



Department  
for Education

# **Simplifying access to the market: degree awarding powers and university title**

**Government consultation response**

**February 2018**

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## Introduction

This consultation published in October 2017 sought views on behalf of the Secretary of State and the new Office for Students (OfS) on the proposed new detailed criteria and processes for Degree Awarding Powers (DAPs) and University Title, following the reforms set out in the 2016 White Paper “Success as a Knowledge Economy” and the Higher Education and Research Act 2017 (“HERA”).

The reforms are designed to make it simpler and quicker for providers to enter the higher education market, but only if they can demonstrate they have the potential to deliver high quality provision.

The consultation set out the proposals for the different types of DAPs authorisation, eligibility criteria for DAPs and University Title, and the revocation and variation actions the OfS can take.

The responses received both digitally and in formal written responses, have informed:

- The regulatory framework published by the OfS in accordance with section 75(1) of HERA
- The factors set out in guidance to the OfS given by the Secretary of State under sections 77 of the Further and Higher Education Act 1992 and section 39 of the Teaching and Higher Education Act 1998 (in relation to University Title)
- Secretary of State guidance to the OfS under section 2 of HERA in relation to DAPs and University Title more widely

This document sets out all of the responses received, and what the government’s response is, where this is a matter included in the Secretary of State guidance referenced above. The OfS must have regard to such Secretary of State guidance, but has also been taking account of these responses in the development of its regulatory framework and guidance to providers that will replace and supersede the [guidance](#) currently published by the Department.

# Summary of responses received and the government's response

## Main findings from the consultation

### Degree Awarding Powers

- The area with the greatest disagreement was regarding the open question of whether Research DAPs should be made available on a probationary basis. 54% of respondents either slightly or strongly disagreed with this suggestion. 33% agreed with the proposal.
- There was some disagreement (50%) about the adequacy of the New DAPs test, with some detailed comments and suggestions. A number of providers and representative groups disagreed, based on concerns that established providers may be disadvantaged by not being able to access New DAPs on the same basis as new providers without a track record.
- 57% of respondents considered the proposed monitoring processes during the probationary period as adequate.
- 59% of respondents agreed that the level 6 criterion for DAPs should be interpreted more flexibly to allow providers with a significant number, but not 50%, of higher education students on courses at level 6 to apply.

### University Title

- Overall, there was support for the proposals.
- 56% of respondents either slightly or strongly agreed with the factors for University Title, to be set out in Secretary of State guidance.

### Variation, Revocation, and change in circumstances

- Strong support (>70%) for proposals of how to implement the statutory provisions regarding the variation of DAPs, and revocation of DAPs and University Title; and for the proposed definition for change in circumstances.

## Question analysis

We asked respondents a series of questions on particular proposals relating to the criteria and processes for DAPs and University Title. Respondents could answer the questions digitally via the online survey or through written responses sent through to us via email or post.

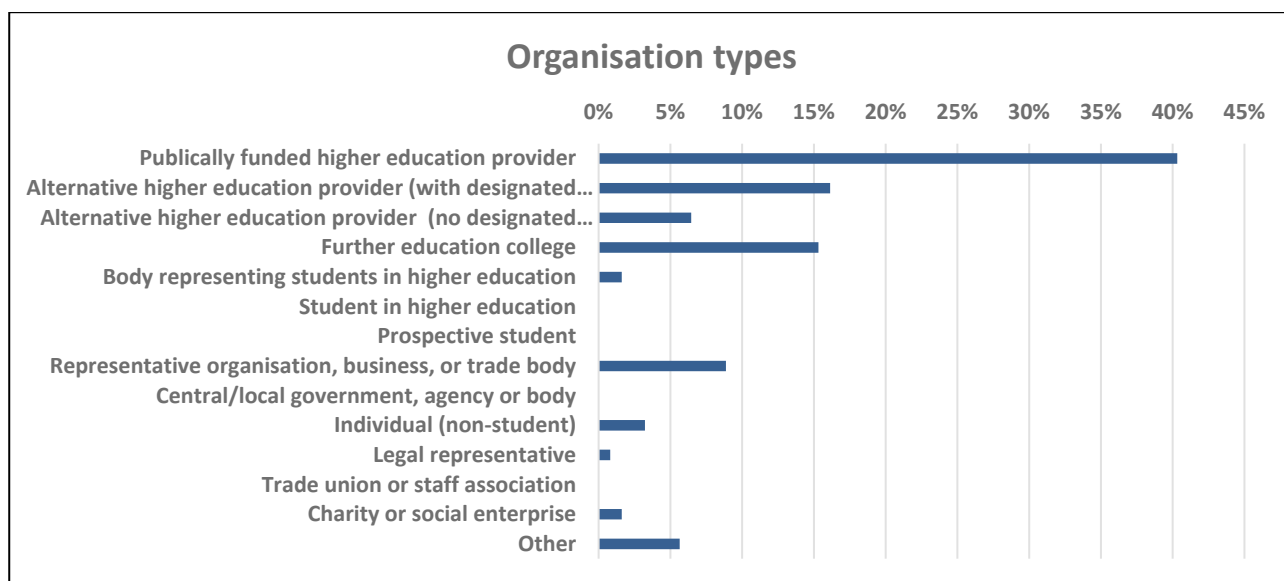
While the consultation was open, DfE held a number of events jointly with the then shadow OfS to explore consultation policies and proposals in greater detail with stakeholders including providers, students and their representative bodies. Five events took place, hosted by Birmingham University, London Institute of Banking and Finance (two sessions), Bournemouth University, and Manchester Metropolitan University. Vice-Chancellors and Chief Executives from all higher education providers across England, including Higher Education Institutions (HEIs), alternative providers and further education colleges (FECs), were invited and asked to send representatives to encourage diversity of views. The events were very well attended by a good cross-section of providers, their student representatives and supporting organisations, with over 260 attendees in total. The discussions informed our analysis and policy development, in conjunction with the responses submitted formally.

The following report is a factual summary of the responses received, which numbered 124 in total (116 via Citizen Space). Not all respondents answered all questions.

### Questions 1- 4

These questions invited the respondents to provide their names, organisation and location in order for us to explore the results by respondent type.

The chart and table below provide a breakdown of the organisation types that responded.



<b>Organisation types</b>	<b>Total</b>	<b>%</b>
Publically funded higher education provider	50	40.32%
Alternative higher education provider (with designated courses)	20	16.13%
Alternative higher education provider (no designated courses)	8	6.45%
Further education college	19	15.32%
Body representing students in higher education	2	1.61%
Student in higher education	0	0.00%
Prospective student	0	0.00%
Representative organisation, business, or trade body	11	8.87%
Central/local government, agency or body	0	0.00%
Individual (non-student)	4	3.23%
Legal representative	1	0.81%
Trade union or staff association	0	0.00%
Charity or social enterprise	2	1.61%
Other	7	5.65%
<b>Total</b>	<b>124</b>	

## Part 1 - Degree Awarding Powers

### Question 5

**Do you agree or disagree that the OfS should consider applications for New DAPs for research awards from providers without a three-year track record of delivering higher education in England?**

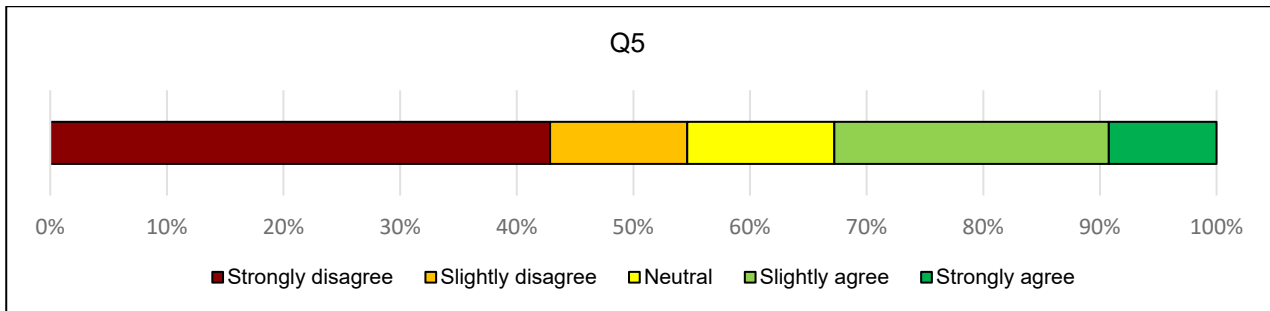
The majority of respondents did not agree that the OfS should consider applications for New DAPs for research awards from providers without the required track record of delivering higher education.

This lack of support was largely because of a concern that UK Higher Education has a worldwide reputation for high quality research and that allowing providers with no English research track record would risk undermining that reputation. This concern was particularly driven by a view from respondents that there is no guarantee that a provider establishing a research-base in the UK would be able to immediately create the vibrant research community required to support research student education.

Whilst recognising that some providers of this kind might conceivably be able to make a credible application, a number of respondents had some concerns about how often this would be practicable. This was particularly the case with overseas providers. It may not always be easy for the regulator to make direct comparisons between UK research degrees and those from another jurisdiction. There can be significant differences in terms of what constitutes a research degree in different countries, for example, some may have a large taught component.

Some respondents were in favour of the proposal on the basis that there will be some specialist institutions with extensive experience within research but with limited experience or intention to develop a taught offer. One respondent noted that preventing new providers from being able to deliver research degrees alongside their undergraduate offering would be a sticking point for many would-be industrial providers.

Such providers may well want to obtain distinctly more business value from PhD students than from undergraduate students. Another respondent said that separating research powers out so that it requires a validation agreement track record perpetuates all of the same issues that Taught Degree Awarding Powers (TDAPs) faces and risks excluding high quality research organisations from training and developing more in house experts.



Response	Total	Percent
Strongly disagree	51	43%
Slightly disagree	14	12%
Neutral	15	13%
Slightly agree	28	24%
Strongly agree	11	9%
	119	

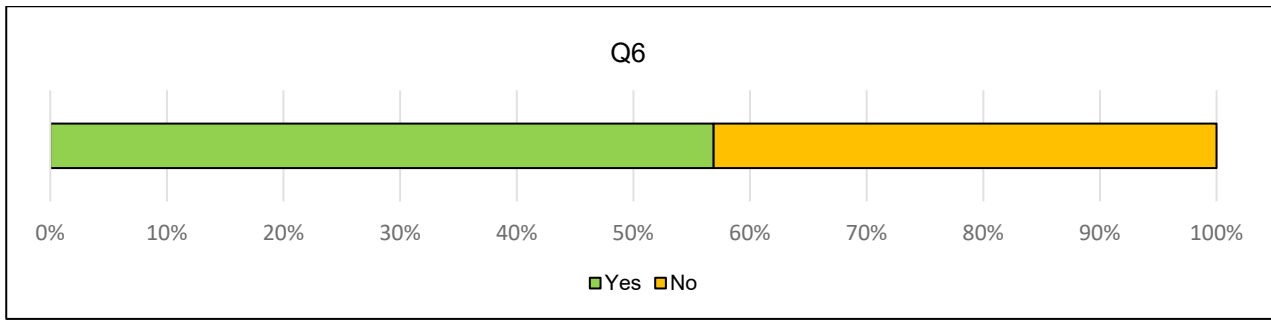
## Question 6

**(With reference to question 5) Are there particular circumstances where authorisations of this type would be appropriate? If so, what are they?**

While only a minority were in support of this proposal, some did say research awards of this kind might be appropriate for certain types of providers, in particular:

- Well established overseas institutions with the equivalent of research degree awarding powers in another jurisdiction
- Where a domestic provider has extensive experience of delivery of higher education, in particular where they themselves match this qualification at level 6 or 7, but has not had the necessary validation or franchise arrangements for evidence, they too should be able to apply for New DAPs
- An organisation with a research culture with links to universities that already hosts research students, but wants to increase their research base and have greater control of their research agenda
- Well established and internationally recognised research expertise either overseas or as a result of other UK funding sources (e.g. Wellcome Trust or other larger medical charities), then an authorisation should be considered.





Response	Total	Percent
Yes	62	57%
No	47	43%
	109	

## Government Response

In light of the responses to questions 5 and 6, we are maintaining the position that New DAPs will not be available in respect of research degrees.

## Question 7

**Do you have any comments on the proposed New DAPs test and associated processes? In particular, do you think these tests and processes provide appropriate safeguards whilst enabling high quality new providers to access DAPs?**

Opinions were mixed on this question. Overall, there were a larger number of respondents with some concerns about how the New DAPs process would work in practice.

A strong theme running through many responses was the view that there should be very strong Student Protection Plans in place to ensure that students are well cared for should DAPs be revoked or not renewed. One respondent thought that the requirements of the plan needed to be particularly strong in respect of providers without any track record of delivering higher education courses.

With this in mind, a number of respondents commented on the risk to students if the provider in question subsequently exited the market and the potential negative future impact this could have on the perceived value of their award.

A number of respondents commented on the potential difficulty regulators could face in assessing and monitoring providers with no track record at all. This was felt to be particularly the case during the period immediately following the authorisation. On this basis, it was acknowledged that such providers needed to be the subject of close supervision from an early stage.

One respondent suggested the New DAPs process in the first couple of years for the institution should be much more akin to a validation agreement than the current Advisory Committee for Degree Awarding Powers (ACDAP) process.

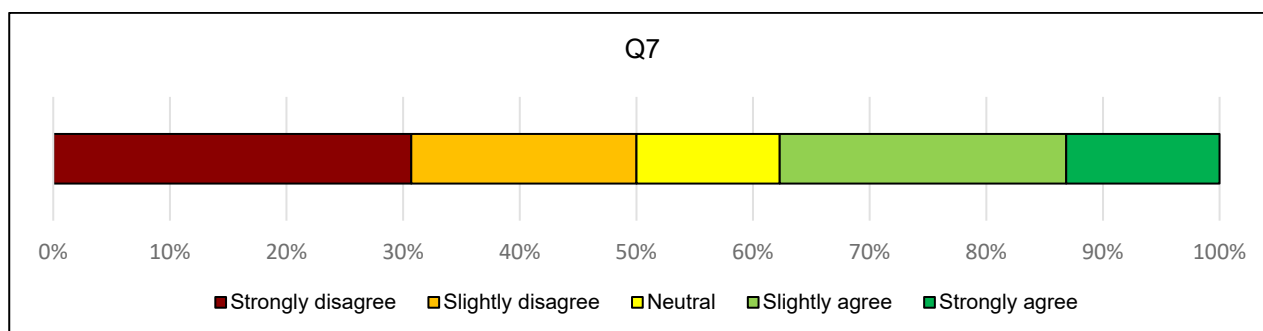
Some respondents also questioned whether a three year probationary period, would be long enough to make a definite judgement on whether the provider had done enough to confirm their ability to deliver a consistent high-quality higher education experience. It was also suggested that providers with New DAPs should have undergone at least one year's scrutiny before being able to award a qualification (e.g. top-ups, one year Masters, or exit qualifications such as CertHE etc).

### Eligibility for New DAPs

Although there was no specific consultation question regarding who should be eligible to apply for New DAPs, a number of respondents commented on what they believed was an illogical effect of the New DAPs process. Namely that because it has been designed for providers either new to the sector or who do not have experience of operating under a validation agreement, this could be seen to offer them an advantage in comparison with those providers that do have a track record. This is because the process for awarding New DAPs is expected to take a shorter time than a full authorisation would (where the full scrutiny against all the criteria takes place before any award is made).

It was argued that it would be unfair and inappropriate to allow untested providers to be able to make awards to a faster timetable to providers that did have a track record, even if the former's authorisation was of a probationary kind.

It was suggested by some respondents that either the New DAPs route should be open to all providers, or the nature of the scrutiny process should fundamentally change to allow providers that have passed an initial test to begin making awards on a probationary basis whilst the full scrutiny process is ongoing (which would take place for an appropriate amount of time depending on the nature and experience of the provider).



Response	Total	Percent
Strongly disagree	35	31%
Slightly disagree	22	19%
Neutral	14	12%
Slightly agree	28	25%
Strongly agree	15	13%
	114	

## Government Response

We acknowledge that existing providers see themselves at a disadvantage if they were unable to apply for New DAPs. However, it has been the government’s position throughout the reforms that the process for obtaining Full DAPs is strong and well tested, and should not be completely overhauled. Redesigning the Full DAPs processes has not been consulted on, and would significantly change and put at risk a well established process.

As such, we believe respondents’ concerns are best addressed by enabling all providers to apply for New DAPs, regardless of their track-record, if this is their preference.

In the guidance, the Secretary of State has also asked the OfS to conduct a review of the operation of the effectiveness of the reformed system for applying for, and obtaining DAPs, at an appropriate point after at least three years of operation of the new regime.

Additional comments on the detail of the New DAPs test and associated processes have been considered by the OfS as part of its work to produce the regulatory framework and detailed guidance for providers about the application and assessment process. The OfS’s regulatory framework makes it clear that providers with New DAPs must have a strong Student Protection Plan in place, that mitigates against the risk of losing DAPs or not proceeding to Full DAPs at the end of the probationary period.

## Question 8

### **Do you consider the proposals for monitoring a provider with New DAPs during the probationary period to be adequate and appropriate?**

A majority of respondents thought that the monitoring proposals were adequate and appropriate. A significant minority had some concerns. These concerns largely revolved around how specific aspects of the monitoring process would work in practice.

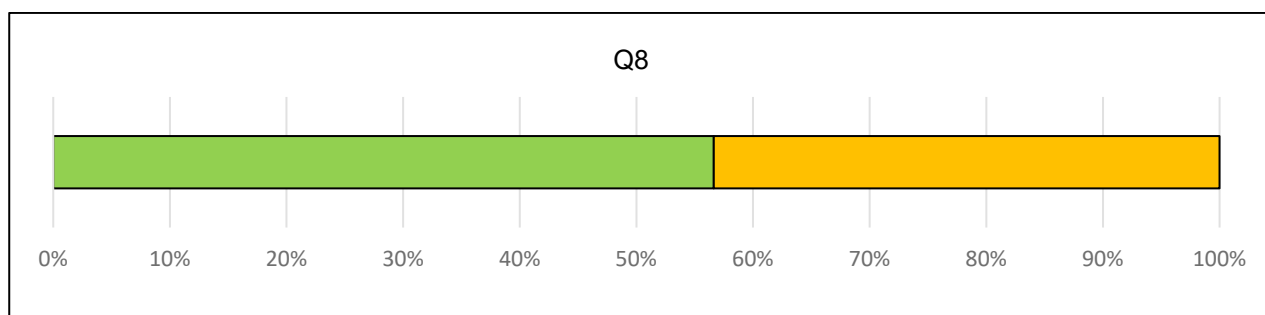
A number of respondents highlighted the proposed quarterly progress update. Some respondents were concerned that this would not be sufficient, at least in the initial period, and that the regulator needed to take a more hands on approach, especially given that it will not be able to rely on actual data during much of the probationary period. Therefore, visits to the provider by the regulator would play an important role.

Student engagement was also noted, and their views on the performance of their institution should be taken account of during these visits and also in other parts of the monitoring process.

Other respondents noted that evidential indicators may not actually be available until after the probationary period had lapsed. Therefore, the probationary period might need to last longer than three years.

A few respondents also highlighted the need to put in place particularly stringent monitoring of overseas providers setting up an English higher education provider, given their lack of experience of quality and standards expectations of the English higher education system.

The inclusion of other regulatory intelligence held by the regulator to help inform progress against the probationary plan and performance against the DAPs criteria was welcomed by a number of respondents. Some respondents made specific suggestions to help develop the monitoring process, in particular, that providers establish a steering group with external membership to help guide them through the probationary period.



Response	Total	Percent
Yes	64	57%
No	49	43%
	113	

## Government Response

In light of these responses, we are retaining the overall approach to monitoring providers with New DAPs.

The OfS is taking these detailed comments into account when delivering their approach of putting in place robust systems to monitor New DAPs according to these proposals.

## Question 9

**Do you agree with the proposals for the OfS and providers to best ensure that students are aware of what type of DAPs, including New DAPs, a provider has? If you think there should be additional information requirements, please give details.**

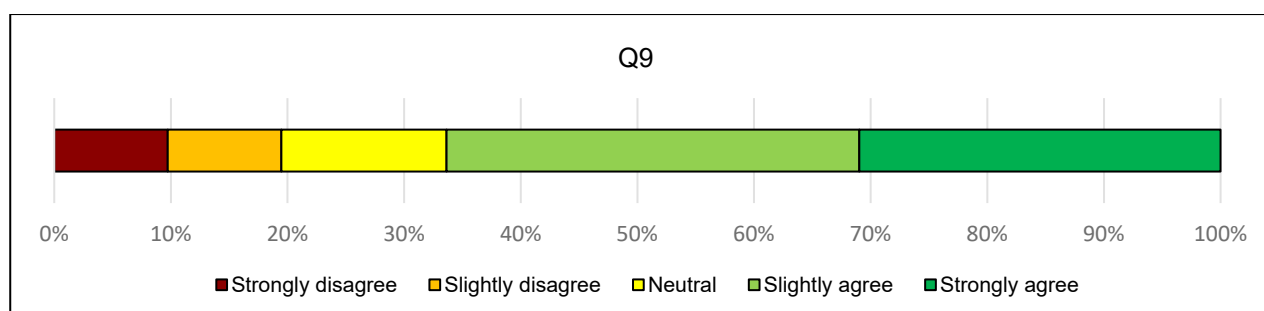
Around two thirds of respondents either strongly agreed or agreed with the information and awareness raising proposals.

A number of respondents noted the read-across to Student Protection Plans and that it was important that students were not only made aware of the plans but also the content, in particular what contingency plans were in place for students affected by market exit.

Other respondents suggested that information about the probationary nature of the powers was couched in language that was user friendly. For example, it would not be sufficient to simply state that the provider held New DAPs.

This term would need to be described in more detail and include information such as when the New DAPs would expire. It was also important that the information could be found in places most likely to be accessed by potential students, e.g. UCAS and Unistats.

A number of respondents pointed out current Competition and Market Authority's (CMA) requirements in this area. To ensure compliance with CMA guidelines, it was suggested that providers should (as a minimum) make the information on the type of DAPs that the institution has easily accessible on their website. To aid transparency about the DAPs system more generally, it was also suggested that the OfS develop literature for key stakeholders such as students, and employers to enable a better understanding of the various categories/powers that an institution has.



Response	Total	Percent
Strongly disagree	11	10%
Slightly disagree	11	10%
Neutral	16	14%
Slightly agree	40	35%
Strongly agree	35	31%
	113	

## Government Response

The OfS is taking these responses on board in considering proposals for ensuring students are aware of which type of DAPs a provider has.

### Question 10

**Do you agree or disagree with the suggested change regarding the possible variation of the level 6 TDAPs criterion?**

There was broad support for the proposal to adopt a more flexible approach to the TDAPs requirements concerning the percentage of students studying on level 6 courses.

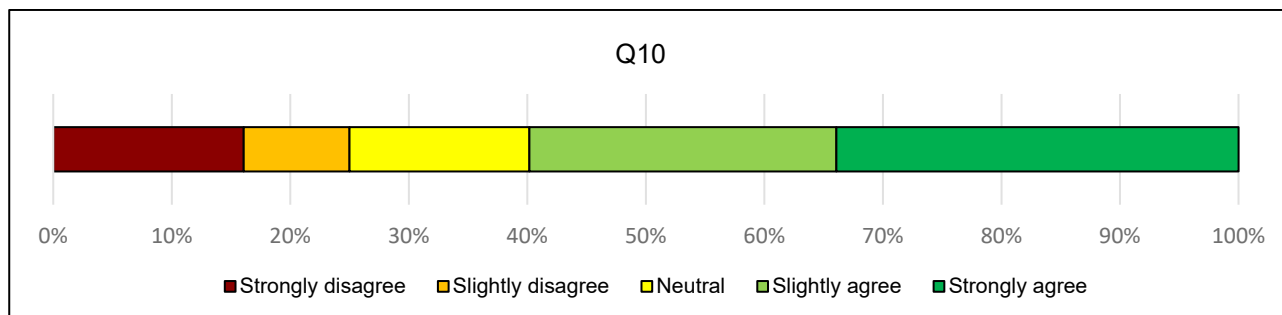
There were a number of factors given by respondents in support of this proposal. These included:

- The current position is arbitrary and unfair – the ability to award up to level 6 will enable colleges who deliver courses below level 6 to provide seamless Technical and Professional Education
- The current position also discriminates against providers with extensive part-time provision because students on these programmes are even more likely to be studying their higher education through a ladder of progression to honours
- A more flexible approach would help providers specialising in technical education, such as Institutes of Technology, to emerge to help address higher technical skills shortages
- There will also be scope for colleges with excellent track records in work-based learning and apprenticeship delivery (especially higher apprenticeships) to create, without any constraints from a validation partner, innovative delivery methods for degree courses.

A significantly smaller number of respondents disagreed with this proposition. They cited the following factors:

- If a TDAPs holder did not have a majority of level 6 students, there would be little to distinguish them from Further Education colleges delivering mainly courses at level 5 or below
- Doubts as to whether a provider that specialised in delivery below level 6 could offer a viable academic community of staff and students, which is a key aspect of the quality of the student experience.

One stakeholder also suggested that the OfS could provide for Level 5 specific TDAPs where a provider has significant experience in delivering level 5 provision and is not eligible to apply for foundation DAPs.



Response	Total	Percent
Strongly disagree	18	16%
Slightly disagree	10	9%
Neutral	17	15%
Slightly agree	29	26%
Strongly agree	38	34%
	112	

## Question 11

**(With reference to question 10) If the 50 per cent criterion is to be disapplied in some exceptional cases, what factors do you think the OfS should take into account when determining whether an application is an exceptional case?**

Many respondents who agreed with this proposition also put forward suggestions as to factors the OfS might want to take account of in order to allow an application for TDAPs. Many of the suggestions revolved around the number of level 6 students at the provider in question.

A number of respondents suggested that progression routes were also important. For example, an organisation may have a structure of Foundation Degrees that can be 'topped up' to a full degree. In these cases, the OfS should take into account high rates of progression to study for level 6, either at the college or elsewhere.

Other factors mentioned included specialist nature of the level 6 provision in question or where the provider is situated in a 'cold spot' and is planning to extend Level 6 provision within a three-year period.

## Government Response

We have considered the responses to questions 10 and 11 and have concluded that there should be a more flexible approach to consideration of applicants for TDAPs who do not have the requisite percentage of level 6 students.

However, to address the concerns expressed during consultation, this flexible approach will initially be restricted to applications for Bachelor DAPs only. DAPs holders that do not have at least 50% of their HE students on level 6 courses will not be able to apply for full TDAPs extending to level 7.

The OfS is considering the detailed implementation of this.

We are not asking the OfS to develop level 5 specific TDAPs at this stage and believe that this needs to be considered alongside other issues at this level, as part of the current review of level 4/5 qualifications.

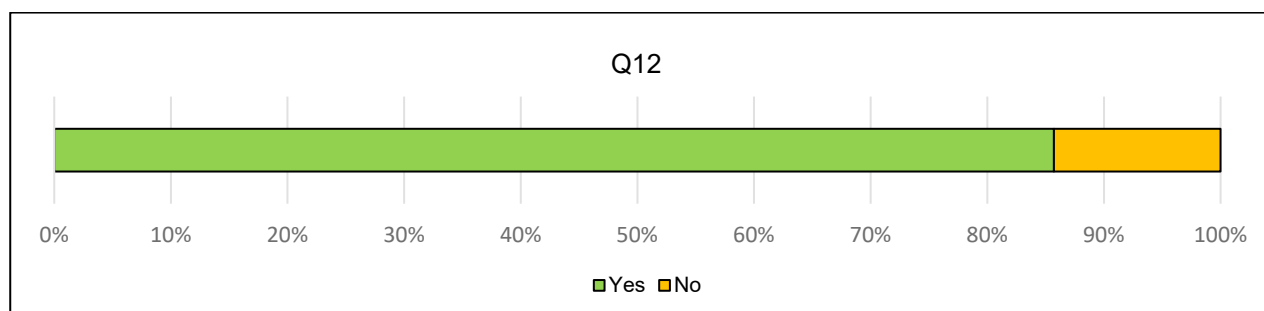
## Question 12

**Do the application processes for DAPs sufficiently align with the registration processes and conditions?**

86% agreed with this.

A large number of respondents welcomed the fact that alignment of the processes will cut out duplication, and simplify and streamline processes, thus reducing burden. There was also strong support for the retention of some form of peer review process. Several respondents welcomed the continuation of a committee like the current Advisory Committee for Degree Awarding Powers (ACDAP), although several stated that any committee would need to evolve from the current ACDAP.

A few respondents also requested further information about the cost associated with applying for Degree Awarding Powers, which will be published by the Designated Quality Body in due course.





Response	Total	Percent
Yes	90	86%
No	15	14%
	105	

## Government Response

The Secretary of State guidance makes it clear that the DAPs advice committee should evolve to ensure it remains fit for purpose, and reflects the needs of a diverse set of providers.

The OfS is taking these responses into account in their design of the detailed processes for assessing DAPs applications.

## Part 2 - University Title

### Question 13

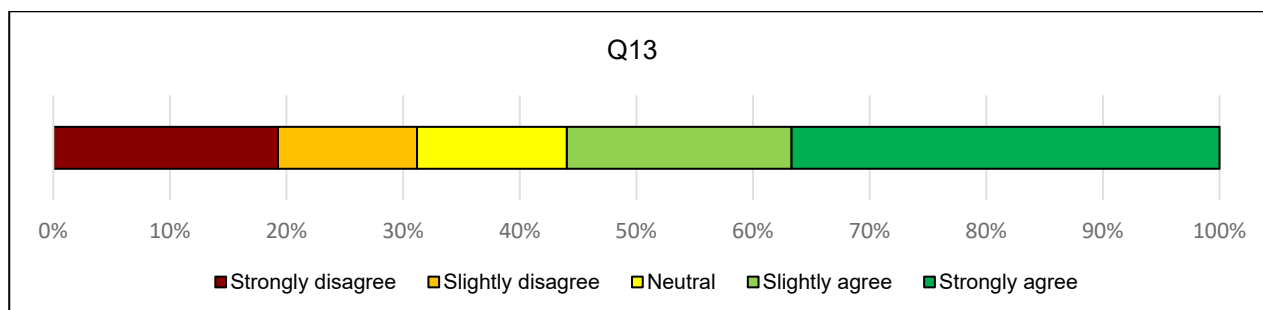
**Do you agree or disagree that for providers that have obtained DAPs on an exceptional basis without having the majority of higher education students at level 6 or above (as proposed in question 10), the 55 per cent criterion for University Title should be adjusted to additionally require the majority of higher education students to be on courses at level 6 or above?**

Many of the respondents who were in favour of the more flexible approach regarding level 6 provision also expressed a view about additional criteria for University Title.

A significant majority agreed that it would be appropriate to require a majority of higher education students studying on level 6 courses under these circumstances. This was because a university by nature is associated with level 6 provision and above and it would be confusing and inappropriate to allow institutions who did not have a majority of their higher education students studying at level 6 to also be able to obtain University Title. Such a move would also dilute the prestige of University Title more generally.

The counter-argument put forward by other respondents was that if the provider in question had gone on to satisfy all the requirements leading to the award of TDAPs, then there was no reason why they should not be able to then make an application for University Title.

A number of other respondents, whilst agreeing that it would not be appropriate to allow such providers to apply for University Title unless they could satisfy the majority level 6 requirement, suggested that it would be worth considering whether to allow applications for University College Title from providers in this position. In fact, this is a misunderstanding, as the proposals set out in the consultation already allow for that.



Response	Total	Percent
Strongly disagree	21	19%
Slightly disagree	13	12%
Neutral	14	13%
Slightly agree	21	19%
Strongly agree	40	37%
	109	

## Government Response

Having considered the responses, we believe that the arguments for the importance of protecting the concept of a university as focussing on degree level provision are strong.

We are therefore maintaining the position set out in the White Paper that only providers that meet the 55 per cent criterion should be able to obtain University Title. Further, a provider that has gained DAPs without having a majority of higher education students on courses at level 6 or above (see question 10) would not be able to apply for University Title.

## Question 14

**Do you agree or disagree that student numbers, for the purposes of the 55 per cent criterion for University Title, should be calculated based on the intensity of study, disregarding the mode of study?**

67% of respondents either strongly agreed or agreed with this proposal.

Respondents felt this method to be the fairest and that any other method could give rise to unequal treatment between institutions with different proportions of full and part-time students.

Calculating student numbers based on intensity of study using the Higher Education Statistics Agency (HESA) standard populations was deemed to be the established practice of the sector.

It was felt that the criteria for calculating student numbers should align with those for calculating Registration Fees.

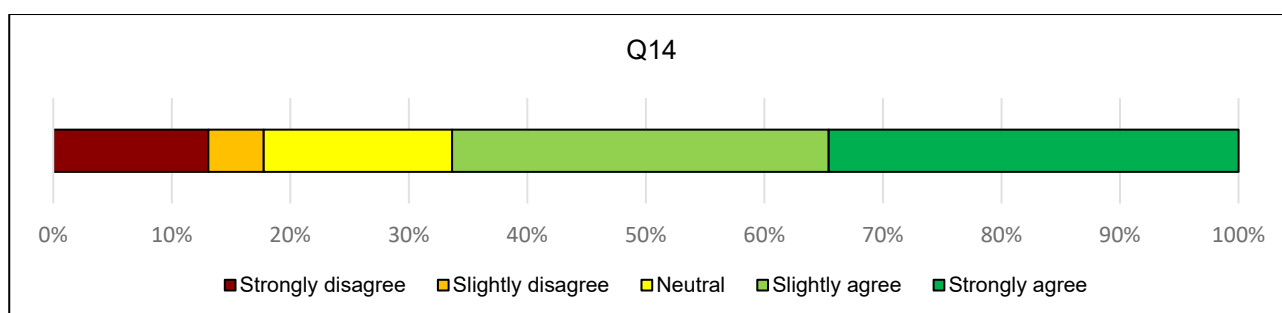
Respondents agreed that the current weightings for online learning did not reflect the nature of the learning that individual students undertake, or the student's level of engagement.

Amongst those who disagreed, views were widely expressed around the need for more information on how intensity of study will be calculated.

A concern was expressed that this approach could harm the options available to providers that take significant volumes of non-traditional entrants on a less intensive basis and that this may not widen participation in 'cold spot' areas.

It was suggested that the OfS should model the impact of this approach, consulting with providers on how to measure intensity of study to ensure independent study expectations are captured as well as time in formal learning.

An assumption was made that students studying accelerated courses (a two-year bachelor's degree) tended to study at 1.5 intensity compared with full time students completing a degree in three years, which should be included in considering the approach for calculating the intensity of study.



Response	Total	Percent
Strongly disagree	14	13%
Slightly disagree	5	5%
Neutral	17	16%
Slightly agree	34	32%
Strongly agree	37	35%
	107	

## Question 15

**(With reference to question 14) Do you have any views on how students on accelerated courses should be taken into account, when calculating the percentage of higher education students at a provider? Should these students be counted as 1 Full Time Equivalent (FTE), or more?**

Views were mixed on this. Whilst many thought they should be counted as 1 FTE, a clear majority thought a pro rata approach to reflect the intensity of study should be adopted.

Where a specific figure was suggested, this was mostly 1.5 FTE e.g.

- Honours degree over 3 years - 3 x 1 FTEs
- Honours degree over 2 years - 2 x 1.5 FTEs

Respondents felt that students studying accelerated courses would typically be studying at 1.5 intensity compared to full-time students completing their three-year Bachelor degree in two years and that this should be reflected in calculations relating to their FTE. It was felt that this approach would avoid providers being penalised for introducing alternative modes of delivery, which teach students more quickly.

Respondents suggested that a review of the model in the Education Reform Act 1988 should include exploring how accelerated courses, alongside new blended models of delivery, global delivery models and employment-based learning, should be reflected in FTE.

## Government Response

Having considered the responses to questions 14 and 15, we are following the consultation proposal of calculating student numbers based on intensity of study.

The OfS has also taken these responses into account, and will determine the detailed methodology for calculating student numbers, for the purposes of the 55 per cent criterion for University Title, based on the actual intensity of study. This method will be aligned with the measure for calculating Registration Fees.

## Question 16

**Do you agree with this assessment of the factors that should be set out in Secretary of State guidance to which the OfS must have regard to when determining applications for University Title? If you disagree, please give reasons. If you believe any additional factors should be included, please indicate what these are with reasons.**

55% of respondents either strongly agreed or agreed with our proposed factors for determining University Title applications.

It was widely felt that there was no need for more prescriptive and stringent criteria for University Title than is already in place, and that introducing any further criteria, which go beyond the factors listed, would likely restrict diversity of provision.

In addition, some respondents felt that the University College Title option for institutions who map against every aspect other than the 55 per cent rule should be emphasised as a separate opportunity for providers.

Amongst the 32% of respondents who disagreed, these were the main reasons provided:

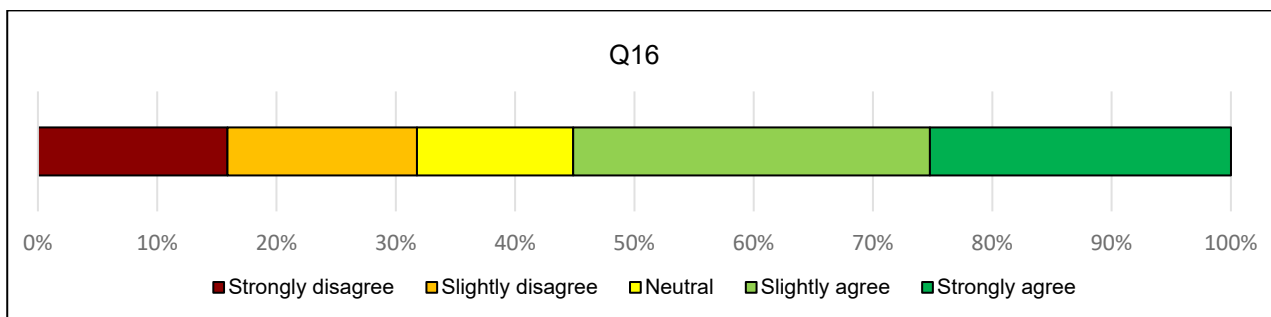
- A misunderstanding among some respondents who thought there would still be a wholly separate and lengthy application process and expressed a desire that the award of University/University College Title should be automatic once an institution

is awarded indefinite Full DAPs,<sup>1</sup> and that there should not be a further process for an institution that has TDAPs and meets the other agreed criteria

- It is not appropriate to award University Title on the basis of a provider having only Research Degree Awarding Powers (RDAPs). It is important that undergraduate/taught postgraduate provision is a condition of the title
- The proposal to limit University Title to providers with a three-year track record of Full DAPs will prove prohibitive to providers who are not deemed to be VAT exempt.

These additional factors were suggested:

- Separation of the timing of achieving indefinite DAPs and the granting of University Title would be preferable. This would enable a DAPs track record to be fully embedded beyond the initial three years (by which time only one cohort of students may have undertaken courses at the provider). There should be a further period of two years before a University Title application can be considered
- More consideration should also be given to contacts and relationships with employers both locally and nationally
- A similar set of criteria should be employed for access to University College Title to prevent misuse and confusion amongst potential students. Further clarification in general about the use of the University College Title would be welcome.



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<sup>1</sup> In fact, the process will be much streamlined, and most of the information needed to assess an application will be held by the OfS already.

Response	Total	Percent
Strongly disagree	17	16%
Slightly disagree	17	16%
Neutral	14	13%
Slightly agree	32	30%
Strongly agree	27	25%
	107	

## Government Response

In light of a majority of respondents supporting the consultation proposal, we are not making any changes to the factors set out by the Secretary of State in guidance to the OfS.

The disagreeing responses were in part based on a misunderstanding, and also did not show any strong consensus for any particular changes or additional criteria.

## Part 3 - Post-award issues

### Question 17

**Do you agree or disagree with this proposal of implementing the statutory provisions that allow for the revocation of DAPs and University Title and the variation of DAPs?**

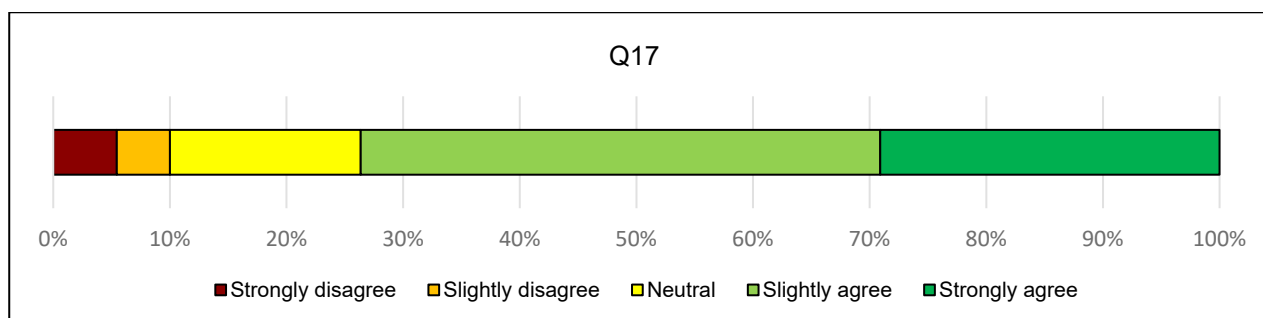
74% either strongly agreed or agreed with these provisions.

It was broadly felt that HERA's revocation powers should only be exercised as a last resort or in cases of extreme violation of registration conditions.

Further consideration was requested on which specific changes in circumstances could trigger revocation of DAP/University Title.

Clarification was required on the role the Designated Quality Body would have in the process and how students would be kept informed and protected during any cycle of appeals and/or legal challenges.

Greater clarity was also requested around how concerns relating to quality and standards would be judged to be 'so serious' to merit revocation. A suggestion was made to require that the quality and standards conditions of Registration were met and this would be assessed on an ongoing basis.



Response	Total	Percent
Strongly disagree	6	5%
Slightly disagree	5	5%
Neutral	18	16%
Slightly agree	49	45%
Strongly agree	32	29%
	110	



## Government Response

Having considered these responses, we do not believe a change in the overall approach is necessary. The OfS has taken account of these responses in developing the implementation of the statutory provisions as part of its regulatory framework.

### Question 18

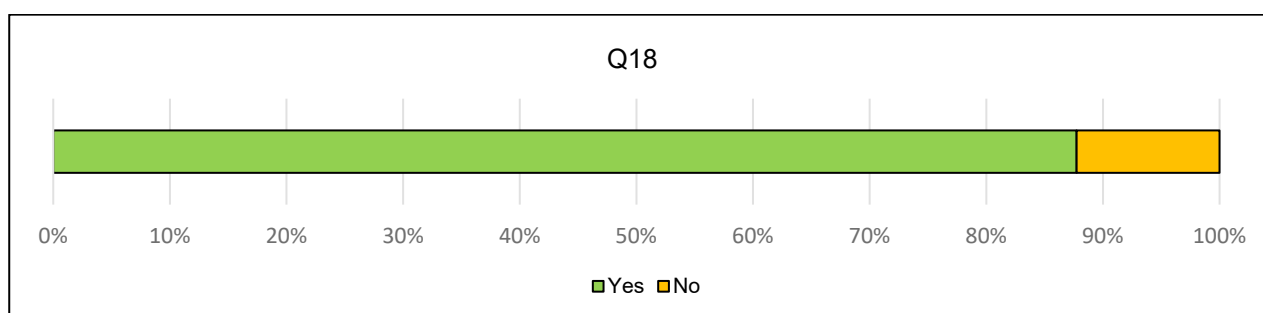
**Do you consider the above proposals regarding a change in circumstances to be sufficiently robust to safeguard the meaning and value of DAPs and University Title?**

88% considered that the change in circumstances proposals were sufficiently robust.

All respondents agreed that it was an important safeguard that DAPs/University Title were not transferable from one institution to another.

The following points were raised:

- The proposals do not make the circumstances that amount to 'change' sufficiently clear, so it would be helpful to have a defined list of 'triggers'
- There needs to be recognition that mergers and acquisitions of institutions should not put the DAPs status at risk
- Some simultaneous senior management changes, such as a new Vice-Chancellor and changes in the Board of Governors, could also mark a change in circumstances sufficient to cause a risk
- There may be situations where a change occurs that will be of benefit to students. Rather than revocation of a title/award, there were suggestions that a probationary period with close monitoring of impact could be implemented.



Response	Total	Percent
Yes	93	88%
No	13	12%
	106	

## **Government Response**

Having considered these responses, we do not believe a change in the overall approach is necessary. As this is an area of importance to the Department, we have included our views on this matter in the Secretary of State guidance to the OfS.

The OfS has taken account of these responses in developing the detailed implementation of the statutory provisions as part of its regulatory framework.

## The detailed DAPs criteria

For this section, we asked the following three questions:

**Question 19: Do you have any comments on the proposed DAPs criteria as set out in Annex A? Are there specific aspects of the criteria that you feel should be adjusted in light of the OfS's overall regulatory approach, in particular ongoing registration conditions?**

**Question 20: Do you have any comments on the proposals for the assessment of applications for subject specific and Bachelor's only DAPs? Are there specific aspects of the criteria that you feel would either be particularly relevant or not relevant for either of these types of DAPs?**

**Question 21: Do you have any comments on how a subject should be defined for the purpose of subject specific DAPs?**

Although there were fewer responses to these questions as compared to the other ones, around two thirds of respondents did provide substantive comments.

Some made more general points, either welcoming the fact that a broader range of DAPs could be applied for, or expressing concerns over how the new powers would work; for example how a subject would be defined for the purposes of subject specific DAPs, or how the specific criteria for Bachelor DAPs/Subject Specific DAPs would differ from the main DAPs criteria.

Other respondents came up with specific suggestions about how the detailed, technical DAPs criteria might be refined.

## Government Response

It is for the OfS and the new Designated Quality Body to determine the revised detailed criteria.

The comments and suggestions received are being taken into account as part of the OfS's and DQB's work to develop the revised detailed criteria and the accompanying criteria for Bachelor DAPs and Subject Specific DAPs.

## Next steps

The Department is in parallel publishing the Secretary of State guidance to the OfS.

The OfS is publishing:

- A narrative response to the consultations carried out on its behalf
- The final regulatory framework
- A Regulatory update on Degree Awarding Powers and University Title Transition

The OfS will also be publishing detailed guidance for providers wishing to make applications, which will apply from 1<sup>st</sup> April 2018 for DAPs, and from 1<sup>st</sup> April 2019 for University Title in due course.

## Annex A: List of organisations that responded to the consultation

Six organisations asked for their response to remain confidential.

Academic Quality Management Ltd	North Hertfordshire College	Durham University
The Academy of Contemporary Music	Pearson Education	University of East Anglia
Askham Bryan College	Pearson College London	University of East London
Association of Colleges	Point Blank Music School	University of Edinburgh
Bradford College	Quality Assurance Agency	University of Essex
Bridgwater and Taunton College	Quality Assurance Research for Higher Education Ltd	Harper Adams University
Brit College Limited	Ravensbourne	University of Hertfordshire
Burnley College	Regent College Higher Education	University of Hull
Cambridge Arts and Sciences Ltd	Richmond, the American International University in London	University of Kent
Cambridge Education Group	Royal Academy of Arts	Lancaster University
City College Plymouth	Royal College of Veterinary Surgeons	University of Leeds
The Conservatoire for Dance and Drama	The Royal Drawing School	Leeds Trinity University
Dyson Institute of Engineering and Technology	Russell Group	University of Lincoln
GSM London	SAE Education Limited	London Metropolitan University
GuildHE	Shakespeare Martineau LLP	London South Bank University
Hartpury College and University Centre	Solihull College and University Centre	Loughborough University
Hull College Group	South Devon College	Middlesex University
ICAEW	Spurgeon's College	University of Nottingham
Imperial College London	St Mellitus College	The Open University
Independent Higher Education	Sunderland College	University Centre Peterborough (Peterborough Regional College)
Institute for Teaching	Truro & Penwith College	University of Portsmouth
Institute of Contemporary Music	UCFB	Regent's University London
KLC School of Design	UK College of Business and Computing	University of Roehampton
LAMDA	University Alliance	University of Sheffield
Landex Ltd	Universities UK	Sheffield Hallam University
Leeds City College	Wakefield College	Southampton Solent University
The London Institute of Banking and Finance	University of the Arts London	St George's University of London
MillionPlus	Arts University Bournemouth	University of Suffolk
Mixed Economy Group of Colleges	University of Bedfordshire	University of Sussex
Moorlands College	Bishop Grosseteste University	University of Warwick
Myerscough College	University of Brighton	University of Westminster
National Union of Students	Brunel University London	University Centre Weston, part of Weston College Group
NC Group	University of Buckingham	University of Winchester
NDA Foundation	University of Central Lancashire	University of Wolverhampton
Nelson and Colne College	City, University of London	University of York
New College Durham	University of Chichester	
New Model in Technology & Engineering	De Montfort University	



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write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

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