

The Quality Assurance Agency for Higher Education

Handling causes for concern in English higher and further education institutions

Procedure for adoption from 1 March 2007

Introduction

- 1 The Quality Assurance Agency for Higher Education's (QAA's) institutional audits provide judgements on the general systemic security of quality assurance practices in all English higher education institutions (HEIs). To do so they assess the soundness of individual institutions' management of academic standards and quality. The audit 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 audit does not approve or accredit individual programmes or awards (qualifications). The integrated quality and enhancement review (IQR) process, which deals with quality assurance of higher education provided in further education colleges (FECs) in England, is based on similar principles.
- 2 Prior to completion of the 'transitional period' (2002-05), QAA's various review processes did engage with individual subject provision. From 1993 to 2001 almost all subjects in all publicly-funded HEIs were reviewed by the Higher Education Funding Council for England (HEFCE) and (later) QAA, first through Quality Assessments and then through Subject Reviews and Academic Reviews. These processes were designed, inter alia, to identify causes for concern, although there were very few of these.
- 3 From 2002 to 2005, after the cessation of Subject/Academic Reviews in HEIs, an institutional audit method was used which retained an element of subject-level evaluation (discipline audit trails – DATs), albeit through a small and restricted sample. For the first two years of the transitional period, subject-based developmental engagements were also carried out in most institutions. These processes both provided for the identification and subsequent detailed assessment of any subject provision which raised a cause for concern. In addition, more general shortcomings could be flagged through the audit, which might lead to a 'limited' or 'no confidence' judgement, requiring a remedial action plan.
- 4 Prior to 2002 there were two occasions when causes for concern led to special reviews. During the transitional period, QAA made a small number of informal enquiries of heads of HEIs in respect of matters that came to its attention via a number of different routes, but none of these gave sufficient cause to justify further action.

- 5 The review of QAA's 2002-05 institutional audit process in England, undertaken by the Quality Assurance Framework Review Group (QAFRG) in 2005, recommended that 'The possibility of an academic review being triggered through an institutional audit or other agreed good cause should be retained. Where QAA has serious and substantiated concerns about an institution's management of quality and standards, an appropriate review should be triggered.' As QAA is no longer routinely undertaking any academic reviews of subjects in HEIs and will be changing the nature of its subject-level reviews in FECs, and as the time between audits is being extended to a six-year national schedule, QAA will have to rely more heavily on additional sources of information, other than its own reviews, to identify and confirm causes for concern. At HEFCE's request, QAA has developed a procedure for doing this.
- 6 Following discussion and agreement with QAFRG, HEFCE and the Department for Innovation, Universities and Skills (DIUS), QAA will introduce the procedure for identifying and handling causes for concern described on the following pages, with effect from 1 March 2007.
- 7 The main principles underpinning the procedure are twofold: first, that the power to declare a possible cause for concern should be limited to a group of named organisations, principally statutory, regulatory, and some professional bodies; and secondly, that any response by QAA to a request from one of those organisations to investigate an apparent difficulty 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.

QAA
1 March 2007

The Quality Assurance Agency for Higher Education

Procedure for identifying and handling causes for concern in English institutions offering higher education programmes or awards

Definition of a cause for concern

1. A cause for concern is any policy, procedure or action implemented, or omitted, by a higher or further education institution in England, which appears likely to jeopardise the institution's capacity to assure the academic standards and quality of any of its HE programmes and/or awards.

Bodies recognised for the purpose of presenting information

2. 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.
3. QAA may exercise its own discretion in respect of information reaching it from sources other than those above and may undertake enquiries if it considers there is sufficient reason to do so.
4. 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 (see below) but will only continue with a Full Investigation if the outcome of the Preliminary Enquiry confirms that there is indeed a prima facie cause for concern.

Evidence appropriate for considering a possible cause for concern

5. 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 audit/collaborative provision audit/overseas audit, IQER or mid-term follow-up
 - 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 National Student Survey
 - quantitative data contained in published teaching quality information (TQI) submissions
 - qualitative reports contained in TQI submissions
 - student/public/other stakeholder complaints about serious systemic shortcomings (excluding complaints or appeals relating to individuals) provided they are accompanied by substantiating documentary evidence

- whistleblowing by institutional staff, provided claims are accompanied by substantiating documentary evidence.
6. 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 (using QAA's published definition of those terms). 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.
 7. 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 (OIA).

The investigation procedure

8. 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.
9. The procedure comprises two parts: first, a brief Preliminary Enquiry (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, a Full Investigation (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.
10. 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, FEC, or the source of the information, the matter will be referred to the Chairman of the QAA's Board of Directors, whose decision will be final.
11. 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.

12. 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's 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.
13. 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.
14. 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.
15. 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

16. 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. HEFCE will be informed of the action to be taken in the case of institutions that it funds. DIUS 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' audit judgements. QAA will also decide if the institution's next scheduled institutional audit or IQER engagement should be brought forward.

Appeals

17. 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

18. 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

19. It is in the interests of all institutions that causes for concern are identified quickly and investigated as efficiently as possible. This requires full co-operation 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 co-operate with QAA in an enquiry may be referred to HEFCE. So far as its non-publicly-funded subscribers are concerned (including any outside England), QAA expects that those institutions will be prepared to be subject to the same procedure.

20. The procedure described here is intended to meet the expectations of the Higher Education Regulation Review Group (HERRG) in respect of better regulation. It is based on the principle of minimum intervention in institutions' affairs, maximum use of existing documentation from external sources, and a clarity of objective. At the same time QAA recognises that identified causes for concern have a potentially serious effect on the reputation of higher education in the UK in general and individual institutions in particular, and are required to be followed up assiduously and with rigour.

QAA

1 March 2007

Annex

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 England offering higher education programmes or awards (subject to confirmation)

Department for Innovation, Universities and Skills
Higher Education Funding Council for England
Department of Health
Ofsted
Training and Development Agency
National Union of Students
The National Postgraduate Committee
Architects Registration Board
Royal Institute of British Architects
Engineering Council UK
Royal College of Veterinary Surgeons
The Law Society
The Bar Council
Health Professions Council
General Medical Council
General Dental Council
General Optical Council
General Social Care Council
General Chiropractic Council
General Osteopathic Council
Royal Pharmaceutical Society of Great Britain
Nursing and Midwifery Council
The British Psychological Society
Association of Chartered Certified Accountants
The Association of International Accountants
The Chartered Institute of Management Accountants
The Chartered Institute of Public Finance and Accountancy
The Institute of Chartered Accountants in England and Wales

and relevant counterpart organisations in Scotland, Wales and Northern Ireland.

QAA
1 March 2007