

QAA supports government proposals to improve validation services in the new regulatory framework for England. In parallel, QAA has been involved in a joint project with Independent Higher Education and the Open University on piloting a streamlined approach to validation. The final report on the project is expected to be published in December 2017 or early in the new year, and will make a range of recommendations, including:

- A new register of validators
- Aligned assessment processes between the designated quality body and validating providers
- Periodic review of validation across the sector by the OfS

- Developmental support for those seeking validation
- Inclusion of alternative models of provision (for example, accelerated degrees) in any future national system for external examiner briefing and training

QAA believes that the steps now being taken should deliver the required improvements to validation, and that the OfS should not need to become a 'validator of last resort' itself, as this may present significant challenges (for example, the OfS may be subject to quality assessment itself). The OfS, as a validating body, could also be expected to provide, or at least offer access to, a range of support facilities and resources for staff and students, such as access to counselling and student support, staff development, libraries, IT and other facilities.

Validation is not without risk. Previous QAA reviews have found significant problems where providers have lost sight over their validated partners, which has caused reputational damage to the validating body. In developing its own risk framework, the OfS should be alert to the risks posed by serial validation.

QUALITY ASSURANCE AGENCY FOR HIGHER EDUCATION

RESPONSE TO DEPARTMENT FOR EDUCATION CONSULTATION: SIMPLIFYING ACCESS TO THE MARKET

December 2017

INTRODUCTION

The Quality Assurance Agency for Higher Education (QAA) welcomes the opportunity to respond to this consultation. Since its foundation in 1997, QAA has provided expert advice to UK government and all devolved administrations on applications for degree awarding powers and university title. QAA works with potential applicants to improve their understanding of the requirements and expectations associated with applying for degree awarding powers. Detailed scrutiny of the evidence provided by an applicant is undertaken by peer assessment. The independent [Advisory Committee on Degree Awarding Powers](#) (ACDAP) considers the outcomes from peer assessment, together with the evidence submitted by the applicant, and makes recommendations to QAA's Board, which then determines the nature of advice to be provided.

QAA has offered advice to the Department for Education in the development of its policy on market access, and so has responded to selected questions in this consultation, based on its particular areas of expertise. This response has been prepared in consultation with, and input from, ACDAP, which has advised on over 80 successful applications since 2004 from across a broad range of provider types.

PART 1: DEGREE AWARDING POWERS (pages 12-38)

Question 1: Do you agree or disagree that the OfS should consider applications for New DAPs for research awards from providers without a three-year track record of delivering higher education in England? (Pages 18-20)

Agree in principle.

The proposal for well-established, high quality overseas providers to deliver higher education awards at research degree level has the potential to widen the choice for research students and should therefore be welcomed in principle.

There is an important distinction, however, between organisations that are already delivering research degrees elsewhere and those that have little or no experience of delivery. The ability of a provider without a three-year record to deliver New DAPs for research awards would require detailed scrutiny and further clarity on the criteria used in assessment to ensure a high quality academic experience.

QAA makes the following observations:

- **Gathering intelligence and evidence:** QAA has found it challenging in some instances to gather reliable intelligence and objective evidence of the good standing of an overseas provider. Close working between the OfS and the designated quality body will be essential in expediting applications from overseas providers, considering intelligence from other government departments
- **Calibrating UK and overseas PhD qualification levels:** there are significant differences in the awarding of PhDs in different countries, for example, some may have a large taught component. QAA would, therefore, recommend that work is undertaken to calibrate qualification levels between the UK and the country of the applicant, if from overseas

- **Clear guidance for applicants:** QAA recommends that clear guidance is provided for applicants, covering both the specific subject(s) and the wider student experience, including development opportunities such as opportunities to teach, and experience of supervising research students
- **Arrangements in place:** providers may not need to have all arrangements in place from the outset. Clarifying the requirements at the point of registration and at regular intervals during probation would provide a useful roadmap for new applicants. This should facilitate an assessment of how realistic it would be for an applicant to demonstrate fulfilment of the criteria within the probationary period. This opportunity could attract research organisations that may have significant experience of research disciplines and of providing supervision, but may not previously have managed research degree programmes and academic staff development
- **Length of probationary period:** it may prove challenging for a provider to achieve the required outcomes in a three-year period – current practice indicates that most full-time PhD students do not complete within the three-year timeline and many research degrees are offered over a longer period, to accommodate individual student circumstances (e.g. work and other commitments). In the first instance, it may be helpful to adopt the current 3 + 1-year model

Question 2: (With reference to question 1) Are there particular circumstances where authorisations of this type would be appropriate? If so what are they? (Pages 18-20)

Applications from high quality overseas higher education providers with a proven track record in managing research degree awards would broaden student choice and opportunity, and should be encouraged.

Question 3: Do you have any comments on the proposed New DAPs test and associated processes? In particular, do you think these tests and processes provide appropriate safeguards whilst enabling high quality new providers to access DAPs? (Pages 20-28)

It is unclear whether restrictions on programmes offered during the probationary period are, in effect, a form of subject or level-specific DAPs. If this is the intent, then further detail would be helpful on what would happen at the end of the probationary period in terms of any variation allowed to the initial probationary subjects or levels allowed.

Ongoing registration condition P (participation in TEF) is likely to be difficult for New DAP providers to meet, due to lack of evidence in areas such as graduate employability statistics. A solution for new providers may be to include additional information as part of their annual monitoring against the threshold (for example, they would not have NSS data for four years, but may be able to use other forms of student feedback during this time). This would align with a proportionate, risk-based assessment for new or probationary providers.

Question 4: Do you consider the proposals for monitoring a provider with New DAPs during the probationary period to be adequate and appropriate? (Pages 25-27)

Yes, with additional recommendations below:

- Given the potential diversity of new applicants, a bespoke annual monitoring process would address provider context, the scale and nature of activity, and the level of risk identified. It would also take into account, as appropriate, the lead indicators in the OfS' approach to general monitoring (see Regulatory Framework consultation, Section C)
- A careful balance between the level of scrutiny and the potential costs to the provider associated with external monitoring will also need to be considered, to avoid creating a new barrier for entrants

- The designated quality body should provide guidance on the processes which have already supported providers in successful DAP applications. For example, the establishment by the applicant of a DAP steering group with external membership to guide their preparation for the probationary period, support the scrutiny process, and prepare for and monitor the implementation of powers

Question 5: Do you agree with the proposals for the OfS and providers to best ensure that students are aware of what type of DAPs, including New DAPs, a provider has? If you think there should be additional information requirements, please give details. (Pages 21, 27)

Agree.

There must be an obligation for each provider to publicise its DAP type(s) to all its students prior to enrolment, and in line with the transparency of public information and student protection.

In relation to New DAPs, it is vital that prospective students are fully apprised of the risks and their rights before they apply, on enrolment, and throughout their time with a New DAPs provider. The OfS and designated quality body should work with students and student representative bodies to ensure clear, transparent advice and guidance is available. For example, a prospective student is likely to want to know about the likely perceived value (for instance, by employers) of a degree that has been awarded by a New DAPs provider which subsequently fails its probation. QAA would be happy to facilitate discussions with its Student Advisory Committee, to provide input to this work.

Where a programme is accredited by a professional, statutory or regulatory body (PSRB), and contributes to a licence to practice, the consequences of the provider failing probation should be articulated for students. Again, QAA would be happy to facilitate discussions with its PSRB Forum, to provide input to its work.

Applicants and students must be fully aware of the safeguards in place to guard against shifts in the provider's commitments, or, where a provider was found to have serious breaches and to have failed during the probationary period, the arrangements in place to cover teaching activities and the body that would then award their degree.

Question 6: Do you agree or disagree with the suggested change regarding the possible variation of the level 6 TDAPs criterion? (Pages 31-32)

Agree in principle.

QAA recognises that the current criteria could disadvantage smaller providers. Colleges with significant foundation degree provision aspiring to progress to Bachelor's only, or providers with taught (up to level 7) DAPs may benefit also from this variation.

However, the variation should be applied where it ensures a high quality academic experience and the context would need to be considered on a case by case basis. When considering circumstances, it remains vital to ensure that the level 6 provision still offers a viable academic community of staff and students, which is a key aspect of the quality of the student experience. Level 6 delivery is differentiated from levels 4 and 5 by the nature and scope of understanding expected of students (which is facilitated by appropriately qualified and experienced staff).

Question 7: (with reference to question 6) If the 50% criterion is to be disapplied in some exceptional cases, what factors do you think the OfS should take into account when determining whether an application is an exceptional case? (Pages 31-32)

A formula – consisting of overall higher education student numbers and the proportion of higher education students on study programmes at level 6 (or above) of the FHEQ – could be employed

to guard against major changes to governance arising from the success or otherwise of further education provision.

Question 8: Do the application processes for DAPs sufficiently align with the registration processes and conditions? (Pages 34-38, plus supplementary guidance on registration)

The designated quality body should work closely with the OfS to ensure alignment of the DAP and registration processes.

PART 2: UNIVERSITY TITLE (pages 39-49)

Question 9: Do you agree or disagree that for providers that have obtained DAPs on an exceptional basis without having the majority of higher education students at level 6 or above (as proposed in question 6), the 55 per cent criterion for University Title should be adjusted to additionally require the majority of higher education students to be on courses at level 6 or above? (Pages 39-41)

Agree.

Question 10: Do you agree or disagree that student numbers, for the purposes of the 55 per cent criterion for University Title, should be calculated based on the intensity of study, disregarding the mode of study? Please give reasons for your views. (Pages 41-42)

Agree.

Question 11: (With reference to question 10) Do you have any views on how students on accelerated courses should be taken into account, when calculating the percentage of higher education students at a provider? Should these students be counted as 1 FTE, or more? (Pages 41-42)

Due to the nature of accelerated degree courses (such as their intensity, staffing and resource requirements), QAA would expect students to be counted as more than one FTE. This is likely to be explored further through the consultation on accelerated degrees.

Question 12 Do you agree with this assessment of the factors that should be set out in Secretary of State guidance to which the OfS must have regard to when determining applications for University Title? If you disagree, please give reasons. If you believe any additional factors should be included, please indicate what these are with reasons. (Pages 42-47)

Agree.

PART 3: POST AWARD ISSUES (pages 50-61)

Question 13: Do you agree or disagree with this proposal of implementing the statutory provisions that allow for the revocation of DAPs and University Title, and the variation of DAPs? (Pages 50-55)

Partially agree

Whilst this is likely to be a rare occurrence, the designated quality body will play a key role in providing advice and guidance to the OfS in making its decision to revoke degree awarding powers and university title, in order to respond in detail. The designated quality body should work closely with the OfS to define the triggers that would flag an intention to revoke/vary DAPs/university title. It will be important to take into account contextual and structural differences, for example federal arrangements. The designated quality body should provide advice to the OfS prior to the revocation of DAPs.

Should either event occur, the implementation and monitoring of student protection plans would become critical in the lead-up to such an outcome.

Question 14: Do you consider the above proposals regarding a change in circumstances to be sufficiently robust to safeguard the meaning and value of DAPs and University Title? (Pages 58-60)

Clarification would be helpful in respect of the factors that constitute a major or a minor change.

ANNEXES (pages 62-84)

Question 15: Do you have any comments on the proposed DAPs criteria as set out in Annex A? Are there specific aspects of the criteria that you feel should be adjusted in light of the OfS' overall regulatory approach, in particular ongoing registration conditions? (Pages 62-73)

Overarching requirement: some adaptation is needed for the overarching requirement for NDAPs, in relation to having a self-critical, cohesive academic community. Incorporating terms such as 'planned' could emphasise a more structured, deliberate approach to the achievement of an academic community with the characteristics expected of all holders of DAPs, both in England and across the UK. This would enable the development of the community to be demonstrated progressively during scrutiny and evidenced in full by the end of the probationary period.

Whilst QAA acknowledges that enhancement/continuous improvement activities at the level of individual providers will not be assessed, QAA suggests that it may be appropriate during NDAP probation (see also comments under question 4, monitoring during probation). Enhancement is implicit in Criteria B3 (Quality of Academic Experience) and plans to embed good practice within the development of their procedures should be part of the judgement on meeting that criteria. In other UK nations, enhancement is referenced within their DAP procedures and its removal in England would represent a shift away from the UK-wide requirements for DAP that have been in place since 1991.

The Quality Code is not referenced within the detailed criteria and evidence requirements. The Quality Code is currently under review, and the designated quality body and the OfS should consider references to it within the criteria, to strengthen the understanding of what is expected of new applicants.

Whilst it is envisaged that a tandem approach to registration and NDAPs would be developed that would limit requests for the same information, the DAPs criteria should serve as a free-standing document, setting out a clear description of what is required of an organisation holding degree awarding powers. This would guard against the potential fragmentation of what is expected of a degree awarding body (both in England and the devolved administrations), particularly if conditions of registration were to change. Professional, statutory and regulatory bodies (PSRBs) are likely to be concerned by the removal of the role they currently undertake in setting and maintaining standards.

Question 16: Do you have any comments on the proposals for the assessment of applications for subject-specific and Bachelor's-only DAPs? Are there specific aspects of the criteria that you feel would either be particularly relevant or not relevant for either of these types of DAPs? (Page 74)

In QAA's view, the institutional mission and character of the applicant provider should continue to determine the subjects offered under New DAPs. This would act as a safeguard for unmitigated expansion into subject areas where the provider may have little or no previous experience.

QAA notes that the award of Bachelors-only DAPs could enable a provider to approve and deliver

programmes leading to other higher education qualifications at this level and below. Currently, this would not be available to those with, for example, foundation degree awarding powers and it may be appropriate to monitor expansion into new areas of provision.

For well-prepared and high-quality providers seeking subject-specific DAPs, the volume of evidence may be smaller, and the procedures concluded more swiftly. Advice and guidance produced by the designated quality body should support new entrants, to assist them in achieving DAPs.

Question 17: Do you have any comments on how a subject should be defined for the purpose of subject-specific DAPs? (Page 74)

It would be helpful to align, as far as possible, with common definitions used elsewhere in the UK system. There are sound arguments in the Department for Education's Teaching Excellence & Student Outcomes Framework: [subject-level pilot specification](#) for the use of the second level of the Common Aggregation Hierarchy (CAH) developed by HESA, which has 35 subjects. This classification could be applied to all variants of taught degree awarding powers (Foundation, Bachelor's only and Taught (up to Level 7)), including New DAPs. In addition, an approach for subject-specific RDAPs could potentially consider whether there would be value in using the units of assessment adopted for the Research Excellence Framework.