

INDEPENDENT HIGHER EDUCATION

IHE response to the DfE consultation on the de-designation of QAA as the designated quality body in England

March 2023

Question: Do you agree that the designation of the Quality Assurance Agency for Higher Education as the designated quality body for higher education in England should be removed, on the basis set out above?

1. QAA announced on 20 July 2022 that it no longer consented to act as the Designated Quality Body from 1 April 2023.
2. Given QAA's decision last year, and registering our regret that no solution could be found that would have prevented QAA's resignation, but on the narrow basis set out in this consultation we agree with the proposal that the designation be removed.
3. We strongly regret this turn of events, and we are concerned about the consequences for the continued effectiveness of the regulatory system without the work of an expert and independent quality body at its heart, as we explain below.

Office for Students and its Designated Bodies

4. The Higher Education and Research Act 2017 (HERA) established the Office for Students as the new independent regulator for higher education in England. It also set out the roles of a Designated Quality Body and a Designated Data Body to undertake important and distinct functions in the new regulatory landscape. The spirit if not the letter of HERA recognised the value of co-regulation in the higher education sector, where the UK's reputation for excellence derives more from the high standards to which institutions hold themselves and each other, than it does from any government intervention or diktat.
5. Autonomy, academic freedom and the ability to innovate are essential to the pursuit of excellence, and this autonomy is reflected in the principle that the sector should be responsible for determining its own standards, against which providers can be assessed by an independent body.

6. Both Designated Bodies are required to have the confidence of the higher education sector, conferring an appropriate level of responsiveness and accountability to the providers for whom they have responsibility. Both Designated Bodies are also required to appoint individuals to their Boards with experience of a broad range of higher education providers. Neither such requirement applies to the Office for Students itself.
7. The role of the DQB introduced an important layer of independence into the regulatory framework, as well as anchoring certain unavoidably subjective regulatory judgements around quality with the experience of a well-known and highly respected expert organisation with cross-UK and international credibility.
8. The DQB's role is all the more important when assessing applications for Degree Awarding Powers (DAPs), where the DAPs process cannot easily be separated from the standards that QAA has long been responsible for maintaining on behalf of the sector.

UK framework

9. Designating QAA as the DQB for the English system helped significantly to maintain the coherence of a UK higher education sector with common practices and equivalent standards. This coherence is exceptionally valuable to the many UK students who exercise their right to intra-UK mobility, just as it is to international students and partners, for whom it is UK higher education which is the trusted brand and destination of choice.
10. Legislative activity in England, Scotland and Wales will inevitably see more divergence between the funding and regulatory systems of the home nations, such that this valuable coherence is fraying at the edges. The QAA's common role and the assets it maintains on behalf of the sector, most notably the Quality Code and the Framework for Higher Education Qualifications, have in recent years been one of increasingly few forces of convergence.
11. We regret that the opportunity has been missed to strengthen the role that QAA as the DQB could have played in safeguarding a UK-wide approach to quality and standards while allowing the four nations to set their own statutory requirements in relation to regulation as best suits the particular interests and political priorities of their residents.
12. QAA's relinquishing of the DQB role will necessitate that the OfS redoubles its own efforts to find common ground and a common approach where possible with its counterparts and partners in Scotland, Wales and Northern Ireland. We call on it to act on this necessity with the urgency it demands, in coordination also with the Department for Education and the Devolved Administrations, and through the existing structures for cooperation offered by the UK Standing Committee for Quality Assessment.

Interim arrangements

13. While it is difficult at the moment to conceive of an organisation other than the QAA which could fulfil the DQB role effectively and win the necessary confidence of the sector in doing so, we believe that the separation of powers enshrined in HERA between the regulation of the market and the assessment of quality and standards is an important principle to protect. We would not support the OfS's absorbing all of these assessment functions into its own remit on a permanent basis.
14. What most concerns our members right now, however, is that the regulatory system prioritises its own effective and efficient operation, and indeed achieves the significant improvements in these respects that are still urgently needed. Independent providers cannot accept another extended period of uncertainty and dysfunction along the lines of 2018-20 when many faced intolerable delays and mistakes in processing their applications, for which there has never been an apology from the regulator, nor an

acknowledgement of the severe impact this had on both businesses and students, still less any serious attempt at the lessons learned exercise for which IHE has repeatedly called.

15. Over a dozen IHE members are in the process of obtaining DAPs or have plans to apply for this during 2023. In many cases their plans have been accelerated because of the increasing instability of the market in university partnerships – caused in part by the OfS's own implementation of its new quality and standards conditions and the reactive measures taken by many universities to de-risk and consolidate their strategic plans and revenue streams. It is imperative therefore that the route to achieving DAPs remains open and the OfS does not allow bottlenecks and backlogs to build up which would introduce delays which run counter to purposes of the reforms included in HERA.