

Annex

OIA Review process and the OIA Scheme Rules

Rules 4-8 set out the process for determining whether a complaint is one that we can review. We will give reasons for our decision.

Under Rule 10.6, the student or the higher education provider may ask us to reconsider our decision that we can or cannot review the complaint (or parts of it) by writing to us within 14 days of the decision. A different reviewer will reconsider the decision and tell the student and the higher education provider the outcome.

Review Procedures

Rules 9-16 set out the normal process for reviewing the complaint.

Rule 10 allows the Reviewer to gather enough information to make a decision about whether the complaint can be reviewed.

The OIA has three weeks to make this decision. Rule 10.5 states that the three week period will run from the date of receipt of the Complaint Form, or the further information requested to enable the Reviewer to make a decision about whether the complaint can be reviewed.

Rules 11 and 12 set out the general principles underpinning the OIA's review and information gathering processes:

11. The review

- 11.1. When we have decided that the complaint is one which we can review, we will decide how to conduct the review and whether we need any more information.
- 11.2. We will review the complaint by looking at the documents which the student and the higher education provider have sent us. We will only hold a hearing or have a face-to-face meeting with the student and/or the higher education provider if we consider it is necessary to do so.
- 11.3. Where appropriate, we may at any time look for a way to settle the complaint which both the student and the higher education provider agree to. This may include referring the complaint to a mediator if the student and the higher education provider agree. The student and the higher education provider will be given time to consider the proposed settlement before deciding whether to accept it.

12. Gathering information for a review

- 12.1. When we have decided that a complaint is one which we can review we will always:
 - 12.1.1. Give the higher education provider the opportunity to comment on the Complaint Form and any accompanying documents;

- 12.1.2. Give the student the opportunity to respond to the higher education provider's comments on the complaint.
- 12.2. We may ask the student and/or the higher education provider to answer specific questions and/or provide additional information or documents.
- 12.3. We will normally give the student and the higher education provider the opportunity to comment on information received during the review where it is relevant to our decision.
- 12.4. The student and the higher education provider must respond to any requests for information we make during our review.
- 12.5. When we ask the student or the higher education provider for information or comments we will set a deadline for the response. The deadline will normally be 14 or 28 days but it may be shorter or longer depending on what we are asking for. We may grant an extension to the deadline where we consider it is appropriate to do so.
- 12.6. If the higher education provider does not provide information requested during the course of our review, or does not provide it within the time limits set, the Independent Adjudicator may report it to the Board, and may publicise it in the Annual Report and/or by other means.
- 12.7. We will tell the student and the higher education provider when we have received all of the information relevant to the complaint.

Once we have all the information we believe to be relevant to the complaint, we will write to the parties to tell them that the complaint file is complete (Rule 12.7). Unless we consider that the complaint is "highly complex", we must issue the Complaint Outcome within 90 days of our decision that the complaint file is complete (Rule13.2).

The following factors might lead us to conclude that a complaint is highly complex:

- The volume of documentation is unusually substantial and the representations from the parties are unusually detailed.
- Multiple substantial complaints have been raised or the complaint covers a number of complaints and/or appeals to the Member HE Provider.
- The OIA decides that it is appropriate to hold a hearing.
- The OIA decides that it is appropriate to refer a complaint for mediation.
- The complaint is linked to another case and must be held up pending the outcome of that case.
- The OIA is awaiting the outcome of a judicial review which will affect its decision on the substantive issues raised in the complaint.
- The specific circumstances of the case will affect the manner in which we conduct the review so that it may take longer than normal.

Where we conclude that the complaint is highly complex, we will write to the parties to tell them how long we believe the Review is likely to take.

Recommendations and Suggestions

Rule 14 sets out information about the OIA's Recommendations and Suggestions. We may make Recommendations where we conclude that a complaint is Justified or Partly Justified.

Where we intend to make Recommendations we will write to the parties setting out the proposed Recommendations, giving them the opportunity to comment on them, before we finalise them (Rule 14.5).

We may make suggestions that a provider should do something, or amend its procedures or regulations, when a complaint is Not Justified.

Completion of the review process

Rule 15 explains when the review process is completed:

- 15.1. The review process is completed:
 - 15.1.1. When we decide that we cannot look at a complaint under Rule 10.5 or that decision is confirmed following a reconsideration under Rule 10.6;
 - 15.1.2. When we decide to terminate a complaint under Rule 16.1, or that decision is confirmed following a reconsideration under 16.3;
 - 15.1.3. When the student and the higher education provider confirm their agreement to a settlement;
 - 15.1.4. When the Complaint Outcome is issued under Rule 13.1 if no Recommendations are made; or
 - 15.1.5. When we tell the student and the higher education provider that our Recommendations are confirmed or set out revised Recommendations under Rule 14.6. However, the OIA may reopen a review under Rule 15.2 where it is satisfied that there is good reason to do so. The Guidance Note on Eligibility and the Rules provides guidance on the circumstances in which the OIA might reopen a Review.

The student may withdraw his or her complaint at any time (Rule 16.4).