



office of the
independent
adjudicator

'for students in higher education'

**The good practice
framework:**
*Handling complaints
and academic appeals*

*Delivering learning
opportunities with
others*



March 2017

Preface

The Good Practice Framework: handling student complaints and academic appeals

was published in December 2014 and revised in December 2016. This section sets out some further good practice guidance on handling complaints and academic appeals in the context of delivering learning opportunities with others.

This guidance was prepared by the OIA in consultation with the Good Practice Framework steering group. In December 2016, a draft was published for consultation and submissions were received from member providers, student representative bodies and other higher education sector bodies.

Collaborative arrangements in the higher education sector are diverse and often complex. This is a guide

to handling complaints and academic appeals in the context of such arrangements. This guidance sets out operational good practice but does not include prescriptive detail.

In due course, this guidance may also be expanded to cover other examples of delivering learning opportunities with others, such as work-based learning and placements.

From the 2018/19 academic year, this guidance will inform the way that the OIA considers complaints and academic appeals from students who are studying on courses which are provided through a collaborative arrangement involving more than one provider or a provider and (an)other awarding organisation(s).

Introduction

- 1 The Good Practice Framework: handling complaints and academic appeals, sets out core principles that are relevant to all higher education providers which are members of the OIA. They are: **accessibility; clarity; proportionality; timeliness; fairness; independence; confidentiality;** and **improving the student experience.** The Framework also sets out good practice guidance on the structure of complaints and academic appeals procedures, including the number and format of stages in each process. Providers should refer to the main Framework for guidance on those issues.
 - 2 Many providers in England and Wales provide learning opportunities in collaboration with one or more other providers or awarding organisations, in the UK or overseas. Where providers are working together, the principles of timeliness and proportionality are particularly important: students should not have to wait longer or go through unnecessary procedural stages simply because more than one provider is involved.
 - 3 This section of the Good Practice Framework outlines additional good practice guidance for providers to consider when handling complaints and academic appeals in the context of delivering learning opportunities in higher education with others.
 - 4 This guidance considers domestic arrangements, where the providers and/or awarding bodies involved are in England or Wales, and transnational arrangements. Sometimes all of the providers involved in the arrangement are members of the OIA Scheme, but this is not always the case. Where the provider was brought into membership of the OIA Scheme by the Consumer Rights Act 2015, reference to “students” means students studying on a higher education course¹ who may complain to the OIA.
 - 5 This guidance complements the “expectations” and “indicators” set out in the QAA UK Quality Code for Higher Education (the ‘QAA UK Quality Code’), in particular Chapter B9 (Academic Appeals and Student Complaints) and Chapter B10 (Managing Higher Education Provision with Others)².
 - 6 There are many types of collaborative arrangement and new models of delivery are likely to emerge which will present new challenges. This guidance provides an operational framework for providers working with others to deliver higher education provision; it does not set out prescriptive guidelines for every type of arrangement.³
 - 7 This guidance focuses upon handling complaints and academic appeals. Other issues arising in the context of delivering learning opportunities with others, for example issues arising from disciplinary procedures and issues specific to research students, will be the subject of separate guidance.
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- 1 <http://www.oiahe.org.uk/glossary.aspx#hecource>
 - 2 <http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code>
 - 3 This guidance does not cover every type of arrangement. For example, where a provider hires general rooms from another organisation within which to hold examinations, such an arrangement would not fall within this guidance. Such arrangements do not fall within the scope of Chapter B10 of the QAA UK Quality Code either.

CASE STUDY 4

SCITT trainee

A trainee is studying on an initial teacher training programme provided by a SCITT. He is also studying for a PGCE awarded by Provider A, a university. Both providers are members of the OIA Scheme.

The trainee fails a teaching observation assessment and appeals against that failure. He says that the supervision and training that he is receiving at the SCITT is inadequate. He says this has affected his performance in teaching observations. He also claims that there is a reasonable perception of bias because the tutor who conducted the assessment, a member of staff at Provider A, was angry with him for complaining about his supervision. The failed assessment has an impact on the trainee's progress towards Qualified Teacher Status and on the PGCE programme.

The agreement between the SCITT and Provider A sets out their respective responsibilities. With that in mind, they determine how best to consider the appeal between themselves which they then explain to the trainee. Both providers reject the aspects of the appeal which they have considered and both issue the trainee with a Completion of Procedures Letter. The trainee complains to the OIA about both providers' decisions.

In this scenario the OIA would consider the complaint about the appeal outcomes issued by the SCITT and Provider A together.

Transnational arrangements

- 33 In this section, any arrangement between a provider in England or Wales and a provider which is not in England or Wales is a “transnational arrangement”. That includes arrangements with providers in Scotland or Northern Ireland, since the OIA’s remit does not extend to providers in those jurisdictions.

Providers in England or Wales with campuses in another jurisdiction

- 34 Some higher education providers in England and Wales operate campuses in another jurisdiction which they wholly own and manage. The principles of the Good Practice Framework: handling complaints and academic appeals, apply equally to students studying at any campus owned and managed by a member of the OIA Scheme. So students studying at a campus which is not in England or Wales will be able to complain to the OIA about acts or omissions of the provider in the same way as students studying at the campus in England or Wales.

KEY POINT

Providers in England or Wales which own and manage a campus which is not in England or Wales have the same responsibilities to students at that campus as they do towards students at their domestic campus.

Joint (etc.) awards where one awarding provider is outside England and Wales

- 35 Some higher education providers in England or Wales with UK degree-awarding powers have entered into collaborative arrangements with partners in other jurisdictions (which have degree-awarding powers in their own jurisdictions) to deliver learning opportunities

leading, for example, to a joint, multiple, dual or concurrent award. There are other types of arrangement and it is likely that new models of delivery will emerge.

- 36 Broadly, it is a matter for the providers to decide between themselves how to handle student complaints and academic appeals. However, this is subject to the guidance and principles set out below. Any provider in England or Wales with UK degree awarding powers entering into an arrangement with a partner provider in another jurisdiction should meet the “Expectation” of Chapter B10 of the QAA UK Quality Code for Higher Education, and follow the Indicators of Sound Practice¹¹. In addition, it is also good practice for the provider in England or Wales to ensure that:
- (i) the information given to students clearly sets out how and to whom students should make a complaint or an academic appeal;
 - (ii) a student should be able to complain to the OIA about any act or omission of a member provider falling within the OIA’s remit; and
 - (iii) it does not delegate its responsibility for the academic quality and standards of its awards (even if awarded with another overseas provider).

- 37 The providers may agree between themselves that the provider which is not in England or Wales will have responsibility for handling student complaints and/or academic appeals. That provider may be subject to different standards or guidance for handling complaints or academic appeals and so its procedures may

11 *ibid.*

- 45 Often, the awarding provider in England or Wales will have UK degree-awarding powers and so will retain responsibility for the overall academic quality and standards of any learning opportunity leading to the award of one of its qualifications. As a provider with UK degree-awarding powers, the awarding provider in England or Wales will be a member of the OIA Scheme and the Good Practice Framework, including this guidance, applies. The OIA will be able to consider complaints from students about acts or omissions of the awarding provider, provided that they fall within the OIA's remit.
- 46 However, the delivery partner will not be a member of the OIA (the OIA's remit extends only to providers in England and Wales). Therefore, students studying at the delivery partner will have no recourse to the OIA in relation to complaints about issues for which the delivery partner had responsibility under its arrangement with the awarding provider.¹³
- Regulatory requirements**
- 47 Other jurisdictions may have their own quality assurance and/or students complaints handling arrangements. UK providers working in partnerships in other jurisdictions should work out together how those requirements fit in with domestic requirements.
- 48 If regulations local to the jurisdiction of the partner provider require that students have access to an external regulator or ombudsman in that jurisdiction, then it is a matter for the providers to determine how those arrangements would fit in with the students' right to bring a complaint to the OIA about matters which the provider in England or Wales cannot delegate, such as the academic quality and standards of the qualifications that it is awarding.
- 49 It is not in the providers' or the students' interests for students to be required to go through – or to be able to go through – several different external bodies in order to obtain satisfactory resolution to their complaint or academic appeal. The providers' procedures should set out clearly the options available to students in the different jurisdictions.
- 50 One option might be for students to be given the choice of which route of external redress to go down. The OIA can only reject a complaint if it has been considered by a court or by another EU Alternative Dispute Resolution entity (a recognised European complaints handling body), or is otherwise ineligible under the Rules of the OIA Scheme. Therefore, the student may elect to go down the overseas route of external redress but then subsequently complain to the OIA. In reviewing such a complaint, it is likely that the OIA would have regard to the relevant procedures, the fact that the student had been offered a choice of which avenue to pursue, and that the student had already sought redress through another external body.
- 51 The case studies below illustrate some general points to consider. Much will depend upon the way in which the arrangement is structured and the jurisdiction(s) in which the partner(s) is/are based.

13 This will also be the case where the delivery provider is in England and Wales but is not a member of the OIA Scheme.

CASE STUDY 5

Joint degree – academic appeal

A student is studying for a Masters degree which is awarded jointly by Provider A, a university in England, and Provider B, a university in the Netherlands. Students split their time between the two providers.

Under the terms of the collaborative agreement between the providers, Provider B is responsible for considering academic appeals. The programme regulations and handbook also explain to students that all academic appeals are considered by Provider B, even if the assessment giving rise to the appeal was submitted to and marked by Provider A.

The student's dissertation is marked by Provider A. She submits an academic appeal to Provider B on the grounds of procedural irregularity in the marking of her dissertation by Provider A. The appeal is considered by Provider B and rejected.

Provider B notifies Provider A of the outcome of the appeal and Provider A issues the student with a Completion of Procedures Letter. This will enable the student to complain to the OIA should she wish to do so.

KEY POINT

The student should be able to complain to the OIA about acts or omissions of Provider A, wherever the academic appeals procedure is conducted.

CASE STUDY 6

Joint degree – accommodation complaint

A student is studying for a Masters degree which is awarded jointly by Provider A, a university in England, and Provider B, a university in France. Students split their time between the two providers. Under the agreement between the providers, each provider retains responsibility for service complaints arising while the student is studying at its premises.

Whilst studying at Provider A, the student complains to Provider A about his student accommodation. Provider A attempts to resolve the complaint informally. The student remains dissatisfied and so Provider A considers the complaint under the formal and then the review stages of its complaints procedure.

The complaint is upheld at the review stage. In the outcome letter, Provider A informs the student that it will issue a Completion of Procedures Letter to him if he requests one.

KEY POINT

Complaints about the service provided by Provider A should be considered under Provider A's procedures.

CASE STUDY 7

Joint programme with three awarding providers

A student is studying for a degree awarded jointly by Providers A, B and C. The three providers are in Wales, France and Belgium respectively. The degree programme is structured so that students spend one year studying at each of them.

Under their agreement, Provider B is the “lead” provider, and is responsible for handling all student complaints and academic appeals. The student submits an appeal against her final degree result on grounds of bias in Provider C’s assessment process. Provider B considers the academic appeal and rejects it.

The integrity of the assessment process relates to the academic standards of the qualification for which Provider A is jointly responsible. Therefore, Provider A issues a Completion of Procedures Letter at the conclusion of the academic appeal process even though that process was conducted by Provider B. This will enable the student to complain to the OIA about the outcome of the academic appeal.

The same student complains about the lecture room facilities at Provider A. Provider B is responsible for all complaints under the terms of the agreement and so it considers the complaint. However, this is an issue which arose while the student was studying at Provider A. Provider A should consider the complaint itself and/or issue a Completion of Procedures Letter after Provider B has considered the complaint so that the student can complain to the OIA.

KEY POINT

Provider A should not prevent a student from complaining to the OIA about matters for which it is responsible.

CASE STUDY 8

Dual award

Provider A, a university in England, and Provider B, a university in the USA, have developed a collaborative programme at the end of which students are awarded a UK degree and a US degree. Students rotate where they study between the UK and the USA.

Under the collaborative agreement, each Provider is responsible for considering complaints or academic appeals from students whilst they are studying at its campus.

A student studying at Provider B complains about the level of teaching at Provider B. That complaint is considered by Provider B. However, since that complaint concerns the academic quality of the learning opportunity, Provider A retains a responsibility for it.

Provider B comes under the jurisdiction of a local ombudsman. At the conclusion of the complaint, Provider B writes to the student offering her the choice of making a complaint to the local ombudsman or to the OIA. If the student chooses to complain to the OIA, Provider A issues a Completion of Procedures Letter.

Providers with multiple collaborative arrangements

- 52 Many providers have entered into multiple collaborative arrangements with several different providers. The arrangements for handling complaints and academic appeals may vary depending on the nature of the agreement between the delivery provider and the awarding provider.
- 53 The providers' procedures and/or the course documentation should make clear to students how to submit a complaint or an academic appeal and, where appropriate, outline the circumstances in which the different providers in the arrangement may be involved. A summary is sufficient; there is no need for the

documentation to set out in detail how every type of complaint or academic appeal will be dealt with. The provider to whom the complaint or academic appeal is to be addressed in the first instance should give clear information to the student about how to progress the complaint or academic appeal.

KEY POINT

Providers should explain clearly to students how to submit a complaint or an academic appeal, who will consider it, and how the student can escalate it.

When arrangements between partner providers end

- 54 Providers may decide to end their collaborative working arrangement. The interests of students should be protected in such a situation. It is good practice for contingency arrangements to put in place to ensure the continued fair handling of academic appeals and complaints from students, and that remedies continue to be available. Any changes to the way in which complaints or academic appeals will be handled as a result of the ending of the arrangement should be clearly explained to students, in a timely manner.

Information sharing between providers

- 55 Valuable feedback is obtained from complaints and academic appeals and such learning should be used to improve the student experience. It is good practice for providers which are working together to deliver learning opportunities to share information about complaints and academic appeals from students on their courses. This is the case even where an awarding provider is not required to be involved in the actual complaints or academic appeals process.
- 56 For example, a provider which is delivering a course leading to a degree awarded by a university might provide that university with a regular summary of any complaints or academic appeals received from students on that course. The data should be anonymised as appropriate.
- 57 Similarly, it is good practice for providers which are working together to deliver learning opportunities to share information with each other about complaints made to the OIA by students covered by the arrangement. For example, it is good practice for an awarding provider which issued a Completion of Procedures Letter to a student at the end of an academic appeals procedure, to inform the delivery provider in the event that that student goes on to complain to the OIA, and to share any resulting OIA decision with the delivery provider. Likewise, it is good practice for a delivery provider to inform the relevant awarding provider in the event that a student to whom the delivery provider has issued a Completion of Procedures Letter goes on to complain to the OIA, and to share any resulting OIA decision with the awarding provider.
- 58 This sharing of information ensures that the causes of complaints and academic appeals can be identified and addressed and, where appropriate, training opportunities can be identified and improvements introduced.

KEY POINT

It is good practice for providers which are working together to deliver learning opportunities to share information about complaints and academic appeals from students on their courses.

Timeliness

- 59 Where a student's complaint or academic appeal is to be considered by more than one provider, it is good practice for those providers together to complete their consideration of that formal complaint or academic appeal, and any associated review, within 90 calendar days.
- 60 There will be circumstances when, for good reason, the providers will need to extend this timeframe. In particular, it is recognised that providers in England and Wales may not be able to control the timescales operated by partner providers in other jurisdictions to which the Good Practice Framework does not apply. Where the timescale is to be extended, the student should be informed and should be kept regularly updated as to the progress of their complaint or academic appeal.

KEY POINT

It is good practice to complete the processing of a formal complaint or academic appeal, and any associated review, within 90 calendar days, wherever possible.

Supporting students to make their complaints and academic appeals

- 61 Students should be directed towards the support services available to assist them in making a complaint or academic appeal. For example, in smaller providers, this might be a cohort or course student representative or a student welfare staff member.
- 62 Where a provider does not have a well-developed student advice service or student representative body, it should consider making arrangements with its partner providers, or with other neighbouring providers, to enable its students to access their support services.

KEY POINT

Students should have access to support to assist them in making a complaint or academic appeal.

Appendix: Qualifications awarded by external awarding organisations in England and Wales

Background

- 63 Many providers in England and Wales deliver higher education courses which lead to qualifications awarded by an external awarding organisation which is regulated by Ofqual (England) and/or Qualifications Wales (Wales). An example is Higher National Certificate and Higher National Diploma programmes, awarded by Pearson or the Scottish Qualifications Authority.
- 64 The awarding organisation is responsible for the overall quality and standards of the qualifications that it awards. Therefore, the awarding organisation will have some responsibility for handling complaints about academic standards issues and academic appeals from students on this type of course.
- 65 Often, the delivery provider will be a member of the OIA Scheme. However, the awarding organisation is not usually a member of the OIA Scheme; these awarding organisations are not Qualifying Institutions for the purpose of the OIA, although they may join the OIA Scheme voluntarily (as Non-Qualifying Institutions).
- 66 The guidance set out below assumes that the delivery provider is a member of the OIA Scheme and the awarding organisation is not a member of the OIA Scheme. A provider may delegate the delivery of its externally awarded provision to another provider. References in this appendix to 'delivery provider' could be to one or both of them depending on the context.
- 67 The guidance in this Appendix does not apply to higher education qualifications awarded by a provider with UK degree awarding powers under licence from an external awarding organisation. Under the licence agreement, the provider with UK degree awarding powers is the awarding body responsible for the quality of the qualification and the qualification is not regulated by Ofqual or Qualifications Wales.
- ### The OIA's approach, agreed with Ofqual and Qualifications Wales
- 68 Students studying on a higher education course leading to the award of an external awarding organisation should be able to complain to the OIA about acts or omissions of the delivery provider¹⁴. The delivery provider should issue a Completion of Procedures Letter, using the appropriate template¹⁵, at the end of an internal procedure in the normal way.
- 69 Should it receive a complaint, the OIA will first identify whether the complaint relates to: (1) an act or omission of the delivery provider relating to the service provided which falls within the OIA's remit; or (2) the overall quality or standards of the qualification itself.
- (i) If the OIA considers that the complaint relates to an act or omission of the member

14 Where the student is studying at a provider which joined the OIA Scheme as a result of the Consumer Rights Act 2015 coming into force on 1 September 2015, the course must be an HE course for the OIA's purposes. <http://www.oiahe.org.uk/glossary.aspx#hecource>

15 [COP Letter Template - External awarding body qualifications](#)

provider relating to the service provided which falls within the OIA's remit (category (1) above), it will review that complaint under its usual review procedures.

- (ii) If the OIA considers that the complaint relates to the overall quality or standards of the qualification itself (category (2) above), it will notify the student and will then forward a copy of the complaint to the relevant awarding organisation. The OIA will not take any further action in respect of that complaint.

CASE STUDY 9

A student is studying at Provider A, a member of the OIA Scheme, for an HNC which is awarded by an external awarding organisation.

The student complains about poor facilities at Provider A and also that a member of Provider A's staff has bullied him. Provider A considers the complaint and dismisses it. Provider A issues the student with a Completion of Procedures Letter and the student complains to the OIA.

The OIA determines that it is able to consider the complaint since it concerns matters for which Provider A is responsible.

CASE STUDY 10

A student is studying at Provider A, a member of the OIA Scheme, for an HND which is awarded by an external awarding organisation.

The student submits an academic appeal to Provider A on grounds of procedural irregularity in the marking of one of her assessments. The cohort's assessments had been subject to external moderation by the awarding organisation's assessor. Provider A dismisses the appeal and issues the student with a Completion of Procedures Letter. The student complains to the OIA.

The OIA forwards the complaint to the awarding organisation, having determined that it relates to the awarding organisation's arrangements for managing the overall quality of the qualification itself.

Section Glossary

Academic quality is concerned with how well the learning opportunities made available to students enable them to achieve their award. It is about making sure that appropriate and effective teaching, support, assessment and learning resources are provided for them.¹⁶

Academic standards are the standards that individual degree-awarding bodies set and maintain for the award of its academic credit or qualifications. These may exceed the threshold academic standards (the minimum acceptable level of achievement that a student has to demonstrate to be eligible for an academic award). Individual degree-awarding bodies are responsible for defining their own academic standards by setting the pass marks and determining the grading/marking schemes and any criteria for classification of qualifications that differentiate between levels of student achievement above and below the threshold academic standards.¹⁷

Franchise arrangement or franchised provision: An agreement by one provider (the 'franchising provider'), usually one with degree-awarding powers, that another provider may deliver all or part of a programme approved and owned by the franchising provider. Students will usually be registered at and have a direct contractual relationship with the franchising provider. The franchising provider normally retains overall control of the programme's content, delivery, assessment and quality assurance arrangements. Such arrangements are also sometimes referred to as 'sub-contractual' arrangements.

Validation arrangement or validated provision:

An agreement under which one provider (the 'awarding provider'), usually one with degree-awarding powers, judges all or part of a programme developed and delivered by another provider (the 'delivery provider') and approves it as being of an appropriate standard and quality to contribute, or lead, to one of the awarding provider's awards. Students normally have a direct contractual relationship with the delivery provider.

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