



# Guidance Note

## Completion of Procedures Letters

### INTRODUCTION

The following guidance explains how and when providers should issue Completion of Procedures Letters. This guidance replaces previous OIA guidance about Completion of Procedures Letters, and should be read with the [Rules of the OIA Scheme](#), and the [Guidance Note on the Rules](#).

This guidance cannot answer every question about issuing Completion of Procedures Letters. If you have a query that is not answered by this guidance, or by other information on our website, please contact our Casework Support Team on 0118 959 9813 or e-mail [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk).

We use the term 'provider' throughout this guidance to include all members of the OIA Scheme, unless the context specifies otherwise.

We must receive a student's Complaint Form within 12 months of the date of the Completion of Procedures Letter. For example, if the Completion of Procedures Letter is dated 1 January 2019, we must receive the Complaint Form by 1 January 2020.

### 1. WHAT IS A COMPLETION OF PROCEDURES LETTER (COP LETTER)?

A Completion of Procedures Letter is a letter which a provider sends to a student when they have reached the end of the provider's internal processes, whenever there is no further avenue for the student internally. Normally a student can't complain to us without a COP letter.

### 2. WHY ISSUE A COMPLETION OF PROCEDURES LETTER?

Under our Rules the provider will send the student a letter confirming when they have completed the provider's internal processes. The provider should issue a COP Letter to the student as soon as possible, and always within 28 days, after any of its internal processes have been completed.

Issuing a COP Letter:

- fixes the date when the student has reached the end of the provider's internal processes;
- clarifies what the provider has considered under those procedures;
- advises the student of the possibility of bringing a complaint to us;
- tells the student what the deadline is for bringing a complaint to us.

### 3. WHAT ARE "INTERNAL PROCESSES"?

The Rules use the phrase "internal processes", which includes:

- student complaints,
- academic appeals,
- academic and non-academic disciplinary matters,
- fitness to practise,
- fitness to study,
- breaches of codes of conduct and regulations.

This is not an exhaustive list.

The basic principle is that the provider should issue a COP Letter at any point where the student has reached the end of the line and there are no further steps that they can take internally. In this guidance, where we refer to “complaint or appeal” we mean any internal process which might lead to a complaint to us.

## **4. WHEN SHOULD PROVIDERS ISSUE A COMPLETION OF PROCEDURES LETTER?**

Providers should issue a COP Letter at the end of complaints, academic appeals, academic and non-academic disciplinary procedures, fitness to practise procedures, fitness to study procedures, harassment and bullying procedures: in fact, at any point where the student has reached the end of the line and there are no further steps that they can take internally.

### **4.1 Complaint or appeal not upheld**

The provider should issue a COP Letter automatically at the end of the internal process, that is, when the provider issues its final decision. Students should not have to request a COP letter.

### **4.2 Complaint or appeal upheld or partly upheld**

If the complaint or appeal is upheld, or partly upheld, the provider should tell the student that they can ask for a COP Letter if they want one. The provider may set a deadline of not less than one month for the student to make this request. If the student requests a COP Letter within the deadline set by the provider, it should issue one straightaway.

If the student makes a request after the deadline has passed, then the provider should issue a COP Letter that states the date upon which the final decision was reached on the complaint or appeal. The time for bringing the complaint to us will normally run from that date, rather than the date of the COP Letter.

### **4.3 Complaints that are about more than one issue**

Students may have to follow two sets of procedures where the matters are not related. For example, if a student has a complaint about student accommodation, and is also subject to Fitness to Practise procedures, this should result in two COP Letters.

If the student raises concerns during an academic appeal that ought to have been raised under the provider’s complaints procedure then it may be necessary to follow both processes and to issue a COP letter at the end of each one.

If a student has a complaint about how the provider handled their complaint or appeal, for example a complaint about delay, they should not then have to make a separate complaint under the provider’s complaints procedure before being issued with a COP Letter.

### **4.4 Outstanding matters under the same procedures**

A COP Letter should not be issued while there are still outstanding matters under the same procedure for the provider to consider, for example, where an examination board is to reconsider the student’s results following a successful appeal.

### **4.5 There is no procedure to cover the complaint raised**

Occasionally a student may complain about a matter for which the provider has no published procedures. In such cases, the provider should issue a COP, explaining how it has dealt with the complaint.

### **4.6 Complaints and appeals arising from courses involving more than one provider or an external awarding body**

Please see section 14 of this guidance.

### **4.7 Complaints or appeals arising from events that happened before the provider became a member of the OIA Scheme**

If a student makes a complaint about events that happened before the provider became a member of our Scheme, a COP Letter should be issued setting out a brief history of the complaint, including the date when the provider became a member. We will decide whether any part of the complaint can be considered under our Rules.

### **4.8 Complaints that may not be eligible under our Rules**

A provider should issue a COP Letter even if it believes that we will not be able to review the complaint; for example, because it considers that the complaint relates to academic judgment or is about a student employment matter. This is because it is for us to decide whether a complaint is eligible under our Rules. However, it is helpful if the provider explains in the COP Letter why it thinks the complaint may not be eligible, whilst making it clear that we will decide this.

COP Letters should still be issued where the student is no longer registered at the provider as our Scheme covers former students. The provider should say in the COP Letter if it thinks the student has raised the complaint too late or if there are other reasons why we may not be able to look at it.

#### **4.9 The provider is a transitional institution**

A provider that stops being a “qualifying institution” will be known as a “transitional institution” and will continue to be a member for a period of 12 months after it stopped being a qualifying institution. The 12 month period runs from the day on which the provider stops being a qualifying institution. For example, a higher education provider which stops being a qualifying institution on 1 January 2019, will carry on being a member of the OIA until 31 December 2020.

We cannot look at a complaint about a transitional institution unless the complaint relates to events that occurred before the provider became a transitional institution. So, in the example above, we could only review complaints about events which took place before 1 January 2019. Providers in this position should continue to issue COP Letters and use the last date of membership (31 December 2020 in the example above) as the deadline for a student to bring a complaint to us. Students should be alerted to the deadline and encouraged to bring complaints to us as soon as possible.

## **5. WHEN HAVE THE INTERNAL PROCEDURES BEEN COMPLETED?**

In most cases it will be clear that the provider has made its final decision and that its internal procedures have been completed. However, there are some circumstances where this is less clear. We set out some examples below and indicate whether COP Letters should be issued. (See section 14 for examples where more than one provider is involved).

### **5.1 A COP Letter should be issued when the provider makes a decision that there are no grounds for the complaint or appeal to be escalated to the next stage of its procedures.**

If the provider has rejected the complaint or appeal at the formal stage of its process for example because the student has brought a complaint late, or an academic appeal does not fall within the permissible grounds, and there is no further appeal against that decision, the provider should issue a COP letter automatically. This is because there is nothing more the student can do internally.

Some providers’ regulations only allow a complaint or appeal to escalate to the review stage on narrow grounds such as procedural irregularity. In those cases, the provider’s decision letter should:

- explain to the student that there is a final stage, and
- explain clearly the grounds upon which the student can progress to the final stage, and
- explain that if the student does not have grounds to proceed, then they can ask for a COP Letter within a set period of time (not less than one month).

The provider should issue a COP Letter if the student requests one (because they have decided they do not have grounds to proceed to the review stage). In that case there is no need to issue a COP Letter automatically, because the student may decide that they can pursue their complaint or appeal to the review stage.

If the student asks for a COP Letter after the deadline has passed, then the provider should issue a COP Letter which states the date of its final decision on the complaint or appeal. The time for bringing the complaint to us will normally run from that date, rather than the date of the COP Letter.

### **5.2 A COP Letter should be issued when a student initiates, or attempts to escalate, a complaint or appeal outside the provider’s time limits.**

The COP Letter should explain why the complaint or appeal is out of time and refer to the relevant regulations.

If the student then complains to us, our review would normally be limited to considering whether the provider acted reasonably in deciding the complaint was out of time, and whether it followed its procedures. If we find a complaint to be Justified in these circumstances, the likely outcome would be that we would send the case back to the provider.

### **5.3 It is not normally necessary to issue a Completion of Procedures Letter if a student does not escalate their complaint or appeal to the next stage.**

If a student asks for a COP Letter because they want to bring the matter to us but they have not engaged with the provider’s procedures, the provider should respond promptly to the student, setting out clearly the next steps they can take to progress the complaint or appeal, and any deadlines that apply. It should not issue a COP Letter at this stage as internal procedures have not been completed.

If the student asks for a COP Letter and they are out of time to progress the complaint or appeal, then the provider should issue a COP Letter explaining that the student has not completed the internal processes, but that they are now too late to do so, and so there are no further steps that they can take internally.

If a student makes a complaint to us without a COP Letter, we will ask the provider to explain whether or not its internal processes are complete. If there are no further steps for the student to take internally, then we may ask the provider to issue a COP Letter setting out what has happened, or we may suggest that we treat the provider's last decision letter as a COP Letter. See [section 11](#) for more information.

**5.4 A COP Letter should be issued when the provider reaches a final decision that results in the exclusion or suspension of a student under any of its procedures, including disciplinary procedures.**

**5.5 A COP Letter should be issued when the provider reaches a final decision that results in a student being removed from student accommodation.**

**5.6 A COP Letter should be issued where a student makes both a complaint and an appeal about the same or related issues.**

The provider should issue a COP Letter in respect of each procedure, cross-referencing as appropriate. The student should be reminded that the 12 month time limit applies to both cases. We may decide to suspend our consideration of the first case in order to review both cases together.

## **6. WHAT IF THE PROVIDER MAKES AN OFFER TO THE STUDENT IN AN ATTEMPT TO SETTLE THE COMPLAINT?**

If the student accepts the offer then the provider may issue a COP Letter confirming the settlement, if the student requests one. It is very unlikely that we would agree to review a complaint in such circumstances. However each complaint will be considered on its merits.

If the student rejects the offer, or has not responded by the date the offer expires, the provider should issue a COP Letter. This should include a summary of the settlement proposals. (If they were made on a "without prejudice" basis this should be brought to our attention). The COP Letter should say whether or not the provider is willing to keep the offer open while we consider the complaint.

## **7. HOW LONG DOES THE PROVIDER HAVE TO ISSUE A COP LETTER?**

The provider should issue the COP Letter automatically after the completion of the internal processes if the complaint or appeal is not upheld.

We would normally expect the COP Letter to be issued straightaway, and not more than 28 days after the internal processes have been completed.

## **8. WHO SHOULD ISSUE A COP LETTER?**

Providers should have safeguards in place to ensure that COP Letters are issued only by authorised officers.

It is not necessary to limit authorisation to the OIA Point of Contact, but the Point of Contact should ensure that anyone issuing a COP Letter follows this Guidance.

## **9. IS THERE A SET FORMAT FOR A COP LETTER?**

Our Rules say that the COP Letter must comply with this Guidance note. There is a template for COP Letters. There is a separate [template](#) for use where the student was studying for a qualification awarded by an external awarding body such as Pearson (Edexcel). Further information about our approach to handling complaints from students on this type of course can be found in [section 14 \(point 3\)](#) and in the [Good Practice Framework: handling student complaints and academic appeals – delivering learning opportunities with others](#).

**9.1 The Completion of Procedures Letter should be headed as such, so it is clear to the student that they completed the internal processes.**

The summary of the student's appeal or complaint, and its outcome, may be contained in a separate document, such as a report of an appeal panel hearing, provided that this document is clearly identifiable, sets out the required information, and makes it clear that the student will receive a COP Letter imminently. The COP Letter should refer to this separate document.

Some providers incorporate the COP Letter in a letter to the student notifying them of the outcome of an investigation or an appeal. This is acceptable, provided that the COP Letter is issued promptly.

The COP Letter may be sent by email, but should include the provider's letter heading or logo. The email should include links to our information for students "[An Introduction to the OIA for Students](#)". The electronic version of the COP Letter must be dated.

### **9.2 The COP Letter must state the deadline for the student to submit their complaint to us.**

We must receive the student's OIA Complaint Form no later than 12 months after the date of the COP Letter. To avoid any ambiguity, the COP Letter should state the deadline date. So, if the COP Letter is dated 1 January 2019, the letter must state that the deadline is 1 January 2020.

### **9.3 It is not normally necessary to issue a Completion of Procedures Letter if a student does not escalate his/her complaint or appeal to the next stage**

It is important that the provider's regulations are clear about our role and in particular that we are independent of the provider's processes.

## **10. WHAT INFORMATION SHOULD THE COP LETTER CONTAIN?**

The information in the COP Letter helps us to ensure that the complaint we review reflects the issues the provider has considered.

The COP Letter should contain:

- A summary of the complaint or appeal the student has made to the provider;
- The title of the regulations/procedures that were applied;
- A summary of the issues considered at the final stage of the internal procedures;
- The final decision taken by the provider;
- The reasons for that decision;
- Information about the role of the OIA;
- The deadline for bringing a complaint to us.

Providers may also find it helpful to include a summary of issues which were raised but not pursued by the student, to identify any issues that have not completed its internal procedures.

The COP Letter should also draw the student's attention to any factors which the provider is aware of that mean that it is particularly important for the student to bring the complaint promptly. Examples of such factors are:

- The student is subject to deadlines for completing the course;
- The course or module the student is studying is being discontinued, or the programme is in teach out;
- The remedy the student is seeking will be impossible to implement after a certain date;
- The student has indicated that they intend to bring judicial review proceedings against the provider if they are dissatisfied with the outcome of our review.

## **11. WHAT IF A STUDENT COMPLAINS TO US WITHOUT COMPLETING THE PROVIDER'S INTERNAL PROCEDURES OR RAISES ISSUES NOT INCLUDED IN THE COP LETTER?**

Our Rules allow us, in exceptional circumstances, to review a complaint when the student has not completed the provider's internal processes and/or does not have a COP Letter.

We might decide to accept a complaint where:

- There has been undue delay by the provider in progressing the complaint, and there appears to be no prospect for early resolution;
- The provider has unreasonably refused to issue a COP Letter or where there is nothing to be gained by progressing with the internal processes;
- The student has failed to escalate the complaint or appeal in time and the provider has issued a COP Letter saying that they are now out of time to do so. In those circumstances we would consider whether the provider has acted reasonably in deciding that the student is out of time, and whether it followed its procedures;

- The student raises issues in their OIA Complaint Form that were not covered by the COP Letter and we consider that it would be pragmatic to deal with those secondary issues at the same time as the primary issues raised with the provider.

We will not normally consider a complaint that arises from information or evidence that the student has obtained after the date of the COP Letter or, where they do not have a COP Letter, more than 28 days after the student stops being a student.

## 12. COMPLAINTS THAT WE REFER TO THE PROVIDER

Where we make a Recommendation to the provider that it should reconsider a complaint or an appeal, the provider should issue a new COP Letter after it has reconsidered the matter.

## 13. WHAT IF THE PROVIDER SEEKS TO RESOLVE A COMPLAINT?

Even after a COP Letter has been issued and a complaint made to us, a provider may still try to resolve the complaint by offering to reconsider the matter or proposing a settlement. Should the provider wish to do this, it should tell us as soon as possible, as we may suspend or terminate our review. It should also keep us informed of progress and the final decision.

## 14. PRINCIPLES THAT APPLY TO JOINTLY DELIVERED COURSES, OR COURSES LEADING TO AN AWARD OF ANOTHER PROVIDER OR AWARDING BODY

This section explains which provider should issue a Completion of Procedures Letter (COP Letter) when more than one provider is involved in considering a complaint or appeal. There is also guidance on what to include in COP Letters issued to students who are studying for a qualification that is awarded by an awarding body that is not a member of the OIA Scheme.

For a more detailed discussion about handling complaints and academic appeals in this context, including transnational arrangements, please refer to the [Good Practice Framework: handling student complaints and academic appeals – delivering learning opportunities with others](#).

Where a provider is issuing a COP Letter to a student studying at another provider, it is particularly important for the COP Letter to refer to the regulations under which the student's complaint or appeal was considered, setting out clearly what the provider considered at the final stage, as well as the issues addressed by the other provider.

It is also helpful for the COP Letter to refer to the agreement between the providers that sets out the responsibilities of each of them. This helps us to focus our review on what the provider looked at (or should have looked at), rather than underlying issues that may be the responsibility of another provider.

### 1 Joint and dual awards: two or more member providers collaborate to teach a programme of study leading to one joint award, double or multiple, or dual awards

In these arrangements, the partners decide between themselves how to handle internal procedures. The agreement between the providers should set out which provider is responsible for overseeing these procedures. That provider should issue the COP Letter at the end of the relevant procedure enabling the student to complain to the OIA should they wish to do so.

### 2 A student is studying at a member provider for a qualification that is awarded by another body

*Where the awarding body is a member of the Scheme*

Students may be studying at one provider (the 'delivery provider') for an award made by another provider (the 'awarding provider'). Where both the delivery provider and awarding provider are members of our Scheme, the student may be able to complain about acts or omissions of either or both of them.

The same applies if the student is studying at more than one delivery provider, or the award is made by more than one awarding provider.

The agreement between the providers should set out the obligations and responsibilities of each provider, including for handling student complaints and academic appeals and other procedures. We will take a pragmatic approach in reviewing complaints involving more than one member provider and will deal with them on a case by case basis.

The basic principles which apply are:

- i. Where the awarding provider is responsible for the final stage of the process, an internal procedure has only been completed for our purposes once the awarding provider has considered the complaint or appeal.

- ii. The awarding provider should conduct the final review stage of academic appeals and should issue the COP Letter at the end of that academic appeals process.
- iii. Where the complaint relates to the academic standards and/or quality of the learning opportunity, the awarding provider should deal with the review stage of the complaints procedure and should issue the COP Letter at the end of that complaints process.
- iv. Where the delivery provider manages the learning opportunity on a day-to-day basis, it is good practice for it to handle complaints arising from those day-to-day matters which are within its control. It should issue the COP Letter at the end of that complaints process as the student will not be able to complain to the awarding provider.

*Where the awarding body is not a member of the OIA Scheme*

Students may be studying at a member provider for a qualification awarded by an external awarding body which is not a member of our Scheme; for example, an HNC or HND awarded by Pearson (Edexcel).

The member provider should issue a COP Letter to a student on this type of course at the end of any internal procedure, in the usual way. (NOTE: Students can only complain about some providers if they are on a higher education course. These providers are identified on our list of members).

If the student then complains to us, we will decide whether the complaint relates to: (1) an act or omission of the member provider relating to the service provided which falls within our remit; or (2) the overall quality or standards of the qualification itself. We will normally forward complaints falling into category (2) to the relevant awarding body.

Our template COP Letter for students studying on this type of course provides some explanatory text which should be included. Further information can also be found in The Good Practice Framework: handling student complaints and academic appeals – delivering learning opportunities with others.

**3. A student is studying at a provider (the delivery provider) that is not a member of the OIA Scheme, undertaking a course of study or programme of research which leads to one of a member provider's awards.**

We expect the agreement between the delivery provider and the awarding member provider to set out the responsibilities of each provider. Arrangements will vary, but the awarding member provider would normally be responsible for the final stage in the academic appeals process. It is likely to be responsible for complaints relating to academic standards, and may also accept complaints about other issues. Depending on the nature of the agreement, the awarding member provider may be responsible for all aspects of course delivery.

The agreement should set out the circumstances in which a student can escalate their complaint or appeal to the awarding member provider for consideration. The awarding member provider should issue a COP Letter at the end of any case which it has considered.

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