

Operating Plan for 2023



office of the
independent
adjudicator

Our charitable purpose is to advance education for public benefit through the independent review of student complaints in England and Wales and by using learning from complaints to help improve policies and practices.

Our strategy identifies four key priorities through which we fulfil our purpose and work towards our vision that students are always treated fairly.

Our Operating Plan for 2023 sets out what we plan to do this year to advance each of our strategic priorities and what we intend to have achieved by the end of the year. It includes both ongoing areas of work and new initiatives.

Students and the higher education sector are continuing to face very challenging circumstances and this will be a key context for our work in 2023. Our Operating Plan for the year anticipates this and the further developments that we expect across all aspects of our work. We continue to respond to the sustained year on year increases in our case receipts and prepare for possible further rises. We are continuing to try to make our service available to all who could benefit from it, in ways that are accessible to them. The influence of our good practice work and our role as an integral but independent part of the regulatory framework continues to help us to promote greater fairness for students. We take a flexible, innovative and outward-looking approach to developing our work, in ongoing dialogue with our stakeholders. All of this means that we need to continue to progress as an organisation so we can maximise the positive difference we make to students and the sector.

To review student complaints independently, fairly and effectively

The number of complaints we receive continues to rise year on year, representing a substantial cumulative increase in our caseload. Managing this increased caseload effectively remains a top priority and a vital part of our commitment to providing a trusted, accessible and responsive service for reviewing student complaints.

We will continue to look for ways to improve our case-handling. We will use learning from our quality assurance processes and insights from feedback and our good practice work to continually improve what we do.

We will continue to consolidate work to cultivate kindness in all that we do, especially in how we communicate and how we support students in using our service. We will continue to listen to students who bring their complaints to us and to be responsive to what they tell us.

What we plan to do	What this will look like
We will provide a timely service, responding promptly to enquiries, letting students know as soon as possible whether we can look at their complaint, and resolving complaints as quickly as we can.	We meet our key performance indicators (KPIs) for the timeliness of our case-handling process: <ul style="list-style-type: none">◆ Responding to 95% of enquiries within two working days◆ Making 90% of eligibility decisions (or requesting further information) within 10 working days◆ Closing 75% of cases within six months of receipt.
We will use risk-based and proportionate quality assurance mechanisms to evaluate the quality of our processes and the decisions we reach, using what we learn to improve what we do.	We monitor the quality of our processes and decisions. We feed learning back into continuous development of our case-handling practice.
We will continue to develop the skills of our case-handlers.	We provide support and training for case-handlers so that they are well equipped to review all cases allocated to them effectively and impartially, building on the Ombudsman Association's Caseworker Competency Framework.

What we plan to do	What this will look like
We will continue to encourage case-handlers to try to settle cases whenever it is appropriate.	We try to settle cases where this would be a reasonable and realistic potential outcome, meeting our KPI of settling 10% of our cases.
We will continue to take an adaptable approach to our reviews and to empower case-handlers to use our processes flexibly.	We handle cases in a way that is responsive to both the needs of the individual student and the nature of the case. We continue to improve our case-handling processes, building on learning from previous initiatives. We encourage case-handlers to take a proportionate approach to each individual case and to resolve complaints at the earliest opportunity.
We will support students to fully participate in our review process through actively listening to what they tell us and explaining what we are doing.	We continue to offer students the opportunity to discuss their complaint with us so we understand their concerns before we reach our decision. We communicate with students throughout our review process so they are supported and understand what is happening with their complaint. We can offer video calls where appropriate.
We will listen to what students and others tell us about how they experience our service and use this to further improve what we do.	We consider the feedback students and others give us about our service and identify and implement learning from this.
We will work with higher education providers to maintain a high level of compliance with our Recommendations.	We maintain our strong track record on compliance and meet our KPI of compliance with 85% of student-centred Recommendations by the target date.
As the designated alternative dispute resolution (ADR) body for higher education complaints, we will continue to comply with the requirements of the ADR Regulations.	We continue to meet the standards and reporting requirements expected of us as the ADR body.

To share learning from complaints with higher education providers, student representative bodies and others, to help improve policies and practices

We will continue to develop our successful outreach programme and our good practice work. We will monitor the effectiveness of what we do and assess its impact so that we can focus our resources on what works well. We want our good practice work to reach everyone who can benefit from it, in ways that are helpful to them.

We will engage with live issues affecting providers and students, listening to their experiences and developing and updating our good practice guidance based on learning from the complaints we see.

What we plan to do	What this will look like
We will continue to share learning from our work through publishing information and guidance.	We publish information about our approach and learning from the complaints we see, for example in casework notes and case summaries, and in resources for providers and student representative bodies.
We will continue to deliver our outreach programme in ways that best enable providers, student representative bodies and others to access and benefit from learning from complaints, while making effective use of our resources.	We continue to develop our outreach programme and the resources available on our website. We run 16 online events. We balance our online provision with face-to-face outreach, trialing hybrid delivery of some activities. We use feedback from participants to inform the topics we cover and the way we deliver them. We take other opportunities to share learning from complaints, for example through contributing to sector events.
We will continue to reach out to student representative bodies including through relevant networks and forums, and offer tailored outreach and resources.	We continue to deliver outreach events and provide good practice resources focusing on the role of student representative bodies in complaints and appeals. We hold 10 discussion groups with student advisers, and engage with student officers and others in student representative bodies as part of our outreach visits.

What we plan to do	What this will look like
<p>We will support students' awareness and understanding of our service and when they can complain to us.</p>	<p>We take steps to improve our understanding of why students sometimes come to us prematurely, and to promote students' understanding of our remit and approach and when they can complain to us, including through working with providers and student representative bodies.</p> <p>We give students who contact us the option of discussing their case with us before deciding whether to bring their complaint to us.</p>
<p>We will further develop our understanding of differences in students' experiences in relation to complaints, both within providers and in complaints to us. We will use what we learn to help improve practice.</p>	<p>We hold 10 student discussion groups to explore students' different experiences and perspectives. We look at what we can learn from the complaints we receive. We share relevant learning with the sector and use it to inform our own practice.</p>
<p>We will continue to promote effective support for disabled students.</p>	<p>We continue to share learning on supporting disabled students, including working with the Disabled Students' Commission to promote good practice in handling complaints brought by disabled students.</p>
<p>We will work with the Good Practice Framework Steering Group to review and update the Good Practice Framework: Delivering learning opportunities with others, consult on it and publish it.</p>	<p>We publish the updated Good Practice Framework: Delivering learning opportunities with others after consultation by the end of the year.</p>
<p>We will engage with the tertiary sector in Wales to understand the context of complaints and appeals from further education students, in preparation for our extended remit.</p>	<p>We engage with relevant organisations in Wales to learn more about how further education complaints are currently handled, and what the different needs of further education students might be, and use this to inform our preparations for our extended remit.</p>

To work effectively with others and influence policy and practice in the wider regulatory framework for higher education and in the ombuds sector

We are recognised for our unique role, and for our independence and expertise. We will continue to work with governments and key organisations in the sector and beyond as we play our part in the regulatory framework, balancing our independence and our interdependence with other organisations.

We will use our influence to help to increase focus on the student voice and experience, and to bring our expertise to the debate about live and emerging policy issues in the sector. We will work to extend access to our service to as many as possible of those who could benefit from it.

We will continue to be active members of the Ombudsman Association (OA) and of the European Network for Ombuds in Higher Education (ENOHE), sharing our learning and learning from other schemes.

What we plan to do	What this will look like
We will continue to work with the Welsh government and other key stakeholders, including the Commission for Tertiary Education and Research (CTER) once established, to make our service available to students across the post-compulsory education and training sector in Wales.	We work closely with the Welsh government, CTER and other key stakeholders as the Tertiary Education and Research (Wales) Act 2022 moves towards implementation, and continue preparations for our expanded role under the Act.
We will respond to key proposals, reviews and developments relating to the HE sector from the UK government and others.	We bring our distinct perspective, drawing on what we learn from reviewing complaints, to a wide range of policy areas as the government and the higher education sector continue to respond to ongoing and emerging developments.
We will continue to fulfil our role as an integral but independent part of the regulatory framework, working with the Office for Students (OfS), the Higher Education Funding Council for Wales (HEFCW), CTER as it is established, and other relevant regulators.	We work with the OfS, HEFCW, and CTER once established, so information is shared as appropriate and we are involved in relevant discussions around their workstreams.

What we plan to do	What this will look like
We will continue to work with a range of organisations and groups across the sector and beyond to increase our understanding of and contribute our perspective on key issues.	We attend relevant meetings and participate in discussions relevant to our work, including with the Department for Education (DfE), National Union of Students, the UK Standing Committee for Quality Assessment, the Quality Assurance Agency, and the Competition and Markets Authority and Consumer Benefit Forum.
We will work with DfE, the OfS and others around the Higher Education (Freedom of Speech) legislation, to promote clarity for students.	We contribute to guidance to try to make sure that students understand their options for complaints involving free speech. This includes having a clear pathway for students to bring their complaint to us, explaining our approach, and the remedies we can recommend for students if we uphold their complaint.
We will contribute to policy consideration around the issue of students being left without meaningful remedy if their provider closes, for example due to insolvency, and raise awareness of this important student protection issue.	We continue to promote the importance of making remedies available for individual students in these circumstances and engage with government and organisations in the sector around possible solutions.
We will encourage all higher education awarding bodies not currently covered by legislation to join our Scheme to make access to independent redress as wide as possible.	We work closely with DfE, OfS, Ofqual, Qualifications Wales and others to understand any gaps in coverage and work to reduce them.
We will formally adopt our new governance structure, introducing arrangements that will reflect our expanded membership and maintain the confidence of stakeholders in our governance, as well as strengthening its effectiveness.	We formally adopt our new governance structure and start to implement the new arrangements, managing this carefully to support continuing governance effectiveness through the transition.
We will learn from, contribute to, and reflect good practice in the ombuds sector.	As active members of the OA, we share learning with and learn from other organisations in the ombuds sector. We identify any improvements we can make to our own approach and contribute to the development of ombuds practice more widely through our involvement in OA and ENOHE governance, and through their events.

To continually develop our organisation so that we can do our work well

We reflect our values in our work and encourage a forward-thinking, responsive and high-performing organisational culture that is inclusive, diverse and promotes wellbeing. We support colleagues' understanding of our organisational context and direction and the part they play in it.

We will keep capacity requirements across the organisation under review so that we are in a position to fulfil the different aspects of our remit effectively. We will continue to develop our organisational infrastructure so that it supports our core functions effectively.

What we plan to do	What this will look like
We will welcome a new Independent Adjudicator from May 2023.	We run a thorough and effective induction programme, including engagement with providers and student representative bodies, to support a smooth transition from the current to the new Independent Adjudicator.
We will run a full recruitment process to appoint a new Chair.	We conduct an open recruitment process including a broad search reaching out to diverse candidates and a robust assessment process to identify a new Chair to start in October 2023.
We will continue to promote a positive, high-performing organisational culture.	We support people to achieve their potential and have high expectations of performance. We further embed hybrid working to help people to work at their best, establishing a vibrant and collaborative office environment as well as offering a high level of flexibility. We proactively support wellbeing.
We will further strengthen diversity and inclusion in our organisation.	We value diversity in our organisation and continue to work to promote an inclusive culture. We build on work we have done to reach out to underrepresented groups in our recruitment, drawing on specialist expertise where appropriate and taking a skills-based approach. We analyse our casework data to better understand patterns in complaints to us and use this to inform our good practice work and our own practice.

What we plan to do	What this will look like
We will continue to support professional development and provide tailored learning opportunities.	We value learning and support professional development. Learning and development opportunities include internally led knowledge-sharing sessions, tailored externally led training, and external events relevant to our work.
We will continue to cultivate kindness in all aspects of our work.	We recognise the value of kindness and continue to cultivate it, particularly in our casework processes and the ways we communicate. Our kinder approach helps students to feel that we have listened to and understood their concerns and supports the effectiveness of our casework.
We will continue to develop our information management practices.	Our practices support consistency and enable case-handling colleagues to find the information they need quickly through well-structured and comprehensive case-related resources. More widely, we further develop our data management practices so that all colleagues have easy access to the information they need, when they need it. Where possible, we automate processes such as record retention schedules.
We will continue to provide a cost-effective and efficient alternative to the courts, benefiting both providers and students who use our Scheme.	We manage our finances to enable us to advance and balance our organisational priorities and keep the unit cost of our cases stable through carefully planned organisational growth and a continuing focus on efficiency.
We will continue to refine and improve our subscriptions system.	We continue to monitor the structure and level of our subscriptions, taking account of both our rising caseload and financial pressures in the sector. We complete our review of the case-related element of subscriptions to make sure that it continues to operate as fairly as possible for all providers. We monitor developments in higher education sector data that are relevant to our subscriptions.
We will continue to develop our IT infrastructure and systems so that they are stable, secure and meet organisational needs.	We maintain a good level of stability and security through the year. We launch our new IT system and start to make use of its greater integration and enhanced functionality to support efficiency. We look for opportunities to further develop the system to support our work.