



office of the  
independent  
adjudicator

**PN 925**

**PRESS NOTICE: SUPREME COURT REFUSES PERMISSION TO APPEAL IN OIA  
DISABILITY DISCRIMINATION CASE**

The Supreme Court has refused permission to appeal the Court of Appeal decision in the case of *The Queen on the application of Shelley Maxwell v OIA* on the grounds that the application does not raise “a point of law of general public importance.”

The OIA welcomes this decision by the Supreme Court which brings this long-running case to a conclusion.

The Court of Appeal recognised the informality and flexibility of the OIA’s processes, and that this should be protected. Giving judgment, Lord Justice Mummery said that the ‘judicialisation’ of the OIA process is not in the interests of students.

The OIA Scheme is free to students, and has been designed to be accessible to all students, without the need for legal representation.

**Background**

The Court of Appeal ruled that the OIA’s decision on Ms Maxwell’s complaint was “*an adequately reasoned decision in accordance with its procedures, in accordance with the law and as a proper exercise of its wide discretion.*”

Ms Maxwell had sought to challenge the approach taken by the OIA in complaints raising the issue of disability discrimination. The OIA found Ms Maxwell’s complaint against the University to be justified and recommended the payment of compensation of £2,500, and changes to the University’s procedures.

The essence of Ms Maxwell’s judicial review claim was that the OIA ought to have made a finding on whether the University had discriminated against Ms Maxwell. Such a finding would, she claimed, have benefited her and the University, and would have informed the level of compensation awarded to her. Mr Justice Foskett dismissed the claim.

Ms Maxwell appealed against Mr Justice Foskett’s decision and her appeal was heard by Lord Justice Mummery, Lord Justice Hooper and Lord Justice McFarlane in July 2011.

A copy of the full Court of Appeal judgment is available on our website.

**Notes to editors**

1. To arrange an interview with the Independent Adjudicator and Chief Executive, please contact Charlotte Corrish, Policy and Communications Manager, by emailing [charlotte.corrish@oiahe.org.uk](mailto:charlotte.corrish@oiahe.org.uk) or by phone on 0118 959 2733.

2. The OIA is the designated operator of the Scheme for reviewing student complaints in England and Wales, established under the Higher Education Act 2004. All universities in England and Wales belong to the Scheme.
3. The OIA has a wide remit to review student complaints about an 'act or omission' by HEIs in England and Wales. It does not review academic judgment or admissions issues. The Scheme Rules and all details related to OIA operations can be found at [www.oiahe.org.uk](http://www.oiahe.org.uk).