

OPERATING REPORT FOR 2021



office of the
independent
adjudicator

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

[Our strategy](#) identifies four key priorities through which we fulfil our purpose and work towards our vision that students are always treated fairly.

The coronavirus pandemic continued to have a profound impact on the higher education sector in 2021, and remained the key context for our work during the year.

Our Operating Report for 2021 reports progress against our Operating Plan 2021. It sets out what we have done during the year to advance each of our strategic priorities. It includes both ongoing areas of work and new initiatives.

To review student complaints independently, fairly and effectively.

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

In 2021 we received 2,763 complaints, our highest ever number. This is an increase of 6% compared to 2020, and follows increases in each of the previous four years. In addition, we received a complaint from a large group of students. It is important to students that we provide a timely service, and this remains a key focus. We have continued to meet most of our timeliness key performance indicators (KPIs) despite the rise in case numbers, but there are challenges in managing significant and sustained increases and we did not quite meet our KPI for overall turnaround timeliness this year. We have continued to take steps to manage our caseload as effectively as we can. In 2021 we closed 2,654 complaints, 2% up on 2020. We took an average of 131 days to close a case, compared to 121 days in 2020.

We continued to look for ways to improve our case-handling, using learning from our quality assurance processes and insights from feedback and our good practice work to continually improve what we do.

We continued to consolidate work to cultivate kindness in all that we do, especially in how we communicate with students and support them in using our service. We continued to listen to students who used our service and to be responsive to what they told us.

WHAT WE PLAN TO DO	WHAT THIS WILL LOOK LIKE	HOW WE DID
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.	We meet our key performance indicators (KPIs) for the timeliness of our case-handling process: <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.	We met or came close to our KPIs for the timeliness of our case-handling process: <ul style="list-style-type: none">• We responded to 99% of enquiries within two working days• We made 99% of eligibility decisions, or requested further information, within 10 working days• We closed 69% of cases within six months of receipt.

WHAT WE PLAN TO DO	WHAT THIS WILL LOOK LIKE	HOW WE DID
<p>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.</p>	<p>We monitor the quality of our processes and decisions. We feed learning back into continuous development of our case-handling practice.</p>	<p>We monitored quality through various mechanisms, overseen by our Casework Quality Group. We used learning from quality assurance to monitor the effectiveness of innovations in our casework, to better understand and address any development needs we identified in our case-handlers, and to improve and update guidance for case-handlers.</p>
<p>We will continue to encourage case-handlers to try to settle cases whenever it is appropriate.</p>	<p>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.</p>	<p>We tried to settle cases where we thought that would be the best way to resolve the complaint. We were successful in settling 15% of cases.</p>
<p>We will take a more adaptable approach to our reviews and empower case-handlers to use our processes flexibly.</p>	<p>We handle cases in a way that is more responsive to both the needs of the individual student and the nature of the case. We trial an approach to cases that prioritises early resolution and is more proportionate to the circumstances of the case.</p>	<p>We continued to take a flexible approach to our casework and to be responsive to the needs of students. We built on the learning from trialling different approaches to cases and continued to try to resolve cases at the earliest opportunity.</p>
<p>We will listen to students to understand their concerns.</p>	<p>We continue to offer students the opportunity to discuss their complaint with us so we understand their concerns before we reach our decision. We give students who contact us with enquiries the option of discussing their case with us before deciding whether to make a complaint to us.</p> <p>We continue to collect and consider feedback from students on their experience of our service.</p>	<p>We continued to offer students opportunities to speak to us on the phone as part of our regular process. Where appropriate we gave students the option of discussing their case and concerns with a case-handler before making a complaint to us.</p> <p>We continued to consider feedback from students on their experiences of our service and to use it to inform ongoing developments in our practice.</p>

WHAT WE PLAN TO DO	WHAT THIS WILL LOOK LIKE	HOW WE DID
<p>We will continue to develop how we communicate with students and support them through our review of their complaint.</p>	<p>We communicate with students throughout our review process so they are supported and understand what is happening with their complaint. We trial the use of video calls and where appropriate giving our decisions by telephone. We continue to develop our online portal MyOIA.</p>	<p>We continued to try to communicate clearly and empathetically with students throughout their complaint. In some appropriate cases we have given our decision by telephone. We are at an early stage of trialling the use of video calls in our casework.</p>
<p>We will work with higher education providers to maintain a high level of compliance with our Recommendations.</p>	<p>We maintain our strong track record of compliance, and meet our KPI of compliance with 85% of student-centred Recommendations by the target date.</p>	<p>We maintained our strong record of compliance with our Recommendations. 95% of student-centred Recommendations were implemented by the target date.</p>
<p>We will develop a Large Group Complaints process for handling complaints from large groups of students where there is a high degree of commonality between the complaints.</p>	<p>The new process enables us to consider large group complaints collectively and efficiently whilst maintaining fairness.</p>	<p>Following consultation, we introduced additional Rules for Large Group Complaints which came into effect on 19 April 2021.</p>
<p>As the designated alternative dispute resolution (ADR) body for higher education complaints, we will continue to comply with the requirements of the ADR Regulations.</p>	<p>We continue to meet the standards and reporting requirements expected of us as the ADR body.</p>	<p>We continued to meet the requirements on us as an ADR body. We had a successful biennial audit by the Chartered Trading Standards Institute in autumn 2021.</p>

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 our good practice work. We continued to monitor the effectiveness of what we do and assess its impact 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 continued to engage with live issues affecting providers and students, listening to their experiences and developing and updating our good practice guidance based on learning from the complaints we see.

WHAT WE PLAN TO DO	WHAT THIS WILL LOOK LIKE	HOW WE DID
We will continue to share learning from our work through publishing information and guidance.	We publish information about our approach and learning from the complaints we see, for example in briefing notes and in case summaries.	We published guidance on handling complaints arising from significant disruption, bringing together some of our guidance relating to the pandemic and industrial action. We also published further information relating to the pandemic including two further sets of case summaries of coronavirus-related complaints.
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 further develop our virtual outreach programme.	We further developed our virtual outreach programme. We introduced new topics to our webinar programme, including additional Level 2 (more advanced) webinars. We continued to promote our outreach programme and information to all of our members, including through our monthly tailored Update for our Points of Contact. Feedback on our programme has been very positive.

WHAT WE PLAN TO DO	WHAT THIS WILL LOOK LIKE	HOW WE DID
<p>We will continue to reach out to student representative bodies and offer tailored outreach and resources.</p>	<p>We continue to deliver outreach events and provide good practice resources focusing on the role of student representative bodies in complaints and appeals. We explore ways to engage with student representatives in providers where there is no formal student representative body.</p>	<p>We ran well-received online workshops and webinars for student representative bodies, and we spoke at a number of events for student representative bodies. We built on our engagement with providers where there is no formal student representative body.</p>
<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 looked at a sample of providers' procedures and where appropriate made suggestions for improvements in signposting to us. We continued to monitor patterns in who complains to us. We held several discussion groups with different groups of students. We fed learning into our outreach programme, and into the early stages of our review of the Good Practice Framework: Handling complaints and academic appeals section.</p>
<p>We will continue to promote effective support for disabled students.</p>	<p>We continue to share learning on supporting disabled students, including working with the Disabled Students' Commission to promote good practice in handling complaints brought by disabled students.</p>	<p>We continued to share learning on supporting disabled students, including in the context of the pandemic. We liaised with other organisations where appropriate, including sharing information from our work and relevant student discussion groups with the Disabled Students' Commission.</p>
<p>We will work with the Good Practice Framework Steering Group to review and update the Good Practice Framework: Handling complaints and academic appeals, consult on it and publish it.</p>	<p>We publish the updated Good Practice Framework: Handling complaints and academic appeals after consultation by the end of the year.</p>	<p>We began work on reviewing the Good Practice Framework: Handling complaints and academic appeals, and plan to take this forward in 2022.</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 as we further developed our role in the regulatory framework, balancing our independence and our interdependence with other organisations.

We used our influence to help to increase focus on the student voice and experience, and to bring our expertise to the debate about live and emerging policy issues in the sector. We worked 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 to progress legislation consulted upon in 2020 to make our service available to students across the post-compulsory education and training sector in Wales.	We work closely with the Welsh government, following the timetable and approach arising from Senedd elections, towards legislation that enables us to take on this expanded role effectively.	We welcomed the Tertiary Education and Research (Wales) Bill, which includes provision to extend our remit in Wales and has been laid before the Senedd. We continued to liaise regularly with Welsh government officials and engage with work to progress the Bill.

WHAT WE PLAN TO DO	WHAT THIS WILL LOOK LIKE	HOW WE DID
<p>We will respond to key proposals, reviews and developments from the UK government and others in the HE sector.</p>	<p>We bring our distinct perspective, shaped by what we learn from reviewing complaints and working with providers and student representative bodies towards continuous improvement, to a wide range of policy areas as the government and the higher education sector continue to respond to the pandemic and wider challenges. We expect this to include responding to a White Paper or strategy document for higher education and the government's response to the Augar review.</p>	<p>We contributed to policy development on key issues, including the impact of Covid-19 on students and supporting them as we emerge from the pandemic, and we responded to government plans for free speech-related complaints to try to ensure clarity for students and that they have access to remedy through our Scheme. We also responded to relevant consultations including the Office for Students' approach to quality and standards and reportable events and information sharing, and proposed changes to initial teacher training, and to developments on important issues such as sexual harassment.</p>
<p>We will continue to work as an integral but independent part of the regulatory framework, working constructively with the Office for Students (OfS) and the Higher Education Funding Council for Wales (HEFCW).</p>	<p>We work with the OfS and HEFCW so information is shared as appropriate and we are involved in relevant discussions around their workstreams.</p>	<p>We continued to work with OfS and HEFCW on a range of relevant issues, and to share information as appropriate including where we identified systemic issues through complaints and so that we have the information we need relating to membership of our Scheme.</p>

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 (QAA), 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 with a broad range of stakeholders. We contributed to discussions around the ongoing response to the pandemic and other relevant issues. We regularly participated in meetings of the Standing Committee, the QAA Academic Integrity Unit and the Consumer Benefit Forum.</p> <p>We worked with UUK and others to progress work towards further guidance on handling cases of misconduct and harassment.</p>
<p>We will contribute to policy consideration around the issue of students being left without meaningful remedy in some market exit or insolvency situations.</p>	<p>We continue to promote the importance of making remedies available for individual students in these circumstances and engage with government and organisations in the sector around possible solutions.</p>	<p>We continued to promote this where possible but focus has remained largely on the wider issues of the pandemic. When a provider voluntarily leaves the OfS Register, it has transitional obligations under our Scheme and we continued to liaise with OfS and providers to make this clear.</p>
<p>We will continue to work with student organisations and sector bodies to help mitigate the impact of market exit or insolvency situations and achieve appropriate redress for students where possible.</p>	<p>We play a role in any relevant taskforces and where possible contribute to planning to help improve outcomes for students and reduce the likelihood of complaints arising. We participate in any lessons learned exercises.</p>	<p>It is positive that the pandemic has not resulted in widespread market exits but we continued to liaise with OfS and others to maintain awareness of potential situations.</p>

WHAT WE PLAN TO DO	WHAT THIS WILL LOOK LIKE	HOW WE DID
<p>Following government confirmation in 2020 that providers of higher technical qualifications should join the OIA Scheme, we will encourage all awarding bodies to join to make access to independent redress as wide as possible.</p>	<p>We work closely with DfE, OfS, Ofqual and others to ensure understanding of any gaps in coverage and work to reduce them.</p>	<p>We continued to promote wider access to independent redress for students. We held discussions with relevant regulators and other organisations to encourage awarding bodies to join our Scheme.</p>
<p>We will resume the review of our governance structure (paused due to coronavirus) 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 resumed the review of our governance arrangements and we are taking this forward in discussion with key stakeholders whilst being mindful of the continuing context of 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 several OA networks including First Contact, Policy, Communications and HR, and to serve on the OA and ENOHE Boards. Felicity Mitchell, Independent Adjudicator was elected as Vice-Chair of the OA in September 2021, and Chair of the Validation Committee.</p>

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

We continued to reflect our values in our work and to encourage an engaging, supportive and high-performing organisational culture that is inclusive, diverse and promotes wellbeing. We supported colleagues' understanding of our organisational context and direction and the part they play in it.

We kept capacity requirements across the organisation under review to be in a position to fulfil the different aspects of our remit effectively. We continued to develop our organisational infrastructure so that it supports our core functions effectively.

WHAT WE PLAN TO DO	WHAT THIS WILL LOOK LIKE	HOW WE DID
We will continue to promote a positive, high-performing organisational culture.	We support people to achieve their potential and have high expectations of performance. We increase flexible working to help people to work at their best. We proactively support wellbeing. We use learning from our very positive recent employee engagement survey to inform developments in how we work.	We continued to promote a positive, high-performing organisational culture, including through a strong focus on supporting staff wellbeing especially in the context of the pandemic and through increased flexible working. We fed learning from the employee engagement survey into ongoing developments in how we work.
We will maintain our focus on diversity and inclusion.	We value diversity in our organisation and work to promote an inclusive culture. We develop how we reach out to underrepresented groups in our recruitment, drawing on specialist expertise and taking a skills-based approach. 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.	We maintained a strong focus on diversity and inclusion throughout the year. We had some success in reaching out to underrepresented groups in our recruitment. We celebrated diversity with internal staff-led events during the year. We continued to explore patterns in our casework data.

WHAT WE PLAN TO DO	WHAT THIS WILL LOOK LIKE	HOW WE DID
<p>We will continue to support professional development and provide tailored learning opportunities.</p>	<p>We value learning and support professional development. We run a programme of internally led knowledge-sharing sessions, tailored workshops, external training and study opportunities.</p>	<p>We ran internally led knowledge-sharing sessions and offered various externally led sessions and learning opportunities. These included a wide range of casework-related sessions including student finance issues, management development, mental health, data protection and safeguarding.</p>
<p>We will cultivate kindness in all aspects of our work.</p>	<p>We recognise the value of kindness. Our kinder approach helps students to feel that we have listened to and understood their concerns and supports the effectiveness of our casework.</p>	<p>We continued to promote kindness in our organisation and our work. Feedback from students shows that they value kindness, and case-handlers are finding that students and staff at providers are responding positively to a kinder approach to communication.</p>
<p>We will continue to develop our information management practices.</p>	<p>Our practices support consistency and enable colleagues to find the information they need quickly through well-structured and comprehensive case-related resources. Where possible, we automate processes such as record retention schedules.</p>	<p>We made improvements to how we store electronic documents, enabling improvements in how we organise and search files and largely automating retention processes.</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 continued to manage our finances effectively, enabling us to resource our organisational priorities appropriately. The unit cost of cases has increased somewhat to a little under £1,800.</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 keep the structure and level of our subscriptions under review taking account of both our rising caseload and financial pressures in the sector. We monitor developments in higher education sector data that are relevant to our subscriptions.	We considered subscriptions levels for 2022 very carefully, taking account of both our rising caseload and financial pressures in the sector, and our Board agreed a 5% uplift in core subscriptions. We now use higher education sector published data as the basis where applicable for determining subscriptions bands for almost all of our members.
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 make further improvements to our IT to work towards more integrated systems and greater efficiency.	Our IT systems continued to function well through the year. We began work on IT infrastructure developments to make further improvements to our systems.