



Department
for Education

Quality Assurance Agency for Higher Education: de- designation

Government response

March 2023

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Introduction

The Quality Assurance Agency for Higher Education (QAA) is the designated quality body (DQB) under the Higher Education and Research Act 2017 (HERA). The Office for Students (OfS) may ask the DQB to assess the quality of, and the standards applied to, higher education provided by:

- a) institutions that have applied to join the OfS register, for the purposes of determining whether they satisfy any initial registration conditions applicable to them relating to quality and standards; and
- b) registered higher education providers for the purposes of determining whether they satisfy any ongoing registration conditions applicable to them relating to quality and standards.

The DQB also provides advice to the OfS regarding the quality of, and the standards applied to, higher education provided by providers in connection with the grant, variation or revocation of providers' degree awarding powers.

On 20 July 2022, QAA announced that it will no longer consent to be the DQB after the current DQB year ends on 31 March 2023.

Under paragraph 5(4) of Schedule 4 to HERA, the Secretary of State is required to consult before removing the designation of a DQB, even where the DQB has requested the removal of the designation.

The consultation document made one proposal and views were sought on this: *that the designation of the Quality Assurance Agency for Higher Education as designated quality body under Schedule 4 to the Higher Education and Research Act 2017 should be removed.*

Respondents were encouraged to respond online via [DfE consultations on GOV.UK](#) with provision for responses to be sent by email and by post.

The consultation was specifically on de-designation, not on any potential future arrangements for assessment of quality and standards.

Summary of responses received

The consultation set out the basis on which the designation of QAA should be removed; namely that it has announced that it will no longer consent to designation from 31 March 2023. It asked respondents:

Do you agree that the designation of the Quality Assurance Agency for Higher Education as the designated quality body for higher education in England should be removed on the basis set out [in the consultation document]?

Respondents were asked to answer yes or no and were able to provide further comments.

A total of 47 responses were received. These were from a range of respondents including 7 representative bodies, 3 other agencies, 16 registered higher education providers, 15 individuals who named a registered higher education provider and 5 individuals who named no higher education provider. One duplicate response was received but this has been counted as a single response and one response, received by email, did not specify if the respondent agreed or disagreed with de-designation.

Main findings from the consultation

The majority of responses (31) disagreed with the de-designation of QAA, while 15 agreed and one did not answer the question:

| Response received from | Agreed with de-designation | Disagreed with de-designation |
|-----------------------------------|-----------------------------------|--------------------------------------|
| Representative body | 5 | 2 |
| Other agency | 2 | 1 |
| Provider | 6 | 10 |
| Individuals who named a provider | 1 | 14 |
| Individuals who named no provider | 1 | 4 |
| Total | 15 | 31 |

Response analysis

Overall, the majority of responses disagreed with de-designation. However, the majority of responses from representative bodies, who each represent multiple providers, agreed with de-designation, including those from Universities UK and the Russell Group.

Respondents were able to provide comments and these can be grouped under five broad themes:

1. Withdrawal of QAA's consent to be designated
2. Importance of co-regulation and independent academic expertise
3. Suitability and impartiality of the OfS
4. Coherence of approach to quality regulation across the UK and implications for international reputation
5. Timeliness and quality of DQB assessment work

Withdrawal of QAA's consent to be designated

Many responses recognised QAA's request for designation to be removed and several expressed their disappointment at this decision. The collective view amongst the majority of higher education providers and representative groups was that QAA had worked effectively in partnership with the sector as DQB, and had earned a high degree of respect both across the UK and internationally.

Government response

Whilst we recognise that many respondents reflected positively on QAA's work as the DQB, QAA itself has asked to step down.

Paragraph 5(3) of Schedule 4 to HERA sets out the grounds on which the Secretary of State may remove designation, which includes where the body consents to the removal. For a body to be suitable to perform the assessment functions required of the DQB, it must also meet the conditions set out in paragraph 4 of Schedule 4 to HERA. One of the conditions, Condition C, is that the body consents to being designated.

As QAA has confirmed that it will no longer consent to being designated from the end of this DQB year, this condition will no longer be met, and the Secretary of State cannot require QAA to remain as DQB without its consent. In light of this, and whilst we acknowledge the views expressed, it would not be appropriate for QAA to remain designated.

Importance of co-regulation and independent academic expertise

Most respondents emphasised the importance of independent academic judgement in regulatory decision-making, particularly in relation to standards. Whilst the focus of this consultation was on the question of de-designating QAA, there were many calls for the principle of co-regulation to be upheld and protected in any future arrangements for the assessment of quality and standards. This was described as essential to allowing innovation and the pursuit of excellence within the parameters of the regulatory framework.

There were also several calls for student representation in future quality and standards assessment processes.

Government response

Whilst we recognise that many in the sector favour a co-regulatory approach to quality and standards assessment, no alternative suitable body has been proposed to date.

HERA provides that where there is no designated body, the assessment functions revert to the OfS. The OfS have said they will undertake assessment of quality and standards on an interim basis, pending consideration of future arrangements.

The Secretary of State has full confidence that the OfS has the capability to carry out the assessment of quality and standards and believes that it is the body best placed to do so in the immediate term.

The OfS understands the importance of expert academic input into regulatory decision making, and has recruited expert academics to its panel of quality and standards assessors. These academics are already supporting the delivery of the OfS' quality investigations programme and regulatory decision-making and will ensure expert judgements can be applied to quality and standards assessments following de-designation of QAA.

Suitability and impartiality of the OfS

Several respondents, including three sector representative bodies, emphasised the importance of the body responsible for assessment of quality and standards being independent of government. One representative body raised concerns on the part of its members that the OfS is not politically independent. Another questioned whether it is possible for the OfS to both set higher education standards and enforce them. Many respondents acknowledged that the OfS would assume quality and standards assessments on an interim basis if QAA were to be de-designated, but expressed strong views that this should not become a permanent arrangement. Although both Universities

UK and the Russell Group agreed with the de-designation of QAA, both emphasised their view that QAA should be replaced with another DQB in the longer term.

Government response

The OfS is an independent regulator, as set out in HERA. Whilst section 2(3) of HERA requires the OfS have regard to guidance given to it by the Secretary of State, there are express limits on the matters the guidance may cover, and the Secretary of State must have regard to the need to protect the institutional autonomy of English higher education providers. The OfS exercises its own judgement in regulatory decision-making, considering a range of factors and the wider context as appropriate, and must have regard to the matters set out in section 2(1) of HERA.

We recognise that some in the sector would like to see another, sector-representative body designated in accordance with Schedule 4 in due course. We have spoken with the OfS, who are engaging with the sector to better understand their concerns and discuss future arrangements.

Coherence of approach to quality regulation across the UK and implications for international reputation

A number of respondents, including one of the devolved administrations, raised concerns about fragmentation of the UK-wide approach to quality regulation in the context that QAA provides quality assurance of higher education for the devolved administrations. There were concerns that this could have implications for the reputation of quality assurance arrangements in the devolved administrations.

Some respondents expressed the view that QAA's designation enabled a degree of coherence across the UK HE sector that is valued by the many UK students who exercise their right to intra-UK mobility and that this could be jeopardised by QAA's de-designation.

In addition, several respondents raised concerns about the issue of English compliance with European Standards and Guidelines (ESG) because their desire to remain on the European Quality Assurance Register (EQAR) was cited by QAA as one reason for their decision to step down from the DQB role. Some respondents expressed concerns that lack of full compliance with ESG could have a detrimental impact on the reputation of English higher education providers abroad. Some urged the OfS to amend its regulatory approach to ensure full compliance with ESG.

Government response

The decision of QAA to step down from its role as the DQB for higher education in England has no bearing on the work it does elsewhere in the UK and Europe. It is for the

devolved administrations to decide on a regulatory approach that best suits their higher education systems. The decision to de-designate is being taken in the context of the regulation of English higher education alone.

The question of the alignment of the English system of regulating higher education with ESG is outside the scope of this consultation. The de-designation of QAA will not change the degree of alignment between English regulation of higher education and ESG. Any DQB, or the OfS in the absence of a DQB, must assess quality and standards in line with HERA and the regulatory framework.

England remains a member of the European Higher Education Area (EHEA) which is a group of 48 countries that cooperate to achieve comparable and compatible higher education systems throughout Europe. EQAR is the EHEA's official register of quality assurance agencies. The EHEA publishes information on whether countries on the register are compliant with European Standards and Guidelines (ESG).

Compliance with ESG includes cyclical quality assurance reviews of all providers. The OfS takes a different approach. The OfS is a risk-based regulator, which enables them to act decisively where they will have the most impact on addressing poor quality provision. We believe that this approach to quality assessment in England is robust, efficient and effective. We will continue to engage with the EHEA over our place on EQAR.

The government and the OfS are committed to ensuring that students in England receive a world-class education and that our sector maintains its international standing.

Timeliness and quality of assessment work

Some respondents reported significant delays and mistakes in the processing of registration and applications for degree awarding powers, particularly between 2018 and 2020, with one representative group responding that improvement to the operation of the assessment system is what 'most concerns' its members at present. Respondents were clear that any interim or future arrangements would need to resolve the issues of bottlenecks, backlogs and delays which have previously caused significant inconvenience to the sector.

Government response

The effective operation of a quality and standards assessment system is vital. Whilst respondents did not specifically attribute their concerns about quality and timeliness of assessment to QAA, these reports align with the findings of the OfS' triennial review into the performance of the DQB. This review offers an opportunity to learn from the lessons of several years of regulatory experience, and we will work closely with the OfS to ensure that any future arrangements will minimise delays and errors as far as possible.

Assessment of quality and standards is a vital part of the English regulatory system and we do not underestimate the importance of ensuring it is conducted efficiently by a body well qualified to do so. We want the English higher education system to be world class and the Government, the sector and the OfS will work together to ensure the highest possible quality of education for our higher education students.

Overall conclusion

We have considered all the consultation responses carefully and are mindful of the points raised. However, QAA has confirmed that it will no longer consent to being designated after 31 March 2023. This is grounds for removal of the designation and means that QAA would no longer be suitable to be designated under the terms of HERA. On balance, therefore, the Secretary of State has concluded that QAA should be de-designated as the DQB.

We have asked the OfS to engage with the sector to better understand providers' concerns and will reflect further on the points raised in this consultation as part of any discussions on future arrangements for the assessment of quality and standards.

The Secretary of State will publish a notice removing the designation as required by paragraph 5(1) of Schedule 4 to HERA.

Next steps

The Secretary of State will formally announce the de-designation of QAA and a notice removing the designation will be issued under paragraph 5(1) of Schedule 4 to HERA.

Annex A: List of organisations that responded to the consultation

HE Providers

- Arden University
- Arts University Bournemouth
- University of Buckingham
- University of St Andrews
- University of Westminster
- Norland College
- The Open University
- University of Derby
- Harper Adams University
- University of Brighton
- University of Huddersfield
- Middlesex University
- University of Worcester
- University College London
- Aston University

Professional Statutory Regulatory Bodies

- Chartered Management Institute

Representative Bodies

- Universities UK
- MillionPlus
- Russell Group
- GuildHE
- Association of School and College Leaders
- University Alliance
- Independent Higher Education

Scottish Government and Scottish Funding Council

- Scottish Government and Scottish Funding Council



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