



Department
for Education

Degree Awarding Powers (DAPs) and University Title (UT)

**Secretary of State for Education
Guidance to the Office for Students (OfS)**

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Summary

About this guidance

This is guidance from the Secretary of State for Education to the Office for Students (OfS) on the criteria and processes for Degree Awarding Powers (DAPs) and University Title (UT), following the consultation that ran from October to December 2017.

The Department has produced this high-level guidance on the new criteria and processes for the different types of DAPs authorisations; eligibility criteria for both DAPs and UT; and revocation and variation actions, which the OfS is under a duty to have regard to when exercising its functions.

What legislation does this guidance refer to?

- Higher Education and Research Act 2017
- Teaching and Higher Education Act 1998
- Further and Higher Education Act 1992

Introduction

We have consulted on proposed new detailed criteria and processes for DAPs and UT, 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, which ran from October to December 2017, set out the proposals for the different types of DAPs authorisations; eligibility criteria for DAPs and UT; and the revocation and variation actions the OfS can take.

Under section 75 of HERA, the OfS is required to publish a regulatory framework, which will set out the detailed criteria and processes providers must meet and undergo in order to obtain DAPs or UT.

The following is high-level guidance under s.2(3) HERA, s.77(3A) and (3B) Further and Higher Education Act 1992, and s.39(5A) Teaching and Higher Education Act 1998, which has been determined following the consultation, and which the OfS is under a duty to have regard to when exercising its functions.

Degree Awarding Powers

The OfS should set out the criteria and processes for providers who wish to apply for the following types of DAPs (in line with sections 42 and 43 of HERA):

- a. Foundation degrees only
- b. Up to and including Bachelor degrees (level 6) and all taught awards, and/or
- c. Research awards

It should be possible to apply for these powers either for all subjects, or on a subject specific basis.

With the exception of Research awards, it should be possible to apply for all of these types of DAPs either on a full basis (for providers with a track record of delivering higher education at this level for at least three years) or on a probationary basis (New DAPs).

The new criteria and processes should apply for DAPs applications submitted on or after 1 April 2018, in order to replace current guidance issued by the Department for Education, which will cease to have effect after 31 March 2018¹.

The OfS should have regard to the following factors before granting the different types of DAPs:

- In order to apply successfully for authorisation to grant awards, the applicant must be a registered higher education provider (or intend to become such a provider, in the case of New DAPs)
- To inform its decisions concerning the authorisation, variation, or in some cases revocation, of DAPs, the OfS must seek advice from the designated quality body (DQB) regarding the quality of and the standards applied to the higher education provided by the applicant.²

If, following advice from the DQB, and any other relevant advice, the OfS was satisfied that these requirements were met, a DAPs order to confer authorisation to grant taught awards should be made.

¹ This guidance will still be relevant for applications received up to 31 March 2018, and for existing DAPs holders, until the OfS's new regulatory framework comes fully into force in August 2019.

² Under section 46 of HERA

DAPs for providers with a three-year track record of delivering higher education

a. Foundation degrees only

Foundation degrees sit at level 5 of the Framework for Higher Education Qualifications (FHEQ).

Only registered higher education providers who are also English further education providers may obtain a foundation degree only authorisation.

The application must include a separate statement on progression, demonstrating that the organisation has agreed, and is promoting, clear progression routes for learners wishing to proceed to a course of higher-level study on completion of the foundation degree.

In order to apply for full authorisation, the provider should currently have had no fewer than three consecutive years' experience immediately preceding the year of application, of delivering higher education courses at a level at least equivalent to level 5 of the FHEQ.

b. Up to and including Bachelor only degrees (level 6) and all taught awards (level 7)

Taught awards sit at levels 6 and 7 of the FHEQ.

Providers should be able to apply for a full authorisation to grant taught awards on an unrestricted basis (at levels 6 and 7) or for Bachelor only taught powers (at level 6).

The OfS should put in place the following criteria for providers applying for full authorisation to grant taught awards:

- The provider must have had no fewer than three consecutive years' experience, immediately preceding the year of application, of delivering higher education courses in England at a level at least equivalent to level 6 of the FHEQ
- The provider must normally have the majority of their higher education students on study programmes at level 6 (or above) of the FHEQ

The OfS should set out the calculation used to determine whether the applicant meets the criterion for the 'majority' of higher education students to be studying at level 6 (or above).

For providers applying for an authorisation for Bachelor DAPs, the OfS should adopt a more flexible approach to the requirement concerning the majority of students studying on level 6 programmes.

The OfS may consider applications from providers who do not meet this requirement upon consideration of factors, including (but not limited to) the number of level 6 courses delivered by the provider; the overall number of students studying on level 6 courses; the number or proportion of higher education students who progress onto level 6 courses; and the views of the applicants' validating partner(s).

Providers authorised to grant DAPs should be authorised to grant all awards of an equivalent or lower level on the FHEQ that fall within the definition of taught awards set out in section 42(3) of HERA.

c. Research awards

Research awards are defined in section 42(3) of HERA.

These include Doctoral Degrees that sit at level 8 and Research Master's Degrees that sit at level 7 of the FHEQ.

Providers wishing to apply to award their own research degrees may already hold DAPs for taught awards, or apply for such DAPs and Research DAPs (RDAPs) concurrently. Providers already authorised to grant taught awards and who wish to subsequently apply for RDAPs, should be required to provide evidence that they satisfy all the criteria for authorisation to grant taught awards and that they are continuing to meet these criteria.

If an applicant authorised to make taught awards in specific subjects then applied for authorisation to grant unrestricted research awards, the OfS should satisfy itself that the applicant could satisfy the DAPs criteria for unrestricted taught awards as part of its consideration of an application for authorisation to grant unrestricted research awards.

A supplementary set of criteria that would apply in the event that a provider wished to be only awarded research degrees, should also be developed. This option may interest specialist research institutions, for example.

This supplement to the DAPs criteria for research awards should include elements of the DAPs criteria for taught awards, particularly to ensure that academic governance arrangements are in place to safeguard the standards of higher education provision. However, these criteria should be streamlined and elements that are less relevant for research only providers should be removed.

Applications for New Degree Awarding Powers (New DAPs)

The OfS should publish detailed guidance setting out the criteria and processes for providers who wish to grant their own awards but do not have the required three-year track record and therefore wish to apply for DAPs on a probationary basis. Providers that do have the required track record, but prefer to apply for New DAPs, should be permitted to do so.

A provider should be able to apply for authorisation for New DAPs to grant the following taught awards on a probationary basis:

- a. Foundation (including subject specific)
- b. Bachelor (including subject specific)
- c. All Taught (i.e. taught awards of level 6 and 7, including subject specific)

As part of the process, the OfS should require providers to:

- a. have or intend to have the majority of its higher education students on programmes at level 6 of the FHEQ or above, i.e. equivalent to bachelor level, or level 5 or above (for foundation DAPs only)
- b. submit a probationary plan for approval

The probationary period for a provider with New DAPs should normally last for three years. If successful, the first full authorisation following the probationary period should be time-limited for three years (as for all new, Full DAPs).

The OfS should assess the readiness of an applicant to grant taught awards. Unlike applications for full authorisations, the assessment process should be forward looking in that the applicant would devise a probationary plan, which should be tested to determine whether it could set the appropriate academic standards and then maintain those standards for its higher education qualifications.

Once the New DAPs order has been made, the provider should be monitored by the OfS and the DQB through the probationary period, as it implements its probationary plan. As part of the monitoring process, the provider should undergo scrutiny by the DQB against the detailed Full DAPs criteria.

At the end of the probationary period, following advice from the DQB, the OfS should either:

- a. determine that the provider has met the Full DAPs criteria and therefore the OfS should vary the authorisation in the DAPs order, in accordance with the statutory

procedures, to remove restrictions. This DAPs order should be a full authorisation to award DAPs

b. determine the provider has largely satisfied the criteria and the OfS should vary the order extending the probationary period (normally for up to 12 months)

c. determine the provider has failed to have met the Full DAPs criteria. The order will elapse at the end of the three-year time limit and the provider will no longer be a DAPs holder at that point.

Consideration of applications for all types of DAPs

The processes for considering applications for DAPs should be consistent with the Government's aim to encourage high quality, innovative provision of degree level courses. As such, we would like the OfS to ensure that the DQB's processes are adjusted from what is currently in operation to reflect this aim.

Membership of the advice body should truly reflect diversity of providers; by, for example, having experience of employing graduates, and encouraging competition in industry or another section of society; peer reviewers should have the necessary expertise to look at less traditional modes of delivery; and the overall scrutiny mechanisms should be set up in order to enable applicants to get decisions to the fastest possible timetable without compromising high quality standards.

Time-limited DAPs and making time-limited DAPs indefinite

All providers who are granted Full DAPs (i.e. not New DAPs) of any type by the OfS should get their award on a time-limited basis (for three years) in the first instance.

After three years of operating with a full authorisation, the provider should be subject to a review, which, if passed, would enable access to DAPs with no time limit.

This review should involve scrutiny by the DQB in the form of a health-check on the way the powers have been exercised during the preceding three years. If the outcome of the review is not satisfactory, the provider should remain with time-limited powers until such time as the concerns in question are resolved.

The OfS should also publish guidance for existing providers that currently have renewable DAPs (provided they have already operated with DAPs for at least three years) who wish to apply for indefinite DAPs from the academic year 2019/20 onwards.

Review of the DAPs regime

We would like 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.

University Title

The OfS should set out the criteria and processes for providers wishing to apply for UT or University College Title (UCT).

These new procedures should apply from 1 April 2019, in order to replace current guidance issued by the Department for Education, which will cease to have effect after 31 March 2019.

In line with sections 77(3A) of the Further and Higher Education Act 1992, and section 39(5A) of the Teaching and Higher Education Act 1998 (as amended by HERA), the OfS must have regard to the following factors before granting UT or UCT.

These factors are criteria, which we believe providers should be required to meet if they are to be awarded UT or UCT:

- 1) providers should be on the OfS register; and
- 2) providers should be complying with all ongoing registration conditions, including in relation to quality, financial sustainability and governance;
- 3) providers should have operated with Full DAPs (permitting them to grant awards other than foundation degrees only) for at least three years and have obtained indefinite DAPs;
- 4) the number of full time equivalent higher education students at a provider should exceed 55 per cent of the total number of the provider's full time equivalent students. (This is not applicable for providers seeking UCT).
- 5) where the provider obtained DAPs without having met the usual requirement that the majority of its higher education students are studying on level 6 courses, condition 4) above should be adjusted to additionally require that a majority of the full time equivalent higher education students are studying courses at level 6 or above.

For the purposes of calculating full time equivalent student numbers, the intensity of study should be taken into account, but not the mode of study (e.g. distance learning). We would like the OfS to publish the method of calculating this figure.

Revocation

Under sections 44, 45 and 58 of HERA, the OfS has powers to revoke DAPs and UT, if one of three conditions apply.

For DAPs one of these conditions is satisfied:

“if —

a. due to a change in circumstances since the authorisation was given, the OfS has concerns regarding the quality of, or the standards applied to, higher education which will be provided by the provider, and

b. it appears to the OfS that those concerns are so serious that —

i. its powers by an order under section 42(1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and

ii. it is appropriate to revoke the authorisation.”

This condition was designed to ensure DAPs cannot be transferred to another institution through a sale, where there are no assurances that the new institution has been tested for their ability to set and maintain academic standards.

For UT one of these conditions is satisfied:

“if, due to a change in circumstances since the authorisation, consent or other approval was given, it appears to the OfS to be no longer appropriate for the institution to include the word “university” in its name”.

This condition was designed to ensure that the meaning and concept of a university can be protected, and institutions cannot make structural changes that would undermine this.

For instance, if a university were to merge with a large further education provider, it might no longer be a predominantly higher education provider, and thus it would be misleading if it could continue to call itself a university.

As such, the OfS should consider as early as possible whether a change in circumstances merits a more detailed review of whether it is still appropriate for any provider to hold DAPs and/or UT, where this provider has been involved in or is about to be involved in a change in circumstances.

We consider 'change in circumstances' to include:

- Sales (of either the institution itself, or its parent)
- Mergers
- Acquisitions
- Change in legal status
- Material change in business model (such as a move to focus on further instead of higher education)
- Other changes resulting in a change of control or ownership
- Other, similar structural changes, such as establishment of joint ventures, separation into multiple entities, etc.

Further information

[Current Higher Education Market Entry Guidance](#)



Department
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