

National Student Survey: Procedures for investigating allegations of inappropriate influence on survey results

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Introduction and scope

1. This document outlines our procedures for the reporting, handling and resolution of allegations of inappropriate influence in the promotion and running of the National Student Survey (NSS).
2. The procedures apply to all institutions that participate in the NSS and all students, student organisations and other parties involved in the survey.
3. The Higher Education Funding Council for England (HEFCE) is responsible for managing this process on behalf of all the UK higher education funding bodies. Where relevant, HEFCE will work with the appropriate UK higher education funding bodies to resolve concerns raised under these procedures and will share relevant information as appropriate.
4. Pursuant to the Higher Education and Research Act 2017, the Office for Students will assume the responsibilities of HEFCE, including the management of this process role, from 1 April 2018. After this date, any references to HEFCE should be read as the Office for Students.
5. Until this date, where concerns relate to alternative providers in England, HEFCE will work with the Department for Education to resolve matters raised under these procedures and will share relevant information with the Department of Education as appropriate.
6. Procedures set out in this document relate solely to matters relating to perceived inappropriate influence. Other concerns about NSS data integrity may be raised and resolved through other routes depending on the nature of the issue. These are presented below, but may be subject to change after 1 April 2018.

NSS Data Integrity: Routes for raising concerns

Use and publication of NSS results	Personal interest disclosures	Institutional data amendments or errors
<p>Concerns about the use of data by institutions should be directed to the Advertising Standards Authority or the Competition and Markets Authority.</p> <p>For more information, see www.asa.org.uk/</p> <p>www.gov.uk/government/organisations/competition-and-markets-authority</p>	<p>Concerns about financial irregularity and impropriety, waste and fraud at funded institutions should be routed to the appropriate funder/regulator – in the case of HEFCE, concerns should be routed through HEFCE’s public interest disclosure process.</p> <p>For more information, see www.hefce.ac.uk/reg/report/pid/</p>	<p>HEFCE uses a number of different data sources and sometimes institutions request that this data be amended. HEFCE’s Data Amendments Panel assesses all proposed amendments and judges whether the identified errors are widespread and significant enough to require action.</p> <p>For NSS HEFCE assesses these amendments on behalf of the UK funding bodies.</p> <p>For more information, see www.hefce.ac.uk/funding/da/amendmentpanel/</p>

7. These procedures are subject to periodic review, which will take place at least once per year before the start of NSS fieldwork.

Background

8. The NSS is a UK-wide survey which collects information about students’ academic experiences. In doing so, it supports public accountability, helps inform the choices of prospective students and provides data that assists institutions in enhancing the student experience. The survey is managed by HEFCE on behalf of the other UK higher education funding bodies, namely Higher Education Funding Council for Wales (HEFCW), Scottish Funding Council (SFC), Department for the Economy Northern Ireland (DFE) and Health Education England (HEE).

9. Results of the survey are published by HEFCE and made available to higher education providers and student unions via a dedicated portal. NSS results are also made available to prospective students via the Unistats website.

10. The results of the NSS provide an important dataset for a range of users, including:
- higher education providers and student organisations to identify good practice and areas for enhancement
 - prospective students to inform decisions as to where to study
 - funding bodies and Government to inform policy and, additionally, in England, for regulatory purposes
 - third parties that provide public information, such as league table compilers and student information websites.

Why is data integrity important and what is inappropriate influence?

11. In view of its uses, the UK funding bodies need to ensure the integrity and robustness of the NSS data so that all its users can place their trust in the results and be reassured that students who complete the survey have not been influenced by their institution, other students, student organisations or other parties, to respond in a manner that does not wholly reflect their true opinion.

Definition of inappropriate influence

12. The UK funding bodies define inappropriate influence as any activity or behaviour that may encourage students to reflect anything other than their true opinion of their experiences during their course in their NSS responses.

13. Inappropriate influence is determined by how the influence is perceived by students, not how it was intended to be understood.

14. Conversations between peers discussing their views about the courses do not constitute inappropriate influence. However, deliberately seeking to encourage others to respond to the survey questions in a particular way that does not wholly reflect their own opinion is deemed to be inappropriate influence.

15. In communications, it is important that students are reminded that the survey is independent of the institution, and that they should provide their true opinion of the course.

16. HEFCE and the other funders, working in collaboration with the survey supplier, Ipsos MORI, have published a good practice guide to managing and promoting the NSS, which includes guidance on avoiding inappropriate influence – the relevant parts of this document are available to download from the HEFCE website and should be read in conjunction with this procedure.

17. Alongside this guidance, institutions should take account of the Code of Practice for higher education data collections published by the Higher Education Statistics Agency

and the funding bodies, which sets out the standards and principles providers are expected to meet¹.

18. Examples of inappropriate influence which could impact on NSS data integrity include, but are not limited to:

- a. Explicit or implicit instruction on the type of responses students should make, including the provision of standard or example responses.
- b. How the survey is presented to students by institutions, other students and student organisations or other parties, including drawing attention, explicitly or implicitly, to the consequences of negative responses, for example, with regard to:
 - i. conflation with other surveys undertaken by institutions whether internal or external
 - ii. league tables, the Teaching Excellence and Student Outcomes Framework (TEF) or Quality Assessment processes
 - iii. employers' perceptions of positive and negative outcomes.
- c. How the response scale is understood by third parties.
- d. Failure to ensure that methods to encourage participation in the survey such as campaigns, the use of promotional materials (either explicitly or implicitly) or incentivisation methods (such as prize draws) do not bias responses. Institutions are advised to reference the Ipsos MORI guidance for information on managing the successful promotion of the survey.

19. Note that providing factual information about the uses to which the NSS is put is not deemed to be inappropriate influence, but consideration should be given to how this will be received, and students should be reminded of the importance of giving their true opinion in their responses.

Guiding principles to be used by the funding bodies

20. HEFCE will determine on a case-by-case basis whether **two** conditions have been met: (i) whether inappropriate influence has taken place; and (ii) whether such inappropriate influence could have materially affected the NSS results.

21. Where HEFCE determines these two conditions have been met, it will consider what action it should take as a result. Importantly, it may be necessary for HEFCE to take different actions where concerns relate to influence by students or student groups (as

¹ <https://www.hesa.ac.uk/code-of-practice-for-higher-education-data-collections>

opposed to concerns relating to influence by institutions or their members of staff) as HEFCE has a different relationship with students than it does with institutions.

22. Our aim is not therefore to define rigidly what is inappropriate. Ultimately it is important for providers to take responsibility for meeting the expectations of the Higher Education Statistics Agency Code of Practice and to adopt good survey management principles.

23. In our management of this process, in relation to all allegations we will be guided by the following principles:

- transparency
- fairness and proportionality
- primary focus on the student and public interest.

Procedures

Raising a concern

24. Concerns about how an institution, a member of staff at an institution, a student, a student organisation or another party may be attempting to influence the way students respond to the NSS (rather than simply encouraging the student to participate in the NSS), should be raised by email to HEFCE. You will receive a response acknowledging receipt of your email on the day of receipt [Annex A, Box 1].

25. Concerns should be submitted to HEFCE's dedicated NSS email inbox (nssallegations@hefce.ac.uk), or to the survey supplier's dedicated NSS email inbox (nss@ipsos.com).

26. HEFCE will communicate with persons, organisations and institutions via email; if an alternative means of communication is preferred HEFCE should be notified of this at the earliest opportunity.

27. Should concerns be raised directly with other UK funding bodies, these will be routed to HEFCE who will coordinate the process on their behalf to ensure a fair and consistent approach across the UK.

28. A process map is provided at **Annex A** which sets out how HEFCE will acknowledge, manage and investigate concerns. The stages of the process set out below correspond to box numbers on the process map.

29. All concerns should include sufficient detail about the matter to be addressed, to include where possible:

- a. the full name of the person raising the concern and where relevant their institution or organisation, their contact email address or postal address and, where possible, contact telephone number
- b. the name of the institution to which the NSS data results relate
- c. the nature of the concern, the date and, if relevant, the time of the interaction which caused the concern, including any supporting evidence or information
- d. where relevant, whether (and if so, when) a concern has been submitted to an institution or student organisation and, if so, why they were dissatisfied with the institution's or organisation's handling of the concern. However we do not require persons or organisations to have raised a concern with an institution or student organisation prior to raising a concern with HEFCE.

30. The inclusion of as many of these details as possible will help HEFCE investigate the concern. Failure to provide these details may mean that HEFCE is unable to investigate the concern.

31. HEFCE is unable to investigate concerns raised anonymously. In handling cases HEFCE will at all times comply with its obligations under the Data Protection Act (and subsequent legislation). In some cases, this may mean that a concern cannot be further investigated. In such circumstances HEFCE will notify the persons, organisations or institutions raising the concern to explain why.

Time period for raising concerns

32. Concerns may be raised at any time during the year; however, it is helpful if they are brought to HEFCE's attention as early as possible so that timely action can be taken.

Process for managing concerns

33. HEFCE will aim to provide an initial response to the concern within five working days of receipt. HEFCE will liaise with the funder in the institution's country, if appropriate, in providing this response. Where concerns are routed via the survey supplier, the response may take longer [Box 2].

34. In its initial response to the concern, HEFCE will: (i) set out the next steps in the process for handling of the concern; and (ii) confirm that sufficient information has been received to progress the concern, or request the person, organisation or institution who raised the concern to provide any information set out in paragraph 29 above that was not provided when they raised the concern. Those raising concerns will be expected to provide any requested information to HEFCE within 10 working days [Box 2].

35. Following receipt of any additional requested information, HEFCE will consider whether it has sufficient information to proceed to the next stage of investigation [Box 3].

This assessment will be undertaken by a senior member of the NSS team in conjunction with a member of an NSS allegations panel, seeking legal or relevant UK funding body advice where necessary.

36. HEFCE will aim to notify those raising concerns whether it will undertake further investigation within a period of five working days from either receipt of the concern (if there is sufficient information as set out in paragraph 30) or following receipt of any additional information [Boxes 2, 4 and 5].

37. Where a concern warrants further investigation, HEFCE will not normally issue any further correspondence about the concern until the investigation has concluded.

Investigating concerns

38. Concerns will be investigated by the NSS allegations panel, which will make recommendations in an advisory capacity to the HEFCE director with responsibility for the NSS. The role of the allegations panel is to make recommendations to the HEFCE director on (i) whether any action should be taken in response to a concern; and (ii) what form that action should take.

39. The allegations panel will be chaired by a senior manager and comprises officers with expertise in relation to running the NSS, data integrity, governance and legal matters and direct engagement with institutions and students.

40. Concerns relating to institutions outside England will be routed to HEFCE by the other funding bodies. Where allegations relate to institutions in Wales, Scotland or Northern Ireland, HEFCE will work with the appropriate funding body to determine the approach. Where appropriate a representative from other UK funding councils will join the HEFCE allegations panel as a member for the course of the investigation.

41. Where HEFCE considers that there is sufficient evidence for further investigation, it will normally contact the institution to which the NSS data relates promptly and request it to undertake an internal investigation and report its findings in writing to the allegations panel within 20 working days of receiving the request for the investigation. As part of this, the allegations panel may advise institutions seek input from their own internal auditors and may set conditions on the investigation to ensure it is transparent and robust [Box 6].

42. Where an allegation relates to a student or student organisation linked to an institution, HEFCE will contact the institution to ask it to undertake the investigation.

43. HEFCE may commission an independent investigation on its own behalf at the discretion of the director, for example if the allegations panel considers that there is a conflict of interest, or there is no appropriate organisation to take forward an investigation. Any such investigation will be requested to report its findings to the allegations panel within 20 working days of receiving the request for the investigation [Box 6].

44. For an investigation, the individual, organisation or institution against whom the allegation has been raised will be provided with a copy of the report and be given an opportunity to respond within 10 working days [Box 7].

45. The allegations panel will consider the report of the investigation's findings and the response of the person, organisation or institution against whom the concern has been raised (if any) [Box 8].

The allegations panel will initially consider three questions:

- a. Was the process of investigation undertaken by the institution carried out appropriately, taking independent advice where appropriate?
- b. What are the findings of the investigation?
- c. Was the funding bodies' and survey supplier's guidance breached?

46. The allegations panel will consider each case on its own merits. In its work it will refer to previous cases and outcomes to ensure a consistent approach.

47. The allegations panel will recommend that action should be taken if it considers, on the balance of probabilities, that: (i) inappropriate influence has occurred; and (ii) such inappropriate influence could have materially affected the NSS survey results.

48. In recommending whether action should be taken, the allegation panel's consideration will include the following factors:

- a. The specific nature of the concern
- b. The robustness of the evidence
- c. The extent to which the integrity of the relevant NSS data is challenged by the case in question
- d. The investigation carried out by the institution, including whether the latter has been conducted in an appropriate manner, with independent advice where relevant and any response received in respect of such investigation
- e. Where HEFCE has commissioned its own investigation, the findings of such investigation and any response from the person, organisation or institution against whom the concern was raised
- f. How HEFCE has dealt with other cases to promote consistency of approach
- g. HEFCE and survey supplier guidance on inappropriate influence
- h. The actions taken to resolve any breach.

49. The director may seek further advice to assist their decision, which could include advice from those within HEFCE responsible for risk and data management and from other UK funding bodies where relevant.

Outcome of review of evidence

50. Where the director decides that inappropriate influence has occurred and such inappropriate influence could have materially affected the NSS results, HEFCE may take the following action (separately or in conjunction) [Box 9]:

- a. Request an action plan from the institution to address the problems identified
- b. Request or commission an independent investigation (and potentially recover any costs associated with this)
- c. Temporarily or permanently suppress the institution's NSS data, in whole or in part, to protect the student interest or to ensure data integrity. This may include providing an explanatory note to indicate that data has been suppressed because of concerns over data quality. HEFCE will not automatically suppress data upon receipt of an allegation²
- d. Publish a previous year's data in place of the data concerned
- e. Where appropriate, re-survey a proportion of the students originally surveyed at the institution and recover the costs of this
- f. Implement an audit of the institution's processes in the following survey year, which may include requiring all the institution's own survey material to be approved by HEFCE.

51. We aim to notify the parties involved of the decision of the director, including any actions to be taken by the institution, within 15 working days of the allegations panel's receipt of the response to the investigation report [Boxes 9 and 10].

52. Any party involved in a concern may, within 10 working days of the date of HEFCE's decision, appeal the decision in accordance with the procedures set out in the next section [Box 9].

Time limits

53. Our expectation is that persons, organisations or institutions raising a concern will keep to the time limits specified in these procedures. However, we may consider it appropriate (in the interests of fairness or to enable a full investigation to be undertaken)

² For institutions in England, refer to paragraph 30 of the Memorandum of assurance and accountability between HEFCE and institutions
<http://www.hefce.ac.uk/pubs/year/2017/201708/>

to amend or adapt the time limits set out in these procedures in a particular case. Any party seeking an extension of time should explain in writing to HEFCE why they believe it is appropriate.

Appealing the outcome of an investigation

54. Any party to a concern may appeal the outcome of an investigation. The appeal will be considered by an appeal panel with no prior involvement in the initial investigation and will be chaired by a director from one of the funding bodies also with no prior involvement in the initial investigation or decision. It is the final element of challenge available to institutions under these procedures [Box 11].

How can an appeal be submitted?

55. A party may appeal the outcome of an investigation on the grounds of [Box 13]:

- significant new evidence
- a significant procedural irregularity.

56. There is no right of appeal against the substance of a decision in the absence of significant new evidence [Box 13].

57. A party must lodge its appeal in writing to the HEFCE Chief Executive within 10 working days of the date of HEFCE's decision. HEFCE will acknowledge receipt of the appeal and inform the other parties to the investigation that an appeal has been lodged within five working days of receipt [Boxes 13 and 14].

58. A party appealing a decision must submit in writing to HEFCE any evidence to support its appeal within 10 working days of lodging it. If no such evidence is received within the period allowed, HEFCE will be entitled to treat the appeal as having been abandoned [Box 15].

How will the appeal be dealt with?

59. The appeal, together with its supporting evidence, will be reviewed by an appeal panel comprising up to three members, including a director unconnected to the original investigation and decision (who will chair the proceedings), and a member of the Student Information Advisory Group. The panel may involve a representative from another UK funding body [Box 16].

60. The appeal panel may seek advice as necessary, including legal advice or policy advice from those with knowledge of the case. While these case advisors may have been involved in the original investigation, they will offer technical or process information only.

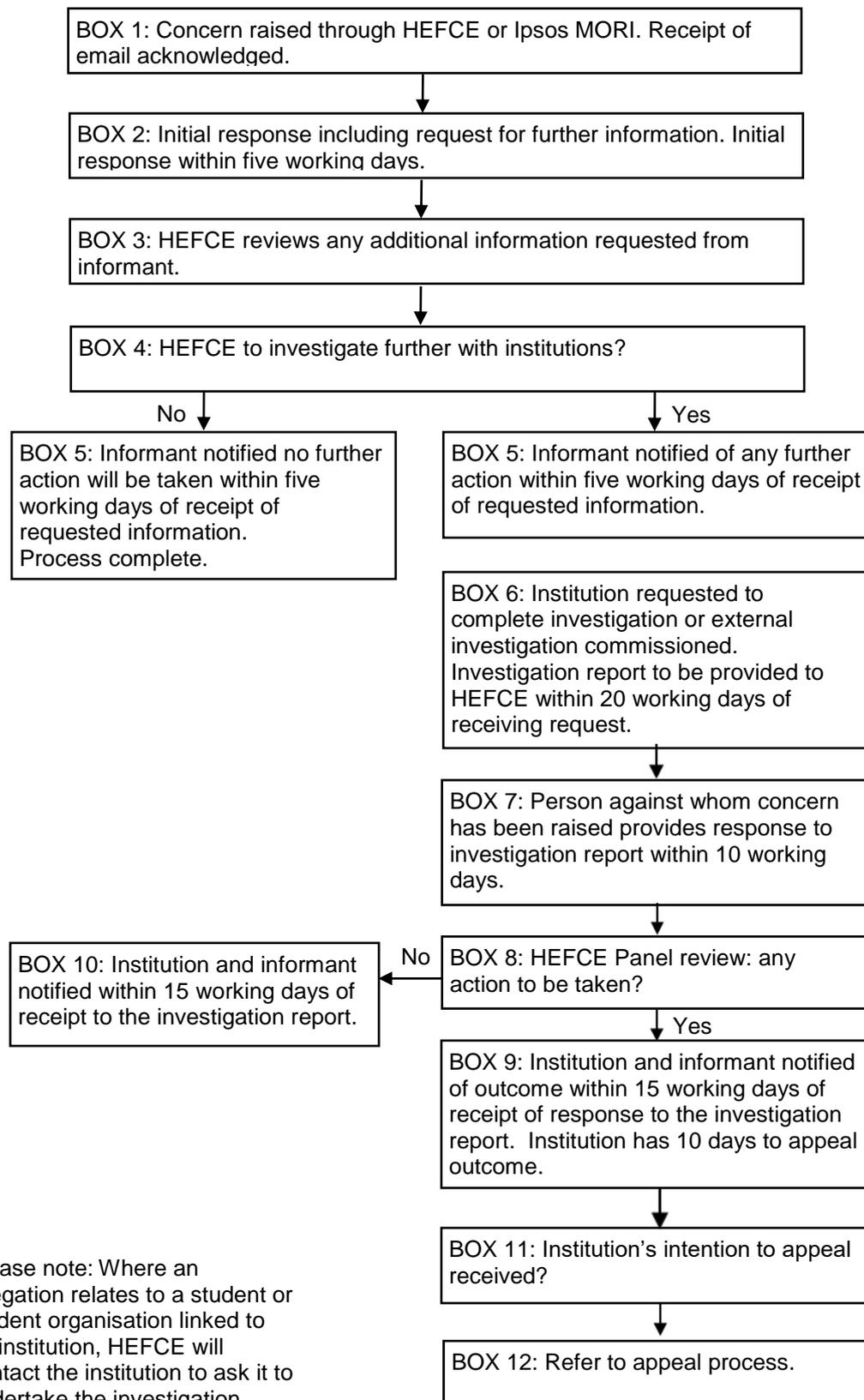
61. The appeal panel will make a recommendation to the HEFCE Chief Executive, who will make the final decision on the appeal, in consultation with any other relevant UK funding body's chief executive.

What will happen with the outcomes of the appeal?

62. HEFCE aims to notify the parties of the outcome of the appeal within 10 working days of receipt of the appeal evidence. There is no possibility of further appeal against the HEFCE Chief Executive's decision. However, this decision and the decision of the HEFCE director may be challenged by applying to the High Court for permission to ask for a judicial review. Any such application must be made promptly and, in any event, within three months of notification of the outcome of the appeal [Box 17].

ANNEX A

Procedure for reporting and investigating concerns that an institution has attempted to influence National Student Survey data inappropriately



Please note: Where an allegation relates to a student or student organisation linked to an institution, HEFCE will contact the institution to ask it to undertake the investigation.

ANNEX B

Procedure for appealing the outcome of an investigation into concerns that an institution has attempted to influence National Student Survey data inappropriately

