

PE1769/A

Quality Assurance Agency Scotland submission of 26 February 2020

It is worth highlighting that the information provided by the Scottish Parliament Information Centre provided a good overview of the landscape in Scotland with regards to protecting students' rights and for ensuring a high-quality education. I hope this response can provide some further detail and insight on ways that QAA helps the Scottish higher education sector to maintain and enhance a good quality student experience.

It is important to understand that QAA do not have a role to directly support consumer rights, and issues around staff and financial resource sit outside of QAA's remit. The Scottish Public Services Ombudsman (SPSO) is the right avenue to go down when there are specific concerns about how an institution has dealt with a complaint such as the one raised by the petitioner concerned. While of course there are limitations in terms of data protection, as SPSO is unable to share data on the cases raised with it for example, QAA are always willing to work with other organisations where possible in order to improve the student experience in Scotland. While universities in Scotland are not accountable to QAA, it does have a role in supporting the quality enhancement of the Scottish higher education sector and in giving confidence to the bodies they are accountable to (such as the Scottish Funding Council), that the appropriate arrangements to support and provide for an excellent student experience are in place. While the question of whether or not additional measures are required to enforce students' rights in Scotland is a matter for Parliament to decide, I hope this letter can demonstrate how the existing arrangements in place work to support student representation and a high-quality student experience overall. I hope it also demonstrates just some of the ways universities are held accountable to their stakeholders. Should you wish to receive further information in addition to the information provided in this letter, please don't hesitate to get in touch once again.

Baseline requirements

There are several baseline requirements which help to regulate and protect student interests. The Scottish Funding Council lists the Scottish baseline requirements as the following¹:

- The frameworks for higher education qualifications, and the Expectations of the UK Quality Code for Higher Education as the nationally agreed point of reference for providers who deliver or support UK higher education programmes.
- The HE Code of Governance, published by the Committee of University Chairs (CUC), which provides a statement of core values, key elements of governance that support those values, and illustrative guidance on how these elements can be implemented. Both codes include references to ensuring that governing

¹ http://www.sfc.ac.uk/web/FILES/guidance_sfcgd112017/SFCGD112017-SFC-guidance-HE-institutions-quality.pdf

bodies have effective oversight of the academic experience, of learning and teaching, and of the student voice.

- The providers' relevant obligations under consumer law. The Competitions and Markets Authority (CMA) have published guidance to help higher education providers understand their responsibilities under consumer protection law.
- The relevant good practice framework for handling complaints and academic appeals. In Scotland this is the Scottish Public Services Ombudsman.
- The financial sustainability, management and governance requirements of the relevant funding body, and mission and strategy for higher education provision.

QAA's role

QAA is the independent guardian of quality and standards in the Scottish higher education sector, and we work with the sector and other stakeholders to promote enhancement of the student learning experience. QAA supports the sector in ensuring that the quality of education is aligned with the expectations and the core and common practice of the UK Quality Code for Higher Education.

Our work is enhancement-led, in line with Scotland's Quality Enhancement Framework (QEF). QAA does not have a role to offer redress or compensation, or to deal with complaints or grievances raised by individuals. While we do operate the Scottish Concerns Scheme, it is used to take action if necessary at institution level, to ensure that academic standards and/or the quality of the learning experience are not placed at risk. We would normally only conduct enquiries in response to a concern raised with us if it falls within the scope of the scheme and if we have reason to believe it has not been acted upon within an institutions own quality assurance and enhancement processes.

Further details on QAA's concerns scheme can be found in the Annex to this letter.

Quality Enhancement Framework

The Quality Enhancement Framework (QEF) is the enhancement-led approach to quality which provides public confidence in academic standards and the quality of the student experience. It should ensure the continuing high-quality student experience in Scotland and caters to situations where there are unforeseen circumstances. The QEF is regularly reviewed by the sector, in collaboration with other sector partners such as SFC, to ensure it remains fit-for-purpose. The QEF is underpinned by collaboration and partnership and is comprised of five key elements:

Student engagement

One of the key pillars of the quality enhancement framework seeks to ensure that students are actively involved in the decision-making processes at the university, and the enhancement of the learning and teaching environment. These would include having student representatives on most university committees, student feedback being gathered throughout a course and universities having student charters or

Student Partnership Agreements (SPAs). SPAs are promoted by Student Partnerships in Quality Scotland (sparqs) and QAA as a good way of underpinning student engagement and explicitly agreeing the topics on which students and the institutions will work collaboratively on to enhance the student learning experience.

If students had serious concerns about their teaching provision, or the quality of a course, this should be identified within an institutions existing processes as a result of the student participation. Further to this, the institutional review method, ELIR, considers the effectiveness of student representation and engagement within each institution.

Enhancement-led Institutional Review (ELIR)

An evidence-based method of peer review, it means that staff and students from other institutions join a team of reviewers to assess what each higher education institution does. ELIR results in a judgement and a set of commendations and recommendations relating to the way the institution is securing academic standards and improving the student experience. After visiting the institution, the ELIR team, which includes a student reviewer alongside senior UK-based academics, writes two reports (an Outcome report and a Technical report) setting out the review findings. We publish the final version of these reports on our website and any areas of concern in terms of decision-making processes, assessment practices or on the quality of learning and teaching should be identified and acted upon as a result of an ELIR, if it hasn't already been acted upon as a result of an institutions own quality assurance and enhancement processes. Overall ELIR can be used as a way to ensure that Scottish institutions are adhering to the policies and practices outlined in the Quality Enhancement Framework and the UK Quality Code for Higher Education.

Public information

Public information relates to the details that institutions publish about the quality of their teaching and learning and the Scottish Funding Council (SFC) requires all institutions to make this information available. When it comes to changes in teaching provision or assessment as a result from industrial action, we would expect institutions to keep students fully aware of any impact it may cause, so they can plan accordingly and make any adjustments to their studies. Information in general must be clear, accurate and accessible to the public and QAA will consider the accuracy of this information as part of Enhancement-led Institutional Review (ELIR).

Institution-led review

Institutions in Scotland are responsible for reviewing their own academic subjects and professional services, this is known as institution-led review (ILR). Institutions have flexibility to design and manage ILR but they do need to meet the expectations of the Quality Code and the guidance published by SFC on quality for higher education institutions. During ELIR we examine how effective an institution's ILR processes are and we also discuss the outcomes of ILR with each institution during the ELIR annual

discussions. The annual reporting by HEIs on ILR, and the annual analysis that QAA subsequently produces supports learning and sharing good practice across the sector.

Enhancement Themes

The Enhancement Themes aim to improve the learning experience of students studying within the Scottish higher education sector. The sector achieves this by identifying and agreeing a specific area to work on (known as a Theme). The Themes encourage institutions, staff and students to work together to develop new ideas and models for innovation in learning and teaching. Each Theme also allows the sector to share and learn from current and innovative national and international practice. The current Theme, Evidence for Enhancement: Improving the Student Experience has focused on the use of data and other evidence to help prioritise on interventions to enhance the student experience. Previous Themes have looked at student transitions; co-development of the curriculum; and graduate attributes and employability.

Industrial action

I note that the petitioner made reference to the industrial action that took place at their university. Industrial action by academic staff is, by its nature, potentially disruptive to the day to day operation of a higher education institution. It is imperative that institutions prioritise students' interests when putting in place measures to mitigate the impact of industrial action. It should be noted that a students' tuition fees are not provided based on the numbers of specific classes provided, as is implied by the petition, but are provided to cover the totality of the learning and teaching and student experience for the programme being studied. Nevertheless, there should be clarity around a students' rights (via published information in students' handbooks for example, and with measures such as Student Charters, Student Partnership Agreements) and QAA would be eager to work with institutions to help promote improvements where they are needed.

QAA expects universities to take every measure available to ensure that academic standards are not compromised, and we would expect the institution to adhere to the expectations set out in the UK Quality Code for Higher Education. If an institution decides to assess or award using temporary or interim arrangements, we would expect it to confirm or regularise any decisions at the earliest possible opportunity.

If an institution concludes it cannot reasonably attempt to assess its students and maintain teaching provision in the present circumstances, we would expect it to put in place alternative strategies, causing the least possible disruption to students' interests, and implemented as soon as the present dispute is resolved.

Universities and colleges should consult their student representatives on all decisions relating to the teaching provision and assessment measures they are planning to take during industrial action (as we would expect student representatives to be consulted

and involved in the day-to-day running of the university through its student representation practices).

Within our role of promoting quality enhancement in Scotland, we have facilitated discussion and the sharing of best practice amongst universities in the Scottish sector on how to best maintain quality and standards during and following periods of industrial action through the sector Teaching Quality Forum. We would also expect any individual HEIs which thought they might have specific or severe issues in maintaining provision during strike action to be in touch with us under the 'no surprises' protocol. 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.

Annex – Background information on the QAA Scotland concerns scheme

QAA Scotland can investigate concerns about academic standards and quality in Scottish Higher Education institutions (HEI) raised by students, staff and other parties through our Scottish Concerns Scheme. Our detailed guide to the Concerns Scheme can be found on the QAA Scotland website². The Scheme is not a mechanism for addressing individual complaints or grievances. Institutions should address this through their internal mechanisms and, ultimately, via the Scottish Public Services Ombudsman.

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.

Where such concerns indicate serious systemic or procedural problems, QAA may 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 brought to QAA's attention outside the regular review arrangements. Before making a submission, an individual should first raise the issue(s) directly with the higher education institution through its internal procedures. If the HEI fails to resolve the issue(s), it can be raised with QAA.

We will only investigate concerns we think indicate serious weaknesses in the HEI's overall 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.

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 QAA's attention outside the regular review arrangements.

QAA do not resolve individual complaints against HEIs and we are unable to provide redress or compensation to any individual submitting a complaint. 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). However, QAA can look at individual complaints for evidence of broader failings in the management of academic standards and/or quality. If QAA considers that individual complaints indicate there have been serious systemic or procedural problems, it can investigate them as concerns.

Screening will determine whether a case can be investigated by QAA Scotland and they will consider the case against the expectations of the UK Quality Code for Higher Education (Quality Code), the action taken, or in the process of being taken, by the

² <https://www.qaa.ac.uk/scotland/reviewing-higher-education-in-scotland/how-to-raise-a-concern-in-scotland>

HEI to address the matter(s) and whether further information should be requested from the individual/organisation raising the concern or from the relevant HEI.

If the concern goes to a full investigation, its purpose is to examine the evidence and determine whether it reflects serious systemic or procedural shortcomings by the HEI. It is not to make a determination related to an individual complaint. The processes for these are laid out in detail in the Scottish Concerns Scheme document online.

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 recur 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. QAA Scotland can also decide to bring forward the HEI's next external review as a result.