

# Video Transcription

## The process of a complaint – Bite Size OIA

Link: <https://youtu.be/8NfJ-uyic0>

Duration: 0:07:23

Speakers: Barry McHale, Student Liaison Officer – OIA (Barry)

### START VIDEO

Barry: Welcome to Bite Size OIA. In this video we explain the process we usually follow when we review a complaint.

*[Intro music]*

Some complaints may not go through every stage, for example, if we can't look at the complaint under our Rules, or if the student and provider agree a way to resolve the complaint early in the process.

You can find more detailed information about our Rules and "what happens when a student complains to us" on our website.

#### **Submitting a Complaint Form**

Our processes begin when the student submits a Complaint Form and their Completion of Procedures Letter, usually via our online portal called "MyOIA".

Students can appoint a representative to deal with us on their behalf. Students, their representatives and providers can use "MyOIA" to track the progress of a complaint.

## **Acknowledgement & Eligibility Checks**

When we receive a Complaint Form, the first thing we do is contact the student and the provider, usually by email, confirming that we've received the complaint. We'll also do some basic checks to see if the complaint is one that we can look at under our Rules. If we can look at it, we call it an "eligible" complaint.

If the complaint is not one that we can look at under our Rules – for example because we've received it more than 12 months after the Completion of Procedures Letter was issued, then we will write to the student and the provider to tell them the complaint is "Not Eligible". We'll also explain why we cannot look at the complaint.

### **About eligibility**

Sometimes we may need to ask the student or the provider for more information, before we're able to decide whether a complaint is something we can look at. If, at any stage in the process, we decide that we cannot look at the complaint or that we can only look at part of the complaint, the student or the provider can ask us to look at our eligibility decision again by appealing within 14 days.

If the complaint is one that we can look at, it will move on to the next stage of the process.

### **Initial consideration**

As part of our initial consideration of the complaint, we will look at the information the student has provided and send a summary of our understanding of the complaint to both the student and the provider.

We'll ask the provider for any other documents or information we think we need for our review and for its comments on the complaint. We will send a copy of the provider's response to the

student, who can then send us any further comments they want to make.

Our review process is transparent, which means we share all the information we receive from the student with the provider, and all the information we receive from the provider with the student.

### **Progressing the complaint**

Next, we'll decide how best to progress the complaint. We may have enough information to reach a decision on the complaint at this stage, or we may need to talk to the student or the provider to find out more. We will also think about whether we may be able to settle the complaint.

### **About settlement**

At all stages of our process we think about whether it's possible for us to help the student and the provider agree a way to resolve the complaint without the need for a full review. We might try to settle a complaint if, for example, there's been an obvious procedural error or if the circumstances suggest that it would be better to try to resolve the complaint informally.

Reaching an agreement through settlement can mean that the student and the provider can move forward more positively and more quickly.

Outcomes reached through the settlement process have included offers to rehear an appeal or disciplinary case, offers to reinstate a student or allow a further assessment attempt and financial offers. Settlement is optional and won't be appropriate in every case. Both the provider and the student need to agree to the proposed settlement outcome.

If a student and provider agree a way to resolve the complaint, then our involvement comes to an end.

We also close our review if the student tells us they don't want to continue. A student can withdraw their complaint at any time.

### **Review**

When we have all the information we need, and where settlement is not possible, we will conduct a full review of the complaint. Our review will focus on how the provider dealt with the complaint or appeal before the Completion of Procedures Letter was issued.

To reach our decision, we look at whether the provider has properly applied its regulations and followed its procedures, and whether the procedures themselves were reasonable. We'll also look at whether the provider's final decision was reasonable.

### **Complaint Outcome**

We'll decide whether the complaint is Justified, Partly Justified or Not Justified and will explain our decision in a Complaint Outcome.

### **Not Justified**

When we say a complaint is "Not Justified" it means that we've not upheld the student's complaint. We always give reasons for our decision in the Complaint Outcome. For a Not Justified complaint, the Complaint Outcome marks the end of our processes.

### **Justified or Partly Justified**

If we decide that the complaint is Justified or Partly Justified, this means we have upheld all or part of the student's complaint. We always explain the reasons for our decision in the Complaint Outcome. We will also draft Recommendations to put things right, which the student and the provider will have the opportunity to comment on.

When we have considered any comments from the student and the provider about whether the Recommendations will be

possible and whether they resolve the complaint, we will then normally either confirm our Recommendations, amend the Recommendations or make new Recommendations. When the Recommendations have been finalised, we close the complaint.

### **Recommendations**

We normally aim to put students back in the position they were in before whatever went wrong happened. But if this isn't possible or doesn't go far enough to put things right, we can also recommend other remedies, including financial compensation or asking providers to improve their processes to stop a problem affecting other students. We expect providers to comply fully with our Recommendations.

We may also make observations or suggestions on aspects of practice where we think the provider could have done better, or where we think improvements could be made.

### **Requests to reopen**

The student or provider can ask us to consider reopening our review if they have new evidence that could not have been given to us earlier or think there is an error in the Complaint Outcome, and the new evidence or error might have seriously affected the outcome of our review.

Requests must be made within 28 days of the date of the Complaint Outcome or Recommendations.

*[End music]*

If you have any questions about the process, you can find out more on our website or by contacting us

Thank you for watching.

**END VIDEO**