

**Collaborative Partnerships Process: DUE DILIGENCE CHECKLIST GUIDANCE**

**INTRODUCTION**

This is the Guidance Note for the University of Dundee’s Due Diligence Checklist.

**GUIDANCE ON USING THE DUE DILIGENCE CHECKLIST**

When developing an idea for a partnership under the Collaborative Partnerships Process: Development Procedure due diligence must be carried out for all proposed partnerships, which have been categorised as Tier A, B or C (as defined in section 10.2 of the Code of Practice) and existing partnerships in certain circumstances.

The Due Diligence Checklist has been created to allow the University to consider partnership opportunities fairly and consistently.

The information gathered during the due diligence process through the Due Diligence Checklist will help the University to better consider important aspects of the proposed partnership to determine whether it is creditable and sustainable.

The results of the due diligence process should inform the preparation of the partnership’s Risk Review and Action Plan and will also better support the outcome of any legal agreement.

**RENEWALS OR MATERIAL CHANGES**

Whilst it is expected that the Due Diligence Checklist will be used primarily for new partnerships, due diligence should be refreshed where a collaboration is being reviewed, renewed or where there is a material change to the partnership proposed.

A list of material changes is noted below as a guide:

* Change of ownership;
* Merger;
* Financial issues, including non-payment of fees;
* Change in senior staff, for example the Principal;
* Significant change in the nature of the collaboration;
* Relocation to a new, or significant change to existing premises;
* Report by an external body which raises issues with management of academic standards, or the quality of student learning opportunities; or
* Change in the guidance provided by the Foreign and Commonwealth Office regarding security and travel to a specific county.

Please contact the Global Partnerships Manager for your School to discuss whether a refresh of due diligence is required in the first instance.

**ROLES AND RESPONSIBILITIES**

**RESPONSIBLE PERSON:**  responsible for completing the Due Diligence Checklist Part 1; preparing or updating the Risk Review and Action Plan based on the results of the due diligence process; monitoring the partnership and managing the relationship with the partner to identify any changes, (including material changes) that could affect the partnership and require the due diligence to be refreshed; notifying both their School Executive Group and Global Partnerships Manager of any changes in a timely manner.

**GLOBAL PARTNERSHIPS** – responsible for supporting the Responsible Person to complete the Due Diligence Checklist Part 1 by providing advice and assistance; sending the Due Diligence Checklist Part 2 to the Partner Institution; scoring the Due Diligence Checklist and allocating a Risk Level in the first instance; updating the Risk Review and Action Plan; escalating issues on Due Diligence to Legal including any requirement for Enhanced Due Diligence.

**LEGAL –** responsible for providing support and guidance to the Global Partnerships Manager on escalation of any issues regarding Due Diligence including any requirement for Enhanced Due Diligence.

**DUE DILIGENCE CHECKLIST**

**Please read thIS GUIDANCE note before COMPLETING THE DUE DILIGENCE CHECKLIST**

The Due Diligence Checklist consists of:

1. Part 1 - to be completed by the Responsible Person
2. Part 2 - to be sent to and completed by the Partner Institution

Part 1 should be completed by the Responsible Person with support from the Global Partnerships Manager who can provide advice and guidance throughout the development of the documentation.

Part 2 will be sent by the Global Partnerships Manager to the Partner Institution with a request for them to complete part 2 and provide supporting evidence for each question on the Checklist for example a University Charter, Articles of Association, copies of policies, accounts, etc.

Once fully completed, the Checklist plus all supporting evidence will be reviewed by the Global Partnerships Manager along with the Risk Register and (if appropriate) a Programme Quality and Governance Assessment Form.

Where documentary evidence is regarded as not acceptable, further information should be sought from the Partner Institution. Your Global Partnerships Manager can assist you with what further information is required.

The Due Diligence Checklist will be assessed in line with the International Collaboration Risk Appetite Statement.

Any risks highlighted from the Due Diligence Checklist should be added to the Risk Review and Action Plan for the partnership.

Each answer on the Due Diligence Checklist will be scored at the level of risk associated with the partnership:

* 3 points – Low Risk
* 2 points – Moderate Risk
* 1 point – Higher Risk

Each answer should be assessed, and an appropriate score given based on the response. The following table is a guide on how to score the Due Diligence Checklist.

Where either no answer or insufficient supporting evidence is provided, a score of 1 point should be allocated.

**PART 1 – TO BE COMPLETED BY RESPONSIBLE PERSON**

**PARTNER INSTITUTION: [INSERT NAME & ADDRESS]**

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| --- | --- | --- | --- |
|  | **CHECKLIST** | **ANSWERS** | **HOW TO SCORE**  ***If no answer is given assign 1 point*** |
| 1. **COLLABORATING INSTITUTION BACKGROUND** | | | |
| **1** | Partner Institution is a: | **Not for profit**  **Publically funded University**  **Other Not for Profit**  **For profit\***  **Private University**  **Limited Company**  **Other For Profit**  ***\*Please seek 3 years of annual accounts from the Collaborating Institution*** | Not for profit - 3 points  For profit and 3 years annual accounts provided – 2 points  For profit and no accounts provided – 1 point |
| **2.** | Geographical Location | |  |  |  | | --- | --- | --- | | **UK** | **Europe** | **China** | | **Other Asia** | **North America or Australia** | **South America** | | **Middle East** | **India** | **Africa** | | UK or Europe – 3 points  North America or Australia – 2 points  Other – 1 point |
| **3.** | Partner Institution is | **Over 50 years old**  **Less than 50 years old**  **New intuition/Yet to be incorporated** | Over 50 years – 3 points  Less than 50 years – 2 points  New institution/yet to be incorporated – 1 point |
| **4.** | Does the Partner Institution have degree-awarding powers? | **Yes -**  **No** | Yes - 3 points  No – 1 point |
| **5.** | Is the Partner Institution regulated by a Ministry of Education or equivalent? | **Yes -**  **No**  **Equivalent (specify)** | Yes – 3 points  No – 1 point |
| **6.** | Is the Partner Institution ranked on: | **Times Higher Education – University World Rankings**  **Yes - Ranking:**  **QS University World Rankings**  **Yes - Ranking:**    **Academic Ranking of World Universities**  **Yes - Ranking:**  **Other – [Specify]**  **Yes - Ranking:** | The Institution is ranked in the Top 300 in each of the world rankings listed – 3 points  The organisation is ranked between the Top 300-600 – 2 points  The organisation is not listed – 1` point |
| **7.** | Does the University have an existing collaboration with the Partner Institution? | **Yes -**  **No** | Yes – 3 points  No – 1 point |
| **8.** | Does the Partner Institution have other collaborations with other UK Universities? | **Yes - provide details**  **No** | Yes – 3 points  No – 1 point |
| **9.** | Does the Partner Institution offer a similar programme to the UoD Programme proposed under this collaboration? | **Yes - provide details**  **No** | Yes – 3 points  No – 1 point |
| **10.** | Are there any controls on capital or currency entering or exiting the Partner Institution’s country which could make payment more difficult? | **Yes - provide details**  **No** | Yes - 1 point  No – 3 points  Check with Legal and/or Finance before scoring |
| **11.** | Does delivery of the UoD Programme require external tax or legal advice? | **Yes - provide details**  **No** | Yes or unanswered – 1 point  No – 3 points  Check with Legal and/or Finance before scoring |
| **12.** | Is a site visit required? | **Yes - provide visit details**  **No** | Yes – 1 point  No – 3 points |

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| **PART 2**  **TO BE COMPLETED BY THE COLLABORATING INSTITUTION** | | | |
| **1.** | Please acknowledge that you have received the policies of the University and/or the UoD Programme and understand that these will form part of our agreement with you | Yes No  **Anti-Bribery and Corruption**  **Gifts and Hospitality**  **Whistleblowing**  **Academic Regulations**  **Data Protection** | Yes to all – 3 points  No/unable to comply with any of the policies listed – 1 point |
| **2.** | Do you require the UoD Programme to be accredited in your country? | **Yes -**  **No**  **If yes, has this been acquired?** | Yes but is already accredited – 2 points  Yes but not yet accredited – 1 point  No – 3 points |
| **3.** | What facilities are available for the UoD Programme? | |  |  |  | | --- | --- | --- | | **Information Technology** | **Library Services** | **Meeting Rooms** | | **E-Learning** | **Laboratory Space** | **Lecture Theatres** | | **Accomodation** | **Financial Services** | **Other Space for Teaching** | | All facilities available for the programme – 3 points  Facilities not yet available but will be by commencment of teaching – 2 points  Facilities not all available – 1 point |
| **4.** | You have been provided with the University’s standard terms and conditions. Please confirm that you can accept these terms. | **Yes -**  **No** | Yes - 3 points  No – 1 point |
| **5.** | Has your institution been subject to a formal dispute including arbitration or litigation with a partner University in the last 5 years? | **Yes -**  **No** | Yes – 1 point  No – 3 points |
| **6.** | Has your institution been subject to any adverse finding by a regulator (including the Ministry of Education or equivalent) in the last 5 years? | **Yes -**  **No** | Yes – 1 point  No – 3 points |
| **7.** | Has a collaboration agreement involving your institution been terminated for breach within the last 5 years? | **Yes -**  **No** | Yes – 1 point  No – 3 points |
| **8.** | Who will pay the UoD fees under the partnership? | **The Collaborating Institution**  **Public/Government Authority\***  **Other Third Party\***  *\*Please provide details* | The Collaborating Institution – 3 points  Public/Government Authority – 2 points  Other – 1 point |
| **9.** | Is your institution currently subject to litigation which could have a material impact on this Partnership? | **Yes -**  **No** | Yes – 1 point  No – 3 points |
| **10.** | Has your institution or the programme failed (a) an audit or (b) an assessment or otherwise lost an accreditation in respect of Quality or academic standards in the last 5 years? | **Yes -**  **No** | Yes – 1 point  No – 3 points |
| **11.** | Does your institution have all necessary regulatory consents and licences required to enter into this partnership? | **Yes -**  **No**  **If No, what is required?** | Yes – 3 points  No– 1 point |

**SCORING – FOR GLOBAL PARTNERSHIPS TO COMPLETE**

**Due Diligence Checklist Risk Score**

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| --- | --- |
| **DD Checklist** | **Score** |
| **PART 1** |  |
| **PART 2** |  |

Applying the Scoring Matrix for Part 1 and Part 2

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| --- | --- |
| **Overall Score** | **RAG** |
| 54-69 | LOW RISK |
| 38-53 | MODERATE RISK |
| 23-37 | HIGHER RISK |

**GLOBAL PARTNERSHIPS MANAGER ACTIONS**

LOW RISK – The proposal can proceed to the Collaborative Partnerships Sub-Committee for review

MEDIUM RISK – Escalate to Directors of Global Partnerships and Legal

HIGH RISK – Enhanced Due Diligence Required – Speak to Legal

All Tier A collaborations, regardless of score, will require to carry out Enhanced Due Diligence. Answers provided in the Checklist will help shape what additional questions will be asked of the Partner Institution.