

‘Piloting a streamlined approach to validation’ – a joint project by The Open University (OU), the Quality Assurance Agency for Higher Education (QAA) and Independent Higher Education (IHE)

# FINAL REPORT



QAA



The Open  
University

# CONTENTS

<b>EXECUTIVE SUMMARY</b>	<b>3</b>
Aims of the Project	3
Consultation with stakeholders	3
Focus of the project	4
Recommendations for principles of good practice	4
Principle 1	4
Principle 2	5
Principle 3	5
Principle 4	7
Principle 5	7
Principle 6	7
Principle 7	7
Principle 8	8
Principle 9	8
Principle 10	8
Principle 10	9
The Role of the OfS in Validation	11
<b>INTRODUCTION</b>	<b>13</b>
Definitions and scope of ‘Validation’	13
Potential impacts and benefits of the project	16
Project activities	21
Principle 1	21
Principle 2	22
Principle 3	24
Mapping of validator requirements with national regulatory requirements	25
Principle 4	25
Principle 5	25
Principle 6	27
Principle 7	27
Principle 8	28
Principle 9	29
Principle 10	31
Principle 11	34
The role of the OfS in validation	41

# EXECUTIVE SUMMARY

## AIMS OF THE PROJECT

1. This project was a joint collaboration between the OU, IHE and the QAA. Its primary aim was:  
a) to recommend principles of good practice for validation, drawing on provider and validator feedback, which may contribute to the exemplar validation arrangements that the Office for Students (OfS) intends to develop; b) to pilot a new streamlined institutional approval process with a small sample of selected providers seeking OU institutional approval.
2. The principles for good practice in validation outlined in this report build on existing validation regulations and guidelines (including B10 of the UK Quality Code UK for Higher Education), and aim to promote an approach to validation that is transparent and robust and supports the improved collaboration, and sustainability of validation partnerships.
3. A secondary aim of the project focused on reviewing the OU's own validation processes to assess their fitness for purpose for the future challenges of the UK HE market and ensure that they fully reflect the identified good practice contained in this report. The first phase of this work has been completed; work will continue during 2017/18.
4. An interim project report was published in November 2016. This final report augments the findings from the earlier report.

## CONSULTATION WITH STAKEHOLDERS

5. Five providers – three independent providers represented by IHE (Oxford Business College, the National College for Digital Skills (Ada) and the London College of International Business Studies) and two further FECs (New College Durham and the City College Liverpool) – were selected to participate in the piloting of a streamlined institutional approval process and were invited to provide feedback on the process post approval. An evaluation of the new process is outlined in paragraphs 93–118 of the full report.
6. The project also involved regular collaboration and dialogue with HEFCE and the Association of Colleges (AoC), all of which had representation on the project steering group. The membership of the latter group also included a student representative.
7. In addition to the input of the five pilot providers, IHE consulted its wider membership on their experience of validation with different degree awarding bodies – through two member forums, attended by 18 different providers, and in-depth interviews with three different providers. The findings from this consultation fed into the initial stages of the project and informed the priority areas for review. Fifteen key validators were also invited to provide feedback on key aspects of the project; replies were received from five institutions. Furthermore, the OU also surveyed its 28 validated partner providers; 15 institutions responded with feedback on key aspects of validation.

## FOCUS OF THE PROJECT

8. Drawing on the analysis and feedback from partner providers, it was agreed that the project should focus on developing principles for good practice in the following areas:
- Information and guidance to assist new providers in understanding the requirements of the validation process.
  - The use of metrics by validators and other stakeholders.
  - Developing proportionate and risk based processes.
  - Mapping of validator requirements with national regulatory requirements.
  - Exploring solutions to support providers in identifying a suitable validation partner.
  - Understanding anti-competitive practices and unnecessary barriers to entry by providers and seeking solutions through a principled and practical approach to validation.
  - Contractual arrangements that ensure institutional-level consistency of approach to validation arrangements.
  - Validation costing models.
  - Ongoing partnership management and support for development.
  - Alternative delivery models (including 'accelerated' degrees, blended learning, and flexible credit delivery).

## RECOMMENDATIONS FOR PRINCIPLES OF GOOD PRACTICE

### a) Information and guidance to assist new providers in understanding the requirements of the validation process:

The project group recommends adopting the following principle of good practice in this area:

### PRINCIPLE 1

#### **THERE SHOULD BE CLARITY ON THE REQUIREMENTS AND PROCESSES FOR APPROVAL FROM THE BEGINNING OF NEGOTIATIONS BETWEEN PARTIES**

- The validator should provide potential partner providers with clear and comprehensive information on its institutional approval processes and expectations, including governance structures, academic regulations, support for students involved in the approval process, and specific guidance on any characteristics of its validation model that it believes to be unusual or unique.
- At the commencement of exploratory discussions with potential validators, providers should describe their programme development plans (types and levels of provision, including alternative/flexible delivery models) in as much detail as possible in a 3–5-year strategic plan that clearly outlines the future institutional direction.

- Clear mutual goals and expected outcomes should be established as early as possible, and both parties should be clear about their specific roles and responsibilities within the process and the amount of time and effort that partnerships require.
- Where a provider is likely to need additional developmental support before the final institutional approval stage, the extent of consultancy input and associated costs should be made clear to the provider at the outset.

#### **b) The use of metrics by validators and other stakeholders:**

The project team recommends adopting the following principle of good practice in this area:

### **PRINCIPLE 2**

#### **A GOOD VALIDATION MODEL SHOULD AIM TO MINIMISE THE BURDEN OF DATA COLLECTION, THROUGH GREATER CONSISTENCY AND REDUCED DUPLICATION WITH THE REQUIREMENTS OF OTHER BODIES**

- The collection and use of data should result in mutual benefits for both the validator and the partner provider. The data collected should not only be sufficient to enable the validator to evidence institutional oversight but also be useful for the partner to consider, reflect on and use as a tool in its efforts to constantly improve.
- The validator should ensure that any data-collection requirements match (as far as possible) any compulsory data collection by agencies, including HESA, in relation to students on validated programmes, and that the reasons for the collection of the data are clear. There should be transparency in what the data is used for and how its use can benefit the partner provider, as well as the validator.
- Partner providers should be able to provide relevant existing data and information for monitoring and review for multiple validating partners; for example, reports which would form a part of the partner's internal reviews within its own governance structures. Data already held by the validator should be utilised where possible.

#### **c) Developing proportionate and risk based processes:**

The project team recommends adopting the following principle of good practice in this area:

### **PRINCIPLE 3**

#### **VALIDATORS SHOULD AIM TO DEVELOP PROPORTIONATE AND RISK- BASED PROCESSES USING RISK ASSESSMENTS BASED ON PAST AND PERCEIVED FUTURE RISKS, THE 'MATURITY' OF THE PROVIDER, ITS QUALITY STANDING AND ITS PREVIOUS EXPERIENCE OF VALIDATION**

- Validators should aim to adopt flexible risk-based models that are legitimate in their particular context – e.g. the OU might focus on widening participation. The focus of any risk-based process should be on measuring and assessing risks for students and risks to the validator and its reputation.

- Effective risk-based processes should incorporate systems for ongoing risk management and monitoring that include reviews of metrics, whistle-blowing, and environmental scanning.
- Validators should ensure that robust approval and review processes are in place that prioritise the assurance of academic standards within a proportionate framework. Robust and transparent risk-assessment criteria should be cultivated to determine the level of risk for each partnership, based on future potential risks, as well as past performance, and it must be clear to institutions as to how they are being risk assessed and what impact this may have on the approval process and the level of support that will be required. This information should be published so that a potential partner provider can make informed decisions about whom it may wish to partner with. The framework should allow a 'lighter touch' review where risk is low, yet enable validators to intervene immediately if there is reason to believe that academic standards may be at risk.
- Monitoring and review processes should be risk based and proportionate, and seek to encourage reflection by, and quality enhancement of, the partner provider. They should aim to align with the partner's own internal quality assurance systems and respond to their development needs, allowing the partner greater autonomy as it matures. For example, mature institutions could have greater ownership of the approval of major changes to programmes.

#### **d) Mapping of validator requirements with national regulatory requirements:**

OU members of the project working group have held discussions with HEFCE and QAA representatives to consider the opportunity for greater alignment of QAA and OU reviews. Such alignment would respond to demand from providers and create a more streamlined and market-led process. It is recognised that such a model would require a foundation of mutual trust and cooperation between the two bodies, and that there may be a role for the OfS in granting accreditation or approval status to the OU and other validators who wish to be part of an integrated approach (see Role of the OfS – paragraph 119 of the full report). This may tie in with the provision within the Higher Education and Research Act 2017 for commissioning arrangements.

Progress with this activity has been challenging during this transition period – that is, before the OfS has been established and the new national regulatory system confirmed. However, initial mapping activity has been undertaken of OU and QAA requirements. In addition, the HEFCE has observed the OU institutional approval process. Further activity is planned, such as in annual monitoring, financial sustainability, management and governance audits and data requirements – all of which are other areas of potential alignment.

The model would enable the OU to support new providers to meet both the requirements of the national body and those of the OU as the validator, minimising duplication and the burden on providers. Whilst encouraging greater alignment, it is vital that the process will also need to respect and encourage the different roles of the QAA and validator.

The project group recommends adopting the following principles of good practice in this area:

## **PRINCIPLE 4**

**AN INTEGRATED OR ALIGNED PROCESS SHOULD BE DEVELOPED BETWEEN THE QAA AND VALIDATORS WITH THE AIM OF REDUCING DUPLICATION IN THE PROCESSES AND RATIONALISING THE BURDEN ON PROVIDERS**

## **PRINCIPLE 5**

**THE OFS SHOULD ONLY COLLECT DATA NECESSARY FOR REGULATORY PURPOSES. THE POTENTIAL FOR VALIDATORS TO HAVE ACCESS TO SUCH DATA FOR THEIR OWN VALIDATED PROGRAMMES SHOULD BE EXPLORED SO THAT VALIDATORS COULD AVOID DUPLICATION IN THEIR DATA REQUESTS TO PARTNER PROVIDERS**

### **e) Exploring solutions to support providers in identifying a suitable validation partner:**

Following on from provider feedback highlighting the difficulties of identifying a validation partner, this strand of the project considered the potential role of future regulators and the potential for a central advisory service on validation for new providers and those seeking new partnerships. The project team has made recommendations in relation to the Register of HE providers (see paragraph 119 in the full report – ‘The role of the OfS in validation’).

### **f) Understanding anti-competitive practices and unnecessary barriers to entry by providers and seeking solutions through a principled and practical approach to validation:**

The project group recommends adopting the following principles of good practice in this area:

## **PRINCIPLE 6**

**AT THE PRE-APPROVAL STAGE, THE PROSPECTIVE PARTNERS SHOULD ESTABLISH THE EXTENT OF THE PARTNERSHIP AND ANY CONSTRAINTS ON POTENTIAL FUTURE DEVELOPMENTS**

## **PRINCIPLE 7**

**‘COMMISSIONED VALIDATORS’ (AS DESCRIBED IN THE HE RESEARCH ACT 2017) SHOULD CLEARLY DEMONSTRATE THAT COMPETITION AND EXCLUSIVITY ARE NOT CONSIDERATIONS IN ANY VALIDATION AGREEMENTS**

### **g) Contractual arrangements that ensure institutional-level consistency of approach to validation arrangements**

The project group recommends adopting the following principle of good practice in this area:

## **PRINCIPLE 8**

**THE VALIDATING UNIVERSITY SHOULD ESTABLISH CLEAR AND CONSISTENT CONTRACTUAL ARRANGEMENTS THAT ENCOURAGE CONTINUITY AND THE LONG-TERM SUSTAINABILITY OF THE PARTNERSHIP, AND THEREFORE OFFER PROTECTION FOR BOTH STUDENTS AND PARTNERS**

- Contractual arrangements should always be agreed in advance of any validation processes for the duration of the contract. This should mitigate against sudden and unanticipated price rises.
- IP rights should remain with the partner provider, where appropriate, and these rights should be formally negotiated and enshrined in the contract.

### **h) Validation costing models**

The project group recommends adopting the following principle in this area:

## **PRINCIPLE 9**

**VALIDATING UNIVERSITIES SHOULD ADOPT A TRANSPARENT FINANCIAL MODEL WHICH SETS OUT CLEARLY THE DIRECT AND INDIRECT COSTS, INCLUDING ‘CONSULTANCY’ ACTIVITIES, THAT MAY BE NECESSARY PRIOR TO INSTITUTIONAL APPROVAL**

- It is imperative that providers are made aware, and understand the full financial implications, of entering into partnerships at the beginning of the process. Any circumstances for additional and/or changes in costs should be clearly communicated (preferably at the beginning of a relationship) and be linked to services provided. This will help to protect students from rising fees due to costs associated with validation.

### **i) Ongoing partnership management and support for development and quality enhancement**

The project group recommends adopting the following principle of good practice in this area:

## **PRINCIPLE 10**

**THE VALIDATOR SHOULD ENSURE INSTITUTIONAL-LEVEL OVERSIGHT OF VALIDATION AND EFFECTIVE RELATIONSHIP MANAGEMENT, BASED ON DEDICATED TRAINING AND GUIDANCE FOR STAFF AND HAVING CLEAR AND OPEN COMMUNICATION CHANNELS**

- A good model of validation should include dedicated managers or practitioners for validation in both partners and effective oversight at institutional level of the validator.
- Key staff of validators involved in validation should be sensitive to the specific cultural, social, economic and technological context of their partners, including the challenges and opportunities facing them, as well as changes in the wider HE sector, both in the UK and specific partner countries where partners are located.

- Both partners should ensure that there is clear and open communication that fosters trust and reduces risk for the students or the validated programmes.
- Both parties involved in validation should ensure that there is provision for appropriate training and person specifications for both academics and institution-level relationship managers involved in validation partnerships. Consideration should be given to the development of nationally recognised skills and competencies (see ‘The role of the OfS in validation’ – paragraph 119)
- Validation should ensure that both parties are able to engage openly and constructively with the QA process and clearly articulate their issues and concerns at an appropriate level within their partnering institution.
- Both parties in a validating relationship should work towards developing a successful partnership to ensure longevity and sustainability through changes in departments, key link staff or senior leaders.
- Staff of validators should support the embedding of a quality culture within partner providers. Whilst they must ensure that staff of partner providers understand the QA risks and how they can be managed, they must also support the long-term development of internal quality processes within the validated provider through supportive partnership activities, such as staff development opportunities, staff–student exchanges, collaborative teaching and research, etc.
- Validators should have a responsibility to provide support for capacity building for partner providers wishing to seek degree-awarding powers. Additional support will need to be costed and agreed as part of the partnership agreement.

**j) Alternative delivery models (including ‘accelerated’ degrees, blended learning, and flexible credit delivery)**

The project group recommends adopting the following principle of good practice in this area:

## **PRINCIPLE 10**

### **VALIDATION SHOULD PROMOTE GROWTH, DIVERSITY AND INNOVATION IN HIGHER EDUCATION**

- Validators should aim to ensure that their principles for validation are allowed to evolve in light of a changing environment, so that partner providers are able to respond to the needs of a dynamic market.
- The Register of HE providers should identify those validators who are prepared to approve alternative delivery models (see ‘The role of the OfS in validation – paragraph 119).
- Validators should be explicit at the beginning of a partnership about the specific requirements for the approval of alternative delivery models. They should also aim to provide pre-validation advice and guidance to partner providers that wish to develop programmes utilising such models.

- Validators should aim to ensure that the validation decision-making process for each programme includes an appropriate specialist with expertise in the particular mode of delivery. If the university is unable to provide this kind of expertise, this should be made clear in the initial stages of partnership negotiation (see Principle 6).
- Validators should ensure that they provide specific support for external examiners to engage with alternative delivery models in collaborative provision.

*For partner providers:*

- Partner providers should ensure that the rationale for the particular delivery model and the nature of the intended student market are clear in the programme validation documentation, so that the validator can understand the context and potential risks associated with the delivery model.
- Partner providers should ensure that the validation documentation also includes details on the additional mechanisms that will be put in place to support the specific form of delivery (i.e. timetabling for assessment and re-assessment boards, access to staff and facilities, student support systems, arrangements for marking and moderation, academic and pastoral support, etc.).

*For validators and partner providers:*

- Partner providers and validators should ensure that the potential challenges of particular forms of delivery are identified and addressed as part of the programme development and approval process.
- Partner providers and validators need to ensure that there are appropriate mechanisms for student support and guidance for the specific mode of delivery, particularly for students from non-traditional backgrounds and returners to learning.
- Partner providers and validators should monitor retention and progression rates carefully to ensure that all types of students are provided with the support they need to succeed on particular programmes.
- Partner providers and validators should ensure that students and staff receive appropriate training and support for alternative delivery models as part of the programme development process – for example, staff involved in ‘blended’ delivery should receive initial and ongoing training in relevant digital technologies and pedagogies.

## **EVALUATION OF A REVISED RISK-BASED OU INSTITUTIONAL APPROVAL PROCESS**

As previously stated, the OU has developed a more agile institutional approval model as part of this project, which was piloted in 2016/17. The revised approach aimed to allow institutional approvals and programme validations to be approved within a faster than usual time frame (i.e. 3–6 months), whilst still maintaining the integrity of the process and protecting the University’s QA processes and reputation for managing effective partnerships.

The five pilot providers involved in the project adopted the institutional approval process; an evaluation of its success is provided in paragraphs 106–118 of the full report.

## THE ROLE OF THE OFS IN VALIDATION

1. The interim project report published in November 2016 made a number of recommendations on the potential role of the OfS in respect of validation. A number of these recommendations were included in the subsequent DfE Factsheet on Validation as the role DfE expected the OfS to take to improve validation services. The factsheet set out these measures to include:

- Collection of data on current validation practice, including numbers and scope.
- Working with providers to fully understand obstacles.
- Publication of example or model validation agreements to serve as a benchmark.
- Publication of benchmark fees.
- Guidance on best practice for setting up validation arrangements
- Accessible list of providers offering validation services.
- Guidance on validating less traditional provision, such as accelerated degrees.
- Encouraging simplification of the Quality Code with regards to validation.

In addition to the above it is also expected that the Register of HE providers will include information on which providers hold their own degree awarding powers, and which are in validation arrangements, helping students to make informed choices.

2. This final report makes these further recommendations relating to the role of the regulator:

- a. A Register of validators** – the proposed accessible list of providers offering validation services should be developed as a tool for validation. Validators should be permitted and encouraged to amend their listing to include: their capacity for new validation activity; the subject areas in which they would welcome partnerships; and other information including the use of risk-based processes; support for alternative delivery models and any additional services they can offer to students on validated courses; their standard contract periods; charging model, etc. as appropriate. While this information is partially available through the existing HEFCE Register, it is not in an accessible format for those seeking validation.
- b. Supporting validation relationships** – the OfS and designated quality body could support the establishment of new validation partnerships. This could be particularly helpful in scenarios where a validator is withdrawing from validation activity at short notice. The recent example of a university in the north of England withdrawing from validation of a network of colleges is an example of where partners are at risk (which in turn impacts on students) and where coordination at a sector level is important.
- c. Alignment of processes** – in addition to publishing or commissioning guidance on best practice in validation, the OfS could encourage an integrated or aligned process between the designated quality body and validators to reduce duplication in processes and ease the burden on providers. This might include the OfS endorsing validators (or ‘commissioning’ validators) who met the requirements to undertake the integrated or aligned review process.

- d. **Arbitration role** – the OfS could appoint a body to provide arbitration for validation partnerships, where partnerships are placed at risk. Either partner could request arbitration and the OfS could also require arbitration in cases where students are placed at risk from a breakdown in partnership.
  - e. **Responsibility to review validation** – OfS should have the responsibility to review validation across the sector on a periodic basis to ensure that it continues to meet the aims of the HERA and associated Government policy to increase innovation in HE, enhance student choice and, most importantly, to widen access to HE. A review should also be carried out prior to any decision to appoint ‘commissioning’ validators as allowed for in the HERA.
  - f. **Staff development and training** – one of the national bodies could take a role in providing guidance and training for staff involved in validation for validators and partner providers. In particular, it could provide specific guidance on the future registration process.
  - g. **Developmental support** – the OfS could ask commissioning validators to conduct developmental, facilitative visits to providers who are struggling to secure a validator. The commissioning validator would not necessarily be obliged to undertake the final validation in such scenarios.
  - h. **External examining** – any national system for external examiner should include include a wider induction to alternative models.
3. The interim project report had included a recommendation on concerns processes to identify concerns about validation. Namely, where established principles of validation are not being met, and this is impacting on the quality of the student experience, there should be a clear avenue to raise this issue with the regulator. Following further discussions with the Office of the Independent Adjudicator (OIA), it was agreed that there are already a number of avenues through which students and other stakeholders can raise concerns about validated provision. Currently general issues can be raised through the HEFCE ‘unsatisfactory quality scheme’ and the QAA ‘concerns scheme’ (which still applies to providers who are not HEFCE funded). Furthermore, issues which have an impact on an individual student can be raised via a complaint to the OIA. The project team do not wish to add an additional process to the current system but recommends that validation related examples/case studies are included in the ‘causes for concerns’ guidance for both the QAA and OIA schemes. The project team also recommends that in the future such schemes could be routed into the OfS to advise where there may be issues with validation that can be addressed or supported by the OfS.

# INTRODUCTION

## DEFINITIONS AND SCOPE OF 'VALIDATION'

1. The QAA defines validation as 'a process by which a degree-awarding body judges a module or programme developed and delivered by another organisation and approves it as being of an appropriate standard and quality to contribute, or lead, to one of its awards. Students normally have a direct contractual relationship with the delivery organisation'.<sup>1</sup>
2. Validation arrangements, as defined in the *Higher Education and Research Act 2017 (HERA)* (section 50), are 'arrangements between one registered higher education provider and another registered higher education provider under which the first provider:
  - a) Grants a taught award or a foundation degree to a student who is a student at the other provider or
  - b) Authorises the other provider to grant a taught award on behalf of the first provider.'
3. Validation is often used as an umbrella term to encompass the different activities associated with partnership work, including:
  - a) partnership development/approval, which leads to an institutional-level partnership contract or agreement
  - b) programme development/approval
  - c) monitoring and review – at both programme and institutional level.

It is important to distinguish between the different components of 'validation' as some of the issues identified by providers as part of this project derive from specific difficulties with partnership approval and review. Weaknesses in this area can lead to difficulties with programme approval and review, and vice versa.

4. Under the current system in the UK, a provider without degree awarding powers seeking to offer higher education programmes must secure a validation agreement from a degree awarding body (usually a university). There are approximately 80 UK universities across the UK sector which validate provision in other institutions. These universities are also subject to external scrutiny, of both their own provision and their collaborative arrangements with other providers.
5. The scope of validation arrangements ranges from universities with a substantial number of geographically dispersed partnerships within the UK and overseas to those which partner with a small number of local colleges. Arrangements can involve a diversity of providers including Higher Education Funding Council for England (HEFCE) funded institutions and alternative providers (APs) both in the UK and overseas. Some providers, particularly further education colleges (FECs), choose to have multiple partnership agreements with a range of validators.

---

<sup>1</sup> UK Quality Code for Higher Education, Chapter B10 – Appendix 2 – Glossary of Terms

6. A validated programme of study may be designed and developed by either the degree awarding body or the validated institution, or a partnership between the two. The form of approval may also encompass the ‘franchising’ of programmes (where the programme is ‘owned’ by the validator and delivered by the provider) or the approval of standalone modules and units, rather than full programmes.
7. The UK Quality Code for Higher Education – Chapter B10: ‘*Managing higher education provision with others*’ provides an essential set of reference points for all institutions involved in collaborative provision (including validation) covering the main areas for consideration when managing the delivery of learning opportunities with others, including resources, governance arrangements, due-diligence procedures, partnership agreements, public information, etc. It sets out the risks involved with partnership activity and the safeguards that should be in place to mitigate these risks.

## CONTEXT FOR THE PROJECT

8. The 2016 White Paper ‘*Success as a Knowledge Economy: Teaching Excellence, Social Mobility and Student Choice*’ highlighted the need to remove significant barriers to entry, diversity and innovation in higher education (HE) provision in relation to providers seeking validation partners and set out the government’s proposal to establish a new Office for Students (OfS) that will, amongst other functions, ‘actively encourage providers to develop validation services and support exemplar validation arrangements to help good negotiations between validators and providers who seek validation’.
9. The Department for Education (DfE) *Factsheet on Validation* (January 2017) offered further clarification on the government’s position:

*[T]he OfS will be able to take concrete steps aimed to improve validation services, and address some of the barriers new providers can face when seeking a validating partner. In particular, we (the government) would expect the OfS to address the lack of transparency and opportunity for providers to compare various offers. This will enable a more diverse sector and greater choice for students ... We would expect this to also include the OfS actively encouraging providers to develop validation services, and setting out exemplar validation arrangements to help informed negotiation between validators and providers who seek validation.*

10. In the event that the OfS’ interventions are not sufficiently successful, the HERA grants the OfS powers to enter into ‘commissioning’ arrangements with universities and, ultimately, to act as a validator of last resort. The Factsheet on Validation also makes clear that ‘the OfS will work with the sector to revise and simplify the UK Quality Code for Higher Education, being clear on what ‘good’ and ‘excellent’ validation looks like.’

## AIMS OF THE PROJECT

11. The project was a joint collaboration involving the OU, IHE and the QAA. Its primary aim was:  
a) to recommend principles of good practice for validation, drawing on provider and validator feedback, which may contribute to the exemplar validation arrangements that the OfS intends to develop; b) to pilot a new streamlined institutional approval process with a small sample of selected providers seeking OU institutional approval (see paragraph 19).
12. The principles for good practice in validation outlined in this report build on existing validation regulations and guidelines (including B10 of the UK Quality Code UK for Higher Education), and aim to promote an approach to validation that is transparent and robust and supports the improved collaboration, and sustainability of validation partnerships.
13. A secondary aim of the project focused on reviewing the OU's own validation processes to assess their fitness for purpose for the future challenges of the UK HE market and ensure that they fully reflect the identified good practice contained in this report. The first phase of this work has been completed; work will continue during 2017/18.
14. An interim project report was published in November 2016. This final report augments the findings from the earlier report.

## PROJECT PARTNERS

15. The OU has over 20 years of validation experience, nationally and internationally, following its takeover of the Council for National Academic Awards (CNAA) role in 1992, and has developed a validation model that aims to support and build capacity within its partner providers, particularly those wishing to secure Taught Degree Awarding Powers (TDAPs). For the OU, validation is a means of widening access and increasing diversity of opportunity, and the University is supportive of new entrants to the sectors, including both HEFCE funded institutions and APs. OU validation processes are designed to protect students and the reputation of the University, and to provide a cost-effective and developmental service which, over time, permits increasing levels of autonomy, ultimately leading to independence and degree awarding powers for its partner institutions, if they are able to meet the relevant requirements.
16. IHE is the UK membership organisation and national representative body for independent providers of HE, professional training and pathways, working to promote, support and enhance the independent tertiary education sector.
17. The QAA is the independent body entrusted with monitoring, and advising on, standards and quality in UK HE, including providers in validated relationships.
18. The project also involved regular collaboration and dialogue with the HEFCE and the Association of Colleges (AoC), all of which had representation on the project steering group.

## PILOT PROVIDERS

19. Five providers – three independent providers represented by IHE (Oxford Business College, the National College for Digital Skills (Ada) and the London College of International Business Studies) and two further FECs (New College Durham and the City College Liverpool) – were selected to participate in the piloting of a streamlined institutional approval process and were invited to provide feedback on the process post approval. An evaluation of the new process is outlined in paragraphs 93–118.

## FEEDBACK RECEIVED

20. In addition to the input of the five pilot providers, IHE consulted its wider membership on their experience of validation with different degree awarding bodies – through two member forums, attended by 18 different providers, and in-depth interviews with three different providers. The findings from this consultation fed into the initial stages of the project and informed the priority areas for review. 15 validators were also invited to provide feedback on key aspects of the project; replies were received from five institutions. Furthermore, the OU also surveyed its 28 validated partner providers; 15 institutions responded.

## POTENTIAL IMPACTS AND BENEFITS OF THE PROJECT

21. The wider positive impacts and benefits of the project include developing principles for a validation model that:
  - promote a high-quality, flexible and proportionate approach to validation that supports stable and sustainable partnerships and meets the future needs of the UK HE market by providing a supportive and efficient way for new providers to enter the sector and meet external regulatory requirements
  - foster stable and sustainable partnerships with better protection for providers, and, most importantly, for their students
  - actively respond to the proposals within the 2016 HE White Paper and the HERA for encouraging diversity and competition within the sector, and extending student choice through validation
  - help to widen access to HE for under-represented groups through the expansion of provision within the FEC and AP sectors
  - reduce the administrative burden on institutions whilst maintaining high standards to enable more resources to be dedicated to teaching and learning
  - encourage new and innovative delivery models to enhance the choices available for students
  - enable greater autonomy for high-quality providers over time, following a risk-based judgement, which assists their development and potential journey towards degree awarding powers.

## VALIDATION AS A POSITIVE TOOL FOR INNOVATION AND STUDENT CHOICE IN HIGHER EDUCATION

22. The project partners are strongly committed to validation as a positive tool in developing new and innovative models of HE delivery. Most importantly, validation enables and supports new providers who can drive student-centred innovation to increase student choice, and access and participation for students who are unlikely to choose more traditional HE models.

**Case Study 1:** Validation allowed the London School of Business and Management the opportunity to develop a unique curriculum and delivery model, focused on learners with non-traditional backgrounds. As a small college, validation gave it the support it needed to deliver pre-degree study, alongside an accelerated model, with the aim of reducing the opportunity cost of HE, which is prohibitive to many mature learners. Its academics developed modules and curriculum in partnership with its validation partner that were fundamentally different from the prevailing traditional semester model, but have proven to be hugely successful with the students who study at LSBM.

**Case Study 2:** As one of the oldest art schools in the country, City and Guilds of London Art School have been offering conservation courses since the 1940s and are one of the few remaining HE institutions in the UK to offer courses in the conservation of cultural artefacts. Following validation, this small not-for-profit art school is now able to also offer a Conservation Master's degree alongside its long standing BA (Hons) Conservation Studies programme. This course is unique in its context and focus, based within an art school that focuses on historic and traditional skills alongside cutting edge technology and contemporary art. Originally established in 1854 as a social enterprise, the Art School's unique facilities are now open to more students through validation with its partner university.

23. Validation includes specific benefits for the different stakeholder groups.

*For students, validation:*

- provides an avenue for collaboration between partner providers and industry experts with the potential to create industry-led and cutting-edge programmes of study – for example, Futureworks college in Manchester provides students with industry-led teaching in sound and film, games, visual effects and animation. Its industry partnerships allows it to provide students with a music label in house. Students can work with industry professionals and create their own music which is then distributed by the label. Futureworks works closely with its validator to offer degree study alongside its industry-led professional courses.
- expands educational opportunities for students by supporting small providers who would otherwise not be able to deliver degrees.
- helps to expand and diversify the regional HE offer so that students can study on their own terms in their local areas
- provides staff with access to professional development through the validator, thereby enhancing the learning experience of students
- means that students receive both the education they have chosen and an award from a university that is recognised and trusted by employers

- allows their chosen programme to be designated for student support, extending access to students who would not otherwise have the funding to attend.

*For universities, validation:*

- facilitates greater access and progression routes into HE through partner institutions
- can help them keep 'up to speed' with the latest developments in the industries their partners providers are associated with
- broadens the range of awards made in the university's name
- widens their external profile and institutional reach.

*For partner providers, validation:*

- facilitates the delivery and award of HE programmes in small and specialist institutions
- promotes the development of quality-assurance-and-enhancement systems
- ensures externality in small, specialist and/or new providers to support their integration into the HE sector
- enables the development of teaching and research collaborations
- facilitates quality enhancement and access to a wider community of practice in areas such as teaching, assessment, quality assurance and information technology (IT)
- allows greater scope for programme development and student outreach.

## **CURRENT PERCEIVED OBSTACLES FOR PROVIDERS IN DEVELOPING SUCCESSFUL VALIDATION PARTNERSHIPS**

24. As outlined in the DfE *Factsheet on Validation*, 'validation agreements can enable new providers to draw on the knowledge, skills and experience of more established providers in the design and delivery of their awards'. Validation as a model has been successfully tried and tested over many decades, as far back as CNAAs validation from the 1960s to the 1990s. As QAA collaborative provision audit reports indicate, the majority of universities operate effective and secure procedures for validation in both a UK and overseas context.
25. At its best, validation can be both a mutually rewarding academic partnership between an awarding and a teaching institution, and a helpful form of apprenticeship in which the less mature institution learns from the more established one. There is a great deal of variety in validation practices across the sector; both the institutional mission of validators and the particular needs of validated providers are taken into account, ensuring that no two arrangements look the same.
26. However, despite UK HE's strong record of collaborative provision, aspects of validation practice can prove to be frustrating for providers.
27. Through consultation with IHE providers and the AoC, the following aspects of current validation practice were identified as perceived obstacles to mutually satisfactory and successful partnerships:

- i. *Difficulty in identifying a suitable validation partner*** – The first step in the process of securing validation is often the most challenging for potential new entrants. Providers reported their frustration in finding no clear, authoritative source of advice during the process of identifying and securing a validator. A substantial amount of effort can be expended in the search, and this effort is often duplicated by those who are new to the sector and so do not have the personal contacts that are frequently relied upon to speed up the process.
- ii. *Validators adopting a ‘one size fits all’ approach to validation*** – Some providers believe the duration of the approval process adopted by some validating universities is too long. Approval processes lasting 6 months to 1 year or more may be necessary for less ‘mature’ providers who require more time to develop their systems. However, some more established providers expressed frustration at not being able to secure a validation approval process in less than 6 months. A risk-based approach that accommodates shorter timescales for more mature and lower-risk providers would be welcomed.
- iii. *Lack of clarity on the approval process and requirements for validation, particularly in the initial stages of negotiation*** – This is an area in which some providers report having experienced wide variation between validators. Providers feel that the process would be enhanced with improvements to the documentation for validation to increase the rigour of the process and to provide greater transparency on requirements. A larger role for templates and guidance materials would help providers to understand the needs of the process, particularly in the earlier stages.
- iv. *Duplication between the requirements of QAA review and institutional approval/ review by validators*** – Whilst it was acknowledged that that QAA and validators’ processes have different purposes, some providers feel that there is considerable duplication in the processes and documentation required for QAA review methodologies and institutional approval/review by their validator. They would welcome more aligned or complementary processes to ease the administrative burden on providers in a validated relationship.
- v. *Lack of convergence in the use of metrics by different validators and government bodies*** – Submitting different sets of data to different bodies increases the burden on providers. The intentions behind the metrics required by validators are not always clearly articulated and could be better communicated. There is also a lack of consistency: some validators require module-level data, whilst others prefer programme-level or completion metrics. Most providers agree that it would reduce the burden on institutions if the validator’s metrics requirements could be aligned, where possible, with those of the OfS.
- vi. *Lack of clarity on validation costs*** – Some providers have discovered that validation costs can vary considerably between validators and that there is often a lack of clarity about how these costs are calculated and when they are applicable in both the approval and ongoing relationship stages. Moreover, the costs associated with changing validation partners can be considerable because of the overlap in validator which is often required, and the complexity of satisfying the different requirements of both the incoming and the outgoing partner provider.

- vii. Perceived anti-competitive behaviour on the part of some validators** – Some providers report anti-competitive behaviours by some validators that create a barrier to entry; they would like to see greater transparency to facilitate more open competition. Cases are cited of universities having discontinued validation arrangements because they have launched their own programme which competes with that of the provider. Behaviour of this kind has also resulted in providers needing multiple validation partners in order to deliver a broader range of courses.
- viii. Lack of consistency in contractual arrangements** – providers feel strongly that there should be a stable and consistent approach to validation arrangements that provides better longer-term protection for both providers and their students. Partnerships should be with institutions, not individuals, and should not be arbitrarily altered following changes in leadership. As a result of perceived instabilities, some providers reported that they feel pressured to work with multiple validation partners as part of their risk-management strategies.
- ix. Need for better relationship management** – Some providers would welcome enhanced relationship management and support within the collaborative relationship. It was reported that the quality of support offered by staff of validators varies widely and that a lack of understanding of institution-level and national policies by staff can hinder relationships. Improved training and person specifications for staff involved in validation would be beneficial. Providers also recommended specific training for institution-level relationship managers, possibly through a national system via the Higher Education Authority (HEA) (see Role of OfS – paragraph 120). Some providers also desire more provider participation in validators’ internal dialogues. They report frustrations when decisions are taken at university committees where staff of partner providers are not able to participate, even when they are best placed to support the discussion. Some providers also reported that some external examiners from universities can lack experience outside the traditional models of HE and would like to see specific support for external examiners to engage with alternative delivery models, such as blended learning and accelerated degrees. More external examiners with experience of both professional programmes and collaborative partnerships would also be beneficial.
- x. Desire for increased autonomy through a risk-based approach** – As providers mature, they would value greater autonomy over the programmes they offer, thereby allowing them more flexibility to make timely changes to programmes and to introduce new modules. This would enable them to respond more quickly to feedback from industry, students and external examiners.
- xi. Insufficient support for alternative delivery models, including accelerated and work-based degrees** – Some providers feel that validators should become more familiar with, and willing to validate, non-traditional models for HE delivery, including accelerated degrees. APs and FECs often attract mature professionals returning to study, who prefer to study flexibly and/or intensively. Some providers reported that they had experienced difficulties in finding a validation partner for programmes with alternative delivery modes; some had to change or add an additional partner provider to accommodate these degrees.

## PROJECT ACTIVITIES

28. Drawing on the analysis and feedback from partner providers, it was agreed that the project should focus on developing principles for good practice in the areas set out in paragraphs 29-31.

## INFORMATION AND GUIDANCE TO ASSIST NEW PROVIDERS IN UNDERSTANDING THE REQUIREMENTS OF THE VALIDATION PROCESS

29. As previously mentioned under paragraph 27 (iii), some IHE providers expressed a wish for more explicit information on validation requirements at the initial stages of negotiations with a potential validator, particularly in relation to the provision of clear written guidance materials and templates. Greater transparency at this point can facilitate a more efficient approval process for both parties, and ensures that providers are not tempted to 'second-guess' requirements. Equally, validators need providers to articulate their needs and strategic direction up front, so that they can assess future development plans and determine its capacity to provide the necessary support and development longer term.
30. Comprehensive and clear guidance at the outset helps to ensure that provider validation submissions contain the requisite information, which frees up time for policy discussions and academic dialogue in the final approval meeting. Validators also need to be explicit about their approach to validation, the objectives of the different approval activities, and the estimated workload and timetable. They also need to ensure that both parties (and any students involved in the process) understand their respective roles and responsibilities for moving the process forward. Moreover, if further developmental work and consultancy input is recommended prior to the approval, the approximate costs and timescales for this should be made explicit to the potential partner provider as early as possible.
31. Feedback from the five pilot providers on the revised OU streamlined institutional approval processes recommended further guidance on governance structures and academic regulations (further details are provided in paragraph 108) be provided at the initial advisory meetings.
32. The project group recommends adopting the following principle of good practice in this area:

## PRINCIPLE 1

### **THERE SHOULD BE CLARITY ON THE REQUIREMENTS AND PROCESSES FOR APPROVAL FROM THE BEGINNING OF NEGOTIATIONS BETWEEN PARTIES.**

- The validator should provide potential partner providers with clear and comprehensive information on its institutional approval processes and expectations, including governance structures, academic regulations and support for students involved in the approval process, and specific guidance on any unique characteristics of its validation model which it believes to be unusual or unique.
- At the commencement of exploratory discussions with potential validators, providers should describe their programme development plans (types and levels of provision, including alternative/flexible delivery models) in as much detail as possible in a 3–5-year strategic plan that clearly outlines the future institutional direction

- Clear mutual goals and expected outcomes should be established as early as possible, and both parties should be clear about their specific roles and responsibilities within the process and the amount of time and effort that partnerships require.
- Where a provider is likely to need additional developmental support before the final institutional approval stage, the extent of consultancy input and associated costs should be made clear to the provider at the outset.

## THE USE OF METRICS BY VALIDATORS AND OTHER STAKEHOLDERS

33. As mentioned in paragraph 27 (v), providers would value more transparency around data collection and greater alignment of requirements with those of other external stakeholders.
34. As part of this strand of activity, the OU liaised with other validators to share good practice in this area. It has reviewed its own data requirements to ascertain whether they are transparent and fit for purpose and, where possible, aligned with the QAA metrics and other key data, including HEFCE, Higher Education Statistics Agency (HESA) and Teaching Excellence Framework (TEF) data. It is hoped that more detailed analytics will be produced in future whereby partner providers' trends are examined and comparisons are made with all OU partner providers offering similar programmes, as well as with sector performance.
35. Feedback from validators indicates that data requirements and the means by which the information is collected can vary. Data is generally used as part of an annual or ongoing partnership monitoring process, whereby metrics are reviewed alongside other information. Partner providers may be invited to provide some narrative on the context and particularities of the data. Universities can provide data from their own databases for analysis by the partner, or the partner can provide its own. Some universities have introduced innovative continuous monitoring systems in which data is embedded and programme teams are required to comment on data as and when it becomes available at specific points in the year. This can be facilitated by the provision of a data 'storage' facility (e.g. a 'dashboard') from which both the partner provider and validator have access to the data required for the various returns. The project team consider this to be an example of good practice, but the validator may need to invest in suitable online systems to enable this innovation.
36. The project team recommends adopting the following principles of good practice in this area:

## PRINCIPLE 2

### A GOOD VALIDATION MODEL SHOULD AIM TO MINIMISE THE BURDEN OF DATA COLLECTION THROUGH GREATER CONSISTENCY AND REDUCED DUPLICATION WITH THE REQUIREMENTS OF OTHER BODIES

- The collection and use of data should result in mutual benefits for both the validator and the partner provider. The data collected should not only be sufficient to enable the validator to evidence institutional oversight but also be useful for the partner to consider, reflect on and use as a tool in its efforts to constantly improve.
- The validator should ensure that any data-collection requirements match (as far as possible) any compulsory data collection by agencies, including HESA, in relation to students on

validated programmes, and that the reasons for the collection of the data are clear. There should be transparency in what the data is used for and how its use can benefit the partner provider, as well as the validator.

- Partner providers should be able to provide relevant existing data and information for monitoring and review for multiple validating partners; for example, reports which would form a part of the partner's internal reviews within its own governance structures. Data already held by the validator should be utilised where possible.

## **DEVELOPING PROPORTIONATE AND RISK-BASED PROCESSES**

37. QAA evidence indicates that some validators have introduced risk-based arrangements for the approval of collaborative provision. Typically, the assessment of whether a partnership is 'high' or 'low' risk tends to be based on factors such as the type of provider (public, private, UK, overseas, etc.), the nature of the partnership (e.g. franchised, validated, etc.) and the institution's previous experience of validation.
38. Risk-based approaches are particularly risky for collaborative provision undertaken at a distance. Validators need to take steps to ensure that risks are managed appropriately to protect the interests of students and to maintain the reputational standing of the university. However, robust and proportionate approaches can be beneficial to partner providers by enabling:
  - providers as they mature to take increased responsibility for the management of quality and standards, and thereby helping to embed an appropriate HE-quality culture
  - providers to be innovative with their curriculum and delivery methods, where appropriate, rather than adopting risk-averse strategies
  - a supportive developmental framework for those providers with strategic aspirations to secure Degree Awarding Powers.
39. Risk-based processes are also beneficial to the validator as they enable the targeting of resources at those providers deemed to be at 'higher' risk, and thereby potentially reduce the administrative burden/costs in relation to managing 'lower'-risk partnerships. For any risk-based process there is an obvious tension between the need to balance flexibility and proportionality with rigour and oversight. As a result, there may need to be a trade-off for new providers where a lack of evidence at institutional approval may lead to tighter ongoing monitoring. For a provider with experience of successful validation, switching to a different validator should be considered lower risk.
40. The QAA supports validators in adopting risk-based approaches for collaborative provision, provided there is a clear, intelligent approach that works for the awarding institution and partner provider. As stipulated in Chapter B10 of the UK Quality Code for Higher Education, 'adopting a risk-based approach to commissioning, developing and managing arrangements for delivering learning opportunities with others mitigates dangers [and] ensures that the effort invested is commensurate with the complexity of the proposed collaboration, the status of the delivery organisation, or support provider, the level of experience of the degree-awarding body, and the risks associated with each of these'.

41. Feedback from IHE providers indicates that they would value more proportionate, risk-based processes, in particular shorter approval times and more flexibility with minor/major programme changes for those providers who can demonstrate institutional maturity. Risk-based processes that allow increased autonomy for providers as they develop and mature help to support the embedding of a quality culture in partner institutions.
42. The responses from validators indicate that some universities are successfully employing riskbased approaches for institutional approval and/or re-approvals. The methodologies vary but all are supported by clear systems for risk analysis and the use of risk-assessment tools. By adopting a transparent approach, the approval, monitoring and review processes may be more easily adapted to reflect risk, proportionality and fitness for purpose.
43. As part of the project, the OU has committed to reviewing its validation model with a view to developing an increase in risk-based processes for approval, monitoring and review that are sensitive to the needs of each of its partner providers. The revised institutional-approval model is the first step in this process. In addition, an internal workshop was held in spring 2017 to discuss potential risk-based models for monitoring and review; this will be progressed further in 2017/18.
44. The project group recommends adopting the following principle in this area:

### **PRINCIPLE 3**

#### **VALIDATORS SHOULD AIM TO DEVELOP PROPORTIONATE AND RISK-BASED PROCESSES USING RISK ASSESSMENTS BASED ON PAST AND PERCEIVED FUTURE RISKS, THE 'MATURITY' OF THE PROVIDER, ITS QUALITY STANDING AND ITS PREVIOUS EXPERIENCE OF VALIDATION.**

- Validators should aim to adopt flexible risk-based models that are legitimate in their particular context – e.g. the OU might focus on widening participation. The focus of any risk-based process should be on measuring and assessing risks for students and risks to the validator and its reputation.
- Effective risk-based processes should incorporate systems for ongoing risk management and monitoring that include reviews of metrics, whistle-blowing, and environmental scanning.
- Validators should ensure that robust approval and review processes are in place that prioritise the assurance of academic standards within a proportionate framework. Robust and transparent risk-assessment criteria should be cultivated to determine the level of risk for each partnership, based on future potential risks, as well as past performance, and it must be clear to institutions as to how they are being risk assessed and what impact this may have on the approval process and the level of support that will be required. This information should be published so that a potential partner provider can make informed decisions about whom it may wish to partner with. The framework should allow a 'lighter touch' review where risk is low, yet enable validators to intervene immediately if there is reason to believe that academic standards may be at risk.

- Monitoring and review processes should be risk based and proportionate, and seek to encourage reflection by, and quality enhancement of, the partner provider. They should aim to align with the partner's own internal quality assurance systems and respond to their development needs, allowing the partner greater autonomy as it matures. For example, mature institutions could have greater ownership of the approval of major changes to programmes.

## **MAPPING OF VALIDATOR REQUIREMENTS WITH NATIONAL REGULATORY REQUIREMENTS**

45. OU members of the project working group have held discussions with HEFCE and QAA representatives to consider the opportunity for greater alignment of QAA and OU reviews. Such alignment would respond to demand from providers and create a more streamlined and market-led process. It is recognised that such a model would require a foundation of mutual trust and cooperation between the two bodies, and that there may be a role for the OfS in granting accreditation or approval status to the OU and other validators who wish to be part of an integrated approach (see Role of OfS – paragraph 119). This may tie in with the provision within the Higher Education and Research Act 2017 for commissioning arrangements.
46. Progress with this activity has been challenging during this transition period – that is, before the OfS has been established and the new national regulatory system confirmed. However, initial mapping activity has been undertaken of OU and QAA requirements. In addition, the HEFCE has observed the OU institutional approval process. Further activity is planned, such as in annual monitoring, financial sustainability, management and governance audits and data requirements – all of which are other areas of potential alignment.
47. The model would enable the OU to support new providers to meet both the requirements of the national body and those of the OU as the validator, minimising duplication and the burden on providers. Whilst encouraging greater alignment, it is vital that the process will also need to respect and encourage the different roles of the QAA and validator.
48. The project group recommends adopting the following principles of good practice in this area:

### **PRINCIPLE 4**

**AN INTEGRATED OR ALIGNED PROCESS SHOULD BE DEVELOPED BETWEEN THE QAA AND VALIDATORS WITH THE AIM OF REDUCING DUPLICATION IN THE PROCESSES AND RATIONALISING THE BURDEN ON PROVIDERS.**

### **PRINCIPLE 5**

**THE OFS SHOULD ONLY COLLECT DATA NECESSARY FOR REGULATORY PURPOSES. THE POTENTIAL FOR VALIDATORS TO HAVE ACCESS TO SUCH DATA FOR THEIR OWN VALIDATED PROGRAMMES SHOULD BE EXPLORED SO THAT VALIDATORS COULD AVOID DUPLICATION IN THEIR DATA REQUESTS TO PARTNER PROVIDERS.**

## **EXPLORING SOLUTIONS TO SUPPORT PROVIDERS IN IDENTIFYING A SUITABLE VALIDATION PARTNER**

49. Following on from provider feedback highlighting the difficulties of identifying a validation partner, this strand of the project considered the potential role of future regulators and the potential for a central advisory service on validation for new providers and those seeking new partnerships. The project team has made recommendations in relation to the Register of HE providers (see paragraph 119 – ‘The role of the OfS in validation’).

## **UNDERSTANDING PERCEIVED ANTI-COMPETITIVE PRACTICES AND UNNECESSARY BARRIERS TO ENTRY BY PROVIDERS AND SEEKING SOLUTIONS THROUGH A PRINCIPLED AND PRACTICAL APPROACH TO VALIDATION**

50. As previously mentioned in paragraph 27 (vii), IHE members reported that anti-competitive behaviours on the part of a validator can create a barrier to entry for providers; they would therefore like to see such practices removed in favour of more open competition and choice. Examples of anti-competitive practices were cited that included situations where a university had discontinued a validation because it had launched its own programme that would then compete with the validated programme, and a case where a validated partner had objected to a validation in relation to another validated partner on the grounds that it would compete with its own validated programme. Such practices of exclusivity should not be permitted in a validation context.
51. It is important to recognise that there can be justifiable quality and standards concerns behind a validator’s reluctance to enter into a partnership or validate a new programme of an existing partner that are not related to competition. There may also be resource or strategic reasons that impact on the decision, including, for example, because the university lacks the necessary subject expertise to support programmes in that area.
52. The DfE *Factsheet on Validation* recognises the genuine constraints on validators and makes clear that the OfS ‘would not expect validators to enter into or continue to maintain validation agreements with any provider who cannot demonstrate their ability to meet and maintain standards and quality’. As the regulator, the OfS will be in a unique position to monitor anticompetitive practices in the sector and promote validation arrangements based on collaboration and choice. The factsheet outlines its future specific remit and responsibilities in this area.
53. The project team believe that anti-competitive practices can be minimised by greater transparency in the initial stages of negotiation. As previously mentioned, validators should be open about the parameters of the relationship prior to the commencement of a partnership, and aim to anticipate the potential constraints that might place limitations on the development of the partnership in the future. This greater transparency would enable both parties to take more informed decisions on establishing partnerships and avoid potentially competitive scenarios.
54. The project group recommends adopting the following principles of good practice in this area:

## PRINCIPLE 6

**AT THE PRE-APPROVAL STAGE THE PROSPECTIVE PARTNERS SHOULD ESTABLISH THE EXTENT OF THE PARTNERSHIP AND ANY CONSTRAINTS ON POTENTIAL FUTURE DEVELOPMENTS.**

## PRINCIPLE 7

**'COMMISSIONED VALIDATORS' (AS DESCRIBED IN THE HIGHER EDUCATION AND RESEARCH ACT 2017) SHOULD CLEARLY DEMONSTRATE THAT COMPETITION AND EXCLUSIVITY ARE NOT CONSIDERATIONS IN ANY VALIDATION AGREEMENTS.**

### **CONTRACTUAL ARRANGEMENTS THAT ENSURE INSTITUTIONAL-LEVEL CONSISTENCY OF APPROACH TO VALIDATION ARRANGEMENTS**

55. This strand of activity focused on contractual arrangements in validation and consideration of a potential arbitration process for partner providers brokered by the OfS.
56. Validation partnerships are formalised via contractual arrangements between the two parties, the validator charging a fee for their services. Charges can vary according to the nature of the partnership and the level of service provided by the validator.
57. Feedback from validators indicated that most use 3–5-year standard rolling contracts that are individualised for the specific circumstances of partner providers. Financial arrangements are usually appended to the main contract so that they can be updated separately on a regular basis (usually annually). Good relationships with university legal teams are deemed to be essential to ensure flexibility of contracts to meet partner providers' needs.
58. IHE providers complained about the lack of consistency and protection in contractual arrangements across validators, which can disadvantage providers and their students. There have been cases where a validator has abruptly discontinued its validation activities due to a change in leadership and strategic direction; its partner institutions were therefore forced to find a new validator within a very short timescale (this can be costly and time-consuming). As the *Factsheet on Validation* states, 'the change of validating partners can often be a lengthy and complex process, and represent a financial burden'.
59. Providers are also vulnerable to sudden or unexpected price hikes in validation. Some providers also complained about difficulties in protecting intellectual property (IP) rights in relation to validated programmes.
60. Feedback from OU partner providers indicates that the overwhelming majority of partners believe that the OU agreement offers a strong contractual basis and protection for the partnership, and is transparent about the mutual obligations of both parties and the parameters of the partnerships. However, a few partners would welcome further clarity on contingency and VAT exemptions. The OU will review its standard agreement in light of comments received.

61. There are currently a number of avenues through which students and other stakeholders can raise concerns about validated provision. General issues can be raised through the HEFCE 'unsatisfactory quality scheme' and the QAA 'concerns scheme' (which still applies to providers who are not funded by HEFCE). Issues which have an impact on an individual student can be raised via a complaint to the Office of the Independent Adjudicator. The project team believes that the current complaints system provides adequate protection for students on validated programmes and does not recommend introducing an additional process. However, greater prominence could be given to validation in the guidance materials for both the QAA and OIA processes (see paragraph 119 – 'The role of the OfS in validation').
62. The project group recommends adopting the following principle of good practice in this area:

## PRINCIPLE 8

### **THE VALIDATOR SHOULD ESTABLISH CLEAR AND CONSISTENT CONTRACTUAL ARRANGEMENTS THAT ENCOURAGE CONTINUITY AND THE LONG-TERM SUSTAINABILITY OF THE PARTNERSHIP, AND THEREFORE OFFER PROTECTION FOR BOTH STUDENTS AND PARTNER PROVIDERS.**

- Contractual arrangements should always be agreed in advance of any validation processes for the duration of the contract. This should mitigate against sudden and unanticipated price rises.
- IP rights should remain with the partner provider, where appropriate, and these rights should be formally negotiated and enshrined in the contract.

## VALIDATION COSTING MODELS

63. Costing models appear to vary across validators. Charges aim to reflect realistic projected student numbers, income and expenditure (including costs of approval processes, staff costs, examination boards, staff development, travel, etc). Some universities base their annual charges on the number of registered full time equivalent students. However, others increasingly apply threshold charges (either a fixed amount or charging for a minimum number of students) in order to ensure that the university's full costs are covered even where recruitment at the partner organisation is lower than anticipated. Costs for additional quality support services can be charged separately or as part of the annual fee.
64. Some IHE providers complained about a lack of clarity on validation costs, particularly in terms of distinguishing between indirect and direct costs (including additional pre-approval consultancy services), and the considerable outlay that can result as a consequence of changing validation partner. They also felt that the rationale and justification for fee increases should be clearly communicated in a timely manner to protect institutions from sharp increases in fees due to rising validation costs.

65. The majority of OU partner providers surveyed were satisfied that the OU costing model was clear and transparent about the charges for services provided, although a few would prefer further clarity on additional costs for unplanned work. The costing model will be revised in light of this feedback.
66. The project group recommends adopting the following principle in this area:

## **PRINCIPLE 9**

### **VALIDATORS SHOULD ADOPT A TRANSPARENT FINANCIAL MODEL WHICH SETS OUT CLEARLY THE DIRECT AND INDIRECT COSTS, INCLUDING ‘CONSULTANCY’ ACTIVITY, THAT MAY BE NECESSARY PRIOR TO INSTITUTIONAL APPROVAL.**

- It is imperative that providers are made aware, and understand the full financial implications, of entering into partnerships at the beginning of the process. Any circumstances for additional and/or changes in costs should be clearly communicated (preferably at the beginning of a relationship) and be linked to services provided. This will help to protect students from rising fees due to costs associated with validation.

## **ONGOING PARTNERSHIP MANAGEMENT AND SUPPORT FOR DEVELOPMENT**

67. The UK Quality Code for Higher Education, Chapter B10, stipulates that validators should ensure that their ‘risk management procedures include regular and adequate avenues for communication with other organisations involved. These may include link tutor arrangements, steering groups and opportunities for delivery organisations, support providers or partner providers to provide feedback as a means of monitoring the arrangements.’ In line with this, all validation models aim to embed mechanisms not only for ongoing relationship management that incorporate regular interactions between the parties for monitoring and review purposes, but also for quality support and enhancement.
68. The different models for relationship management vary across the sector, often depending on the particular validator’s collaborative strategy and the type of validated partnership. Some validators, such as the OU, have dedicated institutional-level offices or departments to manage their validation activities, whilst others coordinate their collaborative provision through faculties or academic departments. The effectiveness of the relationship is usually dependent on the capacity and expertise of staff within both institutions, and the development of good personal relationships. The validator’s academic strategy and the extent of flexibility granted to the partner provider is also crucial.
69. Whilst the two types of management models can be effective in different contexts, some IHE providers feel that the lack of an institutional-level validation department within some validators can exacerbate communication problems, and was cited as a primary reason for the failure of a validation agreement. Validators that have an institutional-level department (or at least more centralised oversight) were viewed by providers as the most effective at maintaining partnerships

70. Most validators offer supplementary support services to their partner providers to support staff development and quality enhancement. Such services can include:
- facilitating regional networks for groups of providers and employers
  - facilitating conferences and other forums to disseminate good practice across the partnerships
  - facilitating staff and student exchanges
  - providing staff of partner providers access to the validator's staff development programme
  - providing advice and support for virtual learning environments
  - providing access to careers and student counselling services.
71. There are also examples of joint teaching and research collaborations between validators and their partner providers, which have positive benefits for both parties. Some validators also allow partners access to their learning resources, although copyright and licensing restrictions can create obstacles in enabling access to electronic resources for students in validated institutions.
72. Some validators provide capacity-building assistance for partner providers wishing to seek degree-awarding powers, and provide tailored support for the partner as it goes through the Taught Degree Awarding Powers process. Access to these additional services should be negotiated at the earliest stage in the relationship and the costs should be clearly outlined.
73. The primary contact(s) role(s) in each institution with responsibility for the day-to-day liaison with the other party is pivotal for the sustainability of a successful partnership. There is a wide ranging divergence in the role of the validator's key contact person (the most common title for the role is designated as 'link tutor'). Some play a formal part in monitoring and assessment, monitoring students' learning experiences and the adequacy of learning resources, etc.; for others their involvement with the partner provider is enhancement based. Some universities, such as the OU, appoint both academic and QA/administrative key contacts to manage validated partnerships.
74. IHE member feedback also highlighted that some providers have found that the quality of support offered by subject specialists and institution-level managers involved in validation partnerships varies widely, and that a lack of understanding of institutional policies and regulations, assessment, and programme management by a validator's staff can damage relationships. Furthermore, examples were also cited where hitherto successful partnerships encountered difficulties due to a change in the link person within the validator. Feedback from OU partner providers also cites the lack of continuity of key staff as the most significant challenge to the development of a productive relationship.
75. Feedback from validators confirms the view that the key to successful ongoing partnership management is to have identified contacts in both institutions, with clearly defined roles and responsibilities. Several reported that they provide training and induction for their key contact staff either through face-to-face seminars or via the provision of online good-practice guides. Other universities also aim to facilitate peer networking across partnerships to encourage the dissemination of good practice.

76. Several universities stressed the importance of establishing a good relationship based on mutual trust and respect from the beginning of a partnership. Quality assurance and enhancement through partnership should be based on consultation and collaboration and should be the collective responsibility of both institutions, not just imposed by the validating authority.
77. One university expressed the aim of ‘developing an adult mature relationship where the validator is not placed in the policing role’. It is important that the validator is transparent about the rationale for information requests and that the partner provider understands that such requests are often to aid understanding, rather than to exercise control. Staff of validators should be sensitive to the specific institutional context of their partner providers, as well as changes in the wider HE sector, both in the UK and specific partner countries where partners might be located. They may also need to make judgements on where and when interventions should be instigated, especially when there is evidence that academic standards may be in jeopardy, or where a partner provider may not be complying with requirements. Such instances will require sensitive management and good communication.
78. As previously mentioned, IHE providers and some OU partner providers have expressed the desire for more provider participation in validators’ internal dialogues and for more strategic connections with their validator. This would ensure a more collaborative relationship, where the provider is able engage more directly and openly with the quality-assurance (QA) processes at the appropriate level within the partner provider.
79. The project group recommends adopting the following principle of good practice in this area:

## **PRINCIPLE 10**

### **THE VALIDATOR SHOULD ENSURE INSTITUTIONAL-LEVEL OVERSIGHT OF VALIDATION AND EFFECTIVE RELATIONSHIP MANAGEMENT, BASED ON DEDICATED TRAINING AND GUIDANCE FOR STAFF AND HAVING CLEAR AND OPEN COMMUNICATION CHANNELS.**

- A good model of validation should include dedicated managers or practitioners for validation in both partners and effective oversight at institutional level of the validator.
- Key staff of validators involved in validation should be sensitive to the specific cultural, social, economic and technological context of their partners, including the challenges and opportunities facing them, as well as changes in the wider HE sector, both in the UK and specific partner countries where partners are located.
- Both partners should ensure that there is clear and open communication that fosters trust and reduces risk for the students or the validated programmes.
- Both parties involved in validation should ensure that there is provision for appropriate training and person specifications for both academics and institution-level relationship managers involved in validation partnerships. Consideration should be given to the development of nationally recognised skills and competencies (see ‘The role of the OfSin validation’ – paragraph 122)

- Validation should ensure that both parties are able to engage openly and constructively with the QA process and clearly articulate their issues and concerns at an appropriate level within their partnering institution.
- Both parties in a validating relationship should work towards developing a successful partnership to ensure longevity and sustainability through changes in departments, key link staff or senior leaders.
- Staff of validators should support the embedding of a quality culture within partner providers. Whilst they must ensure that staff of partner providers understand the QA risks and how they can be managed, they must also support the long-term development of internal quality processes within the validated provider through supportive partnership activities, such as staff development opportunities, staff–student exchanges, collaborative teaching and research, etc.
- Validators should have a responsibility to provide support for capacity building for partner providers wishing to seek degree-awarding powers. Additional support will need to be costed and agreed as part of the partnership agreement.

## **ALTERNATIVE DELIVERY MODELS (INCLUDING ‘ACCELERATED’ DEGREES, BLENDED LEARNING, AND FLEXIBLE CREDIT DELIVERY)**

80. As has been widely documented elsewhere, there has been greater demand for more flexible provision in recent decades, driven by increasingly diverse student needs and the development of new digital technologies. Many students today, particularly adult (mature) returners, seek more flexible, non-traditional study options, including, for example, part-time provision; two-year accelerated degrees; ‘blended’ or online learning; higher-level apprenticeships.
81. Validated AP and FEC providers, in particular, often attract non-traditional students interested in more flexible study choices – for example, mature students with family commitments who wish to study part-time, or from a distance; or mature professionals returning to study, who seek an intensive and shorter route to an academic qualification. Many FECs also seek to deliver applied vocational programmes aligned to employer priorities and deadlines, which therefore require more creative delivery methods.
82. Feedback from IHE providers indicates that some validators are risk averse in their approach to the validation of alternative delivery models. Indeed, several providers reported that they had been forced to change or add an additional validating partner provider specifically for these programmes, as their existing validator had been unable or unwilling to accommodate such programmes.
83. Validators argue that collaborative provision is inherently risky, that these risks are intensified with non-standardised provision, and that some partner providers do not always provide the necessary quality safeguards when presenting these programmes for validation. Although there are always valid reasons why validators are unwilling to validate particular programmes, it is important that validation does not become an unnecessary barrier to the emergence of innovative programmes, and that validators are open in principle to validating different ways of delivering programmes, providing the requisite quality conditions are in place. Indeed,

validators could seize the initiative and aim to provide pre-validation advice and guidance to partner providers who express a wish to develop more flexible programme models. Above all, it is important that those universities which take the decision to limit validation to particular forms of delivery are clear to partner providers at the outset of the relationship.

84. As part of its role in providing guidance on validating less traditional provision, the OfS could also have a role in supporting new provider entrants in relation to the requirements for particular delivery models. As part of a 'broker' role (see paragraph 120 (b)), it could recommend validators that have expertise in particular delivery models.
85. Feedback from validators indicates that experience of validating alternative modes of delivery varies. Some reported no, or limited, experience of such models, but others quoted examples of validated higher-level apprenticeships and accelerated degrees. Those spoken to as part of this project were prepared in principle to approve flexible models, if appropriate for their type of validation partnership and the professional requirements of the subject area, but recognise that there are additional risks with such provision that need to be managed.
86. The feedback highlights that the associated risks vary according to the particular delivery mode – this is also borne out by the OU's experience. For example, the major risks with accelerated degrees tend to be operational, rather than pedagogical – that is, there are significant challenges in relation to assessment and progression, timetabling (including timings for assessment and re-assessment boards), admissions (and how these are organised across the academic year), and providing student access to staff and learning resources during holiday periods. There may also need to be changes to university academic regulations, which may be prescriptive on structure and delivery across the academic year.
87. For distance- or blended-learning programmes, appropriate interactive teaching materials and systems (administrative and operational) will need to be developed to enable the necessary interactions with students working at a distance. Staff may also require training and development in relevant digital technologies and pedagogies. For degree apprenticeships, there are additional considerations around admissions, registration, student-support systems, etc.
88. Another issue highlighted in the feedback from universities relates to the nature of the student intake on programmes with alternative delivery modes. One university reported that the progression and completion data for its validated accelerated degrees supports the perception that widening participation students are less likely than traditional students to succeed on such programmes. There is also evidence that blended/online learning can be more challenging for learners lacking self-motivation. Specific delivery models may therefore be more appropriate for particular kinds of students. For example, accelerated degrees may suit mature professionals with appropriate professional experience within the subject area who wish to gain an academic qualification within a shorter timescale. Less experienced, or non-traditional students, without the underlying professional knowledge, may require more time for critical reflection and consolidation of learning. Some models of learning, particularly blended or online, may also require more advanced IT/digital skills.

89. In terms of validation, universities need to understand why a partner provider wishes to deliver in a certain way, how the model proposed will benefit the intended student market, and what support systems will be in place. If there are different modes of delivery across the provider's provision (and even within the same programme), validators also need to ensure that there is parity of student experience across all modes of delivery.
90. The OU itself is a pioneer of innovative and flexible delivery through its highly regarded openlearning provision, and more recently its active engagement with MOOCs and the 'Future Learn' project. It has always been open with its validation partners to validating high-quality programmes with alternative delivery methods, and has long-standing experience of validated online/blended learning programmes; in addition, it will shortly be considering the validation of accelerated degrees and degree apprenticeships. Its approach to the validation of online and blended modes of delivery is outlined in its current handbook. It has now also developed similar guidelines for accelerated degrees and degree apprenticeships. An important part of its approach is to ensure that at least one member of a validation panel has significant experience of the type of delivery mode proposed for the programme. For distance-learning and blended learning programmes, this has been achieved by the inclusion of an experienced OU academic on the panel.

#### *External examiners*

91. IHE providers feel that some external examiners appointed by universities lack experience outside the traditional models of HE and recommended that there should be specific support for external examiners to engage with alternative models. More external examiners with experience of both professional programmes and collaborative partnerships would also be beneficial. This highlights the need for external examiner briefing and training to include a wider induction to alternative models and for the pool of external examiners to be widened. This could feed into the tranche of work on improvements to external examining already undertaken as part of the pilot activities for the HEFCE revised operating model for quality assessment.<sup>2</sup>
92. The project group recommends adopting the following principle of good practice in this area:

## **PRINCIPLE 11**

### **VALIDATION SHOULD PROMOTE GROWTH, DIVERSITY AND INNOVATION IN HIGHER EDUCATION.**

- Validators should aim to ensure that their principles for validation are allowed to evolve in light of a changing environment, so that partner providers are able to respond to the needs of a dynamic market.
- The Register of HE providers should identify those validators who are prepared to approve alternative delivery models (see 'The role of the OfS in validation – paragraph 121).
- Validators should be explicit at the beginning of a partnership about the specific requirements for the approval of alternative delivery models. They should also aim to provide pre-validation advice and guidance to partner providers that wish to develop programmes utilising such models.

<sup>2</sup> Revised operating model for quality assessment (HEFCE 2016/03)

- Validators should aim to ensure that the validation decision-making process for each programme includes an appropriate specialist with expertise in the particular mode of delivery. If the university is unable to provide this kind of expertise, this should be made clear in the initial stages of partnership negotiation (see Principle 6).
- Validators should ensure that they provide specific support for external examiners to engage with alternative delivery models in collaborative provision.

*For partner providers:*

- Partner providers should ensure that the rationale for the particular delivery model and the nature of the intended student market are clear in the programme validation documentation, so that the validator can understand the context and potential risks associated with the delivery model.
- Partner providers should ensure that the validation documentation also includes details on the additional mechanisms that will be put in place to support the specific form of delivery (i.e. timetabling for assessment and re-assessment boards, access to staff and facilities, student support systems, arrangements for marking and moderation, academic and pastoral support, etc.).

*For validators and partner providers:*

- Partner providers and validators should ensure that the potential challenges of particular forms of delivery are identified and addressed as part of the programme development and approval process.
- Partner providers and validators need to ensure that there are appropriate mechanisms for student support and guidance for the specific mode of delivery, particularly for students from non-traditional backgrounds and returners to learning.
- Partner providers and validators should monitor retention and progression rates carefully to ensure that all types of students are provided with the support they need to succeed on particular programmes.
- Partner providers and validators should ensure that students and staff receive appropriate training and support for alternative delivery models as part of the programme development process – for example, staff involved in ‘blended’ delivery should receive initial and ongoing training in relevant digital technologies and pedagogies.

## **EVALUATION OF A REVISED RISK-BASED OU INSTITUTIONAL APPROVAL PROCESS**

93. As previously stated, the OU has developed a more agile institutional approval model as part of this project, which was piloted in 2016/17. The revised approach aimed to allow institutional approvals and programme validations to be approved within a faster than usual time frame (i.e. 3–6 months), whilst still maintaining the integrity of the process and protecting the University’s QA processes and reputation for managing effective partnerships.
94. The five pilot providers involved in the project adopted the institutional approval process (see paragraph 19); an evaluation of its success is provided in paragraphs 106–118

## CHANGES TO PROCESSES

95. The OU's normal institutional approval process has four stages to assess the capacity of the institution to meet the approval criteria. These stages include:

*Stage 1* – the completion of an enquiry form by the applicant, to include detailed information about itself and the programmes for which it would like validation. An initial decision is taken by the OU on whether to proceed at this stage; this will involve a preliminary discussion with the applicant institution, including discussion of costs.

*Stage 2* – an advisory meeting at the institution to enable a more detailed discussion about the potential relationship, expectations on both sides of the partnership (including documentary evidence requirements for approval events), and agreement to proceed towards the next stage of the approval process. In exceptional circumstances, a decision can be made to move straight to Stage 4 for full institutional approval if a potential partner provider has displayed sufficient experience of operating validation relationships.

*Stage 3* – a facilitation visit involving a small panel meeting with the institution to review institution-level regulations and governance arrangements in further detail. This enables the panel to provide the institution with further advice and guidance on academic structures, processes and systems, and for the provider to learn more about OU validation. At the end of the visit, the facilitation panel will conclude either that the application should proceed to final-stage approval (Stage 4) or that the institution in question needs to undertake further developmental work before its application can progress. In such cases, further advice on the next steps will be provided.

*Stage 4* – institutional approval by a panel comprised of senior OU academics and external academic peers. There will also be a separate administrative audit 6 weeks ahead of the institutional approval event to assess the administrative, financial and governance infrastructure of the institution, and to conclude due diligence checks.

## REVISED STREAMLINED PROCESS

96. In relation to the revised streamlined process, the following points should be noted:

- Initial intensive desk-based scrutiny of institutional-approval documentation was undertaken, including financial, governance and administrative checks.
- Documentation was accepted in its existing form (i.e. using the templates for the current validating partner, rather than imposing the use of OU templates) to reduce duplication of effort and time.
- Stage 3 of the current process was omitted in the majority of cases.
- For Stage 4, a smaller approval panel was agreed, comprising OU and external academics and an OU quality manager. This enabled a panel to be set up within a quicker time frame.
- There was also a more streamlined agenda on the day of the visit.
- The administrative audit was undertaken in conjunction with the approval event.
- The visit focused on the gaps identified by the desk-based scrutiny.

- Conditions of approval were agreed by the panel, some of which required deadlines that extended beyond the initial registration date. These were monitored closely by the OU to ensure timely completion.
- The reports relating to the approvals carried out using the revised process, although shorter, were more focused but still demonstrated to the University that due diligence and scrutiny had been undertaken during the formal approval of new partner Institutions.
- There will be extensive monitoring of the partnerships during the first year of approval (and beyond if required) to ensure expectations are met. Any areas that are raised as areas of concern will be monitored through this process.

97. The University followed its established process as closely as possible for the programme validations, although a smaller panel was used, where appropriate, and existing documentation was accepted. Where smaller panels were used, the University scrutinised evidence from past validation reports to reduce potential risks.

## OUTCOMES OF THE PROCESS

98. The process was successfully applied for the approval of the two FECs involved in the project – New College Durham (NCD) and City of Liverpool College (CLC) – in summer/autumn 2016. Institutional approval for both institutions was achieved within 6 months of the initial application. The detailed process adopted for both approvals was as outlined in paragraph 96 and did not include Stage 3 (facilitation visit). CLC was approved with two conditions and one recommendation and NCD was approved with one condition and no recommendations. Programme validations were conducted immediately after both institutional approvals and were all approved with conditions.

99. Following the approval of NCD and CLC, the intention was to employ the process for the approval of the three independent providers involved in the project. For the first institution – London College of International Business Studies (LCIBS) – a streamlined process was agreed to be appropriate for a small college with an existing HE programme which was keen to launch a full undergraduate programme. As a result of a sudden takeover of LCIBS during the preparations, further due-diligence checks were undertaken, although it was understood that the college's strategy for its UK operation would remain largely unchanged. When the institutional-approval visit took place in October 2016, LCIBS was approved but it was apparent that many of its systems required further development; this was reflected in the large number of conditions attached to the approval – six pre-registration conditions, two post-registration conditions, three conditions from the administrative audit, and one recommendation. LCIBS has met the six pre-registration conditions, most of which were focused on employing more teaching and support staff prior to launching the programme as they had stopped teaching during the validation process. A post-visit evaluation determined that the LCIBS would have benefited from a longer developmental period prior to approval, including a Stage-3 facilitation visit.

100. The second independent provider involved in the project was The National College for Digital Skills (Ada), which is a brand new specialist further education corporation that opened to its first Level-3 students in September 2016. The risks to the University were therefore high, as Ada

had no track record of offering HE programmes. However, it was acknowledged that it did offer further education (FE) programmes and had structures in place that would be utilised for HE delivery. It was also receiving financial support from the UK government, as one of the five then recently launched National Colleges.

101. During initial discussions with Ada, it was recognised that its processes and structures would require significant development to achieve OU approval. This was perhaps inevitable given its brand new status and lack of HE experience. A decision was therefore taken to convene a facilitation visit to provide Ada with further advice and guidance to enable better understanding of the OU requirements for institutional approval and programme validation. The facilitation visit also assisted Ada in identifying the types of questioning that might arise at a final institutional approval event.
102. Ada was approved in March 2017 with five conditions and three recommendations. A post-visit evaluation determined that the longer pre-approval development time and the facilitation visit had contributed significantly to the success of the institutional approval event. Approval was still achieved within Ada's required timescales to launch its HE provision.
103. The approval of the fifth project partner, and the third alternative provider – Oxford Business College (OBC) – was unfortunately not successful. At an institutional approval panel visit in June 2017, the overall judgement of the visiting panel was that OBC was not at the stage for an OU institutional approval.
104. The panel believed that College staff had driven through the process at a pace that had not enabled enough time for a sufficient level of engagement with, or full reflection on, the implications of OU approval on proposed provision, policies and procedures. However, the panel did feel that the OBC was on the right trajectory, and that given further time to integrate thinking and to revisit the documentation it is capable of OU institutional approval.
105. The panel made six suggestions for broad areas of action and invited OBC to submit for a further institutional-approval visit within the following 12-month period. A post-visit evaluation has concluded that the approval of OBC would have benefitted from a longer developmental period and/or increased resources dedicated to the approval process, and a facilitation visit so that areas for further work could have been identified at an earlier stage. Furthermore, a separate administrative audit ahead of the approval event would have contributed to a better, staged approach towards approval.

## **EVALUATION OF THE PROCESS**

106. The five providers were invited to provide feedback on their experience of the OU institutional approval process and programme validation. Generally, they were complimentary about the model and praised, in particular, the efficiency and transparency of the processes, the quality and expertise of the panel members (who were well-briefed) and the support from Senior Quality and Partnership Managers throughout the process.

107. Recommendations for improvements to the process were sub-divided into: pre-submission guidance; the submission; the institutional-approval visit; post-visit processes; and programme validation.

### ***PRE-SUBMISSION***

108. The providers made a number of recommendations for further guidance at this early stage that included:

- more dynamic guidance on submission requirements, particularly in relation to academic regulations and governance structures
- clarity on the sequencing and staging of the process from the outset (including the need for a facilitation stage)
- more explicit counselling on developmental/consultancy needs prior to approval, with an identification of estimated costs
- greater transparency on the particularities of OU approval.

### ***THE SUBMISSION***

109. The providers echoed feedback from IHE members in their desire for more integration with QAA processes, particularly in relation to documentary requirements and FSMG checks. One provider also suggested that the OU should consider developing a portal for the uploading of submission documents for applications.

### ***THE APPROVAL VISIT***

110. As previously mentioned, the majority of providers commended the overall effectiveness and transparency of the OU processes – particularly in relation to the sharing of the panel member agenda prior to the visit. One provider felt that there had been limited opportunity to present a wider picture of the institution during meetings. Another provider also stressed the importance of employing panel members who understand the context and challenges of particular providers (e.g. APs). Ensuring an appropriate and balanced panel is the responsibility of the validator's staff; this led to a general discussion on the professionalism of staff involved in the validation process and the role of the OfS in providing further guidance and training (see the 'The role of the OfS in validation' – paragraph 119).

### ***POST-VISIT PROCESSES***

111. Most providers agreed that the approval-event visit reports were clear and helpful and that the institutional approval panels' conclusions were balanced and collaborative. Providers also felt that the process had been agile and responsive, allowing them to achieve approval within their desired time frame. A developmental facilitation stage that focused on the mutual sharing of information was deemed to be valuable, even by those institutions which had not been required to complete this stage for their approval. There was a suggestion that the OfS could contract 'commissioned validators' to hold facilitation visits with providers who are struggling to find a validator (see 'The role of the OfS in validation' – paragraph 119).

112. Although providers were satisfied with the approval outcomes, the post-approval process through the OU's committee structure had been unclear; it was recommended that an indicative timeline should be provided at the pre-approval stage. One provider also reported that past validators had difficulty with understanding the process and timing for specific course designation (i.e. the process for gaining access to student-loan funding which is managed by HEFCE). The five providers agreed that there could be a future role for the OfS in providing guidance to, or training for, validators on its registration process to avoid delays over misinformation (see 'The role of the OfS in validation' – paragraph 119).
113. Providers also highlighted that there should be more opportunities and fora for validated partners to share experiences and reinforce principles of good practice.

### **PROGRAMME VALIDATIONS**

114. Providers reported that programme validations had been positive and collegial with clear and appropriate conditions. In most cases, a programme validation had taken place immediately after the institutional-approval event. One provider reported that this gave it less time to prepare for the programme event and recommended that the programme validations take place at a later stage.
115. Another provider recommended some changes to the templates for programme validations to include more explicit instructions on the maximum/minimum number of learning outcomes, approximate notional delivery hours against module credits, and guidance on assessment 'tariffs'.

### **FEEDBACK FROM PANEL MEMBERS AND OU STAFF**

116. Panel members and OU quality staff involved in the process were generally positive about the new process. Panel chairs, all of whom had extensive experience of chairing OU institutional events, reported that the revised process was robust, efficient and appropriate for the standing of the institutions. The OU quality managers were satisfied with the integrity of the process but reported that more time for consideration of documents prior to the visit would have been beneficial. The short timescale for convening panels is also a challenge at specific points in the academic year.

### **OVERALL CONCLUSION**

117. The varied outcomes from the piloting of the revised streamlined model indicates that the model is more appropriate for institutions with previous experience of validation for qualifications at Level 6 or above. Both NCD and CLC had had validation partnerships with other HEIs and were therefore fully conversant with the requirements for approval. The three independent providers were all at different stages of development but all required further refinement to their systems and processes in order to fully meet OU requirements. The visit outcomes indicate that in some cases a longer approval time and a facilitation visit are beneficial and increase the likelihood of a successful visit. Alternatively, additional investment by the partners employing consultants with validation experience to guide them would also increase the likelihood of a successful visit.

118. Whilst it is appropriate for a validator to provide developmental support for a new partner, consideration needs to be given to where advice and guidance is given at a level which could be considered as constituting consultancy, and whether this increased level of support would incur additional charges. If consultancy is offered by a validator there would need to be clear mechanisms to ensure that provision of the service does not impact on the approval decision or sets unrealistic expectations of the recipient.

## THE ROLE OF THE OFS IN VALIDATION

119. The interim project report (published in November 2016) made a number of recommendations on the potential role of the OfS in respect of validation. A number of these recommendations were included in the subsequent DfE *Factsheet on Validation*, being steps that the DfE expected the OfS to take to improve validation services. The factsheet set out these measures as including:

- collection of data on current validation practice, including numbers and scope
- working with providers to fully understand obstacles
- publication of example or model validation agreements to serve as a benchmark
- publication of benchmark fees
- guidance on best practice for setting up validation arrangements
- accessible list of providers offering validation services
- guidance on validating less traditional provision, such as accelerated degrees
- encouraging simplification of the UK Quality Code for Higher Education with regards to validation.

In addition to the above it is also expected that the Register of HE providers will include information on which providers hold their own degree-awarding powers, and which are in validation arrangements, thereby helping students to make informed choices.

120. This final report makes these further recommendations relating to the role of the OfS:

- a) A register of validators** – The proposed accessible list of providers offering validation services should be developed as a tool for validation. Validators should be permitted and encouraged to amend their listing to include: their capacity for new validation activity; the subject areas in which they would welcome partnerships; and other information including the use of risk-based processes; support for alternative delivery models; any additional services they can offer to students on validated courses; their standard contract periods; charging model, etc. as appropriate. While this information is partially available through the existing HEFCE register of HE providers, it is not in an accessible format for those seeking validation.

- b) Supporting validation relationships** – The OfS and designated quality body could support the establishment of new validation partnerships. This could be particularly helpful in scenarios where a validator is withdrawing from validation activity at short notice. The recent example of a university in the north of England withdrawing from validation of a network of colleges is an example of where partners are at risk (which in turn impacts on students) and where coordination at a sector level is important.
- c) Alignment of processes** – In addition to publishing or commissioning guidance on best practice in validation, the OfS could encourage an integrated or aligned process between the designated quality body and validators to reduce duplication in processes and ease the burden on providers. This might include the OfS endorsing validators (or ‘commissioning’ validators) who met the requirements to undertake the integrated or aligned review process.
- d) Arbitration role** – the OfS could appoint a body to provide arbitration for validation partnerships, where partnerships are placed at risk. Either partner could request arbitration and the OfS could also require arbitration in cases where students are placed at risk from a breakdown in partnership.
- e) Responsibility to review validation** – The OfS should have the responsibility to review validation across the sector on a periodic basis to ensure that it continues to meet the aims of the HERA and associated government policy to increase innovation in HE, enhance student choice and, most importantly, to widen access to HE. A review should also be carried out prior to any decision to appoint ‘commissioning’ validators as allowed for in the HERA.
- f) Staff development and training** – one of the national bodies could take a role in providing guidance and training for staff involved in validation for validators and partner providers. In particular, it could provide specific guidance on the future registration process.
- g) Developmental support** – The OfS could ask commissioning validators to conduct developmental, facilitative visits to providers who are struggling to secure a validator. The commissioning validator would not necessarily be obliged to undertake the final validation in such scenarios.
- h) External examining** – Any national system for external examiner should include a wider induction to alternative models.

121. The interim project report had included a recommendation for establishing a process to raise concerns about validation. Namely, where established principles of validation are not being met, and this is impacting on the quality of the student experience, there should be a clear avenue through which to raise this issue with the OfS. Following further discussions with the Office of the Independent Adjudicator (OIA), it was agreed that there are already a number of avenues through which students and other stakeholders can raise concerns about validated provision. Currently general issues can be raised through the HEFCE ‘unsatisfactory quality scheme’ and the QAA ‘concerns scheme’ (which still applies to providers who are not HEFCE funded). Furthermore, issues which have an impact on an individual student can be raised via a complaint to the OIA. The project working group do not wish to add an additional process to the current system but recommends that validation related examples/case studies are included in the ‘causes for concerns’ guidance for both the QAA and OIA schemes. The project team also recommends that in the future such schemes could be directed to the OfS for it to advise where there may be issues with validation that it can address or provide support on.

## **ACKNOWLEDGEMENTS**

We would like to thank the providers and validators who provided feedback as part of this project. We are particularly grateful to the five providers who participated in the piloting of a streamlined institutional approval process and who provided feedback on their experience post approval. We are also grateful to the members of the project steering group for their time and valuable input into the project.

