office of the independent adjudicator

Professor David Eastwood
Vice-Chancellor and Principal
The University of Birmingham
Vice-Chancellor's Office
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21 September 2012

Dear Professor Eastwood,

First Annual Letter

I am writing to you in connection with the changes to publication arrangements, approved by the OIA Board at its December 2011 Meeting, and set out in the Guidance Note and revised Scheme Rules published on the OIA website in February 2012. The purpose of the changes in the Rules is to increase the transparency of complaints handling in universities in England and Wales in line with good practice in other sectors, and to increase complainant confidence in the integrity of the process.

You should find the enclosed information, which The University of Birmingham has had the opportunity to check, useful when reviewing the University's record in handling complaints.[1] Explanatory notes and relevant definitions are set out in Annexe 2. A copy of this letter will be published on the OIA website, together with letters to all other Scheme members, on 25 September 2012.

I hope this is helpful.

Yours sincerely,

Rob Behrens

Rob Behrens

Independent Adjudicator & Chief Executive

[1] The word complaint also includes academic appeals.

'for students in higher education'

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Annexe 1

STATISTICS

The University of Birmingham		
Year	OIA Band	Number of students
2011	F	29185
2010	F	28240

Annual Complaints to the OIA[2]		
Year	Complaints received at the OIA	Complaints closed at the OIA[3]
2011	7	9
2010	10	8
Annual Change	Decreased by 3	Increased by 1

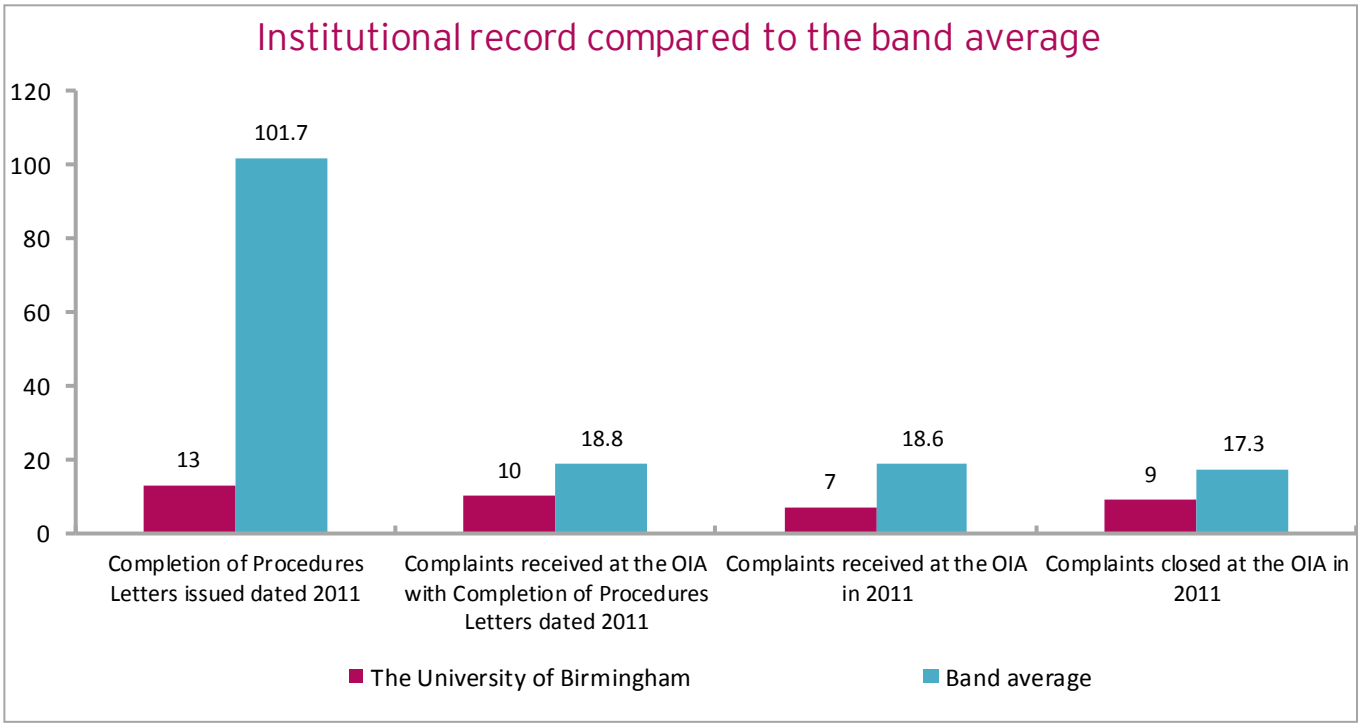
Completion of Procedures Letters issued dated	
2011	13
2010	28
Annual Change	Decreased by 15

Of these Completion of Procedures Letters issued the OIA received the following:

Complaints received at the OIA with Completion of Procedures Letters dated	
2011	10
2010	10
Annual Change	None

The University of Birmingham has informed the OIA that 13 students were issued with a Completion of Procedures Letter in 2011. The OIA received 10 complaints from The University of Birmingham students with Completion of Procedures Letters dated 2011. This means that about one in every one-and-a-half students who exhausted the formal internal complaints procedures at The University of Birmingham brought their complaint to the OIA. By way of comparison, the average proportion of complaints brought to the OIA from universities in the same band was one in every five students who had complained. Chart 1 below gives the comparison between the returns from The University of Birmingham and the band averages.

Chart 1



[2] The figures under headings "Complaints received at the OIA" and "Complaints received at the OIA with Completion of Procedures Letters dated [year]" may relate to the same complaints. This means that some complaints might be counted under both headings. The figures under these headings should therefore not be added together.

[3] Some of the complaints might have been received in the previous year.

The number of Completion of Procedures Letters issued by a university, and/or the number of complaints received at the OIA from that university are not of themselves an indication of good or less good practice, and contextualisation is important. In general, the number of complaints received at the OIA is related to the number of enrolled students at the university, but there are exceptions to this trend.

The OIA closed 9 complaints against The University of Birmingham in 2011. Chart 2 below displays the outcome of the closed complaints and compares The University of Birmingham figures to those of the band average.

Chart 2

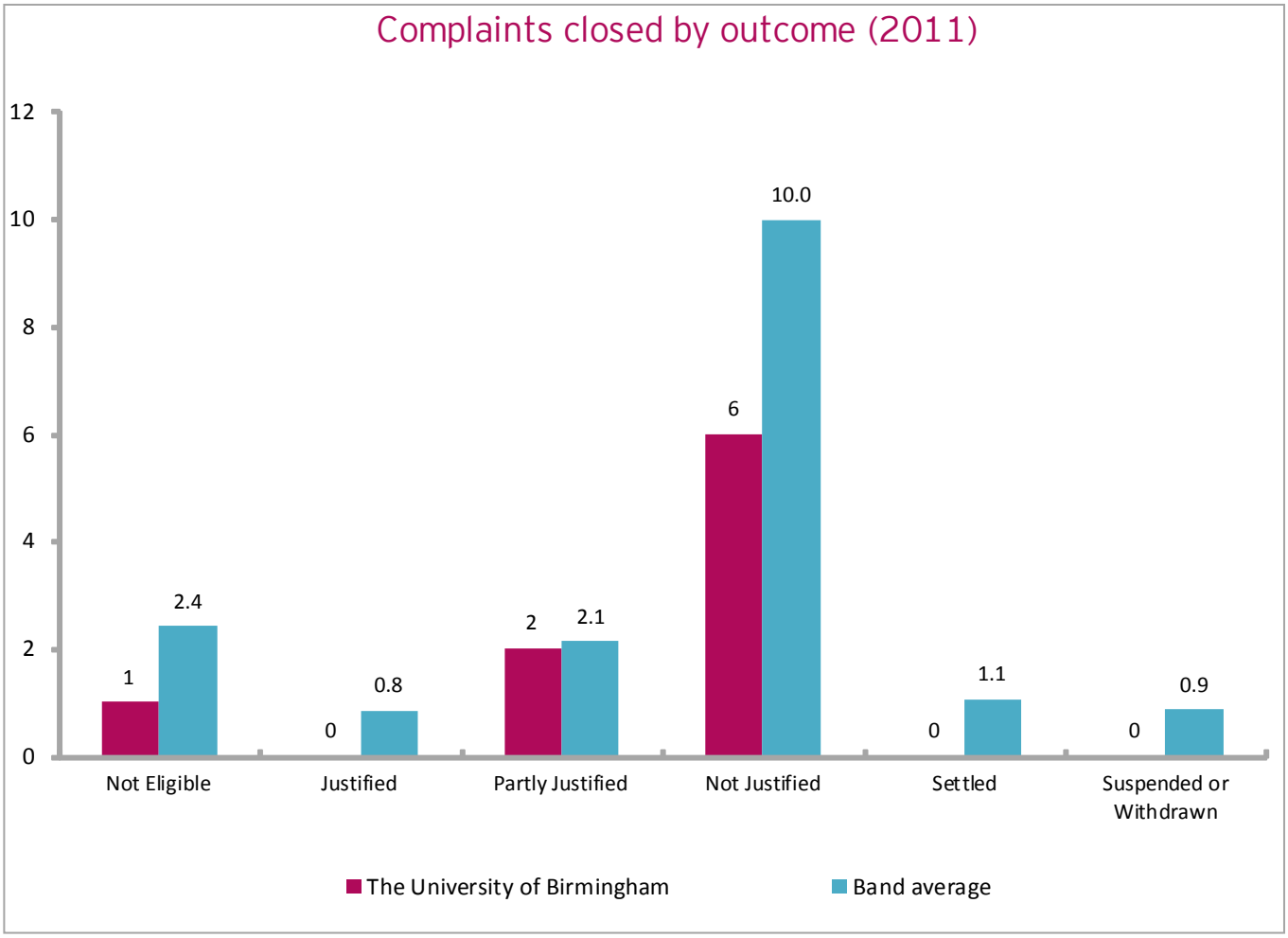


Chart 3 below categorises the complaints closed by subject matter. It displays what proportion of complaints closed about The University of Birmingham was attributable to each category. Chart 4 illustrates what proportion of the total number of complaints closed about all universities in 2011 was attributable to each category. The number of complaints in each category that the OIA received is contained in brackets.

Complaints closed by subject matter (2011)

- Academic Status
- Academic misconduct including plagiarism and cheating
- Discrimination and Human Rights
- Welfare and Accommodation
- Admissions
- Services issues (Contract)
- Disciplinary matters
- Financial
- Other

Chart 3

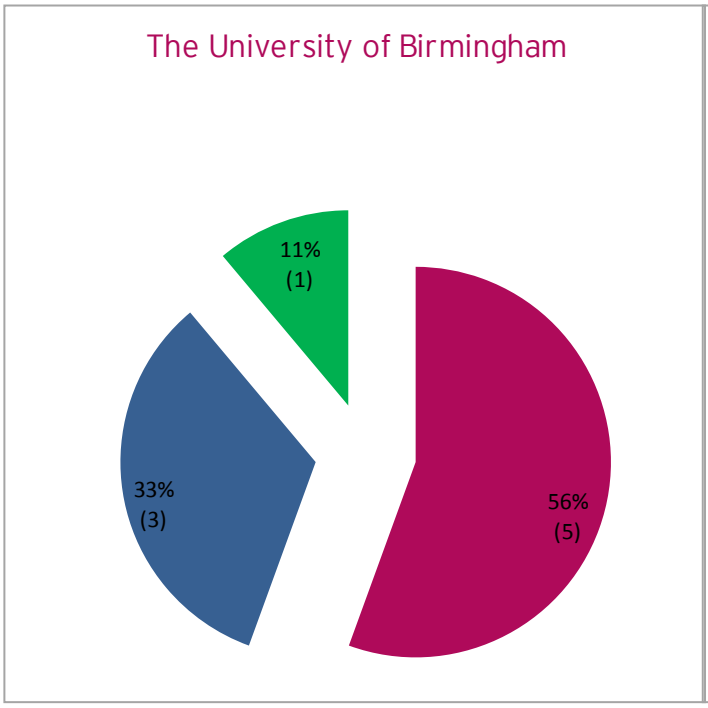
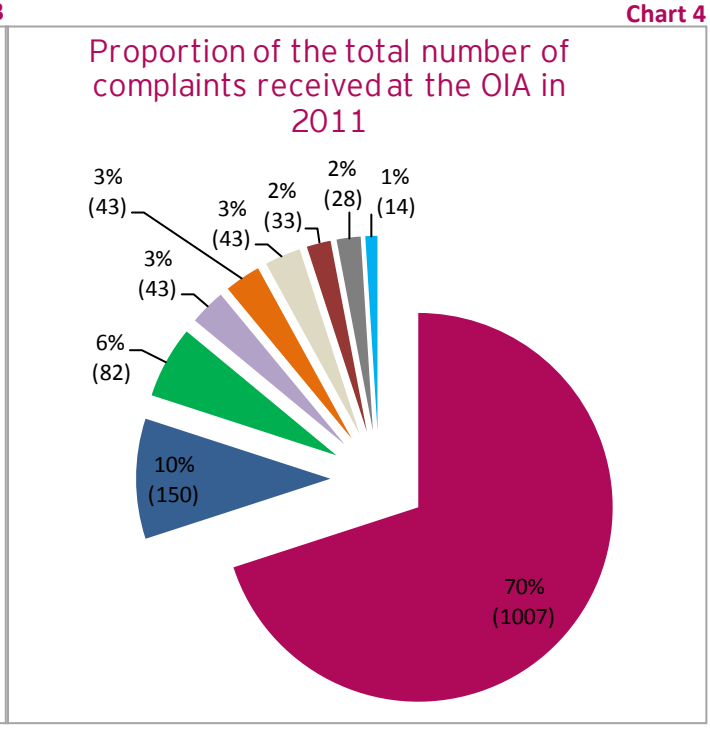


Chart 4



Annexe 2

Explanatory Notes

Note 1 Under Scheme Rule 4.1 the OIA has the discretion, exceptionally, to review complaints even where the internal complaints procedures have not been exhausted. For statistical purposes, we treat such complainants as having exhausted the relevant procedures.

Note 2 Student numbers were obtained from Higher Education Statistics Agency (HESA) – www.hesa.ac.uk. 2007/2008 HESA figures were used to assign universities to the relevant OIA subscription band in 2010 and 2008/2009 figures in 2011.

Note 3 The heading 'Complaints received at the OIA in 2011' includes all complaints where the OIA Complaint Form was received at the OIA during 2011. It also includes Not Eligible complaints. By contrast, 'Complaints received at the OIA with Completion of Procedures Letters dated 2011' includes only complaints received at the OIA with Completion of Procedures Letters dated 2011, whenever received. For example, a complaint may have been received in 2012 but with the Completion of Procedures Letter dated 2011. The example given also applies to 2010 statistics.

Note 4 In this exercise, bands G, H and I are merged for the purposes of calculating band averages for universities in those bands. This enabled the OIA to provide more meaningful contextual information where numbers of institutions in bands are small.

Note 5 The heading 'OIA Band' refers to OIA subscription bands which are as follows:

Institution size	Band
Less than 500 students	A
501 to 1,500 students	B
1,501 to 6,000 students	C
6,001 to 12,000 students	D
12,001 20,000 students	E
20,001 30,000 students	F
30,001 50,000 students	G
50,001 100,000 students	H
More than 100,000 students	I

Definitions

Completion of Procedures Letter – Once a student has exhausted the university's internal complaints or appeals procedures, the university must promptly send the student a Completion of Procedures Letter. In line with published Guidance, this letter should set out clearly what issues have been considered and the university's final decision. This letter directs the student to the OIA.

Justified/Partly Justified/Not Justified – At the end of the OIA review process we will decide whether a student's complaint about the university is Justified, Partly Justified or Not Justified.

Not Eligible complaint – This is a complaint that we cannot review under our Rules.

Settled complaint – Once a complaint is received by the OIA and the University has been notified, a complaint will be considered "settled" where the parties to the complaint reach an agreed outcome prior to the OIA issuing a Formal Decision.

Suspended complaint – A case may be suspended, normally at the request of a complainant, in exceptional circumstances e.g. bereavement or illness. Cases may also be suspended if there is on–going action taking place in another forum which could affect the outcome of the OIA's review e.g. secondary procedures taking place within the University.

University – For ease of reference, we use the word 'university' throughout the letter to include all institutions subscribing to the OIA Scheme.

Withdrawn complaint – A complaint will be considered "withdrawn" if a complainant requests that the OIA cease to review the complaint or in cases where the complainant fails to participate in the OIA's process.

Categories of Complaints

Academic Status – complaints which are related to academic appeals, assessments, progression and grades.

Service Issues (contract) – complaints which are related to the course or teaching provision, facilities and supervision.

Disciplinary matters – complaints which are related to disciplinary proceedings for non–academic offences.

Academic Misconduct – complaints which are related to academic offences including plagiarism, collusion and examination offences.

Discrimination and Human Rights – complaints where the student claims there has been any form of discrimination, including harassment, and where he or she claims his or her Human Rights have been breached.

Financial – complaints relating to finance and funding: e.g. fees and fee status, bursaries and scholarships.

Welfare and Accommodation – complaints relating to support services, e.g. counselling, chaplaincy, assistance for international students, and university accommodation issues.

21 September 2012