



office of the  
independent  
adjudicator

'for students in higher education'

**The good practice  
framework:**  
*Handling complaints  
and academic appeals*

*Delivering learning  
opportunities with  
others*



March 2017

# Contents

<b>Preface</b>	<b>3</b>
<b>List of Case Studies</b>	<b>4</b>
<b>Introduction</b>	<b>5</b>
<b>Higher education providers in England and Wales</b>	<b>6</b>
Arrangements involving more than one degree-awarding body	6
Arrangements involving an awarding provider and a delivery provider	6
Arrangements between a SCITT provider and a partner university	12
<b>Transnational arrangements</b>	<b>14</b>
Providers in England or Wales with campuses in another jurisdiction	14
Joint (etc.) awards where one awarding provider is outside England and Wales	14
Delivery provider(s) in England or Wales with awarding provider(s) outside England and Wales	15
Awarding provider(s) in England or Wales and delivery provider(s) outside England and Wales	15
Regulatory requirements	16
<b>Providers with multiple collaborative arrangements</b>	<b>19</b>
<b>When arrangements between partner providers end</b>	<b>20</b>
<b>Information sharing between providers</b>	<b>21</b>
<b>Timeliness</b>	<b>22</b>
<b>Supporting students to make their complaints and academic appeals</b>	<b>23</b>
<b>Appendix: Qualifications awarded by external awarding organisations in England and Wales</b>	<b>24</b>
<b>Section Glossary</b>	<b>27</b>

# Preface

## **The Good Practice Framework: handling student complaints and academic appeals**

was published in December 2014 and revised in December 2016. This section sets out some further good practice guidance on handling complaints and academic appeals in the context of delivering learning opportunities with others.

This guidance was prepared by the OIA in consultation with the Good Practice Framework steering group. In December 2016, a draft was published for consultation and submissions were received from member providers, student representative bodies and other higher education sector bodies.

Collaborative arrangements in the higher education sector are diverse and often complex. This is a guide

to handling complaints and academic appeals in the context of such arrangements. This guidance sets out operational good practice but does not include prescriptive detail.

In due course, this guidance may also be expanded to cover other examples of delivering learning opportunities with others, such as work-based learning and placements.

From the 2018/19 academic year, this guidance will inform the way that the OIA considers complaints and academic appeals from students who are studying on courses which are provided through a collaborative arrangement involving more than one provider or a provider and (an)other awarding organisation(s).

# List of Case Studies

---

## Higher education providers in England and Wales

Case Study 1: Complaint about facilities	11
Case Study 2: Academic appeal and complaint about project supervision	11
Case Study 3: Complaint about teaching standards and course materials	12
Case Study 4: SCITT trainee	13

---

## Transnational arrangements

Case Study 5: Joint degree – academic appeal	17
Case Study 6: Joint degree – accommodation complaint	17
Case Study 7: Joint programme with three awarding providers	18
Case Study 8: Dual award	18

---

## Appendix: Qualifications awarded by external awarding organisations in England and Wales

Case Study 9	26
Case Study 10	26

---

# Introduction

- 1 The Good Practice Framework: handling complaints and academic appeals, sets out core principles that are relevant to all higher education providers which are members of the OIA. They are: **accessibility; clarity; proportionality; timeliness; fairness; independence; confidentiality;** and **improving the student experience.** The Framework also sets out good practice guidance on the structure of complaints and academic appeals procedures, including the number and format of stages in each process. Providers should refer to the main Framework for guidance on those issues.
- 2 Many providers in England and Wales provide learning opportunities in collaboration with one or more other providers or awarding organisations, in the UK or overseas. Where providers are working together, the principles of timeliness and proportionality are particularly important: students should not have to wait longer or go through unnecessary procedural stages simply because more than one provider is involved.
- 3 This section of the Good Practice Framework outlines additional good practice guidance for providers to consider when handling complaints and academic appeals in the context of delivering learning opportunities in higher education with others.
- 4 This guidance considers domestic arrangements, where the providers and/or awarding bodies involved are in England or Wales, and transnational arrangements. Sometimes all of the providers involved in the arrangement are members of the OIA Scheme, but this is not always the case. Where the provider was brought into membership of the OIA Scheme by the Consumer Rights Act 2015, reference to “students” means students studying on a higher education course<sup>1</sup> who may complain to the OIA.
- 5 This guidance complements the “expectations” and “indicators” set out in the QAA UK Quality Code for Higher Education (the ‘QAA UK Quality Code’), in particular Chapter B9 (Academic Appeals and Student Complaints) and Chapter B10 (Managing Higher Education Provision with Others)<sup>2</sup>.
- 6 There are many types of collaborative arrangement and new models of delivery are likely to emerge which will present new challenges. This guidance provides an operational framework for providers working with others to deliver higher education provision; it does not set out prescriptive guidelines for every type of arrangement.<sup>3</sup>
- 7 This guidance focuses upon handling complaints and academic appeals. Other issues arising in the context of delivering learning opportunities with others, for example issues arising from disciplinary procedures and issues specific to research students, will be the subject of separate guidance.

---

1 <http://www.oiahe.org.uk/glossary.aspx#hecource>

2 <http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code>

3 This guidance does not cover every type of arrangement. For example, where a provider hires general rooms from another organisation within which to hold examinations, such an arrangement would not fall within this guidance. Such arrangements do not fall within the scope of Chapter B10 of the QAA UK Quality Code either.

# Higher education providers in England and Wales

## Arrangements involving more than one degree-awarding body

8 Some providers in England and Wales collaborate to deliver learning opportunities leading, for example, to joint awards, double or multiple awards, dual awards or concurrent awards. There are other types of arrangement and new models of delivery are likely to emerge.

9 Providers with UK degree awarding powers are covered by the QAA UK Quality Code which states that:

'In the case of joint and dual/double or multiple awards, the partners determine how any appeals or complaints will be dealt with jointly and how the processes will be administered (for example, identifying one degree-awarding body to take lead responsibility). Students on jointly delivered programmes are given clear information about the procedure to be followed and which organisation(s) should initially be approached in order to lodge a complaint or appeal.'<sup>4</sup>

10 Providers in England and Wales with UK degree awarding powers are members of the OIA Scheme<sup>5</sup>. It is good practice for the agreement between the providers to set out which provider is responsible for overseeing the complaints and academic appeals procedures. That provider should issue the Completion of Procedures Letter at the end of the relevant procedure enabling the student to complain to the OIA should they wish to do so.

4 See Indicator 18 of Chapter B10 of the QAA UK Quality Code.

5 A provider with UK degree-awarding powers is required to be a member of the OIA Scheme under the Higher Education Act 2004, as amended.

## Arrangements involving an awarding provider and a delivery provider

### 1. The roles of the awarding provider and of the delivery provider

11 In some arrangements, a provider (the 'delivery provider') delivers all or part of a learning opportunity leading to a qualification, or part of a qualification, awarded by another provider (the 'awarding provider'). This may be, for example, under a validation or franchise arrangement<sup>6</sup>.

12 It is good practice for the written agreement between the providers to set out the obligations and responsibilities of each party, including arrangements for the handling of student complaints and academic appeals. Broadly the division of responsibilities for handling student complaints and academic appeals is a matter for the providers to determine between themselves<sup>7</sup>. However, this is subject to guidance set out below.

### KEY POINT

It is good practice for the written agreement between the providers to set out the obligations and responsibilities of each party, including arrangements for the handling of student complaints and academic appeals.

6 For the purposes of this guidance, the terms 'validation arrangement' and 'franchise arrangement' and related terms, have the meanings set out in the Section Glossary.

7 Providers may also need to take account of the requirements of government or other regulatory bodies in structuring their arrangements.



- 13 In the UK, the awarding provider will usually have UK degree awarding powers. Such providers are covered by the QAA UK Quality Code which states that:

‘Degree-awarding bodies take ultimate responsibility for academic standards and the quality of learning opportunities, irrespective of where these are delivered or who provides them. Arrangements for delivering learning opportunities with organisations other than the degree-awarding body are implemented securely and managed effectively.’<sup>8</sup>

- 14 Chapter B10 of the QAA UK Quality Code also says:

‘In the case of complaints and appeals about academic matters, students at a delivery organisation have ultimate right of appeal to the degree-awarding body. The degree-awarding body may also review academic complaints once procedures at the delivery organisation have been exhausted. Degree-awarding bodies ensure that their own responsibilities, and the roles of the organisations with whom they work, are clearly distinguished and publicised. They ensure that students studying at delivery organisations have clear information about the initial route for making an academic appeal or formal student complaint, and the sequence of processes involved. They also make clear the channels through which dissatisfied students can contact the degree-awarding body directly.’<sup>9</sup>

- 15 An awarding provider with UK degree awarding powers will always retain ultimate responsibility for the **academic quality** and **academic standards** of learning opportunities leading to the award of one of its qualifications. Such a provider should therefore have some involvement in academic appeals, and in complaints relating to the academic standards and/or quality of the learning opportunity,

wherever that learning opportunity is delivered. Further guidance is set out below.

### KEY POINT

The awarding provider should have some involvement in academic appeals, and in complaints relating to the academic standards and/or quality of the learning opportunity, wherever that learning opportunity is delivered.

- 16 Under many collaborative arrangements, the delivery provider manages the learning opportunity on a day-to-day basis. The delivery provider is best placed to resolve issues – and so to handle complaints - arising in relation to day-to-day matters which are within its control. It is likely that the involvement of the delivery provider will be greater under a validation arrangement, where the student will usually have a direct contractual relationship with the delivery provider, than under a franchise arrangement where the student will usually have a direct contractual relationship with the awarding (franchising) provider.

### KEY POINT

It is good practice for the delivery provider to have responsibility for handling complaints about matters relating to the day-to-day management of the learning opportunity which are within its control.

- 17 This guidance is not prescriptive on how to differentiate between different ‘types’ of complaint or academic appeal. It is recognised that many complaints and academic appeals cover numerous issues and a student’s concerns about day-to-day matters within the control of the delivery provider may be inextricably linked to concerns of an academic nature. For example, a student may complain or submit an academic appeal specifically on the basis that poor laboratory facilities, within the day-to-day

8 The Expectation in Chapter B10 (Managing Higher Education Provision with Others) of the QAA UK Quality Code; *ibid*.

9 See Indicator 18 of Chapter B10 of the QAA UK Quality Code; *ibid*.

control of the delivery provider, have negatively impacted an assessment result determined by the awarding provider. Providers should take a pragmatic approach in agreeing between themselves how such complaints or academic appeals will be handled. Providers should explain the approach to the student so that he or she understands the process that will be followed.

- 18 The providers should ensure that the roles of each provider in dealing with complaints and academic appeals are clearly set out in the complaints and academic appeals procedures themselves and/or in individual course documentation. In particular, it is good practice for the procedures and/or course documentation to specify which provider the student should address a complaint or academic appeal to in the first instance and to include an outline of the circumstances in which a complaint or academic appeal may need to be escalated to a different provider.
- 19 It is not necessary for the documentation to set out in detail how each complaint or academic appeal issue will be dealt with. The provider which receives the complaint or academic appeal in the first instance should tell the student what he or she needs to do if he or she wishes to progress the complaint or academic appeal.

### KEY POINT

It is good practice to explain in course documentation the roles of each provider in dealing with complaints and academic appeals, to specify which provider the student should address a complaint or academic appeal to in the first instance, to outline the circumstances in which it may need to be escalated to a different provider, and to tell the student what he or she needs to do to progress it.

- 20 For the OIA's purposes, the internal procedures have been completed only after any right to escalate the matter to the awarding provider has been exhausted. Where the awarding provider makes the final decision about an academic appeal or complaint, it should then issue a Completion of Procedures Letter if it is a member of the OIA Scheme. The delivery provider should not issue a Completion of Procedures Letter at the end of its consideration of a complaint or academic appeal if the student then has a right to escalate the matter to the awarding provider. (Different arrangements apply where a provider delivers a course leading to a higher education qualification awarded by an Ofqual or Qualifications Wales regulated awarding organisation. See Appendix to this Guidance.)

### KEY POINT

For the OIA's purposes, an internal complaints or academic appeals procedure has been exhausted only once any right to escalate a matter to the awarding provider has been exhausted.

- 21 The paragraphs below consider the handling of academic appeals and complaints in more detail. They should be read within the context of the general points about the roles of the delivery provider and the awarding provider in arrangements in England and Wales set out above.

## 2. Handling academic appeals

- 22 Academic appeals may not be readily amenable to **early resolution** but it is nevertheless good practice for students to be given an opportunity to seek clarification of an assessment or examination board's decision, or to be given an opportunity to discuss their concerns with a nominated member of staff. The delivery provider is normally best placed to offer this.



23 It is good practice for an academic appeals process to include a **formal** stage for the investigation and determination of academic appeals and a **review** stage. Further guidance on the format of these stages is set out in the main Good Practice Framework.

- (i) The **formal** (investigation) stage may be conducted by the awarding provider or the delivery provider, depending on their arrangements. For example, in a validated arrangement with a joint academic board comprising staff from the delivery provider and the awarding provider, or where the assessments are conducted by the delivery provider, it may be appropriate for the formal stage to be conducted by the delivery provider.
- (ii) The final **review** stage of the academic appeals process should always be conducted by the awarding provider. It may choose to involve staff members from the delivery provider in the process if it wishes.

### KEY POINT

The final review stage of an academic appeals process should always be conducted by the awarding provider.

24 The involvement of the awarding provider should not delay the progress of the student's academic appeal: normally the whole process should be completed within 90 calendar days.

### KEY POINT

The involvement of the awarding provider should not delay the progress of the student's academic appeal.

### 3. Handling complaints

25 A good complaints process consists of three stages: early resolution at the local level; the formal (investigation) stage; and the review

stage. Further guidance on the format of these stages is set out in the main Good Practice Framework.

26 It is good practice for the delivery provider to conduct the **early resolution** stage of the complaints process. This is because the delivery provider is normally best placed to resolve the student's concerns locally. The delivery provider should tell the student what he or she needs to do to progress the complaint.

### KEY POINT

The delivery provider should conduct the early resolution stage of the complaints procedure, and should explain to the student how to progress the complaint.

27 Whether the **formal** and **review** stages of the complaints process are conducted by the delivery provider or the awarding provider will depend upon the nature of the arrangements between the providers and/or the nature of the issues complained about. The complaints procedure and/or course documentation should include a brief explanation of the circumstances in which the awarding provider may become involved in the consideration of complaints. It is not necessary for the documentation to set out in detail how every type of complaint will be dealt with.

### KEY POINT

Which provider investigates the complaint at the formal stage, and conducts the review stage, will depend on the nature of the complaint and the arrangements between the providers. The documentation should explain the circumstances in which the awarding provider will become involved.

28 Where the complaint relates to the **academic standards and/or** quality of the learning opportunity, the **review stage** of the complaints

process should be conducted by the awarding provider<sup>10</sup>. The **formal stage** investigation of such complaints may be conducted by the delivery provider or the awarding provider, depending on their arrangements.

- 29 The involvement of the awarding provider should not delay the progress of the student's complaint: normally the formal and review stages of the process should be completed within 90 calendar days.

### KEY POINT

Where the complaint relates to the academic standards and/or quality of the learning opportunity, the awarding provider should deal with the review stage of the complaints procedure. Its involvement should not delay the progress of the complaint.

- 30 Under the collaboration agreement, the delivery provider may **manage the learning opportunity on a day-to-day basis**. It is good practice for the delivery provider to handle complaints arising from such day-to-day matters which are within its control.

- (i) This is likely to include complaints about service-related issues, for example facilities. The delivery provider is best placed to resolve those complaints and students should not have to complain to the awarding provider about such day-to-day matters.
- (ii) The delivery provider should be responsible for conducting the **formal** and **review** stages of the complaints process for this type of complaint and, if it is a member of the OIA Scheme, should issue a Completion of Procedures Letter at the end of that process. The student would then be able to

complain to the OIA should they wish to do so.

- (iii) The awarding provider will not need to intervene in the consideration of complaints of this nature (unless the service-related issues had an impact on the student's academic progress or results). But the awarding provider may well have an interest in the nature and number of complaints arising at the delivery provider. It is good practice to keep records of complaints in order to ensure that learning points are captured. The delivery provider should keep the awarding provider informed about the nature and number of complaints it receives.

### KEY POINT

Where the delivery provider manages the learning opportunity on a day-to-day basis, it is good practice for it to handle complaints about those matters which are within its control. The delivery provider should keep the awarding provider informed about the nature and number of complaints it receives.

10 Reflecting Chapter B10 of the QAA UK Quality Code (ibid) where the awarding provider has UK degree awarding powers.

## CASE STUDY 1

### Complaint about facilities

A student is studying at Provider B for a BA (Hons) degree validated by Provider A. Provider B's complaints procedure states that all complaints should be raised with Provider B in the first instance. Both providers are members of the OIA Scheme.

The student complains that the lecture facilities at Provider B are overcrowded and the acoustics are very poor. The student addresses his complaint to Provider B.

Under the agreement between the providers, Provider B has responsibility for considering complaints about issues which are simply to do with course delivery and so the complaint is considered by Provider B.

Provider B does not uphold the complaint and, because it is a member of the OIA Scheme, it issues a Completion of Procedures Letter to the student at the conclusion of its complaints procedure.

Provider B keeps a record of the complaint and submits a regular report to Provider A which includes all of the complaints it has received from students on the course.

## CASE STUDY 2

### Academic appeal and complaint about project supervision

A student is studying at Provider B for a BA (Hons) degree validated by Provider A. Both providers are members of the OIA Scheme.

The student appeals the outcome of his final year project. Feedback reports from his supervisor had said that the project was on course for a first class mark. However, his project was given a poor mark and the examiners' report says that his approach was fundamentally flawed. The student argues that this is evidence of poor supervision.

Provider B's academic appeals procedure states that all academic appeals should be addressed to Provider B in the first instance. Provider B does not uphold the appeal, on grounds that it is a challenge to the markers' academic judgment. Provider B explains to the student that he can ask Provider A to review Provider B's decision on certain grounds set out in Provider A's academic appeals procedure. However, Provider B fails to refer the student to the complaints procedure in relation to his concerns about poor supervision.

The student asks Provider A to review Provider B's decision on his appeal. Provider A also concludes that the appeal is a challenge to the academic judgment of the markers and so does not uphold the appeal. Provider A issues a Completion of Procedures Letter.

Provider A notes that "poor supervision" is expressly excluded from the grounds of appeal and tells the student that he can make a complaint about his supervision to Provider B. If the student's complaint about poor supervision is upheld, an academic remedy may be available.

## CASE STUDY 3

### Complaint about teaching standards and course materials

A student is studying at Provider B for a Foundation Degree awarded by Provider A, a university. Both providers are members of the OIA Scheme.

The student complains that a lecturer at Provider B speaks very poor English and that she cannot follow the lectures. She also complains that another lecturer turns up late and misses tutorials and that teaching materials are all out of date.

Provider B's complaints procedure states that all complaints should be addressed to Provider B in the first instance. Provider B considers the complaint. The student is not satisfied with Provider B's decision on the complaint and Provider B explains to the student that the final stage of the complaints procedure must be conducted by Provider A because the complaint relates to the quality of teaching on the course.

Provider A does not uphold the complaint and issues a Completion of Procedures Letter to the student. If the student complains to the OIA, the focus of the OIA's review will be Provider A's decision.

### Arrangements between a SCITT provider and a partner university

- 31 Many SCITTs work with a partner university to offer their teacher trainees the opportunity to study for a PGCE (awarded by the university). Upon successful completion of the course, the SCITT is responsible for recommending the trainee for the award of Qualified Teacher Status (QTS). The PGCE content is usually delivered and overseen by the awarding university, for example through lectures or practical assessments.
- 32 It is good practice for trainees to be given information about how to make a complaint or an academic appeal, and which provider – the SCITT or the university – will be responsible for considering that complaint or academic appeal.

### KEY POINT

It is good practice for trainees to be given information about how to make a complaint or an academic appeal, and which provider – the SCITT or the university – will be responsible for considering that complaint or academic appeal.

## CASE STUDY 4

### SCITT trainee

A trainee is studying on an initial teacher training programme provided by a SCITT. He is also studying for a PGCE awarded by Provider A, a university. Both providers are members of the OIA Scheme.

The trainee fails a teaching observation assessment and appeals against that failure. He says that the supervision and training that he is receiving at the SCITT is inadequate. He says this has affected his performance in teaching observations. He also claims that there is a reasonable perception of bias because the tutor who conducted the assessment, a member of staff at Provider A, was angry with him for complaining about his supervision. The failed assessment has an impact on the trainee's progress towards Qualified Teacher Status and on the PGCE programme.

The agreement between the SCITT and Provider A sets out their respective responsibilities. With that in mind, they determine how best to consider the appeal between themselves which they then explain to the trainee. Both providers reject the aspects of the appeal which they have considered and both issue the trainee with a Completion of Procedures Letter. The trainee complains to the OIA about both providers' decisions.

In this scenario the OIA would consider the complaint about the appeal outcomes issued by the SCITT and Provider A together.

# Transnational arrangements

- 33 In this section, any arrangement between a provider in England or Wales and a provider which is not in England or Wales is a “transnational arrangement”. That includes arrangements with providers in Scotland or Northern Ireland, since the OIA’s remit does not extend to providers in those jurisdictions.

## Providers in England or Wales with campuses in another jurisdiction

- 34 Some higher education providers in England and Wales operate campuses in another jurisdiction which they wholly own and manage. The principles of the Good Practice Framework: handling complaints and academic appeals, apply equally to students studying at any campus owned and managed by a member of the OIA Scheme. So students studying at a campus which is not in England or Wales will be able to complain to the OIA about acts or omissions of the provider in the same way as students studying at the campus in England or Wales.

### KEY POINT

Providers in England or Wales which own and manage a campus which is not in England or Wales have the same responsibilities to students at that campus as they do towards students at their domestic campus.

## Joint (etc.) awards where one awarding provider is outside England and Wales

- 35 Some higher education providers in England or Wales with UK degree-awarding powers have entered into collaborative arrangements with partners in other jurisdictions (which have degree-awarding powers in their own jurisdictions) to deliver learning opportunities

leading, for example, to a joint, multiple, dual or concurrent award. There are other types of arrangement and it is likely that new models of delivery will emerge.

- 36 Broadly, it is a matter for the providers to decide between themselves how to handle student complaints and academic appeals. However, this is subject to the guidance and principles set out below. Any provider in England or Wales with UK degree awarding powers entering into an arrangement with a partner provider in another jurisdiction should meet the “Expectation” of Chapter B10 of the QAA UK Quality Code for Higher Education, and follow the Indicators of Sound Practice<sup>11</sup>. In addition, it is also good practice for the provider in England or Wales to ensure that:
- (i) the information given to students clearly sets out how and to whom students should make a complaint or an academic appeal;
  - (ii) a student should be able to complain to the OIA about any act or omission of a member provider falling within the OIA’s remit; and
  - (iii) it does not delegate its responsibility for the academic quality and standards of its awards (even if awarded with another overseas provider).

- 37 The providers may agree between themselves that the provider which is not in England or Wales will have responsibility for handling student complaints and/or academic appeals. That provider may be subject to different standards or guidance for handling complaints or academic appeals and so its procedures may

11 *ibid.*



not comply with the principles of the Good Practice Framework.

- 38 It may be necessary for the provider in England or Wales to issue a Completion of Procedures Letter at the end of the process even where it has not conducted that process. This will be the case where the complaint or academic appeal relates to a matter that the provider in England or Wales retains ultimate responsibility for, such as the academic quality and standards of learning opportunities leading to one of its awards (even if awarded with another provider).
- 39 In those cases, it will be up to the provider in England or Wales to decide whether to conduct its own review of the matter, or to adopt the decision of its partner provider. If the provider in England and Wales decides to adopt the decision of its partner provider it would need to have confidence in the procedures and decision-making process of its partner. This is something to be considered when the partnership is established and can be monitored as part of quality assurance arrangements. As a matter of good practice, the student should not have to wait longer for a decision or go through unnecessary stages because of the involvement of the provider in England or Wales.

### KEY POINT

Awarding providers in England and Wales may not delegate their responsibility for the academic quality and standards of their awards. Students should be able to complain to the OIA about any act or omission of a member provider falling within its remit.

- 40 The provider which is not in England or Wales may be subject to different quality assurance or student complaints-handling arrangements. This is considered further in paragraphs 47 to 50 below.

### Delivery provider(s) in England or Wales with awarding provider(s) outside England and Wales

- 41 Some providers in England or Wales deliver courses leading to the award of a qualification granted by a provider which is not in England or Wales, usually one which has degree-awarding powers in its own jurisdiction. For example, students study at a college in England for a degree awarded by a university in Scotland, Italy or the USA.
- 42 The awarding provider is likely to retain responsibility for the overall academic quality and standards of any learning opportunity leading to the award of one of its qualifications (as a provider with UK degree-awarding powers does). The OIA's remit extends only to providers in England and Wales and the principles of the Good Practice Framework will not apply to providers which are not in England or Wales. The OIA will have no jurisdiction to consider complaints about issues for which the awarding provider is responsible.
- 43 Where the delivery provider in England or Wales is a member of the OIA Scheme, the Good Practice Framework, including this guidance, applies. The OIA would be able to consider complaints about acts or omissions of the delivery provider in England or Wales, provided that they fall within the OIA's remit.<sup>12</sup>

### Awarding provider(s) in England or Wales and delivery provider(s) outside England and Wales

- 44 Some higher education providers in England and Wales have entered into arrangements with a partner provider which is not in England or Wales for the latter to deliver learning opportunities which lead (or contribute) to one of their awards.

<sup>12</sup> Students studying at providers brought into the OIA Scheme by the Consumer Rights Act 2015 may only complain to the OIA if they are studying on a higher education course. See <http://www.oiahe.org.uk/glossary.aspx#hecource>

- 45 Often, the awarding provider in England or Wales will have UK degree-awarding powers and so will retain responsibility for the overall academic quality and standards of any learning opportunity leading to the award of one of its qualifications. As a provider with UK degree-awarding powers, the awarding provider in England or Wales will be a member of the OIA Scheme and the Good Practice Framework, including this guidance, applies. The OIA will be able to consider complaints from students about acts or omissions of the awarding provider, provided that they fall within the OIA's remit.
- 46 However, the delivery partner will not be a member of the OIA (the OIA's remit extends only to providers in England and Wales). Therefore, students studying at the delivery partner will have no recourse to the OIA in relation to complaints about issues for which the delivery partner had responsibility under its arrangement with the awarding provider.<sup>13</sup>
- Regulatory requirements**
- 47 Other jurisdictions may have their own quality assurance and/or students complaints handling arrangements. UK providers working in partnerships in other jurisdictions should work out together how those requirements fit in with domestic requirements.
- 48 If regulations local to the jurisdiction of the partner provider require that students have access to an external regulator or ombudsman in that jurisdiction, then it is a matter for the providers to determine how those arrangements would fit in with the students' right to bring a complaint to the OIA about matters which the provider in England or Wales cannot delegate, such as the academic quality and standards of the qualifications that it is awarding.
- 49 It is not in the providers' or the students' interests for students to be required to go through – or to be able to go through – several different external bodies in order to obtain satisfactory resolution to their complaint or academic appeal. The providers' procedures should set out clearly the options available to students in the different jurisdictions.
- 50 One option might be for students to be given the choice of which route of external redress to go down. The OIA can only reject a complaint if it has been considered by a court or by another EU Alternative Dispute Resolution entity (a recognised European complaints handling body), or is otherwise ineligible under the Rules of the OIA Scheme. Therefore, the student may elect to go down the overseas route of external redress but then subsequently complain to the OIA. In reviewing such a complaint, it is likely that the OIA would have regard to the relevant procedures, the fact that the student had been offered a choice of which avenue to pursue, and that the student had already sought redress through another external body.
- 51 The case studies below illustrate some general points to consider. Much will depend upon the way in which the arrangement is structured and the jurisdiction(s) in which the partner(s) is/are based.

13 This will also be the case where the delivery provider is in England and Wales but is not a member of the OIA Scheme.

## CASE STUDY 5

### Joint degree – academic appeal

A student is studying for a Masters degree which is awarded jointly by Provider A, a university in England, and Provider B, a university in the Netherlands. Students split their time between the two providers.

Under the terms of the collaborative agreement between the providers, Provider B is responsible for considering academic appeals. The programme regulations and handbook also explain to students that all academic appeals are considered by Provider B, even if the assessment giving rise to the appeal was submitted to and marked by Provider A.

The student's dissertation is marked by Provider A. She submits an academic appeal to Provider B on the grounds of procedural irregularity in the marking of her dissertation by Provider A. The appeal is considered by Provider B and rejected.

Provider B notifies Provider A of the outcome of the appeal and Provider A issues the student with a Completion of Procedures Letter. This will enable the student to complain to the OIA should she wish to do so.

### KEY POINT

The student should be able to complain to the OIA about acts or omissions of Provider A, wherever the academic appeals procedure is conducted.

## CASE STUDY 6

### Joint degree – accommodation complaint

A student is studying for a Masters degree which is awarded jointly by Provider A, a university in England, and Provider B, a university in France. Students split their time between the two providers. Under the agreement between the providers, each provider retains responsibility for service complaints arising while the student is studying at its premises.

Whilst studying at Provider A, the student complains to Provider A about his student accommodation. Provider A attempts to resolve the complaint informally. The student remains dissatisfied and so Provider A considers the complaint under the formal and then the review stages of its complaints procedure.

The complaint is upheld at the review stage. In the outcome letter, Provider A informs the student that it will issue a Completion of Procedures Letter to him if he requests one.

### KEY POINT

Complaints about the service provided by Provider A should be considered under Provider A's procedures.

## CASE STUDY 7

### Joint programme with three awarding providers

A student is studying for a degree awarded jointly by Providers A, B and C. The three providers are in Wales, France and Belgium respectively. The degree programme is structured so that students spend one year studying at each of them.

Under their agreement, Provider B is the “lead” provider, and is responsible for handling all student complaints and academic appeals. The student submits an appeal against her final degree result on grounds of bias in Provider C’s assessment process. Provider B considers the academic appeal and rejects it.

The integrity of the assessment process relates to the academic standards of the qualification for which Provider A is jointly responsible. Therefore, Provider A issues a Completion of Procedures Letter at the conclusion of the academic appeal process even though that process was conducted by Provider B. This will enable the student to complain to the OIA about the outcome of the academic appeal.

The same student complains about the lecture room facilities at Provider A. Provider B is responsible for all complaints under the terms of the agreement and so it considers the complaint. However, this is an issue which arose while the student was studying at Provider A. Provider A should consider the complaint itself and/or issue a Completion of Procedures Letter after Provider B has considered the complaint so that the student can complain to the OIA.

### KEY POINT

Provider A should not prevent a student from complaining to the OIA about matters for which it is responsible.

## CASE STUDY 8

### Dual award

Provider A, a university in England, and Provider B, a university in the USA, have developed a collaborative programme at the end of which students are awarded a UK degree and a US degree. Students rotate where they study between the UK and the USA.

Under the collaborative agreement, each Provider is responsible for considering complaints or academic appeals from students whilst they are studying at its campus.

A student studying at Provider B complains about the level of teaching at Provider B. That complaint is considered by Provider B. However, since that complaint concerns the academic quality of the learning opportunity, Provider A retains a responsibility for it.

Provider B comes under the jurisdiction of a local ombudsman. At the conclusion of the complaint, Provider B writes to the student offering her the choice of making a complaint to the local ombudsman or to the OIA. If the student chooses to complain to the OIA, Provider A issues a Completion of Procedures Letter.

# Providers with multiple collaborative arrangements

- 52 Many providers have entered into multiple collaborative arrangements with several different providers. The arrangements for handling complaints and academic appeals may vary depending on the nature of the agreement between the delivery provider and the awarding provider.
- 53 The providers' procedures and/or the course documentation should make clear to students how to submit a complaint or an academic appeal and, where appropriate, outline the circumstances in which the different providers in the arrangement may be involved. A summary is sufficient; there is no need for the

documentation to set out in detail how every type of complaint or academic appeal will be dealt with. The provider to whom the complaint or academic appeal is to be addressed in the first instance should give clear information to the student about how to progress the complaint or academic appeal.

## KEY POINT

Providers should explain clearly to students how to submit a complaint or an academic appeal, who will consider it, and how the student can escalate it.

# When arrangements between partner providers end

- 54 Providers may decide to end their collaborative working arrangement. The interests of students should be protected in such a situation. It is good practice for contingency arrangements to put in place to ensure the continued fair handling of academic appeals and complaints from students, and that remedies continue to be available. Any changes to the way in which complaints or academic appeals will be handled as a result of the ending of the arrangement should be clearly explained to students, in a timely manner.



# Information sharing between providers

- 55 Valuable feedback is obtained from complaints and academic appeals and such learning should be used to improve the student experience. It is good practice for providers which are working together to deliver learning opportunities to share information about complaints and academic appeals from students on their courses. This is the case even where an awarding provider is not required to be involved in the actual complaints or academic appeals process.
- 56 For example, a provider which is delivering a course leading to a degree awarded by a university might provide that university with a regular summary of any complaints or academic appeals received from students on that course. The data should be anonymised as appropriate.
- 57 Similarly, it is good practice for providers which are working together to deliver learning opportunities to share information with each other about complaints made to the OIA by students covered by the arrangement. For example, it is good practice for an awarding provider which issued a Completion of Procedures Letter to a student at the end of an academic appeals procedure, to inform the delivery provider in the event that that student goes on to complain to the OIA, and to share any resulting OIA decision with the delivery provider. Likewise, it is good practice for a delivery provider to inform the relevant awarding provider in the event that a student to whom the delivery provider has issued a Completion of Procedures Letter goes on to complain to the OIA, and to share any resulting OIA decision with the awarding provider.
- 58 This sharing of information ensures that the causes of complaints and academic appeals can be identified and addressed and, where appropriate, training opportunities can be identified and improvements introduced.

## KEY POINT

It is good practice for providers which are working together to deliver learning opportunities to share information about complaints and academic appeals from students on their courses.

# Timeliness

- 59 Where a student's complaint or academic appeal is to be considered by more than one provider, it is good practice for those providers together to complete their consideration of that formal complaint or academic appeal, and any associated review, within 90 calendar days.
- 60 There will be circumstances when, for good reason, the providers will need to extend this timeframe. In particular, it is recognised that providers in England and Wales may not be able to control the timescales operated by partner providers in other jurisdictions to which the Good Practice Framework does not apply. Where the timescale is to be extended, the student should be informed and should be kept regularly updated as to the progress of their complaint or academic appeal.

## KEY POINT

It is good practice to complete the processing of a formal complaint or academic appeal, and any associated review, within 90 calendar days, wherever possible.

# Supporting students to make their complaints and academic appeals

- 61 Students should be directed towards the support services available to assist them in making a complaint or academic appeal. For example, in smaller providers, this might be a cohort or course student representative or a student welfare staff member.
- 62 Where a provider does not have a well-developed student advice service or student representative body, it should consider making arrangements with its partner providers, or with other neighbouring providers, to enable its students to access their support services.

## KEY POINT

Students should have access to support to assist them in making a complaint or academic appeal.

# Appendix: Qualifications awarded by external awarding organisations in England and Wales

## Background

- 63 Many providers in England and Wales deliver higher education courses which lead to qualifications awarded by an external awarding organisation which is regulated by Ofqual (England) and/or Qualifications Wales (Wales). An example is Higher National Certificate and Higher National Diploma programmes, awarded by Pearson or the Scottish Qualifications Authority.
- 64 The awarding organisation is responsible for the overall quality and standards of the qualifications that it awards. Therefore, the awarding organisation will have some responsibility for handling complaints about academic standards issues and academic appeals from students on this type of course.
- 65 Often, the delivery provider will be a member of the OIA Scheme. However, the awarding organisation is not usually a member of the OIA Scheme; these awarding organisations are not Qualifying Institutions for the purpose of the OIA, although they may join the OIA Scheme voluntarily (as Non-Qualifying Institutions).
- 66 The guidance set out below assumes that the delivery provider is a member of the OIA Scheme and the awarding organisation is not a member of the OIA Scheme. A provider may delegate the delivery of its externally awarded provision to another provider. References in this appendix to 'delivery provider' could be to one or both of them depending on the context.
- 67 The guidance in this Appendix does not apply to higher education qualifications awarded by a provider with UK degree awarding powers under licence from an external awarding organisation. Under the licence agreement, the provider with UK degree awarding powers is the awarding body responsible for the quality of the qualification and the qualification is not regulated by Ofqual or Qualifications Wales.
- ### The OIA's approach, agreed with Ofqual and Qualifications Wales
- 68 Students studying on a higher education course leading to the award of an external awarding organisation should be able to complain to the OIA about acts or omissions of the delivery provider<sup>14</sup>. The delivery provider should issue a Completion of Procedures Letter, using the appropriate template<sup>15</sup>, at the end of an internal procedure in the normal way.
- 69 Should it receive a complaint, the OIA will first identify whether the complaint relates to: (1) an act or omission of the delivery provider relating to the service provided which falls within the OIA's remit; or (2) the overall quality or standards of the qualification itself.
- (i) If the OIA considers that the complaint relates to an act or omission of the member

14 Where the student is studying at a provider which joined the OIA Scheme as a result of the Consumer Rights Act 2015 coming into force on 1 September 2015, the course must be an HE course for the OIA's purposes. <http://www.oiahe.org.uk/glossary.aspx#hecource>

15 [COP Letter Template - External awarding body qualifications](#)

## DELIVERING LEARNING OPPORTUNITIES WITH OTHERS

provider relating to the service provided which falls within the OIA's remit (category (1) above), it will review that complaint under its usual review procedures.

- (ii) If the OIA considers that the complaint relates to the overall quality or standards of the qualification itself (category (2) above), it will notify the student and will then forward a copy of the complaint to the relevant awarding organisation. The OIA will not take any further action in respect of that complaint.

## CASE STUDY 9

A student is studying at Provider A, a member of the OIA Scheme, for an HNC which is awarded by an external awarding organisation.

The student complains about poor facilities at Provider A and also that a member of Provider A's staff has bullied him. Provider A considers the complaint and dismisses it. Provider A issues the student with a Completion of Procedures Letter and the student complains to the OIA.

The OIA determines that it is able to consider the complaint since it concerns matters for which Provider A is responsible.

## CASE STUDY 10

A student is studying at Provider A, a member of the OIA Scheme, for an HND which is awarded by an external awarding organisation.

The student submits an academic appeal to Provider A on grounds of procedural irregularity in the marking of one of her assessments. The cohort's assessments had been subject to external moderation by the awarding organisation's assessor. Provider A dismisses the appeal and issues the student with a Completion of Procedures Letter. The student complains to the OIA.

The OIA forwards the complaint to the awarding organisation, having determined that it relates to the awarding organisation's arrangements for managing the overall quality of the qualification itself.



## Section Glossary

**Academic quality** is concerned with how well the learning opportunities made available to students enable them to achieve their award. It is about making sure that appropriate and effective teaching, support, assessment and learning resources are provided for them.<sup>16</sup>

**Academic standards** are the standards that individual degree-awarding bodies set and maintain for the award of its academic credit or qualifications. These may exceed the threshold academic standards (the minimum acceptable level of achievement that a student has to demonstrate to be eligible for an academic award). Individual degree-awarding bodies are responsible for defining their own academic standards by setting the pass marks and determining the grading/marking schemes and any criteria for classification of qualifications that differentiate between levels of student achievement above and below the threshold academic standards.<sup>17</sup>

**Franchise arrangement or franchised provision:** An agreement by one provider (the 'franchising provider'), usually one with degree-awarding powers, that another provider may deliver all or part of a programme approved and owned by the franchising provider. Students will usually be registered at and have a direct contractual relationship with the franchising provider. The franchising provider normally retains overall control of the programme's content, delivery, assessment and quality assurance arrangements. Such arrangements are also sometimes referred to as 'sub-contractual' arrangements.

**Validation arrangement or validated provision:**

An agreement under which one provider (the 'awarding provider'), usually one with degree-awarding powers, judges all or part of a programme developed and delivered by another provider (the 'delivery provider') and approves it as being of an appropriate standard and quality to contribute, or lead, to one of the awarding provider's awards. Students normally have a direct contractual relationship with the delivery provider.

---

16 QAA Quality Review Visit Handbook

17 QAA Quality Review Visit Handbook

---

**Office of the Independent Adjudicator  
for Higher Education**

Second Floor  
Abbey Wharf  
57-75 Kings Road  
Reading  
Berkshire  
RG1 3AB

Tel: 0118 959 9813  
email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)  
[www.oiahe.org.uk](http://www.oiahe.org.uk)

