



ENTRANTS TO THE HIGHER EDUCATION MARKET: HOW TO APPLY FOR DEGREE-AWARDING POWERS

In this note we consider how educational providers that wish to award degrees can apply to the soon-to-be established Office for Students (OfS) for degree-awarding powers (DAP).

One of the aims of the Higher Education and Research Act 2017 is to make it easier for new higher education providers to enter the market and award degrees, increasing innovation within the sector as well as putting student choice at the heart of the higher education market. The Government consultation entitled *Simplifying access to the market: Degree awarding powers and university title* sets out the current proposals for the process for applying for DAP. The consultation closed at the end of December 2017 and detailed guidance on the process will follow in spring 2018. In the meantime, new providers should take account of the following considerations if they wish to apply for DAP.

REGISTRATION

For DAP to be considered, the provider must be on the OfS register as either 'approved' or 'approved (fee cap)'. A provider may, however, apply to be on the register at the same time as it applies for DAP. The intention is that the processes are aligned in order to reduce the administrative burden on applicants.

THE ROUTES FOR APPLYING FOR DAP

On the basis of track record

A provider can apply for DAP where it has a three-year track record of providing higher education to at least level 6 or equivalent. The OfS may then award DAP, time-limited for three years. After the three-year period, the OfS will review the provider and can either grant DAP to it indefinitely or set another three-year limited period on expiry of which there will be another review.

Without track record

If an applicant does not have the three-year track record, it can apply for a 'New DAP' on a three-year probationary basis. When this probationary period expires, the OfS provider may be granted full non-probationary DAP, which will be time-limited for three years as above. On expiry of that period the New DAP would be reviewed and either provided indefinitely or on a further three-year limited period.

HOW TO APPLY

To apply for DAP, the provider must submit a formal letter of application to the OfS accompanied by the probationary plan setting out full details of its academic plans, including the start and end dates of the probationary period.

This should be done with reference to the detailed DAP criteria, which are currently set out in the consultation document, and should explain what arrangements are already in place in order to demonstrate the provider's preparedness and the actions and developments the provider will undertake to ensure the criteria will be met. This should include timescales and accountability for specific actions and developments during the probationary period. Further information about this detailed process are set out in the consultation paper, and will be in future guidance.

As with existing registrations, where an application for DAP is made, the OfS will undertake a financial viability, sustainability, management and governance check on the provider. If an applicant is registered there must be an



approved student protection plan in place which addresses the risks that would arise if the DAP is lost, or is not extended beyond the three-year probationary period.

WHAT THE OFS WILL CONSIDER

The OfS will seek advice from a quality body (potentially the QAA) in deciding whether or not to grant DAP, or it may take advice from a committee of the OfS.

The quality body will carry out the assessment, taking into account:

- the plan and any supporting evidence in order to test the applicant's understanding of the DAP criteria;
- the standards for the proposed programmes and whether these are set at an appropriate level;
- whether the provider will be capable of maintaining standards; and
- a visit to meet with governors, staff and students if possible.

The quality body will then make a recommendation of either 'ready now' or 'not ready'. Where an application for DAP is unsuccessful the OfS will explain why it made that judgment, with reasoning. The provider can reapply, but should not do so within a year of its original application unless it can demonstrate changes that have been made between applications.

WHEN AN AWARD IS MADE

If DAP is awarded, the provider will need to implement its plan, and be monitored to demonstrate its commitment to quality assurance, supported by appropriate systems.

Providers of New DAP will also be required to report quarterly on the progress made against their plan informing the quality body of any issues and changes to the plan. The quality body will verify progress, by observation visits or otherwise and will report back. The progress reports are subject to peer review.

If there are concerns during the probationary period which are likely to mean that the provider will not be granted DAP at the end of the probationary period, the OfS will intervene, and this might include the revocation of the DAP.

Before the end of the probationary period, the quality body will issue a final progress report and its advice as to whether or not the provider has the ability to:

- provide and maintain the provision of higher education at an appropriate quality; and
- apply and maintain the application of standards to that higher education.

If the provider has not met the DAP criteria at the end of the probationary period, following advice, the OfS may decide to extend the period, normally for twelve months. The New DAP might lapse where the OfS considers that the provider has not demonstrated that it satisfies the criteria and will not be in a position to exercise DAP in the future.

If New DAP is awarded, the provider can grant awards only in areas included in the plan. It must make prospective students aware that it is a New DAP holder through its website, its advertising and marketing. Providers holding New DAPs cannot apply for university title or university college title as this can be sought only on full DAP being granted.