



**Annual Open Meeting**  
**Honourable Society of Grey's Inn, Holborn, London**

13 June 2013

**1. Rachel Wenstone, NUS. Q&A**

View the presentation [here](#).

**Question 1**

What is the NUS doing to encourage Student Unions to properly engage with universities' complaints procedures? We view this as a high priority but don't feel that our Students' Union does.

*Rachel Wenstone:*

I think we can always do more. Complaints were generally fairly low priority when I first started this role and I didn't even know who the OIA were. The complaints process is perceived to be extremely complicated and almost caught in myth and rumour, and there are a number of complaints that are never raised as a result. It's interesting to note that some universities see the completion of procedures letter as a bad thing; others take the opposite view – see today's *Times Higher Education* article, for example. Overall, communication with your students' union is very important; different groups experience different problems and require different support.

**Question 2**

I'm aware that the OIA is trying to speed up the complaints process. What is the NUS doing about this in terms of service delivery?

*Rachel Wenstone:*

I do acknowledge that the complaints process sometimes takes a long time with the OIA, but there is also an issue with the length of the process at the university stage as well and I think we need to look at this first. Student induction could benefit from being changed. The worst cases from a complaint point of view is where education is being delivered in partnership as it can be very difficult for the student to know who to turn to, which in turn lengthens the whole process.

**Question 3**

It's great that you want to treat students as individuals rather than just slavishly following procedure. Surely it's easier to do this in a smaller rather than larger institution, though? There is also the issue that regulators expect consistency where procedures and role application is concerned, so there is a tension there. How do we get over this?

*Rachel Wenstone:*

Decentralised complaint handling is a good solution. It's essential to look at such things on a course by course level and identify the different demographics, then align services according to that. Bringing NUS course representatives together and discussing how processes work for particular students undertaking particular courses can only be good.

#### Question 4

The large amount of stages in a complaint process makes for a more complicated process overall; a more complicated process with many stages leads to a more stressful experience, which is exacerbated the higher up it gets. Would you prefer a less stressful experience or less stages of a more formal process?

*Rachel Wenstone:*

It's down to where the support sits for the student, and this needs to be located where the student engages. A centralised process won't work and it's also important to keep the NUS in the loop.

#### Question 5

What is the NUS view regarding staff who are the subject of complaints? It's obviously highly traumatic for the staff member in these instances.

*Rachel Wenstone:*

It's all about relationships. The current trend of consumerism among students is becoming more than just anecdotal and almost pitches student against tutor. This needs to be overcome by building the student/tutor relationship. Liverpool Hope have funded a scheme whereby they provide a modest budget to the student to enable them to take their tutor out to coffee or some such, which helps establish and build a relationship outside of the formal arena. It's also healthy to promote a culture of continuous induction for the student to promote a view of the big picture.

## **2. Felicity Mitchell and Ben Elger, OIA**

#### Question 1

Are there plans to amend the OIA's financial year to align with universities?

*Ben Elger:*

The OIA's financial year is linked to our reporting year. Although there are no plans to change the financial year of the OIA, we have been considering some steps between partner organisations; possibly the setting of a set-price subscription via a yearly statement with the addition of case element top ups at a later date. The OIA believes that providing universities with this definite statement will be more of a help rather than changing the financial year of the OIA.

#### Question 2

I support flexibility and the ability for all students to have access to university. However, flexibility is needed when it comes to liability for causes of complaints – it's not always the fault of the awarding body.

*Felicity Mitchell:*

This is a good point, although it still makes sense for students to consult the OIA in these cases. We are currently working out where liability should sit in certain cases and there will be more information on this published in next year's Annual Report.

### **3. Tessa Harrison, University of Southampton**

View the presentation [here](#).

#### Question 1

The idea of working towards simplification resonates, and this is something I'm doing. However, the whole preferred simple process can be hampered by students consulting with solicitors, which can turn things quite adversarial. We'd obviously prefer to keep things informal – what are the views of you and the NUS?

#### *Comment*

We experienced the opposite of this scenario whereby we've seen the university employing solicitors to fight cases, which escalates the situation unnecessarily.

#### *Tessa Harrison*

Universities obviously don't like negative feedback and maybe this boils down to a question of organisational culture. We need to foster a culture of openness to complain that does not include lawyers, etc; keeping this external factor out of things is ultimately better for everyone. If we can't just talk openly with our students then we're losing something.

#### Question 3

It's difficult to think complaints without considering some sort of feedback mechanism. Could some sort of feedback mechanism be employed rather than a complaints procedure?

#### *Tessa Harrison*

Feedback and complaints tend to be different things and need to be separate. If an effective feedback mechanism is in place then this generally tends to result in a lower number of complaints. Ideally, we'd love to get to the position of zero complaints by way of effective feedback. The Quality Assurance Framework should work well and have a positive impact on complaint numbers

#### Question 4

Where do you consider mediation to stand in the process?

#### *Tessa Harrison*

Although mediation doesn't necessarily prevent a complaint being made, it's a very effective tool. Mediation underpins effective communication and is a good opportunity to remove some of the formality associated with the complaints process.

*Josef Leidenfrost, Austrian Student Ombudsman*

We have 350,000 students in Austria and are promoting mediation but we find that the process is only wanted when complaint cases are quite progressed. Is this your experience? Who pays for mediation here and what level is it used at?

*Tessa Harrison*

It's used at all levels but we hope to get to the point whereby mediation is part of the process. The costs for mediation are met by the university.

*Felicity Mitchell, OIA*

To continue Tessa's response, the OIA have employed a mediation panel for the last two to three years and it's used at various stages of the complaint process. There are two approaches: internal settlement guidance and where no settlement can be agreed, the mediation panel can be employed at any stage of the process. This is very early days but we're hoping to expand this.

#### Question 5

Students appear to be using the appeals process to question academic judgement but surely this is a matter of teaching standards?

*Tessa Harrison*

We are in the same position on this.

*Ram Gidoomal, OIA Board Chair*

To continue, from my time in the Home Office, this possibly appears to be a way of extending the process and therefore the time the student is in education.

#### **4. Rob Behrens, OIA**

##### Question 1

Is there a way we can work with the OIA to formulate a cohesive system of communication between us? E-mails can be somewhat unwieldy and impersonal.

*Rob Behrens*

I will happily engage in a conversation about this. The OIA are using phones far more and our triage system has helped our communication. There are times when we find that the Point of Contact at an institution can pose a challenge, however; there are instances when there is little training or briefing and ultimately this person ends up being a drawbridge trying to protect the university instead of engaging with the OIA – possibly because the person is either too junior or too senior to fully understand the problem.

##### Question 2

Is non-compliance a major problem?

*Rob Behrens*

This is an important issue. As in Pathway 1 (and as reported by Jack Grove in the *Times Higher* today), students don't seem to believe that their university will comply with OIA recommendations. The reality, however, is that universities *will* comply; in fact, there have

been only three instances of non-compliance. By naming London South Bank University for such in our Annual Report, this shows that we are not afraid to name consistent non-compliances. All institutions have the opportunity to address potential non-compliance cases and it is important for all universities to understand that, like London South Bank, they will be named if there are consistent non-compliances on their part. We also have a non-compliance protocol on the OIA website.

### Question 3

How will the OIA address the turn-round time for cases?

#### *Rob Behrens*

The OIA have been working on this issue for two years and from an organisational point of view we have reviewed our processes to make them more efficient. The introduction of triage is a useful tool for sorting cases out at an early stage, resulting in more early settlements. The OIA is a growing organisation and our Case-Handlers are receiving more training to equip them with the skills to accept increasing responsibility, resulting in a greater autonomy for approval and therefore a shorter turn-round time.

We've also received feedback from students who say that universities take a long time to respond, and universities who say that students take too long. With this in mind, Scotland has timeframe legislation in place for all responses and we are looking at this as part of our Good Practice Framework.

## **5. Craig Mahoney, the HE Academy**

### Question 1

We have a great relationship with the Students' Union at our institution. However, I am unsure as to your point regarding how effective communication with the student leads to less OIA cases. That seems to be the opposite case for us, although most cases are Not Justified. How can we reduce the number of cases being taken to the OIA without making things difficult for the students?

#### *Craig Mahoney*

I agree that your institution offers a great student experience and it's important to acknowledge that, as you say, most OIA cases have been found to be Not Justified – this means that the processes you have in place are working. Maybe the OIA can “bat” some cases back to you a little earlier now?