

ANNUAL REPORT 2009



office of the
independent
adjudicator

'for students in higher education'

www.oiahe.org.uk



Contents

Introduction by the Chair	3
Introduction by the Independent Adjudicator and Chief Executive	4
Review of the year	11
Case summaries	27
OIA complaints statistics	53
<hr/>	
Annex 1: The OIA Board of Directors	65
Annex 2: Our Staff	67
Annex 3: Strategic Plan	72
Annex 4: OIA subscriptions for 2009	77
Annex 5: An extract from the Statutory Accounts 2009	78



“Thanks for your careful attention to this case.”

Introduction by the Chair

In 2009 I was honoured to be selected Chair of the OIA under the 'Nolan Rules' of fair and open competition. It is appropriate, therefore, that I pay tribute to my predecessor, Professor Norman Gowar, who performed the role of inaugural Chair of the OIA with modesty, good humour and great distinction.

His contribution in leading the OIA through its formative period was very significant indeed. I have been fortunate in inheriting a strong and dedicated non-executive Board and I am grateful to each member for their contribution, commitment and support in assisting me through my early months in Office.

As each page of this Report demonstrates, the OIA made important steps in 2009 in strengthening its strategic and operational positions. At the heart of these developments, the Pathway Consultation exercise added appreciably to the

OIA's understanding of user and stakeholder opinion. The evidence-based Report constitutes a pragmatic road-map to build on the strong foundations and widespread consent clearly in place. It will ensure concrete steps are taken to build the capacity of Europe's leading adjudication service provided to students in higher education.

The Board and I are deeply appreciative of the skill and effectiveness of Rob Behrens and his team, and I put on record our sincere thanks, and expressions of support for the difficult year ahead.

Ram Gidoomal CBE



Introduction by the Independent Adjudicator and Chief Executive

In this, my second Annual Report, I set out the progress made as the OIA continues to make itself a more outward-facing, user friendly, authoritative and efficient and effective adjudication service. In the course of 2009 we have adjudicated on and closed 703 cases, successfully defended three applications for Judicial Review, completed the Pathway Consultation Exercise, held our first Annual Open Meeting, appointed two new Deputy Adjudicators, and a new team of Adjudication Managers, refreshed and simplified the corporate branding, created a new website, launched a quarterly e-newsletter, appointed five new Assistant Adjudicators and introduced entirely new Office HR arrangements.

The Pathway Report

The completion of both the quantitative and qualitative phases of the Pathway Project in 2009 ensured the publication of the final Report in the early weeks of this year. *The Pathway Report*, drawing on extensive consultation with users and

stakeholders, is a wide-ranging survey of the Scheme established under legislation in 2004. It sets out the framework for the next five years of operation. The headline findings are that there is widespread consensus that the existing legislative framework and mandate are effective, and that the independent Scheme works well. In the words of the Government White Paper, the OIA "has established itself as an essential part of the higher education world, and must continue to play an important role."¹

The Report and its Recommendations, approved unanimously by the OIA Board at its December 2009 meeting, authorises developments to the Scheme's clarity of purpose, accessibility, dealings with complainants, and available remedies. It sets out a further round of consultation to find sensible ways of increasing the transparency of decision making. It also paves the way for private, degree-awarding bodies and Further Education Colleges with their own Foundation Degrees to join the Scheme.

The Report has been described as "a thorough and commendable document...being debated across the sector".² Its non-pejorative, inclusive and evidence-based approach has been widely welcomed.

A key learning point for all users and stakeholders is that whatever the differences between sovereign universities and independent OIA, complainants look not at the separateness but at the overall handling of their complaint. The evidence suggests that when complainants first come to the OIA they are already seriously disenchanted with the processes universities use to address their complaints and the length of time taken to deal with them.³ In this sense, the OIA, universities and students'





unions have a common cause in addressing this disenchantment, managing expectations where they are unrealistic and reforming procedures.

Case-handling

One key challenge successfully met in 2009 was to address the strategic development issues inherent in the Pathway Project without losing focus on the core business of adjudicating student complaints. Scheme Application Forms received exceeded 1000 in 2009 for the first time. This constitutes a 12 per

Each case-handler closed on average 61 cases during the year (compared to 59 in 2008). The average number of days taken to close a case from determining eligibility in 2009 was 159 compared to 142 days in 2008. This 12 per cent increase in handling time is accounted for primarily by the increased difficulties case-handlers had in managing a greater volume of cases (average portfolios at any one time in 2009 were 31 cases compared to 25 in 2008). There were requests for time extensions or late submissions by either university or complainant

analysing and using this material. The rising volumes of work put a premium on high quality case-handlers and effective management support in addition to rigorous processes. Five new case-handlers were successfully recruited in 2009 through open competition. These appointments bolster capacity in the face of rising numbers of

“...my experience with the OIA has been an extremely positive one.”

cent increase on the previous year. It means that complaints received have increased by 37 per cent in the last two calendar years. Although this year-on-year rise in complaints constitutes a serious operational challenge to the OIA, it is important to record (again) that the number of complaints received is very small (0.05 per cent) when set against the number of registered students in higher education in England and Wales. During the year, 811 Scheme Application Forms were judged Eligible (compared to 734 in 2008), and 703 Decisions were issued (compared to 630 in 2008).

in 56 per cent of all cases. This led to an average addition of in excess of 21 days handling time to each case where an extension was granted or there was a late submission.

We have been working since 2008 to review and revise the business processes associated with adjudicating cases in the context of rising volumes. The Pathway Project stimulated a host of constructive ideas from users and stakeholders about developing the efficiency of case-handling, and the Pathway implementation process is

complaints and mitigate the impact of a small number of departures. All case-handlers at Assistant Adjudicator level are now managed and supported by a small team of Adjudication Managers selected by internal competition and reporting to the Deputy Adjudicators. Adjudication Managers continue to handle case-work but supplement this with a 20 per cent allocation of time to the management of colleagues. This innovation ensures both a more effective use of capacity and an internal career development opportunity for skilled and senior colleagues we are loath to lose.

University performance

The OIA found that 75 per cent of cases received during the year were Not Justified, 5 per cent were Justified and 13 per cent were Partly Justified.⁴ This means that the OIA found fault with the handling of 18 per cent of cases, 126 cases in all. These outcomes suggest a further, incremental improvement in case-handling by universities at least in the cases the OIA sees, notwithstanding the increase in Eligible complaints received. The majority of the cases we receive relate to the operation of universities' academic appeals procedures and the evidence suggests that overall the handling of those processes is competent and professional. I have emphasised this point on individual visits to universities and at sector conferences and OIA policy seminars.

I must stress again, however, that there is no room for complacency and for four principal reasons. First, as we discovered from the quantitative analysis of complainant views of university handling, most students who use the OIA have negative feelings of disappointment, being let down, and anger by the end of university procedures. A large majority of complainants were not convinced that the university had dealt with their case within a reasonable time, had taken their complaint seriously, or that their case had received a fair hearing.⁵ There is work to be





done to make university procedures more accessible, timely and student-centred.

Secondly, many of the Justified and Partly Justified complaints arose from failure by universities to abide by their own regulations or to operate at basic standards of procedural fairness. There were multiple instances of a failure to keep records and audit trails both in relation to undergraduate programmes and more often in relation to postgraduate supervision. There were instances of excessive delay in the issuing of Completion of Procedures Letters, in responding to requests for information, and in holding disciplinary proceedings. Sometimes, the failure to follow procedures limited or denied the complainant the natural justice each has a right to expect. There were numerous instances in disciplinary proceedings of a failure to provide the student with sufficient information or time to ensure an understanding of the charges. Standard appeal procedures were not complied with, and on a number of occasions processes were flawed due to conflicts of interest in the composition of panels.⁶ In the case of S (see Case Summary 1 on page 27) excessive formality in terms of procedures including 'court' hearings conducted by senior lawyers did not prevent the complainant from being subjected to disciplinary proceedings after her student membership had lapsed.

Thirdly, there is a need for universities to be more joined-up where decision making involves coordination with external bodies. Here, a review of cases indicates continuing variability in the handling of Disability issues. This is often rooted in a failure to implement reasonable adjustments contained in needs assessments for students, or to consider implementing interim adjustments pending formal assessment. Some universities also appear reluctant to consider their responsibilities towards students who might not be eligible for local authority funding. There is also evidence that some universities need to think more carefully about their academic assessment methods in the context of legal requirements concerning competence standards.

Fitness to Practise issues continue to challenge universities, and I have seen cases where the university has been justified in taking action where students have breached professional ethical codes while on placement. Protection of the public is clearly paramount where students undertake placements in schools, hospitals and social work agencies. At the same time, students must be provided with a genuine learning environment on their placement and this requires mutual respect and clarity of roles and expectations between the student, placement provider, the university and the professional regulator.

In the context of the Pathway findings, the OIA is opening up conversations with regulatory bodies to alert them to learning arising from OIA cases. Similarly, students who study a year abroad, for example at a European university, sometimes have to contend with poor coordination and conflicting regulations between the universities. That has occasionally resulted in unsympathetic and unfair treatment of the student in degree calculation and assessment.

Fourthly, although I have paid tribute to universities on a number of occasions for their discipline in complying with OIA Decisions (to date all Recommendations have been complied with), there were in 2009 instances of excessive delay in universities complying with Formal Decisions. In one case, a Decision made by my predecessor in August 2007 that Examination Board and Appeals Panel decisions were flawed on procedural grounds and the case should be re-heard, was not acted upon until January 2009. This kind of delay is unfair to students who need swift resolution to get on with their study, careers, and lives. It prompts the

more focused approach to monitoring university compliance highlighted in *The Pathway Report*.

Judicial Review

Judicial Review constitutes legal oversight of the OIA Scheme and important external supervision of OIA decision making. The OIA has an excellent record in this area. Although I welcome scrutiny of this kind, I do have concerns that public funding for Judicial Review applications seems to be available irrespective of the merits of the claims. Four new claims were brought in 2009 (see below, pp.14-17). Two were granted permission to proceed to hearing. At the time of writing the OIA has successfully defended the first of these claims on all grounds. In two cases, the Judge refused permission to bring the claim. In one of these, the Judge found that the Office had "meticulously followed the rules and there is no question of any procedural impropriety or other illegality." In the other case, the Judge noted that the Office's view that the university's decision "was untainted by prejudice or bias is again a decision which is well open for it to make..."

Facing outwards

The principle of continuous consultation which underpins the approach to the Pathway exercise, was also demonstrated in 2009 by regular visits to



universities and students' unions. OIA colleagues and I visited 19 universities and students' unions during the year. Bilaterals were held with a wide range of sector stakeholders including the Minister for Higher Education, NUS, UUK, HEFCE, QAA, AHUA, AUA, the Russell Group and the 1994 Group. The OIA has developed dialogue with both universities and students' unions without impairing its impartial status. I welcome the elections of Professor Steve Smith (President and Chair of UUK) and Aaron

Porter (President of NUS) and am confident that productive dialogue will continue. The OIA also hosted a successful programme of policy seminars and workshops, and representatives spoke at a host of conferences about the student experience and higher education law. The OIA's first ever Annual Open Meeting was held at the Globe Theatre, London on 19 May 2009, where David Willetts MP was the guest speaker.



Thanks to staff

No account of the OIA in 2009 could fail to dwell on the outstanding contribution made by all OIA staff and colleagues. I am grateful to all of them. The professionalism and commitment of colleagues has been tested throughout the year as the Office has grappled with the double challenge of progressing the Pathway Consultation without losing focus on handling the inexorably rising caseload. My colleagues on the Senior Management Team, Ben Elger, Felicity Mitchell, and Susanna Reece

have made an outstanding contribution to the development of the Office. I also want to express thanks to Ram Gidoomal, new Chair of the OIA, and the entire OIA Board, for their unflinching support and encouragement throughout the year. There are turbulent times ahead for the higher education sector, but the OIA is strongly placed to meet the challenges to come.

Rob Behrens

May 2010

NOTES:

- 1 *Higher Ambitions: The future of universities in a knowledge economy*, November 2009, chapter 4, paragraph 24, page 78.
- 2 Mills and Reeve. *Public Law & Private Rights*, Issue 23, March 2010
- 3 *The Pathway Report*, February 2010, Chapter 5, pp. 41-54
- 4 A further 6 per cent of cases were either Settled or Withdrawn before the issuing of the Formal Decision.
- 5 *The Pathway Report*, paragraphs 5.1- 5.15, pp.41-43.
- 6 The Court also considered this issue in *R (on the application of Clarke) v Cardiff University* [2009] EWHC 2148 (Admin): the University's decision to reject C's extenuating circumstances claim was quashed because two tutors whose actions led to C's claim were present at and influenced the Extenuating Circumstances Committee's and the Examination Board's deliberations.



“I’d like to thank you for your inclusive approach with regard to the OIA Pathway Project.”

Review of the year

The Pathway Report

The Pathway Consultation Exercise began in October 2008, and was published 16 months later. The Report constitutes a wide-ranging survey of the Scheme established under legislation in 2004. Consultation is not merely talking – it is a key part of evidence-based policy making. Thanks must go out to the hundreds of organisations and individuals who have made serious, valuable contributions to the process.

The Report sets out a framework for the next five years of operation of the Scheme and it contains no surprises. The headline point is that the mandates and operations are broadly effective. There is wide consensus that the mandate works. What was established under the 2004 Act is better than whatever existed before. It is also important to note that the Courts – in a significant number of Judicial Review challenges to OIA Formal Decisions – have been extremely reluctant to interfere with the OIA's own interpretation of the Scheme's mandate and that is taken as a positive sign. Some complainants were clearly unhappy about the Act excluding 'academic judgment' from consideration in the

Scheme. This is not a realistic proposition at the present time, and the Courts have also been reluctant to intervene in this sphere. So, the consensus is that the existing mandate is the basis for a sensible, incremental development of the Scheme.

The status quo is not an option

Although the mandate is sound, the evidence is clear that 'staying as we are' is not an option. The conditions for the operation of our Scheme are developing fast. The Scheme was set up during what will be seen to be an era of relative largesse for higher education. That era is now over. The sector is facing significant financial cuts, redundancies and cuts in services. Students may also face rises in tuition fees following the Browne Review. These are key factors in considering the future revenue sources of the OIA and in setting out what kind of service the OIA can provide. The OIA must not be afraid to share the burden. But the cuts are likely to have an impact on university service delivery, and combined with any projected rise in tuition fees, these developments will almost certainly see a

continued increase in the number of complaints the OIA receives. In short, the evidence suggests that the OIA will receive more complaints without the prospect of increased resource.

The numbers are chastening. The OIA still receives comparatively few complaints – less than 0.05 per cent of enrolments in higher education in England and Wales. But between 2005 and 2008 the complaints received rose by 68 per cent. And if this growth is replicated in the next three years, the OIA will not be able to increase routinely the number of case-handlers employed, so there will need to be productivity gains in other ways. This means creative thinking along the lines set out in the second half of the Report itself.

Common purpose in complaints handling

The Pathway consultation exercise was conducted in a distinctive, consensus-building style, seeking to avoid cheap point-scoring and the allocation of 'blame' to any one party in the process. The methodology emphasised the importance of

listening carefully to user and stakeholder opinion and planning constructive ways forward. This is indeed what happened. The evidence contained in the Report will repay careful reading, reflection, and discussion. There is nothing in the Report to threaten or undermine the hard-won reputation for professionalism won by bodies like the Academic Registrar's Council (ARC), the Association of Heads of University Administration (AHUA) or the Association of University Administrators (AUA).

Nevertheless, taking account of the expressed views of the National Union of Students, students' unions and complainants as set out in the Report, there is some crucial learning for everyone. First, whatever the constitutional differences between sovereign universities and the independent OIA, the evidence suggests that complainants look not at the separateness of institutions but at the overall handling of the complaints process. This is a key theme of the Report, and explains why it made no sense to audit the operations of the OIA in isolation from the way universities handle complaints internally.

What the evidence showed is that when complainants come to the OIA they are often already seriously disenchanted. They believe the handling of

their complaint has taken too long, they think universities do too little to make clear what the process involves, they are critical of the alleged failure of universities to keep in touch with them to explain (for example) reasons for delays. And they are clear that there is too little transparency in the process so that it is often only once the OIA begins a review that they see key documents relating to their case.

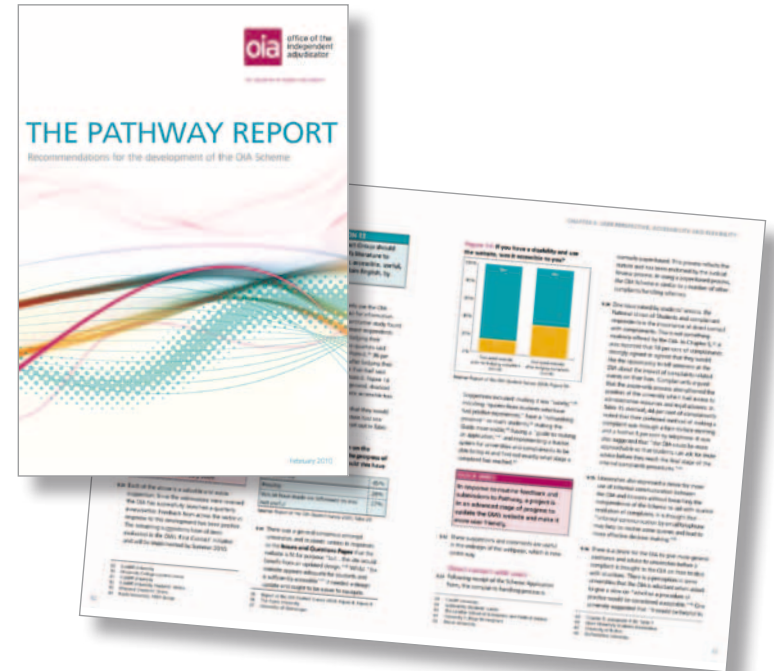
The change strategy

It follows from the logic of the evidence that none of the Report's Recommendations will require changes to the law. And only some of them will require changes to the Scheme Rules. The Board has already signed up to all of these changes. What this means is that implementation will not be long-term. The OIA began the implementation of the 'Quick Wins' during 2009, even before the publication of the Report because all the 'Quick Wins' – a new website, new arrangements for handling service complaints against the Office, creating a library of university regulations – are non-contentious, common-sense developments.

Turning to the Recommendations themselves, in endorsing the existing mandates, the Report sets

out the need for clarifications and incremental developments. As far as clarifications go, and first, the OIA has no ambition to adjudicate on the academic judgments of universities, but using guidance from Court decisions and summarising its own experience, the OIA will attempt to set out in documentary form where the boundaries lie.

Secondly, complainants articulate a strong preference for mediation even after a complaint reaches the OIA. The Court of Appeal has given the OIA broad discretion to decide upon the nature and extent of reviews it undertakes in individual cases. The OIA will continue to use this discretion to offer mediation as part of a flexible approach, though it is clear that the OIA is primarily an adjudication service.





Thirdly, because the consultation exercise uncovered some lack of understanding amongst complainants about the core role of the OIA, we will build into our Strategic Plans a revised Communications Strategy setting out the Office's role and function and the legitimate expectations of Scheme users.

Developing the Mandate and Effectiveness of the OIA

The Report found support to extend the Scheme to Further Education Colleges running their own Foundation Degrees and this will be pursued with a second round of consultation. The Report also found broad support for allowing private universities to join the Scheme, providing public institutions do not subsidise their membership. This is accepted without further consultation and these bodies will now be able to join the Scheme as 'Non-Qualifying Institutions' as soon as the Board agrees an enabling Protocol. We welcome the wide consensus that the OIA should not seek to handle complaints about university admissions. That proposal is no longer under consideration by the OIA.

While there was strong support for the OIA's existing mandate; universities, students' unions and complainants made a host of constructive proposals for developing the efficiency and effectiveness of the

Scheme. Although there is no consensus about an alternative funding mechanism, we are continuing the review of alternative funding proposals begun at the end of 2009. We are also looking at 'navigation through the Scheme' to see if there are ways of reducing the adjudication time without impairing the quality of Decisions. The implementation plan also includes reviews of a number of core areas including policy for providing compensation and other remedies to complainants, the OIA's Disability policy and practice, and the Office's direct contact with Scheme users.

Independence and Transparency

Independence and transparency are key issues and inform almost all *The Pathway Report* Recommendations in one way or another. Universities and students' unions assert overwhelmingly that the OIA is wholly independent. However, complainants' views are dependent upon the outcome of the complaint review which they bring to the OIA.

The evidence suggests that the majority of disappointed complainants say the OIA is on the side of the university, and a lot of them say this because they do not believe that universities comply with OIA Decisions and Recommendations. Even successful

complainants are not always satisfied with the remedies provided by the OIA.

There is here a tension between subjective and objective views. We must continue to ensure that the OIA exemplifies independent action as custodians of the Scheme. At the same time **the OIA must** address the subjective opinion of complainants – not by changing the core Rules and procedures but by exposing these Rules and procedures to greater public scrutiny. The Report makes few proposals to change the Rules to promote greater independence, though it does argue that it would be useful to have an additional student voice on the Board.

However, to get at perceptions, both public and complainant, we have included proposals to increase the transparency of the Scheme and in three ways. First, there will be a second round of consultation in autumn 2010 about how to (not whether to) increase transparency including the option of publishing summaries of Formal Decisions, citing the name of the relevant university but not the complainant. The Report found that most

comparable Ombudsman Schemes in the UK do publish summaries of Formal Decisions and in this respect OIA current practice is anomalous. Second, and related, in this second round of consultation we will explore the practicalities of publishing annually summary data for each member of the Scheme including the number of Completion of Procedures letters issued and the number and outcome of complaints dealt with by the OIA. Third, we are reviewing the policy for monitoring and disseminating university compliance with the OIA's Formal Decisions, to seek to remove the erroneous impressions about university compliance.

All of the above should add to the strategic and operational strength of the OIA through the challenging period to come. The operational task is to continue to produce high quality, consistent, proportionate Decisions at a time when complaints are rising inexorably and resources are diminishing. The strategic task is to continue on the journey of making the OIA outward-facing, user friendly, impartial, proportionate and authoritative in decision making, efficient and effective. And to be even more effective the OIA has to diminish the gap between the expectations of users about what they think we should be doing and what we can and will actually do.

Judicial Review in 2009 – an encouraging year

During 2009 the OIA received four new Judicial Review claims. There were no Judicial Review hearings or permission hearings¹ during 2009.

Permission refused

In two cases, the Judge refused permission to bring the claim after consideration of the papers. This reflected the Court of Appeal's comment in the *Siborurema* case that:

*"The number of cases in which an application for judicial review could get past the permission stage is likely to be very small."*²

Those two claims were brought by students without legal representation, although one of them was herself a qualified solicitor. In the first case, the Judge commented that the Claimant's case was "incoherent". He said it amounted to a disagreement with the outcome of the OIA's review and that the Claimant's argument was "unsustainable". He noted:

"it is clear that the Independent Adjudicator meticulously followed the rules and there is

no question of any procedural impropriety or other illegality. ... It is impossible to see how there may be a Human Rights Act claim..."

The Judge concluded that the claim was without any merit and ordered that the student should pay the OIA's costs.





In the second case, the Judge commented:

“This Court can only interfere with the Defendant’s decision if it erred in law. The Defendant is an expert panel and considerable deference is given to that expertise both in respect of its procedures and its decisions (R (Siborurema) v OIA [2007] EWCA Civ 1365). Particularly given that, it is not arguable that its decision in this case (that despite procedural deficiencies, the Appeal Review Panel’s decision was reasonable and unimpeachable) is Wednesbury unreasonable, irrational or perverse. Far from questioning the University’s academic judgment (which would be beyond its powers), it based its decision on deference to that judgment. Its view that the University’s decision was untainted by prejudice or bias is again a decision which is well open for it to make...”

That student renewed her application for permission but withdrew the claim shortly before the permission hearing. Also in 2009, a student who brought his claim in 2008, and who renewed his application for permission, decided to withdraw his claim in June 2009 before the permission hearing.

Permission granted

In two cases, the Court granted permission to students to bring a Judicial Review claim after considering the papers.

Mr Budd sought to challenge the OIA’s Decision that his complaint against the Open University was not justified. His Honour Judge Langan QC granted permission to Mr Budd on one ground of challenge only: whether the OIA should have called for a copy of his exam script, *“to make sure that the script has the appearance of being properly marked and to make sure that there were no errors in matters such as addition or transcription of marks.”* The OIA’s Decision was that it was not necessary to call for the exam script because it was satisfied that the university had correctly followed its marking and checking procedures.

Mr Budd renewed his application for permission on the grounds rejected by His Honour Judge Langan QC and the case was listed for hearing of the application for permission and the substantive hearing together. Mr Budd made a late application to amend the grounds to include an allegation *“that the OIA is being operated in a way that is unlawful and ultra vires its strict statutory powers and duties in relation to independence”*.

The case came before Mr Ockelton sitting as a Deputy High Court Judge on 23 March 2010. In a judgment³ delivered on 12 May 2010 Mr Ockelton dismissed Mr Budd’s claim and dismissed his renewed application for permission on the grounds on which permission had been refused by His Honour Judge Langan QC. He found that the allegation that the OIA is not independent was not made out on the evidence.

Mr Ockelton said:

“The duty of the OIA is to review complaints and decide whether they are justified. The OIA has power to decide what form the review shall take in any particular case. Although, after the event, the review in a particular case may or may not be described as a “merits review”, I do not think that any useful purpose is served by importing into the OIA’s process terminology drawn from other areas of administrative law. In particular, it does not seem to me that it is right to divide the types of investigation the OIA might undertake into discrete

categories with names taken from general administrative law, and regard the passing from one category to the next as involving a specific and separate exercise of discretion. It is unnecessary and unrealistic to describe the OIA as having a discretion to enter upon a "merits review" or a "full merits review" as though those phrases marked fixed thresholds in the OIA's investigative process. They do not. The OIA does its task properly if it continues its investigation until it is confident that it has all the material it needs in order to make a decision on the individual complaint, and then makes its decision. The exercise of a discretion in this context is simply the continuous consideration of whether any more information is needed in order to make a decision on the particular complaint..."

"In my judgment the OIA was amply entitled, on the evidence it had, to reach the conclusion that none of the errors suspected by the claimant had taken place. Once the OIA had reached that view, and had reached it lawfully, it was under no obligation to consider further evidence or make further investigations. In the present case it reached

that conclusion without call for or looking at the script. It reached that conclusion on evidence adequate to support it. There is in my judgment no trace of irrationality in failure to call for the script or in the conclusion on the evidence. There is no trace of a failure to make a proper review of the complaint..."

On the oral hearing issue, Mr Ockelton said:

"If a man in a main street in London tells me he is not aware of any cars, I may suspect him of not looking very hard: if he says he is not aware of any carriages I do not have the same suspicion, unless there has been reason to expect some. The fact that there have been no oral hearings can only be evidence of a disinclination to hold them if there is some reason to suppose that otherwise there might have been some."

"An initial application under the OIA's Scheme is made in writing and is followed by correspondence between the OIA and the parties. Material produced by one party is shown to the other, and written comments are invited. Although the OIA is obliged to investigate the complaint it is not obliged to

allow one party to address another directly in the course of its investigation. It is difficult to see why there should be any general need for an oral hearing. I regard the argument from that the fact that there has been no oral hearing as a very weak one indeed."

In the second case, Ms Maxwell sought to challenge the OIA's Decision that her complaint against the University of Salford was partly justified. The claim seeks to challenge the approach taken by the OIA in complaints raising the issue of disability discrimination. Granting permission to the Claimant, His Honour Judge Hickinbottom said:

"The hurdle for the Claimant at this stage is not high. Whilst I see the force in the Defendant's Summary Grounds, I consider this claim is arguable and it concerns the important relationship between a complaint to the Defendant and court proceedings in relation to circumstances in which there has been (or may have been) disability discrimination by the relevant HEI. The crucial issues it raises are: Does the OIA have the 'jurisdiction' to make findings of discrimination: and, if so, ought it to have done so in the circumstances of this case?"



The case is listed for hearing in May 2010. We believe that this case will provide useful further guidance to the OIA as we grapple with this difficult subject.

Beyond *Siborurema*

It is inevitable that some students who are dissatisfied with the outcome of our review will continue to challenge Decisions of the OIA. Many of those do not go further than a pre-action letter; the claim is dropped following our response. The number of students who bring a Judicial Review claim represents a very small percentage of the number of cases we receive. Those claims which progress to a full Judicial Review hearing represent a smaller percentage still. At the end of 2009, we had received 19 Judicial Review claims, of which only four (including *Siborurema*) were given permission to proceed to a full hearing. We have received one new claim so far during 2010.

“I appreciate that you have put a lot of work into my case. I am glad that the situation has been resolved following a stressful year. I am of course very disappointed by the outcome as I had very much wanted to continue my training in nursing.”

NOTES:

1 Claimants must obtain the permission of the Court before bringing a claim for Judicial Review. Claims are initially considered by a Judge without a hearing. Claimants whose claim is refused permission by a Judge following consideration of the papers have an automatic

right to renew their application for permission. The case is then listed for a hearing, and the Judge decides whether permission should be granted following oral submissions by the parties. If the claimant is granted permission, then the claim proceeds to a full hearing.

- 2 *The Queen on the application of Siborurema v Office of the Independent Adjudicator* [2007] EWCA Civ 1365, judgment of Lord Justice Richards, paragraph 74.
- 3 *R (Budd) v OIA* [2010] EWHC 1056 (Admin)

Visits to Universities and Students' Unions

The OIA has continued and extended its much welcomed visits to universities and students' unions. We aim in due course to visit all those who are members of the Scheme. The visits are popular because they are a useful opportunity to raise and exchange matters of good practice arising from complaints received and to discuss the general operation of the Scheme. Each involves a dialogue with the students' union in advance of a meeting with the Vice-Chancellor and a range of university

staff. This gives the OIA the opportunity to make informal suggestions for improved complaints handling across a university for the benefit of the student body as a whole and not just in the context of individual complaints.

In addition to the above the OIA has on occasion responded to requests for training about the OIA and complaints handling at a local level within individual universities on a charging basis. We provided training to three universities on this basis in 2009. Subject to available resource, we will continue to develop this programme in 2010.

In 2009 the OIA has made visits to:

- Anglia Ruskin University
- Birkbeck College
- Birmingham City University
- Bournemouth University
- King's College London
- Manchester Metropolitan University
- Newcastle University
- Oxford Brookes University
- Staffordshire University
- Thames Valley University
- University of Birmingham
- University of Hull
- University of Sheffield
- University of Surrey
- University of the Arts
- University of Westminster
- University of Wolverhampton
- University of York
- York St John University

Stakeholder meetings and participation in conferences, seminars and training events

Throughout 2009 Rob Behrens continued to hold and attend meetings across the sector. These included bilaterals with the National Union of Students, Universities UK, the Quality Assurance Agency, the Higher Education Funding Council for England and Ministers and officials of the Department of Business, Innovation and Skills including David Lammy's Working Group on Anti-Semitism on campus. Rob also met a wide range of users and stakeholders in connection with the Pathway Consultation process including the outgoing Scottish Public Services Ombudsman, Professor Alice Brown, in Edinburgh. Additionally, he participated in the annual OIA Seminar for students' union advisers and representatives held in Manchester in May 2009.

Rob has presented papers at a number of key events during the year including: the Academic Registrar's Council Annual Conference, the Committee of University Chairs' Annual Dinner, the British and Irish Ombudsman Association Annual Conference and the UK Council for International Student Affairs Annual Conference. Rob spoke at a Higher



Education Policy Institute Conference and two conferences held by the White Paper Company. He also spoke at a Financial Ombudsman Seminar, a Mills and Reeve Higher Education Conference, a Bates Wells & Braithwaite Higher Education Conference and a seminar for Nabarro LLP. Additionally, Rob has spoken at meetings of the Academic Registrar's Council.

The OIA was represented at the following events during 2009:

- A Student Complaints Conference run in association with Neil Stewart Associates
- The National Union of Students' Action Through Advocacy workshops
- The University of Brighton's Sub-Committee for Professional, Statutory and Regulatory Bodies annual workshop on Academic Misconduct and Fitness to Practice
- The National Union of Students' Higher Education Policy Zone Conference in Manchester
- Association for Managers in Students' Unions Annual Conference
- Cross Sector Engagement Conference held in association with the OIA
- AHUA regional meetings

Representatives from the OIA have also attended other important conferences within the sector throughout the year. These have included:

- The Student Engagement Conference
- The International Ombudsman Association Conference – Canada
- FE-HE Collaborative Provision Annual Conference – Neil Stewart Associates
- 11th Annual Human Rights conference run by Sweet & Maxwell in association with JUSTICE
- Hart Judicial Review Conference



OIA staff have continued to attend British and Irish Ombudsman Association (BIOA) events and interest group meetings throughout 2009. These have enabled us to develop our understanding and awareness of good practice within the complaints handling sector.

The European Network of Ombudsmen in Higher Education

Rob Behrens, Mike Reddy and Fiona Draper attended the 7th Annual Conference of the European Network for Ombudsmen in Higher Education at the University of Hamburg from 26-28 March. The theme of the conference was “Lost in Transition? Defining the Role of Ombudsmen in the Developing Bologna World”.

The conference attracted 70 delegates from eleven European states and from as far afield as Australia, New Zealand, Canada, USA and Mexico. We were able to renew acquaintances with delegates who attended the 6th Annual Conference organised by the OIA in 2008.

Rob Behrens gave a plenary lecture on “Public Consultation to develop the Students Complaints Resolution Scheme in England and Wales” – the Pathway Project”. A number of other presentations

from ombudsmen in several countries presented an interesting perspective on the differing roles of ombudsmen in higher education, highlighting the fact that virtually every country has a different model. There was considerable interest in the OIA, as the only statute-based National Higher Education Complaints Scheme represented at the conference.

A major theme of the conference was “Academic Integrity and Ombudsmen: Standards, Problems, Sanctions”, with a particular emphasis on promoting research integrity and the investigation of scientific fraud. Experiences of the implementation of the Bologna Process were exchanged, and Dr Josef Leidenfrost, the Austrian Student Ombudsman gave a Public Lecture on the subject at the University of Hamburg during the conference.

The plenary lectures and presentations were complemented by more “parallel workshops”, where delegates were able to explore subjects more informally and exchange views and experiences.

While one of the messages we took away from the conference was that there is no single model for an ombudsman in higher education, we welcomed the opportunity to share experiences and cement relationships with those working in the same field.

OIA staff training

OIA staff training during 2009 has included:

- A briefing from the UK Border Agency on the new Points-based Visa system
- Handling difficult phone calls
- Mentoring skills
- Presentation skills
- Mental health awareness
- Fitness to practise issues
- Postgraduate studies
- Website writing
- Management training

Members of OIA staff have also visited Northumbria University and University College London to gain an understanding of university processes and how they work in practice. We are grateful to these universities for their hospitality and support. We would welcome invitations from other universities to host similar visits for our staff.



Policy Seminars

In 2009 the OIA continued its work of disseminating good practice through its Policy Seminars and outreach activities. A total of seven events were held in Reading, Leeds and Manchester, responding to requests for events to be held outside Reading.

On 22 January 2009 we held our first policy seminar of the year in Reading on the theme of: 'Informal Resolution of Complaints – all talk?' This was a variation on the seminar held in Birmingham in November 2008 and provided an opportunity to explore ways to improve informal resolution rates within internal university procedures. The event was well attended by both university and students' union representatives and there was an opportunity to discuss recent work by the National Union of Students looking at internal complaints and appeals procedures. Speakers included: Joanne Cooke, De Montfort Students' Union; Colin Howard, Dean of Students from the University of Surrey; Dr Mike Adey, Ombudsman, the University of Northumbria; Richard Edwards, Faculty Head of Academic Administration, the University of Bristol and Professor Gillian Evans from the Improving Dispute Resolution Project. OIA staff members also made presentations.

Our second Policy Seminar, 'Complaints about Student Accommodation' was held in Reading on 5 March 2009 and was the first time an OIA seminar had looked at this topic. Universities and students' unions representatives again attended, including those with a particular role in handling accommodation issues. Susanna Reece gave an overview of the OIA's experience of complaints in the area of accommodation and good practice points for dealing with these complaints. These include the need to deal with problems as they occur to avoid complaints escalating to the OIA; the need for awareness of data protection considerations when communicating with third parties: and that informal resolution is encouraged but documentation of informal stages is carefully maintained. External speakers included Michael Ball, Chair of the Association for Student Residential Accommodation (ASRA) who looked at how organisations handle and administer students' accommodation complaints; Paul Burns, Accommodation Office Manager at the University of Manchester who explained how his large institution has developed its processes for handling students' accommodation complaints;

"I would like to thank the OIA for what I consider to be clear and concise documentation which has been carefully considered and understood."



Hilary Crook of Hatch Legal, who reviewed universities' legal responsibilities in relation to accommodation and Martin Blakey, Chief Executive of Unipol Student Homes, who examined the type of accommodation complaints received by his organisation.

On 13 May 2009 we held our annual seminar 'Introduction to the OIA' in Manchester. This is aimed at university staff who are new to complaints handling or would like a refresher seminar. It gives an overview of the OIA scheme from the perspective of those handling complaints within universities and the OIA itself.

The following day, also in Manchester, we ran the 'Open Forum for Student Union Advisers' following the success of the first Forum last year in Reading. This allowed those attending from students' unions to discuss current issues arising from student complaints and appeals as well as to discuss their experience of dealing with the OIA and to provide us with feedback.

The University of Manchester hosted both these seminars and the OIA is grateful for the time and effort that the university staff put into the organisation of the sessions.

In July and August the OIA ran for the first time two events for students' union sabbatical officers and new student advisers called 'Complaints and Appeals: Helping Students Stay on Track'. These sessions, held in Reading and Leeds, aimed to provide practical advice on representing students through an institution's internal procedures, to introduce the OIA and its processes and to share good practice.

In November 2009 the OIA launched its 2009/2010 outreach programme under the theme of 'Learning from Complaints'. The aim of the programme is to focus on key issues that prevent the internal resolution of complaints and can lead to an OIA finding that a student's complaint is justified in whole or in part. Drawing on key themes identified in the 2008 Annual Report the overall goal is to help attendees gain insights into how to develop and use robust and fair procedures which will encourage trust in structures for resolving complaints and appeals within institutions.

The first policy seminar in this series took place in November 2009 on the theme of Plagiarism and Academic Misconduct. It covered issues related to procedural fairness, penalties, plagiarism and academic judgment; and duties of care, particularly



“I was made fully aware of the OIA process in the clearest terms from first to last.”

for international students or those unfamiliar with the traditions of UK academic practice. The OIA's presentation on procedural fairness can be accessed on our website. External speakers included Jude Carroll from Oxford Brookes University who distinguished contract cheating from plagiarism, and Will Murray from N:Learning who discussed issues arising from the use of Turnitin software. Good practice points include regularly reviewing regulations; considering whether intent is a factor and if so, the burden and standard of proof which would apply in different situations; penalties should be fair and proportionate; make appropriate use of plagiarism software and ensure all relevant staff are aware of this; consider procedural fairness and inform students of the allegation against them and give reasons for the penalty imposed.

The remaining policy seminars taking place during 2010, in Reading and Cardiff, are 'Learning from Complaints: Postgraduate Study & International Students' and 'Learning from Complaints: Fitness to Practise'. As in previous years our events programme continues to be over-subscribed and we have addressed this in part by going outside the OIA's own premises so that we can increase the number of attendees. We are also delighted that we have attracted continuing interest from students' union representatives in attending our seminars as this greatly adds to the value of discussions.

The OIA's first Annual Open Meeting

The OIA's Annual Report was presented by Rob Behrens at the OIA's first Annual Open Meeting at the Globe Theatre in London in May 2009. The Meeting was well attended by representatives from universities and students' unions as well as the sector stakeholder bodies. A small number of complainants also attended.



David Willetts MP

David Willetts MP, now Minister for Universities and Science, was a key-note speaker. In endorsing the work of the OIA, he spoke about the challenges to the higher education sector in

a difficult financial climate. The speakers answered questions from attendees on both the work and future of the OIA and the higher education sector generally. After the meeting there was an opportunity to meet with OIA staff and informally ask questions about the Annual Report.

The Higher Education Advisory Panel

The OIA's Higher Education Advisory Panel was established in April 2009 and is chaired by Professor Avrom Sherr, Woolf Professor of Legal Education and Director of the Institute of Advanced Legal Studies at the University of London (*pictured right*). The other panel members are: Huw Morris, Academic Registrar at Swansea University and Chair of the Academic Registrar's Council's Special Practitioner Group for complaints and appeals; Janet Pugh, Educational Quality Coordinator at the University of Southampton; Mike Ratcliffe, Director of Academic and Student Affairs at Oxford Brookes University; Joanna Smith, Senior Adviser Union of Brunel Students; Geoff Stoakes, Vice Principal and Deputy Chief Executive of University College Plymouth St. Mark and St. John; and Andrew West, Director of Student Services at the University of Sheffield.

The panel has already proved itself invaluable as a sounding board for issues of higher education practice arising from complaints. There have been 24 referrals to the Panel since inauguration on a number of complex matters, particularly with regard to examination processes for both undergraduate and postgraduate students, including doctoral



Professor Avrom Sherr

candidates. Issues raised have included: changes to syllabus and special examination arrangements, procedures for the verification of exam scripts, good practice around the allocation of re-sit marks for coursework and examinations, the handling of allegations of prejudice and bias in marking, and disclosing the identity of internal and external examiners of assessed work.

All referrals have been conducted on an anonymised basis and panellists' responses have been detailed and helpful, have informed OIA Decisions and recommendations and have enhanced our ability to provide practical and appropriate resolutions to justified student complaints. Adjudication Decisions and outcomes, of course, remain entirely the responsibility of the OIA adjudication team.



“The degree of care you have taken is demonstrated in your comprehensive review during this process of all this material, in your decision, and especially in your recommendations for review and report, so that staff and student experiences...might be improved.”



“I have been very impressed by the service that your organisation has given me and for the very detailed analysis of the case.”

Case summaries

Disciplinary Proceedings

CASE 1

ISSUES/KEY WORDS: Disciplinary Procedures; Harassment Allegations; Procedural Fairness; Legal Expenses

SUMMARY OF CASE: S was awarded a PhD research fellowship funded by a national charity. Whilst conducting research for her thesis, S also taught at the University and contributed to its commercial research. Events giving rise to the complaint took place over a five year period. The University brought disciplinary proceedings against S alleging that her behaviour amounted to harassment of staff members. The alleged harassment began after S had herself been subject to an anonymous campaign against her. S's university access was suspended following concerns about her academic progress. S made a counter-complaint, alleging harassment against her.

The disciplinary proceedings were resolved when the University and S (through her solicitors) agreed to a "consent order" under which S agreed to

resign her student membership and the University agreed to discontinue the disciplinary proceedings, subject to some specific terms. However, each party subsequently alleged that the other had breached the specific terms of the consent order. The University reinstated the disciplinary proceedings. By this time, S's student membership had lapsed.

At a 'disciplinary court', S was found guilty on one charge of three charges. One charge was not proven and the other was dropped. She was given a written warning and told that, as her status had lapsed, she would have to apply for reinstatement if she wished to continue.

S appealed. She was given leave to appeal on one ground only: that the University was not entitled to hold a disciplinary hearing against S because she was no longer of student membership status. The University did not contest the appeal on that ground.

S submitted a schedule of damages which the University rejected. It asked her for a schedule of

costs, and she claimed costs in excess of £30,000. The conclusion of the appeal was that the finding against S should be overturned and the written warning revoked. S was awarded costs of £2,000.

S sought reinstatement in order to continue her PhD studies but the University said that it had not been able to identify a new supervisor and therefore reinstatement was not possible.

S complained to the OIA that:

- Disciplinary proceedings should not have been brought against her and the investigation was flawed.
- The disciplinary proceedings were unfair and the findings against her were flawed.
- She incurred considerable costs in defending herself, and the proceedings caused significant delay and damage to her career.
- The University acted unreasonably in not reinstating her following her successful appeal.

OUTCOME: Partly Justified

REASONS: The University's procedures for extending S's suspension introduced a considerable level of formality into the preliminary investigation. Three 'court' hearings were held to decide whether the suspension should be extended. Those formal hearings could have been avoided if the preliminary investigation had concluded within a reasonable time that disciplinary proceedings should be brought.

It was reasonable for the University's disciplinary court to make a finding of harassment against S, whose behaviour was wholly inappropriate. However, S raised some valid arguments in mitigation: she had not been warned of concerns about her academic progress before her University access was suspended. There was a reluctance to take action regarding S's behaviour which contributed to a reluctance to provide feedback about her academic progress.

The level of formality inherent in the procedures which the University chose to operate for matters of internal student discipline, which included 'court' hearings conducted by senior lawyers, encouraged students to seek legal representation. In the circumstances, the University should expect to make a considerable contribution to students'

legal costs, particularly where it had contributed to the length and complexity of the process by repeated delay. In the circumstances, given the amount of documentary material and issues involved and the number of hearings required by the University's procedures, the contribution of £2,000 towards S's costs was not a fair award. The University did not provide reasonable and timely advice concerning S's reinstatement, delayed in considering her application for reinstatement, and failed to take adequate steps to facilitate her reinstatement or consider other possible options.

The University concluded that it was not possible to reinstate S because appropriate supervision could not be arranged. Determining who would be an appropriate supervisor, and what level of supervision and equipment the University would need to provide in order for S to complete the PhD is primarily a matter of academic judgment. The OIA could not compel the University to reinstate S if it said that it could not identify an appropriate supervisor for her.

The outcome for S was that she was unable to complete her PhD research at the University, that she had spent more than £30,000 on legal representation, and that she was kept waiting

for the final decision of the University as to her progression for more than three years after the allegation of harassment was made.

RECOMMENDATIONS:

- Compensation totalling £45,000, made up as follows:
 - £14,000 towards S's legal costs (taking into account £2,000 contribution already paid, and the fact that S was unable to provide more satisfactory evidence detailing her legal costs);
 - £6,000 for stress and inconvenience resulting from the suspension without prior warning regarding her academic performance and delays to the process;
 - £15,000 for loss of opportunity to seek out study or permanent employment opportunities elsewhere for a period of two years, arising from the University's failure to address her applications for reinstatement within a reasonable time, and its failure to keep S informed of progress during its search for a new supervisor;
 - £10,000 in recognition of the fact that the University's extensive delays

and the lengthy processes used in responding to S's behaviour is likely to have resulted in long term damage to her academic and employment career. This was disproportionate to the sanction recommended by the University's disciplinary court.

- Review of the University's regulations relating to disciplinary offences and the operation of its disciplinary procedures, to consider:
 - how the University could improve its timeliness in investigating offences and bringing charges;
 - how the University could make the procedures less daunting for students. In particular, it should consider its practice of involving external, legally qualified individuals, often of senior professional standing, within an internal University procedure;
 - the role of the individual charged with the preliminary investigation of disciplinary matters, bearing in mind the prospect of a conflict between investigating and prosecuting disciplinary offences, and seeking to provide advice and guidance to students and staff.

Postgraduate Study

CASE 2

ISSUES/KEY WORDS: Academic Judgment; Postgraduate; Academic Appeal

SUMMARY OF CASE: S was studying for the award of PhD. S submitted his thesis for examination and the examiners decided that the thesis was not of PhD standard. S was awarded an MPhil, subject to minor amendments being completed.

S lodged an academic appeal against the decision which was heard before an Appeal Panel. S said that there had been a procedural error in the conduct of the examination, in that his supervisor had incorrectly advised him to submit his thesis for examination, even though S considered it was not ready for submission. S also said that his supervisor informed him that, if the examiners considered the thesis was not of an acceptable standard, they would make recommendations and he would be given the opportunity to resubmit the thesis at a later stage. S also stated that he had not been informed of the reasons why his thesis did not

meet the criteria for a PhD award. S believed that his thesis had been judged against a different set of criteria than that set out in the University's Regulations.

S attended the appeal hearing. The Appeal Panel rejected the appeal on the grounds that S had failed to establish the grounds of appeal. S complained about the following:

- He did not receive feedback from the examiners following the failure of his PhD;
- He was given incorrect advice regarding the submission of his thesis by his supervisor.

OUTCOME: Not Justified

REASONS: There was no breach of the assessment regulations in the marking of S's thesis. The OIA found that S was, in fact, challenging the academic judgment of the examiners and the OIA was unable to interfere with that. The OIA was satisfied from the documents provided that the examiners had identified significant failings in the

thesis. The OIA noted that it was the academic judgment of the examiners that the thesis could not meet the standard of PhD even if further work were completed. The OIA found that this decision was open to the examiners under the University's assessment regulations. The OIA was satisfied that it was the student's responsibility to decide when his thesis was ready for submission as set out in the Research Handbook.

The OIA noted that students were clearly informed by the University of all possible outcomes in the examination process. The OIA considered that, in deciding when to submit their thesis for examination, all students must weigh up the likelihood that they may not reach the required standard and consider the implications of all possible results which may be awarded.

The OIA found that the Appeal was conducted in accordance with the University's procedures and the decision to reject the appeal was reasonable in the circumstances.

CASE 3

ISSUES/KEY WORDS: Procedural Irregularity; Postgraduate; Academic Appeal

SUMMARY OF CASE: S was registered on an LLM and, after a period of suspension of study due to employment problems, she resumed her studies on a part-time basis.

S took 5 modules worth 15 credits each but did not submit any coursework. S's tutors asked her why no assessments had been submitted. S said that she had issues to deal with but she did not wish to discuss them with the University. S asked to retake her missed assessments as a re-sit. A tutor confirmed this, subject to confirmation from the Examination Board.

The Board noted that no mitigating circumstances had been submitted and decided to terminate S's registration for non-submission. S appealed on the grounds of mitigating circumstances that had affected her studies. She explained that she had been unfairly dismissed by her employer and had been pursuing a court case which she had won. The University rejected S's appeal because there was no evidence to show why she had

been unable to submit a claim for mitigating circumstances at the appropriate time.

S complained to the OIA that the University did not consider her mitigating circumstances.

OUTCOME: Partly Justified

REASONS: The complaint that the University did not consider S's mitigating circumstances was not justified. This was because the handbook made it clear that students should submit mitigating circumstances at the appropriate time and she had provided no valid reason for late submission.

However, the University had not followed its procedures in withdrawing S from the course. There had been no warning of withdrawal as required by its Regulations; in addition, S's tutor had suggested that S could retake her assessments. The OIA considered that, had S been advised that she was in danger of being withdrawn, she may have taken other action to preserve her position.

RECOMMENDATIONS:

That the University should offer to reconvene a meeting of the Examination Board to:

- Reconsider S's termination of registration in light of the OIA's findings;
- Consider whether to allow S to be reassessed in the failed modules and to minute the reasons for the decision made.

CASE 4

ISSUES/KEY WORDS: Supervision; Postgraduate; Students Complaints Procedure

SUMMARY OF CASE: S was registered on an MA by research course, which included the submission of a thesis.

The supervisor said that only stylistic changes needed to be made to S's thesis. The supervisor believed there were issues with S's level of English but did not advise her to undertake further classes to address this issue. When S asked whether the thesis was of a standard to submit, the supervisor hesitated and suggested they consult with another person. The supervisor arranged for a retired colleague to review the thesis. The colleague's comments were more critical than the supervisor's. S made the amendments and the supervisor again gave positive feedback to S.

S was subsequently referred in her thesis. She complained to the Director of Research Development of delays and that she had received inadequate supervision. The Director responded that delays had occurred due to emails being sent to another staff member with the same name as her tutor and also reported that the examiners had indicated that the thesis should be referred for further work before an oral examination could take place.

S escalated her complaint about inadequate supervision to the Head of the Department. S said that she had had positive comments from her supervisor on the thesis and was disappointed to learn that the thesis required profound reworking and restructuring. S asked for compensation in the form of a transfer to another University for which the University would pay the transfer fee.

The Head of the Department rejected the complaint. He believed that S had received more supervision than other students and that her supervisor had raised issues similar to those raised by the examiners.

S escalated her complaint. A reply was due within ten working days. Four months later, the University

replied rejecting the complaint. It emphasised that the responsibility for the academic nature of the research and the final thesis submission lay with the student.

S complained to the OIA that she had been unfairly treated by the University. S said that the supervision was so poor she did not wish to stay at the University after her thesis had been referred.

OUTCOME: Justified

REASONS: The University was unable to provide any record of supervision of S's research or minutes of meetings which took place to discuss S's dissatisfaction with the supervision. The supervisor had not completed any successful supervisions of PhD at the time of S's supervision. S had not been given a Personal Development Portfolio as required by the Regulations. S had not been interviewed before being accepted onto the course nor did the Department require her to attend the Induction Day as stipulated in the Regulations. S was not required to undergo an annual review

or offered targeted training as set out in the Regulations.

The OIA's review showed that the supervisor had many other commitments, suffered serious health issues and was not always available to respond to S's questions.

In light of the general tone of the email correspondence and the lack of the primary documentation which should have recorded the key stages of the research degree process, the OIA found that the University had failed to demonstrate that it complied with the normal professional levels of supervision and guidance routinely anticipated by students to ensure satisfactory progress in a research degree.

In referring to his retired colleague rather than following the supervision procedures, the OIA considered that the supervisor showed a lack of confidence in his own skills to monitor the work and to offer the kind of constructive criticism that was required.

The OIA was not satisfied that the University had adequately addressed S's concerns regarding her supervision.

The OIA found that there were delays in the University's handling of S's complaints and in responding to the OIA's requests for information.

RECOMMENDATIONS:

The University should offer S the sum of £3,500 in compensation.

CASE 5

ISSUES/KEY WORDS: Postgraduate; Misrepresentation of Course; Student Complaints Procedure

SUMMARY OF CASE: S joined a postgraduate course hoping to go on a student exchange. He achieved 46% in a module and was advised that he was not eligible to go on the exchange. He lodged a complaint which was rejected by the University.

He complained to the OIA that the University had not accurately described its exchange programme. The programme was highly regulated and it had not been advertised that participation on the exchange was subject to terms and conditions. He stated that the University had breached the

Unfair Trading Act 2008 as the advertising was misleading and hid information. He only found out about the rules (terms and conditions) after he had started the course.

OUTCOME: Partly Justified

REASONS: The OIA found that the University had not deliberately misrepresented the course. However, the University's publicity literature was unclear as to who would be able to qualify for the exchange and did not advise students that they would need to apply and meet certain academic requirements in order to be eligible. It was evident that requirements for participation on the exchange were in place prior to S beginning the course. In order to make decisions regarding the course, students should have timely access to the University's rules and regulations and in this case S did not have this information to inform his choices.

The OIA could not recommend that S be given a place on the exchange programme. Ultimately he did not meet the academic requirements to be eligible for the exchange. There was evidence to show that S's application was considered and that he was interviewed as part of the process while his appeal was pending.

However, the University should amend certain publicity material to make the requirements clear to students. Students should also be given this information as soon as possible to ensure they can make informed decisions about the course.

RECOMMENDATIONS:

- The University should take measures to ensure that amendments to its regulations are confirmed and published in time for students to receive this information when they register on the course or shortly thereafter;
- The University should amend its promotional material and the website by adding a statement which alerts students to the fact that they are not automatically eligible for a place on the exchange programme, and may not get a place at their first choice institution;
- The University should offer to pay to S the sum of £750 as a result of the fact that the University failed to provide him with important course information in a timely manner and for the disappointment that he experienced as a result of the unclear publicity literature.

NOTE: The University made the offer of compensation to S. S considered mounting a

judicial review challenge to the OIA's Decision but decided to accept the University's offer of settlement. The University is currently reviewing its procedures.

Academic Judgment

CASE 6

ISSUES/KEY WORDS: Academic Judgment; Discretionary Attempts; Academic Appeal

SUMMARY OF CASE: S had been unsuccessful in her second year medical exams at the first and second attempt. Under the University's regulations, students are automatically considered by a Discretionary Panel with the power to award a discretionary third attempt.

S submitted a statement to the panel detailing some family events which she felt had affected her performance. The panel did not award S a third attempt, and she submitted an appeal in which she provided further information about the family events.

S's appeal was rejected, and she complained to the OIA on the grounds that the Appeal Panel had not considered her case fully. She felt that the Appeal

Panel had not acknowledged the new evidence she had submitted about the family events.

OUTCOME: Not Justified

REASONS: The OIA found the University's decision not to exercise its discretion to allow a further attempt to be reasonable. From the Appeal Panel's documentation it was apparent that the full submission had been properly considered and the OIA identified no procedural irregularity in the process leading to the decision.

Plagiarism and Academic Misconduct

CASE 7

ISSUES/KEY WORDS: Academic Judgment; Plagiarism; Academic Appeal

SUMMARY OF CASE: S was registered on an undergraduate degree. The University received an anonymous letter that S had plagiarised the dissertation of another student which S had borrowed. S attended a meeting with the Award Leader to discuss the allegations. The Award/Progression Board decided that S had committed plagiarism, therefore she had failed the course and should withdraw.

S appealed against the decision as she had mitigating circumstances relating to domestic and family issues. The appeal was rejected.

S complained about the following:

- The University should not have accepted the anonymous letter alleging S had plagiarised;
- The University should have insisted S had a

representative at the interviews, even though she refused one at the time;

- The University had accused S of lying;
- S's dissertation had only been read by one person and no electronic analysis was used;
- Students typically looked at each other's dissertations.

OUTCOME: Not Justified

REASONS: The University had acted correctly and within its regulations in investigating the anonymous allegations and conducting the interview and appeal. The University was not required to insist S had a representative, only to make her aware that she could have one. The Chair's analysis of S's dissertation found that 90% of it was plagiarised and, in disagreeing with S that the plagiarism was minimal, the University had not accused S of lying. The decision about the nature and extent of the plagiarism was a matter of academic judgment outside the OIA's remit.

CASE 8

ISSUES/KEY WORDS: Plagiarism; Academic Misconduct Procedures; Academic Appeal; International Student; Procedural Fairness

SUMMARY OF CASE: S was an international student and was on an undergraduate programme validated by the University. She spent the first two years at a Chinese University, and came to the University in the UK for her final year. She submitted her final year research project and the University ran the project through the Turnitin software, and the results showed matches to submissions made at other UK universities. The tutor did not submit a report and the basis of the allegation came entirely from the Turnitin report. The project was referred to the Academic Misconduct Panel, who interviewed S shortly before she was due to return home.

It was recommended that S go before an Academic Misconduct Panel via video conference from her home country. The Panel determined that the case of plagiarism had been proven and recommended that the module be recorded as failed and that S be offered a restudy based on a new topic over the next academic year. (S's project

would have achieved a fail mark even without taking into account the alleged plagiarism).

S appealed against the Panel's decision on the ground that there had been material error or irregularity, but the Academic Registrar concluded that S had not established a *prima facie* case and her appeal was not upheld.

OUTCOME: Justified

REASONS: The University did not follow its own procedures and did not act fairly in considering the allegations against S. Neither the Academic Misconduct Panel nor the Academic Registrar properly considered whether there was sufficient evidence to make a finding of plagiarism. The OIA therefore considered that the finding against S was unsafe.

It was also found that the Chair had exceeded his role in interviewing S about the allegation and then making a recommendation to the Panel as he was acting in the role of investigator which was incompatible with his role as Chair of the Panel. The University had also failed to provide S with a copy of the Turnitin report at the interview. It appeared that the evidence provided to the Panel

at the hearing was provided by the Chair, and that S had not been informed of this before the hearing; nor were details of the charge made clear to S until the hearing.

The OIA was not satisfied that the University had followed its own procedures, as the module tutor had not submitted a report on the allegation against S as required, relying instead on the Turnitin report. The University's procedures were silent as to the burden of proof and standard of proof required in cases of academic misconduct, and it appeared from the notes of the hearing that the Panel may have considered that it was up to S to disprove the allegation, rather than for the University to prove it.

It was clear that the main reason for the finding against S was the Turnitin report upon which the OIA considered the Panel had placed undue weight.

RECOMMENDATIONS:

- The decision of the Academic Misconduct Panel be quashed and S be permitted to resubmit her project on her existing topic.

CASE 9

ISSUES/KEY WORDS: Plagiarism; Procedural Fairness; International Student

SUMMARY OF CASE: S was an international student registered on a one year Masters Degree programme. Having passed all taught modules, S was permitted to progress to writing his dissertation. S failed to submit the dissertation by the original deadline and was granted a resubmission opportunity.

- Whilst drafting the dissertation S was warned by his supervisor to be careful not to plagiarise;
- S later submitted a draft version of the dissertation to his supervisor for comment and was warned that some references were incomplete;
- S formally submitted his dissertation and was subsequently contacted by his supervisor regarding concerns about inconsistencies in S's writing style. S was invited to comment before a mark could be awarded, which he did by e-mail as he was out of the UK;
- A Committee was formed by the supervisor and another staff member. S was not

informed of its meeting nor invited to attend. It decided that S had committed plagiarism and that a mark of zero should be awarded. S was awarded a Postgraduate Diploma instead of a Masters Degree;

- S appealed the decision arguing that he had received no guidance about potential plagiarism in advance of submitting the dissertation and that he had not plagiarised deliberately. His appeal was rejected.

S complained to the OIA arguing that he was not given the chance to correct his dissertation, that he had only plagiarised in a few instances and that his supervisor had given him insufficient guidance.

OUTCOME: Justified

REASONS: The University had not followed its procedures, which did not allow for consideration by way of a Committee.

The University had also failed to act fairly towards S in that it had:

- Not fully set out the case against him or permitted him a fair chance to defend himself;

- Not invited S to attend the Committee meeting;
- Misled S as to the formality of the proceedings;
- Not ensured that the proceedings were free from a reasonable perception of bias.

RECOMMENDATIONS:

- The finding of plagiarism to be quashed and the University to decide whether to rehear the matter from the beginning of its procedures;
- The University to review its procedures for dealing with suspected plagiarism to ensure full compliance with the principles of natural justice (duty to act fairly).

CASE 10

ISSUES/KEY WORDS: Procedural Fairness; Academic Misconduct Panel; Penalty; Academic Appeal

SUMMARY OF CASE: As part of her undergraduate course, S had to give a presentation with another student. The two students did not prepare the presentation together. The second student offered to check S's referencing and

S emailed the other student her part of the presentation. The second student confirmed S's referencing was correct.

The University subsequently alleged that S had engaged in collusion which amounted to academic misconduct. S attended a panel hearing and subsequently also produced her handwritten draft notes of the presentation. The matter was referred to the Programme Assessment Board (PAB) for final decision. It was decided that S had committed plagiarism and therefore she should be withdrawn from the Course.

S lodged an appeal against the decision of the PAB. The appeal was rejected because no irregularity was found in the investigation into the allegation of collusion or the conduct of the academic misconduct hearing. It was an offence for a student to allow his/her work to be accessed by another and for a student to submit work of others as their own. The University found that the PAB acted within its authority in terminating S's registration for collusion.

S complained that the University's decision was unreasonable in the circumstances and the University had failed to consider her evidence.

OUTCOME: Partly Justified

REASONS: The University's decision to withdraw S was unreasonable because the University had accepted that S was the author of the work and also there was no compelling evidence S had colluded with the second student.

The University was persuaded by the fact that S forwarded her presentation to the second student. However, the University did not make it clear that S faced the charge of not keeping her work secure rather than collusion. Although the regulations said that students had to keep their working notes and drafts so that ownership can be established, the panel did not accept this evidence in S's case. Although the notes did not prove authorship, they were what was required under the regulations.

The academic misconduct panel did not make a decision following its hearing at which S attended. This was left to the PAB.

The decision was therefore taken by staff who had not been privy to the evidence heard at the hearing. This was in breach of the regulations and was neither transparent nor fair.

The University appeared to adopt a blanket policy in terminating the registration of all students found guilty of academic misconduct. Adopting a blanket policy on the basis that all students should have known that termination was a possible outcome was neither reasonable, proportionate nor in accordance with the regulations.

The second student produced evidence to support her case which was not shown to S. This was considered by the University in balancing the evidence of both students before reaching a decision. If the University wished to use evidence in this way, it would have been better practice to hold a joint hearing where each student could present his/her case.

RECOMMENDATIONS:

- The University to offer S the opportunity to rehear her case, taking into account the OIA's findings.

CASE 11

ISSUES/KEY WORDS: Academic Appeal;
Procedural Fairness

SUMMARY OF CASE: S was a third year undergraduate student. After sitting his final exams he returned home and was contacted by telephone and asked to return that day to dictate an illegible examination script.

When dictating his answers S improved and added to his original answers. This was discovered and a disciplinary hearing was convened. S was awarded zero for his paper and the offence noted on his record. However awarding S a mark of zero did not affect his overall degree classification and so the University also reduced his degree from a lower second degree to a third.

S complained that he had been doubly punished for the same offence. He also complained that he had been given no advice, oral or written, about what he should do when asked to dictate his script.

OUTCOME: Justified

REASONS: The University had no written policy about the dictation of illegible exam scripts, there was no evidence that S was told what was required of him and at the hearing S's supporter was wrongly advised that he was unable to speak in S's defence. There was also delay and lack of notice of meetings.

RECOMMENDATIONS:

- That the Board of Examiners reconsider S's case with a view to fixing a penalty that is both proportionate to the offence and reflective of the shortcomings in its procedures;
- That the University reconsider the note placed on S's record that he had admitted an offence of cheating;
- That the University pay S £100 in recognition of the procedural irregularities that had occurred;
- That the University introduces regulations or guidance relating to illegible examination scripts as soon as possible.

Disability**CASE 12**

ISSUES/KEY WORDS: Disability; Academic Appeal

SUMMARY OF CASE: S was registered on a BA course at the University. He appealed at the end of his course following the award of his degree and was informed that he had not established any grounds upon which a request for a review of the assessment board's decision could be based. He raised four matters:

- The marks on his transcript were not accurate;
- The marking of his 'Project' was subjective;
- No account had been taken of his mitigating circumstances;
- He had not been adequately supported as a student with dyslexia.

The University dismissed the first three aspects as not having met the grounds for appeal or further consideration. With regard to the fourth matter, although S did not offer any explanation as to why he only raised the matter after the course had

finished, the University accepted this aspect of the appeal as establishing a valid ground but rejected the appeal on the grounds it was not supported by evidence.

S was unhappy with this outcome and brought his complaint to the OIA.

OUTCOME: Partly Justified

REASONS: Although the OIA was satisfied that it was reasonable for the University to determine that the first three aspects of the appeal did not establish grounds for further consideration, having accepted the fourth aspect of S's ground for appeal, the University had a responsibility to consider the matter carefully. S's appeal submission raised serious concerns about whether the University had made the reasonable adjustments recommended in his Needs Assessment. The OIA concluded that the University's decision that S had been adequately supported was not fair or reasonable.

RECOMMENDATIONS:

- The University should offer to convene an Assessment Review Board to further consider S's appeal.

The University accepted the OIA's recommendation and S's appeal was reconsidered and his degree reclassified from a 2.2 to a 2.1

CASE 13

ISSUES/KEY WORDS: Disability; Special Examination Arrangements; Mitigating Circumstances; Academic Appeal

SUMMARY OF CASE: S was an undergraduate student who suffered from a severe skin condition. Most of the time, S was able to manage his condition; however, occasionally he would experience severe and debilitating "flare-ups". During the first year of his course, S applied for and was granted special examination arrangements which enabled him to sit and pass his first and second year examinations successfully. However, in the days leading up to and during his final examinations, S experienced a severe flare-up of his condition. He submitted a special circumstances form to the University claiming that the effect of the flare-up was so severe that the examination arrangements were insufficient to address the effects of his condition. With his form, S submitted detailed medical evidence

which supported his claim. The University rejected S's special circumstances claim, and subsequent appeal, on the basis that special examination arrangements were in place and to accept his special circumstances claim would amount to "double counting".

S complained to the OIA that the University failed to take proper account of his special circumstances when considering his final degree classification. In particular, he contended that the University did not take account of the fact that the alternative arrangements which were in place for his examinations (five minute rest breaks per hour) were not adequate during his final examinations. The remedy he sought was for the OIA to recommend that the University reconsider his final degree result.

OUTCOME: Justified

REASONS: There was evidence that the Board of Examiners may not have asked itself the right questions and/or may have unduly fettered its discretion when considering S's final year special

circumstances claim. In particular, the OIA found that the Board of Examiners had failed to consider whether the special facilities and extra allowances provided for the student were an adequate and balancing compensation for the severity of his condition at the point that he was taking his final year examinations.

RECOMMENDATIONS:

- The University to refer S's appeal back to the Examination Board for reconsideration.

The University accepted the OIA's recommendation and S's appeal was reconsidered and his degree reclassified from a 2.2 to a 2.1.

CASE 14

ISSUES/KEY WORDS: Disability; Accommodation; Disciplinary Procedures

SUMMARY OF CASE: S was a first year student at the University who had a multiple personality disorder. She lived in University owned accommodation with nine other students. Late one evening an incident occurred at the house which resulted in substantial damage to the house

and property of some of the residents. S and another student admitted they had been involved in the incident. The other students present denied any involvement.

A disciplinary hearing was convened and the Disciplinary Panel recommended that S:

- Be evicted from University accommodation;
- Give an undertaking as to future good conduct;
- Pay half the cost of the damage to University accommodation and compensate the other residents.

S appealed against the Disciplinary Panel's decision. Whilst S's substantive appeal was dismissed the Appeal Panel allowed her to remain in University accommodation.

S complained to the OIA that her actions resulted from the effects of her medication and disability and therefore the decision to initiate disciplinary proceedings was discriminatory. S also complained that she had not had the opportunity to comment on the costs of the reparation work before it was undertaken.

OUTCOME: Partly Justified

REASONS: There was no causal relationship between the student's medical condition/disability and her actions in causing damage to University property. The University was acting reasonably and in accordance with its procedures in taking disciplinary action against her.

However, the University ought to have obtained a breakdown of the estimated costs of reparation work and that breakdown ought to have been disclosed to the student for comment.

RECOMMENDATIONS:

- The University should offer to reduce S's contribution to the reparation costs by £100.

CASE 15

ISSUES/KEY WORDS: Disability; Dyslexia Support; Disabled Students' Allowance Funding

SUMMARY OF CASE: S registered at the University as an undergraduate studying on a four year BSc course. Before commencing his course S completed a Disclosure of Disability Information

Form for New Students, on which he disclosed his dyslexia. Shortly after starting his course S was seen by an educational psychologist who recommended adjustments be put in place for examinations and the University arranged for these. The educational psychologist also recommended that S apply for a Disabled Students' Allowance (DSA) from his LEA in order to obtain specialist equipment and tutoring. S failed to apply for a DSA until shortly before the start of his third year by which time he was already under probation for poor academic performance. His assessment for a DSA made various recommendations for reasonable adjustments. S was asked to leave the University for academic failure before these adjustments had been put in place. S complained that various mitigating circumstances had not been considered by the University, that the University had not followed the correct procedure for academic discipline and had failed to properly consider his disability.

OUTCOME: Partly Justified

REASONS: The OIA found that the University had properly considered S's mitigating circumstances and followed its procedure for academic discipline. However, whilst S should bear some

of the responsibility for the late provision of the reasonable adjustments because he did not seek out additional help until very late in the day, and led the University to believe that he was receiving additional help when he was not, the OIA found his complaint concerning the University's support in relation to his dyslexia to be justified in that the University did not properly consider whether his dyslexia put him at a disadvantage compared to other students.

RECOMMENDATIONS:

- To refer S's complaint back to the University to reconsider its decision having regard as to whether he was put at a disadvantage as a result of his disability at the time he was asked to leave because the recommended adjustments had not been put in place.
- If, following the University's decision, S was readmitted to the University as a student, to implement the recommendations of the DSA assessment.

Fitness to Practise

CASE 16

ISSUES/KEY WORDS: Procedural Fairness; Professional Standards; Screening and Termination Procedures

COURSE/PROFESSIONAL BODY: Social Work; General Social Care Council (GSCC)

SUMMARY OF CASE: S was enrolled on a BSc in Social Work. Before offering students a place on the course, the University required them to complete a form disclosing any previous convictions. S disclosed one motoring conviction for which she had received a 28 day ban. The University did not consider this to be serious and offered S a place on the course.

Before starting her second year placement, S was required to complete an application for an Enhanced Criminal Records Disclosure from the

Criminal Records Bureau, as a result of which two further motoring convictions, which S had not previously disclosed to the University, came to light. The University convened a Cause for Concern Meeting at which S explained the reasons for the non-disclosure. At the same meeting, S was asked to prepare an anonymised written explanation of the circumstances surrounding the additional convictions and the reasons why she had not disclosed them. S was informed that her written statement would be forwarded to two of the University's partner agencies who were responsible for offering placements. Their comments and S's statement would then be considered by the University's Convictions Panel ("Convictions Panel") under the University's healthcare students' screening procedure ("the Screening Procedure").

The Screening Procedure required the details of offences to be outlined to partner agencies for a response as to: "...whether they would be in a position to potentially offer a placement or employ someone with the stated offences."

S's course leader sent S's statement with the University's pro forma letter to the partner agencies. The letter asked the agencies to indicate whether they would be able to offer S a placement

given her circumstances; whether S met the standards of conduct they would expect of social care staff and whether "... her convictions and current concerns should preclude her from being employed within your agency."

Both partner agencies indicated that they would not offer a placement to a student in S's circumstances and when the Convictions Panel subsequently met, it decided that S should be withdrawn from her course. When S's case was referred to the University's Termination of Studies Panel, she submitted mitigating circumstances with supporting evidence in the form of medical certificates, court records relating to her convictions, testimonials from professional referees and her more detailed explanation of the events surrounding her convictions. S's course leader, who was present at the hearing, informed the Termination of Studies Panel that as the partner agencies would not offer S a placement, the case was outside of the University's control because the University could not keep a student without a placement on the course.

The Termination of Studies Panel subsequently recommended that S be withdrawn and this was later confirmed by the Exam Board. S requested a

review of the decision on the grounds of material administrative error. S was subsequently notified that her appeal had been rejected.

S complained to the OIA that:

- the University did not properly consider the mitigating circumstances she submitted to the Termination of Studies Panel; and
- she was told the partner agencies would be contacted via a letter containing anonymised details of her case together with a copy of her written statement. However, email correspondence between the University and one of the agencies suggested that her circumstances had been the subject of several telephone conversations. S was concerned that her anonymity had not been preserved and that a fair process had not been followed in her case.

OUTCOME: Justified

REASONS: The Termination of Studies Panel did not meet in private at the end of the hearing to consider the evidence and this procedural flaw amounted to a breach of the principles of natural justice. The OIA found that there was no record

of any decision by the Termination of Studies Panel in relation to S's mitigating circumstances and that the evidence showed the Panel had accepted the arguments made by S's course leader without properly considering S's submissions. The OIA also found that the questions put to the partner agencies in the University's pro forma letter, and the information provided to them, went beyond what was required under the Screening Procedure. This meant that the agencies were provided with information which they should not have seen and asked to provide an opinion on matters which were beyond their remit under the Screening Procedure. As a consequence, both the Convictions Panel and the Termination of Studies Panel considered opinions about S which were unfairly obtained.

The OIA found that the absence of any record of the conversations between the University and one partner agency about S's case was unfair to S because of the lack of transparency.

Finally, the OIA found that the University treated S's request for a review of the Exam Board's decision as an appeal. This was incorrect as, under the University's procedures, S was entitled to present her case to an Appeals Panel for a decision to be

reached about whether she should be given leave to appeal and this did not happen.

RECOMMENDATIONS:

- The University to reconsider S's case at a fresh Termination of Studies Panel, ensuring that procedures for hearing and considering S's evidence in private are followed and giving reasons for its decision.
- Fresh opinions to be sought from different partner agencies in relation to S's case. The partner agencies to be asked only whether they would be in a position to offer a placement to someone in S's situation, and to be provided only with anonymised details of the offences and dates.
- Those opinions to be requested, and presented to the Termination of Studies Panel, by someone with no previous involvement in S's case.

OBSERVATIONS: The OIA made the following suggestions:

- that Enhanced Criminal Records checks be carried out before admission to the social work course, in line with the procedure for other health and social care courses and GSCC guidance; and

- that the University keeps clear records of all deliberations and decisions, with reasons.

CASE 17

ISSUES/KEY WORDS: Procedural fairness; Fitness to Practise Procedure

COURSE/PROFESSIONAL BODY: Medicine; General Medical Council

SUMMARY OF CASE: S was enrolled on a MBChB degree programme. Early in his final year the University became aware S had a number of criminal convictions (related to two driving offences) and had been cautioned at the age of 17. The University convened a Fitness to Practise Panel to consider the Medical Department's case against S on the grounds that he had failed to disclose his convictions at the time they occurred and subsequently, and that he failed to admit the caution on his UCAS

form. The Department also mentioned three other general issues. The Fitness to Practise Panel decided to withdraw S because:

- S provided explanations for his behaviour but did not deny any of the incidents;
- the behaviour was in conflict with the GMC guidelines governing fitness to practise;
- non-disclosure of the police caution was a breach of the University regulations;
- the evidence suggested repeated displays of professional improprieties over a relatively long period of time; and
- it was unlikely that any further training would result in S amending his conduct in line with the core requirements of the GMC.

The Panel concluded S was not fit to practise but did not say whether it accepted his mitigating circumstances, whether it believed S's explanations nor which conduct rendered S unfit to practise. S appealed on the grounds that:

- there was new evidence that had not been available at the time of the first hearing related to S's depression which had affected his decision making;

- the punishment was too severe for the offences; and
- there was a procedural irregularity in the conduct of the hearing as a member of the panel had left the room.

The Fitness to Practise Appeals Panel decided that:

- there was not sufficient evidence of the effects of the depression;
- the other witnesses were not fully briefed of S's situation and were of limited assistance;
- the requirement for S to withdraw was based on the need to protect the public;
- the procedural irregularity had no effect on the hearing as the panel member only left the room briefly; and
- S was aware of the obligation to disclose his convictions but failed to do so.

S submitted a second appeal on the grounds of new evidence, the severity of the punishment in comparison to other students and procedural irregularities in the conduct of the first Panel.

The new evidence related to the Department's submissions in response to his first appeal which S did not receive because they had been delivered to the wrong address so he was unaware of how the

Department intended to conduct its response to his appeal at the time of the hearing. In particular he had no advance warning that his diagnosis of depression would be challenged. The outcome of the second appeal was that there was no *prima facie* case for appeal.

S complained to the OIA that:

- there were procedural and substantive flaws at each stage of the Fitness to Practise proceedings;
- the format of the electronic Code of Conduct his cohort had to sign was confusing and poorly introduced, and statements contained in that document could not be relied upon;
- he had disclosed his convictions to a member of the University;
- the University was biased against him; and
- it was unreasonable for the University to conclude that he was not fit to practise.

OUTCOME: Justified

REASONS: The OIA found the complaint to be justified because there were a number of failings by the University in respect of S's appeal against the decision that he was not fit to practise:

The Fitness to Practise Panel:

- summoned S to discuss a number of issues and then broadened its enquiry without advance warning;
- found that S had not disclosed his convictions to the University when he had done all that was reasonably necessary in the circumstances to do so; and
- made findings that were in breach of its own regulations by considering a formal caution and conduct which resulted in neither a conviction nor a caution which it should not have considered under the regulations.

The Fitness to Practise Appeals Panel:

- failed to identify the shortcomings of the Panel. It was in breach of the principle of procedural fairness as S did not have advance notice of the Department's case against him and S had produced evidence that he had disclosed his convictions to a member of University staff; and
- incorrectly concluded that S's medical condition did not cover all the relevant convictions, as the convictions occurred while S had a diagnosis of depression.

The second appeal was dismissed by the University as disclosing no *prima facie* case for appeal. There were flaws in:

- the Medical Department's case on the appeal not reaching S; and
- the constitution of the original Fitness to Practise Panel.

The OIA is not qualified to comment on the professional judgment as to whether S was fit to practise. His complaint that it was unreasonable to reach this conclusion was not eligible for consideration.

RECOMMENDATIONS:

If the flaws identified in the decision were absent the OIA was not satisfied that the Fitness to Practise Panel would have reached the same decision. It was therefore necessary for the matter to be reconsidered and recommended that:

- a new and freshly constituted Fitness to Practise Panel should be convened as soon as possible. The charges S faces should be rephrased to comply with the regulations and should clearly set out the matter to be addressed during the Panel meeting.

The Panel should:

- seek appropriate legal assistance in order to consider the technical definitions of S's convictions and cautions, and his culpability;
- only consider those matters allowed by the regulations; and
- consider whether S's disclosure of his convictions was sufficiently timely however, it would be unreasonable to consider that he did not disclose them at all.

If the Panel decided not to withdraw S, the OIA recommended that the University should not charge S any fees for repeating his fifth year of study.

S subsequently rejoined his course.

OBSERVATIONS: A Fitness to Practise Panel serves two functions. It acts as a disciplinary body for students registered on certain courses and acts as a gatekeeper for a professional body so that only those people who are of good character enter

the profession. This ensures public confidence that students with a certain qualification are appropriate people to be delivering certain services to the public. A Medical Fitness to Practise Panel therefore exercises professional judgment in deciding whether a person is fit to be a medical practitioner. It is not appropriate for the OIA to substitute its judgment for that of the Panel on the substantive issues. However if we find that the panel erred in its fact-finding exercise, or the procedures it has followed, we can make recommendations for the matter to be considered afresh either by the same panel or by a newly convened panel.

Section 14, Powers of Criminal Courts (Sentencing) Act 2000 reads "A conviction of an offence for which an order is made... discharging the offender absolutely or conditionally shall be deemed not to be a conviction for any purpose other than the purposes of the proceedings in which the order is made." There has been litigation to determine whether this section prevents a Fitness to Practise Panel from considering the facts underlying the conviction. The court decided that a Fitness to Practise Panel can consider the conduct underlying a conviction because it is not treating the conduct as a conviction but rather considering the conduct for an entirely different purpose. It does mean,

in the OIA's view, that the panel cannot simply say that because S has a conditional discharge for an offence he has committed the crime. The University would be advised to take legal advice about how it considers the conduct underlying the conditional discharge. (*R. v Statutory Committee of Pharmaceutical Society of Great Britain Ex p. Pharmaceutical Society of Great Britain* (1981) 2 All ER 805).

CASE 18

ISSUES/KEY WORDS: Procedural Fairness; Code of Practice; Academic Appeal

COURSE/PROFESSIONAL BODY: Counselling

SUMMARY OF CASE: S was studying for a Postgraduate Diploma in Counselling which required students to attend a clinical placement involving a minimum of 150 practice hours and at least 40 individual weekly supervision sessions. Five months into the course S was advised that he was to be held back from his placement because of concerns about his behaviour. S began his placement a year after joining the course. He received an "unsatisfactory" final supervision

report. The External Examiner who considered the report said that a second placement was not appropriate because the report raised issues of unethical working and client risk together with some doubt that an improvement in performance would be likely.

The Exam Board agreed to recommend that S fail the course at the first attempt and be denied a second attempt at the placement because reassessment would entail an unacceptable risk for clients under the University's regulations. S appealed against the decision and asked to repeat the placement. The Appeals Panel rejected his appeal.

S made a second appeal to the Review Panel which agreed to recommend that S should be allowed to repeat the placement subject to a number of conditions. As the Review Panel proposed to vary the student's result it was required to seek the view of the External Examiner. The External Examiner refused to endorse the recommendation so the decision was referred to the University's Final Review Panel. The Final Review Panel rejected the Review Panel's recommendation and upheld the Exam Board's decision not to allow a second placement.

S complained to the OIA that the University's decision to refuse him a second placement was not justified because:

- there was no evidence to support the view that a second placement posed an unacceptable risk to clients;
- he received inadequate tutorial support;
- prior to the unsatisfactory final report he was not told of the alleged deficiencies in his performance or the possible consequences. His first and second reports were that his performance was satisfactory; and
- the Appeals Process was flawed. In particular the External Examiner may have been unfairly influenced by the Department which he contacted to discuss the case with after the Review Panel. The External Examiner may therefore have taken into account matters occurring after the decision to withdraw him from the course when he advised the Review Panel that he did not support its decision that S should be allowed to repeat the placement.

OUTCOME: Partly Justified

REASONS: The OIA's overall finding was that S's complaint was partly justified. The OIA considered the aspect of S's complaint that the Appeal Process

was flawed to be justified. No finding was made in respect of S's other substantive complaints as they were not considered in the OIA's review in order to avoid prejudicing any further action that the OIA required the University to take because S's procedural complaint was justified.

The OIA found the procedural aspect of S's complaint to be justified because while the Regulations did not prohibit the External Examiner contacting staff prior to making a recommendation to the Final Review Panel, it is a fundamental principle of procedural fairness that parties to a dispute be allowed an equal opportunity to be heard before the decision maker. Both S and the Department were able to put their case to the Review Panel but the Department could not persuade the Panel that S should not have a second placement. While it was the External Examiner who contacted the Department and the Department may not have intended to influence the External Examiner's decision, the result was that the Department had another opportunity to influence the decision maker that S should not have a second placement.

It was considered to be a rare situation where the Final Review Panel would disagree with an

External Examiner as to whether a student should have a second opportunity. The consequences of not being allowed a further placement are grave. As such it is important that the process by which the External Examiner reaches their decision complies with the principles of procedural fairness and is procedurally beyond reproach.

RECOMMENDATIONS:

- That the University offer to refer S's case to another External Examiner (who has not been previously involved in the case) for a recommendation as to whether or not S should be allowed a second placement. The new External Examiner should have all the information presented to the Review Panel and should be advised their decision should be based solely on the documentation without discussion with the Department. If the new External Examiner refuses to endorse the Review Panel's recommendation that S be allowed a second placement, the decision should again be made by the Final Review Panel.

CASE 19

ISSUES/KEY WORDS: Placement; Procedural Fairness; Fitness to Practise Procedures

COURSE/PROFESSIONAL BODY: Teaching; General Teaching Council

SUMMARY OF CASE: S was a first year student registered on a PGCE course. Between January and February, S undertook his second school placement during which both he and the school raised concerns. S complained that his placement mentors were not grading his work and the school raised concerns about S's reaction to feedback. S's tutor made enquiries and discovered that the school's view was that S would not accept any criticism. The school stated that S had also refused to have the words "learning from advice given by others" marked on his review sheet.

S's Tutor attended a meeting at the school with S and his mentors at which S was recorded as having delivered a tirade against the school, claiming that his teaching was "the best in the world" and refusing to accept his fail grades, alleging that he was being punished and discriminated against. At the meeting, S's mentor

told him that he believed S's attitude made him unsuitable to be a teacher. S's mentor expressed concerns for the safety of the school community and told him not to return to the school for the last two days of his placement.

S's department began fitness to practise proceedings and S lodged a complaint with his department. The University decided that a Fitness to Practise Panel should be convened in the first instance and at a meeting in mid-March the Fitness to Practise Panel found that S was unsuitable to enter the teaching profession. S was suspended from his course and on the recommendation of the Fitness to Practise Panel, was subsequently excluded by the Exam Board. S appealed against the Fitness to Practise Panel's decision on the grounds of procedural irregularity and that the penalty was too severe, but the Appeals Panel found no irregularities and endorsed the penalty.

S complained to the OIA that:

- there were procedural irregularities in the conduct of the Fitness to Practise Panel; and
- the penalty imposed by the Fitness to Practise Panel was too severe.

OUTCOME: Not Justified

REASONS: The OIA found that correspondence from the University to S confirmed that the Appeals Panel had properly considered the severity of the penalty imposed on S and whether there had been any material irregularities in the Fitness to Practise Panel's conduct. The OIA found that the Appeals Panel was entitled to reject S's appeal because the minutes of the Fitness to Practise Panel meeting demonstrated S had a fair opportunity to put his case and there was no evidence of procedural irregularity.

CASE 20

ISSUES/KEY WORDS: Academic Appeal; Procedural Irregularity; Disability; Mitigation; Academic Appeal

COURSE/PROFESSIONAL BODY: Medicine; General Medical Council

SUMMARY OF CASE: S was a medical student with a psychiatric illness which had impeded her progress at various stages during her studies. She failed her final year examinations and was permitted a re-sit. She was referred to an independent psychiatrist for assessment under

fitness to practise procedures and she declared herself to be well. Leading up to the re-sit she had to stop taking her prescribed medication because of side effects. Following the re-sit S was awarded a BSc Biosciences degree. She appealed on the grounds of mitigating circumstances and said that she had been diagnosed with moderate depression during the period before her re-sit examination. Her Appeal was rejected and S complained to the OIA on the grounds that:

- The University's Appeals Panel was not constituted in accordance with the regulations;
- The Appeals Panel misdirected itself regarding the extent to which she had failed;
- The Appeals Panel failed to take account of relevant circumstances regarding her disability and how it affected her performance, and her ability to submit a mitigating circumstances claim at the appropriate time;
- The Appeals Panel's decision was disproportionate.

OUTCOME: Partly Justified

REASONS: The University had an ongoing duty towards S as a student with a disability. However, S also had a responsibility as a medical student to

keep the Medical School informed regarding her state of health, particularly in the context of fitness to practise proceedings.

- The failure to provide S in advance of her appeal with an academic progress report was a material irregularity that disadvantaged her. This was sufficient to render the appeal hearing unsafe and the process should therefore be repeated.
- The University's requirements regarding the submission of mitigation are made clear to students. Although S submitted details of her circumstances after the deadline the minutes of the Appeals Panel hearing do not indicate that the Panel founded its decision on the fact that she did not submit her claim at the appropriate time.
- The OIA did not make any findings in relation to S's medical evidence or the level of support given to her as a student with a disability as these were matters properly for the determination of the re-convened Appeals Panel.

RECOMMENDATIONS:

- The University should offer to refer S's case back to a newly constituted Appeals Panel,

whose members have had no previous involvement in her case, and which should consider her appeal in the light of all of the medical evidence which she has now submitted.

- The University should review its procedures and regulations in the light of the failings identified in this case. This should include ensuring the accurate recording of the process for submitting claims for mitigating circumstances and recording which personnel are required to appear before the Appeals Panel. A report on this review should be supplied to the OIA within three months.

Note: The reconvened Appeals Panel decided to give S a further opportunity to retake her final year examinations.

International Students

CASE 21

ISSUES/KEY WORDS: Fees; Undergraduate; Fee Classification

SUMMARY OF CASE: S was studying medicine at the University. He was born in the UK in 1989 and, in 1996, his family moved to the USA due to his mother's employment. His mother had continued to work in the USA on temporary annual contracts since that point. S then returned to the UK in 2007 to continue his studies.

Prior to registering as a student, S was classed as an international student and was charged international fees on that basis. Following his registration at the University, S submitted a number of appeals to the University against his classification as an international student.

S stated that as he was now settled in the UK following his 18th birthday and that as the only citizenship he held was British, he intended to settle permanently in the UK. S stated that he had not lived in the UK for three years prior to

his registration as a student, but he had come to the UK with a one way ticket and therefore was now permanently and ordinarily settled in the UK. S asked that he be charged home fees.

The University rejected the appeal and maintained that as S had not been ordinarily resident in the UK in the last three years, it was right to charge him international student fees.

S complained to the OIA that the University was incorrect to charge him international student fees and he was entitled to be charged home fees in line with the University's regulations.

OUTCOME: Not Justified

REASONS: The OIA found the complaint to be Not Justified as the OIA found that, in order for S to be charged home fees, he needed to demonstrate that his time abroad had been temporary due to his parents' employment abroad. If he proved this he would be considered to be an 'excepted student' and would only have to pay home fees.

The OIA found that the Governmental guidance provided a check list for absence due to

employment to assist assessors in reaching a decision on cases where British students had not been resident in the UK for three years.

The OIA noted that this guidance advises universities that consideration should be given to whether the employment contract of the parent was the first overseas posting of its type or whether it was a continuation of similar contracts. It stated that a succession of similar temporary contracts could be construed as permanent employment.

The OIA was satisfied that the University was able to consider S's mother's succession of temporary contracts as an indicator that she was permanently employed abroad and found that the decision to charge S international student fees was reasonable in all the circumstances.

CASE 22

ISSUES/KEY WORDS: English as a Second Language; Undergraduate; Academic Appeal

SUMMARY OF CASE: S was an international student registered on an undergraduate course.

The University withdrew S from his studies following the failure of his repeated first year. S appealed the decision to terminate his registration on the basis that that he had received incorrect advice from a University administrator about the International English Language Testing System (IELTS) requirements for enrolling.

The University's enrolment procedures changed prior to the repeat year. Whereas previously students had been allowed to enrol on a course without meeting the specified IELTS score if they attended language classes during the year, the University now required that all students have an IELTS score of least 6.0 before being permitted to re-enrol on the course and that there would be no exceptions to that rule. The student did not achieve the required IELTS score but was allowed to enrol on the course some two months after commencement.

S contended that, as a result, his re-enrolment for the repeat year was delayed and his performance adversely affected. He said that he should either not have been allowed to enrol on the course or his enrolment should not have been delayed on IELTS grounds. The University dismissed S's appeal on the grounds that it

would not be in the student's best interests to be allowed to rejoin the course and that the University's procedures had been followed throughout the course of S's registration on the course.

S complained to the OIA that the University's decision to dismiss his appeal was unreasonable as it failed to have proper regard to the circumstances surrounding his enrolment on the repeat year.

OUTCOME: Partly Justified

REASONS: The OIA found that the University did not provide S with adequately detailed and clear reasons for its decision to reject his appeal and, in particular, failed to give due and proper consideration to the circumstances of S's enrolment on the repeat year, which was at the core of his appeal.

The OIA was not satisfied that the University had demonstrated that it took appropriate steps to ensure that S was aware of the changes to its language requirements in the repeat academic year. S only became aware of the changed requirements when attending to enrol and that delayed his enrolment on the course.

Whilst the OIA considered that the University's decision to reject S's request to return to the course was not unreasonable, a procedural irregularity did occur in S's enrolment for the repeat year and the University failed to take proper account of that when considering his appeal. S was materially disadvantaged by the University's failure to apply its published IELTS requirements in his case as this resulted in him continuing to pay fees for a course which the University recognised (or ought to have recognised) he did not have adequate English language skills to cope with.

RECOMMENDATIONS:

- The University should refund the fees paid by S in relation to the repeat year.

CASE 23

ISSUES/KEY WORDS: Mitigating Circumstances; Undergraduate; Academic Appeal

SUMMARY OF CASE: S was an international student studying for the award of a BSc degree. S submitted mitigating circumstances in his final year as he feared that he might experience a panic attack in his exams because the exams were too close together. S went on to take his exams and did suffer a panic attack during exam A.

S received his final results, was advised that he had been awarded a 2:2 degree classification and decided to appeal. His appeal was based on the submission of late mitigating circumstances and the fact that he believed that one or more of the examiners were biased against him. S advised the University of a new medical condition he had developed.

The University rejected S's appeal and advised him that he had failed to establish grounds for appeal. S was advised that as the University had been unaware of his medical condition at the time, the exam board had not considered it. S was told that, although he had provided proof of his condition,

he had failed to provide evidence demonstrating the impact of his condition on his academic work. The University also found that S had failed to provide valid reasons for not submitting his mitigating circumstances at the correct time.

S complained to the OIA about the following:

- That the University failed to take into account his mitigating circumstances.
- That the University failed to take into account his panic attack.
- That the University failed to deal with the case fairly or seriously.
- That the University was biased by awarding higher marks to other students who had been caught cheating.

OUTCOME: Not Justified

REASONS: The OIA found the complaint to be Not Justified as S had waited until after he had received his exam results before bringing his medical condition to the attention of the University.

The OIA found that the University's procedures regarding mitigating circumstances were clear and that S was aware of them as he had submitted mitigating circumstances prior to the exams. S did

not provide valid reasons why he had been unable to make the University aware of his condition, particularly as he had been diagnosed prior to the exams.

The OIA noted that the University had considered the panic attack and its affect on S's performance, but decided that it had not greatly affected his performance as his spread of module marks were similar. The OIA also noted the University's contention that none of S's other results had been in the 2:1 category.



OIA complaints statistics

Complaints Statistics

The clear picture to emerge from an analysis of 2009 complaints data is the continuing year-on-year increase in the number of complaints received. Although the absolute number of complaints received each year remains small (0.05 per cent of students enrolled in higher education in England and Wales in 2009), the rise in casework volume constitutes a challenge to the OIA's capacity where available resources remain strictly limited.

Enquiries

In 2009, our Enquiries Team dealt with over 1500 pre-complaint enquiries from complainants. This represents an increase of 97 per cent from 2008, and reflects a deliberate policy decision to become even more accessible especially by telephone and e-mail. We also received over 200 enquiries from universities, students' unions and the media, compared to 150 in 2008.

The majority of enquiries were telephone calls which OIA staff dealt with immediately. Most enquiries made by post or e-mail were dealt with within three and a half days. In general, enquiries were about how to progress a complaint, whether a complaint was eligible under the Scheme Rules and how to complete the Scheme Application Form. We are hopeful that our new website will in future enable a larger proportion of students to find relevant information online, thus reducing telephone enquiries and facilitating initial guidance in a quick and straightforward way.

“Thanks also for your helpful approach throughout this matter which I greatly appreciate.”

Complaints

There were 1007 complaints received in 2009, an increase of 12 per cent from 2008 and 37 per cent increase from 2007. The rise in the number of complaints received since the Scheme began can be seen in Chart 1. This continuing increase creates challenges for the OIA in terms of capacity, and is being addressed as part of the Pathway Project implementation review of processes and funding.

CHART 1 Number of complaints received per year

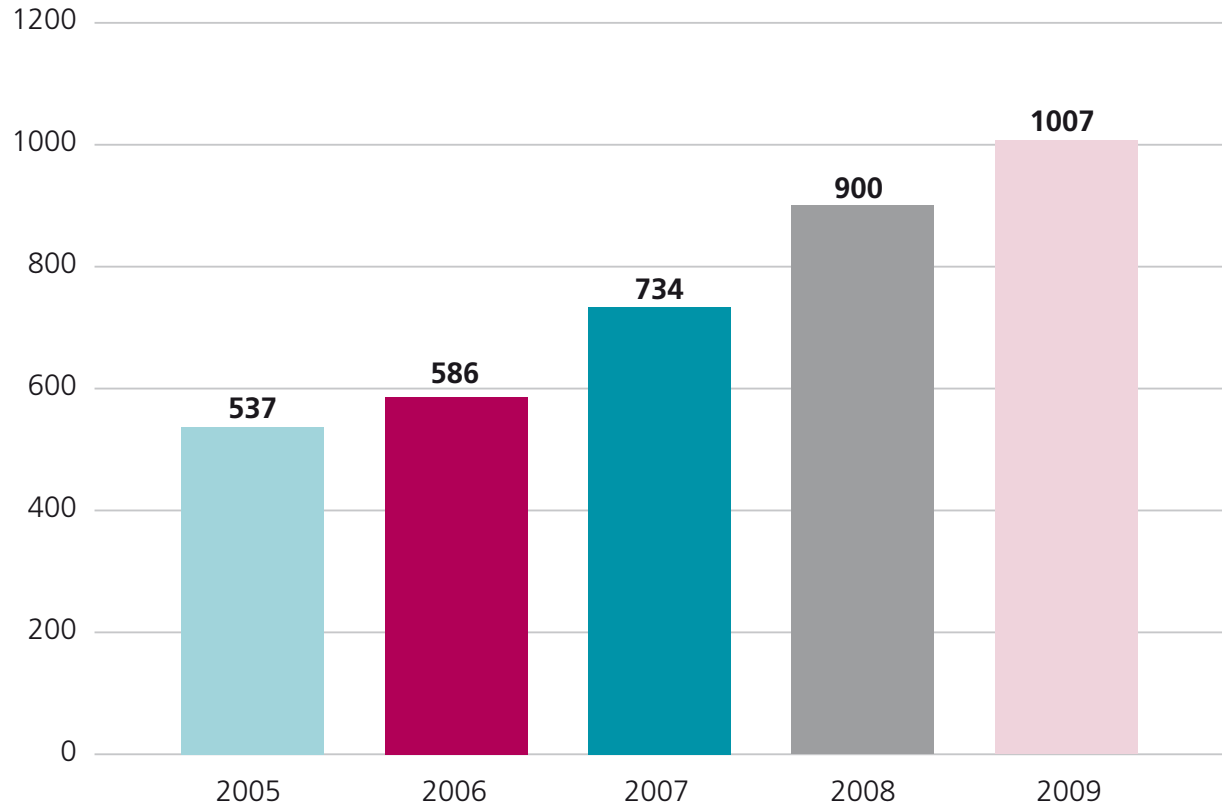
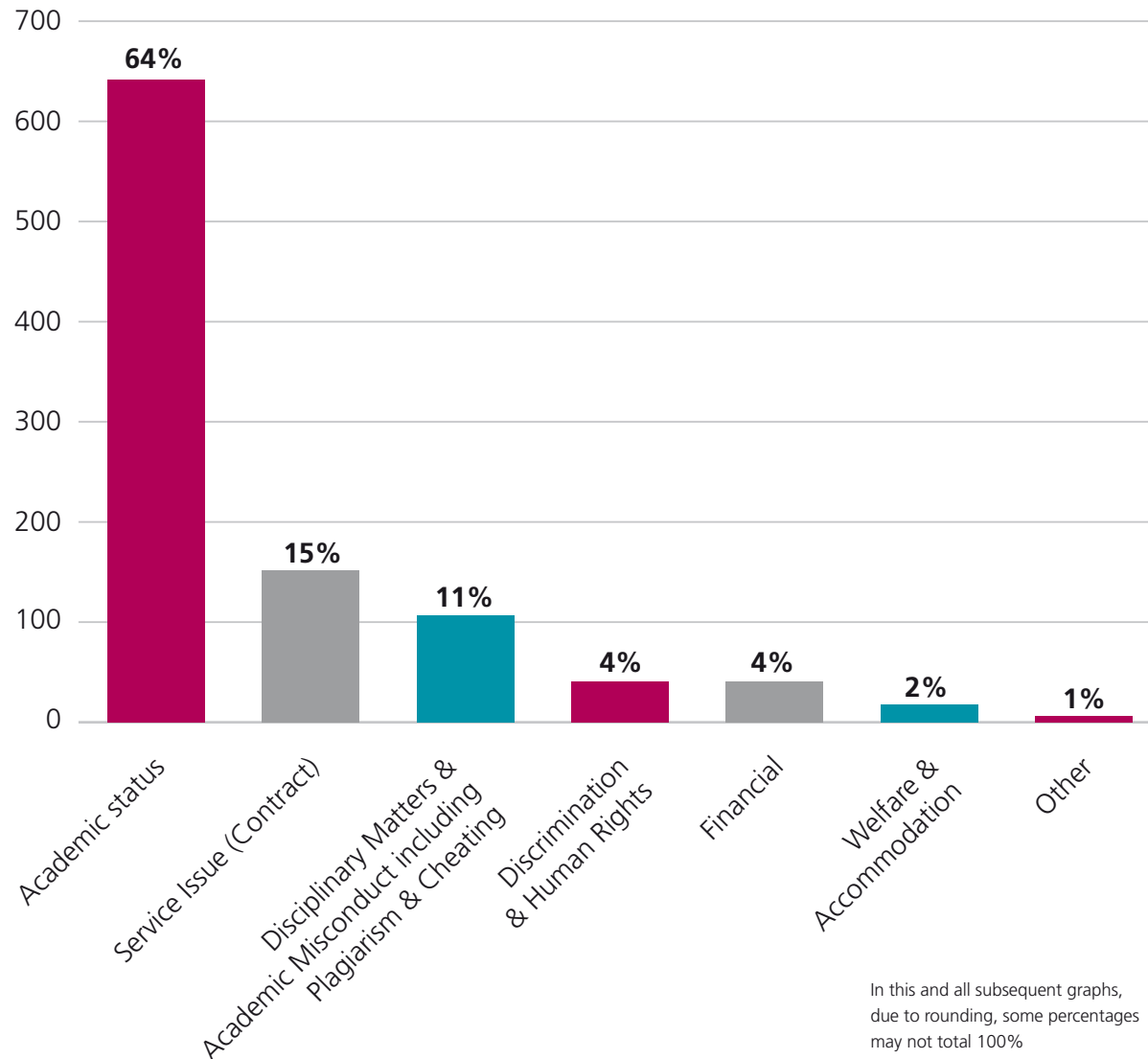
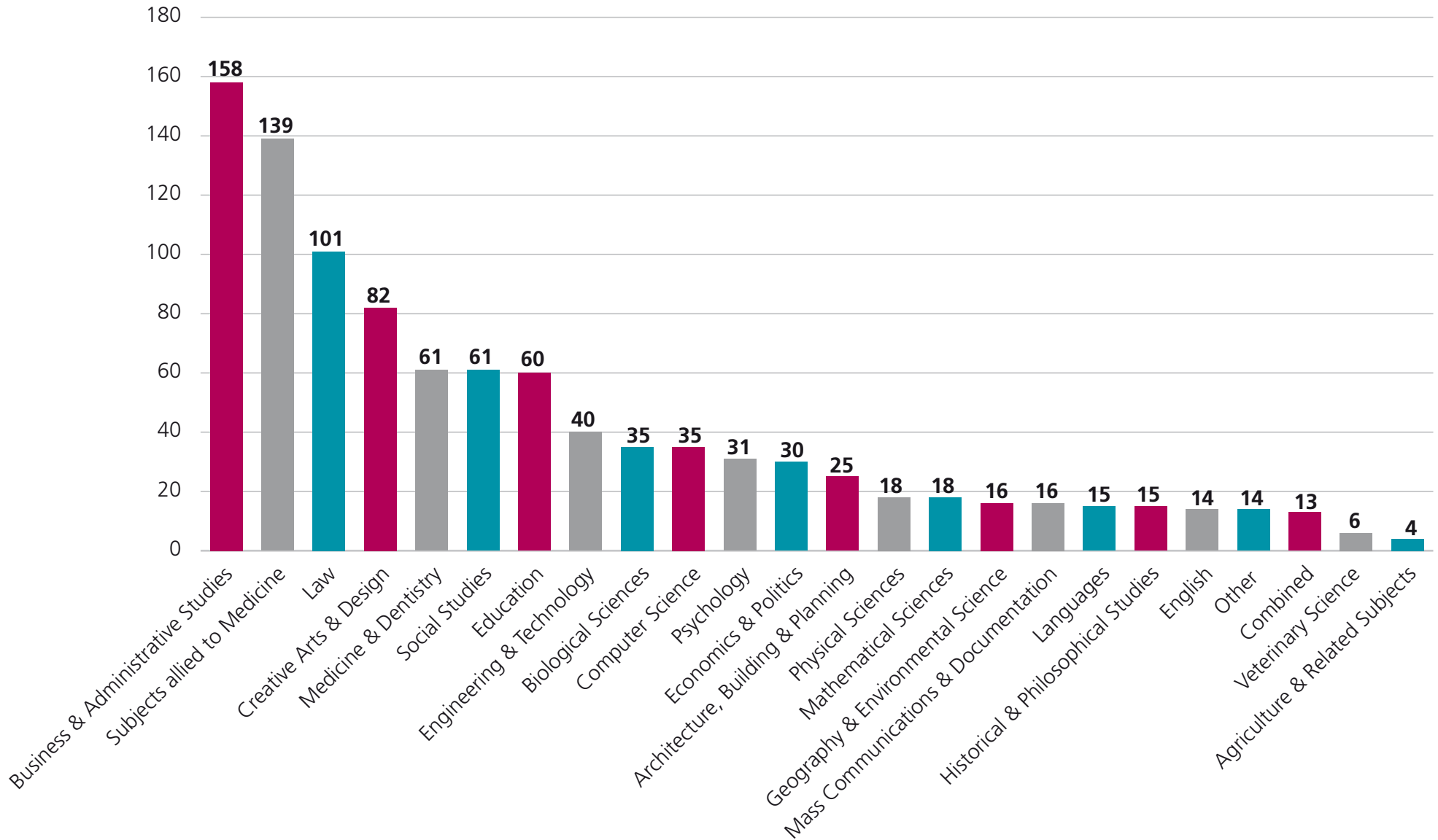


CHART 2 Complaints received by category



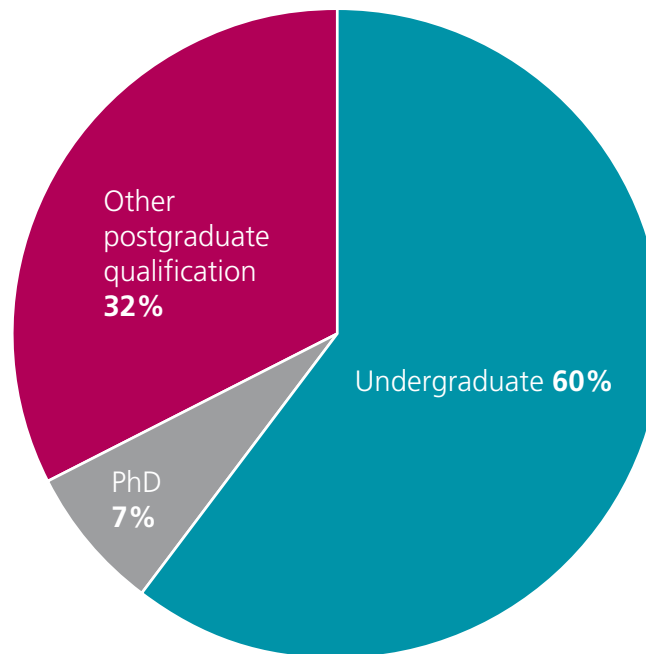
In line with previous years the majority of complaints (64 per cent) concerned academic status and related to academic appeals, assessments and grades. The second biggest category was service issues (e.g. contractual obligations) and the third biggest category was disciplinary matters and academic misconduct including plagiarism and cheating.

CHART 3 Complaints received by course type (by JACS reference)



Once again in 2009 the OIA received the largest number of complaints from students on Business and Administrative Studies courses, followed by subjects allied to Medicine and then Law. There was a noticeable increase in the number of Medicine and Dentistry complaints in 2009 and complaints from this area of study are now the fifth highest received by the OIA. Overall, it is significant that courses with fitness to practise elements feature prominently in the category of complaints received.

CHART 4 Complaints received by student status



39 per cent of complaints in 2009 were from postgraduate students. Postgraduates remain disproportionately over-represented in complaints to the OIA.

CHART 5 Complaints received by gender

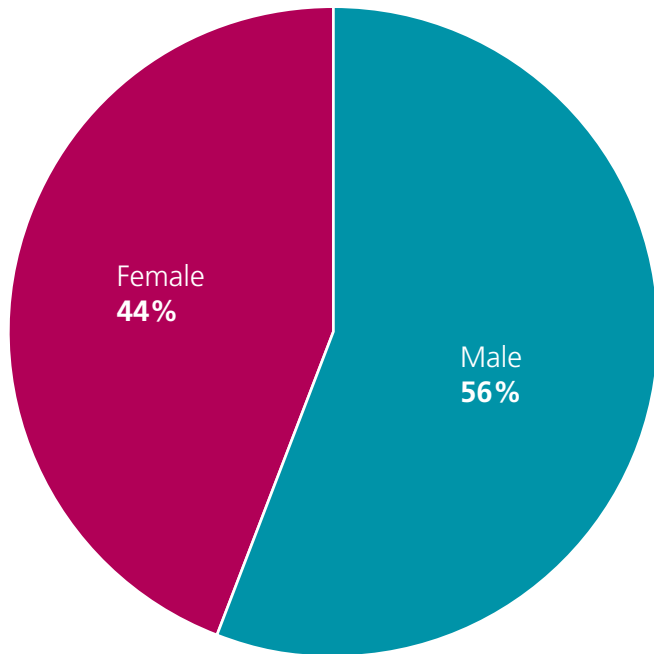
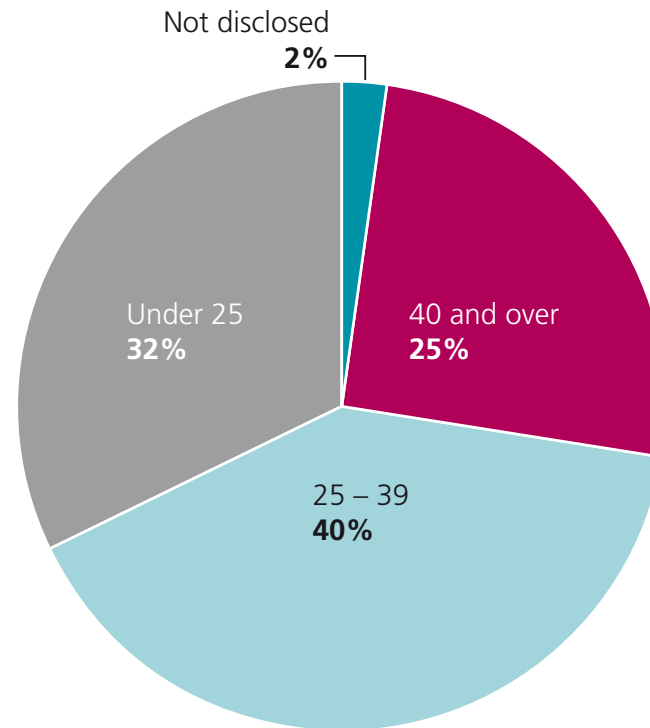
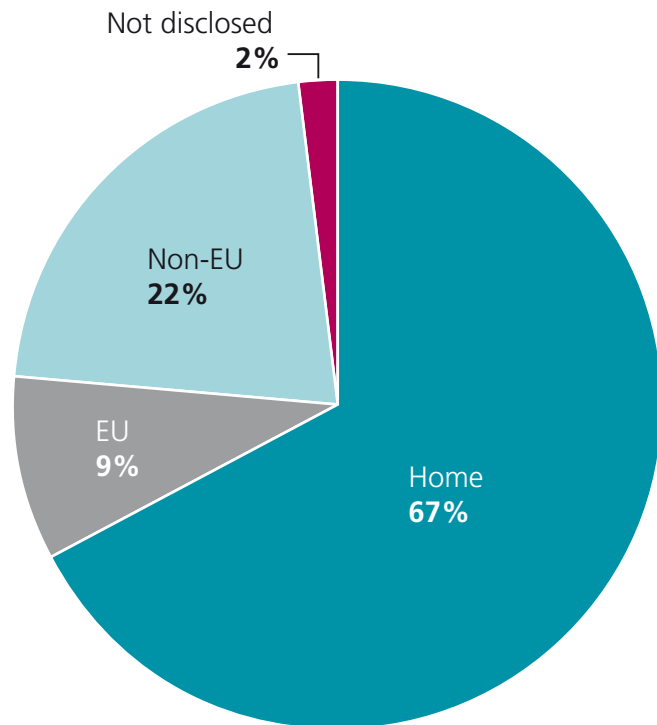


CHART 6 Complaints received by age



56 per cent of complaints were received from men and the largest number of complaints were from complainants in the 25-39 category.

CHART 7 Complaints received by financial status



Most of the complaints (67 per cent) received in 2009 were from UK 'home' students, with 9 per cent from elsewhere in the European Union and 22 per cent from international students outside the European Union. This is a similar pattern to 2008 with international students continuing to be over-represented in the OIA system.

51 per cent of complaints received in 2009 concerned pre-1992 universities and 45 per cent concerned post-1992 universities.

TABLE 1 10 most common nationalities of complainants

NATIONALITY	NUMBER
British	634
Indian	45
Nigerian	22
Pakistani	22
Greek	21
Chinese	15
German	15
American	13
Irish	13
Canadian	12

TABLE 2 Complaints received by type of institution

DATE	NUMBER
Pre-1992	515
Post-1992	450
GuildHE	24
Other eligible	10
FE College	1
Other	7

Eligible complaints

Out of the 1007 complaints received in 2009, 811 were found to be eligible for review under the OIA Scheme Rules. Historically, a large proportion of complaints received have been eligible and this trend continues. The main reason for complaints being ineligible were that the university's internal procedures had not been exhausted. A number of complaints were ineligible because they concerned Non-Qualifying Institutions under the Higher Education Act 2004. The status of these bodies under the Scheme is currently under review (see above, page 13).

CHART 8 Number of eligible complaints per year

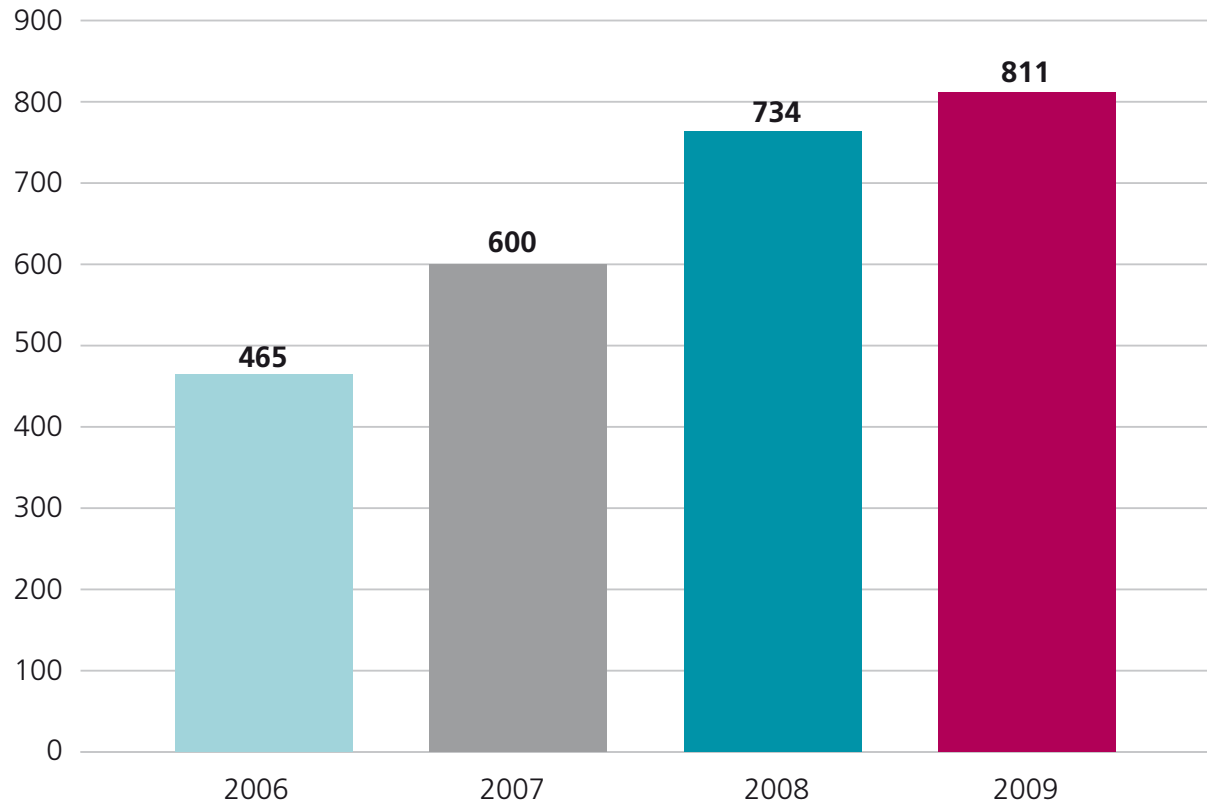
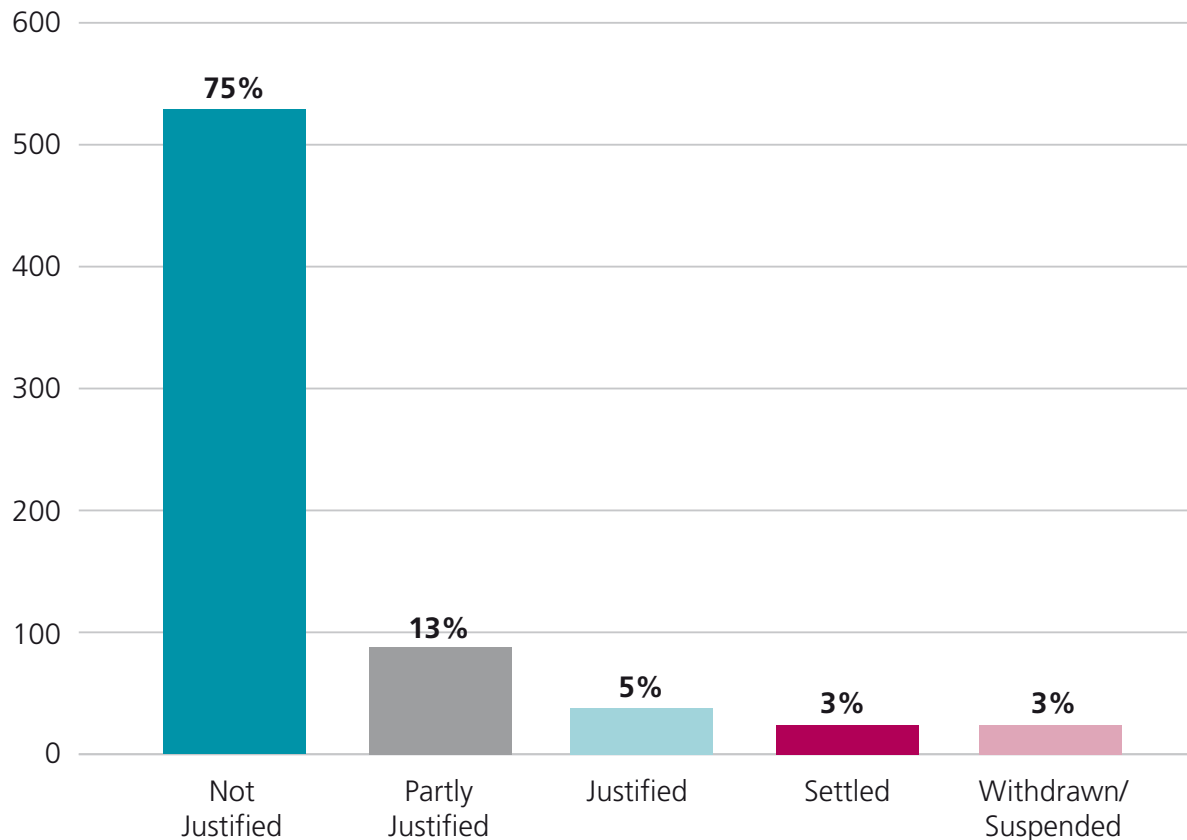


CHART 9 Outcome of eligible complaints

The average time taken to determine whether or not a complaint was eligible was 32 days in 2009 compared to 31 days in 2008. The average time taken to deal with a complaint, once it was deemed eligible, was 159 days in 2009 compared to 142 days in 2008, and 171 days in 2007. These handling times reflect the impact of the OIA's increasing caseload, notwithstanding the strengthening of the case-handling team over the last 2 years. Time extensions were granted in 56 per cent of cases due to late submissions or requests for extensions from one of the parties.

During 2009 the OIA closed 703 complaints. This constitutes a 12 per cent increase in the number of complaints closed compared to 2008.

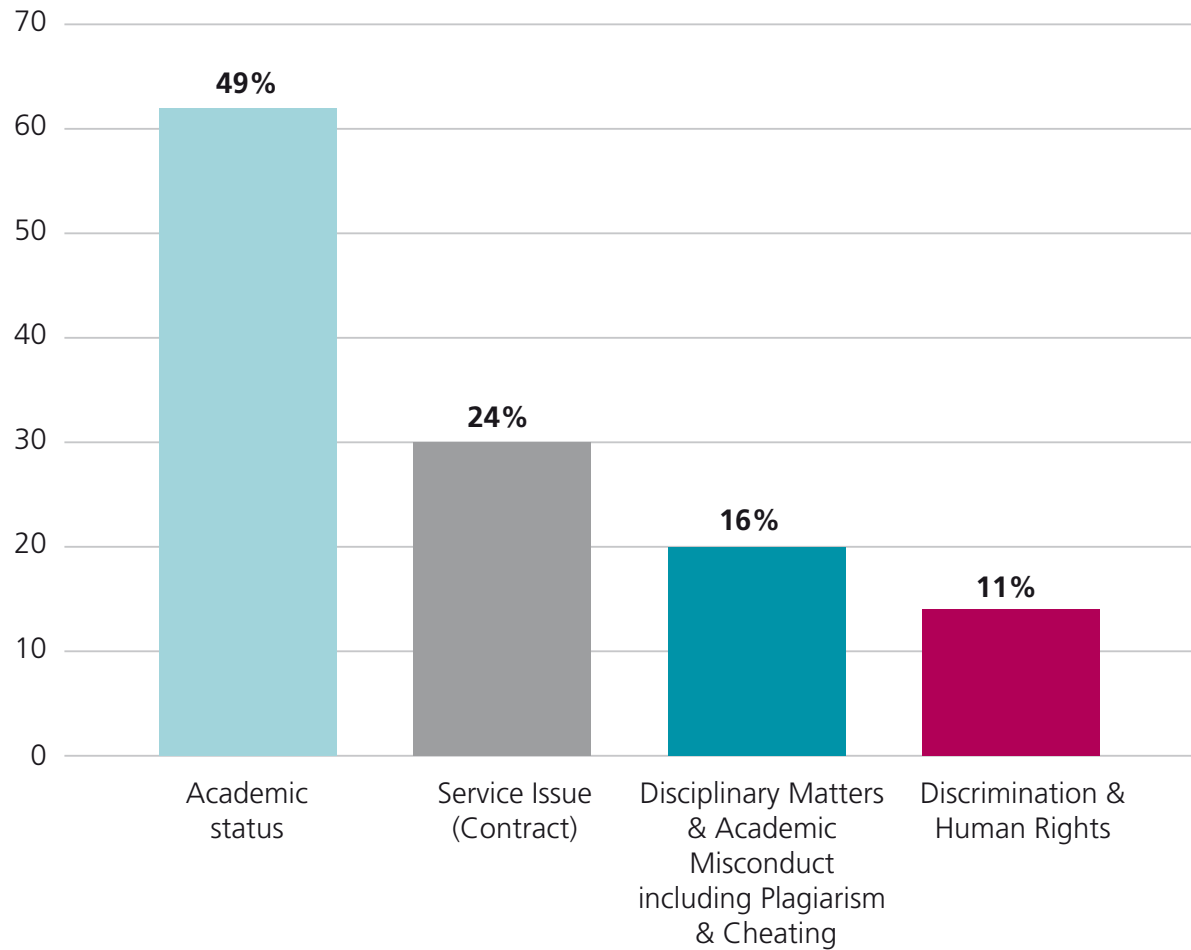
5 per cent of complaints were found to be Justified, 13 per cent Partly Justified and 75 per cent were found to be Not Justified. The remainder were either settled between the parties or withdrawn or suspended.

48 per cent of complaints closed were determined by the OIA's Fast Track Process. This is where the issues appear to be relatively straightforward and we do not consider that a full review is required.

Chart 10 shows the categories of the complaints that were found to be Justified or Partly Justified. There were no financial or welfare and accommodation complaints found to be Justified or Partly Justified.

In 2009 the OIA awarded a total of £163,343 in compensation with the largest single award being £45,000.

CHART 10 Justified and Partly Justified by category





Service complaints

During 2009 there were 15 service complaints received by the Office compared to 9 in 2008. Service complaints are dealt with by the Company Secretary who assesses the handling of the complaint not its merits.

Diversity

In 2009, 166 complainants completed the Equal Opportunities Monitoring form. Of these, 101 were from Black and Minority Ethnic complainants. 64 complainants completing the form stated they had a disability, with 24 of these recording a specific learning difficulty e.g. dyslexia.

“she is extremely satisfied that the OIA has found her complaint to be justified. she considers the recommendation that she receives £6,500 compensation...to be reasonable and fair. [she] is especially pleased that the OIA has recognised [the university’s] failure to respond appropriately to her disability needs.”



The OIA Board of Directors

The Board of Directors has 14 members. Eight, including the Chair, are **Independent Directors** appointed by fair and open competition because of the value and relevance of their skills and experience. Six are **Nominated Directors** who are appointed by the major representative bodies in higher education in England and Wales. The representative bodies may also nominate **Alternate Directors**, to attend Board meetings if their Nominated Director is not available. Directors are normally appointed for terms of office of three years, which are renewable.

The Board's responsibilities include: oversight of the performance and effectiveness of the Independent Adjudicator and the Scheme; setting the budget for the OIA and determining the level of subscriptions payable by universities each year; approving the Rules and procedures for the operation of the Scheme and preserving the independence of the Scheme.

Board members are not involved in the review of individual complaints.

Chair

Ram Gidoomal CBE – Appointed July 2009

Professor Norman Gowar (until July 2009) – Appointed August 2003 (Reappointed 2006)

Deputy Chair

Dr Cecilia Wells OBE – Appointed March 2005 (Reappointed 2008)

Independent Directors

- **Margaret Doyle** – Appointed November 2005 (Reappointed 2008)
- **Mark Emerton** – Appointed September 2004 (Reappointed 2007)
- **Sophie Holmes** (until March 2010) – Appointed March 2005 (Reappointed 2008)
- **Terry Price** – Appointed June 2008
- **Hugh Smith** – Appointed September 2004 (Reappointed 2007)
- **Colin Wilby** – Appointed June 2008

Nominated Directors

Nominated by the Association of Heads of University Administration

- **Steve Denton** – Appointed July 2009
- **Maxine Penlington** (until July 2009) – Appointed 2003 (Reappointed 2006)

Nominated by the Committee of University Chairs

- **Peter Anwyl** (until March 2010) – Appointed May 2009
- **Ray Burton** (until May 2009) – Appointed April 2007

Nominated by Guild HE

- **Pauline Aldous** – Appointed February 2009 (served as Alternate Director from May 2007)
- **Heather Somerfield** (until February 2009) – Appointed September 2005 (Reappointed 2008)

Nominated by Higher Education Wales

- **Chris Turner** – Appointed July 2009 (served as Alternate Director for Association of Heads of University Administration from January 2007 – July 2009)
- **Gareth Lewis** (until July 2009) – Appointed August 2003 (Reappointed 2006)

Nominated by the National Union of Students

- **Aaron Porter** – Appointed July 2008

Nominated by Universities UK

- **Professor Mike Thorne** – Appointed August 2007

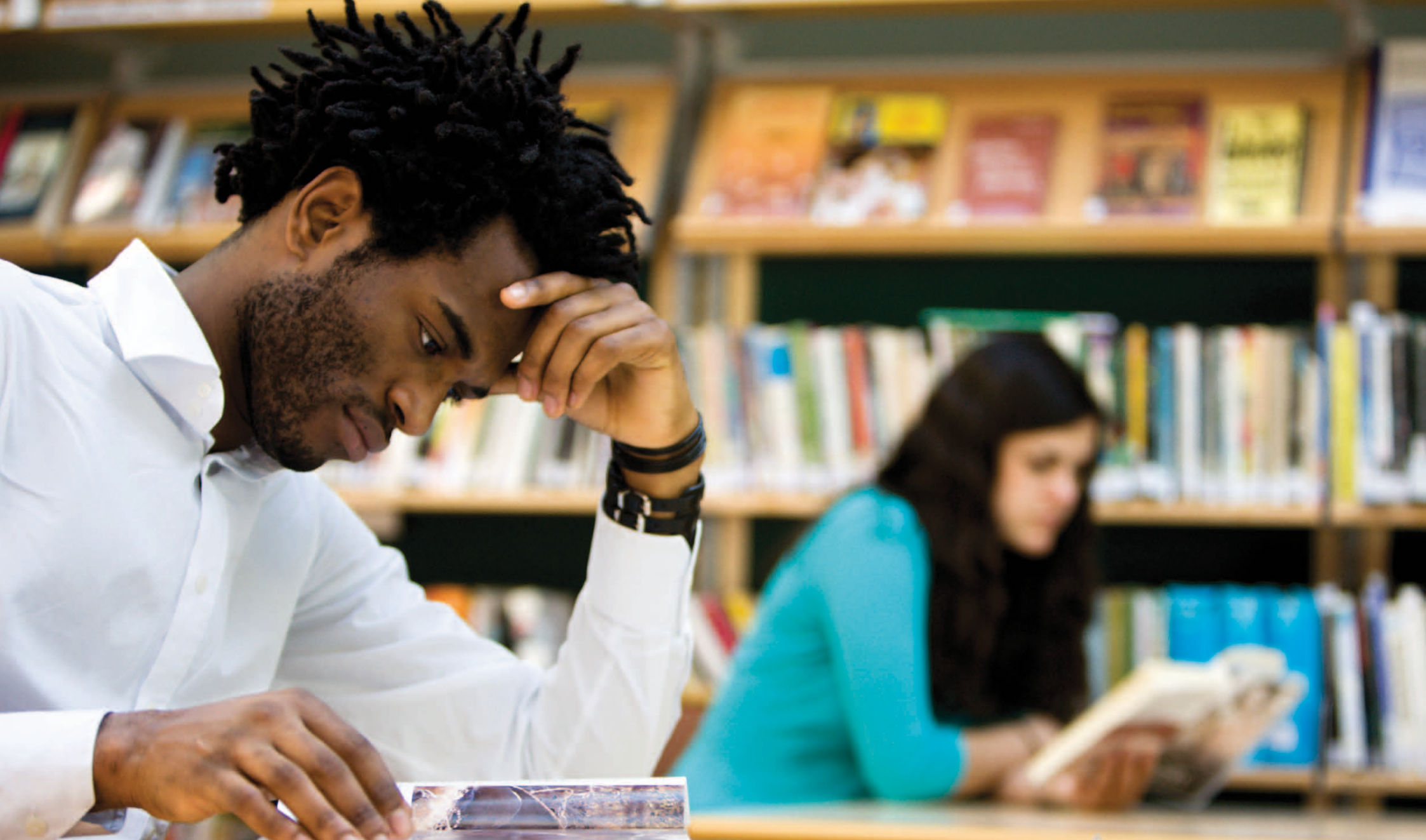
Alternate Directors

Alternate Director for Guild HE

- **Jenny Share** – Appointed May 2009

Alternate Director for the National Union of Students

- **Alex Bols** – Appointed November 2007



“I just wanted to thank you for your important intervention which I am sure was instrumental in overcoming this injustice. I really do appreciate all you have done for me.”

Our Staff (as at 30 April 2010)

Senior Management Team

The Independent Adjudicator and Chief Executive

Rob Behrens

Rob has been Independent Adjudicator and Chief Executive of the OIA since May 2008. He was Complaints Commissioner to the Bar Standards Board, regulating the behaviour of barristers in England and Wales between 2006 and 2008. In addition to handling individual complaints, he published a Strategic Review of Complaints and Discipline; a review now fully implemented by the Board. Before that Rob was a Cabinet Office senior Civil Servant and Secretary to the Committee on Standards in Public Life between 2003 and 2006. He joined the Cabinet Office following 12 years as a lecturer in higher education.

Deputy Adjudicators

Felicity Mitchell

Felicity joined the OIA in 2004 and became a Deputy Adjudicator in 2009. She is a member of the Senior Management and Approval Teams with responsibility for legal claims against the OIA,

including judicial review, the Scheme Rules, eligibility issues and oversight of the OIA's team of home-based consultants. Felicity was called to the Bar in 1992 and, after some years in private practice, moved to the Banking Ombudsman as an adjudicator. She transferred to the Financial Ombudsman Service in 2001, where she worked as a Casework Manager.

Susanna Reece

Susanna joined the OIA in 2004 and became a Deputy Adjudicator in 2009. She is a member of the Senior Management and Approval Teams with responsibility for oversight of the adjudication staff team, good practice dissemination and operation of the Higher Education Advisory Panel. Susanna qualified as a solicitor in 1985 and, from 1993 to 1998, worked at the Law Society handling complaints about solicitors. Subsequently she has provided consultancy services on professional ethics, regulation and complaints handling to a wide range of organisations.

Chief Operating Officer and Company Secretary

Ben Elger

Ben joined the OIA as its first Chief Operating Officer in September 2008. He combines the role with that

of Company Secretary. Ben is a member of the Senior Management Team with key responsibility for finance and human resources management. Before joining the OIA Ben spent 15 years working with students, for the last 10 years as Chief Executive of Reading University Students' Union, and before that at the Students' Unions at Winchester, Kings' College London and South Bank Universities and as National Secretary of NUS.



Senior Management Team (l-r): Susanna Reece, Rob Behrens, Felicity Mitchell and Ben Elger

Adjudication Staff

Adjudication Managers

Fiona Draper

Fiona joined the OIA in April 2005 as an Assistant Adjudicator and became an Adjudication Manager in 2009. She also has responsibility for the allocation of cases to adjudicators. After a number of years as a solicitor in private practice, she moved to the Adjudicator's Office in 1996, where she specialised in casework on Inland Revenue complaints, including many complex tax matters.

Siobhan Hohls

Siobhan joined the OIA in June 2006 as an Assistant Adjudicator and became an Adjudication Manager in 2010. She is a qualified attorney admitted under the rules of the High Court of South Africa. Before moving to the UK in April 2006 she worked with an established legal firm in South Africa.

Anne Lee

Anne joined the OIA in September 2006 as an Assistant Adjudicator and became an Adjudication Manager in 2009. She is a qualified solicitor and has also worked in higher education. She has taught undergraduates and postgraduates as well as having

worked in university administration. She has been employed by legal practices, as well as in charities and public sector organisations, in a variety of civil litigation specialisms.

Jo Nuckley (currently on maternity leave)

Jo joined the OIA in July 2006 as an Assistant Adjudicator and became an Adjudication Manager in 2009. Before then, she worked at The National Archives as Deputy Data Protection Officer, and then as the Lead Freedom of Information Assessor. Jo continues to have a particular interest in the interaction between FOI and Data Protection legislation.

Helen Walton

Helen joined the OIA in June 2006 and became an Adjudication Manager in 2009. She is a qualified Barrister and Solicitor of the High Court of New Zealand where she practised employment law for several years. From 2005 Helen spent a year in the Client Relations Office of the Law Society of Scotland handling complaints against Scottish Solicitors.

Adjudication Team

Zoë Babb

Zoë joined the OIA in April 2009 as an Assistant

Adjudicator. Prior to joining she dealt with complaints for a local authority and has had previous roles at the University of Reading including Disability Officer.

Isobel Brown

Isobel has been at the OIA since March 2004 and is now the Compliance Manager and an Assistant Adjudicator. She was previously the First Contact Manager. Prior to working at the OIA, Isobel was a secondary school science teacher and Acting Head of Faculty. She was responsible for training student teachers and mentoring newly qualified teachers.

Claire Churchill

Claire joined the OIA in April 2010 as an Assistant Adjudicator. She has had previous roles in complaints investigation for the Office of the Legal Services Ombudsman and the Solicitors Regulation Authority, where she dealt with regulatory and compliance issues involving solicitors.

Julia Hawkins

Julia joined the OIA in April 2009 as an Assistant Adjudicator. She has previously worked for a variety of different Ombudsman schemes over the last 18 years including the Financial Ombudsman Service and the Property Ombudsman.



Tanya Kynaston

Tanya joined the OIA in February 2010 as an Assistant Adjudicator. She has had previous roles in the Exams & Assessments offices of the School of Oriental and African Studies, the University of Reading and Royal Holloway, University of London and she has experience of other areas of university administration such as admissions and accommodation services.

Barry McHale

Barry joined the OIA in April 2010 as an Assistant Adjudicator. Barry previously worked as an Investigator at the Scottish Public Services Ombudsman and as a Case Manager with the Healthcare Commission. Barry has also been contracted to various companies within the private sector handling financial services complaints.

Joanne O'Rourke

Joanne joined the OIA in April 2010 as an Assistant Adjudicator. Joanne qualified as a solicitor in 2007 and, after a career in private practice, she worked as an adjudicator resolving landlord and tenant disputes arising under the Tenancy Deposit Scheme.

Claire Oldfield

Claire joined the OIA in April 2008 as an Assistant

Adjudicator. She has worked in complaints investigation and management in a variety of different roles in the last 10 years including the Child Support Agency, the Police Complaints Authority and the Office of the Immigration Services Commissioner.

Helena Pell

Helena joined the OIA as an Assistant Adjudicator in March 2008. She qualified as a solicitor in 2000 and has worked in private practice specialising in corporate law.

Chris Pinnell

Chris joined the OIA in December 2007 as an Assistant Adjudicator. He worked for the Office of the Immigration Services Commissioner from its inception in 2001 and helped to introduce and develop many regulatory processes, including its complaints handling procedures.

Mandy Southwick

Mandy joined the OIA in February 2010 as an Assistant Adjudicator. After many years working for various Government Departments, she then spent over two years at the Rural Payments Agency as a Customer Relations Manager dealing with complaints and appeals. She mostly recently worked at Thames Valley University as the Committees,

Validation and Quality Officer for the Faculty of Health and Human Sciences.

Intern

Imran Abrahams (Assistant Case Handler)

Imran joined the OIA in 2009 and is a member of the Pathway Implementation Group as well as an Assistant Case Handler. He has worked in a variety of fields including scientific research in the United States and the construction industry in Europe and South Africa.

Home based consultants

Alex Blacknell

Alex joined the OIA as a consultant in March 2008. She qualified as a solicitor in 1992 and worked in private practice handling litigation and disputes resolution until 1995. She was a shadow board member of a Housing Association between 2000 and 2002.

Katie Carter

Katie began work as a consultant for the OIA in March 2007. She worked in further and higher education in the late 1980s and early 1990s. From 1997 to 2005 she was Chief Executive of the UK healthcare regulator, the Joint Committee on Postgraduate Training for General Practice. Katie continues to do consultancy work for organisations involved in the regulation and quality assurance of medical training.

Katie Dean (Assistant Case Handler)

Katie worked for the OIA between 2005 and 2007 as a casehandler. She completed her Legal Practice Qualification before joining the OIA and she has since gained further experience handling complaints and investigations against premium rate and telecommunication services. Katie continued as a home-based case handler until 2008, and joined us again in that role in April 2010.

Tony Drew

Alongside his role with the OIA, which he joined in February 2007, Tony continues to work as a consultant for various public sector organisations carrying out serious incident reviews and investigations into ethical conduct and bullying and harassment issues. Previously, Tony worked as

an investigator for Standards for England and the Parliamentary and Health Service Ombudsman. He has a professional background in social work and mental health services.

Sarah Payne

Sarah joined the OIA as an Assistant Adjudicator in March 2004. She qualified as a solicitor in 1996 and worked in litigation for a leading City firm until 2002. She also holds a public appointment as



a Member of the Investigating Committee of the General Osteopathic Council and is Vice-Chair of a National Charity.

Dr Patricia Witts

Patricia joined the OIA as a consultant in August 2006. She specialises in dealing with postgraduate complaints. Patricia worked as a solicitor in private practice and industry before joining the Solicitors Indemnity Fund, where for many years she handled professional negligence claims against solicitors. She has a dual career as a lawyer and a specialist in the iconography of Roman mosaics.

Administration and Enquiries Team

Administration Manager and Head of Enquiries Team

Cheryl Emerton

Cheryl began working at the OIA in March 2004. She is Head of the Enquiries Team and Administration Manager, with key responsibilities in the areas of HR, Finance and IT. Before relocating from South Africa, Cheryl worked as an



administration manager for a life insurance company.

Administration and Enquiries Team

Teresa Broad

Teresa is a part time administrator who primarily logs and responds to incoming email enquiries and telephone calls. She also helps to log and consider the initial eligibility of applications received and provides support to home based consultants.

Cheryl Goswell

Cheryl is a part time administrator who deals with telephone enquiries and supports home-based consultants. She also deals with invoice payments and financial queries and gives support to the Administration Manager.

Florence Irvine

Florence considers initial eligibility of complaints received and enters the information onto our database. She also supports home-based consultants and deals with telephone enquiries and other administration tasks.

Sandra Reader

Sandra is a part time administrator who ensures

the integrity of the entries on our database. She also liaises with universities after a recommendation is made on a case.

Jo Smart

Jo is a part time administrator who keeps our Point of Contact lists up to date and supports home-based consultants as well as dealing with telephone enquiries. She also collates the satisfaction surveys we receive back from students.

Dominic Taylor

Dominic joined the OIA in June 2007 and works as a part time administrator. His role includes dealing with telephone enquiries, considering the initial eligibility of cases and undertaking other office administration tasks.

Deborah Thompson

Deborah is Personal Assistant to the Independent Adjudicator and Chief Executive. She manages his office and diary. She also supports the Senior Management Team and the Board and assists the Enquiries Team.

Elizabeth Wilson

Liz joined the OIA in April 2008. She considers the initial eligibility of complaints received by the Office.

She also answers telephone and email enquiries as well as providing IT support to staff.

Charlotte Wootton

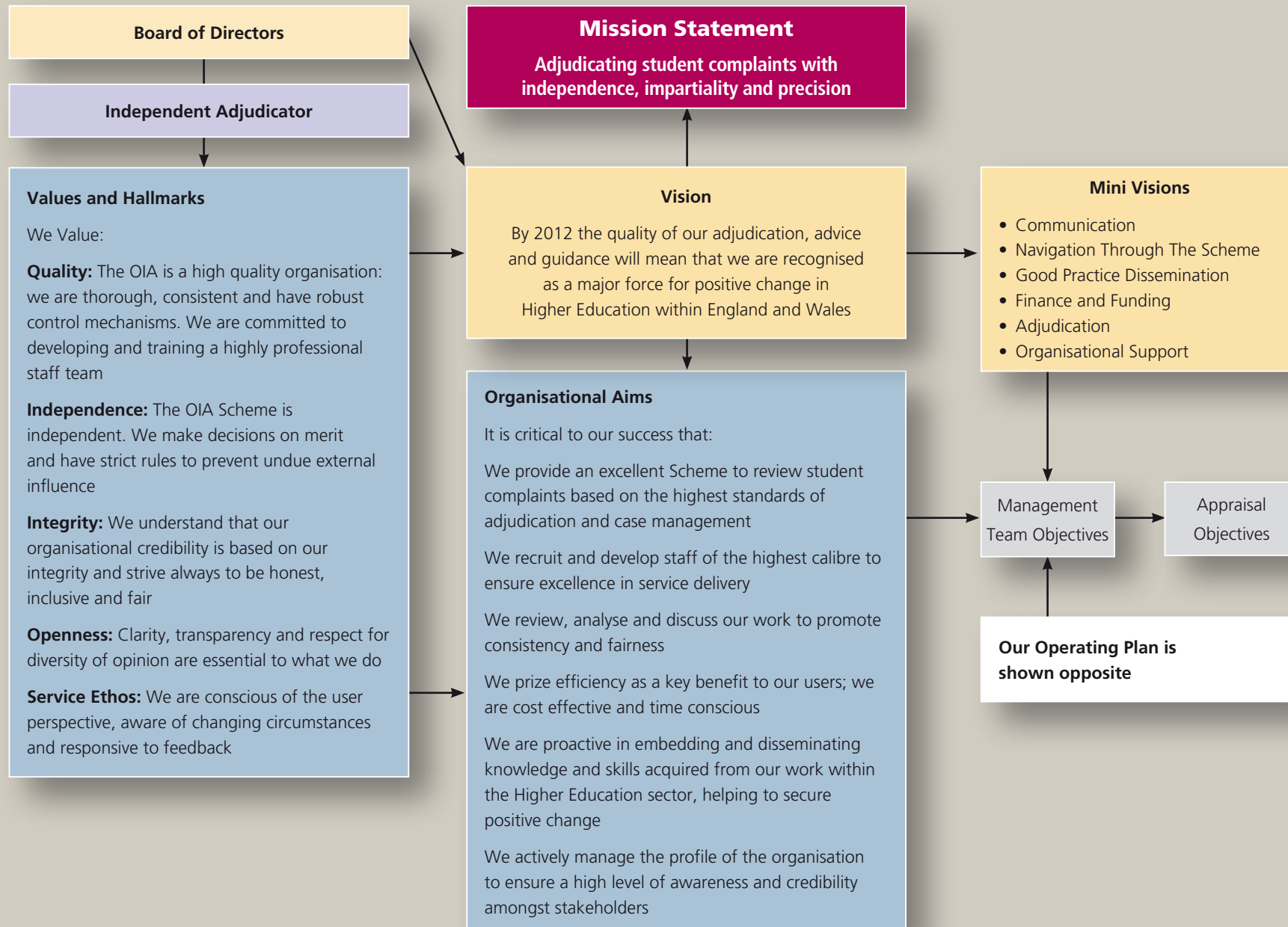
As Outreach Co-ordinator Charlotte's main responsibilities are organising the OIA's highly regarded workshop programme and the OIA's regular visits to universities and students' unions. She also assists the Enquiries Team.

Communications and Policy Manager

Charlotte Corrish

Charlotte joined the Office from the Bar Standards Board in September 2008. Charlotte handles all media enquiries and was the key policy officer with responsibility for the logistics and knowledge management of *The Pathway Report*. Charlotte also plays a lead role in the creation of flagship publications and manages the e-newsletter and website.

Strategic Plan



Strategic Steps – Operating Plan for 2010

This document outlines ways in which the OIA intends in 2010 to take forward the Organisational Aims defined by the Strategic Plan. The purpose of the document is to help ensure the link between the Strategic Plan and work done at all levels of the organisation and to set clear timescales for priority projects.

We provide an excellent Scheme to review student complaints based on the highest standards of adjudication and case management.

Pathway Project: The Pathway Project will reach the report and implementation stages in 2010. The aim of this major consultation exercise is to assess current strengths and weaknesses and consider the ways the Scheme should develop in the next five years to retain both its coherence and the satisfaction of users and stakeholders. The Report will be written by the Independent Adjudicator and, following submission to the OIA Board, published in February 2010.

Review of Working Methods: The number of complaints coming to the Office continues to grow (almost a 20 per cent increase year on year at the end of the 3rd quarter in 2009) and current analysis suggests that this is likely to remain the case for a number of

years. Given the cost constraints faced by the Office and the HE sector it is clear that a straightforward increase in adjudication resource will not be a sustainable growth model for the OIA. Thus, a key priority following the Pathway Project will be to examine the way we handle complaints with a view to streamlining our processes. We expect to make incremental changes throughout 2010.

Quality Control: Following the creation of the new line management structure within the Office in 2009, procedures will be put in place to monitor Office capacity at all stages of the business process, to identify and address areas of risk in respect of the quality of decision making and potential for delay. Building on the new structure we will review arrangements relating to enquiries, eligibility, scrutiny and compliance by October 2010.

We recruit and develop staff of the highest calibre to ensure excellence in service delivery.

Consultancy Review: We will complete a review of our use of consultants to support our employed staff in dealing with the Office caseload. The aim of this project will be to create arrangements for the use of consultants that provide best value in the context of an expanding number of complaints. The new arrangements will be in place by March 2010.

Recruitment of additional Assistant Adjudicators: Following a restructure of roles within the Adjudication team we will recruit additional Assistant Adjudicators, to help manage the rising number of complaints, within the existing budgetary framework. The additional Assistant Adjudicators will be in post by May 2010.

Management Development Programme:

Following the introduction of the line management structure in 2009 a management development programme will be instigated. This will sit alongside existing training and development initiatives, including involvement in the new BIOA pilot courses on good complaint handling practice. The management training programme will begin in January 2010.

We review, analyse and discuss our work to promote consistency and fairness

Knowledge Management: As part of our quality control regime we are undertaking a major project to develop our internal information processes. The aim of this project is to embed good practice and assist staff in working efficiently. This project is being led by an internal working group and will in 2010 draw on consultancy support funded from the special projects area of the budget. A report on Knowledge Management will be produced for the consideration of the Management Team by September 2010.

First Contact Review: We recognise that it is imperative that complainants are accurately

advised at an early stage about the parameters of the Scheme and what they can expect from us. The aim of this review is to examine good practice in the provision of appropriate support at this point and propose possible changes to our structure and practices. This project will draw on the special projects area of the budget and will report in September 2010.

Higher Education Advisory Panel:

Following the formation of the Higher Education Advisory Panel in 2009 and the appointment of the initial members, we will continue to develop arrangements for reference to the Panel, allowing Assistant Adjudicators to obtain advice and context relating to the sector in a timely way and on a confidential basis. We will also implement a feedback system for Panel members to report on any general trends arising from referrals by way of a brief annual report to the Independent Adjudicator. This system will be in place by April 2010.

We prize efficiency as a key benefit to our users; we are cost effective and time conscious

2010 Budget: Following a major review of OIA budgeting principles in 2009, the 2010 budget is compiled using a zero-based approach. The budget delivers a freeze in subscription levels despite the continuing rise in the number of complaints being dealt with. In 2010 the uncertainty around future premises for the OIA will be removed by a move to new premises before the end of the year. This will assist in the review of the reserves policy to be undertaken prior to the 2011 budgeting process.

Key Performance Indicators (KPIs) project:

As part of the continuing drive to link key OIA goals to goals at every level of the organisation we will carry out a thorough review of our use of targets, objectives and statistical information. The aim of this project will be to ensure that we are producing the optimum data both to facilitate continuous improvement in dealing with cases efficiently and to allow accurate monitoring of overall performance. This project will be carried out by an internal working group with consultancy support. It will draw on the special project

budget and will be completed in time for new systems to be in place for the start of 2011.

Governance Review: A Governance Review group has been established by the Board to review existing structures. The aim of the group is to ensure that the Board and its committees are working to best effect, and without unnecessary duplication to monitor and add value to the work of the Office. The group will report to the full Board in June 2010.

We are proactive in embedding and disseminating knowledge and skills acquired from our work within the Higher Education sector, helping to secure positive change

University Visits: We will conduct more than 25 formal visits to universities during 2010 to discuss our work and issues arising from our Decisions. These visits will be organised in such a way as to include an opportunity to meet with student representatives as well as university Points of Contact and others involved in handling student complaints. We will ensure that we cover a range of universities both in terms of geography and mission. We will also continue our programme

of training visits to universities for newer staff to develop their understanding of the sector's context.

Policy Seminars and Workshops: We will continue to run a series of policy seminars and workshops focussing on key issues raised in our Annual Report and the Pathway Project. This will include events looking specifically at how universities and students' unions can learn from complaints relating to postgraduate study, fitness to practise issues, and the issues affecting international students. We will also organise a number of events during 2010 aiming to assist students' unions in their complaints related work and understanding of the OIA. We will alternate events between our base in Reading and other locations in England and Wales.

Newsletters: Having sent out e-newsletters for the first time in 2009, and responding to positive feedback, we will embed this as a key communication tool. We will compile 4 newsletters featuring a total of 24 case studies. All back issues will be available via the website and, in conjunction with the website project, we will investigate ways of allowing stakeholders to comment on information and articles posted by the OIA.

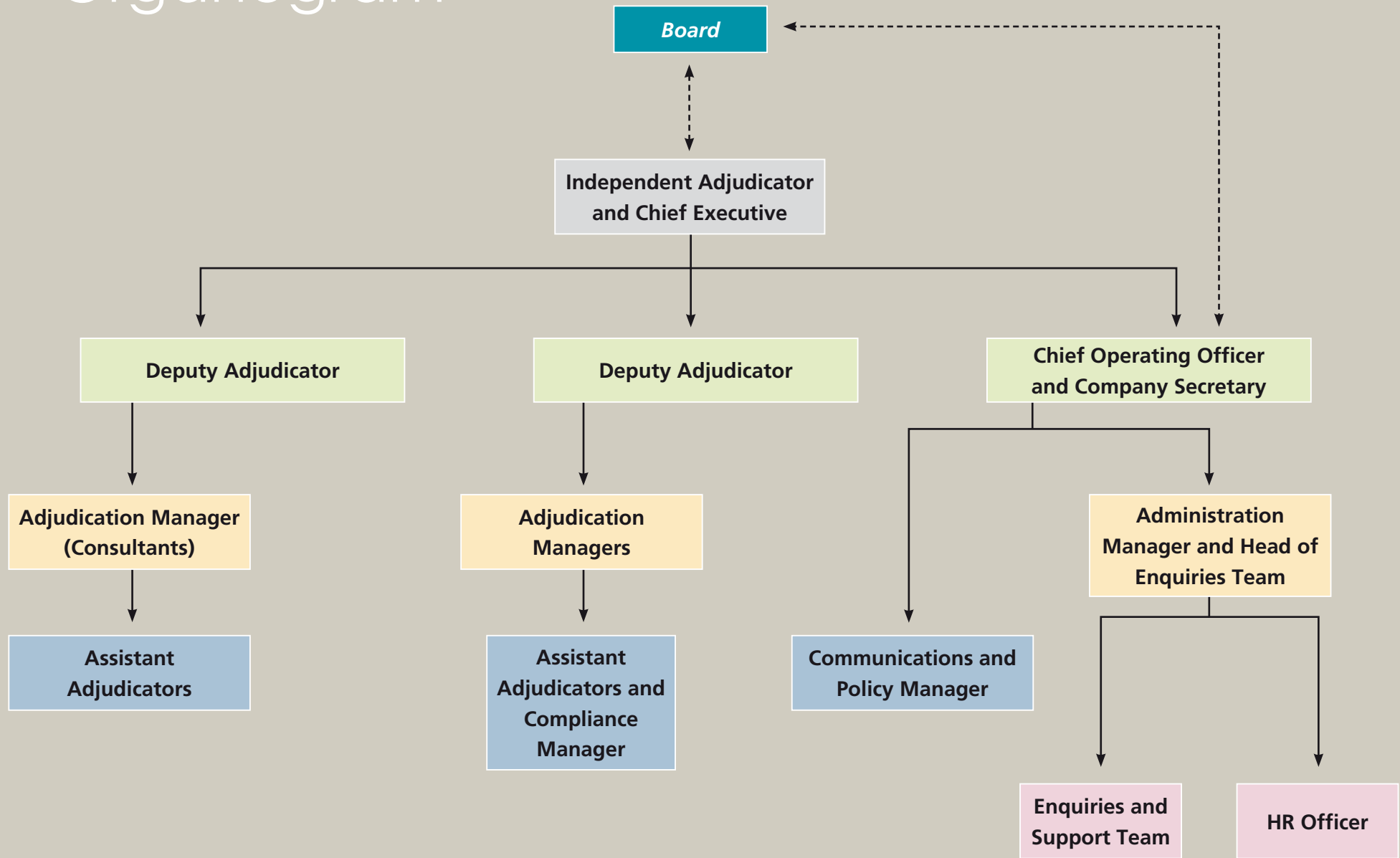
We actively manage the profile of the organisation to ensure a high level of awareness and credibility among stakeholders

Public Events: We will launch *The Pathway Report* at an event in February 2010 at which the Independent Adjudicator will explain and discuss his recommendations. We will publish the 2009 Annual Report in June 2010 and hold the second Annual Open Meeting hosted this year by the new OIA Chair Ram Gidoomal.

Website: Following extensive review and a full tender process in 2009 the new OIA website will 'go live' by February 2010. This will be a much more user friendly and interactive site designed in line with feedback collected from complainants, universities and students' unions.

Corporate Identity: A new modernised and accessible identity will be in place by February 2010. This will be designed to help raise the profile of the OIA within and beyond the HE sector during the next phase of our development and to make OIA literature easily recognisable.

Organogram



OIA subscriptions for 2009

Subscriptions to be based on full-time and part-time higher education and further education students at higher education institutions, according to 2006/07 HESA statistics.

	Band	2009 Subscription Fees
Less than 500 students	A	£430
501 to 1,500 students	B	£870
1,501 to 6,000 students	C	£4,680
6,001 to 12,000 students	D	£9,285
12,001 to 20,000 students	E	£15,435
20,001 to 30,000 students	F	£23,330
30,001 to 50,000 students	G	£27,725
50,001 to 100,000 students	H	£34,118
More than 100,000 students	I	£52,420

For a full list of subscribing universities please see our website
<http://www.oiahe.org.uk/about-us/list-of-hei.aspx>

An extract from the Statutory Accounts 2009

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31 DECEMBER 2009

	31 December 2009	31 December 2008
	£	£
TURNOVER	2,017,581	1,925,291
Administrative expenses	<u>1,920,217</u>	<u>1,621,055</u>
OPERATING SURPLUS	97,364	304,236
Interest receivable and similar income	<u>1,496</u>	<u>46,803</u>
SURPLUS ON ORDINARY ACTIVITIES BEFORE TAXATION	98,860	351,039
Tax on surplus on ordinary activities	<u>707</u>	<u>9,734</u>
SURPLUS FOR THE FINANCIAL YEAR AFTER TAXATION	<u>98,153</u>	<u>341,305</u>

BALANCE SHEET 31 DECEMBER 2009

	31 December 2009		31 December 2008	
	£	£	£	£
FIXED ASSETS				
Tangible assets		33,069		48,214
CURRENT ASSETS				
Debtors	58,418		61,182	
Cash at bank and in hand	1,471,664		1,324,305	
	<u>1,530,082</u>		<u>1,385,487</u>	
CREDITORS				
Amounts falling due within one year	<u>920,153</u>		<u>888,586</u>	
NET CURRENT ASSETS		<u>609,929</u>		<u>496,631</u>
TOTAL ASSETS LESS CURRENT LIABILITIES		<u>642,998</u>		<u>544,845</u>
RESERVES				
Income and expenditure account		<u>642,998</u>		<u>544,845</u>
		<u>642,998</u>		<u>544,845</u>

These summarised financial statements may not contain sufficient information to gain a complete understanding of the financial affairs of the Office of the Independent Adjudicator for Higher Education. The full auditors report and financial statements can be found on our website at www.oiahe.org.uk
Independent Auditors Statement: We have examined the summarised financial statements set out on pages 78 and 79.

Respective responsibilities of directors and auditors You are responsible as Directors for the preparation of the summary financial statements. We have agreed to report to you our opinion on the summarised statements' consistency with the full financial statements, on which we reported to you on 26 March 2010.

Basis of opinion We have carried out the procedures necessary to ascertain whether the summarised financial statements are consistent with the full financial statements from which they have been prepared.

Opinion In our opinion the summarised financial statements are consistent with the full financial statements for the year ended 31 December 2009.

Horwath Clark Whitehill LLP, Chartered Accountants and Registered Auditors, Reading 26 March 2010



“I would like to take this opportunity to thank the OIA for its input, which I have welcomed from the outset. Finally, I feel that my cries for help have been heard.”



Tel: 0118 959 9813
email: enquiries@oiahe.org.uk
www.oiahe.org.uk