



Information Sharing Agreement between the Office of Qualifications and Examinations Regulation and the Quality Assurance Agency for higher education governing the sharing of information specifically in relation to the QAA's Review for Educational Oversight

Introduction

1. This document sets out the principles that will underlie a specific information sharing agreement (ISA) between the Quality Assurance Agency for Higher Education (QAA) and the Office of Qualifications and Examinations Regulation (Ofqual) (the parties).
2. The ISA is intended to support an effective and specific information sharing arrangement between the parties. It is not intended to cover every detailed aspect of the relationship or other information sharing between them.
3. It is a statement regarding the sharing of specific information between them to ensure appropriate arrangements are in place to enable them to discharge their respective responsibilities effectively and to avoid duplication of effort, misunderstanding or unnecessary impact on third parties.
4. This document sets out the principles governing the implementation of the ISA. Issues arising from this ISA should be dealt with in accordance with the memorandum of understanding.
5. This ISA aims to:
 - set out the principles and operations of information sharing
 - identify the basis for sharing the information
 - outline what information will be shared
 - explain the purpose for sharing this information
 - detail how the information will be stored
 - define the limits to the information sharing

6. This ISA is not legally binding. It will serve as a working document that will be subject to review in the light of operational practice.

Partner roles and responsibilities

7. The Apprenticeships, Skills, Children and Learning Act 2009 (“the ASCL Act”) established Ofqual as a non-ministerial Government department. While it is a part of Government, it is accountable to Parliament and not to ministers for its judgements and the performance of its functions.
8. In relation to England, Ofqual regulates awarding organisations and the qualifications they award or authenticate. Ofqual also regulates the statutory assessment arrangements for the national curriculum and those for the early years foundation stage. In addition, Ofqual regulates vocational qualifications in Northern Ireland.
9. QAA was established in 1997 and is responsible for safeguarding the public interest in sound standards of higher education qualifications and to inform and encourage continuous improvement in the management of the quality of higher education in the UK.
10. Whilst respecting the distinctive roles and responsibilities of both parties as outlined in the memorandum of understanding, there are a number of areas of shared interest in the context of QAA’s role as the designated body for educational oversight of higher education providers where information sharing will be to the benefit of both parties and to the reputation of UK higher education.
11. For the purpose of this ISA, this includes:
 - QAA sharing information with Ofqual which is relevant to maintaining standards and confidence in qualifications that are regulated by Ofqual, or qualifications offered by the awarding organisations that Ofqual regulates.
 - Ofqual sharing information with QAA which is relevant to its role as the designated body for educational oversight of higher education providers.
12. Where appropriate, the parties will inform one another as soon as practicable on relevant developments in relation to the specific information shared and any subsequent actions where possible, prior to release of any reports, press releases or speeches, etc.
13. Each party will endeavour to provide information in its possession that may be reasonably requested by the other, subject to necessary confidentiality constraints and

safeguards and statutory bars on disclosure. This will be in line with an agreed process for the exchange of both routine and non-routine data and information.

Purpose of this ISA

14. This ISA governs the sharing of information that arises from QAA's work as the designated body for educational oversight of higher education providers.
15. The purpose of this ISA is to enable Ofqual to effectively fulfil and conduct its regulatory duties in line with the statutory and regulatory framework established by the Apprenticeships, Skills, Children and Learning Act 2009 as amended by the Education Act 2011.
16. This ISA will assist Ofqual in ensuring the integrity of the systems it regulates as specified in Ofqual's Conditions of Recognitions (May 2011). In particular, although not exclusively, it will facilitate effective regulation against Section C 'Third Parties'.
17. The purpose of this ISA is to enable QAA to pass-on relevant information about higher education providers and awarding organisations that it considers will be of use to Ofqual in its work as the regulator of awarding organisations.
18. This ISA will assist QAA in its strategic aim of protecting the reputation of UK higher education.

Information sharing

19. This ISA is based on the understanding that information in respect of reviews for educational oversight (REO) will be shared between the QAA and Ofqual to support QAA's REO activities and Ofqual's regulatory functions.
20. It is possible that Ofqual will share information exchanged under this ISA with the regulators in Wales (the Welsh Government), Northern Ireland (CCEA) and Scotland (SQA) where this can be justified, e.g. in fulfilling their regulatory duties. Ofqual may also be required to share information with government departments and other organisations. Any information sharing that takes place in these circumstances will be done so in accordance with the law and fully documented.
21. The nature of information shared under this ISA will include, although is not limited to:

- Information relevant to standards and confidence in qualifications that are regulated by Ofqual, or qualifications offered by the awarding organisations that Ofqual regulates; to include extracts from draft reports, unpublished QAA documents and related intelligence.
- Information that Ofqual has that will assist a QAA review team in undertaking its work in relation to the REO.
- Emails and correspondence between QAA and Ofqual in relation to REO activities.
- Information extracted from emails and correspondence held by QAA from awarding organisations, centres and other stakeholders that fall within the scope of the REO exercise.
- Summary intelligence gathered from information generated through preparing, conducting and as a consequence of REO visits, including reviewer notes and judgements.
- QAA reports (including draft reports) on REO visits.
- QAA judgements on REO visits.

Process of sharing information

22. Access to the information shared with Ofqual by the QAA under this ISA will only be granted to those who have a business need (strictly on a need to know basis). Those identified as having a business need within Ofqual will include relevant staff working in the Regulation Directorate as determined by the owner of the ISA at Ofqual..
23. Access to the information shared with QAA by Ofqual under this ISA will only be granted to those who have a business need, strictly on a need to know basis. Those identified as having a business need within QAA include the Director of Reviews, the Head of Educational Oversight and the Method Coordinator for the Review for Educational Oversight and relevant staff working on REO as determined by the owner of the ISA at QAA.
24. Information shared will be securely stored in Ofqual's EDRMS (Electronic Document & Records Management System) and QAA's information management system. Access to the files shared under this ISA which are held in the partner's EDRMS will be by permissions granted access only to those outlined in this agreement, unless there is a clear justification to extend or reduce access. Where this is the case, the ISA will be amended to reflect this.

25. For Ofqual data, in accordance with the Government Protective Marking Scheme (GPMS), the highest classification of the information to be shared under this ISA is RESTRICTED. It is most likely that the majority of information shared under this ISA will be classified as PROTECTED or NOT PROTECTIVELY MARKED / UNCLASSIFIED (i.e. information that does not attract a GPMS classification).

Retention of information and record keeping

26. Information exchanged under this ISA will be held and disposed of in accordance with Ofqual and QAA's retention schedules. For QAA this will be up to 10 years.

27. A record keeping system will be in operation to show what information has been shared, including:

- the nature of the information
- the format in which it was shared
- who shared the information
- with whom it was shared
- the date the information was shared
- the status of the information (confidential/protected/unclassified)

28. Information shared will be held and stored electronically. Hardcopy information shared under this ISA will be scanned and stored electronically in Ofqual's and QAA's EDRMS as appropriate.

29. Where Ofqual shares information under this ISA with other UK regulators, governments departments and/or other organisations, this will be documented in the official record keeping system.

Review of the ISA

30. This ISA may be amended at any time by agreement of both parties. In addition, this ISA will be reviewed annually and updated as necessary:

- in the light of experience of its operation in practice
- any changes to the specific nature of the information sharing outlined herein
- amendments to the existing memorandum of understanding

Issues of confidentiality

31. Subject to the Freedom of Information Act, the Data Protection Act, the ASCL Act, the Education Act 2011 and other constraints (e.g. commercial confidentiality, price sensitive matters) our exchanges may at times be in confidence.

32. We will, in line with Freedom of Information Act provisions on information provided in confidence, consult with the originating party concerning any requests for information we hold but did not collect and which we are aware is confidential in nature. Each party will make the other party aware of any significant disclosure it intends to make to a third party of any information it received from that other party.

Publication of the ISA

33. Both QAA and Ofqual will place a copy of this ISA on their respective websites <http://www.qaa.ac.uk> and www.ofqual.gov.uk.

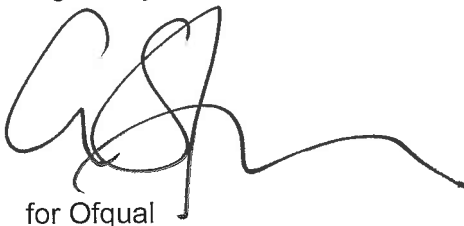
Contacts

34. The following people are owners of this ISA and may be contacted regarding it:
Julie Swan, Head of Development, Ofqual
Adam Biscoe, Head of Educational Oversight, QAA

Signatories

We the undersigned do hereby agree to implement the provisions of this Agreement.

Signed by:



for Ofqual

Glenys Stacey

Chief Executive Officer



for QAA

Anthony McClaran

Chief Executive