

# Operating Report 2018

This report is set out in accordance with our Aims in our [Strategic Plan](#).

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

### Timescales

We received 1,967 complaints, an increase of 20% compared with the previous year, and closed 1,722 complaints in 2018. We have continued to achieve excellent turnaround timescales throughout the year, exceeding our KPI of closing 75% of cases within six months of receipt despite the rise in the number of complaints coming to us. We have taken an average of 113 days to close a case. At the end of the year around 13% of cases were still open six months after receipt.

### Eligibility

It is important for students to know as soon as possible whether or not we can look at their complaint. In 2018 we made an average of 99% of eligibility decisions (or requested further information) within 10 working days against a KPI of 90%.

### Enquiries

In line with our aim to provide a responsive service, we increased our KPI for responding to enquiries within two working days from 90% to 95% for 2018. We have responded to 96% of enquiries within that timeframe.

### Settlement

We believe in resolving complaints at the earliest opportunity. We have continued through the year to encourage case-handlers to try to settle cases where appropriate. Our KPI of settling 10% of cases is intentionally stretching to support this aspiration. In 2018 we settled 9% of cases.

### Feedback and user experience

We have updated how we collect feedback from students after we have closed their case. This has improved the response rate, giving us a better picture of students' experience of bringing their complaint to us. This is helping us to improve our service by focusing on what matters to students, such as how we explain our process and our decisions.

In 2018 we held several student discussion groups for the first time. These have enabled us to have discussions with over 60 students about their experiences, concerns and views of higher education and have been valuable in helping us to understand wider student perspectives.

We have continued to work towards a simpler and more informal style of communication. Our staff have been trained in the principles of Plain English. We have introduced a simpler structure for our case decisions. We have also been making more use of the telephone, including routinely offering students a call with their case-handler so that they can ask any questions about our processes.

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The “MyOIA” portal is a convenient and secure way for students and providers to update their information and see the progress of their complaints. During the year we have improved functionality and added more guidance to the MyOIA Complaint Form.

We now only ask students to provide one document, the Completion of Procedures Letter, with their Complaint Form. This makes it easier to submit a complaint and reduces duplication of effort for both the student (or their representative) and the provider.

During the year we have been developing our new website to provide a better user experience, making it easier for people to understand what we do and find the information they need. We will launch the new website in early 2019.

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

We have continued to meet the standards expected of us as the approved ADR body for higher education complaints. We had a successful audit visit and submitted our third annual report to the Chartered Trading Standards Institute (CTSI).

### **Membership of and access to the OIA Scheme**

Following the Higher Education and Research Act (HERA) 2017, in 2018 we welcomed more higher education providers into membership of our Scheme. We revised the Rules of our Scheme with effect from 1 April 2018, reflecting changes under HERA and simplifying the language. We updated our definition of “higher education” course to be consistent with definitions in the wider regulatory framework, enabling more students to bring their complaints to us.

We have agreed initial information-sharing arrangements with the Office for Students (OfS) to try to make sure that we get timely information on matters relating to our membership.

We have continued to promote access to independent redress for unresolved student complaints and appeals as the Welsh Government reforms the post-compulsory education and training sector. We have engaged constructively with Welsh Government representatives. We have the support of the Higher Education Funding Council for Wales (HEFCW) and the National Union of Students (NUS) Wales for the proposal that our role in this sector is extended so that more students can bring their complaints to us.

We have continued to work with other bodies considering the interface between higher and further education. We submitted evidence to the Augar Review of Post-18 Education and Funding. We have regular discussions with the OfS on evolving higher education policy. We are a member of the Quality Assurance Agency (QAA) Apprenticeships Advisory Group and we have worked to promote clarity about our role in the complex environment surrounding apprenticeships.

### **Financial planning and subscriptions**

We continue to provide a cost-effective and efficient alternative to the courts, benefitting both providers and students who use our Scheme.

Delivering value for money is important to us. We continually monitor our processes to make sure they are effective and efficient and to look for ways to improve them. In 2018 the unit cost of cases was a little over £2,000.

In recognition of both current financial constraints in the higher education sector and the need to make sure we are properly funded so that we can fulfil our remit, our Board agreed a core subscription

increase of 2.0% for 2019. A small increase in the per point fee for the case-related element of subscriptions from £190 to £200 was also agreed. More information about subscriptions is on our website at <http://www.oiahe.org.uk/about-us/subscription-to-the-oia.aspx>.

Transnational education (TNE) students already have access to our Scheme, and in 2018 the Board decided that in the interests of fairness they should be taken into account in the student numbers on which our subscriptions are based. From 2019, the data in HESA Aggregate Offshore records will be included in the student numbers used for determining providers' subscription bands. We communicated this at an early stage to all providers, including writing individually to those that will be affected in 2019 by the change.

We have had discussions with HESA about the collection and consistency of student number data within the regulatory framework. We have also been monitoring the development of the OfS's funding model which may impact the data collected by HESA (as the designated data body).

In 2018 we revised our approach to reserves to make sure that it continues to be appropriate in the context of the inherent uncertainties in our operating environment.

## To ensure consistency and fairness through effective quality control

### Quality control

Our risk-based approach to case-handling decision making is supported by robust quality assurance measures overseen by the Casework Quality Group, including training, coaching and random sampling of correspondence and decisions.

We have further refined how we allocate cases so that they are reviewed by people with the most appropriate knowledge and skills for the individual case.

We reviewed our approach to correspondence with students after we have issued a decision on their case. We have begun implementing improvements to how we record such correspondence to help us to analyse and learn from it more effectively.

We ran training for all staff on unconscious bias with follow-up sessions to maintain awareness and promote understanding of how to minimise its effects in our work.

We have continued to use learning from other ombuds schemes' experiences and perspectives on quality assurance to inform our own approach.

### Judicial review

We used our learning from judicial review cases to inform the revisions to our Rules, and we continue to apply learning from judicial review cases in our case-handling.

### Knowledge management

In 2018 we continued to work on embedding our Record Management Policy across the organisation. We have upgraded our intranet, improving document management functionality. We have made good

progress with archiving and anonymising case information into a format which enables it to be searched more effectively. These developments are supporting efficiency and consistency in our case-handling.

We have developed how we capture knowledge from our external engagement activities and feed it back into our case-handling and outreach work. We analyse feedback from our engagement and use it to inform the continuous development of our outreach and other aspects of our work.

### Data protection

In 2018 we reviewed and revised procedures and documents relating to data protection to make sure that we protect personal data in line with the requirements of the General Data Protection Regulation (GDPR). We issued guidance to members of our Scheme about how GDPR affects their sharing of personal data with us. We contributed to Ombudsman Association data protection guidance.

### Advisory panels

Our Higher Education Advisory Panel (HEAP) and our Disability Experts Panel (DEP) have continued 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 on wider issues affecting the sector. In 2018 we recruited two new members to our DEP, broadening the expertise on the panel.

## 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 2018 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.

We have continued to work with providers to make sure that we recommend actions which are both achievable and an appropriate resolution for the student. We have made extensive use of case examples in our good practice work to explain our approach to Recommendations.

We have monitored compliance closely. We have worked with some providers under our non-compliance procedures to help them to meet the requirements of our Recommendations, to minimise the impact on students of any delay in complying, and to ensure learning is captured. We will be making a report in our Annual Report in line with our non-compliance procedure.

### Good Practice Framework

In 2018, working with the Good Practice Framework steering group, we consulted on and published a new section of the Framework, on [Disciplinary procedures](#). The section gives good practice guidance for providers in designing disciplinary procedures and in handling individual cases.

### Good practice and outreach

In 2018 we maintained a high level of outreach activity. We ran a successful programme of events, webinars, visits and workshops. We have developed our programme to reach a more diverse range

of the students who may complain to us and to improve their awareness and understanding of our Scheme.

We introduced two new webinars, one on the Supporting Disabled Students section of the Good Practice Framework and a more advanced (level 2) webinar on Fitness to Practise. We introduced a new workshop, Good Practice in Action. We visited a number of providers to share good practice, focusing on the guidance we provide in the Good Practice Framework, and offered follow-up discussions. We continued to monitor the impact of our good practice work.

### **Public interest cases and case studies**

We reviewed and revised our public interest case publication strategy, which we will implement in 2019. We published case studies on cases involving mental health issues and cases involving settlement.

### **OIA complaints data**

There is increasing demand for empirical evidence drawn from our casework. During the year we have reviewed and revised our case categorisation system (for implementation from 2019) to improve our ability to share data and insight in an evidence-based way.

### **Annual Statements**

We again published our [Annual Statements](#) documenting providers' records in handling complaints and academic appeals for the previous year. During the year we have continued to highlight their value as a source of information for providers and others, and to explore other elements for possible development in response to feedback.

### **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 we hold and to inform practice. We brought together a group of providers for a pilot project that ran from February to October 2018. Those that participated have shared their internal data with us and we are analysing this and considering next steps.

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

### **Role of the OIA in the regulatory landscape**

We have continued to play our full part in the evolving regulatory landscape whilst always safeguarding our independence. 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 to protect the student interest. We have had regular discussions with the DfE and the OfS and have agreed appropriate information sharing arrangements for this transitional period in the regulatory framework.

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Where appropriate we have shared concerns about possible systemic issues with other organisations in the regulatory framework. We are members of the UK Standing Committee on Quality Assessment and we have contributed to the development of the Quality Code. We have also responded to a number of relevant consultations.

We have maintained regular dialogue with the Welsh Government and HEFCW through the year.

### Engagement with student organisations and providers

In 2018 we maintained a high level of engagement with providers and student organisations. The further developments to our outreach programme have helped us to connect with providers across the full range of our membership.

In 2018 we focused particularly on engagement with students and student representative bodies. We held a number of student discussion groups. We worked with four student representative bodies to set up "Introduction to the OIA workshops" which were well attended and gave us the opportunity to talk with those who are helping students within providers. We began work to gather more contact details for student representative bodies so that we can give them information about our work. We are grateful to NUS for their continuing support for our student engagement work.

### Governance

During the year we have undertaken an externally-led review of our governance. The review first focused on assessing how well our governance meets the expectations of the Charity Governance Code, and is now moving on to consider optimal governance structures including how best to reflect the expanded membership of our Scheme in our governance.

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

We have continued to participate in Ombudsman Association meetings and events including HR, First Contact, Casework, Legal and Communications special interest groups to share learning and good practice.

We have continued to be involved in the European Network for Ombuds in Higher Education (ENOHE). Our Chair Dame Suzi Leather was elected Chair of ENOHE in June 2018. We attended and presented at this year's ENOHE conference *Higher Education Ombudsmen – Resolving Conflicts on Campus: Strategies for Enhanced Policies and Effective Operations*.

## 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

The Board reviewed our senior leadership structure to make sure that it enables strong and effective leadership of the organisation. The Board decided that the optimal structure is to have two separate but equal roles: the Independent Adjudicator and the Chief Executive. This structure operated on an interim

basis from late 2017. Felicity Mitchell and Ben Elger were formally confirmed in these respective roles in April 2018 to jointly lead the organisation.

Two Independent Directors were appointed to the Board in Spring 2018 to replace Directors who had completed their terms of office.

### **Flexible workforce**

In 2018 we have made good use of our flexible workforce approach to help us to respond effectively to the increase in the number of complaints coming to us. We have continued to draw on the skills of staff across the organisation so that our case-handling and good practice work are mutually informative and to enable us to fulfil these aspects of our remit effectively.

### **Living our values**

Our values underpin everything we do. We have continued to maintain our independence whilst engaging positively with our stakeholders. We have kept a strong focus on the quality and integrity of our case-handling. Our commitment to openness and accessibility has informed our approach to developing our website and our communication style, and we have listened to feedback to help us further develop our service.

### **Equality and diversity**

We have continued to work to increase diversity in our workforce. In 2018 we reviewed where we advertise vacancies and now include specialist recruitment platforms to reach out to a greater diversity of candidates. We have reviewed how we monitor the diversity of our Board.

### **Health and Safety**

The health and safety and wellbeing of our staff remains a priority. In 2018 we promoted awareness of mental health issues, training mental health first aiders and upgrading our externally-provided employee assistance programme.

### **Learning and development**

In 2018 we expanded our internal knowledge-sharing sessions. We ran externally-led training sessions on a range of topics of importance to our work, including unconscious bias, telephone training and management training, and a one-day event for case-handlers to learn more about issues that are relevant to our casework. We offered opportunities for some case-handlers on the Ombudsman Association Professional Certificate in Ombudsman and Complaint Handling Practice.