

Cylchlythyr | Circular

Procedures for handling complaints against institutions

Date: 05 October 2017
Reference: W17/28HE
To: The Governing Bodies and Heads of regulated institutions
and other interested parties
Heads of higher education institutions in Wales and
Principals of directly-funded further education colleges in
Wales
Heads of other relevant HE bodies and Prevent HE Leads
Response by: No response required
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This circular reports on the responses to the consultation on the *Complaints against institutions procedures*. It also provides the final version of these procedures which supersede HEFCW's allegations against institutions procedure and the QAA concerns scheme for Wales with immediate effect.

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Purpose

1. This circular reports on the responses to the consultation on the procedures for handling complaints against institutions, which outline the types of complaints against institutions that may be dealt with by HEFCW, and the processes via which HEFCW will handle relevant complaints (see **Annex A**). This includes, where relevant, links to HEFCW's intervention procedures. It also provides the final version of the procedures for handling *Complaints against institutions (including concerns about standards and quality)* (see **Annex B**), which supersede the current allegations against institutions procedure and QAA concerns scheme for Wales with immediate effect.

Background

2. HEFCW has, until now, operated an allegations procedure in respect of Higher Education Institutions funded by HEFCW and directly-funded Further Education Colleges, which has enabled individuals to refer issues to HEFCW regarding an institution's compliance with the [Memorandum of Assurance and Accountability](#). This has included allegations of financial irregularity or impropriety, mismanagement, waste, or fraud in higher education institutions. Concerns regarding quality and standards have to date been dealt with via the [QAA concerns scheme](#).
3. A range of additional regulatory powers have been conferred on HEFCW by the Higher Education (Wales) Act 2015. HEFCW has the power to intervene where a regulated institution has charged course fees in excess of the fees set out in its relevant approved Fee and Access Plan for the institution or where the quality of a regulated institution's education provision is assessed as being inadequate or likely to become inadequate. HEFCW also has the power to intervene where a regulated institution 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; 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](#). In addition, the Counter-Terrorism and Security Act 2015 requires HEFCW to monitor compliance with the 'Prevent' duty, with the means by which HEFCW will monitor institutions' compliance set out in [The Prevent Duty: Monitoring Framework](#).

Consultation responses

4. The Consultation (circular [W17/12HE](#)) in respect of the procedures for handling complaints against institutions was published on 9 June 2017. This circular sought responses to the following questions:

Q1: Are there any issues with regard to how the procedure will operate for complaints in respect of breaches of the Memorandum of Assurance and Accountability by a HEFCW funded institution?

Q2: Are there any issues with regard to how the procedure will operate for complaints in respect of failure, or likelihood of failure, to comply with the Financial Management Code by a regulated institution?

Q3: Are there any issues with regard to how the procedure will operate for complaints in respect of the charging of excess fees by a regulated institution?

Q4: Are there any issues with regard to how the procedure will operate for complaints in respect of failure, or likelihood of failure, to comply with the general requirements of an approved Fee and Access Plan by a regulated institution?

Q5: Are there any issues with regard to how the procedure will operate for complaints in respect of inadequate quality, or quality that is likely to become inadequate?

Q6: Are there any issues with regard to how the procedure will operate for complaints in respect of failure by a relevant higher education body to fulfil its Prevent duty?

Q7: Are there any unintended consequences resulting from the procedure not covered under the specific areas above?

Q8: Do you have suggestions in respect of the proposed web-based system that will be developed by HEFCW to facilitate the initial submission of complaints?

5. HEFCW has recorded and analysed the views of all respondents to the consultation in a consistent manner. We provide an analysis of the consultation responses and an explanation of how these responses were considered in our subsequent decisions at **Annex A**. For reasons of practicality, due to the length of some responses and the duplication between individual responses, this analysis provides a summary of the key points, rather than the full detail of each response.

Complaints against institutions procedures

6. Following the consultation, the procedures for handling complaints against institutions (including concerns about standards and quality) have been amended to address many of those points that were raised.
7. The finalised procedures, which outline the types of complaints against institutions that may be dealt with by HEFCW, and the processes via which HEFCW will handle relevant complaints are attached at **Annex B**. These procedures have superseded the allegations against institutions procedure and QAA concerns scheme for Wales with immediate effect.

Further information

8. For further information, contact Ewen Brierley (tel 029 2085 9713; email assurance@hefcw.ac.uk).