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OIA publishes 2016 Annual Report

The Independent Adjudicator for Higher Education, Judy Clements OBE, has today (4 May) published her Annual Report for 2016. The report sets out:

- The number and outcomes of complaints received and closed by the OIA
- Examples of the complaints student make to the OIA, and the recommendations the OIA makes when it finds complaints Justified or Partly Justified
- Common issues arising in complaints to the OIA
- Information about the OIA's work sharing good practice in complaints handling.

Judy Clements said:

"My Report reflects strong performance by the OIA in reviewing student complaints. I am particularly pleased that cases are being closed more quickly than ever before as this is so important to students.

The case studies that I include illustrate the types of issues that students bring to the OIA. We provide an independent ombudsman service for those students whose complaints have not been resolved by their provider. This is important work that helps to underpin confidence in higher education."

REPORT DETAILS

COMPLAINT NUMBERS AND OUTCOMES:

- The number of complaints to the OIA dropped in 2016. 1,517 new complaints were received in 2016, compared to 1,850 in 2015.
- 2016 was the fourth consecutive year in which the OIA closed more complaints (1,668) than it received.
- There were further improvements in the time it took to close a complaint. By the end of 2016 we were consistently closing more than 75 per cent of cases within six months of receipt, in line with our Key Performance Indicator.
- 22 per cent of cases were Justified (four per cent), Partly Justified (nine per cent) or were settled by the OIA (nine per cent) - the same proportions as in 2015.
- In addition to the many practical remedies recommended, 150 students received compensation totalling £352,000 as a result of the OIA's intervention.
- While almost 600 providers have joined the OIA Scheme since September 2015 this has not yet had a significant impact on complaint numbers.

THE NATURE OF COMPLAINTS:

54 per cent of the complaints closed were about issues affecting a student's academic status, such as the mark given for an assessment or in an examination, progression between years, or final degree results (64 per cent in 2015).

Other areas of complaint were:

- Complaints relating to facilities, course content compared to the prospectus, processing of visa applications, teaching hours or research supervision – 23 per cent (15 per cent in 2015).
- Financial issues – seven per cent (five per cent in 2015)
- Discrimination – five per cent (four per cent in 2015)
- Academic misconduct and plagiarism – four per cent (six per cent in 2015)
- Welfare and accommodation – three per cent (two per cent in 2015)
- Disciplinary matters – two per cent (two per cent in 2015).

SHARING GOOD PRACTICE:

The OIA expanded its outreach programme to include a new programme of webinars on a range of topics covering the OIA's remit and processes, guidance on dealing with complaints about accommodation, fitness to practise and academic misconduct; and sessions specifically for students' unions. OIA case-handlers visited higher education providers and students' unions and associations to share learning from complaints. This is an important part of our work and will continue to develop.

COMMON ISSUES:

The report includes case studies on complaints involving more than one provider; complaints from students who have mental health difficulties; and procedural error in complaints handling.

ENDS

Notes to Editors

1. For further information please contact mediarelations@oiahe.org.uk.
2. An embargoed copy of the annual report is enclosed. The report will be published on the OIA website, www.oiahe.org.uk, on Thursday 4 May.
3. The OIA is the independent student ombudsman for higher education students in England and Wales. The OIA Scheme is free to students, and has been designed to be accessible to all students, without the need for legal representation.
4. The OIA has a wide remit to review student complaints about an 'act or omission' by higher education providers in England and Wales. It does not review academic judgment. The Scheme Rules and all details related to OIA operations can be found at www.oiahe.org.uk.
5. A selection of the case studies included in the 2016 report is reproduced below.

SAMPLE OF CASE STUDIES INCLUDED IN THE ANNUAL REPORT

Academic misconduct. (Case study 3, page 10)

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.

Case involving availability of modules. (Case study 4, page 10)

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.

Case involving more than one provider. (Case study 11, page 17)

This 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.

Case involving procedural error. (Case study 13, page 18)

A student was withdrawn from his programme of study after failing two assessments at the end of his first year. After his withdrawal provider 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.