

# Complaints about institutions (including concerns about standards and quality)

October 2017



Noddir gan  
**Lywodraeth Cymru**  
Sponsored by  
**Welsh Government**

## Purpose

1. The aim of these procedures is to outline the types of complaints about institutions that may be dealt with by HEFCW, and the processes via which HEFCW will handle relevant complaints. This includes, where relevant, links to HEFCW's intervention procedures.

## HEFCW's role

2. Institutions are independent, legally autonomous bodies and we do not interfere unnecessarily in their operations. It is therefore not in the remit of the Higher Education Funding Council for Wales (HEFCW) to become involved in disputes between students or staff and the institutions that we fund or regulate. All institutions have their own complaints and appeals procedures, including on matters of academic performance and staff grievances. Complainants<sup>1</sup> should pursue their complaints directly with the institution concerned in accordance with the institution's own internal procedures.
3. Our relationship with the institutions which we fund is governed by a [Memorandum of Assurance and Accountability](#). The Memorandum of Assurance and Accountability (the 'Memorandum') sets out the terms and conditions for the payment of funds under the Further and Higher Education Act 1992 to the governing body of each institution. It also lays down requirements for the governance and management of institutions. Where complaints are received that the Memorandum of Assurance and Accountability requirements are not being met by an institution, HEFCW officers may investigate and take appropriate action.
4. Our relationship with regulated institutions (all those institutions with an approved Fee and Access Plan) is governed by the Higher Education (Wales) Act 2015. The Higher Education (Wales) Act 2015 sets out the requirements of regulated institutions in terms of: their compliance with approved Fee and Access Plans; the quality of their education provision; and the management of their financial affairs, through compliance with a Financial Management Code. HEFCW has the power to intervene where an institution has charged full-time undergraduate course fees in excess of the fees set out in the relevant approved Fee and Access Plan for the institution (as published on its website); or has failed to, or is likely to fail to, deliver against the measures relating to the promotion of equality of opportunity and higher education set out in its Fee and Access Plan (the 'general requirements' of the Plan). HEFCW also has the power under the Higher Education (Wales) Act 2015 to intervene where the quality of a regulated institution's education provision is assessed as being inadequate or likely to become inadequate; or where an issue with the management of a regulated institution's financial affairs means that it has failed to comply, or is likely to fail to comply, with the Financial Management Code.

---

<sup>1</sup> Complainants may include individuals, groups or organisations

5. The following table summarises the areas under HEFCW’s funding or regulatory powers in which HEFCW may consider complaints against an institution.

<b>Institutions in receipt of HEFCW funding</b>	<b>Regulated Institutions not in receipt of HEFCW funding<sup>2</sup></b>	<b>Regulated Institutions in receipt of HEFCW funding<sup>3</sup></b>
<u>Financial affairs, governance and management</u>		
<ul style="list-style-type: none"> <li>Breaches of the Memorandum of Assurance and Accountability</li> </ul>	<ul style="list-style-type: none"> <li>Failure, or likelihood of failure, to comply with the Financial Management Code</li> </ul>	<ul style="list-style-type: none"> <li>Breaches of the Memorandum of Assurance and Accountability</li> <li>Failure, or likelihood of failure, to comply with the Financial Management Code</li> </ul>
<u>Fee and Access Plan compliance</u>		
	<ul style="list-style-type: none"> <li>The charging of full-time undergraduate course fees in excess of the fee level set out in the relevant approved Fee and Access Plan</li> <li>Failure, or likelihood of failure, to comply with the general requirements of the relevant approved Fee and Access Plan</li> </ul>	<ul style="list-style-type: none"> <li>The charging of full-time undergraduate course fees in excess of the fee level set out in the relevant approved Fee and Access Plan</li> <li>Failure, or likelihood of failure, to comply with the general requirements of the relevant approved Fee and Access Plan</li> </ul>
<u>Quality of education</u>		
<ul style="list-style-type: none"> <li>Inadequate quality, or quality that is likely to become inadequate<sup>4</sup></li> </ul>	<ul style="list-style-type: none"> <li>Inadequate quality, or quality that is likely to become inadequate</li> </ul>	<ul style="list-style-type: none"> <li>Inadequate quality, or quality that is likely to become inadequate</li> </ul>

6. Where complaints are received in relation to the charging of excess full-time undergraduate fees, failure to comply with Fee and Access Plan targets,

<sup>2</sup> As of June 2017 there were no regulated institutions that were not also in receipt of direct HEFCW funding, although there is the potential for non-funded providers (e.g. alternative providers, FE colleges) to become regulated institutions

<sup>3</sup> All universities and regulated FE colleges in receipt of direct HEFCW funding.

<sup>4</sup> Under terms and conditions of HEFCW funding

education of inadequate quality, or failure to comply with the Financial Management Code, HEFCW may investigate and take action under the Higher Education (Wales) Act 2015 with our powers of intervention set out in our [Statement of Intervention](#). It should be noted that issues regarding part-time and postgraduate fees are not covered by this procedure. Any concerns regarding the charging of excess fees for part-time and postgraduate courses should be raised with the institution in the first instance and subsequently, if not addressed, with the Competition and Markets Authority ([CMA](#)).

7. In addition to the above areas, under Section 26(1) of the Counter-Terrorism and Security Act (2015) a duty has been placed on Higher Education providers to 'have due regard to the need to prevent people from being drawn into terrorism', known as the Prevent duty. The Home Secretary, in consultation with Welsh Government, has delegated responsibility to HEFCW to monitor compliance with the Prevent duty, with the means by which HEFCW will monitor compliance set out in [The Prevent Duty: Monitoring Framework](#). Relevant Higher Education Bodies (RHEBs) covered by this duty and monitored by HEFCW include all universities in Wales<sup>5</sup>, Alternative Providers headquartered in Wales that are awarded specific course designation and Other Providers that are teaching 250 or more students by headcount on HE courses in Wales and not covered by the other two categories. Where complaints are received that a RHEB is not fulfilling its Prevent duty in some way, HEFCW may undertake initial checks and ask the body concerned to investigate the matter, and if the issue is substantiated, provide notification of the consequences.
8. The procedures for making complaints in respect of:
  - a. suspected breaches of the [Memorandum of Assurance and Accountability](#) by a funded institution;
  - b. the failure, or likelihood of failure, comply with the Financial Management Code by a regulated institution;
  - c. the failure, or likelihood of failure, to comply with a Fee and Access Plan (fee levels and the general requirements of the Plan) by a regulated institution;
  - d. inadequate quality, or quality that is likely to become inadequate, of education delivered by or on behalf of a regulated institution; and
  - e. the failure by a RHEB to fulfil its Prevent duty,are outlined below. **Please note that HEFCW cannot become involved in complaints that do not relate directly to one or more of the above areas.**
9. It should be noted that in respect of all issues regarding the quality of education, these complaints procedures replace the Quality Assurance Agency for Higher Education (QAA) Concerns scheme for Wales.

---

<sup>5</sup> HEFCW's monitoring authority excludes all Further Education Institutions (FEIs) in Wales, including those in dual sector relationships. FEIs in Wales come under Estyn's monitoring authority for the Prevent duty.

## Making a complaint regarding an institution

10. Where a complainant (the 'discloser') wishes to make a complaint regarding:
- financial, governance or management matters;
  - the charging of excess fees or compliance with Fee and Access Plan general requirements;
  - quality of education delivered by or on behalf of a regulated institution; or
  - the failure by a relevant higher education body to fulfil its Prevent duty,
- they must first clarify whether the institution is [funded](#) and/or [regulated](#) by HEFCW. In respect of complaints regarding financial, governance or management matters this will determine whether a complaint may be made to HEFCW regarding a potential breach of the Memorandum of Assurance and Accountability, non-compliance with the Financial Management Code, or both. In respect of complaints regarding the charging of excess fees; compliance with Fee and Access Plan general requirements; education provision of inadequate quality, or quality that is likely to become inadequate; this will determine whether a complaint may be made to HEFCW, as HEFCW can only consider complaints regarding regulated institutions. As outlined above, complainants should note that for all quality related issues these procedures replace the QAA Concerns scheme for Wales.
11. Where the discloser wishes to make a complaint to HEFCW regarding an institution in respect of any of the above issues, then they should:
- a. Read carefully this document and the other relevant documentation (**please see below for the specific documents for each area**) prior to contacting HEFCW.
- **For financial, governance or management matters**, complainants should read the [Memorandum of Assurance and Accountability and Financial Management Code](#).
  - **For issues regarding the charging of excess fees or compliance with Fee and Access Plan general requirements**, complainants should read the institution's Fee and Access Plan.
  - **For issues regarding inadequate quality, or quality that is likely to become inadequate**, complainants should read the [baseline regulatory requirements](#) of the quality assessment framework for Wales. It should be noted that if the complaint does not fall within the baseline requirements HEFCW will be unable to progress it.
  - **For issues regarding failure by a relevant higher education body (RHEB, see paragraph 15 of The Prevent Duty: Monitoring Framework for details of RHEBs) to fulfil its Prevent duty**, complainants should read the [Prevent Duty Guidance for Higher Education Institutions](#) in England and Wales; the [Revised Prevent Duty Guidance](#) for England and Wales (Sections A to D); and [The Prevent Duty: Monitoring Framework](#) for Higher Education Providers in Wales. It should be noted that RHEBs are assessed by HEFCW as having 'due regard' to the Prevent Duty if they have

appropriate policies and processes in place in response to the Prevent Statutory Guidance; and they satisfactorily demonstrate that they are following these policies and processes in practice. The discloser should therefore also read the institution's Prevent policies and processes.

- b. Seek further clarification, if necessary, from HEFCW (email [complaints@hefcw.ac.uk](mailto:complaints@hefcw.ac.uk)) regarding whether the complaint does indeed relate to one of the above areas falling under HEFCW's regulatory remit.
- c. Satisfy themselves that:
  - i. The complaint relates to HEFCW's functions and its relationship as set out in the relevant documentation (see 11a. above).
  - ii. The institution's own public interest disclosure ('whistleblowing') or other relevant complaints procedure has been fully exhausted; formal clarification has been obtained from the institution; or the issue has been formally raised with the institution, as appropriate (**please see below for the specific requirements in each area**). There is an exception to this general requirement, where there are compelling reasons not to raise the matter with the institution, such as where there are legitimate concerns that the discloser would be treated adversely by the institution or that evidence relevant to the complaint would be destroyed.
    - **For complaints regarding breaches of the Memorandum of Assurance and Accountability or failure, or likelihood of failure, comply with the Financial Management Code**, the discloser should normally have completed the institution's relevant 'whistleblowing' or complaints procedure with a decision issued by the institution.
    - **For complaints regarding the charging of excess fees**, the discloser should have sought formal clarification from the institution regarding the level of fees that have been charged, or are to be charged, to confirm whether these are indeed in excess of the level set out in the relevant approved Fee and Access plan (student representatives may be able to provide support for students with this). For this purpose, 'fees', as defined by the Higher Education (Wales) Act 2015, are the fees in respect of, or otherwise in connection with: undertaking a course, including admission, registration, tuition and graduation; and fees/fees payable to an institution for awarding or accrediting any part of the course. This excludes: (a) fees payable for board or lodging (b) fees payable for field trips (including any tuition element of such fees); (c) fees payable for attending any graduation or other ceremony; (d) any other fees prescribed for the purposes of this section (e.g. extra costs associated with equipment etc.).
    - **For complaints regarding failure, or likelihood of failure, to comply with Fee and Access Plan general requirements**, the discloser should have sought formal

clarification from the institution regarding the compliance with the measures and expenditure, relating to the promotion of equality of opportunity and higher education, set out in the institution's relevant approved Fee and Access Plan (student representatives may be able to provide support for students with this). This should confirm whether there is indeed non-compliance, or a likelihood of non-compliance, with the general requirements of the Fee and Access plan.

- **For complaints regarding inadequate quality, or quality that is likely to become inadequate**, the discloser should normally, have formally raised the issue with the University, and be able to provide evidence that they have completed any associated procedures as appropriate (e.g. via a Completion of Procedures letter). If the discloser has not been able to complete the institution's procedures then they must provide an explanation regarding why this was not possible, in order for HEFCW to judge whether it should accept the complaint. If the institution is not aware of the complaint, then the discloser may be required to engage with the institution's procedures before any complaint under HEFCW's procedures can be accepted.
  - **For complaints regarding failure by a RHEB to fulfil its Prevent duty**, the discloser should normally have raised the issue formally with the RHEB's designated Prevent Coordinator and received an acknowledgement of this.
- iii. They can provide evidence – HEFCW is normally unable to investigate any un-evidenced complaints. If it is not possible to provide evidence, then the discloser must confirm the reason why this is not possible.
  - iv. The matter does not relate to an individual or collective personnel dispute for which there are established routes of complaint and remedies.
  - v. The matter does not relate to an issue of academic judgement.
  - vi. For complaints in respect of inadequate quality, or quality that is likely to become inadequate, the issue affects, or has the potential to affect, a group of students rather than an individual. If it does not, then the discloser should refer the matter to the Office of the Independent Adjudicator (OIA), as appropriate (**Information on the OIA's role and how HEFCW will work with that organisation is provided in the note below**). The matter must also relate to the quality of education as defined under Section 18(2) of the Higher Education (Wales) Act 2015, i.e. relates to quality which is, or is likely to become, inadequate. This covers matters relating to standards and student academic experience.

- vii. The discloser has direct experience of the issue e.g. is a student, recent graduate, or member of staff of the institution<sup>6,7</sup>.
- d. Complete the appropriate form and submit it to HEFCW (please see below).
  - The form for complaints regarding financial affairs, governance and management (i.e. breaches of the Memorandum of Assurance and Accountability or Financial Management Code) is attached at **Annex A**.
  - The form for complaints regarding Fee and Access Plan compliance (i.e. The charging of excess fees or failure to comply with Fee and Access Plan general requirements) is attached at **Annex B**.
  - The form for complaints regarding inadequate quality or quality that is likely to become inadequate at regulated institutions is attached at **Annex C**.
  - The form for complaints regarding failure by a RHEB to fulfil its Prevent duty is attached at **Annex D**.

An acknowledgement of receipt will be sent within five working days. Please note that our policy is normally not to take action in response to anonymous complaints.

**NOTE: The OIA and HEFCW**

The OIA operates the statutory complaints handling scheme for higher education students in England and Wales. It has a wide remit to consider complaints about acts and omissions of its member providers, although the OIA cannot look at complaints about admissions, academic judgment, student employment and matters which are the subject of Court or Tribunal proceedings, unless those proceedings have been 'stayed' or 'adjourned'.

Students and former students may complain to the OIA, as individuals or in groups. Those complaining to the OIA must usually have completed all relevant internal procedures of their higher education provider. The OIA is a review body and will not usually investigate matters afresh. The OIA normally reviews whether the provider has followed its procedures and applied its regulations (and whether those procedures and regulations are themselves reasonable) and whether the provider's final decision was reasonable in all the circumstances. More information about the OIA Scheme, including a list of higher education providers which are members and guidance on how to make a complaint to the OIA, can be found on the OIA's website: [www.oiahe.org.uk](http://www.oiahe.org.uk).

---

<sup>6</sup> If you are not a student or member of staff of the institution, then you must confirm how you have direct knowledge or experience of the issue.

<sup>7</sup> The only exception to this is where there are issues relating to health, which might mean that it is appropriate for the issue to be raised by a representative. However, where the student is capable of raising the issue themselves, then they should do so.

**NOTE: The OIA and HEFCW (continued)**

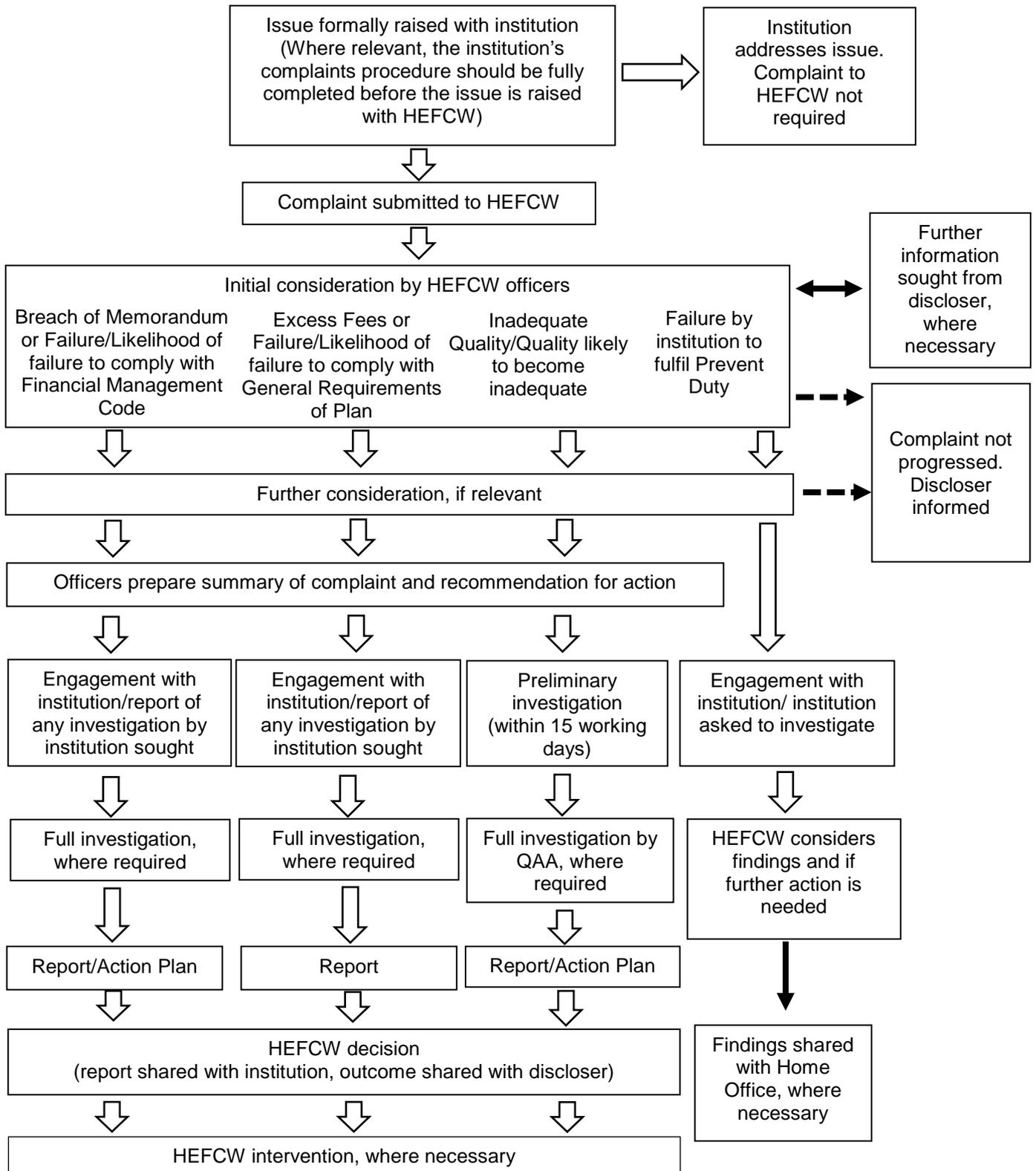
HEFCW works with the OIA to identify the areas where their complementary roles and independent functions inter-relate and to agree areas where it is appropriate to share information and contribute to the work of their respective organisations. The sharing of information is carried out in a manner that is efficient, proportionate and fully in compliance with the Human Rights Act 1998 and the Data Protection Act 1998, where applicable.

Disclosers who raise concerns under this HEFCW Complaints Procedure will be referred to the OIA, where appropriate. The OIA will then determine whether the discloser's complaint is one which it is able to review under the Rules of the OIA Scheme.

Complaints received by HEFCW, relating to disputes between multiple students and the institution, may also fall under the remit of the OIA, and disclosers will be referred to that organisation as appropriate.

**How HEFCW will handle complaints**

12. The following flow-chart provides a generalised summary of the HEFCW process for handling complaints about institutions. Disclosers should note that HEFCW may halt the complaints process at any stage if the issue has been satisfactorily addressed by the institution.



Initial consideration

13. All complaints received by HEFCW regarding financial affairs, governance and management; compliance with Fee and Access Plans; inadequate quality, or quality likely to become inadequate; and the Prevent Duty, will be acknowledged and referred to relevant officers from across HEFCW, as appropriate. HEFCW officers will determine if action should be taken, and obtain clarification of, or further information regarding the complaints from the discloser, if this is possible and is considered necessary to reach a decision.
14. HEFCW will first consider whether the complaint is relevant to its functions (i.e. that it relates to a breach of the Memorandum of Assurance and Accountability, failure to comply with the Financial Management Code, failure to comply with fee levels or the general requirements set out in an institution's Fee and Access Plan, inadequate quality or quality that is likely to become inadequate, or failure by an institution to fulfil its Prevent duty) and whether the necessary evidence has been provided to support the complaint. If HEFCW officers consider that a complaint relates solely to issues of academic judgement, personnel disputes, or simply questions legitimate decisions by the institution, no further action will be taken by HEFCW. In such circumstances a reply will be sent to the discloser confirming that these are matters for the institution and that HEFCW will not take any further action. HEFCW officers will seek to complete initial consideration of complaints within 15 working days of receipt.

Further consideration of relevant complaints

15. If the complaint is considered to be relevant to its functions HEFCW will then consider:
  - a. Whether the evidence provided by the discloser demonstrates, or seems likely to be able to demonstrate, a reasonable basis for the complaint;
  - b. Whether the discloser appears to believe that the complaint is true;
  - c. The seriousness of the complaint;
  - d. In the case of complaints regarding a perceived breach of the Memorandum of Assurance and Accountability or failure to comply with the Financial Management Code, that the institution's own relevant procedure for public interest disclosure or complaints has been completed, or whether there are compelling reasons for the discloser's decision not to use those procedures. Such reasons might include a legitimate concern that the discloser would be treated adversely by the institution or that evidence relevant to the complaint would be destroyed;
  - e. In the case of complaints regarding the charging of excess fees, that the issue has been raised formally with the institution and a response received that acknowledges that the level of fees charged is in excess of that published in the relevant approved Fee and Access Plan for the

institution. Also no satisfactory resolution has been reached regarding reimbursement;

- f. In the case of complaints regarding failure to comply, or a likelihood of failure to comply, with the general requirements of the institution's approved Fee and Access Plan, that the issue has been raised formally with the institution and a response received that confirms whether there is non-compliance, or a likelihood of non-compliance, with the general requirements of the Fee and Access plan;
  - g. In the case of complaints regarding inadequate quality or quality that is likely to become inadequate, that the issue has normally been raised formally with the institution and any associated procedures have been completed (see para 11c).
  - h. In the case of complaints regarding a failure by a relevant higher education body (RHEB) to fulfil its Prevent Duty, whether the RHEB has already alerted HEFCW, or reported the issue to the police or another appropriate authority – for example, if criminality is suspected.
16. Having considered these factors, HEFCW officers will make a judgement as to the robustness and seriousness of the complaint, and whether it needs to be pursued. If a complaint appears to be minor, frivolous or vexatious it will not be pursued. However, a file note will be retained setting out the basis for the judgement and a Director will inform the discloser of this decision. HEFCW officers will seek to complete this consideration of complaints within 20 working days of receipt.
17. If the complaint relates to a matter within HEFCW's functions and is considered to be of a level of robustness and/or seriousness which requires us to consider taking action, then HEFCW officers will instigate the procedure below.

Pursuing complaints in relation to financial affairs, management and governance

18. If HEFCW judges that it is appropriate to pursue a complaint regarding a perceived breach of the Memorandum of Assurance and Accountability, a failure to comply with the Financial Management Code, or the likelihood of a failure to comply with the Financial Management Code, officers will prepare a brief summary of the complaint and a recommendation for action. If the approach to be taken in pursuing the complaint is not clear, HEFCW officers will seek the advice of the Chief Executive.
19. Once approved it will be for HEFCW officers to determine the work necessary to ensure compliance, either using HEFCW resources or by obtaining assistance from outside HEFCW. In all cases, the institution will be informed. If it is considered that an investigation is necessary, this will be confirmed in a letter from a Director to the head of the institution.
20. Where complaints are raised in respect of the head of the institution or governing body, a Director will liaise with the HEFCW Chief Executive about

how to proceed. In such circumstances, actions may include contacting the institution's chair of governors or chair of its Audit Committee.

21. The nature of the complaint should, where possible, be discussed with the institution to establish if the institution is already aware of the complaint and has investigated it. If this is the case, copies of any reports will be obtained, and HEFCW officers will make a judgement within a reasonable timescale as to whether any further action is needed by the institution. If the institution is not aware of the complaint, discussions will take place with the institution to agree whether an investigation is necessary and who might undertake it. HEFCW officers will obtain a copy of any report resulting from such an investigation by the institution or its auditors, and it has the right of access to any documents necessary for the conduct of its work.
22. When HEFCW officers consider that no further work is appropriate, either because a full investigation was not warranted or because the complaint has already been the subject of a full internal report, a recommendation will be made that the file on the complaint be closed. HEFCW officers will then notify the original discloser of this outcome within 15 working days of the outcome being reached. It will be for the institution to decide whether any internal report should be shared with the discloser.
23. If HEFCW considers that an investigation by officers is necessary, the work will be undertaken within 15 working days where possible. The investigation should lead to a report which will, if possible, be agreed with the institution as being an accurate report of the investigation and its findings. The report will ultimately be issued to the institution's Accountable Officer (usually the Vice-Chancellor or Principal, and copied to the governing body) in confidence by HEFCW's Chief Executive, in the same way as routine reports from HEFCW officers. The expectation is that it will be considered by the institution's Audit Committee, with this to be followed up with the institution.
24. In respect of a breach of the Memorandum of Assurance and Accountability, where it is decided that further work is appropriate, HEFCW will inform the discloser that the complaint is being investigated. In respect of a failure to comply with the Financial Management Code, or the likelihood of a failure to comply, the reports of any investigations will inform an action plan for addressing the failure to comply, with delivery of this plan leading ultimately to a decision by HEFCW to initiate intervention as outlined in our [Statement of Intervention](#).
25. The discloser will also be informed, in broad terms and insofar as this is compatible with any duties of confidentiality to others and data protection considerations, of the ultimate outcome of such further investigations within 15 working days of such an outcome being reached. Where appropriate, HEFCW will share the findings from the report with Welsh Government and the Wales Audit Office. Action plans may not be made available to disclosers for reasons of commercial confidentiality.

Pursuing complaints in relation to compliance with an institutions approved Fee and Access Plan

26. If HEFCW officers judge that it is appropriate to pursue a complaint regarding the charging of fees in excess of the level set out in an institution's approved Fee and Access Plan; or a failure, or the likelihood of a failure, to comply with the general requirements of the institution's Fee and Access Plan, they will prepare a brief summary of the complaint and a recommendation for action. If the approach to be taken in pursuing the complaint is not clear, the advice of the Chief Executive will be sought.
27. Once approved, it will be for HEFCW officers to manage whatever work is considered necessary, either using internal resources or by obtaining assistance from outside HEFCW. In all cases, the institution will be informed. If it is considered that an investigation is necessary, this will be confirmed in a letter from a Director to the Accountable Officer (usually the Vice-Chancellor or Principal), copied to the governing body.
28. In all cases, the complaint will be discussed with the institution to establish if the institution is already aware of the complaint and has investigated it; whether the charging of excess fees or failure to comply with the general requirements of the Fee and Access Plan has been established; and what action, if any, has been taken. In the case of the charging of excess fees this will include any action to reimburse those individuals or sponsors that have been affected. In order to facilitate discussion with the institution, HEFCW officers may request permission to share the discloser's relevant details (e.g. name, course etc.). It should be noted that, where permission to share relevant details is requested, refusal may hinder HEFCW's ability to address the complaint. If the institution is already aware of the complaint and has investigated it, copies of any reports prepared by the institution will be obtained, and HEFCW officers will make a judgement within a reasonable timescale as to whether any further action is needed by the institution.
29. If the institution is not aware of the complaint, discussions will take place with the institution to agree whether an investigation is necessary and who might undertake it. HEFCW officers will obtain a copy of any report resulting from such an investigation by the institution or its auditors, and it has the right of access to any documents necessary for the conduct of its work.
30. If HEFCW considers that an investigation by officers is necessary, the work will be commissioned. The investigation should lead to a report which will, if possible, be agreed with the institution as being an accurate report of the investigation and its findings. HEFCW will inform the discloser that the complaint is being investigated. The discloser will also be informed, in broad terms and insofar as this is compatible with any duties of confidentiality to others and data protection considerations, of the ultimate outcome of such further investigations within 15 working days of the outcome being reached. The report will ultimately be issued to the institution's Accountable Officer (usually the Vice-Chancellor or Principal) and copied to the governing body, in confidence by HEFCW's Chief Executive.

31. The reports of any investigations will inform a decision by HEFCW to initiate intervention via the issue of a Compliance and Reimbursement Direction or a Direction in respect of the General Requirements of Approved Plan, as outlined in our [Statement of Intervention](#). The discloser will be informed, in broad terms and insofar as this is compatible with any duties of confidentiality to others and data protection considerations, of any decision on whether to initiate intervention under the Higher Education (Wales) Act 2015 within 15 working days of a decision being reached.
32. Where a complaint has already been raised with the Office of the Independent Adjudicator for Higher Education (OIA) or with the Competition and Markets Authority (CMA), prior to being raised with HEFCW, HEFCW may await the outcome of any ongoing OIA or CMA investigations and processes before considering intervention. Even if this is not the case, HEFCW officers may liaise with the OIA or CMA to inform them of the complaint and may work in parallel with these bodies where necessary. Where appropriate, in order to facilitate any investigations or actions by the OIA and/or CMA, HEFCW may request permission to share a discloser's relevant details.

Pursuing complaints in relation to inadequate quality or quality that is likely to become inadequate at a regulated institution

33. If HEFCW officers judge that it is appropriate to pursue a complaint regarding quality (including standards and areas set out in the Quality Code) that is, or is likely to become inadequate, they will prepare a brief summary of the complaint and a recommendation for action. If the approach to be taken in pursuing the complaint is not clear, the advice of the Chief Executive will be sought.
34. In the first instance, HEFCW officers will manage whatever work is considered necessary. This will include a preliminary investigation of the issue, carried out by HEFCW officers within 15 working days where possible. A full investigation will include obtaining assistance from outside HEFCW as appropriate. Any decision to initiate a preliminary or full investigation will be confirmed in a letter from a Director to the head of the institution (copied to the governing body).
35. In all cases meeting the requirements to proceed to a preliminary investigation, the complaint will be discussed with the institution to establish the outcomes of the institution's own investigation of the matter. In order to facilitate discussion with the institution, HEFCW officers may request permission to share the discloser's relevant details (e.g. name, course etc.). It should be noted that, where permission to share relevant details is requested, refusal may hinder HEFCW's ability to address the complaint.
36. **The preliminary investigation** will be undertaken within 15 working days where possible. HEFCW will inform the discloser that the complaint is being investigated. The discloser will also be informed, in broad terms and insofar as this is compatible with any duties of confidentiality to others, of the ultimate

outcome of such investigations, including whether or not it proceeds to a full investigation.

37. As part of the preliminary investigation, officers will also establish whether quality issues have been identified separately through quality assessment processes or the normal work of the institution (e.g. via internal quality assessment processes, external quality assessment review, any previous complaints made, the processes of the Office of the Independent Adjudicator for Higher Education (OIA), Estyn, or other Professional, Statutory or Regulatory Body (PSRB)). They will also consider any action taken in response.
38. Where, prior to being raised with HEFCW, the complaint has been raised with an external agency or body which normally reviews/inspects the provision of that institution, or has a role in undertaking investigations relevant to its remit (e.g. OIA or CMA), then HEFCW may await the outcome of any ongoing investigations and processes before considering intervention. In addition, even if the complaint has not been raised elsewhere, HEFCW officers may liaise with such a body to inform them of the complaint. Where appropriate, in order to facilitate any investigations or actions by that body, HEFCW may request permission to share a discloser's relevant details.
39. HEFCW officers have the right of access to any documents necessary for the conduct of both preliminary and full investigations. This include copies of any report resulting from the investigation by the institution or the agency reviewing/ inspecting quality of that institution or course. Officers will make a judgement as to whether any further action is needed by the institution to address quality issues, as outlined in our [Statement of Intervention](#). We will also liaise with the OIA, Estyn and PSRBs as appropriate.
40. Following the preliminary investigation, HEFCW officers will advise the Chief Executive whether a full investigation should be carried out. This will be in cases where the preliminary investigation indicates that there is sufficient evidence of quality of education which is (likely to become) inadequate to warrant a full investigation and report. If a preliminary investigation does not proceed to a full investigation, then the procedures will cease and there will be no written report. HEFCW officers will then notify the original discloser of this outcome within 15 working days of the outcome being reached.
41. **If a full investigation** is required, HEFCW will normally refer the matter to the QAA. The investigation will lead to a report which will, if possible, be agreed with the institution as being an accurate report of the investigation and its findings. The report will ultimately be issued to the institution's Accountable Officer (usually the Vice-Chancellor or Principal and copied to the governing body) in confidence by HEFCW's Chief Executive. It will normally be published on HEFCW's website within 30 days of issue.
42. The reports of any investigations will inform an action plan for addressing issues in respect of inadequate quality or quality that is likely to become inadequate, with delivery of this plan leading ultimately to a decision by

HEFCW to initiate intervention in respect of inadequate quality as outlined in our [Statement of Intervention](#). The plan should be developed by the institution in partnership with the student body. The discloser will be informed of any decision on whether to initiate intervention in respect of inadequate quality under the Higher Education (Wales) Act 2015 within 15 working days of a decision being reached.

43. The numbers of complaints regarding quality and standards will be reported in the annual report of the Quality Assessment Committee, together with the numbers progressing to preliminary and full investigations.

Pursuing complaints in relation to failure by a relevant higher education body to fulfil its Prevent Duty

44. If HEFCW officers judge that it is appropriate to pursue a complaint regarding failure by a relevant higher education body to fulfil its Prevent Duty, we may ask the institution to investigate the matter and, if the complaint is substantiated, we will expect notification of the consequences. In order to facilitate investigation by the institution, HEFCW officers may request permission to share the discloser's relevant details (e.g. name, course or affiliation etc.). It should be noted that, where permission to share relevant details is requested, refusal may hinder the ability to investigate the complaint.
45. If, following this engagement, we have particular compliance concerns, we will discuss with the institution the ways in which it might be able to address these. This may involve an institutional visit on a risk-based approach. We will notify the institution of our intention to visit in advance.
46. If after this discussion with the institution, HEFCW officers are still not satisfied, we will assess whether the issues in question are sufficiently serious as to suggest that the institution is not complying with its Prevent duty obligations. In that situation, HEFCW will need to advise the Home Office who may in turn, refer the matter to their Prevent Oversight Board which advises the Home Secretary as to whether further action is necessary. In such circumstances, HEFCW will also inform the Welsh Government of any concerns.
47. In the event of the complaint relating to a serious incident, we are required to report all serious incidents to the Home Office within 24 hours of their occurrence, and within 3 days to provide a follow up report on how the matter has been resolved. HEFCW will therefore contact an institution immediately upon receipt of a complaint relating to a serious incident, and where appropriate HEFCW will alert the Home Office. We consider serious Prevent-related incidents to include those which are likely to result in serious harm to any individual, have a significant community impact, reputational damage to the Welsh HE sector or impact on public confidence in the Home Office (such as through negative media coverage). We would not expect this to cover business as usual (for example, straightforward Channel referrals or informal contact with the police or local Prevent partners).

## Timescales

48. For the purpose of this procedure, a working day means any day between Monday and Friday (inclusive) irrespective of an individuals' working pattern, but excluding public and bank holidays.
49. While HEFCW will make every effort to adhere to the time limits prescribed in the formal procedure, it may not always be possible due to work commitments, leave or sickness, etc. If it is anticipated that a time limit will not be met, an explanatory letter will be sent to the individuals and alternative time scales will be agreed. Every effort will be made to deal with the complaint as promptly as possible and delays to the process by any party involved will not be tolerated.

## Supporting Documentation

50. The following annexes provide more detailed guidance as follows:
  - **Annex A** – Form for submitting complaints regarding financial affairs, governance and management (breaches of the Memorandum of Assurance and Accountability; failure, or the likelihood of failure, to comply with the Financial Management Code).
  - **Annex B** – Form for submitting complaints regarding Fee and Access Plan compliance (the charging of excess fees; failure, or the likelihood of failure, to comply with the general requirements of an approved Fee and Access Plan)
  - **Annex C** – Form for submitting complaints regarding inadequate quality or quality that is likely to become inadequate
  - **Annex D** – Form for submitting complaints regarding a failure by a relevant higher education provider to fulfil its Prevent duty

If you require this document in hard copy for reasons of accessibility, please email [complaints@hefcw.ac.uk](mailto:complaints@hefcw.ac.uk) or telephone 029 2085 9696. If you have a visual impairment, we will also accept the submission of complaints by telephone.

## Form for submitting complaints regarding financial affairs, governance and management

Name of discloser: .....

Correspondence address: .....

.....

Telephone: .....

Email: .....

The Institution (university, college or institution) that the complaint concerns:

.....

Relationship of discloser to institution:

.....

Does this complaint relate to:

- A breach of the Memorandum of Assurance and Accountability (Institutions in receipt of HEFCW funding only)
- Failure to comply with the Financial Management Code (Regulated Institutions only)
- Likelihood of failure to comply with the Financial Management Code (Regulated Institutions only)
- Both a breach of the Memorandum of Assurance and Accountability and failure to comply with the Financial Management Code (Regulated Institutions in receipt of HEFCW funding)

Has this complaint or complaint been pursued through all stages of the institution's own complaints and/or public interest disclosure procedures?

Yes  No

If **yes** please supply a copy of the final decision.

If **no** please explain why the case is being pursued with HEFCW below.

Please summarise the complaint below:

Which of the HEFCW's functions and interest does this complaint relate to? Please refer to the relevant paragraph of the Memorandum of Assurance and Accountability (MAA) and/or Financial Management Code (Code).

<b>MAA/Code paragraph number</b>	<b>MAA/Code paragraph reference</b>

Please supply documentary evidence as necessary, including copies of all correspondence with the institution. If you do not have evidence, please explain why below.

***NB** We are normally unable to approach an institution for an explanation of unsupported complaints.*

Has this complaint been formally pursued with any other bodies (e.g. Charity Commission, Police)?

Yes  No

If **yes** please provide further information below.

Would you be willing to meet the HEFCW officer, if one is asked to take this case forward?

Yes  No

Signed:

.....

Date: .....

Please submit 'in confidence' to:  
Higher Education Funding Council for Wales  
Tŷ Afon  
Bedwas Road  
Bedwas  
Caerphilly  
CF83 8WT  
Tel: 029 2085 9696  
Web: [www.hefcw.ac.uk](http://www.hefcw.ac.uk)  
Email: [complaints@hefcw.ac.uk](mailto:complaints@hefcw.ac.uk)

## Form for submitting complaints regarding Fee and Access Plan compliance by regulated institutions

Name of discloser: .....

Correspondence address: .....

.....

Telephone: .....

Email: .....

The Institution (university, college or institute) that the complaint concerns:

.....

Relationship of discloser to institution:

.....

Does this complaint or complaint relate to:

- The charging of fees in excess of the level set out in the institution's approved Fee and Access Plan
- Failure to comply with the general requirements of the institution's approved Fee and Access Plan
- Likelihood of failure to comply with the general requirements of the institution's approved Fee and Access Plan

Has this complaint been pursued formally with the institution?

Yes  No

If **yes** please supply a copy of the institution's response.

If **no** please explain why the case is being pursued with HEFCW below.

Please summarise the complaint below.

- For complaints regarding the charging of excess fees, please provide information on the course and how the fee levels charged exceed those published in the Fee and Access Plan.
- For complaints regarding failure to comply with the general requirements of an approved Fee and Access plan, please provide information on how the institution has failed to comply, or is likely to fail to comply, with the measures and/or expenditure, relating to the promotion of equality of opportunity and/or higher education set out in the Fee and Access Plan :

Please supply documentary evidence as necessary, including copies of all correspondence with the institution. If you do not have evidence, please explain why below.

***NB** We are normally unable to approach an institution for an explanation of unsupported complaints.*

Has this complaint been formally pursued with any other bodies (e.g. CMA, OIA)?

Yes  No

If **yes** please provide further information below.

Would you be willing to meet the HEFCW officer, if one is asked to take this case forward?

Yes  No

Signed:

.....

Date: .....

Please submit 'in confidence' to:  
Higher Education Funding Council for Wales  
Tŷ Afon  
Bedwas Road  
Bedwas  
Caerphilly  
CF83 8WT  
Tel: 029 2085 9696  
Web: [www.hefcw.ac.uk](http://www.hefcw.ac.uk)  
Email: [complaints@hefcw.ac.uk](mailto:complaints@hefcw.ac.uk)

**Form for submitting complaints regarding inadequate quality, or quality that is likely to become inadequate, of education at regulated institutions**

Name of discloser: .....

Correspondence address: .....

.....

Telephone: .....

Email: .....

The Institution (university, college or institute) that the complaint concerns:

*(NB. For provision delivered under franchise arrangements please include the details of both the regulated institution that is franchising the provision and the institution undertaking the delivery of the provision):*

.....

Relationship of discloser to institution:

.....

Does this complaint or complaint relate to:

- Quality of education which is inadequate
- Quality of education which is likely to become inadequate

Has this complaint been pursued formally with the institution?

Yes  No

If **yes** please supply a copy of the institution's response.

If **no** please explain why the case is being pursued with HEFCW below.

***NB** we normally require the complaint to have been pursued with the institution before we can consider it.*

Please summarise the complaint below, providing information on the course(s) of education to which the complaint relates and how the quality of education is perceived to be inadequate or likely to become inadequate, with particular reference to our quality criteria, as set out in para 11:

Please supply documentary evidence as necessary, including copies of all correspondence with the institution. If you do not have evidence, please explain why below.

*NB We are normally unable to approach an institution for an explanation of unsupported complaints.*

Has this complaint been formally pursued with any other bodies (e.g. QAA, OIA)?

Yes  No

If **yes** please provide further information below.

Would you be willing to meet HEFCW officers, if they are asked to take this case forward?

Yes  No

Signed:

.....

Date: .....

Please submit 'in confidence' to:  
Higher Education Funding Council for Wales  
Tŷ Afon  
Bedwas Road  
Bedwas  
Caerphilly  
CF83 8WT  
Tel: 029 2085 9696  
Web: [www.hefcw.ac.uk](http://www.hefcw.ac.uk)  
Email: [complaints@hefcw.ac.uk](mailto:complaints@hefcw.ac.uk)

**Form for submitting complaints regarding a failure by a relevant higher education body to fulfil its Prevent duty**

**Name of discloser:** .....

**Correspondence address:** .....

.....

**Telephone:** .....

**Email:** .....

**The Institution (university, college or institute) that the complaint concerns:**

.....

**Relationship of discloser to institution:**

.....

Does this complaint relate to a serious incident?

Yes  No

Has this complaint been pursued formally with the institution?

Yes  No

If **yes** please supply a copy of the institution's response.

If **no** please explain why the case is being pursued with HEFCW below.

Please summarise the complaint below, providing information on the issue which is considered to represent a failure by the institution to fulfil its Prevent duty:

Please supply documentary evidence as necessary, including copies of all correspondence with the institution. If you do not have evidence, please explain why below.

***NB** We are normally unable to approach an institution for an explanation of unsupported complaints.*

Has this complaint been formally pursued with any other bodies (e.g. Charity Commission, Security Services)?

Yes  No

If **yes** please provide further information below.

Would you be willing to meet HEFCW officers, if they are asked to take this case forward?

Yes  No

Signed:

.....

Date: .....

Please submit 'in confidence' to:  
Higher Education Funding Council for Wales  
Tŷ Afon  
Bedwas Road  
Bedwas  
Caerphilly  
CF83 8WT  
Tel: 029 2085 9696  
Web: [www.hefcw.ac.uk](http://www.hefcw.ac.uk)  
Email: [complaints@hefcw.ac.uk](mailto:complaints@hefcw.ac.uk)