

## **Memorandum of Understanding between the Office of the Independent Adjudicator (OIA) and the British Accreditation Council (BAC)**

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

This Memorandum of Understanding describes the roles of the Office of the Independent Adjudicator for Higher Education (the 'OIA') and the British Accreditation Council ('BAC'). It identifies areas where cooperation between the two bodies is desirable for both to meet their respective responsibilities. It sets down the principles underpinning the interaction between the two bodies and provides guidance on the exchange of information between them.

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.

The organisations recognise, and have regard for, their respective roles and responsibilities and recognise the independence of their remits.

### **The OIA**

The OIA is a Company Limited by Guarantee and is governed by its Memorandum and Articles of Association. It is also a registered Charity.

The OIA Scheme was designated under the Higher Education Act 2004 ('HEA 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. The Consumer Rights Act 2015 amended the HEA 2004 to extend the OIA's jurisdiction to providers offering HE courses designated for student support funding, and providers with degree awarding powers. Governing bodies of qualifying HE providers 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.

Under the Scheme, which is funded by annual member subscriptions together with a case fee element, the OIA has a wide remit to consider an "act or omission" by an HE provider, 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 HE provider's internal processes before bringing a complaint.

The OIA is a member 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, and strategic and operational issues arising from the development of the new funding and regulatory regime for higher education.

The OIA is the ADR Entity for Higher Education, appointed by the Chartered Trading Standards Institute on 7 July 2015.

## **BAC**

BAC is a Company Limited by Guarantee and is governed by its Memorandum and Articles of Association. It is also a registered Charity.

BAC was established in 1984 to provide a comprehensive quality assurance scheme for independent further and higher education in the UK. BAC provides an inspection-based accreditation service and its membership includes a diverse range of private further education and higher education providers in the UK and worldwide. Students studying at an accredited provider may escalate an unresolved complaint to BAC if it is not resolved by the accredited provider.

BAC accreditation is recognised by the UK Visas and Immigration (UKVI), part of the Home Office, as a qualifying requirement for institutions wishing to enrol students on Short-Term Study Visas.

BAC is a member of ENQA, the European Association for Quality Assurance in Higher Education.

### **Principles of cooperation**

The working relationship between the OIA and BAC will be characterised by the following principles:

- Common ground – BAC has a role in promoting high quality standards in the independent higher education sector in the UK; the OIA contributes to high quality higher education student experience in England and Wales by promoting good practice openness and transparency – Both organisations will share, proactively and on request, information which supports the other to discharge their key functions.
- Quality – Both organisations commit to providing the other with information that is accurate, current and robust.
- Lawful – Both organisations will comply with relevant UK and European legislation when sharing, storing and processing information.
- Efficiency – Both organisations will take care to ensure their requests for information and referrals of information, including concerns, are made in a timely way. A reasonable period should be allowed for requests requiring a response.
- Respect – Each organisation will respect the other's functions, policies and independent status.

### **Exchange of information**

The OIA and BAC will agree areas where it is appropriate to share information and contribute to the respective work of the other organisation. The arrangements will be kept under review by the named contact points.

Where appropriate, the organisations will:

- exchange information that may be reasonably useful to the other, subject to the imperatives of mandates, necessary confidentiality constraints and safeguards. Subject to general

public interest, the Data Protection Act and other constraints (e.g. commercial confidentiality), our exchanges may be confidential;

- invite each other to events hosted by one and of interest to both;
- liaise, involve and keep each other informed as necessary on drafting key documents relevant to the other's functions.

### **Information sharing**

The nature of information shared under this protocol will include, although is not limited to:

- Information relevant to systemic concerns about standards and quality of higher education courses provided by BAC accredited providers, in complaints considered by the OIA;
- Summary information gathered through the OIA scheme which identifies any broad themes and concerns about quality and standards across BAC accredited providers which are also members of the OIA Scheme;
- Information from BAC about changes in its membership where the providers leaving or joining BAC are members of the OIA Scheme;
- Information from the OIA about BAC accredited providers ceasing to be members of the OIA Scheme;
- Information that BAC has that may assist the OIA in undertaking a review of complaints by individual higher education students or groups of higher education students at BAC accredited providers;
- Information that the BAC has about systemic issues about higher education courses at BAC accredited providers which are members of the OIA Scheme, which may assist the OIA in undertaking a review of complaints;
- Both organisations are committed to valuing diversity and promoting equality, ensuring processes and procedures are fair, objective, transparent and free from unlawful discrimination.

### **Process of sharing information**

Access to the information shared by OIA and BAC will only be granted to those who have a business need. Each organisation will respect and take appropriate steps to protect the confidential nature of documents and information that the other may provide.

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

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

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

Management of the Memorandum will be conducted by officers on behalf of the OIA and BAC as detailed below:

OIA	Charlotte Corrish	Membership Manager	<a href="mailto:charlotte.corrish@oiahe.org.uk">charlotte.corrish@oiahe.org.uk</a>
BAC	Rosie Fairfax	Accreditation and Quality Enhancement Manager	<a href="mailto:Rosie.fairfax@the-bac.org">Rosie.fairfax@the-bac.org</a>

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

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.

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

#### Publication of memoranda

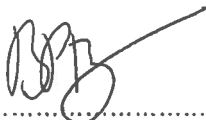
Both the OIA and BAC will place a copy of this memorandum on their respective websites

[www.oiahe.org.uk](http://www.oiahe.org.uk) and [www.the-bac.org](http://www.the-bac.org)

#### Legal effect of the memorandum of understanding

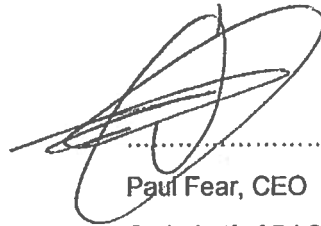
It is recognised and accepted that this Memorandum does not create any rights, liabilities or obligations which would have binding effect in law.

Signed:



Ben Elger, Chief Operating Officer  
On behalf of the OIA

Date: 4<sup>th</sup> May 2016



Paul Fear, CEO  
On behalf of BAC

Date: 4<sup>th</sup> May 2016