

Operating Report 2019



office of the
independent
adjudicator

Our charitable purpose is to advance education for public benefit through the independent review of student complaints in England and Wales and by using learning from complaints to help improve policies and practices.

[Our strategy](#) identifies four key priorities through which we fulfil our purpose.

Our Operating Report for 2019 reports progress against our Operating Plan 2019. It sets out what we have done during the year to advance each of our strategic priorities. It includes both ongoing areas of work and new initiatives.

To review student complaints independently, fairly and effectively.

We are committed to providing a trusted, accessible and responsive service for students who bring their complaints to us.

In 2019 we received 2,371 complaints, our highest ever number. This is an increase of nearly 21% compared to 2018, which itself had seen an increase of 20% from the year before. It is important to students that we provide a timely service, and this remains a key focus. We have continued to meet our timeliness key performance indicators (KPIs) despite the rise in case numbers, but there are challenges in managing such a significant and sustained increase. We have been taking steps to manage our caseload effectively. In 2019 we closed 2,185 complaints, 27% up on 2018. We took an average of 127 days to close a case, compared to 113 days in 2018.

We have continued to develop our case-handling, using risk-based and proportionate quality assurance mechanisms to evaluate the quality of our processes and the decisions we reach. We have also continued to work on improving how we communicate with people who use our service, using less formal and more straightforward language in our writing and offering more opportunities for students to speak to us over the phone.

We have continued to listen to students to better understand their needs and concerns. We have gathered more feedback than ever before from students who use our service, and used it to inform improvements to what we do. We are grateful to all those who have taken the time to give us their feedback, and to the students who participated so insightfully in our student discussion groups.

What we plan to do	What this will look like	How we did
<p>We will provide a timely service, responding promptly to enquiries, letting students know as soon as possible whether we can look at their complaint, and resolving complaints as quickly as we can.</p>	<p>We meet our KPIs for the timeliness of our case-handling process:</p> <ul style="list-style-type: none"> • Responding to 95% of enquiries within two working days • Making 90% of eligibility decisions (or requesting further information) within 10 days • Closing 75% of cases within six months of receipt. 	<p>We exceeded our KPIs for the timeliness of our case-handling process:</p> <ul style="list-style-type: none"> • We responded to 96% of enquiries within two working days • We made 99% of eligibility decisions, or requested further information, within 10 working days • We closed 77% of cases within six months of receipt.

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What we plan to do	What this will look like	How we did
We will continue to encourage case-handlers to try to settle cases whenever it is appropriate.	We try to settle cases where this would be an appropriate and realistic potential outcome, working towards our KPI of settling 10% of our cases.	We tried to settle every case where we thought that would be the best way to resolve it. We were successful in settling just under 10% of our cases.
We will continue to develop how we use the telephone in our communication with students and assess whether this improves the service we provide.	As a pilot, we offer students the opportunity to discuss their case with us by telephone to make sure we have understood their concerns before we reach our decision.	Following a successful pilot, we made changes to our case-handling process so that students are offered a phone call with their case-handler, helping to reassure them that we have understood their complaint.
We will work with higher education providers to maintain a high level of compliance with our Recommendations.	We maintain our excellent track record of compliance, and meet our KPI of compliance with 85% of student-centred Recommendations by the target date.	We maintained our strong record of compliance with our Recommendations. 94% of student-centred Recommendations were implemented by the target date.
We will launch a new system for categorising the complaints we deal with, so that we can capture and analyse information about complaint subject areas more effectively.	The new system is operational from the start of 2019 and we develop our analysis of the improved information during the year.	We launched the new system for categorising complaints. We have started to use this to do more analysis of the complaints we see. We have also made some further developments to make it easier to identify cases that may indicate wider or systemic concerns.
As the designated alternative dispute resolution (ADR) body for higher education complaints, we will continue to comply with the requirements of the ADR Directive.	We meet the standards expected of us as the ADR body.	We continued to meet the standards expected of us as the approved ADR body for higher education complaints. We submitted our annual and biennial reports in October.

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To share learning from complaints with higher education providers, student representative bodies and others, to help improve policies and practices.

We have continued to develop our successful outreach programme and our good practice work. We want our good practice work to reach everyone who can benefit from it, in ways that are helpful to them. Developments such as our enhanced webinar programme and new toolkits for providers and student representative bodies have been designed with this in mind. We have published information and guidance to share learning from complaints, including a new section of our Good Practice Framework, information relating to live issues in the sector such as complaints arising from [industrial action](#), and [summaries](#) of some of the complaints that we review.

What we plan to do	What this will look like	How we did
We will expand the reach of our outreach programme in ways that make effective use of our resource.	We maximise participation in our outreach programme through increasing the number of “virtual visits” to providers and group presentations. We respond to feedback to further develop our webinar programme.	We continued to deliver a well-attended and well-regarded programme of webinars, workshops and visits. We did six “virtual visits”, up from three last year. We developed the content of several of our webinars and introduced six new webinars. The number of people who participated in a webinar increased, with a total of 650 registrations.
We will develop how we support providers that are new to our Scheme.	We have a toolkit for providers that become members of our Scheme and we help them to understand our processes.	We listened to feedback about what resources providers would find most useful and we developed a toolkit for providers that are new to our Scheme.

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What we plan to do	What this will look like	How we did
We will continue to develop our engagement with students and student representative bodies.	We reach out to student representative bodies through improving our network of contacts and tailoring our outreach provision. We hold discussion groups with students to better understand their concerns and to inform what we do.	We have continued to build positive relationships with student representative bodies and their networks. We delivered tailored workshops for student representatives. We gathered feedback on what information student representative bodies would find helpful, and published a toolkit. We held discussion groups with students in person and online, which gave us valuable insight into some of their concerns.
In consultation with the Good Practice Framework Steering Group, we will draft a section on fitness to practise, consult on it and publish it.	We publish the new section after consultation by the end of the year.	Following consultation, the new Fitness to practise section was published in October and was well received.
We will analyse the results of the data collection pilot we have been running on the earlier stages of complaints and decide, in consultation with providers, how to take this work forward.	We evaluate the pilot project and identify next steps.	Following a successful pilot, we have designed a process for collecting contextual complaints data from providers on a voluntary basis. Collection of data about 2019 will begin in January 2020, and will be shared across the participants on an anonymised basis.
We will launch our new website, following extensive preparatory work in 2018, and will continue to develop it during the year.	We launch the new website in early 2019 and we develop it further in the light of feedback from users.	The website was launched in February and we continued to develop it during the year. The updated content and structure make it much easier for people to find the information they need. Feedback from users has been very positive. The website meets high accessibility standards and we have introduced an online BSL video interpreting service.

To work effectively with others and influence policy and practice in the wider regulatory framework for higher education and in the ombuds sector.

We are recognised for the unique role we play in the regulatory framework, and for our independence and expertise. We have consolidated and enhanced this during the year, making a positive and valued contribution while balancing our independence and our interdependence with others in the regulatory landscape. We have continued to work with governments and key organisations in the sector and beyond. We contributed to the work of the UK Standing Committee for Quality Assessment and to the further development of the Quality Code. We used our influence to help to increase focus on the student voice and experience, and brought our expertise to the debate about live and emerging issues in the sector. We continued to work to extend access to our service to as many as possible of those who could benefit from it. We have been active members of the Ombudsman Association (OA) and of the European Network for Ombuds in Higher Education (ENOHE), sharing our learning and learning from other schemes.

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We will continue to work with the Welsh government and key stakeholders in Wales towards the intended introduction of legislation to make our service available to students across the post-compulsory education and training sector.	We contribute effectively to the development of this policy in Wales, promoting understanding of considerations relating to our role.	We have continued to have discussions with the Welsh government as they have progressed work towards the legislation that they are now developing. Key stakeholders in Wales have been supportive.
We will engage with and where appropriate contribute to the various thematic inquiries and reports expected to consider current issues in higher education.	We bring our expertise to relevant inquiries and reports and we evaluate their possible implications for our work and role in the sector.	We engaged with the Equality and Human Rights Commission inquiry into racial harassment in universities and submitted a response to the government's Higher Technical Education consultation.

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We will further develop information-sharing arrangements with other organisations in the regulatory framework.	We have effective, proportionate and secure arrangements for exchanging relevant information with others in the regulatory framework, in particular relating to our membership, regulatory conditions relating to our work and to systemic issues.	We have liaised closely with OfS about its registration decisions and how they affect our membership, sharing information when relevant. We worked closely with others in the regulatory framework and other stakeholders on plans around the closure of GSM London, to try to make sure that the interests of students were protected.
We will work with the CMA and the OfS through the Consumer Benefit Forum.	We contribute effectively to the Consumer Benefit Forum, taking the lead on a joint public event to promote understanding of our respective roles.	We held meetings of the Consumer Benefit Forum during the year to discuss areas of mutual interest. The timing of the joint public event is being considered.
We will continue to work with QAA and other partners to promote clarity about our role in apprenticeships.	We work with the QAA Apprenticeships Advisory Group to contribute to guidance and publicity relevant to complaints.	We were part of the QAA Apprenticeships Advisory Group which developed the Higher Education in Apprenticeships Characteristics Statement that was published in August.
We will work with others to encourage providers and awarding bodies that are not “qualifying institutions” to join our Scheme.	We identify relevant providers and awarding bodies and encourage them to become voluntary members of the Scheme.	We continued to have discussions with relevant organisations to work towards awarding bodies joining our Scheme.
We will progress the review of our governance structure to consider how to best reflect our expanded membership in our governance.	We identify preferred options, approach and timescale.	We have taken forward a thorough review of governance arrangements, supported by an external governance adviser, with a view to finalising a new structure and starting to implement it in 2020.

To continually develop our organisation so that we can do our work well.

Our [values](#) underpin everything we do and inform our approach to our work. We have continued to encourage an engaging, supportive and high-performing organisational culture that is diverse, inclusive and promotes wellbeing. We have supported colleagues' understanding of our organisational context and direction and the part they play in it. We have kept capacity requirements across the organisation under review and built capacity where needed to enable us to fulfil the different aspects of our remit effectively. We have continued to improve our organisational infrastructure so that it supports our core functions effectively.

What we plan to do	What this will look like	How we did
We will continue to provide tailored training and learning opportunities.	We offer opportunities for people across our organisation to continually develop their professional skill sets. This includes a programme of internally led knowledge-sharing sessions, tailored workshops such as mental health delivered by Mind, and participation in external training where appropriate.	We offered a range of learning and development opportunities. We had regular internal knowledge-sharing sessions. Externally led training included mental health, effective communication, and management development.
We will further develop our knowledge management.	<p>Our system supports consistency and enables colleagues to find the information they need more quickly through an upgraded intranet and improved case-related resources.</p> <p>We work towards automation of the process of extracting, redacting and storing useful casework-related data.</p>	<p>We upgraded our intranet to a newer version of SharePoint and restructured content, making it quicker and easier to find information.</p> <p>We introduced Yammer, which has improved cross-team communication and knowledge sharing. Initial testing for automated archiving processes has been positive. Work continues to develop the extraction, redaction and storage processes.</p>

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We will continue to provide a cost-effective and efficient alternative to the courts, benefiting both providers and students who use our Scheme.	We manage our finances to enable us to advance and balance our organisational priorities and keep the unit cost of our cases stable.	We have managed our finances effectively, enabling us to resource our organisational priorities appropriately. The unit cost of cases has reduced to around £1,800.
We will continue to refine and improve our subscriptions system.	Higher Education Statistics Agency (HESA) data on Transnational Education (TNE) student numbers is reflected in our subscriptions and income derived from the case element is nearer to the planned 10% of income.	We incorporated TNE student numbers in our subscriptions. Income from the case element accounted for nearly 10% of our income.
We will continue to develop our IT systems so that they are stable, secure and function well.	We maintain a good level of stability and security through the year. We improve functionality in particular in relation to data analysis and efficiency in our case management systems.	We maintained a good level of stability through the year and put in place additional measures to enhance security. We progressed work on functionality to support data analysis and made some improvements to support our casework, for example introducing a new telephone system.