

# 2017 Operating Report and 2018 Plan

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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.