

Handling causes for concern in higher and further education institutions in Wales

Procedure for adoption from 1 August 2008

Introduction

1 The Quality Assurance Agency for Higher Education's (QAA's) institutional reviews provide judgements on the general systemic security of quality assurance practices in all higher education institutions (HEIs) in Wales. To do so they assess the soundness of individual institutions' management of academic standards and quality. The review process acknowledges and takes as its starting point the fact that responsibility for standards and quality rests with the institutions themselves and not with an external third party. Institutional review does not approve or accredit individual programmes or awards (qualifications).

2 Following discussion and agreement with the Higher Education Funding Council for Wales (HEFCW) and Higher Education Wales (HEW), QAA will introduce the procedure for identifying and handling causes for concern described on the following pages, with effect from 1 August 2008.

3 As part of the process of agreeing the procedures, individual institutions were asked for their comments. We received responses from five HEIs. The most common concerns were about the use of National Student Survey data as a trigger for the cause for concern procedures, and any potential for the procedures to circumvent institutions normal complaints procedures. These concerns have been duly noted. Any response by QAA to a request to investigate a cause for concern would 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.

The procedures

Definition of a cause for concern

4 A cause for concern is any policy, procedure or action implemented, or omitted, by an HEI or directly-funded further education institution (FEI) in Wales, which appears likely to jeopardise the institution's capacity to assure the academic standards and quality of any of its higher education (HE) programmes and/or awards.

Bodies recognised for the purpose of presenting information

5 The organisations that are recognised for the purpose of presenting information to QAA and asking it to investigate a possible cause for concern are listed in the Annex.

6 QAA may exercise its own discretion in respect of information reaching it from sources other than those in the Annex and may undertake enquiries if it considers there is sufficient reason to do so.

7 If QAA considers that the information it receives from one of the recognised information providers is insufficient to justify any further enquiry, it will discuss this

with the information provider concerned and propose that there be no further enquiry. If the information provider continues to maintain that a possible cause for concern exists, QAA will undertake a Preliminary Enquiry (PE) but will only continue with a Full Investigation (FI) if the outcome of the PE confirms that there is indeed a prima facie cause for concern.

Evidence appropriate for considering a possible cause for concern

8 The following types of evidence will be considered appropriate to trigger consideration of a cause for concern:

- information acquired during the course of a QAA institutional review/overseas audit, HE in further education review or mid-cycle review
- information provided by a professional, statutory, regulatory and other body listed in the Annex, relating to standards and quality
- information relating to standards and quality contained in a review report produced by another body
- information derived from the NSS
- quantitative data contained in published Teaching Quality Information
- student/public/other stakeholder complaints about serious systemic shortcomings (excluding complaints or appeals relating to individuals) provided they are accompanied by substantiating documentary evidence
- 'whistle-blowing' by institutional staff, provided claims are accompanied by substantiating documentary evidence.

9 Information which may suggest a cause for concern will relate to serious systemic inadequacy on the part of the institution or its academic partners, or repeated procedural shortcomings, related to academic standards and quality. The information will only be considered further if it calls into question the security of the standards of the institution's awards, or its capacity or effectiveness in providing a minimum level of learning support for its students. The reference points used for this purpose will be the relevant elements of the Academic Infrastructure. Information about isolated occurrences of bad practice or unverified anecdotes or hearsay will not normally be sufficient to trigger any action.

10 A cause for concern is not a substitute for the normal range of internal procedures available to individuals to make complaints and appeals to an institution, up to and including reference to the Office of the Independent Adjudicator for Higher Education.

The investigation procedure

11 It is important that any scheme to deal with causes for concern should be straightforward, simple, fair, transparent and open to scrutiny. It is equally important, however, that QAA should be able to have full and rapid access to whatever documentary and other evidence it needs, and should not be hampered by unnecessarily formalistic procedural considerations.

12 The procedure comprises two parts: first, a brief PE, undertaken by a senior member of QAA (or a person of appropriate seniority and experience appointed by QAA for the purpose) to establish whether there is a prima facie case for further investigation; and secondly, an FI, to be undertaken only where a prima facie case is established, carried out by a team appointed by QAA and working under the supervision of the Director of Reviews.

13 The PE should be undertaken within one month of QAA's agreement to investigate and a report will be sent to the institution concerned; the source (if any) of the request for an investigation; and the Chief Executive of QAA. The Chief Executive of QAA will decide whether or not an FI should be undertaken. If that decision is challenged, whether by the HEI, FEI, or the source of the information, the matter will be referred to the Chairman of the QAA Board of Directors, whose decision will be final.

14 The person undertaking the PE will have discretion over the form the enquiry will take, but will be required to take into account general procedural guidance provided by QAA. The normal procedure will involve the provision, to the head of the institution, of the information relating to the cause for concern, with a request for comments and all relevant documentation. An analysis of the documentation will then take place and may or may not be followed up with a visit to the institution to interview key participants.

15 If, in the light of the PE report, QAA considers that there is no cause for concern and that no further action should be taken, the head of the institution concerned and the source (if any) of the information will be informed. The report will not normally be published, although it may be available on request, under the *QAA Information Publication Scheme*. If the matter under enquiry has been the subject of interest in the media, QAA may, with the agreement of the institution concerned, issue a press statement.

16 If, in the light of the PE report, QAA considers that there is reason to undertake an FI, it will appoint a team comprising experienced reviewers, under the supervision of the Director of Reviews. The size of the team, its formal remit, brief and the investigatory process used will be determined by QAA, taking into account general procedural guidance provided by QAA and the nature of the concern to be investigated.

17 The FI team will report to the Chief Executive of QAA within eight weeks of the start of the FI. The report will cover the nature of the cause for concern, a description and analysis of the facts of the matter and a view on whether the allegations have been substantiated in whole, in part or not at all. In the first two cases, the report may also propose what remedial action the institution should take, but this will not be a requirement.

18 The FI report will be categorised by QAA as a 'special report' and published on its website.

The consequences of a substantiated cause for concern

19 The appropriate consequences in the case of a cause for concern being substantiated in whole or in part will depend on the nature, extent and seriousness of the concern. In all cases, QAA will discuss the outcome with the institution concerned and request an action plan, with targets for rectification of the shortcoming. HEFCW will be informed of the action to be taken in the case of institutions that it funds.

20 The Welsh Assembly Government will be informed of this action in all cases, as will the source (if any) of the information which led to the investigation. QAA will monitor and sign off all action plans in the same way that it does in cases of 'no confidence' or 'limited confidence' review judgements. QAA will also decide if the

institution's next scheduled institutional review or other QAA engagement should be brought forward.

Appeals

21 When a cause for concern is judged by QAA to have been substantiated, the institution concerned may appeal. The appeal procedure will follow the review process used by QAA in respect of representations following judgements of 'no confidence' used in its other review programmes.

Costs

22 QAA will normally meet its own costs of conducting enquiries and investigations into causes for concern, provided it continues to have the capacity and resources to do so. Institutions which are the subject of investigation will be expected to bear their own costs.

Other matters

23 It is in the interests of all institutions that causes for concern are identified quickly and investigated as efficiently as possible. This requires full cooperation from the individuals and institutions concerned, and institutions will need to be clear about their responsibilities in this respect. Institutions that are not willing to cooperate with QAA in an enquiry may be referred to HEFCW.

24 The procedure described here is based on the principle of minimum intervention in institutions' affairs, maximum use of existing documentation from external sources, and a clear purpose. At the same time, QAA recognises that identified causes for concern have a potentially serious effect on the reputation of HE in the United Kingdom in general, and individual institutions in particular. They therefore need to be followed up assiduously and with rigour.

QAA

1 August 2008

Annex

The following is a list of professional, statutory, regulatory and other bodies that are recognised for the purpose of presenting information to QAA and asking it to investigate a possible cause for concern about an institution in Wales offering higher education programmes or awards (subject to confirmation).

Architects Registration Board
Association of Chartered Certified Accountants
The Association of International Accountants
The Bar Council
The British Psychological Society
The Chartered Institute of Management Accountants
The Chartered Institute of Public Finance and Accountancy
Department for Children, Education, Lifelong Learning and Skills
Department of Health
Engineering Council UK
Estyn
General Chiropractic Council
General Dental Council
General Medical Council
General Optical Council
General Osteopathic Council
Care Council for Wales
General Teaching Council for Wales
Health Professions Council
Higher Education Funding Council for Wales
The Institute of Chartered Accountants in England and Wales
National Health Service Wales
The National Postgraduate Committee Wales
National Union of Students Wales
Nursing and Midwifery Council
Royal College of Veterinary Surgeons
The Royal Institute of British Architects
Royal Pharmaceutical Society of Great Britain
Solicitors Regulation Authority
Relevant counterpart organisations in Scotland, England and Northern Ireland.

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