

Schedule 6

OIA Biennial Activity Report for Period 1 October 2021 to 30 September 2023

Information which an ADR entity must communicate to relevant competent authority every two years

(a) the number of disputes received by the ADR entity and the types of complaints to which the disputes relate;

No. enquiries received (total)	No. disputes received (domestic)	No. disputes received (cross-border)	No. disputes received (total)	No. disputes accepted (domestic)	No. disputes accepted (cross-border)	No. disputes accepted (total)
6978	4176	1576	5752	3347	1297	4644

The reporting category of 'enquiries' includes those that have no relation to cases, and those related to a case before it is submitted. Those enquiries received related to a case (dispute) once it has been submitted are not included as they are part of our casework. We are not able to break the enquiries category down into domestic or cross-border sub-categories as, by their nature, we do not collect sufficient data during such interactions to be able to do so. We have not included cases which record a cancelled status (representing cases raised in error).

Types of disputes:

	Domestic	Cross-border	Grand Total
Service Issues	1598	372	1970
Academic Appeal	1483	832	2315
Financial	244	73	317
Equality law / Human rights	175	18	193
Welfare / Non-course service issues	181	41	222
Disciplinary matters (academic)	125	150	275
Disciplinary matters (non-academic)	148	37	185

Fitness to practise	85	5	90
Other	131	45	176

On our Complaint Form we ask students to answer the following question: "when you applied for your course, were you: Resident in the UK; or Resident outside the UK. If you are unsure, please explain your circumstances." If students do not complete this question, we write to them asking them to do so. However, students who have withdrawn their complaint or whose complaint we have ruled not eligible, may not respond. For the purposes of this report we have included the "not specified" in the "domestic" column. These figures do not include a small number of cases that are still early in the process and so do not have case categories recorded.

- (b) the percentage share of alternative dispute resolution procedures which were discontinued before an outcome was reached;

Reason	No. disputes discontinued	Percentage discontinued
a) the consumer has not attempted to contact the trader first	849	77%
b) the dispute was frivolous or vexatious	19	2%
c) the dispute had been previously considered by another ADR body or the court	14	1%
d) the value fell below the monetary value	0	0%
e) the consumer did not submit the disputes within the time period specified	44	4%
f) dealing with the dispute would have impaired the operation of the ADR body	19	2%
g) other (enquired too early, not yet complained to trader, trader not member, advice call etc)	151	14%

Because of the change in terminology to 'discontinued' and the additional detail requested, we have not included in this section those cases that were 'settled' or 'terminated'. We consider such cases to have closed, and therefore reached an 'outcome' as a result of our involvement as the ADR body, they are reflected elsewhere as relevant.

The categories of Rejected for operational reasons, Case withdrawn by consumer, Case withdrawn by trader, Solution reached without ADR and The trader was not a member of the ADR scheme, are included under (g) other.

(c) the average time taken to resolve the disputes which the ADR entity has received;

	Domestic	Cross-border	Total
Average time taken to resolve disputes (from receipt of complaint)	133	117	125
Average time taken to resolve disputes (from 'complete complaint file')	13	11	12

We are pleased to note a slight decrease in the average time taken to resolve disputes from receipt of the complaint since the last reporting period (October 2019 - September 2021).

We continue to work towards reducing the overall time taken to resolve disputes across our scheme. Our commitment to reducing the timescale to resolve disputes is an ongoing organisational priority.

(d) the rate of compliance, if known, with the outcomes of its alternative dispute resolution procedures;

Percentage of provider compliance: 100%

(e) any recommendations the ADR entity may have as to how any systematic or significant problems that occur frequently and lead to disputes between consumers and traders could be avoided or resolved in future;

Detailed information on the trends and common themes that we see in the complaints we review is provided in our Annual Report (<https://www.oiahe.org.uk/media/2832/oia-annual-report-2022.pdf>). This includes a specific section on trends in complaints and themes in our casework.

We have seen a reduction in the proportion of our complaints that relate to service issues, in part because fewer new complaints relate to the impact of the Covid-19 pandemic. However, we have not identified any "systemic or significant problems" that occur frequently sector wide. Where we have identified information about potential systemic issues within individual providers, we have shared this with the relevant sector regulators, the Office for Students and Higher Education Funding Council for Wales.

We continue to develop new and update existing elements of the Good Practice Framework (<https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/>). For example, following consultation with the sector, we issued a revised version of the 'Handling complaints and academic appeals' section of the framework in December 2022. In 2023/24, we are consulting on the 'Delivering learning opportunities with others' section of the framework.

Our programme of outreach work continues to expand, and we continue to make in person/virtual visits to providers and student representative bodies. In February 2023 and September 2023, we published casework notes and case summaries on complaints relating to a specific case area (academic misconduct and non-academic misconduct respectively). All with the focus on our vision of fairness for students across the higher education sector.

(f) This point has been removed in amendments on 1 January 2021

(g) where the ADR entity provided training to its ADR officials, details of the training it provides;

Formal training sessions:

<i>Title</i>	<i>No. of ADR Officials</i>	<i>Date</i>
Safeguarding	22	11/11/2021
Safeguarding	17	23/11/2021
Disability in the workplace	1	January 2022
Management training	2	13/03/2023
Leadership training	1	17/03/2023
Effective telephone and video calls	31	27/03/2023
Effective telephone and video calls		30/03/2023
Effective telephone and video calls		03/04/2023
Effective telephone and video calls		19/04/2023
Safeguarding	16	26/04/2023
Safeguarding	29	11/05/2023
Mentor Training PT1	36	16/05/2023
Mentor Training PT1		17/05/2023
Mentor Training PT2		14/06/2023
Mentor Training PT2		15/06/2023
Managing Distressed Students	73	18/07/2023
Managing Distressed Students		14/09/2023
Managing Distressed Students		26/09/2023
Data Protection	101	19, 21, 26 June 2023 31 August 2023

We also provide training for ADR Officials through a series of 'knowledge booster' peer led sessions on various issues arising from complaints in the sector and elements of our complaint handling process. In this reporting period the topics covered have included:

Knowledge Boosters

- Covid-19 approach (x2)



- Settlement (x2)
- Judicial Review
- Service failure, Prospectus and Consumer Rights
- Non-academic misconduct
- Online Behaviour
- Good Practice Framework – request for additional consideration
- Dynamics (x4) and Aptean Respond

These have been complemented by periodic 'cases of interest' sessions. Within this reporting period, these have covered issues related to: Misconduct and Freedom of Speech.

External sessions and other training

- UKCISA – fee assessments
- Neurodiversity
- The role of the Quality Assurance Agency in HE
- Students' Consumer Rights
- Mediation in HE.
- Antisemitism Awareness
- Casework competency workshop
- Effective call handling
- Whole office away day
- We also provide a comprehensive induction programme for new case-handlers that includes topic specific sessions. Existing case-handlers are welcome to join in with these sessions where needed to refresh their knowledge.

- (h) an assessment the effectiveness of an alternative dispute resolution procedure offered by the ADR entity and of possible ways of improving its performance.

We provide information about the effectiveness of our scheme for reviewing individual complaints, independently, fairly and effectively and our work in enhancing practice in the higher education sector in our annual reports for 2021 and 2022

(<https://www.oiahe.org.uk/resources-and-publications/annual-reports/>) and on our website (<https://www.oiahe.org.uk/>).

We are continually working towards improving the service that we offer and promoting good practice. For example, over this two year reporting period, we have:

- Maintained the resources available on our website, including the 'bite size OIA' area with information on our process and how we operate for students and providers, and 'toolkits' for student representative bodies and providers.
- Developed and published a revised section of our Good Practice Framework guidance (<https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/>), covering 'Handling complaints and academic appeals'.
- Continued with our outreach programme of webinars, workshops, focus groups, visits and discussions.
- Produced briefing notes, guidance, case summaries, statement responses and other helpful information for students and providers on our approach to complaints , including:



- Statement on complaints involving sexual misconduct in response to open letter from The 1752 Group.
- Statement in response to the report of the Parliamentary Taskforce on Antisemitism in Higher Education.
- Statement in response to the report Higher Education After #MeToo.
- Statement in response to High Court judgment in student group claim.
- Statement in awarding organisations and Memorandum of Understanding with Ofqual.
- Statement on a member provider closure.
- Responding to the cost of living crisis: learning from complaints.
- Our responses to UUK Guidance for addressing staff to student sexual misconduct, and to UUK guidance on sharing personal data in harassment cases.
- Casework note and summaries on complaints relating to pregnancy, parenthood & childcare, complaints relating to academic misconduct and complaints relating to non-academic misconduct.
- Engaged with consumers using our scheme at the mid-point and end of our process to gather feedback on the service we provide, taking the learning from these surveys, and from service complaints, forward to inform our case-handling practices.

We have made over 1,300 Recommendations across more than 550 individual cases, relating to over 125 providers. Of these 1000+ were student focused, aimed at putting things right for the student. With a further 250+ focused on good practice for the provider to ensure that similar matters did not reoccur.

We also take learning from the complaints that we see forward in our wider interactions in the higher education sector. For example through open communication with regulators, PSRBs and other sector bodies.

Please add any additional information or data you think might be useful or interesting at the bottom of this report.

We are members of the Ombudsman Association and the European Network of Ombuds in Higher Education (ENOHE) and regularly share learning and reflect on issues within the ombuds and higher education sectors. We have adopted the Ombudsman Association Casework Competency Framework.

In January 2023, we changed to a new case handling system (Dynamics). This has been a significant change for the organisation. The change has improved the security of how we share information about complaints with the parties, and brings increased flexibility to how we can manage and report on casework data.