

For information

Cyngor Cyllido Addysg
Uwch Cymru
Higher Education Funding
Council for Wales

hefcw

Complaints against HEFCW and allegations concerning institutions funded by HEFCW: Annual Report 2009-10

Disclosable

Meeting	Agenda Item	Reference No
02/07/10	22	HEFCW/10/69

1 Issue

This paper provides for information an annual report of complaints received against HEFCW, and allegations received regarding the HEIs funded by HEFCW, during the financial year (FY) 2009-10.

2 Corporate Planning Implications / Rationale for paper

- 2.1 The Audit and Risk Committee and Council receive an annual report on the number of complaints against, and allegations about institutions funded by HEFCW, received in the previous financial year.

3 Recommendations

Council is invited to:

- i. Note the complaint received against HEFCW in FY 2009-10;
- ii. Note that two allegations against institutions were received in 2009-10.

4 Timing for decisions

The report is received by Committee at its first meeting after the end of each financial year and is reported to the following meeting of Council.

5 Members' interests

No conflicts of interests have been declared in advance of the meeting.

6 Further information

Contact Niina Hammond (Tel 029 2068 2252; E-mail: Niina.Hammond@hefcw.ac.uk) or Dale Hall (Tel 029 2068 2280; Dale.Hall@hefcw.ac.uk)

7 Background

Complaints about HEFCW

- 7.1 HEFCW has an External Complaints Procedure (http://www.hefcw.ac.uk/about_us/our_responsibilities/complaints_about_hefcw.aspx), which is concerned with claims of impropriety, irregularity, misconduct, poor performance or ineffectiveness by HEFCW officers.
- 7.2 Complaints initially are dealt with by the member of staff who receives them, or their line manager. If the complaint remains unresolved, the complainant will contact the Clerk to the Council. A detailed response and an explanation will normally be made within 15 working days. If the complainant is not satisfied with the response, they can then write to the Chief Executive and ask for the complaint and response to be reviewed. If the complainant is not satisfied with the Chief Executive's response, they can request for their complaint to be considered by the Council's Complaints Panel, consisting of three members: two external members drawn from a pool of experienced figures independent of the Council, and one Council member chairing the Panel. Individuals who remain dissatisfied with the Council's decision may refer their complaint to the Public Service Ombudsman for Wales.

Allegations about institutions funded by HEFCW

- 7.3 HEFCW's assurance service occasionally receives allegations of financial irregularity or impropriety, mismanagement, waste and fraud in higher education institutions. We have a procedure to manage our response to such allegations, *Allegations concerning institutions funded by HEFCW* (http://www.hefcw.ac.uk/working_with_the_providers/institutional_assurance/allegations_concerning_institutions.aspx)
- 7.4 Complaints by staff or students concerning a particular institution are to be addressed through the institution's own internal complaints and appeal procedures.
- 7.5 The Financial Memorandum between HEFCW and HEIs sets out requirements for the governance and management of institutions. Where allegations are received that these requirements are not being met, HEFCW must satisfy itself that the matter has been investigated, appropriate action taken, and relevant people informed.

8 Complaints about HEFCW in 2009-10

- 8.1 One complaint against HEFCW was received during financial year 2009-10. The complaint was received on 28 November 2009. The details of the complaint itself remain confidential.
- 8.2 This was the first complaint received against HEFCW in accordance with its External Complaints Procedure which resulted in consideration by Panel.
- 8.3 The complaint concerned alleged abusive wording from an officer using the HEFCW IT systems. The complaint was initially considered by the Director

of Finance and Corporate Services and responded to on 18 December 2009.

- 8.4 The complainant was unsatisfied with this response and appealed to the Chief Executive on 21 December 2009, as per stage two of the Complaints procedure. Following review, the Chief Executive upheld the initial decision and informed the complainant so on 18 January 2010.
- 8.5 The complainant immediately requested that a Complaints Panel be convened to investigate the matter. Mr David Allen, Council member, chaired the Panel and Dr Malcolm Ballin and Mr Raymond Burton were appointed as independent members. Ms Niina Hammond, Clerk to the Council, administered to the Panel.
- 8.6 The Panel met on 10 March 2010 and, after due deliberations and discussions with the relevant officers, resolved not to uphold the complaint.
- 8.7 The Panel, however, recommended that the Chief Executive provide a formal apology to the complainant for any distress caused, and that an amendment to HEFCW's Acceptable Internet Use Policy be implemented. Both recommendations were duly actioned.
- 8.8 The verdict was returned to the complainant on 23 March 2010. On 12 April 2010, HEFCW were informed by the Public Services Ombudsman that the matter had been forwarded to them by the complainant to investigate further. The Public Services Ombudsman stated that, following consideration of the case and HEFCW's management of the complaint, they had concluded that they would not investigate further.

Council is invited to note the above complaint received during 2009-10.

9 Allegations against HEIs in 2009-10

- 9.1 Two allegations against HEIs funded by HEFCW were received during FY 2009-10.
- 9.2 The first allegation concerned a dispute about an appointments process between the complainant and an HEI. Since personnel matters at HEIs fall outside of HEFCW's remit our response to the complainant stated that the matter must be taken up directly with the institution concerned through its formal grievance and appeals procedures.
- 9.3 The second allegation concerned an alleged failure by an HEI to follow due governance and management processes in relation to an internal complaint against the complainant, and to a grievance matter raised by the complainant against the institution. Details of the allegation were put to the institution concerned, who responded by saying that the issues raised by the complainant were still in the process of being addressed through the institution's own Disciplinary and Grievance Procedures. We have since (during 2010-11) received further communications from the complainant.

We have acknowledged the receipt of this material but have taken the view that no further action should be taken.

9.4 In addition to the above specific institutional allegations, HEFCW continues to receive copies of correspondence from a former student of a Welsh HEI who is dissatisfied with their treatment on an academic matter. This has been ongoing since 2003. This complainant also continues to correspond with the Assembly, WAO, media and others. HEFCW is no longer responding to this individual's correspondence on this particular matter, though we continue to respond to Freedom of Information requests and formal complaints from the individual in accordance with our standard procedures.

Council is invited to note the number of complaints and allegations received during 2009-10

10 Financial and resource implications

Dealing with the formal complaint and the allegations concerning institutions received during 2009-10 has had significant resource implications in terms of staff time. There were also some financial costs incurred from the organisation of the Complaints Panel. Should any investigation have been required at an HEI as a result of allegations received then additional resources might have needed to be secured.

11 Communications implications

There are no communications implications arising from this paper.

12 Diversity and Equal Opportunities implications

This paper has no implications for age, disability, gender, race, religious belief, sexual orientation or the Welsh language.

13 Risk Assessment

Risk	Action to address risk
Complaint or allegation against HEIs not managed in accordance with the procedures, or incorrect decision made.	<ul style="list-style-type: none"> • Complaints against HEFCW that cannot be dealt with informally are co-ordinated by Clerk to the Council • Allegations against HEIs co-ordinated by Senior Institutional Assurance Manager. • Oversight of both processes by Head of Governance, Leadership and Information, who checks for compliance with the appropriate HEFCW procedures and also consistency of decisions reached. • Periodic reminders to staff about complaints and allegations procedures.