

Memorandum of understanding

Introduction

1. This memorandum of understanding sets out the understanding of the Young People's Learning Agency (YPLA) and the Office of Qualifications and Examinations Regulation (Ofqual) of the principles that will underlie relations between them.
2. The memorandum is intended to secure effective working arrangements between the parties. It is not intended to cover every detailed aspect of the relationship between them. It is a statement of principles that will guide relations between them to ensure sufficient arrangements are in place to enable them to discharge their respective responsibilities effectively and to avoid duplication of effort, misunderstanding or unnecessary impact on third parties.
3. This memorandum is not legally binding. It will serve as a working document that will be subject to review in the light of operational practice. Where appropriate, this memorandum will be supported by further operational agreements.
4. Throughout this memorandum, Ofqual and YPLA will be referred to collectively as 'we' and the expressions 'our' and 'us' will be used accordingly.
5. This memorandum should be seen in the context of the relationships that Ofqual has with ministerial departments and YPLA has with its sponsoring department, the Department for Education (DfE).

Review of memorandum

6. This memorandum may be amended at any time by agreement of both parties. In addition, this memorandum will be reviewed annually and updated as necessary in the light of experience of its operation in practice.

Roles and responsibilities

7. The Apprenticeships Skills, Children and Learning Act 2009 (the ASCL Act) established Ofqual as a non-ministerial government department. While it is a part of government, it is accountable to Parliament and not Ministers for its judgements and the performance of its functions.

8. In relation to England, Ofqual regulates awarding organisations and the qualifications they award or authenticate. Ofqual also regulates the statutory assessment arrangements for the national curriculum and those for the early years foundation stage. In addition, Ofqual regulates vocational qualifications in Northern Ireland.
9. Under Section 61 of the ASCL Act, the YPLA has a duty to secure the provision of financial resources to persons (including local authorities) providing, or proposing to provide, suitable education and training to young people in England who are over compulsory school age but under 19, or are aged 19 to 24 and subject to learning difficulty assessment. The YPLA also has responsibilities in respect of young people aged 10-18 in youth custody and for all learners in open Academies.
10. Through a nationally determined and consistent process, the YPLA allocates funds for young people's learning at schools, colleges, training providers, Academies, Independent Specialist Providers for learners with learning difficulties and/or disabilities and for young people in youth custody in England. The YPLA ensures that funds transfer to those providers, either direct or through an intermediary.
11. Whilst respecting the distinctive roles and responsibilities of each organisation, along with Ofqual's independence as a regulator, there are a number of areas of shared interest and interface in the context of provision which is regulated and publicly funded for young people in England. These include:
 - the reasonable needs of learners are met; especially those of young people through ensuring qualifications are relevant, appropriate and fit for purpose.
 - the range of regulated qualifications available is appropriate and the guided learning hours assigned to regulated qualifications are robust and reliable.
 - regulated qualifications and their assessment arrangements give a reliable indication of achievement and indicate a consistent level of attainment (including over time) between comparable regulated assessments.
 - discrimination is eliminated and equality promoted by taking account of the needs of learners across all equality groups.

- bureaucracy in the system is minimised and the system is easy to understand; this will be underpinned by a synergy and complementarity in activities, especially research and communications.
- publicly funded qualifications offer value for money and are developed and delivered within an efficient and competitive market.
- public confidence in regulated qualifications and their value is upheld.

Working relationship

12. We will seek to build on the good working relationship that already exists between us by:

- reviewing the relationship at regular intervals to ensure that it supports the joint aim of providing a first class qualifications system for England.
- working together, in an open and transparent manner, updating each other appropriately as policy and regulation are developed, to guard against unintended consequences and/or perverse incentives.
- seeking to ensure that discrimination is eliminated and equality promoted by taking account of the needs of all learners, particularly those with a disability.
- informing stakeholders about our relationship so as to reduce regulatory uncertainty.
- respecting each other's views, where different, ensuring proper understanding of the reasons for any such differences.
- respecting each other's different responsibilities, accountability structures and legislative frameworks.
- by being constructive, and proactively seeking solutions when barriers to delivery are identified.

Treatment of matters of common interest

13. We are committed to the principle of good communication with each other on areas of mutual interest to avoid surprises. This will be done through regular liaison and regular discussion on relevant issues and supported by a shared communication protocol. The intention is not to constrain the discretion of either

party, but to allow each to make representations to the other in sufficient time for those representations to be considered.

14. To support the principle of good communication, we will:

- brief one another as soon as practicable on relevant developments within our respective areas of responsibility, whenever possible prior to public release of any publications, reports, press releases or speeches.
- give appropriate consideration to the other's views and explain where we do not agree.
- provide information and data as reasonable and practical in confidence where necessary and appropriate and subject to the Freedom of Information Act 2000, the Data Protection Act 1988 and the ASCL Act, and other constraints (e.g. commercial confidentiality, price sensitive matters).

15. We will invite each other to press conferences and other events hosted by one and of interest to both.

16. As far as possible and where appropriate, we will liaise, involve and keep each other informed as necessary on drafting key documents where relevant to the other's functions.

Exchange of information

17. We will aim to avoid duplication by sharing the collection of information in line with the principles of collecting data once and using many times.

18. Each party will also provide information in its possession that may be reasonably requested by the other, subject to necessary confidentiality constraints and safeguards and statutory bars on disclosure. We will, in line with Freedom of Information Act provisions on information provided in confidence, refer back to the originating party any requests for information we hold but did not collect and which we are aware is confidential in nature. Each party will make the other party aware of any significant disclosure it intends to make to a third party of any information it received from that other party.

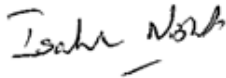
Disputes

19. If there is a dispute about the interpretation and/or operation of the memorandum that cannot be resolved between us at a working level, the Chief Executive of Ofqual and the Chief Executive of YPLA will be responsible for resolving the issue. Both organisations will commit to meeting within three weeks of the initial escalation in order to secure speedy resolution.

Publication of memorandum

20. Both YPLA and Ofqual will place a copy of this memorandum on their respective websites www.ypla.gov.uk and www.ofqual.gov.uk.

Signed by:



For Ofqual

Name: Isabel Nisbet
Title: Chief Executive
Date: 10 December 2010

Signed by:



For YPLA

Name: Peter Lauener
Title: Chief Executive
Date: 10 January 2011