

# Inadequate Quality Processes Prior to Intervention

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## Introduction

1. This document clarifies actions we will take to deal with quality which is, or is likely to become, inadequate prior to the initiation of statutory intervention under the processes outlined in the Transitional Statement of Intervention. It replaces the former Unsatisfactory Quality Procedures for regulated institutions and links to our Transitional Statement of Intervention. It aims to ensure that the interests of students, the provider and the wider higher education (HE) sector are protected.
2. These processes apply for the period from 4 February 2016 until further notice, which is anticipated to lapse on 31 July 2016, and may be extended for a further period, subject to any changes to be implemented in relation to quality assessment arrangements. Any further update will be taken forward as part of the development of new quality assessment arrangements.

## Definition of quality

3. **The quality of education** or of a course of education, under the terms of section 18 of The Act, is deemed to be inadequate if it is not adequate to meet the reasonable needs of those receiving the education or undertaking the course.
4. In the period covered by this agreement we will contract with the QAA to assess the quality of education provided in Wales, as enabled under The Act. The reasonable needs will be considered to be met for these purposes if a provider obtains judgements of 'Meet(s) UK expectations' or 'Commended' in all four judgement categories in QAA review. In every case, a regulated institution receiving a 'requires improvement' or 'does not meet' outcome will be deemed to have quality which is, or is likely to become, inadequate. It will be subject to the procedures detailed in this document, before becoming subject to the inadequate quality interventions outlined in the Transitional Statement of Intervention.

## Background

5. Previously, under the Higher and Further Education Act, 1992, HEFCW had a statutory responsibility to secure that provision was made for assessing the quality of education provided in institutions for whose activities it provided, or was considering providing, financial support.
6. Under section 17 of [The Higher Education \(Wales\) Act 2015](#) (the 2015 Act), HEFCW is required to assess, or make arrangements for the assessment of, the quality provided in Wales by, or on behalf of, each regulated institution. Where we are satisfied that the quality of this education is inadequate or likely to become inadequate, then sections 19 and 20 of the 2015 Act apply, enabling HEFCW to give directions to the governing body of an institution to address these issues, and/or take other measures in relation to inadequate quality.

7. We deliver our statutory responsibilities for HE quality assessment through contracting with the Quality Assurance Agency for Higher Education (QAA). We have extended our Service Level Agreement with the QAA and Universities Wales to 31 July 2016, and may extend this for a further year to 31 August 2017, to take account of the review of quality assessment in England, Wales and Northern Ireland.
8. From 2012/13, a higher education institution (HEI) or further education institution (FEI) with directly funded higher education (HE) provision receives judgements on four categories within the Quality Assurance Agency (QAA) review process for Wales. The process was known as 'Institutional Review: Wales,' and from 2014/15 was renamed 'Higher Education Review: Wales (HERW).'<sup>1</sup> The overall aim of HERW is to inform students and the wider public whether a provider meets UK expectations. These expectations are set out in the UK Quality Code for Higher Education<sup>2</sup>.
9. HERW provides accountability to students and others with an interest in higher education, and encourages improvement. The process is carried out by peer reviewers, who are staff and students from other providers. A report on the judgements and findings is published after the review. The judgements and possible outcomes from the review method are as follows:

Judgement	Outcomes
<ul style="list-style-type: none"> <li>• The threshold standards of awards</li> </ul>	<ul style="list-style-type: none"> <li>• Meet/do not meet UK expectations</li> </ul>
<ul style="list-style-type: none"> <li>• The quality of students' learning opportunities</li> </ul>	<ul style="list-style-type: none"> <li>• Commended</li> <li>• Meets UK expectations</li> <li>• Requires improvement to meet UK expectations</li> <li>• Does not meet UK expectations</li> </ul>
<ul style="list-style-type: none"> <li>• The enhancement of students' learning opportunities</li> </ul>	
<ul style="list-style-type: none"> <li>• The quality of public information, including that produced for students and applicants.</li> </ul>	

10. A published action plan is prepared as a result of all reviews, addressing the recommendations and affirmations, and giving any plans to capitalise on the identified good practice. The provider updates the action plan annually until all actions have been completed, and posts the updated plan to its website.
11. The review is completed when it is formally 'signed off'. Where 'commended' or 'meets' judgements are achieved in all four areas, the review is formally signed off by the QAA on publication of the initial action plan.
12. The Higher Education Statistics Agency (HESA) maintains a list of Professional, Statutory and Regulatory Bodies (PSRBs) which accredits specific courses<sup>3</sup>. PSRBs may also review/inspect provision at designated

<sup>1</sup> [www.qaa.ac.uk/en/ReviewsAndReports/Pages/Higher-Education-Review-Wales.aspx](http://www.qaa.ac.uk/en/ReviewsAndReports/Pages/Higher-Education-Review-Wales.aspx)

<sup>2</sup> [www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code](http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code)

<sup>3</sup> [www.hesa.ac.uk/C14061/accreditation\\_list.html](http://www.hesa.ac.uk/C14061/accreditation_list.html)

providers, and will maintain their own definitions of quality. In addition, Her Majesty's Inspectorate for Education and Training in Wales (Estyn)<sup>4</sup> have statutory responsibility for inspecting Initial Teacher Training provision, FE in HE, and further education institutions which may also be offering higher education provision. HEFCW will consider the findings of these bodies where they consider that the quality of higher education provision is inadequate, or likely to become inadequate, and in so doing will use their definitions of quality. HEFCW will determine on a case by case basis whether these outcomes should trigger our inadequate quality procedures.

13. As noted in [circular W15/27HE](#), we consider that the current review process takes account of provision which is likely to become inadequate. This is because it looks at processes, which are likely to demonstrate problems before provision becomes inadequate. The QAA has a method for investigating concerns regarding academic standards, quality and information provided by higher education providers<sup>5</sup>, which also provides an opportunity to investigate provision that is likely to become inadequate.
14. As changes to quality assessment in the UK are introduced, we will keep the processes for determining quality likely to become inadequate under review, and will consult in accordance with the 2015 Act. This will include quality of non-HE provision delivered by or on behalf of regulated institutions.

### **Actions taken following unsatisfactory HERW outcomes (HE provision)**

15. Regulated institutions receiving unsatisfactory HERW outcomes are able to undertake remedial actions prior to any decision to implement the inadequate quality actions. The QAA will monitor the response of providers to the HERW outcomes on HEFCW's behalf, as enabled under Section 17 of The Act.
16. The actions following HERW are detailed in the handbook (on the QAA website [www.qaa.ac.uk](http://www.qaa.ac.uk)), and summarised below:
  - Following the review, the regulated institution produces an action plan in consultation with students, describing how it will respond to the findings. The QAA monitors the implementation of the action plan;
  - Where a review team makes a judgement of 'requires improvement to meet UK expectations' or 'does not meet UK expectations' in one or more areas of the review, there is a programme of follow-up activity, to address the area that has received either of these judgements;
  - A provider receiving one or more 'requires improvement' judgements submits its action plan, with a series of progress reports to be provided over the following year. If these reports show that progress has been made in dealing with the review findings, QAA arranges for a peer visit to establish whether the judgement can be changed to 'meets UK expectations';

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<sup>4</sup> [www.estyn.gov.uk/](http://www.estyn.gov.uk/)

<sup>5</sup> [www.qaa.ac.uk/concerns/concerns-about-providers](http://www.qaa.ac.uk/concerns/concerns-about-providers)

- A provider receiving a 'do/does not meet' judgement submits its development plan, with a series of progress reports to be provided over the following year. If reports show that progress has been made in dealing with the review findings, QAA will arrange for a second review to take place within twelve months. If the second review returns 'commended' or 'meets UK expectations' judgements in all areas, the judgement(s) will be changed and the review signed off.
17. The initial judgement is formally communicated to the regulated institution by means of a letter from the QAA to the head of the regulated institution. We, and the QAA, require any HERW outcome to be discussed with the regulated institution's governors at the first available opportunity. It should be the aim of all stakeholders to ensure action is taken to rectify the identified problems.
  18. The primary responsibility for drawing up the action plan rests with the regulated institution and we will encourage it to use other available sources of support and expertise where appropriate (e.g. the Higher Education Academy). While the QAA cannot act as a consultant to providers regarding action plans, it will be prepared to comment on proposals.
  19. Regulated institutions which are not the awarding bodies will be expected to involve their awarding bodies where appropriate. Regulated institutions should involve their external providers if necessary, in order to ensure that there is no risk to quality of provision of other partners.
  20. The QAA will request progress reports from the regulated institution on the implementation of the action plan at regular intervals and will monitor these to confirm that recommendations are being addressed. QAA staff will also meet with senior managers at the regulated institution.
  21. The QAA will pay a follow-up visit to the regulated institution and will formally sign the review off when satisfied that the action plan has been implemented successfully, within a maximum of 12 months. The nature, scope and timing of the review are determined in accordance with the principle of proportionality, and through dialogue between the regulated institution, the QAA and us, and will normally focus on issues identified in the review. Throughout this period, the QAA will inform us of any concerns about the effectiveness of remedial action and discuss any additional actions required.

### **Implementation of interventions**

22. As noted in our Transitional Statement of Intervention, we will seek to avoid unnecessarily duplicating the actions of other regulatory organisations. This principle underpins our actions in relation to quality that is, or is likely to become, inadequate.
23. We will implement the interventions when we consider a regulated institution to be at risk in terms of the quality of their provision. This will normally be when the existing procedures have failed to result in sufficient improvement,

and/or it is not considered that the regulated institution will be able to address the problem(s) within a reasonable timescale.

24. In the case of HE provision, any interventions will usually be in response to the outcomes of QAA engagement. In the case of FE and other provision and initial teacher training, interventions will usually be on the basis of Estyn inspections. We expect to develop further processes to cover this provision in collaboration with Estyn. In the short term, interventions relating to other provision of regulated institutions will be in response to our allegations procedures. We will be consulting on these to ensure they are appropriate and fit for purpose.
25. Regulated institutions have the opportunity to undertake actions to ensure that their provision is of adequate quality, prior to us initiating our statutory interventions. In addition, following consultation with the governing body of a regulated institution, we may give advice or assistance to the governing body. If these actions are unsuccessful, we will implement our statutory interventions [see para 37 to 66 of the Transitional Statement of Intervention].
26. The interventions will be implemented when:
  - the peer visit or further HERW does not result in the review being signed off;
  - a regulated institution receives a 'do(es) not meet UK expectations judgement'<sup>6</sup> in two successive reviews, as even where an initial problem leading to the outcome has been addressed, and an action plan successfully implemented, two such judgements will indicate ongoing problems with quality and/or standards at that regulated institution.
27. In addition, and on a case by case basis, we may also implement the interventions for regulated institutions which:
  - Cannot agree an action plan with the QAA to address any 'requires improvement to meet UK expectations' judgement within a reasonable time frame;
  - Receive a 'requires improvement to meet UK expectations' judgement and fail to develop an appropriate action plan, or are deemed by the QAA to have made unsatisfactory progress against their action plan;
  - Receive a judgement of 'requires improvement to meet UK expectations' in any category in two successive reviews;
  - Receive any 'do(es) not meet UK expectations' outcome judgement followed by a 'requires improvement to meet UK expectations' judgement in any category, or vice versa;
  - Are identified via other assessments, inspections or reviews (eg by Estyn or other PSRBs) to be at risk in terms of quality of provision. Any decision by HEFCW to implement the inadequate quality procedures would be taken following an evaluation by the reviewing/inspecting body

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<sup>6</sup> i.e. 'do not meet' in relation to the threshold standards of awards, and 'does not meet' in relation to the quality of students' learning opportunities, enhancement of students' learning opportunities and the quality of public information

of the implementation of actions to address identified issues relating to quality;

- Are identified via our engagement with providers to be at risk in terms of students and quality, and substantiated by evidence;
- Are identified through our allegations procedures as being at risk in terms of the quality of their provision;
- Are not considered by HEFCW to have complied with their duty to cooperate under Section 21 of The Act, eg in relation to the provision of information, assistance and access to the regulated institution's facilities as reasonably required.

28. In implementing the interventions, the principles under para 9 of the Transitional Statement of Intervention will apply. The needs of the learners affected by any issues covered by the HERW will be paramount, and in taking any action we and the provider concerned will ensure that students continue to have access to high quality learning opportunities<sup>7</sup>. We will consider appropriate action on a case by case basis in consultation with the QAA, the regulated institution, the regulated institution's awarding body (or bodies), and other relevant partners.
29. A decision regarding whether to implement the interventions will be made by us within a reasonable timescale (to be determined on a case-by-case basis) of the circumstances detailed above. We will involve the regulated institution in discussions and will consult with the QAA and/or other bodies which review/inspect quality at regulated institutions, if the reasons for implementation of the interventions result from their review/inspections, and/or are likely to impact on other provision of that regulated institution which they review/ inspect.
30. In the case of concerns regarding quality of provision being identified repeatedly, or failing to be addressed to the satisfaction of a body undertaking another assessment, inspection or review, we will take a decision in consultation with the body undertaking the assessment, inspection or review.
31. If any external providers are considered to be at risk in terms of sound and effective management of learning opportunities and academic standards, then we may ask the QAA to undertake an additional review of these external partners. This will be dealt with as a separate issue.
32. We will be concerned if a regulated provider is identified via another assessment, inspection or review (eg by Estyn or a PSRB) to be unsatisfactory and/or at risk of having accreditation of provision withdrawn. We will expect regulated institutions to keep us, as well as the organisation which carried out the assessment, inspection, review or engagement, informed of the actions being taken in response to the unfavourable outcome. Should concerns regarding quality be identified repeatedly, or should they fail

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<sup>7</sup> Including for those learners with protected characteristics or who wish to learn through the medium of Welsh

to be addressed to the satisfaction of the organisation concerned, we may choose to implement the interventions.

### **Concerns about standards and quality**

33. Our first step will be to ask the QAA to carry out a further investigation using their concerns about academic standards and quality, and about information that regulated institutions make available about their provision, where these may indicate serious systemic or procedural problems. We may also ask them to do this where we have concerns that provision may become inadequate. Details of this process are available on the QAA website.<sup>8</sup> They will do this on our behalf, under Section 17 of The Act.
34. The concerns method includes screening; an initial inquiry, at which a regulated institution will be able to make a case for no further action; and a full investigation, should the initial inquiry provide sufficient evidence of a concern, or demonstrate that are still issues of concern outstanding.
35. In the event of a full investigation, the QAA will provide recommendations to the regulated institution regarding how they may ensure that the problems identified do not reoccur. The QAA normally also requests an action plan, with targets for the implementation of the recommendations.
36. Should the recommendations and/or action plan fail to be addressed to the satisfaction of HEFCW and/or the QAA, we may choose to implement our statutory interventions.

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<sup>8</sup> [www.qaa.ac.uk/concerns/concerns-about-providers](http://www.qaa.ac.uk/concerns/concerns-about-providers)