Regulatory contexts for the Quality Code

The Expectations and Core practices of the UK Quality Code for Higher Education (Quality Code) are mandatory for higher education providers in all parts of the UK. Common practices are mandatory in Scotland, Wales and Northern Ireland and while providers in England may choose to work towards them, they are not required to do so as these are not regulatory requirements and will not be assessed as part of the OfS’s regulatory framework. National regulators and QAA are not bound by the information in this advice and guidance and will not view it as containing indicators of compliance. This guidance does not interpret statutory requirements.

Terminology

This document aims to provide advice and guidance on how providers who work in partnership with other organisations might ensure that they provide a high-quality student experience and assure the academic standards of their awards. This advice and guidance focuses on provision that leads to the award of academic credit and that is delivered, assessed or supported in partnership between two or more organisations. Its primary focus is on provision where the achievement of learning outcomes for the module or course are dependent on the arrangements made between the organisations. This document will be of relevance to higher education providers with degree awarding powers and providers that deliver and assess on behalf of awarding organisations.

Provider and organisation: Any body involved in the delivery of a partnership arrangement.

Awarding organisation: Refers to issues that are specifically relevant to the degree-awarding body. This term is used to distinguish responsibilities between the awarding organisation and any other organisation within the partnership. Organisations within the partnership, who are not the awarding organisation, can still consider the guidance for their own implementation as good practice.

Partner: The provider delivering aspects of teaching, learning, assessment or student support under delegated authority of the ‘awarding organisation’.

Partnership: An arrangement between two or more organisations to deliver aspects of teaching, learning, assessment and student support. It refers to collaborative arrangements involving students and/or awards which include those involving guaranteed progression and sharing of services. Partnership arrangements may apply to the delivery of whole courses of study or to elements of courses, individual modules, or self-contained components of study. Alternative sites and contexts for learning or assessment, or specialist support, resources or facilities for learning, may be provided, for example, by organisations offering work-based or placement learning opportunities, or employers supporting employees on higher education courses where the workplace is used as a learning environment. They may operate either within the UK or transnationally and include, for example, different modes of delivery such as online, validation arrangements, franchised courses, branch campuses, multiple awards, apprenticeships and provision by ‘embedded colleges’ of integrated foundation courses.
Expectations and Practices

The advice underneath the Expectations and Practices is not mandatory for providers but illustrative of a range of possible approaches.

Providers work in partnership with a wide range of organisations, including awarding bodies, other education providers, non-academic providers (or those whose purpose is not primarily education) and employers. When doing so, awarding bodies retain responsibility for the academic standards of their awards and for the quality of the student experience.

This Theme identifies the relevant Core practices for providers when considering the unique nature of partnership working. Other Themes will also be relevant to partnerships.

**Expectations for standards**

The academic standards of courses meet the requirements of the relevant national qualifications framework.

When working in partnership, the awarding organisation retains responsibility for the academic standards of its awards, ensuring that the threshold standards for its qualifications are consistent with the relevant national qualification frameworks.

When working in partnership, the awarding organisation retains responsibility for ensuring that academic standards at, and beyond, the threshold level are reasonably comparable with those achieved by other UK providers.

**Core practice**

Where a provider works in partnership with other organisations, it has in place effective arrangements to ensure that the standards of its awards are credible and secure irrespective of where or how courses are delivered or who delivers them.

In practice, this means that the awarding organisation must put in place all necessary measures to ensure that it can maintain the academic standards of its awards. This will include an analysis of the risks associated with a potential partner, the type of partnership that will be entered into, the management of the partnership (and its associated risks), that an appropriate formal agreement is put in place, and that these arrangements are effectively monitored and evaluated.

**Expectations for quality**

Courses are well-designed, provide a high-quality academic experience for all students and enable a student’s achievement to be reliably assessed.

When working in partnership, the awarding organisation retains responsibility for ensuring that all aspects of the student’s academic experience from admissions through to outcomes can be considered high-quality. The awarding organisation is also responsible for ensuring that enhancement opportunities are available to students.

From admission through to completion, all students are provided with the support that they need to succeed in and benefit from higher education.

When working in partnership, the awarding organisation retains responsibility for ensuring that student needs are consistently met.

**Core practice**

Where a provider works in partnership with other organisations, it has in place effective arrangements to ensure that the academic experience is high-quality irrespective of where or how courses are delivered and who delivers them.

In practice, this means that where an awarding organisation arranges for all, or part, of the course to be delivered by another organisation, it puts in place effective processes for the management and oversight of all aspects of the students’ academic experience to ensure that this is high-quality. These will include regular monitoring and review of the course(s), the teaching staff, the facilities, other resources and seeking, and acting on, where relevant, feedback from all involved in the provision with a particular focus on student feedback and outcomes.
Guiding principles

The guiding principles given here are not mandatory for any provider. They are a concise expression of the fundamental practices of the higher education sector, based on the experience of a wide range of providers. They are intended as a framework for providers to consider when establishing new or looking at existing higher education provision. They are not exhaustive and there will be other ways for providers to meet their requirements.

1 The awarding organisation will be accountable for assuring the overall quality and academic standards of the provision, regardless of the type of partnership.

An awarding organisation is accountable for the quality and academic standards of its provision irrespective of the partnership arrangements. Procedures, systems and safeguards implemented for the management of partnership arrangements should be in proportion to the level of risk to quality and academic standards posed by the arrangement.

2 The awarding organisation will have in place appropriate governance to authorise and oversee the development and closure of partnership arrangements and to monitor their effective operation.

The awarding organisation will manage the development of partnerships to ensure that there is oversight of the partnership from inception through to closure. Formal procedures may set out requirements for differential arrangements dependant on the type of partnership and the level of risk. All aspects of a partnership should be subject to monitoring and evaluation to ensure their effective operation and to establish areas for development or the timely need for closure of the partnership.

3 Due diligence enquiries are completed and legally binding written agreements are signed prior to the commencement of student registration - due diligence enquiries are refreshed periodically and before agreements are renewed.

The awarding organisation and, where relevant, the partner should conduct a range of due diligence enquiries appropriate to the type of partnership, the detailed arrangements and the identified level of risk. Legally-binding written agreements, where required, which set out the rights and obligations of all parties, should be finalised and signed before students register on the associated provision. Where relevant, the written agreements will include appropriate student protection plan (or equivalent) clauses.

4 Provision delivered through partnership arrangements will be subject to quality procedures that are at least as rigorous, secure and open to scrutiny as those used for the provision delivered by the awarding organisation.

The partnership agreement will include information on the quality procedures for the provision, if, and how, they differ from those used for the provision delivered by the awarding organisation. They do not need to be the same procedures but they must be as rigorous, secure and open to security as those of the awarding organisation. There may be additional quality procedures and safeguards depending on the nature of the partnership and the level of risk identified.

5 Awarding organisations that make arrangements for the delivery of learning opportunities with others, retain the authority and responsibility for awarding certificates and records of study in relation to student achievement.

The award of a UK higher education qualification is a highly-valued and much sought-after achievement; it is important that the award of certificates is protected and secure to ensure that this status can be maintained. Consequently, the awarding organisation will maintain records of study and achievement for students who achieve a qualification and will issue certificates to each individual student.
This section provides practical, contextualised advice to providers on partnerships. The information is set against the guiding principles the advice will help you achieve. Please bear in mind that this guidance is illustrative and intended to inform the approaches you consider and ultimately implement.

In line with the Core practice, ‘The provider actively engages students, individually and collectively, in the quality of their educational experience’ providers can include student representation within their practices and procedures related to partnerships. Appropriate training and support will need to be given to enable students to fully engage with the activities. (See also Student Engagement Theme.)

The awarding organisation will be accountable for assuring the overall quality and academic standards of the provision, regardless of the type of partnership (Guiding principle 1)

Awarding organisations can delegate aspects of delivery, assessment and quality assurance to partners, but they always retain ultimate responsibility for the quality and academic standards of their awards. Effective management arrangements and comprehensive formal agreements will contribute to the achievement of the outcomes of any partnership arrangements. In cases where both providers have degree awarding powers, the responsibilities of each party for quality and academic standards should be clearly delineated in the signed written agreement. In such arrangements, each party satisfies itself that the quality procedures of the other are sufficiently robust, to allow confidence to be placed in the other’s quality assurance processes.

Different types of partnership carry different levels of risk: a provider’s management of partnerships should therefore distinguish between different types of partnership and adopt a proportionate and risk-based approach to establishing and monitoring the different types of arrangement. Providers’ risk-based methodology should not compromise the rigour of the process but permit an agile response to developing low-risk arrangements. Likewise, the process should not exclude higher risk arrangements, where measures can be taken to mitigate identified risks.

Procedures, systems and safeguards implemented for the management of partnership arrangements will, therefore, be in proportion to the level of risk posed by the arrangement to the quality of the student learning opportunities and the academic standards of awards. Where appropriate, these will include reference to the requirements of relevant professional, statutory and regulatory bodies (PSRBs) and in-country regulations for transnational education.
Ways of working in partnership are constantly evolving and new opportunities may arise that do not align with current policies but are supported in principle. In such cases, it is important to ensure that appropriate time is given to considering the development of new or amended policies/procedures that are approved by a senior academic body before the partnership is confirmed.

**Reflective questions**

- What measures do you have in place to deal effectively with any risks associated with your working in partnership?
- What types of partnership would you consider entering into and what are the different risks associated with those types of partnerships?

The awarding organisation will have in place appropriate governance to authorise and oversee the development and closure of partnership arrangements and to monitor their effective operation (Guiding principle 2)

The awarding organisation should have clear internal academic governance arrangements for partnerships. This includes where the authority resides for making decisions about the establishment and management of partnership arrangements and their closure, as well as the allocation of resources. Some organisations will manage partnerships through a central department set up specifically for this purpose, others may manage these through devolved units within faculties or subject centres.

A clear institutional strategy for working in partnership will set parameters and provide guidance for those considering entering into partnership arrangements. Those making proposals to develop new partnerships should be expected to articulate how the proposal aligns with that strategy. This approach will help ensure organisational commitment to the development and that appropriate resources are in place to deliver the proposal.

The responsibility and authority for developing, managing, approving and supporting partnership arrangements across providers should be clear and widely understood. This is likely to vary depending on the nature of the partnership, for example, the requirements for setting up a joint degree with an overseas partner can be expected to be more complex than setting up a study abroad arrangement.

It is recognised as good practice to separate consideration of the academic case for a new partnership arrangement from consideration of the business case. The focus for the academic case must be to ensure that threshold academic standards (at least) are maintained, irrespective of the apparent financial viability of a particular arrangement.

The resource needed to deliver a partnership arrangement should be assessed and confirmed at the outset as part of the preparation for a formal agreement. The awarding organisation ensures that it has sufficient resources (physical and staffing) to fulfil its own obligations including having the knowledge, experience and intellectual capital to underwrite the relevant qualifications. There should be mechanisms in place to confirm that the partner also has sufficient resources (physical and staffing) to fulfil their obligations. When delivery and assessment are delegated to a partner, the awarding organisation will retain oversight and approval of the academic staff appointed to the teaching team, where appropriate and as agreed in the formal agreement.

Partner organisations may not always be able to duplicate exactly the student support services that are available at an awarding organisation. However, this should not result in academic standards being lowered or be the reason for providing poor quality student learning experiences. The ability of the partner to meet threshold standards for student support should be established through the partner approval process, included within the formal agreement, and form part of the monitoring and evaluation of the partnership.

Other contributing departments, such as professional services, library, IT and student records, should be involved in the discussions and consultation from the early stages of forming the partnership to ensure that relevant considerations can be included within the formal agreement. Such considerations will vary for each partnership arrangement and may include factors such as licensing agreements for software and learning resources accessed off-campus or from another country.
Where there are multiple levels of partnership - that is, the awarding organisation partners with one education provider which then partners with a third organisation to deliver all, or part, of the student learning experience - the arrangement should be considered a greater risk than one with only one level of partnership. Awarding organisations may choose not to enter into such arrangements; where they do enter into such partnerships, appropriate processes, guidance and resources should be in place to mitigate the increased risk associated with the quality assurance of the standards and quality.

Where a decision is made to exit from the partnership, an action plan, agreed between the partner(s), will ensure the satisfactory close-out of all related matters. The partners should ensure that any requirements relating to ensuring that students can complete their course are met.

Reflective questions

- What are the governance arrangements for partnerships within your institution?
- Do you have a strategy for entering into, and working in, partnership?
- How do you disseminate your approach to working in partnership within your institution?
- What arrangements do you include within your agreements to ensure that students can complete their courses if the partnership is terminated?

Due diligence enquiries are completed and legally binding written agreements are signed prior to the commencement of student registration - due diligence enquiries are refreshed periodically and before agreements are renewed (Guiding principle 3)

The purpose of due diligence by a provider is to identify the factors that may place it at risk, legally or reputationally, and to anticipate future developments which could jeopardise academic standards, the quality of students’ learning opportunities and/or the viability of an award or a partnership. Due diligence processes provide the opportunity for reasonable care and caution to be exercised to mitigate corporate risk and ensure that students’ interests are protected.

Due diligence processes (legal, financial and academic) provide the relevant information required for a provider to make clear judgements and assess any potential risk to the organisation or its students. The processes should be proportionate and timely, and will depend on a range of factors including, for example, the nature of the proposed partnership and the location and experience of the proposed partner. Providers should ensure that due diligence enquiries are carried out by appropriately qualified and/or experienced personnel; it is normal for enquiries to involve a range of staff from across a provider.

Where PSRB accreditation is sought, the PSRB should be consulted at an early stage about the proposed arrangement; sometimes the PSRB might not accredit courses delivered out of the UK, or in particular countries. Due diligence enquiries should also confirm any local, or in-country, regulatory requirements with which the course and/or the students will have to comply, including information about whether the course will be recognised in the country of planned delivery and any visa restrictions or regulations or laws that might affect individuals studying there.

As part of corporate due diligence, agreements and the management of risk, providers should have governance structures in place to assess the suitability of the proposed partnership. There should be clear accountability for decisions made by the provider in relation to the assessment of risk, due diligence and subsequent agreements/contracts.

Written agreements should be drawn up by appropriately qualified and/or experienced individuals and legal advice should be sought, particularly for out of country or unusual arrangements. Agreements should include a comprehensive statement of the rights and responsibilities of the different parties to assure a shared understanding of how the partnership will operate. Agreements will need to take into account all relevant requirements and, where relevant, other jurisdictions. Where the partnership is transnational, the agreement should include in which legal jurisdiction will apply.

Partnership agreements need to include appropriate student protection clauses to ensure the preservation of continuity of study through to a mutually agreed point of completion should the partnership terminate. These arrangements should be reflected in student protection plans.
Partnership agreements can run for varying lengths of time. Providers should have processes and procedures in place to periodically refresh the due diligence on established partnerships to enable them to identify when information which underpinned the original approval decision has changed. This is to reaffirm that corporate risk continues to be mitigated and that students’ interests are protected.

**Reflective questions**

- What are your processes for due diligence prior to entering into a partnership arrangement?
- Do you have an approach to reviewing due diligence during the partnership?
- Do you have suitable protection plans/clauses for students in place for all necessary partnerships? Do they form part of the formal agreement?

Provision delivered through partnership arrangements will be subject to quality procedures that are at least as rigorous, secure and open to scrutiny as those used for the provision delivered by the awarding organisation *(Guiding principle 4)*

Courses delivered through partnership arrangements should be subject to quality assurance procedures that are at least equivalent to those of courses delivered by the awarding organisation.

An awarding organisation’s academic assurance arrangements for provision delivered in partnership should align with the awarding organisation’s own policies and framework for provision delivered directly.

The quality assurance procedures for other types of arrangements, for example, study abroad or placements, will be proportionate to the level of risk and complexity but should also align with the awarding organisation’s stated policy or procedures.

An awarding body’s approval arrangements for courses delivered in partnership should align with the awarding body’s processes and/or quality assurance framework for provision delivered directly, the relevant qualifications framework and other appropriate internal and external reference points. External input from appropriately qualified external experts should be sought when approving new partnerships as well as when approving new courses with a new or existing partner (see also *External Expertise* Theme).

For courses that are part of an apprenticeship, attention should be paid to any relevant external requirements such as an Apprenticeship Standard or Apprenticeship Framework and any associated assessment requirements.

Appropriate monitoring and periodic review arrangements should be put in place in line with the awarding organisation’s quality assurance framework; details of such arrangements should be specified in the formal written agreement.

Feedback from all parties in the partnership, including student feedback on their experience of partnership arrangements, should be elicited and acted upon in line with the provider’s policy and in conjunction with all parties involved.

The awarding organisation should carry out periodic checks on the information supplied to students by partner institutions to ensure that it is accurate about the nature of the arrangement and the course. Particular care should be taken to ensure students and applicants receive accurate information about the status of the course in relation to professional registration.

Providers ensure that there are complaints and appeals policies and procedures, which are made available to students and which clearly set out the responsibilities of the awarding organisation and partners. Those policies and procedures should follow the guidance issued by the relevant independent review body. Awarding bodies and delivery partners that are members of the Office of the Independent Adjudicator should follow the principles of the Good Practice Framework and, in particular, the Delivering Learning Opportunities with Others section. Providers in Scotland and in Northern Ireland should follow the complaints framework of the Scottish Public Services Ombudsman and the Northern Ireland Public Services Ombudsman, respectively.
Provision delivered through a partnership arrangement will, by their nature, be delivered away from the provider, sometimes at a significant distance where the partner is overseas. To maintain regular formal and informal communication with the partner, it is useful to identify a named contact at each provider through which this can be achieved.

Monitoring of the partnership, as well as of the provision, will be required to ensure that the partner continues to meet the requirements specified as part of the partner approval process. Providers will have appropriate policies or procedures in place for this purpose.

If courses are delivered in a language other than English or Welsh, measures will need to be taken to ensure that all communications, translated documents and so on, are fully understood by all parties. This could be by ensuring there are staff (including external examiners) with the appropriate language skills or that appropriate measures for translation are in place.

For higher education apprenticeships, arrangements will need to conform to the requirements of the relevant external agencies, for example, Education and Skills Funding Agency, Institute for Apprenticeships, Skills Development Scotland, and Higher Education Funding Council for Wales.

Joint degrees, including joint PhDs, have the additional complexity of having to mesh together the partner institutions’ policies, requirements and academic regulations. Sufficient time should be allowed to agree these during the approval stages of the partnership and the course; finalised arrangements should be specified in the formal written agreements for each partnership and each course.

More detailed types of review may be necessary to ensure regulatory and quality assurance process alignment.

Reflective questions

- How do you ensure that the academic standards of your awards are maintained when delivered in partnership with another organisation?
- If delivering a joint or dual degree, are the responsibilities between awarding organisations for ensuring academic standards clearly articulated and recorded?
- Are your measures for ensuring academic standards proportionate to the level of risk identified when undertaking due diligence of the proposed partner and the planned arrangements?
- Do you meet any external requirements for your partnership arrangements, for example, PSRBs, apprenticeship funding bodies, in-country regulatory requirements?
- What are your arrangements for the engagement of external examiners and external advisors for the provision that is delivered in/through a partnership? Have you referred to the External Expertise Theme for advice and guidance?

Awarding organisations that make arrangements for the delivery of learning opportunities with others, retain the authority and responsibility for awarding certificates and records of study in relation to student achievement (Guiding principle 5)

Marks for assessments taken at a partner institution are confirmed by a Board of Examiners which is constituted in line with the awarding organisation’s regulations. Recommendations for awards should be ratified by the awarding organisation’s relevant assessment boards or designated senior committee or board. The awarding organisation is responsible for maintaining records of study including student grades and awards from its partners.

For joint or dual degrees including joint PhDs, the arrangements pertaining to assessment will be agreed as part of setting up the partnership and will be specified in the formal written agreement. The written agreement should also confirm the information that will be required on the award certificate.

For transnational delivery, due diligence enquiries should confirm whether or not the award will be recognised in the country where it is delivered. Enquiries should also confirm the information that will be required on the award certificate.
Where students are on placement/studying at another provider, at home or abroad, the partner should provide a transcript of the marks achieved. Awarding organisations will have appropriate policies relating to the import of marks from other providers including, where relevant, marks translation schemes. The transcript or award certificate may need to include the language of study, where this is specified within the formal agreement.

Reflective questions

- What are your arrangements for recording and confirming student results?
- For transnational delivery, what measures do you take to confirm if an award will be recognised in the country in which it is delivered?
- How do you record marks achieved where courses are delivered elsewhere, and how are they included in a student’s transcript and, where relevant, degree classification or award certificate?

All awarding organisations maintain accurate, up-to-date records of all partnership arrangements that are subject to a formal agreement (Guiding principle 6)

Records of different types of partnership may be held in different places (for example, taught courses, articulations, exchanges, placement agreements). However, it should be clear within the provider where responsibility lies for maintaining these records and ensuring that regular review takes place.

The publication on a provider’s website of a list of partnerships involved in courses with the provider will allow prospective students, employers and other providers to confirm that a partnership is genuine.

Awarding organisations may find it useful to develop and publish a typology of potential partnership arrangements, considerations to identify associated risks, key matters for the management of the partnership, and key factors to include informal agreements.

Reflective questions

- What are your arrangements for maintaining records of partnership arrangements?
- Do you have a typology of partnership arrangements through which you can highlight considerations for risk assessment and management of the partnership?

Awarding organisations monitor and evaluate their partnership arrangements to satisfy themselves that the arrangements are achieving their stated outcomes and that academic standards and quality are being maintained (Guiding principle 7)

Awarding organisations should monitor and evaluate their partners and their courses to ensure that they are achieving their stated outcomes, that academic standards are being maintained and that the student learning experience is of the required quality. It should be clear where and how decisions are made about the continuation of partnerships. The renewal of agreements should be based on a review of the effectiveness of the partnership arrangement, through continuous monitoring and/or a periodic review of the course(s) and a review against the due diligence which underpinned the original agreement including a reassessment of the associated risk and any mitigation that is required.

These activities should take place sufficiently in advance of the expiry of the current agreement to allow for the review to be completed and a new agreement signed. If new or different activities are to be included in the partnership, any due diligence checks relevant to the changes should be undertaken.
Reflective questions

- How do you monitor and evaluate your partnerships and their respective arrangements?
- Do you have a plan for ongoing, annual and periodic reviews of each partnership?
- Is it clear how decisions are made and who makes the decisions about continuation or exiting a partnership?
- What measures do you have in place to ensure continuity to student completion, where a decision is made to exit a partnership?
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