

Briefing for the Public Petitions Committee

Petition Number: [PE1769](#)

Main Petitioner: Marie Oldfield

Subject: Higher Education in Scotland

Calls on the Parliament to urge the Scottish Government to review the way higher education in Scotland is set up and delivered including how students' rights are enforced and whether there is scope to allocate more power to the Scottish Public Services Ombudsman (SPSO).

The Quality Assurance Agency Scotland

Teaching quality at Scottish higher education institutions (HEIs) is framed centrally by the [Quality Enhancement Framework \(QEF\)](#) led by the [Quality Assurance Agency \(QAA\)](#) in Scotland.

QEF is an enhancement led approach to quality in Scottish higher education. Collaboration and partnership are said to be “at the heart of this innovative method”. The QEF is intended to support institutions in managing the quality of the student learning experience. It is also said to provide public confidence in academic standards and the quality of the student experience.

The collaborative approach is intended to be:

- Coherent – its design allows all elements to work together
- Enhancement focused – rather than quality assurance focused
- Focused on the whole student experience

The QAA works in partnership with Scottish Government, sector agencies (the Scottish Funding Council, Universities Scotland, NUS Scotland, Student Partnership in Quality Scotland (SPARQS) and Advance HE) and all Scottish HEIs support quality improvement through the QEF.

The QAA has a role to play in reviewing higher education in Scotland alongside individual HEIs and the SPSO. For example, through its [Scottish Concerns Scheme](#), it can investigate concerns raised by students, staff and other parties on academic standards and quality in Scottish HEIs. This is not, however, a mechanism for addressing individual complaints or grievances. These should be addressed through the institution's internal mechanisms and, ultimately, via the [Scottish Public Services Ombudsman](#).

QAA Scotland's Scottish Concerns Scheme focuses on how HEIs manage their academic standards, the quality of learning opportunities and the

information that HEIs make available about their provision. Where concerns indicate serious systemic or procedural problems, a detailed investigation “will be conducted”. The scheme sets out the process for this. The intent is to promote public confidence in the university sector by offering a responsive means of exploring cases brought to the QAA’s attention outside the regular review processes.

Universities carry out institution-led reviews about every six years. An annual report on institution-led review activity by each HEI, signed off by the governing body, is produced each year.

QAA Scotland provides an analysis of these reports to the SFC. The SFC has a contract with the QAA to carry out independent external reviews, known as [Enhancement-led institutional reviews \(ELIR\)](#). The review teams are appointed by QAA and include senior academics, an international reviewer and a student reviewer. The QAA publishes [ELIR reports](#) on its website and provides an annual briefing on outcomes and issues arising from the previous year's ELIRs, as well as other enhancement activities that have taken place.

National Student Survey

One route for students to express their views about the quality of teaching in higher education is via the [National Student Survey \(NSS\)](#). The NSS is aimed mainly at final year undergraduates gathering opinions about their time in higher education, asking them to provide honest feedback on what their course has been like. It is intended to provide public information about higher education and to give students a collective voice to shape the future of their course and their institution for current and prospective students.

The results from [NSS 2019](#) are available online. In 2018 ,the [SFC press release](#) accompanying publication noted an increase in overall student satisfaction at Scottish HEIs from 83 per cent to 84 per cent in 2019.

Teaching Excellence Framework

The [Teaching Excellence and Student Outcomes Framework \(TEF\)](#) is led by the [Office for Students](#). Mainly focused on teaching excellence within universities in England. Five Scottish HEIs have voluntarily signed up to the requirements of TEF.

TEF is an exercise, operated by all publicly funded colleges and universities in England, to encourage excellent teaching and to gauge how well institutions ensure excellent outcomes for their students in terms of graduate level employment or further study. The results of this work, alongside other sources of information, are intended to help those considering higher education choose where to study. The ratings awarded to universities as a result of TEF activity are judged by an independent panel of students, academics and other experts.

While Scottish HEIs are not required to participate in TEF (given the existence of QEF to cover teaching quality in Scotland), [five Scottish HEIs have opted to](#)

[participate](#). These are: the University of Abertay Dundee; the University of Dundee; Heriot-Watt University; the Robert Gordon University; and the University of St Andrews. A Gold award means that an institution offers “consistently outstanding teaching, learning and outcomes for its students.” This award is issued where teaching is of the highest quality. The Silver award is where HEIs are delivering high quality teaching, learning and outcomes which, “... consistently exceeds rigorous national quality requirements for UK higher education”.

In England, TEF awards have an impact on tuition fees that can be charged. In Scotland, Wales and Northern Ireland, participation in TEF has no bearing on tuition fees.

Terms and conditions

Universities can set out what a student may expect from a university in the form of terms and conditions (e.g. [Edinburgh](#)).

The Competition and Markets Authority (“CMA”) published [guidance for Higher Education Institutions in 2015](#) in which it noted that “consumer protection law will generally apply to the relationship between HE providers and prospective and current undergraduate students.”

Following the CMA guidance, [Universities UK published a briefing on student contracts in 2018](#). Both publications highlighted the need for clear processes for complaints and redress. The CMA noted that, in certain circumstances, a student could potentially pursue a civil claim for breach of contract (para 2.31); however, guidance by Universities UK states that students should, “have access to complaints schemes and independent adjudication to resolve disputes without costly court action”.

Scottish Public Services Ombudsman

The [Scottish Public Services Ombudsman \(SPSO\)](#) has a wide remit, including certain responsibilities in relation to HEIs. The SPSO’s statutory functions are set out in the [Scottish Public Services Ombudsman Act 2002](#).

The SPSO’s role in relation to HEIs is to act as the final arbiter where complaints about an HEI are not satisfactorily resolved through its internal complaints’ procedures. It does not hear appeals about decisions made by HEIs. The SPSO can check whether the decision has been properly made; it cannot, however, change or overturn the decision. If the SPSO finds that something has gone wrong, it can make recommendations to put things right.

Scottish Government Action

There has been a significant amount of activity focused on the governance of both colleges and HEIs in the past decade. The [Post-16 Education \(Scotland\) Act 2013](#) (the 2013 Act), and then the [Higher Education Governance \(Scotland\) Act 2016](#) (the 2016 Act), set out in statute a number of requirements relating to formal governance arrangements that emerged from

reviews commissioned by the Scottish Government to look at the governance of both colleges and HEIs.

A [review of governance](#) in HEIs led by Professor Ferdinand von Prondzynski, published in January 2012, recommended establishing a Scottish code of higher education governance. The first edition of the [Scottish Code of Good HE Governance](#), published in 2013, set out 18 principles and supporting guidance for each. A review led to an [updated 2017 Code](#) which built on the 2013 Code and set out new elements in line with requirements in the 2016 Act.

The Code is mainly concerned with the governance mechanisms that oversee the teaching and research that takes place in HEIs. Importantly, both the legislation and the Code reiterate the importance of HEIs continuing to be seen as autonomous bodies. The legislative changes, notably through the 2016 Act, were intended to systemise a number of the governance arrangements including the membership of governing bodies at HEIs. One development was that students and staff members are now represented within the governance bodies of HEIs. This development recognises the important role that governance bodies play in oversight of HEIs and for such bodies to balance the needs of a range of stakeholders, including staff, students, alumni, employers, research partners and public bodies.

As noted above, the SFC plays a role in quality assurance of teaching via the work of the QAA, which is reported to the SFC. It also directly works with individual HEIs via the Outcome Agreement process. Each year, the [SFC outcome agreement managers](#) work with HEIs (and colleges) to identify outcome activity in line with Scottish Government policy priorities.

The [Guidance for the development of University Outcome Agreements: 2020-21 to 2022-23](#) makes specific reference to a Scottish Government strategic priority, “to provide high quality learning in a system where institutions work in partnership and demonstrate the highest standards of governance and financial accountability”. Aligned with this is the SFC core objective:

“to ensure our colleges, universities and specialist institutions form part of a successful, world-leading, coherent and sustainable system of education that responds effectively to the future needs of learners and the skills needs of the economy and society, enhances our rich cultural life, and strengthens Scotland’s international connection.”

Scottish Parliament Action

In terms of Higher Education, the focus of the Education and Skills Committee this session has been on [widening access](#), the impacts of Brexit, and budgets.

Over the past several years, the Local Government and Communities Committee has held annual evidence sessions with the SPSO following the publication of the SPSO’s annual report and accounts.

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19 December 2019

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