

## **Protocol for managing potential risks to quality and academic standards**

**1 October 2008**

### **Background**

1 The Quality Assurance Agency for Higher Education (QAA) has had a procedure in place for handling 'causes for concern' in English higher and further education institutions since 1 March 2007. A similar protocol was introduced in relation to the higher education institutions in Wales on 1 August 2008. During 2007-08, at the request of the Scottish Funding Council (SFC), QAA Scotland developed and consulted on a protocol with the intention of ensuring that there would be broadly equivalent arrangements in place in Scotland. The protocol for managing potential risks to quality and academic standards is the result of that consultation. It comes into effect from 1 October 2008.

2 One of the main principles underpinning these arrangements is that any response by QAA to a request to investigate an apparent risk should be phased and proportionate, beginning with an informal enquiry and only progressing to a full investigation where this is considered to be necessary in the light of evidence gathered.

### **'No surprises' and the partnership approach in Scotland**

3 Since the introduction of the enhancement-led approach in 2003, the Scottish higher education sector has adopted an informal protocol for sharing information often referred to as 'no surprises'. Under the 'no surprises' arrangements, institutions have regularly sought advice from QAA Scotland officers about approaches they might adopt to avoid potential risks to quality and standards, often in respect of new developments such as collaborative activity. Equally, institutions have, where relevant, informed QAA Scotland of any potentially adverse outcome in relation to quality and/or academic standards, for example critical outcomes arising from institution-led quality review arrangements or from professional body engagements. Early sharing of such information is a welcome and constructive aspect of the relationship between QAA Scotland and the institutions.

4 The 'no surprises' arrangements operate on a basis of transparency and openness, and this will continue to underpin our work. This protocol provides explicit, advance information about the approaches that QAA Scotland would follow if it were made aware of a potential risk to quality and/or academic standards.

## Triggers

5 QAA Scotland will explore a potential risk to quality and/or academic standards if such a potential risk were identified during the enhancement-led institutional review (ELIR) process, including the annual discussions, or when asked formally to do so by the Scottish Government or SFC. If QAA Scotland were informed of a potential risk by another party or source (for example, a professional or statutory body), it would use its own discretion and undertake further exploration of the matter if it considered there was sufficient, evidence-based reason to do so. QAA Scotland will inform the institution concerned when a potential risk is identified.

## Defining a risk to quality and/or academic standards

6 A risk to quality and/or academic standards relates to serious systemic inadequacy on the part of the institution or its academic partners, or repeated procedural shortcomings. A case would be explored if the security of the academic standards of the institution's awards or its capacity and effectiveness in providing a minimum acceptable level of learning support for its students were actually or potentially at risk. The reference points used in determining such a risk are the relevant elements of the Academic Infrastructure. For the avoidance of doubt, this is not a mechanism for addressing individual complaints or grievances; these would continue to be addressed through internal mechanisms and, ultimately, via the Scottish Public Services Ombudsman.

## Approaches for exploring potential risks to quality and academic standards

7 It is important that the approaches to exploring potential risks should be straightforward, fair, transparent and open to scrutiny. It is equally important that QAA should be able to have full and rapid access to any documentary or other evidence that it needs in exploring the matter. It is in the interests of all concerned, not least the students, that any potential risk is identified quickly and explored as efficiently as possible. The approach described here is based on the principle of minimum intervention in institutions' affairs, maximum use of existing documentation from existing sources, and focused clearly on purpose.

8 The procedure comprises two parts: first, a brief preliminary analysis, undertaken by a senior member of QAA Scotland (or a person of appropriate seniority and experience appointed by QAA Scotland for the purpose) to establish whether there is a prima facie case for further exploration; and secondly, a full investigative review, to be undertaken only where a prima facie case is established, carried out by a team appointed by QAA Scotland and working under the supervision of a senior QAA Scotland officer.

9 **Preliminary analysis** – The decision to conduct a preliminary analysis will be taken by the Director of QAA Scotland, with the analysis itself being undertaken normally within one month of QAA Scotland's agreement to explore the matter. The head of the institution concerned will be provided with information relating to the potential risk to quality and/or academic standards, and will be asked to provide QAA Scotland with comments and relevant documentation. An analysis of the documentation will be carried out by a senior QAA Scotland officer and this may be supported by further discussions with staff and, where appropriate, students from the institution. This analysis will result in

a report being provided to the Director of QAA Scotland and copied to the QAA Chief Executive. The report will also be sent to the head of the institution concerned, with an opportunity to comment on matters of factual accuracy.

10 If, following the report, the Director of QAA Scotland determines that no further action will be taken, the head of the institution concerned and the source (if any) of the originating information will be informed. The report will not normally be published but may be available on request under the QAA's Information Publication Scheme. If the matter being explored has been the subject of media interest, QAA may, with the agreement of the institution concerned, issue a press statement.

11 **Investigative review** – The decision to undertake a full investigative review will be taken by the Director of QAA Scotland in consultation with the QAA Chief Executive. If that decision is challenged, the matter will be referred to the Chairman of the QAA Scotland Committee and, ultimately, the Chairman of the QAA Board of Directors, whose decision will be final.

12 The head of the institution will be informed and QAA Scotland will appoint a team comprising experienced reviewers under the supervision of a senior QAA Scotland officer. The size and remit of the team and the nature of the investigative review process will be determined by the Director of QAA Scotland, taking into account general procedural guidance provided by QAA and the nature of the matter to be reviewed. The review team will report to the Director of QAA Scotland, with a copy to the QAA Chief Executive, normally within eight weeks of the start of the review. The report will cover the nature of the risk to quality and/or academic standards being reviewed, a description and analysis of the information considered and will offer a view on whether the risk has been adequately addressed by the institution. The report may also recommend action that the institution should take, but this will not be a requirement. The report will be categorised by QAA Scotland as a 'special report' and will normally be published on the QAA website. In advance of publication, a draft of the report will be provided to the head of the institution with an opportunity to comment on matters of factual accuracy.

### **Following up the investigative review**

13 Where an investigative review establishes that there has been a risk to quality and/or academic standards, QAA Scotland will ask the institution to provide information on the measures it has taken to address the matters identified within the report, normally within a year of publication. Depending on the timing of the next ELIR, where appropriate, any follow-up action might be explored during that exercise rather than separately. Discussion, between the institution and QAA Scotland officers, relating to follow-up action could take place as part of the annual discussion arrangements where this is considered to be most appropriate. In some cases, the institution will be asked by QAA Scotland to produce a separate action plan, progress with which will be monitored through an agreed liaison mechanism.

14 QAA Scotland will inform SFC of the action taken at each stage. SFC may wish to participate directly in discussions relating to setting an action plan for institutions, and in the arrangements for monitoring progress towards fulfilling the plan. SFC may also require institutions to undertake additional action.

## **Appeals**

15 Where a risk to quality and/or academic standards is considered by QAA to have been substantiated, the institution concerned may appeal. The appeal procedure will follow the process used by QAA in respect of representations following judgements of 'no confidence' used in its other review procedures.

## **Costs**

16 QAA will normally meet its own costs of conducting enquiries and investigations into potential risks, provided it continues to have the capacity and resources to do so. Institutions which are the subject of an exploration will be expected to bear their own costs.