

## Scottish Concerns Scheme

1 The primary responsibility for academic standards and quality in UK higher education rests with individual universities and colleges providing higher education. The Quality Assurance Agency for Higher Education (QAA) works with the higher education sector to safeguard academic standards and enhance quality in UK higher education. QAA Scotland has devolved responsibility for the work of QAA in Scotland, where we work in partnership with the sector to deliver the enhancement-led approach. Note that 'we' refers to QAA or QAA Scotland throughout.

2 As part of our remit, we are able to investigate concerns about academic standards and quality raised by students, staff and other parties. Where such concerns indicate serious systemic or procedural problems, we will conduct a detailed investigation. The Scottish Concerns Scheme sets out the arrangements by which that can happen. The aim of the Scheme is to promote public confidence in the Scottish university sector by offering a responsive means for exploring cases which are brought to our attention outside the regular review arrangements.

### No surprises and information sharing

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

### The difference between a concern and a complaint

4 We use the term **concerns** to mean concerns about how HEIs manage their academic standards, the quality of learning opportunities, and the information that they make available about their provision. The aim of an investigation by QAA Scotland under the Scottish Concerns Scheme is to safeguard and improve the overall quality of Scottish higher education by addressing weaknesses within a particular HEI.

5 **We do not resolve individual complaints against HEIs and we are unable to provide redress or compensation to any individual submitting a complaint to us.** Normally, QAA Scotland will advise that individual complaints should be taken up directly with the HEI or, if the HEI's processes have already been exhausted, the matter might be raised with the [Scottish Public Services Ombudsman \(SPSO\)](https://www.spsso.org.uk).<sup>1</sup> However, we can look at individual complaints for evidence of broader failings in the management of academic

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<sup>1</sup> Scottish Public Services Ombudsman: [www.spsso.org.uk](https://www.spsso.org.uk).

standards and/or quality. If we consider that individual complaints indicate there have been serious systemic or procedural problems, we can investigate them as concerns. Please see page 8 of this document, which outlines how to make a concern submission in the first instance.

## **Outline of process**

### **Notification of a concern**

6 QAA Scotland is notified of a potential concern from an individual or an organisation. The majority of notifications currently are directed to QAA Scotland via the QAA Gloucester office.

7 Within five working days of receipt, the notification will be screened by a senior QAA Scotland colleague.

8 Many notifications from individuals/organisations are not, in fact, concerns but are enquiries about the nature of Scottish higher education or a request for information from QAA Scotland, for example a request from QAA Scotland for confirmation that an HEI is a bona fide university entitled to award degrees in particular modes of study. Where general enquiries fall within the broad scope of QAA Scotland's work, they are responded to promptly by designated staff outside the Concerns Scheme.

### **Screening a case**

9 On receipt in QAA Scotland, the case will be given a reference number and identified as either an enquiry or a potential concern. General enquiries will be responded to outside the Concerns Scheme. Potential concerns will be considered by a senior member of QAA Scotland staff (the 'case officer'). The case officer is likely to be the QAA Scotland Enhancement-Led Institutional Review (ELIR) liaison officer for the HEI concerned.

10 The case officer will check whether the matter(s) raised fall within the scope of the Scottish Concerns Scheme (see page 8: 'what we can investigate') and, where necessary, contact the individual/organisation who raised the concern to clarify the nature of the issue(s) being raised. This contact will allow the case officer to confirm their understanding of the stage of investigation with the HEI concerned and any other parties (for example, the SPSO).

11 If the case does not fall within the scope of the Scottish Concerns Scheme, the case officer will inform the individual/organisation raising the matter(s) and the case will be closed or suspended pending further information from the individual/organisation. Where cases are clearly outside the remit of the Scheme, QAA Scotland will not routinely contact the HEI unless there is benefit in confirming with the HEI that the case will not be explored through the Concerns Scheme.

12 If the case does fall within the scope of the Concerns Scheme, the case officer will explore the case with the quality contact(s) at the HEI to determine whether the HEI is aware of the matter and, if so, what stage has been reached in the HEI addressing the matter.

### **Outcome of screening**

13 Screening will determine whether the case can be investigated by QAA Scotland. At this stage, a QAA Scotland case conference will be held to determine any further action that is likely to be required. A case conference will involve at least two senior members of QAA Scotland staff, for example the ELIR liaison officer and the Head of Quality and Enhancement Scotland.

- 14 The screening and case conference will:
- a consider the case against the expectations of the UK Quality Code for Higher Education (Quality Code)
  - b consider the action taken, or in the process of being taken, by the HEI to address the matter(s)
  - c consider whether further information should be requested from the individual/organisation raising the concern or from the relevant HEI.

15 Outcomes will be as follows.

- a The case cannot be investigated by QAA Scotland - the case officer will contact the individual/organisation to inform them. If the HEI has been contacted earlier, the HEI will also be informed of this outcome. This outcome includes instances where the case falls within the scope of the Scheme but the matter has already been addressed by the HEI.
- b The case can be investigated by QAA Scotland - the case officer will conduct an initial inquiry.

### **Stage one: initial inquiry**

16 The purpose of the initial inquiry is to gather further information from the HEI and determine whether the evidence supports the concern. The case officer will:

- a read the submission and the supporting evidence in detail, and may refer to other evidence about the HEI, including reports from QAA and other bodies such as the awarding body (if that isn't also the HEI), SPSO or professional, statutory and regulatory bodies (PSRBs)
- b contact the HEI regarding the nature of the concern and, if this hasn't already been determined during screening, establish whether the HEI is taking action to address, or to explore further, the matter(s) raised
- c request information from the HEI about the action it is taking or has taken, and agree a reasonable timeframe for providing information to QAA Scotland about the process and the outcomes of any investigation or action the HEI is taking.

17 Given the 'no surprises' approach that operates in the Scottish higher education sector, it is expected that HEIs will cooperate openly and constructively with any requests for further information including providing additional documentation. It is also expected that, in many cases, QAA Scotland officers will already have been alerted to a matter by the HEI concerned.

18 The case officer will consider all of the information gathered and analyse it to determine whether the matter(s) raised put quality and/or academic standards at risk currently or are likely to put them at risk in the future. The reference point for reaching this view will be the Quality Code. The case officer will take the analysis to a QAA Scotland case conference involving a minimum of two senior QAA officers.

19 The case conference will consider:

- a the extent to which the matter(s) raised by the case put quality and/or academic standards at risk currently or in the future
- b whether the HEI has resolved the case or is likely to resolve the case by the action it is in the process of taking (careful consideration will be given to the timeframe within which the HEI intends to complete action).

20 At the end of the initial inquiry, QAA Scotland will determine whether concerns remain and if they indicate unresolved systemic weaknesses. If so, we shall proceed to a full investigation. The decision to proceed to a full investigation will involve the officers present for the case conference and at least one QAA Director. The Scottish Funding Council (SFC) will be provided with information about the case(s) considered as part of regular liaison and will specifically be informed in cases where there is an intention to proceed to full investigation.

21 The outcomes of an initial inquiry are as follows:

Concern is investigated	Concern is closed
<p>A full investigation will be carried out as explained below.</p> <p>It is not possible for HEIs to appeal against a decision to proceed to a full investigation, but they can make representations on grounds of flawed procedure on our part (see paragraph 40).</p>	<p>If we decide that the concern should not proceed to a full investigation, we will write to the individual/organisation who raised the issues to explain why.</p> <p>It is not possible for the individual/organisation who raised the concern to appeal against the decision not to proceed to a full investigation but they can make representations on grounds of flawed procedure on our part (see paragraph 31).</p> <p>We will also confirm that the case is closed with the HEI.</p>

### Stage two: full investigation

22 Following an initial inquiry, if there is sufficient evidence of a concern, there will be a full investigation. The purpose of the full investigation is to examine the evidence and determine whether it reflects serious systemic or procedural shortcomings by the HEI. We will write to the HEI setting out the nature of the concern and asking for a (further) response and copies of relevant evidence. We will inform SFC that a full investigation is taking place. QAA Scotland will also inform the individual/organisation who raised the case that we are proceeding to a full investigation, outlining the likely timescales for completing the exercise.

23 The full investigation will be led by a senior member of QAA Scotland staff or a representative and, depending on the nature of the concern and its complexity, is likely to involve others such as peer reviewers. We will check to make sure no one involved in the investigation has a conflict of interest with the HEI concerned.

24 If the individual leading the full investigation cannot resolve the case based on the information made available to us by the HEI, they can request further information and/or arrange to visit the HEI to meet relevant staff and/or students.

25 A timeframe for conducting the investigation will be agreed between QAA Scotland and the HEI. The precise timeframe will depend on the nature of the matter(s) to be investigated.

26 A full investigation will result in QAA Scotland producing a report of the findings. The report will identify: the nature of the matters investigated; the outcome of any initial inquiry; the findings of the full investigation; and any recommendations and action the HEI

is being asked to take. The HEI will have the opportunity to comment on the factual accuracy of the report. Where appropriate, QAA Scotland will consult with SFC over any recommendations or further action the HEI is asked to take.

27 At the end of the full investigation, QAA Scotland will decide whether to make recommendations to the HEI. Where appropriate, QAA Scotland will consult with the SFC over any recommendations or further action the HEI is asked to take.

## Outcomes

28 The outcome of a full investigation will be that the concern will be upheld (in whole or in part) or not upheld. The consequences of a concern being upheld will depend on the nature, extent and seriousness of the concern. In all such cases, QAA Scotland will recommend to the HEI how they may ensure that the problems identified do not reoccur and will comment on the steps the HEI is taking, or intends to take, to remedy the situation for current students. Normally QAA Scotland would also request an action plan, with targets for the implementation of the recommendations. Where the concern relates to learning opportunities delivered across other organisations, an action plan may be requested from the delivery organisation and/or the awarding body.

29 In consultation with SFC, QAA Scotland will decide if the HEI's next external review should be brought forward.

30 QAA may also withdraw the HEI's licence for the use of the QAA Quality Mark and Review Graphic.

31 QAA Scotland will inform the individual/organisation who raised the concern of the outcome. It is not possible for the individual/organisation who raised the concern to appeal against the outcome of the full investigation but they can make representations on grounds of flawed procedure on our part. A complaint of this nature should be raised through the [QAA Complaints procedure](#).<sup>2</sup> QAA Scotland has no facility to offer redress to individuals or organisations and this will be made clear at the outset.

## Action plan and sign-off

32 The HEI action plan must be agreed with QAA Scotland and must fully address the recommendations and identify timescales for completing action. The HEI must ensure that it completes the action plan in a timely manner. QAA Scotland will monitor the HEI's progress towards completing the action plan and will need evidence of its completion. QAA Scotland will report on progress to SFC. Delays in completing the action plan may result in the HEI's next review being brought forward and the suspension or continued suspension of the use of the QAA Quality Mark and Review Graphic. If, exceptionally, an action plan is not required, the arrangements for signing off the concern, and a timescale for doing so, will be agreed between the HEI and QAA Scotland with the involvement of SFC.

33 When QAA Scotland requests an action plan, the procedure is as follows:

- i the HEI submits an action plan with timescales for completing action, which is agreed as fit for purpose by QAA Scotland, or returned to the HEI for further work
- ii a senior member of QAA Scotland staff maintains contact with the HEI to monitor progress
- iii the HEI will contact QAA Scotland to indicate that the actions are complete, with evidence to support this view and QAA Scotland may meet with the HEI to confirm this

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<sup>2</sup> QAA Complaints procedure: [www.qaa.ac.uk/scotland/reviewing-higher-education-in-scotland/how-to-raise-a-concern-in-scotland](http://www.qaa.ac.uk/scotland/reviewing-higher-education-in-scotland/how-to-raise-a-concern-in-scotland)

- iv depending on the nature of the actions, the QAA Scotland officer may seek a view from other members of the full investigation team on the extent to which the action plan has been completed - if the HEI's next external review is due to take place in the next nine months, QAA Scotland may ask the review team to comment on the extent to which the action plan has been addressed
- v if actions remain to be completed, the QAA Scotland officer will contact the HEI indicating what remains to be completed
- vi once QAA Scotland and the HEI are satisfied that the action plan has been implemented in full, the QAA Scotland officer will write to the HEI, copied to SFC, confirming that the action plan has been addressed and the date from which the QAA Quality Mark or Review Graphic can be used
- vii a statement will be added to the QAA website outlining the context of the investigation and confirming that the action plan required has been implemented.

## **Reporting**

34 At the end of the full investigation we will report the findings on the QAA website, regardless of the outcome. The HEI concerned has the opportunity to comment on the statement before it is published. Sections may be redacted to protect the anonymity of those who raised the concerns, as well as individual representatives of the HEI.

## **Concerns about programmes delivered with others**

35 Where a submission to the Scottish Concerns Scheme relates to a programme delivered by a third party (for example, through a collaborative arrangement with a degree-awarding body that subscribes to us) we will normally direct our initial inquiry at the provider and the awarding body will be informed an initial inquiry is underway. If a case involves a full investigation, QAA Scotland will notify the awarding body in addition to the provider and SFC.

## **Standards of service**

36 We strive to investigate concerns quickly and thoroughly, and then publish our findings. This makes it clear in a timely manner that the concern has been upheld and addressed (or is being addressed), or that it has been shown to be unjustified. In most cases, the effective operation of the 'no surprises' approach will mean that QAA Scotland would already have been alerted to an issue and would be aware of the action the HEI was taking to address it before being contacted by an individual or other organisation. In most cases this would remove the need for a full investigation.

37 How long it takes us to investigate depends on a number of factors, including the complexity of the issue and the speed and ease with which we can obtain supporting evidence.

38 The table below gives information on the likely timeline. In some cases it will be possible for us to complete our work more quickly. In exceptional cases an investigation may take longer, such as when the concerns are about learning opportunities delivered with others, requiring visits to separate delivery and awarding bodies.

<b>Time following submission</b>	
0	Information is submitted to us and evidenced
1-5 days	We acknowledge receipt of the information in writing
2-4 weeks	Within four weeks, we screen the submission and inform the individual/organisation making it whether this is something we can investigate
9-13 weeks	We conduct an initial inquiry. Initial inquiries may take longer if further evidence is needed
29-33 weeks	We conduct a full investigation if appropriate and publish the outcomes

## **Protecting those raising concerns**

39 Concerns about academic standards and quality are not regarded as qualifying disclosures under the Public Interest Disclosure Act 1998. Those submitting concerns to us are therefore not offered legal protection under the Act, so if they wish to remain anonymous they need to make this clear on the concerns submission form. Please bear in mind, however, that the provider may be able to identify those raising concerns from the nature of the issues raised.

## **Representations**

40 HEIs subject to a full investigation are unable to appeal against the outcomes, but can make representations on grounds of flawed procedure on our part. A complaint of this nature should be raised through [QAA's Complaints procedure](#).<sup>3</sup> QAA Scotland has no facility to offer redress to individuals or organisations and this will be made clear at the outset.

## **Contacting us**

41 For further guidance on any aspect of this process, please contact: Ailsa Crum, Head of Quality and Enhancement, QAA Scotland, at: [a.crum@gaa.ac.uk](mailto:a.crum@gaa.ac.uk).

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<sup>3</sup> QAA Complaints procedure: [www.qaa.ac.uk/scotland/reviewing-higher-education-in-scotland/how-to-raise-a-concern-in-scotland](http://www.qaa.ac.uk/scotland/reviewing-higher-education-in-scotland/how-to-raise-a-concern-in-scotland).

## How to raise a concern with us

**Anyone wishing to raise a concern should make a submission to us. We will decide whether the issues raised provide evidence of broader concerns about the management of academic standards, quality and/or the information HEIs make available about their provision.**

Before making a submission, you should first raise the issue(s) directly with the higher education institution (HEI) through its internal procedures. If the HEI fails to resolve the issue(s), it can be raised with us. Depending on the circumstances, we may make inquiries or investigate before the HEI has completed its own investigation.

Submissions to the Scottish Concerns Scheme should be made using the [submission form](#)<sup>4</sup> and **must be accompanied by documentary evidence** to justify any inquiries to the HEI concerned. Those raising concerns could consider making a request under the Freedom of Information Act or by means of a Subject Access Request to the HEI to obtain information to support their submission.

Your completed and signed submission form should be returned to [ARCAAdmin@qaa.ac.uk](mailto:ARCAAdmin@qaa.ac.uk), or by post to:

Concerns  
QAA Scotland  
18 Bothwell Street  
Glasgow  
G2 6NU

If you require us to communicate in a particular way due to disability, please contact us at [ARCAAdmin@qaa.ac.uk](mailto:ARCAAdmin@qaa.ac.uk) or telephone 0141 572 3420.

## Who we can investigate

We can investigate concerns about:

- ✓ university sector HEIs in Scotland (QAA subscribers)
- ✓ courses provided by the Scottish university sector HEIs, whether delivered by the HEIs directly or through working with other organisations and partners in the UK or overseas
- ✓ HEIs that have entered the detailed scrutiny stage of an application for degree awarding powers or university title.

## What we can investigate

We can investigate:

- ✓ concerns about academic standards and quality, where we think these raise broader issues about the management of quality, standards and/or **the information HEIs make available about their provision.**

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<sup>4</sup> Scottish Concerns Scheme submissions form, available here: <https://www.qaa.ac.uk/docs/qaas/reviewing-he-in-scotland/scottish-concerns-scheme-submission-form-2016.docx>



### Definitions:

**Academic standards** - The standards set and maintained by HEIs for their courses (programmes and modules) and expected for their awards. The **threshold academic standard** is the minimum acceptable level of achievement that a student has to demonstrate to be eligible for an academic award.

**Quality** - A comprehensive term referring to how, and how well, HEIs manage teaching and learning opportunities to help students progress and succeed.

We will only investigate concerns we think indicate serious weaknesses in the HEI's approach to the management of quality and standards. Information about isolated mistakes or occurrences of bad practice, or unverified anecdotes or hearsay, will not normally be sufficient to trigger further action.

### Quality

We can investigate concerns raised about the potential:

- ✓ absence of effective processes for the design and approval of programmes
- ✓ failure to have admissions policies and procedures that are clear, fair, explicit and consistently applied
- ✓ failure to define (and systematically review and enhance) learning opportunities and teaching practices
- ✓ absence of effective arrangements to support students with their learning
- ✓ absence of deliberate steps to engage all students, individually and collectively, as partners in the assurance and enhancement of their educational experience
- ✓ lack of appropriate opportunities for students to show they have achieved the intended learning outcomes for the award of a qualification or credit
- ✓ failure to make scrupulous use of external examiners
- ✓ lack of effective procedures to routinely monitor and periodically review programmes
- ✓ lack of effective processes for managing learning opportunities delivered with other organisations
- ✓ failure to provide a suitable research environment to support higher education study including for postgraduate research students.

### Standards

We can investigate potential concerns raised:

- ✓ where the academic standards of qualifications are possibly not set at the appropriate level
- ✓ regarding the failure to make available definitive information on the aims, intended learning outcomes and expected learner achievements for a programme of study
- ✓ regarding the absence of independent and external participation in the setting and management of threshold academic standards
- ✓ regarding the failure of assessment to be robust, valid and reliable.

Examples of what we can investigate:

- ✓ inadequate guidance for examiners on marking examination scripts
- ✓ inadequate support for placement or distance learning
- ✓ failure to follow assessment regulations

- ✓ inadequate use of academic regulations
- ✓ weaknesses in the management of academic standards and quality when delivering learning opportunities with others.

Examples of what we can't investigate:

- ✓ matters of academic judgement, such as examination results
- ✓ individual claims for tuition fee refunds
- ✓ requests for HEIs or external examiners to remark work
- ✓ grievances against individual staff
- ✓ problems that the HEI has already rectified
- ✓ isolated mistakes or occurrences of bad practice.

We cannot investigate potential concerns about:

- ✓ alternative providers that do not subscribe to us and have not applied to us for educational oversight or reviews for specific course designation (unless they are involved in delivering learning opportunities with a partner HEI that does subscribe to us)
- ✓ courses that do not lead to higher education awards or to specific credit towards higher education awards.

Some matters relating to concerns or complaints about the information HEIs publish, including in prospectuses, might be able to be investigated by the Competition and Markets Authority (CMA). Additional information about CMA can be found on the [Government website](#).<sup>5</sup>

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<sup>5</sup> CMA website: [www.gov.uk/government/organisations/competition-and-markets-authority](http://www.gov.uk/government/organisations/competition-and-markets-authority).

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18 Bothwell Street, Glasgow G2 6NU  
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Tel: 0141 572 3420  
Web: [www.qaa.ac.uk](http://www.qaa.ac.uk)