

**Office for
Students**



Regulatory advice 4: Transition arrangements for degree awarding powers and university title

**Information for providers about the transition
to the new regulatory requirements**

Reference **OfS 2018.11**

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Introduction

1. This regulatory advice provides information about the timing of the transfer of the following powers from the Department of Education (DfE) and the Privy Council, to the Office for Students (OfS):
 - a. Authorisation of degree awarding powers (DAPs).
 - b. The use of 'university' and 'university college' in a provider's title.
2. It is relevant for all higher education providers in England that currently hold, or are considering an application for, DAPs, university college title or university title.
3. This guidance is intended to help you to:
 - a. Understand how the timing of the changes to these powers may affect your application.
 - b. Identify the guidance that applies to you if you currently hold DAPs or use 'university' or 'university college' in your title.
 - c. Understand when more detailed information about the new arrangements for DAPs, university college title and university title will be available.
4. This guidance should be read in conjunction with the OfS's regulatory framework (OfS 2018.01)¹ which sets out in full the approach that we will take to the registration and regulation of providers. If there are any inconsistencies between the regulatory framework and this document then the regulatory framework will prevail.

¹ https://www.officeforstudents.org.uk/media/1047/ofs2018_01.pdf

Part A: Degree awarding powers

5. The regulatory framework sets out the way in which we will perform our functions in relation to the authorisation of degree awarding powers. From 1 August 2019, we will authorise:
 - a. Foundation degrees only (level 5 of the FHEQ)².
 - b. Awards up to, and including, bachelors degrees (up to and including level 6).
 - c. All taught awards (up to and including level 7).
 - d. Research awards (level 8 and research masters degrees at level 7).
6. You may apply for these authorisations on a subject specific basis, or covering all subjects³. If you are authorised to grant taught awards of any description you will be authorised to grant all taught awards that fall within the definition set out in section 42(3) of the Higher Education and Research Act 2017 (HERA)⁴.
7. Depending on your track record of delivering higher education in England you can decide whether to apply for the authorisation to award New DAPs or Full DAPs (see paragraph 9). The requirements for these different routes are set out in the regulatory framework and summarised in paragraphs 9-18 below.
8. Table 1 sets out the timing of the transfer of powers relating to degree awarding powers from the Department of Education (DfE) and the Privy Council to the Office for Students (OfS). More information about this is provided below the table.

² Only a registered provider that is also an English further education corporation may obtain a foundation degree only authorisation. An English further education provider: (a) is an institution incorporated under Section 15 or 16 of the Further and Higher Education Act 1992 or which has become a further education provider by virtue of section 33D or 47 of that Act; (b) has been designated under Section 28 of that Act; or (c) is a sixth form college conducted by a sixth form corporation (as defined in section 191(1) of the Further and Higher Education Act 1992).

³ Subject-specific powers to grant research awards are expected to be rare.

⁴ These comprise foundation degree, higher education diploma, higher education certificate or other academic award or distinction granted to persons who complete an appropriate course of study and satisfy an appropriate assessment.

Table 1: Timing of the transfer of powers relating to DAPs

Timing	Which DAPs arrangements apply to me?
I applied for DAPs before 31 March 2018	<p>Your application will be considered under the old arrangements.</p> <p>See:</p> <ul style="list-style-type: none"> • Foundation degree awarding powers guidance: September 2015⁵ • Taught and research degree awarding powers guidance: September 2015⁶
I applied for DAPs on or after 1 April 2018	<p>Your application will be considered under the new arrangements.</p> <p>See paragraphs 208-283 of the regulatory framework (OfS 2018.01).</p>
I already hold DAPs and there is an issue to address before 31 July 2019	<p>Any issues relating to your DAPs will be considered under the old arrangements.</p> <p>See:</p> <ul style="list-style-type: none"> • Foundation degree awarding powers guidance: September 2015⁷ • Taught and research degree awarding powers guidance: September 2015⁸
I already hold DAPs and there is an issue to address on or after 1 August 2019	<p>Any issues relating to your DAPs will be considered under the new arrangements.</p> <p>See paragraphs 208-283 of the regulatory framework (OfS 2018.01).</p>

I have been delivering higher education for less than three years – which authorisations can I apply for under the new arrangements?

9. If you have been delivering higher education for less than three years you do not have a sufficient track record to apply for Full DAPs authorisation. You may instead apply for authorisation on a probationary basis. This type of authorisation is called ‘New DAPs’.

⁵ <https://www.gov.uk/government/publications/foundation-degree-awarding-powers>

⁶ <https://www.gov.uk/government/publications/taught-and-research-degree-awarding-powers>

⁷ <https://www.gov.uk/government/publications/foundation-degree-awarding-powers>

⁸ <https://www.gov.uk/government/publications/taught-and-research-degree-awarding-powers>

10. You may seek authorisation for New DAPs for the following taught awards only:
 - a. Foundation degrees only⁹.
 - b. Awards up to, and including, bachelors degrees.
 - c. All taught awards.
11. You may apply for these authorisations on a subject-specific basis, or covering all subjects.
12. The eligibility criteria, assessment process and assessment criteria are set out in the regulatory framework.

I have a three-year track record of delivering degree level higher education – which authorisations can I apply for under the new arrangements?

13. If you have been delivering higher education at degree level for three or more years you may apply for New DAPs as set out above. You may also apply for a full authorisation, with a time limit of three years. This type of authorisation is called 'Full DAPs'. At the end of the three year period, you will be able to apply for an authorisation to grant awards without a time limit ('indefinite DAPs').
14. You may seek authorisation for Full DAPs for the following awards:
 - a. Foundation degrees only;
 - b. Awards up to, and including, bachelor degrees;
 - c. All taught awards; and/or
 - d. Research awards.
15. You may apply for these authorisations on a subject-specific basis, or covering all subjects.
16. The full eligibility criteria, assessment process and assessment criteria are set out in the regulatory framework.
17. If you are applying for authorisation to award your own research degrees you will already hold DAPs for taught awards, or will be applying for taught DAPs and Research DAPs (RDAPs) at the same time. If you are already authorised to grant taught awards and wish to apply for RDAPs, you will need to provide evidence through the scrutiny process that you continue to satisfy all the criteria for authorisation to grant taught awards.

⁹ Applications for New FDAPs are expected to be rare given that most providers in the further education sector will already have a track record of delivering level 5 qualifications.

18. We intend to develop and publish criteria that would allow us to grant authorisation to award only RDAPs (without the ability to award taught degrees). We expect to be able to provide more information about this in the summer of 2018.

When can I submit an application for DAPs under the new arrangements?

19. After 1 April 2018, you will be able to apply for New DAPs and Full DAPs under the new arrangements and your application will be considered on the basis set out in the regulatory framework.
20. To be eligible to apply for and hold New DAPs or Full DAPs you will need to be registered with the Office for Students. If you are interested in applying for New DAPs or Full DAPs you should tell us this in your application for registration. We will assess your application to register first and then, if this is successful, you will be able to submit your DAPs application. Indicating on your application for registration that you intend to apply for DAPs, and what type of DAPs, will allow us to check that we have the information necessary to assess your eligibility for DAPs. It does not commit you to making a DAPs application.
21. We expect to start assessing applications for New DAPs and Full DAPs from September 2018. The majority of registration decisions will have been made by this time, and we also expect the designated quality body (DQB) to be ready to commence DAPs assessments from this point.
22. We and the DQB will publish more detailed information about the new arrangements for DAPs, including the evidence requirements and assessment process, in the summer of 2018.
23. Any DAPs authorisations that we make as part of these new arrangements will commence on or after 1 August 2019.

How much will it cost to apply for DAPs under the new arrangements?

24. There is no fee for our initial registration process, but you will need to pay an annual registration fee to us from 1 August 2019. More information about OfS registration fees is set out in DfE's response to the government consultation on OfS registration fees¹⁰.
25. The cost of the DQB's assessment for DAPs is calculated and charged separately. Section 28 of HERA allows the DQB to charge a provider a fee for any activity it undertakes to provide advice to us on quality and standards matters. The DQB's costs will be calculated in relation to the costs it incurs; so fees will be related to the work required to assess your application, and to carry out visits and monitoring activities.
26. We expect the DQB to publish information about its fees for DAPs assessment with its guidance about the DAPs process in the summer of 2018.

¹⁰ <https://www.gov.uk/government/consultations/office-for-students-registration-fees-stage-2>

I have already submitted an application for DAPs – what happens to this?

27. If your DAPs application is already being considered by the Quality Assurance Agency for Higher Education (QAA), your application will continue to be assessed using the old criteria and guidance:
- Foundation degree awarding powers guidance: September 2015¹¹
 - Taught and research degree awarding powers guidance: September 2015¹².
28. The final decision on your application rests with the DfE and the Privy Council. This decision will be informed by the advice provided by the QAA and any advice we (or HEFCE) are asked to provide about your financial sustainability. From 1 April 2018 we will assume responsibility for the administration of the old DAPs process from HEFCE.
29. If your application for DAPs is successful you will be authorised with the DAPs for which you applied, which may be degree awarding powers for foundation degrees¹³, for taught degrees, or for research degrees. Organisations in the publicly funded higher education sector will be granted taught or research degree awarding powers on an indefinite basis. All other organisations, including institutions in the publicly funded further education sector, will be granted taught and research degree awarding powers for a time-limited period of six years. When you have operated DAPs for three years you may apply to receive indefinite DAPs.
30. If your application for DAPs is unsuccessful, any subsequent application made from 1 April 2018 will be considered on the basis set out in the regulatory framework.
31. If you have not yet applied for DAPs but do so before 31 March 2018, your application will also be assessed using the old criteria and guidance as set out in paragraphs 27-30.
32. If you apply on or before 31 March 2018 but your application does not proceed for scrutiny following the meeting of the Advisory Committee of Degree Awarding Powers (ACDAP) in May 2018, any subsequent application you make for DAPs will be considered on the basis set out in the regulatory framework.

I already hold DAPs – how will these changes affect me?

33. The old DAPs guidance sets out how the following issues in relation to DAPs that you already hold will be addressed:
- changes in your circumstances, for example a change in ownership following a sale, a merger with another organisation or a change in your legal status
 - the Renewal of time-limited DAPs (known previously as ‘renewable DAPs’)

¹¹ <https://www.gov.uk/government/publications/foundation-degree-awarding-powers>

¹² <https://www.gov.uk/government/publications/taught-and-research-degree-awarding-powers>

¹³ Only further education corporations may be granted foundation degree awarding powers.

- changes in your name.

34. If you already hold DAPs, these requirements will continue to apply to you until 31 July 2019.

35. From 1 August 2019, the requirements for any issues in relation to DAPs that you already hold are set out in the regulatory framework.

I hold time-limited DAPs – how do I apply for indefinite DAPs?

36. If you hold an authorisation for time-limited DAPs and this is due for renewal before 31 July 2019, you should follow the process set out in the old DAPs criteria and guidance:

- Foundation degree awarding powers guidance: September 2015¹⁴
- Taught and research degree awarding powers guidance: September 2015¹⁵

37. If you hold an authorisation for time-limited DAPs and you have successfully operated with DAPs for three years or more on or after 1 August 2019 you will be able to apply for indefinite DAPs at that point. If your six-year authorisation is due to expire on or just after 1 August 2019, we will begin to assess your application for indefinite DAPs in advance of this date.

38. If you have successfully operated with DAPs for a period of less than three years on 1 August 2019 you will be able to apply for indefinite DAPs once you have completed the required three-year period.

39. To gain indefinite DAPs, you will be subject to a review. The approach we will take is set out in the regulatory framework.

When will more detailed information about the new arrangements for DAPs be available?

40. We and the DQB will publish further guidance about how to apply for DAPs under the new arrangements in the summer of 2018. In the meantime, if you have any queries contact us at DAPS@officeforstudents.org.uk.

¹⁴ <https://www.gov.uk/government/publications/foundation-degree-awarding-powers>

¹⁵ <https://www.gov.uk/government/publications/taught-and-research-degree-awarding-powers>

Part B: University college and university title

41. The regulatory framework sets out the way in which we will perform our functions in relation to the use of ‘university’ and ‘university college’ in a provider’s title. From 1 August 2019, we will award university college and university title. The approach we will take is set out in the regulatory framework (OfS 2018.01).
42. Table 2 sets out the timing of the transfer of powers relating to the use of ‘university’ and ‘university college’ in a provider’s title from the DfE and the Privy Council, to the OfS. More information about this is provided in this part of this document.

Table 2: Timing of the transfer of powers relating to the use of ‘university’ in a provider’s title

Timing	Which university college or university title arrangements apply to me?
I applied before 31 March 2019	Your application will be considered under the old arrangements. See University title and university college title and guidance: September 2015 ¹⁶
I applied on or after 1 April 2019	Your application will be considered under the new arrangements. See paragraphs 284-306 of the regulatory framework (OfS 2018.01).
I already hold university college or university title and there is an issue to address before 31 July 2019	Any issues will be considered under the old arrangements. See University title and university college title and guidance: September 2015 ¹⁷
I already hold university college or university title and there is an issue to address on or after 1 August 2019	Any issues will be considered under the new arrangements. See paragraphs 284-306 of the regulatory framework (OfS 2018.01).

When can I submit an application for university college or university title under the new arrangements?

43. From 1 April 2019, you will be able to apply for university college or university title under the new arrangements, and your application will be considered on the basis set out in the regulatory framework.

¹⁶ <https://www.gov.uk/government/publications/university-title-and-university-college-title>

¹⁷ <https://www.gov.uk/government/publications/university-title-and-university-college-title>

44. We will publish more detailed information about the new arrangements for university college and university title in the summer of 2018.
45. Any award to use 'university' or 'university college' in your title that we make under the new arrangements will commence on or after 1 August 2019.

I have already submitted an application for university college or university title – what happens to this?

46. If you have already applied for university college or university title your application will continue to be assessed using the old criteria and guidance:
 - University title and university college title and guidance: September 2015¹⁸
47. The final decision on your application rests with the DfE and the Privy Council. This decision will be informed by advice we (or HEFCE) are asked to provide. From 1 April 2018 we will assume responsibility for the administration of the old process from HEFCE.
48. If your application is successful you will be notified of this by the DfE or the Privy Council as set out in the old criteria and guidance.
49. If your application is unsuccessful, you will be notified by DfE, and any subsequent application made from 1 April 2019 will be considered on the basis set out in the regulatory framework.
50. If you have not yet applied for university college or university title but do so before 31 March 2019, your application will also be assessed using the old criteria and guidance as summarised in paragraphs 46-49.

I already hold university college or university title – how will these changes affect me?

51. The old guidance sets out how the following issues in relation to the use of 'university' in your title will be addressed:
 - changes in your circumstances, for example a change in ownership following a sale, a merger with another organisation or a change in your legal status
 - changes in your name.
52. If you already hold university college or university title, these requirements will continue to apply to you until 31 July 2019.
53. From 1 August 2019, the requirements for any issues in relation to your use of 'university' in your title are set out in the regulatory framework.

¹⁸ <https://www.gov.uk/government/publications/university-title-and-university-college-title>

When will more detailed information about the new arrangements for university college and university title be available?

54. We will publish further guidance about how to apply for university college and university title under the new arrangements in the summer of 2018. In the meantime, if you have any queries contact us at UT@officeforstudents.org.uk.



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