

BIS | Department for Business
Innovation & Skills

**APPLICATIONS FOR THE GRANT
OF FOUNDATION
DEGREE-AWARDING POWERS**

Guidance and criteria for
applicant further education
institutions in
England and Wales
(1 October 2010)



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Introduction

This document provides guidance for applicant further education institutions (FEIs) seeking Foundation Degree-awarding powers in England and Wales. The guidance and accompanying criteria have been approved by the Department for Business, Innovation and Skills (BIS) and the Welsh Assembly Government (WAG), in consultation with the Wales Office, the Quality Assurance Agency for Higher Education (QAA), the (former) Skills Funding Agency (SFA) and the Privy Council Office.

FEIs considering applying for Foundation Degree-awarding powers should refer to the associated Companion Guide for Foundation Degree-awarding powers produced by BIS, QAA and WAG, available on the QAA website, for information on the application process.

The legal context

- 1 *Section 19 of the Further Education and Training Act 2007* amends Section 76 of the Further and Higher Education Act 1992 ('FHEA 1992') to enable the Privy Council to make Orders specifying institutions in England within the further education sector as competent to grant Foundation Degrees. Section 259 of the *Apprenticeships, Skills, Children and Learning Act 2009* further amends section 76 of the FHEA 1992 to enable the Privy Council to make orders specifying institutions in Wales within the further education sector as competent to grant Foundation Degrees. These FEIs are those incorporated under Section 15 or 16 of the FHEA1992 or designated under Section 28 of that Act.

The main bodies involved

- 2 In considering applications for Foundation Degree-awarding powers the Privy Council seeks advice from the appropriate territorial Minister with higher education responsibilities, as it is Ministers who determine the criteria against which applications are considered.
- 3 Before seeking advice from QAA, the relevant Government Department will assess the financial sustainability and make a risk assessment of an FEI. In the case of English applications, BIS will seek the views of the SFA. In the light of the advice given, the relevant Government Department will decide whether to seek advice from QAA.

The Criteria

- 4 An FEI that wishes to award its own Foundation Degrees will be required to demonstrate that it meets the relevant criteria. In particular, it must be able to show the effectiveness of its present regulatory and quality assurance arrangements and its capacity to meet the expectations on academic standards and quality management as set out in the Academic Infrastructure¹. **The *Foundation Degree qualification benchmark*, which is part of the Academic Infrastructure, can be accessed from the Quality Assurance Agency's website at <http://www.qaa.ac.uk/reviews/foundationdegree/benchmark/fdqb.pdf>.**

Section 1: Pre-requisites and criteria for Foundation Degree-awarding powers

- 5 In seeking Foundation Degree-awarding powers, FEIs should be able to demonstrate that they have had no fewer than four consecutive years' experience, immediately preceding the year of application, of delivering higher education programmes at a level at least equivalent to level 5 of *The framework for higher education qualifications for England, Wales and Northern Ireland* (FHEQ) published by QAA.
- 6 Scrutiny by QAA determines whether or not the applicant FEI is competent to exercise powers to award Foundation Degrees. The FEI must clearly demonstrate that there can be public confidence, both present and future, in its systems for assuring the academic standards and quality of its Foundation Degrees.
- 7 The overarching requirement for Foundation Degree-awarding powers is that 'an institution needs to be a self-critical, cohesive academic community with a proven commitment to quality assurance supported by effective quality and enhancement systems' as set out in the House of Commons Official Report vol. 201 Written Answers col. 31 (16 December 1991).
- 8 The criteria A-D in this document, taken as a whole, are designed to enable a judgement to be made about whether an applicant FEI satisfies the overarching requirement set out in the House of Commons statement. The criteria assess the capacity of the applicant to demonstrate firm guardianship of its academic standards and its capacity to contribute to the continued good standing of UK higher education. The criteria reflect the overarching requirements that are common to all bodies that award degrees in England and Wales including, in particular, demonstrating the effectiveness of its present regulatory and quality assurance arrangements and its capacity to meet the expectations of academic

¹ The Academic Infrastructure comprises the two frameworks for higher education qualifications (FHEQ), one for England, Wales and Northern Ireland, the other for Scotland; subject benchmark statements; programme specifications; and the *Code of practice for the assurance of academic quality and standards in higher education*.

standards and quality management as set out in the Academic Infrastructure. Indicative evidence is required from applicants to demonstrate how they meet the criteria.

- 9 To this end, QAA will be judging, through its examination of the evidence provided, and against the criteria, the extent to which an FEI can engender public confidence in its capacity to maintain the academic standards of the Foundation Degrees it offers. While some of the evidence that FEIs will provide will be quantitative, some will also be qualitative. All evidence will be subject to peer judgements by senior members of the academic community.

A: Governance and Academic Management

Criterion A1

1. An FEI granted Foundation Degree-awarding powers is governed, managed and administered effectively, with clear and appropriate lines of accountability for its academic responsibilities. Its financial management is sound and a clear relationship exists between its financial policy and the safeguarding of the quality and standards of its higher education provision. As is generally the case for other organisations receiving degree-awarding powers that are not primarily a higher education institution, its principal activities are compatible with the provision of higher education programmes and awards.

Explanation

2. Foundation Degree-awarding FEIs must be soundly based in all respects (constitutionally, managerially, financially and academically) so that there can be full public confidence in them and their Foundation Degrees. It is important that appropriate safeguards are in place to ensure that financial exigencies and other pressures do not jeopardise academic standards or the quality of programmes as specified in the programme specifications.

Evidence requirement

3. The applicant FEI will be required to provide evidence that:-
 - its financial planning, quality assurance, and resource allocation policies are coherent and relate to its higher education mission, aims and objectives;
 - its higher education activities take full account of the UK Academic Infrastructure and associated guidance;
 - makes reference to QAA's *Foundation Degree qualification benchmark* which is part of the Academic Infrastructure.
 - its higher education mission and associated policies and systems are understood and applied consistently both by those connected with the delivery of its higher education programmes and, where appropriate, by students;

- there is a clarity of function and responsibility at all levels in the FEI in relation to its governance structures and systems for managing its higher education provision;
- there is depth and strength of academic leadership across the whole of its higher education provision;
- it develops, implements and communicates its academic policies and systems in collaboration with those who have responsibility for the delivery of its higher education programmes, and with relevant stakeholders;
- its academic policies, systems and activities are monitored and reviewed and that appropriate and timely action is taken when deficiencies are identified;
- its academic risk and change management strategies are effective;
- it has in place robust mechanisms to ensure that the academic standards of its Foundation Degree awards are not put at risk; and
- it has the capability of managing successfully the additional responsibilities that would be vested in it were it to be granted Foundation Degree-awarding powers.

B: Academic Standards and Quality Assurance

Criterion B1

1. An FEI granted Foundation Degree-awarding powers has in place an appropriate regulatory framework to govern the award of its higher education qualifications.

Explanation

2. The security of the academic standards of Foundation Degrees depends in large measure on the regulations which govern their award. These can be expected to cover a wide variety of topics ranging from the approval of degree schemes through to the conduct of student assessments and appeals against academic decisions. Many of them are dealt with in the *Code of practice for the assurance of academic quality and standards in higher education* ('the Code of practice') published by QAA. FEIs that award Foundation Degrees are required to have in place a comprehensive set of regulations covering these matters.

Evidence requirement

3. The applicant FEI will be required to provide evidence that:-
 - the regulatory framework governing its higher education provision (covering, for example, student admissions, progress, assessment, appeals and complaints) is appropriate to its current status and is implemented fully and consistently; and
 - it has created in readiness a regulatory framework appropriate for the granting of its own higher education awards.

Criterion B2

4. An FEI granted Foundation Degree-awarding powers has clear and consistently applied mechanisms for defining and securing the academic standards of its higher education provision, wherever, however and by whomsoever it is offered.

Explanation

5. FEIs with Foundation Degree-awarding powers need to ensure that their qualifications meet the expectations of the Academic Infrastructure for higher education, published and maintained on behalf of the academic community in the UK by QAA. Within the Infrastructure the different levels of higher education qualifications and their distinguishing features are described in *The framework for higher education qualifications in England, Wales and Northern Ireland*. In order to meet these expectations, FEIs seeking degree-awarding powers will need to ensure that they have appropriate and effective quality assurance structures and mechanisms in place. This is particularly important where elements of a programme are offered outside the college's own environment. The public interest in the consistency and comparability of higher education qualifications requires that all degrees awarded by recognised degree-awarding organisations in the UK should at least meet the expectations of the FHEQ.

Evidence requirement

6. The applicant FEI will be required to provide evidence that:

- its higher education awards are offered at levels that correspond to the relevant levels of the FHEQ;
- the management of its higher education provision takes appropriate account of QAA's *Code of practice*, relevant subject benchmark statements, national guidance on programme specifications, and the requirements of any relevant professional, statutory and regulatory bodies;
- in establishing, and then maintaining, comparability of standards with other providers of equivalent level programmes, it explicitly seeks advice from and engagement with external peers and, where appropriate, professional and statutory bodies and relevant employers;
- its programme approval, monitoring and review arrangements are robust, applied consistently, have at all levels a broadly based external dimension and take appropriate account of the specific requirements of different levels of award and different modes of delivery;
- where its programmes are delivered outside the college's own environment, appropriate and effective quality assurance mechanisms are used to ensure the maintenance of academic standards and quality; and
- there is an explicit and close relationship between academic planning and decisions on resource allocation.

Criterion B3

7. The education provision of an FEI granted Foundation Degree-awarding powers consistently meets its stated learning objectives and achieves its intended outcomes.

Explanation

8. FEIs offering higher education awards are expected to consider carefully the purposes and objectives of the programmes they are offering. They are also expected to design their curricula and learning support provision in a way that will give diligent students the best chance of achieving the purposes and objectives and the necessary academic standards for the qualification being sought. FEIs offering higher education awards must have the means of establishing for themselves that their intentions are, in practice, being met.

Evidence requirement

9. The applicant FEI will be required to provide evidence that:-

- its strategies for learning and assessment are consistent with stated academic objectives and intended learning outcomes;
- relevant staff are informed of, and provided with guidance on, its policies and procedures for programme design, monitoring and review;
- responsibility for amending or improving new programme proposals is clearly assigned and subsequent action is carefully monitored;
- coherence of programmes with multiple elements or alternative pathways is secured and maintained;
- close links are maintained between learning support services and the FEI's programme planning, approval, monitoring and review arrangements;
- robust arrangements exist for ensuring that the learning opportunities provided to those of its students that may be studying at a distance from the FEI or in work based settings are adequate;
- through its planning, approval, review and assessment practices, it defines, monitors, reviews and maintains its academic standards;
- its assessment criteria and practices are communicated clearly to students and staff;
- its assessment practices fully cover all declared learning objectives, learning outcomes and modes of delivery;

- appropriately qualified external peers are engaged in its assessment processes and that consistency is maintained between internal and external examiners' marking;
- the reliability and validity of its assessment procedures are monitored and that its assessment outcomes inform future programme and student planning; and
- clear mechanisms are in place for use when a decision is taken to close a programme or programme element, and that, in doing so, the interests of students are safeguarded.

Criterion B4

10. An FEI granted Foundation Degree-awarding powers takes effective action to promote strengths and respond to identified limitations.

Explanation

11. An FEI that has powers to award its own Foundation Degrees must have in place the means of critically reviewing its own performance. It needs to know how it is doing in comparison with other similar organisations and have in place robust mechanisms for disseminating good practice; it must also be able to identify limitations or deficiencies in its own activities and take timely and effective remedial action when this is called for. This implies both internal and external elements in the periodic review of its activities.

Evidence requirement

12. The applicant FEI will be required to provide evidence that:
 - critical self-assessment is integral to the operation of its higher education provision and that action is taken in response to matters raised through internal or external monitoring and review;
 - clear mechanisms exist for assigning and discharging action in relation to the scrutiny, monitoring and review of agreed learning objectives and intended outcomes;
 - ideas and expertise from within and outside the FEI - particularly from relevant employers (for example on programme design and development, on teaching, and on student learning and assessment) are drawn into its arrangements for programme design, approval and review; and
 - effective means exist for encouraging the continuous improvement of quality of provision and student achievement.

C: Scholarship and the pedagogical effectiveness of academic staff

Criterion C1

1. The staff of an FEI granted powers to award Foundation Degrees will be competent to teach, facilitate learning and undertake assessment to the level of the qualifications being awarded.

Explanation

2. The capacity and competence of the staff who teach, and who facilitate and assess learning, are central to the value of the education offered to students. FEIs awarding their own degrees have a crucial responsibility to ensure that students' chances of receiving a worthwhile education and securing the necessary academic standards for their Foundation Degree qualification are maximised by effective teaching. This includes a responsibility for ensuring that staff maintain a close and professional understanding of current developments in scholarship in their subjects and that structured opportunities for them to do so are both readily available and widely taken up. It also means that teaching for degree-level qualifications should reflect, in a careful, conscious and intellectually demanding manner, the latest developments in the subject of study. FEIs also have a responsibility for making certain that the assessment of their students is carried out in a professional and consistent way that ensures the maintenance of the academic standards of their degrees.

Evidence requirement

3. The applicant FEI will be required to provide evidence that all teaching staff engaged with the delivery of its higher education programmes have relevant:-
 - academic and/or professional expertise;
 - engagement with the pedagogic development of their discipline (through, for example, membership of subject associations, learned societies and professional bodies);
 - knowledge and understanding of current scholarly developments in their discipline area and at a level appropriate to a Foundation Degree and that such knowledge and understanding directly inform and enhance their teaching;
 - opportunities for accessing relevant employment experience and studying the implementation of relevant and up to date professional practice; and
 - staff development and appraisal opportunities aimed at enabling them to develop and enhance their professional competence and scholarship.

In addition, the applicant FEI will be required to provide evidence that staff with key programme management responsibilities (for example, programme leaders and assessment coordinators) have relevant:-

- experience of curriculum development and assessment design; and
- engagement with the activities of providers of higher education in other organisations (through, for example, involvement as external examiners, validation panel members, or external reviewers).

D: The environment supporting the delivery of Foundation Degree programmes

Criterion D1

1. The teaching and learning infrastructure of an FEI granted Foundation Degree-awarding powers, including its student support and administrative support arrangements, is effective and monitored.

Explanation

2. The teaching and learning infrastructure - all those facilities and activities that are provided to maximise students' chances of experiencing a worthwhile education and of obtaining the qualification they are seeking - is a means to an end. FEIs that award their own Foundation Degrees are expected to have in place mechanisms for monitoring whether their teaching and learning infrastructure is meeting stated objectives and for responding to identified limitations in a timely and effective manner.

Evidence requirement

3. The applicant FEI will be required to provide evidence that:
 - the effectiveness of its learning and teaching activities is monitored in relation to stated academic objectives and intended learning outcomes;
 - students are informed of the outcomes of assessments in a timely manner;
 - constructive and developmental feedback is given to students on their performance;
 - feedback from students, staff, employers and other institutional stakeholders is obtained and evaluated and clear mechanisms exist to provide feedback to all such constituencies;
 - students are advised about, and inducted into, their study programmes in an effective way and account is taken of different students' needs;
 - available learning support materials are adequate to support students in the achievement of stated purposes of their study programmes and all students, part- time or full- time, have equal access to learning resources and support materials;

- the effectiveness of any student and staff advisory and counselling services is monitored and any resource needs arising are considered;
- its administrative support systems are able to monitor student progression and performance accurately and provide timely and accurate information to satisfy academic and non-academic management information needs;
- it has in place effective and confidential mechanisms to deal with all complaints regarding academic and non-academic matters;
- the staff involved with supporting the delivery of its higher education provision are given adequate opportunities for professional development;
- the information that it produces concerning its higher education provision is accurate and complete; and
- equality of opportunity is sought and achieved in its activities.

Section 2: Scope, duration and renewal of degree-awarding powers

1. FEIs granted Foundation Degree-awarding powers will be able to award Foundation Degrees only. Powers will be granted by an Order of Council.

Limitations to powers

2. Section 76 of the FHEA 1992 (as amended) by section 19 of the *Further Education and Training Act 2007* for England, and Section 259 of the *Apprenticeships, Skills, Children and Learning Act 2009* for Wales) gives the Privy Council authority to limit the Foundation Degree-awarding powers by making the Order subject to the following restrictions:-
 - preventing an FEI from authorising another institution to award a Foundation Degree on its behalf; and/or
 - preventing an FEI being able to award Foundation Degrees to students not enrolled with the FEI at the time they completed the course of study for which the award is granted.
3. The appropriate Government Department is likely to recommend to the Privy Council that an FEI should have restricted powers and that the powers should be time limited to six years in the first instance.

Renewal of powers

4. Subject to a satisfactory QAA assessment before the end of this six-year 'probationary' period, the appropriate Government Department will advise the Privy Council on the scope of the powers to be awarded.

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