



## **Annual Report of the Independent Adjudicator for Higher Education**

### **About the OIA**

1. As of September 2004 over 100 HEIs have voluntarily subscribed to the OIA in its transitional year. The University of Glasgow volunteered to join. A list of participating HEIs is available on the OIA website. The work load of the Office is relatively unpredictable but may be expected to rise once knowledge of the existence of the Office becomes more widespread. There is a stream of inquiries, not always strictly limited to the remit of the Office, but of course staff policy is to be appropriately helpful to students requesting information.

2. The Higher Education Act 2004 having been enacted, preparation is under way to achieve for the OIA the status of “designated operator” under section 13 of the Act. It is expected that the Act will come into force early in 2005. With a view to becoming mandatory on that date, the following actions are planned to satisfy the requirements of the Act in order that the Secretary of State may designate the OIA: all HEIs in England and Wales are being consulted on new draft Rules, and then the OIA will demonstrate through documentation to the DfES that it is complying with all the Conditions listed in Schedule 2 of the Higher Education Act. It is planned to invoice HEIs at the end of November for the subscriptions due in January.

3. The 2004/5 Business Plan was circulated to the Board for the 5<sup>th</sup> meeting on 28 May 2004 and approved. Independent auditors have been appointed. The financial outlook depends in part on transparency and rationality in relations with subscribing HEIs, and on making every effort to minimise costs while providing a high standard of service, a dilemma familiar to every HEI.

### **A forward look**

4. At this very early stage of the operation of the OIA, only tentative conclusions may be drawn from the number and nature of inquiries and complaints received to date. Some interesting future issues are emerging. It seems likely that the Office will come to be seen as a repository of knowledge about good and bad practices in complaints handling in universities and as a facilitator of exchanges of information about problems that HEIs and students face. The OIA was set up in part as a response to the changes that were perceived to be imminent in higher education, and has commenced operation at the very time when higher tuition fees have been introduced; more overseas students are sought and are arriving; when mass higher education is coming to be seen as a right rather than a privilege; and when the HEIs are under unusual financial strain. It will be part of our mission to support HEIs and students in mutual communication and resolution of their problems and the ways in which they address them. The staff of the OIA are gaining valuable insights into HEI conduct and student difficulties by dealing with inquiries. Advice given by this Office at an early stage may help to bring about a resolution of a complaint without the need to resort to completion of a Scheme Application Form, and this is to be encouraged.

5. Although there is as yet little material on which to base firm conclusions, some issues recur. For example, universities need to make clear to students what their complaints procedures are, at what point they are embarked on and whether there is a difference between procedures for routine complaints, appeals against disciplinary measures and appeals against academic assessment. Goodwill and informality on the part of an HEI faced with a complaint may inadvertently lead to months of delay



before a student embarks on the formal procedures, and valuable time may be lost. It is of course a question of balance between on the one hand attempting to resolve a complaint speedily and informally and on the other using the proper procedures. Some HEIs appear unwilling to give students all the necessary information about appeals to the Visitor or to the OIA but, as the transitional year has elapsed, this attitude appears to be changing. The OIA is urging all HEIs to include in their student information a link to its website or the provision of the OIA address. Some HEIs have very clear procedures, accessible to students (for example, on the website of the HEI) and are experimenting with mediation at an early stage. These successful practices should be made known throughout the system. Openness and accessibility seem to have a beneficial effect in creating an atmosphere where a resolution may be reached. The prospectus is an area that may create difficulties, especially as the relationship between the student and the HEI is now accepted as contractual, and it is the assertions in the prospectus that form the initial basis of the contract. HEIs naturally wish to set out the full range of courses and facilities in an attractive manner but there is a long lead time in the production of a prospectus and, in the rapidly evolving situation of an HEI, promised facilities may prove not to be available in subsequent years. Reasonable disclaimers may prove to be useful.

### **Casework analysis**

6. A high percentage of complaints centre on dissatisfaction with grades. Academic judgment by itself is not within the OIA remit but the complaints frequently include assertions of procedural irregularities or of discrimination. Plagiarism and the issue of compensation have featured frequently in inquiries and complaints. The concept of plagiarism seems to call for fresh explanation to a generation raised on internet research. The greatest difficulty lies in the inconsistent approach of HEIs to those guilty of plagiarism, whether the response is the retaking of a module, further fees, failure or disciplinary action. Some cohesion is necessary here. Other complaints may well call for compensation, for example, unnecessary delay in giving out results, especially of doctoral submissions. Here the OIA is closely following the development of attitudes to compensation in the courts. Supervision of graduate dissertations is a frequent issue in inquiries and complaints. Discrete records are kept of the ethnicity and other status of the complainants. Our software systems have worked well in keeping track of inquiries and complaints and are expected to be a source of valuable data as required in the future. Both postgraduates and mature students are well represented in complaints received to date.

7. Two factors relating to the ambit of the Scheme are being clarified in the revised Rules of the Scheme, prepared in readiness for mandatory jurisdiction. One is to make it clear that questions relating to admission are not within the purview of the OIA, and were never intended to be. This is related to the second issue, which is the definition of a registered student. HEIs do not recognise any relationship save with a registered student, but some intending complainants may regard themselves as students although the HEI does not. The new Rules will clarify the position.

8. The transitional rules worked well, and satisfactory complaint handling practices are being refined in the office.

### **Communication**

9. The OIA attaches importance to the maintenance of constructive relationships not only with the HEI sector organisations but also with organisations from which it can learn, for example the British and Irish Ombudsman Association and OxCHEPS. It



has been the policy of the OIA in this first year of operation to make every effort to acquaint the HE sector with its existence and functions, and to this end all members of staff have travelled to conferences and to major university cities in England and Wales to present the details of the new scheme to audiences of HEI administrators and student representatives. These visits included Birmingham, Bristol, Cambridge, Cardiff, Coventry, Lancaster, Leeds, Leicester, Manchester, Reading and Sheffield, with Bournemouth, London, Newport, Nottingham, Oxford and Southampton at the planning stage. Conferences addressed or to be attended include UCELNET, AUA, AHUA, UKCOSA, SCOP, BIOA, CUC, UUK and National Postgraduates. The OIA will also be hosting its own seminars, affording administrators and students the opportunity to share best practice and common problems. Financial constraints have limited wider dissemination of the work of the OIA, but it is expected that this effort will continue with especial importance attached to placing information in the hands of freshers in the autumn of 2004 and to keeping national education correspondents informed. Public relations advice has been taken.

10. The staff of the OIA are grateful to members of the Board for their interest, support and expertise in these matters and look forward to a continuing valuable relationship.

Dame Ruth Deech  
Independent Adjudicator

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