

# 2015 Operating Report and 2016 Plan

This report and plan is set out in accordance with the OIA organisational aims in our strategic plan.

**We provide an excellent Scheme to review student complaints based on the highest standards of adjudication and case management**

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## **Membership**

Having begun 2015 with around 150 members, this year has seen the membership of the OIA Scheme increase more than fourfold as a result of the Consumer Rights Act. This means there will be a strong focus in 2016 on continuing to induct the Alternative Providers, SCITTs and FE Colleges which are now members in respect of their HE courses through a variety of methods including our popular webinars, visits and existing networking opportunities. We also aim to capture learning from the first complaints reaching us from these providers, in particular in respect of complaints involving more than one provider where the learning will inform the development of our guidance to staff and members on this issue. We expect membership to continue to grow especially in the light of the Government's Higher Education Green Paper, and we will be working with BIS and others towards this happening in a planned and systematic way.

## **European Directive on Alternative Dispute Resolution**

Following an audit process in summer 2015 undertaken by Trading Standards Institute under the auspices of BIS, the OIA has become the designated body (ADR entity) for higher education complaints made under the ADR Directive. The OIA has made plans to comply with all requirements of the Directive and will publish the required datasets in 2016.

## **Settlements**

In 2015 we settled around nine per cent of cases without the need for a full review, narrowly missing the key performance indicator of ten per cent which remains in place. The culture of attempting settlement where appropriate is now well embedded in the organisation and with many Scheme members. In 2016, we will continue to consider whether every case that we receive is amenable to early resolution without the need for a full review. We will also publish guidance on our website explaining our approach to settlement and the benefits of early resolution.

## We recruit and develop staff of the highest calibre to ensure excellence in service delivery

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### Recruitment

In September 2015, following a comprehensive search and appointment process, Judy Clements OBE, then the Adjudicator at HM Customs and Excise, the Valuation Office Agency and the Insolvency Service, was appointed to succeed Rob Behrens CBE as Independent Adjudicator and Chief Executive from April 2016. An extensive induction and introduction process will be ongoing throughout the year. Ram Gidoomal CBE has agreed to a request from the Board to remain as Chair until Autumn 2016 to help facilitate this and provide important continuity. The process to appoint his successor will begin in Spring 2016.

A number of new staff were recruited in 2015, further strengthening the capacity of the Office and the range and depth of staff expertise. As part of this and in light of the expanded membership, we now have a small team of staff dedicated to membership support.

### Job Evaluation / Organisational Growth

In 2015 a bespoke job evaluation exercise was completed ensuring that the OIA staff grading system is robust, consistent, fair and future proof. Progression opportunities have been created in some key areas including the introduction of new senior case-handling roles. Case-handling staff appointed to these roles will have increased decision-making responsibilities and in 2016 these roles will be an important component in empowering staff to resolve complaints at the first possible level, supported by robust mechanisms to assure the quality of decisions.

### Learning and Development

In 2015 we ran an expanded staff development programme taking into account the increasing size and complexity of the organisation. A key feature of this was resilience training for all staff. We also ran training on consumer rights legislation, on settlement and mediation, and on new members joining the OIA Scheme. In 2016, the Learning and Development strategy will include: leadership / coaching training for managers, telephone training, mental health training, accredited training for IT support staff, mentoring training and continuing to support staff with the Ombudsman Association Certificate in Complaint Handling.

## We prize efficiency as a key benefit to our users: we are cost effective and time conscious

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### Timescales / Improvement of processes

During 2015, there has been a substantial improvement in the Office's performance in terms of its case turnaround times. By the end of 2015, the proportion of complaints closed within six months of receipt of the complaint form was at 59 per cent against the target of 75 per cent, and we have

continued to reduce the average number of days to close cases and the number of cases over nine months old. In 2015 we closed 2,327 cases at a unit cost of just under £1900.<sup>2</sup> The aspiration to improve turnaround times to reach the 75 per cent target remains a challenging and important one. The progress made in 2015 reflects substantial and continuous change in OIA processes driven by increasingly effective monitoring, structures and systems. In 2016 the continuing implementation of a risk-based approach to casework decision making based on an enhanced case weighting system will be a major factor in moving towards this target while continuing to maintain strong control of unit cost.

## Eligibility

In 2015, the OIA determined eligibility or requested additional information within ten days in 87 per cent of cases, representing a further improvement in performance on this key performance indicator. In 2016 we believe that improvements to our process will allow us to meet the target of 90 per cent on a consistent basis.

## Enquiries

In 2015 2,440 enquiries to the OIA were taken by telephone or email. The target set for 2015 of 90 per cent of enquiries being responded to within two working days of receipt was again exceeded. We aim to exceed this measure again in 2016, when we anticipate higher volumes of enquiries given the much expanded membership. In 2016 we will continue to enhance the knowledge and skills of staff within the Enquiries Team to further support casework and improve the quality of service for Scheme users.

## Judicial Review

The OIA benefits both provider and student users of the Scheme by providing a cost-effective alternative to the courts. The OIA will continue to learn from the helpful judgments of the courts in Judicial Review cases.

## Premises / Financial Planning

In 2015, on the expiry of a previous lease, the OIA moved to new premises within Reading, securing a ten year lease at an advantageous rate. This will provide stability and security for the organisation and assist in financial planning in a period of rapid organisational development with the expansion of membership. The Finance Committee and Board will continue to be focused on the reserves policy and maximising available resource for core business in 2016 in the context of the structural dip in core funding caused by a reduction in student numbers.

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2. [1 This excludes the pension deficit adjustment, see Statement of Financial Activities on page 43].

## We review, analyse and discuss our work to promote consistency and fairness

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### Rules

In 2015 we reviewed the OIA Rules in the context of the expanded membership of the Scheme, our designation as the ADR entity for higher education complaints, and improvements to the efficiency of our review processes. Following a consultation exercise in the spring, the revised Rules came into effect in July. Changes included the introduction of safeguards for students who complain about a provider which ceases to be a Qualifying Institution; the implementation of a 12 month deadline for bringing complaints in line with the ADR Directive; formalising the OIA's approach to evidence not available during a provider's internal processes; and the removal of the automatic right to comment on the Complaint Outcome, with provision for a review to be re-opened where there is good reason to do so. We will monitor the impact of the changes during 2016.

### Membership subscription

The subscription system was developed in 2015 to take account of new members. The new rates reflect an appreciation of the diversity of size and type of provider now in membership and also a need to be fair to all subscribers. With this in mind the case-related element has also been modified in respect of 2016 cases (impacting 2017 case fees) with a view to minimising increases in the core subscription in the medium term. There will be an initial review of the impact of these developments at the end of 2016 and we will continue to explore with sector partners the most efficient way of obtaining accurate and consistent information on student numbers for all members.

### Feedback

In 2015 we collected feedback from complainants, and in early 2016 feedback from provider Points of Contact will be sought. We are committed to providing a high level of customer service and we continue to monitor the service we provide to Scheme users, including capturing learning from service complaints, in addition to our performance monitoring. In 2016 this will be informed by the anticipated development of Service Standards by the Ombudsman Association.

### Higher Education Advisory Panel (HEAP)

During 2015 we continued to obtain expert opinion about good practice in HE operational matters from HEAP, receiving views on a range of issues such as cultural sensitivities arising from the submission of medical evidence in students' claims for mitigation, and differences in assessment practices between HE providers and professional accreditation bodies. In 2016 we will ensure that the normal recruitment round for new panel members reflects the increasing diversity of our Scheme membership.

During 2016 a second Advisory Panel will be established with expertise in disability and in supporting disabled students.

## Knowledge Management

In 2015 one of our case-handlers was seconded to co-ordinate important work on knowledge management to support the risk-based approach to case-handling. By embedding a culture of knowledge sharing, and the practice of continuous review of the availability, accuracy and utility of information, we are enabling all staff to keep up with key developments impacting on our decision making. In 2016, in addition to improving technological solutions to information management, we will review how we manage the life-cycle of the wide range of information within the organisation, and we will explore how this information can support our dissemination of good practice.

We are proactive in embedding and disseminating knowledge and skills acquired from our work within the higher education sector, helping to secure positive change

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## Good practice framework for handling complaints and academic appeals

The good practice framework came into effect at the start of the academic year 2015-16. The sector has continued to engage positively. A number of providers have reviewed their processes and regulations in light of its principles, and it has been valuable for new member providers as a reference point against which to evaluate and develop their processes. The framework informs our casework decision making and is referred to in Complaint Outcomes where appropriate.

In 2016 the framework will be reviewed in the light of our growing membership and developments in the sector. We will continue to offer webinars and workshops to support engagement with the framework.

## Publication

We have published revised versions of the OIA's guidance to students and providers to take account of the new Rules.

The publication of public interest cases, where the provider is named, is now well established. In 2015 more than 50 cases were published on themes including supervision, fitness to practise, consumer protection issues and procedural unfairness in complaints and appeals. In 2016 we will continue to publish public interest cases. Themes will include withdrawal of a student from a provider and extenuating circumstances.

To mark the tenth anniversary of the OIA, the Independent Adjudicator and the Deputy Adjudicator respectively published *Public trust and the ombudsman: The case of the OIA and The OIA and Judicial Review: Ten principles from ten years of challenges*.

## Compliance and Recommendations

In 2015 provider compliance with OIA Recommendations was slightly below the key performance indicator of 90 per cent with 87 per cent of student-centred Recommendations implemented by the specified date.

In 2016 we will review our practice in making Recommendations to ensure that we are consistent and clear in setting out what action we expect our members to undertake and what evidence we wish to see in order to record compliance. To take account of the increased and more diverse Scheme membership post-September 2015, we aim to have 85 per cent of student-centred Recommendations complied with by the specified date. We will also publish revised guidance on our approach to remedies and redress.

## Website development


In 2015 we developed our website to make it easier for both Scheme members and complainants to find the information they are looking for. Additional material was published specifically to address the information needs of new members and support them in joining the OIA Scheme.

In 2016 we will continue to improve our website to ensure that it provides accessible and up to date information for all Scheme users. We will also be trialling the secure submission of information and documentation to us from Scheme members via a website portal.

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

We remain a full member of the Ombudsman Association and actively participate in a range of special interest groups. This contributes to a joined-up approach on issues such as the EU ADR Directive and facilitates the sharing of good practice.

Good practice is also shared through the European Network for Ombudsmen in Higher Education. In 2015 we supported an international survey on the role and status of complaints handlers on campus and in 2016 we will continue to provide the secretariat.

 *Thank you for emailing me the university's response to my counter settlement, although slightly disappointed by it, I will still proceed to accept the settlement offer... Thank you, sincerely for all of your contribution to this case and hard work, it is greatly appreciated."*

## We actively manage the profile of the organisation to ensure a high level of awareness and credibility among stakeholders

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### Outreach

We ran more outreach events in 2015 than in any previous years, adding workshops on the good practice framework and a series of policy seminars to mark the OIA's tenth anniversary to the established programme of events and visits.

In 2015 we also ran successful webinars, initially for new providers but subsequently opened up to all member providers and students' unions.

In 2016 we will further develop our webinar provision as part of expanding our programme of outreach. We will continue to provide introductory workshops and other opportunities to enable complaints handlers within providers to engage with the OIA and share good practice.

### Government policy and legislation

In England the 2015 Higher Education Green Paper proposed the creation of a new regulatory framework, the opening up of the market to new providers, and the introduction of the Teaching Excellence Framework (TEF). It put back on the agenda the possibility of long-awaited legislation for the Higher Education sector and confirmed the status of the OIA as an independent ombudsman organisation. In 2016 we will work with BIS and others to try to ensure that all students in a growing sector have access to independent redress; that the OIA plays its full part in a joined-up regulatory system; and that it contributes to the debate about the TEF and factors to be considered when a provider leaves or applies to join the regulated sector.

Following the introduction of the HE (Wales) Act 2015, in 2016 we will continue to work closely with the Welsh Government to try to ensure that all higher education students in Wales have access to the OIA. We will continue our dialogue with HEFCW taking into account their new powers to promote a joined-up approach for Welsh institutions. We will monitor how any future legislation in England may impact on member providers in Wales.

### The Student Engagement Partnership (TSEP)

In 2015 we worked closely with TSEP especially with regard to student representative structures at our new members. In 2016 the TSEP pilot project working with a group of such student organisations will report on key issues and learning.