

Representations on degree awarding powers applications

This procedure applies to all applications for degree awarding powers submitted by institutions in Scotland, Wales and Northern Ireland. This procedure also applies to applications received from institutions in England prior to 31 March 2018. The procedure should be read in conjunction with the *Degree Awarding Powers: Handbook for Applicants*, published by QAA.¹

Introduction

1 The Privy Council is responsible for final decisions on degree awarding powers applications. QAA's role in the application process is confined to preparing formal advice on applications at the request of those bodies authorised to act on behalf of the four nations.

2 Although QAA does not make the ultimate decision regarding the conferral of degree awarding powers, it is concerned to ensure that the advice that it provides on applications is reasonable and fair. Therefore, in the event that an applicant has concerns about the advice being given on its application, it may make written representations to QAA on the grounds specified in this document before the advice is finalised. This provides an opportunity for QAA to reconsider its advice.

3 The QAA Board is responsible for the ratification and provision of final advice on behalf of QAA, but the Board's decision is informed by the recommendations of the Advisory Committee on Degree Awarding Powers (ACDAP).



*England only

Figure 1: Phases of consideration of applications for degree awarding powers

4 This document sets out the procedure for making representations to QAA before its advice is finalised.

Submitting representations

5 Representations may be submitted by an applicant to QAA if:

(a) ACDAP advises the applicant, further to initial assessment of the application for degree awarding powers, that the application will not proceed to the detailed scrutiny stage because an insufficiently strong case to proceed has been made; or

¹ *Degree Awarding Powers: Handbook for Applicants*, available at: www.qaa.ac.uk/reviewing-higher-education/degree-awarding-powers-and-university-title

(b) ACDAP advises the applicant that, following detailed scrutiny of an application, its recommendation to the QAA Board is that the application be rejected.

6 Applicants must notify QAA via the Secretary to ACDAP of their intention to submit representations within five working days of receiving notification of ACDAP's advice. The applicant then has a further 15 working days to submit its representations.

7 No representation is available against a decision by ACDAP that an application be placed in abeyance, nor against the findings presented in a scrutiny team's report. In relation to the latter, applicants are afforded the opportunity to submit comments on the factual accuracy of a draft scrutiny report in accordance with the report preparation procedure outlined in the *Degree Awarding Powers: Handbook for Applicants*.

8 Representations must be made in writing. The representations procedure comprises two stages: Initial Representations and Final Representations.

9 Where Final Representations are upheld, ACDAP will be required to reconsider its advice.

Grounds for reconsideration

10 Representations against the advice of ACDAP may only be made on one or both of the grounds specified at clause 11.

11 Representations must state clearly and concisely the respects in which the applicant believes that ACDAP's advice (see clauses 5(a) and (b)) is:

- (a) **wrong**; or
- (b) **compromised by a serious procedural or other irregularity**.

ACDAP's advice is wrong

12 An appeal on the ground that ACDAP's advice is **wrong** (11(a)) must be substantiated with evidence which objectively supports the allegation that the advice falls into one or both of the two following categories:

Incorrect information

- ACDAP's advice was informed by information or evidence that was, at the point at which the scrutiny ended, in any way inaccurate, and the inaccuracy of that information or evidence is demonstrable; **and**
- ACDAP's advice might, on the balance of probabilities, have been different if accurate information or evidence had been considered in the place of that inaccurate information or evidence; **and**
- there is a good reason why the correct information was not made available during the scrutiny.

Incorrect consideration

- ACDAP's advice was based on the wrong criteria; or
- ACDAP's advice is not aligned to the relevant government's guidance and criteria for degree awarding powers.

13 Submissions relying solely on opinion or disagreement to substantiate the allegation that ACDAP's advice is wrong will not be accepted.

ACDAP's advice is compromised by a serious procedural or other irregularity

14 An appeal on the ground that ACDAP's advice is **compromised by a serious procedural or other** irregularity (11(b)) must be substantiated with evidence which objectively supports the allegation that:

- an irregularity can be specifically identified in the processes leading to the formulation of ACDAP's advice; **and**
- the irregularity is 'serious', in that it has, on the balance of probabilities, detrimentally affected the legitimacy of ACDAP's advice.

15 Submissions must include details of the alleged irregularity.

Initial Representations

16 Initial Representations must be made in writing, and should be addressed to QAA's Head of Governance, who will oversee the conduct of the whole representation procedure.

17 On receipt of Initial Representations from an applicant, the Head of Governance will commission the Secretary to ACDAP to seek the comments of ACDAP members on the matters raised. ACDAP will have 15 working days to finalise its response to the Initial Representations.

18 ACDAP's response will be coordinated by the Chair of ACDAP in conjunction with the Secretary to ACDAP. ACDAP's finalised response will be made available to the applicant, who may elect to accept or reject the response within 15 working days of its receipt.

19 Where an applicant accepts ACDAP's response, the representation procedure will terminate. Where the representation was against ACDAP's advice as described under clause 5(a), there will be no further consideration of the application. Where the representation was against ACDAP's advice as described under clause 5(b), ACDAP will proceed to make its recommendation, unaltered, to the QAA Board.

20 Where the applicant makes no response to ACDAP's response within 15 working days of its receipt, the applicant will be deemed to have accepted the response, and the representation procedure will terminate.

21 Where an applicant rejects ACDAP's response, the representation procedure will continue, and the applicant may submit Final Representations.

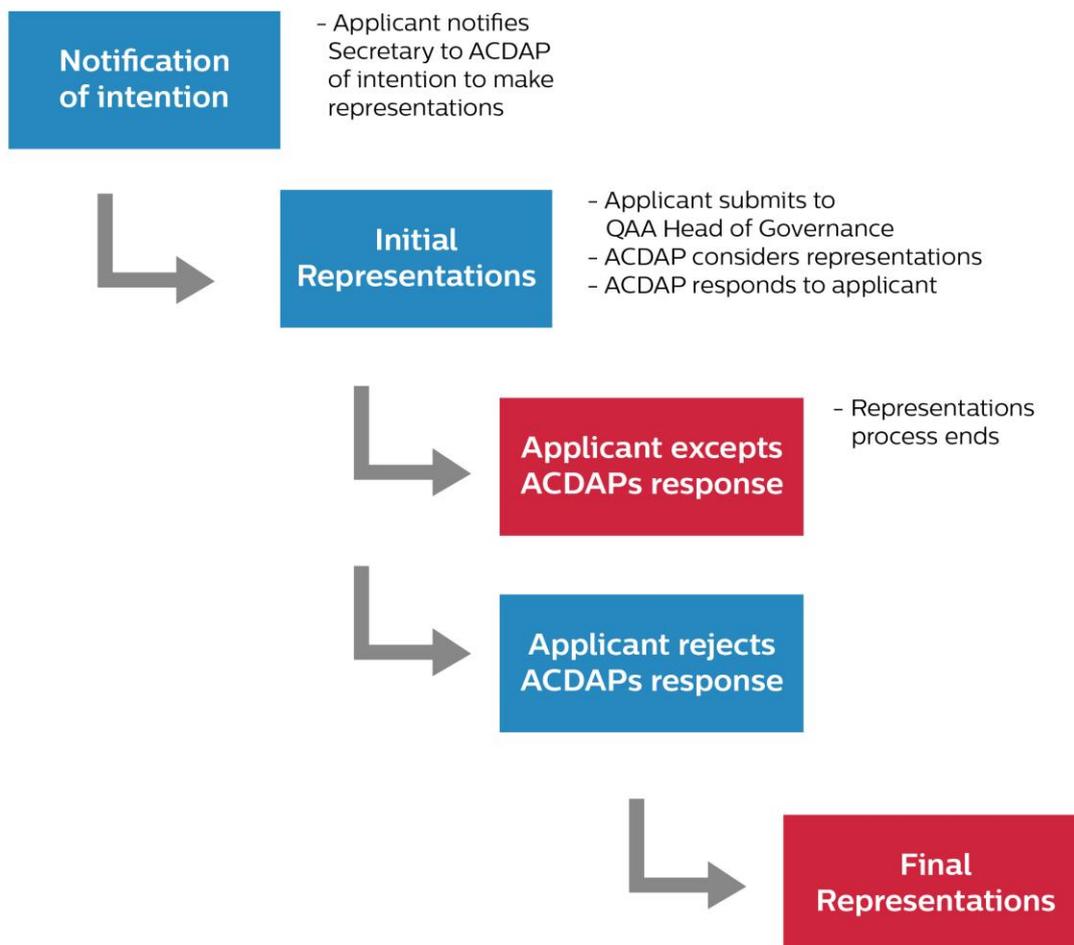


Figure 2: Representations procedure for degree awarding powers applicants

Final Representations

22 If ACDAP's response does not satisfy the applicant that its concerns have been reasonably addressed, Final Representations shall be submitted to QAA's Head of Governance within 15 working days of receipt by the applicant of ACDAP's response. Final Representations must not contain new allegations which ACDAP has not been given the opportunity to consider and respond to.

23 Final Representations will be considered by a committee of QAA's Board. The Chair of the QAA Board shall have the authority to constitute a committee (the DAP Representations Committee) to consider the Final Representations. The Committee will comprise no fewer than three Board members, and no member shall have any conflict of interest in the matter under consideration, nor in respect of the appellant provider. The Committee shall exercise the full authority of the Board, and its decision shall be binding on the whole Board, and final.

Determination

24 In determining whether the applicant's Final Representations are accepted, the DAP Representations Committee will consider:

- The scrutiny team's final report (representations under clause 5(b) only)
- The applicant's comments on the final report (representations under clause 5(b) only)
- ACDAP's advice
- The applicant's Initial Representations
- ACDAP's response to the Initial Representations
- The applicant's Final Representations.

25 The DAP Representations Committee will be supported by the Head of Governance (or his/her nominated representative), who will act as secretary to the Committee. The Committee may, at its sole discretion, require that a QAA officer with experience in DAP scrutiny provides, either before or during the Committee's meeting, technical advice on the application of the DAP criteria or the scrutiny process.

26 The DAP Representations Committee may ask the Head of Governance to provide additional documentation to aid its consideration. In the interest of transparency, the Committee will not consider any document that has not been identified to the applicant in advance of the Committee's meeting.

Rejected Final Representations

27 If the DAP Representations Committee concludes on the balance of probabilities that ACDAP's advice was neither wrong nor compromised by a serious procedural or other irregularity, the DAP Representations Committee shall determine that the representations be rejected, and that no reconsideration of ACDAP's advice shall take place.

28 Where Final Representations against ACDAP's advice as described in clause 5(a) are rejected, the DAP Representations Committee shall accept and endorse ACDAP's advice that the application should not proceed to the detailed scrutiny stage. The decision of the Committee is final, and no further representation is available.

29 Where Final Representations against ACDAP's advice as described in clause 5(b) are rejected, the DAP Representations Committee shall direct that the QAA Board, at its next meeting, consider ACDAP's advice and the DAP Representations Committee's decision, further to which the QAA Board shall determine its final advice to the Office for Students or the relevant government department. The decision of the QAA Board is final, and no further representation is available.

30 The DAP Representations Committee shall give reasons for its decision. The determination of the Committee is final and no further representation is available.

Upheld Final representations

31 If the DAP Representations Committee concludes on the balance of probabilities that ACDAP's advice was wrong, or was compromised by a serious procedural irregularity, the Committee shall determine that the representations be upheld, and that ACDAP's advice should be reconsidered.

32 Where the DAP Representations Committee concludes that the advice of ACDAP shall be reconsidered, the QAA Board shall consider the extent or seriousness of the reason that the representations are upheld, and may direct that:

- ACDAP reconsider the whole application, or the whole of its advice; or
- ACDAP reconsider particular areas of the application, or of its advice.

33 The DAP Representations Committee shall give reasons for its decision. The determination of the Committee is final and no further representation is available.

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