



The Office of the Independent Adjudicator For Higher Education

Student Union Adviser Open Forum

**OIA offices, Reading
15 May 2008**

Report

OIA Open Forum held in Reading on 15 May 2008

Introduction

The OIA held an Open Forum for student union advisers and representatives on Thursday 15 May 2008. This was an opportunity to hear from those who advise and represent students and who regularly engage with both the OIA and HEIs' own complaints and appeals procedures. 20 delegates attended from a range of institutions across England and Wales. There was an introductory address from the new Independent Adjudicator, Rob Behrens, who took up his role on 1 May, and a short presentation from OIA staff on current issues. The main business of the day, however, was focussed group discussion on themes raised by delegates prior to the event.

This report summarises the key issues raised at the Open Forum and sets out the steps that the OIA is taking in response.

Key issues for students in relation to internal complaints and appeals

In a pre-event questionnaire delegates were asked to indicate at least 3 issues they felt to be significant for students submitting complaints and appeals to their universities. We had 18 responses (some from those unable to attend the Forum). The responses can be broadly divided into two categories:

1. Understanding and operation of internal procedures

- ❖ 10 respondents reported that **students do not find it easy to access or understand universities' internal procedures**. 3 mentioned a lack of clarity in procedures and another pointed out how the difference between complaints and appeals can be hard to understand. One respondent said that students often don't understand what evidence is required to support an appeal or complaint: they think the university will ask for evidence instead of providing it themselves in the first instance, thus delaying their complaint/appeal.
- ❖ Other points raised were: a **lack of suitable processes**; an **over-emphasis on paper procedures** - written submissions are a lengthy, time-consuming and often unsatisfactory way of information gathering and negotiation, especially as individual points can be ignored; a **lack of mediation** means that cases are often not resolved as early as they could be; there can be a **conflict between complaints and appeals**.
- ❖ 9 respondents mentioned **problems with time delays and the length of the internal complaints processes**. 3 additionally commented that universities don't always adhere to their own regulations regarding timescales; that it takes too long for committees to be convened and that processes can overrun in complicated cases without any sanction against the university.
- ❖ 3 respondents referred to a **lack of consistency** between and within departments in relation to certain acts/omissions – ie not all students are treated equally.

- ❖ Some respondents referred to a **lack of positive engagement from academic staff and others during informal stages of procedures**. One respondent mentioned that students have problems with the language and body language of staff and face a negative blaming approach and another referred to defensive and dismissive behaviour by staff. One respondent pointed out that students can be reluctant to appeal or complain because they are concerned about how it will affect their work and their relationship with their tutor and another mentioned how students can be intimidated during the first stage of the complaint/appeal procedure by confrontation with a staff member. 3 respondents referred to a perceived lack of fairness in the way students are treated and another to dissatisfaction with the university's response. Others mentioned how students feel there is a bias against them, that academic staff do not have enough time for students (because universities are accepting too many students?), and that universities fail to see students as people who have paid for a service. One respondent mentioned a perceived lack of impartiality and conflict of interest facing students and another said that students believe that staff will side with each other so that objectivity is not achieved until the later, more formal, stage(s).
- ❖ One respondent mentioned that **students are not always encouraged to seek advice before submitting appeals and complaints**. They then don't have the opportunity to withdraw and resubmit. A solution would be to invite students with weak appeals to go to their SU to check that all the evidence etc. is in order. Another respondent pointed out the lack of support that students have whilst wanting to complain and a further one the problem of students not voicing their concerns with the appropriate people in the university.
- ❖ Several respondents mentioned that the **outcomes from internal procedures can be unclear and equivocal for the student**. One respondent pointed out that even when a complaint or appeal has been successful, students can get back much less than they have already lost. Another said that offers of compensation are paltry and apologies insincere, that there is a lack of proper accountability on the side of the university (ie no one gets punished) and that there is sluggishness in implementing the lessons learnt from complaints. Another respondent said that for those who are unsuccessful there are often other major implications – eg financial and immigration issues.

2. Areas of significant challenge (some of which overlap with 1)

- ❖ **International students:** 2 respondents specifically mentioned the problems faced by international students – there can be problems caused by cultural and academic differences and these students can be particularly disadvantaged by paper-based systems if their written English isn't good. 4 other respondents mentioned how problems faced by students in general can be more severe for overseas students: the implications of unsuccessful action (eg on immigration); the problems of inaccurate referencing in unfair practice cases; the language used in university regulations leading to confusion over what constitutes grounds for appeal/complaint; problems arising from lack of clarity in procedures.
- ❖ **Mitigating circumstances:** 3 respondents mentioned mitigating circumstances in general (for one this is the major cause of appeal) and another pointed out

- ❖ **Supervision:** 3 respondents mentioned supervision issues, especially at postgraduate level.
- ❖ **Disability:** 2 respondents mentioned the particular problems faced by students with disabilities and the possibility of discrimination arising.
- ❖ **Other specific issues mentioned were:**
 - Plagiarism and unfair practice cases (inaccurate referencing)
 - Poor university-managed housing
 - Disagreement with decision taken by faculty
 - Insufficient support for students with low ability. University systems are still designed for top end ability students whilst accepting 44% of young people. However, the number of upper second degrees awarded is still the same, which suggests standards are being lowered.
 - Unfair marking
 - Dissatisfaction with how course being run
 - Making decisions available to advisers
 - The fact that exam boards argue about 0.2% mark that is statistically irrelevant

Key issues raised by delegates in relation to the OIA:

The pre-event questionnaire also asked delegates to suggest topics for discussion at the Open Forum. The following issues and questions arose from four focussed discussion groups:

- ❖ **Understanding OIA's procedures**
 - How can we get HEIs to deal with issues more quickly?
 - Do we really need Completion of Procedures (COP) letters where internal procedures are too long?
 - How are the OIA's reviews reviewed?
 - Explaining OIA processes to students:
 - Highlight next stages in our letters
 - Give approximate time limits
 - At each stage explain what is the next step?
 - Emphasise that information supplied by HEI is not the OIA's view
- ❖ **Understanding OIA's Role & Remit**
 - Student representatives don't get information on changes made to regulations which OIA has recommended - could OIA provide this information to them?
 - COP letters – HEIs are not always clear about scoping what has been looked at within their internal procedures. Student reps can help to provide clarity and OIA can ensure HEIs follow our guidance.

- Partly justified complaints:
 - It would be helpful to have more definition of what these are and to be clearer about issues that are of significance to student which the OIA can't look at
 - Student reps to advise students to bring ALL issues to HEI at an early stage
- Previous case histories could be sent to student reps/HEIs for interest

❖ **Recommendations & findings – practicability of outcomes**

- Recommendations for HEIs regarding time limits for actions/response to prevent further delays
- When recommendation is that the case goes back to a fresh panel/hearing – the recommendation could include more detailed directions as to what the panel/exam body needs to focus on

❖ **Barriers to complaining**

- Time limits (practicality)
- Questioning impartiality
- Immigration status (international students)
- Fear of repercussions, especially vocational students
- Lack of awareness of procedures
- Difficulty getting COP letter
- Cultural barriers
- Academic staff unaware of OIA/defensive
- Delays in response
- OIA not well publicised

- **Proposed solutions**
 - Make procedures more transparent
 - Manage expectations (especially regarding solicitors)
 - Emphasise OIA's independence
 - More user-friendly language in handbooks
 - Full information given on completion of procedures
 - OIA to proactively 'police' completion of procedures
 - Increase use of case studies in publicity
 - Encourage universities to publish complaints statistics

Conclusions

The OIA is pleased to have hosted this event and to have heard from an important stakeholder group. We are extremely grateful to all those who attended the Open Forum, including Aaron Porter and Alex Bols of the the NUS.

It is clear that overall delegates want greater clarity and transparency, both within their institutions and from the OIA. They want procedures that can be clearly understood by those engaging them, that operate fairly and in a timely manner, and that provide fair outcomes. There is a concern that internal procedures do not always operate well. In particular, informal stages can appear to be dismissive and defensive; there can be inconsistencies and delays; resolutions are not always regarded as adequate; and there is a perception of bias. Delegates thought that some students are reluctant to complain.

Those who do may become involved in a lengthy paper chase both within their institutions and at the OIA. They may lack the stamina or trust in the system to complete procedures or submit complaints to the OIA.

Delegates also mentioned that in general they do not know what complaints have been made about their own institutions and what the outcomes are. There is a view that institutions are not learning from complaints or promulgating best practice. At the same time they want to work with their institutions to help improve internal procedures and the implementation of learning arising from complaints.

Action Plan

The OIA is committed to taking action to follow up the issues raised at the Open Forum.

Our initial steps have been to:

- ✚ Publish this report on our website, and send it to delegates and to our points of contact in the subscribing higher education institutions
- ✚ Include two workshops on Informal Resolution of Student Complaints in our 2008/9 events programme and to invite student union delegates as well as HEIs
- ✚ Make the Open Forum a regular feature of our events programme (the next one to be held in May 2009, probably in Manchester)

Over the coming months we will also:

- ✚ Review our literature and internal procedures
- ✚ Support and participate in the NUS project looking at HEI's internal procedures
- ✚ Hold continued dialogue with student group stakeholders such as the NUS, AMSU and the NPC: OIA staff are currently planning to participate in NUS Action through Advocacy events in July and August 2008 and the NPC Annual Conference in August
- ✚ Invite submissions from student groups to the review of the OIA Scheme to be carried out from the Autumn of 2008

Delegates attending the Open Forum:

Sangeeta Bedi	University of Birmingham Guild of Students
Alex Bols	National Union of Students
Sue Brown	University of Warwick Students' Union
Ian Bruce	University of Leicester Students' Union
Andrew Casey	Kingston University Students' Union
Clare Clark	University of the West of England Students' Union
Joanna Cooke	De Montfort University Students' Union
Kay Corden	Buckinghamshire New University Students' Union
Jennifer Hall	Reading University Students' Union
Sophie McGlinn	Northumbria Students' Union
Chris Neuss	Swansea University Students' Union Advice Centre
Angela Niccoli	King's College Students' Union
Aaron Porter	National Union of Students
Sarah Ranchev	City University Students' Union
Joanna Smith	Union of Brunel Students
Jo Spiro	Union of UEA Students
Jackie Terry	Kingston University Students' Union

Queen Mary Students' Union, University of London

London South Bank Students' Union



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