# Form B3

# Due Diligence/Institutional Approval/Re-approval evidence request

## Overseas institutions

## Briefing Note

## Initial approval

The University carries out a due diligence process on all prospective partner institutions. The due diligence process refers to the task of carefully reviewing and verifying all critical assumptions and facts presented by an institution, to enable the University to be confident that institutions with which it plans to work closely are of appropriate legal, technical and financial standing, and that the intended collaboration does not present the University with any particular difficulties in principle. The due diligence process is concerned with the approval of the collaborative institution in principle, and is thus separate to the validation process which is concerned with course delivery.

Due diligence is an evidence-based process, and as such, prospective partner institutions are required to provide evidence relating to various different aspects of their operation. For the list of evidence see below. Evidence may be provided electronically by email, or via web links.

*Note: any original documents which are not written in English should be translated prior to being submitted to the University.*

Based on the evidence provided by the prospective partner institution for the due diligence exercise, the University’s Academic Council will make a decision on whether it can be approved as a partner institution of the University. It is important that the due diligence information provided by the institution to the University is accurate and complete and as such a warranty to this effect will be included in any eventual contractual documentation.

## Re-approval

Each collaborative partnership will be subject to Institutional Re-approval every five years. The purpose of Institutional Re-approval is to assess whether the general conditions for the partnership, at an institutional level, are still being met. The evidence supplied will inform an Institutional Re-approval Report, compiled by Quality Assurance and Enhancement, which will be submitted to the Quality Assurance Portfolio Change Committee (QAPCC) for approval.

## Contingency Plans

As a registered provider of higher education, the University is required to have in place a Student Protection Plan (SPP) designed to preserve the continuation and quality of study for all current and potential students registered on a Kingston University award wherever it is delivered. The SPP is designed to provide assurance that the University has in place appropriate measures to protect the continuation of study.

A feature of the University’s SPP is the requirement for contingency plans for all courses delivered by its collaborative partners. The Contingency Plan sets out the actions that would be taken to mitigate against those circumstances where a partner organisation is not in a position to continue to deliver the KU award as originally intended.

As part of the initial due diligence exercise and to allow the University to assess the risks of non-continuation of delivery, the relevant KU faculty is required to indicate those contingencies that would be adopted if the partner were at any point in the future unable to continue to deliver the KU award(s) they are approved to deliver.

***Note:***

The University will be happy to respond to any reasonable requests for due diligence which prospective partner institutions may wish to undertake on the University.

## List of evidence required

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| **Evidence required** | **Please tick below where documents will be attached to the form and add web links where appropriate** |
| **Legal status and governance structure** * Name, trade name and principal address
* A copy of the founding / governing documents which describe the legal basis of the organisation (eg: Memorandum and Articles of Association for private companies, or relevant statutes/government authorisations for public bodies)
* Organisation chart indicating ownership and governance structure
* Independent audit reports (if available)
* Details (including membership list and terms of reference) of committees responsible for corporate governance, indicating internal and external members
* Details about how the Institution is funded

**FOR DOUBLE, JOINT OR DUAL AWARDS*** Evidence that the Institution has the legal authority to establish Double, Joint or Dual Award arrangements and that Double, Joint or Dual awards will be recognised in the Institution’s country
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| **Disputes*** Details of any of the following which is current, or which is known to be pending, threatened or possible in relation to the Institution or the proposed collaboration:
* Any litigation or arbitration proceedings (whether as claimant or defendant);
* Any prosecution; and
* Any investigation or inquiry by a governmental or official body
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| **Mission and strategic plan*** Copy of the Institution’s mission statement
* Copy of the Institution’s Strategic Plan (or equivalent)
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| **Finance*** The audited accounts or equivalent records of the Institution for the last three years
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| **Previous validating organisations** * References from previous validators or

 other relevant bodies |  |
| **Other partnerships*** Details of partnerships with other Universities/Higher Education Institutions either within or outside the UK (*Note: where appropriate, Kingston University may contact these institutions)*

List of other significant business interests and links  |  |
| **National statutory or regulatory conditions** * Details of the organisation of higher education in the country where the collaboration will be based;
* Details of any regulatory or statutory requirements of central or regional authorities in the country, including any authorisations, accreditations or licenses which the Institution and/or Kingston University would need to obtain in order to proceed with the collaboration
* The HE structures in the country
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| **Intellectual Property*** Confirmation that the Institution owns all intellectual property rights in work done by its staff under their contracts of employment
* Clarification as to who owns the intellectual property rights in work done by its students
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| **Bribery Act 2010*** The Institution’s written policy that prohibits bribery (including facilitation payments), and an outline of the disciplinary or other mechanisms the institution would undertake to address suspected cases of bribery/fraud.

*(Note: Kingston University is required to request this evidence in order to ensure that it complies fully with the UK Bribery Act 2010)*If no such policy exists, partner institutions may meet this requirement by confirming that they will adopt Kingston University’s Anti-Bribery policy: [Policies and regulations - How the University works - Kingston University London](https://www.kingston.ac.uk/aboutkingstonuniversity/howtheuniversityworks/policiesandregulations/#anti) |  |
| **Equality Act 2010**The Institution’s assurance that:• It will reasonably assist with the University’s responsibilities under the [Equality Act 2010](https://www.equalityhumanrights.com/equality), which prevents discrimination based on the following  protected characteristics:* + Age
	+ Disability
	+ Gender Reassignment
	+ Marriage and Civil Partnership
	+ Pregnancy and Maternity
	+ Race
	+ Religion or Belief
	+ Sex
	+ Sexual Orientation

The principles of the Equality Act may be adopted in a designated policy, or in other institutional policies (e.g. Admissions, or Pregnancy and Maternity policies). If no such policy exists, partner institutions may meet this requirement by confirming thatthey will adopt relevant Kingston University policies.[Religion and Belief](https://cdn.kingston.ac.uk/documents/user-upload/kingston-university-2a37e53e8a6-ap11-religion-and-belief-policy.pdf)[Student Pregnancy, Maternity, and Becoming a Parent During Study](https://cdn.kingston.ac.uk/documents/user-upload/kingston-university-e33cd2e722e-ap02-student-pregnancy-maternit.pdf)[Gender Identity and Expression Policy](https://cdn.kingston.ac.uk/documents/user-upload/kingston-university-892220919af-gender-identity-and-expression-.pdf) |  |
| **Modern Slavery Act 2015**The Institution’s assurance that:* It will reasonably assist the University with compliance with The Modern Slavery Act 2015 and will do nothing which might put the University in the position of committing an offence under that Act.
* It does not engage in, or condone, the practices of human trafficking, slavery or forced labour in a work environment.
* Where it has UK workers, those workers are in receipt of the minimum wage.
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| **Safeguarding** * The Institution’s written policy that outlines its approach to safeguarding.

‘Safeguarding’ means protecting the safety, wellbeing and rights of individuals particularly young and vulnerable people.(Note: Kingston University is required to request this evidence in order to satisfy Government that it is fulfilling its duty to have due regard for the students enrolled on its courses) If no such policy exists, partner institutions may meet this requirement by confirming that they will adopt Kingston University’s Safeguarding Policy.[kingston-university-3a4bd57c3ed-safeguarding-policy-2023-24-new.pdf](https://cdn.kingston.ac.uk/documents/user-upload/kingston-university-3a4bd57c3ed-safeguarding-policy-2023-24-new.pdf) |  |