EXPLANATORY MEMORANDUM TO

THE RECOGNITION OF OVERSEAS QUALIFICATIONS (CHARGES) REGULATIONS 2024

2024 No. 942

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Education ("DfE") and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Jacqui Smith, Minister for Skills at the DfE confirms that this Explanatory Memorandum meets the required standard.

2.2 Oscar Tapp-Scotting, Deputy Director for International Evidence and Trade, at the DfE confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Sarah Allen, Policy Officer in the International Qualifications team, at the DfE can be contacted with any queries regarding this Instrument via email: ukenic.FEESSI@Education.gov.uk

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This Instrument states the charges payable for services relating to the comparability and recognition of UK and overseas qualifications. These services are provided in pursuance of international obligations. These services are provided by the UK's National Information Centre (UK ENIC) operated by an external organisation providing the services on behalf of the DfE ("the UK ENIC services").

4.2 The Instrument provides a statutory basis for charges for the UK ENIC services. The UK ENIC services are provided to a variety of users including individuals with non-UK qualifications, government departments both in the UK and internationally, academic institutions, professional and regulatory bodies, commercial and charitable organisations and employers.

Where does the legislation extend to, and apply?

4.3 The extent of this Instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.4 The territorial application of this Instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

5. Policy Context

What is being done and why?

5.1 The UK is a signatory to two international treaties about the recognition of academic qualifications which are the 'Convention on the Recognition of Qualification concerning Higher Education in the European Region', signed by the United Kingdom on 7th November 1997; and the 'Global Convention on the Recognition of Qualifications concerning Higher Education', signed by the United Kingdom on 25th November 2019 (together "the Conventions").

5.2 The Conventions aim to facilitate academic and professional mobility between states and enhance international cooperation and trust in higher education. The Conventions oblige the signatory states to implement the recognition of overseas qualifications and set out how recognition decisions shall be made. The Conventions also require signatory states to establish and maintain a national information centre that facilitates access to information about higher education and qualifications. UK ENIC fulfils information and recognition functions for the United Kingdom.

5.3 The UK ENIC services include:

- 'statements of comparability' that evidence the comparability of overseas qualifications with UK qualifications. This is useful for access to higher education and to employment in the UK including health and social care, business administration, law, ICT, construction, and engineering.
- 'UK qualification reference statements' that provide information about an individual's UK qualification, such as qualification entry requirements, the level of the qualification, progression routes or information about the relevant issuing body. This can be useful to demonstrate the scope of a qualification overseas or in the UK.
- 'refugee bundle service' and a 'standard bundle service' that provide a specified number of 'statements of comparability' for relevant organisations and companies. This is useful for those who make frequent applications for the 'statement of comparability' service. Bundles provide a cheaper and more convenient option than one-off 'statement of comparability' applications.
- 'subscription packages' allowing subscribers access to a range of services including, but not limited to, access to an online database(s) for 5 to an unlimited number of users depending upon the subscription package selected.

5.3 The UK ENIC services are fulfilled through a contract between an external provider and the DfE. The services have been provided since at least 2014.

5.4 The charges are set at cost across the UK-ENIC services on an aggregate basis.

5.5 The level of charges will be kept under review.

What was the previous policy, how is this different?

5.6 This Instrument provides statutory authority to charge for the UK ENIC services. To date, DfE has considered the services to be 'commercial' (as defined in 'Managing Public Money[1]') and not requiring statutory authority. However, in 2024, following a review, DfE has concluded that there is a legitimate alternative analysis. As such, it has been decided to make statutory provision for charging for relevant services.

[1] https://www.gov.uk/government/publications/managing-public-money

5.7 This Instrument does not make any change to the UK ENIC services, or the level of charges for those services (aside from changes to VAT). There is therefore no adverse change for the users of the UK ENIC services.

6. Legislative and Legal Context

How has the law changed?

6.1 This Instrument puts beyond doubt its power to charge for these services. This Instrument therefore provides statutory authority for the charges payable for UK ENIC services. The UK ENIC services are provided in pursuance of international obligations. This Instrument does not amend or relate to any existing legislation.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 No public consultation has been undertaken as there is no practical impact on users of the UK ENIC services.

7.2 The DfE has consulted the Devolved Administrations about this Instrument and there were no objections.

8. Applicable Guidance

8.1 No guidance is required for this Instrument.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this Instrument because it was determined that it is out of scope of the Better Regulatory Framework as this Instrument does not directly regulate or deregulate business.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this Instrument is not creating any new requirements for any of these sectors and does not impact an organisation carrying out its business activities wholly or in part as a private service.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because this Instrument does not introduce or modify requirements and it does not affect how public sector bodies operate.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 This Instrument will be kept under review to monitor the level of charges to maintain cost recovery and to ensure the services included in the Instrument are those provided through a contract between an external provider and the DfE.

10.2 The Instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

11.1 The charges set out in this Instrument are set at cost across the UK-ENIC services on an aggregate basis.

12. European Convention on Human Rights

12.1 As this Instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This Instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").

13.2 It does however relate to the withdrawal of the United Kingdom from the European Union because the name of the body providing the services has changed. The services in this Instrument are performed by UK ENIC, the UK national recognition agency. This function was, prior to the UK's withdrawal from the European Union, called UK NARIC. The services and international obligations have not changed.