

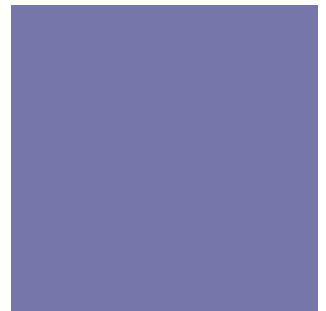
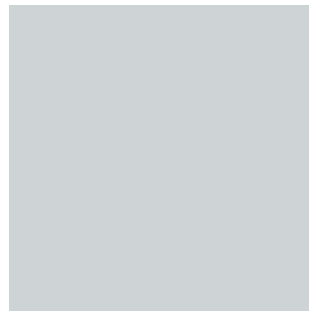


office of the  
independent  
adjudicator

'for students in higher education'



# Annual Report 2017



[www.oiahe.org.uk](http://www.oiahe.org.uk)



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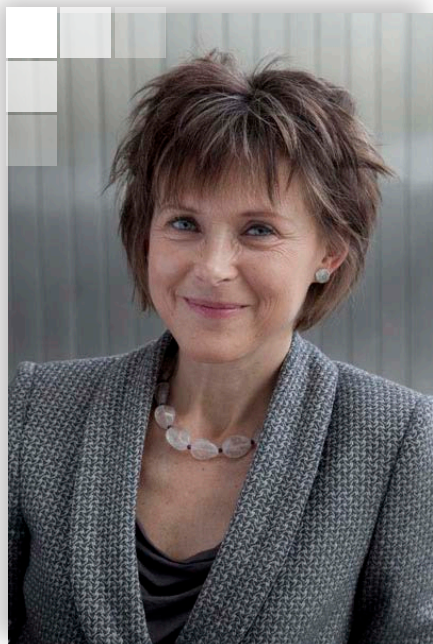
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# Foreword by the Chair

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The OIA's vision is that students are always treated fairly. This has never been more important than at this time of significant change in higher education. Our purpose is to advance education through the independent, impartial and transparent review of unresolved student complaints and the active promotion of good practice in preventing and handling complaints. I believe that, in fulfilling our purpose, we play a crucial role in fostering a successful higher education sector that delivers for students and for our wider society.

The past year has been a significant one both for us and for the higher education sector. As an independent ombuds scheme, interdependent with others in the regulatory framework, we are well placed to contribute effectively to the development of policy and practice to the benefit of students and the sector. We welcome the further expansion of membership of the OIA Scheme

under the Higher Education and Research Act 2017 which will extend access to independent redress for their unresolved complaints to more higher education students. We have engaged positively with the Welsh Government as the regulatory landscape in Wales moves towards a more integrated approach to tertiary (higher and further education) provision.

Performance against the Office's key performance indicators has again been excellent. At all stages of our process, we have exceeded our timescale targets. This is testament both to the continued hard work of our staff and to the efficiency improvements that we have implemented in recent years, embedding a risk-based approach to handling cases. We have also significantly developed and expanded our good practice and outreach work, engaging with student bodies and providers across the full range of our membership. We have published additional sections of the Good Practice Framework and developed the ways in which we share good practice and learning from complaints.

I would like to thank Judy Clements OBE for the integrity and commitment with which she led the OIA until her departure in October. The Board was very pleased to appoint Felicity Mitchell as Independent Adjudicator and Ben Elger as Chief Executive to jointly lead the organisation. They bring a valuable combination of leadership, vision, skills and experience, with a great depth of knowledge of the ombuds and higher education sectors. I very much look forward to our continuing work together. I would also like to thank my colleagues on the Board and all staff of the OIA for their ongoing commitment to our important work.

**Dame Suzi Leather**

**Chair of the Board of Directors**

# Introduction to the Annual Report for 2017

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We are delighted to introduce the OIA's Annual Report for 2017.

The OIA is a unique organisation. We have a vital part to play in the rapidly changing higher education environment as we further develop our independent role within the new regulatory system in the interests of students and the wider sector. We continue to work to make sure that all students with unresolved complaints have access to an independent, effective, trusted and responsive service, and to use our learning and insight to develop and promote good practice in the sector.

We are proud of the progress we have made in 2017, and this Report sets out some of the important work we have done during the year. But we know there is much still to do. Together with the Board, we have a clear strategy for the future of the OIA, founded on our values, and working towards our vision that students are always treated fairly.



**Felicity Mitchell**

Independent Adjudicator



**Ben Elger**

Chief Executive

# Our Values

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## Felicity Mitchell, Independent Adjudicator reflects on how our values have influenced our casework in 2017

Our values underpin everything we do. They form a key part of the Strategic Plan, and shape our approach to our work. Throughout the year we have been working with our staff to explore how we live our values in our day-to-day work. Here are some examples from our approach to casework and sharing good practice.

### Integrity and independence

**We are honest, inclusive and fair. We are independent and impartial and we make decisions on merit.**

All of our values are important to me but this is the one that is closest to my heart. It is also the one that is the hardest to demonstrate. Students who are unhappy with our decision on their complaint sometimes suggest that we are biased towards their higher education provider. Providers that do not like our decisions tell us that we lean too far in favour of the student.

In reality, we work hard to avoid any possible bias or perception of bias. We have clear procedures in place to make sure that our case-handlers cannot review a complaint about a higher education provider that they have a connection with (through previous study, employment, family relationship or otherwise). We train our case-handlers to approach each case impartially and to weigh the evidence carefully. We decide each complaint on its own particular facts, and have knowledge management systems and quality control processes in place to ensure that our approach is consistent.

It's important to accept that sometimes we get it wrong. Our Rules allow for the student or provider to ask us to reopen our review if they think we have made a serious mistake. We will also look carefully at judicial review claims and any pre-action correspondence we receive. When we find that we have got something wrong, and that might have made a difference to the outcome, we will reopen our review.

A good example of this approach is Ms A's case. Ms A complained to us about her university's approach to her long-term, fluctuating health condition. We upheld some parts of her complaint and recommended that the university should offer her compensation of £1,000. Ms A asked us to reopen our review because she said that we had not dealt with some important parts of her complaint. We looked into it and decided that there were some points which we needed to consider in more detail. We reopened our review and asked for some more information from the university. We then issued a new Complaint Outcome concluding that the main parts of Ms A's complaint were Justified. We recommended that

the university should offer Ms A resit opportunities for modules that had been affected by her ill-health. We also recommended that it should pay her compensation of £7,500 for the distress and inconvenience caused by the delays in arranging support for her and the handling of her case. Unusually, the compensation included a contribution towards Ms A's legal costs because we accepted that her ill health made it difficult for her to pursue her complaint, and she had not been able to obtain the support of the students' union. We also made Recommendations to help the university improve its processes.

## Quality

**We review complaints in a proportionate, timely and fair way, using our insight to develop and promote good practice. We have a professional and committed staff team.**

Quality in casework is not just about the decision we make at the end of the process. It's about how we communicate with the students who bring complaints to us, and the higher education providers they are complaining about. It's about how long the process takes, and how well we explain what is happening. It's about sharing what we learn from complaints and from the good practice we see in providers to help drive up standards across the higher education sector. To do this we employ and train excellent case-handlers with a broad mix of skills and experience. Our training programme was recently commended by the Chartered Trading Standards Institute at an audit visit.

In 2017, we created our Outreach & Insight Team. The Team's main goals are to ensure that individuals who need us are able to find us when our service is required, to improve the quality of our service, and to share our learning to improve practice in higher education providers. We do this by capturing our learning from complaints and from our engagement with providers and students, and developing excellent outreach, to promote good practice across the higher education sector. We have developed a good feedback loop – our insight from complaints is shared outwards; our learning from outreach is shared inwards.



## Openness and accessibility

**We are clear, transparent and accessible in all that we say and do.**

During the year we published a number of case studies and public interest cases. We relaunched our Annual Letters as Annual Statements, including more complaints data and some qualitative information about how providers engage with us. The statements are in a more accessible format, making it easier for providers to compare themselves with their peers. We sent out e-newsletters (available to anyone who signs up for them) to keep people informed about our work, including our outreach activities, recent legal judgments and links to new case studies. We launched MyOIA, an online portal through which students and providers can upload complaints and information and track complaints.

## Service ethos

**We treat all who engage with us with respect and sensitivity. We listen, reflect, and learn, being flexible and responsive to those who use our service and work continuously to improve what we do.**

Clear communication is an essential element of good service. It is a principle of our Good Practice Framework that good complaints processes should be easy to understand. In 2017 we began to change the style and tone of our communications. Our case-handlers started routinely offering students a phone call to explain our processes. We analysed the type of enquiries our Casework Support Team were receiving and improved the information available and signposting on our website. We started work on designing a more user-friendly website structure. We rewrote our Rules in a simpler, less formal style; the new Rules came into effect on 1 April 2018.

These steps are the first on a path towards a more open and less formal tone and style, and a better service for students and higher education providers.

## Engagement

**We are committed to understanding the sector and to sharing knowledge.**

During 2017 our case-handlers visited many higher education providers and student representative bodies. These visits have several purposes: they are an opportunity to discuss concerns and share good practice with student representatives and staff at providers; they give case-handlers a better understanding of individual providers and the particular pressures they face; and they give providers the opportunity to give us feedback.



I am particularly proud of the OIA's [Good Practice Framework](#). The development of the Framework is overseen by a steering group, which I chair. In March 2017 we published a new section of the Framework: Handling complaints and academic appeals – Delivering learning opportunities with others. We drafted the section with input from the steering group, following public consultation in December 2016. It reflects extensive feedback we have had from different parts of the higher education sector since our membership expanded in July 2015.

## Equality and diversity

**We believe strongly in equality and diversity and we promote it through our work and as an employer.**

In October 2017 we published another new section of the Good Practice Framework: Supporting disabled students. We worked closely with the steering group and with our Disability Experts Panel, and publication followed a public consultation in March. The section includes guidance on how providers can remove obstacles to learning, and on supporting students before and during their studies, as well as on what to do when things go wrong.





# Highlights of the year



**1635** Complaints Received  
**1640** Complaints Closed




We exceeded all KPIs that relate to the timeliness of our process



Higher Education and Research Act 2017

HERA expands our membership from 1 April 2018, giving more students access to redress for their unresolved complaints




Good Practice Framework

We published two new sections: Delivering learning opportunities with others and Supporting disabled students



Outreach

We significantly developed how we share our learning from complaints, helping more providers and student representative bodies than ever before



MyOIA

We launched a new online complaints portal for students and providers

# Complaints received and closed

The [Operating Report 2017 and Plan 2018](#) sets out our performance against our key performance indicators (KPIs).

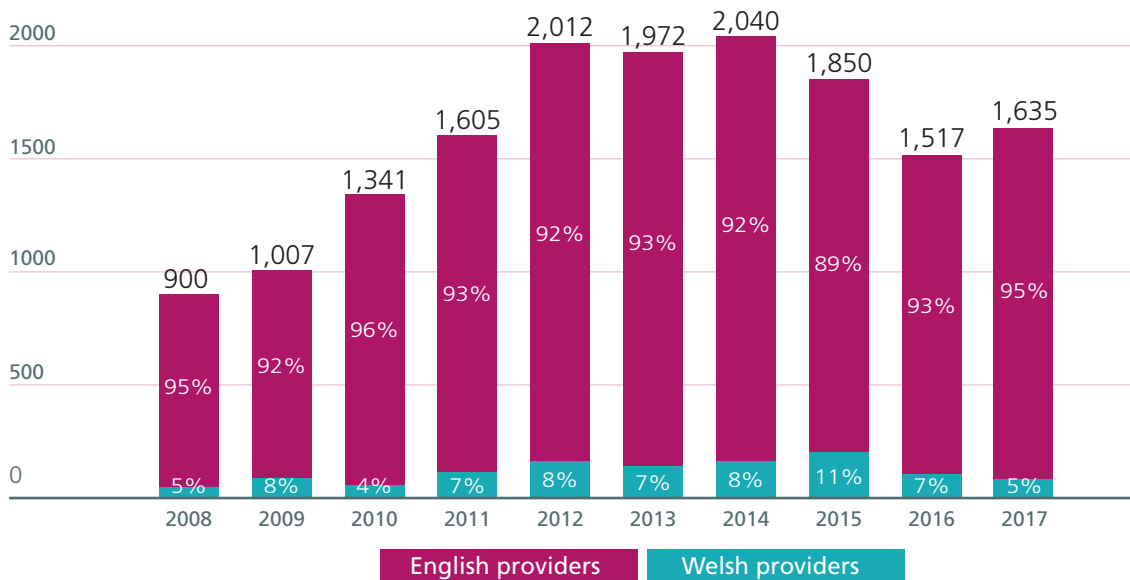
We exceeded all of our KPIs that relate to the timeliness of our processes. We exceeded our KPI of closing 75 per cent of cases within six months of receipt throughout the year, and maintained our average number of days to close a case at around 100 days.

We continued to settle cases where appropriate, in line with our approach of promoting resolution at the earliest opportunity. Settlement has advantages for both providers and students. It can be particularly beneficial for students who are continuing with their studies.

## Complaints received

The total number of complaints was slightly higher in 2017 than in the previous year, but has not returned to the earlier peak levels.

### Number of complaints received per year



"I am disappointed with the outcome but I am very happy with the thorough investigation. Thank you very much for all of your help and for keeping me updated."

## Observations

As in previous years there are various factors that are likely to have influenced the number of complaints we received in 2017.

We reported last year on the drop in complaints, which we believe resulted from the extended timeframe under the EU Alternative Dispute Resolution Directive for students to bring their complaints to us. Complaint numbers recovered somewhat in the second half of 2016 once we reached the end of the first full 12-month period following the change, but remained slightly lower than before the extended timeframe came into effect. That level of receipts has broadly continued in 2017, with receipts staying relatively stable throughout the year.

Feedback from providers suggests that they are continuing to make good use of our [Good Practice Framework](#) and have benefited from our wider good practice work, which is now reaching more providers than ever before. We believe that this is helping providers to successfully resolve more complaints internally.

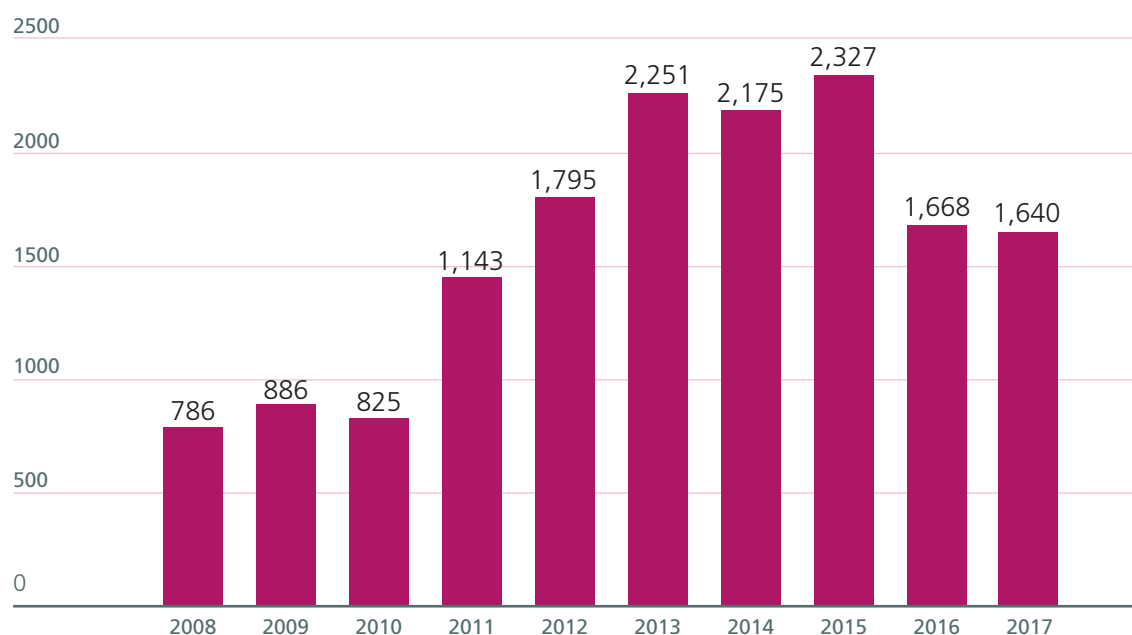
We are continuing work to develop our understanding of the factors affecting complaint numbers, in particular to try to identify any potential barriers to students bringing their complaints to us.

We should not read too much into small fluctuations in case receipts from year to year. It is likely that there will always be some volatility in the volume of complaints that come to us, in part because the numbers are so small in relation to the total student population.

## Complaints closed

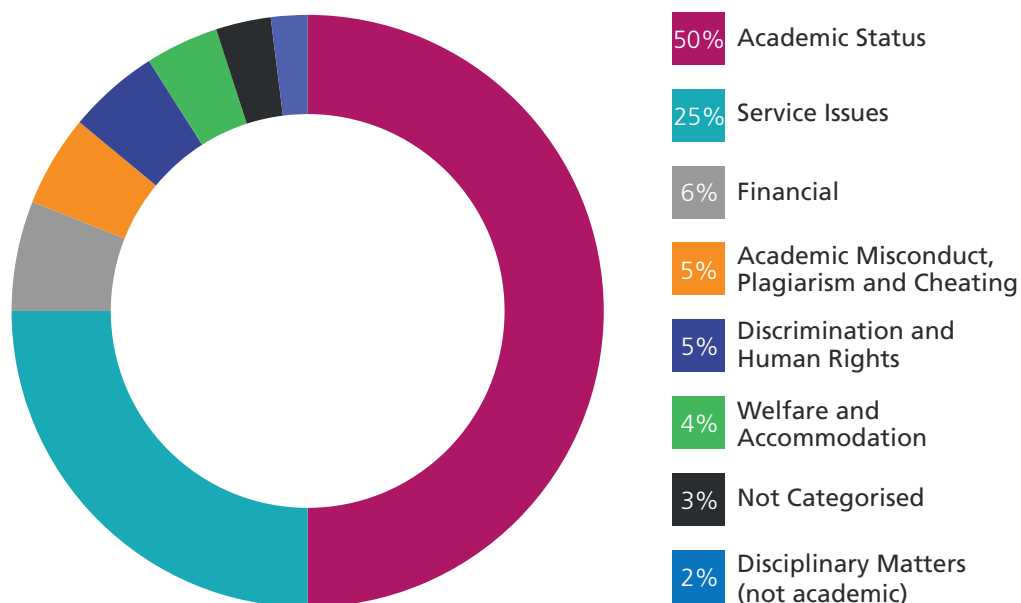
In 2017 we have again kept pace with incoming cases. This has been achieved in the context of careful management of resources and an increased focus on our good practice work.

### Number of complaints closed per year



The cases we closed were in the following complaint categories:

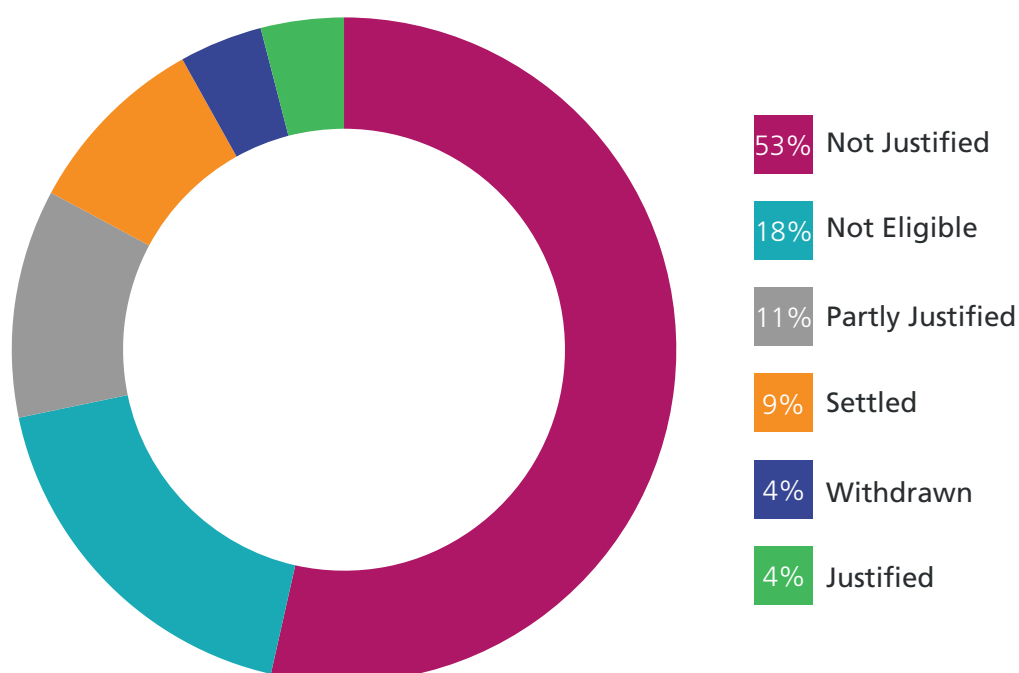
### Closure by complaint category



In 2017 half of the complaints were about the student's academic status. Most of those complaints arose from academic appeals. A quarter of the complaints related to service issues such as the availability and quality of supervision and facilities, and the accuracy of the prospectus and other course information.

## The outcome of complaints

### The outcome of complaints



In total, 24 per cent of cases were Justified, Partly Justified, or Settled in favour of the student. This is slightly higher than the percentage in 2016 (22 per cent).

The proportion of complaints that were Not Eligible for review rose very slightly for the second year running from 17 per cent in 2016 to 18 per cent in 2017. The vast majority of those cases came to us before the student had completed the provider's internal processes. An important part of our outreach work is to ensure that students understand when they can complain to us, and what they can complain about.

### **Complaints about providers that joined the OIA following the Consumer Rights Act 2015**

It is still too early to determine statistically significant trends in the complaints that we have received about providers that joined our Scheme since the expansion of our membership as a result of the Consumer Rights Act 2015 (alternative providers, further education colleges offering higher education provision and initial teacher training providers), because the numbers are small. Some of these providers deliver courses in partnership with awarding providers that are also members of the Scheme. Complaints involving more than one provider can be complex, and it is beneficial to students on these types of courses that they now have the protection of being able to complain both about the provider where their course is being delivered and where it is awarded, depending on the nature of their complaint.

Through the development of our outreach and good practice work, we have engaged with many of these providers in ways that are tailored to their needs, and we expect that their students will benefit from improved practices in internal complaints handling processes.



“... I am extremely grateful to you for the professional and exemplary manner by which my case has been handled.”

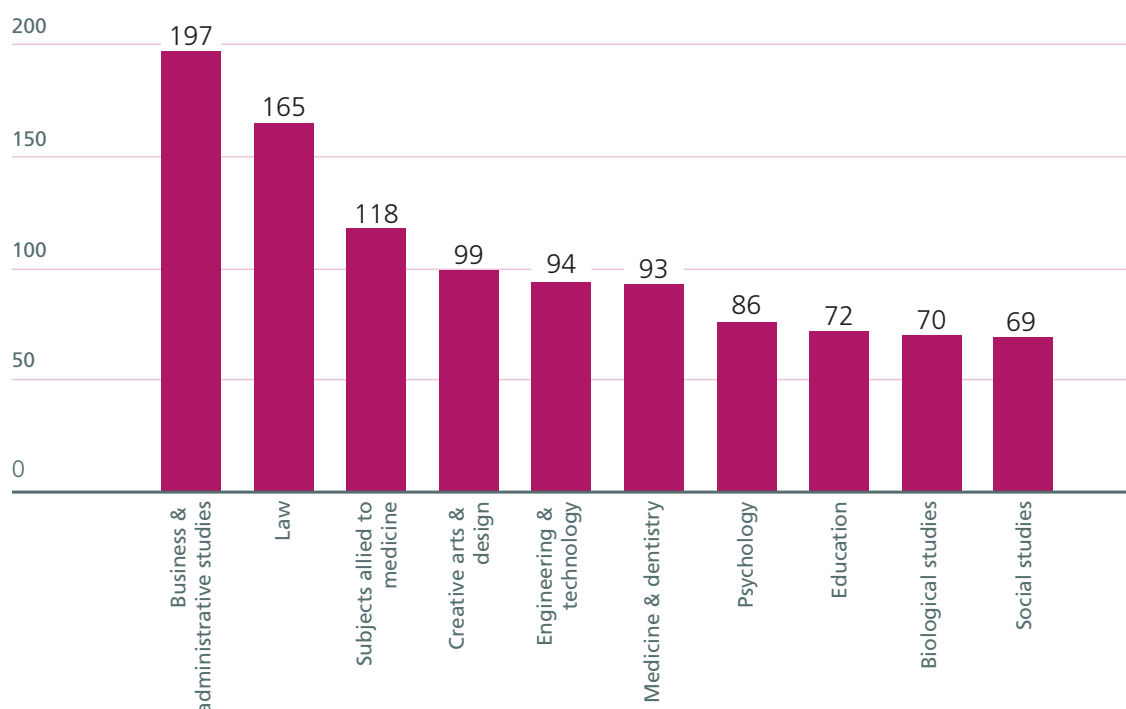


# Trends in complaints

We include in this section some statistical information about the complaints we see and some tentative patterns which emerge. As the number of students that complain to us is so small in relation to the student body as a whole, it is difficult to draw firm conclusions about whether our data reflects wider trends in the sector. We are in the process of developing how we capture and analyse our data.

We received more complaints in 2017 from students on Business & administrative studies courses and students studying Law than from those studying other subjects. This is consistent with previous years, indicating that students on vocational and professional courses are the most likely to complain to us. Our view is that students on these kinds of courses are more likely to complain to us because they are more keenly aware of the link between their student experience and their career plans. The courses we see most complaints about are also likely to involve placement opportunities or study that requires access to specialised facilities and resources. Our experience suggests that students on Business and Law courses tend to be more aware of their rights than some other students.

## Complaints received by area of study - Top 10

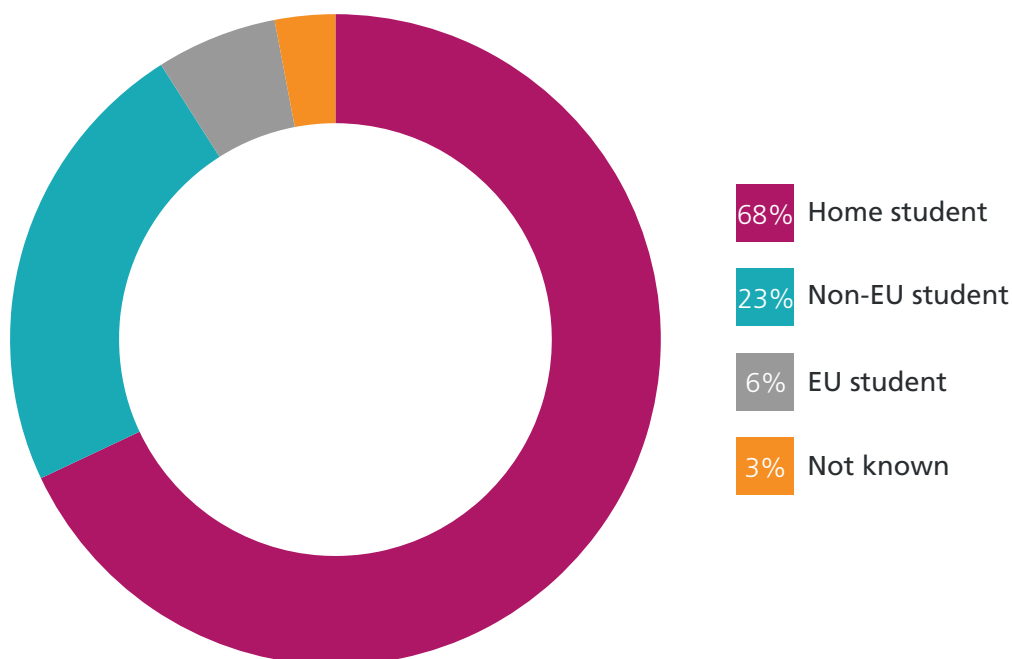


Non-EU international students continued to be over-represented in the complaints we received. These students accounted for 23 per cent of complaints to us in 2017 (by way of comparison, they made up 13 per cent of students in UK providers in 2016/17 (source: HESA)). We illustrate some of the issues affecting international students in the [Common Themes](#) section of this Report. We also see common factors in our cases such as language barriers, different expectations of UK higher education, either from the student themselves

or from their family or sponsor, and sometimes a cultural reluctance to raise concerns. Financial implications can be particularly acute for international students, for example if failure on a course means that they have to repay a sponsoring government.

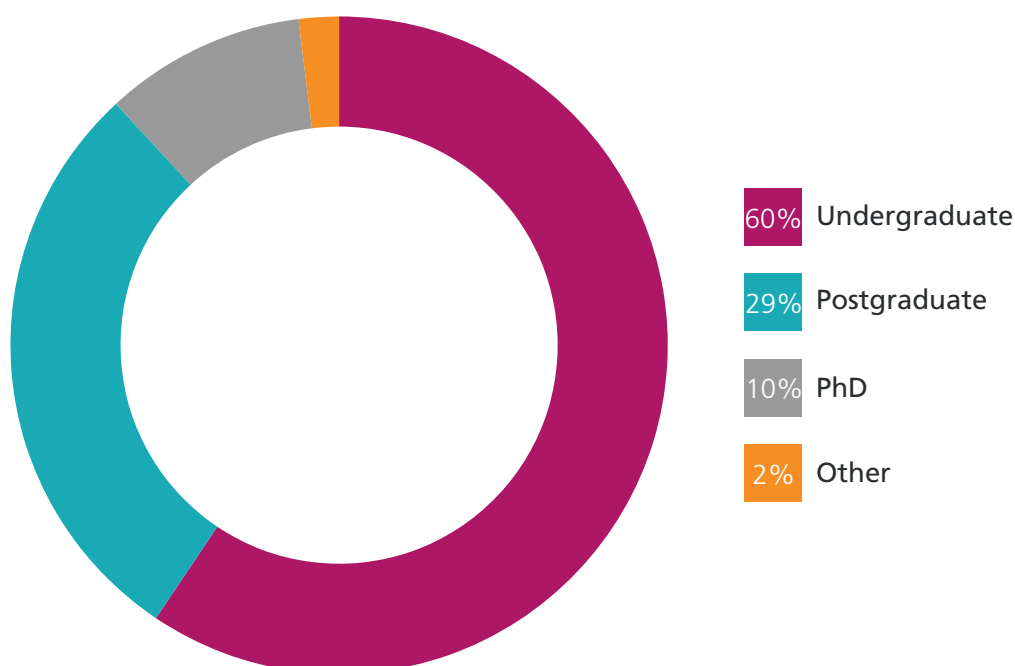
Overall, the pattern of complaints we received by student domicile remained broadly similar to previous years.

#### Complaints received by student domicile



The pattern of complaints we received by level of study was also largely unchanged. Postgraduate students continued to be over-represented.

#### Complaints received by level of study



The Undergraduate category includes courses leading to qualifications such as the Certificate or Diploma of Higher Education and Higher National Certificate or Diploma.

# Common themes in complaints

We look at all the complaints we receive individually, considering the particular facts of each case. But there are common themes. In 2017 these included fitness to practise, mental health, issues affecting international students, and the student experience.

## Fitness to practise

In 2017 most of the fitness to practise complaints we reviewed were about whether the student had a fair hearing, and the appeals procedure.

Students raised concerns that the decision-maker had not properly considered or analysed the evidence; too much weight was placed on some parts of the evidence; not enough evidence was produced to reach a conclusion that they were not fit to practise; and the provider had unfairly disregarded evidence.

Students also raised concerns about the fairness and proportionality of the sanction that was imposed. A finding that a student is not fit to practise may result in the student being removed from their course, with little chance that they will be able to train elsewhere. Providers have a responsibility to explain why a sanction has been applied. They will usually need to explain why they have not applied a less serious sanction and why remedial action may not be possible.

### CASE STUDY 1

A student was withdrawn from her medical degree after she was found not fit to practise. She had been absent from her placement saying that she was unwell however evidence showed she was on holiday at the time. The student appealed against this decision but her appeal was dismissed. She complained to us.

We decided that this complaint was **Not Justified**. The provider had correctly followed its procedures and reached reasonable conclusions based on the evidence. The student had a proper opportunity to present her case. The process did take longer than set out in the procedures but we did not consider that the overall length of time was unreasonable due to the number of allegations, the volume of documentation, and because the student had been kept up to date on developments and timeframes.

We were satisfied that it was a matter of professional judgment that the student's fitness to practise was impaired. The provider reached its conclusion based on the number of allegations it had upheld and its concerns about the student's lack of insight. It was reasonable to conclude that the student's behaviour was "fundamentally incompatible" with continuing on a medical course or eventually practising as a doctor. The student had accepted that she had been dishonest and the provider had considered each of the possible sanctions and explained why a lesser sanction such as suspension would not have been appropriate in this case.

## CASE STUDY 2

A student was a final year medical student. He was given an “unsatisfactory” grade for professionalism in one of his modules. This followed an incident during one of his practical assessments. The provider referred him to a fitness to practise committee, which decided to terminate his registration. The provider rejected the student’s appeal and he complained to us.

We decided that the student’s complaint was **Justified**. This was because the student had statements from other students who had witnessed the incident, but the fitness to practise committee did not allow him to present them. The statements were relevant to how serious the incident was. The committee’s decision not to consider them put the student at a disadvantage, particularly since the member of staff who first made the allegation could not attend the hearing. Although the committee had followed the correct process in deciding what sanction to apply to the student, it did not have all the relevant information when it reached that decision. Therefore it was not reasonable for the provider to have rejected the student’s appeal. We recommended that the provider should refer the student’s appeal to a new fitness to practise appeal panel.



“I want to confirm that the University has paid me the settlement offer that the OIA recommended. I also want to appreciate the service the OIA has offered in resolving this dispute.”

## CASE STUDY 3

A PGCE student was attending a placement at a school for his third and final opportunity to reach the required standards. The placement was terminated after pupils in two different year groups made allegations that the student had made rude remarks on separate occasions. The school later raised concerns about the student's interaction with staff. The student failed the programme and the provider decided that he was not suitable to practise as a teacher. The student complained about the provider's decision and his complaint was rejected. The student complained to us.

We decided that the complaint was **Partly Justified**. The provider had made mistakes in how it decided that the student could not continue on the course.

In particular:

- The placement termination was made with immediate effect and no "cause for concern" process was followed.
- The provider did not properly consider whether the evidence the school presented against the student was adequate. The student was not given full details of the allegations against him.
- The student was not given the opportunity to challenge the evidence on which the professional judgment was based.
- Staff who had previous involvement with the student had been part of the decision-making panel. This created a reasonable perception of bias in those proceedings.

We recommended that the provider should review the procedures it follows when a placement school withdraws a placement at short notice and offer the student £1,000 for distress and inconvenience. We also recommended that the provider should help the student to continue with the qualification either by providing a further placement opportunity or by refunding the tuition fees paid for the third placement, and help the student to explain his circumstances to Student Finance England.

"Thank you for taking my case and for the Justified outcome. You have turned my world around and I am truly grateful."

"Thank you for this. Obviously I am disappointed but understand your reasons and do not regret having raised the complaint in the first place. Thanks to you for giving it your attention."



## Mental health

We were pleased to see a significant focus on mental health and wellbeing in the sector in 2017. We dealt with a number of very complex and sensitive complaints in which the student had disclosed to the provider and to us that they had mental health difficulties.

### CASE STUDY 4

An LLB student appealed against his degree classification on the grounds of extenuating circumstances that he had not previously disclosed. He said that he had experienced relapses of his mental health condition over the course of the year which had affected his assessments. His health condition and the medication he was taking affected his ability to take decisions about his health and education. He provided evidence to show that there had been a marked deterioration in his mental health. The provider did not uphold the appeal because it decided that there were no compelling reasons why he had not applied for mitigation at the time.

The student provided further medical evidence at the next stage of the appeal process but the provider again rejected the appeal for the same reason. The student complained to us.

We decided that this complaint was **Justified**. The provider's decision to reject the student's appeal was not reasonable. It had not explained why it did not accept the student's medical evidence. That evidence supported his claim that his health had affected his academic performance, and his ability to make decisions. We recommended that the provider should offer to refer the appeal to an appeal hearing.

### CASE STUDY 5

A student was undertaking a doctorate, which involved clinical placements. She took time away from the course because she was affected by a long-term mental health condition. When she returned, the provider agreed extensions to the registration period and to her funding. She began a placement but had to withdraw because she was a service user of the placement facility. There was a delay in finding a new placement and the student suffered another period of ill-health. The provider decided to terminate the student's registration because she could not complete the programme within the extended time limit.

The student complained to us about the support she had received from the provider, and the decision to terminate her studies with no recognition of the credits she had achieved.

We decided that the complaint was **Partly Justified**. The provider had followed its procedures and taken a fair decision to terminate the student's registration. The provider had tried to find suitable placements for the student, based on the information it had and the opportunities available. The provider accepted that it could have done more to check that the student had been aware of support services but explained why it believed this would not have altered the student's position.

The provider's policy was that students who are removed from their course of study may not study at the provider again, so the student was not permitted to enrol on any other courses at the provider. We concluded that, in this case, it was not fair for the provider to apply its policy because the student had been unable to complete her studies on time for reasons related to a disability.

We decided that this decision had caused the student distress. We recommended that the provider offer the student an apology and compensation of £1,000 for the distress it had caused. We also recommended that the provider offer to meet with the student to discuss options for further study and explore whether her credits might contribute towards a different award.

We have published further case studies on the theme of [student mental health](#) on our website.

## Issues affecting international students

In 2017, 29 per cent of the students who complained to us were international students and as in previous years, the majority of these were postgraduate students. Common issues in complaints from international students included academic misconduct, visas and financial matters, and issues relating to academic status.

### CASE STUDY 6

A non-EU international student was sponsored by the provider on a Tier 4 immigration visa which allowed him 12 months to complete his studies. The student had to resubmit a project, but the deadline fell after the expiry of his visa. The provider re-registered the student as a “dormant student” to enable him to complete the project. The provider told the student that it could not support an application to extend the visa because he could complete the project from his home country, without attendance. The visa expired but the student remained in the UK. He said that he had made an application for leave to remain.

The provider withdrew the student from the course and did not mark the resubmitted project because he did not have approved immigration status to remain in the UK. The student complained about the decision not to mark the project but the provider rejected the complaint and the student complained to us.

We decided that the complaint was **Not Justified**. The provider had acted reasonably given its responsibilities as a licenced Tier 4 sponsor. The provider had requested evidence to show the student’s immigration status, to check that he had the right to remain in the UK. The student did not provide this information.

The provider granted the student an ordinary degree on the basis of the credits he had achieved.

### CASE STUDY 7

An international research student complained to his provider after it terminated his studies. The provider initially dismissed the complaint and the student complained to us. We identified several procedural failings in the handling of the complaint. We decided the complaint was **Justified** and recommended that the complaint be reconsidered by a Complaint Panel.

The provider reconsidered the complaint and partly upheld it on the basis that the provider should have withdrawn the student 18 months earlier, due to a lack of progression. The provider offered to refund the student’s fees for the relevant period, and pay £2,000 for distress and inconvenience. It did not offer a refund of living expenses. The student complained to us a second time. He said the provider had not addressed his complaint and should have refunded his living expenses.

We decided that the complaint was **Partly Justified**. The decision to withdraw the student was a matter of academic judgment, and we were satisfied the evidence supported the provider's conclusion that the student had received regular supervision. However, the provider had not offered a reasonable remedy. The student had experienced distress and inconvenience over a prolonged period and the provider had missed the chance to address this at an earlier stage.

The student was in the UK specifically for the purposes of study. If the provider had acted sooner the student would have returned home and would not have incurred higher living expenses in the UK. We recommended that the provider pay 60 per cent of the additional living expenses for the 18-month period, based on the cost of living index for the UK and the student's home country, and the amount the Home Office required international students studying in the UK (outside of London) to have as available funds to cover living expenses. We also recommended that the provider repeat its offer to refund tuition fees for the relevant period and increase its offer of compensation for distress and inconvenience to £4,000. The provider paid the student a total of £17,076.83.

## CASE STUDY 8

A provider made a mistake about course dates in the paperwork for a PhD student's application to extend his visa under the Tier 4 Doctorate Extension Scheme. The student spotted the mistake and asked the provider to correct it. The provider thought that the mistake would not matter. Unfortunately, this was wrong; the student's visa was refused. The provider made another administrative mistake with the paperwork for the student's second application. It was only on the third application that the student was granted the visa.

The provider accepted that its mistakes meant that the student had to apply for a visa three times. It had offered to reimburse the student's costs for the second and third applications and for his legal fees. It also offered him a payment of £10,000 for lost earnings and in compensation for the distress and inconvenience he had suffered.

The student was pleased that his costs were being met by the provider but complained to us that the provider had not explained how it had decided upon the figure of £10,000. We decided that the complaint was **Justified**. The student had clear evidence that he had a job offer that he had to delay accepting because of the problems with his visa. We recommended that, in addition to the costs it had agreed to pay, the provider should offer to pay £11,000 compensation for lost earnings, based on the student's lost salary, and £3,000 for distress and inconvenience.

## Student experience

In 2017 we saw a number of complaints where students were unhappy about their experience on a course. Complaints can give valuable insight into how to improve the student experience.

## CASE STUDY 9

A provider offered several different awards in a variety of subjects "with Journalism". A small number of students were enrolled on a particular pathway. By the end of their first year, the provider decided not to recruit any more students onto that particular pathway. All but one student decided not to pursue the Journalism aspect of the course in the second year.

The remaining student was confused about which modules were required and became increasingly anxious and depressed. He interrupted his studies. The student complained that he had been left to create his own course. He was not satisfied with the provider's response, and decided not to return to his studies. He complained to us.

We decided the complaint was **Partly Justified**. The student complained about aspects of the course in year one, including re-sit options. We were satisfied that the provider had responded to these matters in a fair and reasonable way. But the provider did not properly explain its decision not to recruit any more students on to the course, or consider its effect on those students already enrolled on it. The student was told that the course had been discontinued, and had been given conflicting information about which modules were core and which were optional. The modules on offer in the second year were significantly different to the modules which had previously been offered to second year students. There was no longer any content which covered Journalism in his field of interest. Having taken account of the Competition and Markets Authority's guidance, we concluded that the provider had not done enough to support the student and to deliver what was described in the promotional material which had led the student to choose that particular course.

We recommended that the provider should apologise to the student, offer a payment for distress caused by the lack of clarity, and refund all tuition fees paid for the second year of the course.

## CASE STUDY 10

A group of eight students were on an MA course. They complained to the provider about various issues which arose during their studies. The provider partially upheld their complaint, and acknowledged that the group's experience on the course had been affected. It accepted that the marking process for a presentation was flawed; that there had been certain administrative issues; and that some parts of the complaints process could have been better handled. It offered the students an academic remedy, an apology and a small amount of compensation to address one of the issues identified.

The students complained to us. They said the remedies offered did not compensate for the impact that the issues had on their experience on the course.

We considered whether the remedies the provider had proposed were reasonable and decided that the complaint was **Justified**. We concluded that the academic remedy and the small amount of compensation did not sufficiently address the impact the issues had on the students' experience.

We recommended that the provider should write to each student offering a comprehensive apology for their experience and offering each of them £1,500 for distress and inconvenience. We also recommended the provider should review its staff training for those handling its complaints.

## Public Interest Cases and Case Studies

We routinely publish case studies or summaries on our website. In 2017 we archived many of our older case studies and began working on more effective ways to categorise and present future case summaries. Where we decide that a particular case is in the public interest we may identify the provider. In 2017 we published cases relating to competence standards and cases involving possible criminal proceedings as well as cases involving other disciplinary matters.

# Recommendations on Justified and Partly Justified cases

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If we decide that a complaint is Justified or Partly Justified we may make Recommendations. We are not limited in what we can recommend. We make Recommendations to provide an appropriate remedy for the individual student, and to improve a provider's practice or procedures. In 2017, we made over 600 Recommendations in a total of almost 300 cases.

When we intend to make Recommendations, we invite the student and the provider to give us their views. It is important to us that both parties to a complaint tell us if the remedy we have proposed may not be practical. During 2017, we discussed with providers how best to refund money to overseas students and overseas sponsor organisations in the context of regulations relating to money laundering. We also added to our guidance to say that providers should meet any costs associated with transferring money overseas.

Often the most appropriate remedy is to recommend that the provider should reconsider a decision, which can lead to a student being able to return to their studies. The sooner a student submits their complaint to us, the more likely it is that this kind of practical remedy would be possible.





## Examples of practical Recommendations

Issue	Our Recommendations
<p>A group of students complained about issues on their course. We concluded the complaints were Justified and that the provider had not offered a suitable remedy.</p>	<p>The provider should review the training offered to complaint handling staff about the importance of maintaining professionalism and impartiality, and of accurate record keeping.</p>
<p>A student complained about the provider's decision that he should pay overseas student fees. We decided the complaint was Justified because the provider had rejected the student's evidence about his status without explanation.</p>	<ul style="list-style-type: none"> <li>■ The provider should reconsider its decision. <i>Outcome:</i> This resulted in a change to the student's fee classification.</li> <li>■ The provider should change its processes. <i>Outcome:</i> The provider has now introduced a separate process for students to appeal against fee classification decisions. It has also improved its communication with students to explain what might happen if the student begins their studies before their fee status is clear.</li> </ul>
<p>A student was not given the opportunity to meet with staff to answer the allegations of misconduct before a conclusion was reached and a sanction imposed. We decided the complaint was Justified because the provider's approach had breached its procedures and was not fair.</p>	<ul style="list-style-type: none"> <li>■ The provider should quash its decision and if it wished to pursue the allegation it should write to the student and invite him to attend a formal hearing.</li> <li>■ The provider should also write to the student's professional body and inform it that there had been a procedural irregularity in the consideration of the case and that the original decision has been quashed.</li> </ul>



"I would also like to thank you for your hard work in obtaining a favourable outcome for me when I have had such a poor experience."

## Financial Compensation

We aim to return students to the position they were in before the circumstances of their complaint. In certain cases, we may recommend a financial remedy where other remedies are unavailable, inappropriate or where a student has suffered actual financial loss or distress or inconvenience.

As a result of Recommendations we made in 2017, providers offered financial remedies to almost 200 students. In 15 cases payment exceeded £5,000. The total amount we recommended was £583,321.29. The highest amount we recommended included an amount for future stipend payments worth about £40,000. In addition, providers paid just under £70,000 to students through settlement agreements reached after students complained to us.

Significant payments in 2017 included:

- £12,735 to an international student for failures identified in his supervisory arrangements;
- £14,500 to a student for the provider's poor management of his academic progress, and the complaints process.
- £16,500 to a PhD student who had complained about supervision.

The largest financial remedy we recommended in 2017 is summarised below.

Issue	Our Recommendations
<p>A first year international PhD student with sponsorship raised concerns about his supervisors. The supervisors refused to provide any further supervision after he complained. The student tried to find another supervisor but before he could do so, the provider terminated his studies for a lack of engagement. The student complained about this decision. The provider recognised it could have done more to help the student find alternative supervision but stood by its decision to terminate his studies.</p> <p>We decided the complaint was Justified because it was not reasonable for the supervisors to stop supervising the student; it was unclear what procedure, if any, the provider had followed when terminating the student's studies; and there was no evidence that the student was failing academically. The student was unable to return to his studies at the provider and had moved to a different provider.</p>	<p>The provider should offer to pay:</p> <ul style="list-style-type: none"> <li>■ The student's stipend (approximately £40,000) and bench fees for the two years for which he had lost his sponsorship, and for the time during his first year when he was without supervision.</li> <li>■ Compensation of £7,000 for the distress and inconvenience caused by the termination of his studies, and the disappointment of being unable to complete his PhD at his chosen provider. We took into account the additional challenges the student faced when his studies were terminated because he was an international student with a family.</li> </ul>

## Apologies

In some cases we recommend that the provider should apologise to the student for shortcomings that we have identified. A meaningful apology can be particularly beneficial if there is an ongoing relationship between student and provider. In 2017, we recommended an apology in 76 cases.

Below are extracts from offer letters we have seen where the provider included an apology. How an apology is worded and delivered matters, as these examples illustrate. Further information about apologies and other remedies can be found in [The OIA's approach to remedies and redress leaflet](#).

### An ineffective apology ...

We recommended that the provider should apologise for a number of serious shortcomings in the way it had responded to the student's complaint. The provider wrote:

The University would like to take this opportunity to express its regret that the relationship between us has broken down and that you feel aggrieved at what occurred.

I apologise for any perceived mistakes that have been made by the University, and wish you luck for the future.

We asked the provider to change the wording of its apology. The student did not accept the offer that the provider made to resolve the complaint.

### ... and a much better one

We recommended that the provider should apologise for how it had handled a complaint. The provider wrote:

I also take this opportunity to apologise profusely, on behalf of the College, for the way in which your complaint was handled, the distress and inconvenience this caused you, and the effect this had on your student experience with us.

The OIA's findings have been circulated to senior staff within the College to ensure that lessons are learned.

The student accepted this offer and returned to her studies.

# Brave new world?

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## **Ben Elger, Chief Executive reflects on a significant year for higher education regulation and the OIA's role**

The Higher Education and Research Act (HERA) 2017 and the structures it creates will shape the future of higher education regulation in England for many years to come. HERA extends the OIA's remit and strengthens our independent role within the regulatory framework.

We have worked closely with the Department for Education, the emerging Office for Students (OfS) and others during both the drafting and the implementation stages of HERA. We also engaged fully with the consultation on the regulatory framework. We have been pleased by the support we have seen for our role.

Fairness for students is at the heart of everything we do and we have worked hard to promote it through our work on HERA and the regulatory framework. In particular, we have emphasised the importance of protection arrangements for students, including by having access to the OIA; the value of alternative dispute resolution for students; and the importance of student engagement.

### **Student protection and access to the OIA**

Students invest significant amounts of time and money in their studies. Appropriate protection arrangements are important and we have consistently advocated that all higher education students in England and Wales should have access to the OIA as part of this. We are delighted that HERA extends our remit, bringing more higher education providers into our membership as "Qualifying Institutions" (see also [The OIA, HERA and the regulatory framework](#)). This gives more students across the higher education sector access to independent redress for their unresolved complaints through the OIA. We have also worked with the Department for Education and OfS to have membership of the OIA Scheme reflected as a condition of registration in the regulatory framework to ensure the importance of this protection is clear to all.

HERA also requires a provider to remain a member of the OIA Scheme for 12 months after it stops being a Qualifying Institution (for example, if it is removed from the OfS Register). This enshrines in legislation a similar requirement that has been in our Rules since 2015. It means that students can complain to us about things that happened while their provider was a Qualifying Institution even after it is no longer a Qualifying Institution. This provides an extra level of protection for students who may otherwise be left without any recourse other than through litigation. We have also worked with the Welsh Government on this and we are very pleased that the provision has also been adopted in Wales, giving students at Welsh providers the same level of protection.

We believe that all students should have the benefit of regulatory protection. It was originally proposed that there should be a "Registered Basic" category on the OfS Register, and OIA membership was the only protective requirement in this category. We and others felt that

this category of registration may be misleading to students, as registration would involve little regulatory oversight but could nevertheless be viewed by students as a “kite-mark” of quality. We made the case that, as a minimum, these providers should also be required to have student protection plans, and that this is particularly important in a market regulated sector where providers may be allowed to fail. Wherever a student is studying, arrangements should be in place to protect them in the event of closure of their course, campus or provider.

The OfS responded to feedback on this category and has currently removed it as an option for registration. While this is clearer for students, we are still concerned that some providers remain outside the regulatory framework (although some may be members of the OIA Scheme under HERA provisions relating to delivery providers) and that this leaves a gap in protection for some students.

We will welcome applications from providers if they wish to join our Scheme voluntarily, to extend some protection to their students through access to independent redress for their students’ complaints.

Even though School-Centred Initial Teacher Training providers (SCITTs) are not required to register with the OfS to enable their trainees to access student support funding, those providers are already required to be members of the OIA Scheme under provisions which came into force in 2015. Therefore, trainees at SCITTs that are OIA members have access to the OIA Scheme, just as teacher trainees at other OIA member providers do.

## **Alternative dispute resolution and students’ consumer rights**

An important theme in the regulatory developments of the past year has been the relationship between students’ rights as consumers, the OfS’s role as a market regulator, and alternative dispute resolution through the OIA. The higher education sector has long been committed to student engagement and early resolution, and we have continued to make the case for the value of alternative dispute resolution for higher education students. Our independent complaints scheme is a well-established mechanism for making sure that students have access to appropriate redress, reviewing whether they have been treated fairly as well as considering their rights as consumers, without the need for expensive litigation or legal representation.

We will continue to work with OfS, the Competition and Markets Authority (CMA) and others on this issue to promote an approach that best meets the needs of students. We talk more about our work on this under [Alternative dispute resolution and students’ consumer rights: building a complementary approach](#).

## **Student engagement**

We believe students should be viewed as partners in the development and quality assurance of their educational experience. Effective engagement with students promotes a culture in which issues and complaints are less likely to arise. We are members of the UK Standing Committee on Quality Assessment (UKSCQA) and fed into the development of, and responded to the consultation on, the new UK Quality Code for Higher Education. We



advocated that handling of complaints and appeals, and student engagement, should be given high recognition within the Code and wider regulatory framework. We are pleased that following the consultation, both are included as core practices for Quality Expectations. We welcome the OfS's plans to adopt the revised UK Quality Code, which will apply across England and Wales. It is also positive that the regulatory framework's public interest governance principles include that the governing body should make sure all students have opportunities to engage with the governance of the provider.

## The OIA, HERA and the regulatory framework

The Higher Education Act 2004 required the appointment of an independent body to run a student complaints scheme in England and Wales, and the OIA was chosen to operate this scheme. The Act defines the higher education providers, referred to as "qualifying institutions", that are required to be members of the OIA Scheme. Initially these were mainly universities. The OIA's membership was significantly expanded in both England and Wales as a result of the Consumer Rights Act 2015 to include many further education and sixth form colleges which provide higher education, alternative providers and providers of School-Centred Initial Teacher Training (SCITTs).

### The Higher Education and Research Act (HERA) 2017

HERA received Royal Assent in April 2017, and the provisions that relate to the OIA came into force on 1 April 2018.

HERA further extends the OIA's membership to include as Qualifying Institutions all higher education providers on the OfS Register that are not already Qualifying Institutions, and all providers in England that deliver courses leading to a higher education qualification awarded by an OIA member in England.

It also requires any provider which ceases to be a Qualifying Institution for the OIA's purposes to remain an OIA member as a "Transitional Institution" for a further 12 months in respect of acts and omissions which occurred whilst the provider was a Qualifying Institution. This provision has also been adopted in Wales.

The [Rules of the OIA Scheme](#) give further information on membership of the OIA Scheme.

### The regulatory framework

The legislative requirements in relation to membership of the OIA are reflected in the regulatory framework. Condition C2 states that providers must:

- i. Co-operate with the requirements of the student complaints scheme run by the Office of the Independent Adjudicator for Higher Education, including the subscription requirements.
- ii. Make students aware of their ability to use the scheme.

Several other Conditions in the framework also reference the OIA's work, reflecting our position as an independent but integral part of the HE regulatory framework.

## Alternative dispute resolution and students' consumer rights: building a complementary approach

During the passage of the Higher Education and Research Bill, the House of Lords expressed some concern about whether there was enough clarity around the roles of the OIA, OfS and CMA. We briefed those members involved on all sides of the House on the role of the OIA. We were encouraged that the Lords concluded that the different roles are complementary, and by Government assurances that there would be clarity for students and providers and a commitment to working together. We will continue to maintain and develop good working relationships with all involved. We also welcome the consumer benefit forum proposed between the OIA, OfS and CMA. The forum will act as a sounding board for developing future policy as the OfS embeds its role as a market regulator.

We were pleased that these discussions and assurances were also reflected in the regulatory framework. The framework requires providers to have due regard to relevant consumer law guidance, which applies to higher education providers across the UK and notes that providers are more likely to meet their obligations if they follow sector guidelines such as the OIA's Good Practice Framework for handling complaints and appeals.

It is clearly important to provide students with accurate information about what to expect from their course, both from a consumer protection perspective but also so that students' expectations are realistic. We had some concerns over the dialogue around student contracts that emerged as the regulatory framework was being developed and we worked closely with stakeholders to ensure that a narrative around students needing to take legal action did not develop. We felt strongly that any such work should recognise the importance of alternative dispute resolution (ADR) for higher education students through the independent complaints scheme operated by the OIA, rather than focusing on the enforcement of consumer rights through the courts. It is important that the OfS's role does not create confusion around this.

We were pleased that the OfS's analysis of responses to the consultation noted that:

"It is not our intention for a focus on students' consumer rights to minimise the important and established processes for redress for individual students – rather, HERA and the new regulatory framework further strengthen the scope and remit of the alternative dispute resolution through the OIA to more providers".

We look forward to working with the OfS on any future developments. It is important that any such developments are to the benefit of students and avoid the potential unintended consequence of creating a legal arms race and driving students into the courts.

## Developments in the Welsh tertiary sector

Following Professor Ellen Hazelkorn's report published in 2016, the Welsh Government published a White Paper consultation in June 2017 on proposed reforms to the post compulsory education and training (PCET) sector in Wales. The consultation document referred specifically to the role of the OIA and noted that there is no equivalent body for learners in other parts of the PCET sector. The consultation asked whether there was a need to introduce complaints resolution arrangements for learners across the PCET sector and, if so, what sort of arrangements should be put in place.


We responded to the consultation, fully supporting the extension of complaints resolution arrangements to all learners in the PCET sector. It is important that any arrangements are independent, impartial, transparent and free to learners. We believe that such arrangements would be beneficial to learners, providers and other sector bodies.

We also attended events in Wales on the PCET consultation where we added our views on learner protection. We supported the development and embedding of student protection arrangements, such as learner protection plans and student transfer arrangements, for students across the PCET sector. We believe that any lack of flexibility in transfer arrangements may mean that learners are unable to continue with their studies, making the PCET sector less accessible to many learners. The Welsh Government's summary of these events noted that "FE students are increasingly aware of the OIA role and frustrated that they don't have the same recourse (there appears to be more awareness now that HE in FE learners are covered)".


The Welsh Government response to the consultation says that "the majority of respondents agree there should be one single body that covers complaints across all provision" and "some consideration should be given as to whether existing arrangements could be extended and/or strengthened". The Welsh Government will issue a technical consultation on the proposed reforms in 2018.

A key proposal of the reforms is that a new Tertiary Education and Research Commission for Wales (the Commission) is established to replace the Higher Education Funding Council for Wales (HEFCW) and to provide "oversight, strategic direction and leadership" for the whole of the PCET sector.

We continue to maintain regular and positive dialogue with key stakeholders in Wales.



"I appreciate the explanations provided in the Complaint Outcome letter. I would like to thank you and your colleague for the prompt response to all my queries, and for your time taken in reviewing my complete complaint file."



# Working with others

It has on occasion been suggested that there are rather a lot of acronyms in the higher education sector. A look back at some of the organisations we worked with in 2017, in the sector and beyond, does include a few ...



More seriously, working effectively with other organisations is central to how we achieve our organisational aims and fulfil our charitable purpose. We are independent from other sector bodies, but interdependent with them, and it is through maintaining this balance effectively that we can best play our full part in the sector.

We have reported above our extensive engagement with Governments and the emerging OfS, and we were pleased to have had the opportunity to discuss developments in Welsh higher education with Kirsty Williams AM. We also engaged with a wide range of stakeholders including Association of Colleges (AoC), Independent HE, the National Association of School-Based Teacher Trainers (NASBTT), GuildHE, UUK, NUS, QAA, UK Council for International Student Affairs (UKCISA), Association of Heads of University Administration (AHUA) and the Academic Registrars Council (ARC), through meetings, speaking engagements and attending key events. We greatly value the constructive relationships we have with these and other organisations we work with.

This high level of engagement enabled us both to deepen our understanding of the sector and to feed our expertise into relevant discussions and developments. We contributed to various sector groups. In 2017 we were members of the UK Standing Committee for Quality Assessment (UKSCQA), the Policy Delivery Working Group and the Student Engagement Partnership (TSEP) Steering Group. During the year we responded to a large number of consultations and calls for evidence such as the consultation on the regulatory framework for higher education and the consultation on monetary and financial penalties, the consultation on the Review of the UK Quality Code for Higher Education, and the Welsh White Paper on *Building a reformed PCET system*. We were asked to provide information for wider reports such as the National Audit Office's report on *The Higher Education Market* using our expertise as the sector ombudsman, and we provided written evidence to the Education Committee's inquiry into value for money in higher education.

We believe that independent complaints handling arrangements also play an important role in broader quality assurance. Complaints can, in some cases, suggest an underlying issue at the provider. Through our work we may gather information which identifies themes and concerns about quality and standards across all or parts of the higher education sector and this is reflected in our information-sharing arrangements with regulators across the sector. These arrangements also allow us to be informed about systemic issues which may lead to complaints from a large number of students and ensure we are joined up in our approach with key bodies.

In some cases, it is appropriate for the basis of our relationship to be set out in a formal agreement, and we have memoranda of understanding with a number of organisations. In other cases, a less formal working relationship based on mutual understanding is more appropriate.

We also actively contributed to the ombuds sector during the year. We are members of the Ombudsman Association (OA) and regularly participated in their special interest groups, as well as speaking at their Conference. We also contributed to the European Network of Ombudsmen in Higher Education (ENOHE), and in June we gave a number of presentations at their conference in Strasbourg.



# Sharing learning from complaints

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## New sections of the Good Practice Framework

In March 2017, we published a new section of the Good Practice Framework: Handling complaints and academic appeals - [Delivering learning opportunities with others](#). We prepared the section in consultation with the Good Practice Framework Steering Group. It followed extensive discussions with providers and sector bodies involved in delivering higher education, making awards, and monitoring quality, in the context of diverse and sometimes complex collaborative arrangements. We revised the draft section following public consultation in December 2016.

The section outlines good practice guidance for providers handling complaints and academic appeals from students who are studying on courses that are provided through a collaborative arrangement involving more than one provider or awarding organisation.

In October, we published another section, [Supporting disabled students](#), which we prepared in consultation with the Steering Group and our Disability Experts Panel. A draft was published for consultation in March 2017 and submissions were received from providers, student representative bodies, other higher education bodies, stakeholders, and interest groups.

In drafting the guidance, we drew on our broad experience of handling complaints, and benefited from additional input from the wide range of consultees. The section includes guidance on how providers can remove obstacles to learning, and on supporting students before and during their studies, as well as on what to do when things go wrong. Its scope is therefore wider than previous sections of the Good Practice Framework, which have focused on handling complaints and academic appeals.

The guidance in the two new sections will inform the way that the OIA considers complaints from the 2018/19 academic year.



"I have now closed the case file, and would like to thank you and the OIA for your support in bringing this matter to a satisfactory conclusion."



## Spotlight on Outreach and Sharing Good Practice

In 2017, we created our Outreach & Insight Team. This innovation has enabled us to greatly enhance our outreach activities, giving many more providers and student advisers and representatives the opportunity to talk to or meet our staff. The team is dedicated to the development of our outreach programme and the work we do to promote good practice in complaints and appeals handling.

Our [webinars](#), [workshops](#) and [visits](#) are all free to our member providers and student representative bodies. We use video conferencing and webinar technology to make it easier for people to join the sessions. We use valuable feedback from participants to inform the topics of future outreach. We encourage providers and student advisers and representatives to tell us what they would find useful in a visit from us. We also tailor our outreach so that we can share good practice in ways that different groups find useful.

### Webinars

We ran a total of 96 webinars in 2017. Over 1,000 student advisers/representatives and staff from providers participated in one or more of these webinars, from more than 200 different organisations. Sharing good practice in this way has enabled us to reach out in particular to our members that joined the Scheme as a result of the Consumer Rights Act in 2015. People from the full range of our membership joined our webinars, including further education colleges, alternative providers, School-Centred Initial Teacher Training (SCITTs) and providers whose only HE provision is franchised from another provider.

We ran a programme of 11 webinar topics, introducing three new topics:

- **Issuing Completion of Procedures Letters when delivering learning opportunities with others** - summarises our guidance on issuing Completion of Procedures Letters within the context of delivering learning opportunities with other higher education providers in England, Wales and other jurisdictions.
- **The OIA Rules and Eligibility Decisions** - explores the Rules of our Scheme and how they relate to eligibility decisions made during our review process.
- **Research Supervision and Research Degrees** – focuses on complaints arising from postgraduate research degrees, particularly on cases involving complaints about supervision or academic appeals by postgraduate research students.

### Feedback from webinars

"I thought being able to gain a greater understanding at your place of work, and not having to have a day out of the office was really useful."

"Clear presentation of information - I particularly liked the interactivity of the polls."

"The case studies were interesting, it was well put together. Really the information provided was invaluable."

## Visits

We visited around 50 student representative bodies and providers during the year. These visits give our staff a better understanding of how complaints and appeals are handled internally across our diverse member providers, and the role that the student representative body plays in supporting students through internal procedures and those who want to bring a complaint to the OIA.

Generally, the providers we visited wanted to discuss the Good Practice Framework, and whether their procedures were in line with this guidance. Providers also wanted reassurance that their procedures were operating in a way that was consistent with the Framework. People liked the informal nature of the visits and the opportunity to ask questions about complaints handling.

In 2017, we explored using video conferencing where it was difficult to arrange face-to-face visits. These “virtual visits” were popular with those who took part: the discussions were just as engaging as if they were in person, but with no time out of the office, and no travel time or costs.

Those we talked to on our visits told us:

- Providers are receiving more complaints, appeals and extenuating circumstances claims from students with mental health difficulties. More providers are introducing Support for Study procedures as an additional way to support students.
- Student complaints and appeals are becoming more complex. Some providers are actively using informal resolution, mediation and conciliation to resolve matters more swiftly.
- Students are becoming more aware of their consumer law rights when submitting complaints.
- Some providers are developing more information and guidance on sexual harassment for staff and students.
- They have found the Good Practice Framework useful, especially the case studies.

### Visit feedback from providers and student representative bodies:

“The frank and open discussion was refreshing and very helpful.”

“Informal but structured and focused meetings with relevant colleagues.”

“Staff from the OIA came prepared and had reviewed a few of our regulations to provide us with helpful advice on how we could improve these further.”

“How approachable and knowledgeable the case workers were. They really had taken the time to get to know [the provider] and some of the issues that we may be facing.”

## Workshops

In 2017, we held 10 workshops across England (Reading, Leeds, Birmingham, London, Bristol, Manchester) and Wales (Cardiff). These were all well attended and participants had the opportunity to hear about the OIA perspective as well as to share good practice and network with each other.

### **Introduction to the OIA - Workshop for Student Representative Bodies**

This half-day workshop introduced delegates to the OIA. It explained our role and remit, the process of reviewing complaints and looked at the role student representative bodies have in supporting students who have a complaint.

Delegates overwhelmingly said that the discussion groups, each with an OIA facilitator, were the best part of the session. Delegates were able to learn from us and from each other, and we gained valuable insights from the delegates' different experiences. The delegates also fed back that the case studies were useful and made the session interactive and engaging.

"Really good initial presentation and group discussion opportunities."

"[The most useful things were] Being able to ask questions throughout the course. Finding out who we can contact at the University or at the OIA."

### **OIA Introduction to New Providers & New Members Workshops**

This workshop also helped delegates to understand who we are and how we review complaints. Case studies formed an important part of the session, as did the opportunity to network with colleagues.

Positive feedback included the following comments:

"I liked how focused the discussion sessions were. They were just the right length."

"Engaging staff. Strong delivery."

"Case studies were great. Excellent, informative session."

### **Handling Complaints – from new complaint to resolution: A Resolution, Reasoning and Remedies Workshop**

This was a full day workshop for those dealing with student complaints and appeals and for those in roles advising students. There were three sessions: early resolution/settlement; decision reasoning; and remedies and redress. The workshop gave participants the opportunity to hear about and share good practice with colleagues across the sector, as well as with our staff members.

Delegates were very positive about the extensive use of case studies at these workshops and were interested to hear how other providers would approach these types of cases.



"Exploring case studies with members of other institutions and structure of the day worked very well."

"I found the day very useful on a practical level and have taken some pointers which will improve our practices."

"Case studies very good, overviews/ structure of presentations excellent. Excellent knowledge of OIA staff."

We are particularly pleased that student representative bodies have found our good guidance and events helpful.

"[the Workshop] enabled me to put a framework into what I already knew so it enables me to think more logically about how to approach issues and support students make complaints more effectively."

"I've gained a better understanding of what the OIA does, what providers could do and what student reps should do."





# Judicial Review

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In 2017 we received 11 new judicial review claims, three fewer than in 2016. The Court refused the students permission to proceed with their claim in all but one of those cases.

In February, Mr Justice (now Lord Justice) Hickinbottom gave a judgment that explored the role of the OIA, as an Alternative Dispute Resolution body. The judgment set out guidance for students and providers where the student wishes to bring a complaint to the OIA, without losing their right to bring legal proceedings against the provider. The judge concluded that the OIA has a different function to the Court. The Judge said:

“Where there is an available ADR procedure - especially when it is provided by Parliament - the interests of the public body and citizen in having a more attractive procedure and, very importantly, the public interest in resolving claims outside the court system where possible, will be of such weight that the balance of interests will be in favour of giving a proper opportunity for the dispute to be resolved, in whole or in part, by the alternative procedure.”

In two of the cases Mr Justice Hickinbottom was considering, the medical schools were granted permission to appeal. The OIA will attend the hearing as an “interested party”.

In March, the Honourable Mr Justice Singh gave [judgment in the case of Ms AC](#). Ms AC successfully challenged the OIA’s decision that her complaint was not eligible for review under our Rules.

Ms AC was a medical student at the University of Leicester. She had to withdraw from the course in 2012 because of very difficult personal circumstances that resulted in ill-health. She applied to the University to restart the course as a first year and the University refused her application. Ms AC complained to the OIA in 2016 about the decision not to re-admit her. We decided the complaint was Not Eligible because it related to an admission decision.

Ms AC’s argument turned on whether she was bringing her complaint “as a student or former student” of the University of Leicester. The judge overturned the OIA’s decision not to consider Ms AC’s complaint. He concluded that there was “sufficient nexus” between her complaint and her identity as a former student. She was prevented from resuming her studies as a medical student only because the University’s regulations prevented former students from reapplying; and she claimed that the personal circumstances, which led to her withdrawing, were so serious that it was unreasonable and discriminatory for the University not to consider her application to resume her studies.

The University subsequently agreed to consider Ms AC’s application through UCAS.

In November the Court of Appeal heard a claim brought by a former medical student who sought to challenge the OIA’s decision on his complaint about the outcome of fitness to practise proceedings against him. [Judgment was delivered in January 2018](#).

The student posted a meme on another student's Facebook page of a picture accompanied by the words "I will look for you, I will find you. And I will kill you", referencing the film "Taken". At the same time, he sent a threatening and obscene Facebook message to the other student. The University of Leicester terminated the student's registration following fitness to practise proceedings. He appealed to the University and the University's Appeal Panel concluded that his actions were "conduct of a type which should inexorably lead to a finding of unfitness to practise".

The student complained to the OIA. We concluded that the student's complaint was Not Justified:

"It was the professional judgment of the University, made after weighing up all the evidence available to it at the time, that [the student's] actions were so serious that he was no longer fit to practise as a doctor, and that his registration should be terminated. In the absence of procedural irregularity, bias or unfairness, that is a judgment with which the OIA will not interfere."

The student brought a judicial review claim against the OIA's decision, which was rejected following a hearing in November 2015. The student was given permission to appeal. The Court of Appeal reached the same conclusions as the OIA regarding the University's decision to reject this student's fitness to practise appeal. Giving judgment on behalf of the Court of Appeal, Lord Justice Gross commented that the University's Appeal Panel gave "adequate reasons". He said, "While an appeal panel cannot and should not cut corners, it is to be underlined that a box ticking approach is not required."

In relation to the OIA, Lord Justice Gross commented:

"It will be appropriate for the OIA to give great weight to the decision of a university panel involving an assessment based on professional judgment but it should not treat such a decision as completely beyond its power of review."

The comments support the approach we take to cases involving professional judgment: we give great weight to the expertise of professionals but always consider whether the higher education provider has followed its procedures and whether it has acted reasonably.

Other judicial review claims in which the student was refused permission included:

- A student who complained to us about her provider's decision that she had failed her Legal Practice Course because of unsatisfactory attendance. The judge commented: "The Defendant [OIA] has a broad discretion and this court is slow to interfere in the exercise of its judgment. ...In the present case, the reasons given by the Defendant for its decision are clear and compelling."
- A student who complained to us about the outcome of his academic appeal. The student's appeal was on the basis that he had mitigating circumstances that he had not disclosed at the time of his examination. He had not explained why he was not able to do so. The Judge commented: "There is a high threshold that has to be reached before a decision of the Second Defendant [OIA] can be impugned ... In this case, the Claimant fails by a substantial margin to reach that threshold as the Second Defendant reviewed the Claimant's complaint carefully before reaching a reasoned conclusion which it was entitled to reach ..."

# Improving what we do

## Advisory Panels

### The Higher Education Advisory Panel

During the year we referred several issues to our Higher Education Advisory Panel (HEAP), which continues to provide expert opinion on practice in higher education providers. We discussed with the Panel: tuition fee refund policies, the possible outcomes of PhD examinations, and accommodation managed by a contracted partner, as well as good practice and responsibilities relating to student placements, and innovative approaches to communication with students.

The Panel includes a balance of administrators and academics from providers, and student advisers. It continues to reflect the increasing diversity of our Scheme membership and maintains a good geographical spread across England and Wales. In 2017, we recruited two new members to the Panel.

The Panel is a valuable resource for us. David, one of our case-handlers says:

“Following the referral I made to the Panel, I promptly received responses from six different providers. Attending the Panel meeting was also extremely useful and it was valuable to get a sense of actual sector practice on an issue. While the answers the Panel provided didn’t change my decision on the Complaint Outcome, they gave me, as a case-handler, greater confidence to state that the provider’s approach wasn’t reasonable in the circumstances. The email responses meant that a response could be timely, while still having the opportunity to discuss the issue in more detail at the meeting.”

### HEAP members during 2017

- **Sarah Clark**, Associate Pro Vice-Chancellor (Corporate and Quality), University of Wales Trinity Saint David (Chair)
- **Gregory Allen**, Head of Quality and Governance, GSM London
- **Mandi Barron**, Head of Student Services, Bournemouth University (joined November 2017)
- **Sam Dale**, Deputy Academic Registrar, Durham University (term ended April 2017)
- **Jonathan Hall**, Higher Education Deputy Manager, Recruitment, Admissions and Engagement, South Devon College
- **Jawanza Ipyana**, Student Support, University of Cumbria Students’ Union
- **Madeleine King**, Research and International Officer, Mixed Economy Group
- **John Peck**, Academic Registrar, London School of Hygiene and Tropical Medicine (term ended April 2017)
- **Sarah Wilmer**, Student Adviser, Leeds Beckett Students’ Union (joined November 2017)
- **Tim Woods**, Professor in English & American Studies, Aberystwyth University

Our Panel members with a students' union background provide us with valuable insight on the student's perspective. We spoke to Panel member, Jawanza Ipyana from Student Support at University of Cumbria's Students' Union, in more depth to ask him how he finds working with us on HEAP, how he has been able to share a student perspective with us, and if there are ways in which we could engage more with students and what types of issues currently facing students we should be thinking about.

In summary, Jawanza says:

"It is illuminating to see the process from a different angle and as part of the Higher Education Advisory Panel you see the breadth of approaches across the sector. For me, as an SU adviser, who meets with hundreds of students each year, I can see not only the broad picture but also the impact of the issues on a human level. I think that SU advisers can bring this unique contribution, a multi-layered perspective, to the Panel.

As well as discussing some of the wider cultural issues which are prevalent not just in the HE sector but in wider society, some of the most interesting discussions for me have been around issues relating to Disability Support Allowance (DSA). This has been a theme in the students' movement for a few years and it is interesting to see how it is translating into issues for students.

I think the OIA's message to students needs to be simple, concise and consistent. Ideally, we want students to resolve any issues internally, however, if they have exhausted internal procedures and the issue remains unresolved, they should contact the OIA.

As students increasingly see themselves as consumers, providers are having to deal with how students perceive areas such as course quality through that lens and I think this will filter through increasingly to the complaints the OIA sees in the future."

## The Disability Experts Panel

During 2017, we continued to receive advice from the Disability Experts Panel (DEP), which gives our staff access to experts on a broad range of disability issues.

The Panel comprises a number of disability practitioners and experts in disability matters and meets every six months to discuss current issues as well as case studies referred for discussion by our case-handlers.

Alexis, an OIA case-handler, says:

"The meeting I attended prompted many interesting conclusions around the subjects raised and also gave me ideas and options that we had not considered in our own internal discussions. DEP is an excellent resource for case-handling staff to help us untangle some of our tricky cases involving disability issues. I think one of the benefits of referring cases to the Panel is that it allows us to make more confident decisions and perhaps consider a wider range of remedies where appropriate."

During the year, the Panel also provided very helpful input during the drafting of the [Supporting disabled students](#) section of the Good Practice Framework.

## DEP members during 2017

- **Hannah Abrahams**, Secretary and Mental Health Advisor and Mentor, University Mental Health Advisors Network (UMHAN) and City, University of London
- **Claire Burton**, Student Support Services Manager, Central England
- **Antony Chuter**, Chair, Pain UK
- **Stephen Heath**, Lawyer, Mind
- **Sue Keil**, National Research Officer (Education, Transition and Employment)
- **Martin McLean**, Education and Training Policy Advisor (Post-14), National Deaf Children's Society
- **Lynn Wilson**, Operations Manager, National Association of Disability Practitioners (NADP)

## Listening to students

Students have always been at the heart of what we do. We recognise how important it is that as an organisation we are student-focused and accessible, while maintaining our impartiality in case-handling.

In 2017, we have been developing our student focus in various ways. Our case-handling colleagues have a vital role in this through their day-to-day interactions with students. We now routinely offer an initial telephone call to students at an early stage of their complaint to us to discuss our process with them.

"I can think of one student in particular, who was suffering with anxiety issues, and she really appreciated that someone was willing to take the time to talk to her. Even though we only initially discussed what would happen next, this gave her an understanding of what to expect from our review. I felt that this gave her some reassurance, whilst she was waiting for the outcome, that we were taking her complaint seriously."

**(OIA case-handler)**





In 2017, one of our adjudicators took on the role of Student Liaison Officer to help us to enhance our engagement with students and student groups and give us a better understanding of their perspectives and promote understanding of our work.

“As Student Liaison Officer, an immediate priority this year has been to explore how we can engage and connect better with students and their representative bodies. I believe that listening to students who have used the Scheme, as well as those who haven’t, will improve our service and how we communicate. Engaging with students’ unions, associations and guilds for me is also vital. Representative bodies work directly with their student members and have a broad depth of experience and understanding of students and student issues. We’ve set in motion several projects to help us improve awareness of the Scheme amongst students, including working collaboratively with student representative bodies, and we’re excited about where this work will take us.

We also hosted a small group of students to get feedback on our website. This session was really valuable and inspired us to plan what is now to be a series of Student Group Discussions, the first of which took place in April 2018. We’ll hold more Student Group Discussions throughout the year and aim to explore other ways of engaging with students to develop our understanding of their perceptions of various aspects of our work.”

**(Barry McHale, OIA Student Liaison Officer)**

## Learning from complaints about the OIA’s service

The OIA received 52 service complaints in 2017 (49 in 2016). The majority of these raised issues about the merits of the student’s complaint against their provider. We value what we learn from service complaints, and feed it into the development of a range of aspects of what we do. For example, feedback about the tone and style of our correspondence has informed the changes we are making in that area, and our move to a simpler style of writing and less formal tone.

## Annual Statements

In May 2017, we published the Annual Statements (formerly known as Annual Letters) for 2016. The statements set out information about each member provider’s record in handling complaints and appeals for the preceding calendar year. We updated the format and content of the published information in response to feedback from providers, to make the information more accessible. For the first time we published the information in an online format.

In 2017 the statements provided some additional information relating to providers’ engagement with us during 2016, including response times to information requests, compliance with our Recommendations, and the number of cases resolved through settlement.

Following publication, we have continued to engage with providers on the format and accessibility of the Annual Statements and we will continue to develop them in future years.

## MyOIA

In November 2017, we launched MyOIA, a new secure online portal for providers and students (and their representatives) who have made a complaint to us. MyOIA replaced the online complaints tracker and provides an easy and intuitive way for students to submit a complaint to us and for both students and providers to track the progress of their cases.





The new portal allows students, providers and representatives to create their own account, using a unique password, and to update their own contact details without the need to contact us. It has an enhanced search functionality that gives providers a better overview of their cases and makes it easier and quicker to track individual complaints.

When developing MyOIA, we streamlined our Complaint Form, to explain our process more clearly and to make the form more user-friendly for students. The changes we made also increased the efficiency of our internal administrative processes. We are continuing to develop the functionality of the portal to improve the user experience for students and providers.


## Data Protection

It is important that students and providers have confidence that we will treat the information that they give us appropriately, and we take this very seriously. In 2017 we changed our Complaint Form and our Data Protection policy to explain more about what we do with information we hold. This is part of the wider preparations we have undertaken to make sure that we will be compliant with the changes to Data Protection legislation which take effect in May 2018.

During the year, our staff again took part in mandatory training about data protection. We also undertook a project to make sure that all of our staff are storing information in the right places, and deleting it when it is no longer necessary. We continue to look for ways to reduce the risk of mistakes, and to make sure that we learn from any that do happen. For example, we introduced an automated check of our case-handling system that runs every five minutes to ensure that the right contact details for each provider are logged on each case. This minimises the risk that information is sent to the wrong provider.



"Many thanks again for taking the time to review my case. I understand this was a complex matter and you have gone into great detail to make sure that a comprehensive review was conducted. I would certainly recommend the OIA to all students as I find your process and handling of complaints issues extremely easy and efficient..."



# Our People

We are fortunate to have an excellent, committed team who all play their part in enabling us to fulfil our role to the benefit of students and the higher education sector more widely.

Our values underpin everything we do. During the year we worked with colleagues to explore how we live our values and reflect them in our work.

We also ran our third Employee Engagement survey. Once again this showed an extremely high level of engagement by our team. The work relating to values and suggestions arising from the survey dovetailed well as we considered future challenges and opportunities for the organisation.

Our people are keen to work in a highly collaborative way to deliver the best possible service. This year we have placed renewed emphasis on cross organisational working; trying to ensure that our structures and approach support this.

Within this framework we are committed to personal development. We provided a wide range of training and development opportunities during the year to develop both skills and specialist knowledge. A number of staff once again attended specialist ombuds training. We ran our first 'Case-handlers Connect' event, where we invited external guest speakers from the sector to inform our case-handling work and give colleagues greater insight into the challenges faced within the sector. We continue to be successful in preparing people for advancement opportunities both internally and in the sectors in which we operate.

Some of our colleagues describe what it's like to work at the OIA:

## **Tracey (Adjudication Manager)**

I joined the OIA as an Assistant Adjudicator in 2014, having previously worked as the Head of Academic Appeals & Student Complaints at a University, and before that the Corporate Complaints Officer at a Local Authority. I became a Senior Assistant Adjudicator in 2015, and then an Adjudication Manager in 2017. Having worked in complaint resolution in two different sectors I was keen to work for a sector ombudsman. I was thrilled to be offered a position at the OIA in 2014 and have never looked back. In my current role I manage a small team of Assistant Adjudicators, with one of the main focuses of my role being quality assurance, in relation to both individual decisions and the good practice that we share across the sector. It's a pleasure to work in an organisation full of such dedicated, professional and supportive individuals.

## **Sarah (Casework Administrator)**

I joined the OIA having had a few years of experience working in mental health. I enjoyed developing therapeutic relationships with patients, working collaboratively with them to help them problem solve and come up with solutions. I was drawn to the role at the OIA as I wanted to learn more about the higher education sector. I like managing my own workload and speaking to students and providers. I enjoy working for the OIA as the work is varied and my team are very friendly and supportive.

### **Katherine (Data Analyst)**

I came to the OIA last year having worked as a data analyst in the distribution sector. The work I do here is very different to the work I was doing before, and my role has developed much more quickly with plenty of opportunity to learn new skills. The improvements we have made to the periodic information we send to providers about their cases, following the Annual Statements moving online, have been particularly interesting. This has involved working on databases and some programming and a lot of spreadsheets, which is effectively all my tasks combined. These interim statements are important in ensuring that providers are billed correctly and that our records are accurate and can be verified against providers' records.

The working environment is incredibly supportive of new ideas and different perspectives. In the year since I started, I have taken part in a number of exciting projects – including implementing MyOIA (the new complaint tracker) and leading a knowledge-booster to share some of my own expertise – with the promise of more to come.

### **Gemma (Provider Liaison & Information Coordinator)**

I joined the Outreach & Insight Team as Provider Liaison & Information Coordinator in June 2017. I was previously a case-handler at the OIA and while sharing good practice was also an important part of that job, due to the nature of the role I was probably more focused on reviewing and resolving individual complaints.

I completed the Professional Certificate in Ombudsman and Complaint Handling Practice shortly after changing roles. It really encouraged me to think more holistically about both aspects of the OIA's work – reviewing complaints and using our learning to help improve policies and practice in higher education. As part of my assignment for the course, I also looked at how our values help us to achieve that purpose and can impact on our stakeholders' experiences of the Scheme.

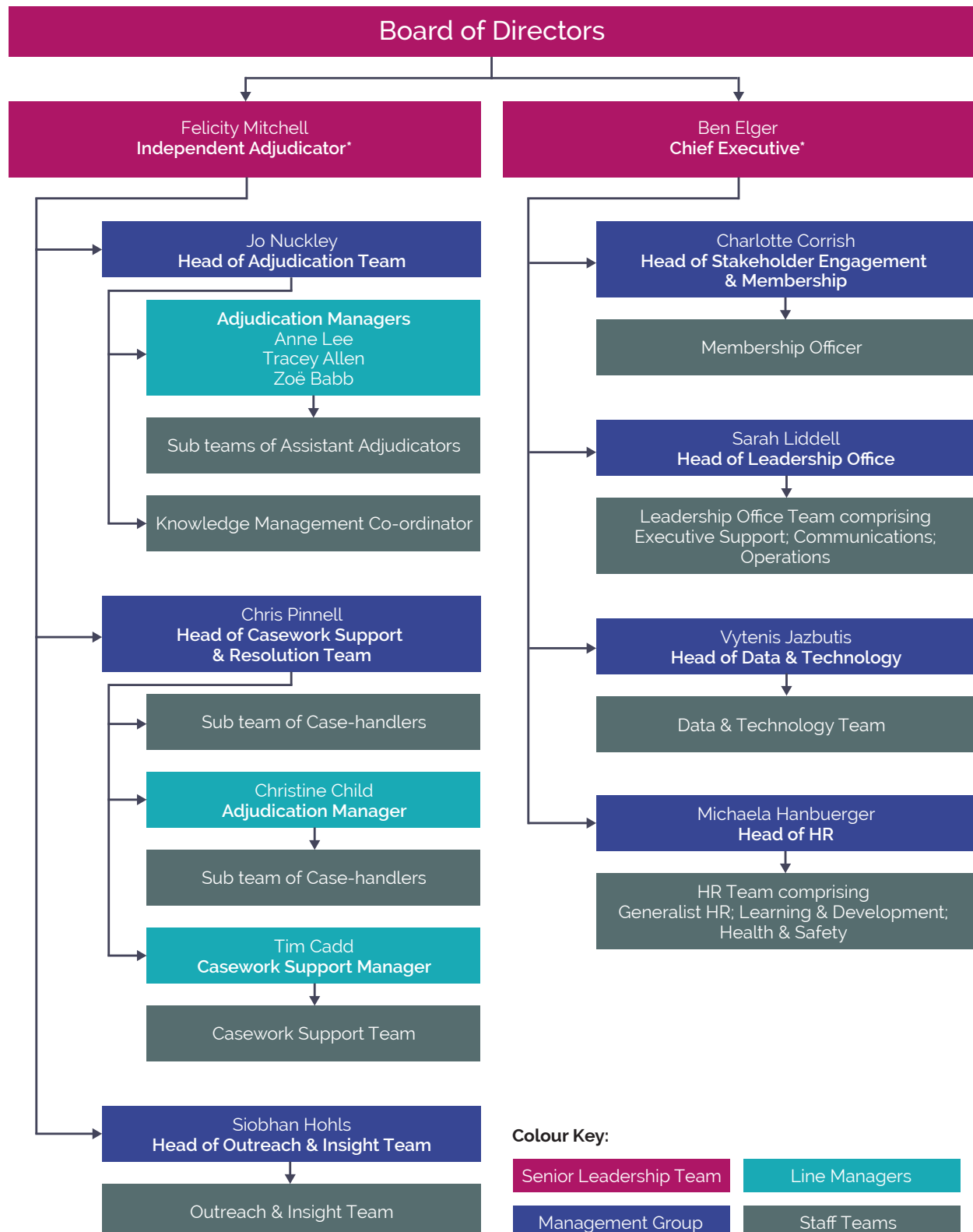
We have a diverse range of member providers and I believe it's really important that all providers have the information they need to be able to engage with our Scheme and good practice guidance in an effective way. An important part of my role is helping to make sure that information is available - whether that's via our outreach activities or dealing with queries from individual providers. Building relationships with providers in this way helps to ensure they can put that guidance into practice for the benefit of all their students. I'm always happy to talk to any providers who would like further information about our Scheme, so please do feel free to get in touch!

### **Sarah (Assistant Adjudicator)**

I have worked for the OIA for just over five years as an Assistant Adjudicator. I enjoy working for the OIA as the work is so varied and the staff so supportive. I work on a wide range of complaints and am passionate about using my skills and experience to make a positive difference in the student-provider relationship. It has also been great to be actively involved with our outreach activities. This year I have been on several visits to providers and students' unions as well as delivering a workshop and some of our webinars. This has been a great way for me to become involved in the OIA's efforts to share good practice across the HE sector and to gain a better understanding of both the student and provider perspective.

# Our organisational structure

(as at 31 December 2017)



\* These appointments were on an interim basis at 31 December 2017



# OIA Board of Trustees/ Directors

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The OIA is overseen by an independent Board of Directors.

The Board has 15 members. Nine, including the Chair, are Independent Directors appointed by fair and open competition on the basis of their skills and experience. Six are Nominated Directors from the major representative bodies in higher education in England and Wales. These bodies may also appoint Alternate Directors, to attend Board meetings if their Nominated Director is not available.

Directors are normally appointed for a term of three years and serve up to two terms. No Director can serve for longer than nine consecutive years.

Board members are independent from the Office and are not involved in the review of individual complaints.

The Board's responsibilities include:

- preserving the independence of the Scheme and of the role of Independent Adjudicator
- oversight of the performance and effectiveness of the Independent Adjudicator, the Chief Executive and the OIA Scheme
- setting the budget for the OIA and the level of subscriptions payable by providers each year
- approving the [Rules](#) and procedures for the operation of the Scheme.

"Though this wasn't the outcome I was hoping for I very much appreciate the fact that you have taken the time to consider the case and I consider the OIA a very important channel for students. I am disappointed but accept your findings and I am satisfied that you took the complaint seriously. Also thank you to my case-handler who kept me updated throughout."

# Trustees/Directors

The Trustees of the charity and Directors of the charitable company, who served throughout 2017, unless otherwise stated, were as follows:-

## Independent Trustees/Directors

### Chair

Dame Suzi Leather

### Deputy Chair

Dr Andrew Purkis OBE (Resigned 31 December 2017)

### Members

Dr Wendy Finlay (Appointed 1 April 2017)

Gillian Fleming

Peter Forbes

Carey Haslam

Andy Mack

Dr Martyn Thomas CBE (Resigned 31 December 2017)

Claire Weir (Resigned 31 March 2017)

Sophie Williams (Appointed 1 March 2017)

## Nominated and Alternate Trustees/Directors

### Nominated by the Association of Heads of University Administration

Mark Humphriss - Nominated Director

Dave Hall - Alternate Director

### Nominated by the Committee of University Chairs

Dr Simon Walford - Nominated Director

### Nominated by GuildHE

Professor Geoffrey Elliott - Nominated Director

Jon Renyard - Alternate Director

### Nominated by the National Union of Students

Sorana Vieru (Resigned 30 June 2017) - Nominated Director

Amatey Doku (Appointed 1 August 2017) - Nominated Director

Bethan Dudas (Resigned 30 June 2017) - Alternate Director

Victoria Lowry (Appointed 1 August 2017) - Alternate Director

### Nominated by Universities UK

Professor Alistair Fitt - Nominated Director

Professor Paul Layzell - Alternate Director

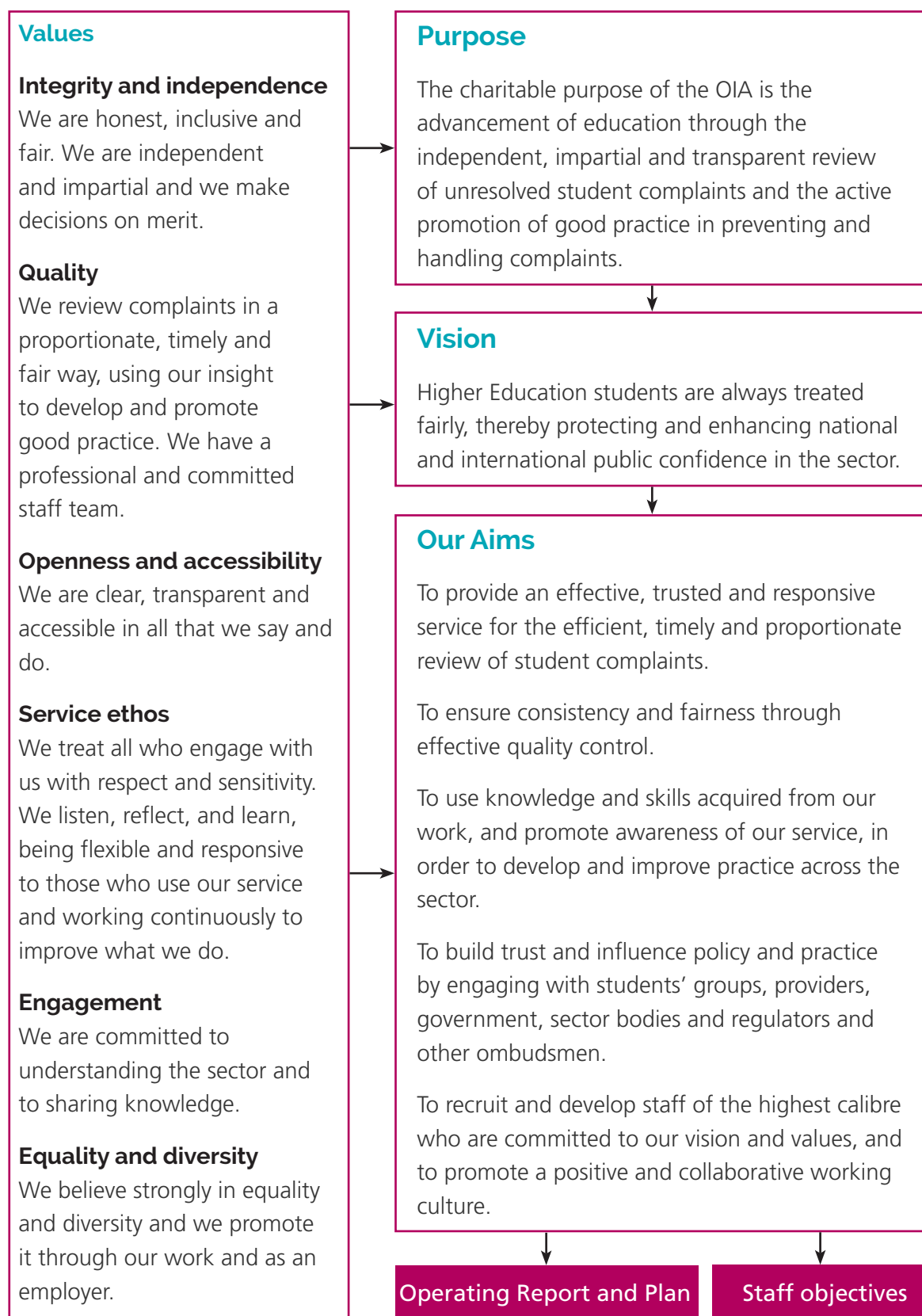
### Nominated by Universities Wales

William Callaway - Nominated Director

Richard Walters - Alternate Director

# Strategic Plan

The OIA is the Designated Operator of the Student Complaints Scheme established under the Higher Education Act 2004, and a charity registered in England and Wales.



# 2017 Operating Report and 2018 Plan

This report and plan is set out in accordance with our Aims in our Strategic Plan.

**To provide an effective, trusted and responsive service for the efficient, timely and proportionate review of student complaints**

## Timescales

We received 1635 complaints and closed 1640 complaints in 2017. We have continued to achieve excellent turnaround timescales throughout the year, consistently exceeding our KPI of closing 75 per cent of cases within six months of receipt. The average number of days to close a case has been sustained at around 100 days. At the end of the year only around five per cent of cases remained open six months after receipt. In 2018 we will maintain a keen focus on this KPI to ensure that students continue to receive a timely resolution to their complaints.

## Eligibility

In 2017 we made an average of 99 per cent of eligibility decisions (or requested further information) within 10 working days against a KPI of 90 per cent. It is important for students to know as soon as possible whether or not we can look at their complaint and we will continue to focus on meeting this KPI in 2018.

## Enquiries

The Casework Support Team has continued to respond promptly to telephone and e-mailed enquiries throughout the year, responding to 97 per cent of enquiries within two working days against a KPI of 90 per cent. In line with our aim to provide a responsive service, in 2018 we will increase our KPI for responding to enquiries within two working days from 90 to 95 per cent.

## Settlement

In 2017 we settled nine per cent of cases without the need for a full review against a KPI of 10 per cent.

During 2017 we reviewed and further developed our approach to settlement. In December we published case studies on our approach.

We believe in the value of early resolution of complaints where possible, both within higher education providers and in the OIA's own practice. In 2018 we will continue to encourage case-handlers to attempt to settle cases whenever it is appropriate to do so and we will continue to work to the current KPI.

## Feedback and user experience

In 2017 we have collected feedback from students on their experience of dealing with the OIA at the initial point of contact and at the end of the first stage of our process. In 2018 we will develop further opportunities for students to provide us with their feedback and ensure that we reflect upon and learn from what they tell us.

In 2018 we will improve our casework style and how we communicate so that those using our service have a better experience. We are introducing a simpler and more informal style in correspondence and decisions, and using more straightforward language.

At the end of 2017 we replaced our online complaints tracker with a new secure online portal, MyOIA. The portal enables students to submit their complaint online more easily and gives both students and providers better access to the information they may need to track the progress of a case. In 2018 we will continue to develop the portal as an interactive tool for those using our Scheme.

In 2017 we began work to redevelop our website. The new website will aim to provide clear, relevant information in an intuitive and accessible way to make it as easy as possible for everyone to find the information they need. It will also reflect our move to a more informal style of communication. We expect to launch the new website in the second half of 2018.

## European Directive on Alternative Dispute Resolution (EU ADR)

In 2017, the OIA continued to comply with the requirements of the ADR Directive as the designated ADR body for higher education complaints. We submitted our first biennial report and our second annual report to the Chartered Trading Standards Institute (CTSI) and these were published on our website. In 2018, we will continue to meet the standards expected of us as the ADR entity.

## Membership of and access to the OIA Scheme

The Higher Education and Research Act (HERA) which received Royal Assent in 2017 is likely to mean that, once in force, more providers will come into membership of the OIA. This is also mirrored in the requirements of the Register of providers managed by the Office for Students (OfS). We will revise our Rules to reflect changes under HERA.

We will continue to engage constructively with Welsh Government representatives to promote access to independent redress for unresolved student complaints and appeals in a reformed Post-Compulsory Education and Training sector.

We will also continue to work with other bodies considering the interface between Higher and Further Education and developing provision including higher education apprenticeships in the context of the evolving policy agenda in this area.

We will review our definition of 'higher education' course to ensure that it is consistent with definitions in the wider regulatory framework and that all students on appropriate courses have recourse to the OIA.

## Financial planning and subscriptions

The OIA continues to benefit both provider and student users of the Scheme by providing a cost-effective and efficient alternative to the courts.

Delivering value for money is important to us. Our Continuous Improvement of Process Group reviews our processes to ensure that they are working effectively and efficiently and to identify process improvements.

We have developed our approach to calculating the unit cost of cases to more accurately reflect their true cost. In 2017 this was approximately £2000.

We have revised the case element of subscription fees to increase the proportion of income derived from this element of subscriptions without disproportionately impacting on individual providers.

In recognition of both current financial constraints in the higher education sector and the need to ensure that the OIA is properly funded to fulfil its remit, the Board agreed a core subscription increase of 2.9 per cent for 2018.

Transnational education (TNE) students currently have access to the OIA but are not consistently included in the student numbers on which our subscriptions are based. In 2018 we will consider how such students might be more appropriately reflected in subscriptions calculations.

We will also continue discussions with the designated data body about the collection and consistency of student number data within the regulatory framework.

In 2018 we will review our approach to reserves to ensure that it remains appropriate in the context of the inherent uncertainties in the OIA's operating environment.

## To ensure consistency and fairness through effective quality control

### Quality control

The OIA's risk-based approach to case-handling decision making is supported by robust quality assurance measures under the oversight of the Casework Quality Group, including training, coaching and random sampling of correspondence and decisions.

In 2017 we reviewed and revised our case weighting policy. We began a review of our approach to post-decision correspondence which will be completed during 2018. We improved our mechanism for feeding back learning from service complaints to case-handling staff.

The Ombudsman Association Casework Interest Group began work in 2017 to collate information about quality assurance across different schemes. In 2018 we will use this information to review our approach against practice in the wider ombuds sector.



## Judicial review

During 2017 we amended our Guidance on Eligibility and the Rules to take account of a judicial review judgment which provided clarity on the interpretation of the phrase 'former student' in the Higher Education Act.

We will continue to use learning from Judicial Review cases (whatever the outcome) to inform our practice.

## Knowledge management

In 2017, a new Record Management Policy was rolled out across the organisation. We worked with different teams to ensure that all staff understand how they contribute to our effective use of the information we have, by recording, sharing and deleting it appropriately. We will continue to monitor the effectiveness of the Policy in 2018, and to deliver support and training to staff.

We are developing tools to ensure that knowledge gained from our external engagement activities is captured and fed back into our case-handling and outreach work.

In 2018, we will further develop our knowledge management system. We will also continue work to archive and anonymise case information into a format which enables it to be searched more effectively. These developments will support efficiency and consistency in our case-handling, and will ensure that students' personal data is protected in line with General Data Protection Regulation (GDPR).

## Advisory panels

We successfully recruited two new members to our Higher Education Advisory Panel (HEAP) in 2017 to reflect our expanded membership, whilst maintaining a careful balance both in terms of the type of provider represented and geographical spread. The Disability Experts Panel (DEP) provided invaluable input to the new Good Practice Framework section: [Supporting disabled students](#).

Both panels will continue to provide an excellent resource for case-handlers both in relation to our approach to individual complaints, and as a source of intelligence and a sounding board regarding wider issues affecting the sector.

**To use knowledge and skills acquired from our work, and promote awareness of our service, in order to develop and improve practice across the sector**

## Compliance and Recommendations

In 2017 we maintained our strong record of compliance with our Recommendations. We exceeded our KPI of 85 per cent of student-centred Recommendations implemented by the specified date. This KPI will remain in place for 2018.

During 2018 we will continue to focus on the timeliness of compliance with our Recommendations. We will continue to engage with providers to ensure that we recommend actions which are achievable, whilst providing an appropriate resolution for the student, and that we explain our approach to Recommendations and how providers can demonstrate compliance. We will also publish case studies which reflect the wide range of remedies which we have proposed, to support providers in offering tailored, flexible and proportionate solutions to the concerns raised by students.

## Good Practice Framework

During 2017 two new sections of the Good Practice Framework were published, with input from the steering group, and following consultation. In March we published: [Delivering learning opportunities with others](#); and in October we published: [Supporting disabled students](#).

During 2018 we will consult on and publish a new section on disciplinary procedures and decide, with the steering group, on next steps for the framework.

## Good practice and outreach

The creation of the Outreach & Insight Team in 2017 has enabled us to further develop our outreach activities to continue to promote good practice in complaints and appeals handling. We ran a programme of eleven webinar topics over the course of the year, introducing a number of new topics such as 'Issuing Completion of Procedures Letters when delivering learning opportunities with others' and 'Research Supervision and Research Degrees'. Participants have been from students' unions and providers across the full range of our membership. In 2017 we have also continued our visits programme and have successfully run workshops around the country for newer points of contact and member providers, student representatives and those members who have more experience of working with the OIA.

In 2018 we will maintain a high level of outreach activity focusing on developing new webinars, new content for workshops and the good practice visits. We will also evaluate the impact that our good practice work is having within the sector.

## Public interest cases and case studies

We continue to publish public interest cases, and in 2017 we added cases relating to complaints involving possible criminal proceedings; other disciplinary cases; and competence standards. We have updated the case studies on our website to include case studies relating to settlements and eligibility decisions.

During 2017 we began a review of our public interest case publication strategy and we will continue this in parallel with the review of the Scheme Rules. The revised publication strategy will be implemented in 2018.

## OIA complaints data

There is increasing demand for empirical evidence drawn from OIA complaints-handling. In 2018 we will develop how we generate, categorise, analyse and interpret data about the complaints we deal with so that we can share data and insight in an evidence-based way.

## Annual Statements

Each year, the OIA publishes Annual Statements documenting each member provider's record in handling complaints and academic appeals for the previous year. In 2017 these were produced in an online format for the first time. We will continue to reflect on feedback from users and member providers to develop their content, including with a view to incorporating more qualitative information, to ensure they are relevant and useful to all.

## Contextual data on formal student concerns

Information about the number of formal student concerns that providers receive under their internal processes has the potential to provide meaningful context for the data which the OIA already holds and to inform practice in both providers and the OIA. In October 2017 we sought initial feedback on proposals to collect data about formal student concerns within providers and expressions of interest in working with us to explore this further. We are grateful to those providers who have responded and we have established a pilot group to take this forward in 2018. Outcomes from this work will inform any proposals for developing this further.

**To build trust and influence policy and practice by engaging with students' groups, providers, government, sector bodies and regulators and other ombudsmen**

## Role of the OIA in the regulatory landscape

In 2017 we have maintained our independent but interdependent role within the regulatory landscape. We worked successfully with Government and sector organisations to help to shape aspects of the HERA which were directly relevant to the OIA's work. We have also contributed to wider discussions on the development of the regulatory and sector landscape. Following the enactment of the Bill in April 2017, we have continued to work with the Department for Education (DfE), representatives from the Office for Students (OfS), HEFCE and others in preparation for the implementation of the Act.

In 2018 we will continue to ensure that the OIA remains relevant and dynamic as the tertiary education sectors continue to evolve.

We will play our part in fulfilling the clear expectation from Government that organisations in the sector will work together and share information where appropriate to ensure a joined-up approach for providers and to protect the student interest. We will continue to develop our key relationships with other organisations and establish an appropriate relationship with the OfS, whilst always maintaining our independence. We aim to ensure that there is an appropriate process for the sharing of information relating to the OfS Register and of complaints information that may indicate a systemic concern. We continue to have regular dialogue with the Welsh Government and we will build relationships with the Tertiary Education and Research Commission in Wales once established.

## Engagement with student organisations and providers

We have maintained a high level of engagement in 2017. We have hosted over 250 delegates at OIA-run workshops across the country and case-handlers have visited around 50 student organisations and providers. These visits continue to be valuable in helping student organisations and providers to understand the OIA's work and to make effective use of our good practice guidance, as well as deepening our own knowledge of individual providers and the sector.

In 2017 we also contributed to the work of The Student Engagement Partnership (TSEP) on embedding student engagement as a key component of the emerging sector landscape.

In 2018 we will maintain a high level of engagement with a particular focus on sharing good practice. We will work to understand how we can better engage with our key stakeholders, in particular students and student representative bodies.

## Governance

We have begun a review of our governance arrangements and their effectiveness. The review will consider optimal governance structures including how best to reflect our expanded membership.

## Ombudsman Association and European Network for Ombudsmen in Higher Education

In 2017 we successfully completed the Ombudsman Association's revalidation process as a full member of the Association. We also contributed to the development of the Association's Service Standards Framework. We have actively participated in meetings and events including HR, First Contact, Casework and Legal special interest groups to share learning and good practice and we will continue to do this in 2018.

In 2017 the OIA attended and led a number of sessions at the European Network for Ombudsmen in Higher Education (ENOHE) conference 'Higher Education Ombudsmen as Beacons: Towards a Fair and Transparent European Higher Education Area' in Strasbourg. The OIA has also actively participated in the Executive and will continue to do so in 2018.

**To recruit and develop staff of the highest calibre who are committed to our vision and values, and to promote a positive and collaborative working culture**

## Succession planning

At the end of 2017 the Board began a review of the OIA's senior leadership structure to ensure that it enables strong and effective leadership of the organisation.

Two Independent Directors were appointed to the Board in Spring 2017 and a further scheduled recruitment round began in late 2017 to replace those completing their terms of office. Recruitment will have due regard to ensuring an appropriate balance of skills and experience on the Board.

## Flexible workforce

In 2017 we have continued to develop our flexible workforce approach. We draw on the skills of our staff across the organisation to ensure that case-handling and good practice are mutually informative and to enable us to effectively fulfil both aspects of our remit and to focus our resources appropriately.

## Living our values

Following the review of our Strategic Plan in 2016, in 2017 we have worked with staff to explore how we live our values and reflect them in everything we do. This has fed into work such as developing our communication style to become more open and accessible. We will continue to build on this in 2018.

## Employee engagement survey

In 2017 the Institute of Employment Studies (IES) carried out our third employee engagement survey. We are very pleased this demonstrated an outstanding level of employee engagement. Many employees took part in themed focus groups to provide deeper understanding of their experience. We are now working through a small number of areas for continued development. Some of these are explicitly linked to promoting a positive performance culture as well as embedding our values in the way we operate.

## Equality and diversity

In 2017 we conducted our second equality and diversity survey. This has shown that as an Office and Board of Directors we have become more diverse. In 2018 we will continue to work to increase our diversity and to better reflect the diverse nature of our work, users and stakeholders.

## Health and Safety

In 2017 we have continued to ensure the health and safety of our staff. In view of the nature of our work, we pay particular attention to musculoskeletal issues and to workplace stress. In 2018 we will continue to work with our staff to promote wellbeing.

## Learning and development

In 2017 we once again ran a wide range of training and learning and development activities. These included internal knowledge sharing sessions across OIA teams as well as tailored workshops that included telephone skills, project management, coaching skills and Ombudsman Association Certification in Complaints Handling. In addition we held a one day conference where several experts from the widening higher education sector shared knowledge and developments from their field of expertise. We also built on our e-learning platform to further integrate it into individual professional development.

In 2018 we will continue to embed our use of e-learning and to develop our internal knowledge-sharing sessions. We will run specialist training sessions on a range of topics of importance to our work, including unconscious bias, mental health and Plain English.



# Subscriptions

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The OIA is funded by mandatory subscriptions from providers, as provided for by the Higher Education Act 2004. Subscriptions levels are determined by the OIA Board. Our subscription model is designed to reflect the diversity of our membership and to enable us to fulfil our charitable purpose of reviewing unresolved student complaints and promoting good practice in preventing and handling complaints. It comprises a core subscription fee and a case-related element.

All providers pay a core subscription. For most providers this is based on student numbers (see [Core subscription fee rates](#) for more information).

Core subscription levels are reviewed annually, taking into account the need to ensure that the OIA is properly funded whilst being conscious of the need to manage resources effectively. In 2017, the Board agreed an increase in core subscription fee rates for 2018 of 2.9 per cent for all types of provider.

The smaller case-related element of the subscription is payable when the number of complaints (converted into points) we received from students about the provider in the previous year exceeds the points threshold for the provider's subscription band. The Board reviewed the structure of the case-related element in 2017 with a view to making further progress towards our long-term aim of deriving around 10 per cent of our income from that element. As well as maintaining the vital principle that there should be no link between the outcome of eligible cases and the amount of any fee paid, the Board took account of feedback in considering the options. The amended structure increases the number of points allocated to full reviews for cases received in 2018 but has made no change for settled or ineligible cases. The fee for each point has been reduced to make sure that the impact of this change is proportionate.

More details of our [subscriptions arrangements](#) can be found on our website.

"Deep thanks to you and your colleagues for your detailed care and attention in reviewing my complaint, communicating your decision and Complaint Outcome, and throughout the OIA process."

**CORE SUBSCRIPTION FEE RATES FOR 2017**

(to be pro-rated for providers joining the OIA Scheme part way through the year)

	Band	Core Subscription Fee (£) (HEIs and alternative providers)	Core Subscription Fee (£) (HE in FE providers)
Up to and including 200 students	AA	414.10	289.87
201 to 500 students	A	856.48	599.54
501 to 1,500 students	B	1,728.11	1,209.68
1,501 to 6,000 students	C	9,292.00	6,504.40
6,001 to 12,000 students	D	18,437.55	12,906.29
12,001 to 20,000 students	E	30,648.45	21,453.92
20,001 to 30,000 students	F	46,326.68	32,428.68
30,001 to 50,000 students	G	55,053.08	38,537.16
50,001 to 100,000 students	H	67,747.77	47,423.44
More than 100,000 students	I	104,089.59	72,862.71

**CORE SUBSCRIPTION FEE RATES FOR 2018**

(to be pro-rated for providers joining the OIA Scheme part way through the year)

	Band	Core Subscription Fee (£) (HEIs and alternative providers)	Core Subscription Fee (£) (HE in FE providers)
Up to and including 200 students	AA	426.11	298.28
201 to 500 students	A	881.32	616.92
501 to 1,500 students	B	1,778.23	1,244.76
1,501 to 6,000 students	C	9,561.47	6,693.03
6,001 to 12,000 students	D	18,972.24	13,280.57
12,001 to 20,000 students	E	31,537.26	22,076.08
20,001 to 30,000 students	F	47,670.15	33,369.11
30,001 to 50,000 students	G	56,649.62	39,654.73
50,001 to 100,000 students	H	69,712.46	48,798.72
More than 100,000 students	I	107,108.19	74,975.73

**Providers of School-Centred Initial Teacher Training (SCITTs) and Franchise-only providers****CORE SUBSCRIPTION FEE RATES FOR SCITTs AND FRANCHISE-ONLY PROVIDERS**

(to be pro-rated for providers joining the OIA Scheme part way through the year)

2017 (£)	2018 (£)
242.40	249.43

# Statement of financial activities

## For the year ended 31 December 2017

	Unrestricted funds General Reserve £	Pension Reserve £	Total 2017 £	Total 2016 £
<b>Income</b>				
<i>Income from investments</i>	9,237	-	9,237	12,200
<i>Income from charitable activities</i>				
Subscriptions	4,377,250	-	4,377,250	4,343,621
<i>Other Income</i>	635	-	635	1,974
<b>Total Income</b>	<u>4,387,123</u>	<u>-</u>	<u>4,387,123</u>	<u>4,357,795</u>
<b>Expenditure</b>				
<i>Charitable activities</i>	4,484,284	38,367	4,522,651	4,407,518
<b>Total resources expended</b>	<u>4,484,284</u>	<u>38,367</u>	<u>4,522,651</u>	<u>4,407,518</u>
<b>Net (expenditure)/income</b>	(97,161)	(38,367)	(135,528)	(49,723)
<b>Transfer between funds</b>	-	-	-	-
<b>Net movement in funds for the year</b>	<u>(97,161)</u>	<u>(38,367)</u>	<u>(135,528)</u>	<u>(49,723)</u>
Total funds at 1 January 2017	808,715	(645,068)	163,647	213,370
<b>Total funds at 31 December 2017</b>	<u><u>711,554</u></u>	<u><u>(683,435)</u></u>	<u><u>28,119</u></u>	<u><u>163,647</u></u>

The amounts derive from continuing activities. All gains and losses recognised in the year are included in the statement of financial activities.

# Balance sheet at 31 December 2017

	£	2017	£	2016	£
<b>FIXED ASSETS</b>					
Tangible assets			402,394		441,604
<b>CURRENT ASSETS</b>					
Debtors		207,928		130,584	
Cash at bank and in hand		2,790,944		2,918,630	
		<u>2,998,872</u>		<u>3,049,214</u>	
<b>CREDITORS:</b>					
Amounts falling due within one year		<u>(2,292,385)</u>		<u>(2,314,647)</u>	
<b>NET CURRENT ASSETS</b>			706,487		734,567
<b>TOTAL ASSETS LESS CURRENT LIABILITIES</b>			1,108,881		1,176,171
<b>CREDITORS:</b>					
Amounts falling due after one year			<u>(397,327)</u>		<u>(367,456)</u>
<b>NET ASSETS EXCLUDING PENSION PROVISION</b>			711,554		808,715
<b>Pension provision</b>			<u>(683,435)</u>		<u>(645,068)</u>
<b>TOTAL NET ASSETS</b>			<u><u>28,119</u></u>		<u><u>163,647</u></u>
<b>FUNDS</b>					
<b>Unrestricted funds</b>					
General reserve			711,554		808,715
Pension reserve			<u>(683,435)</u>		<u>(645,068)</u>
			<u><u>28,119</u></u>		<u><u>163,647</u></u>

These constitute summarised financial statements and do not include the financial information and disclosures required in a full set of financial statements.


The full set of audited financial statements can be found on our website at [www.oiahe.org.uk](http://www.oiahe.org.uk).



office of the  
independent  
adjudicator

'for students in higher education'

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