

Appeals board report – The Playhouse Institute, Gharghur

Introduction

An external quality assurance audit at the Playhouse Institute was carried out between 2nd and 3rd August 2022 following which, as per normal procedure, MFHEA's appointed audit panel compiled a report with its findings and conclusions. On its behalf, the institution submitted an appeal to the Quality Assurance Committee (QAC) within MFHEA referring to statements, requirements and recommendations included in Standards 1, 4, 7, 8 and 9 of the quality assurance audit report. MFHEA referred the appeal submitted by the Playhouse Institute to an appeals board appointed by the QAC.

Appeals board members

The following appointments were made to the appeals board:

Dr Robert Cassar (PhD) – Chairperson

Ms Stephania Cuschieri – Member

Mr Giorgi Munjishvili – Member

Role of the appeals board

The appeals board had the task of analysing the evidence that the petitioner had submitted in support of its grounds, and subsequently determining whether to:

- dismiss the appeal; or
- uphold appellant's arguments (in full or partially); or
- order that a new evaluation be conducted at the expense of MFHEA.

The appeal

The following is the appeal as submitted to the QAC:

The Playhouse Institute is appealing the judgements, evaluations and conclusions made by the audit panel in Standards 1, 4, 7, 8 and 9 in their entirety. In the head of institution's reply to the letter dated 1st June 2023, sent by MFHEA, informing that the Playhouse Institute is to cease recruiting learners as well as submitting programmes for accreditation, the head of institution claims that the judgements carried out by the audit panel were inconsistent with the materials and facts presented during the actual audit as well as the findings themselves of the external quality assurance process. Moreover, the head of the institution claims that the said judgements are not supported by sound evidence and arguments as presented in the audit report.

Reference to first and second grounds of appeal as indicated in the note submitted by the head of the institution –

The appellant, Ms Charlene Friggieri, is correct in stating that the letter dated 1st June 2023, issued by MFHEA in the name of Dr Rose Anne Cuschieri as CEO and legal representative of

the Authority, should have been addressed to her as the head of institution of the Playhouse Institute rather than to Ms Charlene Farrugia. Nevertheless, this appeals board dismisses Ms Friggieri's statement that the decision imposed by the Authority on the Playhouse Institute is procedurally flawed due to this typing error. The appeals board notes that a new letter has been sent to the head of institution of the Playhouse Institute, dated 24th July 2023, rectifying the typing errors included in the prior letter. Additionally, the appeals board, in response to the head of institution's claim that the decision imposed by the Authority is procedurally flawed, would like to point out that the 'External Quality Assurance Provider Audit Manual of Procedures' is very clear on the scope and remit of the external audit. The purpose of the external quality assurance audit is to provide public assurance about the standards of providers, the quality of courses offered and, finally, the characteristics of the learners' experience provided by the aforementioned courses. Hence, the argument that the Authority's letter should be dismissed on the grounds that it is addressed to Ms Farrugia rather than Ms Friggieri is rejected by this panel, since the scope of the audit and its outcomes go beyond the role and functions of the head of the institution.

In relation to the second ground for appeal put forward by the appellant, i.e., that nowhere in the conclusions of the audit report it is stated that the institution shall not 'recruit new students and shall not submit programmes to MFHEA for accreditation'; hence such a sanction should not have been imposed by the QAC, the appeals board summarily dismisses such claim due to the fact that such facts are inconsequential. The appellant is overlapping two different processes and organs (the QAC and the audit panel) which, albeit linked to each other, are separate and distinct in nature. The sanction imposed by the Quality Assurance Committee in the Authority's notification letter to the provider is the result of the deliberations of the QAC, following their reading of the audit report, analysis and conclusions. Additionally, it should be noted that the audit report could have never imposed or included such a sanction in its recommendations, since at its core the audit report is developmental in nature. It is only the QAC that has the legal authority to impose such a sanction and/or stipulate similar directions to providers.

Documented evidence

The appeals board was presented with the following documents and resources:

- reports submitted by the audit panel,
- correspondence between the provider and MFHEA,
- evidence submitted by the provider prior to the quality assurance audit,
- legislation (<https://mfhea.mt/legislation/>),
- quality assurance documentation (<https://mfhea.mt/publications-2/>).

The context considered by the appeals board – Standard 1

The External Quality Assurance Provider Audit Manual of Procedures stipulates that in Standard 1 - Policy for Quality Assurance - Entities shall have a policy for quality assurance that is made public and forms part of their strategic management. Internal stakeholders shall develop and implement this policy through appropriate structures and processes while involving external stakeholders. The policy should take into account various methods of

monitoring processes and outcomes, including those generated by learning analytics software. In this regard, it is expected from the institution that it should,

1. make reference to the relationship between research and learning & teaching, where applicable;
2. provide information about the organisation of the quality assurance system;
3. cover the responsibilities of departments, schools, faculties, institutes and/or other organisational units as well as those on institutional leadership, individual staff members and students with respect to quality assurance;
4. include procedures for ensuring academic integrity and freedom, where applicable;
5. detail procedures for guarding against intolerance of any kind or discrimination against the students or staff;
6. cover the involvement of external stakeholders in quality assurance.

Key indicators for Standard 1 are:

- A. What are the provider's key strategic priorities for the next five years?
- B. What evidence is available to demonstrate the effectiveness of the quality assurance system?
- C. What role do students play in the assurance of quality?
- D. What plans are there to improve the quality of the learning experience of students across the institution?
- E. How do you engage with stakeholders in strategic planning?

Appeals board rationale on Standard 1

The appeals board reviewed Standard 1 included in the Playhouse Institute audit report together with the evidence available and concluded the following:

In relation to the third ground of appeal pertaining to the audit panel judgement on Standard 1, the appeals board attempted to locate the institution's IQA (EIPPM) manual in the eBook section of the website, following the appellant's claim that the document is available online. In July 2023 when this appeal was being investigated, the said document could not be found in either the eBook section or any other section of the institution's website, hence this appeals board could not ascertain whether any updates had actually been made as asserted by the head of institution.

Additionally, it should be noted that the appeals board concurs with the audit panel in their argument that such a key and crucial document should have been placed in a more prominent place on the website as per MFHEA standards and regulations. In her appeal letter, the head of institution failed to mention that what was available at the time of the audit was essentially a document which was not aligned with the Standards presented in the National Quality Assurance Framework for Further and Higher Education. Hence, whether this document was available or not, the institution was still not compliant with Standard 1. The appeals board notes that the institution was not compliant at the time of the audit and remains non-compliant a year later during the time of this appeal process. Considering the above, the appeals board dismisses the claim made by the appellant that the audit panel did not

acknowledge the existence of the document and/or its public presence. Additionally, the appeals board would like to clarify that Standard 1 is unequivocally clear that all *'entities shall have a policy for quality assurance that is made public'*.

Moreover, the appeals board also dismisses the appellant's assertion that the license granted to educational institutions does not state that the IQA document should be made available on the website. As indicated above, Standard 1 is categorical in this regard. A license is granted upon the understanding that an institution will respect the legal framework of the State as well as the Standards which regulate the particular sector. Failure to do so will and should have an impact on the license. Additionally, a license is not and should not be considered by any party, a right of the provider but is granted by the Authority(ies) on the basis that said institution commits itself (themselves) to comply with the National Standards.

The appeals board would also like to point out that Standard 1 is not just about the availability of quality assurance documents to third parties but also about the competence of the institution to quality assure itself, its ability to do so and how this is being done. Standard 1 is also about what resources the institution allocates to these processes and whether these processes are regularly being carried out and by whom. Due to the way the institution was and quite possibly still is being run, the audit panel's concerns were justified.

The appeals board dismisses the claim made by the appellant that recommendations contained in the EQA were not sufficient grounds to state that the institution does not meet the requirement of Standard 1. It is the panel appointed by the Authority who, after going through the process of the audit and discerning the evidence put forward by the institution, determines whether the aforementioned has successfully achieved a Standard. Panel members are guided by National Standards and the External Quality Assurance Audit Manual and are supported by MFHEA officers throughout the whole process, ensuring adherence to protocol and agreed-upon mechanisms. The audit panel's judgements are also based on their professional and technical expertise developed after many years of experience in quality assurance and management.

The claim made by the appellant that the IQA manual was meant to be reviewed in October 2022, hence the audit panel should have reconsidered or altered its position in some way or another, does not possess any legal weight since the external quality assurance audit report is a snapshot of the standard achieved by the institution at that point in time. The panel cannot and should not judge actions which the provider claims will be carried out in the future. While most certainly a note can be taken, it is up to the provider to carry out the actions/recommendations identified by the panel in the follow-up process. These are meant to be completed according to the timelines identified by the panel in the audit report and planned for by the institution in the action plans submitted to the Authority.

The context considered by the appeals board – Standard 4

The External Quality Assurance Provider Audit Manual of Procedures stipulates that in Standard 4 - Student-centred learning, teaching and assessment - Entities shall ensure that the programmes are delivered in a way that encourages students to take an active role in

creating the learning process and that the assessment of students reflects this approach. In this regard, it is expected from the institution that it should,

Student-centred learning and teaching shall:

1. respect and attend to the diversity of students and their needs, enabling flexible learning paths;
2. consider and use different modes of delivery, where appropriate;
3. make flexible use of a variety of pedagogical methods;
4. regularly evaluate delivery and pedagogical methods and make adjustments as appropriate;
5. encourage a sense of autonomy in the learner while ensuring adequate guidance and support from academic staff;
6. promote mutual respect within the learner-teacher relationship.

Quality assurance processes should evaluate:

7. assessors' familiarity with testing and examination methods and support for professional development;
8. the criteria and methods for assessment and their publication;
9. the extent to which intended learning outcomes are achieved;
10. the feedback to students to support their learning development;
11. arrangements for the moderation of assessment involving more than one assessor;
12. arrangements for the consideration of mitigating circumstances, including temporary leave of absence and extension of studies;
13. the consistency, oversight and fairness of assessment arrangements;
14. the procedures for student complaints and appeals.

Key indicators for Standard 4 are:

- A. How effective are the pedagogical methods in ensuring that students achieve the learning outcomes?
- B. What measures are taken to encourage students to take an active role in the learning process?
- C. What feedback is provided for students to assist the learning process? How long do students wait to receive the information?
- D. How does the provider ensure that assessment arrangements are conducted fairly and consistently?

Appeals board rationale on Standard 4

The appeals board reviewed Standard 4 included in the Playhouse Institute audit report together with the evidence available and concluded the following:

In terms of the fourth ground for appeal made about the judgements of the audit panel on Standard 4, the appeals board notes that while the head of the institution is correct in saying that no Mandatory recommendations have been identified, the audit panel still put forward 5 Key recommendations.

The spectrum of these recommendations includes but is not limited to updating of the Internal Quality Assurance, clear and more comprehensive assessment practices, better record-keeping practices, assigning key roles to the institution's core management, improvement to the learners' registration process, ensuring learners are aware of the institution's policies, etc. These are all key components of the Standard and ensure that teaching is truly learner centred, hence the panel was correct in stating that the institution did not meet what is expected from this Standard.

When considering that no Mandatory recommendation was made as well as the identified good practice on the positive relationship between learners and tutors as well as the individual attention provided, this appeals board believes that it would have been more just with the institution had the judgement been 'requires improvement' rather than 'does not meet Standard'. Hence this appeals board is recommending that this judgement be raised to 'requires improvement'.

The context considered by the appeals board – Standard 7

The External Quality Assurance Provider Audit Manual of Procedures stipulates that in Standard 7 - Learning resources and student support - Entities shall have appropriate funding for learning and teaching activities. In this regard, it is expected from the institution that it should,

1. ensure that all students have access to the necessary learning resources to fully engage with their programmes of study;
2. have in place the necessary learning infrastructures, including Information and Communications technology, to support current and future developments in teaching and learning;
3. ensure that all students have access to academic tutors and advisers to support their academic progress and to provide personal support as needed;
4. take into consideration the needs of all types of students, (including mature, part-time, work-based and those with disabilities);
5. ensure that all administrative and support staff are appropriately qualified and have opportunities for continuous professional development.

Key indicators for Standard 7 are:

- A. How does the provider make decisions about resource allocation between different academic departments and support services?
- B. What measures are used to monitor the performance of academic support services?
- C. How often do students meet with their academic tutors?
- D. What arrangements are in place to support students who encounter difficulties in their studies?

Appeals board rationale on Standard 7

The appeals board reviewed Standard 7 included in the Playhouse Institute audit report together with the evidence available and concluded the following:

With regard to the fifth ground of appeal, the appeals board would like to clarify to the appellant that the external quality assurance process is evidence-based by nature. During the process, the panel can request evidence, but it is the provider who submits it. Hence the evidence evaluated by the audit panel is the one provided by the provider. The onus to provide evidence is on the provider, hence one cannot claim that the evaluation carried out by the audit panel was not sound due to the type and quality of the evidence evaluated.

The appeals board is unsure whether the online library referred to by the appellant in her letter amounts to the eBooks available on the website. If that is the case, then the library in question falls short of being adequate to the needs of learners.

With regard to the appellant's statement that 'nowhere is there a requirement that such cooperation agreements are in place', the appeals board would like to uphold the position and argument of the audit panel. The appeals board dismisses the conclusions reached by the appellant. While the lack of cooperation agreements is indeed not a requirement of the Standard, the institution is duty-bound (and morally) to provide learners with all those resources required by the course they are enrolled in.

In relation to the claim made by the head of institution that it is impossible to have proper formal agreements with relevant entities, the appeals board does not concur with this position. Properly signed and managed agreements with third parties would ensure that learners would have access to placements during their course, as well as guarantee that the process itself is sustainable and can be quality assured for fine-tuning and improvement.

The appeals board also dismisses the appellant's claim that the audit panel overlooked the fact that the head of the institution runs a childcare centre herself. The focus and legal remit of the audit panel was to evaluate and responsibly gauge the ability of the institution to provide quality courses to learners. It was not and should not have been within the remit of the panel to delve into other business ventures of the head of the institution, nor was it their remit to assess and/or judge the impact of one business venture over the other.

The point made by the audit panel on the type or lack thereof of furniture at the institution is very valid and should by itself be reason enough for the institution to fail such a Standard. Notwithstanding the quality of the lectures/lessons, it is the responsibility of the provider to provide adequate resources for proper, quality and dignified learning to take place. The panel was correct in showing huge concern over the matter. Moreover, the fact that learners are provided with online materials is not justification enough not to provide the basic requirements for comfortable learning and teaching to take place. The lack of commitment on behalf of the institution to allocate funds to such a basic resource is indeed worrying and of huge concern to the appeals board. Indeed, Standard 7 states that 'entities shall have appropriate funding for learning and teaching activities'. The fact that the institution is not ready to honour such basic needs does not auger well for the future and development of this institution.

It is also not accurate and is misleading for the head of institution to state that the audit panel, formed its opinion about their judgement on Standard 7 on the lack of furniture at the institution. The judgement reflects the recommendations made to the institution on this behalf, namely 1 Mandatory recommendation, 3 Key recommendations and 5 recommendations. Hence their judgement has a much broader scope than simply the lack of furniture. Additionally, Key recommendations include areas of serious concern such as the institution's VLE, the current state of the premises and the lack of a process to provide better access to learners with special/learning needs and difficulties; all of which are key to the Standard.

With regard to the point made by the appellant on the possibility of delivering courses online, the appellant should be reminded that for online tuition to take place, the institution needs a separate license. Also, the audit panel was there to evaluate the quality of the in-situ courses rather than the ability of the institution to carry out courses online.

The context considered by the appeals board – Standard 8

The External Quality Assurance Provider Audit Manual of Procedures stipulates that in Standard 8 – Information management - Entities shall ensure that they collect, analyse and use relevant information for the effective management of their programmes and other activities. In this regard, it is expected from the institution that its information should include,

1. the profile of the student population, including details of vulnerable groups;
2. course participation, retention and completion rates;
3. students' satisfaction with their programmes;
4. learning resources and student support available;
5. the destination of students on completion of their studies including details of employment and career development.

The information collected should be analysed and periodically evaluated internally by the senior management committee.

Key indicators for Standard 8 are:

- A. Does the provider have appropriate arrangements in place for the systematic collection, analysis and evaluation of key information about its students and staff?
- B. Is this information made widely available within the provider to inform management decision-making?
- C. Are arrangements in place for tracking student participation and progression?

Appeals board rationale on Standard 8

The appeals board reviewed Standard 8 included in the Playhouse Institute audit report together with the evidence available and concluded the following:

In the sixth ground of appeal, the appellant claims that ‘none of the considerations made in the external quality assurance audit prove’ that the expectations of Standard 8 are not being fulfilled.

The findings and consequently the recommendations made by the audit panel indicate that indeed the institution lacked a comprehensive and central management information system. To the contrary of what is being asserted by the appellant, the audit panel has been quite understanding when considering the serious lack of compliance with the Standard. It is indeed the opinion of the appeals board that Key recommendation 17 should have been listed as a Mandatory one rather than a Key one. Also, the provider failed to submit to the panel a properly written policy which details how data is maintained, retained and archived according to law.

Once again, this is a very concerning matter which should have been escalated by the audit panel to a Mandatory recommendation. In other words, not only was the audit panel on point with their judgement but they have also been quite forgiving in relation to two very serious points which are key pillars of the same Standard.

The context considered by the appeals board – Standard 9

The External Quality Assurance Provider Audit Manual of Procedures stipulates that in Standard 9 – Public information - Entities shall publish information about their activities, including courses/ programmes, which is clear, accurate, objective, up-to-date and readily accessible. In this regard, it is expected from the institution that its information should include,

The information should include for each course or programme:

1. the selection criteria for admission;
2. the intended learning outcomes;
3. the qualifications available - including level and learning credits;
4. indicative teaching, learning and assessment procedures;
5. details of student progression and achievement;
6. further learning opportunities available for students.

The information available should be sufficient for prospective applicants to be able to make an informed choice in terms of knowledge, skills and competences that they are likely to acquire on successful completion of the course/programme.

Key indicators for Standard 9 are:

- A. How does the provider make information available about its courses/ programmes for prospective students and other stakeholders?
- B. What checks are in place to ensure that public information is accurate and up-to-date?
- C. Are students consulted about the usefulness of the information provided?
- D. What procedures are used to ensure that the level of qualifications is compliant with the Malta Qualifications Framework and the European Qualifications Framework?

- E. How are the level and value of learning credits defined and verified by the provider and/or awarding organisations?

Appeals board rationale on Standard 9

The appeals board reviewed Standard 9 included in the Playhouse Institute audit report together with the evidence available and concluded the following:

In the seventh ground of appeal, the head of the institution claims that the information published at the time of the audit was clear, objective, up-to-date and easily accessible. Indeed, the audit panel did claim that some information was available, but the same panel also noted that this was not always the case. At the time of the audit, the institution did not provide the range of information required as per the Standard. The audit panel highlighted that the information publicly available about a number of courses lacked key information such as entry requirements and learning outcomes. The appeals board would like to reiterate what was stated by the audit panel, i.e., that simply uploading the curriculum of a course is not enough as the Standard's expectations from the provider clearly detail.

Indeed, making information available in its entirety and publicly is a key aspect of this Standard. This also applies to revising the "about us" section. This should always remain easily accessible and in an intuitive location on the front page of the institution's website. In addition to that, placing the handbook, IQA document and institutional policies in the eBook section hinder the ease of accessibility as required by the Standard, hence the position of the audit panel, with which this appeals board concurs. It should also be noted that the head of institution's position as stated in the appeal letter is not backed up with relevant evidence or new sound arguments that prove that, indeed, at the time of the audit, the institution was in line with the Standard.

The appeals board also dismisses the conclusions of the appellant that the audit panel did not take into consideration the size of the institution. The fact that the institution is run by one or a few individuals rather than many is no justification not to comply with the Standards. While it is understandable that a smaller institution might not have fully fleshed processes, or a large human capital to rely on, it is still duty and legally bound to comply with the National Standards. Moreover, as required by the same Standard, all information pertaining to courses and programs has to be written down, and any quality assurance policies or mechanisms pertaining to this process must include clear standard operating procedures.

Summary of Outcomes

When taking all the above points into consideration, this appeals board has concluded that:

- While the appellant is correct in stating that the letter dated 1st June 2023, issued by MFHEA, was not addressed to her as head of institution, this issue has been rectified by the Authority's letter dated 24th July 2023 addressed to Ms Friggieri. Moreover, the appeals board dismisses the head of institution's statement that the decision imposed

by the Authority on the Playhouse Institute is procedurally flawed due to this typing error.

- The appeals board dismisses the appellant's second ground for appeal since it is procedurally flawed and inconsequential. The original audit panel could have never imposed the institution to stop recruiting students. Moreover, it is not the remit of the audit panel to impose sanctions of any sort.
- The appeals board dismisses the claim made by the appellant that recommendations contained in the EQA were not sufficient grounds to state that the institution does not meet the requirement of Standard 1. Indeed, the panel highlighted serious concerns that impinge directly on the ability of the institution to satisfy the requirements of Standard 1, hence the appeals board concurs with the position and judgements of the audit panel.
- In Standard 4, the appeals board acknowledges the appellant's point that no Mandatory recommendations have been identified. When considering that no Mandatory recommendation was made as well as the positive relationship between learners and tutors, this appeals board believes that 'requires improvement' rather than 'does not meet Standard' would have been a fairer judgement. Hence this appeals board is recommending that this judgement be raised to 'requires improvement'.
- In Standard 7, the appeals board confirms the original panel's judgement. The appeals board is indeed very much concerned with the way this institution is being managed. The institution lacks basic resources as identified in the audit report, but what is most concerning is the fact that there is no goodwill and/or financial commitment on behalf of management so that things improve. The appeals board would also like to remind the appellant that an institution cannot shift its operations from in-situ training to online without a proper license and proper authorisation from the Authority. Additionally, it is very concerning that the head of the institution suggests and/or intends to move its operations online simply to avoid investing more resources into its in-situ venture.
- In Standard 8, the appeals board upholds the original panel's judgement. Indeed, this panel believes that Key Recommendation 17 should have been listed as Mandatory due to the serious lack of compliance the audit panel identified in this Standard. Hence the appeals board recommends that Key Recommendation 17 be recorded as a Mandatory Recommendation.
- In Standard 9, the appeals board upholds the original panel's judgement. The argument presented by the appellant referring to the size of the institution cannot and should not justify a lack of compliance with National Standards and/or a lack thereof of quality assurance mechanisms that ensure that the training offered remains of high quality.

Decision

The appeals board dismisses the appellant's arguments in Standards 1, 7, 8 and 9 while upholding the appellant's position in Standard 4. With the exception of Standard 4, the appeals board upholds the outcomes of the audit report and its conclusions. The process is deemed to have been fair and according to law, hence the appeals board dismisses the request for another audit made by the head of institution.

This appeals board also endorses the position of the QAC and the conditions (ban on recruitment and accreditation of programmes) imposed on the provider in the letter dated 1st June 2023 until the serious concerns detailed in the audit report and the ones highlighted by this report are addressed, and due diligence by the Authority is carried out.

The appeals board recommends that **NO** refund be issued in favour of the appellant. This decision was taken after considering the findings reported by the audit panel and the submissions of the appellant.

Signatories

The report of the appeals board is endorsed by:

Dr Robert Cassar PhD (Chair)

Ms Stephania Cuschieri

Mr Giorgi Munjishvil

25th September 2023

Date