

File: The Lifecycle of an OIA Complaint - Adjudication

Duration: 0:08:50

START AUDIO

Interviewer: I'm here with two of our assistant adjudicators, [Ossian 00:00:03] and Rebecca and I'm going to ask them a few questions about the process of reviewing a complaint. Firstly, Ossian, how long does it take?

Ossian: Approximately six months from when we receive the complaint from the student.

Interviewer: Rebecca, how do the complaints get allocated to reviewers?

Rebecca: It's essentially a process of random allocation. In lots of ways it doesn't matter which reviewer receives the complaint. We're all very well trained and very experienced. Everyone in the office, in the team, is qualified to review these complaints. However, we do have a very robust conflict of interest policy, which ensures that the assistant adjudicator who reviews your complaint will not have any prior connection with the provider that you've complained about.

Interviewer: When you get a complaint allocated to you, what happens next? You as reviewers, what would you do when you get a complaint landing on your desk?

Rebecca: Personally, the very first action that I take is, I write to the student to inform them that their complaint has been allocated to me, to introduce myself, so that they then know who the point of contact is. From then on, any further queries or enquiries should be addressed to me directly. I also copy the provider into that correspondence so that they're also aware that the complaint's been allocated. That's my absolute first action.

Interviewer: And, as you go about reviewing a complaint, what do you do? What are you looking at? How does it work?

Ossian: Well, when you're reviewing a complaint you're looking for the key documents and you're looking to identify the key issues. So, for us, when we receive those documents it's in the form of a large PDF. Sometimes it can go to thousands of pages, but the process is to understand what's been provided and understand what may be needed in order to make that final decision.

Interviewer: And, if you saw there's something missing, what would you do then?

Rebecca: So, as we're going through this large PDF, we're mindful all the time that what we're trying to do is review the final decision of the university. So, every document we look at, we're relating it back to the completion of procedures letter, trying to work out how it formed part of the decision in that letter. As we go through the PDF, we occasionally become aware that there might be some gaps, some missing pieces of the puzzle. We

would then write to the university, the provider, if it's something that we think they possess. Most commonly, it's something we need from the provider.

We'll either phone them up or write to them and ask them to provide it as soon as possible, normally within 7 to 14 days. When we've received it from them, we will add it to the PDF and continue to review the case with that information. We also make sure that any information we gather during the process is shared with the student. So, if the assistant adjudicator who has been allocated your case seeks additional information, they will email you a copy of that information and you'll be able to comment on it, if you want. There's no obligation to comment at that stage, but you can.

Interviewer: So, I imagine that for a lot of students the big question they have is, what shapes whether a complaint is justified or part justified or not justified? In your experience as reviewers, what tend to be the key things that lie behind your decisions?

Ossian: Well, you've got to understand the remit of the OIA in order to answer that question. So, we're looking at whether the decisions were reasonable and whether the process was fair and whether the process was followed. So, we're keeping that in the back of our minds when we're reviewing a complaint and where there's evidence that supports the final decision of the university wasn't fair or wasn't reasonable or that the procedures weren't followed.

That situation can resolve in a justified decision or a partly justified decision and then where something is justified or partly justified, we really need to look at what needs to take

place to try and put the student back in the position they were in before this circumstance occurred.

Interviewer: When have you made recommendations and what kind of recommendations would you make if you found a complaint justified?

Rebecca: Our focus when making recommendations is to try and put the student back into the position they were in before the events complaint about occurred and to try and mitigate or remedy any material disadvantage that they might have experienced. So, for example, if our decision relates to the fact that we think an appeal hearing or some sort of disciplinary hearing wasn't conducted fairly, we might make a recommendation for that process to be done again with new staff members with no previous involvement.

If we found an accommodation complaint to be justified or partly justified, we may recommend that the student be provided with alternative accommodation or a partial refund of cost, for example. Our focus when making recommendations is always on practical remedies, rather than on financial compensation. Financial compensation tends to be our remedy of last resort.

Interviewer: I imagine you've both dealt with quite a few complaints. In your experience, what are the most difficult complaints to review?

Ossian: Okay, that's a bit of a difficult question. I think that some of the most difficult matters that we have to review involve situations

where we're only able to remedy an aspect of a dispute, because sometimes parts of the dispute are outside of our remit and so, we can only look at those parts that we can make decisions about.

Rebecca: It can sometimes be difficult as well if we're dealing with a complainant who's very clearly distressed and upset by the events that have occurred. That can be hard to deal with sometimes, and knowing that this person is very upset and we can't always give them the answer that they want.

Interviewer: When I get the decision, if I were a complainant, what does it look like? What do your decisions comprise?

Ossian: Well, it's a written decision that you'll most likely receive by email, but we can post it to you if necessary and it's sets out the background to the complaint. It sets out the reasons for our decision and then at the end, if a matter's justified or partly justified, it'll set out our recommendations in the appendix.

Interviewer: And, if I'm not happy with the decision or I think there's something wrong with it, can I respond to that at that stage?

Rebecca: If the decision is justified or partly justified, there will be an opportunity to comment on the recommendations. If the decision is not justified, we don't specifically invite comments or a response. However, if a complainant feels that there is a mistake in our decision, a substantive error, or something that we've overlooked, complainants can write to the assistant

adjudicator who's issued that decision and all of that correspondence, all of those comments will be reviewed and taken into account.

Interviewer: And, if you have made recommendations, what happens next?

Ossian: So, the complaint outcome is sent to the student, but also sent to the university and so the university is aware of those recommendations, which have certain timeframes. So, the process begins for the provider to comply with our recommendations and we request that they tell us when those things have been done. Then we monitor that and we follow up with the provider, if they're not meeting those timeframes, to ensure that they're followed.

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