



office of the
independent
adjudicator

'for students in higher education'



2016

Annual Report

www.oiahe.org.uk

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Foreword by the Chair

‘Of the sector, for the sector but independent from the sector.’ This is how I see the OIA. I am delighted to have been asked to join the OIA as its independent Chair for I believe that our purpose – to advance education through the independent, impartial and transparent review of unresolved student complaints and the active promotion of good practice in preventing and handling complaints – is of fundamental importance. It is to the OIA that students turn if they have a complaint that has not been resolved to their satisfaction at their place of study. Our vision is higher education students always being treated fairly, thereby protecting and enhancing national and international confidence in the sector.



Dame Suzi Leather

Annual reports are a chance to look both back and forward. The past year has been important for higher education as well as for the OIA. The OIA Scheme expanded as new members came in under the Consumer Rights Act 2015, bringing our membership to more than 730 providers; and, for the first time, we have met our performance ambitions for closing seventy five per cent of complaints within six months. We are therefore in a strong position to support students and the sector as we look forward to the new challenges for everyone working and studying in higher education.

I would like to pay tribute to the leadership of our outgoing Chair, Ram Gidoomal CBE and Independent Adjudicator and Chief Executive, Rob Behrens CBE. That the OIA is in such good shape to play its role in supporting students and higher education bodies to meet the challenges ahead is due to the hard work of all our staff guided by Ram’s and Rob’s impressive and effective leadership. I am excited to have the opportunity to build on their work and, with my Board colleagues, to set the strategic direction with Judy and her staff team as they continue to deliver fairness in a fast changing higher education sector.

Dame Suzi Leather

Chair of the Board of Directors

The Independent Adjudicator and Chief Executive's review of the year

My first year in office has come at a time of uncertainty for the higher education sector. One of my priorities has been to learn about the sector, and I have found it to be welcoming and generous in its engagement with the OIA. I have had valuable discussions with students and staff during my many visits to higher education providers. In this context I have worked with my Senior Leadership Team and Board to create a new strategic plan for the organisation.



Judy Clements OBE

I am particularly pleased to report a marked and sustained improvement in our timescales for handling cases in 2016. We understand how important it is for students to have timely resolution to their complaints; we are not complacent and we are committed to maintaining our focus on this in 2017.

My annual report gives information on the numbers, types and outcomes of complaints. We received significantly fewer complaints in 2016 than in recent years. It is likely that a range of factors have contributed to this, including the OIA's work in sharing good practice and the earlier resolution of complaints by providers. The types and outcomes of complaints we have dealt with have remained broadly similar to last year.

We put more resource into outreach and sharing good practice in 2016, with a large number of visits and webinars that were well-attended by long standing OIA members, providers that joined the OIA in September 2015 and student representatives. This work will continue under the new strategic plan which places even greater emphasis on sharing our learning from complaints to develop and promote good practice.

I have a strong personal interest in student well-being and I welcome the increased focus in the sector on student mental health. A considerable number of students who complain to the OIA are experiencing mental health difficulties and this may underlie or be exacerbated by the issues about which they are complaining. During 2016 we worked with our Disability Experts Panel and the Good Practice Framework steering group to develop new guidance for providers on supporting disabled students. This will be published in summer 2017 following consultation with the sector.

The OIA's work relies on our dedicated staff. I would like to thank all my colleagues for their warm welcome and support during the year, and for their continued commitment to the organisation.

Judy Clements OBE
Independent Adjudicator and Chief Executive

Review of 2016

In 2016 we maintained focus on resolving cases, and doing so more quickly.

The headlines from the year were:

- ✘ in 2016 the OIA received 1,517 complaints and closed 1,668
- ✘ we reduced average closure times and exceeded all time-related KPIs
- ✘ the government confirmed its plans further to extend membership of the OIA
- ✘ we received the first eligible cases from students at providers which joined the OIA under the Consumer Rights Act 2015
- ✘ we updated the **Good Practice Framework: Handling complaints and academic appeals**
- ✘ we established a new Disability Experts Panel to give informal advice to the OIA on disability-related matters that arise in student complaints
- ✘ we visited a large number of providers and students' unions and hosted regular webinars on a range of complaint topics and OIA procedures.

The external environment

The rapid changes to the regulatory environment that started in 2015 continued throughout 2016. In England, the higher education white paper and subsequent legislation will reshape the regulatory framework and further expand membership of the OIA. In Wales, independent reports were published on the oversight and regulation of post-compulsory education and on higher education funding and student finance.

The OIA works collaboratively with other higher education and ombudsman agencies. Examples in 2016 included:

- ✘ joint working with the Higher Education Funding Council for England (HEFCE) as it developed the new Unsatisfactory Quality Scheme to ensure that there is no confusion between the scheme and the role of the OIA
- ✘ working with HEFCE and the Quality Assurance Agency (QAA) on the baseline requirements for quality review visits
- ✘ working with Ofqual on how to deal with complaints where the awarding organisation is not a member of the OIA
- ✘ engagement with Professional, Statutory and Regulatory Bodies, for example working with the Medical Schools' Council on the development of guidance for students
- ✘ participation as full members of the Ombudsman Association, providing input into the development of service standards and the creation of a Judicial Review database
- ✘ contributing to thinking around student involvement in shaping higher education in a fast changing environment, including with The Student Engagement Partnership (TSEP)
- ✘ hosting overseas visitors and providing the secretariat for the European Network of Ombudsmen in Higher Education (ENOHE).

The Higher Education and Research Bill 2016

In setting out its plans for the new regulatory framework the English government repeatedly stressed the importance of an independent ombudsman for students:

“In the case of the OIA, good practice dictates that the ombudsman role should ideally be kept separate from that of the regulator to maintain independence. Current legislation deliberately places a requirement on government to designate a separate body to handle complaints in order to maintain its independence and prevent any potential conflicts of interest if the function was brought within the direct remit of the regulator.” *Business case for creation of the Office for Students. Department for Education. June 2016.*

Under the legislation, all higher education providers on the Office for Students (OfS) Register and all providers which deliver courses leading to a higher education qualification awarded by an OIA Member in England, will be required to join the OIA Scheme. The white paper expressly stated that providers on the OfS Register wanting to access public funding, including student support funding, or sponsor international students, would be required to follow the principles of the Good Practice Framework when handling complaints and academic appeals. We anticipate that such a requirement will be included in the supporting documentation of the OfS Register.

The legislation principally governs higher education providers in England only. However, the government in Wales has said that it intends to bring into law some aspects of the bill. Most pertinently for the OIA, this will include the requirement in the bill for any provider which ceases to be a ‘Qualifying Institution’ (QI) for the OIA’s purposes to remain an OIA member for a further 12 months in respect of complaints about acts or omissions which occurred before the provider ceased to be a QI. This will ensure a level of protection for students at OIA member providers in both England and Wales.

Looking further ahead the implications of the UK’s departure from the EU for the higher education sector remain unclear. We will continue to liaise with the sector to identify any trends, for example in student numbers, that may have some effect on the OIA.



“I am pleased to confirm the university yesterday paid £7,500 into [the student’s] bank account in compliance with your recommendation. Along with their letter of apology I believe this means they have fulfilled their obligations. May I take the opportunity to thank you and your colleagues for a most thorough and professional investigation.”

Developments in case handling

Sharing good practice

The Good Practice Framework

Felicity Mitchell, Deputy Adjudicator, who chairs the Good Practice Framework steering group, updates on the latest developments.

The Good Practice Framework: Handling complaints and academic appeals came into effect in September 2015, so it has now been operational for its first full year. During 2016 we gathered feedback from providers, students' unions, and our own reviews of complaints about how it was working in practice.

Feedback from providers has been very positive. Staff have told us that they have found the Framework useful and have used it as the basis for a review of their procedures. Many of our newer member providers used the Framework as a guide when they first joined the OIA.

Our case-handling staff have found the Framework a really useful resource in considering whether a provider's procedures are fair and proportionate. We have made recommendations or suggestions to providers taking into account the Good Practice Framework guidance on many cases. Recommendations have included:

- ❑ to introduce a "review stage"
- ❑ to review the time frame for considering complaints
- ❑ to consider the transparency of processes
- ❑ to improve the signposting of complaints procedures
- ❑ to consider streamlining procedures.

In May 2016 we reconvened the Good Practice Framework steering group to decide how to develop the Framework. We brought new representatives in to the group to better reflect the perspective of OIA members who came into membership as a result of the Consumer Rights Act in 2015.

We published a revised version of the Good Practice Framework in December 2016. The revised version includes some practical guidance on handling complaints in smaller higher education providers, gives additional suggestions on supporting students, and takes account of changes in legislation. We also took the opportunity to clarify and simplify some of the language.

Also during 2016, we developed guidance for providers who deliver learning opportunities with other providers. The guidance was developed following a number of outreach events and discussions with providers who became members in 2015, and with their validating or franchising partners most of which have been members for many years. With the help of the Good Practice Framework steering group, we pulled that guidance together and in December, we consulted on a draft version of **The Good Practice Framework: Handling complaints and academic appeals - Delivering learning opportunities with others**. This section was published in March 2017.

There has been widespread demand for additional guidance on supporting disabled students from as early as the first consultation on the Good Practice Framework. The steering group therefore decided to make this a priority. The third section of the Framework **The Good Practice Framework: Supporting disabled students** was published in draft for consultation in March 2017.

It is exciting to see the Good Practice Framework take shape in this way. Over the years the OIA has collected a great deal of learning from its reviews of students' complaints and academic appeals, and from the outreach events and visits it has undertaken. It is rewarding to be able to use this learning to help providers to better support their students, to avoid pitfalls, and to improve their practice generally.



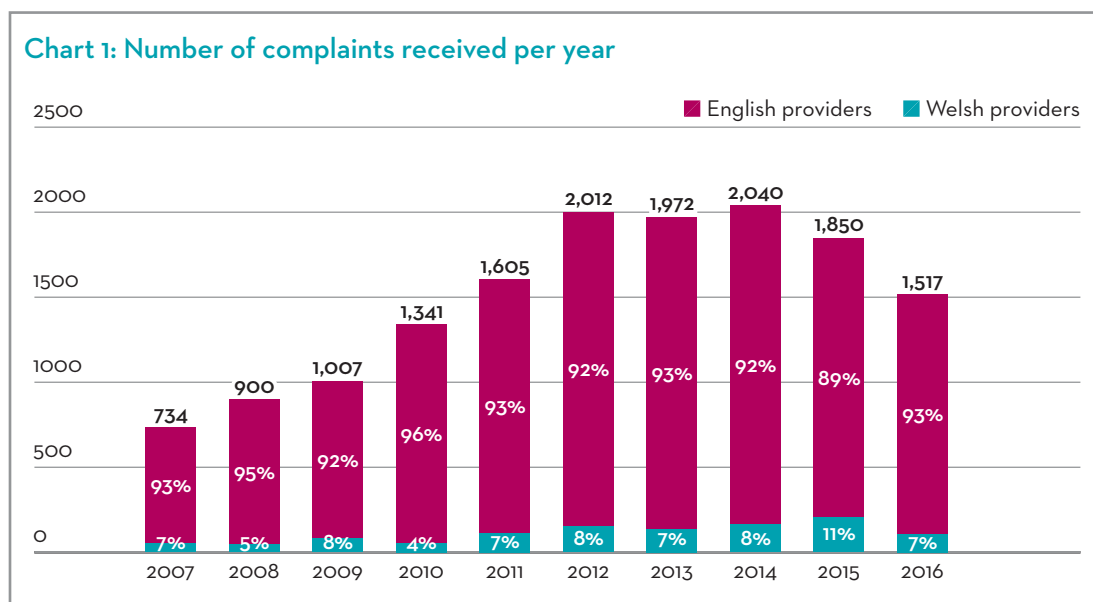
Complaints received and closed

Complaint headlines – OIA performance against the 2016 operating plan

The report and plan on pages 37 – 44 detail the OIA's performance against key performance indicators (KPI). This includes substantial improvements in the time taken to close complaints. By the end of 2016 we were consistently closing more than 75 per cent of complaints within six months, with a significant reduction in the average number of days to close a case. Overall we exceeded all our KPIs that relate to the timeliness of the OIA process.

Complaints received

The number of complaints dropped significantly in 2016, to its lowest level since 2010.



Observations

We believe that there are a number of factors behind the fall in complaint numbers. Providers have found the Good Practice Framework and the OIA's work in sharing good practice helpful in developing their complaints and appeals handling, and anecdotal evidence from our engagement with providers suggests that they are resolving more complaints internally and at an earlier stage.

The OIA changed its Rules in July 2015 to give students a full year (previously three months) to bring a complaint to the OIA after they have completed internal procedures at their provider. This change was required by the government when the OIA was appointed under an EU directive as the Alternative Dispute Resolution ('ADR') body for higher education complaints. We saw a drop in complaints during the first 12-month period following the change, and there may be a residual effect on the number of students who decide to bring their complaint to us.

Some students who have come within the remit of the OIA Scheme since their provider joined the Scheme under the Consumer Rights Act 2015 have not yet completed their

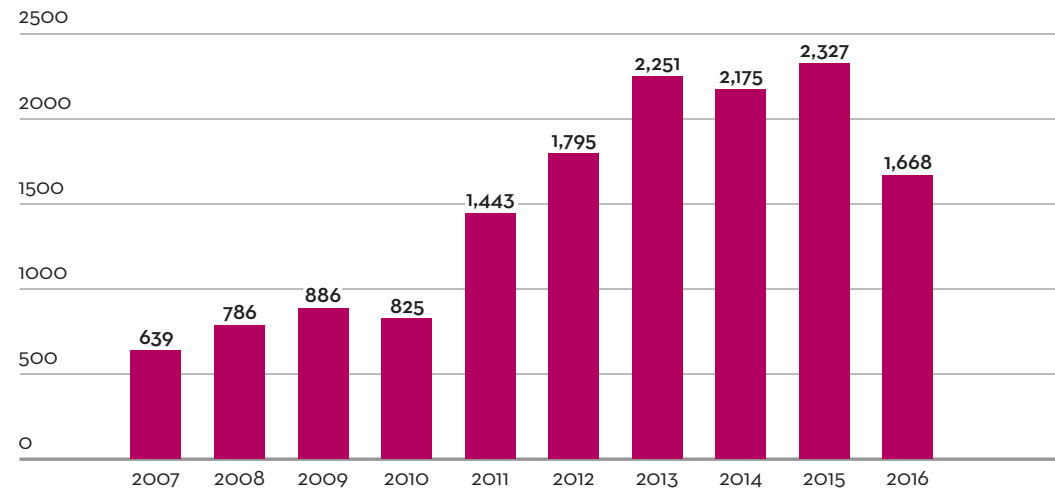
studies. This may have had an effect on numbers as many students raise complaints about issues that arise in the later stages of their course.

The decrease in receipts has not been evenly spread across the type of complaints that are brought to us. The drop has been particularly marked in cases related to academic misconduct, non-academic disciplinary matters and academic status, although complaints about the latter remain by far the largest proportion of cases we see. There has been a small increase in complaints about service issues such as the availability and quality of supervision, facilities and the accuracy of the prospectus and other course information.

Complaints closed

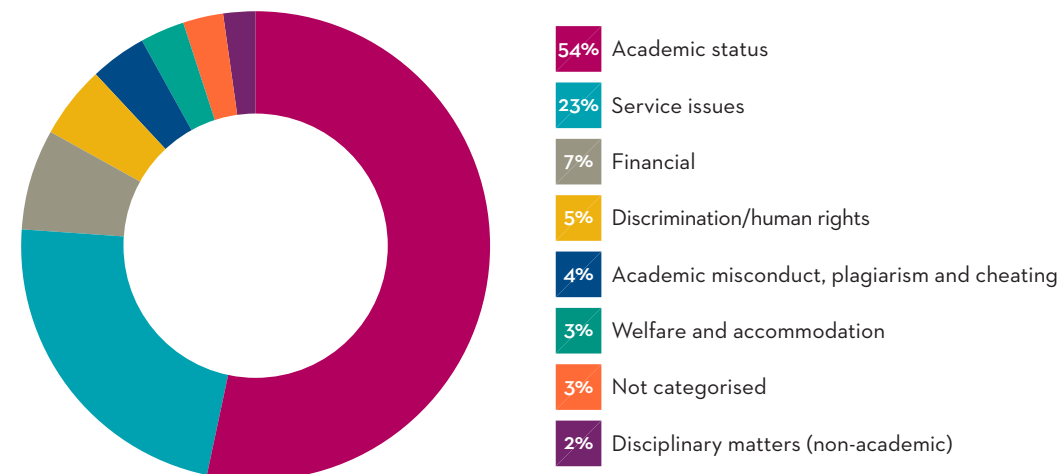
The OIA closed 1,668 complaints in 2016, meaning that we have again kept pace with incoming cases, closing more than we received.

Chart 2: Number of complaints closed per year



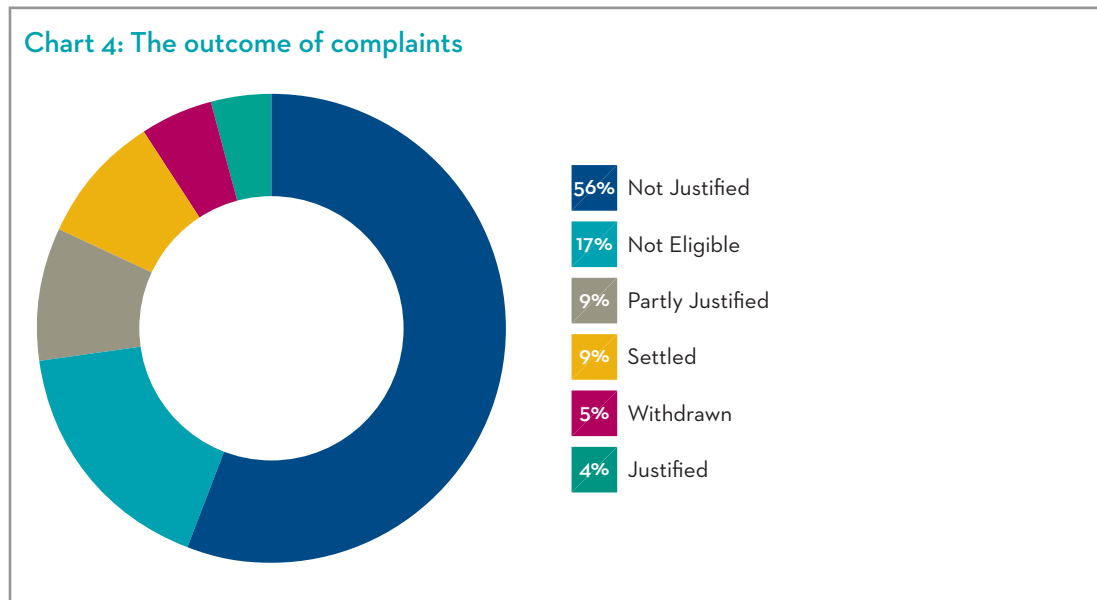
The cases closed fell into the following categories:

Chart 3: Closure by complaint category



The outcome of complaints

In total, 22 per cent of cases were Justified or Partly Justified or settled by the OIA. This is consistent with earlier years.



Not Eligible

The proportion of ineligible cases increased. This is largely due to more students bringing cases before completing internal processes, or bringing complaints about issues that arose before their provider joined the OIA.

Case study 1

A student complained to the OIA that his provider would not issue his award. He had been unable to enrol for the course as he had not paid his fees, but continued to attend and access facilities using a friend's student identification. He submitted work for an undergraduate and then a postgraduate qualification as an unenrolled student. The OIA decided the case was not eligible for review as the student had not raised a complaint with the provider.



"I am aware that you would have put in a considerable amount of time in wading through copious documents in order to get to the bottom of the issues at stake. I am delighted to report that as a result of your work, I have been awarded a First Class honours in my law degree."

Not Justified

More than half of cases were Not Justified, with the proportion slightly lower than in 2015.

Case study 2

A medical student was withdrawn from his studies after late submission of coursework during a resit year. His appeal against this decision was rejected by the provider; he complained to the OIA that the provider had not adequately supported his communication needs. We concluded that the complaint was Not Justified because although the student reported suffering from an e-mail phobia brought on by stress and anxiety, this was not supported by independent medical evidence. We also noted that relevant information about coursework deadlines was available by channels other than e-mail.

Case study 3

A law student complained about the penalty imposed for cheating in an examination. She had annotated a law statute book with invisible UV ink, creating 24 pages of unauthorised notes which she took into her examination. She was seen using the notes by other students and the invigilator, who retained the statute book as evidence. The student did not deny the offence but appealed on the basis of unfair penalty, extenuating circumstances and procedural error. The provider determined there were no grounds for appeal and confirmed the penalty (to fail her in all modules for the year). We decided the case was Not Justified as the provider had demonstrated that the penalty was in line with its own procedures and reasonable in the circumstances.

Partly Justified

Nine per cent of cases were Partly Justified, meaning that we upheld some but not all aspects of the complaint.

Case study 4

A student complained that her BA course had been mis-sold to her and that appropriate facilities and resources were not available. We decided that the complaint was Partly Justified; we noted that whilst there were discrepancies between the accounts given by the student and the provider about the course information given verbally at interview stage, the written materials available to the student prior to application and enrolment all contained correct information. We therefore did not consider that there was sufficient evidence to uphold the complaint of mis-selling. However, our view was that the provider had not given sufficient consideration to whether the limited availability of certain modules and resources had affected the student's learning experience. We recommended a tuition fee refund equivalent to the cost of one 20-credit module and a payment of £750 in recognition of the student's distress and inconvenience.

Justified

Four per cent of cases were Justified.

Case study 5

An international student complained to the OIA after her provider had terminated her studies and its sponsorship of her visa because of non-attendance. The student had not been permitted to appeal against this decision and no Completion of Procedures Letter had been issued. We exercised our discretion to accept the student's complaint because we considered that the provider should have issued a Completion of Procedures Letter. We decided that the complaint was Justified on the basis that the student had provided substantial evidence of ill-health but there was no evidence that the provider had considered this when making the decision to terminate her registration. We were also concerned that the provider had not given the student sufficiently clear advice about its obligations regarding her visa.

The student's preferred remedy was to return to her studies but this would be dependent on her ability to obtain a new visa. We therefore made a flexible recommendation: if the student were able to obtain a new visa, we recommended that she should be re-admitted to her course and that the provider should pay her the sum of £1,000 in compensation for distress and inconvenience. Alternatively, if she were unable to secure a new visa, we recommended that the provider should pay her the sum of £3,000. We also made two good practice recommendations: that the provider should review its procedures to make provision for students to appeal against termination on the grounds of non-attendance; and that the provider should improve its record-keeping.



Settled cases

Many cases can be settled between the provider and the student without the need for a full review. This is an effective way of bringing a dispute to an end and may result in a student being able to resume his or her studies. In 2016 almost 150 cases were settled. The total financial compensation agreed through settlement was £59,000.

Case study 6

A student studying for a professional doctorate complained that his supervisor had not provided appropriate academic guidance which resulted in flawed research objectives and methods. The student also complained that this supervisor left during his studies and the provider failed to arrange alternative provision. The provider accepted that there had been shortcomings in the supervision arrangements for this student and offered to refund his £15,000 tuition fee. The student accepted the offer.

Case study 7

The OIA settled a complaint from a student who had completed a two-year Graduate Diploma in Law (GDL) at a university and subsequently registered to undertake a third “top-up” year with the same university in order to convert her GDL into an LLB degree. The student was awarded an unclassified degree; she complained that she had not been informed in advance that this would be the case. During the OIA review we noted that the university offered multiple routes to obtaining the LLB, all of which were classified apart from the GDL top-up, and we were not satisfied that the university had demonstrated that it had drawn students’ attention to this surprising difference in regulations, or that information about it was easily accessible. The university offered to reconsider the student’s marks profile at the next meeting of the Board of Examiners and to classify her degree according to the same regulations used for its other LLB programmes. The student was subsequently awarded a first-class degree.

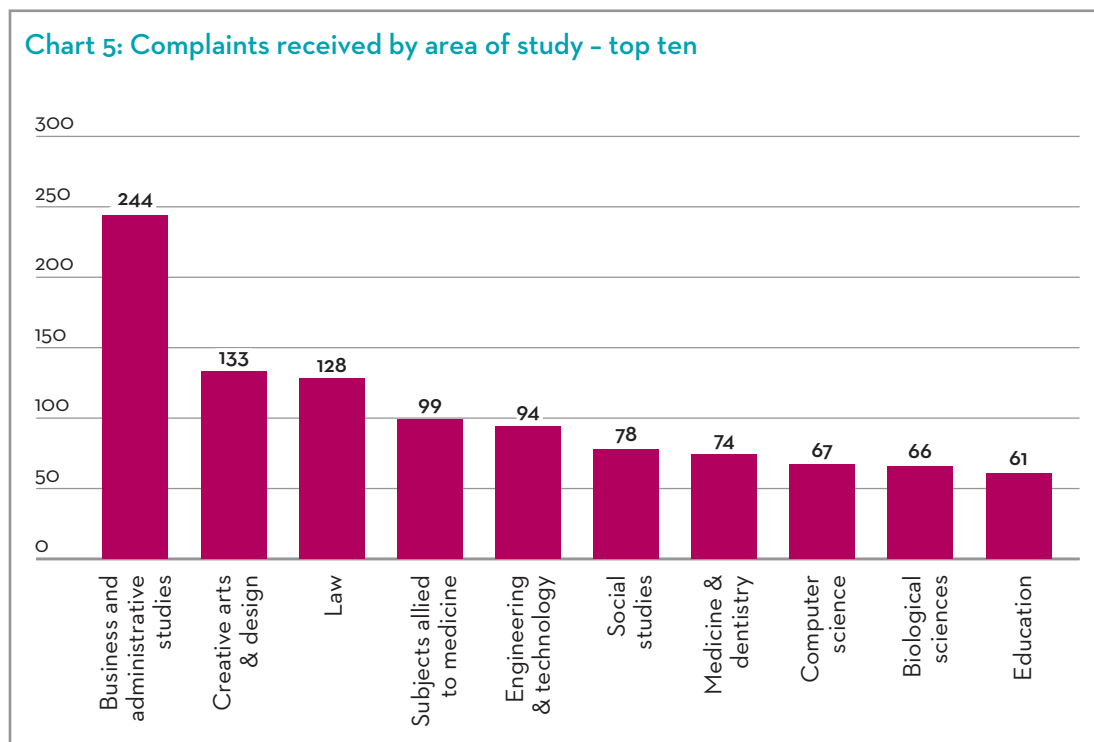


“I would like to thank you and your team for investigating my case against [my] university. It feels like a long few years battling against them for a rightful outcome, whilst also trying to come to terms with how I was treated. I’m really pleased that finally my case has been rightly justified.”

Trends in complaints

Who complains to the OIA?

Students on vocational and professional courses remain the most likely to bring a complaint to the OIA.



Complaints from students at providers which joined the OIA in 2015

Almost 600 higher education providers have joined the OIA since 1 September 2015, when the relevant section of the Consumer Rights Act 2015 broadening the membership of the OIA Scheme came into force. To date, many of the complaints received from students about those providers have not been eligible for review by the OIA. Generally this is because the complaints related to events which took place before the relevant provider joined the OIA Scheme, or the student was not studying on a higher education course for the OIA's purposes. Many of these providers offer a wide range of courses including vocational and further education courses, which are outside the OIA's remit.

It is still too early to determine statistically significant trends in the complaints that we have received about these providers, because the numbers are small. However, of the complaints which were eligible for OIA review, many were from students on undergraduate level courses, which includes Foundation Degree and Higher National Certificate or Diploma courses. Many of these providers deliver higher education courses in partnership with another OIA member provider, often a university, which awards the qualification. We have received some complaints from students studying at one member provider for an award of another member provider, where the student is complaining about both providers. These partnership arrangements can be complex and the new section of the Good Practice Framework: **Delivering learning opportunities with others** will provide helpful guidance.

In 2016, OIA colleagues visited many providers which joined in 2015. We are grateful to those providers for giving us valuable opportunities to learn more about higher education provision across the sector and for their positive engagement with us.

Case studies - complaints involving providers which joined in 2015

Case study 8

A student was enrolled at a college studying for an HND awarded by an external awarding organisation. The college is a member of the OIA Scheme but the external awarding organisation is not a member of the OIA Scheme. One of the student's assignments was provisionally awarded a Distinction but this was subsequently downgraded to a Merit following internal verification. The student complained to the college about the change in her grade and the assignment was then referred to a verifier from the external awarding organisation, who confirmed that the Merit grade was appropriate.

The OIA considered that the mark awarded to the student was a matter of academic judgment with which we cannot interfere and we were satisfied that referral to the external verifier had ensured fairness. However, we decided that the student's complaint was Partly Justified because we were concerned that information about the role and remit of internal and external verifiers had not been readily available to the student; that the process of results verification had taken a year in total; and that the student had had to complete a six-stage complaints procedure at the college before she could complain to the OIA. We recommended that the college should pay £300 to the student in respect of distress and inconvenience, and that it should review its verification procedures. We also suggested that the college review its complaints procedures with reference to the Good Practice Framework.

Case study 9

A trainee teacher on a School-Centred Initial Teacher Training (SCITT) course complained to the OIA about his exclusion from the programme on fitness to practise grounds. In his complaint, the trainee raised concerns about the SCITT's verification of his previous qualifications. We determined that such a matter was not eligible for OIA review because the verification process had taken place before the SCITT had become a member of the OIA Scheme. However, in our decision, we observed that it would have been good practice for the SCITT to have ensured that the appeal outcome letter provided to the trainee addressed all of his specific concerns. We also suggested that the SCITT consider amending its procedures, to prevent the involvement of individual members of staff at more than one stage of disciplinary and fitness to practise procedures in the future. We did not consider that these points had a material impact on the trainee's case and so we decided that his complaint was Not Justified.

Domicile and level of study

Postgraduate students and international students from outside the EU continue to be over represented in complaints to the OIA. Our experience from casework and discussions with groups representing postgraduate and international students suggest that these students are more inclined to exhaust all the available processes for raising complaints, including bringing a complaint to the OIA. The investment which they make in their studies is often substantial and many have made a significant commitment in taking on their course. International students pay higher fees and may also incur higher costs such as travel and, in some cases, visa applications. Postgraduate students have often put their careers on hold to pursue their studies. The family circumstances and sponsorship arrangements for these students may also mean that they are likely to be under greater pressure to ‘succeed’ on their course.

Chart 6: Complaints received by student domicile

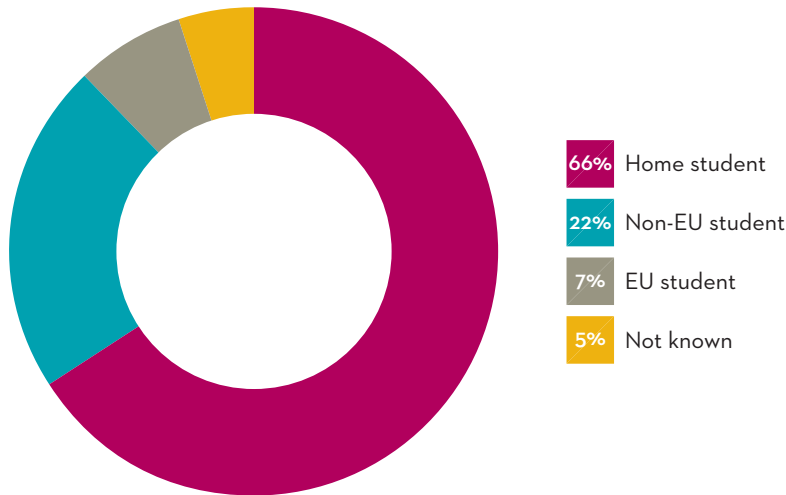
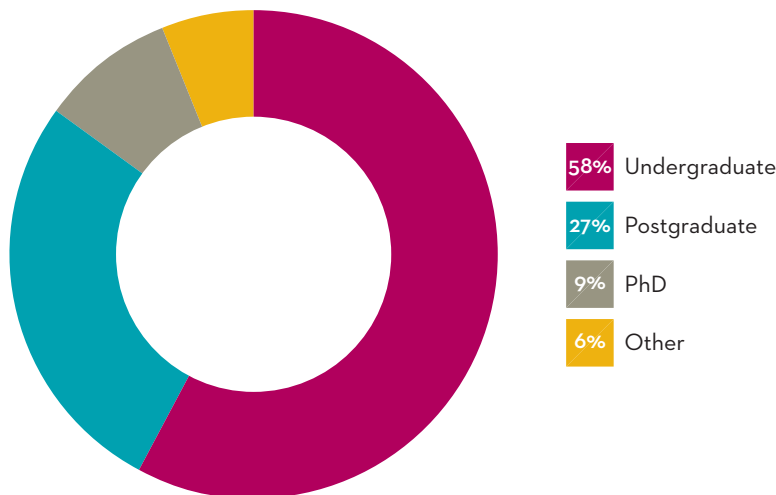


Chart 7: Complaints received by level of study



The undergraduate category includes courses leading to qualifications such as the Certificate or Diploma of Higher Education and Higher National Certificate or Diploma



Common themes

While every complaint is unique and reviewed on its own merits a number of common themes emerge.

Complaints involving more than one provider

More flexible patterns of study and delivery mean that two or more providers can play a role in a student's higher education. Where this is the case it is very important that the student has clear information about where to take their complaints if things go wrong.

Case study 10

A student had been registered on an MBA programme with a university; the course was delivered at a partner college. He complained to the OIA because he had not been issued with a degree certificate. In the period between the student's expected completion date and the date of his complaint the college had gone into liquidation. There had been some delay in the university's investigation of the complaint because the closure of the college made it difficult for the university to obtain relevant records and documents. We criticised the university because, as the body responsible for academic quality and standards under the terms of the partnership agreement, it should have kept more detailed academic records. However, the student was unable to provide any correspondence or documentation that demonstrated that he had completed the course. We decided that the complaint was Not Justified because the university could not satisfy itself that the award had been achieved and so it was reasonable to refuse to issue a certificate.

Case study 11

A student was studying for a Foundation Degree validated by a university but delivered by a partner college. She withdrew from her studies and submitted a complaint in which she stated that access to studio space, technical equipment, and enrichment activities had not been provided in line with what had been advertised in the prospectus and other promotional materials. The complaint was considered by both the college and the university; it was partly upheld, and the college offered to refund the student's £7,500 tuition fee.

The events complained about had occurred before the college became a member of the OIA Scheme; our review focused on the validating university's handling of the complaint. We decided that the student's complaint was Justified because the university had not fully investigated the substantive issues, as required by its procedures. We recommended that the university should reinvestigate the complaint and that it should pay the student £750 in compensation for distress and inconvenience. We also recommended that the university should direct the college to fulfil its previous offer of a fee refund. The aim of this recommendation was to ensure that the student would not end up worse off following the second investigation into her complaint.

Students with mental health difficulties

A significant proportion of students who bring cases to the OIA are experiencing mental health difficulties. In some cases this may make it difficult for students to engage with processes at the provider or with the OIA.

Case study 12

The OIA decided that a complaint from a Social Work student was Partly Justified as a result of the poor handling of suitability for practice procedures. We were satisfied that it was reasonable for the provider to have investigated concerns which had been raised about the student's practice. However, we did not consider that the provider's regulations properly defined the requirements for initiating formal suitability procedures, and we noted that the decision to require the student to withdraw from the course was not one which was permitted under the regulations. The student also had mental health difficulties which amounted to a disability under the Equality Act 2010, and we were not satisfied that the provider had paid due regard to the student's disabilities, and whether reasonable adjustments were in place, when making its final decision.

Procedural error

Procedural error is a common factor in many cases that the OIA decides are Justified or Partly Justified. Examples include:

- ❑ failing to release information used in a decision making process to a student – putting them at a disadvantage when lodging an appeal
- ❑ failing to advise a student that they can attend a hearing, or not giving sufficient notice for them to prepare their case prior to proceedings
- ❑ failing to make a student aware of the accusations against them
- ❑ not keeping a comprehensive record of proceedings and decision making
- ❑ bias (or the reasonable perception of bias): failing to ensure that complaints/appeals are considered by people that have not previously been involved in the case.

Case study 13

A student was withdrawn from his programme of study after failing two assessments at the end of his first year. After his withdrawal the provider's staff noticed that incorrect versions of the assessments in question had been marked; the correct versions were then referred for marking. In the interim, the student had submitted an appeal on the grounds of procedural error. The provider rejected this appeal as out of time. The OIA concluded that the student's complaint was Justified. Although the student's appeal had been submitted outside the prescribed timeframe, the provider was already aware that a procedural error had occurred. We were also concerned that the withdrawal decision had been based on an incorrect marks profile. We recommended that the withdrawal should be referred back to a reconvened Examination Board.

“Once again I feel so obliged to express my gratitude for all the efforts and professionalism that people at OIA have put into the review of my case.”

Recommendations on Justified and Partly Justified complaints

When the OIA decides a complaint is Justified or Partly Justified we may make Recommendations.

Where possible the OIA will recommend changes that have a practical impact on the student. This may involve the opportunity to retake an assessment or have their appeal reconsidered, or a more tailored remedy to suit the circumstances of a particular case. Examples in 2016 included:

- ❑ recommending that a provider write to the overseas government that sponsored a student to explain that errors at the provider had meant that her visa had been withdrawn before she had an opportunity to demonstrate that she could meet the academic requirements of the course
- ❑ recommending that a provider repair a student's art work which had been damaged while in its possession.



The intervention of the OIA can have a lasting impact on a student, as the following examples illustrate.

Case and OIA recommendation	Follow up
<p>The OIA considered a complaint from a student that her visual impairment meant she was unable to take conventional timed examinations. The OIA decided the case was Justified and recommended that the provider set up a new Reasonable Adjustments Panel.</p>	<p>The panel agreed an alternative means of assessment for the student.</p>
<p>A student complained to the OIA after a provider rejected her mitigating circumstances. We decided the case was Partly Justified as the provider did not appear to have taken account of medical evidence. We recommended that the provider look at the case again.</p>	<p>The provider's Appeal Panel decided that the student's mitigating circumstances claim had merit. She was allowed to re-sit the year.</p>
<p>A student complained to the OIA after she was withdrawn on fitness to practise grounds. The OIA identified unfairness in the process followed and decided the complaint was Partly Justified. We recommended that the provider set up a new Fitness to Practise panel.</p>	<p>The new panel decided that there was insufficient evidence to substantiate a finding that the student was not fit to practise. She was permitted to resume her course.</p>
<p>A student was accused of falsifying research data and consent forms of participants and suspended for one year. He complained to the OIA. We decided that the decision had not been reasonable on the evidence, and that there was a lack of clarity as to the exact nature of the accusations. We decided the case was Justified and recommended a fresh investigation.</p>	<p>The provider reinvestigated and concluded that there was no case to answer. It offered the student a refund of half a year's fees.</p>



"Thank you for considering my case in such depth and for producing such a clear summary. I appreciate that my case had large amounts of information for you to consider. It is very much appreciated."

The OIA also makes recommendations to amend policy and practice at providers.

Complaint	Good practice recommendation
<p>A student complained about the process that the provider had followed in considering his complaint and its final decision. We decided the complaint was Partly Justified on a number of grounds, including that the provider had required the student to submit a Subject Access Request under the Data Protection Act to receive information on the issues considered.</p>	<p>We recommended that the provider review its policy on releasing information on which it has relied in the course of an investigation.</p>
<p>An international student complained about the provider's decision to decline her request for a tuition fee refund. The student had been registered with the provider for more than two years but was withdrawn when the Court of Appeal upheld the decision of the Home Office to refuse a visa. We decided that the complaint was Justified. Whilst there was a clear refund policy pertaining to applicants of the provider where a visa was refused, no such policy existed for registered/enrolled students.</p>	<p>We recommended that the university review its policies and procedures to ensure clarity and transparency for international students, with particular reference to visa refusal post-enrolment.</p>

Financial compensation

The OIA will normally recommend financial compensation where a student has suffered actual financial loss, or when it is not possible to return the student to the position they would have been in before the issue they complained about arose, or for distress and inconvenience. In 2016 we revised our guidance: **The OIA's approach to remedies and redress**.

In 2016 financial remedies were offered by providers to more than 150 students, with payments in 13 cases exceeding £5,000. The total amount offered was £293,000. This is in addition to the £59,000 paid in settled cases.

Significant payments in 2016 included:

- ❑ £22,581 to a student following a breakdown in PhD supervision that had led her to withdraw from her studies.
- ❑ £11,000 to a student after the provider failed to provide opportunities for her to work towards an academic award after her first PhD submission was unsuccessful.
- ❑ £9,000 to a student who was wrongly withdrawn from her studies.



Spotlight on outreach

The OIA runs an outreach programme which includes webinars and workshops as well as visits, and it is open to all providers and students' unions. Outreach is one strand of OIA communications that also includes online communications, publication of guidance and case studies.

In 2016 we increased the outreach and engagement activity of the OIA. The result was a shared learning experience between case-handling staff at the OIA and student advisers and staff at higher education providers who are tasked with dealing with complaints and appeals.

The 2016 programme included:

- ❑ an expanded programme of visits to higher education providers and students' unions. We have had a particular focus this year on informal discussions between OIA staff and students' union advisers or student representatives and provider staff about the practicalities of complaints handling and sharing good practice. We made more than 100 visits to providers, including a balance of members of the Scheme who joined on 1 September 2015 and those that have been members since its inception
- ❑ webinars attended by more than 150 providers and students' unions on topics covering the OIA's remit, the Good Practice Framework, Completion of Procedures Letters, procedural fairness and specific complaint areas.



Webinar topics

The OIA's Remit and Review Process – aimed at staff at providers who have recently become members of the Scheme.

The Good Practice Framework – an introduction to the Good Practice Framework and how it supports effective complaints handling.

Plagiarism and Academic Misconduct – discussing good practice in handling these types of issues.

Procedural Fairness – outlining our approach to fairness in the procedures and regulations of HE providers, giving examples of complaints which have led us to conclude that the providers' processes caused unfairness to students.

Completion of Procedures Letter – answering questions about when, why and how to issue a Completion of Procedures Letter.

Fitness to Practise – exploring key issues that arise in these complaints.

Accommodation Complaints – providing an overview of complaints about student accommodation, including disruption, eviction and disciplinary proceedings.

An Introduction to the OIA for Students' Unions – giving an understanding of our role, what we do and how students' union staff can support students who have brought a complaint to us.

Visits – what we learned

Many topics were discussed during the visits. For example we found out more about the way providers are using the Good Practice Framework:

- ❑ one large university told us that it has revised its student-facing procedures so that they consist of three stages
- ❑ an alternative provider has used the Framework to amend its procedures
- ❑ a small university has reviewed its complaint and appeals procedures to ensure that they are in line with the Framework
- ❑ another university set up a working group, including students' union staff, to revise its procedures to implement the Framework.

We followed up each visit with a survey:

- ✘ 71 per cent wanted a better understanding of the OIA's remit and the process and an insight into the OIA's perspective
- ✘ 18 per cent wanted a general discussion about issues affecting the provider or clarification on specific issues in complaints handling
- ✘ the remainder wanted confirmation that procedures and regulations were fit for purpose and reassurance from the OIA about how the provider deals with complaints and appeals.

All of those who responded felt that their expectations had been met with 69 per cent saying that expectations were very well met, and 12 per cent commenting that expectations had been exceeded.

Feedback on OIA outreach:

OIA staff

Meeting with students' unions and providers gives our case-handling staff an insight into how providers deal with complaints, how their departments operate and the types of processes that they follow. They can see the changes implemented as a result of their work. The opportunity to discuss specific areas of complaint in more detail can lead to interesting and helpful conversations with the providers' or students' unions' complaint handlers.

Emma, a Senior Case-handler, comments:

"Taking part in the OIA's outreach programme gives welcome variety to my role. The workshops we hold provide a forum for active discussion with providers. Not only does this allow us to understand the thought processes and reasoning behind the approach of providers, but it also facilitates open and frank discussion about why we, as OIA case-handlers, consider cases in particular ways. Our visits to both providers and students' unions have proved to be very informative and enable us to keep our fingers on the pulse of the ever-changing issues arising from the HE sector. They also serve as an ideal reminder that we are all striving for one common goal - improving sector practice."

Alexis, an Assistant Adjudicator, adds:

"As an Assistant Adjudicator, it has been great to be involved with visits to our members and also to present some of our online webinars in 2016. These experiences have given me a lot of knowledge and information and it has been particularly useful to learn more about the challenges faced within the sector."

"It is very encouraging to see the dedication of the staff to the handling and resolution of student complaints and also a great opportunity to meet with current students and student representatives. As case-handlers the feedback we receive from these visits enables us to enhance the information we provide to our members and complainants."

"I have found the webinar presentations to be a really accessible way for a wide range of staff from providers and students' unions to learn more about us and engage with those topics relevant to the handling of their own complaints. It is a really useful way for the OIA to reach a wide audience on a regular basis."

Providers and students:

"The workshop was really helpful and informative. We are new members of the OIA and the guidance given has already been assisting us in managing our complaints."

"The visit exceeded our expectations, and was very informative and enjoyable for all university and students' union staff"

"The informal nature of the discussion was useful as it meant we could talk about our experiences openly."

"Good interaction, provoked interesting questions, presenters were good at interacting with participants."

"Great to hear that there is a focus on early resolution and the desire to reduce the number of cases going to the OIA."

"Very useful. Good opportunity for discussion and reflection."

"Excellent, practical and insightful session. Very good lunch. Would definitely recommend to others."



The Disability Experts Panel

In 2016, the OIA formed the the Disability Experts Panel (DEP). Its purpose is to give informal advice to the OIA on disability-related matters that arise in the course of our work.

The panel is made up of disability practitioners and/or experts in disability matters who are drawn from organisations with appropriate expertise. Panel meetings were held in June and December.

DEP members during 2016

- ❑ Helen Coles, Head of Professional Standards, British Association of Counselling and Psychotherapy (BACP)
- ❑ Alison Fiddy, Head of Legal, Mind
- ❑ Sue Keil, National Research Officer (education, transition and employment), Royal National Institute of Blind People (RNIB)
- ❑ Martin McLean, Education and Training Policy Advisor (Post-14), National Deaf Children's Society
- ❑ Lydia Pell, Chair, University Mental Health Advisors Network (UMHAN)
- ❑ Rachel Pilling, Royal College of Ophthalmologists
- ❑ Claire Vick, Student Support Services Manager, Central England, National Autistic Society
- ❑ Lynn Wilson, Operations Manager, National Association of Disability Practitioners (NADP)

Cases referred to the Disability Experts Panel

A student with mental health difficulties complained to the OIA that his university had unreasonably refused to allow him to return to his studies because it could not identify any reasonable adjustments which would allow him to do so safely. The student had previously taken specialist equipment from university facilities with the intention of harming himself. We consulted our Disability Experts Panel, which agreed that the university had considered a wide range of options for supporting the student. The panel did not identify any options which the university had not considered. We concluded that it was reasonable for the university to place significant weight on its duty of care to the student, and to decide that the student could not return to his course of study.

Some students make their representations to the OIA orally, and we are able to provide the student with a recording of their submission. A student asked for a written transcript of a lengthy oral submission, in addition to the recording. We asked the Disability Experts Panel for advice on effective transcription software.



"I thought I'd email and thank you and the team for enabling me to continue with my complaint against the university."

The Higher Education Advisory Panel (HEAP)

During 2016 we continued to receive expert opinion from HEAP on a range of higher education operational matters including areas such as teach-out arrangements, non-academic disciplinary penalties, fitness to practise processes, visa issues, intellectual property in creative work, how providers approach group complaints and providers' responsibilities in relation to students' union and conduct of elections.

In 2016 we recruited four new members to the Panel in order to reflect the increasing diversity of our Scheme membership, while at the same time maintaining a good geographical spread in terms of higher education providers.

HEAP members during 2016

- Gregory Allen, Quality Enhancement Manager, University of Bolton
- Wayne Campbell, Director of Student Services, University of Kent (Chair until April 2016)
- Sarah Clark, Associate Pro Vice-Chancellor (Corporate and Quality), University of Wales Trinity Saint David (Chair from May 2016)
- Heidi Cooper-Hind, Head of Student Services, the Arts University Bournemouth (term ended April 2016)
- Sam Dale, Deputy Academic Registrar, Durham University
- Jonathan Hall, Higher Education Deputy Manager, Recruitment, Admissions and Engagement, South Devon College
- Jawanza Ipyana, Student Support, University of Cumbria Students' Union
- Madeleine King, Research and International Officer, Mixed Economy Group
- John Peck, Academic Registrar, London School of Hygiene and Tropical Medicine
- Melanie Siggs, Programme Director, Learning Solutions, Corporate and Professional Qualifications, The London Institute of Banking & Finance
- Tim Woods, Professor in English & American Studies, Aberystwyth University

Learning from complaints about the OIA's service

The OIA received 49 service complaints in 2016 (63 in 2015), the majority of which raised issues about the merits of the student's complaint against their provider. We recognise the value of the learning we can gain from service complaints, and over the past year this has informed the refinement of a number of our processes and how we apply them.

Judicial review

During 2016 we received 14 judicial review claims (two of which were brought by the same student). We received 11 during 2015. Five of the 14 claimants were represented by solicitors (four of 11 in 2015). The small rise in the number of claims may be because students are finding it difficult to get good and affordable legal advice before bringing legal proceedings, following changes to legal aid.

We had no substantive judicial review hearings during 2016 – only one claimant was successful in getting permission to bring her claim and that will be heard in 2017.

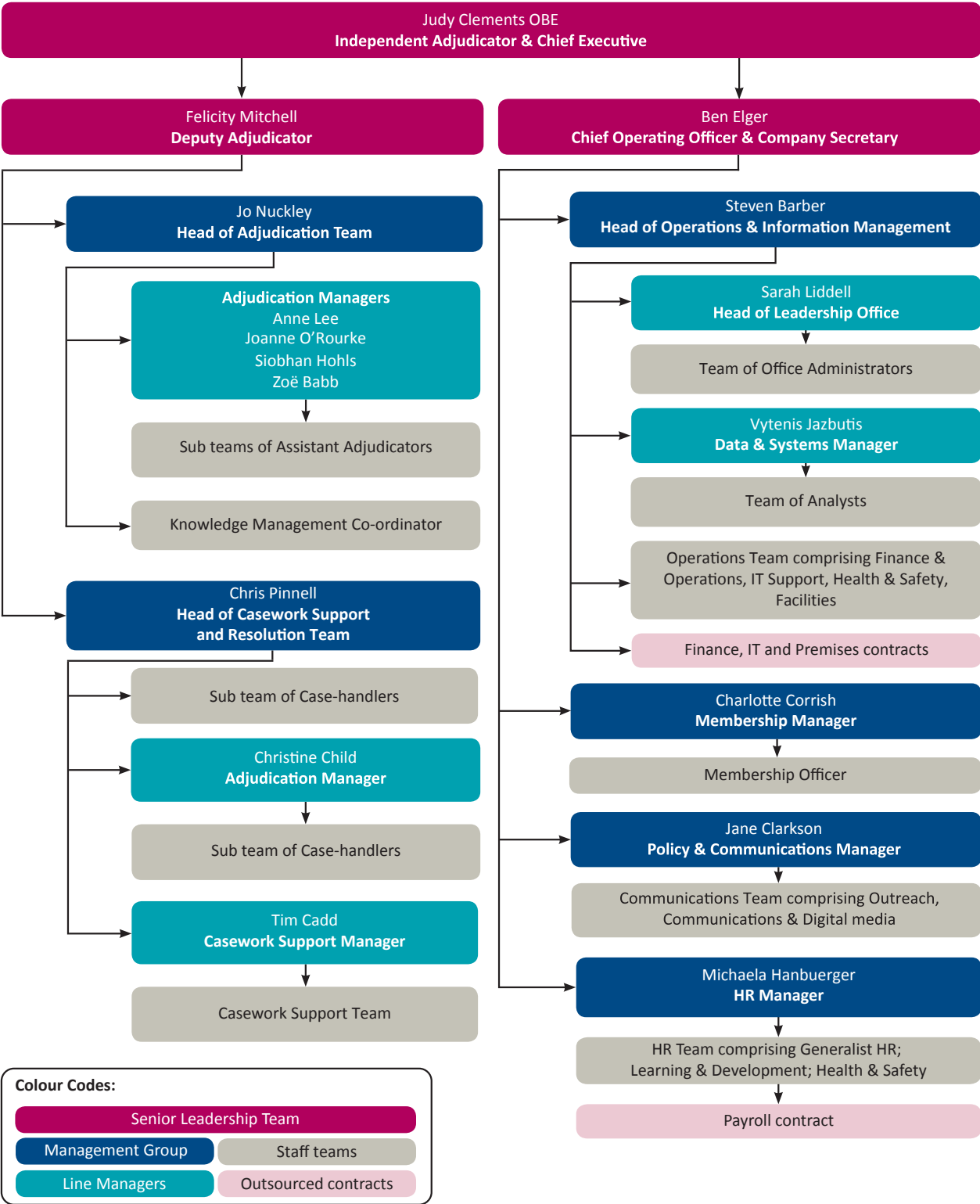
In addition, Mr Thilakawardhana, whose claim was dismissed in 2015, was granted permission to appeal by the Court of Appeal in December 2016. The Court of Appeal hearing will be held towards the end of 2017.

Claims which were refused permission included:

- ❑ a claim by a student who had not invoked the university's formal complaints procedure challenging the OIA's decision not to accept her complaint for review under Rule 4.2
- ❑ a claim by a student seeking to challenge the OIA's decision that the university had properly considered his mitigating circumstances claim at the third attempt, following two previous complaints which resulted in the OIA recommending a reconsideration of his case
- ❑ a claim by a medical student seeking to challenge the OIA's decision that the university had properly considered his late evidence of dyslexia and mental health difficulties, following a previous complaint which resulted in the OIA recommending a reconsideration of his case. In that case, His Honour Judge Curran QC said:

“The OIA duly considered whether the University had applied its regulations properly and followed its procedures correctly. It also considered whether the decision made by the University was a reasonable one in all circumstances. It reached the conclusion that the decision had involved ‘an element of academic judgment.’ Properly-considered academic judgments are outwith the OIA's permitted area of adjudication, but the evidential basis for such judgments, and the procedures by which such judgments are reached are not. In a detailed and well-reasoned ten-page written decision, critically considering such matters, the OIA concluded that it was satisfied that the University had reached a reasonable decision, and did not uphold the complaint.”

OIA staff (as of 31 December 2016)



The OIA Senior Leadership Team comprises Judy Clements, the Independent Adjudicator and Chief Executive, Felicity Mitchell, Deputy Adjudicator, and Ben Elger, Chief Operating Officer and Company Secretary.

The OIA is committed to providing learning and development opportunities for its employees. This includes a number of specialist ombudsman training opportunities for case-handling staff, as well as training sessions on different aspects of our work.

OIA colleagues describe their experience working at the OIA.

Sally (Senior Assistant Adjudicator)

"I joined the OIA as an Assistant Adjudicator in 2013, having previously worked as a Faculty Sub-Dean at a university. My new role as Senior Assistant Adjudicator means that I get to deal with some of our more complex complaints, often involving scenarios which we have not come across before. I also lead regular casework drop-in sessions, which is a great way for colleagues to share their knowledge and expertise in dealing with difficult cases. I enjoy working for the OIA as the work is so varied and the staff so supportive. Everyone is focussed on getting our decisions right and sharing good practice across the HE sector to improve the experience for students."

Matt (Systems Analyst)

"I joined the OIA having had four years' experience working in Town Planning. I was drawn to the role having developed an interest in computer databases and saw this as an opportunity to further my knowledge. I'm thoroughly enjoying being part of a team where new ideas and challenges are encouraged and it's easy to remain motivated due to the level of support and team work amongst colleagues. My role has recently progressed and includes a lot of variety, but focuses on the configuration and development of our new data management system as well as the improvement of our internal document management to support the efficiency of our case-handling. Whilst my new role has only just begun, I'm excited for the chance to develop further and look forward to the projects ahead."

Lana (Casework Administrator)

"Before coming to the OIA, I was an Equality and Human Rights Adviser for the Government Equality Office. Our main goal was to empower individuals in the Work, Services and Education Sectors to challenge their issues of potential discrimination. If deemed appropriate, we would advise on the Human Rights Act 1998. I saw the move to the OIA as an opportunity to learn more about the higher education sector. Working as a Casework Administrator at the OIA is a good fit, because my job is varied and I like the fact that I am involved in the cases from the outset."



"This was by far the best of the webinars I've undertaken this year, really informative and an excellent insight into the OIA's considerations."

David (Assistant Adjudicator)

“Before joining the OIA, I worked for two different students’ unions, first as a sabbatical officer and later as a staff member. I had encountered the OIA when advising and representing individual students and wanted to be part of an organisation that promoted justice and the fair treatment of all students. During my time at the OIA, I’ve been supported in combining my work with completing professional legal qualifications part-time and the organisation has also provided opportunities to grow my understanding of public law as part of the OIA’s legal team. I’ve also enjoyed being a part of the OIA’s outreach work and visiting a range of providers across England and Wales.”

Rose (HR Officer)

“I work in the HR team at the OIA. Prior to joining I spent 14 years in the Engineering Sector and 6 years in the IT sector. Currently, I have responsibility for Recruitment and Learning and Development. We recruit candidates of a very high calibre and they come to us from a diverse range of backgrounds, each of them bringing their own unique blend of skills and expertise. In my experience, the one thing they all have in common is the desire to keep learning and adapting so that they can deliver the best service possible. This is achieved through a culture where sharing knowledge and working collaboratively is highly valued. For me, this is a very positive working environment.”



The independence of the OIA

Ben Elger, Chief Operating Officer, discusses the ways we safeguard the independence of the OIA.

“The independence of the OIA is paramount. One of the primary responsibilities of our Board is to safeguard the independence of the OIA Scheme and the adjudication process. The majority of Board members are Independent Directors, appointed under Nolan principles of fair and open competition in light of the value and relevance of their skills and experience. The remaining six members are nominated by sector bodies but are not representatives of those bodies and contribute to the Board independently as Trustees and Directors.

On occasion the very structure of the OIA has been challenged in the courts. Alongside the significance of the composition and role of the Board, it has been recognised as important to the OIA's independence that the Scheme is free to students and that the compulsory subscriptions from member providers are in no way linked to the OIA's decisions in cases. The OIA is a unique organisation underpinned by legislation but also both a company and a charity, all of which helps to promote accountability and safeguard independence.

The importance of impartiality is similarly fully recognised at operational level where we have robust arrangements in place to avoid any conflicts of interest or perceptions of bias as a result of connections with providers, students, student organisations or other stakeholders.

One of the areas the Board has looked at this year is how we adapt our governance in order to respond to the changing environment and the significant recent increase in our membership. Now that our membership is much broader, we have taken the decision to recruit through an open process a Board member who has specific experience which is relevant to the newer members of our Scheme, as a precursor to looking at our wider governance arrangements. The student perspective is clearly more crucial than ever and we currently have both a Nominated Director and an Independent Director to articulate this at Board level. We think that it is important for us to assess how the environment is developing before we make further changes. The broader HE sector is going through a great deal of change and consultation at this time so we will return to this in the later part of 2017.

A key challenge to the OIA will be to maintain independence whilst recognising our interdependence with other parts of the regulatory landscape and the need to work in a joined-up way. We welcome the recognition in the Higher Education and Research Bill both of the importance of our autonomous status and the role we can play with others in ensuring the quality of the student experience. To do this will demand proper resource and focus being devoted to the good practice dissemination part of our mission as well as the continuing development of arrangements for the appropriate sharing of information.”

OIA Board of Trustees/ Directors

The OIA Board of Directors has 15 members.

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

Directors are normally appointed for a three year term of office, which can be renewed once.

The Board's responsibilities include:

- oversight of the performance and effectiveness of the Independent Adjudicator and the Scheme
- setting the budget for the OIA
- determining the level of subscriptions payable for the operation of the Scheme
- approving the Rules and procedures for the operation of the Scheme
- preserving the independence of the Scheme.

Board members are not involved in the review of complaints.



"The visit was very useful and conducted in a professional way and there was good humour."

Trustees/Directors

The Trustees of the charity and Directors of the charitable company, who served throughout 2016, unless otherwise stated, were as follows:-

Independent Trustees/Directors

Chair

Ram Gidoomal CBE (Resigned 30 September 2016)

Dame Suzi Leather (Appointed 1 October 2016)

Deputy Chair

Dr Andrew Purkis OBE

Members

Gillian Fleming

Peter Forbes

Carey Haslam

Erica Lewis (Resigned 31 December 2016)

Andy Mack

Dr Martyn Thomas CBE

Claire Weir

Nominated and Alternate Trustees/Directors

Nominated by the Association of Heads of University Administration

Mark Humphriss - Nominated Director

Dave Hall - Alternate Director

Nominated by the Committee of University Chairs

Geoffrey Donnelly (Resigned 30 June 2016) - Nominated Director

Dr Simon Walford (Appointed 1 September 2016) - Nominated Director

Nominated by GuildHE

Professor Geoffrey Elliot - Nominated Director

Jon Renyard - Alternate Director

Nominated by the National Union of Students

Sorana Vieru - Nominated Director

Bethan Dudas - Alternate Director

Nominated by Universities UK

Professor Alistair Fitt (Appointed 1 August 2016) - Nominated Director

Professor John Raftery (Resigned 31 October 2016) - Alternate Director

Professor Paul Layzell (Appointed 1 November 2016) - Alternate Director

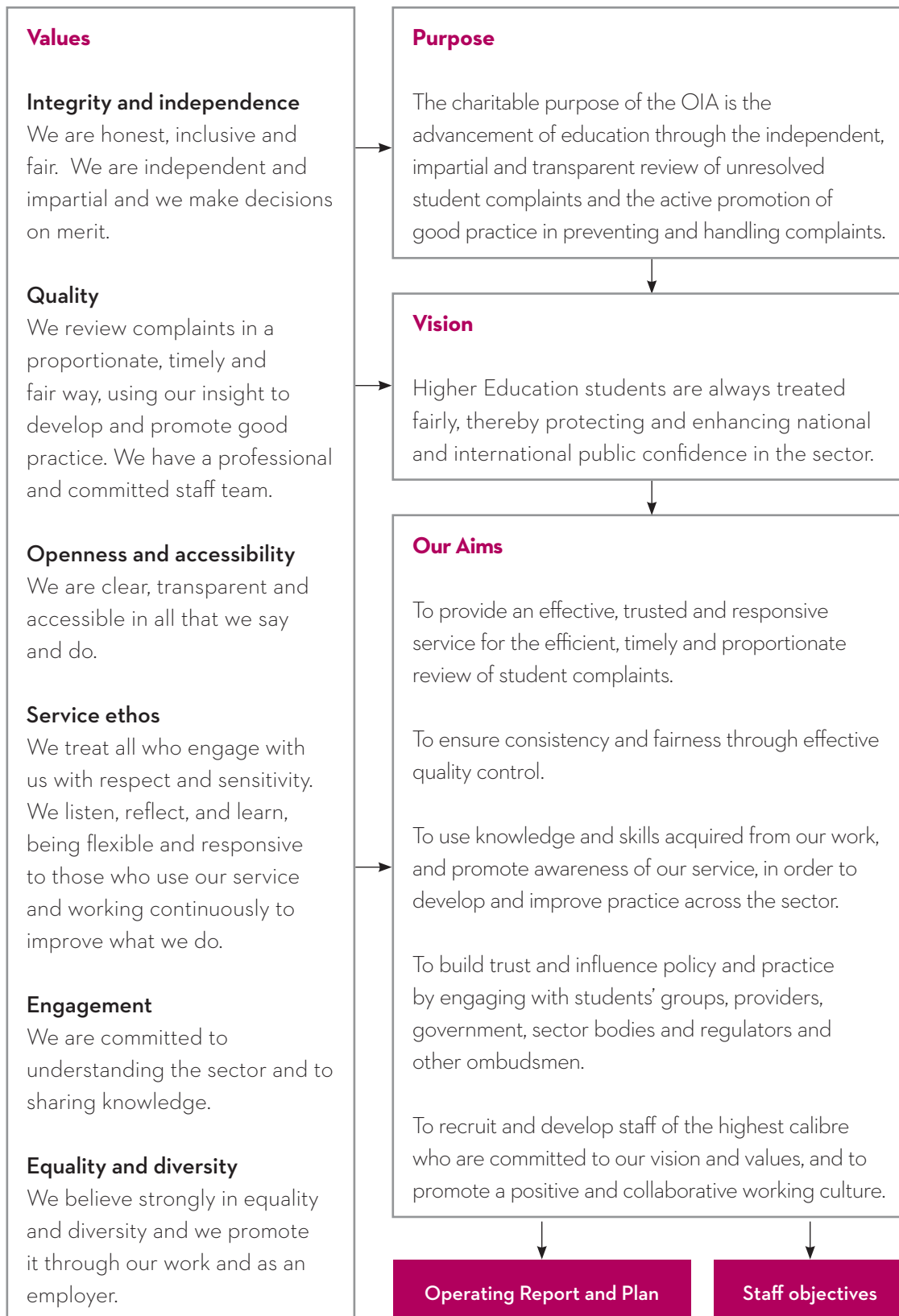
Nominated by Universities Wales

William Callaway - Nominated Director

Richard Walters (Appointed 1 December 2016) - Alternate Director

Strategic Plan

The OIA is the Designated Operator of the Student Complaints Scheme established under the Higher Education Act 2004, and a charity registered in England and Wales.



2016 Operating Report and 2017 Plan

This report and plan is set out in accordance with the OIA's Aims in our Strategic Plan.

To provide an effective, trusted and responsive service for the efficient, timely and proportionate review of student complaints

Timescales

We received 1,517 complaints and closed 1,668 complaints in 2016. There has been a significant further improvement in the OIA's turnaround timescales during the year. This has been facilitated by the risk-based approach to case decision making which is now fully embedded. By July 2016, we were closing over 75 per cent of cases within six months of receipt, and we have continued to do so throughout the rest of the year, exceeding our KPI. The average number of days to close a case has fallen to below 100 days during the last quarter of 2016, and less than one per cent of cases remain open nine months after receipt at the end of the year. In 2017 we will maintain a keen focus on turnaround times to ensure that complainants receive a timely resolution to their complaints.

Eligibility

In 2016 we made an average of 99 per cent of eligibility decisions (or requested further information) within 10 working days against a KPI of 90 per cent, and exceeded the KPI in every month. We recognise the importance to complainants of knowing promptly whether or not we can look at their complaint and we will continue to focus on this in 2017.

Enquiries

The Casework Support Team has continued to respond promptly to telephone and e-mailed enquiries throughout the year, responding to 99 per cent of enquiries within two working days against a KPI of 90 per cent. Enquiries in 2016 were around seven per cent up on 2015, reaching our highest ever level of over 2,600. This has been related in part to our expanded membership. It is anticipated that this pattern will continue into 2017 with the rise in the number of students who can bring their complaint to us.

Settlement

In 2016 we settled nine per cent of cases without the need for a full review, demonstrating a consistent commitment to the early resolution of complaints. The KPI of 10 per cent remains in place. We have taken opportunities to discuss settlement with individual providers, and we will continue to do so. In addition we have been pleased to see that providers are further developing early resolution within their own internal procedures.

In 2017 we will publish case studies on our approach to settlement. We will also undertake an analysis of our processes which support settlement, to identify factors which are most likely to lead to a successful settlement of a complaint. We continue to encourage staff where appropriate to contact complainants and providers by telephone and to explore options for early resolution.

Feedback and user experience

15 students' unions and 239 higher education providers, including some longstanding members of the OIA Scheme and some who joined more recently as a result of the Consumer Rights Act 2015, responded to a survey in early 2016 seeking views on working with the OIA. The results were helpful in identifying the main sources of information used by providers and students' unions and the guidance that is found most useful. We have also gathered feedback from our programme of informal visits to students' unions and providers. The feedback has been used to inform the further development of our outreach work and additional guidance for providers. For example, providers have indicated that they particularly value the opportunity for informal discussion with case-handling staff; we will continue to schedule opportunities to engage in this way.

In 2016 the OIA participated in meetings to help to develop the Ombudsman Association's Service Standards Framework. We will continue to contribute to this work in the coming year.

In 2017 we will collect feedback from complainants on their experience of dealing with the OIA at the initial point of contact, and at the end of the first stage of our process. We will also continue to develop our website to provide clear and accessible information and guidance for Scheme users.

European Directive on Alternative Dispute Resolution (EU ADR)

In 2016, the OIA as the designated ADR entity for higher education complaints made under the ADR Directive complied with the requirements of the Directive. Our first annual report has been submitted to the Chartered Trading Standards Institute (CTSI) and published on our website. Our first audit took place in 2016 and we successfully achieved continued approval as a consumer ADR body. In 2017, we will continue to meet the standards expected of us as the ADR entity.



Membership

In 2016 the OIA responded effectively to the significant expansion of our membership following the Consumer Rights Act in September 2015. We have received positive feedback from new members, notably at our Annual Open Meeting. By the end of 2016 the OIA had around 730 members compared with 149 at the start of 2015. New legislation introduced in the Higher Education and Research Bill will bring further providers into membership of the OIA Scheme. In 2017 we will continue to work to support developments in this area.

Financial planning and subscriptions

The OIA continues to benefit both provider and student users of the Scheme by providing a cost-effective and efficient alternative to the courts.

The OIA reserves policy was reviewed in 2016, taking account of a strong cash flow position (despite the challenges of decreased income as a result of some providers moving into lower student number bands and therefore paying lower subscriptions in the last two years) and increased stability in terms of the ten year lease on our premises in Reading. In this context, and given current case receipts and closures, the Board agreed a core subscription increase of one per cent.

Following the major increase in the number and diversity of our members from September 2015, we will continue discussions with sector partners in 2017 about the collection and consistency of student number data as well as reviewing the impact of the case element of subscription fees.

To ensure consistency and fairness through effective quality control

Quality control

The OIA's risk-based approach to case-handling decision making is supported by robust quality assurance measures under the oversight of the Casework Quality Group, including training, coaching and random sampling of correspondence and decisions. In 2017 we will keep under review our case weighting policy, and the sign-off levels of case-handlers.

The transition to a single Complaint Outcome decision in 2016 does not appear to have resulted in a significant increase in post-decision correspondence. In 2017 we will carry out further research into the nature of the post-decision correspondence that we receive and feed in the learning from that research.

Judicial review

During 2016 only one claimant was granted permission to proceed with a Judicial Review claim and no substantive judgments were delivered. We will continue to disseminate learning from Judicial Review cases (whatever the outcome) through our quality control mechanisms.

Knowledge management

In 2016, the permanent post of Knowledge Management Coordinator was created. The role provides support to all staff, enabling everyone to participate in a culture of knowledge sharing. We have made good progress in establishing systems to bring together knowledge in a way that supports our core functions of resolving student complaints and disseminating good practice.

In 2017, we will embed processes to manage the whole life-cycle of information, focusing on sharing new information promptly and on ensuring currency of knowledge. We will also focus on how we can ensure that the knowledge we gain from individual complaints and from our interactions with particular providers is used to support our wider external engagement.

Advisory panels

We introduced new expertise to our Higher Education Advisory Panel (HEAP) in 2016 to reflect our expanded membership, whilst maintaining a careful balance both in terms of the type of provider represented and geographical spread. We will carry out another recruitment round in 2017 following the retirement of two current members.

During 2016 we established a Disability Experts Panel (DEP). Based on the HEAP model, its purpose is to give informal advice to the OIA on disability-related matters that arise in the course of our work. Members are drawn from British Association of Counselling and Psychotherapy, Mind, RNIB, National Deaf Children's Society, University Mental Health Advisers Network, Royal College of Ophthalmologists, National Autistic Society, and National Association of Disability Practitioners.

Both panels will continue to provide an excellent resource for case-handlers both in relation to our approach to individual complaints, and as a source of intelligence and a sounding board regarding wider issues affecting the sector.

To use knowledge and skills acquired from our work, and promote awareness of our service, in order to develop and improve practice across the sector

Compliance and Recommendations

In 2016 we exceeded our KPI of 85 per cent of student-centred Recommendations implemented by the specified date. This KPI will remain in place for 2017.

We reviewed our practice in making Recommendations in 2016 to ensure that we are consistent and clear in setting out what action we expect providers to undertake and what evidence we wish to see in order to record compliance. As part of this review we published revised guidance on our website setting out our approach to remedies and redress which includes details of our updated approach to compensation for distress and inconvenience. In 2017, we will monitor the implementation and effectiveness of this revised guidance, and review how we follow up and record compliance with good practice Recommendations.



Good Practice Framework

We published a revised version of the **Good Practice Framework: Handling complaints and academic appeals** in December 2016. The revisions took account of feedback received, developments in the sector, the different needs of newer members, and our own experience of seeing the framework in practice during its first year of operation.

In the same month we published for consultation a draft new section: **Delivering learning opportunities with others**. This pulls together guidance we have published throughout the year in relation to collaborative arrangements, with the input of the Good Practice Framework steering group. We aim to publish the final version of the section in the spring.

In 2017 a draft third section: **Supporting disabled students** will also be published for consultation, and a section on disciplinary procedures is currently in the early stages of development for consultation and publication.

Good practice dissemination and outreach

In 2016 the OIA has undertaken a higher level of good practice dissemination and outreach work than ever before. We ran a programme of webinars on a range of topics including Fitness to Practise, plagiarism and academic misconduct, procedural fairness and Completion of Procedures (COP) Letters, with participants drawn from students' unions and providers across the full range of our membership, as well as some tailored for our newer members and those involved in collaborative provision. We also provided speakers for a number of events and conferences to share learning from our work.

In 2017 we will further develop our outreach activities to continue to promote good practice in complaints and appeals handling. In addition to our webinar programme and visits, we will continue to run regional workshops, including workshops in Reading, Cardiff and Leeds.

Public interest cases and case studies

We continue to publish public interest cases, and in 2016 we added cases relating to accommodation, financial issues, non-attendance, withdrawal for non-completion of work, extenuating circumstances and social media. Themes in 2017 will include competence standards and disciplinary cases.

During 2017 we will review our public interest case publication strategy. We will also publish up-to-date (anonymous) case studies to replace older case studies on our website (which we will archive). Case studies relating to settlements, eligibility decisions and subject areas will be rolled out during the year.



'I submitted my second complaint as per your recommendations, and was awarded the full amount I requested by the university. I have had full payment into my account, so feel satisfied at the outcome. I have also requested they look into their procedures to try and ensure no other student has the same experience as I did.'

Annual Letters

Each year, the OIA publishes Annual Letters documenting each member provider's record in handling complaints and academic appeals for the previous year. We will develop the format and content of the Annual Letters as Annual Statements in 2017 and subsequent years, to include further information and to reflect feedback received from member providers.

To build trust and influence policy and practice by engaging with students' groups, providers, government, sector bodies and regulators and other ombudsmen

Role of the OIA in the regulatory landscape

We are continuing regular dialogue with the English and Welsh Governments and with sector agencies contributing to the development of the regulatory and wider sector landscape.

In 2016 the Government's Higher Education White Paper 'Success as a Knowledge Economy: Teaching Excellence, Social Mobility & Student Choice' recognised the importance of the OIA's independence for our ombudsman role. At the same time there is a clear expectation from Government that organisations in the sector will work together and share information where appropriate to ensure a joined-up approach for providers and protect the student interest. In 2017 we will continue work with others around, for example: the role of the OIA Good Practice Framework in the new regulatory landscape; properly contextualised use of OIA complaints data; and sharing of complaints information that may indicate a systemic concern.

A key workstream in 2017 will focus on ensuring that more students in the Higher Education sector are able to access our service if their complaint cannot be resolved locally. We will also undertake work with other agencies considering the interface between Higher and Further Education in the context of the developing policy agenda in this area and ensure that the OIA remains relevant and dynamic as the tertiary education sectors continue to evolve.

The Student Engagement Partnership (TSEP)

In 2016 the OIA worked closely with TSEP especially with respect to our expanded membership. A TSEP presentation was very well received at our Annual Open Meeting. In 2017 we will contribute to TSEP work to embed student engagement as a key component of the emerging sector landscape.

Engagement with student organisations and providers

In 2016 we visited over 100 student organisations and providers. These visits have been valuable in promoting understanding of the OIA's work and deepening our own knowledge of the sector. In 2017 we will maintain a high level of engagement with our stakeholders.

We will develop the information we include in our Annual Letters to providers to more fully reflect their engagement with the OIA.

Ombudsman Association and European Network for Ombudsmen in Higher Education

We remain a full member of the Ombudsman Association and actively participate in meetings and events including HR, First Contact, Casework and Legal special interest groups to share learning and good practice. We will continue to do this in 2017.

In 2016 the OIA facilitated the first European Network for Ombudsmen in Higher Education (ENOHE) virtual conference. This brought together delegates from 12 countries and discussed presentations on developments in Austria, Norway, Germany, Spain, the Netherlands and the UK. At the start of 2017 the secretariat of ENOHE will transfer from the OIA to the office of the ombudsperson at the University of Oslo. The OIA will continue to play an active role in the Executive.

To recruit and develop staff of the highest calibre who are committed to our vision and values, and to promote a positive and collaborative working culture

Succession planning

2016 was a very significant year for the OIA in terms of succession planning. Judy Clements OBE succeeded Rob Behrens CBE as Independent Adjudicator and Chief Executive in April. Then in October, following another comprehensive search process in line with Nolan principles, Dame Suzi Leather succeeded Ram Gidoomal CBE as Chair of the OIA Board. A key priority in the induction periods has been dialogue with key stakeholders about the continuing development of the organisation.

In 2017 a number of new Independent Directors will be recruited to the Board to replace those completing their terms of office and this will be undertaken with due regard to the challenges and opportunities of the OIA's expanded membership.

Flexible workforce

The OIA has built a strong reputation for its work to promote good practice in relation to complaints handling over a number of years and this has been a key part of our organisational mission since 2011, following the Government's Higher Education White Paper 'Students at the heart of the system'. In 2016, we have taken significant steps towards embedding the idea of a flexible workforce with versatile teams increasingly utilising skills both in the adjudication of cases and the dissemination of learning. This has been a major factor in the considerable increase in visits and events we were able to organise. We will continue to develop the flexible workforce approach in 2017.



Employee engagement survey

We embrace the principles of employee engagement including through our Staff Liaison Committee and we work continuously to promote a positive working culture. In 2017 we will undertake our third employee engagement survey.

Diversity monitoring

We are committed to equality of opportunity and welcome diversity amongst our staff and Board to reflect the nature of independent adjudication, our users and stakeholders. In 2017 we will conduct an internal confidential survey to monitor our diversity and take appropriate steps to promote a diverse workforce.

Learning and development

We promote learning and development as part of continuous improvement. In 2016 we ran a wide-ranging development programme that included knowledge sharing and tailored workshops. We intend to build on this in 2017 to further embed ongoing learning and development in our culture. We will continue our in-house training and knowledge sharing programme, as well as maximising use of our e-learning platform. In addition, we aim to continue to broaden staff knowledge and understanding of the widening Higher Education Sector.

Funding

The OIA is funded through compulsory membership subscription underpinned by statute. Historically the OIA has used the relevant HESA data to band members according to size. A smaller case-related element was introduced in 2014 where the number of complaints (converted into points) received by the OIA from students at the member provider in the previous year exceeds the band's point threshold.

The expansion of OIA members and differentiation of official data available meant that the OIA had to review its subscription arrangements prior to members joining in September 2015.

The OIA took into account feedback about the challenges facing our new members in terms of publically available data, student numbers and the regulatory environment as well as wider concerns about cross subsidy and a 'level playing field' and from 2015 a number of changes were made to the previous 9 band system, based on HESA data, to ensure and fairness to all members:

- an additional smaller 'AA' Band for providers with 200 or fewer students which would apply to all members
- a 30 per cent reduction in the core subscription fee for FE colleges and sixth-form colleges which provide HE to reflect the different regulatory and funding environment where HE makes up a small proportion of total student numbers
- a flat rate core-subscription fee applicable to all SCITTs
- a franchise only flat rate core subscription fee for providers whose only HE provision is franchised from another provider.

Where appropriate the OIA uses verified data sources to reduce the burden on providers to supply student number data (this includes HESA and Higher Education in Further Education Students data). Where this is not available we use self-reporting and reserve the right to review and adjust self-reported figures following a cross-checking process.

All rates are pro-rated for members joining part way through the year. The subscription rates and model will be kept under review by the Board who will make any changes they feel necessary to ensure subscriptions remain equitable and value for money.

More details of our subscriptions arrangements for 2016 can be found on our website, www.oiahe.org.uk/about-us/subscription-to-the-oia/subscription-to-the-oia-2016.aspx

Core Subscription Fee rates for 2016 (to be pro-rated for providers joining the OIA Scheme part way through the year)			
	Band	Core Subscription Fee (£) (HEIs and alternative providers)	Core Subscription Fee (£) (HE in FE providers)
Up to and including 200 students	AA	410	287
201 to 500 students	A	848	594
501 to 1,500 students	B	1,711	1,198
1,501 to 6,000 students	C	9,200	6,440
6,001 to 12,000 students	D	18,255	12,779
12,001 to 20,000 students	E	30,345	21,242
20,001 to 30,000 students	F	45,868	32,108
30,001 to 50,000 students	G	54,508	38,156
50,001 to 100,000 students	H	67,077	46,954
More than 100,000 students	I	103,059	72,141

Core Subscription Fee rates for 2017 (to be pro-rated for providers joining the OIA Scheme part way through the year)			
	Band	Core Subscription Fee (£) (HEIs and alternative providers)	Core Subscription Fee (£) (HE in FE providers)
Up to and including 200 students	AA	414.10	289.87
201 to 500 students	A	856.48	599.54
501 to 1,500 students	B	1,728.11	1,209.68
1,501 to 6,000 students	C	9,292.00	6,504.40
6,001 to 12,000 students	D	18,437.55	12,906.29
12,001 to 20,000 students	E	30,648.45	21,453.92
20,001 to 30,000 students	F	46,326.68	32,428.68
30,001 to 50,000 students	G	55,053.08	38,537.16
50,001 to 100,000 students	H	67,747.77	47,423.44
More than 100,000 students	I	104,089.59	72,862.71

Providers of School-Centred Initial Teacher Training (SCITTs) and Franchise-only providers

Core Subscription Fee rates for SCITTs and Franchise-only providers (to be pro-rated for providers joining the OIA Scheme part way through the year)		
Year	2016 (£)	2017 (£)
Flat rate	240	242.40

Statement of financial activities

For the year ended 31 December 2016

	Unrestricted Funds		Total	Total
	General Reserve	Pension Reserve	2016	2015
	£	£	£	£
Income				
<i>Income from investment</i>	12,200	-	12,200	16,709
<i>Income from charitable activities</i>				
Subscriptions	4,343,621	-	4,343,621	4,133,896
<i>Other income</i>	1,974	-	1,974	3,478
Total incoming	4,357,795	-	4,357,795	4,154,083
Expenditure				
Charitable activities	4,414,246	(6,728)	4,407,518	4,739,278
Total resources expended	4,414,246	(6,728)	4,407,518	4,739,278
Net (expenditure)/incoming	(56,451)	6,728	(49,723)	(585,195)
Transfers between funds	-	-	-	-
Net movement in funds for the year	(56,451)	6,728	(49,723)	(585,195)
Total funds at 1 January 2016	865,166	(651,796)	213,370	798,565
Total funds at 31 December 2016	808,715	(645,068)	163,647	213,370

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

Balance sheet at 31 December 2016

	2016	2015
	£	£
FIXED ASSETS		
Tangible assets	441,604	467,973
CURRENT ASSETS		
Debtors	130,584	207,451
Cash at bank and in hand	2,918,630	2,829,837
	3,049,214	3,037,288
CREDITORS		
Amounts falling due within one year	(2,314,647)	(2,487,912)
NET CURRENT ASSETS	734,567	549,376
NET ASSETS BEFORE PENSION RESERVE	1,176,171	1,017,349
CREDITORS:		
Amounts falling due after one year	(367,456)	(152,183)
Pension provision	(645,068)	(651,796)
TOTAL ASSETS LESS CURRENT LIABILITIES	163,647	213,370
FUNDS		
Unrestricted Funds		
General reserve	808,715	865,166
Pension reserve	(645,068)	(651,796)
	163,647	213,370

These summarised financial statements may not contain sufficient information to gain a complete understanding of the financial affairs of the Office of the Independent Adjudicator for Higher Education.

The full auditors' report and financial statements can be found on our website at www.oiahe.org.uk.

Independent Auditors' Statement: We have examined the summarised financial statements set out on pages 47 and 48.

Respective responsibilities of Trustees and Auditors You are responsible as Trustees for the preparation of the summary financial statements. We have agreed to report to you our opinion on the summarised statements' consistency with the full financial statements, on which we reported to you on 31 March 2017.

Basis of opinion We have carried out the procedures necessary to ascertain whether the summarised financial statements are consistent with the full financial statements from which they have been prepared.

Opinion In our opinion the summarised financial statements are consistent with the full financial statements for the year ended 31 December 2016.

Crowe Clark Whitehill LLP, Chartered Accountants and Registered Auditors, Reading RG1 1PL

31 March 2017.

"I would like to take this opportunity to thank you all for your hard work and it is fairly safe to say that many students like me would hold that deep gratitude towards people at OIA for our life changing experience."





office of the
independent
adjudicator

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