

2016 Operating Report and 2017 Plan

This report and plan is set out in accordance with the OIA's 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 1,517 complaints and closed 1,668 complaints in 2016. There has been a significant further improvement in the OIA's turnaround timescales during the year. This has been facilitated by the risk-based approach to case decision making which is now fully embedded. By July 2016, we were closing over 75 per cent of cases within six months of receipt, and we have continued to do so throughout the rest of the year, exceeding our KPI. The average number of days to close a case has fallen to below 100 days during the last quarter of 2016, and less than one per cent of cases remain open nine months after receipt at the end of the year. In 2017 we will maintain a keen focus on turnaround times to ensure that complainants receive a timely resolution to their complaints.

Eligibility

In 2016 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, and exceeded the KPI in every month. We recognise the importance to complainants of knowing promptly whether or not we can look at their complaint and we will continue to focus on this in 2017.

Enquiries

The Casework Support Team has continued to respond promptly to telephone and e-mailed enquiries throughout the year, responding to 99 per cent of enquiries within two working days against a KPI of 90 per cent. Enquiries in 2016 were around seven per cent up on 2015, reaching our highest ever level of over 2,600. This has been related in part to our expanded membership. It is anticipated that this pattern will continue into 2017 with the rise in the number of students who can bring their complaint to us.

Settlement

In 2016 we settled nine per cent of cases without the need for a full review, demonstrating a consistent commitment to the early resolution of complaints. The KPI of 10 per cent remains in place. We have taken opportunities to discuss settlement with individual providers, and we will continue to do so. In addition we have been pleased to see that providers are further developing early resolution within their own internal procedures.

In 2017 we will publish case studies on our approach to settlement. We will also undertake an analysis of our processes which support settlement, to identify factors which are most likely to lead to a successful settlement of a complaint. We continue to encourage staff where appropriate to contact complainants and providers by telephone and to explore options for early resolution.

Feedback and user experience

15 students' unions and 239 higher education providers, including some longstanding members of the OIA Scheme and some who joined more recently as a result of the Consumer Rights Act 2015, responded to a survey in early 2016 seeking views on working with the OIA. The results were helpful in identifying the main sources of information used by providers and students' unions and the guidance that is found most useful. We have also gathered feedback from our programme of informal visits to students' unions and providers. The feedback has been used to inform the further development of our outreach work and additional guidance for providers. For example, providers have indicated that they particularly value the opportunity for informal discussion with case-handling staff; we will continue to schedule opportunities to engage in this way.

In 2016 the OIA participated in meetings to help to develop the Ombudsman Association's Service Standards Framework. We will continue to contribute to this work in the coming year.

In 2017 we will collect feedback from complainants 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. We will also continue to develop our website to provide clear and accessible information and guidance for Scheme users.

European Directive on Alternative Dispute Resolution (EU ADR)

In 2016, the OIA as the designated ADR entity for higher education complaints made under the ADR Directive complied with the requirements of the Directive. Our first annual report has been submitted to the Chartered Trading Standards Institute (CTSI) and published on our website. Our first audit took place in 2016 and we successfully achieved continued approval as a consumer ADR body. In 2017, we will continue to meet the standards expected of us as the ADR entity.

Membership

In 2016 the OIA responded effectively to the significant expansion of our membership following the Consumer Rights Act in September 2015. We have received positive feedback from new members, notably at our Annual Open Meeting. By the end of 2016 the OIA had around 730 members compared with 149 at the start of 2015. New legislation introduced in the Higher Education and Research Bill will bring further providers into membership of the OIA Scheme. In 2017 we will continue to work to support developments in this area.

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.

The OIA reserves policy was reviewed in 2016, taking account of a strong cash flow position (despite the challenges of decreased income as a result of some providers moving into lower student number bands and therefore paying lower subscriptions in the last two years) and increased stability in terms of the ten year lease on our premises in Reading. In this context, and given current case receipts and closures, the Board agreed a core subscription increase of one per cent.

Following the major increase in the number and diversity of our members from September 2015, we will continue discussions with sector partners in 2017 about the collection and consistency of student number data as well as reviewing the impact of the case element of subscription fees.

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 will keep under review our case weighting policy, and the sign-off levels of case-handlers.

The transition to a single Complaint Outcome decision in 2016 does not appear to have resulted in a significant increase in post-decision correspondence. In 2017 we will carry out further research into the nature of the post-decision correspondence that we receive and feed in the learning from that research.

Judicial review

During 2016 only one claimant was granted permission to proceed with a Judicial Review claim and no substantive judgments were delivered. We will continue to disseminate learning from Judicial Review cases (whatever the outcome) through our quality control mechanisms.

Knowledge management

In 2016, the permanent post of Knowledge Management Coordinator was created. The role provides support to all staff, enabling everyone to participate in a culture of knowledge sharing. We have made good progress in establishing systems to bring together knowledge in a way that supports our core functions of resolving student complaints and disseminating good practice.

In 2017, we will embed processes to manage the whole life-cycle of information, focusing on sharing new information promptly and on ensuring currency of knowledge. We will also focus on how we can ensure that the knowledge we gain from individual complaints and from our interactions with particular providers is used to support our wider external engagement.

Advisory panels

We introduced new expertise to our Higher Education Advisory Panel (HEAP) in 2016 to reflect our expanded membership, whilst maintaining a careful balance both in terms of the type of provider represented and geographical spread. We will carry out another recruitment round in 2017 following the retirement of two current members.

During 2016 we established a Disability Experts Panel (DEP). Based on the HEAP model, its purpose is to give informal advice to the OIA on disability-related matters that arise in the course of our work. Members are drawn from British Association of Counselling and Psychotherapy, Mind, RNIB, National Deaf Children's Society, University Mental Health Advisers Network, Royal College of Ophthalmologists, National Autistic Society, and National Association of Disability Practitioners.

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 2016 we exceeded our KPI of 85 per cent of student-centred Recommendations implemented by the specified date. This KPI will remain in place for 2017.

We reviewed our practice in making Recommendations in 2016 to ensure that we are consistent and clear in setting out what action we expect providers to undertake and what evidence we wish to see in order to record compliance. As part of this review we published revised guidance on our website setting out our approach to remedies and redress which includes details of our updated approach to compensation for distress and inconvenience. In 2017, we will monitor the implementation and effectiveness of this revised guidance, and review how we follow up and record compliance with good practice Recommendations.



Good Practice Framework

We published a revised version of the **Good Practice Framework: Handling complaints and academic appeals** in December 2016. The revisions took account of feedback received, developments in the sector, the different needs of newer members, and our own experience of seeing the framework in practice during its first year of operation.

In the same month we published for consultation a draft new section: **Delivering learning opportunities with others**. This pulls together guidance we have published throughout the year in relation to collaborative arrangements, with the input of the Good Practice Framework steering group. We aim to publish the final version of the section in the spring.

In 2017 a draft third section: **Supporting disabled students** will also be published for consultation, and a section on disciplinary procedures is currently in the early stages of development for consultation and publication.

Good practice dissemination and outreach

In 2016 the OIA has undertaken a higher level of good practice dissemination and outreach work than ever before. We ran a programme of webinars on a range of topics including Fitness to Practise, plagiarism and academic misconduct, procedural fairness and Completion of Procedures (COP) Letters, with participants drawn from students' unions and providers across the full range of our membership, as well as some tailored for our newer members and those involved in collaborative provision. We also provided speakers for a number of events and conferences to share learning from our work.

In 2017 we will further develop our outreach activities to continue to promote good practice in complaints and appeals handling. In addition to our webinar programme and visits, we will continue to run regional workshops, including workshops in Reading, Cardiff and Leeds.

Public interest cases and case studies

We continue to publish public interest cases, and in 2016 we added cases relating to accommodation, financial issues, non-attendance, withdrawal for non-completion of work, extenuating circumstances and social media. Themes in 2017 will include competence standards and disciplinary cases.

During 2017 we will review our public interest case publication strategy. We will also publish up-to-date (anonymous) case studies to replace older case studies on our website (which we will archive). Case studies relating to settlements, eligibility decisions and subject areas will be rolled out during the year.



'I submitted my second complaint as per your recommendations, and was awarded the full amount I requested by the university. I have had full payment into my account, so feel satisfied at the outcome. I have also requested they look into their procedures to try and ensure no other student has the same experience as I did.'

Annual Letters

Each year, the OIA publishes Annual Letters documenting each member provider's record in handling complaints and academic appeals for the previous year. We will develop the format and content of the Annual Letters as Annual Statements in 2017 and subsequent years, to include further information and to reflect feedback received from member providers.

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

We are continuing regular dialogue with the English and Welsh Governments and with sector agencies contributing to the development of the regulatory and wider sector landscape.

In 2016 the Government's Higher Education White Paper 'Success as a Knowledge Economy: Teaching Excellence, Social Mobility & Student Choice' recognised the importance of the OIA's independence for our ombudsman role. At the same time there is a 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 protect the student interest. In 2017 we will continue work with others around, for example: the role of the OIA Good Practice Framework in the new regulatory landscape; properly contextualised use of OIA complaints data; and sharing of complaints information that may indicate a systemic concern.

A key workstream in 2017 will focus on ensuring that more students in the Higher Education sector are able to access our service if their complaint cannot be resolved locally. We will also undertake work with other agencies considering the interface between Higher and Further Education in the context of the developing policy agenda in this area and ensure that the OIA remains relevant and dynamic as the tertiary education sectors continue to evolve.

The Student Engagement Partnership (TSEP)

In 2016 the OIA worked closely with TSEP especially with respect to our expanded membership. A TSEP presentation was very well received at our Annual Open Meeting. In 2017 we will contribute to TSEP work to embed student engagement as a key component of the emerging sector landscape.

Engagement with student organisations and providers

In 2016 we visited over 100 student organisations and providers. These visits have been valuable in promoting understanding of the OIA's work and deepening our own knowledge of the sector. In 2017 we will maintain a high level of engagement with our stakeholders.

We will develop the information we include in our Annual Letters to providers to more fully reflect their engagement with the OIA.

Ombudsman Association and European Network for Ombudsmen in Higher Education

We remain a full member of the Ombudsman Association and actively participate in meetings and events including HR, First Contact, Casework and Legal special interest groups to share learning and good practice. We will continue to do this in 2017.

In 2016 the OIA facilitated the first European Network for Ombudsmen in Higher Education (ENOHE) virtual conference. This brought together delegates from 12 countries and discussed presentations on developments in Austria, Norway, Germany, Spain, the Netherlands and the UK. At the start of 2017 the secretariat of ENOHE will transfer from the OIA to the office of the ombudsperson at the University of Oslo. The OIA will continue to play an active role in the Executive.

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

2016 was a very significant year for the OIA in terms of succession planning. Judy Clements OBE succeeded Rob Behrens CBE as Independent Adjudicator and Chief Executive in April. Then in October, following another comprehensive search process in line with Nolan principles, Dame Suzi Leather succeeded Ram Gidoomal CBE as Chair of the OIA Board. A key priority in the induction periods has been dialogue with key stakeholders about the continuing development of the organisation.

In 2017 a number of new Independent Directors will be recruited to the Board to replace those completing their terms of office and this will be undertaken with due regard to the challenges and opportunities of the OIA's expanded membership.

Flexible workforce

The OIA has built a strong reputation for its work to promote good practice in relation to complaints handling over a number of years and this has been a key part of our organisational mission since 2011, following the Government's Higher Education White Paper 'Students at the heart of the system'. In 2016, we have taken significant steps towards embedding the idea of a flexible workforce with versatile teams increasingly utilising skills both in the adjudication of cases and the dissemination of learning. This has been a major factor in the considerable increase in visits and events we were able to organise. We will continue to develop the flexible workforce approach in 2017.



Employee engagement survey

We embrace the principles of employee engagement including through our Staff Liaison Committee and we work continuously to promote a positive working culture. In 2017 we will undertake our third employee engagement survey.

Diversity monitoring

We are committed to equality of opportunity and welcome diversity amongst our staff and Board to reflect the nature of independent adjudication, our users and stakeholders. In 2017 we will conduct an internal confidential survey to monitor our diversity and take appropriate steps to promote a diverse workforce.

Learning and development

We promote learning and development as part of continuous improvement. In 2016 we ran a wide-ranging development programme that included knowledge sharing and tailored workshops. We intend to build on this in 2017 to further embed ongoing learning and development in our culture. We will continue our in-house training and knowledge sharing programme, as well as maximising use of our e-learning platform. In addition, we aim to continue to broaden staff knowledge and understanding of the widening Higher Education Sector.