



# Concerns about standards and quality in higher education

Middlesex University, November 2016

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## Introduction

1 This report is a full investigation of Middlesex University as a result of applications to the Quality Assurance Agency for Higher Education's (QAA) [Concerns Scheme](#).<sup>1</sup>

2 The concerns were raised during a five-month period from 24 November 2015 and subsequent to a QAA Higher Education Review (HER) visit 2- 6 November 2015. The report of the HER visit was published in February 2016 and the University submitted an action plan in May 2016 addressing the recommendations of the HER review team.

3 Middlesex University is one of the largest universities in the UK, with origins dating back to 1878. The University currently has 37,000 students on campuses in London, overseas, and in collaborative partnerships. The University has partnerships with 85 other providers.

## Concerns raised

4 The QAA Concerns Scheme received three submissions about Middlesex University in the academic year 2015-16. The three submissions were from:

- the Department for Business, Innovation and Skills about the Cambridge Institute of Dog Training and Behaviour in November 2015
- a QAA annual monitoring visit at Leo Baeck College in December 2015
- the QAA enquiries team about Vet Learning Ltd and information on their website regarding the validation of provision by Middlesex University in May 2016.

5 The concerns raised were:

- the security of the University's academic awards/credit delivered through partnership arrangements, including accredited and validated provision
- the University's arrangements for managing learning delivered in partnership with others
- the steps taken by the University to ensure that information for students studying through University partners is fit for purpose, accessible and trustworthy.

## The investigation process

6 QAA initiated a full investigation, which took place from 10 to 11 November 2016. The QAA concerns team was Professor Phil Cardew, Reviewer; Miss Sarah Riches, Reviewer; and Mr Derek Hamilton, QAA Officer.

7 Taking account of the concerns raised, the team explored whether the University:

- has adequate arrangements to ensure providers' published information is fit for purpose, accessible and trustworthy
- has arrangements to ensure students are informed when there is a change in its relationships with collaborative partners
- retrospectively awards credit where its arrangements for quality assurance and oversight have ceased or are not in place
- ensures an academic agreement and/or a memorandum of cooperation (or understanding) is in place for newly approved providers before programme delivery commences

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<sup>1</sup> QAA Concerns Scheme: [www.qaa.ac.uk/concerns/concerns-about-providers](http://www.qaa.ac.uk/concerns/concerns-about-providers).

- allows partners to sub-contract elements of programme delivery to other organisations, and how it manages those arrangements.

8 The team held five meetings with staff at Middlesex University, including executive and senior managers, link tutors, and professional and administrative staff. In addition, it considered a range of documentary evidence provided by the University. This included relevant University policies and procedures, the action plan published on its website by the University in May 2016 to address the outcomes of its HER report, and evidence specific to the three concerns raised with QAA.

9 The University cooperated fully with the investigation.

## **Result of the investigation**

10 The concerns were found to be partially justified. In undertaking the investigation the concerns team made two recommendations.

## **Explanation of findings**

### **(a) The adequacy of arrangements to ensure past and present providers' published information is fit for purpose, accessible and trustworthy**

11 This concern had been raised primarily as a result of examples of partners presenting information that was either out of date or misleading as to the exact relationship between the partner and Middlesex University. The root of the concern focused on the extent to which this may be indicative of a systemic issue in relation to the oversight of published information, and the interface between those aspects of the University's deliberative structure that were responsible for the approval, and promotion, of collaborative activity through Accreditation Boards (overseen by the Academic Provision Approval Subcommittee), and those that have oversight of quality and standards (the Assurance Committee).

12 The concerns team investigated this potential through an analysis of documents provided by the University, chiefly, the Terms of Reference of the Academic Board, committees, subcommittees and boards, and pertinent sections of the Learning and Quality Enhancement Handbook (LQEH); discussion with members of University staff (both those with institutional responsibility for quality and enhancement and those with responsibility for the operation of University processes); and by reviewing course information, and information about partnerships available on the University's website, and those of partner institutions.

13 This analysis demonstrated that the University had standard processes for ensuring that there was approval of initial marketing materials and that information provided by partners was systematically reviewed on a periodic basis, with a report submitted to the Assurance Committee of the Academic Board.

14 However, in discussion, it emerged that:

- checking of the accuracy and consistency of information, while periodic, was not necessarily reviewed in light of changes to the nature of the relationship with a partner, or as a result of the outcomes of quality processes
- oversight of the development process for collaborative activity by the Assurance Committee could, at times, depend on routine cross-departmental communication, rather than formal deliberative structures
- information was, at times, published prior to the approval of new delivery (and new partnership relationships) and the process for approval could lead to there being a

short space of time between final sign-off and delivery - in one instance this had led to aspects of the approval being completed after students had enrolled, and, while this was a single instance, the team heard that there was no defined final deadline within the academic cycle for approval to be granted.

15 The team heard that formal reporting between Accreditation Boards and the Assurance Committee would be introduced in the next phases of the review of the Terms of Reference of the Academic Board and its committees, subcommittees and boards. However, the concern remained that lack of a strategic deadline for the satisfactory conclusion of approval processes, prior to the enrolment of students, left the University vulnerable to challenge.

### **Recommendation**

16 The University should:

- ensure that information provided to applicants, where new provision is subject to approval, includes clear information about the timescale for approval and the means by which this will be communicated to them.

### **(b) The arrangements in place to ensure students are informed when there is a change in the University's relationships with collaborative partners (validated/accredited)**

17 This concern hinges on the same issues as (a), above, and can be addressed through the measures put into place to address that concern and the associated recommendation made by the concerns team.

### **(c) The retrospective award of credit where arrangements for quality assurance and oversight by the University have ceased or are not in place**

18 This concern related to a specific instance of the awarding of credit at the conclusion of a partnership, where an individual student had been allowed to carry over credit that would otherwise be outside the terms of that partnership's closure. The concerns team reflected on the extent to which this might be a systemic issue, arising from a weakness in process or a lack of understanding in the enacting of process.

19 In the analysis of documents, particularly Middlesex University's regulations, and in discussion with members of staff, it was clear that the University had regulations and processes in place to manage the currency of credit and the running-out of provision where a partnership had been terminated. The instance that formed the basis for this part of the investigation was presented as a single instance in response to particular circumstances. While it was possible that this action might be taken again, if such circumstances arose in the future, this would be a decision of the Academic Board.

20 The concerns team found no systemic weakness in the University's regulations or processes, in this respect.

### **(d) The University has secure arrangements to ensure an academic agreement and/or a memorandum of cooperation (or understanding) is in place for newly approved providers in advance of programme delivery**

21 Middlesex University's approach to collaboration with other institutions is set out in the LQEH. Approval of new providers follows a two-stage process: institutional approval followed by programme-level approval. Institutions achieving institutional approval are

required to enter into a partnership agreement, a draft of which is provided in the LQEH. The procedures for programme approval state that before a collaborative programme commences and students enrol, the Confirmation of Validation or Review form must be signed off and a programme-level memorandum of cooperation (MoC), which includes an administrative and operational annex, must be executed. A reminder is sent to partners if a MoC is not in place before the scheduled commencement of a programme. Operational responsibility for partnership agreements is vested in the Centre for Academic Partnerships, but overall responsibility lies with the Assurance Committee, which has oversight of the signing of agreements and receives an annual report that identifies any issues.

22 The HER review team that visited the University in November 2015 noted a considerable reduction over the previous two years in the number of programmes running without a MoC in place. The review team concluded, however, that the reduction had not been caused by an identifiable and systematic process and recommended that the University '...implement and embed a system to ensure that its requirements for the establishment of formal agreements with partners is met'. The University identified seven actions in response, which were incorporated into its HER action plan, approved by the Assurance Committee in March 2016. At the time of the concerns visit in November 2016 all actions had been completed.

23 A QAA review team carrying out an annual monitoring visit of Leo Baeck College in December 2015 found that a signed academic agreement was not in place between the College and the University, although delivery of programmes validated by the University had commenced in September 2015. The institutional approval of the College took place in June 2015 and the conditions of approval were signed off in July 2015, even though the academic regulations were not approved by the University's Academic Registrar until December 2015. The College identified a concern in the partnership agreement, which it referred to its insurers.

24 The University wrote to the College at the end of October 2015, concerned that the agreement was not signed and 'noting that until the agreements were signed, the University did not recognise the partnership as approved and thus no students could be enrolled'. The University also asked that the College amend any references on its website to approval by Middlesex University to state 'subject to validation', which was completed. The status of the agreement with the College was noted by the Assurance Committee in November 2015. The partnership agreement and MoC were eventually signed in December 2015, both with an effective commencement date of 1 September 2015.

25 The team also reviewed the University's agreements with partners related to the concerns investigation. In the case of one partner there were significant delays in signing the agreements and retrospective application by the University, although this example pre-dated the completion of the HER action plan. In the other example, also pre-dating the HER action plan, the partner had continued to offer accredited courses even though the accreditation agreement had lapsed. An addendum to the MoC was issued by the University retrospectively recognising credit achieved by the partner's students for a period after the expiry of the MoC.

26 The University has taken a number of steps to improve the management of agreements with its collaborative partners. Specific actions in response to the recommendation in the HER report include: developing timescales for Institutional Approval events to ensure that all requirements, including signing agreements, can be met before students are enrolled; providing a draft agreement for partners at the time of Institutional Approval to ensure potential difficulties can be resolved earlier; alerting partners of the need to have an agreement in place before students are enrolled; providing the Accreditation

Board with a schedule of agreements due to expire within next 12 months at the last meeting of each academic year; recording all agreements on the University's MISIS (Middlesex Integrated Student Information System); regular meetings between the Centre for Academic Partnerships and the Academic Quality Service to check progress in ensuring that the University's requirements for the approval and review of collaborative partnerships are met; and the use of checklists for MoCs.

27 University staff are confident that they now have robust systems and processes in place to ensure that academic agreements with partners are concluded before students are enrolled and that agreements are renewed in good time following a review. The University demonstrated to the concerns team a recent example of the action it had taken to ensure that a signed agreement was in place before course commencement.

28 The team concludes that the University has taken deliberate steps to strengthen its management of academic agreements with collaborative partners, which mitigate the substance of the related concern. It now has clear systems and procedures to minimise the risk of partners delivering University-approved provision without there being a current signed academic agreement that meets Expectation B10 of the Quality Code. Therefore, the team does not uphold this particular concern.

### **(e) Whether the University allows its partners to sub-contract elements of programme delivery to other organisations, and how it manages those arrangements**

29 As noted in paragraph 21, Middlesex University's approach to managing the delivery of programmes with others is set out in the LQEH. The LQEH does not address whether, or to what extent as a matter of policy, the University permits its collaborative partners to subcontract any aspect of delivery to third parties. However, the University's standard academic agreements include clauses that prevent partners from engaging in serial arrangements whereby approved programmes are offered elsewhere through their own arrangements.

30 This concern relates to the relationship between the University, the Professional Development Foundation (PDF) and PDF's partners for the delivery of MA, MSc, PgD and PgC in Professional Development (Negotiated Title) courses.

31 PDF was first approved by the University as a collaborative partner in 2000. The partnership was successfully reviewed and renewed in 2006, and again in 2013. The current relationship between the University and PDF is governed by: a partnership agreement with a commencement date of 1 September 2013, but only signed in May 2014; and a MoC with a start date of 1 January 2013 signed in September 2013. Both agreements, while incorporating the standard clause prohibiting serial arrangements, include statements acknowledging that PDF works with other organisations.

32 The partnership agreement notes the following exception to the prohibition of serial arrangements. 'The arrangements for the Partner Institution to contract other organisations to contribute to teaching of the programme were agreed at validation. All matters relating to assessment and standards remain the responsibility of the Partner Institution. All such arrangements are included in the annual report and monitoring of the programme.' Similarly, the MoC contains the following statement. 'The Partner may run some of the validated programmes in conjunction with other organisations, mostly professional bodies but also training groups, as discussed and approved at validation. The Partner contracts some teaching through these other organisations. All matters relating to assessment and standards remain the responsibility of the Partner Institution and the accreditation board at Middlesex University.' Neither agreement lists the third-party organisations approved at

validation or identifies clearly which of those organisations are approved to undertake some teaching.

33 In 2015 a list of the organisations that PDF works with on specific negotiated titles was prepared. The document also set out the arrangements for the quality assurance of PDF's partner organisations, including: an approval process for new organisations including due diligence procedures; the completion of an annual review form by third-party institutions; submission of CVs of teaching staff supplied as part of the annual monitoring process; and observation of teaching at third-party institutions. During the early part of 2015 the University's Centre for Academic Partnerships sought to clarify the nature of PDF's relationship with each of the organisations it worked with, and assisted in the development of PDF's quality assurance arrangements in respect of third-party organisations.

34 University staff who the concerns team met did not view the relationship between the University, PDF and PDF's partners as a serial arrangement. The team notes that the University's guidance on collaborative arrangements does not set out its policy on serial sub-contracting, nor does it provide a template for the quality assurance of third-party institutions. The University assured the team that its partnership with PDF was unique and it has no intention to replicate the arrangement with other partners, and that it was not necessary to include provisions on serial arrangements in its general policies for collaborative provision.

35 The team concludes that the relationship between the University and PDF, and PDF's relationship with partner organisations for the delivery of part of the validated programmes, amounts to a serial arrangement within the meaning of the Quality Code, *Chapter B10: Managing Higher Education Provision with Others*, as teaching for some of the named awards was undertaken by staff employed by the third-party organisation. In considering whether there are effective quality assurance arrangements for this sub-contracted provision, the team examined external examiner reports, annual monitoring and periodic review reports, minutes of boards of studies and examination boards, programme specifications, the student handbook and online marketing material.

36 The team is satisfied that the University has appropriate oversight of what is being done in its name and that the quality assurance controls put in place in 2015 are being operated effectively by PDF on behalf of the University. However, the concern remained that failure of the University to identify PDF's partner organisations in its contracts, to specify the extent to which delivery of programmes to specific third-party organisations is permitted and the associated quality assurance arrangements, represents a risk to academic standards and the quality of student learning opportunities.

## **Recommendation**

37 The University should:

- ensure that all collaborative agreements clearly explain the relationships between individual organisations responsible for the delivery of provision, and the nature and limits of delegation to third-party organisations involved in that delivery.

## Conclusion

38 The QAA concerns team partially upholds the concerns raised. This means that the University requires improvement to meet the expectations of the Quality Code, in particular *Chapter B10: Managing Higher Education Provision with Others* and Part C: Information about Higher Education Provision.

39 In light of the conclusions of the report, the University will amend the action plan produced following its Higher Education Review in November 2015 to take account of the recommendations made by the concerns team, and submit to QAA within four weeks of the publication of this report, setting out how it will address these weaknesses.

## Recommendations

40 The University should:

- ensure that information provided to applicants, where new provision is subject to approval, includes clear information about the timescale for approval and the means by which this will be communicated to them (paragraph 16)
- ensure that all collaborative agreements clearly explain the relationships between individual organisations responsible for the delivery of provision, and the nature and limits of delegation to third-party organisations involved in that delivery (paragraph 37).

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