



**Memorandum Of Understanding**  
**between**  
**the Quality Assurance Agency (QAA)**  
**and**  
**the Office of the Independent Adjudicator for Higher Education (OIA)**

**Introduction**

1. QAA was established in 1997 to provide an integrated quality assurance service for UK higher education. It is an independent body funded by subscriptions from universities and colleges of higher education, through contracts with the main higher education funding bodies, and from fees for providing educational oversight for independent colleges. Its mission is to safeguard standards and improve the quality of higher education.
2. QAA investigates concerns about the standards and quality of higher education provision, and the accuracy and completeness of information published about their higher education provision, raised by students, staff, and other people and organisations, where QAA think these concerns indicate serious systemic or procedural problems.
3. The OIA Scheme was designated under the Higher Education Act 2004 which established an independent Scheme to adjudicate on student complaints against universities in England and Wales without charge to complainants. The OIA, which had run a voluntary Scheme from March 2004, became Designated Operator of the student complaints scheme in January 2005. Governing bodies of qualifying HEIs are required to comply with the Scheme Rules. The OIA has the duties of Designated Operator under the 2004 Act to publish the Scheme and supply relevant information to the appropriate UK and Welsh Assembly Government Ministers. It is also a Registered Charity, under the supervision of the Charity Commission.
4. Under the Scheme, which is currently funded by annual member subscriptions, the OIA has a wide remit to consider an “act or omission” by an HEI, brought by a student or former student. Complaints must not relate to academic judgment, nor does the OIA consider complaints about admissions, employment related issues or matters that have been or are being considered by a Court. Generally, a complainant must first have exhausted the University’s internal processes before bringing a complaint.
5. Both the QAA and OIA are members of the Regulatory Partnership Group (RPG) established in September 2011 by HEFCE and the Student Loans Company (SLC). Its purpose is to advise Government, and other national agencies on policy, strategic and operational issues arising from the development of the new funding and regulatory regime for higher education, to be introduced in England in 2013-14.

## **Purpose and basis of the memorandum of understanding**

6. The purpose of this document is to provide a framework for continued working relationships between the OIA and QAA to help:
  - set clear expectations as to what stakeholders, users and each party expects of the other
  - avoid unnecessary duplication of effort
  - ensure that the respective expertise of the organisations involved is mutually recognised;
  - develop a deeper understanding of our respective roles and responsibilities
  - take each other's interests into account, where appropriate, in policy and procedural development.
  - notify each other, where appropriate, in advance where there is a likelihood of significant announcements and development which may impact on each other's key areas of work
  - inform stakeholders about our relationship and be clear about our distinctive roles, both at corporate and officer level
7. It establishes relationships for consultation and co-operation based on a common understanding of each organisation's business and a joint wish to make best use of finite resources for mutual and public benefit.
8. The organisations recognise, and have regard for, the respective roles and responsibilities and recognise the independence of their remits.

## **Exchange of information**

9. The OIA and QAA will identify the areas where their complementary roles and independent functions inter-relate, and agree areas where it is appropriate to share information and contribute to the respective work of the other organisation. This includes:
  - Where appropriate, to inform one another as soon as practicable on relevant developments within our areas of responsibility, where possible prior to release of any reports, press releases speeches or policies.
  - to exchange information that may be reasonably useful to the other, subject to the imperatives of mandates, necessary confidentiality constraints and safeguards.
  - Where appropriate, look to maximise opportunities for joint communication on matters of mutual and public interest.

- Subject to general public interest, the Freedom of Information Act, and the Data Protection Act, and other constraints (e.g. commercial confidentiality, price sensitive matters) our exchanges may be confidential

10. Where appropriate, we will invite each other to events hosted by one and of interest to both.

11. Where appropriate, we will liaise, involve and keep each other informed as necessary on drafting key documents relevant to the other's functions.

### **Management, monitoring, reporting and confidentiality arrangements**

12. This Memorandum shall take effect from the date of signature below and continue until any organisation gives notice that it wishes to terminate the agreement.

13. The Memorandum of Understanding will be reviewed annually and may be modified at any time by joint agreement of the organisations.

14. Management of the Memorandum will be conducted by officers on behalf of OIA, the QAA as detailed below:

OIA	Felicity Mitchell	0118 9559095	<a href="mailto:felicity.mitchell@oiahe.org.uk">felicity.mitchell@oiahe.org.uk</a>
QAA	Julian Ellis	01452 557127	<a href="mailto:j.ellis@gaa.ac.uk">j.ellis@gaa.ac.uk</a>

15. The named contacts shall agree detailed arrangements for regular communication and exchange of information between the OIA and QAA, which shall include an annual review meeting.

16. The arrangements detailed in this Memorandum will be monitored by the named contacts. Each contact will be responsible for notifying the organisation of which s/he is an officer of any concerns. Such concerns may lead to the termination of this Memorandum.

17. Each organisation will observe confidentiality as required in relation to shared information which is not in the public domain.


### **Publication of memoranda**

18. Both QAA and OIA will place a copy of this memorandum on their respective websites <http://www.gaa.ac.uk> and [www.oiahe.org.uk](http://www.oiahe.org.uk)

### **Legal effect of the memorandum of understanding**

19. It is recognised and accepted that this Memorandum does not create any rights, liabilities or obligations which would have binding effect in law.

Signed Rob Behrens  
(Chief Executive, OIA)

Signed   
(Chief Executive, QAA)

Dated 4 December 2012

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## **Annex A: Protocol for information sharing between QAA and the OIA**

### **1 Introduction**

- 1.1 This protocol sets out the principles that underlie the means by which the QAA and the OIA will share information.
- 1.2 The protocol is intended to support an effective and specific information sharing arrangement between the parties. It is not intended to cover every detailed aspect of the relationship or other information sharing between them.

### **2 Information sharing**

- 2.1 The nature of information shared under this protocol will include, although is not limited to:
  - Information relevant to systemic concerns about academic standards and quality in applications to OIA's complaints scheme.
  - Information that OIA has that may assist QAA in undertaking its review work, including a risk based approach to quality assurance.
  - Summary information gathered through OIA scheme which identifies broad themes and concerns about academic quality and standards from across the sector or individual institutions.
  - Information relating to issues raised under the 'Complaints and Concerns' Scheme which may be relevant to the ability of universities to resource and operate complaints and appeals systems in general or to complaints by individuals or groups in particular.
  - Information that QAA has that may assist OIA in undertaking a review of complaints by individual students or groups of students;
  - Summary information gathered through the QAA Concerns scheme (including Institutional Reviews) which identifies broad themes and concerns about the student experience and the resolution of complaints and appeals from across the sector or individual institutions.

### **3 Process of sharing information**

Access to the information shared by OIA and QAA will only be granted to those who have a business need. Those identified as having a business need at QAA include: Director of Reviews, the Head of Concerns and relevant staff working on Concerns. Those identified as having a business need at OIA include case-handling staff at : Assistant Case-handler level and above, and Policy and Operational staff at Manager grade and above.