

Schedule 6 - OIA Biennial Activity Report for Period 1 October 2019 to 30 September 2021

(a) Disputes received

No. enquiries received (total)	No. disputes received (domestic)	No. disputes received (cross-border)	No. disputes received (total)	No. disputes accepted (domestic)	No. disputes accepted (cross-border)	No. disputes accepted (total)
6994	4273	1123	5396	3519	910	4429

The new reporting category of 'enquiries' includes those that have no relation to cases, and those related to a case before it is submitted. Those enquiries received related to a case once it has been submitted are not included as they are part of our casework. We are not able to break the enquiries category down into domestic or cross-border sub-categories as, by their nature, we do not collect sufficient data during such interactions to be able to do so. Please note: these figures do not include complaints from a large group of students about the same provider (received in 2021), which we are reviewing together, and which we will account for separately once closed.

Types of disputes

	Domestic	Cross-border	Grand Total
Service Issues	1964	468	2432
Academic Appeal	1286	447	1733
Financial	242	49	291
Equality law / Human rights	205	15	220
Welfare / Non-course service issues	181	28	209
Disciplinary matters (academic)	119	80	199
Disciplinary matters (non-academic)	143	23	166
Fitness to practise	88	1	89
Other	45	12	57
Overall totals	4273	1123	5396

On our Complaint Form we ask students to answer the following question: "when you applied for your course, were you: Resident in the UK; or Resident outside the UK. If you are unsure, please explain your circumstances." If students do not complete this question, we write to them asking them to do so. However, students who have withdrawn their complaint or whose complaint we have ruled not eligible, may not respond. For the purposes of this report we have included the "not specified" in the "domestic" column.

(b) Number of disputes discontinued before an outcome was reached

Reason	No. disputes discontinued	Percentage of discontinued *
Rejected for operational reasons	0	0%
a) the consumer has not attempted to contact the trader first	759	54%
b) the dispute was frivolous or vexatious	16	1%
c) the dispute had been previously considered by another ADR body or the court	14	1%
d) the value fell below the monetary value	0	0%
e) the consumer did not submit the disputes within the time period specified	49	3%
f) dealing with the dispute would have impaired the operation of the ADR body	18	1%

Complaint fell outside the remit of the ADR scheme (consumer was not studying a higher education course)	104	7%
Case withdrawn by consumer	424	30%
Case withdrawn by trader	0	0%
Solution reached without ADR	0	0%
The trader was not a member of the ADR scheme	22	2%

* Percentages do not add up to 100 due to rounding.

Because of the change in terminology to 'discontinued' and the additional detail requested, we have not included in this section those cases that were 'settled' or 'terminated'. We consider such cases to have closed, and therefore reached an 'outcome' as a result of our involvement as the ADR body, they are reflected elsewhere as relevant.

(c) Average time taken to resolve domestic and cross-border disputes

Average time taken to resolve dispute	Domestic	Cross-border	Total
from receipt of complaint	134	120	131
from complete complaint file	8	6	8

The increase in the overall average number of days taken from receipt of complaint form to the time the outcome is reached corresponds with a **33.4% increase** in the number of complaints received in the same period compared to the previous period (October 2017 - September 2019). As well as this ongoing increase in our overall case load, this is in the context of disruption caused by the pandemic, which has affected our own staff, staff at higher education providers and students themselves. We have also seen some changes in the profile of complaints received, partly resulting from the pandemic, that have meant some complaints took longer to resolve.

(d) Percentage of provider compliance

99.9%

There was one instance where a provider did not comply with one of three Recommendations, in relation to a single dispute.

(e) Recommendations as to how systematic or significant problems could be avoided or resolved in future

We give detailed information on the trends and common themes that we see in the complaints that we review in our annual reports (<https://www.oiahe.org.uk/media/2566/oia-annual-report-2020.pdf>) but we have not identified any "systemic or significant problems" that occur frequently. We have shared information about systemic issues we identified in some complaints about individual providers with the sector regulator, the Office for Students. We continue to work towards our vision of fairness for all students through: the work we undertake in promoting understanding of our remit and Scheme so there is clarity for students and providers about how we can help; the continuing development of the Good Practice Framework - for example the publication of the 'Requests for additional consideration' section in December 2020, the sixth section of the Framework; our extensive outreach programme - which has continued and expanded virtually, reaching over 1800 participants in 2020; and our engagement with the sector. We have published further case summaries and guidance on dealing with complaints related to the Covid-19 pandemic, which have remained an important source of information and guidance for students, the sector and our work over this reporting period. The summaries identified some common issues arising in complaints about the Covid-19 disruption such as around delivering learning opportunities and fair accommodation charges. The reporting period has also seen changes to the Rules of our scheme (April 2021) for the introduction of our new process for reviewing large group complaints; those involving 100 students or more from a single provider where there is a high degree of commonality in the issues raised. Further information is available in section (h) below.

(g) Details of training

We provide training for ADR Officials through a series of 'knowledge booster' peer led sessions on various issues arising from complaints in the sector and elements of our complaint handling process. In this reporting period the topics covered have included:

- Student funding - the basics
 - Student funding - previous study rules
 - Covid-19 complaints
 - Recommendations
 - Office for Students conditions
 - Data protection in case-handling (x2)
 - Informal resolution (x3)
 - Service complaints
 - Respond (casework software) (x2)
- along with more general 'boosters' on:
- Working with PDFs (x2)
 - Webinars

These have been complemented by a new initiative since June 2021 of periodic 'cases of interest' sessions. Within this reporting period, these have covered issues related to: Non-academic disciplinary, Information sharing from Providers, and Racial discrimination.

In addition, the following formal training was provided:

<i>Title</i>	<i>No. of ADR Officials</i>	<i>Date</i>
Kindness in public policy	All	October 2019
Enhancing customer service capabilities and outcomes across the public sector	1	October 2019
Simple language	2	October 2019
Finance for non-financial manager	4	November 2019
Moving from manager to leader	1	November 2019
Straightforward language	6	December 2019
Line management workshop	2	December 2019
Coaching	1	December 2019
Telephone training	6	February 2020
LGBTQ+: Diversity session	All	February 2020
Positive and inclusive relationships at work	All	March 2020
Coronavirus and the HE sector context	All	April 2020
Safeguarding (x3)	58	April 2020
Safeguarding: Advanced	3	April 2020
Mental health: Celebrating our differences	26	May 2020
Mental health: Disrupting negative thoughts	26	May 2020
Mental health: Coping with change	27	May 2020
Data protection (x2)	53	July 2020
A conversation about Racial Equality	All	October 2020
Simple language	3	November 2020
Data protection	8	December 2020
Coaching	2	January 2021
Email training	11	April 2021
Effective virtual meetings	10	May 2021
Mental health: How to prioritise you	20	May 2021
Design and delivery of virtual sessions	5	July - September 2021
Coaching	1	September 2021
Simple language	4	September 2021

We also provide a comprehensive induction programme for new case-handlers that includes topic specific sessions. Existing case-handlers are welcome to join in with these sessions where needed to refresh their knowledge.

(h) Assessment of the effectiveness of alternative dispute resolution procedure offered and possible ways of improving performance

We provide information about the effectiveness of our scheme for reviewing individual complaints, independently, fairly and effectively and our work in enhancing practice in the higher education sector in our annual reports for 2019 and 2020 (<https://www.oiahe.org.uk/resources-and-publications/annual-reports/>) and on our website (<https://www.oiahe.org.uk/>).

We are continually working towards improving the service that we offer and promoting good practice. For example, over this two year reporting period, we have:

- enhanced the resources available on our website, including the introduction of our 'bite size OIA' area with information on our process and how we operate for students and providers, and 'toolkits' for student representative bodies and providers.
- developed and published two additional sections of our Good Practice Framework guidance (<https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/>), covering 'Fitness to Practise' and 'Requests for additional consideration'.
- reached a larger audience with our virtual outreach programme of webinars, workshops, focus groups, visits and discussions, and introduced webinars on new topics.
- produced briefing notes, guidance, case summaries, and other helpful information for students and providers on our approach to complaints related to the Covid-19 pandemic, and updated our information in relation to complaints around industrial action.
- published a briefing note on our learning from complaints concerning the closure of a course, a campus, or a whole provider.
- amended our processes to enable the consideration of large group complaints - intended for large groups (100+) from a single provider with a high degree of commonality in the issues raised.
- engaged with consumers using our scheme at the mid-point and end of our process to gather feedback on the service we provide, taking the learning from these surveys, and from service complaints, forward to inform our case-handling practices.
- made over 1,000 Recommendations across more than 600 individual cases, relating to over 100 providers. Of these 1127 were student focused, aimed at putting things right for the student. With a further 250 focused on good practice for the provider to ensure that similar matters did not reoccur.

We also take learning from the complaints that we see forward in our wider interactions in the higher education sector. For example through open communication with regulators, PSRBs and other sector bodies. We have contributed to the work of the Disabled Students' Commission and to various consultations and calls for evidence relating to the higher education sector.

Additional information

We are members of the Ombudsman Association and the European Network of Ombuds in Higher Education (ENOHE) and regularly share learning and reflect on issues within the ombuds and higher education sectors. We have adopted the Ombudsman Association Casework Competency Framework.