

Operating Report for 2023



office of the
independent
adjudicator

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

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

Our Operating Report for 2023 reports progress against our Operating Plan 2023. It sets out what we did during the year to advance each of our strategic priorities. It includes both ongoing areas of work and new initiatives.

Students and the higher education sector continued to face very challenging circumstances and this was a key context for our work in 2023. We continued to respond to the sustained increases in our case receipts and to prepare for possible further rises. We worked to make our service available to all who could benefit from it, in ways that were accessible to them. We continued to promote equality, diversity and inclusion through our work and in our organisation. The influence of our good practice work and our role as an integral but independent part of the regulatory framework helped us to promote greater fairness for students. We took a flexible, innovative and outward-looking approach to developing our work, in ongoing dialogue with our stakeholders. All of this was underpinned by continuing to develop as an organisation so we could maximise the positive difference we made to students and the sector.

To review student complaints independently, fairly and effectively

The number of complaints we receive has continued to rise year on year, representing a substantial cumulative increase in our caseload. It is important to students that we provide a timely service, and this remained a key focus through the year and a vital part of our commitment to providing a trusted, accessible and responsive service for reviewing student complaints.

In 2023 we received 3,137 complaints, our highest ever number. This is 10% more than in 2022, and followed increases in each of the previous six years. We continued to take steps to manage our caseload as effectively as we can. We performed well against all of our timeliness key performance indicators (KPIs) despite the challenges of rising case numbers. We made further progress with reducing our case turnaround times and met our KPI of closing 75% of cases within six months of receipt. We also significantly increased the number of complaints we closed to 3,352, 19% up on 2022. We took an average of 125 days to close a case, compared to 135 days in 2022.

We continued to look for ways to improve our case-handling. We used learning from our quality assurance and from looking again at some aspects of our processes as well as insights from feedback and our good practice work to further improve what we do.

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

What we plan to do	What this will look like	How we did
<p>We will provide a timely service, responding promptly to enquiries, letting students know as soon as possible whether we can look at their complaint, and resolving complaints as quickly as we can.</p>	<p>We meet our key performance indicators (KPIs) for the timeliness of our case-handling process:</p> <ul style="list-style-type: none"> ◆ Responding to 95% of enquiries within two working days ◆ Making 90% of eligibility decisions (or requesting further information) within 10 working days ◆ Closing 75% of cases within six months of receipt. 	<p>We met or exceeded our KPIs for the timeliness of our case-handling process:</p> <ul style="list-style-type: none"> ◆ We responded to 96% of enquiries within two working days ◆ We made 95% of eligibility decisions, or requested further information, within 10 working days ◆ We closed 75% of cases within six months of receipt.

What we plan to do	What this will look like	How we did
We will use risk-based and proportionate quality assurance mechanisms to evaluate the quality of our processes and the decisions we reach, using what we learn to improve what we do.	We monitor the quality of our processes and decisions. We feed learning back into continuous development of our case-handling practice.	We monitored quality through various mechanisms, overseen by our Casework Quality Group. We used learning from quality assurance to inform the continuing development of our casework and to improve and update guidance for case-handlers.
We will continue to develop the skills of our case-handlers.	We provide support and training for case-handlers so that they are well equipped to review all cases allocated to them effectively and impartially, building on the Ombudsman Association's Caseworker Competency Framework.	We supported the continuing development of our case-handlers' skills, aligned to the Caseworker Competency Framework, through an internal programme of case-handler-led sessions and externally led training drawing on specialist expertise.
We will continue to encourage case-handlers to try to settle cases whenever it is appropriate.	We try to settle cases where this would be a reasonable and realistic potential outcome, meeting our KPI of settling 10% of our cases.	We tried to settle cases where we thought that would be the best way to resolve the complaint. We were successful in settling 12% of cases, exceeding our KPI.
We will continue to take an adaptable approach to our reviews and to empower case-handlers to use our processes flexibly.	We handle cases in a way that is responsive to both the needs of the individual student and the nature of the case. We continue to improve our case-handling processes, building on learning from previous initiatives. We encourage case-handlers to take a proportionate approach to each individual case and to resolve complaints at the earliest opportunity.	We continued to take a flexible approach and to be responsive to the needs of students, particularly those experiencing difficulties. We looked for opportunities to resolve cases at an early stage. We built on the learning from previous and new initiatives to make further improvements to our case-handling processes.

What we plan to do	What this will look like	How we did
<p>We will support students to fully participate in our review process through actively listening to what they tell us and explaining what we are doing.</p>	<p>We continue to offer students the opportunity to discuss their complaint with us so we understand their concerns before we reach our decision. We communicate with students throughout our review process so they are supported and understand what is happening with their complaint. We can offer video calls where appropriate.</p>	<p>We communicated with students throughout our review process and offered opportunities for students to discuss their complaint with us. We provided advanced training for case-handling staff to support effective use of telephone and video calls and skills in engaging effectively with students who are distressed.</p>
<p>We will listen to what students and others tell us about how they experience our service and use this to further improve what we do.</p>	<p>We consider the feedback students and others give us about our service and identify and implement learning from this.</p>	<p>We considered feedback we received in the course of our casework and through our feedback surveys. Learning from this informed ongoing work to further develop our processes and communication.</p>
<p>We will work with higher education providers to maintain a high level of compliance with our Recommendations.</p>	<p>We maintain our strong track record on compliance and meet our KPI of compliance with 85% of student-centred Recommendations by the target date.</p>	<p>We maintained our strong record of compliance with our Recommendations. 86% of student-centred Recommendations were implemented by the target date.</p>
<p>As the designated alternative dispute resolution (ADR) body for higher education complaints, we will continue to comply with the requirements of the ADR Regulations.</p>	<p>We continue to meet the standards and reporting requirements expected of us as the ADR body.</p>	<p>We continued to meet the requirements on us as an ADR body.</p>

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

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

We engaged with live issues affecting providers and students and listened to their experiences. We developed and updated good practice guidance based on learning from complaints we saw.

What we plan to do	What this will look like	How we did
<p>We will continue to share learning from our work through publishing information and guidance.</p>	<p>We publish information about our approach and learning from the complaints we see, for example in casework notes and case summaries, and in resources for providers and student representative bodies.</p>	<p>We published a casework note and case summaries on academic misconduct and on disciplinary matters. We updated our toolkits for providers and student representative bodies.</p>
<p>We will continue to deliver our outreach programme in ways that best enable providers, student representative bodies and others to access and benefit from learning from complaints, while making effective use of our resources.</p>	<p>We continue to develop our outreach programme and the resources available on our website. We run 16 online events. We balance our online provision with face-to-face outreach, trialing hybrid delivery of some activities. We use feedback from participants to inform the topics we cover and the way we deliver them. We take other opportunities to share learning from complaints, for example through contributing to sector events.</p>	<p>We ran 18 webinars and online workshops during the year, informed by feedback and covering a range of topics such as academic misconduct, disciplinary matters, accommodation, fitness to practice and requests for additional consideration as well as general introductory events. We contributed to many sector events to share both general learning from our work and learning on specific issues such as sexual misconduct.</p>

What we plan to do	What this will look like	How we did
<p>We will continue to reach out to student representative bodies including through relevant networks and forums, and offer tailored outreach and resources.</p>	<p>We continue to deliver outreach events and provide good practice resources focusing on the role of student representative bodies in complaints and appeals. We hold 10 discussion groups with student advisers, and engage with student officers and others in student representative bodies as part of our outreach visits.</p>	<p>We ran outreach events and provided resources tailored to student representative bodies. We held 19 discussion groups with student advisers, and had discussions with student representatives as part of our visits to providers.</p> <p>We contributed to the NUS Membership Services conference and the NUS Lead and Change programme.</p>
<p>We will support students' awareness and understanding of our service and when they can complain to us.</p>	<p>We take steps to improve our understanding of why students sometimes come to us prematurely, and to promote students' understanding of our remit and approach and when they can complain to us, including through working with providers and student representative bodies.</p> <p>We give students who contact us the option of discussing their case with us before deciding whether to bring their complaint to us.</p>	<p>We began work to look at why some students come to us prematurely and had some early discussions with providers and student representative bodies. We continued to advise students who contact us about when and how we can help, including offering the opportunity to discuss their case with us before deciding whether to bring their complaint to us.</p>
<p>We will further develop our understanding of differences in students' experiences in relation to complaints, both within providers and in complaints to us. We will use what we learn to help improve practice.</p>	<p>We hold 10 student discussion groups to explore students' different experiences and perspectives. We look at what we can learn from the complaints we receive. We share relevant learning with the sector and use it to inform our own practice.</p>	<p>We held 16 student discussion groups including with students of different faiths, disabled students, and students from Black, Asian and minority ethnic backgrounds. Insights from these groups and from complaints informed our outreach work and our own practice.</p>

What we plan to do	What this will look like	How we did
<p>We will continue to promote effective support for disabled students.</p>	<p>We continue to share learning on supporting disabled students, including working with the Disabled Students' Commission to promote good practice in handling complaints brought by disabled students.</p>	<p>We worked with the Disabled Students' Commission, and became a member of the recently established Disabled Student Commitment Partner Group. We continued to take opportunities to highlight issues affecting disabled students and the need for more effective support.</p>
<p>We will work with the Good Practice Framework Steering Group to review and update the Good Practice Framework: Delivering learning opportunities with others, consult on it and publish it.</p>	<p>We publish the updated Good Practice Framework: Delivering learning opportunities with others after consultation by the end of the year.</p>	<p>We updated the Good Practice Framework: Delivering learning opportunities with others and published it for consultation. We plan to publish the final version in the early part of 2024.</p>
<p>We will engage with the tertiary sector in Wales to understand the context of complaints and appeals from further education students, in preparation for our extended remit.</p>	<p>We engage with relevant organisations in Wales to learn more about how further education complaints are currently handled, and what the different needs of further education students might be, and use this to inform our preparations for our extended remit.</p>	<p>Due to the longer than anticipated timescale for the wider implementation of the Tertiary Education and Research (Wales) Act, we are at an early stage of these aspects of our preparations for our expanded remit.</p>

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

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

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

We were active members of the Ombudsman Association (OA) and of the European Network for Ombuds in Higher Education (ENOHE) through the year, sharing our learning and learning from other schemes.

What we plan to do	What this will look like	How we did
<p>We will continue to work with the Welsh government and other key stakeholders, including the Commission for Tertiary Education and Research (CTER) once established, to make our service available to students across the post-compulsory education and training sector in Wales.</p>	<p>We work closely with the Welsh government, CTER and other key stakeholders as the Tertiary Education and Research (Wales) Act 2022 moves towards implementation, and continue preparations for our expanded role under the Act.</p>	<p>We worked with the Welsh government as plans for implementation of the Act progressed, aligning our preparations with the wider implementation.</p>
<p>We will respond to key proposals, reviews and developments relating to the HE sector from the UK government and others.</p>	<p>We bring our distinct perspective, drawing on what we learn from reviewing complaints, to a wide range of policy areas as the government and the higher education sector continue to respond to ongoing and emerging developments.</p>	<p>We engaged with and contributed to relevant developments, including the Higher Education Mental Health Implementation Taskforce and the Parliamentary Taskforce on Antisemitism in Higher Education. We also continued to engage with a range of stakeholders on the impact of implementation of policy developments such as the Lifelong Learning Entitlement.</p>

What we plan to do	What this will look like	How we did
<p>We will continue to fulfil our role as an integral but independent part of the regulatory framework, working with the Office for Students (OfS), the Higher Education Funding Council for Wales (HEFCW), CTER as it is established, and other relevant regulators.</p>	<p>We work with the OfS, HEFCW, and CTER once established, so information is shared as appropriate and we are involved in relevant discussions around their workstreams.</p>	<p>We engaged with OfS and with HEFCW to discuss relevant issues and share information as appropriate. We liaised with other relevant regulators including the Nursing and Midwifery Council and the Health and Care Professions Council.</p>
<p>We will continue to work with a range of organisations and groups across the sector and beyond to increase our understanding of and contribute our perspective on key issues.</p>	<p>We attend relevant meetings and participate in discussions relevant to our work, including with the Department for Education (DfE), National Union of Students, the UK Standing Committee for Quality Assessment, the Quality Assurance Agency, and the Competition and Markets Authority and Consumer Benefit Forum.</p>	<p>We maintained a very high level of engagement with a broad range of stakeholders and contributed to discussions around relevant issues. We regularly participated in meetings of the Standing Committee and of the Consumer Benefit Forum, and had bilateral meetings with a range of organisations.</p>
<p>We will work with DfE, the OfS and others around the Higher Education (Freedom of Speech) legislation, to promote clarity for students.</p>	<p>We contribute to guidance to try to make sure that students understand their options for complaints involving free speech. This includes having a clear pathway for students to bring their complaint to us, explaining our approach, and the remedies we can recommend for students if we uphold their complaint.</p>	<p>We worked with DfE and the OfS to encourage focus on guidance for students about their options for complaints involving free speech and more widely clarity about the routes for these complaints.</p>

What we plan to do	What this will look like	How we did
<p>We will contribute to policy consideration around the issue of students being left without meaningful remedy if their provider closes, for example due to insolvency, and raise awareness of this important student protection issue.</p>	<p>We continue to promote the importance of making remedies available for individual students in these circumstances and engage with government and organisations in the sector around possible solutions.</p>	<p>We took opportunities to raise this issue and encourage consideration of possible solutions, including in discussions with government and sector organisations.</p>
<p>We will encourage all higher education awarding bodies not currently covered by legislation to join our Scheme to make access to independent redress as wide as possible.</p>	<p>We work closely with DfE, OfS, Ofqual, Qualifications Wales and others to understand any gaps in coverage and work to reduce them.</p>	<p>We worked with relevant organisations towards awarding bodies joining our Scheme. We welcomed Ofqual’s confirmation that awarding organisations being in membership of our Scheme is compatible with Ofqual regulation, and we established a Memorandum of Understanding as a framework for how we work together and share information.</p>
<p>We will formally adopt our new governance structure, introducing arrangements that will reflect our expanded membership and maintain the confidence of stakeholders in our governance, as well as strengthening its effectiveness.</p>	<p>We formally adopt our new governance structure and start to implement the new arrangements, managing this carefully to support continuing governance effectiveness through the transition.</p>	<p>We completed the review process and gained approval in principle from our Company Members for our new governance structure. We will formally adopt the new structure and discussion is ongoing with the Charity Commission on approval for relevant changes.</p>
<p>We will learn from, contribute to, and reflect good practice in the ombuds sector.</p>	<p>As active members of the OA, we share learning with and learn from other organisations in the ombuds sector. We identify any improvements we can make to our own approach and contribute to the development of ombuds practice more widely through our involvement in OA and ENOHE governance, and through their events.</p>	<p>We continued to participate in several OA networks including First Contact, Policy, Communications and HR and to contribute to and learn from events, as well as serving on the OA and ENOHE Boards.</p>

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

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

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

What we plan to do	What this will look like	How we did
We will welcome a new Independent Adjudicator from May 2023.	We run a thorough and effective induction programme, including engagement with providers and student representative bodies, to support a smooth transition from the current to the new Independent Adjudicator.	We welcomed Helen Megarry as our new Independent Adjudicator. We are grateful to the providers, student representative bodies and sector organisations who have helped to introduce Helen to the sector.
We will run a full recruitment process to appoint a new Chair.	We conduct an open recruitment process including a broad search reaching out to diverse candidates and a robust assessment process to identify a new Chair to start in October 2023.	Following a robust recruitment process our Board was very pleased to appoint Sim Scavazza as our new Chair.
We will continue to promote a positive, high-performing organisational culture.	We support people to achieve their potential and have high expectations of performance. We further embed hybrid working to help people to work at their best, establishing a vibrant and collaborative office environment as well as offering a high level of flexibility. We proactively support wellbeing.	We continued to promote a high-performing organisational culture. We took steps to make the most of our flexible hybrid working arrangements and to support staff wellbeing.

What we plan to do	What this will look like	How we did
<p>We will further strengthen diversity and inclusion in our organisation.</p>	<p>We value diversity in our organisation and continue to work to promote an inclusive culture. We build on work we have done to reach out to underrepresented groups in our recruitment, drawing on specialist expertise where appropriate and taking a skills-based approach. We analyse our casework data to better understand patterns in complaints to us and use this to inform our good practice work and our own practice.</p>	<p>We further developed our skills-based recruitment approach and continued to reach out to under-represented groups. We monitored patterns in our casework data, focusing this year on complaints from disabled students.</p>
<p>We will continue to support professional development and provide tailored learning opportunities.</p>	<p>We value learning and support professional development. Learning and development opportunities include internally led knowledge-sharing sessions, tailored externally led training, and external events relevant to our work.</p>	<p>We ran internal knowledge-sharing sessions and externally led training on many issues relevant to our work. We introduced access for colleagues to a wide range of online courses to support continuing professional development.</p>
<p>We will continue to cultivate kindness in all aspects of our work.</p>	<p>We recognise the value of kindness and continue to cultivate it, particularly in our casework processes and the ways we communicate. Our kinder approach helps students to feel that we have listened to and understood their concerns and supports the effectiveness of our casework.</p>	<p>We continued to put value on kindness in our approach. This supported the effectiveness of our casework and helped students to feel heard in our processes.</p>

What we plan to do	What this will look like	How we did
<p>We will continue to develop our information management practices.</p>	<p>Our practices support consistency and enable case-handling colleagues to find the information they need quickly through well-structured and comprehensive case-related resources. More widely, we further develop our data management practices so that all colleagues have easy access to the information they need, when they need it. Where possible, we automate processes such as record retention schedules.</p>	<p>We maintained and updated comprehensive case-related resources to support consistency and efficiency. We have used our improved information management infrastructure to make data and reporting more easily accessible to colleagues.</p>
<p>We will continue to provide a cost-effective and efficient alternative to the courts, benefiting both providers and students who use our Scheme.</p>	<p>We manage our finances to enable us to advance and balance our organisational priorities and keep the unit cost of our cases stable through carefully planned organisational growth and a continuing focus on efficiency.</p>	<p>We continued to manage our finances effectively, enabling us to resource our organisational priorities appropriately. The unit cost of cases has reduced to around £1,800.</p>
<p>We will continue to refine and improve our subscriptions system.</p>	<p>We continue to monitor the structure and level of our subscriptions, taking account of both our rising caseload and financial pressures in the sector. We complete our review of the case-related element of subscriptions to make sure that it continues to operate as fairly as possible for all providers. We monitor developments in higher education sector data that are relevant to our subscriptions.</p>	<p>We considered subscriptions levels for 2024 very carefully, taking into account both the significant and sustained increase in complaints to us and financial pressures in the sector, and our Board agreed a 9% uplift in core subscriptions. We completed our review of the case-related element of subscriptions and increased the points threshold for each subscription band by 10% to take account of the increased volume of complaints in providers. We continued to monitor relevant data developments.</p>

What we plan to do	What this will look like	How we did
<p>We will continue to develop our IT infrastructure and systems so that they are stable, secure and meet organisational needs.</p>	<p>We maintain a good level of stability and security through the year. We launch our new IT system and start to make use of its greater integration and enhanced functionality to support efficiency. We look for opportunities to further develop the system to support our work.</p>	<p>Our IT systems continued to function well through the year and we took further steps to protect security. We launched our new IT system and continued to develop it through the year to support our work effectively.</p>