

## OIA Policy Seminar on Student Accommodation Complaints

Reading - March 5 2009

### Presentations

Rob Behrens, Independent Adjudicator and Chief Executive, welcomed delegates to the OIA's first policy seminar on accommodation issues and outlined the OIA's Pathway Project, which is exploring ways to develop the Scheme.

Susanna Reece, Senior Assistant Adjudicator, gave a general introduction to the current work of the OIA and then spoke about the OIA's experience of accommodation complaints. These form a very small number of complaints received by the OIA and can generally be grouped into four broad categories:

- early termination/change of accommodation;
- whether disruption or other accommodation issues constitute a mitigating circumstance in the context of an academic appeal;
- "incidents" in university accommodation - harassment, fights, damage, issues with fire and smoke alarms etc. - giving rise to disciplinary procedures, up to and including the issue of a notice to quit; and
- "service" issues, e.g. heating, meals, internet access, health and safety.

Reasons for upholding these complaints often come down to procedural failings and/or a lack of understanding of the law and the duty to act fairly (principles of natural justice). In particular, failure to properly issue a notice to quit, or the imposition of a penalty not permitted under the regulations. One student, whose complaints about building disruption on campus in his final year were ignored, was given a further academic appeal. This changed his degree classification.

Michael Ball, Chair, The Association for Student Residential Accommodation (ASRA), looked at how organisations handle and administer student accommodation complaints within the framework of the UUK and ANUK Codes of Practice. He asked whether codes encourage complaints and concluded that there is a need to respond sensitively, manage expectations and avoid delays. UUK has established an Information Transferance Group to identify significant issues arising from complaints and will consider providing this to the OIA.

Paul Burns, Accommodation Office Manager at the University of Manchester, explained the model that his large institution has developed to handle and log student accommodation complaints consistently across all accommodation sites.

In the afternoon, Hilary Crook of Hatch Legal examined universities' legal responsibilities in the areas of noise, disrepair, cancellation and early termination and dangerous items. She reminded delegates that housing law can in some instances trigger criminal liability, e.g in protection from eviction. She also raised as a debate whether universities can withhold a degree due to any type of accommodation debt, questioning whether such action would be enforceable in court. She discussed the question of cancellation fees and whether they are potentially unfair. There is a necessity for transparency about what the fee is for and the circumstances where this fee would or would not be refundable. She reminded delegates that distance selling legislation can apply if students apply long distance.

Finally, Martin Blakey, Chief Executive, Unipol Student Homes, looked at the type of accommodation complaints received by his organisation and the procedures that are in place to help find solutions without escalation to litigation. Martin Blakey looked at both the internal complaints system and the Unipol tribunal system. He also discussed how complaints can help drive service improvements.

## Round Table and Panel Discussions

In the round table discussions delegates discussed the trigger points for accommodation complaints, where these are to be found and how they can best be resolved. Tables were asked to submit 2 or 3 emerging themes for consideration and these were then discussed, together with questions to the various speakers, in a final Panel Discussion.

There was a good deal of consensus around the key emerging themes, as follows:

- Allocations are a major issue, not something that comes through to the OIA
- Deposits are another high volume area
- There is considerable variation in approaches to setting compensation or offering alternative solutions for successful complaints - it might be useful for practitioners across the sector to share experience and think about some common standards
- Parental involvement is an increasing issue for the sector as a whole
- Setting the right level to deal with complaints informally is very important
- International students may have different needs/expectations of accommodation.

## Good Practice Points:

- There is a need to deal with problems as they occur to avoid complaints escalating to the OIA or to litigation. Improved timelines are a key element.
- There is a need for awareness of data protection considerations when communicating with third parties (eg parents, even when they've paid the rent!)

It is important to ensure consistency in approaches to accommodation complaints e.g. by ensuring staff training and limiting the number of staff who can deal with complaints that have escalated.

- Informal resolution is to be encouraged where possible, although it should be recognised when it is time to invoke formal stages. Informal doesn't mean casual. Universities should keep brief documentation of informal stages, including compensation awarded/apologies made
- When handling complaints:
  - Don't be defensive, take it personally, hide behind procedures, assume students know procedures, be afraid to apologise
  - Do regard complaints as beneficial, know what's in your complaints procedure, ensure you speak to the right person, understand what the complaint is about, ask what they want to resolve it, and do what you say that you are going to do.