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Handling complaints in Small and Specialist Institutions and the Role of the OIA

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The session was opened by **Edwin Bacon**, Project Director at MASHEIN, welcoming the delegates to the “multibadge” event. There are elements of practice specific to small institutions. For example, at most OIA sector-wide events the OIA will refer to the HEI complaint office or officer but in smaller institutions staff are more likely to multitask and there is unlikely to be a dedicated complaints staff.

Pauline Aldous (PA) introduced herself as the GuildHE representative on the OIA Board. She said it was going to be interesting to explore the differences for small institutions. There is a shortage of resources in these institutions and the aim needs to be to manage complaints as effectively as possible. This is becoming increasingly the case as heavy student investment in Higher Education has put pressure on universities to perform well.

Rob Behrens (RB) then emphasised the fact that the OIA had come to listen, not to tell delegates how to do things. The OIA had just undertaken a rigorous process of self-examination in the Pathway Project and had been struck by the excellence of the submissions from the small institutions, which are referenced on nearly every page. The Board has accepted all the recommendations but there are still sensitive issues to be addressed. Universities have a good record of handling complaints and the OIA has found that they have behaved appropriately in 75% of cases. But there are cases of very bad practice throughout the sector and Chapter 5 of the Pathway Report shows students’ perceptions of the complaints : they don’t think that universities are taking complaints seriously and there is clearly a need for more transparency. There needs to be a cultural change, with universities no longer treating complaints as a private grief. They especially need to share information on complaints with Students’ Unions. The QAA already says that it is good practice to disseminate information but it isn’t happening.

It isn’t possible to treat all universities in the same way as small institutions are different due to their size and the OIA would not expect the processes from the big institutions to apply to the small. However there are a number of issues:

1. Who polices the regulatory processes? In small institutions there is a risk of conflict of interest due to the smaller staff numbers eg the makeup of resourcing committees.
2. In October the OIA is launching its consultation on the issue of the publication of complaints. Only 37% of students think that universities comply with OIA recommendations although in fact they have done in every instance. However, in small institutions it would be easier to identify individuals – both staff and student – and so there will be a need to reassure them and seek advice on how to protect individuals.
3. The possibility of case fees will be investigated but the OIA feels that the status quo is working well – there are more complaints from large institutions who pay higher subscription fees and vice versa for small institutions. As Independent Adjudicator, he is, however, happy to listen.

Susanna Reece (SR) was pleased by the enthusiasm from small and specialist institutions for a targeted event. The OIA was at the event to listen and share experience and saw it also as an opportunity to share good practice. A quick show of hands indicated that there was a range of experience of the OIA in the room.

Presentation by Susanna Reece, Deputy Adjudicator, OIA

“Handling Complaints in Small and Specialist Institutions: the Role and Remit of the OIA”

Susanna’s presentation can be found [here](#). There were no questions.

Presentation by Siobhan Hohls, Adjudication Manager, OIA

“Handling Complaints in Small and Specialist Institutions: Case Examples”

Siobhan’s presentation can be found [here](#).

Questions:

- 1) Referring to Case 1, would a university that reconvenes an Appeal Board and upholds its original decision be deemed to have complied with the OIA recommendation? **SH** replied that if the Board looked at the issue again and the student had the opportunity to put their case forward, this should be OK. **RB** added that we cannot determine the Board’s judgment as this would be Academic Judgment. **SR** said that the OIA does not normally quash decisions, although there have been cases where we have quashed a decision and asked the University to look at the case again. In this case the decision was deemed to be unfair and it was not possible to reconvene the Board. The delegate then asked whether it would be considered compliance if the University had properly considered the case. **SH** replied that minutes would need to be taken at the meeting(s) and reasons given for the decision. **SR** added that if the OIA sent a case back to the University to be reconsidered and the student still wasn’t happy, the same test would be applied again ie the student could come back to the OIA who would look at whether the procedures had been followed etc.
- 2) Are FE institutions covered by the OIA? **SR** replied that the OIA remit does not cover FE institutions but does cover students doing higher education courses at FE institutions where a higher education institution which is a member of the scheme awards the degree. However, the OIA can only look at an act or omission of the HEI and not the underlying institution. **RB** added that in October the OIA will start looking at whether FE institutions that offer foundation degrees should be allowed to join the Scheme in their own right. The NUS wants a separate body for FE. Mr Bacon asked whether any institution can join the Scheme – what are the criteria necessary for qualification? **RB** replied that the OIA’s remit is set out in the Education Act of 2004. Although all current members are universities, the OIA has the right to take on other members and, following the Pathway Report, private degree-awarding bodies will be able to apply to join the Scheme from next year. A protocol is being drawn up to allow currently non-qualifying institutions to join the scheme as long as they follow the rules and aren’t subsidised by the public institutions. The OIA believes that all degree-awarding bodies, including private and FE institutions awarding foundation degrees, should have the right to join and the sector seems to agree.

In-tray exercise

The delegates then worked in groups, imagining themselves to be a member of the Complaints and Appeals team of a fictitious university. Each group was asked to consider a case that had appeared in their in-tray – how would they approach it under the internal processes and what approach did they think the OIA would take if the complaints are referred there?

Final discussions

Susanna Reece gave the headline conclusions of the different in-tray groups:

Placements

- ❖ There is a need to balance patient/child etc safety with the learning experience of the student.
- ❖ The different institutions (University/placement institution) involved in the placement need to know each other's responsibilities.
- ❖ Universities need to be aware of the time limits to deal with placement issues, due to the length of time of the placement and the time limits placed for the whole course (eg nursing courses).

Disability

- ❖ There are issues relating to the late diagnosis of disability, particularly dyslexia and mental health.
- ❖ Small institutions have issues of student retention and there is therefore a suggestion of a tendency towards leniency.
- ❖ There is the question of a "Fit to Sit" policy, where the student decides in advance to sit the exam or not.
- ❖ Adjustments for disability: Universities can consider alternative assessment as long as the learning outcomes are clear. The OIA looks at whether the University or professional body have decided on competence standards and whether they can be made clear to the OIA.
- ❖ In cases where funding from the DSA is delayed, HEIs need to look at what they can do in the interim period eg can they loan equipment?

Informal resolution HEIs need to ensure that any Informal Resolution is captured and properly incorporated in HEI procedures.

Fair procedures

- ❖ There is a need to avoid conflict of interest.
- ❖ To what extent should Universities deal with an issue in-house when they know they have done something wrong? At what point should they put their hand up and admit the error?
- ❖ Staff need training on handling plagiarism and appeals.

RB advised delegates to look out for the "bunker culture" where the knee-jerk reaction is to deny responsibility. This can lead to issues being dragged out when they could perhaps have been dealt with internally.

SR was encouraged by the reaction of the delegates in her group who had been surprised at the handling of the cases in the in-tray exercise.

Questions:

- 1) Does the OIA believe that the rise in complaints mentioned in the Annual Report is down to financial reasons ie compensation? **SR** said she felt that most students wanted an academic outcome. **RB** – it is the view of the press that the motivation of most students is financial but he agreed that financial solutions are at the bottom of the list. It is the last option for the OIA, for whom the priority is to put the student back in the same position they had been in before the issue arose. However, there are a small number of solicitors firms trying to make money by encouraging students to pursue compensation. **SR** added that in her view most students just want another chance.
- 2) Is it appropriate to give complainants anonymity? For example, a student who had been bullied; they did not want the staff member involved to know their identity but it would have been clear. There was a limit to how far the University could take the complaint without disclosing the name. **SR** gave the example of a student who wanted to report that the husband of another student on the social work course had been accused of child abuse. She was allowed to complain anonymously and a Fitness to Practise complaint was raised against the student concerned. This student did not know where the information had come from. (There were in fact some procedural errors in the case).

- 3) Re the article in the Times Higher Education on the work on standardising tariffs for plagiarism - what was the OIA view? **RB** said he was encouraged to see cross-sector engagement on good practice. It would be possible to use the material from the study knowing that it had been thought about and tested. However it does not define plagiarism nor educate students so not a panacea. That said, he applauded the initiative and would like to see more of it. **SR** agreed that such initiatives should be encouraged but said that there were a number of issues. The ARC is looking at the subject too.
- 4) One delegate had had five cases last year and none was from a current student – all had either graduated or transferred. Is this unusual? It meant that none of the students could get put back to where they had been before the issue arose. **SR** said she didn't have figures but many complaints brought to the OIA are academic appeals so essentially the students are at the end anyway. **RB** pointed out that English and Welsh universities should consider themselves lucky as in Scotland anyone can bring a complaint against a university.
- 5) One delegate has had two cases with the OIA that have been driven by the parent. How does the OIA deal with such cases? **SR** explained that a student can appoint a parent to represent them under the rules of the Scheme. The OIA often feels that a student is not actively engaged in the process but if they have signed the SAF the OIA has to proceed. OIA has at times checked if the student wishes to continue. **RB** has experience of students whose parents have said they have read their child's essay and they would give it a higher mark and of parents who have forged their child's signature. There have been cases where the parents have pursued a case which the students wouldn't pursue.
- 6) One delegate would appreciate up-to-date benchmark statistics from the OIA as received in the past; also it would be useful when the Scheme rules are updated to be able to see where changes have been made. **RB** said OIA had been concentrating on the Pathway Report but would publish stats again shortly. He agreed about indicating where changes had been made in the rules. **SR** – one of the delegates had indicated prior to the event that it is burdensome to keep sending their updated rules and regulations. She explained that this system can be useful for larger institutions with a number of OIA cases as it means they don't have to keep submitting the regulation but if smaller institutions with fewer cases find it burdensome they need to tell the OIA.
- 7) **PA** – there is to be a consultation this autumn over publishing the profiles of institutions (spread of subjects, age of students etc). What is the OIA's view of this in relation to the publication of cases? **RB** - the OIA is aware of the need to consult with the sector over the publication of case summaries. Publishing league tables of university complaints on the basis of such a small proportion of the student body complaining would be irresponsible and would risk the OIA's relationship with Universities. It would be hard to produce anything which is not sensationalist. **PA** – the OIA can only publish what comes to the Scheme and so it cannot create a meaningful picture when complaints aren't sent in. **RB** – a recommendation made in the Pathway Report is to ask Universities for the total number of Completion of Procedures letters (COPs) issued which would give a clearer picture on the number of complaints. This would be more responsible than publishing complaints statistics out of context.

(Closing remarks).

Good practice points arising

- ❖ When a student is on a placement, ensure there is a balance between their learning experience needs and the safety of the patient/child etc.
- ❖ When dealing with placement issues, be aware of the time limits due to the length of time the placement takes and the time limits in place for the whole course to be completed.
- ❖ Make sure that the different institutions involved in a placement are aware of each other's responsibilities.

- ❖ Look at what interim measures may be put in place to support disabled students when funding from the DSA has been delayed.
- ❖ If alternative assessment is offered to a disabled student, make sure the learning outcomes are clear.
- ❖ Ensure that any Informal Resolution is captured and properly incorporated in procedures.
- ❖ Offer training to staff to deal with plagiarism and appeals.
- ❖ Avoid conflicts of interest when dealing with complaints and appeals.