

For information

Complaints against HEFCW and allegations concerning institutions funded by HEFCW: Annual Report 2015-16

Agenda: 22
HEFCW/16/67

Disclosable

14/07/2016

1 Issue

- 1.1 This paper provides for information an annual report of complaints received against HEFCW, and allegations received regarding the higher education institutions (HEIs) funded by HEFCW, during the financial year (FY) 2015-16.

2 Corporate Planning Implications / Rationale for paper

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

3 Recommendations

- 3.1 To note that:
- i. there were no complaints against HEFCW received in FY 2015-16.
 - ii. a preliminary investigation was undertaken in FY 2015-16 in respect of one allegation concerning an institution which appeared to fall within the boundaries of HEFCW's responsibilities, but following this investigation the allegation was not pursued further.
 - iii. amendments are to be made to the *Allegations concerning institutions funded by HEFCW* procedures to take account of lessons learned and also HEFCW's new duties under the Higher Education (Wales) Act 2015.

4 Timing for decisions

- 4.1 No decisions required. This report is received annually for information by the Audit and Risk Assurance Committee and by the Council.

5 Further information

- 5.1 Contact: Dale Hall (029 2068 2280; dale.hall@hefcw.ac.uk) or Ewen Brierley (029 2068 2291; ewen.brierley@hefcw.ac.uk).

6 Complaints about HEFCW in 2015-16

- 6.1 The *HEFCW Complaints Policy* sets out how we will deal with any concerns or complaints about our services. The Policy is based on the model Concerns and Complaint Policy produced by the Public Services Ombudsman for Wales, and was approved by Council at its meeting on 11 May 2012. It is available on HEFCW's website.
(www.hefcw.ac.uk/about_us/our_responsibilities/complaints_about_hefcw.aspx).
- 6.2 There were no complaints about HEFCW received during FY 2015-16.

The Committee is invited to note that no complaints about HEFCW were received during FY 2015-16.

7 Allegations against HEIs in 2015-16

- 7.1 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*, available on our website (www.hefcw.ac.uk/working_with_he_providers/institutional_assurance/allegations_concerning_institutions.aspx). Complaints by staff or students concerning a particular institution are to be addressed through the institution's own internal complaints and appeal procedures.
- 7.2 The Memorandum of Assurance and Accountability 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.
- 7.3 HEFCW has received a number of communications from individuals relating to complaints against HEIs. However, upon consideration there was only one allegation against any HEIs funded by HEFCW received during FY 2015-16 that appeared to fall within the boundaries of HEFCW's responsibilities and procedure on handling allegations.
- 7.4 In that one instance, HEFCW undertook a preliminary investigation as serious allegations were made regarding an institution in respect of areas that fell within the scope of the Memorandum of Assurance and Accountability. The individual making the allegations stated that, due to the nature of the allegations, there was no avenue through which they could be objectively handled under the institution's own Public Interest Disclosure process. They had therefore not followed the institution's Public Interest Disclosure process. As a result of our preliminary investigation, it became clear that the complainant could not readily supply HEFCW officers with the evidence to support their allegations, despite ample opportunity to do so, and that the allegations were associated with a staff grievance matter. It also became clear that there was, indeed, an avenue through which the allegations could reasonably be dealt with under the institution's Public Interest Disclosure process. As our Allegations Procedure makes it clear that HEFCW is only able to become involved once a discloser has exhausted all reasonable avenues through the institution, we referred the complainant back to the institution's Public Interest Disclosure process at that point.

7.5 There are learning points to be taken from the above case which will be fed into the revision of HEFCW's Allegations Procedure that is being undertaken to take account of HEFCW's duties under the Higher Education (Wales) Act 2015. These are: that details of institutions' Public Interest Disclosure and allegations processes should be made more accessible to individuals; that HEFCW should make it even clearer that it cannot normally consider an allegation unless an individual has fully exhausted their institution's own process for handling such an allegation; and that in instances when an allegation is made to HEFCW, all supporting evidence must be provided at that point.

The Committee is invited to note that:

- i. ***Whilst a preliminary investigation was undertaken in respect of one allegation received in 2015-16, which appeared to fall within the boundaries of HEFCW's responsibilities, following this investigation the allegation was not pursued further;***
- ii. ***Amendments are to be made to HEFCW's Allegations Procedure to take account of lessons learned and also the changes required to reflect HEFCW's new duties under the Higher Education (Wales) Act 2015; and***
- iii. ***No other allegations concerning institutions funded by HEFCW were received during FY 2015-16 that fell within the boundaries of HEFCW's responsibilities***

8 Financial implications

8.1 There were no financial costs incurred during the year in relation to complaints and allegations.

9 Communications implications

9.1 There are no specific communication implications arising from this paper. The HEFCW Complaints Policy is available on the HEFCW website in English and Welsh.

10 Diversity and Equal Opportunities implications

10.1 There are no specific diversity and equality implications arising from this paper. HEFCW Complaints Policy was subject to an Equality Impact Assessment screening in April 2012 prior to its approval by Council in May 2012.

11 Risk Assessment

Risk	Action to address risk
Complaint or allegation against HEIs not managed in accordance with the procedures, or incorrect decision made.	Complaints against HEFCW that cannot be dealt with informally are co-ordinated by the Council Secretary. Allegations against HEIs co-ordinated by the

Risk	Action to address risk
	<p data-bbox="746 210 1294 241">Head of Sustainability and Assurance.</p> <p data-bbox="746 286 1378 360">Periodic reminders to staff about complaints and allegations procedures.</p>
<p data-bbox="263 400 724 539">Complaints against HEFCW not in line with public body guidance and Complaint Chair recommendations</p>	<p data-bbox="746 400 1362 474">Audit and Risk Committee and Panel Chair recommendations addressed.</p> <p data-bbox="746 519 1337 622">Public Services Ombudsman for Wales guidance used as the basis for HEFCW's revised Complaints Policy in 2012.</p> <p data-bbox="746 667 1321 741">Revised Complaints Policy was Equality Impact Assessed.</p>