

For information

Annual Reports 2017-18: Complaints against HEFCW and complaints about institutions regulated by HEFCW

Agenda: 27
HEFCW/18/67

Disclosable

12/07/2018

1 Issue

- 1.1 This paper provides for information an annual report of complaints received against HEFCW, and complaints received about institutions, during financial year (FY) 2017-18.

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 received against HEFCW, and against institutions funded by HEFCW, in the previous financial year.

3 Recommendations

- 3.1 To note that:
- i. There were no complaints against HEFCW received in FY 2017-18.
 - ii. Nine complaints were received by HEFCW against institutions under the new *Complaints about institutions* procedure, in respect of two of which further information was sought from the discloser and, where appropriate, the institution concerned.

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 2085 9665; dale.hall@hefcw.ac.uk) or Ewen Brierley (029 2085 9713; ewen.brierley@hefcw.ac.uk).

6 Complaints about HEFCW in 2017-18

- 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 in 2011 (and which remains extant), and was approved by Council at its meeting on 11 May 2012. The *Policy* is available on the HEFCW website:
www.hefcw.ac.uk/about_us/our_responsibilities/complaints_about_hefcw.aspx).

The Council is invited to note that no complaints about HEFCW were received during FY 2017-18.

7 Complaints against institutions in 2017-18

- 7.1 Prior to October 2017, HEFCW's assurance service managed allegations of financial irregularity or impropriety, mismanagement, waste and fraud in higher education institutions via the process *Allegations concerning institutions funded by HEFCW*. This process aligned to the responsibilities placed on HEFCW under the Further and Higher Education Act 1992. For the period of FY 2017-18, no allegations against any HEIs funded by HEFCW fell within the boundaries of HEFCW's responsibilities and procedure.
- 7.2 During October 2017, HEFCW published and enacted its revised Allegations Procedure to take account of HEFCW's expanded duties under the Higher Education (Wales) Act 2015 and also The Counter-Terrorism and Security Act 2015. The revised procedure - *Complaints about institutions (including concerns about standards and quality)* - has a wider breadth of coverage to account for the increased number of complaint areas that are within HEFCW's remit. These areas are:
- suspected breaches of the Memorandum of Assurance and Accountability by a funded institution;
 - the failure, or likelihood of failure, comply with the Financial Management Code by a regulated institution;
 - 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;
 - inadequate quality, or quality that is likely to become inadequate, of education delivered by or on behalf of a regulated institution; and
 - the failure by a Relevant Higher Education Body (RHEB) to fulfil its Prevent duty.
- 7.3 The full procedure can be found on the HEFCW website:
http://www.hefcw.ac.uk/documents/working_with_he_providers/institutional_assurance/HEFCW%20Complaints%20against%20HEIs%20procedure%20English.pdf
- 7.4 Under the new procedures, nine complaints have been received by HEFCW, with further information sought from the discloser and, where appropriate, the institution concerned, in respect of two of these complaints.
- 7.5 In one case, the further information acquired was sufficient to allay any concerns and so the complaint has not been progressed. Both the complainant and the institution in question have been informed of this outcome.

7.6 In the second case, we are still awaiting further information and so it cannot yet be determined if this complaint warrants progression or a full investigation. It should be noted however, that the institution involved is engaging constructively in the process.

The Council is invited to note that:

- i. ***There were no allegations in 2017-18 (Pre October 2017) concerning an institution which appeared to fall within the boundaries of HEFCW's responsibilities under the original allegations procedure; and***
- ii. ***Under the new complaints procedure introduced from October 2017, nine complaints have been received and further information has been sought in respect of two of these. One complaint has been closed as a result of satisfactory follow up evidence, and one complaint remains open pending receipt of further information.***

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* and the *Complaints about institutions* procedure are 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. Complaints received about institutions co-ordinated by the Head of Sustainability and Assurance. Periodic reminders to staff about complaints and allegations procedures.
Complaints against HEFCW not in line with public body guidance and Complaint Chair recommendations	Audit and Risk Committee and Panel Chair recommendations addressed.

Risk	Action to address risk
	<p data-bbox="762 215 1358 320">Public Services Ombudsman for Wales guidance used as the basis for HEFCW's revised Complaints Policy in 2012.</p> <p data-bbox="762 365 1337 436">Revised Complaints Policy was Equality Impact Assessed.</p>