



# PROVIDER TOOLKIT



[www.oiahe.org.uk](http://www.oiahe.org.uk)



office of the  
independent  
adjudicator



# Welcome to our Scheme

This toolkit is designed to help providers that are new to the OIA to understand their membership and how our Scheme works. It should also be helpful to Points of Contact and other relevant staff at providers who are new to our Scheme. Whoever you are, welcome to the OIA!

➡ View our [welcome video message](#).

All this information and more is available on our website, but we hope this toolkit will give you some of the key information you need to understand who we are and how our Scheme works. Our Bite Size OIA videos also cover some of the topics included here and are helpful alongside this toolkit.

➡ View our webinar - '[Our role, what we do and how we do it](#)'.

As well as some essential information about our Scheme, this toolkit includes information about:

- ▶ What membership means for a [provider's internal procedures](#).
- ▶ [Who can complain](#) and what types of complaints [we can and can't look at](#).
- ▶ [How we review complaints](#) and what we can do to [put things right](#) when something has gone wrong.
- ▶ Our [outreach programme](#).



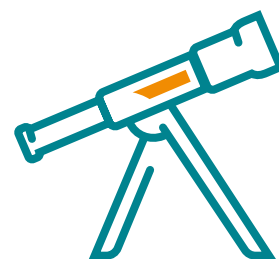


# THE BASICS

## Who we are and what we do

We review complaints from students about higher education providers in England and Wales. We also share our learning from complaints with providers and student organisations as an important part of improving practice.

Our vision is that students are always treated fairly. Our service is independent and our process is impartial and transparent.



- ➡ Read more about [our Scheme](#) and how it was set up on our website.
- ➡ Read about [our organisation](#), our values, our strategy and the way we are governed.
- ➡ Find out more about our role in the [HE regulatory framework](#).

## Our members

Section 11 of the Higher Education Act 2004 defines those providers, known as “qualifying institutions”, which are required to be members.

The letter we sent to your provider when it joined our Scheme explains why and when it was brought into membership. Some providers have been members since our Scheme began.

Students can complain to us about anything the provider did or failed to do from the date it became a member of our Scheme, as long as the complaint is one we can look at under our Rules.



- ➡ Learn more about [membership](#), find out what happens when a provider stops being a member of our Scheme and search for other members.
- ➡ If you can't find your provider's membership letter, or if you have any questions about your provider's membership of our Scheme, email [membership@oiahe.org.uk](mailto:membership@oiahe.org.uk).

# Our Rules

Our Rules set out:

- ▶ How our Scheme works
- ▶ Who can complain
- ▶ What we can and can't look at
- ▶ How we review complaints
- ▶ What higher education providers must do.



The [Guidance note](#) that accompanies our Rules explains how we apply them and what some of the terms we use mean.

It is important that members comply with the Rules of our Scheme and that their procedures and regulations are compatible with our Rules.

- ➔ Read more about [our Rules](#) on our website.
- ➔ [Our glossary](#) contains brief explanations of some of the terms we use regularly and gives a broad definition of what we mean when use them.

# How we are funded

It's free for students to complain to us. We are funded by compulsory subscriptions from our members. There are two elements to the subscription fee: a core subscription and a case-related element. The case related element is not linked to whether we uphold the student's complaint.

- ➔ Find out more about [subscriptions](#), case points and how we calculate the case-related element.



# How we keep in touch

We ask each provider to nominate a Point of Contact (POC) for us to deal with. A POC's main role is to liaise with us about individual complaints and to respond to our requests for information. We recommend that providers also nominate a POC Delegate who will be able to help us if the POC isn't available for any reason.

If your provider is a new member of our Scheme, please let us know who will be acting as our POC and POC Delegate as soon as you can by emailing us at:

➡ [membership@oiahe.org.uk](mailto:membership@oiahe.org.uk).

➡ Learn more about the role of a [Point of Contact](#) and explore the information for POCs on our website.

We create a MyOIA account for each member provider. When we know who will be acting as our POC we will send them login details for the provider's account. Providers can use MyOIA to track complaints, manage contact details and add other users. Existing members of our Scheme can use MyOIA to let us know about any changes to our POC or POC Delegate.

➡ Learn more about [MyOIA](#).

As a provider Point of Contact or Delegate, we will send you a monthly update – our Update for Points of Contact – which will include important information and reminders specifically for Points of Contact. You will receive this automatically via email. Please make sure to take time to read these updates.

We also publish e-newsletters include more general updates about our work. Please check that your email settings allow these to come through to your inbox. We send the e-newsletters to Points of Contact and Point of Contact Delegates automatically, but any other staff who are interested in receiving them can also subscribe via our website.

➡ View our latest [e-newsletters](#), [Point of Contact updates](#) and [subscribe](#).





# PROVIDERS' INTERNAL PROCEDURES

Providers need to have internal procedures in place to deal with the different things that can happen during a student's studies. This is not a full list, but these procedures may include processes related to:

- ▶ student complaints
- ▶ academic appeals
- ▶ academic and non-academic disciplinary issues
- ▶ fitness to practise
- ▶ fitness for study
- ▶ breaches of codes of conduct and regulations.



# Completion of Procedures Letters

We normally expect students to complete their provider's internal procedures before they complain to us. This gives the provider the opportunity to investigate and, where appropriate, put things right.

When a student has reached the end of the provider's procedures and there are no further steps that they can take internally, the provider should issue a Completion of Procedures (COP) Letter in line with our published guidance.

Our Completion of Procedures Letter guidance note explains in more detail when providers need to issue Completion of Procedures Letters and what information should be included.

In [exceptional circumstances](#) we might decide to review a complaint even though the student hasn't completed the provider's internal procedures or doesn't have a COP Letter.

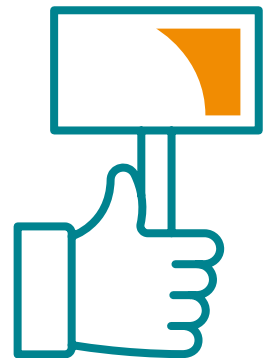
➡ Learn more about our [Completion of Procedures Letter Guidance](#).



## Signposting students to our Scheme

It's important that students know we may be able to independently review their complaint if they are unhappy with the outcome of the provider's procedures. As well as making sure that they give students a Completion of Procedures Letter when there are no further steps that they can take internally, providers also need to make sure their regulations give clear information about our Scheme.

➡ There is [guidance](#) on our website to help providers do this.



# Good Practice Framework

Our Good Practice Framework (GPF) is a guide to handling complaints and academic appeals in higher education in England and Wales, which was developed in consultation with providers, students' unions and higher education and complaints handling organisations. The GPF has ten core principles and contains good practice guidance to help providers design and operate internal procedures. A provider's procedures should be consistent with the guidance and principles set out in the GPF. The various sections of the GPF inform the way we review complaints related to those procedures.



- ➔ Explore the different sections of our [Good Practice Framework](#). Are your provider's procedures consistent with the guidance?

## How the sections fit together

### Good Practice Framework

- ... Principles
- ... Bias

Handling complaints and academic appeals

... Delivering learning opportunities with others

... Supporting disabled students

... Requests for additional consideration

... Disciplinary procedures

... Fitness to practise

## Principles of the Good Practice Framework

- ▶ Accessible and clear
- ▶ Fair, independent and confidential
- ▶ Inclusive
- ▶ Flexible, proportionate and timely
- ▶ Improve the student experience

# Delivering learning opportunities with others

Some members will be delivering learning opportunities with others. Your provider may deliver courses leading to the award of another provider, or it may be an awarding or validating partner to another provider. The partner provider may also be based in England or Wales, or it may be based overseas. Member providers and their collaborative partners should work together to make sure that students are properly signposted to our Scheme. The procedures should clearly set out whether, when, and how the student can take their complaint or appeal to an awarding partner.

The Delivering learning opportunities with others section of the GPF contains operational good practice guidance on dealing with complaints and appeals when working with others. Our [COP Letter guidance](#) note also includes information for providers on issuing COP Letters when delivering learning opportunities with others.



▶ Read our [Delivering learning opportunities with others](#) section.





# OUR PROCESS

## Who can complain?

We can look at complaints from students and former students. A student is someone who is or was registered at a higher education (HE) provider, or someone who is or was studying for one of the provider's awards. The term "student" can also include trainees and apprentices.

Students at some providers, such as universities, can complain to us no matter what course they were studying on. Students studying at other providers can only complain to us if they are or were on an HE level course. The information on our website about each provider explains if its students need to be on an HE course to be able to complain to us.



### Find out more:

- ▶ [Who can complain?](#)
- ▶ [Search for a member](#)





# What we **can** and **can't** look at

Students can complain to us about anything a provider has done or failed to do. This might be about a programme of study, a service or a final decision of the provider's disciplinary or appeal body.



## Complaints we can look at include but are not limited to:

- ▶ Academic appeals
- ▶ Accommodation
- ▶ Bullying and harassment
- ▶ Disciplinary matters (including plagiarism)
- ▶ Discrimination
- ▶ Extenuating circumstances
- ▶ Fitness to practise processes
- ▶ Placements
- ▶ Procedural irregularities
- ▶ Research supervision
- ▶ Teaching provision and facilities
- ▶ Unfair practices
- ▶ Welfare



## Under our Rules there are some complaints we can't look at and other complaints we may decide not to look at, for example:

- ▶ Admission issues - unless they are a former student of a higher education provider who is applying for re-admission, and the complaint is related to their time as a student.
- ▶ Academic judgment – for example the final mark of a piece of work (but we can look at the marking process e.g. bias)
- ▶ Student employment
- ▶ Ongoing legal proceedings – unless they've been put on hold
- ▶ Issues considered by another alternative dispute resolution (ADR) body

➡ Read more about [our Rules](#) about what we can and can't look at on our website.

# How does a student complain?

## Will the provider know the student has made a complaint?

Students have 12 months to bring a complaint to us. This is a strict deadline and the clock normally starts from the date the COP Letter was issued. The student only needs to send us the COP Letter and their completed and signed Complaint Form. They can complete our Complaint Form online via our MyOIA portal. Providers can also use MyOIA to track complaints about them.

We will decide whether the student's complaint is one we can look at under our Rules and will let both the student and the provider know.



## Our review

If we decide we can look at a complaint, it will normally progress through several stages of our review process before we decide on the outcome. Our process flow-chart provides a visual guide of how our Scheme works.

We will send the provider a copy of the student's complaint and both the student and the provider will have the chance to comment. We usually look at the provider's final decision and ask to see the information and documents which were part of the process it followed. When we review a complaint we normally ask:

1. Did the provider follow its own procedures?
2. Were the procedures fair?
3. Was the provider's final decision reasonable?

### ➔ Learn more about how we review complaints:

- ▶ Take a look at [our process flow-chart](#)
- ▶ Find out more about [our approach and process](#)
- ▶ Read our guidance for POCs on responding to our [requests for information](#)
- ▶ Our [case summaries](#) give examples of the complaints we receive and the decisions we make
- ▶ Watch our [Bite Size OIA](#) video on the process of a complaint



# Settlement

We always try to resolve a complaint at the earliest stage we can. We might try to settle a complaint if there's been an obvious procedural error that could have had an impact on the case, or if any of the circumstances suggest settlement might be a better way to resolve the issues informally. If we settle a complaint, we normally won't need to conduct a full review or issue a Complaint Outcome.

➔ Find out more about our approach to [settlement](#).



# Our decision: the Complaint Outcome

We will decide whether the complaint is Justified, Partly Justified or Not Justified and will explain the reasons for our decision in a Complaint Outcome. The Complaint Outcome is sent to both the student and the provider.

➔ Find out more about [our decision](#).



# Putting things right

If we decide the complaint is Justified or Partly Justified, we will usually make one or more Recommendations to put things right for the student and/or to improve practice at the provider.

## **Student focused Recommendations:**

Wherever possible, we will try to make Recommendations that put the student back in the position they were in before the events complained about happened. While we'll take the student's preferred remedy into consideration, this may not always be realistic or within the remit of our Scheme (for example, if it involves academic judgment or a request for disciplinary proceedings against individual member/s of staff).

## **Some examples of practical remedies we may recommend include:**

- ▶ Re-running a process that was affected by procedural flaws or possible bias.
- ▶ Offering a fresh assessment opportunity.
- ▶ Re-marking work following the correct assessment procedures.
- ▶ Offering an apology.

If practical remedies aren't available or appropriate, we may consider other remedies – such as financial compensation.

## **Good practice Recommendations:**

We can also recommend that a provider changes the way it does things so that problems don't happen again, for example changing a procedure or regulation that disadvantages students or recommending that staff undergo specific training.

Both the student and the provider have the chance to comment on the practicality of our Recommendations before we confirm them. Once the Recommendations have been confirmed, providers must comply with them within any deadline that has been set.

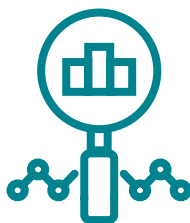
- ➡ Learn more about our approach to [putting things right](#), including our approach to financial compensation.
- ➡ In our experience, providers almost always comply with our Recommendations or information requests. If we are concerned about any potential issues with compliance, we will follow the process set out in [Following up casework-related compliance](#).



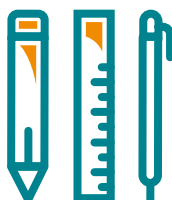
## Find out more about our approach and the complaints we review



- ▶ Our [Annual Reports](#) include information about the complaints we dealt with that year, including trends, common themes and examples of the Recommendations we made.



- ▶ We publish an [Annual Statement](#) for each member provider. The statement includes information about the provider's record in handling complaints and appeals that year.



- ▶ In addition to our Good Practice Framework, from time to time we also publish briefing notes with more information about our approach to different types of complaint. You can find these, along with case summaries, guidance leaflets, key resources and other important news and updates on the [Resources and Publications](#) pages of our website.



# OUTREACH

Some providers may not have many complaints with us. But we want all of our members to benefit from our good practice guidance and opportunities to participate in our outreach activities. Every year, we run a series of outreach events, which include visits, webinars and workshops. All our webinars and workshops are free and open to staff at member providers and associated student representative bodies (SRBs). They are a good opportunity for you to share your thoughts and experiences with colleagues from other providers and SRBs, as well as with us. We are currently developing [Bite Size OIA](#), which is a series of videos about our Scheme, process and guidance that you can access whenever you need to.

If you have any questions about good practice or our Scheme, you are very welcome to get in touch. You don't need to wait until we receive a complaint.

➡ [Discover more](#)

➡ [outreach@oiahe.org.uk](mailto:outreach@oiahe.org.uk)



## GET IN TOUCH

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