

OIA Annual Open Meeting 2019

Speech by Ben Elger, Chief Executive: The OIA in a changing environment

The OIA operating in a changing environment is unlikely to be a one-off title uniquely capturing the time – to be honest it's possibly going to be a few more Annual Open Meetings before the contribution titled our year of consolidation in the stable higher education sector. But it has certainly been another big year in our continuing development.

We experienced a significant increase in complaints received in 2018 – 1,967 complaints representing a 20% increase on 2017. As described in our Annual Report, there is inevitably some variability in complaints numbers to the OIA given the relatively small number of students reaching this point compared to the total in the system.

And this number is dependent on a complicated mix of push and pull factors including the impact of good practice in complaints handling work, investment in student support, costs and perceptions of value for money and publicity around HE issues.

But broadly - having experienced a dip in case numbers when the time allowed to bring cases to the OIA was extended from 3 months to 12 following the 2015 EU Alternative Dispute Resolution directive - we are now dealing with a growing caseload.

In this context it is we think an important achievement that we have met our key turnaround targets for the 3rd consecutive year closing 1,722 cases, 85% within six months and meeting the targets for deciding the eligibility of complaints and responding to enquiries. We have done this whilst keeping our unit cost figure stable at a little over £2,000.

We remain active in reviewing our case-handling structures and processes to deliver efficiency. Even so you will understand there is a triangular relationship between the number of complaints we are dealing with, the resource within the organisation and the likely time needed to review complaints. Our management and Board are very aware of the need to get the balance right here taking into account both the importance of timeliness to students and financial pressures within the sector.

We remain committed to the cost of the Scheme staying fair and proportionate for all members including the large number of small members. The subscriptions costs for the smallest two bands of providers in 2019 remain below £1,000, schools-based initial teacher training providers and those delivering courses on behalf of other providers pay substantially less and there is a 30% reduction for College HE across the bands.

For the 6th year running the increase to core subscriptions at every level was under 3%. In the interests of fairness HESA TNE student numbers were taken into account in subscriptions for the first time for 2019 and we continue to move carefully towards 10% of our subscription income being case-related. We will review all aspects of the system during 2019 in light of maintaining that fair balance between timeliness and cost.

We now have around 850 members, demonstrating the scale and scope of the modern higher education sector and especially the number of providers delivering HE courses on behalf of or leading to an award of another provider. We are delighted to welcome many members to the Annual Open Meeting for the first time today including Waltham International College, Bird College, Europe Business School and the Royal School of Needlework. And also to note the membership of Bournemouth Flying Club, the Professional Golfers Association and Le Cordon Bleu which are especially good for the pictures!

And we are not full yet! It is our vision that higher education students should be able to come to the OIA regardless of how student fees are paid, the corporate form of their provider and whether or not the provider meets the criteria to be registered with the OfS. Last year we illustrated the increase in OIA coverage through 2 students Jo and Sam, one in the traditional university sector and one at a new provider.

This demonstrated the breaking down of the artificial divide in membership between these types of provider. But there were still students on the outside. Take the case of one – let's call him Chris – who may not have been able to reach the OIA if he had needed to because of our old definition of "higher education" which would have limited coverage of some providers, including some on the OfS Register, on the basis of student loan funding.

This year we have taken the steps we can to widen the scope to all courses at level 4 and above.

And for those small number of HE providers and awarding bodies who are still not able to offer their students independent redress we will continue to offer and promote the opportunity to join under our non-qualifying institution process. So perhaps Chris has a little less to worry about?

And an even wider range of students should soon have access to the OIA.

As we reported during 2018 we are delighted that the Welsh Government with the support of NUS Wales and HEFCW plans to legislate for the OIA to be responsible for complaints from the further education and work-based learning sectors as part of the forthcoming reforms to post compulsory education and training.

We currently have many of the FE colleges in membership in respect of their HE provision but it is a really significant development that FE students could have equal access to independent redress. We are now entering detailed discussions about how this will work to

the maximum benefit of Welsh students - so our final student, a student of the future in Wales - Kirsty perhaps - will not have the issue of some courses being included at her provider and not others.

And we wait to see if the Augar Review of Post-18 Education and Funding has something to say that might relate to this in England, this month (or maybe another month!).

As we acknowledged last year this broadening of membership raises important question for our own governance which is based on a successful blend of sector, student and independent roles - and by the end of this year we expect to have formulated plans for a future structure that preserves and enhances this balance.

It is now a key element of the OIA strategy - alongside reviewing complaints and sharing learning - to work effectively within the regulatory framework to positively influence policy. For example we have sought to make sure that the legitimacy and importance of mitigating circumstances policies is not lost in the debate about grade inflation and grade boundaries - and advocated for an approach to student contracts that doesn't lead to a legal arms race between providers and student organisations.

In the developing landscape of higher education there is a need for an even stronger focus on protection for students.

We petitioned through HERA to have an extension to OIA membership for a further 12 months for providers exiting the HE system to allow students to bring complaints to us - and this was also adopted in Wales to promote consistent and maximum student protection. We now want to ensure that this is effective in the reality of a market exit.

This year you will be aware that a lot of attention has fallen on what would happen in the event of a provider or a significant part of it failing. The language of the market can sometimes forget or dismiss as collateral damage students in the system.

We will be looking carefully at student protection plans in the context of our casework but we are acutely aware that in the event of total collapse students may be at the back of the queue for probably non-existent funds. We believe that the whole sector needs to recognise this as an issue. Sector organisations will need to come together to consider the best way to provide for this situation, prevent students paying the price for exit by losing their right to complain and support them in continuing their studies with minimum disruption and financial loss. And this will ultimately need to go beyond current OfS registered providers if it is to apply to all students covered by the OIA.

This sort of joined up approach needs a commitment to organisations working together. We are committed to working with the Office for Students, others in the regulatory sphere, student organisations and providers to ensure a real focus on individual remedies for students.

Working effectively with other organisations also needs practical mechanisms. We now have in place an interim agreement with OfS, in addition to agreements with HEFCW, QAA and others so that we can share information where systemic issues might be associated with a cluster of complaints.

So, in conclusion, the OIA in a changing environment is committed to fairness – fairness in the way we organise our work to balance capacity and cost, fairness in including students from all parts of the sector in our remit and fairness in avoiding a lottery as to whether remedies are available.

A great thinker of the 1970s demonstrated the importance of being able to operate in an environment where new problems and situations will be thrown at us and we have to remain vigilant to preserving fairness – no one will ever speak against fairness but if we are not ever alert about the developing issues then our friends might fall asleep too.