

January 2024

**Memorandum of Understanding
For External Quality Assurance (EQA)**

Between

The Institute for Apprenticeships and Technical Education (IfATE)

And

The Office for Students (OfS)

Introduction

1. This MoU is for the purpose of the External Quality Assurance arrangements for higher and integrated degree apprenticeships and is intended to support effective working arrangements between the Institute for Apprenticeships and Technical Education (IfATE) and the Office for Students (OfS). The MoU confirms the commitment of both organisations to secure quality for students, apprentices, and employers in England through their work together.
2. The OfS is responsible for the external quality assurance of the end-point assessment (EPA) for integrated higher and degree apprenticeships with providers on the OfS Register. From the 1 April 2023, the OfS became responsible for undertaking the EQA assessment activity instead of the designated quality body.
3. Throughout this MoU, the Institute for Apprenticeships and Technical Education may be referred to as IfATE and the Office for Students referred to as the OfS and collectively as 'we', with the expressions 'our' and 'us' being used accordingly.
4. This MoU is not intended to cover every detailed aspect of the working relationship between us. It is a statement of principles that will guide relations to ensure appropriate arrangements are in place for EQA and to enable us to discharge our respective responsibilities effectively and to avoid duplication of effort, misunderstanding or unnecessary impact on third parties. It is intended to promote:
 - Effective working and communication between the two parties
 - Clarity of understanding about the parties' respective roles and responsibilities
5. This MoU may be supported by further and more detailed operational agreements, particularly in relation to the sharing of information.

Status of the Memorandum of Understanding

6. Although not legally binding this MoU will serve as a working document that will be subject to review in the light of operational practice. This document is not intended to create binding or legal obligations on the parties, although both parties agree to abide by its terms in so far as it is reasonably possible and doing so is consistent with wider statutory and legal considerations. It will cease to have effect if either party ceases to exist and will not bind any successor bodies unless a transfer is agreed, and the MoU reissued under the name of the successor.

7. This MoU should be considered in the context of the applicable legislation (Apprenticeships, Skills, Children and Learning Act 2009 (ASCLA) (as amended), the Higher Education and Research Act 2017 (HERA) and the Technical and Further Education Act 2017).

Roles of IfATE and OfS

8. IfATE was established on 1st April 2017 under ASCLA. IfATE is a Crown non departmental public body sponsored by the Department for Education. Its full statutory duties and functions are set out in ASCLA (as amended). IfATE's core functions in relation to apprenticeships include:

- Developing and maintaining quality criteria for the approval of occupational standards and apprenticeship assessment plans;
- Supporting the development of occupational standards and assessment plans by employer groups and reviewing and approving them;
- Publishing approved occupational standards and assessment plans;
- Ensuring that all apprenticeship end-point assessments are quality assured;
- Taking steps to address unsatisfactory apprenticeship assessments; and
- Providing advice and assistance to the Secretary of State in relation to funding provision for apprenticeship training.

9. Informing these functions are IfATE's general duties under s.ZA2 ASCLA which require IfATE, in performing its functions, to have regard (so far as relevant and subject to any notice given by the Secretary of State) to:

- The reasonable requirements of industry, commerce, finance, the professions and other employers regarding education and training within IfATE's remit;
- The reasonable requirements of persons who may wish to undertake education and training within IfATE's remit;
- The need to ensure that education and training within IfATE's remit is of an appropriate quality;
- The need to ensure that education and training within IfATE's remit represents good value in relation to financial resources provided out of public funds;
- Any information provided to it by any person designated by the Secretary of State.

10. The Secretary of State may also give a notice to IfATE setting out other matters to which IfATE must have regard when performing its functions.

11. The OfS was established by HERA and its functions include but are not limited to:

- Establishing and maintaining a Register of English higher education providers
- Granting (and revoking) degree awarding powers and university title
- Assessing the quality and standards of higher education provided by specified higher education providers
- As one of the conditions attached to registration, assessing and then monitoring the financial sustainability of individual registered providers
- Providing grants, loans and other payments to eligible registered higher education providers
- Compiling and making available higher education information about providers and their courses and publishing this information either by itself or through a designated body

- Providing information and advice to the Secretary of State responsible for higher education regarding any of its functions as the Secretary of State may require it to provide.

12. Informing these functions are the OfS's general duties as listed under section 2 of HERA. This requires the OfS to have regard to:

- Protect the institutional autonomy of English higher education providers
- Promote quality and greater choice and opportunities for students, in the provision of higher education by English higher education providers
- Encourage competition between English higher education providers in connection with the provision of higher education where that competition is in the interests of students and employers, while also having regard to the benefits for students and employers resulting from collaboration between such providers
- Promote value for money in the provision of higher education by English higher education providers
- Promote equality of opportunity in connection with access to and participation in higher education provided by English higher education providers
- Use the OfS's resources in an efficient, effective, and economic way
- So far as relevant, apply the principles of best regulatory practice, being transparency, accountability, proportionality, consistency and targeted action.

Arrangements for quality assessment

12. ASCLA provides that IfATE may carry out the quality assurance of apprenticeship end-point assessments itself or may approve or make arrangements for other persons to carry out the evaluations. IfATE has made arrangements for the OfS to carry out evaluations of end-point assessments for integrated higher and degree apprenticeships in line with the Framework Agreement with effect from 1 April 2023.

13. Section 23 (1) of HERA set out that the OfS may assess or make arrangements for the assessment of, the quality of, and the standards applied to, higher education provided by English higher education providers. Section 23 (2) sets out that the OfS must assess, or make arrangements for the assessment of, the quality of, and the standards applied to, higher education provided by 'institutions' who have applied to be registered in the register for the purposes of determining whether they satisfy any initial registration conditions applicable to them relating to the quality of, or the standards applied to, higher education provided by them, and registered higher education providers for the purposes of determining whether they satisfy any ongoing registration condition of theirs relating to the quality of, or the standards applied to, higher education provided by them.

14. The OfS will take a risk-based approach to conducting EQA assessments for OfS registered providers delivering integrated higher and degree apprenticeships. Any EPAO approved to deliver a new apprenticeship may have a readiness check conducted and providers already in delivery will be selected, based on risk factors, for a monitoring assessment. All reports, including areas highlighted for improvement will be shared with IfATE and monitored by the OfS, as part of its ongoing monitoring of a registered provider.

Matters of common interest

15. Whilst respecting our distinctive roles and responsibilities there are areas of common interest. There will be circumstances where collaborative working and the sharing of information between us will be the best way to enable us to discharge our respective regulatory and statutory

responsibilities effectively and efficiently. This will be to the benefit of the apprentices, providers, and employers who access, develop and use the provision that IfATE makes available, and to the benefit of the providers that OfS regulates, and our mutual benefit by avoiding duplication and unnecessarily increasing regulatory burden.

16. The areas of common interest include, but are not limited to, Apprenticeships, including their quality assurance and particularly the OfS undertaking of EQA.

Implementing the MoU

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

- Acknowledge each other's different statutory responsibilities, accountability structures and legislative frameworks;
- Develop and maintain a common understanding of our respective roles and responsibilities;
- Identify what degree of joint working would be appropriate in any given circumstance, recognising that this will differ according to the specifics of the case;
- Explain and understand the reasons for any differences of view through discussion;
- Take advantage of the opportunities for co-ordinated scheduling of activities where appropriate and where there is benefit in doing so;
- Notify each other in a timely and appropriate way where there is a likelihood of significant announcements and developments which may impact on each other's key areas of work; and, where these matters are confidential, we will respect that confidentiality;
- Inform each other in a timely and appropriate manner on policy developments, engaging in early dialogue on matters that will impact on the work of the other;
- Proactively seek solutions to avoid or mitigate the effects of any disagreement that may impact on the delivery of either organisation; and
- Inform stakeholders about our relationship including publishing a copy of this Memorandum of Understanding on our respective websites.

17. Against this background we will aim to:

- Establish appropriate strategic and operational engagements in order to meet our respective statutory objectives, including, but not limited to the following:
- Undertaking monthly oversight committee meetings for the purpose of strategic focus on EQA
- Undertaking twice weekly operational meetings, monthly governance meetings and bi-annual policy forums, specific to the EQA of higher and integrated degree apprenticeships;
- Inform one another as soon as possible on relevant developments within our areas of responsibility and, where possible, before the release of any relevant reports, press releases, speeches or policies;
- Communicate jointly on matters of mutual interest, when it is appropriate to do so;
- Share information about programmes of work that would be of interest to the other, where possible, in advance of that work starting.

18. An Information Sharing Agreement dated 26 June 2023 for the purposes of EQA has been agreed between IfATE and the OfS. Where appropriate, both parties will develop jointly and agree relevant changes or additions relating to specific areas of joint working.

19. On a day-to-day basis IfATE and the OfS teams at working level, should resolve any issues. Those that cannot be resolved should be escalated to the relevant SCS sponsors for EQA activity at the OfS and IfATE, who, if necessary, will take a decision to escalate to the Chief Executives of IfATE and the

OfS, who will then be responsible for resolving the issue, or where not resolvable agreeing handling and / or escalation. Both organisations will commit to reaching a speedy resolution.

Review and Amendments to the Memorandum of Understanding

20. The parties will continue to monitor and review the MoU as necessary. The next review will take place 12 months after the date of signature of the MoU.

21. If the MoU needs to be amended or altered, proposals should be made via monthly meetings. All changes need to be signed off by the Chief Executive of IfATE and the OfS or their delegated representatives within each organisation.

Term and Termination

22. This MoU shall commence on the date of signature by all parties, and shall continue, with any revisions, unless it is terminated in accordance with clause [23].

23. This MoU may be terminated by way of mutual agreement or at any time by either organisation by giving at least one month's notice in writing to the other party.

Contacts

24. Strategic contacts:

- For IfATE, Deputy Director, Nikki Christie
- For the OfS Deputy Director of Quality, Jean Arnold

25. Other senior and operational contacts will be agreed between both parties, from time to time and in accordance with relevant roles, responsibilities and areas of work.

Signed:



For IfATE :



For OfS: