

Annual Report 2014

10

years of
the OIA

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Introduction by the Chair

2014 was a pivotal year in handling student complaints. Five years after the Office of the Independent Adjudicator (OIA) began its Pathway series of consultations, a national steering group finalised the Good Practice Framework for Handling Complaints and Academic Appeals. Four years after the Government white paper, *Students at the Heart of the System*, promised a 'level playing field', Parliament endorsed a change in the law that brings almost all higher education providers – and their students – into the OIA Scheme.



Ram Gidoomal

The first of these developments supports all higher education providers in managing their internal complaints and appeals processes. The Good Practice Framework has been widely recognised as an invaluable resource both for longstanding members of the OIA Scheme and for the providers that will join as a result of the change in the law. The widening of membership of the OIA Scheme will benefit all providers as it increases opportunities to share good practice, and extends access to the OIA to tens of thousands of students.

The vast majority of students complete their academic studies without any cause to complain. Where issues do arise, in most cases these can be resolved locally. The OIA's job is to look at those complaints that have not been resolved. It is encouraging that the number of cases brought to us each year is now broadly consistent. It is too early to predict whether numbers will increase in line with the increase in the number of students able to complain to the OIA.

The Board plays no part in the adjudication of complaints. We do however receive regular reports on performance, including handling times, and on risks and themes arising from the complaints caseload. OIA staff are expected to deal with extremely complex matters and deal with people who are often distressed and angry. I pay tribute to the continued professionalism of our staff as they deal with these challenging situations.

Rob Behrens has led the OIA since 2008, developing the complaints scheme and the organisation alike so that both are built on independence, fairness, transparency, a commitment to sharing good practice and excellence in case-handling. Rob's term of office ends in 2016. I would like to add my personal thanks to those of the Board, Rob's colleagues and the sector for everything he has done for the OIA and for students, and for the inspiring, innovative and engaging way he has gone about it. We will miss him.

Ram Gidoomal CBE

Chair of the Board of Trustees/Directors

The Independent Adjudicator's review of the year

Introduction

2014 marked the tenth anniversary of the Higher Education Act that created a statutory student complaints scheme for higher education students in England and Wales. Since the OIA was designated as the operator of the Scheme it has closed more than 10,000 complaints and academic appeals. From 213 complaints closed in the first full year of operating, 2005, we are now closing more than 2,000 cases a year.



Rob Behrens

In a typical year between a fifth and a quarter of cases are settled or found at least in part in favour of the student. The overall complaint statistics for 2014 show no significant variation in the number and types of complaints received and the balance of outcomes issued:

- Complaint numbers have stabilised since 2012. The OIA received 2,040 complaints in 2014, the second time it has received more than 2,000 cases in one year (2,012 cases received in 2012; 1,972 in 2013). Complaints came from students at more than 130 different providers.
- For the second successive year the OIA closed more complaints, 2,175, than it received.
- There was an increase in the proportion of complaints about service issues at the provider, from nine per cent in 2013 to 15 per cent in 2014.
- The OIA found 500 cases Justified or Partly Justified or settled the case between the parties. Those cases were brought by students from a range of backgrounds, subject areas and higher education providers.

The cases that the OIA settles or finds Justified or Partly Justified are those in which something has gone awry in the way the higher education provider handled a complaint or (more commonly) an academic appeal. Remedies awarded include the chance to re-submit work, to re-take an assessment, or to be given a fresh chance to appeal against an exam result. In around half the cases the student was offered financial compensation.

The most significant developments in 2014 will affect students and complaints handling for years to come. The first of these is the publication of the Good Practice Framework for Handling Complaints and Academic Appeals. In 2014 a national steering group, led by the OIA, consulted extensively on the principles, timescales, processes and reporting requirements that best support effective complaints handling. The resulting framework was published in December 2014 and will become a reference point for providers, students' unions and the OIA in dealing with complaints and academic appeals about matters that first arise after September 2015.

The second is the long overdue extension of the definition of “qualifying institution”, the term used in the Higher Education Act for higher education providers that are required to join the OIA Scheme. This follows all party agreement in late 2014 to a proposal by Baroness Hayter to include a clause about student complaints in draft legislation which was enacted by Parliament as the Consumer Rights Act 2015.

From 1 September 2015, the term “qualifying institution” will include providers offering higher education courses that are designated for student support funding, and providers with degree awarding powers. All students on higher education courses within these providers will have recourse to the OIA Scheme, not just those on courses which have been designated for student support funding. Providers joining the Scheme include further education colleges offering higher education, alternative providers, and providers of School-Centred Initial Teacher Training (SCITTs).

This is a major step forward which gives tens of thousands of students access to the OIA for the first time. A project is underway in 2015 to support newly included providers and their students in understanding the role and remit of the OIA and drawing on good practice guidance.

The higher education environment

Regulation and policy

The lack of a settled regulatory framework has troubled the higher education sector and its stakeholders. A succession of reports from influential bodies including the Public Accounts Committee, Which?, the Higher Education Policy Institute and Universities UK have put forward compelling cases for regulation and legislation. There is a large and growing consensus that the independence of the OIA from Government, regulators and providers alike needs to be preserved.

In the absence of sector-specific legislation we have worked with a number of partners to secure the student interest.

The OIA has worked constructively with the **Competition and Markets Authority** as it has developed guidance for higher education providers on consumer contracts.

Most significantly, a new European Union (EU) Directive on alternative dispute resolution comes into effect in July 2015.

Directive on Alternative Dispute Resolution (ADR)

The EU has adopted a directive on Alternative Dispute Resolution. This applies to disputes arising from consumer contracts, and covers complaints by students about higher education providers.

The OIA welcomes the opportunity to be designated as the ADR entity for higher education in England and Wales. This will have a number of practical implications. For example, we will need to extend the three month deadline for bringing complaints to 12 months, and we will need to resolve complaints within 90 days of receiving the complete complaint file, except where the case is highly complex. There will also be a requirement to report data to the Trading Standards Institute which is acting as the oversight body (the ‘Competent Authority’ for the purpose of the directive).



We have participated in a number of benchmarking exercises organised by the **Ombudsman Association (OA)** as it seeks to build on the important role that ombudsman organisations play. Staff benefit from involvement in various OA interest groups, gaining a wider perspective on complaints handling.

A small proportion of the cases brought to the OIA either directly relate to the quality of provision or appear to suggest a systemic issue within the higher education provider. In these cases we may advise the student to approach the **Quality Assurance Agency (QAA)**, or we may pass details on under the terms of a memorandum of understanding between the two organisations.

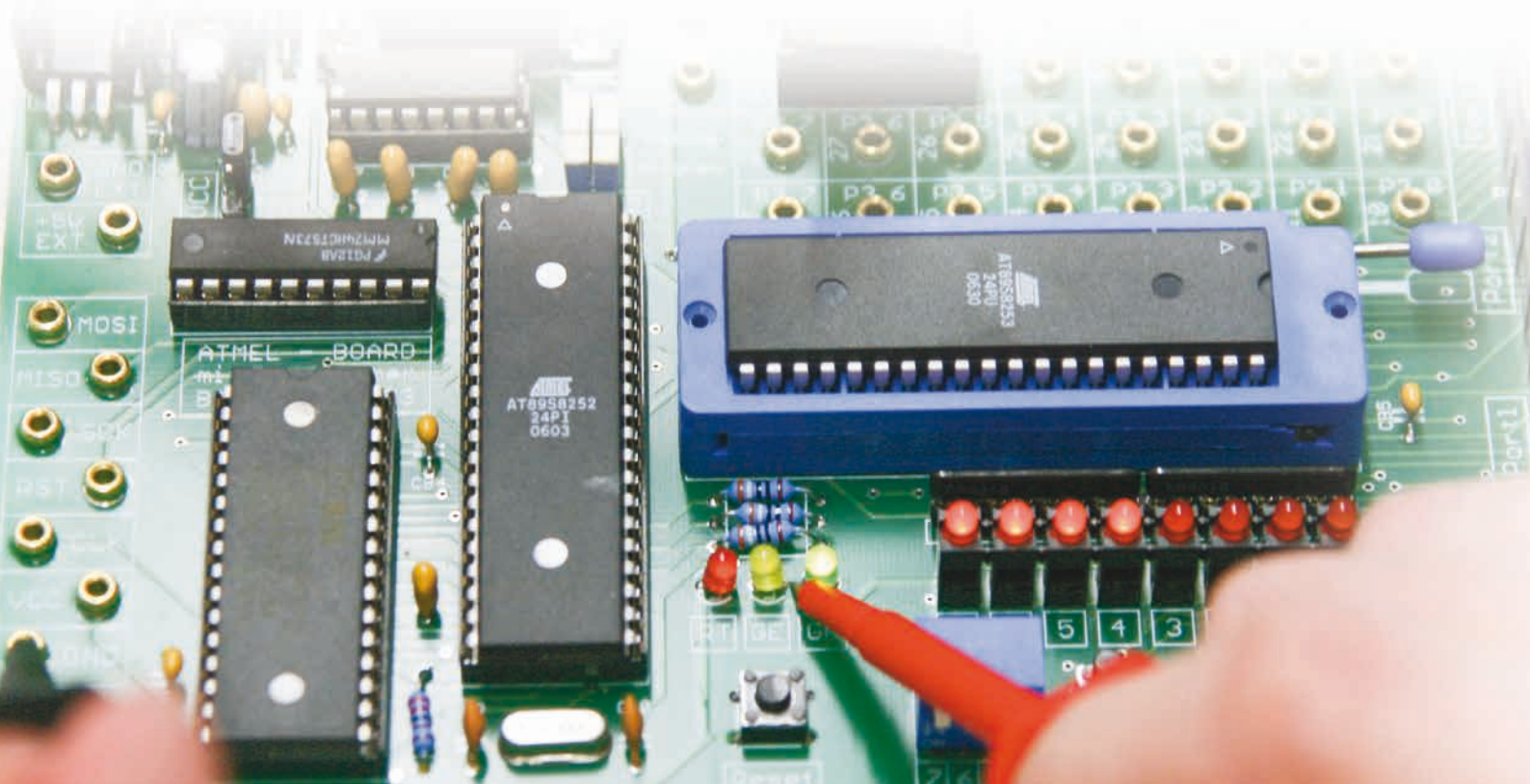
Case study – referral to the QAA

The OIA found Partly Justified separate complaints from students on a course that a university was providing for the first time. The complaints related in particular to options for study in the second and third years of the course and the university's decision not to consider all of the issues raised by the students. The OIA recommended financial compensation for expenses related to the students' withdrawal from the course, and for distress and inconvenience.

The students' concerns included points about the overall structure, organisation and quality of the course. The OIA passed these comments on to the QAA, noting that each member of the cohort had either transferred to another institution or complained to the OIA. The QAA investigated the issues under its Concerns scheme.

The case is a good example of how the OIA and QAA work together to ensure that systemic issues highlighted by specific complaints can be properly investigated.

The **National Union of Students (NUS)** plays a critical national role in supporting students. The OIA and the NUS work together on three levels – nationally in terms of policy development, on campus in terms of many visits to union offices, and at the OIA where the NUS nominates a Director as one of two student representatives on the Board.



Nationally, I consider the NUS to be the ‘golden thread’ of the student movement, the critical added extra that greatly benefits students through its rigorous contribution to policy debate.

On campus, unions are at the forefront of representation and casework and play a key link role with senior management which is growing in value.

Case study – e-mail from a students’ union adviser

“I have spoken to (the student) and discussed the University’s offer. My understanding of this offer is the University will allow her to submit a claim for Extenuating Circumstances, as if done so at the time of the incident, and will consider evidence submitted by (the student) that was not submitted at the time. I understand that this offer will allow her to repeat the assessment this semester, with the chance of being able to continue on her course...She would like to accept this offer.... I can assist ... in submitting the Extenuating Circumstances claim.”

The OIA encourages providers to make sure that their students’ unions are properly resourced. As a matter of policy higher education providers should share redacted copies of all OIA Complaint Outcomes with their students’ unions.

We are also members of **The Student Engagement Partnership (TSEP)**, coordinated by the NUS, on issues relating to student representation. This includes a project to build capacity for student representation in alternative providers of higher education.

The OIA’s facilitation of the **European Network of Ombudsmen in Higher Education (ENOHE)** continues to provide opportunities for sharing good practice.

Developments in complaints handling

Internal

During 2014 the OIA reviewed case-handling processes as part of continuing work to identify ways of:

- reducing average case turnaround times whilst safeguarding the standard of our decisions
- reducing the number of cases waiting to be allocated to a case-handler
- improving the user experience and our efficiency in handling complaints, in line with our organisational aims.

External

Complaints handling and public trust

The higher education sector can learn from the difficulties that other areas of public life, notably the NHS, the media and the police, have faced in retaining public trust. Two key elements are independence and transparency.

A handful of students each year question the independence of the OIA, in direct correspondence and through social media. This may be because they are unhappy with the outcome of their complaint or with the focus of the OIA review. Students do not always fully understand that the OIA shares all information relating to a complaint with both the provider and the student and seeks comments from both parties.

The OIA and independence

- OIA reviews are based on sharing all information with both the student and the provider.
- Case-handlers do not review complaints about providers which they attended, where they worked, or to which they have any other connection, for example a family member works or is studying there.
- The Scheme is funded by a combination of subscriptions from all members and a case element from members whose students submit a higher than expected number of complaints. There is no connection between the OIA's income and the decision on a complaint.
- The OIA Board includes two student members.
- A majority of Board members work outside higher education.
- The independence of the OIA has been endorsed by the courts.

To improve transparency, in 2014 the OIA established a publications strategy to publish 'public interest' cases, where the provider is named. The first cases were published in September, giving examples of decisions relating to academic misconduct and plagiarism, and to ill-health and disability. They include Justified, Partly Justified and Not Justified cases. New cases are selected three times a year, with more than 50 cases now published.

Together with the annual letters, outlining each provider's record in complaints handling, and our extensive programme of outreach, the published cases provide insights into the decision making of the OIA and the issues that arise in the sector.

Early resolution and good practice

The Good Practice Framework for Handling Complaints and Academic Appeals was published in December 2014 and will inform the OIA's review of cases received after September 2015. The final framework was informed by a sector-wide consultation. A number of providers have used it as a basis on which to update or review their processes. Others are running training for staff, and exploring ways of working with the students' union.

The OIA is supporting a project involving 12 providers looking at the experience of complaints handlers, students and students' unions, building on the early resolution pilot led by Kingston University in 2013-14.



Case studies – early resolution and good practice

Teesside University includes an early resolution process in its Appeals Framework. Known as 'Informal Assessment Review', it is available to students after release of results. It offers an opportunity to discuss concerns about assessment outcomes with a senior member of staff at Assistant Dean (AD) level. The process is set out in the Assessment Review Regulations and guidelines are available online. Students are encouraged to consult with the students' union (SU) or their module tutors. Informal Assessment Review consists of a meeting that allows students to talk through concerns, explore different options and seek resolution within the Assessment Framework.

A note of the meeting is produced by the AD and agreed by the student. If the student does not agree with the proposed outcome and wants to take their concerns further, they are advised that they may make a formal application for Assessment Review.

The informal routes provide a supportive environment for students to explain their case, clarify issues, and enable them to reach resolution which otherwise may not have been possible.

The University of Warwick adopted a new Student Complaint Resolution Pathway in September 2014, following a broad consultation process and informed by the draft OIA Good Practice Guide. This Pathway provides one clear route for students for both academic and non-academic complaints (including bullying and harassment).

The Pathway encourages early resolution as close to the complaint's point of origin as possible and includes a three stage process: Stage 1 Frontline / Local Resolution, Stage 2 Formal Departmental Resolution and Stage 3 Formal Institutional Review and Final Resolution. Expected timescales for staff to seek to resolve a complaint at each stage are given, as well as for student submission and escalation, allowing for flexibility in more complicated cases as long as good communication is maintained between all parties.

The procedure sits within an overarching feedback and complaints framework which encourages students to provide feedback on all aspects of the student experience to support active improvement. Mediation is available at any stage and at no cost to either party. The university has established a diverse pool of staff mediators trained by a specialist complaints mediation training company who have also provided mediation skills training to 90 frontline staff across the university in its first year of development to enhance local and departmental early resolution.

A programme to build complaint resolution capability across the university has also commenced and staff engagement has been very positive. Early indications are that the Pathway is working well and analysis of complaints entering the formal stage shows that the vast majority of cases entering the process are now resolved prior to Stage 3.

The University of Sunderland values its close partnership with the students' union on matters of student complaint and appeal, which is in keeping with its culture of placing students at the heart of everything it does. In light of this the students' union was involved from the start in the university's response to the publication of the Good Practice Framework.

A group was established to map the good practice described in the framework against the university's existing procedures, policies and supporting information requirements for managing student complaints and academic appeals. The membership included both an elected sabbatical officer and a permanent senior union staff member, and the student view was central to the discussion of the group on all of the framework recommendations.

This contribution enriched the process and has helped the university not just align with the framework, but further develop and enhance its practice, for example around the guidance given to staff on approaches to early and alternative resolution of informal complaints.

Birmingham City University (BCU) has been drawing heavily on the OIA Good Practice Framework in revising its student procedures. BCU wanted to streamline its processes and shift towards far more early resolution, and has found the framework to be a useful tool. The process has been led through a Procedures Review Board chaired by a Pro Vice-Chancellor with representatives from across the university and the students' union. Having looked at practice across the sector and beyond, it decided to make a fresh start rather than just amend existing procedures.

In addition to new 'Concerns & Complaints' and 'Academic Queries & Appeals' procedures it has developed a set of General Principles which apply to all student procedures and incorporate those set out in the OIA framework.

The procedures emphasise that concerns or queries should be raised and resolved quickly at a local level wherever possible, with the formal stages applying only when these attempts have been unsuccessful. Mediation will be used where it can help, with both students and staff being trained as mediators.

The new procedures have been written with advice from the Plain English Campaign in order to achieve their Crystal Mark. Employing students to design layouts and presentation formats is also helping make the procedures accessible and understandable for students.

The university accepts that there will need to be some culture change both to encourage students to raise issues early and informally and to ensure all staff take ownership of issues and resolve them swiftly. Nevertheless, it hopes that this new approach will lead to more successful early resolution and more satisfied students.

“Thank you for all your assistance and guidance, throughout. Very much appreciated and you have I feel gone out of your way within your remit to assist my son having a clear decision re his university degree, whatever that finally is.”

Complaints received and closed

Complaint headlines – OIA performance against the 2014 operating plan

The Report and Plan on pages 34-37 detail the OIA's performance against key performance indicators in 2014. This includes welcome improvements in the time taken to respond to enquiries and to look at eligibility.

By the end of 2014 it took an average of 207 days to close a complaint, compared to 235 days in 2013. This is a step in the right direction. Further reductions in case-handling time will be achieved through the ongoing improvements the OIA is making to its processes and through the dedicated efforts of case-handling colleagues. Some cases inevitably take a long time to resolve where the issues are complicated or the case has several strands, each relying on extensive written records.

The OIA received 54 service complaints in 2014 (41 in 2013). Most of these were about the merits of the case and sought to overturn the decision. In a minority of cases the complaint was about delay and the OIA apologised to the student.

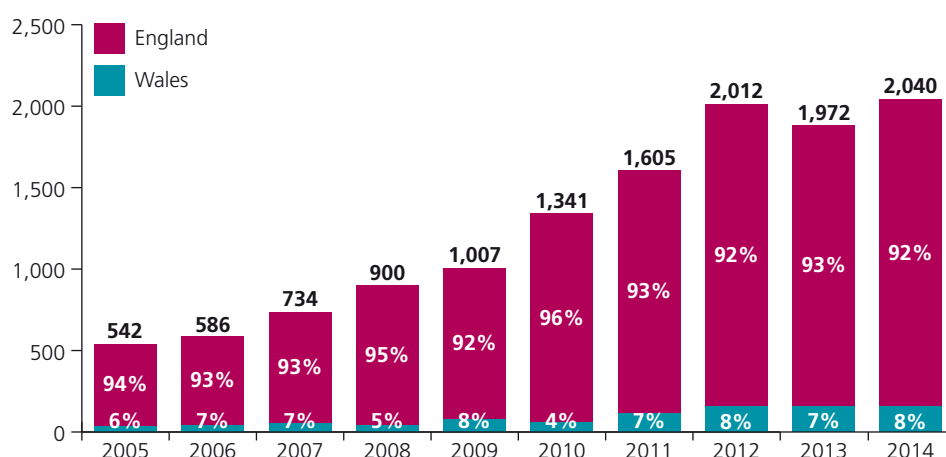
There remains work to do, with providers and students' unions, to manage student expectations of what the OIA can and cannot review and what it can take into account. Around one in seven of the complaints that are made to the OIA are not eligible for review, for example because they are out of time or concern issues such as admissions or employment that are outside our remit.

The unit cost of complaints rose slightly from £1,661 in 2013 to just over £1,750 in 2014.

Complaints received

The number of annual complaints has stabilised compared to the 25 per cent annual increases in the early years of the OIA Scheme. In 2014 the OIA received 2,040 complaints (1,972 in 2013; 2,012 in 2012).

Chart 1
Number of
complaints
received
per year

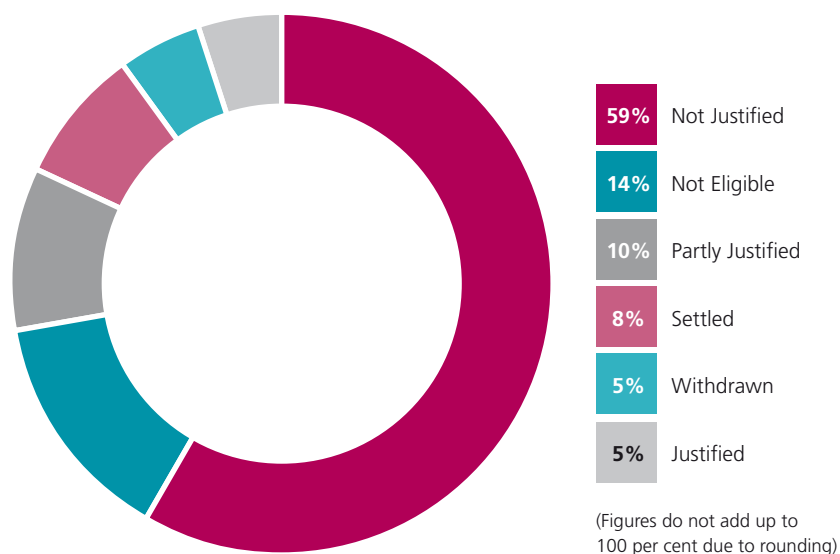


Complaints closed

For the second successive year the number of complaints closed, 2,175, exceeded the number received.

Chart 2

The outcome of complaints



The pattern of complaint outcomes was broadly consistent with recent years. The proportion of cases which the OIA found Justified or Partly Justified, or on which we brokered a settlement between the student and the provider, was 23 per cent. This means that in 500 cases a student's complaint to the OIA led to a favourable outcome for the student, or at least a reconsideration of some of the issues raised.

There was a decrease of two per cent in the proportion of complaints that were not eligible for review by the OIA. While this should be treated with caution it may suggest that providers and students' unions are having some success in supporting students in directing their complaints.

Not Justified complaints

A student who brings a complaint or appeal to the OIA has already been through internal procedures, typically over a period of several months. In making its decision the OIA looks at the relevant regulations, all documents and records of the provider's consideration of the issue, and any relevant external guidance. While no two cases are the same there are factors common to many Not Justified decisions. These include:

- Cases where a student submits a request for mitigating circumstances after failing an assessment or appeal, and is unable to give reasons why relevant information was not provided at an earlier stage.
- Cases where a student does not meet clear timescales set by the provider. The OIA found a number of cases Not Justified where the student waited many months to submit a complaint or appeal, or raised matters for the first time only after getting their final results.
- A lack of evidence to support a claim for extenuating circumstances, adjustments for disability or ill-health, or claims of financial loss.
- Clear breach by the student of regulations or processes.
- Failure to engage in process.

Case study – academic appeal (Not Justified)

The OIA found a case Not Justified where a student appealed against a decision to terminate her studies based on poor attendance due to a health condition. The student had successfully appealed against an earlier decision to withdraw her.

The university's procedures were widely publicised to students and made it clear that appeals based on mitigating circumstances must demonstrate 'why the student was previously unable to disclose those circumstances'. It rejected her appeal against the second termination of studies on the grounds that she had not provided medical evidence and had not engaged with the relevant university processes.

Settlement

In eight per cent of cases the OIA was able to achieve a settlement between the provider and the student. This may come about because the OIA's initial questions on a case prompt the provider to look again at the detail of how it was managed. Examples in 2014 included:

- A student complained to the OIA that her appeal against a finding of plagiarism had been turned down. In the course of preparing documents for the OIA the university looked at the details of the information considered by the appeal panel. It identified ambiguity in the minutes of discussions that led to 'a degree of uncertainty as to whether the panel had taken into account all of mitigating evidence when reaching its decision as to penalty' and felt that this threw the decision into question. The university offered to re-run the panel hearing as a way of settling the case.
- A case where: 'The Faculty ... reviewed this case in the light of the OIA's questions... The Faculty thinks that there were errors with the university's management of this case. Specifically that the student was not supported adequately following staff changes in the department; and some concerns raised via moderation of the examination which may have led to her being disadvantaged. (The university) would therefore wish to propose that we offer to ... reconsider the student's appeal against withdrawal in the light of further information concerning the process of the assessment, in addition to her grounds relating to extenuating circumstance.' The student accepted this offer and her appeal was upheld by the new appeal panel.

In other cases the OIA's initial review suggests that there may be grounds to seek a settlement:

- The OIA reviewed a complaint by a student that his appeal had been rejected by the university as out of time. We identified a number of inconsistencies between the university's stated procedures and the actions it had taken on the case and asked if the university would be prepared to reconsider the appeal. This was agreed by the university and the student, and the student's appeal was subsequently upheld.

There are also cases where the provider sees that the student's desired outcome as presented on the OIA complaint form is reasonable (for example an apology) and offers to settle the case.

"I truly appreciate all your help and assistance during the processing of my complaint. I have thought hard and long and I can confirm that I accept the offer of the university."



Recommendations on Justified and Partly Justified Cases

Where the OIA finds a case Justified or Partly Justified we will normally make recommendations. Where possible the aim is to put the student back in the position they were in before the events he or she complained about arose. In practice this means that we often recommend that a student is given another chance to submit work or make an academic appeal. Many complaints highlight procedural flaws and the OIA will recommend changes to regulations as a way of preventing similar issues arising in the future.

Complaint	Recommendation
A university decided a student on a vocational course was unfit to practise. The OIA found that the process followed had been unfair in several respects, including that there was no published university Fitness to Practise procedure, the student had not been notified of the purpose of a meeting set up to look into the case, and there were long delays in notifying the student of the university's decision following the appeal stage.	The OIA recommended that a new Fitness to Practise panel should consider the student's case, and that the university establish a proper procedure.
A student complained that her university had dismissed her claim for extenuating circumstances as this was submitted out of time and refused her the opportunity to appeal. She had depression that she claimed affected her ability to submit the claim.	The OIA decided that the university could not demonstrate that it had looked at the impact of the student's depression on her ability to engage with the university's procedures. It recommended that the university review her claim for extenuating circumstances in the light of medical evidence.
A student complained that his university had ended his studies prematurely before issues relating to his placement had been reviewed.	The OIA decided that the university had unreasonably failed to consider fully the student's complaint about his placement. It recommended that the university look at the complaint again with a view to establishing whether lack of support had led the student to fail the placement.
A university was inconsistent in how it dealt with separate claims for mitigating circumstances on grounds of the deaths of two of a student's family members during different assessment periods.	The OIA decided that the university had not acted reasonably in asking for proof of the impact on the student's ability to sit an examination a few days after his second bereavement. It recommended that the claim for mitigating circumstances be re-examined. A new panel set up by the university accepted the student's claim and allowed him to repeat the examination.

Financial compensation

In addition to practical recommendations the OIA may recommend that providers pay compensation to a student, for example for lost earnings, expenses or distress and inconvenience. In 2014 financial awards were offered to more than 200 students, with payments in 20 cases exceeding £5,000. In total just under £400,000 was awarded, £6,550 on settled cases and £392,451 on cases that were found Justified or Partly Justified. These included:

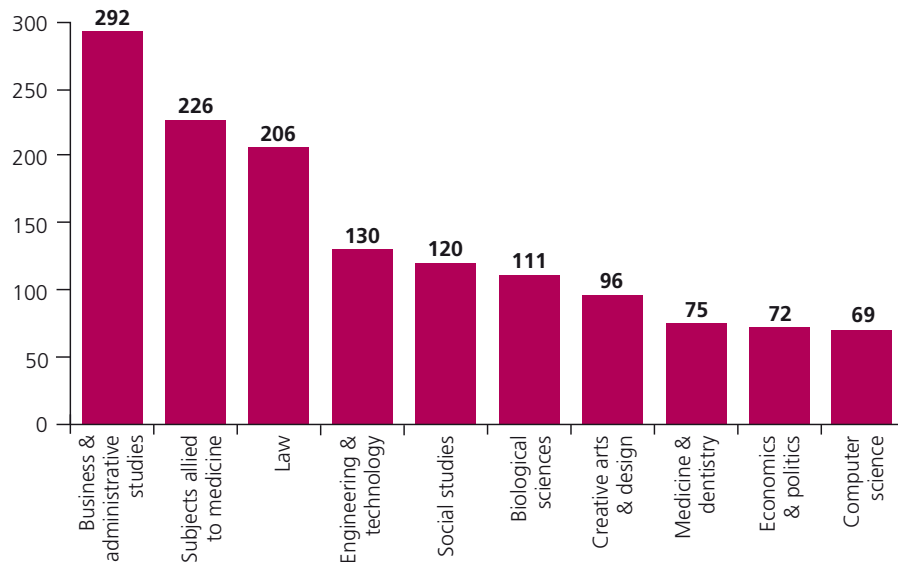
- Refund of fees and payment for distress and inconvenience to a student whose visa sponsorship was withdrawn by the university. The OIA found that the university had not followed a fair procedure or acted reasonably in the way it had investigated the student's circumstances.
- Compensation for distress and inconvenience caused by delays and lack of communication by a university in dealing with a student's complaint about the course. The OIA found that the university had failed to meet its own timescales and failed to take account of the issues raised by the student.
- Payment for distress and inconvenience and compensation for loss of earnings after an administrative error by the university led to a student missing part of an examination. The student had an offer of employment that was conditional upon her passing the relevant assessment within a specified timetable. The offer was withdrawn when she was unsuccessful in completing the assessment.
- Compensation for distress caused to a postgraduate student through lack of clarity on supervision and lack of consideration to evidence of disability. This payment was recommended in addition to a recommendation that the student be permitted to resubmit work, and that the university provide training for complaints staff on the issues highlighted by the case.



Trends in complaints

Who complains?

Chart 3
Complaints
received by
area of study –
top ten

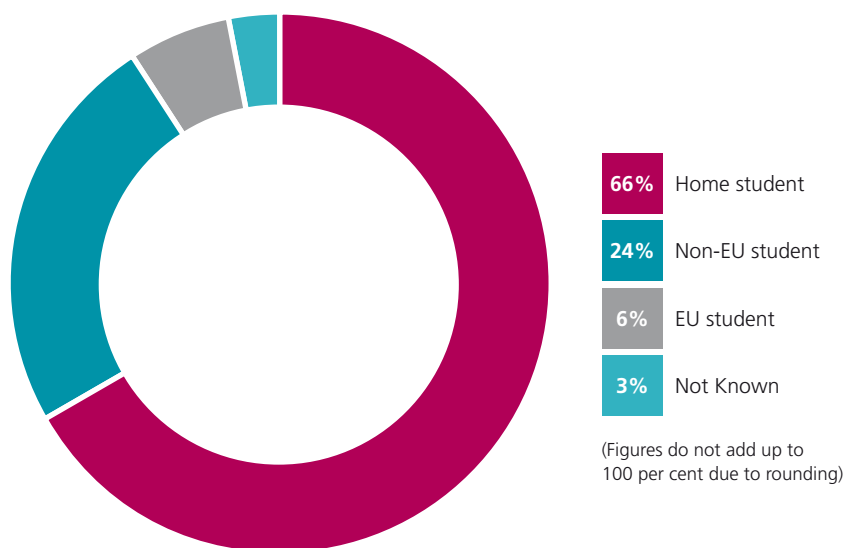


There are no significant changes in complaint numbers by subject studied. Students taking courses that lead to qualification or professional recognition submit the highest level of complaints.

Postgraduate students and international students continue to be over-represented as the charts below show.

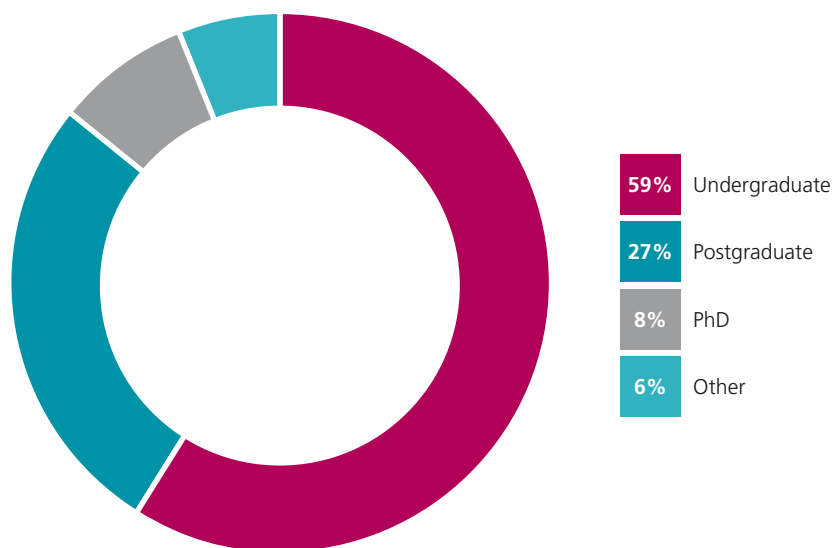
Almost one quarter of complaints came from students from outside the European Union, suggesting a continued need to support international students.

Chart 4
Complaints
received by
student domicile



Postgraduate students are proportionately more likely to complain than undergraduates.

Chart 5
Complaints
received by
level of study

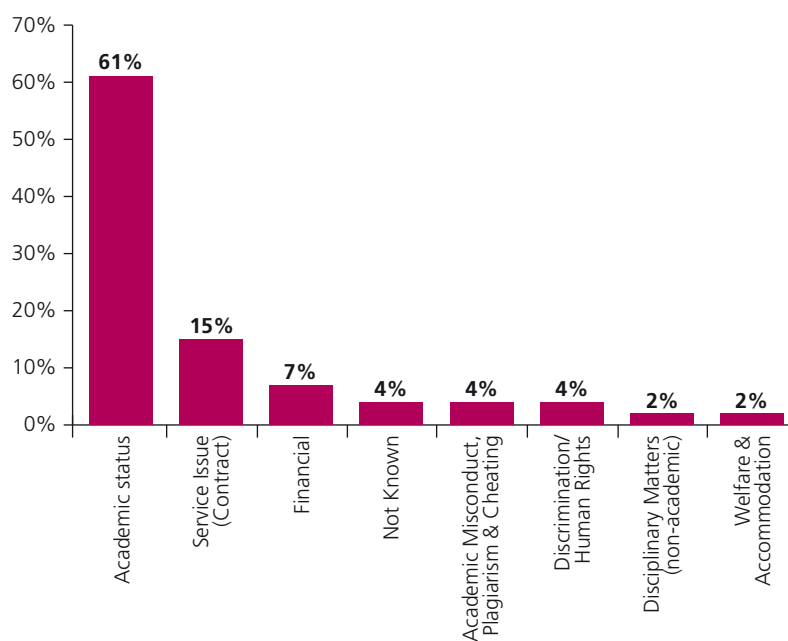


Persistent themes

The main focus of complaints is shown below.

Chart 6
Complaints
closed by
principal
category

(Figures do not add up to 100 per cent due to rounding)



Academic status

As in all previous years, the majority of complaints relate to academic status. Most typically a student will come to the OIA after unsuccessfully appealing against a final assessment or degree outcome or failure to progress between years. The OIA cannot look at narrow issues of academic judgment, but has wide scope to review whether procedures are fair and decisions reasonable. Cases found in favour of the student in 2014 included:

- A case where the university had failed to investigate a discrepancy in the marks awarded by the original and the review panels.
- A case where a student's work had not been second-marked in accordance with university procedures.
- A number of cases where it was not clear that the provider had fully considered whether extenuating circumstances might have affected a student's performance.
- A number of cases where the provider had not kept students sufficiently informed about concerns about their progress or the impact of individual assessments on their overall results.



Case study – interpretation of ‘academic judgment’ (Partly Justified)

A student made an academic appeal on the basis that his performance in an exam had been affected because the invigilator distracted him. His appeal was rejected by the university because, it said, it related to academic judgment. The OIA concluded that the question of whether the invigilator had acted inappropriately and had disturbed the student was a question of fact, not an academic judgment, and the university had not properly considered the appeal.

Service issues (contract)

There was a significant increase in complaints about service issues, including the accuracy of course prospectuses and the availability of facilities and supervision. These accounted for 15 per cent of complaints. Almost one third of these cases were settled or found Justified or Partly Justified.

Academic misconduct, plagiarism and cheating

Complaints about the way the university investigated or penalised academic misconduct accounted for four per cent of complaints closed. International students from outside the European Union are almost twice as likely as other students to complain about these issues.

Many students still struggle to understand what constitutes academic misconduct. Cases the OIA found Not Justified included:

- Several cases in which students brought unauthorised materials or mobile telephones into examinations and the provider could demonstrate that it had made its regulations clear.
- A case where a student claimed that the timetabling of assessments meant she was only able to meet deadlines by plagiarising one module.
- Cases where students had not familiarised themselves with the relevant regulations.

Case study – Plagiarism (Not Justified)

A student was accused of extensive plagiarism and a penalty was imposed. The student appealed the decision on the basis that the university had not taken account of the difficulties that he had experienced in adjusting to studying in the United Kingdom. He also stated that the training and information he had received did not give him sufficient advice about academic misconduct.

The OIA was satisfied that the university's final decision and the penalty imposed were both reasonable and in line with its regulations. The university was able to provide evidence that the student had attended a plagiarism training session, that it had considered the impact of the penalty on the student and that guidance on how to avoid plagiarism was readily available to students. It was the student's responsibility to seek further advice from the university if he was still unsure how to avoid plagiarism after the training. The OIA also noted that the student had not taken the opportunity provided by the university to run his work through the Turnitin software earlier on in his course.

Financial issues

There has been no significant change in the proportion of complaints that relate to financial issues following the increase in undergraduate tuition fees.

A number of cases relate to disputes about the amount of fees charged for postgraduate courses. The OIA is likely to find complaints Justified or Partly Justified when the provider cannot demonstrate that fees were clearly advertised and communicated, or where terms relating to fee increases are unclear or unfair.

Emerging and high profile issues

Some areas of complaint attract a high degree of public interest.

Student protest

A growing trend, as reported in the media, has been student protest. During 2014 the OIA considered complaints from students involved in a protest that attracted national headlines about the way the university had handled disciplinary proceedings. We found the complaints Partly Justified. The students and their legal representatives chose to seek publicity for the case once the OIA outcome was known, including publishing the Complaint Outcome.

Sexual harassment and the 'lads' culture'

The NUS and many providers have taken a close interest, both in the UK and overseas, in sexual harassment on campus. Student and national media carry frequent stories about what is euphemistically termed 'laddish' behaviour, often from sports clubs and other student societies. There are disturbing reports of what one student newspaper called the 'rape culture'. One student committed suicide in 2014, following allegations of persistent sexual harassment.

The OIA receives a small number of complaints each year from students who may be victims, or who are alleged or convicted perpetrators, of harassment and sexual assault. Some of these cases relate to crimes for which perpetrators have been convicted by the courts. Others cover incidents that have been dealt with internally under a provider's disciplinary regulations, but do not lead to criminal charges. Some of the students involved struggle to understand that behaviour that they wrongly believe is acceptable breaks disciplinary codes, and sometimes laws, that have been put in place to protect others.

It should be of concern to everyone working and studying in higher education that cases occur of unwanted physical contact, unwanted advances, initiation ceremonies, sexual innuendo and threats. We have made, and providers have implemented, recommendations about improving support and strengthening processes to help students, and also staff, involved in such cases. The OIA's role is not to judge the behaviour but to look at how the providers dealt with complaints or disciplinary cases. One case concluded in 2014 confirmed that a provider's decision to expel a student following complaints about indecent exposure was reasonable, but only after it was required to re-run the disciplinary process having mishandled the case first time around.

These are not easy issues to deal with. The OIA is in early stages of discussions with the NUS and other stakeholders on joint working to provide additional guidance.



Conflict

A number of complaints each year relate to political or religious conflicts. Complaints considered in 2014 included cases about how the provider managed the role of the students' union in supporting/opposing specific causes; and disciplinary cases relating to the way the provider handled students making, or subject to, accusations of politically-motivated threatening behaviour.

Managing student expectations

The majority of students who come to the OIA have realistic expectations of the outcome they can achieve if their case is found Justified or Partly Justified. Nevertheless it is clear that not everyone fully understands that the OIA's role is to review the way a provider has dealt with an issue and not to launch a fresh investigation, or that the OIA is not an overriding academic body that can re-mark students' work.

For a tiny number of students frustration at the remit of the OIA, often coupled with strong emotions about the original complaint, can spill into unacceptable behaviour. The OIA has a published unacceptable behaviour policy which it applies when students are abusive or threatening towards staff.

Working relationships

Senior leadership

The Senior Leadership Team of the OIA has three members – Rob Behrens, Independent Adjudicator and Chief Executive; Felicity Mitchell, Deputy Adjudicator; and Ben Elger, Chief Operating Officer and Company Secretary.

Felicity Mitchell (Deputy Adjudicator) has oversight of casework matters, chairs the OIA's Approvals Team, and deals with issues surrounding unusual and complex cases. She is a barrister, and manages the OIA's response to Judicial Review claims.

Felicity chairs the OIA's Rules Review Group which has drafted revisions to the Scheme Rules. She comments:

"It has been a challenging task to re-draft the Rules to ensure that the Scheme complies with the requirements of the EU ADR Directive and Government regulations, and reflects changes to the OIA's jurisdiction and membership. We have also made some changes to the Rules to accommodate improvements in our review processes.

"In recent years, we have begun to see proportionately more complex complaints. Some of these cases are factually complex, or raise a number of different issues. Other complaints are challenging because the student has mental health issues or other disabilities that have an impact on how they access the Scheme. We have been developing our procedures and provide regular training for staff to ensure that those students, and our staff, are properly supported through our processes. Providers are becoming far better at resolving the more straightforward cases, but we anticipate that the proportion of complex cases will rise.

"We are also seeing an increased tendency for students to involve lawyers and, in particular, in the number of lawyers' letters we receive threatening to bring a judicial review challenge against our decisions. In 2014 we received 19 pre-action letters, 14 of which did not result in a judicial review claim, and 12 of which were from lawyers. We learn a great deal from judicial review challenges to our decisions. However, dealing with this adversarial correspondence, most of which goes nowhere, is time-consuming and demanding. Our Scheme is designed to be accessible and informal and, in general, we find that students' union advisers are better placed to provide assistance to students than lawyers who are more used to an adversarial process."

Ben Elger (Chief Operating Officer and Company Secretary) is responsible for governance, finance and operations and for the OIA's relationship with Government and students' unions.

"A major focus in 2014 was the amendment to the new Consumer Rights Act which gives higher education students in further education and students in schools-based teacher training access to the Scheme. An important part of my role is to prepare the ground for these new providers to join the OIA Scheme, ensuring we work effectively with them and that they gain an understanding of how the Scheme works. As part of this, I am involved in the development of the subscription system so that it reflects an increasingly diverse membership encompassing providers of contrasting sizes, in a way which is fair and allows for financial stability and case-handling timeliness."

Commenting on how the OIA has developed in the last ten years, Ben notes:

"One of the real strengths of the OIA is that we have really developed the governance, with experienced board members involved in OIA projects. When I started here, there was quite a divide. However, gradually the governance structure has evolved so that we work much more closely together."

"Another relationship that has grown is our interaction with students' unions. We start each visit to a provider at the students' union and ensure that information is shared between the two, encouraging good practice. Where it is viable to have advice functions sited in students' unions, that independent perspective brings many advantages. A number of OIA colleagues have experience as students' union advisers or elected officers and this insight is valuable to the organisation."

"We are very fortunate that the Student Engagement Partnership will be involved in assisting the development of student organisations, so that new members are equipped to work effectively with the OIA."

OIA staff

The organisational structure of the OIA is shown on page 25.

Staff survey 2014

A comprehensive staff survey in 2014 gave some insight into what makes the organisation tick. It concluded that staff 'are very committed to providing a good service, have high engagement levels, and mostly enjoy their jobs.' Free text comments suggest that OIA is a 'motivational and friendly place to work.'

There are of course areas for improvement in the way the organisation supports staff, at a practical level (investment in IT) and in providing the management support and professional development everyone needs to make best use of their talents.

People join the OIA from a variety of backgrounds and share a desire to do their best by students and help improve higher education. The work is often difficult and can be emotionally draining. The OIA has grown as the volume of cases has increased and we now employ around 70 people. The commitment to providing a good service is key to the work described in the pages of this report.

The OIA's work depends on many people. I want to thank everyone involved – students who entrust their complaints to us, higher education providers which are diligent in handling complaints, improving practice and responding positively to our recommendations; students' unions who play a key role in representing students and managing complainant expectations; and the numerous organisations and individuals in the higher education, ombudsman and public policy worlds with which we work. Finally, I would like to thank the dedicated and skilled staff of the OIA, the Chair, Ram Gidoomal, and the OIA Board for their support, guidance and commitment during a year of relentless challenge.

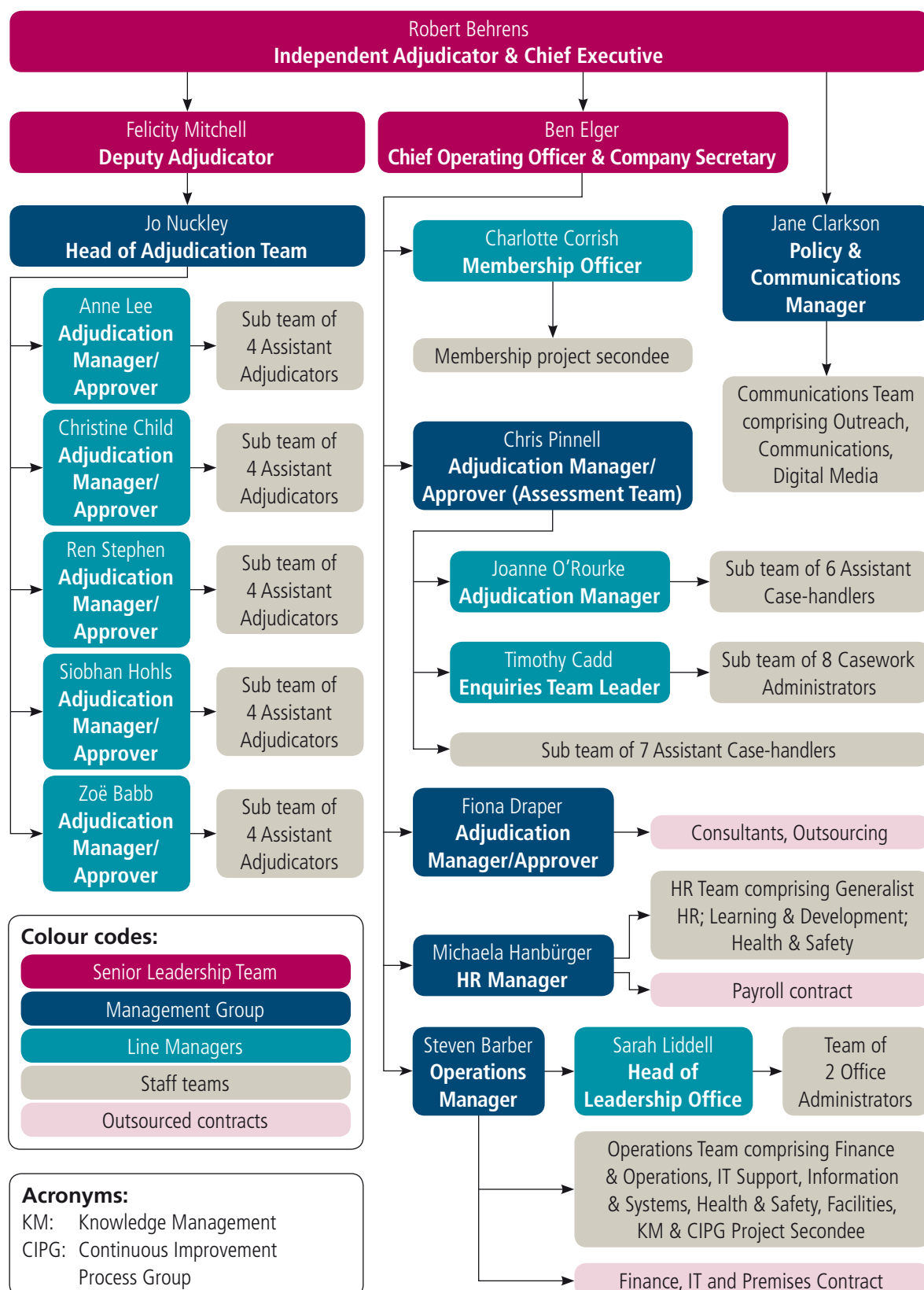
Rob Behrens

Independent Adjudicator and Chief Executive

“The OIA has been professional throughout....
My complaint was always handled entirely
appropriately, properly, correctly, rationally.”



OIA structure and organisation



Judicial Review

During 2014 the OIA received eight new cases for Judicial Review, one fewer than in 2013. This brings the total received by the end of 2014 to 53. There were two substantive hearings during the year.

The court rejected a claim brought by a postgraduate student at the University of Hull that challenged the amount of compensation awarded by the OIA for distress and inconvenience. The court said that the OIA was not making a judicial award of damages, but *"it would have been difficult to make any mathematically precise assessment of loss. The award ... in my judgment is within the bracket of reasonable figures which could be recommended on that evidence."* This judgment supports the OIA's approach to recommendations for compensation for distress and inconvenience.

The case of Ms Gopikrishna, a medical student from the University of Leicester, came before the court in October.

Ms Gopikrishna failed her second year examinations and was withdrawn from the course. The university rejected her academic appeal, on the grounds that she did not have a good prospect for meeting the requirements of the course in the future. The university subsequently refused to re-open her appeal against this decision when, during the course of the OIA's review, she obtained medical evidence indicating that she had depression and dyslexia.

The OIA concluded that both the original decision to withdraw her, and the refusal to re-open the case, were reasonable in the circumstances, and her complaint was Not Justified.

His Honour Judge Curran QC decided that, in the circumstances of this case, it was reasonable for the OIA to conclude that the university was not obliged to re-open her appeal on the basis of the late evidence.

However the judge did not rule out the possibility that there may be circumstances in which late evidence can and should be considered:

"If a case arose in which, unlike the present case, some quite unsuspected and undiagnosed condition was revealed by medical evidence soon after the failure of an examination, when there had been no reasonable possibility that it was diagnosable beforehand, it might very well be appropriate, if not necessary, for the matter to be looked at afresh by the University."

The judge upheld parts of the Claimant's challenge to the OIA's decision on other grounds. He concluded that the OIA should have considered the Claimant's claim that there was unfairness in the university's decision-making process which led to the academic judgment to withdraw her from her studies. In particular, the OIA should have considered whether the university took into account relevant factors when considering the Claimant's first year performance. The OIA was ordered to pay one third of the student's costs.

The case is significant as it gives clear legal guidance on dealing with evidence that comes to light after an appeal or complaint has been closed. There has been a recent increase in the number of students who are submitting new medical evidence 'after the event'. The court's decision and guidance are therefore timely and helpful to the OIA.

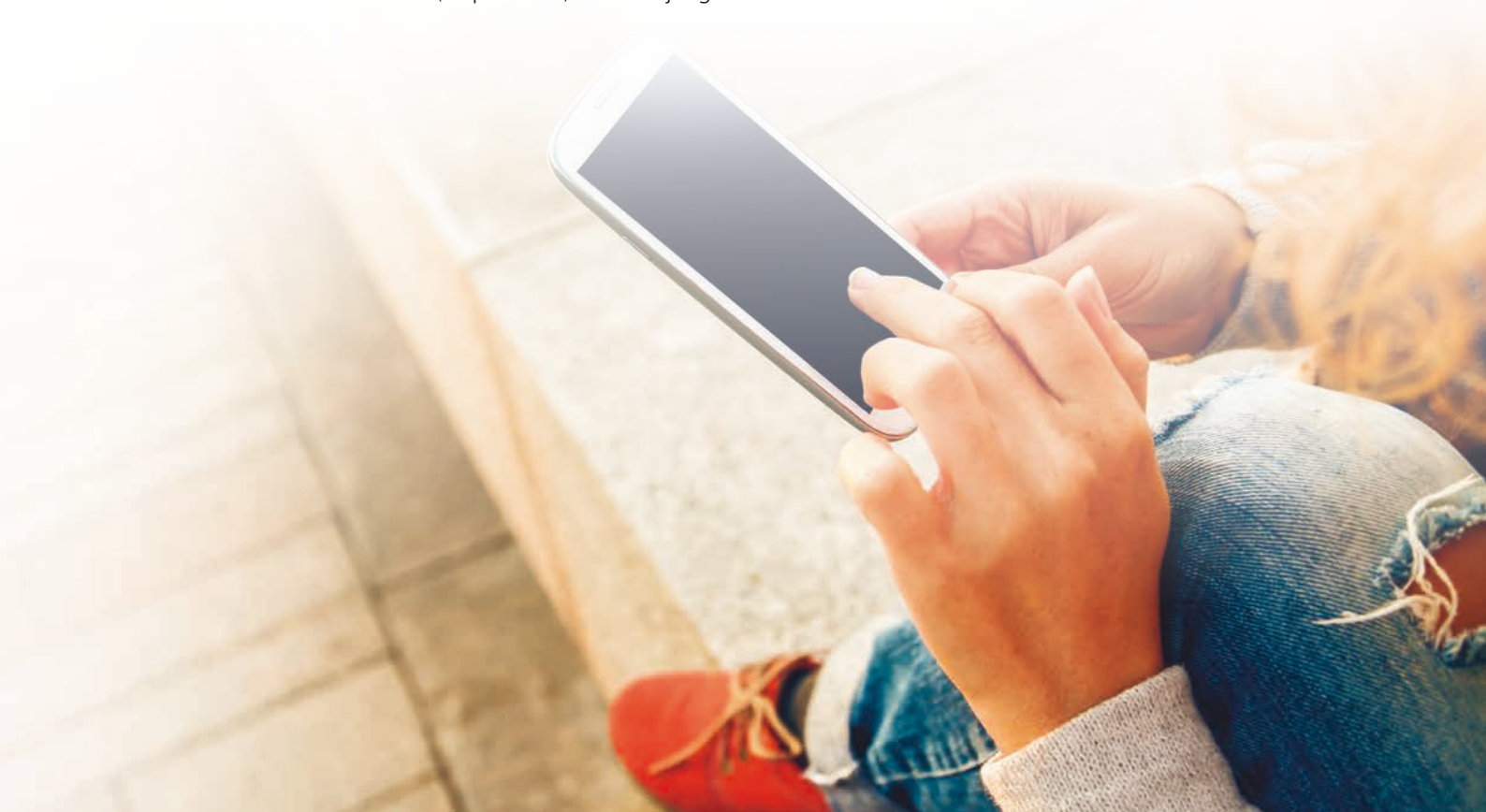
Other key developments

In a number of cases judges have been critical of the decision to bring a Judicial Review:

- 'In my view this entire complaint.... has now been very thoroughly investigated at several levels, and the decision of the OIA is rational, thorough, well reasoned and not open to further challenge.' This comment was made about a case brought by a postgraduate student contesting the OIA's decision on her complaint about the university withdrawing scholarship support.
- Another claim was discounted as 'misconceived and totally without merit'. It 'misunderstands the role of the OIA and the applicable legal principles governing its function.' This claim was brought by a medical student who had complained to the OIA about the way the university had handled her academic appeal.
- The claim was 'pretty hopeless' and there is 'no possibility' of successful appeal. This related to a case brought by a student contesting the OIA's decision not to accept a case as the student had not completed internal procedures at the university. The court clarified that 'exceptional circumstances' are needed to approach the OIA without going through internal procedures; a student must show objective justification for not engaging with the university's processes.

On four occasions in 2014 the court has determined that an application to bring a Judicial Review was 'Totally Without Merit'.

Judicial Reviews are invaluable to the OIA where they clarify a point of law or procedure, irrespective of the decision of the court. Past Judicial Review judgments, particularly those of the Court of Appeal, have endorsed the OIA's independence, its broad discretion in determining the nature and extent of its review, and its approach to disability cases. The two claims upheld to date have led us to refine the way we look at issues relating to explaining the reasons for remedies (Cardao-Pito, see 2011 annual report) and how we consider evidence (Gopikrishna). The full judgments can be found on the OIA website.



10 years of the OIA

- 2004 ■ The Higher Education Act 2004 provided for an independent student complaints scheme.



Dame (later Baroness) Ruth Deech appointed as the first Independent Adjudicator; **Professor Norman Gower** as the first Chair; and **Mike Reddy** as the CEO of the OIA.

- 2005 ■ The OIA became the **designated operator** of the student complaints scheme to which all “qualifying institutions” must subscribe.

- 2007 ■ **The OIA closed its 1,000th case.**

An important Judicial Review case, *Siborurema*, ruled that decisions of the OIA are susceptible to Judicial Review. The Court of Appeal said that the OIA has a broad discretion to determine the nature and extent of its review, and the courts should be very slow to interfere with the OIA's judgment about whether a complaint is Justified.

2008 ■



Rob Behrens appointed as the Independent Adjudicator and CEO.

The OIA launched the **Pathway** series of consultations. Three consultations from 2008-2012 have led to greater transparency, more student representation, revisions to the funding model, improvements in the case-handling approach and development of a Good Practice Framework.

First annual open meeting held.

The OIA hosted the sixth Annual Conference of the **European Network of Ombudsmen in Higher Education (ENOHE)**.

2009 ■



Ram Gidoomal appointed as Chair of the OIA.

The first OIA staff completed professional training in complaints handling practice in further and higher education, provided by Queen Margaret University and sponsored by the British and Irish Ombudsman Association.

2010 ■



Pathway 1 report published.

Two universities named in the annual report for **non-compliance** with OIA recommendations.

2011

■ **The OIA closed its 5,000th case.**

The OIA obtained charitable status.

The OIA became a full member of the **British and Irish Ombudsman Association**.

ifs University College became the first 'non-qualifying institution' to join the OIA Scheme.

Judicial Review: *Maxwell*. The Court of Appeal considered the OIA's approach to disability discrimination. Lord Justice Mummery concluded that the OIA is not required to "*replicate judicial determinations*", and the "*judicialisation*" of the OIA "*would not be in the interests of students generally*".

Judicial Review: *Sandhar*. The Court of Appeal considered questions about the OIA's independence, and its review processes. Lord Justice Longmore concluded: "*...I just do not see how it can be said that any fair-minded and informed observer could say that there was a real possibility that the OIA in general or its Independent Adjudicator or any individual case-handler was biased in favour of the HEI under scrutiny in any particular case or lacked independence in any way*".

A Government white paper, *Students at the Heart of the System*, proposed extending membership of the OIA Scheme.

■ **Pathway 2 report published.**

2012

- The OIA published its first **Annual Letters** to all members of the Scheme, setting out the complaints handling performance record of each provider, benchmarked against those of a similar size.

■ **Pathway 3 report published.**

The OIA hosted the tenth annual conference of ENOHE.

Early resolution pilots established in a number of providers and students' unions.

2013

- Judicial Review: *Mustafa*. The Court considered the extent to which decisions about plagiarism involved academic judgment. Mr Justice Males concluded that "*the question whether plagiarism has been committed often (and perhaps usually) will require an exercise of academic judgment, but that it need not necessarily do so*".

The OIA amended its subscription model so that all members pay a core fee based on student numbers and a case-related additional fee once a certain number of cases is reached.

Scheme Rules revised to allow publication of case summaries naming the provider where this is in the public interest.

2014

■ **The OIA closed its 10,000th case.**

Following national consultation, the OIA published **The Good Practice Framework for Handling Complaints and Academic Appeals**, setting down for the first time underlying principles and operational guidance to support providers in areas including timeframes, progression between the informal, formal and review stages, and record-keeping.

The EU adopted a Directive on Alternative Dispute Resolution (ADR).

Government amendment to the Consumer Rights Bill extends membership of the OIA from September 2015.



OIA Board of Trustees/Directors

The OIA Board of Directors has 15 members.

Nine, including the Chair, are Independent Directors appointed by fair and open competition on the basis of their skills and experience.

Six are Nominated Directors appointed by the major representative bodies in higher education in England and Wales. The representative bodies may also nominate Alternate Directors to attend Board meetings if their Nominated Director is not available.

Directors are normally appointed for a three year term of office, which can be renewed once. A number of Directors reached the end of their term or resigned in 2014. We are grateful for their contribution.

The Board's responsibilities include:

- oversight of the performance and effectiveness of the Independent Adjudicator and the Scheme
- setting the budget for the OIA
- determining the level of subscriptions payable for the operation of the Scheme
- approving the Rules and procedures for the operation of the Scheme
- preserving the independence of the Scheme.

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

OIA Board members (as of 1 April 2015)

Chair

Ram Gidoomal CBE

Deputy Chair

Dr Andrew Purkis OBE

Independent Directors

Gillian Fleming

Peter Forbes

Carey Haslam

Erica Lewis

Andy Mack

Dr Martyn Thomas CBE

Claire Weir

Nominated Directors

Nominated by the Association of Heads of University Administration

Mark Humphriss

Dave Hall (alternate)

Nominated by the Committee of University Chairs

Geoffrey Donnelly

Nominated by GuildHE

Professor Geoffrey Elliott

Professor Shân Wareing (alternate)

Nominated by Universities Wales

Dr Chris Turner

Nominated by the National Union of Students

Megan Dunn

Bethan Dudas (alternate)

Nominated by Universities UK

Professor Mike Thorne

Professor John Raftery (alternate)

Board members who stood down in 2014

Steve Denton (nominated by the Association of Heads of University Administration)

Peter Hermitage (nominated by the Committee of University Chairs)

Dr Debbie McVitty (nominated by the National Union of Students)

Haf Merrifield (nominated by GuildHE)

Terry Price (Independent Director)

Rachel Wenstone (nominated by the National Union of Students)

Colin Wilby (Independent Director)

Higher Education Advisory Panel

The role of the panel is to provide advice and expertise on good practice. The panel members are drawn from providers across England and Wales.

In 2014 Dr Wayne Campbell, Director of Student Services and Senior Master at the University of Kent, continued to chair the panel. The other members were as follows:

Andrea Bolshaw, Academic Registrar at Coventry University; Heidi Cooper-Hind, Head of Student Services at the Arts University Bournemouth; Jane Chapman, Vice President (Academic Governance, Quality and Standards) and Chair of the Academic Board at The University of Law; John Peck, Head of Registry and Quality, School of Oriental and African Studies; Jo Spiro, Director Student Advocacy at the Union of UEA Students; Sam Dale, Deputy Academic Registrar at Durham University; Sarah Clark, Dean of Quality and Standards, University of Wales Trinity Saint David and Professor Tim Woods, Director of the Institute of Education, Graduate and Professional Development and Professor of English and American Studies at Aberystwyth University.



Dr Wayne Campbell

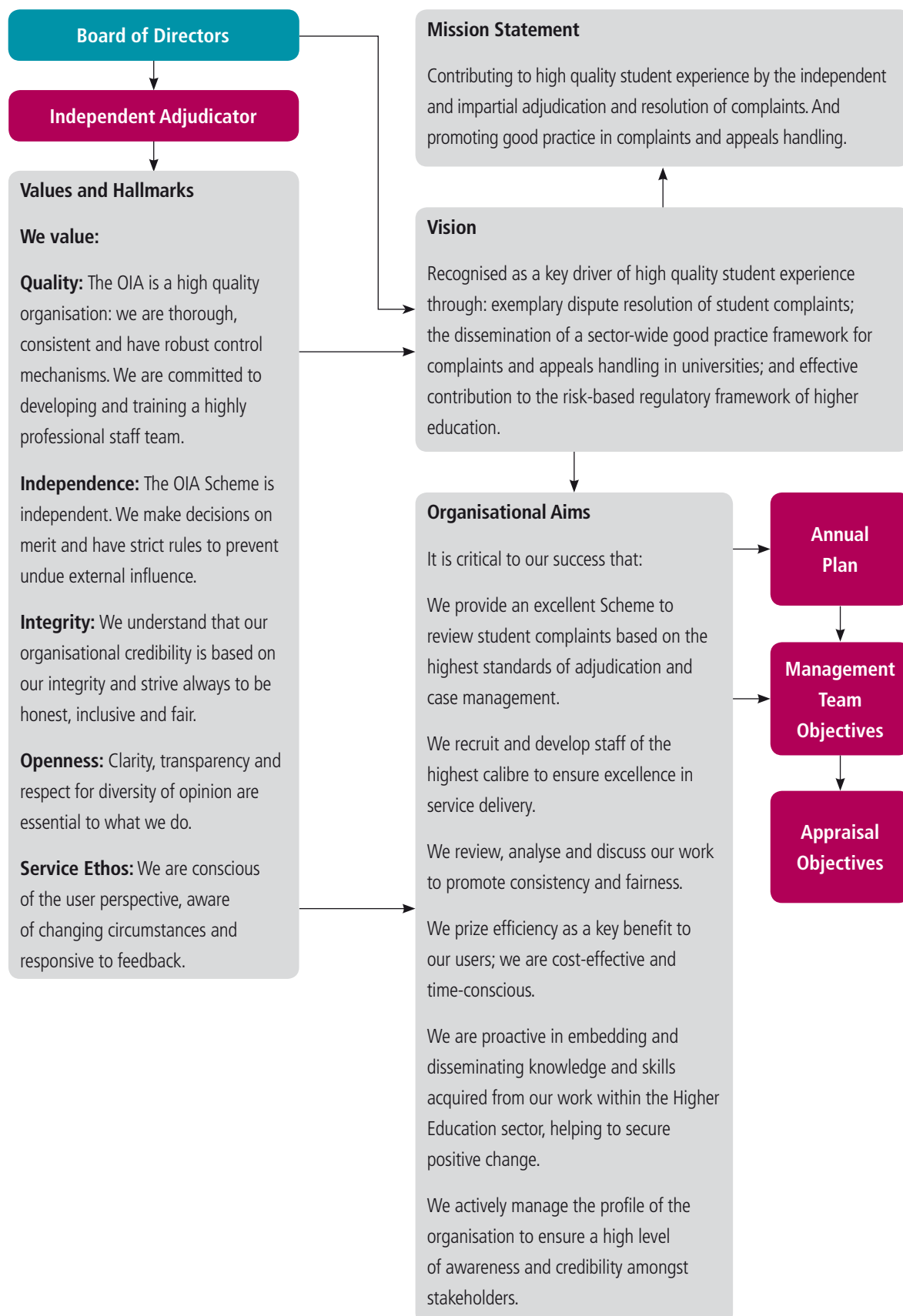
At the end of the year, Jane Chapman retired from the panel. We would like to thank her for her valuable contributions and enthusiastic support. Melanie Siggs, Course Director at *ifs University College*, has joined the panel in her place.

We are grateful to all panel members for their prompt and considered responses to referrals and their helpful input at the twice-yearly meetings.

In 2014 referrals covered a wide range of topics and the trend towards more complex questions continued. Topics raised included:

- the typical length of time that providers keep student academic records, their policy on releasing these to ex-students and the handling of any subsequent complaints
- issues around visa curtailment
- the appointment of examiners and potential conflicts of interest
- whether providers still use dyslexia flags or other markers on exam scripts
- whether it is normal practice to require students with evidence of dyslexia from a pre-16 diagnostic assessment to have a new assessment before making reasonable adjustments and if so, whether financial support is available
- policy on resit examinations for students on postgraduate courses: how long they have to wait and whether it is common for them to be provided with any academic support in the meantime
- how to give a student a fair opportunity for reassessment after a long period of time
- the exercise of discretion by providers in the allocation of Access to Learning Funding and the impact of any decision on a student's finances and academic performance.

Strategic plan



Report and Plan 2015

This report and plan is set out in accordance with the OIA organisational aims in our strategic plan. The OIA Operating Plan is published each year in the OIA Annual Report.

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

Membership

The Consumer Rights Act 2015 will extend membership of the OIA Scheme to all higher education students in providers with courses specifically designated for student support. This includes higher education students studying in further education colleges, at many 'alternative' providers and those undertaking School-Centred Initial Teacher Training (SCITT). This extension makes independent redress available to almost all higher education students in England and Wales. The new member providers will join the OIA in September 2015 and students will be able to use the Scheme in respect of complaints about issues that arise after that date.

European Directive on Alternative Dispute Resolution

The EU has adopted a Directive on Alternative Dispute Resolution (ADR). From July 2015 the OIA anticipates becoming the designated body (ADR Entity) for resolving higher education complaints raised under the ADR Directive. There will be new reporting and operating requirements for the OIA, and working with BIS and others the OIA intends to have these in place in accordance with the Government timetable for implementing the Directive. The expected designation of the OIA as the ADR Entity will mean that students are clear that the OIA is the correct body to approach to seek independent redress.

Settlements

In 2014 we settled eight per cent of cases without the need for a full review. This was slightly below the performance indicator of 10 per cent which remains in place. In 2015 we will continue to promote settlement where appropriate and draw on internal analysis of attempted settlements to improve our understanding of the most effective processes.

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

Independent Adjudicator and Chief Executive

Rob Behrens' highly successful extended term as OIA Independent Adjudicator and Chief Executive ends in 2016. The OIA Board will be focused on succession planning and recruitment in 2015, with a view to a new Independent Adjudicator taking up office in 2016 allowing a period of overlap and induction with the current Chair Ram Gidoomal.

Employee engagement survey

The OIA conducted its second employee engagement survey in 2014, with an excellent response rate of 92 per cent. Almost all scores improved since the 2012 survey and 92 per cent of the attitude statements attracted clearly positive/very positive responses. Overall the survey demonstrated an extremely high level of engagement from staff throughout the organisation. Emerging themes include the need for continuous improvement of IT and performance and people management practices in relation to numerical targets.

Organisational Growth

The OIA is committed to ensuring that staffing levels and structures are developed to ensure high quality and efficient service to both new and continuing subscribers. In this context, staffing requirements will be reviewed in early 2015. As part of this we will finalise work on a new grading system and job evaluation providing greater scope for internal progression within the organisation.

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

Closure levels

In 2014 we closed 2,175 cases at a unit cost of just over £1,750. In 2015, based on a projection of receiving 2,400 complaints, we are aiming significantly to increase closures to 2,600 cases at a similar unit cost.

Timescales /Review of processes

By the end of 2014, we had started to make some progress in terms of turnaround times. The proportion of complaints closed within six months of receipt of the complaint form was at 39 per cent by the end of the year, a small improvement on 2013 but still well short of the target of 75 per cent. We had reduced the number of complaints which were still open nine months after we received the complaint from 19 per cent in December 2013 to 14 per cent by the end of 2014. In 2015, we are aiming to make further improvements to our turnaround times.

During 2014 an initiative continuously to review and enhance our case-handling process commenced and a number of key changes will be made during 2015. These include improving how we collect the information we require for our review and making a series of simplifications to our case-handling process. Following the implementation of the European Directive on Alternative Dispute Resolution in July 2015, we will be changing some of our case turnaround measures to reflect the requirement of the Directive that ADR Entities make decisions on disputes within 90 days of receipt of the complete complaint file (when all information required for a decision has been received).

Eligibility

By the end of the year, the OIA determined eligibility or requested additional information within 10 days in 83 per cent of cases, representing a step change in performance on this key performance indicator. In 2015 we are confident that improvements to process will allow us to meet the target of 90 per cent on a consistent basis. The ADR Directive requires eligibility decisions to be made within three weeks of receipt of the complaint file.

Enquiries

In 2014 enquiries to the OIA continued to grow with a record 2,599 being answered by telephone or email. The enhanced target set for 2014 of 90 per cent of enquiries responded to within two days of receipt was exceeded. We aim to exceed this again in 2015, when we anticipate a significant increase in the number, variety and complexity of enquiries given the new subscribers joining the OIA.

Premises

In 2015 we will secure a lease to ensure stability and good value in terms of OIA premises so that the maximum possible expenditure continues to be devoted to core business.

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

Membership subscription

The new financial model, now in its third year of operation, has been generally well received and seen to have a positive impact in terms of the OIA caseload. We will continue to keep the system under review in the context of experience so far and a growing membership in 2015.

Feedback

We will increase the amount of relevant feedback we collect from users of the OIA Scheme, to improve understanding of how people engage with the OIA. We will:

1. Promote the experience survey included with all Final Decisions to increase the proportion of complainants who respond
2. Survey Points of Contact in providers three months after process changes are introduced.

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

Good Practice Framework for Handling Complaints and Academic Appeals

The Good Practice Framework was published in December 2014. It drew on 99 written responses to the consultation as well as a large number of consultation events and the expertise of the cross-sector steering group. The framework will inform the way the OIA considers complaints and academic appeals from students about matters that first arise and are raised with the provider from the academic year 2015-16 onwards.

Publication

The OIA has revised its process for publishing public interest cases, under which we publish summaries of selected OIA decisions naming the providers concerned. A publications schedule has been developed and is in place with more than 50 public interest cases published since September 2014 and with publication planned in thematic tranches three times a year.

Compliance and recommendations

In 2014 we slightly exceeded the key performance indicator of 90 per cent of student-centred recommendations implemented by the specified date. During 2015 we will review our approach to making recommendations to further develop their effectiveness. We will also work with providers to ensure that learning from our decisions is embedded and disseminated appropriately.

Website development

We will be developing our website to make it easier for both Scheme members and complainants to interact with us during the stages of our process. Guidance will also be developed to take into account the requirements of the ADR Directive and to support new members in joining the OIA Scheme.

European Network for Ombudsmen in Higher Education (ENOHE)

In 2015 the OIA will be in the second year of an arrangement to provide the secretariat to this small but important higher education network which facilitates the sharing of good complaints handling practice in Europe and worldwide.

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

Outreach

The OIA has undertaken visits to 13 providers and students' unions during 2014 as well as taking part in a considerable number of sector events. In 2015 we will undertake an extensive outreach programme ensuring productive dialogue with both new and longer-standing members of the Scheme. We will also run a series of workshops for providers and students' unions to support implementation of the Good Practice Framework.

Anniversary seminars

To mark ten years of the OIA there will be a series of seminars for an invited audience looking at the comparative context of complaints handling in higher education.

Higher education sector developments

We continue to engage with sector initiatives including the Regulatory Partnership Group to ensure that due consideration is given to the lessons learned from student complaints and appeals.

The Student Engagement Partnership (TSEP)

We will work with colleagues at TSEP to support student organisations at providers joining the OIA as a result of the Consumer Rights Act 2015.

Funding

The OIA is funded by subscriptions from members. Subscription levels are based on student numbers. The introduction of a case-related element in 2014, payable when students from a provider submit significantly more complaints than students from other providers of a similar size, contributed six per cent of income in 2014. We expect this percentage to stay broadly consistent in 2015.

OIA core subscriptions for 2014

Core subscriptions are based on full-time and part-time student numbers, according to the most recent available HESA statistics.

	Band	2014 Subscription Fees
Fewer than 500 students	A	£813
501 to 1,500 students	B	£1,641
1,501 to 6,000 students	C	£8,826
6,001 to 12,000 students	D	£17,512
12,001 to 20,000 students	E	£29,110
20,001 to 30,000 students	F	£44,001
30,001 to 50,000 students	G	£52,290
50,001 to 100,000 students	H	£64,347
More than 100,000 students	I	£98,864

“You may not always get the outcome you want, as I haven’t, but they are far more thorough and impartial than people think. They are also far better at communication than the University I made the complaints about... They take complaints very seriously and will do their best to see both sides of the story.”

Statement of financial activities

For the year ended 31 December 2014

	Unrestricted Funds		Total	Total
	General	Designated	2014	2013
	£	£	£	£
Income Resources				
<i>Income from charitable activities</i>				
Subscriptions	4,181,476	–	4,181,476	3,851,033
Workshop income	–	–	–	–
<i>Income from generated funds</i>				
Other income	4,199	–	4,199	2,843
<i>Investment income</i>	5,555	–	5,555	14,112
Total incoming resources	4,191,230	–	4,191,230	3,867,988
Resources expended				
Charitable activities	3,764,300	–	3,764,300	3,694,009
Governance costs	52,208	–	52,208	44,076
Total resources expended	3,816,508	–	3,816,508	3,738,085
Net incoming resources/ net income for the year	374,722	–	374,722	129,903
Transfers between funds	(330,000)	330,000	–	–
Net movement in funds for the year	44,722	330,000	374,722	129,903
Total funds at 1 January 2014	753,517	–	753,517	623,614
Total funds at 31 December 2014	798,239	330,000	1,128,239	753,517

The amounts derive from continuing activities. All gains and losses recognised in the year are included in the statement of financial activities.

Balance sheet at 31 December 2014

	2014	2013
£	£	£
FIXED ASSETS		
Tangible assets	12,512	78,868
CURRENT ASSETS		
Debtors	144,184	87,931
Cash at bank and in hand	3,284,533	3,709,241
	<u>3,428,717</u>	<u>3,797,172</u>
CREDITORS		
Amounts falling due within one year	<u>(2,312,990)</u>	<u>(3,122,523)</u>
NET CURRENT ASSETS	1,115,727	674,649
TOTAL ASSETS LESS CURRENT LIABILITIES	<u>1,128,239</u>	<u>753,517</u>
FUNDS		
Unrestricted Funds		
General fund	798,239	753,517
Designated fund	330,000	–
	<u>1,128,239</u>	<u>753,517</u>

These summarised financial statements may not contain sufficient information to gain a complete understanding of the financial affairs of the Office of the Independent Adjudicator for Higher Education.

The full auditors' report and financial statements can be found on our website at www.oiahe.org.uk


Independent Auditors' Statement: We have examined the summarised financial statements set out on pages 39 and 40.

Respective responsibilities of Trustees and Auditors You are responsible as Trustees for the preparation of the summary financial statements. We have agreed to report to you our opinion on the summarised statements' consistency with the full financial statements, on which we reported to you on 2 April 2015.

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

Opinion In our opinion the summarised financial statements are consistent with the full financial statements for the year ended 31 December 2014.

Crowe Clark Whitehill LLP, Chartered Accountants and Registered Auditors, Reading RG1 1PL.
20 May 2015.

The background of the slide is a solid light pink color. It is decorated with several overlapping rounded squares in various shades of pink and purple. These squares are of different sizes and are arranged in a way that creates a layered, geometric effect. Some squares are more prominent than others, partially obscuring the background and each other.

“I just want to say thanks to you and your whole team who really really show their interest to give me justice. You find, bring and make everything clear. You tried your best to give me justice and I am really very thankful to you.”



office of the
independent
adjudicator

Office of the Independent Adjudicator for Higher Education

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Registered Charity number: 1141289