

File: Good Practice Framework - Audio Prezi

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Welcome to this presentation from the OIA on the good practice framework.

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In this presentation, we'll cover the background of why the good practice framework was created, we'll move on to look at the aims of the framework and how to use it, we will then look at each of the eight principles of the framework in a bit more detail, and finally we'll move on to some examples of how the framework works in practice.

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The good practice framework is in essence a guide to handling complaints and academic appeals in higher education. It builds on the OIA's experience of dealing with student complaints and appeals over the last ten years.

Its origins lie in response to the government white paper in June 2011, following which a consultation process was carried out within the sector with two extensive rounds of consultation, and over 80% of responses to these consultations agreed that a good practice framework was needed and would be helpful.

The creation of the framework has been overseen by a steering group comprising of representatives from the OIA, the Academic Registrars Council, the National Union of Students, the Association of Heads of University Administration and the Quality Assurance Agency.

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The good practice framework was informed by existing good practice in providers, as well as early resolution pilot schemes within providers, and feedback from students' unions and students.

The draft framework was published for consultation. In response to the draft framework, we received more than 200 responses from across the sector. These

were supplemented by conferences, workshops and informal consultations. Following these, a final version of the framework was published in December 2014. The framework is being kept under continuous review and will be updated as new issues arise or when clarification is needed.

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If you would like to find out more about the early resolution pilot schemes, you can read more on the OIA website (<http://www.oiahe.org.uk/providers-and-good-practice/early-resolution-pilots-initiative.aspx>), or in the appendices in the good practice framework itself.

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From its beginning, the good practice framework had three particular aims.

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Firstly, the framework aims to ensure that complaints and academic appeals are dealt with as quickly as possible.

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Secondly, the framework aims to ensure that processes, decisions and the reasons behind processes are made clear.

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Finally, the process aims to ensure that students are supported across the whole process of making a complaint or an academic appeal.

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Before looking at each of the principles in the framework in more detail, the following points set out how to go about using the framework.

Firstly, the framework is non-regulatory. It is intended to act as operational guidance in that it sets out general principles and operational good practice, but does not include prescriptive detail. This means that when considering the framework, a provider should look at each of the principles in turn and think about

how these apply in its particular context and the particular circumstances of its own educational provision.

The framework does not provide an exact template for dealing with every complaint and appeal. This means that each provider will be able to draft its own policies and procedures to fit its own size and context. However, if a provider departs from the framework, then it must satisfy itself that there are good reasons for doing so.

Whilst the OIA would not consider the framework to be a requirement in every circumstance, we would expect the provider to consider the principles within the framework and to have explained why in its particular context a departure was justified.

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The good practice framework recognises that providers have a responsibility to approach complaints and academic appeals fairly, following processes that are easy to understand whilst retaining the right to make decisions on the merits of an individual case.

The framework informs the way in which the OIA considers complaints from the 2015/16 academic year onwards. However, there will be a transition period for new members, as we understand that you may need time to review your procedures and discuss them with any partner institutions.

Whilst the framework is not prescriptive, where a providers procedure departs from the framework, the OIA will consider if this is reasonable as part of our review of the students complaint.

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The framework has identified eight main principles that should underpin any complaint or appeal process. These principles have been drawn from guidance issued from the Ombudsman association, the Parliamentary and Health Service Ombudsman, and from the OIA's pathway consultations.

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The first principle is that of accessibility. This means that any complaint or appeal procedure should be open to anyone who was, or is, a student.

The procedure should be easy to navigate. In light of this we have recommended a maximum of three stages comprising of a local resolution or informal stage, a formal stage and then a final review stage.

For providers who have a partner university, it could be that the first two stages are carried out at the first provider, and then the final review stage could be at the partner university.

Any procedure should also give students clear information about how to access advice and support. For example, advice and support may be available through the students' union and the procedure should allow students the opportunity to appoint a representative, if required.

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The second principle is that of clarity. The framework recommends that any complaints or appeals procedure is well signposted so that students know which process they should follow and the procedure should be easy to find on the providers website, as well as through student or course handbooks.

The procedure should be easy to understand. It should give clear definitions as to what is a complaint, and what the grounds for appeal are. It should also give clear information about time limits in relation to submitting a complaint or appeal and for escalating a complaint or appeal to the next stage.

Wherever possible, the procedure should avoid using technical or unclear language that may confuse a student making it hard for them to understand the procedure or make it difficult for them to be clear as to what the next step requires of them is.

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Thirdly, our next principle is proportionality. The framework recommends that any complaint or appeal process should have a maximum of three stages: Early resolution at the local level, a formal stage, and a final review stage.

All procedures should allow for the complaint or appeal to be resolved informally and as early as possible, for example, through mediation, when it is appropriate.

Any procedure should contain the expectation that all parties should act reasonable and fairly towards each other, and the procedure should also be flexible where the student raises issues which fall under more than one procedure.

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For an example of this situation, a student submits an appeal including allegations about bullying by his supervisor. The provider should inform the student that the appeal will be suspended while the bullying allegation is investigated under a separate procedure.

It is important to note here that the provider has informed the student clearly and hopefully in a timely manner as to what is happening with his complaints, so is to avoid any confusion on the part of the student or of the provider.

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The fourth principle is timeliness. The framework advises that any complaints or appeals procedure should include time limits for students to submit complaints and appeals, and time limits for escalation to the next stage of the procedure. These time limits should be clearly signposted in relevant decision letters from each stage.

The framework also devises that formal and review stages should normally be completed within 90 calendar days, and that if there is going to be a delay, that the student should be notified and kept informed.

It also advises that any complaints or appeals process should allow for the identification of the complaints or appeals that require swift action. For example, students studying professional courses that are often subject to a time limit for completion imposed by the professional regulator. A provider should be aware of this, and its procedures should allow for such complaints to be escalated and dealt with quickly if deemed appropriate.

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The framework expects that all complaints and appeals procedures have been dealt with fairly. This includes ensuring that each party has an equal opportunity to present their case at every stage of the process.

It also involves insuring that providers' staff are properly trained, resourced and supported in making decisions. Any procedures should ensure that the students are not disadvantaged as a result of bringing the complaint or appeal.

Fairness also covers the requirement to ensure that the clear reasons are recorded for decisions that are made, and these are given to the student explaining the decision has been reached.

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To take an example, a student's appeal is to be considered by a panel. Before the hearing, the students school comments on the appeal, responding to the issues raised by the student. This information should be provided to the student before the panel meets. If the panel reaches their decision without giving the student the opportunity to comment on this information, we would generally conclude that the process may not have been conducted fairly.

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The sixth principle is that of independence. It advises that complaints and appeal procedure should be free of conflicts to ensure decisions are taken by people without actual or perceived conflicts of interest. This applies to all stages of the process.

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Let's take an example. For instance, a student's' case is due to be considered by a panel. In this case, those on the panel should not be involved with the case at an earlier stage. For instance, they shouldn't be involved at the informal stage now that they are sitting to decide the students' case at the formal stage.

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The seventh principle is confidentiality. It states that all providers should ensure an appropriate level of confidentiality without disadvantage to the students. This

means that information provided by the student during the course of a complaint or appeal should only be released to those who need it for the purpose of investigating or responding to the complaint or appeal.

It also means there may be circumstances where a student can't be told exactly what is happening in response to their complaint because of the obligations to keep information regarding other students or staff confidential.

For instance, if a student complains about a member of staff and the complaint has been upheld, the student should be informed that action has been taken in response to their complaint, but it may not always be appropriate to share details about this action and specifics of what has happened.

Similarly, It may be the case that the student complaint about behaviour by another student and the action that's been taken against that student under the disciplinary process. In this situation, the university clearly has an obligation of confidentiality towards both students and should be bared in mind when considering how best to inform the complainant about what action has subsequently been taken.

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To take an example, a student submits a complaint about another student supported by witness statements, which the complainant asks to be kept confidential. In these circumstances, it is good practice for providers' procedures to set out in what circumstances elements of the complaint can be kept confidential.

On the one hand, the provider has a duty of confidentiality towards the complaining student. On the other hand, the provider needs to ensure that the process is fair and that where evidence is brought against a student, the student has the opportunity to understand the case against them.

These factors clearly need to be balanced, and we therefore consider it to be good practice to set out the kind of circumstances and general principles the provider will apply in these kinds of situations.

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Complaints can be a valuable source for a provider to improve its practice. For this reason, the final principle is that of improving the student experience.

The framework advises that all providers should ensure that there are procedures in place to capture learning, to ensure decisions are made consistently and at the right level, and that any issues are identified and acted upon. In particular, it is good practice for providers to ensure that recording of complaints and appeals is done in sufficient detail that data can be used for analysis and management reporting.

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Having looked at the eight principles of the good practice framework, we are now going to look at particular scenarios as examples of how the principles work out in practice.

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The first scenario involves the late submission of an academic appeal. In this situation, it is a student that receives disability support and the academic appeal is made on the basis of problems with their support.

The appeal has clearly been submitted late and is outside of the providers' general timelines for submitting an appeal. The provider also knows from disability support staff that the students' condition does mean they could have difficulty meeting deadlines.

In this scenario, we would consider that the institution should be flexible and should consider whether it is reasonable in the circumstances to extend the deadline to remove any disadvantage to the student.

This is clearly a scenario where the institution should be thinking about its obligation under the Equality Act 2010, and whether in light of its obligations, it ought to amend its general procedures to remove any disadvantage.

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The second example also involves potential departure from standard procedures. Here it is a complaint involving a diagnosis of dyslexia that occurs shortly before final examinations.

The student has been unhappy with their support plan and submits a complaint on this basis. Clearly in this scenario, it's good practice for the institution to expedite consideration of complaints and implement changes in support plan, if that is the outcome of the complaint, before the final examinations take place.

This is a scenario where the provider may well have to depart from its standard timeframes and process to ensure the student has the opportunity to have the support put in place before the final assessments.

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In our discussion of principle five, we talked about the need to make sure that a process is fair. In this scenario, we look at some of the practical steps the provider has taken to ensure the process complies with that principle of fairness.

Here, a student's complaint is due to be considered by a complaint panel. The provider writes to the student in advance of the complaint panel setting out the listed details. In particular, the provider has informed the student of the date of the meeting and options if the student can't attend. This ensures that as far as possible, the student is given the opportunity to make their case, and to make sure that the panel are aware of the details they wish to raise.

The students will also be informed of the panel membership, their names and their job titles. This ensures that the student can raise any concerns about potential bias or conflict of interest ahead of the meeting of the panel. The students also be informed about how the meeting will proceed, the documentation that will be considered and whether or not they can be accompanied.

This both means that the process is more likely in itself given the students a fair opportunity, and also means that any concerns about particular involvement of individuals or about how the protest can be run are ironed out as far as possible ahead the hearing itself.

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Our final example deals with early resolution, in this case an academic appeal. Here, a student is considering submitting an appeal. He meets with the Head of Department to discuss concerns over marking.

The Head of Department explains the marking process and confirms that the students' marks have properly been recorded. The student is informed how to make the appeal and an outline of the grounds of appeal has been provided. Finally a note of the meeting is made and retained.

Here, it is particularly important that the student has been given the chance to discuss the concerns early. This may often lead to the resolution of a complaint at an informal formal stage as the student may be satisfied that having had that discussion, they now understand the process better and are assured that their marks have been properly recorded and processed.

It also ensures that at an early stage, the student is clear what the appeal process can do, that expectations are managed and the student keeps the appeal focused on the particular grounds that are permitted.

Note also that a note of the meeting has been made. Although it is an informal meeting, it is an important step to record that a meeting has taken place, and if subsequent formal procedures take place, the note can be referred back to and details of the meeting can clearly be seen.

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That completes our presentation on the OIA's good practice framework. Thank you for viewing this presentation from the OIA. If you would like to view the framework in full, you can find a copy online on our website by clicking the link below. <http://oiahe.org.uk/providers-and-good-practice/good-practice-framework.aspx>

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