

07/02/2024

Memorandum of Understanding

Between

The Institute for Apprenticeships and Technical Education

And

The Office of Qualifications and Examinations Regulation

Introduction

1. This MoU supports effective co-operation and working arrangements between the Institute for Apprenticeships and Technical Education (IfATE) and the Office of Qualifications and Examinations Regulation (Ofqual). The MoU confirms the commitment of both organisations to secure quality for students, apprentices, and employers in England through their work together.
2. Throughout this MoU, IfATE and Ofqual shall be collectively referred to as 'we', with the expressions 'our' and 'us' being used accordingly, and within this document, use of the term 'regulation' refers solely to regulation by Ofqual.
3. This MoU is not intended to cover every detailed aspect of the working relationship between us. It is a statement of principles that will guide relations to ensure appropriate arrangements are in place to enable us to discharge our respective responsibilities effectively and to avoid duplication of effort, misunderstanding or unnecessary impact on third parties.
4. This MoU may be supported by further and more detailed operational agreements, particularly in relation to the sharing of information.

Status of the Memorandum of Understanding

5. This MoU is not legally binding. It is a working document that sets out the expectations of the parties in working together in the exercise of their respective functions. The MoU will be subject to review in the light of operational practice.
6. This MoU should be considered in the context of the applicable legislation: the Apprenticeships, Skills, Children and Learning Act 2009 (ASCLA 2009) (as amended), and the Technical and Further Education Act 2017 (as amended).

Roles of IfATE and Ofqual

7. IfATE is a non-departmental public body sponsored by the Department for Education and established in April 2017 by ASCLA 2009. IfATE's statutory duties and functions are set out in ASCLA 2009 (as amended)¹ IfATE is responsible for keeping under review education and training within its remit. Through basing apprenticeships and technical education qualifications on occupational standards designed by employers, IfATE seeks to raise the standards of skills in England. IfATE develops and maintains quality criteria for the approval of occupational standards and apprenticeship assessment plans, and supports the development and approval of these with employer groups. IfATE also publishes approved occupational standards and apprenticeship assessment plans, and IfATE must secure that evaluations are carried out of the quality of apprenticeship assessments. Beyond apprenticeships, IfATE specifies categories of technical educational qualifications, including T Levels and Higher Technical Qualifications, and approves (and withdraws approval) of those in specified categories as appropriate. IfATE is also responsible for making arrangements for qualifications to be available for approval and manages the procurement process for the award of contracts for the development and delivery of T Levels, and ongoing contract management.

¹ ASCLA 2009 has been amended by the Enterprise Act 2016, the Technical and Further Education Act 2017 and the Skills & Post-16 Education Act 2022, each of which conferred further duties and functions on IfATE in relation to apprenticeships and technical education qualifications in England.

8. Ofqual is a non-ministerial government department established by the Apprenticeships, Skills, Children and Learning Act (2009) as amended. Ofqual is the statutory regulator of qualifications. Independent of ministers and reporting directly to Parliament, Ofqual's regulation is of exams, formal assessments, and qualifications, including apprenticeship end point assessments in England, and the awarding organisations that develop and deliver them. This includes those qualifications that are academic, technical or vocational in nature. Ofqual has a number of objectives that include statutory duties to secure and maintain qualification standards; to promote public confidence in and awareness of regulated qualifications; and to secure the efficiency of regulated qualifications. Through these statutory duties, Ofqual regulates on behalf of students of all ages and apprentices. Public funding of relevant qualifications requires recognition by Ofqual.

Matters of common interest

9. Whilst respecting our distinctive roles and responsibilities, the Skills and Post-16 Education Act 2022 has conferred a duty on both organisations to co-operate with one another in the exercise of our respective functions relating to technical education qualifications and a power for each organisation to provide advice and assistance to the other in relation to the exercise of those functions. There are a number of areas where each organisation has a specific role and responsibilities but share a common interest across vocational and technical education. IfATE and Ofqual bring distinct and valuable expertise to these endeavours.

10. There will be circumstances where co-operation and the sharing of information between us will be the best way to enable us to discharge our respective regulatory and statutory responsibilities effectively and efficiently. This will be to the benefit of the students, apprentices, schools, colleges, training providers, and employers who access, develop and use the products that IfATE makes available. This collaborative working will also benefit the awarding organisations that Ofqual regulates by reducing their regulatory burden.

11. Benefits likely to be realised include:

- increased simplification across the education and skills system

- efficient processes, data and intelligence sharing between IfATE and Ofqual
- avoidance of duplication and minimising regulatory burden
- quality qualifications for students, apprentices, and employers
- where relevant, more effective discharge of our respective statutory functions

12. Those areas of common interest include but are not limited to:

- the development, approval, review, delivery and regulation of the following:
 - apprenticeships and apprenticeship end-point assessments
 - Technical Qualifications within T Level programmes
 - other Technical Qualifications which fall within categories specified by IfATE (including Higher Technical Qualifications)
- other regulated qualifications that are mandated within apprenticeships
- IfATE's duty to keep technical education and training within IfATE's remit under review (referred to in legislation as 'oversight')
- areas of innovation and development across the skills system, which influence and inform the development and delivery of the above, for example, use of technology in assessment
- communications, publications, and consultations relevant to matters of common interest

Implementing the MoU

13. To support on-going good working relationships between us, we will aim to:

- acknowledge each other's different statutory responsibilities, accountability structures and legislative frameworks

- develop and maintain a common understanding of our respective roles and responsibilities
- respect and acknowledge each other's expertise, valuing the advice provided
- where appropriate, provide information to each other to aid the discharge of our respective functions
- identify what degree of co-operation would be appropriate in any given circumstance, collaborating from the outset if possible, and recognising that this will differ according to the specifics of the case
- take advantage of the opportunities for co-ordinated scheduling of activities where appropriate
- notify each other in a timely and appropriate way where there is a likelihood of announcements and developments which may impact on each other's key areas of work; and, where these matters are confidential, we 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
- proactively seek solutions to avoid or mitigate the effects of any disagreement that may impact on the delivery of either organisation
- inform stakeholders about our relationship including publishing a copy of this Memorandum of Understanding on our respective websites

14. Against this background we will aim to establish appropriate arrangements in order to meet our respective statutory objectives, including, but not limited to the following:

- undertake at least one meeting per quarter between the Chief Regulator and the Chief Executive of IfATE
- where appropriate and jointly agreed, establish and implement governance and/or joint monitoring arrangements to facilitate oversight, discussion, and implementation of programmes of work affecting both organisations

- to inform one another as soon as possible on relevant developments within our areas of responsibility, sharing medium-term plans, short-term publication grids, and, where possible, providing advance sight of relevant reports, press releases, speeches or policies
- So that the value of our collaboration is visible and felt by students, apprentices, and employers, when it is appropriate to do so we will take the opportunity to communicate jointly on matters of mutual interest
- share information about programmes of work that would be of interest to the other, where possible, in advance of that work starting

15. Both organisations will develop agree, and, as appropriate, document joint ways of working which reflect the agreements in this MoU.

16. On a day-to-day basis, colleagues across the two organisations will endeavour to resolve matters of policy or operational disagreement at working level. Where necessary, matters should be escalated for resolution.

Exchange of Information

17. Where appropriate and at all times operating in accordance with the Freedom of Information Act 2000, the Data Protection Act 1998, the UK General Data Protection Regulation and any and all other legislation and contractual agreements, we will aim to share information we already hold where this is in the public interest.

Amendments to the Memorandum of Understanding

18. If the MoU needs to be amended or altered, proposals should be made via meetings between strategic contacts. All changes need to be signed off by the Chief Executive of IfATE and the Chief Regulator for England, or their delegated representatives within each organisation. Depending on the substance of any amendments, the Boards of each organisation may need to be informed or approve such changes.

Term and Termination

19. 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 20.
20. This MoU may be terminated by way of mutual agreement or at any time by either organisation by giving at least one month's notice in writing to the other party.
21. Should the MoU be terminated, alternative arrangements will be confirmed to facilitate the parties' duty to co-operate in the exercise of their functions relating to technical education qualifications, and the related power to provide advice and assistance, conferred by the Skills and Post-16 Education Act 2022.

Contacts

22. Senior and operational contacts will be agreed between both parties, from time to time and in accordance with relevant roles, responsibilities, and areas of work.
23. Accountable officers
- For IfATE, Chief Executive, Jennifer Coupland
 - For Ofqual, Chief Regulator, Sir Ian Bauckham

Signed:

For IfATE

For Ofqual



Jennifer Coupland, Chief Executive

Sir Ian Bauckham, Chief Regulator

Date: 5th February 2024

Date: 7th February 2024