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## Immediate release

### Higher Education and Research Act and the OIA Scheme Rules

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We welcome the implementation of s.89 of the Higher Education and Research Act (HERA) 2017, which came into force on 1 April 2018. This further extends the remit of the OIA, giving more higher education students access to independent redress for their complaints, and strengthens protection for students.

Under the Act, higher education providers that are required to be members of the OIA Scheme (“qualifying institutions”) must remain an OIA member for a period of 12 months after they stop being a qualifying institution. This enshrines in legislation a similar pre-existing requirement under the Rules of the OIA Scheme. The Welsh Government has brought into force this section of HERA so that students at English and Welsh OIA member providers will have a similar protection.

We have also broadened what we consider to be a higher education course for the purposes of the OIA Scheme to reflect the scope of higher education in the new regulatory framework in England. This means that more higher education students than before will be able to bring their complaint to us.

Following [public consultation](#), we have published revised [Rules of the OIA Scheme](#), which came into effect on 1 April 2018. The revised Rules reflect the provisions of HERA, and we have taken the opportunity to simplify their tone and style so that they are clearer and more accessible. We have published [revised guidance](#) to accompany the new Rules.

**ENDS**

#### Notes to Editors

For further information please contact Sarah Liddell, Head of Leadership Office, [mediarelations@oiahe.org.uk](mailto:mediarelations@oiahe.org.uk), 0118 959 9813.

1. The Office of the Independent Adjudicator for Higher Education (OIA) is the independent student complaints ombudsman for higher education in England and Wales. It is the designated operator of the student complaints’ scheme under the Higher Education Act 2004.
2. The OIA is not a regulator but is part of the regulatory framework for higher education in England and Wales. We are independent of Government, higher education providers and students. We liaise regularly with Government and work with other sector bodies to share information which contributes to our respective roles.
3. The Higher Education Act 2004 defines those providers in England and Wales (“qualifying institutions”) which are required to join the OIA Scheme. This includes all universities and (since the Consumer Rights Act 2015) all providers with degree awarding powers and those offering higher education courses designated for student support funding. The Higher Education and Research Act (HERA) 2017 expands this definition further to include all providers on the OfS Register and those providers in England which deliver higher education courses leading to the grant of an award by another OIA member provider in England (or by the OfS itself under its awarding/validation powers).

4. Students can only complain to us about some providers if they are or were on a higher education course, and their complaint is about their experience on that higher education course. [These providers](#) are identified on our website. For these purposes, a “higher education” course is a course of any description mentioned in Schedule 6 to the Education Reform Act 1988 and which also meets the academic standards as they are described in the Framework for Higher Education Qualifications (FHEQ) for England, Wales and Northern Ireland at Level 4 or higher. Our widened definition of higher education applies to complaints about events which happened on or after 1 April 2018, when our new Rules came into effect.
5. As well as changes to our Rules required as a result of the implementation of HERA 2017 and the changes we made to the tone and style, we also made minor changes to take account of judicial review judgments and suggestions from Chartered Trading Standards Institute, which is our auditing body as the Alternative Dispute Resolution body for higher education.