

Cylchlythyr | Circular

Procedures for assessing the quality of education

Date: 27 March 2019
Reference: W19/05HE
To: Regulated institutions in Wales
Funded institutions in Wales
Other interested parties
Response by: No response required
Contact: Name: Dr Cliona O'Neill
Telephone: 029 2085 9731
Email: cliona.oneill@hefcw.ac.uk

This circular provides HEFCW's Procedures for assessing the quality of education, informed by the outcomes of circular W18/18HE: *Consultation on procedures for quality that is, or is likely to become, inadequate.*

If you require this document in an alternative accessible format, please email info@hefcw.ac.uk.



Noddir gan
Lywodraeth Cymru
Sponsored by
Welsh Government

Introduction

1. This circular provides HEFCW's Procedures for assessing the quality of education, informed by the outcomes of circular [W18/18HE: Consultation on procedures for quality that is, or is likely to become, inadequate](#).

Background

2. The [Higher Education \(Wales\) Act 2015](#) (the 2015 Act) sets out interventions that apply where HEFCW is satisfied that the quality of education provided by or on behalf of a regulated institution is (likely to become) inadequate. These are detailed in HEFCW's [Statement of Intervention](#).
3. The [Quality Assessment Framework for Wales](#) was published as part of HEFCW circular [W18/05HE](#).
4. Circular [W18/18HE](#) provided a consultation on quality that was likely to become inadequate. HEFCW's Quality Assessment Committee (QAC) advised on the responses, and following this, officers carried out further work on the procedures. This resulted in an updated version of the procedures, to increase the emphasis on assessing the risk to quality, and how this risk assessment interfaces with the quality assessment processes. The title of the document was amended to reflect this.
5. QAC considered the revised document. A soft consultation with the HE and FE sectors was then carried out, in light of the extent of change to the original procedures.

Procedures for assessing the quality of education

6. Responses received to circular W18/18HE are provided at **Annex A**, together with the list of respondents.
7. The Procedures for assessing the quality of education are provided at **Annex B**.

Further information

8. For further information, contact Dr Cliona O'Neill (029 2085 9731; cliona.oneill@hefcw.ac.uk).

Assessing the impact of our policies

9. We have carried out an impact assessment screening to help safeguard against discrimination and promote equality. We also considered the

impact of policies on the Welsh language, and Welsh language provision within the HE sector in Wales and potential impacts towards the goals set out in the Well-Being of Future Generations (Wales) Act 2015 including our Well-Being Objectives. Contact equality@hefcw.ac.uk for more information about impact assessments.

Response summary

HEFCW received nine responses to the consultation. Of these, two broadly agreed with the approach set out, and did not raise any specific comments. One response provided some overarching comments, but did not respond specifically to the questions raised, while another response provided overarching comments in addition to responses to the questions.

Overarching comments were provided by two respondents. These included the following points:

- The European Standards and Guidelines (ESG) applied to all quality assurance of HE in terms of internal quality assurance within institutions, external quality assurance by European Quality Assurance Register for Higher Education (EQAR) registered agencies, and the quality assurance of EQAR agencies. A query was raised regarding whether the proposals risked Welsh higher education's alignment with ESG standards 2.4, 2.5, 2.6, 2.7 and 3.3;¹
- The guidance did not fully address the ESG requirement for judgements to be based on pre-defined and published criteria and implemented consistently;
- The financial code, Fee and Access Plan (FAP) and quality assurance requirements were different and needed to be separately assessed;
- Concern regarding intervention decisions arising from a more general Institutional Risk Review (IRR) process, and a need for a clearly distinguished process for assessing quality for purposes of the Higher Education (Wales) Act 2015, with appropriate student and expert involvement;
- The assessment of quality should be carried out by an independent agency;
- There should be consideration of how data trends and other intelligence could be considered together with the outcomes of the existing external review process to inform HEFCW's intervention decisions;
- Confusion regarding the links between the procedures and the statement of intervention, eg the procedures refer to actions prior to 'implementing the Statement of Intervention', which itself included a section on actions 'prior to intervention.'

Question 1: i) Are the mechanisms that HEFCW proposes to determine whether provision is (or is likely to become) inadequate appropriate?

Six responses were content that the mechanisms were appropriate, albeit with some caveats. The other two responses raised caveats, but did not clarify whether or not they were content overall. Issues raised included:

¹ ESG: https://enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf

2.4 - External quality assurance should be carried out by groups of external experts that include (a) student member(s)

2.5 – Any outcomes or judgements made as the result of external quality assurance should be based on explicit and published criteria that are applied consistently, irrespective of whether the process leads to a formal decision

2.6 - Full reports by the experts should be published, clear and accessible to the academic community, external partners and other interested individuals. If the agency takes any formal decision based on the reports, the decision should be published together with the report

2.7 - Complaints and appeals processes should be clearly defined as part of the design of external quality assurance processes and communicated to the institutions

Agencies should be independent and act autonomously. They should have full responsibility for their operations and the outcomes of those operations without third party influence.

- Engagement with Teaching Excellence and Student Outcomes Framework (TEF) was voluntary for Welsh institutions, and therefore could not be applied equitably. TEF data was already covered in 'trends in data';
- It would be useful for the procedures to refer the baseline regulatory requirements or other external reference points that would inform decisions;
- It would be helpful to include decision-making criteria for how HEFCW would decide that quality has become inadequate (or was likely to become inadequate), eg specifying changes in trends that would trigger activity;
- Statutory bodies were more likely than professional bodies to provide a useful source of data, as professional body accreditations could take many forms;
- Greater clarity was needed to align with standard 2.5 of the ESG, which states that outcomes or judgements should be based on published criteria;
- HEFCW should specify if the procedures would result in a published report, in order to align with ESG standard 2.6;
- It would be helpful to have clarity of the criteria behind judgements from which interventions or activity would be triggered;
- Whether and how HEFCW would engage with other stakeholders;
- Information on how appeals could be made against decisions or complaints lodged against the implementation of the procedures;
- Clarification regarding how the mechanisms articulated with cyclical QER, IRR and FAPs;
- Arrangements for areas not covered by the external review process (ie trends in data and other intelligence) were not sufficient to ensure that institutions understood the criteria and expectations, and to ensure confidence that HEFCW decisions would be made fairly and consistently;
- Clarity on how the information in para 19 would be reviewed and judgements made without firstly having a dialogue with the institution;
- There should be greater detail and clarity about who would undertake quality assessment in areas not covered by external review and the process involved;
- Query whether paras 21 and 12 were contradictory regarding the approval of FAPs;
- The guidance did not confirm arrangements for 'other intelligence' including student complaints and the findings of PSRBs;
- Paragraph 16: the statement that HEFCW 'may also choose to follow up any review recommendations separately with institutions,' might not be proportionate given that the institution would also be liaising with the agency carrying out their review;
- Paragraph 24: HEFCW should consider whether the decision-making role of the Council and Chief Executive aligned with ESG standard 2.4 which expected external quality assurance to be carried out by external experts;
- Paragraph 35: it would be helpful to clarify that the action plan referred to was agreed with the review agency;
- Paragraph 39: HEFCW did not specify how it would decide a provider is at risk, or the criteria to be used;
- Quality assurance review:
 - This was appropriate, but it could be clearer how the review articulated with the partnership approach prior to intervention;
 - The importance of understanding the extent of conditions, in order to avoid unnecessary reputational damage;

- Clarification regarding how the outcomes of QER (meets with conditions and does not meet) articulated with what was deemed by the review team to be quality that was actually or likely to become inadequate, and the role of the QAA in either case;
- Institutions should have a maximum of six months to complete an action plan to address conditions before they are deemed to have quality which is, or is likely to become, inadequate
- Whether any condition that was not met within 12 months automatically triggered a warning notice, or whether this was subject to the outcome of follow-up by HEFCW.
- Trends in data:
 - This was appropriate and its relationship with IRR was clear;
 - It would be helpful to understand the trends that might/ not trigger intervention (eg scale of change);
 - HEFCW should discuss trends with the institution;
 - Information should be evidence-based and derived from publically available, verifiable data;
 - There could be more emphasis on trends being statistically significant;
 - HEFCW should clarify whether benchmarks would be based on Welsh HEIs or UK-wide;
 - This stated that the intervention decision would be informed by advice from the Quality Assessment Committee, but paras 20 and 21 suggested that the IRR process and FAP process could also result in a decision that quality was inadequate, presumably involving different membership and expertise;
- Intelligence from other processes:
 - This was appropriate and the relationship with data trends via IRR was clear
 - HEFCW should consider whether it would be proportionate to implement the Statement of Intervention in response to a single PSRB/ Estyn judgement where this related to a small part of the work of an institution;
 - It would be better to refer to evidence derived from publically verifiable data rather than intelligence, and to substantiated complaints, rather than to intelligence from complaints’;
 - How the outcomes of FAPs and the IRR could trigger a decision that provision was (likely to become) inadequate where a FAP was approved, or an institution was not deemed to be at high risk.

Question 2: i) Are the actions HEFCW proposes to undertake prior to implementing the Statement of Intervention appropriate?

Six responses were content that the mechanisms were appropriate, albeit with some caveats. The other two responses raised caveats, but did not clarify whether or not they were content overall. Issues raised included:

- The actions appeared to be comprehensive;
- Support for liaising with institutions prior to implementing intervention to enable clarification of any issues;
- Clarification on whether the actions compromised the partnership approach set out in the Statement of Intervention, or whether they formed a mid-point between the partnership approach and the intervention process;

- Para 25 and 37: ambiguity regarding which actions would be used in which circumstances risked non-alignment with ESG standard 2.3;
- Para 27: a query whether 'external expertise' had the same meaning as in the revised UK Quality code, and whether it included student engagement;
- Para 28: the lack of description of the more extensive engagement with HEFCW that would be associated with a relationship to FAPs or IRR might fall outside the ESG;
- Para 29: this did not describe how HEFCW would monitor outcomes and trends;
- Para 36: this did not describe how HEFCW would work in partnership with students in relation to inadequate quality;
- Para 38: this did not define what a reasonable timescale might be, which might not align with the ESG expectations. It would be helpful to have clearer guidelines on timescales for response, notices, etc.

Question 3: Are there any unintended consequences of the proposed procedures for quality that is, or is likely to become, inadequate?

A number of comments were made in relation to this, as follows:

- Support for a risk-based proportionate methodology with co-regulation, and early open discussions with the regulator, underpinning the process;
- Support for the recognition that trends in data could be slow to reverse, and the need for HEFCW to be mindful of this;
- Consideration whether the procedures unnecessarily duplicated the oversight role of the governing body and created additional bureaucracy;
- The need for HEFCW to ensure that they understood each PSRB report and any associated action plan and terminology, to avoid any unintended consequences;
- A potentially negative impact on recruitment if implementation of the procedures became public knowledge;
- If HEFCW automatically assumed the institutions receiving a 'meets with conditions' judgement from an external quality assurance review were 'likely to become' inadequate in terms of quality this might be unhelpful, as the judgement meant that most applicable requirements and/or standards had been met and those not met did not present any serious risks;
- Paragraph 39: When considering external partnerships/providers that were considered to be at risk it would be appropriate for any independent party to have experience in the type and nature of the provision to minimise burden, and ensure the appropriate context was understood.

Question 4: Are there any gaps in the procedures? If so, please provide further detail.

Three respondents identified gaps that had not been identified in the questions above, as follows:

- The need for an additional para confirming how the procedures related to institutions which had completed a gateway review, and whether any additional information needed to be included in response to this;
- Further information about the circumstances where actions prior to the statement of intervention might be deployed, and detail of possible outcomes;
- Paragraph 4: this indicated that the interventions only related to provision provided wholly or mainly in Wales. However, QER outcomes covered all

provision including TNE. It was therefore not clear whether QER outcomes relating to TNE would trigger intervention, and if not, how the interests of TNE students could be protected;

- Paragraph 26: A disconnect between the expectation of the institution to work with the Student Union (SU) and Student Union representatives, and for the QAA to consult with the SU/ reps, but no obligation on HEFCW to do the same;
- The questions appeared to exclude para 32 onwards, implementing the statement of intervention, even though this section included additional guidance;
- Para 39 referenced 'external partners' and referred to involving an independent party. HEFCW should clarify whether these referred to the same party.

Question 5: Do the proposals have any positive or negative impacts or unintended consequences in terms of equality and diversity and the Well-Being of Future Generations (Wales) Act's seven wellbeing goals, sustainable development principles and five ways of working?

There were 6 responses to this question, in addition to the two responses which generally agreed with the approach proposed. Five of the responses did not raise any positive or negative issues relating to the Act or its goals. One response considered that the proposals might not align with ESG standards 2.4, 2.5, 2.6, 2.7 and 3.3, raising the following issues regarding the Future Generations Act:

- If the international recognition of Welsh degrees became more limited, it might inhibit people in fulfilling their potential;
- This might be contrary to the Act's sustainable development principle, since the needs of the present might compromise the ability of future generations to meet their needs, and be contrary to the 'long-term' way of working.

Question 6. What effects will the policy have on opportunities for persons to use the Welsh language and treating the Welsh language no less favourably than the English language? How could the policy be changed so that the policy decision would have (increased) positive effects on opportunities for persons to use the Welsh language and treating the Welsh language no less favourably than the English language, and fewer or no adverse effects?

Two responses agreed with all aspects of the proposals as set out. A further six responses addressed this question specifically, four of which did not identify any issues, other than noting that it was assumed that it was intended that the procedure would be engaged with bilingually and would comply with Welsh Language Standards as appropriate.

Respondents noted that there was no specific reference to Welsh Language requirements in the proposed procedure, outside of the footnote for students who wished to learn through the medium of Welsh, and that this missed the opportunity to cross reference with item 14 of the Quality Assessment Framework, as part of the baseline requirements. This would enable any issues identified to be considered as part of the external quality assurance review.

Question 7: Any other comments

Five respondents raised additional comments. These suggested the following clarifications/ amendments:

- The need for early dialogue with institutions to facilitate understanding of the requirements;
- Strengthening the procedure to emphasise student partnership;
- Consistency in terminology, including in using the terms 'judgement' and 'outcome', and in clarifying 'quality that is likely to become inadequate' vs 'quality that is (likely to become) inadequate; 'baseline standards' vs 'baseline requirements;'
- Inclusion of links to the Statement of Intervention;
- Naming the data sources that would be used;
- Paragraph 9: PSRBs did not always accredit provision; also recognition that the importance of accreditation could vary from being essential to being 'nice to have', and that therefore the importance of accreditation outcomes might vary in terms of these procedures;
- Paragraph 14: student representatives should be involved in drawing up the action plan;
- Paragraph 16: Clarification of the nature of the review (ie the original or the follow-up review); also that the involvement of HEFCW in the follow-up review was included in the HEFCW specification of the External Quality Assurance Reviews (April 2017);
- Paragraph 17: A query regarding the use of TEF in relation to determining provision that was (likely to become) inadequate if TEF was not consistently applied across the sector;
- Paragraph 18: Strengthening the caveat on the use of data, where data demonstrates significant and consistent declining trends to trigger an intervention;
- Para 19 and 22: complaints that are likely to trigger an intervention should be upheld (rather than just submitted) before being used as evidence to initiate action;
- Paragraph 24: cross-refer to content in the Statement of Intervention, while being clear where the guidance is expanding on its detail, eg it states that HEFCW's Council has the ultimate responsibility to proceed to the 'injunction stage', but presumably also relates to the 'enforcement stage' in the Statement;
- Paragraph 26: Clarification regarding the informal liaison with institutions was the liaison described in paragraph 86 of the Statement of Intervention, or whether it was in addition;
- Paragraph 32: whether this should refer to paragraphs 88-110 (not 76-110);
- Paragraph 34: whether there was any difference between 'unfavourable judgement outcomes' and 'unsatisfactory outcomes';
- Paragraph 36: how HEFCW and the provider would ensure that students continued to have access to high quality learning opportunities;
- Paragraph 39: whether inadequate quality concerned all the baseline regulatory requirements, or only learning opportunities and academic standards;
- Paragraph 42: what decision would be taken by HEFCW;
- Paragraph 45: how HEFCW would keep the procedures under review, and the types of evidence and feedback that would be used to evaluate the effectiveness of the procedures.

Consultation respondents

Cardiff University

Cardiff Metropolitan University

The Open University in Wales

Quality Assurance Agency for Higher Education

Swansea University

Universities Wales

University of South Wales

University of Wales Trinity Saint David

Wrexham Glyndŵr University

Procedures for assessing the quality of education

March 2019



Noddir gan
Lywodraeth Cymru
Sponsored by
Welsh Government

Introduction

1. This document provides an overview of how HEFCW fulfils its statutory duties relating to the quality of education. It also clarifies actions we will take to mitigate any risks we have identified. It aims to ensure that the interests of students, the provider and the wider higher education (HE) sector in Wales are protected.
2. These procedures apply to regulated institutions from 1 August 2019 until further notice.

HEFCW's statutory responsibilities

3. Most national systems have to achieve a balance between regulatory / governmental priorities and the work of the relevant quality assurance agency. HEFCW is not an external quality assurance agency: we are a regulator, and our responsibilities in relation to quality assessment under the [Higher Education \(Wales\) Act 2015](#) ('the 2015 Act') may require us to take regulatory action. This gives us legal obligations in relation to quality assessment. Wales is also unique in UK higher education in having regulatory responsibilities regarding provision which is likely to become inadequate.
4. Under section 17 of the 2015 Act, HEFCW is required to assess, or make arrangements for the assessment of, the quality of education provided in Wales by, or on behalf of, each regulated institution. This relates to all provision of regulated institutions, including non-HE provision.
5. The quality of education or of a course of education, under the terms of section 18 of the 2015 Act, is defined as inadequate if it is not adequate to meet the reasonable needs of those receiving the education or undertaking the course.
6. The 2015 Act also required HEFCW to establish a Committee to advise HEFCW on the exercise of our functions in relation to Quality Assessment (HEFCW's Quality Assessment Committee (QAC)). QAC includes a member from the National Union of Students Wales, Members of HEFCW's Council, and members who have experience of provision of higher education. The Committee plays a key role in advising Council on risks to the quality of education.
7. Section 20 of the 2015 Act empowers HEFCW to give advice or assistance to institutions with the aim of improving the quality of the education, or preventing the quality from becoming inadequate. This could include seeking advice from QAC, and commissioning external expertise (eg Quality Assessment Agency (QAA), consultants, National Union of Students Wales (NUSW)), as appropriate. It also empowers HEFCW to carry out, or arrange for another person to carry out, a review of any matters that they think are relevant to the quality of education provided by or on behalf of the institution. Section 19 of the 2015 Act empowers HEFCW to give a direction to an institution to improve

the quality of education, or prevent the quality from becoming inadequate. HEFCW would normally give advice or assistance to an institution prior to issuing a direction.

8. HEFCW has a duty under the 2015 Act to produce a statement in respect of its intervention functions. Our [Statement of Intervention](#) was published as part of Circular W16/37HE. It provides a public and transparent framework within which HEFCW will operate its full range of intervention powers in relation to student fees, the quality of education, and institutions' financial management. Following an assessment which concludes that the quality of education is inadequate or likely to become inadequate, then we may exercise our powers of intervention as set out in our Statement of Intervention. A complaints process is built into the Statement and HEFCW is committed, as outlined in paragraph 12 of the Statement of Intervention, always to act in a reasonable and proportionate manner.
9. Our statutory responsibilities under part 3 of the 2015 Act require us to assess, or make arrangements for the assessment of, the quality of education in order to determine both the adequacy (or inadequacy) *and* the likelihood of the quality of provision becoming inadequate. These are distinct considerations, with the former being based on an assessment of current arrangements whilst the latter is based on an assessment of future risk. Different factors will inform each and, accordingly, different arrangements are required for each, as outlined below.
10. **Annex A** illustrates how HEFCW assesses the risk to the quality of education, and how this interlinks with the assessment of quality, and the range of interventions we may put in place.

Assessment of the current quality arrangements

11. HEFCW's [Quality Assessment Framework for Wales \(QAF\)](#) sets out the mechanisms through which HEFCW assures itself that the quality of education meets the needs of those receiving it. In addressing HEFCW's statutory responsibilities for quality we use the European Standards and Guidelines as a key reference point.
12. Under the QAF, regulated institutions are required to commission an [external quality assurance review](#) by an organisation on the [European Quality Assurance Register](#) for Higher Education (EQAR) at least every six years, in line with European Standards and Guidelines¹. This meets our statutory responsibilities under the 2015 Act in assessing whether the quality of provision is adequate, or inadequate and is central to our approach to gain assurance regarding the quality of education. The requirements for this review, including judgement categories and outcomes, are set out by HEFCW². We consult on any substantive changes to the requirements for the method.

¹ https://engq.eu/wp-content/uploads/2015/11/ESG_2015.pdf

² Circular W17/08HE, [Annex A](#).

13. Universities in Wales have agreed with the QAA to commission Quality Enhancement Reviews from the QAA for a six year period. 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 currently as follows:

Judgements	Outcomes
European Standards and Guidelines for internal quality assurance	Meets requirements Meets requirements with conditions
Baseline regulatory requirements for the QAF	Does not meet requirements

14. Institutions that are not already regulated by HEFCW, but wish to become regulated, need to have successfully undertaken two consecutive QAA quality assurance reviews, the most recent of which needs to be a Gateway review, to enable them to meet the quality assurance requirements for a fee and access plan application.
15. A condition of funding for institutions which are funded but not regulated by HEFCW, is that they comply with HEFCW's quality assessment processes as set out for regulated institutions in accordance with the 2015 Act.
16. HEFCW has established a Memorandum of Understanding with Estyn, which inspects the majority of the non-HE provision of regulated further education institutions. HEFCW liaises with Estyn to ensure appropriate coverage of the full range of provision covered by the statutory responsibilities of both organisations, minimise burden on regulated institutions, and share information regarding the provision of education in regulated institutions.

External Quality Assurance Review outcomes

17. In every case, a regulated institution receiving a 'does not meet' outcome (in either (or both) judgement(s)) will be deemed to have quality that is, or is likely to become, inadequate. This is because any requirement and/or standard that is not met will present serious risk, with limited controls in place to mitigate the risk. This does not mean that the risk has been actualised. Such institutions are able to undertake remedial actions, which would allow their review outcomes to be revised. Any amendment to the judgement would need to be carried out within one year of the date of the original review. Otherwise the original judgement will stand for the remainder of the review period, which may result in an institution not having its Fee and Access Plan approved.
18. Institutions receiving a single judgement of 'meets requirements with conditions' are not deemed to be at immediate risk in terms of quality of education. However, some moderate risks may exist that, without action, could lead to serious problems over time with the management of this area. HEFCW will be keen to maintain a watchful eye to ensure that the conditions attached to such judgements are achieved, as confirmed by the external body, as

failure to achieve these is likely to result in an institution being considered to be at risk of provision that is likely to become inadequate.

19. An institution receiving judgements of 'meets requirements' in both judgement areas is not deemed to be at risk in terms of the quality of education.
20. The initial judgement will normally be formally communicated to the senior accountable officer by the organisation carrying out the review. We expect any review outcome of 'meets requirements with conditions' or 'does not meet' to be discussed by the Governing Body at the first available opportunity. It should be the aim of all stakeholders to ensure prompt and appropriate action is taken to rectify the identified problems and an action plan is prepared to enable this.
21. A published action plan must be prepared jointly by the institution and student representatives in response to judgements of 'meets requirements with conditions' or 'does not meet requirements.' The plan must be agreed with the agency carrying out the review. The institution must liaise with the reviewing agency to obtain verification that actions taken in response to review outcomes have rectified any deficiencies within the agreed timescale, and therefore enable the judgement outcome to be revised.
22. The primary responsibility for drawing up the action plan rests with the regulated institution and we will encourage the institution to use other available sources of support and expertise where appropriate. The institution should do this in partnership with the student body, as required via the Governing Body annual assurance statements on quality assurance. The organisation carrying out the review will follow up with the regulated institution and will formally sign off the review when satisfied that the action plan has been implemented successfully, within a maximum of 12 months. The nature, scope and timing of the follow-up are determined in accordance with the principle of proportionality, and through dialogue between the regulated institution, the organisation carrying out the follow-up and HEFCW, and will normally focus on issues identified in the review. The subsequent external quality assurance review will take place sooner than the normal six year cycle, as outlined in our published arrangements for [external quality assurance review](#).
23. We expect regulated institutions which deliver HE with other awarding bodies to involve the awarding partner(s) where one or more judgements are made of 'meets requirements with conditions' or 'does not meet requirements.' Regulated institutions should involve their external providers/ collaborative partners if necessary, to ensure that there is no risk to quality of education of other partners.

Outcomes of other reviews/ inspections

24. Professional, Statutory and Regulatory Bodies (PSRBs) accredit specific courses. They may also review/inspect provision at designated providers, and will maintain their own definitions of quality. In addition, Her Majesty's Inspectorate for Education and Training in Wales (Estyn)³ has statutory

³ www.estyn.gov.wales

responsibility for inspecting Initial Teacher Education provision, Further Education (FE) in HE, and Further Education Institutions which may also be offering higher education provision.

25. Estyn makes judgements of 'excellent', 'good', 'adequate', and 'unsatisfactory'. We will treat the outcomes of 'excellent' and 'good' as being equivalent to 'meets requirements' for external quality assurance review. We will treat a judgement of 'adequate' in one or more areas as being equivalent to 'meets requirements with conditions,' and a judgement of 'unsatisfactory' as equivalent to 'does not meet requirements'. As with the external quality assurance review process, institutions have the opportunity to remedy any issues identified. The findings will contribute to HEFCW's decisions regarding whether or not to approve Fee and Access Plans.

Role of QAC

26. The QAC advises Council on progress against the outcomes of reviews, and any associated risks to the quality of education. This includes the outcomes of Estyn inspections of non-HE provision of regulated institutions. Its advice will include consideration of:
- The outcomes of HEFCW's annual IRR process;
 - Annual assurance statements from the Governing Body
 - Fee and Access Plans;
 - Concerns raised regarding standards and quality; and
 - HEFCW's other engagements with institutions.
- These will be considered in the context of the institution's own quality assurance processes.
27. Action taken by HEFCW is detailed in the section on 'intervention' below.

Assessment of future risk to the quality of education

28. The risk to quality of provision is considered via our established institutional risk review (IRR) process, as detailed in circular [W09/20HE](#). The IRR takes a risk-based approach to institutional assurance reviews, in which we focus on assurance of the robustness of institutions' own risk management, control and governance processes and on evidence of appropriate responses by institutions to issues raised by those processes. We are clear that the primary responsibility for the provision of this information rests with the institutions and our main concern should be to seek assurance that appropriate arrangements are in place in institutions. The IRR process considers regulated institutions under the following six areas:
- Sustainability
 - Students and quality
 - Strategic direction
 - Research and knowledge transfer
 - Governance and management
 - Estates.
-

29. 'Students and quality' incorporates issues including range of provision, recruitment, retention and progression, institutional forecasts, data and trends and widening access performance. Evidence used to inform the assessment of risk includes UCAS data, HESA data, performance against sector targets, performance against UK Performance Indicators, financial information, outcome of reviews or inspections, and annual data from the Office of the Independent Adjudicator. The outcomes of any external quality assurance review, including by bodies such as Estyn, will be considered at the following IRR meeting.
30. The wider range of factors that may result in a risk to the quality of education will primarily be addressed under IRR categories including sustainability, strategic direction, and governance and management. Where we identify that there is a risk to the quality of education, we apply our IRR process to evaluate the likelihood of this risk being actualised.
31. If the outcome of the IRR process gives rise to concerns which could be considered as part of an external quality assurance review, this might result in an institution being required to commission a full or partial external quality assurance review of provision, potentially earlier than would have been anticipated within the cyclical approach⁴. For example, HEFCW's external quality assurance review requirements set out that we will operate a risk-based approach to whether any significant changes to provision should require an earlier full or partial review. QAC advises HEFCW on whether the potential risk from developments such as institutional mergers, unplanned trends in recruitment, and development of new campuses should trigger such a review. This is in order to meet the quality assurance requirements of fee and access plans, as set out in our guidance on external quality assurance reviews.
32. We may also chose to commission an external body to undertake assessment where our assessment of risk to the quality of education arises from factors which are not included in the external quality assurance review, for example in relation to National Student Survey (NSS) results. External bodies, including those which are not ENQA accredited (e.g. Estyn, which inspects ITE or PSRBs), may be commissioned for this purpose.
33. HEFCW has a process for investigating complaints about institutions, including concerns about standards and quality⁵, which may also trigger an external review to assess the quality of education.
34. HEFCW will take into account the following factors to determine whether there is a risk of the quality of education becoming inadequate, following consideration by, and advice from, QAC.

⁴ as noted in circular [W17/08HE](#) Annex A

⁵www.hefcw.ac.uk/working_with_he_providers/institutional_assurance/complaints_about_institutions.aspx

A. Trends in data

35. Declining performance in relation to a range of outcomes can indicate a risk to the quality of education. This includes, but is not limited to, the following:
- Over/under-recruitment patterns;
 - Non-progression rates;
 - Non-completion rates;
 - Outcomes of student surveys;
 - Degree outcomes, including differential outcomes for students with different characteristics;
 - Employment outcomes;
 - [HEFCW National Measures](#) for the performance of higher education providers;
 - Institutional financial sustainability;
 - Significant cost reduction.
36. Some (but not all) of this data is benchmarked on a UK-wide basis. HEFCW may intervene where outcomes are statistically significantly below the benchmark, or where a declining trend indicates that there is a risk that the quality of education may become inadequate.
37. HEFCW's QAC advises on risks to the quality of education, including through regular consideration of trends in data and performance against benchmarks, in order to inform HEFCW's annual IRR process, as described above. This will include use of data dashboards, to enable trends across a range of data to be evaluated. The [Fee and Access Plan](#) (F&AP) process also includes consideration of trends of performance.
38. Adverse trends revealed by data are likely to result in a conversation between HEFCW and the institution, in order to enable the data trends to be better understood. HEFCW will normally do this where data is statistically below benchmark over two or more years. However, HEFCW may also seek a conversation where there is a trend of declining performance, even where this is not yet statistically significant. In doing this, HEFCW will consider the impact of changes within small data cohorts.

B. Intelligence from other processes and engagements, including complaints

39. Intelligence from other processes and engagements can inform HEFCW's view regarding whether there is a risk to the quality of education, including non-HE provision. This includes intelligence from other processes such as:
- Outcomes of PSRB engagements with institutions, where we think it is likely that adverse findings may impact on higher education provision more generally, or where a failure to improve has been identified following such engagements;
 - Complaints about quality and standards made to HEFCW⁶;

⁶ Normally these will be complaints which have been upheld. However, there may be cases where there is insufficient evidence, or the areas of complaint do not fall directly within our remit under the HE Act, but it is still appropriate for HEFCW to undertake informal liaison with the institution in relation to issues raised.

- Complaints or concerns raised with, and upheld by, other organisations, such as the Office of the Independent Adjudicator (OIA), the Charities Commission, Home Office, etc;
 - Information relating to the Teaching Excellence and Student Outcomes Framework (TEF);
 - Outcomes of engagements with Awarding Bodies (where applicable);
 - Triennial quality assurance visits;
 - Annual assurance statements from the governing body on quality (including reporting on the dialogue between an institution and its student union); and
 - Liaison with other organisations as appropriate, e.g. QAA, NUSW, Estyn, Competition and Markets Authority (CMA), Home Office, etc.
40. In addition, any complaints to HEFCW regarding quality and standards, or to other bodies with statutory responsibilities in specific areas, can lead to an assessment that there is a risk to the quality of education. This could lead to a requirement that an institution should commission a full or partial external quality assurance review.
41. HEFCW may liaise with external agencies or bodies which have a role in undertaking investigations relevant to their remit (e.g. OIA or CMA). HEFCW may await the outcome of any ongoing investigations and processes before considering actions prior to exercising our powers of intervention as set out in our Statement of Intervention.

Interventions

42. As outlined in paragraphs 7 and 8 above, the 2015 Act provides for a range of statutory interventions, the exercise of which is governed by our Statement of Intervention. In cases both of inadequate quality, and where we have identified that quality is likely to become inadequate, we will expect the institution to take account of our advice to address the issues. The statement of intervention sets out that we will generally seek to consult with the governing body of an institution, prior to giving advice or assistance. As noted in our Statement of Intervention, we will seek to avoid unnecessarily duplicating the actions of other regulatory organisations.
43. Our advice or assistance may include some or all of the action set out below. This could be in response to a failure of the institution to deal with the issues arising. The additional actions may be undertaken rapidly, in order to try to address issues arising before it is necessary to exercise our powers of intervention. HEFCW's actions will always be proportionate to the scale of the provision impacted.

Monitoring

44. HEFCW may monitor outcomes and trends where there is a potential risk to the quality of education (e.g. monitoring NSS outcomes).

Action plans

45. We may ask an institution to develop an action plan, or to take account of an external body's requirement to develop an action plan (eg as a consequence of external quality assurance review outcomes), in partnership with the student body, to address risks to the quality of education, where there is not already such a plan in place (e.g. in response to review outcomes). This would normally need to be completed within 12 months.

Commissioning an external review

46. As indicated in paragraph 31 above, where appropriate, we might require the institution to commission an external quality assurance review, or other review, in order to meet the quality assurance requirements of fee and access plans.

Good practice

47. HEFCW may encourage institutions to engage with developments relating to policy and/or enhancement, including working with sector agencies in order to benefit from good practice elsewhere.
48. If the actions detailed above are unsuccessful, we may proceed to issuing a warning notice, setting out the Direction we propose to issue to the institution. Any directions issued will be published on our website, as described in the Statement of Intervention.
49. HEFCW's Chief Executive has delegated authority to approve decisions at each stage in the Intervention Process in Respect of Inadequate Quality. HEFCW's Council has ultimate responsibility for agreeing to proceed to the injunction stage of the Intervention Process in Respect of Inadequate Quality⁷. Council's decision will be informed by advice from HEFCW's statutory QAC.

Students

50. Students are integral partners in this procedure, as with all of HEFCW's work. NUSW is represented on QAC, which advises on action to be taken by HEFCW in response to risks to the quality of education, and we will work closely with NUSW and/or the student representative body as appropriate, to mitigate any impact on the student body.

Next steps

51. We will keep these processes under review with our QAC, and will consult on any changes proposed in accordance with the 2015 Act. This will include quality of non-HE provision delivered by or on behalf of regulated institutions.

⁷ As set out in [HEFCW's Scheme of Delegation](#)

Quality Assurance

Risk Assessment

Risk
Quality
Statutory

