

**The Good Practice Framework:  
handling complaints and academic appeals**  
*Delivering learning opportunities with others*

**DRAFT FOR CONSULTATION**

The Good Practice Framework: handling student complaints and academic appeals was published in December 2014 and revised in December 2016. This section sets out some further good practice guidance on handling complaints and academic appeals in the context of delivering learning opportunities with others.

The OIA has consulted with the Good Practice Framework Steering Group in preparing the guidance and this consultation draft has benefited from detailed feedback from the Student Complaints and Appeals Practitioners' Group of the Academic Registrars' Council and the Quality Assurance Agency.

The final version will be published in Spring 2017.

The OIA welcomes comments on the clarity of the draft. Please email [consultation@oiahe.org.uk](mailto:consultation@oiahe.org.uk), or complete the [online questionnaire](#) by 31 January 2017.

**Questions in the online questionnaire**

- Is the guidance on the division of responsibilities for handling complaints in collaborative arrangements in England and Wales clear?
- Is the guidance on the division of responsibilities for handling academic appeals in collaborative arrangements in England and Wales clear?
- Is the guidance on the division of responsibilities for handling complaints and academic appeals in transnational collaborative arrangements clear?
- Are the suggestions on information-sharing between providers clear?
- Are there other issues or specific case studies that you would like to see included in the draft guidance?

## INTRODUCTION

1. The Good Practice Framework: handling complaints and academic appeals, sets out core principles that are relevant to all higher education providers. **They are: accessibility; clarity; proportionality; timeliness; fairness; independence; confidentiality; and improving the student experience.** Many providers in England and Wales provide learning opportunities in collaboration with one or more other providers or awarding organisations, in the UK or overseas. Where providers are working together, the principles of timeliness and proportionality are particularly important: students should not have to wait longer or go through unnecessary procedural stages simply because more than one provider is involved.
2. This section of the Good Practice Framework outlines additional good practice guidance for providers to consider when handling complaints and academic appeals in the context of delivering learning opportunities in higher education with others.
3. This guidance considers domestic arrangements, where the providers and/or awarding bodies involved are in England or Wales, and transnational arrangements. Sometimes, all of the providers involved in the arrangement are members of the OIA Scheme but this is not always the case. Where the provider was brought into membership of the OIA Scheme by the Consumer Rights Act 2015, reference to “students” means students studying on a higher education course<sup>1</sup> who may complain to the OIA.
4. This guidance complements the “expectations” and “indicators” set out in the QAA UK Quality Code for Higher Education (the ‘QAA UK Quality Code’), in particular Chapter B9 (Academic Appeals and Student Complaints) and Chapter B10 (Managing Higher Education Provision with Others)<sup>2</sup>.
5. This guidance will be kept under review. In due course it may be expanded to cover other examples of delivering learning opportunities with others, such as work-based learning and placements. Other issues arising in the context of delivering learning opportunities with others, for example, issues arising from disciplinary procedures and issues specific to research students, will be the subject of separate guidance.

---

<sup>1</sup> <http://www.oiahe.org.uk/glossary.aspx#hecource>

<sup>2</sup> <http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code>

## HIGHER EDUCATION PROVIDERS IN ENGLAND AND WALES

### Qualifications involving more than one degree-awarding body

6. Some providers in England and Wales collaborate to deliver learning opportunities leading, for example, to joint awards, double or multiple awards, dual awards or concurrent awards. Providers with UK degree awarding powers are covered by the QAA UK Quality Code which states that:

*'In the case of joint and dual/double or multiple awards, the partners determine how any appeals or complaints will be dealt with jointly and how the processes will be administered (for example, identifying one degree-awarding body to take lead responsibility). Students on jointly delivered programmes are given clear information about the procedure to be followed and which organisation(s) should initially be approached in order to lodge a complaint or appeal.'*<sup>3</sup>

7. Providers in England and Wales with UK degree awarding powers are members of the OIA Scheme<sup>4</sup>. It is good practice for the agreement between the providers to set out which provider is responsible for overseeing the complaints and academic appeals 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.

It is good practice for the agreement between the providers to set out which provider is responsible for overseeing the complaints and academic appeals procedures.

### Qualifications involving an awarding provider and a delivery provider

#### **The responsibilities of the awarding provider and of the delivery provider**

8. In some arrangements, a provider (the 'delivery provider') delivers all or part of a learning opportunity leading to a qualification, or part of a qualification, awarded by another provider (the 'awarding provider'). This may be, for example, under a validation or franchise arrangement<sup>5</sup>.
9. It is good practice for the written agreement between the providers to set out the obligations and responsibilities of each party, including arrangements for the handling of student complaints and academic appeals. Broadly the division of responsibilities for handling student complaints and academic appeals is a matter for the providers to determine between themselves<sup>6</sup>. However, this is subject to guidance set out below.

It is good practice for the written agreement between the providers to set out the obligations and responsibilities of each party, including arrangements for the handling of student complaints and academic appeals.

---

<sup>3</sup>See Indicator 18 of Chapter B10 of the UK QAA Quality Code.

<sup>4</sup> A provider with UK degree-awarding powers is required to be a member of the OIA Scheme under the Higher Education Act 2004, as amended.

<sup>5</sup> For the purposes of this guidance, the terms 'validation arrangement' and 'franchise arrangement' and related terms, have the meanings set out in the Glossary.

<sup>6</sup> Providers may also need to take account of the requirements of government or other regulatory bodies in structuring their arrangements.

10. In the UK, the awarding provider will usually have UK degree awarding powers. Such providers are covered by the QAA UK Quality Code which states that:

*'Degree-awarding bodies take ultimate responsibility for academic standards and the quality of learning opportunities, irrespective of where these are delivered or who provides them. Arrangements for delivering learning opportunities with organisations other than the degree-awarding body are implemented securely and managed effectively.'*<sup>7</sup>

11. Chapter B10 of the QAA UK Quality Code also says:

*'In the case of complaints and appeals about academic matters, students at a delivery organisation have ultimate right of appeal to the degree-awarding body. The degree-awarding body may also review academic complaints once procedures at the delivery organisation have been exhausted. Degree-awarding bodies ensure that their own responsibilities, and the roles of the organisations with whom they work, are clearly distinguished and publicised. They ensure that students studying at delivery organisations have clear information about the initial route for making an academic appeal or formal student complaint, and the sequence of processes involved. They also make clear the channels through which dissatisfied students can contact the degree-awarding body directly.'*<sup>8</sup>

12. Therefore, an awarding provider with UK degree awarding powers will always retain ultimate responsibility for the **academic quality** and **academic standards** of learning opportunities leading to the award of one of its qualifications. Such a provider should therefore have some involvement in academic appeals, and in complaints relating to the academic standards and/or quality of the learning opportunity, wherever that learning opportunity is delivered.

The awarding provider should have some involvement in academic appeals, and in complaints relating to the academic standards and/or quality of the learning opportunity, wherever that learning opportunity is delivered.

13. However, under many collaborative arrangements, the delivery provider is responsible for the day-to-day management of the learning opportunity; in effect for matters which fall within the delivery provider's control. It is likely that the responsibilities of the delivery provider will be greater under a validation arrangement, where the student will usually have a direct contractual relationship with the delivery provider, than under a franchise arrangement where the student will usually have a direct contractual relationship with the awarding (franchising) provider. It is good practice for the delivery provider to have responsibility for handling complaints about matters for which it is responsible under the collaboration arrangement.

It is good practice for the delivery provider to have responsibility for handling complaints about matters for which it is responsible under the collaboration arrangement.

14. Many complaints and academic appeals cover multiple issues for which different providers are responsible. The providers should ensure that the roles of each provider in dealing with complaints and academic appeals are clearly set out in the complaints and academic appeals procedures themselves and/or in individual course documentation.

<sup>7</sup> The Expectation in Chapter B10 (Managing Higher Education Provision with Others) of the QAA UK Quality Code; *ibid*.

<sup>8</sup> See Indicator 18 of Chapter B10 of the QAA UK Quality Code; *ibid*.

15. It is good practice for the procedures and/or course documentation to specify which provider the student should address a complaint or academic appeal to in the first instance and to include an outline of the circumstances in which a complaint or academic appeal may need to be escalated to a different provider. It is not necessary for the documentation to set out in detail how each complaint or academic appeal issue will be dealt with. The provider which receives the complaint or academic appeal in the first instance should tell the student what he or she needs to do if he or she wishes to progress the complaint or academic appeal.

It is good practice to explain in course documentation the roles of each provider in dealing with complaints and academic appeals, to specify which provider the student should address a complaint or academic to in the first instance, to outline the circumstances in which it may need to be escalated to a different provider, and to tell the student what he or she needs to do to progress it.

### Handling academic appeals

16. Academic appeals may not be readily amenable to early resolution but it is nevertheless good practice for students to be given an opportunity to seek clarification of an assessment or examination board's decision, or to be given an opportunity to discuss their concerns with a nominated member of staff. The delivery provider is normally best placed to offer this.
17. It is good practice for an academic appeals process to include a formal stage for the investigation and determination of academic appeals and a review stage.
- (i) The formal (investigative) stage may be conducted by the awarding provider or the delivery provider, depending on their arrangements. For example, in a validated arrangement with a joint academic board comprising staff from the delivery provider and the awarding provider, it may be appropriate for the formal stage to be conducted by the delivery provider.
  - (ii) The review (final) stage of the academic appeals process should always be conducted by the awarding provider.

The review (final) stage of an academic appeal process should always be conducted by the awarding provider.

18. The involvement of the awarding provider should not delay the progress of the student's complaint or academic appeal: normally the whole process should be completed within 90 calendar days. If the awarding provider is a member of the OIA Scheme, it should issue a Completion of Procedures Letter at the conclusion of the review stage. The delivery provider should not issue a Completion of Procedures Letter at the end of its consideration of the appeal where the student has the right to escalate the appeal to the awarding provider.

The involvement of the awarding provider should not delay the progress of the student's academic appeal.

19. A student may make an academic appeal which raises issues of service quality which are the responsibility of the delivery provider under the collaboration arrangement. In those cases, the providers should agree which issues fall within the remit of each of them, and should explain

that to the student so that he or she understands how the issues he or she has raised will be considered.

Where a student's academic appeal raises issues of service quality which are the responsibility of the delivery provider, the providers should explain to the student how the different issues will be considered.

## Handling student complaints

20. A good complaints process consists of three stages: early resolution at the local level; the formal (investigation) stage; and the review stage.

21. It is good practice for the delivery provider to conduct the local (early resolution) stage of the complaints process. This is because the delivery provider is normally best placed to investigate and resolve the student's concerns. The delivery provider should tell the student what he or she needs to do to progress the complaint.

The delivery provider should conduct the early resolution stage of the complaints procedure, and should explain to the student how to progress the complaint.

22. Whether the formal (investigation) and review stages of the complaints process are conducted by the delivery provider or the awarding provider will depend upon the nature of the arrangements between the providers and/or the nature of the issues complained about. The complaints procedure and/or course documentation should include a brief explanation of the circumstances in which the awarding provider may become involved in the consideration of complaints. It is not necessary for the documentation to set out in detail how every type of complaint will be dealt with.

Which provider investigates the complaint will depend on the nature of the complaint and the arrangements between them. The documentation should explain the circumstances in which the awarding provider will become involved.

23. Where the complaint relates to the **academic standards and/or the quality** of the learning opportunity, the review stage of the complaints process should be conducted by the awarding provider<sup>9</sup>. If the awarding provider is a member of the OIA Scheme, it should issue a Completion of Procedures Letter at the conclusion of the review stage. The student would then be able to complain to the OIA should they wish to do so. The formal (investigation) stage consideration of such complaints may be conducted by the delivery provider or the awarding provider, depending on their arrangements. The involvement of the awarding provider should not delay the progress of the student's complaint: normally the whole process should be completed within 90 calendar days.

Where the complaint relates to the academic standards and/or the quality of the learning opportunity, the awarding provider should deal with the review stage of the complaints procedure.

---

<sup>9</sup> Reflecting Chapter B10 of the UK QAA Quality Code (ibid) where the awarding provider has UK degree awarding powers.

24. Under the collaboration agreement, the delivery provider may have responsibility for the **day-to-day management of the learning opportunity** which is within its control, and also for handling complaints about such matters.

- (i) This is likely to include complaints about service-related issues. The delivery provider is best placed to resolve those complaints and students should not have to complain to the awarding provider about such day-to-day matters.
- (ii) The delivery provider should be responsible for conducting the formal and review stages of the complaints process for this type of complaint and, if it is a member of the OIA Scheme, should issue a Completion of Procedures Letter at the end of that process. The student would then be able to complain to the OIA should they wish to do so.
- (iii) The awarding provider does not need to intervene in complaints of this nature, but it may well be interested in the nature and number of complaints arising at the delivery provider. It is good practice to keep records of complaints in order to ensure that learning points are captured. The awarding provider may require the delivery provider to share those records with it.

Where the delivery provider has responsibility for the day-to-day management of the learning opportunity, it should handle complaints about such matters but should keep the awarding provider informed about the nature and number of complaints it receives.

25. Many complaints relate to numerous issues, some of which might be the responsibility of the delivery provider and some of which may relate to issues of academic quality or standards for which the awarding provider must retain responsibility. In those cases, the providers should agree between themselves how the complaint will be handled and should explain that to the student so that he or she understands the process that will be followed.

If the complaint relates to multiple issues, the providers should agree how best to handle the complaint, and should explain the process to be followed to the student.

## Case studies

### **CASE STUDY: Complaint about facilities**

A student is studying at Provider B for a BA (Hons) degree validated by Provider A. Provider B's complaints procedure states that all complaints should be raised with Provider B in the first instance.

The student complains that the lecture facilities at Provider B are overcrowded and the acoustics are very poor. The student addresses his complaint to Provider B.

Under the agreement between the providers, Provider B has responsibility for considering complaints about issues to do with course delivery and so the complaint is considered by Provider B.

Provider B does not uphold the complaint and, because it is a member of the OIA Scheme, it issues a Completion of Procedures Letter to the student at the conclusion of its complaints procedure.

Provider B keeps a record of the complaint and submits a regular report to Provider A which includes all of the complaints it has received from students on the course.

**CASE STUDY: Academic appeal and complaint about project supervision**

A student is studying at Provider B for a BA (Hons) degree validated by Provider A. Both providers are members of the OIA Scheme.

The student appeals the outcome of his final year project. Feedback reports from his supervisor had said that the project was on course for a first class mark. However, his project was given a poor mark and the examiners' report says that his approach was fundamentally flawed. The student argues that this is evidence of poor supervision.

Provider B's academic appeals procedure states that all academic appeals should be addressed to Provider B in the first instance. Provider B does not uphold the appeal, on grounds that it is a challenge to the markers' academic judgment. Provider B explains to the student that he can ask Provider A to review Provider B's decision on certain grounds set out in Provider A's academic appeals procedure. The student does so and the appeal is considered by Provider A.

Provider A also concludes that the appeal is a challenge to the academic judgment of the markers and so does not uphold the appeal. Provider A notes that "poor supervision" is expressly excluded from the grounds of appeal but tells the student that he can make a complaint about his supervision to Provider B. If the student's complaint about poor supervision is upheld, an academic remedy may be available.

The student makes a complaint to Provider B.

Under Provider B's complaints procedure, all complaints are to be addressed to Provider B in the first instance. The procedure indicates that, where complaints relate to academic quality such as the quality of teaching, the final stage of the complaints procedure is conducted by Provider A. Both providers consider the student's complaint about poor supervision. Provider A issues a Completion of Procedures Letter.

In this scenario, the OIA would defer its review of the student's complaint about Provider A about his academic appeal, until his complaint about supervision has been through the Providers' internal procedures.

**CASE STUDY: Complaint about teaching standards and course materials**

A student is studying at Provider B for a Foundation Degree awarded by Provider A, a university. Both providers are members of the OIA Scheme.

The student complains that a lecturer at Provider B speaks very poor English and that she cannot follow the lectures. She also complains that another lecturer turns up late and misses tutorials and that teaching materials are all out of date.

Provider B's complaints procedure states that all complaints should be addressed to Provider B in the first instance. Provider B considers the complaint. The student is not satisfied with Provider B's decision on the complaint and Provider B explains to the student that the final stage of the complaints procedure must be conducted by Provider A because the complaint relates to the quality of teaching on the course.

Provider A does not uphold the complaint and issues a Completion of Procedures Letter to the student.

## Arrangements between a SCITT provider and a partner university

26. Many SCITTs work with a partner university to offer their teacher trainees the opportunity to study for a PGCE (awarded by the university). Upon successful completion of the course, the SCITT is responsible for recommending the trainee for the award of Qualified Teacher Status (QTS). The PGCE content is usually delivered and overseen by the awarding university, for example through lectures or practical assessments.
27. It is good practice for trainees to be given information about how to make a complaint or an academic appeal, and which provider – the SCITT or the university – will be responsible for considering that complaint or academic appeal.

It is good practice for trainees to be given information about how to make a complaint or an academic appeal, and which provider – the SCITT or the university – will be responsible for considering that complaint or academic appeal.

### CASE STUDY: SCITT trainee

A trainee is studying on an initial teacher training programme provided by a SCITT. He is also studying for a PGCE awarded by Provider A, a university. Both providers are members of the OIA Scheme.

The trainee fails a teaching observation assessment and appeals against that failure. He says that the supervision and training that he is receiving at the SCITT is inadequate. He says this has affected his performance in teaching observations. He also claims that there is a reasonable perception of bias because the tutor who conducted the assessment, a member of staff at Provider A, was angry with him for complaining about his supervision. The failed assessment has an impact on the trainee's progress towards Qualified Teacher Status and on the PGCE programme.

The SCITT and Provider A decide between themselves which aspects of the appeal should be considered by each of them. They explain this to the trainee. Both providers reject the aspects of the appeal which they have considered and both issue the trainee with a Completion of Procedures Letter. The trainee complains to the OIA about both providers' decisions.

In this scenario the OIA would consider the complaint about the appeal outcomes issued by the SCITT and Provider A together.

## TRANSNATIONAL ARRANGEMENTS

### Overseas campuses

28. Some higher education providers in England and Wales operate overseas campuses which they wholly own and manage. The principles of the Good Practice Framework: handling complaints and academic appeals apply equally to students studying at the overseas campus. Where the provider is a member of the OIA Scheme, students studying at the overseas campus will be able to complain to the OIA about acts or omissions of the provider, in the same way that students studying at the campus in England/Wales are able to do.

Providers which own and manage an overseas campus have the same responsibilities to students at that campus as they do towards students at their domestic campus.

### **Qualifications involving more than one awarding body where one is overseas**

29. Some higher education providers in England or Wales with UK degree-awarding powers have entered into collaborative arrangements with overseas partners (which have degree-awarding powers in their own jurisdictions) to deliver learning opportunities leading, for example, to a joint, multiple, dual or concurrent award.
30. Broadly, it is a matter for the providers to decide between themselves how to handle student complaints and academic appeals. However, this is subject to the guidance and principles set out below. Any provider in England or Wales with UK degree awarding powers entering into an arrangement with an overseas partner provider should meet the “Expectation” of Chapter B10 of the QAA UK Quality Code for Higher Education, and follow the Indicators of Sound Practice<sup>10</sup>. In addition, it is also good practice for the provider to ensure that:
- (i) the information given to students clearly sets out how and to whom students should make a complaint or an academic appeal;
  - (ii) a student should be able to complain to the OIA about any act or omission of a member provider falling within the OIA’s remit; and
  - (iii) it does not delegate its responsibility for the academic quality and standards of its awards (even if awarded with another overseas provider).
31. Where the providers agree between themselves that the overseas provider will have responsibility for handling student complaints and/or academic appeals, it may nevertheless be necessary for the provider in England or Wales to issue a Completion of Procedures Letter at the end of the process. This will be the case where the complaint or academic appeal relates to a matter that the provider in England or Wales retains ultimate responsibility for such as the academic quality and standards of learning opportunities leading to one of its awards (even if awarded with another provider). Whether the provider in England or Wales conducts its own review of the matter in these circumstances, or simply adopts the decision of its overseas partner provider, is a matter for the providers to determine. However, as a matter of good practice, the student should not have to wait longer for a decision or go through unnecessary stages because of the involvement of the provider in England or Wales.

Awarding providers in England and Wales may not delegate their responsibility for the academic quality and standards of their awards. Students should be able to complain to the OIA about any act or omission of a member provider falling within its remit.

32. The overseas jurisdiction may have its own quality assurance or student complaints-handling arrangements. Those issues are considered further in paragraphs 37 to 40 below.

### **Overseas awarding provider**

33. Some providers in England or Wales deliver courses leading to the award of a qualification granted by an overseas provider, usually one which has degree-awarding powers in its own jurisdiction. For example, students study at a college in England for a degree awarded by a

---

<sup>10</sup> *ibid.*

university in Italy. The overseas awarding provider is likely to retain responsibility for the overall academic quality and standards of any learning opportunity leading to the award of one of its qualifications (as a provider with UK degree-awarding powers does).

34. Much of the guidance set out above (about both domestic and international arrangements) may be equally relevant in this sort of international context. However, the overseas awarding provider will not be a member of the OIA Scheme (the OIA's remit extends only to providers in England and Wales) and the OIA will have no jurisdiction to consider complaints about issues for which that overseas awarding provider is responsible.<sup>11</sup>

### **Overseas delivery partner**

35. Some higher education providers in England and Wales have entered into arrangements with an overseas partner college for the latter to deliver learning opportunities which lead (or contribute) to one of their awards.
36. Much of the guidance set out above (about both domestic and international arrangements) is equally relevant in this sort of international context. However, the overseas delivery partner will not be a member of the OIA (the OIA's remit extends only to providers in England and Wales). Therefore, students studying at the overseas delivery partner will have no recourse to the OIA in relation to complaints about issues for which the delivery partner had responsibility.

### **Overseas regulatory requirements**

37. Overseas jurisdictions may have their own quality assurance and/or students complaints handling arrangements. UK providers working in partnerships in overseas jurisdictions should work out together how those overseas requirements fit in with domestic requirements.
38. If regulations local to the overseas jurisdiction require that students have access to an external regulator or ombudsman in the overseas jurisdiction, then it is a matter for the providers to determine how those arrangements would fit in with the students' right to bring a complaint to the OIA about matters falling within the responsibility of the provider in England or Wales.
39. It is not in the providers' or the students' interests for students to be required to go through – or to be able to go through – several different external bodies in order to obtain satisfactory resolution to their complaint or academic appeal. The providers' procedures should set out clearly the options available to students in the different jurisdictions.
40. One option might be for students to be given the choice of which route of external redress to go down. The OIA can only reject a complaint if it has been considered by a court or by another EU Alternative Dispute Resolution entity (a recognised European ombudsman), or is otherwise ineligible under the Rules of the OIA Scheme. Therefore, the student may elect to go down the overseas route of external redress but then subsequently complain to the OIA. In reviewing such a complaint, it is likely that the OIA would have regard to the relevant procedures, that the student had been offered a choice of which avenue to pursue, and that the student had already sought redress through another external body.

---

<sup>11</sup>If the student is studying the course at a provider brought into OIA membership by the Consumer Rights Act 2015 legislation, he or she cannot complain to the OIA about that provider either since such courses fall outside the OIA's definition of HE course for that purpose- <http://www.oiahe.org.uk/glossary.aspx#hecource>

## Case studies

41. The case studies below illustrate some general points to consider. Much will depend upon the way in which the arrangement is structured and the jurisdiction(s) in which the overseas partner(s) is/are based.

### **CASE STUDY: Joint degree – academic appeal**

A student is studying for a Masters degree which is awarded jointly by Provider A, a university in England, and Provider B, a university in the Netherlands. Students split their time between the two providers.

Under the terms of the collaborative agreement between the Providers, Provider B is responsible for considering academic appeals. The programme regulations and handbook also explain to students that all academic appeals are considered by Provider B, even if the assessment giving rise to the appeal was submitted to and marked by Provider A.

The student's dissertation is marked by Provider A. She submits an academic appeal to Provider B on the grounds of procedural irregularity in the marking of her dissertation by Provider A. The appeal is considered by Provider B and rejected.

Provider B notifies Provider A of the outcome of the appeal and Provider A issues the student with a Completion of Procedures Letter. This will enable the student to complain to the OIA should she wish to do so.

The student should be able to complain to the OIA about acts or omissions of Provider A, wherever the academic appeals procedure is conducted.

### **CASE STUDY: Joint degree - accommodation complaint**

A student is studying for a Masters degree which is awarded jointly by Provider A, a university in England, and Provider B, a university in France. Students split their time between the two providers. Under the agreement between the providers, each provider retains responsibility for service complaints arising while the student is studying at its premises.

Whilst studying at Provider A, the student complains to Provider A about his student accommodation. Provider A attempts to resolve the complaint informally. The student remains dissatisfied and so Provider A considers the complaint under the formal and then the review stages of its complaints procedure.

The complaint is upheld at the review stage. In the outcome letter, Provider A informs the student that it will issue a Completion of Procedures Letter to him if he requests one.

Complaints about the service provided by Provider A should be considered under Provider A's procedures.

### **CASE STUDY: Joint programme with three awarding providers**

A student is studying for a degree awarded jointly by Providers A, B and C. Provider A is a university in Wales, Provider B is in France, and Provider C is in Belgium. The degree programme is structured so that students spend one year studying at each of the three providers.

Under the agreement between the providers, Provider B is the “lead” provider, and is responsible for handling all student complaints and academic appeals.

The student appeals against her degree result. Provider B considers the academic appeal and rejects it. The academic appeal relates to UK academic standards for which Provider A remains responsible under the QAA UK Quality Code and the student should be able to complain to the OIA about the outcome of the academic appeal. Therefore, Provider A issues a Completion of Procedures Letter at the conclusion of the academic appeal process even though that process was conducted by Provider B.

The student complains about the lecture room facilities at Provider A. Provider B is responsible for all complaints under the terms of the agreement and so it considers the complaint. However, this is an issue which arose while the student was studying at Provider A. Therefore, to enable the student to complain to the OIA, Provider A should consider the complaint itself and/or issue a Completion of Procedures Letter after Provider B has considered the complaint.

Provider A should not prevent a student from complaining to the OIA about matters for which it is responsible.

### **CASE STUDY: Dual award**

Provider A, a university in England, and Provider B, a university in the USA, have developed a collaborative programme at the end of which students are awarded a UK degree and a US degree. Students rotate where they study between the UK and the USA.

Under the collaborative agreement, each Provider is responsible for considering complaints or academic appeals from students whilst they are studying at its campus.

A student studying at Provider B complains about the level of teaching at Provider B. That complaint is considered by Provider B. However, since that complaint concerns the academic quality of the learning opportunity, Provider A retains a responsibility for it.

Provider B comes under the jurisdiction of a local ombudsman. At the conclusion of the complaint, Provider B writes to the student offering her the choice of making a complaint to the local ombudsman or to the OIA. If the student chooses to complain to the OIA, Provider A issues a Completion of Procedures Letter.

## **PROVIDERS WITH MULTIPLE COLLABORATIVE ARRANGEMENTS**

42. Many providers have entered into multiple collaborative arrangements with several different providers. The arrangements for handling complaints and academic appeals may vary depending on the nature of the agreement between the delivery provider and the awarding provider.
43. The providers’ procedures and/or the course documentation should make clear to students how to submit a complaint or an academic appeal and, where appropriate, outline the circumstances in which the different providers in the arrangement may be involved. A summary is sufficient; there is no need for the documentation to set out in detail how every type of complaint or

academic appeal will be dealt with. The provider to whom the complaint or academic appeal is to be addressed in the first instance should give clear information to the student about how to progress the complaint or academic appeal.

Providers should explain clearly to students how to submit a complaint or an academic appeal, who will consider it, and how the student can escalate it.

## **INFORMATION SHARING BETWEEN PROVIDERS**

44. Valuable feedback is obtained from complaints and academic appeals. It is good practice for providers which are working together to deliver learning opportunities to share information about complaints and academic appeals from students on their courses. This is the case even where an awarding provider is not required to be involved in the actual complaints or academic appeals process.
45. For example, a provider which is delivering a course leading to a degree awarded by a university might provide that university with a regular summary of any complaints or academic appeals received from students on that course. The data should be anonymised as appropriate.
46. Similarly, it is good practice for providers which are working together to deliver learning opportunities to share information with each other about complaints made to the OIA by students covered by the arrangement. For example, it is good practice for an awarding provider which issued a Completion of Procedures Letter to a student at the end of an academic appeals procedure, to inform the delivery provider in the event that that student goes on to complain to the OIA, and to share any resulting OIA decision with the delivery provider. This ensures that the causes of complaints and academic appeals can be identified, addressed and, where appropriate, training opportunities can be identified and improvements introduced.

It is good practice for providers which are working together to deliver learning opportunities to share information about complaints and academic appeals from students on their courses.

## **TIMELINESS**

47. Where a student's complaint or academic appeal is to be considered by more than one provider, it is good practice for those providers together to complete the processing of that formal complaint or academic appeal, and any associated review, within 90 calendar days.
48. There will be circumstances when, for good reason, the providers will need to extend this timeframe. Where this is the case, the student should be informed and should be kept regularly updated as to the progress of their complaint or academic appeal.

It is good practice to complete the processing of a formal complaint or academic appeal, and any associated review, within 90 calendar days, wherever possible.

## **SUPPORTING STUDENTS TO MAKE THEIR COMPLAINTS AND ACADEMIC APPEALS**

49. Students should be directed towards the support services available to assist them in making a complaint or academic appeal. For example, in smaller providers, this might be a cohort or course student representative or a student welfare staff member.
50. Where a provider does not have a well-developed student advice service or student representative body, it should consider making arrangements with its partner providers, or with other neighbouring providers, to enable its students to access their support services.

Students should have access to support to assist them in making a complaint or academic appeal.

## **APPENDIX: QUALIFICATIONS AWARDED BY EXTERNAL AWARDING ORGANISATIONS IN ENGLAND AND WALES**

### **Background**

51. Many providers in England and Wales deliver higher education courses which lead to qualifications awarded by an external awarding organisation which is regulated by Ofqual (England) and/or Qualifications Wales (Wales). An example is Higher National Certificate and Higher National Diploma programmes, awarded by Pearson or the Scottish Qualifications Authority.
52. The awarding organisation is responsible for the overall quality and standards of the qualifications that it awards. Therefore, the awarding organisation will have some responsibility for handling complaints about academic standards issues and academic appeals from students on this type of course.
53. Often, the delivery provider will be a member of the OIA Scheme. However, the awarding organisation is not usually a member of the OIA Scheme; these awarding organisations are not Qualifying Institutions for the purpose of the OIA, although they may join the OIA Scheme voluntarily (as Non-Qualifying Institutions).
54. The guidance set out below assumes that the delivery provider<sup>12</sup> is a member of the OIA Scheme and the awarding organisation is not a member of the OIA Scheme.

### **The OIA's approach, agreed with Ofqual and Qualifications Wales**

55. Students studying on this type of course should be able to complain to the OIA about acts or omissions of the delivery provider<sup>13</sup>. The delivery provider should issue a Completion of Procedures Letter, using the appropriate template<sup>14</sup>, at the end of an internal procedure in the normal way.
56. Should it receive a complaint, the OIA will first identify whether the complaint relates to: (1) an act or omission of the delivery provider relating to the service provided which falls within the OIA's remit; or (2) the overall quality or standards of the qualification itself.
  - (i) If the OIA considers that the complaint relates to an act or omission of the member provider relating to the service provided which falls within the OIA's remit (category (1) above), it will review that complaint under its usual review procedures.
  - (ii) If the OIA considers that the complaint relates to the overall quality or standards of the qualification itself (category (2) above), it will notify the student and will then forward a copy of the complaint to the relevant awarding organisation. The OIA will not take any further action in respect of that complaint.

---

<sup>12</sup> Some providers delegate the delivery of their externally awarded provision to other providers. References in this guidance to 'delivery provider' could be to one or both of them depending on the context.

<sup>13</sup> Where the student is studying at a provider which joined the OIA Scheme as a result of the Consumer Rights Act 2015 coming into force on 1 September 2015, the course must be on an HE course for the OIA's purposes.

<http://www.oiahe.org.uk/glossary.aspx#hecourse>

<sup>14</sup> [COP Letter Template - External awarding body qualifications](#)

### **CASE STUDY**

A student is studying at Provider A, a member of the OIA Scheme, for an HNC which is awarded by an external awarding organisation.

The student complains about poor facilities at Provider A and also that a member of Provider A's staff has bullied him. Provider A considers the complaint and dismisses it. Provider A issues the student with a Completion of Procedures Letter and the student complains to the OIA.

The OIA determines that it is able to consider the complaint since it concerns matters for which Provider A is responsible.

### **CASE STUDY**

A student is studying at Provider A, a member of the OIA Scheme, for an HND which is awarded by an external awarding organisation.

The student submits an academic appeal to Provider A on grounds of procedural irregularity in the marking of one of her assessments. The cohort's assessments had been subject to external moderation by the awarding organisation's assessor. Provider A dismisses the appeal and issues the student with a Completion of Procedures Letter. The student complains to the OIA.

The OIA forwards the complaint to the awarding organisation, having determined that it relates to the awarding organisation's arrangements for managing the overall quality of the qualification itself.

## ADDITIONS TO BE MADE TO GOOD PRACTICE FRAMEWORK GLOSSARY

**Academic quality** is concerned with how well the learning opportunities made available to students enable them to achieve their award. It is about making sure that appropriate and effective teaching, support, assessment and learning resources are provided for them.<sup>15</sup>

**Academic standards** are the standards that individual degree-awarding bodies set and maintain for the award of its academic credit or qualifications. These may exceed the threshold academic standards (the minimum acceptable level of achievement that a student has to demonstrate to be eligible for an academic award). Individual degree-awarding bodies are responsible for defining their own academic standards by setting the pass marks and determining the grading/marking schemes and any criteria for classification of qualifications that differentiate between levels of student achievement above and below the threshold academic standards.<sup>16</sup>

**Franchise or franchised provision:** An agreement by one provider (the 'franchising provider'), usually one with degree-awarding powers, that another provider may deliver all or part of a programme approved and owned by the franchising provider. Students will usually be registered at and have a direct contractual relationship with the franchising provider. The franchising provider normally retains overall control of the programme's content, delivery, assessment and quality assurance arrangements. Such arrangements are also sometimes referred to as 'sub-contractual' arrangements.

**Validation arrangement or validated provision:** An agreement under which one provider (the 'awarding provider'), usually one with degree-awarding powers, judges all or part of a programme developed and delivered by another provider (the 'delivery provider') and approves it as being of an appropriate standard and quality to contribute, or lead, to one of the awarding provider's awards. Students normally have a direct contractual relationship with the delivery provider.

---

<sup>15</sup> QAA Quality Review Visit Handbook

<sup>16</sup> QAA Quality Review Visit Handbook