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Alternative providers of higher education: Views of the validation and franchise process and innovation in the sector

Research report

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Amy Skipp and Vicky Hopwood

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Executive Summary

Introduction and Background

1. This report presents the high-level findings from qualitative research with Alternative Providers of Higher Education (APs), Further Education Colleges (FECs) and degree awarding bodies (DABs) to explore the validation and franchise process for awarding Higher Education (HE). The research was undertaken by ASK Research during a 10-week timescale between May and July 2017 on behalf of the Department for Education.
2. The government's Higher Education and Research Bill set out the government's "mission to boost social mobility, life chances and opportunity for all, and enhance the competitiveness and productivity of our economy [by] making it simpler and quicker for innovative and specialist providers to set up, award degrees and compete alongside existing institutions."¹ The government believes that "There are strong arguments to encourage greater competition between high quality new and existing providers in the HE sector. Making it easier for these providers to enter and expand will help drive up teaching standards overall; enhance the life chances of students; drive economic growth; and be a catalyst for social mobility. They will allow us to improve the capacity and agility of the higher education sector, transforming its ability to respond to economic demands and the rapidly changing graduate employment landscape, offering flexible provision to different types of students. High quality new providers will enable us to meet the continued demand for more highly skilled employees."²
3. To be able to deliver higher education level provision, providers have to rely on an existing provider with DAP to authenticate their provision and courses. This is in the form of a validation or franchise agreement.
4. Validation is the process whereby a DAB agrees to award a degree for the content and course delivery proposed by a non-DAP provider. Franchising is where a non-DAB provider delivers a degree level course proposed by the DAB.
5. Currently, if providers want to award degrees themselves they are required to demonstrate a four-year track record before they can apply for degree awarding powers (DAP).
6. At the time the research was undertaken, there were around 140 recognised institutions in England with DAP and who therefore have the power to authenticate

¹ Higher Education and Research Bill: fact sheet. Department for Business Innovation and Skills, BIS/16/285

² Success as a knowledge economy: teaching excellence, social mobility and student choice. Department of BIS, May 2016

higher education level provision delivered by other providers. This included all universities in England and eight alternative providers of HE. The DfE figures provided at the time suggested that there were over 600 providers that offer courses where students get a degree from another institution that has DAP via a validation or franchise agreement.

Aims and Methodology

7. The aims of the research were three-fold to:
 - explore views of the current validation/franchise processes amongst:
 - Alternative providers of HE providers who do not have their own DAP (e.g. private providers, charities and FE Colleges without DAP) - in other words the organisations who might seek to have their provision authorised by a DAB through a validation or franchise agreement;
 - HE providers with DAP (HE institutions or APs with DAP) - who authorise other providers' higher education provision by validation or franchising;
 - understand what parts of the current system work well and those that work less well;
 - identify the effect of the current process on innovation i.e. non-traditional forms of delivery.
8. The research involved qualitative telephone interviews with APs and FEC providers, covering:
 - 35 with validation agreements;
 - 15 with franchise agreements;
 - 5 with no arrangements and/or no degree offers;
 - 7 with DAP.
9. The views of DABs were also sought, with telephone interviews covering:
 - 19 with validation partnerships;
 - 13 with UK franchise partnerships;
 - 4 with no UK partners.
10. The DfE set quotas for the number of interviews to be conducted with those with or offering different types of agreement. The numbers of providers in each of these subgroups were small and therefore any issues presented should be taken as indicative rather than as representative of the HE market as a whole. Moreover, the definitions of types of agreement varied amongst those consulted. It therefore was not possible to draw clear distinctions between franchise versus validation agreements in the light of different terminology used and models of operation employed.

Key Findings

11. Overall, the research found that there were many positive experiences of validation and franchise processes leading to mutual benefits both for the providers (who are subject to validation or franchise agreements) and for the awarding bodies (degree awarding bodies, DABs, who provide authentication services through a validation or franchise agreement).
12. There is no single - or one size fits all - model for validating or franchising provision. The processes for authenticating providers through validation and franchise agreements are multiple and varied. The definition of a validation and franchise agreement is more complex than HEFCE descriptions would suggest – whether considering intellectual property, receipt of funding or student returns.
13. This is because providers are seeking different things from a partnership agreement. Some simply want accreditation of their degree level provision with autonomy and freedom to then deliver it themselves. Others want more input, on-going support and services from their DAB partner. It is also because DABs want to operate their validation and franchise services in ways that protect their reputation (as autonomous institutions who deliver high quality higher education), their students, their quality and standards and that reflect their business strategy, ethos and interpretation of the regulatory framework.
14. These different models of operation are leading to different experiences of validation and franchising that, for some, is affecting ease of entry and ability to innovate new forms of delivery or courses. However, many DABs felt that this variation was more about upholding rigour and protecting quality and standards than restrictions to market development.
15. We found very little difference in processes and satisfaction between validation and franchise arrangements. What was leading to variation was what the providers' and DABs' motivations, expectations and requirements were. Therefore we report on validation and franchise arrangements together as 'partnership arrangements' and focus instead on what was leading to variation in the degree accreditation system as a whole.
16. A number of issues emerged out of the different practices associated with partnerships as experienced by interviewees.

Finding A Partner

17. The process of finding a suitable partner to authenticate provision (validation or franchise) was considered to be difficult by APs and FECs. This is because there is no singular or consistently transparent process to find a partner. Problems were identified in terms of:

- identification – it was difficult to know which DABs offered partnerships and their preferred models;
- finding contacts – it was hard to know who to approach about partnerships. Most providers had found DAB partners through existing contacts or via word of mouth;
- comparing offers – it was hard to understand what different DABs offered, their restrictions and costs;
- lack of clarity of requirements - of the process, stages to go through to secure a validation or franchise agreement, and of the evidence required;
- perceived aversion of DABs to risk and/or competition and supporting market entry to new providers and/or methods of HE delivery.

18. It was more common for DABs to be responding to approaches from potential partners than for them to be actively seeking FECs and APs to partner with.

Processes for establishing an agreement

19. The processes for establishing an agreement varied across different DABs in terms of:

- due diligence processes;
- consistency and duplication of evidence requirements;
- costs (and what they cover);
- timescales and speed of the process;
- power balance;
- operating conditions or restrictions;
- requirements for and flexibility of academic regulations (around student entry requirements, assessment processes and delivery models, for example);
- agreement coverage – including access to student support, termination arrangements and roles and responsibilities.

20. Providers felt that the DABs had control over these aspects and the extent to which they were taking into account the providers opinions and needs. The DABs felt they held ultimate responsibility for the quality of HE provision and so needed to have control over agreements.

On-going provision through the agreement

21. Several issues emerged in relation to the regulatory framework. All acknowledged the value of various levels of regulation to uphold the UK's global reputation for quality. However, providers expressed concerns in relation to:

- the costs associated with regulation;

- administrative burdens associated with, or lack of institutional capability for, providing information and intelligence on students;
 - duplicate and inconsistent requests for evidence across different regulatory functions of the degree awarding bodies, Quality Assurance Agency (QAA) and the Higher Education Funding Council for England (HEFCE);
 - a lack of reflection in the current regulatory framework of the diversity of higher education provision and varying student cohorts.
22. Concerns were expressed about the stability and longevity of validation and franchise agreements and the risks termination (from either party) posed for providers and students, or for the organisation's ability to plan.
23. There was a wide variation in the level of on-going input, advice and guidance providers were being given by their DAB. This ranged from reports that provision was effectively being 'rubber-stamped', to partial or wholesale developmental support being provided, to support to providers to help them acquire their own DAP.
24. Some DABs were considered "hands off" and others were described as being "hands on", but there did not necessarily seem to be a relationship between the level of input/control and the experience of the provider. Again it depended (based on a number of factors) on what they wanted from the partnership.
25. The variation in support and services provided by different DABs could be positively supporting standards and development within HE.

Degree awarding powers, higher nationals and diplomas

26. The current process to achieve DAB was understood as necessarily rigorous. Some providers interviewed were keen to obtain their own degree awarding powers to gain greater autonomy and stability, and others were not. Those not keen to pursue DAP explained that this was because of: the costs incurred; the kudos and currency gained from acquiring a degree bearing the name of their authenticating DAB; or because of the support and services provided by the DAB. Some providers felt that a sector-specific consortium to jointly apply for DAP may be a more feasible option.
27. Organisations that had achieved foundation degree awarding power (FDAP) or taught degree awarding power (TDAP) considered it a costly and time-consuming process. Some felt that was too embedded in traditional university practices and values that did not sufficiently allow for technical applications/practices relevant to employers. The lack of permanence of DAP for newer organisations compared with the perpetuity afforded universities was raised as a concern, as was the process for obtaining university title.

28. None of those interviewed that had recently achieved TDAP indicated an intention to validate or franchise with others, as they wanted to first build up their own organisational status as a DAB.
29. Some universities actively sought to assist providers to gain their own DAP, but, for others, this was not a strategic objective and possibly a threat to their own institution, as it introduces a new competitor to the market.
30. Providers of higher national qualifications who do not offer these subjects to degree level explained this was due to: lack of employer, and therefore student demand; preference for more vocational training and qualifications; costs of securing accreditation and the restrictions placed on providers.

Features of a good agreement

31. Providers identified several features of positive practice in relation to validation and franchise partnerships. Some of these were common features across partnerships. Others were features associated with what different partners wanted out of their agreement.
32. Features associated with positive practice were:
 - stability;
 - timeliness and Responsiveness;
 - aligned strategies with a similar focus;
 - a commitment to jointly providing comprehensive offers;
 - equitable partnerships with mutual respect;
 - staff/ institutional benefits;
 - minimum termination periods and teach out commitments;
 - focusing on student experience;
 - developing trust and flexibility over time.
33. Features associated with less positive practice were:
 - instability;
 - concerns over reputation, quality, or financial viability;
 - duplicate, burdensome, or disproportionate requests for evidence from providers by awarding bodies;
 - perceived DAB control over course development or content (mainly within validation agreements);
 - lack of timeliness;
 - competition (perceived or real) between DABs and their partners (offers and/or markets) or between individual partners of the same DAB;

- lack of access to student support and services, especially online resources;
- risk aversion.

34. What makes a good agreement is not black and white and is somewhat dependent on what each party is looking for from the agreement. Some providers, especially those with an established history, want more independence and autonomy. Others are actively seeking more holistic or developmental support to develop their capacity for delivering higher education or to obtain their own DAP, for example. Nevertheless, there are some common principles that emerge as underpinning a more effective partnership such as stability and equitability, transparency/clarity, mutual gains, flexibility and responsiveness, and proportionality.

Innovation

35. Several examples were given of ways in which providers are, or would like to, innovate. These included:

- online/distance or blended learning;
- vocational elements of courses;
- accelerated learning;
- degree apprenticeships;
- specialist sector focus/course content;
- research degrees;
- postgraduate opportunities;
- more bespoke or niche offers.

36. Partnership processes help to broaden the types or models of provision for DABs and widen access for different cohorts of students. However, some providers reported ways in which they felt they were being held back or where innovation was perceived as being stifled or restricted. The consequences of these barriers on providers were that they were:

- having to source new or multiple partners (which is timely, costly and can lead to variation in standards and student experience);
- unable to meet student and employer needs;
- unable to respond in a timely way and react to the requirements of the market.

37. DABs described their restrictions on innovation as being due to wanting to protect their reputation, their interpretation of regulatory frameworks, or the need to filter out provision that did not meet quality standards for HE. Several acknowledged that they were trying to support innovation, but making the required changes to both internal and external systems to facilitate this was a challenge.

Suggestions for improvement

38. Suggestions made by respondents to improve partnership processes and address challenges experienced included:

- support or an agreed process for finding a validator;
- offering a matching service for those seeking and those offering partnerships;
- increased transparency and openness about offers and motivations, and about how decisions are made;
- clarity and consistency on how costs are calculated;
- the production of standard advice on partnership processes and agreements and on factors to support successful partnership;
- provision of arbitration and support when agreements falter or break down;
- a national accreditation body to oversee or provide partnership agreements and arbitrate where necessary;
- a central body to carry out quality checks and due diligence on all HE providers, especially those looking to enter the sector;
- greater transparency throughout the whole sector, about offers, motivations and charges;
- fostering better equality between providers.

Conclusions

39. There is no one size fits all model for validating or franchising a degree from a provider that does not have its own DAP. This research has shown that there are varying benefits and gains to be had from the different models of operation but also significant challenges, particularly in relation to finding a partner, transparency of the use of public funds, opportunities to innovate and trial new courses/modes of delivery, and to consistently uphold quality and standards.

40. Variations in delivery drive the development of novel, mutually supportive relationships for high quality HE, but mean that there is reduced transparency, increased risk and potential for inconsistency, and less market responsiveness for students and employers. The challenge is to remove some of the obstacles and risks associated with the current system without either adversely affecting the global reputation of UK higher education or jeopardising the valuable role played by universities in developing, supporting and challenging new entrants to the higher education sector and from which the wider benefits of partnership and collaboration can ensue.

1. Background and Methodology

1. This report presents the findings from qualitative research with Alternative Providers of Higher Education (APs and FECs) and degree awarding bodies (DABs) to explore the validation and franchise process for awarding Higher Education (HE) and its effects on innovation in the sector. The research was undertaken by ASK Research during a ten-week timescale between May and July 2017 on behalf of the Department for Education.
2. The research focused on providers based in England rather than other parts of the UK (although included a small number of universities from other parts of the UK who had agreements with providers based in England). International agreements were outside the scope of this research.

Background and context

3. The government's Higher Education and Research Bill set out the government's "mission to boost social mobility, life chances and opportunity for all, and enhance the competitiveness and productivity of our economy [by] making it simpler and quicker for innovative and specialist providers to set up, award degrees and compete alongside existing institutions."³ The government believes that: "there are strong arguments to encourage greater competition between high quality new and existing providers in the HE sector. Making it easier for these providers to enter and expand will help drive up teaching standards overall; enhance the life chances of students; drive economic growth; and be a catalyst for social mobility. They will allow us to improve the capacity and agility of the higher education sector, transforming its ability to respond to economic demands and the rapidly changing graduate employment landscape, offering flexible provision to different types of students. High quality new providers will enable us to meet the continued demand for more highly skilled employees."⁴
4. Currently, new providers looking to offer degree level provision and to award degrees are required to demonstrate a four-year track record before they can apply for degree awarding powers (DAP). To be able to establish a track record, providers have to reply on an existing provider with DAP to authenticate their provision. This is in the form of a validation or franchise agreement.
5. At the time the research was undertaken, there were around 140 recognised institutions in England with DAPs. This included all universities in England and eight alternative providers of HE. The DfE figures provided at the time suggested that

³ Higher Education and Research Bill: fact sheet. Department for Business Innovation and Skills, BIS/16/285

⁴ Success as a knowledge economy: teaching excellence, social mobility and student choice. Department of BIS, May 2016

there are over 600 providers that offer courses where students get a degree from another provider that has DAP via a validation or franchise agreement.

Validation Agreement

6. Higher Education providers who do not have the power to award degrees, can offer a course leading to an award from a provider that has DAP by entering into a validation arrangement with that provider.
7. “A validated course is described in the UK Quality Code for Higher Education as a module or programme which a degree-awarding body approves to contribute, or lead, to one of their awards. Students on the course normally have a direct relationship with the provider delivering the course. The Quality Code explains that in a validation relationship, the degree awarding body is ultimately responsible for the academic standards of any awards granted in its name, and for the quality of the learning programme. Providers validated by a degree awarding body may also submit their courses for designation under the Student Support Regulations. These regulations define ‘validation’ in a more prescriptive way. They state, for instance, that any student loan fees have to be paid to the delivery provider. HE providers that offer validated courses leading to degrees are known as ‘listed bodies’.”⁵

Franchise Agreement

8. “A ‘franchise course’ is as a course subject to an agreement by one institution (usually a provider with degree awarding powers) that another organisation may deliver all or part of a programme approved and owned by the first institution. The franchising institution retains overall control of the programme’s content, delivery, assessment and quality assurance arrangements. Generally, if an awarding provider is in a franchise relationship with a delivery provider, the students’ relationship is with the awarding provider, and the same assurances will apply as for provision delivered by the awarding provider. This includes fee setting, data collection, quality assurance, and dealing with complaints. If it receives student support, it must meet the government guidance.”⁶

Alternative providers

9. Alternative providers may be for profit, not for profit organisations and charities. They may also be Further Education Colleges offering Foundation Degrees and other sub-degree level provision such as Higher National Qualifications as a route onto Higher Education study. It is acknowledged that there is variation in the terminology used

⁵ Gateways into the regulated higher education sector, HEFCE

⁶ Gateways into the regulated higher education sector, HEFCE

for these institutions (e.g. non-traditional, challenger, independent providers of HE) and in the classification of what constitutes an “alternative provider”.

Aims

10. The aims of the research were three-fold:

- to explore the impact of the current validation/franchise process on:
- Alternative Providers of HE who do not have their own DAPs. For the purposes of this research this may have been private providers, charities and FE Colleges without DAP - in other words the organisations who are subject to validation or franchise;
- HE providers with DAP (HE institutions or APs with DAP) - in other words those who provide validation or franchising;
- to understand what parts of the current system work well and those that work less well;
- to identify the effects of current processes on innovation, i.e. non-traditional forms of delivery.

Methodology

11. The research involved in-depth qualitative telephone interviews with key contacts from a range of training organisations.

12. The DfE set quotas for how many organisations should be consulted in each of eight subgroups, defined by their provider and arrangements types. These numbers were set to ensure all relevant HE groups involved in validation and franchising were represented in the research and reflect the DfE’s intention to better understand significant issues around validation and franchise agreements across key groups.

13. The subgroups were:

1. APs and FECs with franchise arrangements;
2. APs and FECs with validation arrangements;
3. APs with no arrangements;
4. APs and FECs with their own degree awarding powers;
5. DABs who validate other providers;
6. DABs who franchise other providers;
7. DABs with no partnerships;
8. APs offering Higher National qualifications but with no accredited degrees.

14. There was no single or up-to-date source of Alternative Providers that was available for the research team to use to contact and recruit providers. Neither was there a

consistent source of data on the appropriate contacts in APs, FECs or DABs to discuss validation and franchise agreements. This meant the research team had to use multiple sources and means of recruiting participants.

15. All available contacts from publically available sources were invited to take part in the research. Contact details were a variety of Heads of organisations, Quality Managers or members of partnership teams. Where contact details were not available from datasets the research team sought contact data from other publically available sources, most commonly the institutions' websites. In some cases personal contacts of recruited participants (i.e. of their link person in the partner organisation), were sent details of the research project and invited to opt in. Screening of respondents was carried out to achieve the specified quotas.
16. The semi-structured interviews lasted between 30 and 90 minutes in duration and explored four themes:
 - finding a validator or franchise;
 - entering into a validation or franchise agreement;
 - opportunities and barriers of the current validation and franchise system;
 - whether or not the validation/franchise system is promoting or hindering innovation, student choice and institutional competition.
17. Topic guides used for different subgroups can be found in Appendices A and B. The sample frame is set out in Appendix C.

Analysis

18. All qualitative data was audio recorded and analysed using a Framework approach⁷, and crosschecked within the research team. This approach allows exploration of key themes within and across subgroups of respondents.
19. The research followed the Quality Standards for Qualitative Evaluation⁸ (in the way the methods were designed, the conduct of fieldwork, analysis and reporting) and DfE's ethical procedures.

Study Limitations

20. This was a small-scale exploratory study carried out between May and July 2017. It involved purposively selected providers in England to meet set quotas prescribed by

⁷ Smith, J. and Firth, J. Qualitative data analysis: the framework approach, 2011. *Nurse Researcher*. 18, 2, 52-62.

⁸ Spencer, L., Ritchie, J., Lewis, J. and Dillon L. *Quality in Qualitative Evaluation: A framework for assessing research evidence. A Quality Framework*, 2003.

the DfE also covering a geographical spread and range of institutional age, size and status. The sample is therefore not representative of all HE providers. The DfE were interested in the issues faced by providers entering and innovating in the HE sector and therefore the sample was weighted more towards the views of Alternative Providers to learn from their experience. They were also keen to find out about validation over franchise arrangements as this involves providers running their own courses, with wider scope for innovation but potential restriction and issues with validating partners that may be affecting decision-making. Therefore the quotas for validation were higher than for franchise agreements.

21. Due to the timescale and extent of fieldwork an opt in recruitment method was used, which has the potential to bias responses more to those who have a particular interest in the research topic or a certain issue to raise.
22. The nature of the interview coverage meant some respondents were highly aware that information being discussed could be commercially sensitive and potentially damage their existing partnerships.
23. For reasons of confidentiality, triangulating responses (i.e. interviewing both parties in an agreement) was not possible, and so reports on issues are often only presented from one viewpoint.
24. The evidence in this report is therefore indicative only and should not be seen as representative of providers and DABs in England. The focus was on validation and franchise agreements in England only. It did not focus on transnational education partnerships.

Terminology

25. As outlined above, different terminology is used to refer to non-traditional providers of higher education. For the purposes of this report the terms Alternative Providers (APs) and Further Education Colleges (FECs) are used to broadly refer to those seeking to, or offering, higher education through a validation or franchise agreement from a different institution to their own - i.e. one that has degree awarding powers (DAP).
26. The terms degree awarding power (DAP) and degree awarding body (DAB) are used throughout the report to refer to the organisations that are, or could, authenticate higher education provision delivered in institutions other than their own.
27. The term Higher Education Institution (HEI) is used in the report. HEI “is a term from the Further and Higher Education Act 1992. According to the Act, it means any provider which is one or more of the following: a UK university; a higher education corporation; a designated institution. HEFCE may choose to fund higher education institutions for teaching and research if they meet the conditions of grant. Higher

education institutions are also required to subscribe to the Office of the Independent Adjudicator.”⁹

28. A number of additional regulators are also referred to throughout the report. These include:

- the Higher Education Funding Council for England (HEFCE). HEFCE is the lead regulator for higher education in England; and
- the Quality Assurance Agency for Higher Education (QAA) which is the independent body delegated with monitoring, and advising on, standards and quality in UK higher education.

29. It was initially intended that the research would compare and contrast the approaches for validation versus those used to franchise. However, it was apparent that often the process for each is similar - in terms of quality standards and assurance processes and in terms of decision-making to take on a new partner. The report therefore reports on the features of, and process for, securing a partnership to validate or franchise higher education awards. The limitations of the term ‘partnership’ to refer to what for some is an unequal or non-collaborative endeavour, is acknowledged.

30. Where reference is made to a particular provider (e.g. AP-X) or DAB (e.g. DAB-Y), these are for illustrative purposes only and do not refer to ‘real-life’ examples. Composite descriptions have been used. This is in order to simplify what are often complex or bespoke arrangements for the purposes of illustration and to protect the anonymity of organisations that contributed to this research.

31. Reference is made in the report to the UK Quality Code for Higher Education (Quality Code). This “is used to assure the standards and quality of UK higher education. It is owned, maintained and published by the Quality Assurance Agency for Higher Education (QAA) and has been developed in consultation with the higher education sector.”¹⁰

Report structure

32. The remainder of this report is structured as follows:

- section 2 presents the characteristics of the achieved interview sample, presents definitions of validation and franchise agreements, illustrations of partnership agreements and the key drivers for setting up partnerships;

⁹ Definition of the term HEI by HEFCE

¹⁰ The Quality Code: A Brief Guide QAA 1110, February 2015. The Quality Assurance Agency for Higher Education.

- section 3 reports on the process of finding a partner to validate or franchise institutions and courses;
- section 4 explores the experiences of, and issues raised by, providers and DABs in relation to setting up an agreement;
- section 5 presents emerging issues in relation to: the wider regulatory framework for higher education; termination of (validation) agreements; and levels of support and advice provided;
- section 6 sets out what good validation and franchise partnerships look like and the key features underpinning these;
- section 7 reports views of existing processes to obtain degree awarding powers (DAP);
- section 8 presents issues relating to innovation;
- section 9 sets out suggestions made for how the issues reported in previous sections could be addressed and how the validation and franchise 'system' could be developed to improve the overall partnership process.
- conclusions are set out in Section 10;
- the appendices (sections 11, 12 and 13) provide information on the research tools used.

2. Sample characteristics, types of agreement and motivations for validation and franchise agreements

33. This section presents the characteristics of the achieved interview sample, definitions of validation and franchise agreements, illustrations of partnership agreements and the key drivers for setting up partnerships.

Quotas and achieved sample

34. The DfE set quotas for numbers of interviews to be conducted across key subgroups of stakeholders. Table 1 shows the numbers of interviews set by the DfE and numbers of interviews achieved.

Table 1: Table of set interview quotas and achieved sample

Subgroup	Description	Interviews to achieve	Achieved sample
1	APs with franchise FECs with franchise	7 3	6 9
2	APs with validation FECs with validation	20 5	23 12
3	APs with no arrangement	10	5
4	APs with DAP FECs with DAP	4 1	4 3
5	DABs who validate	10	19
6	DABs who franchise	5	13
7	DABs with no (UK) partners	5	4
8	APs with HN but not degrees	5	5
		Total: 75	Total: 103

35. The number of achieved interviews was higher than the set quotas as some providers fell into more than one subgroup, for example those who had more than one agreement type who were interviewed about both. A total of seventy-eight institutions were interviewed.

36. Tables 2 and 3 provide characteristics of the achieved sample, both those being validated and franchised (APs and FECs) and of the DABs.

Table 2: Table of provider characteristics

Type	Size (total student numbers, not all HE)	Age	Provision type	Institutional status	Agreement type	Number of partners
AP (n=28)	<100 3	< 3 years 6	General 3	Not for profit 5	Validation only 18	None 4
	101-500 16	4-10 years 7	Specialist 25	Charity 9	Franchise only 1	One 15
	501-1500 6	1980-2007 7		For profit 14	Both 5	>1 9
	1500 - 6000 3	Pre-1980 8			None 4	
FEC (n=25)	<500 0	< 10 years 2	General 13	N/A	Validation only 5	None 1
	501-1500 3	1980-2007 2	Specialist 2		Franchise only 2	One 6
	1501 – 5000 4	Pre-1980 11			Both 7	>1 8
	5001 – 15000 8				None 1	

Characteristics of providers with DAP have not been presented separately as this would allow identification. However, in total 7 providers had DAP.

Table 3: Table of DAB characteristics

Type	Size (total student numbers, not all HE)	Age	Provision type	Institutional status	Agreement type	Partners
DAB (n=25)	<5,000 4	< 5 years 3	General 18	Russell Group 2	Validation only 8	APs only 6
	5001-10000 5	5-10 years 5	Specialist 7		Franchise only 2	FECs only 7
	10001-15000 5	1980-2007 9			Both 11	Both 8
	15001 - 20000 4	Pre-1980 8			None 4	None 4
	20001-35000 6					
	>35,000 1					

Features of the sample

37. Based on interview data it can be shown that:

- the sample contained a mix of different kinds of APs and FECs in terms of size, age, specialist versus generalist course provision and operating status;

- different types of DAB were involved including Russell Group universities, Post 92 institutions, newer universities and those that have more recently secured taught degree awarding powers (TDAP), and foundation degree awarding powers (FDAP);
- providers varied in terms of the length of time they had had a validation or franchise agreement;
- several providers had both validation and franchise agreements and some had had different types of agreement over time. That is, they had moved from franchise to validation or vice versa. Several providers currently had multiple agreements with different DABs;
- APs typically offered provision at a range of levels but most offered provision up to postgraduate level;
- FECs tended to focus on providing level 4-6 qualifications;
- DABs most commonly had agreements with their local FECs;
- APs and FECs often reported that their student intake was more mixed or 'non-traditional' in terms of age, ethnicity, percentage of part-time students and those who were in employment while studying, than traditional DABs.

38. Some of the variation in characteristics may be led by the quota sampling (i.e. we were deliberately seeking institutions with specific characteristics) and therefore should not be used to make inferences about the HE market as a whole. Appendix C sets out numbers of organisations in each of the quotas specified for this research.

Partnership agreement

39. Validation and franchise agreements have been classified according to what interviewees said they were operating. However, the evidence suggests that there is some greyness in how this terminology is used or interpreted.

They are not really validation or franchise... we would say it is collaborative provision but it's mostly akin to validation.

HEFCE definitions are still confusing. There is some blurring.

You can't just look at it in two buckets.

It depends on whether you are talking about it in funding or quality assurance terms.

40. The main distinction between validation and franchising is generally that franchised courses are set up by the DAB, whereas validated courses are set up by the provider (although we discuss later that the degree of this can vary). Also with franchise arrangements the DAB is responsible for selecting and registering students, whereas often under validation arrangements the provider organisation does this.

41. The evidence suggests that there is variation in the models and way that DABs are operating both validation and franchise arrangements. The type or model of agreement is often linked to what certain parties want from the arrangement (be it kudos, to gain DAP, progression opportunities or institutional benefits, for example).

There are many different types of partnership arrangements in place that reflect a range of motivations for entry and requirements of the collaboration. Although simplified for illustrative purposes, examples included:

AP-X is a specialist provider. They wanted to offer degree level qualifications to support their students' career progression. However they have extensive experience in delivery and so did not want their partner to be involved in determining course content, and they wanted to be able to appoint their own external examiners. They have their own well-developed student support services, so were not looking to pay to use those of their partners.

AP-Y had links with a DAB who offers courses in the same sector. They both have a strong reputation in their field and realised they had a similar vision and ideas for future development. They therefore wanted a collaborative arrangement where they could develop their courses together, while using the administrative systems and infrastructure of the DAB.

FEC-X has a partnership with their local DAB who validates most of their courses. However the university would not validate some new courses as they were too similar to their own offers. The FEC therefore sought another partner, who would validate these courses. They were less concerned about the benefits this DAB could give them, as they already felt well supported by their local university.

DAB-X has made a strategic decision to not partner with APs. Their previous experience has shown that they do not bring in sufficient income, compared to the level of resource they require, and that providers cannot provide sufficient student numbers to make courses viable. They have however kept relationships with their local FECs who run Foundation degrees so the university can then offer progression routes, whereby students 'top up' their study with a year at the university.

DAB-Y has established partnerships with several APs who offer similar courses to them. They could see that they could increase the breadth of their offer, access to resources and to employers by doing so. They oversee quality and standards and share some teaching, to support the development of these providers.

Motivations for offering HE

42. APs and FECs interviewed detailed a number of reasons why they were looking to offer degree level courses. These included to:

- level qualification (as opposed to other professional or vocational qualifications);
- open up access to HE for students who want to study locally (often those covered by Widening Participation);
- provide a qualification with the kudos of being from a respected UK university;
- offer progression routes into DABs;
- enable their students to access student loans and student benefits (such as NUS membership, student travel deals etc.);
- enhance the student experience they can offer (and thereby increase their appeal).

43. Providers (APs and FECs) therefore needed a DAB to partner with who could either validate their proposed courses or would allow them to offer courses as franchisees.

44. Overall, there was an appreciation amongst these providers of HE that there is a need to maintain high quality and standards of HE. They therefore appreciated the need for a robust and rigorous process underpinning partnerships.

Partnership working

45. Perceptions and experiences of the processes for securing a validation or franchise agreement varied. Variations in opinions were not necessarily determined by characteristics of either the provider or DAB, but were often about the type of agreement they were looking for or motivations for collaboration.

46. Several providers and DABs commented that the process of collaboration via the validation or franchise process was a positive one. The process resulted in benefits for providers, DABs and for students.

47. Throughout the interviews a wide range of provider and DAB staff reported the mutual benefits of partnership agreements: both validation and franchise arrangements. They were either receiving these benefits or could see that these would be possible from a suitable arrangement. The benefits were reported as being two-way, with both parties gaining from the experience.

48. The main benefits to APs and FECs of working in partnership with DABs were reported as including:

- the ability to offer high quality HE locally to suit a wider market of students;
- learning from the DAB about quality and standards and, in some cases, academic rigour;
- using the infrastructure and administrative support facilities of the DAB (this was especially the case for franchise agreements as the DAB is responsible for registering all of the students with them);

- opportunities for staff development, both informally from working collaboratively with DAB staff, and more formally by accessing training events; and
- joined up course creation and development.

49. The main benefits to DABs of working in partnership with APs and FECs were reported as including:

- accessing a wider range of students and learning lessons about how to widen participation;
- increased contact with employers and specialist sectors, leading to more up to date and practical knowledge;
- exposure to different delivery ideas and solutions, which could impact on their own delivery and systems;
- widening access to and raising standards across the HE sector.

50. In principle, the ideal partnership agreement was suggested as capitalising on these benefits as well as the unique qualities and skills that each partner brought. Providers agreed that when these benefits were fully maximised it could lead to a HE market that is fit for purpose and accessible to as wide a range of students as possible.

What providers are looking for from partners

51. AP and FEC providers were looking for partners with DAP for various reasons. Including when:

- they were new to providing HE;
- their current partnership agreement was coming to an end or had been terminated;
- they wanted to add new courses, or change the content of their offers (and current partners were not willing to validate);
- they were unhappy with their present arrangement.

52. Key considerations for providers was that the DAB could offer:

- a long-term stable partnership;
- a reputation for offering/openness to establishing partnership agreements;
- a specialist reputation in the area they wanted to set up an agreement in;
- an aligned strategy or vision to their own;
- geographical proximity (to use each other's facilities, provide local progression opportunities and facilitate close collaboration) or distance (so as not to compete with other local provision, including that of the local DAB);
- a good standing in HEI league tables;

- mutual benefits (including course/teaching and learning development; staff development opportunities);
- a good student experience;
- value for money;
- support for them to get their own DAP;
- autonomy or support with their development.

53. Stability was a key concern for many providers. Several interviewees reported fear of or actual agreement termination, and immediately enforced changes or restrictions due to a change in strategy and approach by a DAB. A number interviewed had had arrangements terminated when a new Vice Chancellor had been appointed at their DAB.

54. Despite varying motivations for partnership and different types of arrangement sought and provided, several APs and FECs felt that what they received was more often dictated by the extent of their knowledge of partnership arrangements, who responded in a timely way or what the DAB was offering them, more than what they could negotiate. Some had found the process of securing partnerships straightforward. Other providers had found finding a validation or franchise partner and setting up an agreement difficult and/or unsatisfactory.

55. In broad terms, the key stages that providers go through to secure validation or franchise agreements are:

- A. Finding a partner;
- B. Setting up and agreeing a partnership;
- C. Ongoing regulation and support.

56. In the following three sections each of these stages is explored. Each section outlines what interviewees told us about that stage of the process, issues emerging and lessons learned or suggestions they made for improvement.

3. Finding a partner

57. In this section experiences of finding a partner with whom to set up a validation or franchise agreement are explored.

How providers find a partner

58. There is not a set process for how providers go about looking for a partner. Providers had to be proactive, or be led by what others (including the partner DAB) told them.

59. There was reported as being no consistent way to identify whether or not a DAB offers partnerships, their subjects/sectors of interest, what areas partnerships might cover, what they offer, what they cost or how to approach them about potential partnerships.

60. Most partnerships were set up through personal contacts: the provider wanted to offer degree level courses and so they either used their existing links with DABs, word of mouth from others in the sector, or they researched who might be appropriate for them to partner with.

61. Approaches to DABs about partnership agreements were therefore happening at multiple levels - between teaching staff, department leads, at senior strategic level or between vice principal/chancellors, or directly between partnership departments or teams.

62. Some providers were approaching several potential partners at the same time in order to maximise their chances of successfully securing a partnership with one of them, or to select the DAB who could offer them the most suitable arrangement.

It's all about back channels and cups of tea. I met with others I know in the area and who work in our field and had informal chats about where they were going, what could be possible.

63. Providers who were offering HE but not approved degrees often cited their lack of understanding around finding a partner and the process of setting up partnerships as a reason for not pursuing partnerships (compounded by limited demand from students and employment sectors).

What DABs are looking for from partners

64. DABs gave a range of reasons why they offered partnerships. These included that partnerships could offer them (either, or a combination of):

- an additional income stream;

- a way to increase their student numbers (either through enrolling more students through franchising, or offering 'top-up' or progression routes from other providers through to them);
- a fulfilment of their moral duty (to support other providers and/or widen participation – usually in their local area – in higher education);
- an opportunity to increase their offer (in terms of range and types of courses);
- benefits from working in collaboration with other providers (as detailed above).

65. However, DABs' main considerations were often centred around risk - to their reputation, and quality and standards. They did not want to enter into a partnership that could have the potential to harm them in some way. They were very conscious that they are responsible for, and will be judged on (including by regulatory bodies), anything that has their name attached to it.

66. There were DABs who had taken a strategic decision not to enter into any partnership agreements with other UK providers - except in exceptional circumstances. This was due to:

- the potential risks (to quality and reputation) of collaborating with other providers. This could be based on perception or previous poor experiences;
- the amount of work needed to set up, implement and manage partnership arrangements, in relation to the income they generated;
- a desire to focus more effort and resource on their own offer, ensuring they offer their own high quality and wide ranging courses, whilst pursuing other routes to working with local providers and/or widening participation.

We don't feel the need to partner with colleges to address WP. We run plenty of activities that do this such as taster days with local schools, outreach, offering places to local students and our commitment to embracing access and diversity in the University – DAB

How DABs decide on partners

67. Many DABs described receiving regular approaches from providers looking for partnerships. Some spoke of receiving several contacts a week, but this was now more likely to be from international providers. Others get a number of approaches from FECs, while approaches from prospective APs in the UK is relatively low in comparison.

68. When DABs receive invitations to partner, they report carrying out an initial soft assessment (e.g. a web-based search or high level assessment of whether or not the approach matches strategic priorities), before anything else happens. They research the providers' reputation (within higher education or specific sectors/courses), their previous experience as well as their financial position, and possibly review any Inspection reports.

69. Some DABs explicitly ask for this information upfront (for example, by submission of an application form) but, for many, this stage may be much more informal.
70. The key reasons why DABs reported turning down approaches at this stage was that the provider poses too great a risk, does not fit strategic priorities, or has a lack of relevant subject experience in the area for which an agreement is sought.

Issues with finding a partner

71. There is no single or obvious process for finding a partner. Providers had to do their own research, and work out the best way of finding a partner for them. They reported having difficulty knowing what they should or should not do, ideas on what they could/should be seeking, what their agreements should cover, or how to decide who to approach and how to compare different offers. This initial stage could therefore take up significant time and resource, with no guarantees of it leading either to securing an arrangement or a partnership that best meets their needs or matches their expectations.
72. Providers reported that it is not a simple process to find a suitable partner because of a lack of a consistent and transparent system within the market. Few DABs are open about their inclination to validate or franchise or the costs and benefits of their approaches. The fact that the appropriate staff in DABs can be based in different teams and have different job titles (e.g. subject specific, or explicitly refer to partnerships, or to quality and enhancement) can also make navigating who to contact difficult and time consuming. Some providers reported receiving no response to their approaches.

It's challenging to find a partner and I don't really see why it needs to be. Surely it's as simple as having a list of all the providers nationally who are open to validating or looking to franchise, what areas they cover and who to contact if you're interested. I don't understand why it's so cloak and dagger. - AP

73. The length of time it took to find contacts and get a positive response from the DAB was reported as affecting providers' responsiveness to the market, in terms of developing and running new courses.
74. DABs stated they did not publicise their offers as this was commercially sensitive. Some said they varied their offers by different partners or agreed models.
75. Many DABs had agreements with their local FECs. A few had agreements with APs but the vast majority of these had been in response to proactive approaches from the provider. Many DABs interviewed did not state that they were proactively looking for UK partners, few discussed publicising their openness to collaborate and many spoke about turning down the majority of approaches from potential partners. It

seemed much more common for DABs to react to approaches to partner rather than actively seeking partners.

76. Some DABs said they had decided not to partner with UK based APs on the grounds of them posing too great a reputational risk.
77. The bar is set high for expected quality and standards of providers and not all DABs suggested they were willing to work with providers to help them develop and meet these expectations. Many DABs require a 'track record of success' that is difficult for new providers to evidence.
78. Some newer APs felt that they were being turned down at the initial approach stage, with little or no explanation, and that this was preventing them from entering the HE sector.
79. Evaluating the track record and reputation of potential partners is a key consideration for DABs but this can act as a barrier to newer providers as, by their nature, they do not have experience in the HE sector and have not yet built up a reputation in it.

We only want to work with providers who we know we'll be safe with. - DAB

80. There was variation in those DABs that see APs and/or FECs as competitors (and therefore are less willing to partner with them) and those that see them as having different offers and/or markets.
81. Some DABs were clear that they would not offer partnership for offers that they felt were competing with their own – either in terms of content or target market. This affected their choice of partnership agreements with local providers as well as with those operating within the same sector.
82. Others thought that APs and FECs were presenting a completely different offer to them and so were unlikely to be competitors - or where they did see them as competitors they thought this was healthy. This was in terms of making the market more competitive (and thereby driving up quality and the range of offers) and increasing their drive to have as strong (and unique) an offer as they could themselves.

We're proud of what we offer and are fairly confident it's world class. So we're not afraid of what other providers can offer. In fact we think the competition's really good for the market, shakes things up a bit and keeps us on our toes. - DAB

What works well / suggestions for change for seeking partners

83. Suggestions of what might help support the process of finding a partner included:

- having a published list (maybe as part of the HEFCE database) that details DAB offers;
- guidance on what to look for in a validation/franchise partner, how to decide on a validation/franchise partner;
- having an agreed process for finding a validator (international providers issue tenders);
- running a matching service that links those looking for a partnership with those offering one;
- increased transparency and openness about offers and motivations, and about how decisions are made;
- consistency of process and requirements.

4. Setting up agreements

84. This section explores the experiences of, and issues raised by, providers and DABs in relation to setting up a partnership agreement.

Scrutiny

85. Following an informal discussion or initial soft checks, there are further more formal stages of scrutiny and due diligence that take place to weigh up the benefits and risks of partnering with a provider. This involves scrutiny at a range of levels - institutional and course level. It can involve different departments (academic and non-academic) and staff. It might involve site visits or be conducted virtually. It can also involve different requirements of supporting evidence to be provided by the provider.

86. This degree of scrutiny is about deciding whether the provider seeking a validation or franchise agreement will be a suitable partner. The key concern throughout is the extent to which the other provider poses a risk to the DAB in any way (either in terms of the viability and quality of provision, the suitability of providers' facilities, academic rigour, staffing, reputation or financial stability) and if and how that risk can be mitigated. At any stage in this process it can be decided not to take a partnership agreement forward or to limit the delivery or content of courses offered.

87. Typically, it is the DAB who sets out the terms and costs of the partnership agreement. There may be different conditions for who DABs will partner with and how they operate partnerships. For example, DABs may elect to offer franchises at first, to validate first, or only to offer validation for top up degrees to their own courses, or to restrict providers to sole partnerships. DABs may offer institutional level approval or course level approval. The provider has to decide whether they are happy to proceed with these terms and conditions.

88. Some providers reported having found a DAB who understood their ethos and/or sector and could see the benefits to them of the partnership and so were more able and willing to accommodate the provider's needs.

89. Due to the fact that a decision not to proceed could happen at any point, that different DABs may offer different timing cycles for approval, and that DABs may offer different terms and conditions, providers may choose to approach more than one potential partner at a time.

90. Providers reported it could take months or years to put an agreement in place (12 to 18 months was most commonly cited). This was not just for new providers – it could be for each individual new course agreement.

91. DABs reported shorter set up times than did providers, but this was probably because they were unaware of the time spent by providers initially researching potential partners.
92. DABs explained how variation in the length of set up time could occur. It could be due to the route of approach, the amount of infrastructure or curriculum development needed for the provider to reach set quality standards and their track record of partnership working (with more checks being carried out on those with less previous experience). It could also be due to the size and nature of their organisations that meant that cycles of approval only took place at stipulated points in time. This could explain some of the time lag providers report between initial approach and response time. DABs are clear that they need to thoroughly ensure structures for governance, scrutiny and accountability before any partnership is entered into.

Issues with setting up agreements

93. Providers could be well established in their own right and yet they felt completely beholden to the DABs, with very little power or ability to negotiate aspects of the agreement. Some providers found this frustrating as they were bringing a large amount of income, extra students, expertise and specialism/reputation to the DAB yet they could not sufficiently affect the terms by which they were bound.

It's not just that it's an uneven playing field; it feels like the field has been bulldozed. Universities have an unfair advantage in the market and alternative providers are given no protections at all. We have good numbers of students and a good reputation, yet we had very little sway. - AP

94. Many providers felt there was a power imbalance between them and the DAB, with the DAB completely free to turn down partners for whatever reasons they chose, regardless of the time and costs of effort to partner put in by providers. DABs however felt they were the parties taking all the risk, and so needed to ensure that their assessment processes and standards were robust and thorough.
95. Providers described DABs as being large and bureaucratic and therefore slow to respond to contact and make decisions. For providers this extended lead-in time could be a hindrance, particularly when they were looking to react to market need, or to replace an agreement that was about to expire.
96. There was generally little negotiation reported on what agreements look like and what they cover. DABs tended to have set terms, standards, evidence requirements and offers, although they reported these could allow for some variation - particularly over time as the strength of the partnership matures.

97. Whilst it was found that some providers with a long history of partnership with the DAB felt they had more influence over arrangements - for example during the revalidation process - most new providers felt that the DAB held all the power.

98. Some providers reported that many agreements were set up to suit DABs with little understanding of, or flexibility to accommodate, different providers. This often affected APs in terms of how they operate (which may differ from traditional models of Higher Education), terminology they use and, along with FECs, their different student cohorts and needs.

We have students who have been in work for many years but want to increase their qualifications to degree level. We need to offer courses that suit them – local campuses, evening sessions, online. And some of them have masses of professional qualifications and training but not necessarily A-levels, which universities really struggle with. – AP

99. Some arrangements (formally or informally) stipulated certain conditions. For example, that providers could only work with that DAB, or had to offer all new courses to that DAB first; who else a provider could approach for new courses; what course titles were used; and which offers they could add.

100. DABs reported that this was a way of protecting their own interests, ensuring provider quality did not slip, preventing over-commitment by the providers and ensuring a positive and consistent experience across all students who received an award bearing their name.

We are a well-established University. Everyone knows us and that we excel in [the area of specialism]. It's vital to us to hang on to our name and what it stands for. - DAB

101. Some providers described the conditions as overly restrictive and an inhibitor to innovation and growth. Others felt that this was a positive part of the collaborative process and part and parcel of developing mutual trust. It also helped ensure an important level of scrutiny, for example on the viability of new courses.

102. Providers who had agreements with more than one partner reported that there could be some differences in models, agreement coverage, fees and requirements across DABs. This could lead to uncertainty in, for example: how to set up and implement partnerships; lack of parity of student experience; and additional burdens on providers, such as being required to produce multiple and different data or evidence requirements.

103. Providers had multiple partners either by choice or circumstance. Some sought an additional partner when their original one would not validate all of their courses, or because they wanted the most appropriate partner for each course/sector. Some were deliberately 'spreading the risk'. This was so that they were not completely

dependent on one provider in the event that their awarding body had a change of direction of if problems arose.

104. Some DABs have clearly published processes for setting up agreements whilst others are less clear. This left some providers unsure about: the stages of application required; what evidence would need to be provided; likely timescales; or cost incurred through the process. Some providers indicated that they could incur significant costs with no guarantee of whether a partnership arrangement would be taken forward.
105. Providers reported that they had to choose from the type of partnerships they were offered to them, rather than necessarily being able to get the agreement they originally wanted.

What works well / suggestions for change for setting up partnerships

106. Suggestions of what might help to support the setting up of a partnership agreement included:
- a clear process for setting up agreements, setting out requirements and likely timescales (and what factors can affect this). There was variation in opinion on whether this should be nationally or institutionally agreed;
 - an obligation for DABs to respond to approaches and set out reasons for not wanting to explore a partnership (so providers can address these in future);
 - greater consistency in terms and coverage of agreements;
 - more transparency around costs and offers;
 - access to partnership teams in DABs with experience in setting up agreements - a clearly identified, single link person who advocates/signposts within the DAB may be beneficial;
 - a central independent body to oversee quality/carry out due diligence.
107. There were, however, concerns from providers and DABs that a centralised or 'consistent' approach could diminish the value of bespoke agreements, and the arrangements people came to from going through the agreement process.
108. Similarly, some DABs felt that the more consistent the system was made the less competitive advantage they would have, as all DABs would be encouraged to have similar offers.

Agreement coverage

109. In general partnership agreements cover similar issues. Although there is some variety in exact coverage and level of detail they generally include:

- who will deliver what and how - in some cases setting out partners' roles and responsibilities;
- with validation - it is often down to the AP/FEC to design, deliver, monitor, assess, and market the courses, and to screen applicants;
- with franchising - the course content may be set by the DAB or developed collaboratively. Courses may be delivered by the DAB's own staff, by provider staff or by a combination of the two;
- franchises are marketed by the DAB, but there was variation in who recruits and screens applicants and who is responsible for student administration under these arrangements;
- with both validation or franchise there is some variation in who appoints external examiners - although it is generally accepted that the validating or franchising DAB should do this (in line with the UK Quality Code¹¹), in some cases providers were required to do this, for example where the validating organisation does not have direct subject expertise, or made recommendations;
- who will administer which elements (enrolment, funding, assessment, quality, reporting, etc.);
- length of agreement (and time of renewal) - this is typically between 3 and 5 years. This is important because providers want to provide continuous cover for their students, and they incur additional costs for every re-validation;
- what charges will need to be paid and when, and additional charges which could/would be incurred;
- minimum student numbers, and/or a baseline fee per course and potentially different rates (sliding scale) of charges, based on size of cohort;
- student services access;
- termination arrangements - this includes the notice period to be given and 'teach out' clauses.

110. In addition, there were a number of services provided as part of, or additional to, what might be covered on the agreement. This included:

- having a linked tutor for courses;
- having a partnership office;
- processes for dealing with student complaints;
- access to wider infrastructure within the DAB.

111. Some providers also valued having access to more comprehensive systems for legal advice (concerning the Prevent strategy, for example), support, managing student complaints (about providers and/or the DAB), and getting student feedback.

¹¹ The Quality Code: A Brief Guide QAA 1110, February 2015. The Quality Assurance Agency for Higher Education.

Costs

112. It was not possible to gain detailed, accurate data on costs. Several providers and DABs were reluctant to share and publicise these due to commercial sensitivity.
113. However, it is apparent that the costs associated with partnership agreements are variable. This is due, in the most part, to the number of different (delivery and costing) models in place and the different approaches DABs take to partnerships as well as the varying levels of service they offer.
114. Typically costs were either an all-inclusive annual cost or calculated as per student per year costs. Some DABs added further costs, for example for application, to set up the agreement; revalidation; external examination etc. Some also charged for access to additional services such as use of facilities or student support functions. In some cases these were services required under the agreement (i.e. AP or FEC partners had to pay the costs), others were offered more flexibly or had developed embryonically. Some DABs were offering such enhancements as they believed this gave them a unique offer and made them stand out better in the market.

Issues with agreement coverage

Cost issues

115. Costs can vary greatly with generally little clarity for providers on exactly how they are calculated and what they include. There appeared to be no obvious link between how the partnership model works (for example the level of DAB involvement and support of the provider) and the costs charged. Some of the agreements involving higher costs included only basic provision and support, whereas some of the agreements setting out lower costs were linked to the greatest level of support and provision from the DAB.

We pay quite a large amount of money to them every year and yet from what I can see all they do for that is print off a degree certificate. - AP

116. Some providers indicated that they could not determine whether their arrangement was value for money as they did not know what they were getting for their money and how this compared with others. Some indicated that, as this was in effect public money, there should be more transparency (for them, their students and the state) around its use.
117. Providers were unclear on why costs and approaches to charging varied so much between DABs. The costs of partnership are clearly a significant proportion of income from student fees. This may act as a deterrent to form partnerships, particularly for small providers with smaller cohorts of students or those operating in niche areas.

118. Generally, DABs explained that they needed to cover the costs they incurred from offering and managing partnerships. This mainly included staff time (administration, reviewing and working with/developing the other organisation), events (such as validation and review events) and qualification enrolment costs.
119. Some DABs included the cost of link tutors' time and academic input. Others included the costs of external review boards and the resource involved in appointing external academic reviewers. A small number of DABs were charging higher costs in order to generate additional income.

Our strategic aim was to increase the number of partners we had to bring in more funds from increased numbers of students. - DAB

120. In some cases DABs were setting what student fees the provider should charge. They explained that this was to ensure a minimum income level (in order to ensure that their costs could be adequately covered), or to prevent 'undercutting' of their own fees.
121. Franchise costs were often based on a proportional split of the income from student fees. The proportions were set by the DAB or had been agreed, and varied from 50:50 to 70:30 (Provider: DAB), in those that detailed their costs.
122. Some DABs suggested that they were not operating partnership arrangements as a profit making exercise and that this would not be possible as if they are being done well (with high levels of input, collaboration and development work) they will be expensive to set up and run.
123. Upfront costs for initial application were described by some DABs as necessary to cover costs incurred regardless of whether or not the partnership is agreed (costs which would otherwise have to be passed on to other partners) but also as a deliberate deterrent to those providers who may not be sufficiently serious.

We do ask for a payment at the start of the process, and we're quite clear about that. It's to cover all of the work involved in deciding how to proceed with them, but there's no doubt it also prevents some of the more speculative approaches. – DAB

Minimum numbers issues

124. DABs indicated that there are costs involved in any agreement, irrespective of student numbers, so they have to put minimum costs in place (by specifying minimum student numbers).
125. Some DABs set a sliding scale of fees, or had come to an individual arrangement with providers on fees to suit their circumstances.

We can't just be putting everything in place and doing all this work then only eight students come on the course. We need to guarantee that we'll cover our input. - DAB

126. The minimum number requirements were acting as a barrier to some providers, but especially those with smaller or more diverse cohorts. Providers may be paying for 20 students when they know they will only ever supply 10, or that retention will be difficult.
127. Providers of HNCs and HNDs cited these minimum number thresholds as a reason why they were not looking to move into offering degrees. They could only guarantee small numbers of students (due to demand for niche provision) so would have been looking at significant outlay (due to minimum costs imposed).
128. Providers may not be able to predict student take-up numbers (especially of new offers) and this can be affected by external factors out of their control.

Timescale and planning issues

129. The long lead-in time for setting up arrangements means planning well into the future and anticipating future needs and demand – this makes guaranteeing supply (and financial circumstances) difficult. This limits innovation and capacity to try new things out on smaller cohorts.
130. Having a franchise versus a validation agreement (whereby the DAB is responsible for student registration, choosing the numbers and types of students accepted onto the course) can make planning difficult for some providers who considered this as limiting their ability to plan, as they are beholden to the DAB.

Student services and support issues

131. Access to student services was a key issue for some providers, particularly APs. APs may not be of sufficient size to have capacity to provide student support services (such as counselling or special needs support). Also, they may not have 'academic' email addresses for their students, which prevents access to other student benefits such as rail cards or NUS membership.
132. DABs have licences for accessing journals and online publications, but these only extend to their own student population, not those of validated institutions. Some APs and FECs were concerned that their students on validated courses were therefore being denied suitable support with their studies.

It sounds like such a small issue but access to things like journals is helpful... We think it makes such a difference to students. - AP

133. There were concerns that students studying on validated courses could be receiving a learning experience of lower quality than their counterparts in the university because of these differences.
134. The same issue does not typically arise under franchise arrangements as the students are registered with the DAB and so get all of the same access and benefits as DAB students.
135. Geographic constraints, in terms of distance between providers and DABs, meant that some learners at APs and FECs were not able to access or take full advantage of DAB facilities, such as library or other onsite facilities. There was variation in whether or not the providers were able to offer their own facilities and the quality of these, with some DABs making access to these services a condition of their validation agreements.
136. DABs reported one important consideration for them being that a partner had the facilities to provide suitable student support services leading to an equitable student experience to their own.

Student experience and widening participation issues

137. All providers wanted to ensure partnerships were stable and potentially long term in order to protect students and guarantee that they will receive what they sign up and pay for. In other words, they want to ensure that students get a particular degree from a particular (validating) university, delivered in a certain way.
138. The majority of APs and FECs said that a key reason for offering HE was to maximise the opportunities for people to access HE. In this way they saw one of their central remits as widening participation. They felt that they were offering learning delivered locally, in a manner that suits 'non-traditional' learners, and with a more practical and vocational focus relevant to employers and (local) employment opportunities.
139. Providers, often with more diverse student populations than DABs, explained that this meant they had different requirements to best meet the needs of their cohorts. These centred around course delivery issues such as:
- focus on specific content and subject area;
 - provision of learning outside of working hours (for those employed whilst studying);
 - provision of online and blended learning (to reduce the requirement to travel and to attend at set times);
 - vocational learning/work placements that are more suited to students' chosen professions and that match employer need and opportunities;

- accelerated degrees;
- delivery in small groups to provide greater contact time or more support for students.

140. They also required a need to provide additional facilities such as the provision of childcare.

Our students are not all 18 year olds straight out of school. We have a real mix of people from all backgrounds and with different lives. We're used to this and we know how to set our services up to work best for them. It's one of the things I think we're really good at, and which sets us apart from bigger universities. - FEC

141. It was highlighted that there is therefore a need for greater flexibility in the academic regulations enforced on providers by DAB's (often due to the way they interpret what the external regulators will or will not accept) to better cater for different cohorts of students. This may relate to a need:

- to accept lower attendance, higher drop-out rates or to permit a higher number of resits;

We have to understand that some of our students are in work so they may have to be away for periods; some of them decide they can't keep up with both; some change jobs and stop studying; and some decide this just isn't for them. - FEC

- for different entry requirements or more support for entry from access courses and professional qualifications;
- different assessment methods, such as continual versus end of course assessment or pass or fail rather than a points or graded system. This need for variation was considered more suitable in particular sectors, such as the Arts, where skill mastery is the prime focus.

142. Getting their own DAP and therefore the ability to flex their academic regulations, was considered a possible solution by some APs.

143. DABs often cited widening participation as a reason for entering into partnerships with other providers. They could see that APs and FECs could provide for a market that they could not, therefore increasing the diversity of learners and range of courses they could offer.

We work with several local colleges. It helps us tick the WP box. - DAB

144. Some DABs wanted to partner with their local providers for WP purposes, but several providers and some DABs themselves said that they found accommodating these diverse students' needs difficult (due to internal or external regulatory pressures and the need for consistency of approach) and they had concerns that allowing more flexibility might result in a lowering of standards.

145. Other DABs saw partnering with providers with more diverse students as a chance to learn from partner providers and improve their own students' experiences and widen their accessibility.

146. There is a tension between seeking to widen participation, levels of performance and the interpretation of academic regulations to ensure high quality standards. Some DABs had analysed the performance of students following a degree at their own institution compared to those joining in the final year from the other partner as progression or top up. They felt that there was a mismatch in levels of outcomes achieved between the two, claiming their 'own' students had better achievements.

What works well / suggestions for change in making effective arrangements

147. Suggestions of what might help to support effective partnership agreements included:

- DABs providing details on the break down of cost calculations and what is/not included from the outset;
- allowing some courses to run in a way that supports smaller cohort numbers (although there were no specific suggestions on how);
- cross-sector agreement on the approach to, or a greater requirement for, access to student services;
- commitment to parity of student experiences, in terms of quality of teaching, opportunities and support, across DABs and providers.

148. There were some positive local solutions that providers felt would be valuable to share. These included:

- consulting each journal licensee about wider access and setting up a repository for partners' students;
- providing DAB email addresses;
- providing passes to student facilities (such as the library) where geographically possible (for example, for local FEC students);
- setting up Service Level Agreements for provision of student support services, including SEND;
- training and support to develop in-house student support provision.

5. Regulating and supporting partnerships

149. This section presents the issues emerging from those interviewed in relation to:

- the wider regulatory framework for higher education;
- termination of agreements;
- support and advice.

Regulatory framework

150. The overall aim of regulation or governance is to protect students and public investment in higher education and to protect the UK's global reputation. There are multiple aspects to the regulation of higher education in England¹², including:

- external regulation - with HEFCE as the lead regulator for publically funded higher education in England, DfE for Alternative Providers designated for student support and the Office for Fair Access (OFFA) as the independent regulator of fair access to higher education in England for DABs and FECs charging fees above £6,000 a year;
- sector regulation - through bodies such as the Quality Assurance Agency (QAA);
- provision of information – through Higher Education Statistics Agency (HESA) and Universities and Colleges Admissions Services (UCAS);
- self-regulation - through university academic boards and governors.¹³

151. Both providers and DABs interviewed acknowledged the value of regulation and the need to maintain high standards across the sector.

152. DABs were very clear that the responsibility for quality of all courses (their own, and those franchised and validated by them) rested with them. They were the ones ultimately held accountable. They would face the consequences of any issues. They were concerned about protecting their own students and maintaining their institutional reputation for offering high quality education. DABs therefore felt there had to be consistent standards of evidence across all HE providers and in line with the UK Quality Code.

153. Several providers had concerns regarding how strict the regulations governing the provision of HE are and the impact of this in terms of:

- the costs associated with being regulated;
- administration;

¹² The wide-ranging reforms introduced by the Higher Education and Research Act 2017 include forthcoming regulatory reform, and comments given here relate to the regulatory system in force in 2017.

¹³ See for example: Protecting Students, Encouraging Innovation, Enhancing Excellence, Regulating Higher Education, The Higher Education Commission. Policy Connect.

- disparity and duplication in regulatory requirements;
- diversity of provision and student cohorts.

Costs

154. Several Alternative Providers highlighted that the costs of regulation were high. Several of those interviewed commented that they were not only incurring costs charged by the DAB for HE course accreditation, but were also paying for QAA reviews, consultancy advice on higher education reviews and external examiner fees.

We pay [the university] tens of thousands of pounds a year for validation, £10,000 a year to QAA for designation and £25,000 for every QAA review, plus extras like examiners' travel and lunch costs. On top of that we've had to employ a full-time administrator to deal with all the paperwork. That means spending over £150,000 a year which may be small fry for a multi-million pound business like them, but it's a significant proportion of our turnover of around £1 million, just to offer a programme completely dictated by [the university].

Administration

155. Some APs highlighted the additional burden they felt (in both time and resources) from the amount of information they were required to provide to the wide range of regulatory bodies (including HESA¹⁴ students returns, HEFCE funding returns, QAA evidence, and data for their partners' returns).

156. APs often reported that they were not as equipped, or that they did not have the same levels of support staff, as DABs and FECs to provide such data.

Just pulling some numbers that might take a data analyst in a university administrative team an hour, was taking up 2 to 3 days of an administrative assistant or teacher in a smaller organisation.

Disparity and duplication

157. A further issue for providers was the inconsistency between, and non-alignment of, processes and systems of regulation. The regulatory framework was understood as necessary in order to maintain quality and standards, however, the fact that different bodies were asking for different information or information presented in different ways was reported as placing additional burden on providers. Some providers commented that, as the quality of their provision had already been assessed by QAA and others (such as Ofsted), further regulation through the DAB's own visits and

¹⁴ HESA collect and publish detailed information about the UK higher education sector.

processes was an unnecessary level of duplication. This issue was exacerbated for smaller providers as their infrastructure and resource levels tended to be smaller.

It's not like we've just come along and from nowhere decided to start running degrees. We are an established college. We've been doing this for many, many years. And yet none of this was taken into account in our discussions. It was as if it was all new to us. - FEC

158. Providers with more than one partner also detailed the variation between DAB requirements leading to different:

- levels of evidence being required as part of the process for setting up a partnership;
- requirements for monitoring students and student performance;
- processes for assessing quality and maintaining standards.

It would make our life so much easier even if they both just wanted the numbers [of students' attendance and assessments] in the same way. But no, similar but slightly different, which means double the work for poor [Administrator]. - AP

Diversity and widening participation

159. Several providers stated that the current regulatory framework does not sufficiently reflect the diversity of higher education provision and varying student cohorts. There was the belief that the whole system had been set up to work for the most common model of DAB delivery, using DAB terminology and assuming their levels of manpower.

160. There is a tension between the need for the HE regulatory framework to uphold standards while at the same time allowing for flexibility to meet the needs of more diverse providers, course offers and students.

According to the university, a set number of absences per student results in an exclusion. We had one student who got offered an incredible [career related] opportunity but taking it up meant he had to leave the course because he'd be away for a month, more than the university's quota. It plays havoc with students with sick children, or who are holding down a full-time job and all that demands. It's the same with assessments, three resits and then it's a fail. That doesn't work for our cohort, many of whom aren't experienced in exams.

161. In addition to systems being set up to work for traditional DAB models there was also felt to be a lack of representation of different providers within decision-making structures. This was reported as leading to a lack of realistic understanding of how other providers work, and what their students want.

Those on the assessment and examination panels are generally from a University background. Many of them have never worked in a college, and they just don't seem to understand. We suggested someone they could use as we felt it was really important to understand where we were coming from, but no. - FEC

162. Some providers reported that requirements stipulated by the DAB over course content or delivery was making some courses less valued by professional bodies (and that govern the industry/sector that the students would be looking to enter). Also few DABs described being able to account for professional qualifications in their admission or assessment processes. This was causing tension for providers in terms of matching up the different requirements of employers and DABs in the best interests of students.
163. In franchises in particular, some issues were reported due to the fact that the DAB was assessing and selecting students but the providers were then responsible for teaching them. The suitability of students could then be an issue, as providers did not always feel they had been appropriately selected (and would not have been had the provider carried out the selection process themselves).

What works well / suggestions for change to HE regulation

164. Suggestions of what might help to improve regulatory requirements included:
- greater streamlining of current systems;
 - improving the communication and collaboration between different sector regulatory systems;
 - improving DABs' understanding of and ability to offer the flexibilities required to widen participation, cater for a wider range of students' needs and react to professional needs;
 - encouraging provider representation on review and assessment boards.

Termination

165. Many APs and FECs had concerns about DABs changing strategic direction and altering their partnership agreements, which would impact on students and the institution.
166. Both parties expressed the need for clarity on what happens if there is a decision to terminate the partnership agreement. Both agreed that even if there is a reason to terminate by either party, the key consideration must be the impact on students.
167. APs and FECs detailed how the termination of a partnership agreement can affect them, and therefore their desire to have set termination notification periods. If a DAB does not want to continue in their partnership, then the other party has to enter into

the process of finding a new partner. This process can take up to a couple of years. They do not want their current students to be left 'in limbo' or without validated study in this time and so they would like the original DAB to have to give sufficient notice so that they can find a suitable replacement.

We can't just be left without a validator, and you hear about it happening a lot. If [the partner] decided to no longer work with us we'd have to start the whole process of looking for someone else suitable, and that takes time. What about the students we already have? Where's their degree coming from?

168. Some providers had stipulated teach out clauses in their agreements to cover such eventualities, meaning termination did not affect enrolled students and they would complete their course under the same accrediting partner.

169. The need to take students' views into account was also highlighted. This was expressed in terms of the need to consider:

- student opinions on who awards their course;
- recompense for significant outlay for unsatisfactory provision.

What works well / suggestions for change

170. Suggestions of what might help with contract termination included:

- setting a minimum term of 18 months' notice of termination;
- the inclusion of teach out clauses;
- original DABs helping to broker arrangements with a new partner.

Supporting partnerships

171. There was a wide variation in the level of on-going input, advice and guidance providers were being given by their DAB.

172. Some DABs see supporting their partners as part of their remit: they are helping them to develop their infrastructure, frameworks and quality standards; collaborating on course content and teaching and learning and staff development and progression; keeping them informed on the sector; supporting them to get their own DAP.

173. Others choose a more 'hands off' approach leaving these issues down to the providers.

174. Some providers welcomed or actively sought on-going input, support and advice from their partner. This was either as a positive part of their organisational development or as a natural development of the collaborative process. Others

considered the on-going involvement of the DAB as unnecessary, burdensome or patronising. This was more likely to be the case where organisations had been offering HE for some time, where they have a high degree of autonomy, or where they feel they are paying for additional services that they do not need.

175. Some providers also reported that there is little consistency or transparency in processes, documentation, requirements or the costs associated with partnerships across the sector as a whole. There is also no single point of contact for information, support or advice on partnerships. There is also no arbitration, or independent body for either partners or students to raise issues with.
176. The lack of transparency and recourse was reported as leading to: uncertainty, a potential postcode lottery of HE provision, the possibility of providers not getting the best deal (for their students), and a lack of accountability for public expenditure. It is also resulting in 'word of mouth' information sharing that can lead to misinformation.
177. On the other hand this variation could be seen as a positive, driving up quality and standards by improving and upholding standards and scrutiny of providers by requiring information on student retention, performance, satisfaction and experiences and, in some cases, working alongside providers to develop these.
178. Partnership agreements were, however, felt to be only as good as providers' knowledge and networks. This can be a disadvantage to APs and new providers especially, as they are further from the mainstream education system. It also places the onus of responsibility on APs and FECs to get partnership agreements right, even though the balance of power tends to rest with the DAB.

What works well / suggestions for change in supporting partnerships

179. Suggestions of what might help included DABs having:

- an obvious single point of contact for partnership requests;
- clearer, more transparent and accessible processes;
- a range of approaches with varied degrees of involvement – from completely 'hands off' to more collaborative and developmental;
- a link person and/or consistent single point of contact (to prevent providers having to dealing with administrative, finance, academic, and quality teams separately);
- joint development events / partner events.

What works well / suggestions for change to improve the 'system' of information and advice

180. The main suggestion for how to improve the overall system of partnerships was to have a centralised team of advisors providing:

- consistent advice and guidance;
- details of offers (and those looking for partners);
- template agreements/paperwork;
- details on what to expect and examples of different arrangements;
- streamlined regulations whilst retaining the value of different levels of accountability and DAB autonomy;
- a greater understanding of different types and needs of providers (with students at heart);
- independent advice that does not come from one viewpoint;
- oversight and arbitration to support equality between partners and address issues between parties.

6.Features Of A Good Partnership

181. This section sets out what good validation and franchise partnerships look like and what aspects of agreements underpin these, according to those consulted.

182. Several features of positive practice around validation and franchise partnerships were identified by the interviewees. Some of these were common features across partnerships. Others varied depending on what parties were seeking from their agreements. Features identified were:

- **timeliness and responsiveness** - both in the upfront process, to facilitate finding a partner, and on an on-going basis to respond to queries, agree course modifications or to develop new ones;
- **a stable commitment to the partnership, beyond a single course or short-term** - all providers wanted their agreements to last at least 3 years to support one cohort of students. Ideally, APs and FECs wanted this to be longer (there was a consensus around 5 years) so that they were not constantly looking to renegotiate arrangements or look for new partners. Knowing that agreements and terms would not change over this time period allowed providers to plan and develop;
- **aligned strategies with a similar focus** - it helped when both parties were in agreement about why they wanted a partnership and what they wanted to get out of it. This was reported as being facilitated by DABs and their partners having a similar philosophy and holding the same values so that they were trying to achieve the same goals. If a provider was looking to develop new innovative offers, their partner had to be willing to support this. If the provider was looking to build up their portfolio of provision to allow them to get their own DAP it worked better if their DAB partner was aware and supportive of this. If a provider wanted to widen participation, their partner had to be willing to offer the flexibility this required;
- **a commitment to jointly provide comprehensive offers** - it was considered helpful to the success of the partnership when the offers of both parties complemented each other. This could either mean that each partner had different courses on offer (including one providing something the other could not), or that they were targeting different students to prevent them from being in competition. Similarly, it could mean that between them they were offering progression routes, such as the ability to top-up providers' courses within the partnering DAB, or options for further specialism (including postgraduate study);
- **equitable partnerships with mutual respect** - many providers and DABs wanted a partnership that went beyond the DAB just rubberstamping the provider's courses and printing out a certificate at the end of the year. Interviewees spoke about the most successful arrangements involving mutual benefits for both parties, with each partner recognising the valuable contribution the other makes. Ideally, partnerships allowed both organisations to offer more than they could by themselves. Although it could seem during the initial period that all of the power was with the DAB, implemented agreements were more commonly deemed successful when partnerships were more evenly balanced between the two providers, with each valuing the role and contribution of the other;

- **staff/institutional benefits** - several partners highlighted that a key positive aspect of their agreement was the support available to develop their staff and institutional capacity and service provision. Whilst some providers clearly wanted an autonomous relationship as part of their agreement, others wanted access to support to develop their capability in a range of areas. Positive staff and institutional benefits brokered through agreements included:
 - partner training events (on HE process, policy and provision);
 - teaching and learning / course development;
 - use of facilities;
 - career progression;
 - quality assurance processes;
 - administrative capacity;
 - support and challenge, including for some as part of a journey to obtaining DAP;
- **minimum termination periods and teach out commitments** - partners stressed that it was important that there was explicit detail in partnership agreements about what would happen at the end of the agreement period or how termination of the agreement would be dealt with. It was often suggested that a minimum of an 18-month notice period should be required in order to ensure continuity of provision (i.e. to put a new agreement in place). Many providers also wanted a 'teach out clause' in the agreements that meant all students who had enrolled under the agreement would continue to have that agreement applied until they completed their studies. This offered greater security for both the partner and students;
- **focusing on student experience** - Providers and DABs agreed that ideally partnerships should facilitate making HE fit for purpose, meeting diverse needs of students, providers and employers. Partnerships should work to allow entry to the market of suitable providers in response to market needs and should support and share innovation across the sector;
- **developing trust and flexibility over time** - often those partnerships that were described as being successful and beneficial were those that had had time to mature. Regardless of the detail of their arrangements, both parties had grown to know, trust and understand each other more over time. This meant that restrictions based on preliminary concerns had been relaxed slightly and that the parties were more able to push boundaries in terms of their offers and innovation.

We've been working with our local university for many years so they know us, they're confident in what we do, and so when we suggested a new, more specialised course they said they'd validate it for us, and actually the process was much quicker.

What leads to a poorer agreement?

183. There were also a range of issues reported as leading to a poor partnership agreement or less meaningful relationship with partners. These were often the opposite of what good partnership arrangements were like and included:

- a change in senior staff or of strategic direction in either party - resulting in lack of stability;
- lack of transparency on the requirements of, or processes for, securing a partnership agreement and on costs and charges incurred (across and within DABs);
- concerns arising over either partner's reputation, quality, or financial stability;
- duplicate or burdensome requests for evidence from providers by awarding bodies, or those perceived as disproportionate - especially for providers with an established history of and reputation for HE delivery;
- perceptions of excessive DAB control over course development or content;
- making changes to existing contracts (such as cost increases) without sufficient notice;
- lack of flexibility to offer provision outside of the traditional or common DAB model;
- lack of timeliness (sometimes due to DAB approval cycles) that limits ability to be responsive to the market;
- competition (perceived or real) between DABs and their partners (offers and/or markets) or between individual partners of the same DAB (i.e. the DAB already validates a similar course with another partner);
- conflicts between DAB governance, and provider needs in terms of meeting employers needs and professional standards;
- lack of access to student support and services, especially online resources;
- risk aversion of the DAB and inability to support innovation – especially with providers new to the HE market;
- costs – whereby agreements were not offering value for money;
- excessive time and resource required ensuring quality assurance and mitigating risk. This includes processes for initial approval and on an on-going basis throughout the partnership term.

184. What makes a good agreement is not black and white, being somewhat dependent on what each party is looking for from the agreement. Some providers want more independence and autonomy. Others want more support. Some DABs want to simply provide accreditation. Others are looking to learn from their partners. Nevertheless, the common features that emerge as underpinning a more effective partnership are around stability and equitability, transparency and clarity, mutual gains, flexibility and responsiveness, and proportional due diligence processes that reflect providers' experience.

7. Innovation

185. This section presents issues relating to innovation and developing new practice in the HE sector.

186. The driving force of the HE reforms was to open up the HE market - to offer a more varied range of HE provision to a more extensive range of students.¹⁵

187. Several examples were given of where a broader choice of HE provision was being developed through partnership arrangements. This was often reflected in: the development of new courses or specialist offers; responding to local demand from employers; new delivery styles (including online); or more novel forms of assessment.

188. Many respondents detailed one of the key benefits of having new or additional providers in the marketplace as being that they can bring new ideas to the sector. Several providers and DABs described how APs and FECs are often closer to employers and to new groups of students in their sector, and agile enough to be able to respond to sector need.

We're currently discussing jointly running Degree Apprenticeships, using the money and management of the university with our business links and understanding of student needs.

189. However, many providers reported ways in which they felt they were being held back or where innovation was perceived as being stifled. Some DABs also felt that this was the case. This was based on the fact that providers were approaching them because they had been unable to secure approval for new ideas from other DABs. It was also because their existing provider partners had raised it with them as a concern and, as a result, they were trying to take steps to address it internally.

190. Providers detailed several ways in which they currently do or would like to innovate. Broadly, these were in terms of being able to offer:

- online/distance or blended learning;
- vocational elements of courses;
- accelerated learning;
- degree apprenticeships;
- specialist sector focus/course content;
- research degrees;
- postgraduate opportunities;

¹⁵ Higher Education and Research Bill: fact sheet. Department for Business Innovation and Skills, BIS/16/285

- niche offers;
- a bespoke piece of curriculum to meet employer need.

As a college we have masses of experience in apprenticeships and work related learning – it's what we do. But we're having to bring the [university] to the table. They're dragging their feet and saying it's all too difficult. But we've been doing it for years! And I daren't even mention wanting to offer online courses, because I can just imagine the response that would get.

191. Providers didn't want to be constrained to providing learning during traditional university term times or semesters, or typical 9am to 5pm working hours. They also wanted the ability to flex entry requirements for students, to account for different qualifications (such as vocational qualifications, or work experience - instead of the more customary route), and to use different assessment methods.

192. Providers explained that all of these ways to differ their offers were to widen participation, make HE more tailored to employment or to drive forward their sector in ways that students and employers wanted.

193. The restrictions they reportedly faced were due to:

- concern of risk to the DAB - reputational, financial, or quality and standards;
- lack of understanding from the DAB of market needs;
- inability of regulatory frameworks to accommodate different needs;
- attempts to limit competition and DABs wanting to maintain their status and reputation in the sector.

The universities just can't imagine anything other than hundreds of students sat in a lecture hall being taught. It's so last century and not what our students are used to. We want to offer learning from home, by online and some taught modules, but they just say that wouldn't be acceptable and there's no way to manage it.

194. This inability to allow more innovative approaches to HE was preventing some providers from entering the market (for example because their models of delivery did not match the academic regulations of the approving organisation). Some providers felt that DABs were resistant to change, had no need to expand provision beyond the traditional model, and were "out of touch" with market needs. Some felt DABs were deliberately trying to control the market and saw creative offers from other providers as a threat.

195. There was a reticence reported around being able to 'try out' new ideas, as take up levels could not be guaranteed or providers wanted to test the market by trialling ideas with smaller cohorts initially (which does not align with set minimum student numbers).

196. Some providers also felt stifled in their ability to meet the needs of their students by the fact that DABs were in some cases dictating the course fee to be charged to students. Whereas some providers had calculated that provision could be offered for a certain amount, their DAB partners were requiring that they increased the fee to the £9,000 cap. This was felt to be limiting their ability to meet the needs of a wider group of students.

We're being told that we should charge students as much as we can. We deliberately want our fees low to mean that our locals can afford it. They're already worried about the debt they're getting into.

197. Some DABs expressed concern that the desire to offer anything beyond a traditional DAB model of HE delivery (3 years, full time, face to face) would be too high risk. This was in terms of the perception that it would not be acceptable to external regulators, or the possibility of it not being adequately set up, monitored and assessed (and therefore that quality standards might not be maintained) or compatible with the DAB's own systems and processes.

198. Some DABs had concerns about the quality standards of more innovative courses and delivery models, as well as their longer-term viability. They explained that for all the initial effort and resource required to set up a partnership they needed certainty that it would be a success in that it would continue to run for many years with sufficient numbers of students (and therefore bring in the required income).

199. The consequences of these barriers on providers (both APs and FECs) were that they were:

- having to source new or multiple partners (which is timely, costly and can lead to variation in standards and student experience);
- unable to meet student and employer needs;
- unable to respond in a timely way and react to the requirements of the market.

200. This was felt to be limiting the market, making it stale (and set in its ways) and preventing access to it by as wide a range of students and providers as possible.

8. Degree Awarding Powers and Higher National Qualifications

201. This section describes the attitudes of providers (AP and FEC) and DABs and APs with DAP towards providers getting their own degree awarding powers. It sets out why some organisations have sought to obtain their own DAP and how they have experienced the process. It also explores reasons for not wishing to obtain DAP. Views of those providers offering HNCs and HNDs are also presented.

DAP

202. “All valid UK degrees are awarded by a university or other legally approved degree-awarding body that has overall responsibility for the academic standards and quality of the qualification.”¹⁶ (QAA)

203. There are three types of degree awarding powers (DAP):

- “foundation degree awarding powers (FDAP) give further education colleges in England and Wales the right to award foundation degrees;
- taught degree awarding powers (TDAP) give UK higher education providers the right to award bachelor's degrees with honours and other taught higher education qualifications, but not postgraduate research degrees as set out below under RDAP;
- research degree awarding powers (RDAP) give UK higher education providers with TDAP the right to award doctoral degrees and master's degrees where the research component (including a requirement to produce original work) is larger than the taught component when measured by student effort.”¹⁷ (QAA)

204. “These powers are ‘cumulative’. This means that a provider with teaching degree awarding powers can also award foundation degrees, and a provider with the power to award research degrees can award taught and foundation degrees. Only further education corporations may be granted foundation degree awarding powers... Any HE provider which does not currently hold degree awarding powers can apply to HEFCE [who] administer the process for the Government but the Quality Assurance Agency undertake the detailed assessment and provide advice.”¹⁸ (HEFCE)

¹⁶ QAA ‘Degree awarding powers and university title.’

¹⁷ Ibid.

¹⁸ HEFCE ‘Gateway for higher education providers’

Providers' desire for DAP

205. There was a general consensus amongst those interviewed that the process for applying for DAP was justifiably rigorous. Some of those interviewed indicated a desire to obtain their own DAP whilst others (including both APs and FECs) did not.

206. Those not looking to apply for their own DAP were not interested because the costs were too high or because they felt that doing so would mean losing the benefits they got from their existing accreditation partner. These benefits related to the kudos they got from their existing partner, which helped them to recruit students, administrative support, training, and collaboration.

207. In terms of cost, the fees of £60,000 for RDAP and £90,000 for FDAP or TDAP¹⁹ were considered too high a cost for providers, especially those with small numbers of students. There was also the time and resource for them to consider alongside any additional costs for consultancy/advisory fees.

It would be valuable for us in terms of assessment. But students value having a degree from [validating institution] and it is costly for a small organisation.

We are too small to think about TDAP.

We are too small and there is too much competition in our area.

Having a good university validate us brings good standards and gives us confidence in our quality.

208. Those wanting to apply for DAP accepted that it would take time and effort, but felt it was the best course of action for them in terms of business development and to secure autonomy and stability, and avoid issues and restrictions they had experienced with the partnership process. Several had selected a partner who they felt would support them with the process of applying for DAP. Some had started to map out areas for action and development in preparation for application and were working collaboratively with their validation partner in that endeavour.

209. An area more providers were interested in was gaining subject specific DAP. It was felt that this would better meet their needs (as many specialise) and be a more feasible and less expensive option. Some proposed that they could develop a sector specific consortium and jointly bid for subject specific DAP.

210. Those who had completed the F/TDAP process highlighted some issues around how it works. These included:

- lack of parity with universities in terms of the permanence of DAP as newer DABs can have their powers removed whereas DABs cannot;

¹⁹ Figures from QAA website - see <http://www.qaa.ac.uk>

- the costs were felt to be very high;
- the model was felt to be too focused on/embedded in traditional university practices and values, and did not sufficiently allow for or reflect technical applications/practices relevant to employers;
- some were concerned about the application process for university title once they had got TDAP. This was in terms of time taken (because the title helped recruitment and because their students wanted the kudos of a university degree from their organisation). Indeed some indicated that students had approached them asking if they could change their degree certification from the validating organisation to them now that they had DAP. Conversely, some providers wanted to retain contact with their previous partner DAB because they were not yet sure whether or not their students preferred a degree from the DAB or them.

Providers are not awarded DAP in perpetuity like other organisations.

It was costly. It was a long term plan that took us many years to store up cost reserves for.

211. APs who had recently secured TDAP indicated a reticence around partnering with other providers in terms of offering validation or franchise opportunities. This was because they wanted to build up a successful track record as a DAB in their own right first and taking on partners at this stage was considered too risky. One indicated that they felt that those with TDAP should not be able to validate subject areas they did not have expertise in.

We've not got plans to validate others. It's a reputational thing. We need to build our own reputation and consolidate first.

It is not a strategic aim to validate or franchise others.

212. Questions were raised by a small number of other providers about the potential for new DABs to validate and franchise in the future, who they would offer this to and in one case whether they might act more in their own interest than that of the sector more widely (for example by validating providers they are known to have links with, or placing additional restrictions on potential competitors).

DAB's views on providers getting DAP

213. Some DABs were not interested in working with or validating providers who wanted to get their own DAP. This was because they felt the upfront investment and effort to establish a partnership would be the same, but they would not have the prospect of a long-term relationship from which they could recoup some of the initial set up costs. Some indicated that having gained DAP, their partner could potentially then become a competitor.

214. Others encouraged it. They saw partnerships as more transient, their moral duty being to help other providers to develop, and as beneficial for students as it opens up the wider market.

We lost partners and student numbers because they got their own DAP but it is quality and opportunity for students that's the overriding factor.

We understand that relationships are not forever and organisations will want to move on [to get DAP].

215. There were some concerns raised about how universities had amassed the experience and expertise they felt necessary to accredit others over many years and that new DABs would not have this.

Providers offering Higher Nationals

216. A number of providers interviewed were offering courses at Higher National level, but not through to Degree level. They explained the reasons for this as including:

- there being no requirement from industry – where skills were more appropriate and highly valued than qualifications and where further qualifications could not be reflected in higher salaries (for example construction or horticulture);
- greater requirement (from students and employers) for vocational qualifications – such as Apprenticeships and courses with higher work-based elements than traditional degrees;
- the costs of offering degrees being too high – including validation and regulatory charges;
- the partnership conditions imposed by accreditors as being too restrictive – including minimum student numbers (as smaller or niche providers have smaller student cohorts).

217. Some had therefore looked into offering degrees as an option for them, whereas others had not due to lack of demand, what they had learnt about degree provision from other providers, or a limited understanding of how the whole partnership process works.

218. In general, especially for specialist providers, there was little desire to increase their provision to degree level.

9. Suggestions For Improvement

219. This section summarises the suggestions made by the interviewees to improve validation and franchise processes.

220. There were a range of suggestions made for how the issues reported could be addressed and how the validation and franchise 'system' could be developed to improve the whole partnership process. These are set out below.

221. There was no link between suggestions put forward and the type or characteristics of providers (in terms of APs, FECs, DABs, old or new, large or small). Neither was there necessarily agreement across groups of what improvements should be made. Suggestions were more likely based on the nature of the approval experienced and the motivations for entering partnerships. Suggestions made by various respondents included:

- the production of standard advice (on partnership processes and agreements), and on factors that support successful partnership. This is not to say agreements should be standardised, as they are at their best when they allow flexibility. Currently, there is a lack of guidance and exemplification from which providers and DABs can assess the merits and limitations of their own agreements and processes;
- more transparency on costs and how they are calculated, and of different partnership delivery models would be appreciated by the sector;
- offering a matching service. It was suggested that this could be a simple 'list' of those looking for partners and their requirements, and what DABs offer in terms of agreement coverage, services and support. Others felt it could be more advanced by serving to put parties in touch with each other;
- provision of arbitration and support when agreements falter or break down;
- having a national accreditation body that provides or oversees partnership agreements. It was felt this could help to ensure greater consistency and foster greater transparency in processes. However, many providers felt that having a single awarding body may limit the possibilities for mutual benefits to be gained, course or sector specialism, or for brokering a bespoke agreement to meet individual needs. It was generally those who had experienced difficulties in finding and securing a partner or variation between their partners who proposed this;
- introduce a central body who carries out quality checks and due diligence. As providers all have to have had several quality checks in order to be operating in the HE sector, some providers felt that the initial stage of the partnership process could be streamlined through the instigation of a body who could evidence that they were up to standard;
- greater transparency throughout the whole sector, about offers, motivations and charges. This includes the government making clear what their position is about the sector, and whether reforms are aimed at increasing competition, driving up standards, widening participation, reducing costs or providing the best student experiences which lead to the best future outcomes (for individuals or society);

- fostering better equality between providers. This was expressed as a move away from the hierarchical approach that sees DABs as the *best* providers of HE and the rest being inferior, and with systems set up to work for all providers and all models of partnership approaches. There was a lack of agreement on whose role it should be to provide this.

10. Conclusions and Areas for Further Research

Conclusions

222. Overall, the research found that there were many positive experiences of validation and franchise processes leading to mutual benefits both for the providers (who are subject to validation or franchise agreements) and for the awarding bodies (DABs who provide authentication services through a validation or franchise agreement).
223. There is no single - or one size fits all - model for validating or franchising provision. The processes for authenticating providers through validation and franchise agreements are multiple and varied. This is because both providers and DABs are seeking different things from, and have different motivations for, validation and franchise agreements and because DABs interpret the regulatory framework differently, and want to operate their partnership services in ways they believe protect their reputation, students, and quality standards.
224. These different models of operation are leading to different experiences of validation and franchising that, for some, is affecting ease of entry and ability to innovate to provide new forms of delivery or courses. In other ways the variation afforded by different DABs is helping to foster unique and beneficial arrangements and seeking to drive up standards across the sector.
225. A number of issues emerged from these varying practices and a number of suggestions for addressing these were raised. The major tension throughout was how to balance consistency and rigour with a need for flexibility and tailoring.
226. This research has shown that there are varying benefits and gains from the different models of operation but also significant challenges particularly in relation to finding a partner, transparency in the use of public funds, opportunities to innovate and trial new courses/modes of delivery, and to consistently uphold quality and standards.
227. Variations in delivery, while positively driving the development of novel, mutually supportive relationships for high quality HE, appear to be resulting in limited transparency, inconsistency, the potential for increased risk and less market responsiveness for students and employers. The challenge is to remove some of the obstacles and risks associated with the current system without either adversely affecting the global reputation of UK higher education or jeopardising the valuable role played by universities in developing, supporting and challenging new entrants to the higher education sector from which the wider benefits of partnership and collaboration can ensue.
228. What may help to address some of the issues encountered is more sharing of practice – to give all parties inspiration for what could be possible and the different ways in which arrangements can function.

Further research

229. There were a number of issues raised in the course of the interviews that may merit further research. These include:

- **franchise partnerships with overseas institutions.** This issue was commonly raised and often described as the largest growth area in terms of partnerships;
- **accreditation by non-specialists.** There was variation in those providers who were seeking partners who were specialists in their sector versus general validators. Benefits were cited for both cases, but it is unclear what material difference this makes – to the HE sector as a whole and to individual stakeholders (including students);
- **non-traditional delivery of HE.** The key areas of innovation and development detailed (online provision, blended learning, accelerated courses) have been subject to relatively little research, particularly in terms of how they compare with more traditional models (in terms of implementation, governance and student outcomes);
- **Degree Apprenticeships.** These were frequently mentioned by providers as being desired by students and employers yet causing the most difficulty for DABs to validate;
- **FE providers' views of HE provision.** Variation was found between those FECs who felt that they were best placed to deliver certain HE courses, and those who thought this should be the remit of universities (and APs);
- **other providers' appetite to offer degrees.** The small number of APs interviewed who did not currently have degree level courses validated by a DAB detailed a range of reasons for not pursuing this course of action;
- **post-Brexit changes.** Some DABs reported strategic decisions being made (such as establishing satellite campuses abroad) to deal with the anticipated impact of Brexit (potentially reducing their EU student cohort numbers), and which could impact on the HE market;
- **student experience.** This was described as being at the heart of all providers' considerations and yet it was not clear what this was based on and whether anyone has a comprehensive picture of how different routes into and through HE compare from the perspective of students;
- **views on the new HE reforms.** At the time this study was undertaken, the Higher Education and Research Act 2017 had just been passed by Parliament. There were many issues raised by respondents about what this would mean for them and its potential impact. They could see several benefits but also had significant concerns. Many reported not wanting to make changes to their provision now as they wanted to see what effect the implementation of the new Act would have.

Appendix A: Topic guide for use with providers

Following some screening questions to obtain background information, the interview will cover 4 areas:

- Finding a validator
- Entering into a validation agreement
- Opportunities and barriers of the validation system
- The overall influence of the validation system across the HE sector

Screening/Sampling Questions

Qs for all providers

What level of HE do you deliver?

- (i.e. Higher National, Foundation Degrees, Undergraduate and Postgraduate)

When did your institution start delivering HE?

Do you have validation agreements?

- How many?
- With whom?
- For what courses/sectors? (i.e.... type of subject, FT/PT, level)
- When put in place
- When did you first start being validated?

Do you have Franchise agreements?

- If yes
- How many?
- With whom?
- For what courses/sectors?
- When put in place
- When did you first start being franchised?

Do you deliver HE courses but do not have any form of validation or franchising agreement?

Do you deliver HN qualifications or other sub-degree course?

Are you (tick one):

- An AP for profit

- An AP not for profit
- An AP charity-led
- An FE - generalist
- An FE - specialist

What is the size of your organisation?

What is the age of your organisation?

What is your geographical location?

Types of students - e.g. typical v non-traditional

Questions for providers

SUB-GROUP 1 Qs

Qs FOR THOSE WITH NEITHER VALIDATION OR FRANCHISE (STRAIGHT FROM THE SCREEN TO THOSE)

Why have you not entered into a validation or franchise agreement?

Have you ever had?

- Which? Why did you choose that?
- Why did that end?

What do you know about validation and franchising?

What do you see as the benefits/downsides of having this type agreement?

What was it about this that put you off?

What needs to change in order for you to reconsider in future?

What more information or advice would be useful to help you make this decision?

SUBGROUP 2 Qs

DETAILED Qs FOR THOSE WITH AN AGREEMENT

Section One: Finding a Validator

Can you talk me through how you find a validator?

Section Two: Entering into a Validation Agreement

Tell me about how you entered into a validation agreement. Were you able to negotiate the terms you wanted to meet your needs?

Section Three: Opportunities and Barriers

What are the benefits and opportunities of the current validation system?

What are the risks and limitations of the current validation system?

Section Four: Franchising

Do you have a franchise arrangement?

Section Five: Influence of the validation system across the HE sector

How is the current validation system impacting the HE sector?

Is there anything that you think needs to be done to improve the system?

Section Six:

Is there anything else you would like to tell me about the current validation system and its role and impact on HE providers without DAP looking to enter the market?

Would you be willing to speak to this research team again?

Would you be willing to provide us with contact details for the HEI/DABs that a) validate you; b) you franchise with?

Close

Many thanks for your time.

STOP RECORDING

Appendix B: Topic guide for use with DABs

Following some screening questions to obtain background information, the interview will cover 4 areas:

- Finding a validator
- Entering into a validation agreement
- Opportunities and barriers of the validation system
- The overall influence of the validation system across the HE sector.

Screening/Sampling Questions

Qs for HE providers with DAP

Are you

- an HEI with DAP
- an AP with DAP
- an FE with DAP

When did your institution start delivering HE?

When did your institution gain DAPs?

Do you validate HE courses for other providers and/or sub-contract/franchise other providers to deliver your own courses?

If yes to sub-contract/franchise agreements

- How many?
- With whom?
- For what courses/sectors? (i.e. subjects/FT/PT, undergraduate, postgrad etc.)
- How long have you done this?

If yes to validation agreements

- How many?
- With whom?
- For what courses/sectors? (i.e. subjects/FT/PT, undergraduate, postgrad etc.)
- How long have you done this?

For HEIs (tick one)

- Russell group
- Non-Russell group

What is the size of your institution / organisation i.e. how many students have you got FT and PT?

What is the age of your institution / organisation?

What is your geographical location?

Types of students - e.g. typical or non-traditional?

Questions for providers with DAP

SUB-GROUP 1 Qs

FOR THOSE WHO ARE NOT CURRENTLY USING THEIR DAP POWERS FOR ANOTHER ORGANISATION

HEIs with no validation or franchising arrangement

Have you ever awarded degrees to students on courses taught at other providers?

Did you validate or franchise?

Why did you stop?

Have you considered it? Or been approached about offering it?

- Why do you not?

What would need to change for you to reconsider this in future?

What information or advice would help you make decisions in future?

SUBGROUP 2 Qs

FOR THOSE USING THEIR DAPs FOR OTHER ORGANISATIONS START HERE

Section One: Finding a Validator

Can you talk me through what happens when a provider approaches you to ask if you would act as a validator?

Section Two: Entering into a Validation Agreement

Tell me about how you entered into a validation agreement. What is the process from being approached to establishing an agreement?

Section Three: Franchising

Do you have any franchise arrangements? Anything about the franchise system that the validation system could learn from?

Section Four: Opportunities and Barriers

What are the benefits and opportunities of the current validation system?

What are the risks and limitations of the current validation system?

How is the current validation system impacting the HE sector?

Is there anything that you think needs to be done to improve the system? Or to better support APs/FECs/HEIs with DAP?

Section Five:

Is there anything else you would like to tell me about the current validation system and its role and impact on HE providers without DAP looking to enter the market?

Would you be willing to speak to this research team again?

Would you be willing to provide us with contact details for the APs that a) you validate; b) you franchise?

Close

Many thanks for your time.

STOP RECORDING

Appendix C: Sample frame provided/requested by DfE

The DfE requested that interviews be undertaken with 8 subgroups and set quotas for the number of interviews to be completed within each subgroup. The sample frames provided by DfE are set out in Table 4. The table include data extracted from across several different and not mutually exclusive datasets provided by the DfE to be used for sampling purposes.

Table 4: Sample Frame for AP, FEC and DAB subgroups

	APs & FECs without DAP			APs & FECs with DAP	HEIs with DAP			APs with HN but no HE degree accreditation	Total
	With franchise	With validation	No arrangement		Who validate	Who franchise	No arrangement		
	Sample 1	Sample 2	Sample 3	Sample 4	Sample 5	Sample 6	Sample 7	Sample 8	
All APs	All 732			All 7					APs
Sub sample	117	104	(See Note)					(See Note)	
AP sample size	7	20	10	4				5	46
All FECs	All 237		None	6					FECs
FEC sample size	3	5	None	1					9
All HEIs					All 108				HEIs
HEI sample size					10	5	5		20
Total sample	10	25	10	5	10	5	5	5	75
Sample Achieved	15	35	5	7	19	13	4	5	103

Note - Current sample numbers not known as the Alternative Provider dataset in process of being updated



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