

### **Review of colleges and universities**

This petition is timely because Scottish Ministers asked the Scottish Funding Council (SFC) in June to undertake a review of colleges and universities in Scotland, particularly taking into account the interests of learners and potential learners in the current emergency. We have undertaken a wide-ranging review, and consulted extensively with many partners and groups, including student representative bodies. We intend to publish the first phase of our review within the next few weeks and would be happy to share it with you. A key theme in our report is ensuring that student interests are at the heart of decision-making about the tertiary education system.

### **How student rights are enforced**

We have a range of statutory duties, but the ones that are of most relevance to the interests and rights of students are our duties to:

- Assess and enhance the quality of learning.
- Require colleges and universities to comply with the principles of good governance.

### ***Assessing and enhancing the quality of learning***

The UK Quality Code for Higher Education<sup>1</sup> sets out the academic standards and principles that apply to higher education institutions, including an expectation that they:

- Actively engage students, individually and collectively, in the quality of their educational experience.
- Have fair and transparent procedures for handling complaints and appeals which are accessible to all students.

Student partnership is an integral theme in all aspects of Scotland's approach to assessing and enhancing the quality of learning through the Quality Enhancement Framework (QEF)<sup>2</sup>. Students are encouraged and supported to actively engage in the development of learning at every level, including through representation in the reviews of the quality of learning at universities undertaken on our behalf by the Quality Assurance Agency Scotland (QAA).

It is part of the remit of QAA Scotland to investigate concerns about academic standards and quality raised by students if they are unhappy with the outcome of their institutions' own process. Where such concerns indicate serious systemic or procedural problems, QAA will conduct a detailed investigation through its Scottish Concerns Scheme<sup>3</sup>.

The outcome of QAA Scotland concerns review will depend on the nature, extent and seriousness of the concern. QAA Scotland will recommend that the institution

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<sup>1</sup> <https://www.qaa.ac.uk/quality-code>

<sup>2</sup> <https://www.qaa.ac.uk/scotland/quality-enhancement-framework>

<sup>3</sup> <https://www.qaa.ac.uk/scotland/reviewing-higher-education-in-scotland/how-to-raise-a-concern-in-scotland>

ensures that the problems identified do not reoccur and, in consultation with SFC, will develop an action plan with targets for the implementation of any recommendations to improve the quality of the learning experience.

QAA Scotland will only investigate concerns that indicate serious weaknesses in an institutions' approach to the management of quality and standards. They cannot investigate concerns around matters related to academic judgment, exam results, individual claims for tuition fee refunds, or grievances against individual staff. As part of our approach to supporting student participation in the development of the learning experience, we have funded SPARQS (Student Partnership in Quality Scotland<sup>4</sup>) since 2003. SPARQS promotes an environment, and enhances the capacity of students, to shape the nature of their learning and contribute to the overall success of learning provision. The work of SPARQS includes:

- The training and development of student officers and representatives.
- Supporting the development of student associations.
- Guidance to institutions on the development of staff and the co-creation of the curriculum.

It is also worth mentioning that the Higher Education Governance (Scotland) Act 2016 requires that the governing bodies/courts of higher education institutions include at least two representatives from the students' association. The Act reflects historic common practice for higher education institutions to have student representation on all of their key governance and decision making bodies, alongside class representation systems, to safeguard and promote the interests and wellbeing of students.

Overall, we believe that there are well-developed approaches in place to ensure that student interests and rights in relation to the quality of learning are protected. Nevertheless, we continue to keep our approach under review including through the review of colleges and universities which I mentioned earlier.

### **Principles of good governance**

We have a statutory duty to require colleges and universities to comply with the principles of good governance. Good governance is important because it helps to ensure that students are undertaking their learning in higher education institutions that are well-led and managed and which take into account the student voice.

The main way in which we ensure compliance is through the adoption of a Financial Memorandum (FM) with higher education institutions, which sets out our expectations of how they should demonstrate good governance. In particular, the FM states that higher education institutions should engage:

“...actively in continuously enhancing the quality of its activities and involve students and other stakeholders in these processes”

### **Scope for allocating more power to the Scottish Public Services Ombudsman**

The primary responsibility for addressing individual student complaints rests with higher education institutions. The Scottish Public Services Ombudsman Act 2002

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<sup>4</sup> <https://www.sparqs.ac.uk/>

requires that universities in Scotland adopt a model complaints and handling procedure (CHP) developed by the Scottish Public Service Ombudsman (SPSO) in collaboration with representatives from the sector<sup>5</sup>.

The model acts as a template for institutions' own CHPs, simplifying and standardising complaints handling across the sector and ensuring compliance with key principles including openness, accountability and fairness. The model CHP is reviewed on a three-year cycle to ensure it remains relevant and fit for purpose, with institutions expected to adjust their own CHPs as appropriate. To enhance transparency and facilitate continuous improvement, universities are also required to publish their complaints handling performance against a range of performance indicators.

If a complainant has gone all the way through a universities' CHP and is dissatisfied with the outcome, they are entitled to ask the SPSO to look at the institutions handling of their complaint.

The current COVID-19 emergency has undoubtedly created unprecedented challenges for students and for higher education institutions, which are creating strains on the system. However, so far, we have no evidence that that the current approach is not effective in protecting the interests and rights of students, and the issue was not raised with us in our recent review of colleges and universities. Having said that, we do occasionally receive requests from students to investigate complaints against colleges and universities, which suggests that their right to raise their complaint through the SPSO is not always well-understood. We think there may therefore be a need to raise awareness amongst students of the current approach.

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<sup>5</sup> <https://www.spsso.org.uk/sites/spsso/files/csa/OriginalCHPs/HEMCHPImplementationGuide2012.pdf>