

Memorandum of understanding between Ofqual and QAA

Introduction

1. This memorandum of understanding sets out the understanding of the Quality Assurance Agency for Higher Education (QAA) and the Office of Qualifications and Examinations Regulation (Ofqual) of the principles that will underlie relations between them.
2. The memorandum is intended to support effective working arrangements between the parties. The purpose of collaborative working between QAA and Ofqual is to support both organisations in effectively and efficiently carrying out their responsibilities. The memorandum is not intended to cover every detailed aspect of the relationship but is a statement of principles that will guide relations to avoid duplication of effort, misunderstanding or unnecessary impact on third parties.
3. This memorandum is not legally binding. It will serve as a working document that will be subject to review in the light of operational practice.
4. Throughout this memorandum, Ofqual and QAA will be referred to collectively as 'we' and the terms 'our' and 'us' will be used accordingly.
5. This memorandum should be seen in the context of the relationships that Ofqual has with ministerial departments and that QAA as an independent body has with funding councils and sector bodies.
6. This memorandum may be supported by further and more detailed operational agreements, particularly in relation to the sharing of information.

Review of memorandum

7. This memorandum may be amended at any time by agreement of both parties. In addition, this memorandum will be reviewed and updated as necessary in the light of experience of its operation in practice and of any changes to qualifications systems, or the roles and responsibilities of either organisation.

Roles and responsibilities

8. 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.
9. 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.

10. QAA was established in 1997¹ and is responsible for safeguarding the public interest in sound standards of higher education qualifications and for informing and encouraging continuous improvement in the management of the quality of higher education in the UK. QAA is also responsible for the recognition of Access to HE courses.
11. Whilst respecting the distinctive roles and responsibilities of both parties, and their separate roles, there are a number of areas of shared interest and interface in the context of education provision in the UK. Collaborative working will be to the benefit of both parties in avoiding duplication and delivering effectively and efficiently on their remits.
12. These are likely to include:
 - The sharing of information obtained through normal business that relates to Regulated Awarding Organisations, the qualifications offered by Regulated organisations and organisations that are Access Validating Agencies
 - Ofqual and QAA to share relevant information with each other relating to European and international work.
 - Both organisations to share relevant information on the operation of UK qualifications frameworks for which they are responsible

Working relationship

13. We will seek to build on the good working relationship that already exists between us by clearly setting out our interaction through this memorandum, information sharing agreements and a quarterly liaison group so that we can:
 - set clear expectations as to what each party expects of the other
 - respect each other's different responsibilities, accountability structures and legislative frameworks
 - develop a deeper understanding of our respective roles and responsibilities
 - take advantage of the opportunities for co-ordinated scheduling of activities where appropriate and where there is benefit in doing so
 - where appropriate notify each other in advance where there is a likelihood of significant announcements and development which may impact on each other's key areas of work
 - inform stakeholders about our relationship and be clear about our distinctive roles, both at corporate and officer level

¹ The Quality Assurance Agency for Higher Education is a registered charity and a company limited by guarantee. Further details can be found at www.qaa.ac.uk

Treatment of matters of common interest

14. We are committed to the principle of good communication with each other on areas of mutual interest. This will be done through regular liaison and regular discussion on relevant issues. The intention is not to constrain the discretion of either party, but to allow each to make representations to the other in sufficient time for those to be considered.
15. Against this background we will:
 - Where appropriate, inform one another as soon as practicable on relevant developments within our areas of responsibility, where possible prior to release of any reports, press releases speeches or policies.
 - Give appropriate consideration to the other's views and explain where we do not agree.
 - Where appropriate look to maximise opportunities for joint communication on matters of mutual interest.
 - Subject to the Freedom of Information Act, the Data Protection Act and the ASCL Act, and other constraints (e.g. commercial confidentiality, price sensitive matters) our exchanges may at times be in confidence.
16. Where appropriate we will invite each other to events hosted by one and of interest to both. Each party will be responsible for bearing their own costs.
17. Where appropriate, we will liaise, involve and keep each other informed as necessary on drafting key documents relevant to the other's functions.

Exchange of information

18. We will aim to avoid duplication such as in the collection of information and undertaking validation checks with awarding organisations; wherever possible, we will share information we already hold.
19. Each party will also endeavour to provide information in its possession that may be reasonably required by the other, subject to necessary confidentiality constraints and safeguards and statutory bars on disclosure. To increase transparency for others we work with we will agree, publish and operate to written agreements for the sharing of routine information. Any non-routine sharing will be in line with this memorandum.
20. We will, in line with Freedom of Information Act provisions on information provided in confidence, refer back to the originating party 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.

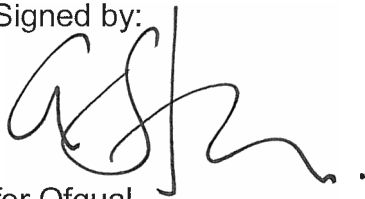
Implementing the MoU

21. This document clearly sets out the principles governing the implementation of the MoU. On a day to day basis issues should be resolved by immediate work stream managers or through the membership of the QAA and Ofqual quarterly liaison group. Issues of a substantial nature that cannot be resolved immediately may be escalated to the Chief Regulator of Ofqual and the Chief Executive of QAA who will then be responsible for resolving the issue. Both organisations will commit to meeting within three weeks of the initial escalation to provide speedy resolution.

Publication of memoranda

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

Signed by:



for Ofqual
Glenys Stacey
Chief Regulator

Date 15.2.2013



for QAA
Anthony McClaran
Chief Executive

Date 15.2.13