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Guidance Note

Completion of Procedures Letters

1. INTRODUCTION

The following guidance explains how and when providers should issue Completion of Procedures Letters. This guidance replaces previous OIA guidance about Completion of Procedures Letters, and should be read with the [Rules of the OIA Scheme](#), and the [Guidance Note on the Rules](#).

The OIA must receive a student's Complaint Form within 12 months of the date of the Completion of Procedures Letter. For example, if the Completion of Procedures Letter is dated 1 June 2017, the Complaint Form must be received by the OIA by 1 June 2018.

This guidance cannot answer every question about issuing Completion of Procedures Letters. If you have a query that is not answered by this guidance, or by other information on our website, please contact our Casework Support Team on 0118 959 9813 or e-mail enquiries@oiahe.org.uk.

We use the term 'provider' throughout this guidance to include all members of the OIA Scheme, unless the context specifies otherwise.

2. WHAT IS THE PURPOSE OF ISSUING A COMPLETION OF PROCEDURES LETTER?

Under the OIA Scheme Rules the provider will send the student a letter confirming when s/he has completed the provider's internal processes. The provider should issue a Completion of Procedures Letter to a student promptly, and not later than 28 days after any of its internal processes have been completed. The Rules use the phrase "internal processes", which includes procedures concerning student complaints, academic appeals, disciplinary matters, fitness to practise, fitness to study and breaches of codes of conduct and regulations. However, this is not an exhaustive list. The basic principle is that, a Completion of Procedures Letter should be issued at any point where the student has reached the end of the line and there are no further steps which he or she can take internally. In this guidance, where we refer to "complaint or appeal" we mean any internal process which might lead to a complaint to the OIA.

Issuing a Completion of Procedures Letter:

- fixes the date when the student has reached the end of the provider's internal processes;
- clarifies the issues considered by the provider under those procedures;
- advises the student of the possibility of bringing a complaint to the OIA;
- establishes the timescale for bringing a complaint to the OIA.

3. WHEN SHOULD A COMPLETION OF PROCEDURES LETTER BE ISSUED?

A Completion of Procedures Letter should be issued at any point where the student has reached the end of the line and there are no further steps which he or she can take internally.

Providers should issue a Completion of Procedures Letter at the conclusion of complaints, academic appeals, disciplinary procedures, fitness to practise procedures, fitness to study procedures, harassment and bullying procedures: in fact, at any point where the student has reached the end of the line and there are no further steps which he or she can take internally.

Occasionally a student may complain about a matter for which the provider has no published procedures. In such cases, the provider should issue a Completion of Procedures Letter, explaining how it has dealt with the complaint.

(i) Complaint or appeal not upheld

The Completion of Procedures Letter should be issued automatically after the completion of internal processes, that is, when the provider issues its final decision.

(ii) Complaint or appeal upheld or partly upheld

If the complaint or appeal is upheld, or partly upheld, the provider should tell the student that s/he can ask for a Completion of Procedures Letter if s/he wants one. The provider may set a deadline of not less than one month for the student to make this request. If the student requests a Completion of Procedures Letter within the deadline specified by the provider, a Completion of Procedures Letter should be issued automatically. If the student makes a request after the deadline has passed, then the provider should issue a Completion of Procedures Letter which states the date upon which the final decision was reached on the complaint or appeal. The time for bringing the complaint to the OIA will normally run from that date, rather than the date of the Completion of Procedures Letter.

(iii) Complaints that are about more than one issue

If a student has a complaint about how the provider handled their complaint or appeal, for example a complaint about delay, he or she should not then be required to make a complaint under the provider's complaints procedure before being issued with a Completion of Procedures Letter.

Students may have to follow two sets of procedures where the matters are not related. For example, if a student has a complaint about student accommodation, and is also subject to Fitness to Practise procedures, this should result in two Completion of Procedures Letters.

(iv) Outstanding matters under the same procedures

A Completion of Procedures Letter should not be issued while there are still outstanding matters under the same procedure for the provider to consider, for example, where an examination board is to reconsider the student's results following a successful appeal.

(v) Complaints and appeals arising from courses involving more than one provider or an external awarding body

For guidance on issuing a Completion of Procedures Letter where more than one provider, or an external awarding body, is involved please see section 13.

(vi) Complaints or appeals arising from events that took place before the provider became a member of the OIA Scheme

Where a student makes a complaint about matters some or all of which happened before the provider became a member of the OIA Scheme, a Completion of Procedures Letter should be issued setting out a brief history of the complaint, including the date upon which the provider became a member. The OIA will decide whether any part of the complaint can be considered under the Rules of the Scheme.

4. HOW LONG DOES THE PROVIDER HAVE TO ISSUE A COMPLETION OF PROCEDURES LETTER?

The provider should issue the Completion of Procedures Letter automatically after the completion of the internal processes if the complaint or appeal is not upheld.

We would normally expect the Completion of Procedures Letter to be issued "promptly", and "not more than 28 days after the internal processes have been completed."

5. SHOULD A PROVIDER ISSUE A COMPLETION OF PROCEDURES LETTER IF IT HAS UPHeld OR PARTLY UPHeld THE STUDENT'S COMPLAINT OR APPEAL?

If the complaint or appeal is upheld or partly upheld, then the provider should tell the student that he or she can ask for a Completion of Procedures Letter if he or she wants one and should issue the Completion of Procedures Letter without delay if the student then requests one.

6. WHAT IF THE STUDENT'S COMPLAINT IS NOT ELIGIBLE UNDER THE OIA'S RULES?

A provider should issue a Completion of Procedures Letter even if it considers that the OIA will not be able to review the complaint; for example, because it considers that the complaint relates to academic judgment, or is about a student employment matter. This is because it is for the OIA to decide whether a complaint is eligible under our Rules. However, it is helpful if the

provider explains in the Completion of Procedures Letter why it thinks the complaint may not be eligible, whilst making it clear that the OIA will decide this.

Completion of Procedures Letters should still be issued where the student is no longer registered at the provider as the OIA Scheme covers students. The provider should comment in the Completion of Procedures Letter if it considers the student has raised the complaint too late or if there are other reasons why the OIA may not be able to look at it.

7. IF THE PROVIDER IS NO LONGER A 'QUALIFYING INSTITUTION' FOR THE PURPOSES OF THE OIA SCHEME, SHOULD IT STILL ISSUE A COMPLETION OF PROCEDURES LETTER?

Providers who cease to be "Qualifying Institutions" will be known as "transitional institutions" and will continue to be OIA members for a period of 12 months after that event. The 12 month period, runs from the day on which the provider stops being a qualifying institution. For example, a higher education provider which stops being a qualifying institution on 1 July 2018, will carry on being a member of the OIA until 30 June 2019.

We cannot look at a complaint about a transitional institution unless the complaint relates to events which occurred before the institution became a transitional institution. So, in the example given in paragraph 19 above, we could only review complaints about events which took place before 1 July 2018. Providers in this position should continue to issue Completion of Procedures Letters and use the last date of membership as the deadline for a student to bring a complaint to the OIA. Students should be alerted to the deadline and encouraged to bring complaints to the OIA as soon as possible.

8. WHAT IF THE PROVIDER HAS MADE AN OFFER TO THE STUDENT IN AN ATTEMPT TO SETTLE THE COMPLAINT?

If the student accepts the offer then a Completion of Procedures Letter may be issued confirming the settlement, if the student requests one. It is very unlikely that the OIA would agree to review a complaint in such circumstances. However each complaint will be considered on its merits.

If the student rejects the offer, or has not responded by the date the offer expires a Completion of Procedures Letter should be issued. This should include a summary of the settlement proposals. (If they were made on a "without prejudice" basis this should be brought to our attention.) The Completion of Procedures Letter should state whether or not the provider is willing to keep the offer open while the OIA considers the complaint.

9. WHEN HAVE INTERNAL PROCEDURES BEEN COMPLETED?

In most cases it will be clear that the provider has made its final decision and that its internal procedures have been completed. However, there are some circumstances where this is less clear. We set out some examples below and indicate whether Completion of Procedures Letters should be issued. (Section 13 sets out the principles which we will apply where more than one provider is involved.)

(a) A Completion of Procedures Letter should be issued when the provider makes a decision that there are no grounds for the complaint or appeal to be escalated to the next stage of its procedures

Some providers' regulations only allow a complaint or appeal to escalate to the final stage on narrow grounds such as procedural irregularity. In those cases, the provider's decision letter should explain to the student that there is a final stage, and should explain clearly the grounds upon which the student can progress to the final stage. It should also explain that if the student does not have grounds to proceed, then he or she can ask for a Completion of Procedures Letter within a set period of time (not less than one month). The Completion of Procedures Letter should be issued on request: there is no need to issue a Completion of Procedures Letter automatically.

If the student asks for a Completion of Procedures Letter after the deadline has passed, then the provider should issue a Completion of Procedures Letter which states the date upon which the final decision was reached on the complaint or appeal. The time for bringing the complaint to the OIA will normally run from that date, rather than the date of the Completion of Procedures Letter.

(b) A Completion of Procedures Letter should be issued when a student initiates, or attempts to escalate, a complaint or appeal outside the provider's time limits

The Letter should explain why the complaint or appeal is out of time and refer to the relevant regulations. (If the student then complains to the OIA, our review would normally be restricted to considering whether the provider's

decision to reject the matter as out of time is reasonable and in accordance with its procedures. If we find a complaint to be Justified in these circumstances, the likely outcome would be that we would send the case back to the provider.)

(c) It is not normally necessary to issue a Completion of Procedures Letter if a student does not escalate his/her complaint or appeal to the next stage

Where a student requests a Completion of Procedures Letter because he or she wants to bring the matter to the OIA without having engaged with the provider's procedures, and the provider considers that the student has not completed its internal procedures, it should respond promptly to the student, setting out clearly the next steps he or she can take to progress the complaint, and any deadlines that apply. It should not issue a Completion of Procedures Letter since internal procedures have not been exhausted.

If the student requests a Completion of Procedures Letter and he or she is out of time to progress the complaint or appeal, then the provider should issue a Completion of Procedures Letter explaining that the student has not completed the internal processes, but that he or she is now too late to do so, and so there are no further steps which he or she can take internally.

If a student submits a complaint to the OIA without a Completion of Procedures Letter, we will ask the provider to explain whether or not its internal processes are complete. If there are no further steps for the student to take internally, then we may ask the provider to issue a Completion of Procedures Letter setting out what has happened, or we may suggest that we treat the provider's last decision letter as a Completion of Procedures Letter.

(d) A Completion of Procedures Letter should be issued when the provider reaches a final decision which results in the exclusion or suspension of a student under any of its procedures, including disciplinary procedures

(e) A Completion of Procedures Letter should be issued when the provider reaches a final decision which results in a student being removed from student accommodation

(f) A Completion of Procedures Letter should be issued where a student makes both a complaint and an appeal about the same or related issues

The provider should issue a Completion of Procedures Letter in respect of each procedure, cross-referencing as appropriate. The student should be reminded that the 12 month time limit applies to both cases. We may decide to suspend our consideration of the first case in order to review both cases together.

10. WHAT IF A STUDENT COMPLAINS TO THE OIA WITHOUT COMPLETING THE PROVIDER'S INTERNAL PROCESSES OR RAISES ISSUES NOT INCLUDED IN THE COMPLETION OF PROCEDURES LETTER?

Our Scheme Rules allow us, in exceptional circumstances, to review a complaint when the student has not completed the provider's internal processes and/or does not have a Completion of Procedures Letter.

We might decide to accept a complaint where:

- There has been undue delay on the part of the provider in progressing the complaint, and there appears to be no prospect for early resolution;
- The provider has unreasonably refused to issue a Completion of Procedures Letter or where there is nothing to be gained by progressing with the internal processes;
- The student has failed to escalate the complaint or appeal in time and the provider has issued a Completion of Procedures Letter saying that they are now out of time to do so. In those circumstances we would consider whether the provider has acted reasonably in deciding that the student is out of time;
- The student raises issues in their Complaint Form to the OIA which were not covered by the Completion of Procedures Letter and we consider that it would be pragmatic to deal with those secondary issues at the same time as the primary issues raised with the provider.

The OIA will not normally consider a complaint which arises from information or evidence which the student has obtained after the date of the Completion of Procedures Letter or, where they do not have a Completion of Procedures Letter, more than 28 days after the student stops being a student.

11. IS THERE A SET FORMAT FOR A COMPLETION OF PROCEDURES LETTER?

Our Scheme Rules say that the Completion of Procedures Letter must comply with Guidance on Completion of Procedures Letters. You can view a [template](#) for Completion of Procedures Letters on our website.

There is a [separate template](#) Completion of Procedures Letter on our website for use where the student was studying for a qualification awarded by an external awarding body such as Pearson (Edexcel). Further information about our approach to handling complaints from students on this type of course can be found in section 13 (point 3) and [on our website](#).

- The Completion of Procedures Letter should be headed as such, so it is clear to the student that he or she has completed internal procedures.

The summary of the student's appeal or complaint, and its outcome, may be contained in a separate document, such as a report of an appeal panel hearing, provided that this document is clearly identifiable, sets out the required information and makes it clear that the student will receive a Completion of Procedures Letter imminently. The Completion of Procedures Letter should refer to this separate document.

Some providers incorporate the Completion of Procedures Letter in a letter to the student notifying him or her of the outcome of an investigation or an appeal. This is acceptable to the OIA, provided that the Completion of Procedures Letter is issued promptly.

The Completion of Procedures Letter may be sent by e-mail. The e-mail should include links to the OIA's information for students "[An Introduction to the OIA for Students](#)" on the OIA website. The electronic version of the Completion of Procedures Letter must be dated.

- **The Completion of Procedures Letter must state the date by which the student must submit his or her complaint to the OIA.** The OIA Complaint Form must be received by the OIA no later than 12 months after the date of the Completion of Procedures Letter. To avoid any ambiguity, the Completion of Procedures Letter should state the date by which the OIA should receive the student's OIA Complaint Form. So, if the Completion of Procedures Letter is dated 1 June 2017, the letter must state that the deadline is 1 June 2018.
- Completion of Procedures Letters should explain that the OIA is an independent review scheme and not part of the provider's review or an appeal body. It is important that the provider's regulations are clear on the role of the OIA and in particular that it is separate to the provider's processes.

12. WHAT INFORMATION SHOULD THE COMPLETION OF PROCEDURES LETTER CONTAIN?

The information in the Completion of Procedures Letter helps the OIA to ensure that the complaint we review reflects the issues the provider has considered.

The Completion of Procedures Letter should contain:

- A summary of the complaint or appeal the student has made to the provider;
- The title of the regulations/procedures which were applied;
- A summary of the issues considered at the final stage of the internal procedures;
- The final decision taken by the provider;
- The reasons for that decision;
- Information about the role of the OIA;
- The deadline for bringing a complaint to the OIA.

Providers may also find it helpful to include a summary of issues which were raised but not pursued by the student, to identify any issues which have not completed its internal procedures.

The Completion of Procedures Letter should also draw the student's attention to any factors of which the provider is aware which mean that it is particularly important for the student to bring the complaint promptly. Examples of such factors are:

- The student is subject to deadlines for completing the course;
- The course or module the student is studying is being discontinued, or the programme is in teach out;

- The remedy the student is seeking will be impossible to implement after a certain date;
- The student has indicated that he or she intends to bring judicial review proceedings against the provider if they are dissatisfied with the outcome of the OIA's review. In those circumstances, the provider should tell the student that if he or she wishes to preserve the right to judicially review the provider's decision, then the student should tell the provider as soon as possible and make a complaint to the OIA **within three months**. Otherwise the provider may argue that any subsequent judicial review proceedings against it are too late.

13. WHAT HAPPENS ON JOINTLY DELIVERED COURSES OR COURSES LEADING TO AN AWARD OF ANOTHER PROVIDER OR AWARDING BODY?

This section explains which provider should issue a Completion of Procedures Letter where more than one provider is involved in considering a complaint or appeal. It also includes guidance on what to include in Completion of Procedures Letters issued to students who are studying for a qualification which is awarded by an awarding body which is not a member of the OIA Scheme. For a more detailed discussion about handling complaints and academic appeals in this context, including transnational arrangements, please refer to [the Good Practice Framework: handling student complaints and academic appeals – delivering learning opportunities with others](#).

Where a provider is issuing a Completion of Procedures Letter to a student studying at another provider, it is particularly important for the Completion of Procedures Letter to refer to the regulations under which the student's complaint or appeal was considered, setting out clearly what the provider considered at the final stage, as well as the issues addressed by the other provider.

It is also helpful for the Completion of Procedures Letter to refer to the agreement between the providers that sets out the responsibilities of each of them. This helps us to focus our review on what the provider looked at (or should have looked at), rather than underlying issues that may be the responsibility of another provider.

(1) Joint and dual awards: two or more member providers collaborate to teach a programme of study leading to one joint award, double or multiple, or dual awards

In these arrangements, the partners decide between themselves how to handle internal procedures. The agreement between the providers should set out which provider is responsible for overseeing these procedures. That provider should issue the Completion of Procedures Letter at the end of the relevant procedure enabling the student to complain to the OIA should they wish to do so.

(2) A student is studying at a member provider for a qualification which is awarded by another body

The awarding body is a member of the OIA Scheme

Students may be studying at one provider (the 'delivery provider') for an award made by another provider (the 'awarding provider'). Where both the delivery provider and awarding provider are members of the OIA Scheme, the student may be able to complain about acts or omissions of either or both of them. The same applies if the student is studying at more than one delivery provider, or the award is made by more than one awarding provider.

The agreement between the providers should set out the obligations and responsibilities of each provider, including for handling student complaints and academic appeals and other procedures. The OIA will take a pragmatic approach in reviewing complaints involving more than one member provider and will deal with them on a case by case basis.

The basic principles which apply are:

- Where the awarding provider is responsible for the final stage of the process, an internal procedure has only been completed for the OIA's purposes once the awarding provider has considered the complaint or appeal.
- The awarding provider should conduct the final review stage of academic appeals and should issue the Completion of Procedures Letter at the conclusion of that academic appeals process (see Section 3 above).
- Where the complaint relates to the academic standards and/or quality of the learning opportunity, the awarding provider should deal with the review stage of the complaints procedure and should issue the Completion of Procedures Letter at the conclusion of that complaints process (see Section 3 above).
- Where the delivery provider manages the learning opportunity on a day-to-day basis, it is good practice for it to handle complaints arising from those day-to-day matters which are within its control. It should issue the Completion

of Procedures Letter at the conclusion of that complaints process (and see Section 3 above) as the student will not be able to complain to the awarding provider.

The awarding body is not a member of the OIA Scheme

Students may be studying at a member provider for a qualification awarded by an external awarding body which is not a member of the OIA Scheme; for example an HNC or HND awarded by Pearson (Edexcel).

The member provider should issue a Completion of Procedures Letter to a student on this type of course at the end of any internal procedure, in the usual way. (Students can only complain about some providers if they are (or for former students, were) on a [higher education course](#). These providers are identified on our [list of members](#)).

If the student then complains to the OIA, we will decide whether the complaint relates to: (1) an act or omission of the member provider relating to the service provided which falls within the OIA's remit; or (2) the overall quality or standards of the qualification itself. Complaints falling into category (2) will normally be forwarded by the OIA to the relevant awarding body.

Our [template Completion of Procedures Letter](#) for students studying on this type of course provides some explanatory text which should be included. Further information can also be found in [The Good Practice Framework: handling student complaints and academic appeals – delivering learning opportunities with others](#).

(3) A student is studying at a provider (the delivery provider) which is not a member of the OIA Scheme, undertaking a course of study or programme of research which leads to one of a member provider's awards.

We expect the agreement between the delivery provider and the awarding member provider to set out the responsibilities of each provider. Arrangements will vary, but the awarding member provider would normally be responsible for the final stage in the academic appeals process. It is likely to be responsible for complaints relating to academic standards, and may also accept complaints about other issues. Depending on the nature of the agreement, the awarding member provider may be responsible for all aspects of course delivery.

The agreement should set out the circumstances in which a student can escalate his or her case to the awarding member provider for consideration. The awarding member provider should issue a Completion of Procedures Letter at the conclusion of any case which it has considered.

14. WHICH MEMBER(S) OF STAFF WITHIN A PROVIDER SHOULD ISSUE THE COMPLETION OF PROCEDURES LETTER?

Providers should have safeguards in place to ensure that Completion of Procedures Letters are issued only by authorised officers. It is not necessary to limit authorisation to the OIA Point of Contact, but the Point of Contact should ensure that anyone issuing a Completion of Procedures Letter follows this Guidance.

15. COMPLAINTS REFERRED BACK TO THE PROVIDER BY THE OIA

Where the OIA makes a Recommendation to the provider that it should reconsider a complaint or an appeal, the provider should issue a new Completion of Procedures Letter after it has reconsidered the matter.

16. IF THE PROVIDER SEEKS TO RESOLVE A COMPLAINT

Even after a Completion of Procedures Letter has been issued and a complaint made to the OIA, a provider may still seek to resolve the complaint by offering to reconsider the matter or proposing a settlement. Should the provider wish to do so, it should inform us as soon as possible, as we may suspend or terminate our review. It should also keep us informed of progress and the final decision.

April 2018