

## GuildHE response

### Market Entry, DAPs and UT Consultation

December 2017



#### **Question 1: Do you agree or disagree that the OfS should consider applications for New DAPs for research awards from providers without a three-year track record of delivering higher education in England?**

The UK higher education sector is highly diverse and built on the strength and the quality of its providers. GuildHE welcomes the proposal to allow well-established high quality overseas research providers to establish themselves in England and apply for New RDAPs. This will strengthen the quality and reputation to the UK higher education sector, and is likely to result in enhanced research networks between UK and international institutions.

We should however consider why these institutions will want these powers and whether there are any limits that we might want to place on them. For example, during the probationary period we would suggest that they must only be delivering these qualifications in the UK rather than simply getting the powers to operate outside the UK. Ideally, we want to see the extension of these RDAP powers to overseas providers as being part of a reciprocal process whereby UK providers are able to deliver research degrees in other countries as well.

However, it will be important for these institutions to have both extensive experience in their own jurisdiction of research in particular disciplines but also of managing research degree programmes, including considerable experience in providing supervision, if the proposal is for them to be able to award UK research degrees. In other words they shouldn't just be research institutes but rather degree awarding bodies if they want to get probationary RDAP powers.

It might, however, be worth considering whether there might be specific limitations on institutions with New RDAPs, whilst they are establishing their UK research reputation. This should include limiting their access to research funding whilst they have time-limited powers.

There is also a case to be made for accelerating the pace of the RDAP process for established UK providers. Metrics such as 30 PhD completions seem unnecessarily arbitrary and the current RDAP process can feel overly long and bureaucratic. The process can have negative consequences for smaller institutions where a proportionate measure may be more appropriate to indicate a critical mass of activity. If considered with the lens of the student interest, the current metrics do not allow students at small but excellent institutions to pursue a research degree designed and awarded by the institution they have carefully chosen. Instead they may need to change institution, and therefore also location, supervision, and research environment, or pursue a research degree which is awarded by another validating institution. Whilst many validation arrangements are positive, they vary greatly and can change fairly swiftly.

In addition, the types of research degrees permitted are outside of the non-validators control. For example, even if the validated institution identifies that an MRes qualification would suit its student interest more than a taught MA or PhD, which is typical in the creative arts, a validating institution may take a decision, during a validation arrangement, not to award such degrees and block the availability of these awards. It would therefore be worth considering whether New DAPs for research could also apply to established UK institutions. We would need to consider questions about assessing their research culture, and we would argue that they should have had indefinite TDAP for at least three-years before being able to get N-RDAPs.

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There is also a wider question about how to monitor the quality of research degrees. Currently this is covered by section B11 of the Quality Code, if we move away from a more detailed Quality Code this may create gaps in how the quality of these degrees are covered and therefore how we might monitor it in new entrants. The Quality Code also covers things like the types of assessment that the UK operates – for example Viva voce at PhD – but if an overseas provider is coming to the UK and gets N-RDAPs might they be able to assess research degrees using alternative methods? If yes how will we ensure comparability without a document similar to B11?

We would welcome timely clarity over the expected guidance for achieving RDAPs to ensure that existing providers who wish to pursue RDAPs of any type are able to progress their work to achieve them. The current hiatus over the exact guidance is detrimental to these institutions, particularly when viewed alongside the timetables and expectations for submission to the Research Excellence Framework. For example, the impetus to include all staff with significant responsibility for research in the latter is at odds with building and demonstrating the capacity to deliver the quantity of research and PhD completions demanded by the former. It is important that policies in these areas are aligned and sympathetic to the demands placed on institutions by each of them.

It will be important to consider the length of the probationary period. Many PhD students take at least three years to complete, and often closer to four years, and so the probationary period should be linked to the successful completion of a number of PhD students, rather than a fixed three-year period.

**Question 2: (With reference to question 1) Are there particular circumstances where authorisations of this type would be appropriate? If so what are they?**

The key question when considering New RDAPs will be how you define “well-established” overseas provider. We would be seeking to encourage only the highest quality providers through this route.

At the very least this should include coming from a country with which the QAA/DQB has an MOU, being validated by an agency that is a member of ENQA, or other strong QA regime. Ideally this route would only occur when there has been some sort of calibration between qualification levels between the UK and the other country. For example, we know there are significant differences amongst what counts as a PhD elsewhere with some countries having a significant taught element. However, given that we are aiming for high quality providers we would hope more robust measures would be considered to protect the reputation of UK degrees. This might include measures of their research strength which could include research income measures from external sources, citation metrics, Nobel Prize winners, membership of an international research network (eg LERU, Universitas21, Coimbra etc) or possibly international league table rankings such as a top 250 THE World Rankings University – which already use these and similar metrics.

**Question 3 Do you have any comments on the proposed New DAPs test and associated processes? In particular, do you think these tests and processes provide appropriate safeguards whilst enabling high quality new providers to access DAPs?**

### **Student protection**

The key question that must be answered in relation to any institution being awarded New DAPs relates to protecting the student interest, namely who will award the qualifications if the provider fails to pass the probationary period and what will be the value of any qualifications already awarded by the provider to their former students? This is a fundamental consideration and GuildHE would have serious concerns of New DAPs being awarded before this has been adequately considered.

With many courses also having recognition from professional bodies it will be important to consider how this accreditation might happen in practice and how students are made aware of accreditation, or if it just “pending”, and what the implications are if the institution subsequently fails probation. Students should not be penalised if their institution folds, it will be important that they are able to complete their studies. The OfS should make arrangements for a validator of last resort, which could be the OUVS, University of London or similar, but should not be the OfS itself. This would be a major conflict of interest, and would also not be in the students’ interest if these are only awarded to students where an institution fails and so creating major question marks over the awards. This is clearly an essential part of an institutional Student Protection Plan but we believe that it is likely to go beyond the provisions of this.

Similarly in order to protect students we believe that as an overarching principle institutions with NDAPs are not able to award any qualifications, or award-bearing credit, in their first year of establishment (eg such as top-up years, one year Masters, or exit qualifications such as CertHE). This will allow a full year of scrutiny to ensure that academic standards have been met before any awards have been confirmed by the provider.

### **NDAPs for overseas providers**

The outlined processes would be appropriate for an established provider from another jurisdiction seeking to establish itself here in England. The proposals for probationary plans etc is the right type of information to be asking for, the question will come in how the DQB monitors these. As a new provider, delivering higher education in England for the first time, the risks associated with this would be relatively high – at least in the early stage of establishment - and so it will require close scrutiny over the three-year period to provide suitable reassurances to OfS. This is because the UK has distinctive and stringent quality and standards requirements, which may not be similar to home country requirements.

This route would be an opportunity for an overseas provider with a track-record of at least three years in that jurisdiction to establish itself in England without the time-lag of not being able to award qualifications during that period. We would expect that the overseas provider is part of jurisdiction with a strong quality assurance process and is of high quality itself. This could be measured by having an MOU with the QAA, being a member of ENQA etc. As highlighted above the key will be to ensure that students studying at the institution are protected in the case of the institution not passing its probation, and so it will be particularly important to robustly analyse their student protection plan.

In terms of making the initial assessment we would expect this decision to be taken by experts in this area – our preferred option being QAA’s ACDAP (or OfS’ Committee if QAA isn’t designated) in association with experts on the financial, legal, management issues.

### **NDAPs for new UK providers**

GuildHE believes that high quality new providers should be welcomed into the higher education sector, however it will be important to ensure that there are suitable safeguards to protect students and the reputation of the higher education sector. In the case of completely new providers we would see this route an exceptional rather than the usual route. Many institutions will still see the value of the traditional validation route and working with an established provider to develop their processes. In this context there should be a system to support them to get validation during that initial three-year set-up period as they demonstrate their stability and quality.

For those completely new providers, in addition to ensuring that students are protected in the case of institutional exit – as outlined above - we would recommend that these providers with no track-record of delivering higher education in any jurisdiction are subject to close and constant scrutiny during their probationary period.

Establishing an institution is clearly a challenging process included getting the finances in place, academic staff, quality processes, management structures, marketing, setting up data requirements to provide monitoring information etc. It will therefore be important that these institutions are given appropriate support and challenge.

It should be noted that the current processes rely heavily on the data to demonstrate the quality of an institution and its ability to demonstrate its financial sustainability and so on. Historic data on students will not be available for brand new providers and will be very limited during the first couple of years of operation – and not outcomes based. The way in which they are monitored as part of the NDAPs process needs to be thoroughly considered. As a result of this lack of data and establishing new procedures the NDAP process in the first couple of years for the institution should be much more akin to a validation agreement than the current ACDAP process.

Whilst the NDAPs process is framed in the consultation as being aimed at completely new institutions it is likely that other providers without DAPs, that have a longer track-record, may consider this route rather than going through the traditional expensive and burdensome TDAP application process, which are expected to still exist.

The current TDAP process costs about £90,000 for QAA fees but more importantly the institution also has to pay the validation fees, which if the processes lasts at least two years from application to being able to award their degrees can cost upwards of £500k. These more established providers should be considered less risky and so should not be penalised by either a more expensive process, longer route to DAPs or even time-limited DAPs if they've gone through the "full" process. All providers that go through the "full" TDAP process should be awarded indefinite DAPs – whether they are an HEI, alternative provider or further education college. Providing an accelerated route for established providers to award their own qualifications should be considered.

### DAPs for established UK providers

The DAPS/UT process as currently proposed effectively penalises existing, proven providers of HE compared to new market entrants and does not take into account relative risk to students and the sector of established providers compared to completely new providers.

Under the current proposals, an established provider with a track record will need to build the required infrastructure for DAP's (at significant cost) prior to undertaking ACDAP scrutiny before a time-limited DAP's award is made. We have been given to understand the ACDAP process will essentially be 'cut and pasted' in to the new process for existing and established providers. Current published guidance states *"The scrutiny process is necessarily intensive and likely to last at least 12 months – 18 months. Once the scrutiny has been completed, ACDAP will make a recommendation to the QAA Board as to whether the application should succeed."* During this extensive scrutiny period, the provider would still be paying full validation fees to its university partner but would additionally have to build its own infrastructure prior to application thus significantly increasing the costs. If ACDAP and the scrutiny process are not significantly revised this would suggest the application and scrutiny period leading to a decision will practically take 2 years, and yet New DAP's can be issued to providers without a track record of delivering HE and engagement with the QAA in just 3 months.

Further, in terms of timeframes, there is *at best* no more than a one-year advantage to subsequently gaining university title for proven providers over completely new providers. This seems unreasonable and does not take into account inherent risk to both students and the sector and does not properly acknowledge the 'time served' by proven, established providers to earn this title. Further, the process as proposed offers no advantage to providers with a proven track record who may seek DAP's only at a subject-specialist, Level 6 Level, a route which again confers reduced risk to both students and the sector. We note the current consultation on degree awarding powers and university title states *"Applications for subject-specific DAPs are most likely to be from small niche providers. It follows that for well-prepared and high-quality providers seeking subject specific DAPs the scrutiny process*

*is likely to involve a significantly smaller volume of evidence and be concluded more swiftly than for providers applying for full DAPs*". As yet, no one has been able to define a subject specific DAP or how the scrutiny process would vary from the published ACDAP.

We believe strongly that while completely new entrants to HE should be supported and their entry facilitated, there ought to be a means by which proven, established providers with a significant track record should gain some advantage in terms of the DAP's/UT process given that the risk to students and the sector will be inherently lower. In this regard we therefore propose a slightly modified route to DAP's/UT for established providers with a proven track record who are applying for subject-specialist DAP's at Level 6 as follows:

### **Proposal**

Following a 3-month initial review, and if successful, established providers *with a proven track record* who meet the initial requirements would be awarded 3-year time-limited DAP's. In year one, only their first- year students would be enrolled on this basis; 2<sup>nd</sup> and 3<sup>rd</sup> year students would be 'taught out' on the existing validated relationship. In year two, there would be two cohorts following the new academic framework with only the third year being 'taught out'. By the end of year 2, assuming the provider has passed the scrutiny tests, an award of indefinite DAP's would be made, and the first cohort of students would graduate from the new awarding body.

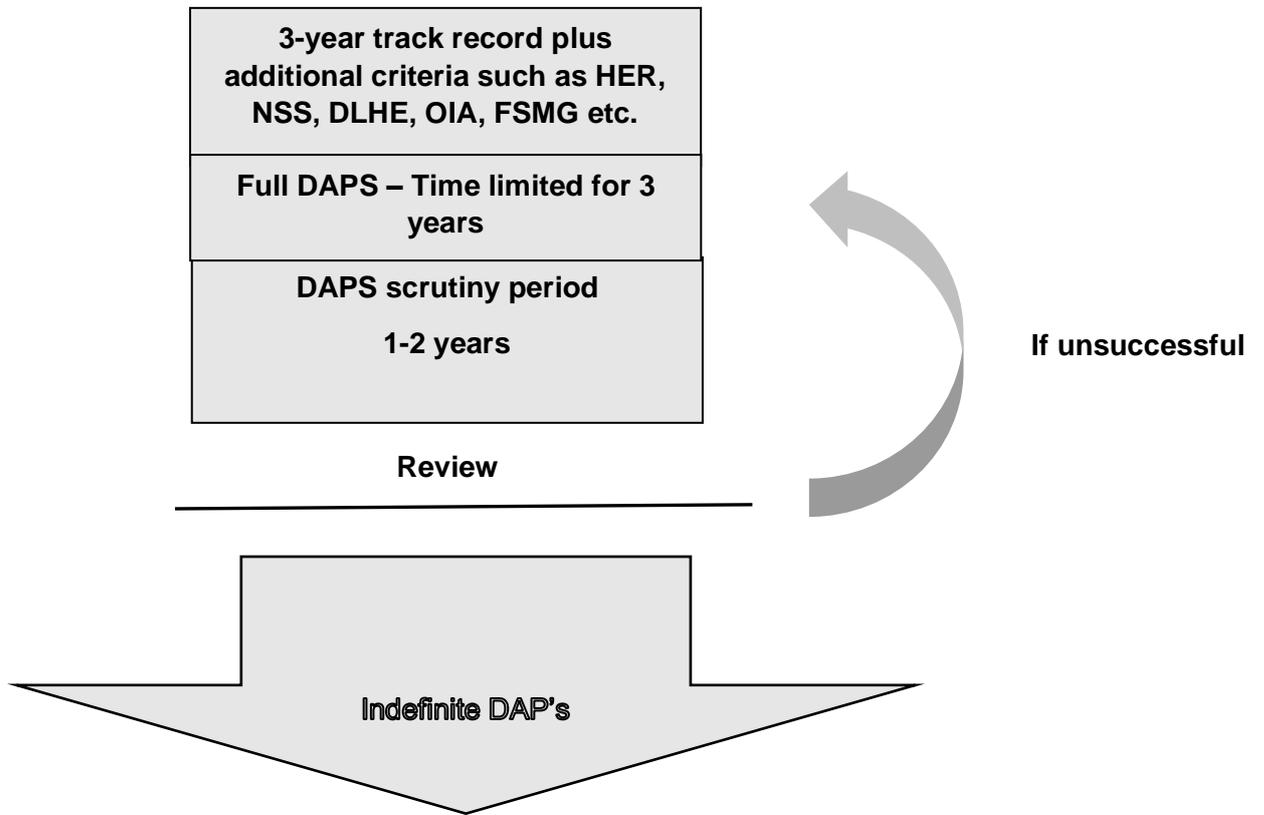
Scrutiny therefore would take place during years 1 to 2, i.e. well before a cohort following the new framework graduates. A decision on the award for DAP's would be made ideally before the beginning of year 3 which would allow plenty of time for scrutiny and consideration of a decision and enable the provider to properly communicate with its students. If unsuccessful, either the existing awarding body could step back in and make the final awards (which could be agreed beforehand in the validation agreements), or the OfS as validator of 'last resort' could do so, thus minimising risk to students. And there would be clear indicators during the 2-year scrutiny period that would suggest whether an application was going to be successful or not.

Following this process, the provider could apply for UT following the proposed process rather than having to deliver a further 3-year period before being allowed to make such an application. This would of course be an advantage over new providers, but would properly recognise the track record and proven experience of certain established providers. The criteria for track record and proven experience could be easily defined to provide guidance and ensure the bar to entry is suitably high. These criteria could include, for example: A record of successfully completing HER; a minimum of three years' engagement with NSS and DLHE; proven capability to provide returns to HESA; subscription to the OIA; up to three years' successful annual provider review (covering financial sustainability, management and governance) through HEFCE/DfE; at least 3 years delivering HE under a validation agreement.

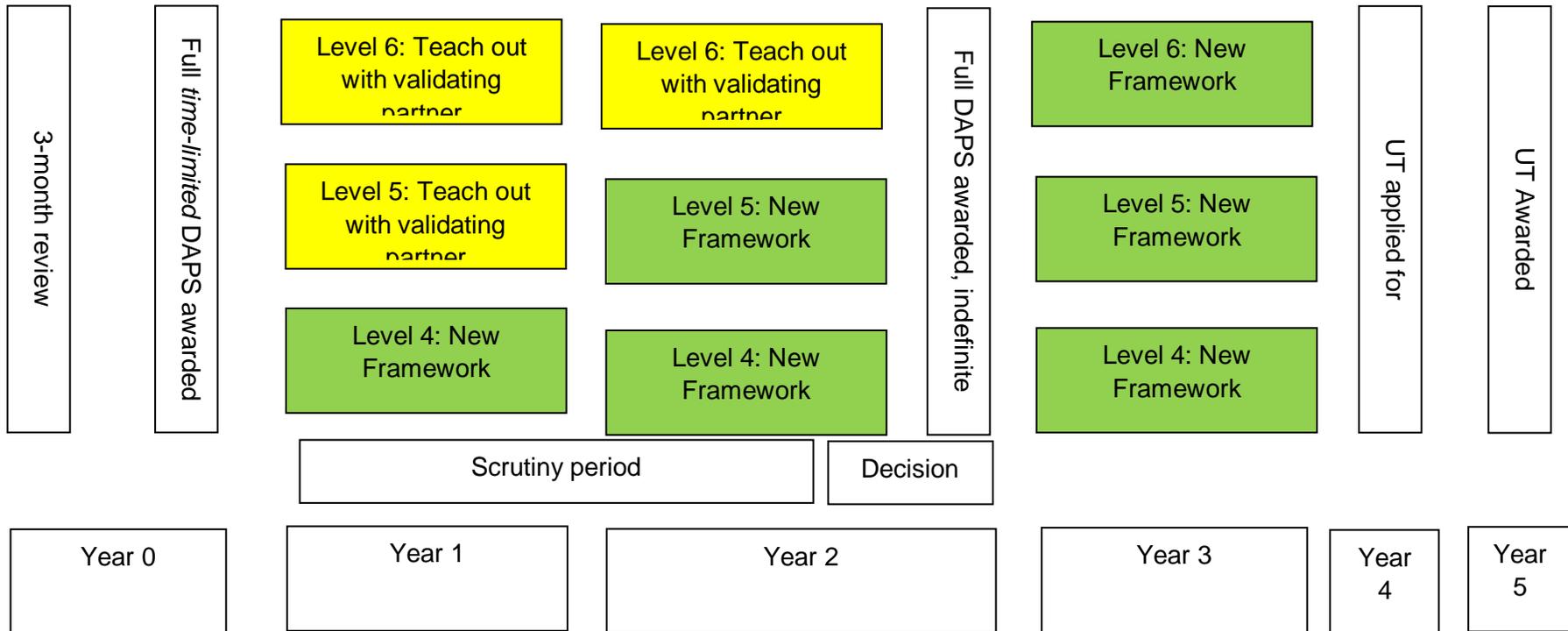
Overall, this would enable an existing provider with a proven track record to potentially achieve Indefinite DAP's and UT within a period of 4-5 years maximum. Obviously sufficient time must be built-in at the beginning of the process to enable clarity of communication to incoming and existing students to ensure they are clear about and can make informed decisions on the changes to the awarding body.

This proposal can be visualised thus:

**FIGURE 1: DAP'S VIA TRACK RECORD**



**FIGURE 2: MORE DETAILED REPRESENTATION OF ROUTE TO DAP'S AND UT FOR ESTABLISHED PROVIDERS WITH A PROVEN TRACK RECORD**



### **Summary advantages of this proposal:**

1. It properly recognises the proven track record of established providers (which confers inherently lower risk to both the sector and the student) by enabling them to reach Indefinite DAP's and UT a little quicker than entirely new providers
2. The ACDAP process would happen in the first part of the initial 3-year period thus reducing the cost of the process to the provider, since the additional cost of paying the validating partner decreases by 1/3 annually
3. As the scrutiny period takes place as soon as DAP's are awarded, and the first degrees under the new framework will not be conferred until year 3, there is ample opportunity for either the OfS, or the validating partner, to 'step back in' as the ultimate awarding body. This properly protects the student and the sector against risk.
4. Although CertHE and DipHE awards are made earlier in the process, these are lower level qualifications and not full degrees and hence there is reduced sector or student risk.
5. It recognises the importance and value of established smaller, subject-specific providers in the ecology of the HE Sector; these providers can provide – indeed have been providing over many years - specialist, innovative, value for money HE in ways that established universities cannot
6. It potentially facilitates entry to the market as awarding bodies and ultimately universities a significant number of existing, proven providers

*Note: If this revised process is applied only to applications for DAP's for Level 6 subject specific provision only it would incur additionally reduced risk to students and sector; a wider DAP's application could be made subsequently under an additional scrutiny process*

### **Question 4: Do you consider the proposals for monitoring a provider with New DAPs during the probationary period to be adequate and appropriate?**

If OfS proceed with the proposal to award completely new providers with NDAPs then we would suggest a very rigorous scrutiny process that would be almost constant, rather than just quarterly updates, particularly in the early stages of the three-year probationary period. One option that might be worth considering is whether there should be a requirement for some sort of additional externality that could provide that kind of assurance, perhaps formalising what many successful applicants do already, i.e. to set up a DAP steering group with external membership. We would anticipate a fairly bespoke process for each applicant, depending on the scale and nature of activity, and the level of risk identified.

As highlighted in our response to the previous question it should be noted that the current processes rely heavily on the data to demonstrate the quality of an institution and its ability to demonstrate its financial sustainability and so on. Historic data on students will not be available for brand new providers and will be very limited during the first couple of years of operation. The way in which they are monitored as part of the NDAPs process needs to be thoroughly considered. As a result of this lack of data and establishing new procedures the NDAP process in the first couple of years for the institution should be much more akin to a validation agreement than the current ACDAP process.

It should be noted that the costs of the current TDAP process include not just the QAA fee but also the (often significant) validation fees and so is already a very expensive process. The almost constant scrutiny dimension of this route will however have cost implications, but it is still likely to be cheaper than the current TDAP route. It will be important that the fees for external scrutiny do not create a new barrier for new entrants, however the key is that the level of scrutiny is appropriate to level of risk, rather than trying to do this on the cheap.

If, however, we are just talking about established overseas providers delivering NDAPs in England then the key reassurances would be surrounding meeting the standards of UK higher education and aligning to quality processes in this country and so would require an intense initial scrutiny period becoming lighter touch during the three-year period. Overseas providers are also more likely to be able to meet the data requirements to provide the kind of live-data that will be increasingly expected of providers to meet the expectations surrounding assurances.

The key challenge for any new provider – whether UK-based or overseas – would be ensuring that their provision meets UK standards. There therefore needs to be robust academic oversight during the probationary period, in addition to the purely metrics driven approach of other OfS oversight.

**Question 5: Do you agree with the proposals for the OfS and providers to best ensure that students are aware of what type of degree awarding powers, including New DAPs, a provider has? If you think there should be additional information requirements, please give details.**

Making both potential and current students aware of both the status of the institution with NDAPs, and the outline of the student protection plan highlighting how students may continue their studies if the NDAPs are revoked, is an essential part of any moves to offer these powers – not least in terms of meeting their CMA obligations. At present CMA requires institutions with DAPs to have already validated the qualification before marketing and recruiting students to it. This new policy is in contravention of this requirement. Students must therefore be acutely aware that the provider is yet to have completed the process of securing its own DAPs and what the outcome will be for them if the providers failed. Explicit agreement from the student that they understand the situation is a requirement under CMA regulations. Currently it is not acceptable for a course to be offered which has not been validated by a provider with degree awarding powers – how will this be circumvented? (If it is permitted for these institutions, presumably it would be permitted everywhere?)

This information must be written in plain English and be highly visible in all communications both directly to applicants and on the providers public facing website; and the transparency and accessibility of this information must be checked as part of the monitoring processes. Given the increased risk associated with type of provision we would encourage strong user-testing of any descriptions surrounding NDAPs to ensure that prospective students are genuinely able to understand the implications of choosing an institution with insecure qualifications.

**Question 6: Do you agree or disagree with the suggested change regarding the possible variation of the level 6 TDAPs criterion?**

We agree that it should be possible to have some variation in the level 6 TDAPs criterion. The requirement that institutions deliver a majority of provision at level 6 to be able to apply TDAPs is based on the acknowledgement that an institution should have significant experience of delivering the highest level of award at which they will be able to award under their new powers, and this is a welcome principle.

However, as highlighted in the consultation the 50% rule might have some unintended consequences around smaller institutions focusing on level 6 being able to apply for TDAPs whilst an institution with larger numbers of level 6 not being able to because of their mix of level 4/5 and 6 qualifications. We would therefore suggest a more pragmatic approach.

The variation in level 6 TDAP criterion is also needed to level the playing field for colleges. Colleges cannot deliver their own Bachelor Degrees and are limited in expanding their provision to level 6 subject to the arrangement with a validating HEI. Some validating HEIs might not be supportive of the delivery of the top-up at colleges thereby limiting Colleges provision to level 5.

**Question 7: If the 50 per cent criterion is to be dis-applied in some exceptional cases, what factors do you think the OfS should take into account when determining whether an application is an exceptional case?**

As suggested in question 6 there are grounds that this criterion should be reconsidered. However, it will be important that there is still a critical mass of students studying at the highest level of qualification that the DAP powers allow the institution to award. This critical mass could be demonstrated via a numerical figure (such as more than 150 students at level 6) or a proportion of students studying at that level, maybe 30%, out of a larger overall student population. It will be important to remember that given the types of providers looking at this route in the future are likely to have smaller overall numbers and so we need to be careful that year on year fluctuations in student numbers doesn't create anomalies of having and then not having TDAP etc

Chapter 11, page 61: We note the reference to an honorary degree as an 'award', which appears to be treated in the same way as a DipHE. This is a mistake. An honorary degree is not a recognised award; it carries no academic or certificated status and cannot be used in the same way as a degree. We recommend that this chapter be revised.

**Question 8: Do the application processes for DAPs as set out above sufficiently align with the registration processes and conditions?**

Yes, ultimately the decision about DAPs should be taken by peers, who are experts in understanding effective quality systems and the assurance of standards. Peer Academic review is a key principle of the academic autonomy of UK Higher Education. But this will be underpinned by robust leadership and governance and finances which the registration process will provide assurances of.

The QAA's Advisory Committee of Degree Awarding Powers (ACDAP) has effectively overseen this process in recent years and we would expect a similarly robust, expert led process to take place. As outlined in HERA 46(4) the membership of ACDAP will, however, need to continue to evolve. This should particularly be considered in the context of our proposal that the scrutiny period for brand new providers being akin to validation agreements.

The consultation does not make clear whether the draft report will be shared with the institution to comment on matters of factual accuracy, which we consider to be important.

**Question 9: Do you agree or disagree that for providers that have obtained DAPs on an exceptional basis without having the majority of higher education students at level 6 or above (as proposed in question 6), the 55 per cent criterion for University Title should be adjusted to additionally require the majority of higher education students to be on courses at level 6 or above?**

The key question surrounding this is what is the core business of the institution. If the majority of provision is below level 6 then there are questions surrounding how the institution is able to demonstrate that its governance processes are able to meet the expectations of the higher education sector. There are also questions about who the institution's principal regulator would be. We would also not want to create a situation where there are perverse incentives on an institution to grow a particular part of its provision for a particular regulatory purpose.

We do however think that the regulation needs to be significantly more flexible about the corporate form of the institution. If an institution creates a group structure, with clear governance processes for the separate colleges within the group, then it should be possible for individual college to be able to get university title, even if other group members do not have university title, or are in the further education sector. This would reflect the situation that also exists in the independent sector with some providers part of an overarching group structure with different DAP and University-title status.

As highlighted in our response to question 7 it will be important to remember that given the types of providers looking at this route in the future are likely to have smaller overall numbers and so we need to be careful that year on year fluctuations in student numbers doesn't create anomalies of having and then not having TDAP, University title etc

**Question 10: Do you agree or disagree that student numbers, for the purposes of the 55 per cent criterion for University Title set out above, should be calculated based on the intensity of study, disregarding the mode of study? Please give reasons for your views.**

An individualised approach calculating the intensity of study for each student rather than the mode of study would be a more appropriate way of measuring the FTE student number. However, it would be important to undertake an impact assessment on the additional burden of any increased bureaucracy on smaller institutions to undertake this more nuanced approach.

**Question 11: Do you have any views on how students on accelerated courses should be taken into account, when calculating the percentage of Higher Education students at a provider? Should these students be counted as 1 FTE, or more?**

Students studying accelerated courses will typically be studying at 1.5 intensity compared to full-time students completing their 3-year Bachelor degree in two years. This should be reflected in calculations relating to their FTE, otherwise an institution will be penalised for teaching students more quickly rather than the number of students that they graduate over a given period.

**Question 12: Do you agree with this assessment of the factors that should be set out in Secretary of State guidance to which the OfS must have regard to when determining applications for University Title? If you disagree, please give reasons. If you believe any additional factors should be included, please indicate what these are with reasons.**

We do not believe that this needs to be another, separate, application process applying for the award of university/university college title, but rather this should be automatic once an institution is awarded indefinite full DAPs (as long as they meet other criteria for University title around proportions of students study at level 6 etc). There will of course still need to be a subsequent consultation surrounding the choice of the name and evidence provided to OfS surrounding this choice.

**Question 13: Do you agree or disagree with this proposal of implementing the statutory provisions that allow for the revocation of DAPs and University Title and the variation of DAPs?**

The HERA gave the OfS the power to revoke DAPs and University title. We believe that the OfS should, in cases of serious concerns – and only as a last resort, be able to de-register providers from the OfS register of providers (with all the student loan and other funding implications associated with that). We expect that this would only happen in the rarest of occasions, and the removal of public funding, and reclassifying an institution as Basic or the register, would in most these cases be sufficient protection of the public interest. The removal of DAPs and University-title, especially when the original powers were not conferred by the OfS but by the Privy Council, might cause legal challenge and so may be something that the OfS wishes to reflect on whether it would choose to implement. However it should be noted that the OfS has a statutory responsibility for quality and standards for the sector as a whole, and that university is a protected term.

The OfS should make the ability for the removal of DAPs and University-title explicit in the future when awarding of these, so that institutions are aware of this possibility. The process for removing an institution from the register or removing DAPs/University-title should be a rigorous and robust process that involves both a peer review element (whether through ACDAP or the OfS quality committee) making a recommendation to the OfS Board. This should include any positive variation in DAPs as well as negative variation.

**Question 14: Do you consider the above proposals regarding a change in circumstances to be sufficiently robust to safeguard the meaning and value of DAPs and University Title?**

Yes, it is an important safeguard that DAPs/University title are not transferable from one institution to another. It will also be important that “changes of circumstances” are reportable events to ensure that the OfS is able to monitor and consider the change of circumstances at an early a stage as possible.

Clarification would be helpful in respect of the factors that constitute a major or a minor change.

**Question 15: Do you have any comments on the proposed DAPs criteria as set out in Annex A? Are there specific aspects of the criteria that you feel should be adjusted in light of the OfS's overall regulatory approach, in particular ongoing registration conditions?**

The proposed criteria look broadly similar to those in the 2015 guidance and as such provide a welcome high bar for entry to the system and therefore provide wider reassurance in the quality and standards of provider.

It will be important to consider the criteria in relation to NADPs/BDAPs, for the overarching requirement to have a self-critical, cohesive academic community. Incorporating terms such as 'planned' could emphasise a more structured, deliberate approach to the achievement of an academic community with the characteristics expected of all holders of DAPs, both in England and across the UK. This would enable the development of the community to be demonstrated progressively during scrutiny and evidenced in full by the end of the probationary period.

**Question 16: Do you have any comments on the proposals for the assessment of applications for subject specific and Bachelor's only DAPs? Are there specific aspects of the criteria that you feel would either be particularly relevant or not relevant for either of these types of DAPs?**

GuildHE welcomes the different levels of DAPs as a way of tailoring the process more clearly to the needs of the specific institution.

However, given the processes of demonstrating quality and standards in specific subjects, or only up to Bachelor level, are likely to be fairly similar to the processes needed for full TDAPs we wonder the extent to which these processes will be significantly lighter touch than existing processes and the extent therefore to which institutions might opt for these different routes.

**Question 17: Do you have any comments on how a subject should be defined for the purpose of subject specific DAPs?**

We think that it is sensible for this to be aligned with the new HECOS methodology and in turn links to Subject TEF in theory. However, we still don't know how TEF will define a subject (whether it be a higher disciplinary level suggested in the TEF subject pilots of 6 broad disciplines, or a more nuanced subject level like JACS 1/2). However as highlighted in our response to question 16 the challenges around the fluidity of subjects make this fraught.