



6 January 2023

MEMORANDUM OF UNDERSTANDING

between

The Quality Assurance Agency for Higher Education

and

The Office of Qualifications and Examinations Regulation

This Memorandum of Understanding is made between the **Quality Assurance Agency for Higher Education**, Southgate House, Southgate Street, Gloucester, GL1 1UB, hereafter referred to as **QAA**, and the **Office of Qualifications and Examinations Regulation** Earlsdon Park, 53-55 Butts Rd, Coventry CV1 3BH, hereafter referred to as **Ofqual**, of the principles that will underlie relations between them.

Introduction

1. The memorandum is intended to support effective working arrangements between QAA and Ofqual.
2. The purpose of collaborative working between QAA and Ofqual is to support both organisations in effectively and efficiently carrying out their responsibilities. The interests of students will be at the heart of this collaboration.
3. The memorandum is not intended to cover every detailed aspect of the relationship but is a statement of principles that will guide relations to ensure appropriate arrangements are in place to enable each party to discharge its respective responsibilities effectively and to avoid duplication of effort, misunderstanding or unnecessary impact on third parties.
4. This memorandum may be supported by further and more detailed operational agreements, particularly in relation to the sharing of information.

Status of Memorandum

5. This memorandum is not legally binding. It will serve as a working document that will be subject to review in the light of operational practice.
6. This memorandum should be seen in the context of the relationships that Ofqual has with ministerial departments and that QAA as an independent body has with higher education institutions, sector bodies, and other higher education sector stakeholders.

7. QAA is entering into this memorandum in its capacity as a membership organisation and in its capacity as the regulator of the Access to Higher Education Diploma.

Roles and responsibilities

8. The Office of Qualifications and Examinations Regulation (Ofqual) is a non-ministerial government department set up under the Apprenticeships, Skills, Children and Learning Act (2009) and also covered by the Education Act 2011. Ofqual is independent of government and reports directly to Parliament. Ofqual has a number of objectives, including to secure and maintain qualification standards; to promote public confidence in and awareness of regulated qualifications; and to secure the efficiency of regulated qualifications. It also has a number of statutory duties, including to have regard to the reasonable requirements of, among others, higher education institutions. Ofqual regulation is a pre-condition for the public funding of many qualifications.
9. The Quality Assurance Agency for Higher Education (QAA) was established in 1997 and is an independent charity. QAA's purpose is to maintain academic standards and enhance the quality and global reputation of UK higher education. QAA does this by working with higher education providers, regulatory bodies and students, with the shared objective of supporting students to achieve positive educational outcomes. As a membership organisation, QAA represents and supports its university and college members, working in partnership with them to enhance the quality of their provision. QAA is also responsible for the recognition of Access to HE courses.

Matters of common interest

10. Whilst respecting each party's distinct roles and responsibilities there are a number of areas of common interest. There will be circumstances where collaborative working and the sharing of information will be the best way to enable each party to discharge its respective responsibilities effectively and efficiently. This will be to the benefit of students, and to the Access Validating Agencies (AVAs) that QAA licenses and the awarding organisations that Ofqual regulates, by avoiding duplication and unnecessarily increasing regulatory burden.
11. Those areas of common interest include, but are not limited to:
 - qualifications relevant to HE, particularly those where the intended purpose is progression to HE;
 - matters which may positively or negatively impact confidence in qualifications including: academic integrity, the Skills and Post-16 Education Act and the implications for 'essay mills', assessment design and enforcement;
 - information obtained through normal business that relates to regulated Awarding Organisations (AOs), the qualifications offered by AOs and AOs that are AVAs;
 - respective work with qualifications regulators in the UK and the Republic of Ireland – including at the annual five countries' meeting – and any European and international work; and
 - information on the operation of qualifications frameworks for which each party is responsible.

Working relationship

12. A long standing and good working relationship exists between QAA and Ofqual. This will be strengthened by the details set out in this memorandum so that QAA and Ofqual can:
- set clear expectations as to what each party expects of the other;
 - acknowledge and respect each other's objectives and responsibilities, accountability structures and legislative frameworks;
 - develop and maintain a common understanding of each party's respective roles and responsibilities;
 - identify what degree of joint working would be appropriate in any given circumstance, recognising that this will differ according to the specifics of the case;
 - explain and understand the reasons for any differences of view through discussion;
 - take advantage of the opportunities for co-ordinated scheduling of activities where appropriate and where there is benefit in doing so, such as to minimise burden on those QAA and Ofqual regulate and license, centres, students and other users;
 - where appropriate notify each other in advance where there is a likelihood of significant announcements and development which may impact on each other's key areas of work and, where these matters are confidential, each party will respect that confidentiality;
 - inform each other in a timely and appropriate manner on policy developments, engaging in early dialogue on matters that will impact on the work of the other; and
 - inform stakeholders about QAA and Ofqual's relationship including publishing a copy of this Memorandum of Understanding on our respective websites.
13. Where appropriate both parties will develop jointly and agree relevant annexes and Information Sharing Agreements relating to specific areas of joint working.

Treatment of matters of common interest

14. QAA and Ofqual are committed to the principle of good communication with each other on areas of mutual interest. This will be done through regular liaison and regular discussion on relevant issues. The intention is not to constrain the discretion of either party, but to allow each to make representations to the other in sufficient time for those to be considered.
15. Against this background QAA and Ofqual will:
- establish strategic and operational engagements that support each party's respective objectives, and as appropriate to individual circumstances;
 - inform one another as soon as possible on relevant developments within each party's areas of responsibility and, where possible, before the release of any relevant reports, press releases, speeches or policies;
 - communicate jointly on matters of mutual interest, when it is appropriate to do so;
 - give appropriate consideration to the other's views and explain where one party does not agree;
 - share information about programmes of work that would be of interest to the other, where possible, in advance of that work starting;
 - subject to the Freedom of Information Act 2000, the General Data Protection Regulation (UK GDPR) as incorporated into the Data Protection Act 2018, the ASCL Act 2009 and Higher Education and Research Act 2017, and other

constraints (e.g. commercial confidentiality, price sensitive matters), exchanges may at times be in confidence; and

- where appropriate each party will invite the other to events hosted by one and of interest to both. Each party will be responsible for bearing their own costs.

Exchange of information

14. Where appropriate and at all times operating in accordance with the Freedom of Information Act 2000, the General Data Protection Regulation (UK GDPR) as incorporated into the Data Protection Act 2018 and any and all other legislation and contractual agreements, QAA and Ofqual will aim to share information already held where this is in the public interest with regards to promoting confidence in and quality of QAA licensed and Ofqual regulated qualifications.
15. Although QAA is not covered by the Freedom of Information (FOI) Act 2000, it is committed to acting within the spirit of the Act, and as such requests are dealt with in line with its principles.
16. Information provided by one party to the other must be kept secure. Both parties will ensure that adequate arrangements are in place to protect the confidentiality of information provided. Both parties will also ensure that their own arrangements are acceptable to the other.
17. Each party will, in line with the Freedom of Information provisions on information provided in confidence, refer back to the originating party any requests for information held but that it did not collect and which is confidential in nature. Each party will make the other aware of any of any significant disclosure either intends to make to a third party of any information received from that party.
18. Similarly, QAA and Ofqual will ensure all necessary checks and balances are in place should either be requested by another ministerial department, non-ministerial department, agency or other public body or devolved administration to provide information shared by the other party.

Implementing the MoU

19. This document sets out the principles governing the implementation of the MoU. On a day to day basis issues should be resolved by immediate work stream managers or through the membership of the QAA and Ofqual quarterly group. Issues of a substantial nature that cannot be resolved immediately may be escalated to the Chief Executive of QAA and the Chief Regulator of Ofqual who will then be responsible for resolving the issue. Both organisations will commit to meeting within three weeks of the initial escalation to provide speedy resolution.
20. The Chief Executive Officer of QAA and the Chief Regulator of Ofqual will have responsibility for managing the implementation of the terms of the Memorandum. This responsibility may be delegated to relevant members of the organisations' staff in relation to particular areas of cooperation. The terms of the Memorandum may be altered with the written approval of both parties.

Amendments to the MoU

21. The terms of the Memorandum may be altered with the written approval of both parties.

Terms and Termination

22. This MoU shall commence on the date of signature by all parties, and shall continue, with any revisions, unless it is terminated in accordance with clause 23.
23. This MoU may be terminated by way of mutual agreement or at any time by either organisation by giving at least three months' notice in writing to the other party

Signed by:



for Ofqual
Jo Saxton
CEO and Chief Regulator
6 January 2023



for QAA
Vicki Stott
Chief Executive