

Petitioner submission of 24 March 2023

PE2000/B: Ensure universities are held accountable to students under consumer law

I thank the Minister for Higher Education for providing the response from the Scottish Government.

I understand the political response to this and my previous petition, but I would be grateful if I could have engagement with these specific problems of policy.

I would not presume to state in which way I feel the Government could deal with the issues at hand within my petitions, but it was recommended by the [previous Public Petitions Committee](#) to discuss what kind of body would be needed to address the problem. Personally, I do not believe a new body is required, but rather a more joined up approach from existing bodies needs to be considered.

I stated in a [submission to PE1769](#), the SPSO does not refer to the QAA or the existing HE policy for complaints in HE. This means that the results of complaints are not evidence based on existing policy and therefore a matter of personal opinion of the reviewer. There is no reference to policy, or an evidence base within HE complaints in the public domain judged on by the SPSO. This may be why the SPSO does not uphold many complaints and those it does uphold are matters of complaints process i.e the length of time taken to address the complaint rather than the actual complaint. The in-house mechanisms of HE providers can appear to uphold the provider view, as does the SPSO. This can be seen by examining some of the complaints in the public domain, their substance and the resulting SPSO opinion. This is concerning due to the requirement for evidence-based decision making in government.

Many self-funders cannot access legal aid as they work and therefore do not come under income boundaries to do so. In addition, behaviour by the HE provider and the risk of not graduating can prevent students pursuing this, which neither increases transparency in the sector nor allows students to pursue this avenue without fear.

On point 8 of the Minister's response - if this has been in place since 2002, why does the SPSO repeatedly judge that unfit for purpose complaints processes exist but then is unable to do anything about

them? (In the public domain from SPSO complaints upheld). The QAA and the Enhancement-Led Institutional Review's (ELIR) are meant to have performed something of the function of point 9 for many years, but recommendations are not implemented*. Why does the Minister believe that doubling down on this via the SPSO will work? (*Public ELIR's - last 15 years).

The limit of academic judgement remaining undefined is limiting accountability and I would challenge the responders to define it. The QAA state what should be taught in subject benchmark statements, the marking criteria should be present and transparent and based on best practice. As a Senior Lecturer, my course is run this way. I therefore choose not to hide behind 'academic judgement' and conduct opaque manoeuvres. Neither should the SPSO, Government bodies or HE providers. Freedom of speech and how to teach could be seen as academic judgement but non-provision should not. Provision is contractual.

I would state that, as a Chartered Statistician, statistics are meaningless without context. The context I have spoken about is what matters – the how and why in the body of the complaint and the evidence basis, the data in paragraphs 12 and 13 of the Scottish Government response is not representative of this and therefore currently meaningless.

In my opinion, having examined public domain material I would suggest that the SFC is not meeting its statutory obligation and is wasting taxpayers' money without installing mechanisms to have it paid back when warranted. HE providers keep wages and fees and are effectively paid double for non-provision is disgraceful given Government policy of taxpayer value for money. Point 15 is far too ambiguous and could be said of a daycare centre, not an established and respected HE provider. Standard approved verbs for BSc and MSc courses outcome criteria are far more succinct and mature. I would like to add that 'fair and transparent procedures' may be written down in a policy, but then not delivered, as supported by complaints upheld by the SPSO.

I have written to the QAA and SPSO to enquire on their decision-making policy and to provide feedback, having approached them based on my experience as an academic and my research on relevant policy backed by my published journal articles. I am a Senior Lecturer; an Executive Board Member of a professional body and I have published papers on the Higher Education System in the UK so I expected to have a reasonable discourse about how we could improve things moving

forward for professionals and the education sector alike. However, I believe that both have failed to address my enquiry.

The SPSO have refused to communicate on the following: Why SPSO refuse to engage with bodies such as the QAA when trying to reach decisions on HE. SPSO continue to refer to my individual historical case raised prior to my engagement with the petitions committee rather than engage on broader issues I raised. SPSO have refused to detail why they are clearly able to override the QAA Benchmark Statements and Quality Guidelines and create their own expectations of Higher Education provision. Given the openness with which the SPSO has responded via the petitions committee I find this behaviour concerning.

The QAA responded to my query of why the SPSO can make decisions without consulting them as well as override their guidelines and policy by stating that the person dealing with my query is the person who dealt with my petition at government level. This person has repeatedly closed my policy queries at the QAA and refused to escalate them. This person then issued a QAA 'decision' on my petition and could only have got my historical case from the SPSO contact on the committee because this was never raised at petitions level. This was highly unprofessional as the question I had raised was on a purely feedback basis about policy and improving educational provision. I had not at any point discussed my individual case as the QAA does not discuss individual cases. I escalated this to the QAA Governance Board and from their response I believe that ultimately the QAA has no wish to understand or rectify the issues being raised on educational provision. This is again disappointing considering the openness with which the QAA responded to my previous petition and again raises issues of transparency and accountability of government bodies and HE provision to society.

I find the lack of willingness of these bodies to discuss policy and decision making with me to be very concerning; especially deciding on their own guidelines to assess cases against in isolation of any other body. This illustrates a multitude of bodies involved in educational provision and their inability to work together. Due to the number and disparate bodies legislation, policy and positive policy is becoming lost. Accountability is clearly lost and the ability to disengage with the public and academics when asked policy questions is inappropriate. If my repeated petitions only prompt political responses and my enquiries to public bodies as a Senior Lecturer are shut down, how does this reflect democracy and transparency.

