



office of the  
independent  
adjudicator

# Annual Report

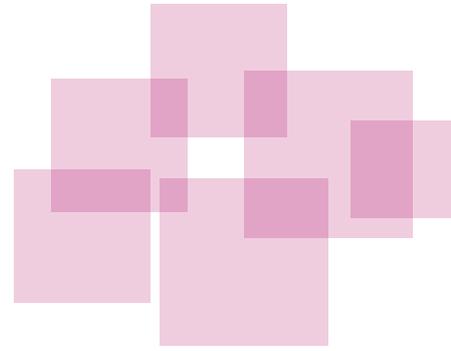
## 2020

[www.oiahe.org.uk](http://www.oiahe.org.uk)

# Contents

- 3** Foreword by the Chair
- 4** Introduction to the Annual Report for 2020
- 5** Headlines of the year
- 6** Trends in complaints
- 13** Complaints in the year of a pandemic
- 20** Putting things right
- 22** Compliance
- 23** Sharing learning
- 29** Equality, diversity and inclusion
- 32** Working with others
- 34** Improving what we do
- 38** Our people
- 41** Our organisational structure
- 42** Our Board of Trustees/Directors
- 44** Our strategy and Operating Report
- 45** Subscriptions
- 47** Statement of financial activities

# Foreword by the Chair



The coronavirus pandemic has brought huge challenges for those who study and work in higher education, while at the same time highlighting the vital contribution the sector makes to our wider society. Students and the sector have proved innovative and resilient in the face of adversity, but the impact should not be under-estimated.

We believe that a successful higher education sector that delivers for students and more widely must be guided by a shared vision of fairness for all students. This is perhaps needed now more than ever, and more difficult to achieve in practice in these challenging circumstances.

The OIA's unique and valuable role in protecting and advancing fairness for students is no less important in this context. Much of our focus in 2020 has inevitably been on responding to the impact of the pandemic. We have worked with governments, sector organisations, providers, students and their representative bodies to help the sector respond effectively. But we have also progressed many other aspects of our work across a range of issues that matter to students, and our Annual Report for 2020 reflects this.

None of our achievements this year would have been possible without the skill, dedication and resilience of everyone in our organisation in continuing to fulfil our remit despite the many challenges. I would like to thank our excellent staff, my colleagues on the Board and particularly Chief Executive Ben Elger and Independent Adjudicator Felicity Mitchell who, together, so ably lead the organisation.



**Dame Suzi Leather**

Chair of the Board

# Introduction to the Annual Report for 2020

2020 has been a uniquely challenging year. From the start of the pandemic we sought to do as much as we could to help students and the higher education sector to navigate the challenges. We published information and guidance, took a flexible approach to our casework processes, reached out to students and their representative bodies and to providers, and worked extensively with governments, sector and student organisations and other relevant bodies to contribute to the response to the pandemic.

The profound impact of coronavirus has raised difficult questions around what fairness for students looks like in this context. Many students have experienced huge disruption to their lives as well as to their studies. Providers have worked very hard to deliver learning and support students in extremely difficult circumstances, but it is still the case that most students have not had the experience of higher education that they would reasonably expect in more normal circumstances. As a complaints-handling organisation, we have been able to look at what is fair for the students who have complained to us, to share learning from those complaints and to contribute to wider responses, and our Report sets out how we did this in 2020. But our statutory remit is to review student complaints and our role does not extend to making wider recommendations on issues such as tuition fee refunds for every student, outside of complaints processes.

Despite the challenging year we progressed our strategic priorities and delivered against our Operating Plan for 2020. We exceeded our key performance indicators for the timeliness of our processes in the context of ongoing increases in the number of complaints coming to us. We expanded our virtual outreach programme, enabling us to continue to share learning from complaints with the sector and to engage positively with students, their representative bodies and higher education providers. And we played our part effectively in the wider regulatory framework, using our influence to maintain focus on students' concerns.

We would like to thank our staff for their outstanding commitment to our work over the year despite the personal challenges many have faced, and our Board for their continued support and wise counsel.



**Felicity Mitchell**  
Independent Adjudicator



**Ben Elger**  
Chief Executive



office of the independent adjudicator

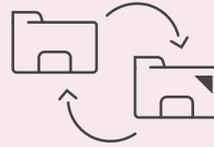
# Headlines of the year



## Complaints



**2,604**  
complaints received



**2,597**  
complaints closed



**Met all KPIs** that relate to the timeliness of our process

## Sharing learning



**Published** extensive information and guidance relating to the impact of the pandemic



**Published** Good Practice Framework: Requests for additional consideration section



Ran a programme of 51 webinars and online discussions, with a total of **1,850 attendees**

## Working with others



**Worked closely** with governments, sector bodies, NUS and other relevant organisations to contribute to the response to the pandemic



**Promoted understanding** of our remit to bring greater clarity, especially for students, about how we can help

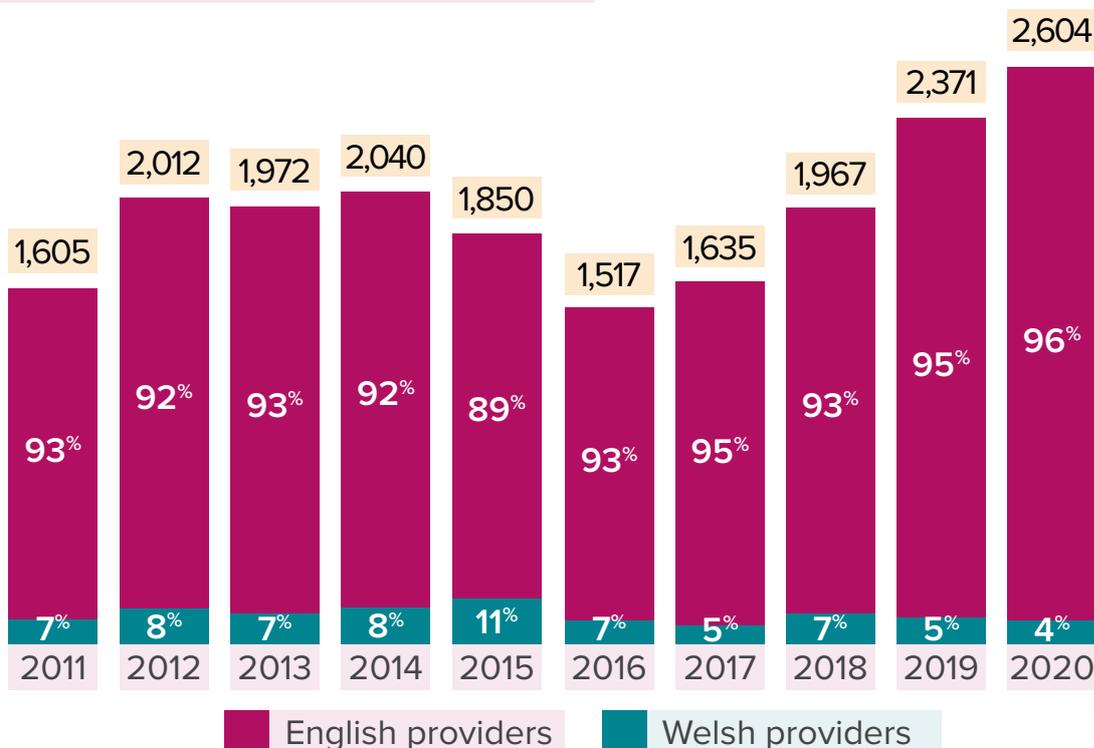
# Trends in complaints

We include in this section some information about patterns and trends in the complaints we see. We are always cautious in interpreting this, because the number of students who complain to us is still very small in relation to the student body as a whole and many factors can influence a student's decision to pursue a complaint. Similarly, trying to draw wider conclusions about the sector from our data should also be approached with caution. Nonetheless, the complaints we see reflect issues that matter to students and show that some students are proportionately much more likely to complain to us than others.

## Complaints received

In 2020 we received 2,604 complaints, an increase of 10% on 2019 (2,371). This is the highest number of complaints we have received in a year. It continues the trend of annual increases over the last few years, although this year's increase was smaller. Overall the number of complaints to us rose by more than 70% between 2016 and 2020.

**Chart 1:** Number of complaints received per year



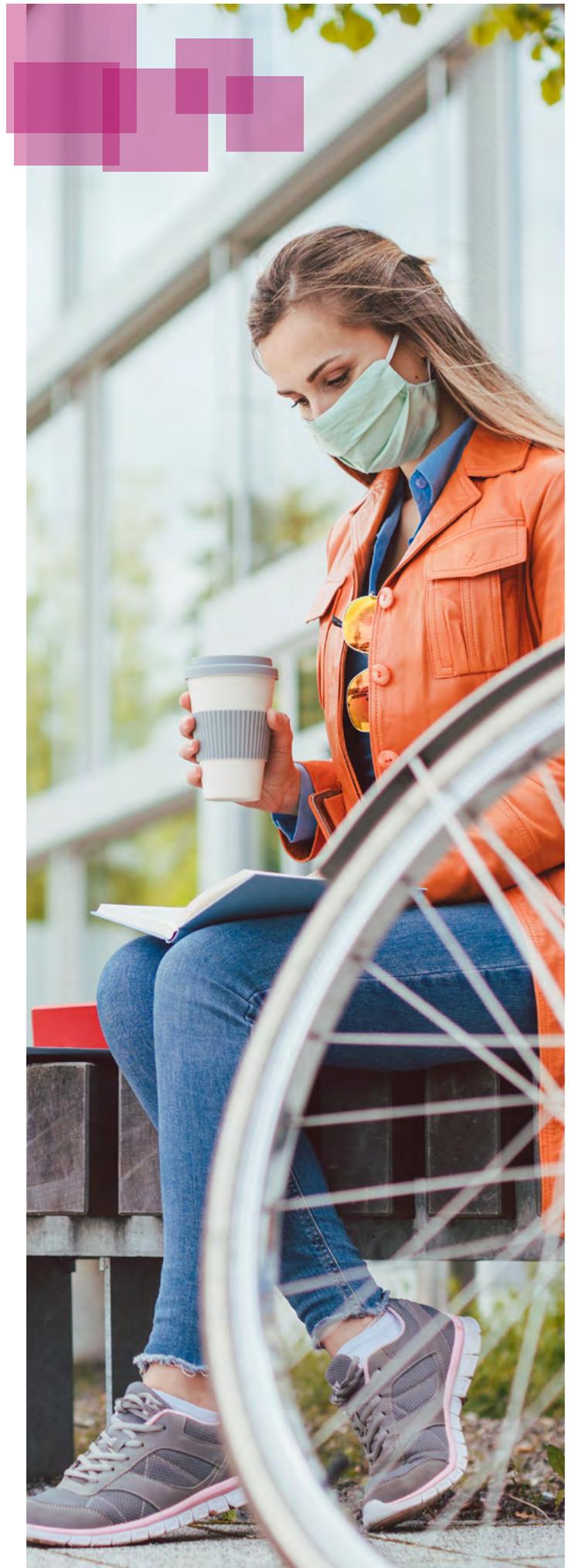
## Observations

The patterns in complaints to us in 2020 are quite complex. For some aspects, there has been little difference when compared to recent years. In others, pre-existing trends have altered or accelerated.

Complaints arising from the impact of the coronavirus pandemic accounted for 12% of complaints we received in 2020. But we believe the pandemic has also had an effect on complaints students haven't brought to us, in particular in relation to academic appeals (see Complaints received by complaints category, below).

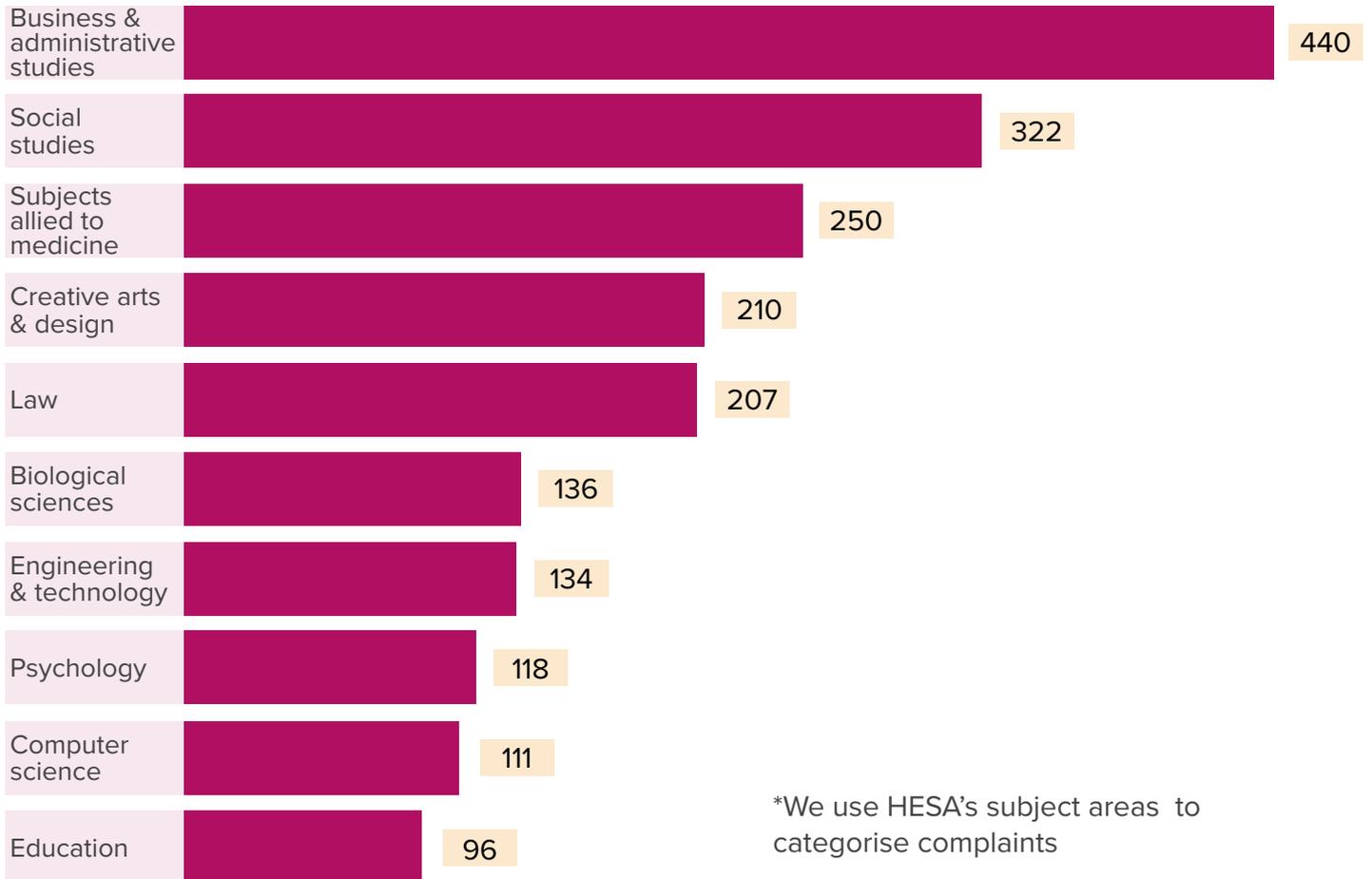
In 2020 we received fewer complaints from students at Welsh providers than in 2019. The numbers involved are very small and we have not identified particular reasons for the drop, but we will continue to monitor patterns over time.

Each year we ask higher education providers for information about the number of [Completion of Procedures \(COP\) Letters](#) they have issued. The information we have received indicates that the overall number issued by providers in England in 2020 reduced by over 10% compared to 2019 (there was no significant change for providers in Wales). It is not clear whether this is due to fewer complaints being made, or to difficulties in completing the internal procedures due to the impact of the pandemic. However, the fact that complaints to us rose during a period when fewer COP Letters were issued indicates that students in England who did complete the internal complaints procedures were more likely to complain to us.



# Complaints received by area of study

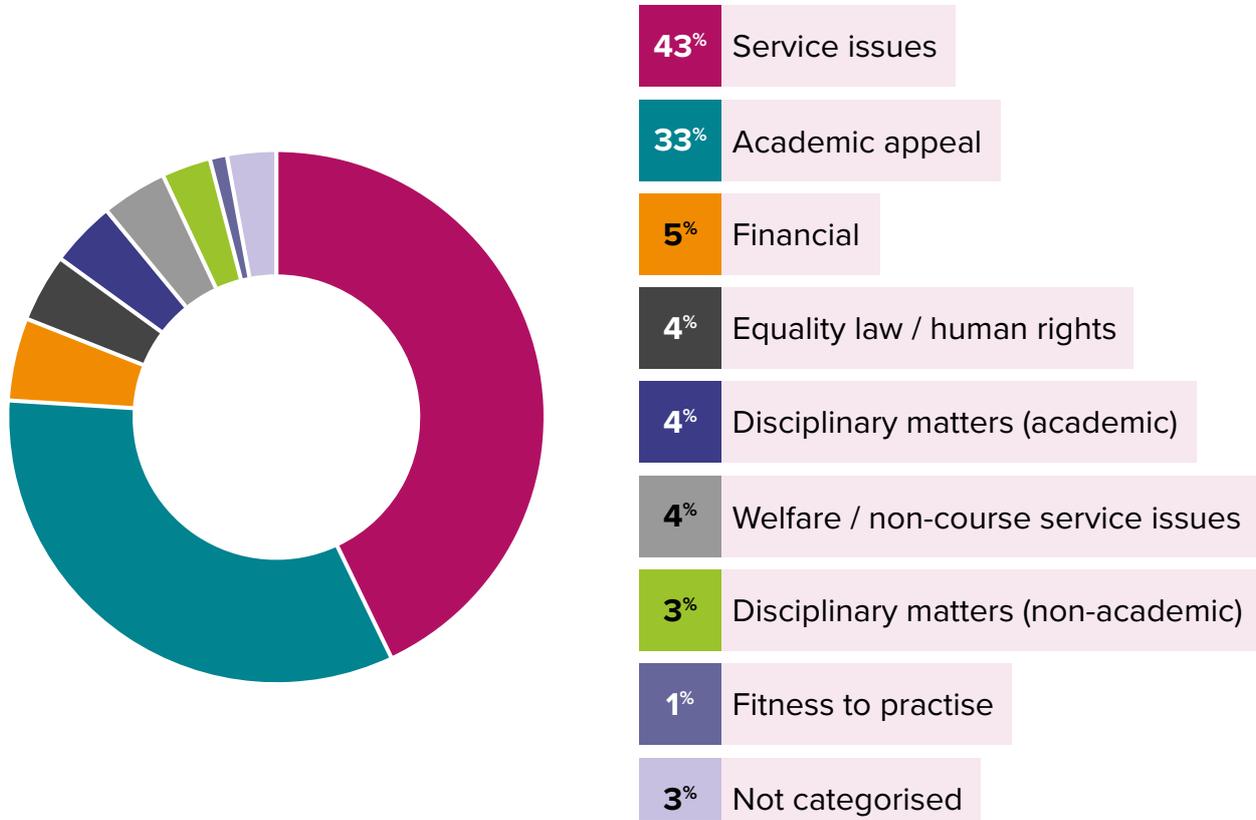
**Chart 2:** Complaints received by area of study\* - Top 10



Complaints received by subject area are broadly similar to previous years. Business & administrative studies students consistently account for the most complaints to us, reflecting the high number of students on courses in this area across providers in England and Wales.

# Complaints received by complaint category

**Chart 3:** Complaints received by complaint category

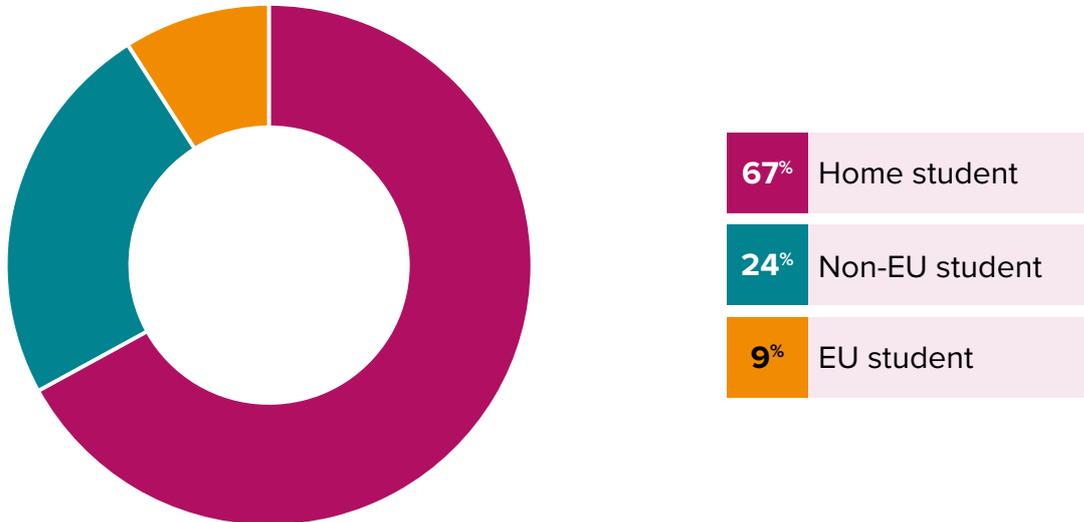


We saw an 18% drop in the number of complaints relating to academic appeals compared with 2019. The reduction has been most significant in complaints that are directly related to requests for additional consideration in exams or assessments. We hope that the engagement we have had with providers and student representative bodies throughout 2019 and 2020 about this issue is helping providers to develop their approaches, in turn contributing to a reduction in the number of students bringing these complaints to us. The reduction was most notable in the last four months of the year and it is very likely that the use of “no detriment” or safety net policies has been the major factor in this.

Conversely, we have seen a significant rise in the number of complaints relating to service issues (teaching, supervision and course-related facilities), up around a third on the previous year. This is again a continuing trend and in recent years has been in part due to complaints about industrial action. In 2020 the increase is largely accounted for by complaints about the impact that industrial action and the pandemic had on students’ academic experiences.

## Complaints received by student domicile

**Chart 4:** Complaints received by student domicile

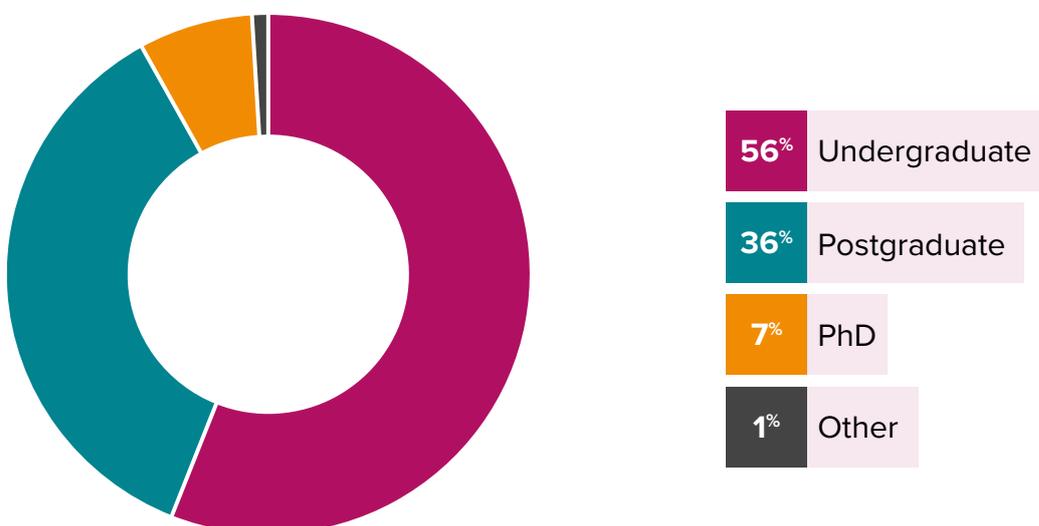


The proportion of complaints we have received from home, EU and non-EU students has remained broadly consistent for several years. Non-EU students continue to be over-represented in the complaints we receive.

As an indicative comparison, non-EU students accounted for 16% of the student body in England and Wales as reported in [HESA statistics for 2019/20](#), but accounted for 24% of the complaints made to us in 2020.

## Complaints received by level of study

**Chart 5:** Complaints received by level of study



A consistent feature of the complaints we receive is the very significant over-representation of PhD and other postgraduate students. This has continued in 2020, with 43% of complaints we received coming from these students (as an indicative comparison, postgraduate and PhD students make up 25% of the overall student population in England and Wales as reported in [HESA statistics for 2019/20](#)). Non-EU students continue to be strongly represented in this group, accounting for 40% of the postgraduate and PhD students who complained to us, a small increase on the previous year.

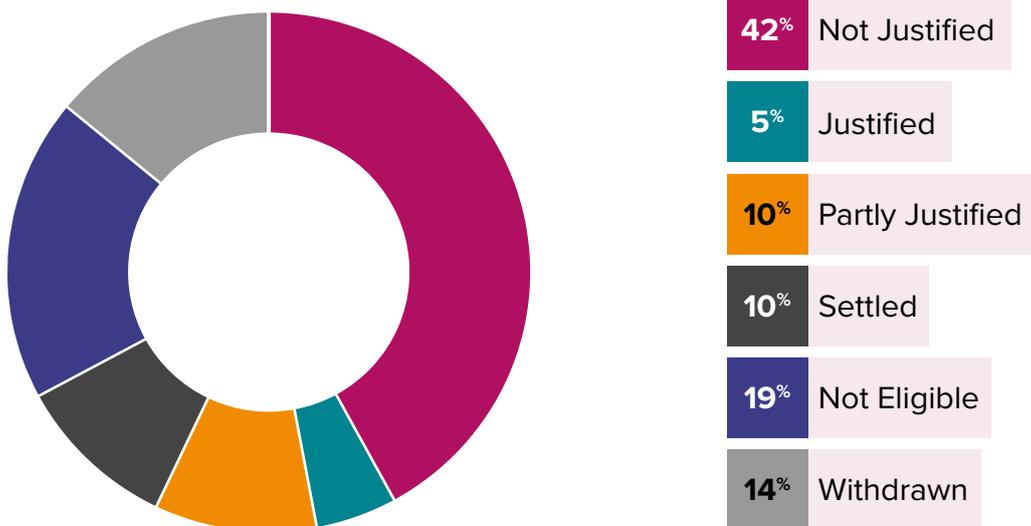
We have in previous years discussed the likely reasons for the over-representation, including the often substantial personal and financial investment and the other considerations for some non-EU students such as visas or sponsorship arrangements, leading to a possible greater sense of pressure to “succeed” in their studies. There are also some issues that only affect postgraduate or PhD students, for example issues with the supervisory relationship are a common theme in complaints from PhD students.

## Complaints closed

In 2020, we closed 2,597 complaints, an increase of 19% from 2019 (2,185). We exceeded our key performance indicator (KPI) of closing 75% of complaints within six months of receipt.

## The outcome of complaints

**Chart 6:** Closures by outcome



In total, 25% of cases were Justified, Partly Justified, or Settled in favour of the student. This figure is slightly higher than in recent years.

The proportion of Not Justified complaints has reduced again this year. We have continued our approach of engaging with students at an early stage of our process to explain what we can and can't do in relation to their individual case, so that they understand what we will look at and can make an informed decision about whether or not to pursue their complaint. This may partly explain the reduction in Not Justified complaints, as well as contributing to the small increase in the proportion of complaints that were withdrawn.

We also continue to try to make it clear to students more widely when they can complain to us, and what they can complain about. In particular, many of the cases that are Not Eligible are where the student has come to us before they have completed the provider's internal processes, so we have emphasised that students normally need to complete those processes first.



“Thank you very much. I am very grateful to you for all the work you have done on my behalf. Through your words, I can see that you took a professional, empathic and knowledge-based approach to helping me.

If there is anyone else in your team who has also contributed to this excellent outcome on my case, please feel free to pass on my thanks to them. Words cannot describe how happy I am that I can finally progress. I wanted procedural justice and fairness. This is possible now because of your excellent work.”

## Judicial review

Our case decisions can be challenged by judicial review. During 2020 we received a total of nine new judicial review claims, one more than in 2019. The trend over the last five years is downward despite the rise in complaints during that period. Eight claims were refused permission (one is still active). For the third year in a row, the courts did not give permission for any judicial review claim against us to proceed.

# Complaints in the year of a pandemic

Covid-19 eclipsed almost everything else in 2020. As the year progressed we inevitably began to receive complaints arising from its impact, and we discuss in this section what we saw in these early pandemic-related complaints, and our wider experience of concerns about course delivery. But 2020 was also a year in which the Black Lives Matter movement brought into sharp focus the vitally important issue of racial equality, and in which significant concerns were voiced about sexual misconduct in our society. We talk more about our [equality, diversity and inclusion](#) work later in the Report, and we include below some case summaries of complaints we have reviewed relating to sexual misconduct.

Students first need to raise their concerns through their higher education provider's internal processes and then have up to 12 months to bring their complaint to us, so many of the complaints we reviewed in 2020 related to issues that arose before the pandemic.

## Complaints arising from the impact of coronavirus

In 2020 we received just over 300 complaints arising from the impact of coronavirus. Because of the time lag in complaints reaching us, most of the coronavirus-related complaints we received in 2020 related to the impact of the pandemic on the end of the 2019-20 academic year.

While caution is needed in interpreting this fairly small number of complaints, there are some similarities and differences in the patterns in these complaints compared with the overall picture of complaints to us.

International students accounted for a relatively high proportion of coronavirus-related complaints in 2020 (but this has not been the case so far in 2021 when the proportion has been broadly consistent with the usual level). Postgraduate students (including PhD students) accounted for around half of coronavirus-related complaints received in 2020, again above the proportion we usually see in complaints as a whole. However, coronavirus-related complaints by subject area of study did not show a clearly different pattern compared with complaints overall (numbers are very small once broken down by subject area).

The majority of coronavirus-related complaints received in 2020 were about disruption to teaching and learning, with nearly three-quarters coming within our "service issues" complaint category. For some students, there has been a cumulative impact of the disruption of the pandemic following disruption from industrial action, and a little over 20% of the coronavirus-related complaints we

received raised both issues. On the other hand, academic appeals only accounted for 15%, significantly below the proportion for other complaints. This is most likely because of the “no detriment” or safety net policies introduced in response to the impact of the pandemic.

Of the coronavirus-related complaints we closed in 2020, a much higher proportion than of other complaints were either Not Eligible (often because they had not completed the provider’s internal procedures) or the student withdrew their complaint. Of the complaints we did review, a higher proportion were Justified, Partly Justified or Settled. This is perhaps unsurprising given the unprecedented challenges and pressures providers were dealing with at that time, but shows that it has been particularly important for students to have access to independent review of their complaints in these circumstances.

We have followed our usual approach when deciding these complaints: we have looked at the individual circumstances of the student’s (or group of students’) complaint, and whether the provider has followed fair procedures and whether it has acted reasonably in the circumstances. We have taken into account relevant legislation and guidance, including guidance from the Office for Students (OfS), the Quality Assurance Agency for Higher Education (QAA), the Competition and Markets Authority (CMA) and Professional, Statutory and Regulatory Bodies, and the national and sector context and examples of good practice we have seen.

Many of the coronavirus-related complaints have been about course delivery and in some of those cases the student was concerned about the quality of what the provider has delivered. Even before the impact of Covid-19, concerns about course delivery and whether what was delivered matched what had been promised were a regular part of our caseload. The pandemic has brought greater complexity to these issues, introducing different considerations around what is reasonable or even possible, but the basic principle is the same: providers need to give students clear and correct information and to deliver what they have promised. Although we can’t look at issues of academic judgment (which we define narrowly as a judgment that is made about a matter where the opinion of an academic expert is essential), we can look at a range of issues that relate to the content of a course and how it is delivered. We can look at whether a student has been able to access learning, and whether their provider is giving them reasonable and appropriate support to do so. That might be practical support with equipment, or flexibility in how teaching and assessments are delivered. We can look at whether the expected elements of the course were covered, whether teaching staff were available, whether a fair assessment process was followed, and whether the provider has followed a reasonable process to check the quality of the provision. But whether the teaching itself was of the right academic standard or quality would be a matter of academic judgment, which we can’t look at.

We have published a range of [case summaries](#) illustrating our approach to complaints arising from the impact of the pandemic, including some relating to concerns about course delivery, and we include below some summaries of complaints about this issue that arose before the pandemic.



## Case summary 1

A group of students complained about the way their course had been delivered. The provider investigated and upheld some aspects of the complaint. In particular it confirmed that the department delivering the course had not complied with the provider's own standards and regulations concerning information about assessments, how assessments were run, spreading out the students' workload, giving feedback, and availability of online materials. The provider accepted that the course did not deliver what had been promised in the prospectus in terms of links to industry. The prospectus had been misleading about the flexibility of different module options. The provider had not given students clear information about additional course costs, and it had not made all the materials available to students that it had promised. Students were not given adequate access to workshops and other facilities. The provider rejected some other elements of the students' complaints. The students were not satisfied with the compensation offered to them of between £1,000 and £2,000 depending on their year of study, and they complained to us.

We decided the complaint was **Partly Justified**. Although the provider had recognised that there were significant failings in the course delivery, these issues had been raised in student complaints two years previously. The department had not acted on the provider's own internal recommendations at that time, or in response to concerns expressed by external examiners. The provider had a responsibility to demonstrate that the students had been taught in line with what had been promised and it was not reasonable to require students to prove what they had not been taught.

In addition to recommending that the provider take urgent steps to put in place measures to improve course delivery in the next academic year, we recommended that the students receive a refund of 50% of their tuition fees, and a more substantial payment for distress and inconvenience.

## Case summary 2

A student transferred from another course into the second year of a three-year undergraduate degree (level 5). The student complained that they had been given misleading information before their transfer about the amount of contact hours they could expect. They said that there had been no formal lectures until December, and no one-to-one contact with any course tutor. The provider responded to the complaint by explaining that the start of level 5 was heavily focused on placements that students had to arrange themselves. There would be more contact hours in the second semester. The provider concluded that it could do more to make this clear in the information provided to students, and it explained clearly to the student what they could expect for the rest of the academic year.

The student was unhappy with that outcome and complained to us. They said that they had not received value for money for the fees they had paid, and they asked for their first semester fees to be refunded. We talked to the provider about providing a remedy for the individual student who had complained, in addition to the steps it had taken to improve what it was telling prospective students. The provider offered to refund half of the student's semester one fees in recognition that their experience had not been what they had reasonably been expecting. The student accepted this offer and the complaint was **Settled** on that basis.

## Case summary 3

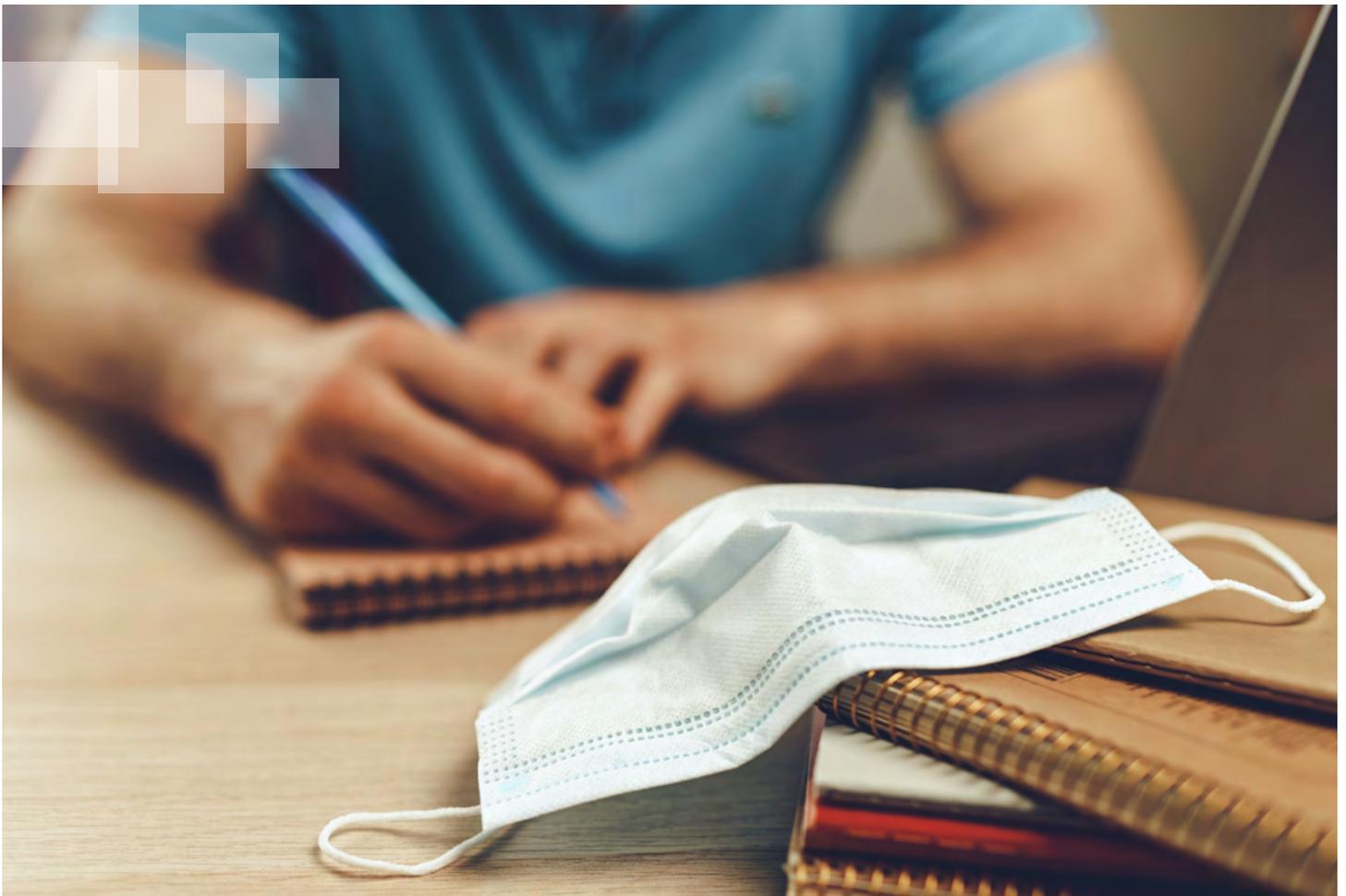
A student was on a taught postgraduate course. It was a new course and delivered entirely online. At the end of the first semester the student raised some concerns about the course with the course leader who agreed to make some changes to the content. But the student decided to leave the course. They complained to the provider that the course was not delivering the skills relevant to future employment prospects that were promised by the provider's promotional information or the course material. The provider rejected the student's complaint.

The student complained to us. We decided the complaint was **Not Justified**. The course had been through the provider's quality assurance process and was also accredited by an external body. In addition, an external examiner had reviewed the course content and structure and had confirmed that it could deliver the necessary learning outcomes. We concluded that the provider had followed a reasonable quality assurance process and the external examiner's judgment on the quality of the course involved academic judgment, which we can't look at. The course leader had responded to the student's feedback by making some changes to the content and it is good practice to respond to feedback in this way. The student did not benefit from those changes because they had chosen to leave the course. It was reasonable for the provider to reject the student's complaint.

## Case summary 4

A student was on a one-year professional course, which is regulated and accredited by a professional body. Several teaching sessions were affected by industrial action that took place in November and December 2019 and in February and March 2020. The student complained to their provider about the disruption. The provider said that all but one of the affected teaching sessions went ahead, although in a different format, and that students were able to meet their learning outcomes, and the requirements of the regulatory body were met. The student complained to us.

We decided that the complaint was **Partly Justified**. We concluded that the provider had been able to replace all the teaching sessions except for one session, covering material that was not assessed, where it had made the content available to students online. But some small group practice sessions, which should have had around six to 12 participants, were replaced by large group sessions with 100 or more students. Opportunities for discussion and debate were important for this course. The large group sessions offered less opportunity for this. We concluded that the provider could have thought more about how it could replace the additional benefits the students might have obtained through the smaller sessions, for example, adding small group sessions later in the year. We recommended a small amount of compensation for the distress and inconvenience of missing out on the smaller sessions.



## Sexual misconduct

In recent years we have seen a gradual increase in complaints about sexual misconduct and this continued in 2020, although numbers are still very small. Most are brought to us by the person who is complaining about unwelcome behaviour, but we can also look at complaints from those accused of such behaviour.

There has been some good work in the sector to support reporting of unwanted behaviour (of various kinds), but it can still be very difficult for students to raise concerns about sensitive issues and it is important that providers do all they can to make it as easy as possible for students to do this and to support them effectively when they do.

### Case summary 5

A student told one of the student wellbeing staff at their provider that their dissertation supervisor was sexually harassing them, offering higher grades in exchange for sexual activity. The staff member informed the student's academic department, which notified Human Resources, and the student was allocated a new dissertation supervisor. After three months, the student submitted a formal complaint as they had not been told what was being done. Two months later the student was interviewed as part of an investigation, and a further five months after that the student was told that the investigation had been completed and that the supervisor remained in post but had been told not to contact the student again.

The student complained to us about the time the process had taken, the lack of transparency in the process, and about the outcome.

We decided that the complaint was **Justified**. We accepted that where a matter is addressed through a staff disciplinary process, providers may have obligations of confidentiality, but the provider should have explained the process to the student and it should have treated the matter more urgently. The student had told the provider how the experience had affected them. Although the provider changed the supervisor for the student's dissertation, it didn't put in place any measures to protect and support the student on campus, or to manage any contact between the student and the supervisor, during the investigation. In its final response to the student the provider did not explain or apologise for the extensive delay, it did not recognise the distress that the student had experienced, and it didn't offer any remedy for the impact of the the case on the student's studies.

We recommended that the provider should review its procedures for considering these kinds of issues. We also recommended that the provider should apologise and offer the student compensation of £5,000 for distress.

## Case summary 6

A provider became aware that several students had made comments in a private social media thread about other students, sabbatical officers and members of staff. The comments included abusive and insulting comments of a sexual nature, and statements that sabbatical officers had acted improperly in their paid roles. The provider investigated the matter under its disciplinary procedures.

A student who participated in the chat attended a hearing. The provider decided that the student's involvement in the chat was a minor misconduct offence and gave the student a written warning about their conduct. The student was dissatisfied with the penalty and complained to us.

We decided that the complaint was **Not Justified**. The provider's procedures explicitly included abuse within social media forums that were not public as a disciplinary offence. The provider had followed its procedures in a fair way, and it had imposed the least severe penalty in recognition that this was a first offence.



“The decision of the OIA, which found the applicant's complaint to be partly justified, was a clear and proportionate response to a complaint which was detailed and extensive, with voluminous documentation provided in support. The OIA was entitled to provide a proportionate response and was not required to deal explicitly with every point raised.”

*The Rt. Hon. Lord Justice Males*



“Thank you for your time in considering my complaint, I appreciate the efforts the OIA has made in bringing justice. I also realise and understand the limitations of OIA in this matter. I am happy with the efforts of OIA. I thank OIA and its entire team.”

# Putting things right

## Settlement

As an alternative dispute resolution (ADR) scheme, we believe in the value of early resolution of complaints where possible. Our case-handlers actively look for opportunities to resolve complaints through reaching a settlement, and in 2020 we met our KPI of settling 10% of complaints for the first time. This included a number of group complaints. We only try to agree a settlement where this is the most appropriate outcome for the student and the provider in the circumstances of the complaint.

## Recommendations

When we decide that a complaint is Justified or Partly Justified we usually make Recommendations. Our Recommendations aim to put things right for the student and, where appropriate, to improve procedures or processes.

Where possible we recommend a practical remedy or remedies to put the student back in the position they would have been in if things had not gone wrong. In 2020 we made Recommendations in 285 cases (excluding complaints about GSM London, see below) to put things right for the student or students involved. Examples of practical remedies we recommended included:

- To mark a student's re-sit work without applying a mark cap, to take account of the student's ongoing serious health issues
- To arrange an updated assessment of a disabled student's needs for support for their studies, and to discuss with the student how to put any recommendations for support into practice
- To arrange for module content that had not been delivered during the first coronavirus lockdown to be provided before the student completed their studies
- To reconsider a student's fitness to practise by obtaining further information and putting the matter before a new panel with no previous involvement in the case
- To offer a PhD student a re-examination of their thesis, and provide an opportunity for the student to comment on the selection of examiners in line with the provider's procedures
- To apologise to a student for providing unclear information.

The Recommendations we made included financial compensation totalling £459,582. In addition, students received a total of £282,550 through settlement agreements we reached. The overall total compensation, £742,132, was similar to last year. The highest single amount of financial compensation was just over £30,500, and 50 students received amounts of over £5,000. In addition we recommended compensation for GSM London students totalling £264,142.

GSM London went into administration in 2019 and our remit to review complaints from their students ended at the end of October 2020. We had 165 complaints in total from former GSM students. In many of the complaints we reviewed, we recommended compensation. The Joint Administrators engaged with us positively about this, but the reality is that the actual amount that students (as unsecured creditors) receive is likely to be considerably less than the sum we recommended. We published some reflections on the closure in [Closure of GSM London: the OIA's perspective](#) as well as a wider [briefing note on course, campus or provider closure](#).

We also made good practice Recommendations, for example:

- To review procedures taking into account guidance in our [Good Practice Framework](#), in particular the need to include clear information about deadlines for students and about timeframes at each stage of the process
- To review the way flare-ups of a chronic health condition are considered under the provider's processes for requesting additional consideration, to reduce the administrative burden on disabled students
- To provide training for staff involved in fitness to practise cases specifically around first considering the least severe outcome and working upwards, and giving reasons why each lesser condition or sanction is not considered appropriate
- To produce guidance about how issues will be handled where more than one procedure is involved (for example, an academic appeal and related complaint)
- To ensure that records about complaints and appeals processes are kept for a reasonable period of time at the end of the process, so that information is still available if the student exercises their right to complain to us up to 12 months after the date of the Completion of Procedures Letter.

We follow up our Recommendations to make sure that the provider complies with them. If a provider does not comply or there is a delay we will take steps to address this. In 2020, 76% of our good practice Recommendations and 91% of our student-centred Recommendations were implemented on time.

## Not Justified complaints

Even when we decide a complaint is Not Justified, our work can still be helpful to those involved in the case. For providers, it can be good to have reassurance that their processes have worked properly, and that they have reached a reasonable decision. Where things have gone wrong but we decide that the student has not been disadvantaged we will often make suggestions to help providers to improve their processes. For students, knowing that an impartial third party has looked at their complaint can be reassuring and can sometimes help to bring closure to often long-running and emotional involvement with their complaint.

A Not Justified decision does not necessarily mean that there was no merit in the substantive issues of the complaint or that there is no positive outcome for the student. In some cases, we may decide that a complaint is Not Justified because the provider has already done enough to put right something that has gone wrong, or has made a reasonable offer to the student that is still open to the student to accept.

# Compliance

We expect providers to comply with the requirements of our Scheme, and they almost always do. This means responding to our requests for information, implementing our Recommendations and paying subscription fees. Compliance is important: for the individual student involved, for students' confidence in bringing their complaints to us, for improving practice to the benefit of other students, and for us to run our Scheme effectively.

Where a provider does not comply, we take steps to address it. One of those steps is to report the case in our Annual Report.

## Clare College, Cambridge

A student at Clare College complained to us about the College's handling of a process leading to their suspension. We are not publishing any details of the complaint because the small size of the College's student body means there could be a risk that the student might be identified.

We decided that the student's complaint was Justified because there was insufficient information to support the College's decision to suspend the student, so the decision was flawed. We made two practical Recommendations concerning the student's return to study, and a third Recommendation that the College should pay the student £3,000 for distress and inconvenience.

The College did not accept our decision. It complied with the practical Recommendations and the student returned to their studies, but it refused to comply with the Recommendation to pay compensation to the student.

We followed our [Compliance Protocol](#) and explained to the College that, under our Rules, we report non-compliance with our Recommendations to our Board and in our Annual Report. In December 2020 the College told us that it did not intend to comply with the remaining Recommendation.

We reported the College's refusal to comply with our Recommendation to our Board in March 2021.

There have been five previous instances where a provider has not complied with our Recommendations and we have reported the case in our Annual Report. None of the five providers previously reported for not complying with a Recommendation refused to comply; in each case the non-compliance was either not deliberate or seriously delayed. Only two of those cases related to student-centred Recommendations.

We hope that even at this late stage Clare College will reconsider its position and pay the student the compensation we recommended in recognition of the distress and inconvenience they have suffered.

# Sharing learning

## Providing information in response to Covid-19

From the early days of the pandemic, we published information and guidance to help providers and students as they navigated the huge challenges they faced, initially drawing on our wider experience of complaints and later on the coronavirus-related complaints we saw.

During 2020 we published two [briefing notes](#), [FAQs for students](#) which we have periodically updated, further guidance on [handling complaints arising from coronavirus](#), a [statement in response to the impact of the coronavirus situation on the new academic year](#), and some [case summaries](#) of coronavirus-related complaints. We wrote a number of articles to promote understanding of key issues to consider and how we approach coronavirus-related complaints.

We also offered providers and student representative bodies an opportunity to talk with us individually about our guidance and the impact of the pandemic on their complaints and appeals function. We are grateful to providers who have felt able to share information about the issues they are seeing and about the volume of cases being considered as this helps inform our own planning and areas for development within our good practice and outreach work.



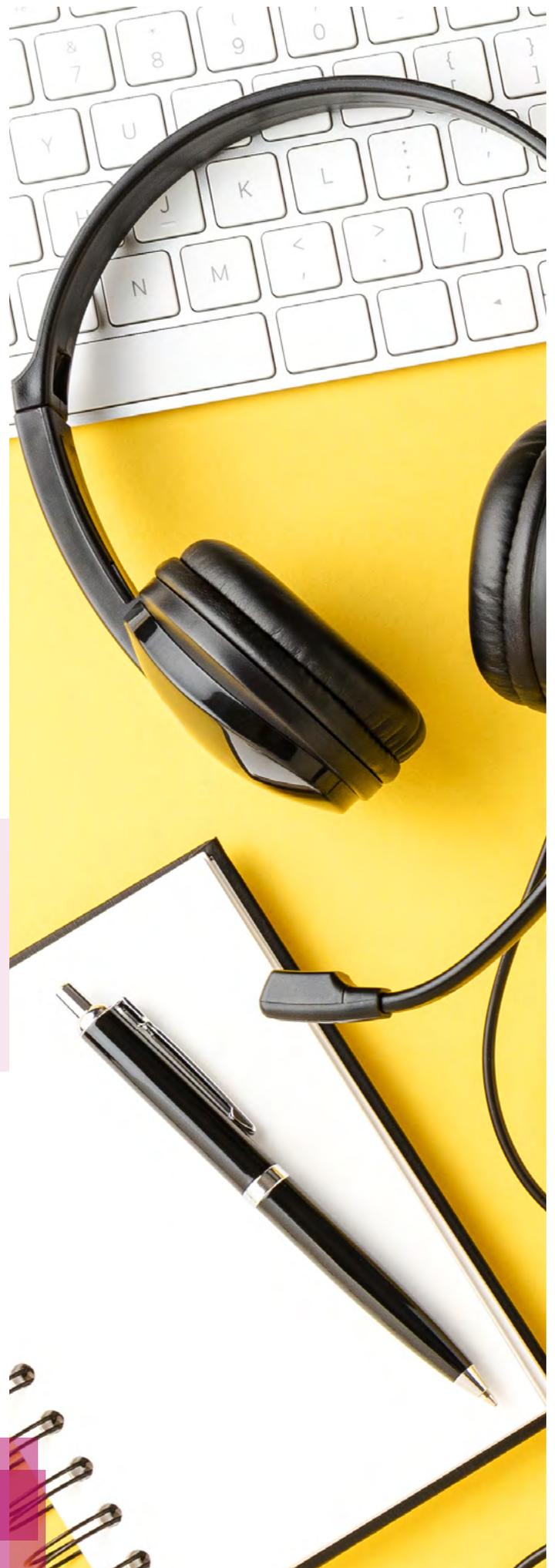
## Outreach

### Webinars

We were pleased that so many people across the sector were able to join us in online sessions during the pandemic. Demand was particularly high during the first lockdown and we offered additional sessions in response. In total we ran 51 webinars, a significant increase on last year, which were attended by 1,850 people. We covered a range of topics including academic and non-academic misconduct, fitness to practise, and procedural fairness, as well as sessions introducing the OIA, our processes and resources. Participants told us that the sessions were useful and that they intended to share learning with colleagues and review their procedures and communications as a result.

“This was an informative, well-paced and excellent session. I learned a lot from it and cascaded comments and key points to colleagues which will be of great use to us in ensuring we remain student-centred in our roles.”

“I thought it was a really professional webinar, great speakers and approach, the interaction and change between speakers worked well too, clear materials and lots of useful signposting to other resources, materials, and areas of the OIA website with well-handled questions at the end.”



## Workshops

We delivered one in-person workshop about the Fitness to practise section of the Good Practice Framework and a wider Good practice in action online workshop in March, and fed the learning from that session into three online workshops for student representative bodies later in the year.

We have been able to reach more people by delivering workshops online, including some who may not have been able to attend in person. We have made use of online breakout spaces to ensure that we still provided opportunities for smaller group discussions, and kept sessions shorter to avoid screen fatigue. Feedback has been very positive.

“The facilitators were excellent. Their approachability was very much appreciated as well as the skill and knowledge. Thanks so much, it was a great refresher for me!!!” (provider staff member)

“The group breakouts worked well and were enjoyable. The format online worked well and didn’t take away from the session with the exception of not meeting people 1 to 1. The examples were great. I enjoyed hearing from other unions, it gave me lots of ideas.” (student representative body staff member)

## Student discussion groups

We held 11 online student discussion groups throughout the year. The discussion groups give us an opportunity to meet students who have not made a complaint to us and to hear their views on their experiences of higher education. The groups are small and self-selecting and so the views expressed are informative but not necessarily representative. We are grateful to all the students who gave up their time to take part, and who shared their experiences with us so openly.

Much of the discussion was dominated by the impact of the pandemic on students’ learning experiences. In previous years, discussions have often centred around students’ very individual experiences but in 2020 students’ thoughts were focused on ones they had in common. Although students mentioned the loss of social spaces and the wider “student experience”, it was clear that for the students we spoke to, the main concern was whether they would gain the academic development they had expected.

Some of the discussion groups focused on the experiences of Black, Asian and minority ethnic students and of disabled students (see [Equality, diversity and inclusion](#)).



### Keeping in touch

We welcome conversations at any time with providers or student representative bodies about any emerging issues or anything else it may be helpful to discuss with us – please email us at [outreach@oiahe.org.uk](mailto:outreach@oiahe.org.uk).

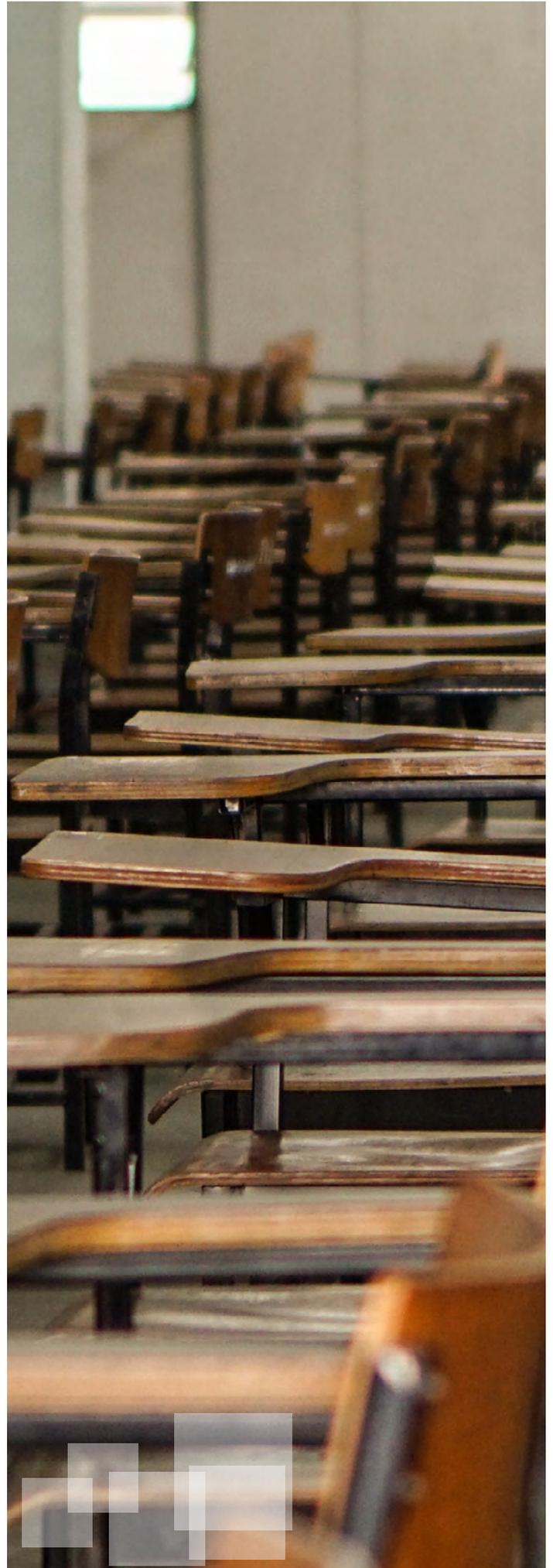
# Requests for additional consideration

Our Good Practice Framework is a key part of how we share learning from complaints. During the year we developed and consulted on a new section on [Requests for additional consideration](#) (also known as mitigating/extenuating circumstances).

In January and February 2020 we had very helpful webinar discussions with attendees from more than 60 providers about their approaches to students' requests for additional consideration. These built on extensive discussions with students, their representative bodies and providers in 2019. We are grateful to everyone in providers, student representative bodies and other organisations whose feedback including through our written consultation informed the final version, and to our Good Practice Framework steering group for their valuable input.

We published the final version of the section in December. The guidance will inform the way that we consider complaints relating to requests for additional consideration from the 2021/22 academic year.

The pandemic has greatly accelerated the more flexible approach that we encourage in the section. Although we have seen a reduction in the number of complaints relating to requests for additional consideration this year, fair consideration of these requests remains an important issue for students, and can have significant consequences for their academic progression.



## Case summary 7

A student realised after submitting their work that they had misunderstood an assignment. They had answered questions based on a case example from their practical placement, rather than on the hypothetical case summary included in the assignment. The student asked for a second submission on the correct case study to be considered instead, as a late submission. The student explained that they had been experiencing severe anxiety and had sought medical treatment for this. The provider did not grant the student's request because they hadn't included any supporting evidence. The student was given a fail mark, which resulted in their studies being terminated.

The student appealed the termination decision and supplied evidence about their anxiety and treatment for it. The provider accepted that the student had good reason for not raising their medical issues at an earlier time and it acknowledged that it should have directed the student to the appeal process when the late submission request was refused. But the appeal panel rejected the appeal on the basis that the student did not have medical evidence for the period of the assessment.

We decided that the student's complaint was **Justified**. The student had provided medical evidence during their appeal that included evidence covering the period of the assessment. The appeal panel had not taken that evidence into account.

We recommended that the provider should reconsider the appeal. The provider told us that it has since upheld the appeal, marked the student's work, and the student has been allowed to rejoin the course.

## Case summary 8

A student made an academic appeal after receiving their end of year results in July 2020. The student said that they had been unwell with Covid-19 immediately before their final exams. They explained that they had followed advice to self-isolate and did not see their GP. The student asked for their marks to be adjusted.

The provider rejected the student's appeal on the basis that the student should have asked for their illness to be taken into account at the time of the exams. The student complained to us.

We decided the complaint was **Not Justified**. We noted that because of the pandemic, the provider had changed its approach to considering students' requests for additional consideration because of illness. It had written to students three times to tell them that they did not need to get medical evidence to support their request, and offered further advice for students who were not sure whether to ask for additional consideration. We agreed that the student hadn't explained why they could not report their illness to the provider at the time of the exam.

## Case summary 9

A student was unsuccessful in an assessment. On the day of the deadline for making an academic appeal, the student asked for an extension to the deadline. The provider responded the next day, giving the student a short period of time to make the appeal. The provider told the student to explain why they needed the extension and provide evidence if it was relevant to do so. The student said that, in addition to being a working parent, they were affected by pregnancy-related ill health and they had suffered a bereavement of a close family member. In addition, they had been waiting for advice from their professional union, and from the students' union. The provider rejected the student's request for their appeal to be accepted after the deadline. They said that the student should have provided specific evidence to show that they were waiting for advice. The student complained to us.

We decided that the complaint was **Justified**. The student had provided evidence about their health and the bereavement. The provider had not made it clear that it would also need to see evidence that the student was awaiting advice. We recommended that the provider should consider the student's appeal, as if it had been made on time.



“I have been extremely pleased with the consistent communication throughout the case; the attention that was given to my case and the effort that was poured into it. Words cannot truly describe how pleased I am with the help I had received from my case handler. There was never a moment I was confused or felt like I couldn't approach [them] via communication to clarify something. [They] truly went above and beyond...”



# Equality, diversity and inclusion

As an ombuds service we have a deeply held commitment to fairness. Our [values](#) include equality and diversity and we are committed at all levels of our organisation to promoting this. We do this both through our work and as an employer. In 2020 we established a Diversity Steering Group, including Board members with relevant expertise and the Senior Leadership Team, to oversee work in this area.

## Students and casework

We are committed to making our service as welcoming and accessible as possible for all who need to use it. We have a positive and proactive approach to making reasonable adjustments to our casework processes, and we are flexible in the adjustments we offer to meet individual students' needs.

We collect diversity information on a voluntary basis from students who complain to us. This supports our ongoing programme of work to look at our casework data from this perspective, focusing on what we can learn to help us improve our own practice and develop additional good practice guidance for providers.

In 2019 we looked at what we could learn about complaints from disabled students (see our [Annual Report 2019](#)), and we built on that in 2020. We ran a series of webinars over the summer focusing specifically on supporting disabled students. We also used what we had learnt to inform our response to the Higher Education Commission's call for evidence for its Disabled Students Inquiry. We also engage with the Disabled Students' Commission.

We are always keen to hear about the experiences of students who have not made a complaint to us as well as of those who have, to broaden our understanding and give wider context to the complaints we see. We held a number of small discussion groups with disabled students in 2020, to understand more about their experiences during the pandemic. Students highlighted some of the positive outcomes from moving to online learning, in particular for those who find attending in person challenging. Several commented on how useful it was to be able to re-watch lecture-style sessions, to study at their own pace or at a time to suit them. However, some reported difficulties with the accessibility of some online provision and of alternative arrangements for face-to-face provision. There were also some concerns that support needs had not been reassessed or updated in the context of remote study. It remains very important that providers listen to individual students about what is or is not working for them, especially with the likely move towards a more blended approach to teaching and learning going forward.

We also want to deepen our understanding of the experiences and concerns of students of different ethnicities. Although we use the term Black, Asian and minority ethnic students collectively here, we recognise that within this students of different ethnicities can have very different experiences and it is not our intention to conflate these. We held a number of discussion groups with Black, Asian and minority ethnic students. The students we spoke with said that micro-aggressions were a commonplace experience, and that it was difficult to know when something was “worth” reporting. Some students felt that their concerns might not be taken as seriously by their provider as those of White students. The issue of representation of different ethnicities among staff in all roles across a provider was highlighted as being very important. In particular, students felt that they would be better able to describe their negative experiences to someone else with lived experience of harassment and discrimination. These are significant considerations both for providers, in terms of students from Black, Asian and minority ethnic backgrounds having confidence in and feeling empowered to use internal complaints processes, and in turn for us. We are continuing to feed learning about the experiences of Black, Asian and minority ethnic students into our work to share learning from complaints and to maintain awareness among our case-handling staff.

During 2020 we also began work to look at our casework data on complaints from students of different ethnicities. This is an important but complex area and we are continuing to take this work forward in 2021.

## Black Lives Matter

The events of May and June 2020 prompted a lot of soul searching for us, as for many people and organisations. There is still a long way to go to achieve real race equality, and we and our Board renewed our focus on this vitally important issue. We asked ourselves what more we could do, both as an employer and in our work. We have made progress during the year but we are very mindful that there is much more to do, and we are committed to continuing to take forward our work in this area.

## Our organisation

In many ways our workforce is diverse, but despite the efforts we have made over many years some groups have remained under-represented. In 2020 we reviewed our approach to recruitment. As part of this we worked with a specialist diversity recruitment company and successfully attracted more diverse candidates, in particular in terms of racial diversity. We also support diversity through offering flexible working arrangements, including part-time positions at all levels, and we expect to continue with higher levels of remote working in the longer term. We regularly monitor the diversity of our staff and our Board.

We have a job evaluation framework and grading structure to set the appropriate pay grade for each role so that people doing the same or similar roles are paid equally. Around three-quarters of our staff are female, and the proportion in senior roles is similar. At 31 December 2020 we had a

median gender pay gap in favour of men of 11.4% (the same as in 2019). This figure varies over time due to the small size of the organisation.

It is important not only that we continue to improve the diversity of our workforce but also that everyone who works for us feels valued, included and supported. In 2020 we continued to promote an inclusive working culture. We were grateful to colleagues who generously shared their experiences and ideas following the Black Lives Matter protests and we have supported colleagues and encouraged open discussion. We continued to support staff with a range of mental and physical health conditions. We are pleased that staff generally feel able to be open about challenges they face, including the many difficulties that have arisen from the pandemic.

We also take steps to promote awareness and increase understanding of diversity and inclusion. Equality and diversity is discussed with new staff during induction. During the year we were very pleased to welcome a number of external speakers who spoke to us about racial and LGBTQ+ equality issues and mental health, and we continued to benefit from the expertise of our Disability Experts Panel.



# Working with others

As an ombuds scheme we have a distinct role in the higher education sector. We are independent from governments, sector organisations and from the higher education providers in our Scheme, and our independence underpins our ability to review complaints impartially and fairly. But we also have a role to play in the wider higher education regulatory landscape, and we work with a range of organisations in the sector and beyond to contribute to the development of policy and practice with a focus on ensuring fairness for students.

This has perhaps been more important than ever in the context of the impact of the pandemic. Complaints-handling organisations are by their nature intended to be a safety net for those for whom wider systemic solutions have not worked. We worked hard to promote understanding including at government level of our role and what we can and can't do, and to be clear for students about when and how we can help. We worked intensively with the Department for Education (DfE) and with the OfS, Universities UK (UUK) and National Union of Students (NUS) among others to contribute as much as we could to wider responses to the pandemic. We brought insights from our understanding of student concerns and complaints to policy discussions to support a joined-up, student-focused approach. We contributed from time to time to the HE taskforce chaired by Michelle Donelan, Minister of State for Universities, and we continued to attend the UK Standing Committee on Quality Assessment (UKSCQA) and the Consumer Benefit Forum with DfE, OfS and the CMA. We also responded to relevant inquiries and consultations, including the OfS's consultation on student protection directions.

More widely we had a very high level of external engagement throughout the year. We maintained our strong relationship with NUS. We engaged with a wide range of organisations including the Association of Colleges (AoC), the Association of Heads of University Administration (AHUA), GuildHE, the Higher Education Funding Council for Wales (HEFCW), Independent HE, MillionPlus, the National Association of School-Based Teacher Trainers (NASBTT), the QAA, Russell Group, UCM Cymru/NUS Wales, the UK Council for International Student Affairs (UKCISA) and UUK, through meetings and attending key events.

In Wales, progress continued towards a more integrated tertiary sector despite the impact of Covid-19. The Tertiary Education and Research (Wales) Bill, which includes provisions to extend access to our Scheme to all post-compulsory education and training students in Wales (except for those in school sixth forms where alternative arrangements apply), was postponed until after the 2021 Senedd elections but was published as a draft Bill. We responded to the consultation on the Bill and we have continued to liaise with Welsh government officials. We are optimistic that the next government will take forward the legislation. We are also aware that a similar breaking down of the divide between higher and further education in England remains a possibility in the longer term.

Access to independent redress for unresolved complaints is an important part of achieving fairness for students. We continue to encourage providers and awarding bodies that are not required to join our Scheme under legislation to do so voluntarily.



The possibility of a free speech role within OfS, including with a direct role in responding to individual concerns about free speech, began to emerge in 2020 as the UK government pursued its policy agenda on this issue. We continue to work hard to promote understanding of our role and how it works for students, and the importance of clarity for students about where to raise their concerns.

We continued to work with OfS across a range of issues, including the protection of students in the event of a market exit, and to share information under our Collaboration Agreement such as OfS registration information that may impact a provider's membership of our Scheme and issues in complaints that may indicate a systemic concern at a provider.

Throughout the year we have met regularly with other ombuds schemes through our membership of the Ombudsman Association, and with the international higher education ombuds sector through the European Network of Ombuds in Higher Education (ENOHE). These meetings have provided important and useful opportunities to share insights into the effects of the pandemic on other UK ombuds schemes and on the higher education sector internationally. We contributed to various online events during the year, including helping to mark the third annual Ombuds Day in October, celebrating how ombuds make a difference.

# Improving what we do

In this section we talk about some of the things we have done during the year, and some of the ways we go about improving what we do.

## Putting kindness into practice

The importance of kindness and human connection in public services has been recognised for some time, but the pandemic has brought home just how vital these are.

In 2020 we built on our work to embed a kinder approach, including through continuing to focus on how we listen to and communicate with students and staff in higher education providers, and each other. Many people have been under great strain during the pandemic, and we have seen this in the evident distress of some of those we have spoken with. Sometimes just taking the time to listen and understand people's concerns can help. A kinder approach also helps us to provide a better service: students who feel heard and supported are more likely to be able to engage with our process effectively and to be able to accept the outcome of their complaint, even if it is not what they wanted.

## Students' experience of our service

In 2020 we continued to invite feedback from the students who use our service. This feedback, together with insights from students who participated in our student discussion groups and from our day-to-day interactions with students, is very valuable and informs how we develop what we do.

Some students are very satisfied with our service. We are pleased that a high proportion of those who respond to our surveys say that we have treated them with respect and politeness. Others express concerns, most commonly around communication including understanding our processes and decisions, the extent and nature of our remit, timeliness and perception of a lack of impartiality.

Students who are unhappy with their experience can make a complaint about our service. In 2020, we received 60 service complaints. The number has remained broadly consistent over the last few years despite the increase in our caseload. Many of the complaints we received raised issues about the merits of the student's complaint about their provider rather than about the service we had provided. Where service issues were raised, these have generally shown similar concerns to those expressed in the wider student feedback.

The complaints we receive about our service, as well as being an opportunity to put things right if they have gone wrong, can also give us insight into how we can further improve our service. We

feed learning from service complaints back into our case-handling, and continue to use it to deepen our understanding of how students might experience our process and to inform developments in our work. For example, the learning has fed into our work around kindness, the information we provide for students and developments in our approach such as taking a more proactive and flexible approach to our processes.

## Casework developments

Our casework is the heart of what we do. We continually look for ways to develop our approach and to manage our caseload effectively.

We understand how important it is that our process for handling complaints is easy for students to access. In 2020, we continued to look for ways to make our processes more flexible and responsive, particularly for students who have difficult personal circumstances or additional needs. We offer students an opportunity to talk to us at an early stage of our process to discuss how we can help, and case-handling staff can adapt our processes to the needs of the individual student.

More widely we encourage a flexible approach to reviewing complaints, tailoring our reviews to the circumstances of the individual case. In 2020, we trialled issuing decisions over the phone in some appropriate circumstances, and involving more senior case-handling staff at an earlier stage of the review process. Our flexible approach is supported by robust quality control mechanisms with oversight by our Casework Quality Group.

We know that timeliness is important to students and we have continued to focus on this, in particular on our most complex cases which take longer to review.

In 2020 we also began work to develop and consult on a bespoke process for complaints from large groups of students, building on our existing approach to group complaints and our experience of handling complaints arising from events such as industrial action. The process is intended for complaints from a large group of students about a single provider where there is a high degree of commonality between the complaints and they can be reviewed collectively. It enables greater efficiency for all involved whilst maintaining fairness. We amended our Scheme Rules to enable the process and the revised Rules came into effect in April 2021.

## Advisory Panels

Every year we benefit from the expertise and advice of our two Advisory Panels through meetings to discuss topics of interest. Our case-handling staff can also refer issues to Panel members outside of meetings for their expert input. Both Panels met for online meetings twice in the year. Panel members also participate in consultations on new sections of the Good Practice Framework and in 2020 both Panels contributed valuable feedback on our Requests for additional consideration section.

## Higher Education Advisory Panel

During the year we referred several issues to our Higher Education Advisory Panel (HEAP), which provides expert opinion on practice in higher education providers. Unsurprisingly, this year much of the discussion was focused on the impact of coronavirus, with topics including providers' approaches to accommodation issues, deferral requests and refund requests, and what provisions providers were putting in place to replace face-to-face teaching. We also discussed the impact of the Black Lives Matter movement, and decolonisation in the context of the curriculum.

The Panel reflects the diversity of our Scheme membership and includes student advisers and a balance of administrators and academics from providers. The Panel does not see or make decisions on individual complaints.

### HEAP members during 2020

- Sarah Wilmer, Student Adviser, Leeds Beckett University Students' Union (Chair)
- Mandi Barron, Head of Student Services, Bournemouth University
- Claire Blanchard, Partnership Lead, University of Wales Trinity Saint David
- Geoff Green, Academic Registrar, University of Leicester
- Jonathan Hall, Higher Education Deputy Manager, Recruitment, Admissions & Engagement, South Devon College
- Jawanza Ipyana, Student Adviser, University of Sunderland Students' Union
- Charlotte Levy, Registrar, Royal Academy of Dance
- Carmen Neagoe, Head of Educational and Teaching Support, Cambridge Judge Business School, University of Cambridge
- Melissa Reilly, Sexual Violence & Harassment Response Manager, The University of Manchester
- Nicholas Whitehouse, Coordinator, Mixed Economy Group

## Disability Experts Panel

Our Disability Experts Panel (DEP) is made up of disability practitioners and experts in disability matters from specialist organisations and higher education providers. The Panel is chaired by our Head of Adjudication Team.

During the year we discussed with the Panel issues including the remit of disability support advisers, reasonable adjustments and support for students with autism and mental health issues, and coronavirus-related adjustments providers were making for disabled students.

The Panel also contributed feedback to a review of our internal guidance on needs requests and adjustments, to share good practice with our case-handling staff and promote consistency in our casework.

## DEP members during 2020

- Hannah Abrahams, Secretary and Mental Health Advisor and Mentor, University Mental Health Advisors Network (UMHAN) and City, University of London
- Harriet Cannon, Disability Advisory Team Manager, University of Leeds
- Antony Chuter, Chair, Pain UK
- Gemma Carr, Senior Programme Officer, Mentally Healthy Universities Programme, Mind
- Martin McLean, Education and Training Policy Advisor (Post-14), National Deaf Children's Society
- John Milligan, Team Leader, Visually Impaired Children, Young People & Families Virtual School Sensory Support
- Levi Pay, Director and Principal Consultant, Plinth House
- Lynn Wilson, Operations Manager, National Association of Disability Practitioners (NADP)

## IT infrastructure

Like most organisations, the demands on our IT infrastructure have never been higher than during the pandemic. The anxious moments in March 2020 when we had to move overnight to full remote working proved to be unfounded and our systems stood up very well to the change. This enabled us to continue to deliver our service without interruption, including making and receiving phone calls to providers and students which has been especially important in this period.

During the year we have made further improvements to the stability, security and functionality of our IT systems, including moving to cloud-based systems and undertaking cyber security testing and improvements. We also updated our case management database, supporting efficiency in our case-handling.



“Thank you so much for your email and your persistence with this complaint. That’s great news that I can improve what I have already worked on in terms of research and resubmit that. I would like to accept the settlement offer...”

# Our people

We have a strong team of people who are the heart of our organisation, with shared values, a commitment to the work we do and a wide range of skills and experience. We work in a positive and collaborative way to deliver the best service we can across all areas of our work.

As an organisation we have been fortunate that the challenges we have faced arising from the pandemic have not been on the scale of those that many in the higher education sector have faced. We were able to move to full remote working at the start of the first lockdown and to continue our work with minimal disruption to the service we provide. But it has nonetheless been a very challenging time for many of our people, and supporting wellbeing was an important focus during the year. We did this in many different ways, including practical support for remote working, flexible working hours with additional support for those with caring or home-schooling responsibilities, externally led sessions on mental health, online opportunities to come together both for our work and socially – and, for a little light relief, a lockdown art and craft competition for the young (and not quite so young) members of our OIA family.



“It has been quite a challenge juggling childcare and working so I try to manage my time effectively. I find it helps to get all my triage work done earlier in the week and then I have full sessions to focus on complaint outcomes. I speak to people in my team quite regularly. I find talking through the issues arising in cases and having a sounding board really useful. Discussing casework issues, especially when situations seem unusual, is a really important part of the role. I think everyone is using the technology available to us to ask questions and talk the issues. This is really helpful and I find that it helps me still feel that I am part of a team. It is a reminder that everyone has questions and we work better when we pool our collective experience.”

**Carmel****Case-handler**

“Who could have guessed that when we asked everyone to work from home one day to “load test” remote working systems, we wouldn’t be coming back?! Fortunately, everything worked brilliantly. We are lucky at the OIA because everyone understands that everyone else is under some sort of pressure, even if it isn’t obvious on the surface. This translates to people asking for things and advising of issues, whilst knowing that they are being heard and that their issue will be investigated and resolved as quickly as possible. This has been especially important during the pandemic as we have had to find new ways of providing the same level of support, without ever being in the same room together. Could we have done this without video calls and a collective positive attitude? I have my doubts. But we’ve done it. We’ve created new processes, delivered kit all across the country, migrated to new systems and improved security. Most importantly, we’ve embraced technology and are reaping the benefits.”

**Dan****Head of Digital****Technology**

“Like many, I never thought I would see a global pandemic like this in my lifetime. And it has been really challenging for everyone in many ways. Working here, I have seen the significant impact the pandemic has had on students’ experience of higher education. For instance, the move to remote teaching, the loss of social interaction with peers and the negative impact all of this has had on students’ wellbeing. Meanwhile, providers have had to change and adapt the way they operate, seemingly overnight, while under considerable pressure.

We are all mindful of these issues, and I’ve adapted my approach to reviewing complaints in response to this. Whether that’s arranging video calls with students or providers, giving extensions for comments, or thinking about the practicality of Recommendations in the current circumstances. Ultimately, I’ve strived to be empathetic to a students’ and providers’ concerns about the pandemic, while continuing to review complaints impartially.”

**Kirsty****Assistant Adjudicator**

“The thought of working from home at the start of lockdown frustrated me – quite a lot of my role usually involves work which relates to the office. For example, as part of my role, I work in reception and welcome visitors to our offices – obviously something I wouldn’t be able to do from home! But then, I started to spend some time thinking about what I could do and what tasks I could move forward. I realised that this time working from home has actually allowed me to focus on some “mini” goals, in preparation for the larger projects and goals which are temporarily on hold, something I may not have been able to do in the same way if we’d been in the office.”

**Keshia****Office & Facilities****Coordinator**

After discussion with our Staff Liaison Committee, we decided to go ahead with our fourth Employee Engagement Survey in 2020 despite the pandemic. We were very pleased that the survey showed high scores and positive feedback across almost all areas, including our highest ever engagement score. The survey highlighted not only people's generally high satisfaction with the organisation, but also their strong commitment to the work we do:

"Virtually everyone works with genuine belief that the role of the office is important, that our values matter, that everyone is a valued part"

"People are passionate about delivering a good service to our users – every single person at every level of the organisation seems to genuinely care about what we do"

"We can and do make a difference to people's lives"

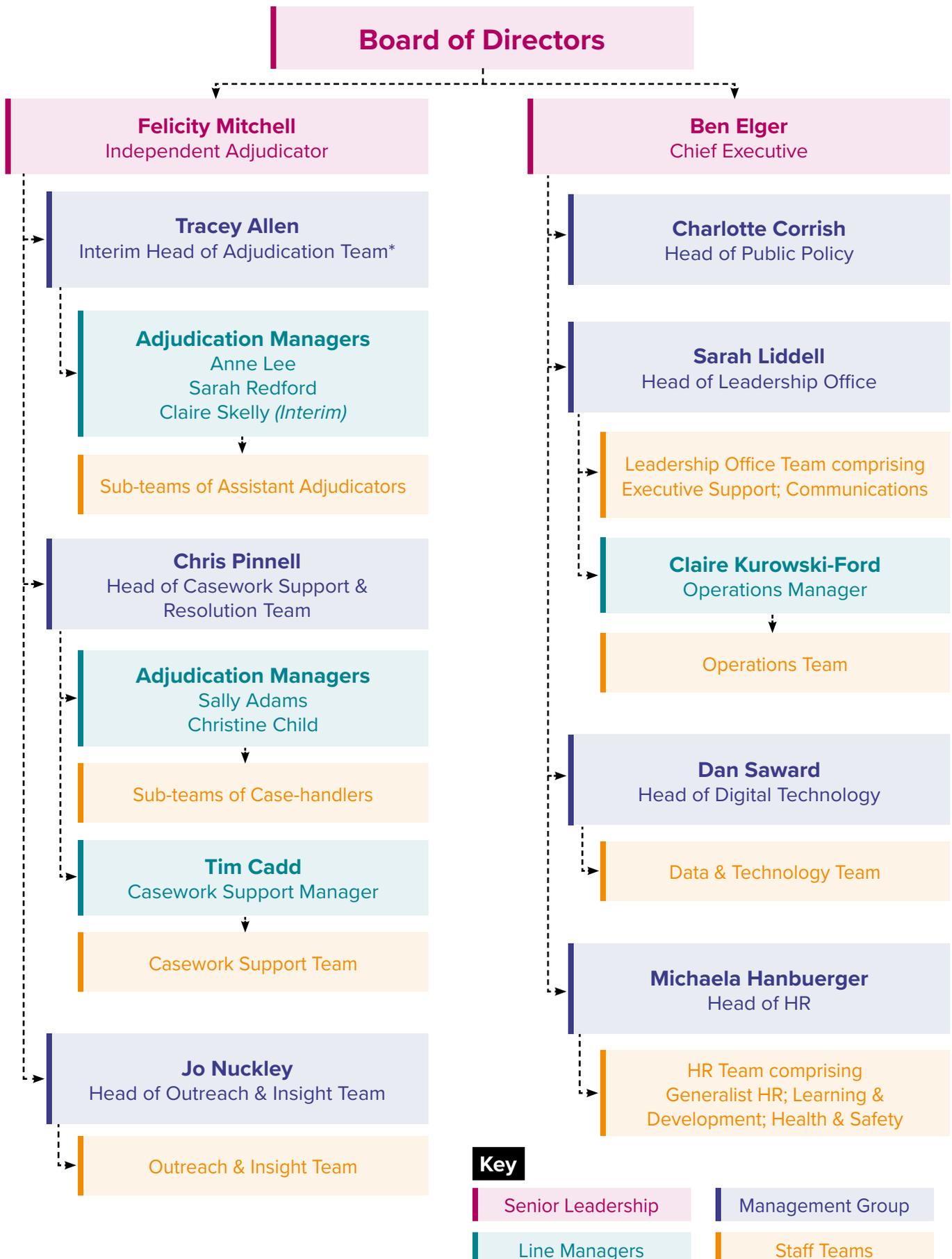
There is of course always more to do, and the survey identified some areas for further attention that we are taking forward as part of wider ongoing work to continually develop our organisation.

We continued to offer learning and development opportunities in 2020, to build knowledge and skills as part of our commitment to continually improving what we do. As well as sessions on racial and LGBTQ+ equality issues and on mental health, we ran externally led training including on safeguarding, telephone skills, supervisory skills and technical skills. We also ran a regular programme of internal knowledge-sharing sessions.

## The Rebecca Marsland Award

The Rebecca Marsland Award was created in 2019 in memory of our friend and colleague who sadly passed away. It is awarded each year as a celebration of an outstanding contribution to our work, an exceptional personal achievement or an act of kindness. We invite colleagues to make nominations and our Chief Executive and our Independent Adjudicator, together with the previous year's winner of the award, decide on a worthy winner. This year, the award was given to Steph, a Senior Assistant Adjudicator, who received nominations from colleagues across several teams. Steph has led by example this year on kindness and how important it is in our work. She has offered advice and support to colleagues in casework, and her positive attitude – and humour – has been an enormous encouragement to many people in our organisation.

# Our organisational structure



\*Permanent postholder: Zoë Babb

(correct as of 31 December 2020)

# Our Board of Trustees/ Directors

The OIA is overseen by an independent Board of Directors.

The Board has 15 members. Nine, including the Chair, are Independent Directors appointed by fair and open competition on the basis of their skills and experience. Six are Nominated Directors from representative bodies in higher education in England and Wales. These bodies may also appoint Alternate Directors, to attend Board meetings if their Nominated Director is not available.

Directors are normally appointed for a term of three years and serve up to two terms. No Director can serve for longer than nine consecutive years.

Board members are not involved in the review of individual complaints. The Board's responsibilities include:

- preserving the independence of the Scheme and the role of the Independent Adjudicator
- oversight of the performance and effectiveness of the Independent Adjudicator, the Chief Executive and the OIA Scheme
- setting the budget for the OIA and the level of subscriptions payable by providers each year
- approving the Rules for the operation of the Scheme.

In 2020, due to the impact of the pandemic, we paused our review of our governance arrangements looking at how we can best reflect the wider membership of our Scheme in our governance. We have since restarted the review and plan to progress it in 2021.



## Trustees/Directors

The Trustees/Directors of the charitable company, who served throughout 2020 unless otherwise stated, were as follows:-

### Independent Trustees/Directors

**Chair:** Dame Suzi Leather

**Deputy Chair:** Andy Mack

Adesewa Adebisi

Andrew Chandler

Dr Wendy Finlay

Gillian Fleming

Peter Forbes (to 1 March 2020)

Martin Kirke

Jonathan Rees

Sophie Williams

### Nominated and Alternate Trustees/Directors

#### Nominated by the Association of Heads of University Administration

Dave Hall - Nominated Director

#### Nominated by the Committee of University Chairs

Dr Diana Walford - Nominated Director (to 8 September 2020)

#### Nominated by GuildHE

Professor Geoffrey Elliott - Nominated Director (to 31 August 2020)

Jon Renyard - Alternate Director/Nominated Director from 31 August 2020

#### Nominated by the National Union of Students

Claire Sosienski Smith - Nominated Director (to 30 June 2020)

Hillary Gyebi-Ababio - Nominated Director (from 15 July 2020)

David Malcolm - Alternate Director (to 28 August 2020)

Natasha Dhumma - Alternate Director (from 21 September 2020)

#### Nominated by Universities UK

Professor Alistair Fitt - Nominated Director

Professor Paul Layzell - Alternate Director

#### Nominated by Universities Wales

William Callaway - Nominated Director

Dr Kevin Mundy - Alternate Director

# Our strategy and Operating Report

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:

- to review student complaints independently, fairly and effectively
- to share learning from complaints with higher education providers, student representative bodies, students and others, to help improve policies and practices and the student experience
- to work effectively with others and influence policy and practice in the wider regulatory framework for higher education and in the ombuds sector
- to continually develop our organisation so that we can do our work well.

Our [Operating Report for 2020](#) reports progress against our [Operating Plan 2020](#). It sets out what we have done during the year to advance each of our strategic priorities. It includes information on our performance against our key performance indicators, progress in ongoing areas of work, and new initiatives.

# Subscriptions

Our subscription model is designed to reflect the diversity of our membership and, to a lesser extent, the number of complaints about a provider, through a core subscription fee and a case-related element.

All providers pay a core subscription. For most providers this is based on student numbers (see Core subscription fee rates below for more information).

Core subscription levels are reviewed annually. In 2020 we were very aware of the significant financial challenges facing the higher education sector. However, we were continuing to experience substantial and sustained rises in the number of complaints coming to us, and notwithstanding the efficiency gains we have made, our costs remain strongly linked to the size of our caseload. Taking this into account, the Board agreed an increase in core subscription fee rates for 2021 of 5.0% for all types of provider.

Some providers also pay a case-related element of the subscription. “Points” are allocated to each complaint we receive, and each subscription band has a points threshold. The case-related element is payable when the number of points allocated to complaints received about the provider in the previous year exceeds the band’s points threshold. The number of points above the threshold determines the fee. The points allocated to a case are based on whether it is not eligible for us to review, settled or withdrawn before it goes to full review, or is fully reviewed. This maintains the vital principle that there should be no link between the outcome of eligible cases and the amount of any fee paid. In 2020 the Board agreed a small increase in the per point fee from £210 to £220 (which will affect case fees payable in 2022).

More details of our [subscriptions arrangements](#) can be found on our website.

**CORE SUBSCRIPTION FEE RATES FOR 2020****(pro-rated for providers joining the OIA Scheme part way through the year)**

	Band	Core Subscription Fee (£)	Core Subscription Fee (£) (HE in FE providers)
Up to and including 200 students	AA	457	320
201 to 500 students	A	944	661
501 to 1,500 students	B	1,905	1,334
1,501 to 6,000 students	C	10,241	7,169
6,001 to 12,000 students	D	20,320	14,224
12,001 to 20,000 students	E	33,776	23,643
20,001 to 30,000 students	F	51,055	35,739
30,001 to 50,000 students	G	60,672	42,470
50,001 to 100,000 students	H	74,662	52,263
More than 100,000 students	I	114,713	80,299

**CORE SUBSCRIPTION FEE RATES FOR 2021****(pro-rated for providers joining the OIA Scheme part way through the year)**

	Band	Core Subscription Fee (£)	Core Subscription Fee (£) (HE in FE providers)
Up to and including 200 students	AA	480	336
201 to 500 students	A	991	694
501 to 1,500 students	B	2,000	1,400
1,501 to 6,000 students	C	10,753	7,527
6,001 to 12,000 students	D	21,366	14,935
12,001 to 20,000 students	E	35,465	24,826
20,001 to 30,000 students	F	53,608	37,526
30,001 to 50,000 students	G	63,706	44,594
50,001 to 100,000 students	H	78,395	54,877
More than 100,000 students	I	120,449	84,314

# Statement of financial activities

## for the year ended 31 December 2020

	Unrestricted funds			Unrestricted funds		
	General Reserve	Pension Reserve	Total 2020	General Reserve	Pension Reserve	Total 2019
	£	£	£	£	£	£
<b>Income</b>						
<i>Income from investments</i>	11,150	-	11,150	22,676	-	22,676
<i>Income from charitable activities</i>						
Subscriptions	5,864,352	-	5,864,352	5,419,824	-	5,419,824
<i>Other income</i>	5,680	-	5,680	4,264	-	4,264
<b>Total income</b>	5,881,182	-	5,881,182	5,446,764	-	5,446,764
<b>Expenditure</b>						
<i>Charitable activities</i>	5,352,892	304,482	5,657,374	4,908,563	777,155	5,685,718
<b>Total resources expended</b>	5,352,892	304,482	5,657,374	4,908,563	777,155	5,685,718
<b>Net income/(expenditure)</b>	528,290	(304,482)	223,808	538,201	(777,155)	(238,954)
<b>Net movement in funds for the year</b>	528,290	(304,482)	223,808	538,201	(777,155)	(238,954)
Total funds at 1 January 2020	1,316,090	(1,447,429)	(131,339)	777,889	(670,274)	107,615
<b>Total Funds at 31 December 2020</b>	1,844,380	(1,751,911)	92,469	1,316,090	(1,447,429)	(131,339)

The amounts derive from continuing activities. All gains and losses recognised in the year are included in the statement of financial activities.

# Balance sheet at 31 December 2020

	2020		2019	
	£	£	£	£
<b>FIXED ASSETS</b>				
Tangible assets		193,964		273,397
<b>CURRENT ASSETS</b>				
Debtors	279,385		205,885	
Cash at bank and in hand	5,850,706		4,573,647	
	<u>6,130,091</u>		<u>4,779,532</u>	
<b>LIABILITIES:</b>				
Amounts falling due within one year	<u>(4,273,452)</u>		<u>(3,470,019)</u>	
<b>NET CURRENT ASSETS</b>		<u>1,856,639</u>		<u>1,309,513</u>
<b>TOTAL ASSETS LESS CURRENT LIABILITIES</b>		<u>2,050,603</u>		<u>1,582,910</u>
<b>LIABILITIES:</b>				
Amounts falling due after one year		<u>(206,223)</u>		<u>(266,820)</u>
<b>NET ASSETS EXCLUDING PENSION PROVISION</b>		<u>1,844,380</u>		<u>1,316,090</u>
Pension provision		<u>(1,751,911)</u>		<u>(1,447,429)</u>
<b>TOTAL NET ASSETS/(LIABILITIES)</b>		<u><u>92,469</u></u>		<u><u>(131,339)</u></u>
<b>FUNDS</b>				
<b>Unrestricted Funds</b>				
General reserve		1,844,380		1,316,090
Pension reserve		<u>(1,751,911)</u>		<u>(1,447,429)</u>
		<u><u>92,469</u></u>		<u><u>(131,339)</u></u>

These constitute summarised financial statements and do not include the financial information and disclosures required in a full set of financial statements.

The full set of audited financial statements can be found on our website at [www.oiahe.org.uk](http://www.oiahe.org.uk).



office of the  
independent  
adjudicator

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