



office of the
independent
adjudicator

Non-payment of OIA subscriptions

s. 15 (3), Part 2 Higher Education Act 2004 specifies that the governing body of every qualifying institution in England and Wales must comply with any obligation upon it by the designated operator (the OIA) and this includes any obligation to pay fees to the OIA.

Our Rules also set out a requirement for providers to pay subscription fees which may include a case-related element.

Condition C2 of the Office for Student's regulatory framework says that providers falling under their remit must "co-operate with the requirements of the student complaints scheme run by the Office of the Independent Adjudicator for Higher Education, including the subscription requirements". Our Rules also apply to providers who joined our Scheme under the Non-Qualifying Institution protocol.

We may decide that non-payment of core subscriptions or case fees constitutes non-compliance with our Scheme, the regulatory framework and legislation. This document sets out the procedures we will follow where the provider does not pay its core subscription or case fee.

Procedure

- Points of Contact and Subscription Points of Contact (where appointed) are sent invoices at relevant times which set out the subscription or case fee payable, how to make payment and the deadline by which this payment needs to be made.
- Where a provider is no longer trading we will also inform relevant credit collection agencies of outstanding debt.
- If payment is not made, in the first instance we will send a reminder with a new deadline for payment. We will issue at least two further reminders.
- If the outstanding fees are not paid, or the provider tells us that it does not intend to pay the outstanding amount, we will write to warn the provider that if it does not pay the outstanding amount it will be in breach of our Rules, the regulatory framework (if relevant) and Higher Education Act 2004 and may be reported to our Board.

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- If there is still no payment we will (depending on the provider's organisational structure) send a copy of this letter to the Vice Chancellor, Principal or equivalent, and to the OIA Chief Executive. At this stage we may also contact, as relevant, the Office for Students, the Department for Education, the Welsh Government or other regulatory bodies for help where possible with collecting the debt. They may decide to contact the provider directly.
- If we still do not receive payment we may write to the Chair of the provider's governing body confirming that we consider this to be a failure to comply with the Scheme. The provider will be given a final opportunity to pay the outstanding subscriptions.
- If payment is still not received, the Chief Executive may report the provider to our Board for non-compliance. It may also be reported in the next published Annual Report, and may be reported elsewhere in the interim. Information about non-compliance will also be included in our Annual Statements.
- After this stage we will confirm to the relevant regulatory bodies and government department that the provider is formally non-compliant with our Scheme, in breach of legislation and any relevant regulatory conditions of registration. This is part of our role in the wider regulatory framework and would inform systemic judgments being made by other organisations about the provider.

We reserve our right to take legal action to recover any outstanding payments.

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