

Complaints involving more than one provider, all of which are members of the OIA Scheme.

In March 2017, the OIA published a section of the Good Practice Framework setting out some further guidance on handling complaints and academic appeals in the context of delivering learning opportunities with others. <http://oiahe.org.uk/providers-and-good-practice/delivering-learning-opportunities-with-others.aspx>. The guidance below will be updated to reflect that section in due course.

Where both the delivery provider(s) and the awarding provider(s) are members of the OIA Scheme, the students may be able to complain about acts or omissions of either or all of them. However, a student can only complain to the OIA about a provider in respect of matters for which that provider is responsible and normally only then where the substantive events complained about took place after that provider joined the OIA Scheme. This reflects our Rule 4.1.

The agreement between the providers will set out the obligations and responsibilities of each party, including for handling student complaints, and will be our starting point in a review of a complaint which involves more than one member provider. A key issue will be 'whose responsibility is the issue being complained about?'

Our broad approach is summarised below:

1. Where the complaint issue is the responsibility of the delivery provider, the student should be able to come directly to the OIA once they have completed the delivery provider's internal procedures (i.e. without first having had to go through the awarding provider's procedures). Where we determine that the complaint is Justified or Partly Justified, we will then be able to address our recommendations directly to the delivery provider. Such an approach facilitates the aim of the OIA's remedies which is to put the student back in to the position that they would have been in had the matters complained of not occurred.
2. If, in reviewing a complaint, we consider that the providers should have handled the matter differently, or that the wrong party has issued the Completion of Procedures Letter, we will say so in our review. For example, we may make recommendations or suggestions as to how the providers might deal with similar matters going forwards; or where the complaint is expressed to be against the awarding provider, we might treat it as being a complaint against the delivery provider. The approach that we take will depend upon the facts of the individual case. We are unlikely to determine that a complaint is Justified simply because, in our view, the student should not have had to go through the awarding provider's procedures before coming to the OIA, provided of course that the student has not been materially disadvantaged as a result.
3. Some awarding providers may wish to be kept informed about any complaint against their delivery partners. However, that does not mean that awarding providers need to consider individual student complaints themselves. The partnership agreement between the providers may provide for information-sharing about student complaints; for example the delivery provider may be required to provide the awarding provider with a regular summary of complaints etc received.
4. In relation to complaints:
 - 4.1. If the complaint is about service quality issues at the delivery provider (for example, pastoral provision, poor facilities), the delivery provider should consider the complaint and issue a Completion of Procedures Letter at the end of internal procedures

- 4.2. Generally, if the complaint is about teaching standards or other matters which the awarding provider has responsibility for under its agreement with the delivery provider, the awarding provider may wish to have some involvement in the complaint. This is because the awarding provider is likely to have some responsibility for academic standards. However, we would not expect any involvement of the awarding provider to delay the progress of the student's complaint. For example, and following the principles of the Good Practice Framework, the awarding provider's involvement could form the final 'review' stage of the 'internal' procedures, the 'early resolution' and 'formal' investigation stages having been conducted by the delivery provider. In that way, the student will only have had to progress through three stages of 'internal' procedures (at the delivery provider and awarding provider) in all.
- 4.3 The Completion of Procedures Letter should be issued by whichever provider takes the final decision on the complaint.
5. In relation to academic appeals:
- 5.1. The awarding provider will normally be responsible for the final stage of the appeal. The awarding provider should issue a Completion of Procedures Letter when it reaches a final decision on the appeal. Again, following the principles in the Good Practice Framework, the awarding provider's involvement in the appeal could be at the third stage of the 'internal' procedures so that the student is only required to progress through three 'internal' stages in all.
- 5.2. A student may also wish to make a complaint about the way the delivery provider handled his or her academic appeal, as opposed to the outcome of the appeal. For example, the delivery provider may have delayed its consideration of the appeal so that a student has missed an opportunity to progress. Normally the OIA would expect the student to make a complaint to the delivery provider about its handling of the appeal, and the delivery provider to issue a Completion of Procedures Letter when it has considered that complaint.
6. Under some arrangements, such as a franchise or sub-contractual arrangements (<http://www.oiahe.org.uk/glossary.aspx#franchisedprovision>), the awarding provider effectively 'owns' the course and the students are registered students of the awarding provider and/or in Wales, the awarding provider provides normally retains overall control of the programme's content, delivery, assessment and quality assurance arrangements. Normally the awarding provider has ultimate responsibility for considering complaints by students on the course and should issue a Completion of Procedures Letter once internal processes have been exhausted. However, the franchise or sub-contractual agreement may delegate some of this responsibility to the delivery provider and in those circumstances we may seek to apply the principles set out above
7. If the student has complaints about the awarding provider and the delivery provider arising from the same process, we will treat these as separate complaints, although we may link our reviews together. Each provider will need to issue a Completion of Procedures Letter.

The principles we apply in relation to joint provision are unchanged (see section 13 on 'What happens on jointly delivered courses, or courses leading to an award of another provider or awarding body?' in the Completion of Procedures Letters guidance).