

Assessment of the appeal lodged by Saint Martin's Institute of Higher Education

| Initial panel statement in Audit Report | Initial comment of the institution | Panel response to the institutional comments | Institutional statements in the appeal letter | Clarifications provided by the Panel | Considerations of the Appeals Committee |
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| Standard 2 | | | | | |
| <p>KR 2: The licensee should compile a tailor-made written procedure for the engagement and selection of any future heads within the academic arm of the company. This measure is to be implemented within a time span of 12 months. (p.15)</p> | <p>Key Recommendation 2 needs to be removed since such procedures are in place, and in writing, and presented to MFHEA on 14th October 2021. These have been in place prior to the first Audit of 2018.</p> | <p>The key recommendation 2 which was referred to reflects the auditor's report. Moreover, the procedure for selection of headship positions referred to in this recommendation was not presented to the panel. The report compiled by the panel considers evidence and information made available to us during the audit process.</p> | <p>The recommendation KR 2 must be removed since this policy has been in practice well before even the first audit and subsequent years at the Institute, and the judgement changed to surpassed.</p> | <p>The panel has seen the procedure, but it is not fully fit for purpose. It only includes a few, not all, academic management positions.</p> | <ul style="list-style-type: none"> - the Appeals Committee suggests the audit report be amended to accurately reflect that SMI has developed and implemented <i>Selection Procedures for Academic Management</i>. However, this includes provisions for the engagement and selection of some, not all, academic management roles. This should be explained in the main body of the report, so that the provider and the audience are not taken by surprise by the recommendation. - the Appeals Committee suggests that the recommendation accurately reflect that the procedure exists, but it is not fully fit for purpose, and therefore requests for the procedure to include provisions for the engagement and selection of all academic management roles, not only a few. - the overall judgment of compliance for Standard 2 |

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| | | | | | remains unchanged (see explanation below). |
| Standard 9 | | | | | |
| R 7: SMI should include more detailed and accessible information regarding pass rates on the website. | We will comply with this recommendation, but we would like to highlight that our intention not to give such direct information is to protect those individuals who may fail. We are a very small institution, and it is not difficult for a group of students to reach a conclusion on who from their cohort would have failed. It must be pointed out that there is no consistency in the conclusion for meeting the Standard since when reviewing other audit reports, the MFHEA Quality Assurance Committee actually awarded a surpassed Standard for the Institute for Computer Education (ICE) Malta which has exactly the same recommendation. In view of this, we believe that SMI should have | The panel had discussed this at some length and would have given 'surpassed' were it not for the lack of pass rates which are listed as a 'must have' in the MFHEA Standards and the Guidance on judgements which specifies that a 'surpass' is only given 'when all of the applicable elements have been met'. | We would like to bring to the notice to the Appeals Committee the adherence of Saint Martin's Institute of Higher Education to all the requirements of Standard 9. Therefore, this judgement is changed to surpassed. (...) the panel had discussed this at some length and would have judged Saint Martin's Institute as surpassing this Standard were 'it not for the lack of pass rates'. | The panel has found the pass rates published but in a very user unfriendly and inaccessible location. | <ul style="list-style-type: none"> - the Appeals Committee suggests the audit report be amended to accurately reflect that SMI has published the pass rates on its website. However, they are neither placed in a very intuitive location nor in an attractive format. This should be explained in the main body of the report, so that the provider and the audience are not taken by surprise by the recommendation. - the Appeals Committee suggests that the recommendation accurately reflect that the pass rates are published but in a way that is not fully fit for purpose and therefore requests for SMI to increase the accessibility of the pass rates so that they can serve the planned purpose to the general public. - in its letter to the MFHEA QAC, SMI provides extensive explanation as to why it cannot publish the pass-rates (either at all, or in a user-friendly format). The Appeals Committee would like to underline that it is not the place of the provider to |

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| | surpassed this Standard. | | | | challenge and question the existence of the regulatory standard, which is in compliance with the ESG 1.8. in regard to the levels of public information expected from higher education institutions in Europe. - the overall judgment of compliance for Standard 9 remains unchanged (see explanation below). |
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It is very important to note that from a procedural perspective the Appeals Committee has considered the two disputed facts – the existence and fitness for purpose of the *Selection Procedures for Academic Management*, as well as the publication and fitness for purpose of the pass rates. This Committee does not judge any statements that were made, accurately or not, by either the provider or the panel, in their communication and letters subsequent to the audit process.

The Appeals Committee finds that SMI's appeal is founded and accurate in its factual component, i.e., that the *Selection Procedures for Academic Management* does exist and that the pass rates are published, and that the review report therefore needs to be revised accordingly. However, the Appeals Committee does not find that this is a sufficient reason to review the judgement of the two Standards in question. SMI is invited to note that, according to the MFHEA Audit Manual of Procedures, a judgment of 'surpasses Standard' comes with a definition made of two elements:

- a. All of the applicable expectation guidance for this Standard has been met.
- b. There are examples of good practice under this Standard and no key recommendations. Furthermore, the provider has plans to further enhance the area covered by the Standard.

The Appeal Committee notes that the Audit Report does not include any good practice identified under Standards 2 and 9. The Appeal Committee does not find in the body of the Audit Report any outstanding practice which demonstrates that the provider has exceeded the expectations defined by the text of the Standard and is therefore judging that the overall Standard compliance remains unchanged.

SMI is also invited to note that the scope of the MFHEA audit is to assess the compliance of the provider against the Standards defined in the NQAF, not against each other. Therefore, any reference to other judgments made by other panels in the case of the audit of other providers has no standing. Each provider is judged within its context and challenges; it would be erroneous to draw comparisons and establish a numerical approach to Standard assessments.

Procedural notes:

1. The Appeal Committee advises the MFHEA to ensure that any independent auditor appointed to assess Standard 2 has a strict remit on financial probity, NOT institutional governance and/or academic leadership. MFHEA Officers should ensure the consistent implementation of this rule upon the review of the audit report.
2. SMI quotes and makes repeated references to the panel letter to QAC, which should not have been made available to the provider. It is the view of the Appeal Committee that the QAC should revisit its internal processes so that panels and audited providers are not put in a confrontational position; QAC should collect the stances of both sides independently and consider them to ground its decision.
3. The Appeal Committee advises that the review panels in future procedures pay sufficient attention to supporting the recommendations made. Specifically, this means that the basis for making a certain recommendation should always be elaborated in the *Main Findings* section dedicated to a specific Standard.

The Appeals Committee recommends that 25% of the Appeal Fee be returned to the provider, taking into account that the end goal of the letter is:

- in majority to change the overall judgments of Standards 2 and 9, which was not justified and granted;
- in minority to correct the respective statements, which was justified and granted.