

Process for consideration of observations for NMC reports and complaints

QAA distinguishes between the process for consideration of observations that constitute an appeal against the QAA report, and complaints.

The consideration of observations, and formal complaints procedures are designed to ensure that there is no conflict of interest and are handled by QAA's Governance team. No one involved in the consideration of observations, or a complaint, will have had previous involvement with the matter.

Consideration of observations

When a final report is sent to the NMC, you have the opportunity to make observations regarding the contents of that report. In the event that the report contains a negative outcome, and the observation relates to your view that:

- there was a procedural irregularity in the conduct of the review, such that the legitimacy of the decision or decisions reached is called into question, and/or
- there is material that was in existence at the time the visitor team made its decision which, had it been made available before the review had been completed, would have influenced the judgement(s) of the team, and in relation to which there is a good reason for it not having been provided to the review team,

then the NMC will ask QAA to consider these observations under this process. Where you make additional observations not related to these points, these will be considered by the NMC.

The observation must be lodged within the observations period notified to you when you receive the copy of the final report. The observations will be acknowledged within three working days of receipt and will be forwarded to QAA's Governance team. Unless specified otherwise, we will treat the Principal Event Lead as the contact for all matters related to the observations. QAA will not discuss the observations with any other person than the Principal Event Lead, Official Correspondent, or Lead Midwife for Education (for midwifery programmes only).

The QAA contact person will normally be the head of the Governance team or their nominee who will keep the provider informed of progress. All contact with QAA further in relation to the observations must be made through the Governance team.

Normally, the process for consideration of observations that constitute an appeal against the QAA report will be completed within 12 weeks of receipt of the observations. In some circumstances, it may be necessary to extend this period. The Governance team will inform the provider of the likely timescales at the outset of the consideration of the observations and will keep the NMC updated on progress.

When submitting observations, we ask that the provider should set out clearly and concisely the ways in which it considers the review to be flawed based on the possible grounds set out above. In so doing, the provider should explicitly identify the alleged deficiencies that led to the judgement. The provider may submit evidence to substantiate its claim which we ask to be focused on the specific reason for the observations, including directly relevant supporting

documentation which should be clearly labelled and referenced. It is the provider's responsibility to ensure that the observations are completed in a clear fashion and that all relevant evidence is supplied. QAA will process all observations in the form that they are originally submitted and will not seek any clarification or amplification.

The final report, observations and any associated evidence will be considered by two independent reviewers. These are NMC visitors trained in the methodology of the review being appealed who have had no prior involvement in the review process and have no conflicts of interest with the provider.

The independent reviewers (separately) will consider the documentary materials and reach one of the following judgements:

- The case made in the observations related to the matters to be considered by QAA does not appear to represent a procedural irregularity and/or demonstrate the presence of material that would have altered any judgements made.
- The case made in the observations related to the matters to be considered by QAA does appear to represent a procedural irregularity and/or demonstrate the presence of material that would have altered any judgements made and:
 - a recommendation is made (with reasons) to the visitor team to reconsider the judgements in the final report,
 - a recommendation is made (with reasons) that all or part of the review process should be repeated (with a new team of NMC visitors) and a new final report prepared.

If the two reviewers do not reach the same judgement, a third reviewer will be asked to consider the documentary materials, and the final outcome shall be whatever this reviewer determines (that is, a majority rule).

The NMC shall be notified of the outcome of this process. QAA will seek to follow the recommendations made by the independent reviewers and a revised or new final report will be prepared.

This will result in the provider having a further opportunity to make observations in line with the statutory requirements at the appropriate time.

The NMC will not make a decision on programme approval until QAA, in line with the ESG, has concluded its consideration of any observations that constitute an appeal under this process and has sent a revised or new final report to the NMC. This process is not an NMC-statutory right to challenge the NMC decision on approval and applies to the QAA report only.

Complaints

A complaint is an expression of an individual's dissatisfaction with their experience of dealing with QAA. Complaints can be made by individuals or on behalf of the individual's institution.

If a formal complaint is received at the same time as the observations process is being utilised as set out above, the complaint is stayed until the recommendations have been made by the independent reviewers.

In common with most complaints' procedures, we would encourage anyone dissatisfied with our service to first speak to the person that they have been dealing with at QAA, so that they can try to assist and find a resolution. If you then wish to pursue a formal complaint you should refer to our [Complaints Procedure](#), available on our website. This details who you should contact and how your complaint will be handled, the indicative timescales and potential outcomes.

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