



office of the
independent
adjudicator

Operating Report for 2020

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 and work towards our vision that all students are treated fairly.

The coronavirus pandemic has brought unprecedented challenges for students and the higher education sector. Much of our focus in 2020 has inevitably been on responding to its impact. Nonetheless we have been able to deliver much of what we planned in our Operating Plan 2020, and our Operating Report reports progress against this.

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 2020 we received 2,604 complaints, our highest ever number. This is an increase of 10% compared to 2019, and follows an increase of nearly 21% 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 continued to take steps to manage our caseload effectively. In 2020 we closed 2,597 complaints, 19% up on 2019. We took an average of 121 days to close a case, compared to 127 days in 2019.

We have continued to develop our case-handling, being more flexible in our approach and using risk-based quality assurance mechanisms to evaluate the quality of our processes and the decisions we reach. We have also continued to work on improving students' experience of our service, communicating in more straightforward language and offering more frequent updates and 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 continued to gather feedback 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.

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 key performance indicators (KPIs) for the timeliness of our casehandling 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 working days • Closing 75% of cases within six months of receipt. 	<p>We met or exceeded our KPIs for the timeliness of our case-handling process:</p> <ul style="list-style-type: none"> • We responded to 99% of enquiries within two working days • We made 98% of eligibility decisions, or requested further information, within 10 working days • We closed 77% of cases within six months of receipt.

What we plan to do	What this will look like	How we did
We will use risk-based and proportionate quality assurance mechanisms to evaluate the quality of our processes and the decisions we reach, using what we learn to improve what we do.	We monitor the quality of our processes and decisions. We feed learning back into continuous development of our case-handling practice.	We monitored quality through various mechanisms, overseen by our Casework Quality Group. We used learning from quality assurance to support case-handlers' ongoing development, especially in relation to communicating with students and identifying opportunities to settle cases or share good practice.
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 a reasonable and realistic potential outcome, working towards our KPI of settling 10% of our cases.	We tried to settle cases where we thought that would be the best way to resolve the complaint. We were successful in settling 10% of cases.
We will take a more adaptable approach to our reviews and empower case-handlers to use our processes flexibly.	We handle cases in a way that is more responsive to both the needs of the individual student and the circumstances of the case.	We supported case-handlers to take a flexible and responsive approach to individual cases. We started work to develop a bespoke approach to handling complaints from large groups of students.
We will continue to develop how we communicate and share case information with students and providers.	We improve our communication with students during our review process so they have a clearer understanding of what is happening with their complaint. We explore other ways of sharing case information such as through our online portal MyOIA.	We took steps to keep students better informed about the progress of our review of their complaint. We continued to work on communicating clearly. We moved to new software to enable more secure and accessible file sharing.
We will listen to students to understand their concerns.	We continue to offer students the opportunity to discuss their complaint with us so we understand their concerns before we reach our decision. We continue to collect and consider feedback from students on their experience of our service.	We offered students the opportunity to talk to us on the phone as part of our regular process. We collected feedback from students on their experiences of our service and used the feedback to inform developments in our work.

What we plan to do	What this will look like	How we did
We will work with higher education providers to maintain a high level of compliance with our Recommendations.	We maintain our strong 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. 91% of student-centred Recommendations were implemented by the target date.
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 complete a successful Chartered Trading Standards Institute (CTSI) audit and continue to meet the standards expected of us as the ADR body.	The audit was successfully completed in January and we have continued to meet the required standards.

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

We have further developed our successful outreach programme and good practice work. We moved our outreach programme fully online in response to coronavirus restrictions and rapidly expanded our webinar programme to meet demand. We have continued to take steps to monitor the effectiveness of what we do so that we can focus our resources on what works well. We ask outreach participants for feedback and use it to inform further developments, and we ask what follow-up actions people intend to take as a result of our outreach work to help us assess its impact.

We have engaged with live issues affecting providers and students, in particular issues arising from the impact of coronavirus. We listened to people’s experiences and published more good practice guidance, drawing on our broad experience of complaints and the learning from complaints we see.

What we plan to do	What this will look like	How we did
We will continue to deliver our outreach programme in ways that make effective use of our resource.	We increase the availability of “on demand” content for providers and student representative bodies on our website. We promote these resources to providers that have not engaged with our “live” resources.	We started to develop “on demand” content such as videos and recorded webinars. Our expanded webinar programme helped us to reach out to providers that had not engaged with our outreach before.
We will continue to reach out to student representative bodies and offer tailored outreach and resources.	We add resources to the toolkit for student representative bodies. We continue to deliver outreach events focusing on the role of student representative bodies in complaints and appeals.	We continued to develop resources and delivered tailored webinars and a virtual workshop for student representative bodies.

What we plan to do	What this will look like	How we did
<p>We will improve our understanding of what students know about how they can raise concerns and their awareness of our service and their right to complain to us.</p>	<p>We look at examples of providers' published procedures to see whether students are clearly signposted to us. We analyse our own complaints data to understand more about who does and does not complain to us. We hold discussions groups with students to better understand their awareness of routes for complaining and their wider concerns. We use what we find out to inform our work in supporting good practice.</p>	<p>We reviewed a sample of providers' procedures and followed up with a small number of providers. We started to do more analysis of who does and does not complain to us. We held online discussion groups with students, including asking about awareness of routes for complaining, which gave us valuable insight into some of their concerns.</p>
<p>We will lead a conversation with student representative bodies, providers and other stakeholders about good practice in handling requests for special consideration. We will work with the Good Practice Framework Steering Group to draft a new section of the Framework, consult on it and publish it.</p>	<p>We publish the new section of the Good Practice Framework after consultation by the end of the year.</p>	<p>Following online events to hear views on the discussion paper we published, we developed and consulted on the new section (now called Requests for additional consideration) and published it in December.</p>
<p>We will collect data from providers on formal complaints, appeals and other internal processes on a voluntary basis to provide meaningful context to the complaints data we hold.</p>	<p>We collect data with a view to sharing it anonymously with providers that give us their data.</p>	<p>We invited providers in January to submit this data, but providers' capacity to engage with this has inevitably been impacted by Covid-19 and we have not progressed this further.</p>

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 our unique role, and for our independence and expertise. We continued to work with governments and key organisations in the sector and beyond to fully play our part in the regulatory framework, and contributed to the response to the impact of Covid-19.

We have used our influence to maintain focus on the student voice and experience, and brought our expertise to the debate about live and emerging policy issues in the sector. We continued to work towards extending access to our service to as many as possible of those who could benefit from it.

We continued to be 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.

What we plan to do	What this will look like	How we did
We will continue to work with the Welsh government and key stakeholders towards the development of legislation to make our service available to students across the post-compulsory education and training sector in Wales.	We work closely with the Welsh government in the drafting of relevant parts of the legislation so that the legislation will enable us to fulfil our role effectively.	We worked with the Welsh government on relevant parts of the legislation. The Tertiary Education and Research (Wales) Bill was published for consultation and includes a provision to extend our remit in Wales.
We will continue to work as an independent but interdependent part of the regulatory framework, working constructively with the Office for Students (OfS) and the Higher Education Funding Council for Wales (HEFCW).	We work with the OfS and HEFCW so that we have the information we need to administer our Scheme and we are involved in relevant discussions around their workstreams.	We continued to work with OfS and HEFCW on a range of issues and to have the information we need relating to membership of our Scheme.

What we plan to do	What this will look like	How we did
<p>We will continue to work with a range of organisations and groups across the sector and beyond.</p>	<p>We attend relevant meetings and participate in discussions relevant to our work, including with the Department for Education (DfE), National Union of Students, the UK Standing Committee for Quality Assessment, the Quality Assurance Agency, the Education and Skills Funding Agency and the Competition and Markets Authority and Consumer Benefit Forum.</p>	<p>We maintained a very high level of engagement and fed into key discussions around responding to the impact of Covid-19 and to sector debate around relevant issues.</p>
<p>We will continue to use our unique knowledge and experience as the sector ombuds service to influence relevant policy areas.</p>	<p>We respond to relevant sector consultations and developments and bring our knowledge to relevant policy areas.</p>	<p>We responded to consultations on issues such as the experiences of disabled students, racial harassment and sexual misconduct.</p>
<p>We will continue to work with other sector organisations to influence thinking and policy around market exit, building on our experience of market exit and the impact it has on students.</p>	<p>We contribute to any relevant task forces and lessons learned exercises, and continue to promote the importance of making remedies available for individual students in these circumstances.</p>	<p>We continued to advocate for remedies to be available for students in the event of market exit. We responded to OfS's consultation on its proposed student protection directions. We published reflections on the closure of GSM London.</p>
<p>We will continue to engage with new models of higher education delivery and qualifications and monitor implications for membership of our Scheme to try to make sure students in changing areas of provision can access our service.</p>	<p>We work closely with the DfE and others to assess the potential impact of changes to higher education delivery and qualifications, such as proposed changes to higher technical education, in relation to membership of our Scheme.</p>	<p>Following our response to the Reforming Higher Technical Education proposal, the government's consultation response gave a strong indication that students studying new Higher Technical Qualifications should be able to seek independent redress through our Scheme.</p>
<p>We will continue to work with others to encourage providers and awarding bodies that are not members of our Scheme as a "qualifying institution" to join our Scheme.</p>	<p>We have discussions with relevant providers and awarding bodies and encourage them to become members of the Scheme.</p>	<p>We continued to have discussions with relevant organisations to work towards awarding bodies joining our Scheme.</p>

What we plan to do	What this will look like	How we did
<p>We will complete the review of our governance structure and identify future arrangements that will enable effective governance, reflect our expanded membership and have the confidence of stakeholders.</p>	<p>We identify and start to implement new governance arrangements.</p>	<p>We were making good progress with the review but we paused it in March due to the pandemic.</p>
<p>We will learn from, contribute to, and reflect good practice in the ombuds sector.</p>	<p>As active members of the OA, we compare our practice with other organisations in the ombuds sector, identifying any improvements we can make to our own approach. We contribute our learning about complaints handling to the wider ombuds sector through OA and ENOHE events.</p>	<p>We continued to participate in OA meetings and interest groups and in ENOHE meetings to share experiences and learning.</p>

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

We have continued to reflect our values in our work and in our response to the impact of Covid-19.

We have maintained a supportive and high-performing culture, and have had a strong focus on supporting wellbeing and on diversity and inclusion. We continued to enable 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 so that we are in a position to fulfil the different aspects of our remit effectively, building capacity in our case-handling teams to help us to manage ongoing increases in our caseload.

Our organisational infrastructure has withstood the impact of the pandemic very well and has continued to support our core functions effectively.

What we plan to do	What this will look like	How we did
We will continue to promote a positive, high-performing organisational culture.	We support people to achieve their potential and have high expectations of performance. We recognise and promote awareness of the importance of wellbeing. We run our fourth employee engagement survey to understand more about people's experience of working for our organisation.	We continued to support a high-performing organisational culture while being sensitive to the impact of the pandemic. Supporting staff wellbeing through this time has been a high priority. Our fourth employee engagement survey was very positive and the feedback is informing further developments.
We will cultivate kindness in our communications with students, in our good practice work, and in our workplace.	We value and celebrate kindness. A kinder approach helps students to feel that we have listened to and understood their concerns and supports the effectiveness of our casework.	We continued work to embed kindness across our organisation, putting kindness into practice to better support students who use our service and our staff.

What we plan to do	What this will look like	How we did
<p>We will maintain a focus on diversity and inclusion.</p>	<p>We continue to reach out to underrepresented groups in our recruitment. We analyse our casework data to better understand patterns in complaints to us and use this to inform our good practice work and our own practice.</p>	<p>We continued to reach out to underrepresented groups in our recruitment and began work on new channels and approaches. We analysed our casework data with a focus on complaints from disabled students and shared further good practice from what we learnt.</p>
<p>We will continue to support our people's development and provide tailored learning opportunities.</p>	<p>We value learning and support our people to develop themselves. This includes a programme of internally led knowledge-sharing sessions, tailored workshops, management development, external training and study opportunities, and participating in the ombuds mentoring scheme.</p>	<p>We continued to offer learning and development opportunities, moving to remote sessions during the pandemic. As well as regular knowledge-sharing sessions between staff, we offered external training on topics including mental health and safeguarding awareness.</p>
<p>We will further develop our knowledge management.</p>	<p>Our practices support consistency and enable colleagues to find the information they need quickly through well-structured and comprehensive case-related resources. We continue to work towards automation of the process of extracting, redacting and storing useful casework-related data.</p>	<p>We continued to develop our case-related resources. Work to automate the extraction, redaction and storage of useful casework-related data is ongoing.</p>
<p>We will continue to provide a cost-effective and efficient alternative to the courts, benefiting both providers and students who use our Scheme.</p>	<p>We manage our finances to enable us to advance and balance our organisational priorities and keep the unit cost of our cases stable.</p>	<p>We managed our finances effectively, enabling us to resource our organisational priorities appropriately. The unit cost of cases has reduced to below £1,700.</p>

What we plan to do	What this will look like	How we did
We will continue to refine and improve our subscriptions system.	We continue to monitor developments in higher education sector data that are relevant to our subscriptions and to keep the structure and level of our subscriptions under review.	We considered subscriptions levels for 2021 very carefully, taking account of both our rising caseload and financial pressures in the sector. We moved to using HESA's "alternative provider" data as the basis for their subscription band.
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 explore potential future improvements to our IT to work towards more integrated systems that support greater efficiency.	Our IT infrastructure enabled us to move seamlessly to full remote working in response to the pandemic. We maintained a good level of stability through the year and introduced further security enhancements. We progressed work on further integrating our systems.