



office of the
independent
adjudicator

ACCESSING OUR SCHEME A QUICK GUIDE

FOR NEW STUDENT ADVISERS

www.oiahe.org.uk

Hello!

Most student complaints and appeals are resolved through internal processes. But when a student is unhappy with the outcome of those processes, it's important that they know what their options are.

Understanding who we are and what we do from the start will enable you to signpost students to our Scheme, manage their expectations and support them through our process effectively.



[More information](#) about the areas covered in this quick guide can be found on our website.

Who we are and what we do

We review complaints from students about higher education providers in England and Wales. We also share our learning from complaints to help improve policies and practices in higher education with providers and student organisations as an important part of improving practice.

Our service is **independent** and **free** for students and our process is **impartial** and **transparent**.

Students will normally have completed their provider's internal processes before coming to us. This gives the provider a chance to investigate what has happened and put things right where necessary.



FREE
INDEPENDENT
IMPARTIAL
TRANSPARENT

Some internal processes we can look at include:

- ▶ student complaints
- ▶ academic appeals
- ▶ academic and non-academic disciplinary matters
- ▶ fitness to practise
- ▶ fitness to study
- ▶ bullying and harassment
- ▶ breaches of codes of conduct and other regulations

Who can complain to us?

- ▶ A student who is or was registered at a higher education provider
- ▶ A student who is or was studying for an award granted by a higher education provider
- ▶ The term “student” includes trainees and apprentices and those studying at a campus abroad for an award from a provider in England or Wales

Some examples of complaints we can't look at:

- ▶ Admission issues - unless they are a former student of a higher education provider who is applying for re-admission, and the complaint is related to their time as a student
- ▶ Academic judgment – for example the final mark of a piece of work (but we can look at the marking process eg bias)
- ▶ Student employment
- ▶ Ongoing legal proceedings – unless they've been put on hold
- ▶ Issues considered by another alternative dispute resolution (ADR) body



You can find out more in our [Rules](#)



DISCIPLINARY MATTERS

ISSUES ON PLACEMENT

FINANCIAL ISSUES BULLYING

ACADEMIC APPEALS

UNFAIR PRACTICES ACADEMIC MISCONDUCT

FITNESS TO PRACTISE WELFARE DISCRIMINATION

EXTENUATING EXCEPTIONAL MITIGATING CIRCUMSTANCES

FITNESS TO STUDY

DISABILITY SUPPORT

TEACHING FACILITIES

PROCEDURAL IRREGULARITIES

HARASSMENT SUPERVISION

ACCOMMODATION

SPECIAL CONSIDERATION

How our processes work

When a student has reached the end of the provider's procedures and there are no further steps that they can take internally, the provider will usually issue a Completion of Procedures (COP) Letter.

Students have **12 months** to bring a complaint to us. This is a strict deadline and the clock normally starts from the date the COP Letter was issued. It's worth remembering that the longer a student waits to complain to us, the more difficult it might be to put things right if we find that things have gone wrong.

The student only needs to send us the COP Letter, the final decision and their completed and signed Complaint Form. They can complete the [Complaint Form online](#). If we need any other information to review the complaint, we will ask the provider and/or student for it.

[Our Rules](#) and [Rules Guidance](#) explain in more detail how our Scheme works, who can complain and the types of complaint we can and can't look at.



Our review

We are a review body and won't normally investigate matters afresh. Our review will normally look at:

When coming to review a case we generally ask:

1. Did the provider follow its own procedures?
2. Were the procedures fair?
3. Was the provider's final decision reasonable?



Our [process flow chart](#) provides a visual guide of how our Scheme works.



Early resolution: Settlement



We always try to resolve a complaint at the earliest stage we can. We might try to settle a complaint if there's been an obvious procedural error that could have had an impact on the case, or if any of the circumstances suggest settlement might be a better way to resolve the issues informally. If we settle a complaint we normally won't need to conduct a full review or issue a Complaint Outcome.

Our decision: the Complaint Outcome



We will decide whether the complaint is **Justified**, **Partly Justified** or **Not Justified** and will explain the reasons for our decision in a Complaint Outcome. The Complaint Outcome is sent to both the student and the provider. Our [case summaries](#) show some useful examples of the sort of cases we receive and their outcomes.

Recommendations

Where we decide a complaint is **Justified** or **Partly Justified**, we will usually make one or more Recommendations to the provider to put things right, for the individual student and/or to improve practice.

Some examples of Recommendations we've made include:

Student focused

Wherever possible, we will try to make Recommendations that put the student back in the position they were in before the events complained about happened. While we'll take the student's preferred remedy into consideration, this may not always be realistic or within the remit of our Scheme (for example, if it involves academic judgment or a request for disciplinary proceedings against individual member/s of staff).



Some examples of practical remedies we may recommend include:

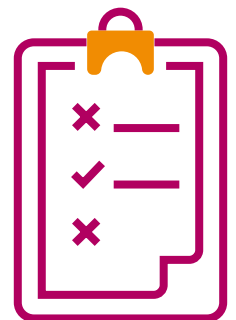
- ▶ Re-running a process that was affected by procedural flaws or possible bias.
- ▶ Offering a fresh assessment opportunity.
- ▶ Re-marking work following the correct assessment procedures.
- ▶ Offering an apology.

If practical remedies aren't available or appropriate, we may consider other remedies – such as [financial compensation](#).

Good practice

We can also recommend that a provider changes the way it does things so that the same problems don't happen again, for example changing a procedure or regulation that disadvantages students or recommending that staff undergo specific training.

Both the student and the provider are given the chance to comment on the practicality of our Recommendations before we confirm them.



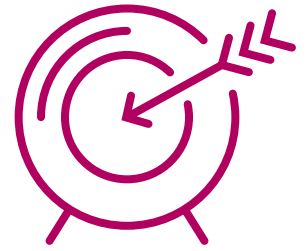
OIA GUIDANCE, QUICK TIPS AND LINKS

The Good Practice Framework

The [Good Practice Framework \(GPF\)](#) was written in consultation with the sector and is underpinned by ten key principles.

Key principles

- ▶ Accessibility
- ▶ Clarity
- ▶ Proportionality
- ▶ Timeliness
- ▶ Inclusivity
- ▶ Flexibility
- ▶ Fairness
- ▶ Independence
- ▶ Confidentiality
- ▶ Improving the student experience



The GPF informs the way we consider complaints and academic appeals from students, in areas including:

Good Practice Framework

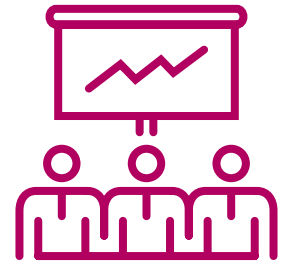
- ... Principles
- ... Bias

- ... Handling complaints and academic appeals
- ... Delivering learning opportunities with others
- ... Supporting disabled students
- ... Requests for additional consideration
- ... Disciplinary procedures
- ... Fitness to practise



Outreach

Every year, we run a [series of events](#), including visits, webinars and workshops. All our webinars and workshops are free and open to staff from student representative bodies (SRBs). Our workshops are a good opportunity for you to share your thoughts and experiences with colleagues from other providers and SRBs, as well as with us. Check out our [Bite Size OIA](#) videos for more information on our processes and guidance.



Representing students: some quick tips

Our Rules allow students to appoint a representative where written consent is given. This is usually someone from their students' union, guild or association, or a relative or friend. Our procedures are informal, so it is not usually necessary to use a lawyer. We'll normally only correspond with the Representative once appointed (not the student) until we issue a Complaint Outcome.



Things to consider when representing a student

Can we look at the complaint?

- ▶ Our Rules explain what we can and can't review.
- ▶ It is up to us, not the provider, to decide whether a case is eligible for review. If it is not clear to you as the student's representative, please call us or submit the complaint and let us decide.

What is the complaint about?

- ▶ It sounds obvious, but it's helpful to know exactly why the student is complaining.
- ▶ Setting it out clearly and succinctly can help speed up the review process.
- ▶ Bullet points can be helpful.
- ▶ Explain why the provider's final decision was unreasonable.
- ▶ Also look at the procedures – were there delays? What impact did any procedural flaws have on the student?

Evidence and supporting information

- ▶ We need only the Complaint Form (signed by the student), the final decision and the COP Letter.
- ▶ We'll ask the provider for all the information that was key to its decision.
- ▶ We may consider new evidence from a student, but normally only if there is a good reason why it could not be provided with the complaint to the provider at the time.

Expectations

- ▶ Requests for **large amounts of financial compensation** –it's important that the remedy the student is seeking is realistic and achievable. Our guidance on how we can [put things right](#) has helpful information about the types of remedies we can offer and, if we do recommend financial compensation, about the amount of compensation we will normally offer for distress and inconvenience.
- ▶ We can't look at **academic judgment**, but we can refer a case back to a provider where we see errors in the way these matters were considered.
- ▶ It's helpful to explain to students that **the time we take** to consider a complaint can vary, depending on the complexity of the case.

Communication

- ▶ Talk to us - we are happy to discuss our processes with representatives.
- ▶ While we don't normally discuss individual complaints (unless we are speaking with the student's representative), we can discuss case scenarios.
- ▶ While we can't give advice on what steps to take once we've issued a decision, you can find information about some of the options available to students on our website.



Other useful quick links



[An introduction to the OIA for SRBs](#)



[Rules and Rules guidance](#)



[Completion of Procedures Letter Guidance](#)



[Case Summaries](#)



[Briefing notes](#)

GET IN TOUCH



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