

# INDEPENDENT HIGHER EDUCATION

IHE response to the QAA Educational Oversight  
Review consultation

May 2024

## Proposal 1: Categorisation of Providers

*In reference to paragraphs 20-23 of the consultation:*

*Do you agree with the proposed categories of providers set out in paragraph 2 of the guidance document?*

Partially.

The categorisation is a useful starting point for providers who wish to access the benefits of a review by the QAA. However, paragraph 22 of the consultation notes that the purpose of the categories is for clarity and IHE members have raised concerns over identifying which category they fit into.

Part of the confusion is over the phrasing of bullet point two within category A where the emphasis is interpreted to be on 'not reviewed by QAA' and the relation to funders and regulators is initially unclear: *"not reviewed by QAA through one of the reviews that QAA undertakes on behalf of funders and regulators in Scotland, Wales or Northern Ireland"*. It would be beneficial to rephrase this sentence, or perhaps to use bold font to emphasise the particular relevance of reviews for the purposes of funders and regulators. This would make it clear that a review by QAA is, of itself, not the defining factor.

In addition, for purposes of identifying which category a provider would fit into within EOR, it would be useful to provide clarity on how eligibility to register with the Office for Students is determined. The footnote in the consultation document notes that: *"Eligibility for registration with the Office for Students should be established by the provider and the Office for Students; this is not the responsibility of QAA"*.

However, this does not make it clear whether the QAA will require anything other than the provider making their own assessment of likely eligibility before making an application under Category A. Some IHE members have historically applied to the OfS for registration in the knowledge that they are not eligible, simply to receive official confirmation of this fact. Other members have reviewed the eligibility criteria and made their own self-assessment. Registration is a timely process and would feasibly add 6-8 months to the timeline of EOR if a formal confirmation of OfS ineligibility is required prior to QAA review.

Thought could be given to whether the types of provider that might fall into the categories should be given as non-exhaustive lists in the overview section of the guidance (eg study abroad, providers delivering overseas awards etc), alongside the table of categories (page 1).

## **Proposal 2: Components of review**

*In reference to paragraphs 24-28 of the consultation:*

*Considering the table on page 3-4 of the guidance document and the information regarding the contents of the components within the guidance document (paragraphs 6-19), do you consider the proposed structure of each review for each category of provider is appropriate?*

Partially.

IHE and our members welcome the alignment with a new set of Quality Code principles that usefully highlight the strategic nature of the role of quality. There were areas though that presented challenge now that the four methods and accompanying guidance are replaced with one. The previous methods made it clear, for instance, that different types of providers would be expected to submit different types of supporting documentation, reflecting differing levels of autonomy and control in delivery of the educational model.

As an example, Principle 7e. has an expectation of an award being received, and 7d. of publication of policies and processes. These types of expectations will be difficult for those delivering some types of provision to meet, for example study abroad programmes where awards are not common though the credit may transfer. There are also commercial sensitivities which may preclude specific policies or processes being published. Accompanying guidance therefore needs to be clear on nuances in demonstrating key practices for the types of providers even within Category A, otherwise the self-evaluation document could become an exercise in explaining an absence of evidence for a method that does not fit the provider, rather than an explanation of how enhancement activity is being undertaken in the areas which are relevant.

There are a number of comments on FSMG which are also addressed in the relevant consultation question below, but are repeated here for the sake of completion, as this was relevant to IHE members' views of whether the structure of review was appropriate. Within the guidance document, the FSMG requirements are not stipulated in enough detail to give assurance that this is the appropriate method for all providers due to be subject to the checks. For instance, it should be anticipated that those with only short courses will have different financial sustainability needs than providers running three or four-year programmes.

It is noted that paragraph 11 states: *"...there may be a legitimate reason that a category A provider may consider it could be exempted from the FSMG requirements - this will need to be agreed with both QAA and UK Visas and Immigration"*.

There should be an explanation of the type of circumstances where this would be a possible exemption so that providers can plan accordingly for the review process. It would be useful to include process and timeline expectations for agreeing these exemptions.

### **Proposal 3: A single method of FSMG check**

*In reference to paragraphs 29-31 of the consultation:*

*Do you agree that all category A providers should be subject to a consistent FSMG check?*

No.

FSMG requirements are not stipulated in enough detail to give assurance that this is the appropriate method for all providers due to be subject to the checks. For instance, it should be anticipated that those with only short courses will have different financial sustainability needs than providers running three or four-year programmes.

It is noted that paragraph 11 states: *"...there may be a legitimate reason that a category A provider may consider it could be exempted from the FSMG requirements - this will need to be agreed with both QAA and UK Visas and Immigration"*.

There should be an explanation of the type of circumstances where this would be a possible exemption so that providers can plan accordingly for the review process. It would be useful to include process and timeline expectations for agreeing these exemptions.

Without this level of extra detail, it is not possible to agree that the different types of Category A provider should be subject to the same checks, as there is no visibility on whether the method is appropriate.

### **Proposal 4: Indicative timelines for review**

*In reference to paragraphs 32-34 of the consultation:*

*Based on your understanding of the Full and Core component reviews as set out in the guidance document, do you agree that the indicative timescales proposed for a full review (paragraphs 31-32 of the guidance document) are appropriate?*

Yes.

IHE members were appreciative of the QAA reducing some of their own turnaround times to give a faster review process in comparison to some of the previous review methods. There was concern though that a reduced overall timeline from the HER(AP) method did not mean a reduction in workload for provider staff; in the initial 2024/25 cycle there will be increased stress and burden for the providers who are due to undergo a full review.

The QAA should be mindful that there are providers who will not be able to appoint lead student representatives across the duration of the review, or perhaps will not have any student representatives in post at certain times of year. This may make certain assumptions difficult to adhere to. In instances where there are no Students' Unions, there will not be student representatives available at many providers over the summer period. There may also be difficulty for short course providers in appointing lead student representatives across a 31-week duration, and into the action planning stages. The guidance could address flexibility in expectations surrounding these arrangements to accommodate different types of provider.

### **Proposal 5: Simplified application arrangements**

*In reference to paragraphs 35-37 of the consultation:*

*Do you agree with QAA removing an application fee for providers requiring a review for the purposes of educational oversight for the Home Office, or specific course designation, and maintaining a fee of £1,500 for providers that request a review for other purposes?*

Yes. IHE members were supportive of this change in approach.

### **Proposal 6: A standard approach to reviews and analysis**

*In reference to paragraphs 38-40 of the consultation:*

*Do you have any comments on the process of review, as set out in the guidance document between paragraphs 33 and 121 (including suggestions for enhancements to the guidance)?*

Unification of the review method is highly positive as this represents coherence in the quality landscape. There does still need to be recognition in the accompanying guidance that the method for achieving the same ends will look quite different and certain key practices may not apply in some providers; if this is not explicit in the guidance it could lead to a lack of transparency in the process of review. For instance, IHE would encourage greater levels of guidance on aligning with Quality Code key practices for areas where they are in partnership working and have shared responsibilities.

Consideration needs to be given to the level of understanding that different audiences will have of the different purposes within the unified review method. It will need to be made clear at the point of publication how to interpret a Category A judgement assessed in different ways for provider context. Without this clarity – that certain providers will not have been able to achieve certain practices – the judgements may be seen as misleading for example by some overseas bodies. Scope also needs to be given to update the published information on which practices are relevant to providers as they grow and change, which is also discussed under the section below regarding monitoring activity.

IHE welcomes the involvement of students in the review method and appreciates its importance and relevance. It would be useful for the guidance to clarify how different types of providers can meet expectations around student representation where there are different models of representative structure, particularly if there is no Students' Union or if representatives are not present at a provider throughout the whole academic year.

Small providers voiced concerns that they will be given unsuccessful outcomes due to the type of educational model rather than their ability to demonstrate alignment with relevant principles.

***In relation to the Core component, do you have any comments on the mapping between the Quality Code and the Home Office requirements, as set out in pages 8-13 of the guidance?***

As mentioned in relation to Proposal 2 there are areas of key practice which need to be carefully considered for applicability to types of provider.

For instance, certain types of delivery model have less control over their awards or premises due to the type of partnership arrangement they are in, and this does not reflect an inability or unwillingness to align to a Principle but a practicality of the type of provider and courses.

IHE would encourage greater levels of guidance on aligning with Quality Code key practices for areas where providers are in partnership working, and have shared responsibilities.

## **Proposal 7: Review judgements and resultant actions**

***In reference to paragraphs 41-42 of the consultation:***

***Do you agree with the range of judgements we have set out in paragraphs 90-94, and in Annex 6, of the guidance document and how those judgements will be determined?***

Partially.

IHE does agree with the need to have a range of judgements, both using individual Principles and to give an overall outcome. However, the judgements used in this method are different in language to those of other review methods.

Consideration should be given to whether those undertaking a Full Review may find it more beneficial to have similar terminology for their judgements to other review methods in operation by the QAA, for example:

- 'meets all'
- 'meets all... subject to meeting specific conditions' (which could include the action plan)
- 'does not meet all...'

This may give equity and parity in the way in which the review method is viewed by others.

***Do you agree with the approach we have set out in paragraphs 100-108 of the guidance document regarding how we shall determine an unsuccessful outcome for a provider?***

Partially.

IHE members were concerned about the timescales for producing approved action plans in cases where providers require actions to meet Home Office requirements or to align with Sector-Agreed Principles.

The desire for swift actions to be implemented is understandable, but four weeks does not account for the realities of governance structures, and in particular does not allow for approval processes within partnership working which may require stages of approval in multiple organisations. The guidance does not make clear whether these action plans are for publication.

IHE would recommend a modified approach to navigate the conflict between a desire for swift remedies and proper adherence to governance structures when implementing action plans. It would, for example, be more feasible to share with the QAA an unpublished action plan within the suggested four-week time frame on the understanding that this is subject to change as it proceeds through approval processes. IHE members feel that a 12-week timeframe to produce an approved action plan would be more appropriate.

## **Proposal 8: Monitoring arrangements**

*In reference to paragraphs 43-45 of the consultation:*

*Do you agree with the proposed approach that the expectation will be that the monitoring process will consist primarily of an annual return, and that a monitoring visit will only take place under certain circumstances?*

Partially.

IHE would encourage the QAA to review this approach after the first four-year cycle to ensure that there has not been an increased risk of a decline in quality and standards as a result of a move to desk-based annual monitoring.

*Do you agree with the range of monitoring judgements we have set out in paragraphs 146-150 and in Annex 6, of the guidance document and how those judgements will be determined?*

Partially.

When reaching monitoring judgements, it would be useful to have guidance on how providers are expected to evidence enhancement in a year when they are consolidating provision following previous years of active upgrade and expansion, and have less activity to evidence from the 12 months in the return.

This is likely to occur in SME providers as they go through the normal growth phases seen in any sector, and it should be anticipated that accompanying enhancement activity would follow the same type of phases of expansion and consolidation.

Additionally, during the annual monitoring process, if there has been a material change in circumstance such as a change in type of provision, it should be clear for those reviewing published information how the provider has demonstrated the additional contextually relevant key practices since the initial review, and whether components (per Table 2 of the Guidance for Providers) have become applicable when they were not initially.

## **Proposal 9: Educational Oversight Review fee schedule**

*In reference to paragraphs 46-52 of the consultation:*

*Do you have any views on the indicative fee schedule?*

IHE members have raised concerns over the costs of the QAA reviews, irrespective of the new indicative fee schedule. Any further consideration to efficiencies in the review method would be welcomed.

*In reference to paragraphs 53-54 of the consultation:*

*Do you have any views on our proposal to charge the Monitoring fee on an academic-year basis, rather than a calendar-year basis?*

IHE members did not raise any concerns over this change.

## **Proposal 10: Transition arrangements**

*In reference to paragraphs 55-60 of the consultation:*

*Do you agree with our proposal to implement the new review method in the 2024-25 academic year with mitigations in place for existing providers due a full review in that year?*

Yes.

IHE members due to be reviewed during the 2024/5 academic year were not necessarily aware of the impacts on their review schedules, and were still working on the assumption that they would be reviewed along the same timelines as previous cycles. Where timelines for review have decreased under EOR compared to previous review methods, members raised concerns over needing to complete the same level of work but in less time and with no greater resource.

*Do you have any suggestions for additional mitigations we could implement to aid the transition for existing providers?*

It would be useful for the QAA to contact individual providers due for review to explain the mitigations and ensure they are aware, with an indication of the types of timescale for review (i.e. no earlier than January 2025). Where the timeline for review may cause an issue for the first cycle (e.g. a clash with a validation with a partner, or planned staff absence) it would be useful to have those conversations early on an individual basis, and have flexibility in the timeline during transition.

*In reference to paragraph 61 of the consultation:*

*Do you agree with our proposed approach for managing the transition from the Annual Maintenance fee to the Monitoring fee for providers, subject to the alternative provider methods?*

Yes.

## Concluding question:

*In reference to paragraph 62 of the consultation:*

*Do you have any further views in relation to the contents of the guidance document, or in relation to these proposals that you have not included elsewhere in your response to this consultation?*

No comments.

## Contact IHE

- For more information, or to speak to someone about this consultation response, please email [info@ihe.ac.uk](mailto:info@ihe.ac.uk)
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