

# Operating Report for 2022



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.

Our Operating Report for 2022 reports progress against our Operating Plan 2022. It sets out what we did during the year to advance each of our strategic priorities. It includes both ongoing areas of work and new initiatives.

We continued to respond to the high volume of complaints to us and to prepare for possible further increases. We further embedded our proactive approach to sharing learning from complaints and to our role as an integral but independent part of the regulatory framework, working towards greater fairness for students. We listened to and engaged with our stakeholders as we continued to adjust to the longer-term impacts of the pandemic and to consider how we can best develop our organisation to the benefit of students and the sector.

## 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 2022 we received 2,850 complaints, our highest ever number. This is an increase of 3% compared to 2021, and follows increases in each of the previous five years. 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 continuing 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 2022 we closed 2,821 complaints, 6% up on 2021. In addition we closed a complaint from a large group of students. We took an average of 135 days to close a case, compared to 131 days in 2021.

We continued to look for ways to improve our case-handling. We used 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 and how we support students in using our service. We continued to listen to students who brought their complaints to us 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"><li>◆ Responding to 95% of enquiries within two working days</li><li>◆ Making 90% of eligibility decisions (or requesting further information) within 10 working days</li><li>◆ Closing 75% of cases within six months of receipt.</li></ul>	We met or came close to our KPIs for the timeliness of our case-handling process: <ul style="list-style-type: none"><li>◆ We responded to 99% of enquiries within two working days</li><li>◆ We made 98% of eligibility decisions, or requested further information, within 10 working days</li><li>◆ We closed 69% of cases within six months of receipt.</li></ul>

What we plan to do	What this will look like	How we did
We will use risk-based and proportionate quality assurance mechanisms to evaluate the quality of our processes and the decisions we reach, using what we learn to improve what we do.	We monitor the quality of our processes and decisions. We feed learning back into continuous development of our case-handling practice.	We monitored quality through various mechanisms, overseen by our Casework Quality Group. We used learning from quality assurance to monitor the effectiveness of innovations in our casework and to improve and update guidance for case-handlers.
We will continue to develop the skills of our case-handlers.	We provide support and training for case-handlers so that they are well equipped to review all cases allocated to them effectively and impartially, building on the Ombudsman Association's Caseworker Competency Framework.	Our comprehensive induction programme for new case-handlers and individual developmental feedback are aligned to the Caseworker Competency Framework. We continued to run an internal programme of case-handler-led sessions and externally led training. All of this supports our case-handlers to develop their skills.
We will continue to encourage case-handlers to try to settle cases whenever it is appropriate.	We try to settle cases where this would be a reasonable and realistic potential outcome, meeting our KPI of settling 10% of our cases.	We tried to settle cases where we thought that would be the best way to resolve the complaint. We were successful in settling 15% of cases, exceeding our KPI.
We will continue to take an adaptable approach to our reviews and to empower case-handlers to use our processes flexibly.	We handle cases in a way that is responsive to both the needs of the individual student and the nature of the case. We continue to improve our case-handling processes, building on learning from previous trials, to prioritise early resolution and an approach that is proportionate to the individual case.	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.

What we plan to do	What this will look like	How we did
We will support students to fully participate in our review process through actively listening to what they tell us and explaining what we are doing.	We continue to offer students the opportunity to discuss their complaint with us so we understand their concerns before we reach our decision. 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 as an alternative to telephone calls where appropriate.	Case-handlers continued to routinely offer students the opportunity to discuss their complaint with us by telephone, and we can now offer video calls where appropriate. We communicated with students throughout our review process.
We will listen to what students and others tell us about how they experience our service and use this to further improve what we do.	We consider the feedback students and others give us about our service and identify and implement learning.	We continued to consider feedback from students on their experiences of our service and to use it to inform ongoing developments in our practice.
We will work with higher education providers to maintain a high level of compliance with our Recommendations.	We maintain our strong track record on compliance, and meet our KPI of compliance with 85% of student-centred Recommendations by the target date.	We maintained our strong record of compliance with our Recommendations. 93% of student-centred Recommendations were implemented by the target date.
As the designated alternative dispute resolution (ADR) body for higher education complaints, we will continue to comply with the requirements of the ADR Regulations.	We continue to meet the standards and reporting requirements expected of us as the ADR body.	We continued to meet the requirements on us as an ADR body. We received a very positive report from the Chartered Trading Standards Institute following the biennial audit it undertook in late 2021.

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

We continued to develop 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 used feedback from outreach participants to inform what we offered, and we asked what follow-up actions people intended 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 case summaries, and in resources for providers and student representative bodies.	We published guidance on responding to the cost of living crisis drawing on our wider learning from complaints, and a casework note with accompanying case summaries on pregnancy, parenthood and childcare.
We will continue to deliver our outreach programme in ways that make effective use of our resource.	We further develop our live interactive virtual outreach provision, and draw on these discussions in developing our “on demand” content. We balance our online provision with face-to-face outreach appropriately. We take other opportunities to share learning from complaints, for example through contributing to sector events.	We ran a programme of 19 webinars and online workshops. We had a focus on academic misconduct, offering six introductory webinars, some based on case studies and some group discussion webinars. We visited a number of providers and student representative bodies in person. We contributed to sector events, covering a wide range of topics.

What we plan to do	What this will look like	How we did
We will continue to reach out to student representative bodies including through relevant networks and forums, and offer tailored outreach and resources.	We continue to deliver outreach events and provide good practice resources focusing on the role of student representative bodies in complaints and appeals. We continue to explore ways to engage with student representatives including in providers where there is no formal student representative body.	We ran two online workshops for student representative bodies and introduced new discussion groups with student advisers and officers. We spoke at a number of events for student representative bodies and contributed to NUS's Lead and Change programme. We continued to reach out to providers where there is no formal student representative body.
We will support students' awareness and understanding of our service and when they can complain to us.	We continue to look at examples of providers' published procedures to see whether students are clearly signposted to us. We promote students' understanding of our remit and approach and when they can complain to us, including through working with providers and student representative bodies. We give students who contact us the option of discussing their case with us before deciding whether to bring their complaint to us.	We took opportunities to feed back to providers on the clarity of their procedures and signposting. We continued to try to make it clear to students when they can complain to us. We gave students who contacted us in advance the opportunity to discuss their case with a case-handler before they submitted a complaint.
We will further develop our understanding of differences between students in relation to complaints processes, both within providers and in complaints to us, and use what we learn to help improve practice.	We hold student discussion groups to explore students' different experiences. We look at what we can learn from the complaints we receive. We share relevant learning with the sector and use it to inform our own practice.	We held 11 student discussion groups to hear about different students' experiences. We fed learning from these and from the complaints we receive into the sector and our own practice.
We will continue to promote effective support for disabled students.	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.	We continued to highlight considerations for supporting disabled students effectively. We worked with the Disabled Students' Commission, including responding to the consultation on its Disabled Student Commitment.

What we plan to do	What this will look like	How we did
<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 sought early input on this section of the Framework through a series of discussion webinars, revised and updated it, and published the draft for consultation. The final version published in December reflects the helpful feedback we received and includes updated overarching principles and new guidance on bias.</p>
<p>We will engage with the tertiary sector in Wales to understand the context of complaints and appeals from further education students, in preparation for our expected extended remit.</p>	<p>We engage with relevant organisations in Wales to learn more about how further education complaints are currently handled, and what the different needs of further education students might be, and use this to inform our preparations for our extended remit.</p>	<p>In view of the timescales that emerged during the year, our work in this area focused around the progress of the Tertiary Education and Research (Wales) Bill.</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 continued to play our part 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 continued to work towards extending access to our service to as many as possible of those who could benefit from it.

We continued to be active members of the Ombudsman Association (OA) and of the European Network for Ombuds in Higher Education (ENOHE), sharing our learning and learning from other schemes.

What we plan to do	What this will look like	How we did
We will continue to work with the Welsh government and key stakeholders to make our service available to students across the post-compulsory education and training sector in Wales.	We work closely with the Welsh government and other key stakeholders as the Tertiary Education and Research (Wales) Bill progresses through the Senedd legislative process and as we prepare to take on this expanded role.	We continued to work with the Welsh government and others as the Tertiary Education and Research (Wales) Bill progressed through the Senedd and was passed.
We will respond to key proposals, reviews and developments from the UK government and others in the HE sector. This is likely to include responding to a White Paper or strategy document for higher education and the government's response to the Augar review.	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 longer-term effects of the pandemic and other challenges.	We responded to the UK government's Higher education policy statement and reform consultation and Lifelong loan entitlement consultation. We fed in our perspective to other relevant policy proposals and developments.



What we plan to do	What this will look like	How we did
We will continue to fulfil our role as an integral but independent part of the regulatory framework, working with the Office for Students (OfS), the Higher Education Funding Council for Wales (HEFCW) and other relevant regulators.	We work with the OfS and HEFCW so information is shared as appropriate and we are involved in relevant discussions around their workstreams.	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.
We will continue to work with a range of organisations and groups across the sector and beyond.	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 and the Competition and Markets Authority and Consumer Benefit Forum.	We maintained a very high level of engagement with a broad range of stakeholders. We contributed to discussions around relevant issues. We regularly participated in meetings of the Standing Committee, and the Consumer Benefit Forum and in bilateral meetings with a range of organisations including relevant professional, statutory and regulatory bodies (PSRBs).
We will work with DfE, the OfS and others around the Higher Education (Freedom of Speech) legislation, to promote clarity for students.	We work to try to make sure that students understand the options open to them for complaints involving free speech. This includes having a clear pathway for students to bring their complaint to us, explaining our approach, and the remedies we can recommend for students if we uphold their complaint.	We continued to work with DfE, OfS and others as the Higher Education (Freedom of Speech) Bill progressed and to highlight ongoing concerns about the proposals, in particular in relation to clarity for students and providers.

What we plan to do	What this will look like	How we did
We will contribute to policy consideration around the issue of students being left without meaningful remedy in some market exit or insolvency situations.	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.	We continued to take opportunities to make the case for this. We contributed to work around the closure of Academy of Live and Recorded Arts (ALRA) to help achieve positive outcomes for the students.
We will encourage all higher education awarding bodies not currently covered by legislation to join our Scheme to make access to independent redress as wide as possible.	We work closely with DfE, OfS, Ofqual, Qualifications Wales and others to understand any gaps in coverage and work to reduce them.	We continued to promote wider access to independent redress for students. We held discussions with relevant regulators and others to encourage awarding bodies to join our Scheme.
We will progress the review of our governance structure towards future arrangements that will enable effective governance, reflect our expanded membership and have the confidence of stakeholders.	We move towards implementing new governance arrangements.	We progressed the review of our governance structure and developed arrangements in discussion with key stakeholders that meet the goals of the review.
We will learn from, contribute to, and reflect good practice in the ombuds sector.	As active members of the OA, we share learning with and learn from other organisations in the ombuds sector. We identify any improvements we can make to our own approach and contribute to the development of ombuds practice more widely through our involvement in OA and ENOHE governance, and through their events.	We continued to participate in several OA networks including First Contact, Policy, Communications and HR and to contribute to events, as well as serving on the OA and ENOHE Boards.

## 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 so that we were 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 run a full recruitment process to appoint a new Independent Adjudicator.	We conduct an open recruitment process including a comprehensive search reaching out to diverse candidates and a thorough assessment process to identify a new Independent Adjudicator (to start in May 2023).	We conducted an extensive search and attracted a strong, diverse field of candidates. Following a robust and thorough assessment process we are delighted that Helen Megarry has been appointed as our new Independent Adjudicator from May 2023.
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 effectively embed hybrid working to help people to work at their best, establishing a vibrant and collaborative office environment as well as offering a high level of flexibility. We proactively support wellbeing.	We continued to take steps to support high performance and promote a positive organisational culture, and to make the most of our flexible hybrid working arrangements. We continued to take steps to support staff wellbeing.

What we plan to do	What this will look like	How we did
We will further strengthen our focus on diversity and inclusion.	We value diversity in our organisation and continue to work to promote an inclusive culture. We build on work we have done to 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 made progress with increasing diversity in our workforce through our approach to recruitment. We continued to look at our casework data to better understand patterns in complaints to us.
We will continue to support professional development and provide tailored learning opportunities.	We value learning and support professional development. We run a programme of internally led knowledge-sharing sessions, tailored workshops, external training and study opportunities.	We ran internally led knowledge-sharing sessions and offered various externally led sessions and learning opportunities. These covered a wide range of casework-related sessions, mental health, and neurodiversity.
We will cultivate kindness in all aspects of our work.	We recognise the value of kindness. We adopt a Commitment to Kindness based on the Kindness Leadership Network's Commitment. Our kinder approach helps students to feel that we have listened to and understood their concerns and supports the effectiveness of our casework.	We adopted our <a href="#">Commitment to Kindness</a> and continued to embed a kinder approach in our organisation and our work. Feedback showed that students value this and it supported the effectiveness of our casework.

What we plan to do	What this will look like	How we did
We will continue to develop our information management practices.	Our practices support consistency and enable case-handling colleagues to find the information they need quickly through well-structured and comprehensive case-related resources. More widely, we further develop our data management practices so that all colleagues have easy access to the information they need, when they need it. Where possible, we automate processes such as record retention schedules.	We maintained and updated comprehensive case-related resources to support consistency and efficiency. Effective information management was a key consideration in our approach to developing our planned new IT systems.
We will continue to provide a cost-effective and efficient alternative to the courts, benefiting both providers and students who use our Scheme.	We manage our finances to enable us to advance and balance our organisational priorities and keep the unit cost of our cases stable through carefully planned organisational growth and a continuing focus on efficiency.	We continued to manage our finances effectively, enabling us to resource our organisational priorities appropriately. The unit cost of cases has increased this year but remains below £2,000 even without taking into account the complaint from the large group of students.
We will continue to refine and improve our subscriptions system.	We continue to monitor the structure and level of our subscriptions, taking account of both our rising caseload and financial pressures in the sector. In 2022 we review the case-related element of subscriptions to make sure that it continues to operate as fairly as possible for all providers. We monitor developments in higher education sector data that are relevant to our subscriptions.	We considered subscriptions levels for 2023 very carefully, taking account of both our rising caseload and financial pressures in the sector, and our Board agreed a 3% uplift in core subscriptions. We progressed our review of the case-related element of subscriptions, including engaging with stakeholders. We continued to monitor relevant data developments.
We will continue to develop our IT infrastructure and systems so that they are stable, secure and meet organisational needs.	We maintain a good level of stability and security through the year. We progress work to upgrade our IT infrastructure, working towards introducing new systems that are more integrated and enable greater efficiency.	Our IT systems continued to function well through the year. We undertook significant work on our IT infrastructure, developing our planned new casework and membership system.