

## **Complaints from institutions: procedures**

### **Introduction**

1 The Quality Assurance Agency for Higher Education (QAA) is committed to working in an open and accountable way. This includes responding positively to complaints from institutions by investigating them thoroughly, putting mistakes right where we can, and learning the lessons.

### **Definitions**

2 QAA takes a broad approach to the definition of a complaint. We regard a complaint as a (normally) written expression of dissatisfaction with services we provide or actions we have taken that requires a response. We distinguish complaints from appeals: appeals are challenges to specific decisions, in specific circumstances. Appeals are handled through separate procedures on representations.

### **Services**

3 QAA provides a range of services that, from time to time, may be the subject of complaint. These include:

- reviews at institutional level: Enhancement-led institutional reviews in Scotland; Institutional audits in England and Northern Ireland; and Institutional reviews in Wales)
- reviews of higher education in further education colleges: Integrated quality and enhancement review in England; Developmental review in Wales; and Developmental review in Northern Ireland
- reviews of collaborative provision, including overseas
- recognition and licensing of Access Validating Agencies (AVAs) for Access to HE provision
- consideration of applications for the grant of degree awarding powers or university title, and advice to governments thereon.

4 The vast majority of audits and reviews are carried out successfully and without incident. However, we recognise that sometimes institutions will be unhappy about aspects of the review or the report. We set out below the opportunities for institutions to bring complaints to QAA's attention, and how we will deal with them.

### **Focus**

5 Reviews of the soundness of an institution's procedures for the present and likely future management of the quality of its programmes and the academic standards of its awards are at the heart of all of the services QAA provides. Reviews are conducted on the basis of published procedures, criteria and protocols and are carried out by trained academic and professional peers. The judgements made and published by QAA are peer review judgements. Judgements are not moderated by QAA. The purpose of the complaints procedures is not to unpick or second-guess peer judgements; an institution's disagreement with these judgements does not of itself indicate that they have been arrived at irrationally or unreasonably.

6 QAA has procedures in place to seek formal and informal feedback from institutions on the conduct and benefits of its review processes. The complaints procedures are not a means for institutions to provide such feedback.

7 The focus of complaints is likely to be on the conduct, behaviour and actions of QAA and its agents in relation to the published purposes, procedures, criteria, methods and protocols associated with its review processes.

8 The roles and responsibilities of reviewers and auditors (referred to by the generic term 'reviewers' hereafter) are addressed fully in their training programmes. Reviewers are made aware of what is expected of them, both in the content of their work and in the way they carry it out. Preparing the reviewers to do their work effectively, professionally and with due courtesy and regard to the institution and its staff, is something QAA takes seriously. In turn, QAA expects that institutions will treat reviewers with the respect, courtesy and professionalism necessary for a successful review or audit process (referred to by the generic term 'review' hereafter).

9 QAA recognises, however, that there might be occasions when institutions will wish to complain about the conduct of a team or a team member or a member of QAA's staff. QAA has adopted the principles outlined below in relation to complaints about named or identifiable individuals.

- Complaints about the way teams and individuals have carried out their role are an entirely legitimate area of complaint. However, complaints about a person, as distinct from that person's conduct of her/his role and responsibilities, are not acceptable.
- Any individual named or identifiable in a complaint has the right to see the complaint and has a right to respond.
- The individual concerned will normally receive a copy of any written response QAA makes to the complaint in which that person was named or identifiable.
- QAA determines what action, if any, will be taken in response to a complaint about an individual or team.

## **General principles and practice**

10 The following general principles and practice underpin our approach to handling complaints.

- a Resolving complaints is an essential part of our openness and accountability. We will monitor and evaluate the effectiveness of procedures.
- b Resolving complaints will help us to identify mistakes made and lessons to be learned, and as such forms part of our own strategy for quality improvement. Complaints will be taken seriously, looked into thoroughly and answered as promptly as possible.
- c Complaints should be addressed and resolved as close as possible to their point of origin, and with the minimum of formality, but in a way which a disinterested observer would find reasonable taking into account all the circumstances.
- d If complaints cannot be resolved at the point of origin, there should be a clear and simple procedure for involving the senior officers of QAA up to the Chief Executive, committees of the Board where relevant, or a member of the QAA Scotland Committee or the full Board, as appropriate. The institution will be informed of the identity of any member of the QAA Scotland Committee or the Board who might be called upon in the final stage of consideration of a complaint and will have the opportunity to raise any concerns.
- e Where a QAA officer or contractor is the subject of a complaint, the complaint should normally be addressed to the Director of Reviews or the Director of QAA Scotland, as appropriate. Where the Director of Reviews or the Director of QAA Scotland is the subject of a complaint, the complaint should be addressed to the Chief Executive of QAA. Where the Chief Executive is the subject of a complaint, the complaint should be addressed to the Chair of the QAA Board of Directors.
- f A complaint should be clearly identified by the complainant as a complaint, should give reasons for the dissatisfaction, and should set out the remedy sought.

Complaints are normally made in writing. If other documents are referred to in the complaint, copies should be sent with the complaint. Complaints may be made orally if this will facilitate speedy resolution of an issue at the point of origin. The appropriate QAA officer will make a written record of the issue and its consideration. That record will be shared with the institution. QAA will acknowledge receipt of the complaint within three working days. QAA will investigate the complaint and respond in writing, giving reasons for its decision and any action to be taken.

- g Complaints should be made as soon as possible after the event complained of. Complaints made more than three months after the event will not normally be considered. A timetable for resolving each complaint should be agreed; this will depend largely on the nature of the complaint, and the extent of the need to consult and take advice, for example from the members of a review team. The target for considering and responding to a complaint will be three months. QAA will report to the institution on progress on a regular basis.
- h Privacy and confidentiality will be assured (subject to the terms of paragraph 9) unless disclosure is necessary to progress the matter, in which case the complainant will be notified of the intended disclosure.
- i QAA will not regard it as axiomatic that a substantiated deficiency of procedure in the conduct of a review necessarily calls into question the judgements and outcomes of that review. The impact of the deficiency would have to be considered. Consistency between the evidence base and the judgements made would be a key consideration.
- j Where the remedy sought relates to the content of the draft report of a review, the report will not be finalised until the complaints procedure has been exhausted or the complaint resolved, whichever comes sooner.
- k QAA will exercise its discretion to reject, with reasons, at the earliest possible time, any complaint considered to be vexatious or frivolous. QAA will communicate those reasons to the institution.
- l All parties will bear their own costs in dealing with any complaint.

## **Making a complaint**

### **Reviews of higher education in further education colleges**

11 As part of the standard, published procedures, institutions have the opportunity to agree with QAA the details of the preparations for a review. Any complaints, for example, about dates, timings, team composition, and so on, should be made at that time to the QAA officer with lead responsibility for the review.

12 Complaints about the conduct of a review should be made to the review coordinator during the review or to the duty officer or the QAA officer during or immediately after a review.

13 Commentary contained in the evaluation forms that QAA routinely asks institutions to complete will not be regarded as a source of complaints meriting investigation unless accompanied by an explicit request for an alleged deficiency to be investigated.

14 Complaints about the drafting of the report should be resolved with the review coordinator through the normal procedures for checking the factual accuracy of draft reports with the institution; if no resolution is achieved, the complaint should be addressed to the QAA officer.

15 In general, any complaints that cannot be resolved with the review coordinator will be referred to the QAA officer, then, if no resolution is achieved, successively to the appropriate Deputy Director (Reviews), the Director of Reviews and the Chief Executive. In Scotland, complaints that have not been resolved at the QAA officer level are referred to the Director of QAA Scotland and, if no resolution is achieved, then to the Chief Executive.

16 Any complaint that has not been resolved to the complainant's satisfaction through the stages described above can be referred, at the institution's request, to a designated member of the QAA Board or of the QAA Scotland Committee, as appropriate, who will review the case and check that the complaint has been handled fairly, in line with the procedures, and that the response to the institution, as communicated by the Chief Executive, was reasonable in all of the circumstances. The Chair of the QAA Board or the Chair of the QAA Scotland Committee will designate an appropriate member on a case-by-case basis. The institution will be informed of the identity of the person so designated and will have the opportunity to raise any concerns with the appropriate Chair.

### **Reviews at institutional level and audits of collaborative provision, including overseas**

17 As part of the standard, published procedures, institutions have the opportunity to agree with QAA the details of the preparations for a review. Any complaints - for example, about dates, timings, team composition, thematic enquiries (where relevant) - should be made at that time, to the Assistant Director (AD) with responsibility for the review.

18 Complaints about the conduct of a review should be made to the AD during the review or immediately after the review.

19 Commentary contained in the evaluation forms that QAA routinely asks institutions to complete will not be regarded as a source of complaints meriting investigation unless accompanied by an explicit request for an alleged deficiency to be investigated.

20 Complaints about the drafting of the report should be resolved with the AD through the normal procedures for checking the factual accuracy of draft reports with the institution.

21 In general, any complaints that cannot be resolved with the AD will be referred successively to the appropriate Deputy Director (Audit), the Director of Reviews and the Chief Executive. In Scotland, complaints that have not been resolved at AD level are referred to the Director of QAA Scotland and, if no resolution is achieved, then to the Chief Executive.

22 Any complaint that has not been resolved to the complainant's satisfaction through the stages described above can be referred, at the institution's request, to a designated member of the QAA Board or the QAA Scotland Committee, as appropriate, who will review the case and check that the complaint has been handled fairly, in line with the procedures, and that the response to the institution, as communicated by the Chief Executive, was reasonable in all the circumstances. The Chair of the QAA Board or the Chair of the QAA Scotland Committee will designate an appropriate member on a case-by-case basis. The institution will be informed of the identity of the person so designated and will have the opportunity to raise any concerns with the appropriate Chair.

### **Access Recognition and Licensing**

23 The QAA Board has established an Access Recognition and Licensing Committee (ARLC) to oversee the approved scheme (in England, Wales and Northern Ireland), including consideration of initial applications for an Access Validating Agency (AVA) licence, review of AVAs and renewal or withdrawal of licences.

24 As part of the standard, published procedures, AVAs have the opportunity to agree with QAA the details of the preparations for a review. Any complaints - for example, about dates, timings, team composition, and so on - should be made at that time, to the Head of Access.

25 Complaints about the conduct of a review of an AVA should be made to the Head of Access during the review or immediately after the review.

26 Complaints about the drafting of the report should be resolved with the Head of Access through the normal procedures for checking the factual accuracy of draft reports with the AVA.

27 In general, any complaints that cannot be resolved with the Head of Access will be referred successively to the Director of Reviews and to the Chief Executive (who will consult the Chair of ARLC).

28 Any complaint that has not been resolved to the complainant's satisfaction through the stages described above can be referred, at the AVA's request, to a designated Board member (who is not a member of the ARLC) who will review the case and check that the complaint has been handled fairly, in line with the procedures, and that the response to the AVA, as communicated by the Chief Executive, was reasonable in all the circumstances. The Chair of the QAA Board will designate an appropriate member on a case-by-case basis. The AVA will be informed of the identity of the person so designated and will have the opportunity to raise any concerns with the Chair.

29 Complaints (or appeals) against an AVA or against a provider of Access to HE courses should usually be dealt with through the procedures established by those bodies. The ARLC would normally only be involved in circumstances where the complaint (or appeal) relates to an alleged failure on the part of the AVA to discharge its responsibilities under the terms of the AVA licensing criteria, and where the complaint or appeal has not been resolved through the AVA's own procedures.

### **Applications for degree awarding powers and university title**

30 The Board of QAA has established an Advisory Committee on Degree Awarding Powers (ACDAP) to consider applications for degree awarding powers and university title on reference from relevant government departments and to provide advice to those government departments on the applications. The criteria for consideration of applications are stipulated by the government departments. The process by which QAA gathers the evidence to underpin its advice normally encompasses scrutiny over one complete academic session, and will involve assessors and a scrutiny panel visiting an applicant organisation and reporting to the ACDAP. The Committee makes its recommendations to the Board which, in turn, offers its advice to the relevant government departments.

31 As part of the standard, published procedures, organisations have the opportunity to comment to QAA on the details of the preparations for the scrutiny process. Any complaints – for example, about dates, timings, team composition – should be made at that time to the Head of Degree Awarding Powers and University Title .

32 Complaints about the conduct of assessors or scrutiny panels should be made to the Head of Degree Awarding Powers and University Title during a visit or immediately afterwards.

33 In general, any complaints that cannot be resolved with the Head of Degree Awarding Powers and University Title will be referred successively to the Director of Reviews and the Chief Executive (who will consult the Chair of ACDAP).

34 Any complaint that has not been resolved to the complainant's satisfaction through the stages described above can be referred, at the organisation's request, to a designated Board member (who is not a member of ACDAP) who will review the case and check that the complaint has been handled fairly, in line with the procedures, and that the response to the organisation, as communicated by the Chief Executive, was reasonable in all the circumstances. The Chair of the QAA Board will designate an appropriate member on a case-by-case basis. The organisation will be informed of the identity of the person so designated and will have the opportunity to raise any concerns with the Chair.

35 QAA offers its advice to the commissioning government or government department. Any complaints about that advice should normally be addressed to the relevant government department.

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