



THE OFFICE OF THE
INDEPENDENT
ADJUDICATOR FOR
HIGHER EDUCATION

ANNUAL REPORT 2008



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RESOLVING STUDENT COMPLAINTS



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Introduction by the Independent Adjudicator and Chief Executive

This is my first Annual Report. I took up post in the new, combined role of Independent Adjudicator and Chief Executive on 1 May 2008. I must first thank my predecessors, Baroness Deech (Independent Adjudicator) and Mike Reddy (Chief Executive) for leading the OIA through its formative period and leaving behind a strong professional team of Assistant Adjudicators and administrators, and a fine record of rigorous decision-making.

I hope to build on this legacy by consolidating the independence of the Office, creating a more outward-facing and proportionate approach to decision-making informed by regular consultation, and developing OIA business practices so that service users continue to receive efficient and effective service as the volume of complaints activity grows. I have already set out to visit as many universities, students' unions and sector stakeholder groups as is compatible with a heavy case-load of adjudications. I am grateful for the cordial welcome extended to me and the constructive dialogue which characterised each visit.

2008 was a year of transition for the OIA. First, the restructuring and integration of the Office, requested by the Board, was successfully delivered. I began by meeting each member of staff on a one-to-one basis to listen carefully to views about what needed to change and how change should take place. The aim was to strengthen the management

capacity of the Office to support the adjudication process, and to develop a more strategic approach to planning, financial management and risk assessment. A new Management Team (including Ben Elger, newly-recruited as Chief Operating Officer and Company Secretary, Susanna Reece and Mike Reddy) was created and work was undertaken to develop a three-year Strategic Plan and zero-based budgeting. In-year expenditure was kept within budget and I am pleased that in 2008 we have been able to build up reserves in a planned and responsible manner so that the risks posed by (for example) judicial review costs are being properly addressed.

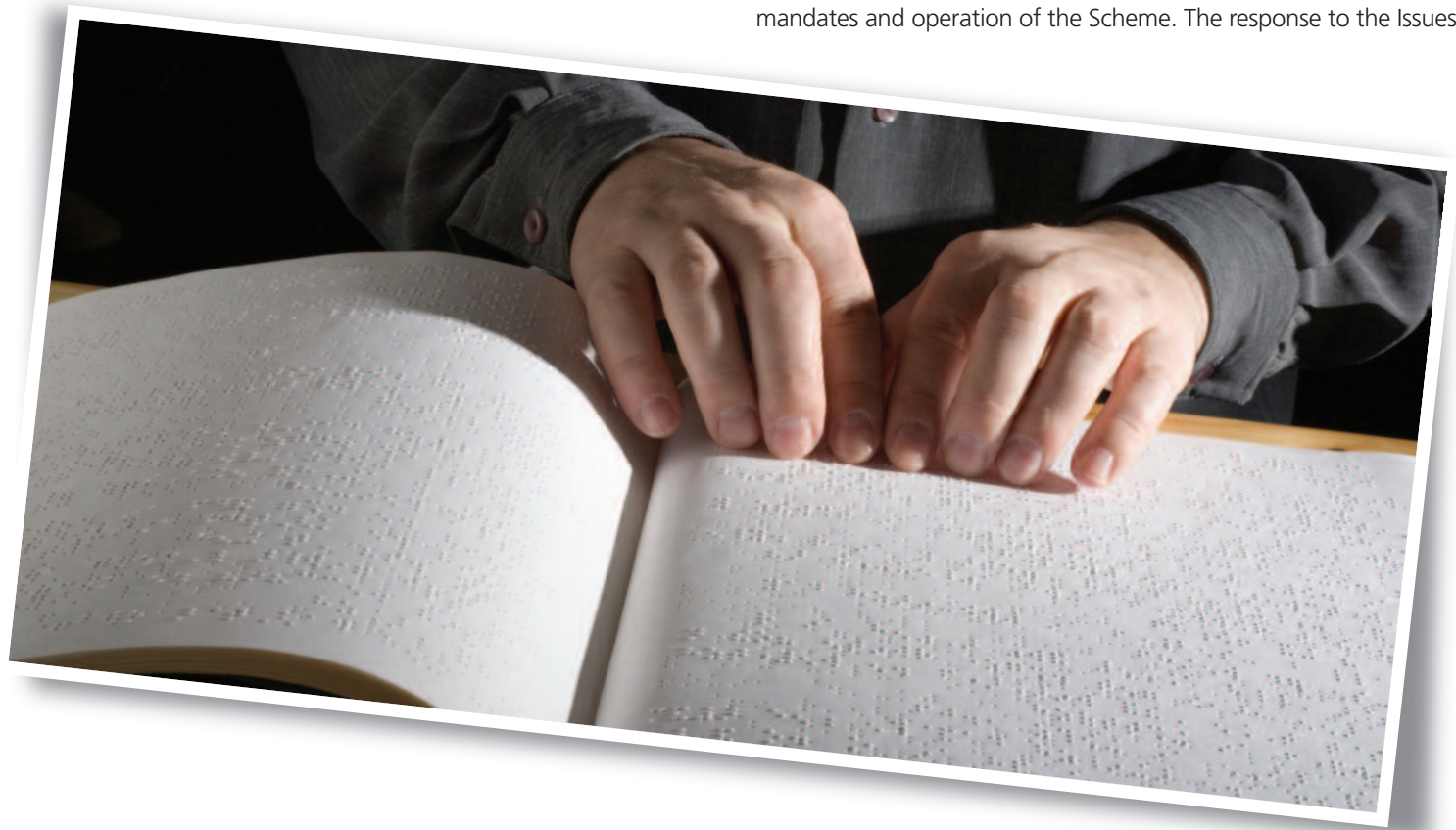
During the year the Office held a facilitated team event on the outskirts of Reading, and subsequently the Management Team went overnight to Ashridge to benchmark itself against the key components of effective teams. Work was commissioned on people management and performance management to consolidate good practice. Effective communications policy and practice was developed to ensure that there is both continuous dialogue with our service users and stakeholders, and also between the Office, the Management Team and the Board. One important outcome was the launch of a new, quarterly e-newsletter containing briefings on recent decisions. This has been widely welcomed.



In addition, to safeguard the quality of the adjudication of complaints, an Approval Team of senior staff was created, (including Mike Reddy, Felicity Mitchell, and Susanna Reece) formalising existing oversight and meeting weekly to review all Draft Decisions before they are issued by the Office. At the same time, we undertook a review of our Knowledge Management systems to ensure that Assistant Adjudicators have ready access to the bank of decisions made since the inauguration of the Office in 2004.

Secondly, the Pathway Project to consult on the next phase of the development of the OIA was launched in October 2008. This is a major consultation exercise, established with the full support of the OIA Board, United Kingdom and Welsh Ministers, and all the higher education sector stakeholders. The aim is to consider how the Scheme might develop in the next five years so that it retains both its coherence and the satisfaction of its users. An Issues and Questions Paper was published in October inviting responses within a three month period to key questions about the mandates and operation of the Scheme. The response to the Issues Paper

"The service provided was excellent and the result was fair."





has been extremely encouraging, with 134 submissions characterised by serious engagement and a vibrant approach to policy development.

At the same time, to sustain an even-handed approach to evidence-gathering, an independent quantitative survey of student complainants was commissioned and designed for circulation in early 2009. It is hoped that the Final Report and recommendations will be published in the autumn of 2009.

Thirdly, the core task of adjudicating and seeking to resolve complaints remained unchanged. The number of student complaints received rose to 900, an increase of 23 per cent on the previous year. It is important to record that the average number of days taken to resolve a complaint fell from 171 days to 142 days, a decrease of 17 per cent. This is testimony to the effective operation of our 'fast-track' procedures which are now used in half of all case reviews we undertake.

During the year, the OIA successfully defended a full hearing of a Judicial Review application in the High Court (the case of Mr Arratoon). We also attended the hearings of three students' applications for permission to bring a claim for judicial review of OIA decisions. These claims had been lodged in 2007, before the landmark *Sibururema* judgment. In each case the judge refused permission, citing the principles set out in the *Sibururema* judgment. Up to the end of 2008, the OIA had received 15 judicial review applications since its inception. Of these, none has succeeded. This constitutes an important independent endorsement for the rigour of OIA adjudication.

Addressing issues of quality

The number of complaints found Justified in 2008 fell to 7 per cent from 11 per cent the previous year. Partly Justified complaints rose slightly to 16 per cent from 15 per cent. 6 per cent of cases were settled without the need to conclude a review and 71 per cent of complaints were found Not Justified. Universities should be encouraged by the relatively small number of complaints found Justified. There is much good and sensitive work done in universities to address student complaints and a cadre of professional and dedicated staff to deal with them. However, there is no room for complacency. In the course of the year I have come across a small number of universities insufficiently resourced for effective complaints handling and unacceptable examples of serious delay in addressing formal complaints. There are also examples of insensitive handling and of universities failing to abide by their own regulations.

On the basis of the cases seen by the OIA there is a case for improved practice in a number of subject areas. These points are not made in pejorative fashion, but in the spirit of continuous dialogue and exchange with HEIs which informs our work:

- **Plagiarism** – Practice is variable. Many universities have effective, proactive policies to educate all students (including international students) about the dangers of plagiarism from the beginning of a programme of study. Some do not. In a small number of cases, students have been denied natural justice through conflicts of interest in overlapping membership of misconduct and appeals panels. There is also evidence of some students being denied the opportunity to put their

case in person, or being required to 'prove' their innocence when universities have a responsibility to demonstrate that the case is proven. Sanctions are sometimes disproportionate in the context of the offence.

- **Postgraduate Students** – Complaints from postgraduate students continue to feature prominently in our case files. Leaving aside academic judgment (where the OIA has no remit), we have reviewed a number of cases where there has been a clear reluctance to give timely feedback to underperforming postgraduate students. This creates false expectations of successful outcomes from thesis submission and is something that could be avoided. There are also failures by supervisors to keep appropriate minimum records of supervision meetings with students, a practice which impedes the review of complaint handling.

- **Disability Practice** – Recent changes in law and guidance in the area of disability, particularly the shift to competence standards and the introduction of the Disability Equality Duty, create new challenges for universities. Complaints to the OIA show that there is still a need for a number of universities to develop their understanding of the requirements of the legislation and guidance. They need to review regularly whether their procedures, policies and practices are putting students with disabilities at a significant disadvantage. The process begins from the moment a student discloses a disability.

- **Fitness to Practise Issues** – Professional judgment and academic judgment are not necessarily the same thing. Students must be judged fairly when they seek to demonstrate the additional competences



required of them when they are studying for a professional qualification. I have reviewed cases where the university has deferred uncritically to the judgment of the placement host that fitness to practise proceedings should be instigated, without having briefed the student about expected behaviour in advance or giving the student an opportunity to reflect on and change behaviour which has caused concern. Clearly this is a sensitive issue, which requires genuine partnership between university, placement host, and professional body.

Having already paid tribute to the work of my predecessors, I want to end with three additional expressions of thanks. First, to the OIA Board for their oversight and advice and for their participation in key policy working groups during the course of the year. Next, to the OIA Chair, Professor Norman Gowar. This is the sixth and final year of his distinguished tenure and he will be succeeded later in 2009 (following a competition under Nolan Rules) by Ram Gidoomal CBE. Professor Gowar has led the OIA Board through the formative period of the Scheme with great skill, wisdom and integrity. He has unparalleled knowledge and understanding of the origins of the Scheme and the challenges it faces, has chaired the Board in inclusive, diplomatic fashion and he will be sorely missed by the entire Board and Office. Finally, throughout the year, all OIA staff colleagues have demonstrated enduring professionalism towards service users, commitment and enthusiastic support for the transition and the challenges associated with it. For this, I am most grateful.



Rob Behrens

"The service I had was exceptional. This organisation helped me fully to overcome the unfair treatment I had from the university I attended - well done and thank you."



Review of the year

Visits to Universities and Students' Unions

Since May 2008 the Independent Adjudicator and OIA colleagues have visited a good number of universities and students' unions for both general discussions and exchange about the handling of complaints, or specifically to respond to requests for university staff training.

These have included:


- Canterbury Christ Church University
- Cardiff University
- City University
- Leeds Metropolitan University
- Northumbria University, Newcastle
- Queen Mary, University of London
- Royal Holloway, University of London
- Swansea University
- The Open University
- University of Bedfordshire
- University of Cambridge
- University of Reading
- University of Surrey
- University of Winchester

The OIA is grateful to all these universities and students' unions for the cordial reception and constructive nature of the dialogue. Each visit is discrete, but there are two general types. In one, the common elements include a call on the students' union in advance of any conversation with the Vice-Chancellor and senior team. In another, the visit takes place in direct response to a request for staff training and is undertaken by a small team of Assistant Adjudicators. The feedback from all these visits has been entirely positive and the Office has been encouraged to continue and develop them in the coming year.

Stakeholder meetings and participation in conferences, seminars and training events

Since his appointment in May 2008, Rob Behrens has held meetings with sector leaders and bodies including the Chief Executive of Universities UK and the UUK Student Experience Policy Committee, the President of the National Union of Students, the Chief Executive and Board of the Higher Education Funding Council for England, the Quality Assurance Agency, the Association of Heads of University Administration, the 1994 Group, Ministers and officials in the Department for Innovation, Universities and Skills, Ministers and officials in the Welsh Assembly Government and the Chair and Chief Executive of the Leadership Foundation for Higher Education.

*"Important:
Fair and thorough
impartial
investigation
and transparent
process."*



The OIA was invited to make presentations at a number of external conferences throughout the year. These have included:

- The Academic Registrars Council Practitioners Group workshop in February where Mike Reddy and Fiona Draper made a presentation about 'Academic Appeals and Mitigating Circumstances'
- The 'Student Record Officers' Conference' hosted by Queen's University Belfast in March where Jo Nuckley delivered a Plenary Session about the work of the OIA and stressed the importance of good record keeping to enable universities to respond to student complaints
- A conference on 'Complaints in Student Accommodation' at Unipol in April where Jo Nuckley and Anne Lee presented
- The 'National Conference for Insurance Managers in Higher Education' in April where Susanna Reece and Fiona Draper presented
- 'Satisfying Student Demand: Enhancing Quality, Exceeding Expectations, Managing Complaints' in June where Rob Behrens presented
- The 'Action Through Advocacy Training' run by the NUS in July and August where Helen Walton and Jo Nuckley introduced student officers to the role of the OIA
- The National Postgraduate Committee Conference in August where Siobhan Hohls spoke
- The Bates Wells and Braithwaite Higher Education Law Seminar – 'Student Access Complaints and Contracts' in October where Rob Behrens spoke and Felicity Mitchell was on the Panel
- NUS/UKCISA event about International Students in October where Susanna Reece and Helen Walton ran sessions on issues arising from international students' complaints

- Rob Behrens also presented at the UUK conference 'Tackling Plagiarism and academic misconduct' in November

Representatives from the OIA have also attended other conferences within the sector throughout the year. These have included:

- The Guardian Higher Education Summit in February which looked at the future of the UK HEIs and how they develop
- A national conference on Student Retention and Progression in Higher Education in March
- The Public Law Project Judicial Review Conference in October
- The DIUS Higher Education Expo in October
- A conference on the Legal Impact of the Bologna Implementation in December

The OIA is an associate member of the British and Irish Ombudsman Association (BIOA), an umbrella group for complaint handling bodies. During 2008 members of staff attended its Annual Meeting and Autumn Seminar and participated in its interest groups and working parties on Accreditation, Communication, First Contact, Human Resources and Legal Issues. These activities provide opportunities to develop our understanding and awareness of good practice in complaints handling beyond the HE sector. There is also an opportunity to share experience on issues of common interest such as improving the accessibility of the Scheme; dealing with complaints about service delivery, unacceptable behaviour from Scheme users; and staff training and development.

We have held in house training for staff on a range of issues, including:

- Diversity and Equality
- Disability law and practice
- Media and telephone training
- Presentation skills
- The new points based student visa system
- Turnitin and the techniques of examining allegations of plagiarism

In the past year we have also arranged staff development visits to Oxford Brookes University, the University of Southampton and the Open University. These visits are invaluable in helping to enhance staff understanding of the nature of the HE sector and the way it operates. We are very grateful to these institutions for their hospitality and for their support of our training and development programme.

The OIA also hosted a visit from representatives of the Legal Department at the Swedish National Agency for Higher Education on 26 November 2008.

Judicial Review in 2008 – a year on from *Siborurema*¹

The OIA has received 15 judicial review applications since its inception. Of these, none has succeeded. This constitutes important endorsement for the rigour of OIA adjudication.

*Arratoon*²

In November 2008 the OIA attended its first judicial review hearing in the High Court. This was only the second case to come to a full hearing. (The claimant in *Siborurema* obtained permission on appeal to the Court of Appeal and his claim was heard there.) In *Arratoon* permission was granted before the *Siborurema* judgment, and on one ground only. Grounds which related, essentially, to the merits of the complaint were refused permission.

Mr *Arratoon* was a student on the University of Greenwich's teacher training course who failed a second school placement and re-sit (July 2003). He claimed in an academic appeal that he had achieved all the competencies and, therefore, passed the placement, but the University had changed his "pass" to a "fail". He said that he had been discriminated against. He complained to the University, and subsequently appealed the "fail" decision. Following an ambiguous letter from the University, he understood that his appeal had been upheld and he could

¹ The Queen on the application of *Siborurema v Office of the Independent Adjudicator* [2007] EWCA Civ 1365

² The Queen on the application of *Arratoon v Office of the Independent Adjudicator* Unreported. Neutral citation number: [2008] EWHC 3125 (Admin)

continue to the third placement. When he came to re-register in October 2004, it was confirmed that he still had to repeat his second placement.

Mr Arratoon complained to the OIA that he had a legitimate expectation that his appeal had been upheld, and he should be permitted to proceed to the third and final placement. In a Formal Decision, we concluded that the University had dealt with the complaint properly, and that the “fail” decision was a matter of academic judgment for the University. Mr Arratoon had not reached the required level of competency and so the “fail” result could not be changed to a “pass”, and in order to qualify as a teacher, he would have to re-sit the second placement. However, Mr Arratoon had been misled for several weeks regarding the outcome of his appeal, and the University had not communicated that outcome to him clearly, and had breached its own regulations by not holding an appeal hearing. It was our understanding that Mr Arratoon did not, at this point, want an appeal hearing (because he maintained that he was entitled to proceed directly to the third placement). We, therefore, recommended small financial compensation.

In the Judicial Review claim, Mr Arratoon changed tack and argued that the OIA had failed to deal properly with our finding that the University had not complied with its own appeal procedures (because it did not hold a hearing).


The case came before Mr David Holdgate QC sitting as a Deputy High Court Judge. The Judge gave a useful summary of the principles to be drawn from the *Siborurema* judgment. He emphasised the considerable



degree of discretion afforded to the OIA, and the degree of deference which should be shown to the expertise of the OIA.

Rejecting the claim, the Judge said that the OIA’s conclusion “*lay well within the range of judgments that could be come to on the facts of this particular case*”. He was critical of the solicitors instructed by Mr Arratoon and the approach they had taken during the OIA’s review. He said that the OIA was not to be criticised for not making a recommendation that the University should hold an appeal hearing, because that was not the outcome which Mr Arratoon had asked for. His complaint to the OIA, brought with the assistance of solicitors, relied

"I think it is really good that there is such an institution as OIA. I found it really useful."



on his argument that he had a legitimate expectation that his appeal had already been upheld, and he should be permitted to continue with the third placement. The Judge said that the OIA's decision should be read as a whole, and that an unfortunate choice of words in one sentence did not justify quashing the decision.

New claims in 2008 – a trickle not a flood

Mr Arratoon is one of only two students to have been granted permission to bring a claim for judicial review against OIA decisions (the first step in judicial review proceedings), the other being Mr Siborurema. In the Siborurema judgment, the Court of Appeal said:

The number of cases in which an application for judicial review could get past the permission stage is likely to be very small. There is a broad discretion under the Scheme as to how the review of a complaint will be carried out.... The decision whether a complaint is justified involves an exercise of judgment with which the court will be very slow to interfere.... In the present case, permission was granted only because certain issues of general principle were raised. In the ordinary course a case of this kind could be expected to have little chance of getting through the permission filter.³

That message appears to be getting through to solicitors and may also be having an impact on the ability of students to obtain community legal funding to bring their claim. The OIA continued to receive judicial review applications during 2008 but the steady flow reduced to a

trickle. Notably, of the three new claims received during 2008, only one was represented by a solicitor. In each of those cases permission to bring the claim was refused (although one has since renewed his application).

It is satisfying to see the number of claims falling off, but defending them continues to be a costly and time-consuming exercise.

2007 claims – the wheels of justice turn slowly

Also in 2008 the OIA attended the hearings of three students' applications for permission to bring a claim for judicial review of its decisions. Their claims had been lodged in 2007. In each case the judge refused permission, citing the principles set out in the *Siborurema* judgment.

The 6th Annual ENOHE Conference

The 6th Annual Conference of the European Network for Ombudsmen in Higher Education was held in London in April 2008 and organised by the OIA. The conference attracted 200 participants from 20 countries – a record attendance – including first time participation by colleagues from France, Croatia, Israel and Italy. There were also colleagues present from Australia, Canada, Mexico, Spain, the USA, the People's Republic of China, India, and South Africa.

³ *Siborurema* (op cit) judgment of Lord Justice Richards, paragraph 74.



This unique and genuinely international gathering constituted a golden learning and networking opportunity. The venue for the conference was the 30th floor of the headquarters of Clifford Chance in Canary Wharf. There was also a gala dinner at Drapers' Hall in the City of London, where Baroness Deech, the conference co-chair, bade farewell to her many friends and admirers on the eve of her retirement as Independent Adjudicator.

The main topics of a special pre-conference workshop were "Changes and Innovation" within international higher education. Throughout the three days of the conference itself, there were 30 presentations in five simultaneous sessions. The presentations addressed the conference theme of "Universities, Students and the Law" and included pertinent and challenging issues such as "Hosting International Students: the risks", "Diversity and Ombudsmen", "Academic Appeals and Mitigating Circumstances", and "Learning from Complaints – persuading the powerful".

Among the keynote speakers were the then UK Minister of State for Higher Education, Bill Rammell, and Lord Dearing, former Chancellor of the University of Nottingham and author of the seminal Report on Higher Education in 1997 which included a recommendation to set up an independent complaints procedure for higher education institutions. (Lord Dearing's subsequent death has been deeply mourned throughout the world and deprives the OIA of an influential and special ally, counsellor and friend.) There were also keynote contributions from Wes Streeting, NUS President, and Filip Van Depoele, Co-ordinator of the ERASMUS Programme at the European Commission.

There was a full and diverse programme of workshop topics ranging from mental health issues to "learning from complaints" and from fitness to practise issues to student references. It was fascinating to compare how ombudsmen deal with student issues such as these in different parts of the world.

It became clear that there is a whole spectrum of ombudsmen, fulfilling very different functions. For example, in the USA, campus-based ombudsmen tend to focus on providing advice and guidance to students and university staff as much as resolving complaints. In Canada, ombudsmen often have the power to commence investigations of their own volition. In Spain ombudsmen are often elected by staff and students. At the other end of the spectrum, in Scotland, under national legislation the Scottish Public Services Ombudsman lays decisions relating to complaints about universities before parliament, and at the same time publishes them.

The conference, organised with precision, zeal and competence by Charlotte Wootton and Mike Reddy, proved to be an excellent vehicle for comparing best practice and searching for solutions that are fair and reasonable, something which lies at the core of the ombudsman's role.

Pathway Project

The Pathway Project to consult on the next phase of the development of the OIA was launched in October 2008. This is a major consultation exercise, established with the full support of the OIA Board, United



Kingdom and Welsh Ministers, and all the higher education sector stakeholders. The aim is to consider how the Scheme might develop in the next five years so that it retains both its coherence and the satisfaction of its users. The Terms of Reference for the Project are to examine the OIA's operations in the context of the mandates of the Scheme in order to:

- Establish the areas where current processes could be improved to enable an even more effective 'review of unresolved complaints by students about acts and omissions of HEIs and the making of recommendations'
- Identify what changes, if any, to the mandate may be required to enable the OIA to deliver a service which is:
 - Objective and fair to student complainants and the HEIs whose actions are complained about;
 - Customer focused and reflective of wider good practice;
 - Effective, not-for-profit, free to complainants, timely, independent and competent
- Consider how the Scheme might develop in the next five years so that it retains its coherence, utility and the satisfaction of users and stakeholders.

The Independent Adjudicator will provide, through a Report to the Board, and for subsequent publication, the following outcomes based on research evidence:


- An analysis of the strengths and weaknesses in the current complaints system based on extensive research including qualitative and independent quantitative surveys of the views of complainants and HEIs

- Recommendations for improvements in the complaints handling and supporting arrangements
- Following consideration of the recommendations by the Board, a timetable for consultation on and implementation of the agreed recommendations.

An Issues and Questions Paper was published in October inviting a response to key questions about the mandates and operation of the Scheme. In the three months set aside for consultation, there were 134 responses to the Issues Paper including universities, students' unions, interested individuals, stakeholder and representative groups. The submissions are currently being analysed.

A preliminary reading suggests that the submissions make clear that the OIA is regarded as independent throughout the sector, and highly competent at delivering reasoned Formal Decisions. A number of universities have expressed the view that Decisions take too long to be produced, and requests for information are either too burdensome or requested in sub-optimal fashion. There is no unanimity about a credible alternative to the current funding formula and mixed views about the appropriateness of publishing Formal Decisions.

A parallel, quantitative survey of student complainants was commissioned under tender conditions in the summer of 2008 and social researchers from King's College, London were awarded the contract. The quantitative study was being researched, designed and issued for circulation in early 2009.



The response to the Pathway Project has been extremely encouraging. It is hoped that the Final Report and recommendations will be published in the autumn of 2009.

Policy Seminars 2008

Dissemination of good practice in complaints handling is a key function of the OIA. In 2008 the OIA held five policy seminars which were attended by representatives from 51 universities. The programme of events was slightly reduced this year due to the ENOHE Conference, which the OIA hosted in London in April. Most of the sessions were held in Reading but, responding to feedback from universities, two events were held in Birmingham, with two more planned for Manchester in 2009. This year we also held our first Open Forum for students' union advisers who regularly handle student complaints.

The OIA seminar programme attracts greater interest every year and is a valuable way for colleagues to discuss good practice issues and to network with and learn from counterparts in other institutions as well as from the OIA.

The first seminar of the year was held in Reading on 24 January 2008 on "Disability: understanding the issues". Disability issues feature in a significant minority of complaints brought to the OIA and this is a challenging area for both students and universities. This seminar was a variation on two similar events held in November and December 2007, repeated due to the very high demand. There were presentations by a

representative from Skill (a national charity promoting opportunities for young people and adults with any kind of impairment in post-16 education, training and employment) and a barrister specialising in education law. There were also presentations by OIA staff. The seminar looked at the effect of recent changes in law and guidance in this area, particularly the shift to competence standards and the introduction of the Disability Equality Duty. It also considered how proactive universities need to be when addressing the needs of students with disabilities. Complaints to the OIA show that there is a need for universities to develop their understanding of the requirements of the legislation and guidance and to review regularly whether their procedures, policies and practices may be putting students with disabilities at a significant disadvantage.

On 8 May 2008 we held our annual seminar "Introduction to the OIA", aimed at university staff who are either new to complaints handling or who feel they need a refresher. This gives an overview of the Scheme and considers its operation from the perspective of those handling complaints within universities and colleges, and of the OIA itself.

The first Open Forum for student union advisers took place in Reading on 15 May 2008. The OIA was particularly keen to hear the views of those in students' unions who regularly advise students about taking complaints and appeals within universities and also act as representatives for students who go on to bring complaints to the OIA. Twenty attended the Forum, which was a valuable source of feedback from repeat users of the OIA Scheme. A report of this meeting can be found on the OIA's website at:



Following presentations by the OIA at the NUS Action through Advocacy events last year, it was agreed that it would be useful to organise a seminar specifically for Students' Union Sabbatical Officers. The aim was to give delegates an overview of the Scheme, to enable them to guide students through the complaints process. "Complaints and Appeals: helping students to stay on track" was hosted by the University of Birmingham Guild of Students on 11 November. We are grateful for the Guild's support.


On 12 November 2008 "Resolving complaints informally: all talk?" took place at the Aston Business School in Birmingham. This seminar was attended by both university practitioners and students' unions and provided the opportunity to discuss issues surrounding mediation and other forms of informal resolution and to share good practice. In order to give as many perspectives as possible, there were speakers from the NUS, a students' union, two universities and a representative from the Improving Dispute Resolution Project funded by HEFCE through the Leadership, Governance and Management Fund. The seminar noted that it is normal for students to have concerns and to want to know the rules and what to expect. There can be benefits to institutions in receiving

complaints, as they shed light on the issues that are concerning students and give the opportunity to learn and improve systems. Informal should not be confused with casual – there may be a need to keep some brief

"Like to thank everyone involved in my complaint as I am now able to carry on with my course which is something I have always wanted to do."

<http://www.oiahe.org.uk/docs/OIA-Open-Forum-May-15-2008.pdf>.

The Open Forum is now a regular feature of the OIA's outreach programme.



notes of what has been discussed. Informal resolution is to be encouraged wherever possible, while recognising when it is appropriate to engage with more formal procedures. Those present were keen to take back information to their own institutions about the various different models for informal resolution and to sell the benefits of resolving matters early on.

The final seminar of the year, “Academic Judgment – exploring its scope”, was held in Reading on 27 November 2008. This was a slightly different event, by invitation only. This allowed the OIA and senior university practitioners the opportunity to tease out the various aspects of academic judgment and how this intersects with the OIA’s remit to review complaints having regard to regulations and procedures, and overall fairness. There were different views about what constitutes an academic judgment and agreement that there were several grey areas. A focused discussion took place, which centred on four main areas that give rise to complaints to the OIA: assessment processes, PhD supervision and examination, extenuating or mitigating circumstances, and academic misconduct and fitness to practise. It was agreed that there needs to be clarity of purpose and criteria for assessment and that students should know what to expect. Examination Board minutes need to be adequate to provide an audit trail, particularly where special circumstances have been considered.

Those attending considered that there are both benefits and disadvantages of having PhD vivas recorded or held in public but in any event there is a need to be able to demonstrate procedural fairness. Academic staff may need training in giving honest and open feedback,

particularly to PhD students. The OIA has seen several cases where students have been allowed to continue with their studies even though there are concerns about their academic progress. Where these are not communicated to the student there are likely to be grounds for the OIA to uphold the student’s complaint. Although the existence of plagiarism will usually be for an academic to decide, plagiarism guidance and the basis for awarding penalties needs to be made clear and to operate fairly. Few institutions have a requirement for “intent”, which can be very difficult to prove. Professional judgment and academic judgment are not necessarily the same and fitness to practise procedures must also operate fairly. There can sometimes be a tension between university requirements and those of the professional body and students must be helped to understand the additional requirements placed upon them when they are studying for a professional qualification.

The Higher Education Advisory Panel

The OIA was delighted with the response to the request for expressions of interest in serving on the new Advisory Panel. Over 40 high calibre applications were received from across the sector.

Professor Avrom Sherr, Woolf Professor of Legal Education and Director of the Institute of Advanced Legal Studies at the University of London, was appointed Chair of the Advisory Panel. Professor Sherr has a distinguished track record in the area of professional regulation and alternative dispute resolution. The other panel members appointed, all leaders in their field, are Huw Morris, Academic Registrar at Swansea



University and Chair of the Academic Registrars Council's Special Practitioner Group for complaints and appeals; Janet Pugh, Educational Quality Coordinator at the University of Southampton; Mike Ratcliffe, Director of Academic and Student Affairs at Oxford Brookes University; Joanna Smith, Senior Adviser Union of Brunel Students; Geoff Stoakes, Vice Principal and Deputy Chief Executive of University College Plymouth St. Mark and St. John; and Andrew West, Director of Student Services at the University of Sheffield.

Panel members will advise OIA staff on an ad hoc basis about issues of practice in higher education arising from student complaints. Panel members may be approached individually or be asked to give a collective view. Members will not have any operational involvement nor will they see individual cases, either collectively or as individuals. Adjudication decisions will remain the sole responsibility of the staff team.

"I would like to take this opportunity to thank you for the obvious amount of time you have taken to investigate our complaint. We are, of course, disappointed with the outcome but at least feel we have pursued all possible routes..."



Case summaries

Academic appeals and assessments

CASE 1

Issues/Key words: Substandard teaching, appeal procedures not completed, assessment not following published procedures, delays

Outcome: Justified

Summary of case: S was on a 3 year degree course for which each set of assessments counted to the overall degree classification. In the first year 2004 – 2005 he and the majority of the cohort complained about the quality of the teaching on one module. The University assured the students that this would be considered at the Examination Board. Nothing further was communicated to the students. In his final year S was on the borderline for a 2.2/2.1 classification of degree and was invited to a viva. S attended the viva but it was not conducted in line with the published procedures. S was awarded a 2.2. S submitted an academic appeal about the degree classification which was rejected by the University.

Reasons: The OIA found that the complaints about the academic year 2004 – 2005 had not been investigated punctually and appropriately. The OIA also found that the viva procedures had not been followed and that this had disadvantaged S. There were also

delays throughout the University's procedures and this continued during the OIA's review in the provision of responses by the University.

Recommendations:


- That the University should offer £3,500 for the detrimental effects on S consequent on the University's mistakes and delays.

CASE 2

Issues/Key words: University accommodation, mitigating circumstances, academic appeal, degree classification borderline

Outcome: Justified

Summary of case: S was in her third year and returned to the University's halls of residence to take her finals and complete her dissertation. The University had not informed her that major building works would be taking place around her accommodation. This work was very noisy and took place many hours of each day and seven days a week. S complained to the University throughout the academic year that it was disrupting her academic work. The



University eventually moved the student to a quieter accommodation block in the last term. S appealed to the University when her marks were only 0.5% below the 2.1 threshold. The University said that it would have considered it as a mitigating circumstances claim had the student made a formal application earlier but that it was not willing to accept an appeal based on mitigating circumstances at this stage.

Reasons: The clear communications by S to the University should have been accepted as a mitigating circumstances application or she should have been advised to submit a formal application.

Recommendations:

- That the case be referred back to the Examination Board to consider the mitigating circumstances.

The University accepted the OIA's recommendation and the degree classification of S was reconsidered in the light of the mitigating circumstances. She was subsequently awarded a 2.1.

CASE 3

Issues/Key words: Academic appeal, complaint about inadequate supervision, maladministration


Outcome: Not Justified

Summary of case: S was an MBA student who was withdrawn from her programme of study following two unsuccessful attempts at her dissertation. She appealed against the deregistration decision on the ground that she had received inadequate supervision whilst enrolled on the course. The appeal was dismissed by both Appeal Panels convened under stage one and two of the University's Appeals Procedures. Both Panels found that there was no evidence to support the contention that the supervision S received was inadequate. On the contrary, the Panels found that the documentation provided by the Department demonstrated that S had received supervision in accordance with the programme guidelines.

S complained to the OIA that the University's finding that she had received appropriate supervision was unreasonable and that there were procedural defects in the hearing of her appeal.

Reasons: The OIA found that the supervision S received was comparable to that provided to other students resubmitting their dissertation at the same time. The supervision record kept by the supervisor also showed that she had received supervision in excess of the guideline amount set out in the Programme Handbook. Whether the supervision was adequate or not was a matter for the University's academic judgment.

S was not provided with copies of reports prepared by the School prior to her first appeal hearing and this was a procedural defect.



However, the appeal on this ground was accepted by the University and she was provided with copies of the reports prior to the second stage appeal and was able to make representations in response to them. In the circumstances of this case the student had not been materially disadvantaged by the omission. However, the OIA suggested that the University review its procedures to ensure all documentation to be considered by an appeal panel is provided to the student in advance.

CASE 4

Issues/Key words: Mitigating circumstances, disability

Outcome: Not Justified


Summary of case: S suffered from an eating disorder which he attempted to overcome in his second and third years at University. He was registered on a combined degree which encompassed modules provided by different departments. His yearly results therefore had to be considered by the exam boards of two departments before they were finally determined by the exam board for his course.

In his second and third years, S submitted a mitigating circumstances claim to the two departments detailing the effects of his illness on his

academic performance. Contrary to procedure, he did not send the claim to his course department. His course exam board asked the other two departments to forward a copy of the claims to it. This did not happen. S also suffered two panic attacks in one of his final exams causing him to leave the room each time. However, he did not include this in his mitigating circumstances claim.

S was awarded a third class degree against which he appealed on the basis that the mitigating circumstances claims did not reflect the difficulties of his illness; he also mentioned the panic attacks. The appeal was upheld because the course exam board did not receive the mitigating circumstances claims from the other two departments, and was referred back to the course exam board for reconsideration. The exam board reconsidered the case but did not change S's marks. It found that S had not raised the panic attacks in his mitigating circumstances claim, contrary to procedures, there was no supporting medical evidence, and there was no clear evidence of work at a lower second degree level.

S escalated the appeal on the basis that the reconsidering exam board did not take into account his panic attacks in the one exam which he thought was pivotal to obtaining a higher degree class. The appeal committee reviewed the invigilators' report for the exam in question and found no reported incidents of panic attacks. It also found that there was no procedural irregularity in the exam board's reconsideration of the results. It therefore rejected the appeal.



Reasons: The OIA did not uphold this complaint. Although the OIA was critical of the University for some aspects of the course exam board's reconsideration of the case, it found that there was no procedural irregularity and the reasons given for not awarding a higher degree were reasonable in the circumstances and in line with the procedures. The OIA also looked at the second appeal and found that there was no procedural irregularity and that, in the absence of medical evidence from S, it was reasonable for the University to rely on its own evidence, that there were no reported panic attacks in the exam.

CASE 5

Issues/Key words: Mitigating circumstances, industrial action affecting format of examinations, bias

Outcome: Not Justified

Summary of case: S was registered on a 4 year degree from 2002 to 2006. He received a lower second classification of degree in 2006. He appealed against his degree classification on the basis that he was not satisfied that the University had taken his third year mitigating circumstances fully into account and that the arrangements for vivas, in borderline classification cases, had been affected by the industrial action of lecturers in May 2006. This file

was received by the OIA along with the first Completion of Procedures letter in July 2007.

During the course of correspondence the University offered to take the matter back for a full consideration of all of the mitigating circumstances. The University organised a new Board of Examiners, with the addition of two fresh external examiners, to consider the matter. The Board examined the evidence along with comprehensive statistical evidence showing S's results compared with the rest of the cohort. The Board reconfirmed the previous decision that S had achieved a lower second classification of degree.

The University issued a second Completion of Procedures letter. This was received by the OIA in 2008. During the second consideration several emails within the Faculty had referred to the '*never-ending case of S*'. S became aware of these emails after he made a Data Protection Act request. S asked the OIA to review his case on the basis of the grounds that he had previously cited plus bias on the part of the Faculty in referring to him in a rude and unprofessional manner.

Reasons: The question as to which degree classification a student's academic profile warrants comes down to a question of academic judgment, which is beyond the remit of the OIA. Dissatisfaction with a degree result does not amount to proof of bias. The mitigating circumstances raised before the Board were considered and classified as minor. The OIA did not consider that decision to be unreasonable.

Furthermore, once mitigating circumstances have been disclosed and considered, the manner in which they have been classified cannot be challenged under the Academic Appeals procedure. Finally, there was no evidence that S had been materially disadvantaged by the emails he had objected to.

CASE 6

Issues/Key words: Losing assignments, service levels

Outcome: Partly Justified

Summary of case: S worked part time and was also registered on a part time course. He submitted, and obtained receipts for, two assignments and sat a computer based test. The University lost the assignments and had no record of him sitting the test. He was therefore not eligible to receive his award and he was required to resit the test and resubmit the assignments. In the meantime, his computer became corrupt and he lost his back-up copy assignments. After the course ended, S was working full time and said he was unable to devote the time to preparing assignments and taking the test.

S asked the OIA to review whether the University's decision to require him to resubmit the assignments and retake the test was reasonable in the circumstances.

Reasons: The OIA found it reasonable for the University to require him to retake the test and resubmit the assignments as there was no evidence otherwise that S was of a sufficient standard to achieve that award. The OIA found it unreasonable for the University to lose two assignments, regardless of S's obligation to keep a back-up copy. There was no evidence one way or another whether S had attended the test.

Recommendations:

- The University should offer to pay S the sum of £600 and to allow S to resubmit the missing assignments and retake the test.


Contractual issues

CASE 7

Issues/Key words: Misrepresentation of qualification

Outcome: Not Justified

Summary of case: S wanted to enrol on a part time Masters course. He had no recent academic qualifications and was advised that he could enrol on a graduate diploma with the possibility of a transfer to the Masters award if he demonstrated his skills by achieving very good marks in his first two modules. S did not achieve the required



marks and asked about the possibility of progression on various occasions subsequently, without success. When S completed the award he complained to the University that it had misrepresented the award to him and that he had no better level of qualifications than when he started. S also complained that the University had not treated him with respect.

Reasons: The University had been clear and courteous to S throughout the communications about the criteria for obtaining progression to the masters and the appeals process.

Disability

CASE 8

Issues/Key words: Disability Discrimination Act, fitness to practise

Outcome: Not Justified

Summary of case: S had failed the first year of a medical degree. He was allowed a second opportunity with adjustments for his medical condition (arthritis). He failed the second attempt and was permitted a final attempt after a successful academic appeal. More adjustments were put in place for the outstanding assessments after interviewing S for his feedback as to his needs. S failed the final attempt.

Reasons: The OIA does not make findings of disability discrimination but has regard to the relevant law and guidance when deciding whether a university has acted reasonably and fairly. Here the University was able to show that it had made reasonable adjustments for S's disability based on his needs assessment and feedback.

Disciplinary matters

CASE 9

Issues/Key words: Breach of natural justice (the duty to act fairly)

Outcome: Justified

Summary of case: S was registered on a one year postgraduate vocational course. The University ordered an investigation into possible misconduct with another student in relation to an assessment. The investigation concluded that the degree of similarity between the two scripts gave rise to a strong suspicion that the candidates had colluded or one had copied the work of the other. Both candidates denied that there had been any collusion, claiming that the work was their own and that the similarities could only be explained by the other candidate having surreptitiously made a copy of their work. S who was a foreign student had returned home and needed time to make travel

arrangements to attend the University's Disciplinary Panel hearing. The other student asked for the hearing to be held as soon as possible as she was starting a job which required certification of her results. The University held the Disciplinary Panel hearing against her without S being present and ruled that there was no case to answer. A month later the Disciplinary Panel hearing against S was held and the Disciplinary Panel found him guilty of cheating.

S complained to the OIA that he had not been given a fair hearing.

Reasons: The Disciplinary Panel had decided that they believed the other student's version of events before hearing S's case and without letting him comment on her evidence. The hearings were not held in accordance with the principle of natural justice that proceedings should be conducted so they are fair to all parties.

Recommendations:

- That the University refer the case back to the University's Appeal Panel with the recommendation that it:
 - Quash the Disciplinary Panel's decision against him,
 - Recommends to the School Assessment Board that he be awarded the mark he would have been awarded for the assessment had the enquiry into possible misconduct with another candidate not been ordered and be certified as having completed the course,
 - Reports the outcome of the OIA's review to the relevant professional body.


CASE 10

Issues/Key words: Academic misconduct, postgraduate

Outcome: Justified

Summary of case: S was registered on a postgraduate course and was due to take two exams on different days. S says that he attended those exams but his name was not shown on the attendance record. A day after the second exam, a tutor said that a person handed him an exam script which he found lying in another room. A few moments later, the same man approached the tutor to say he had found another exam script. Both exam scripts belonged to S but were completed on exam booklets which were not used in the exams. An Exam Attendance Slip signed by S was sent through the internal post to the Registry by an unknown person. Attendance slips were usually collected by the invigilators at the end of the exams.

The University requested a meeting with S to gain the benefit of any insight he may have into the anomalies but confirmed that there were no allegations against him. The University sent S some but not all of the evidence in advance of the meeting. After the meeting, S was informed that the meeting was an Academic Misconduct Panel, that it believed S had breached the University's Regulations and that he was excluded from his course.



The Award Board confirmed his exclusion and S appealed against the decision on the basis that the University had not properly investigated the matter and failed to apply the correct standard of proof. The University said that S could appeal to the Board of Governors. The appeal was not upheld as he had not established the grounds for appeal.

S complained to the OIA that the University had unfairly handled his case in that he had been told there was no allegations made against him but then found out that the meeting he went to was an Academic Misconduct hearing.

Reasons: The OIA found that the University had not followed its Academic Misconduct procedures by not informing S of the allegations against him and stating that there were no allegations against him, by not providing him with all the evidence in advance, by not informing him that he could bring evidence to counter the allegations and by not allowing S to escalate his case to an independent Stage 2 hearing before bringing his appeal to the Board of Governors.

Recommendations:

- The OIA recommended that the University offers to rehear the case against S in accordance with the Academic Misconduct Regulations.

CASE 11

Issues/Key words: Disciplinary

Outcome: Not Justified

Summary of case: S was a first year student who became friends with another student, R, on commencing his course and accompanied his friend in a series of violent incidents at the University which included the sexual harassment of female students. Both students were taken through the University disciplinary procedure and admitted the incidents although S blamed R for initiating the behaviour. Both students were expelled from the University. S appealed to the University, he said that as he was only an accomplice he should have received a lesser punishment than R.

Reasons: The penalty was within the discretionary range available to the University and the decision to expel was reasonable in all the circumstances.

CASE 12

Issues/Key words: Disciplinary matter, harassment, mental health

Outcome: Partly Justified

Summary of case: Following allegations made by another student that S had harassed her, the University wrote to S suspending him pending further investigation. The suspension letter was issued just before the weekend and advised S to make contact 'as soon as possible' if he wished to object to the suspension. S requested a meeting on the next working day which was refused and he was offered an appointment the following day.

After receipt of the suspension letter, it appears that S conducted himself in a way that caused concern for his welfare and that of others. S had a past history of mental health difficulties including threats of serious self-harm.

The suspension was lifted after 4 days, once the University had completed its initial enquiries. S complained about the University's actions in suspending him before he had been given an opportunity to respond to the allegations. He also complained that the handling of his suspension was not even-handed, and that it had impacted upon his mental health and well-being. He considered that the other student should also have been suspended.

The University rejected the complaint. In doing so it did not address that part of the complaint which referred to general concerns about the way his suspension was handled.

Reasons: The OIA found that the University had acted reasonably and in accordance with its procedures in suspending S, in view of its duty of care to the other student. The OIA found the complaint Partly Justified, however, in respect of shortcomings in the handling of his suspension and a lack of consideration for his support needs throughout the process. Information about the vulnerability of S should have triggered concern about his welfare, as well as concern about the safety of others, and should have prompted the University to seek advice from suitably skilled advisers at an earlier stage. The OIA was critical of the content and tone of the suspension letter issued to S which took little account of these issues, and was also critical of the different tone of communications to the victim and to S as the alleged perpetrator.

Recommendations:

- The University should review its practice and procedures in relation to suspension of students with a view to ensuring that: the support needs of an alleged perpetrator who is thought to be mentally vulnerable are proactively considered, drawing upon appropriate specialist expertise.
- Compensation of £200.



Entitlement to Scholarship

CASE 13

Issues/Key words: Assessment of qualifications

Outcome: Not Justified

Summary of case: S was a first year student from Sweden, studying Bio-Chemistry, who received details of a Scholarship scheme after she arrived at the University. A mark equivalent to AAB at A level was required for an award. S had matriculated with the Swedish Slutbetyg and had achieved a mark of VG overall. S submitted an application for the Scholarship which the University rejected. S referred the case to the OIA, on the basis that she believed that the University did not understand how her qualification should be calculated against A Levels. S's mark of VG was shown as being equivalent to a range of marks from BBC to AAB while she believed it was always equivalent to the higher end of the scale.

Reasons: There is no direct equivalence between Swedish qualifications and United Kingdom qualifications. The OIA found that the University used its academic judgment, based on the expert advice of NARIC (the National Agency responsible for providing information and advice about vocational, academic and professional skills and qualifications from all over the world), to calculate a band

of equivalences suitable for admissions and for the award of scholarships. This included considering S's scores in separate subjects, relevant to her degree, as well as the overall score.

Fitness to Practise

CASE 14

Issues/Key words: PGCE, excessive penalty, fitness to practise

Outcome: Justified

Summary of case: S was a postgraduate student on the PGCE course at the University. He passed all his written assessments and teaching placements until the final placement. The Board of Examiners terminated his studies with no opportunity for re-assessment on the basis that he had failed to respond appropriately to support offered by the University. At the time, the University did not have a Fitness to Practise Committee and relevant procedure. It used a Neglect of Academic Obligations regulation to terminate S's studies.

Reasons: The University did not follow the procedure in the regulation correctly and S was not notified in writing of the alleged neglect and was not given an opportunity to make representations about it. The OIA found that the University had denied S the chance to know the

case against him and to answer it. The Board of Examiners recommended the most severe penalty available to them which the OIA considered to be excessive.

Recommendations:

- The University to review the circumstances and if, following that review, it decides to refer S to the Board of Examiners in respect of Neglect of Academic Obligations, it should ensure that the proper procedure is followed.
- As an alternative, it was suggested that the University might offer S a repeat teaching placement.
- The University should offer to pay S compensation in the sum of £500.

Maladministration

CASE 15

Issues/Key words: Maladministration, delays, provision of an inadequate remedy

Outcome: Justified

Summary of case: S was on a 3 year degree course with a second year abroad on a University organised exchange scheme. The

University threatened to de-register S while he was abroad as it had recorded his status incorrectly at the Academic Registry. S contacted the University and attempted to update his record. Unfortunately, due to the University's mistakes he could not enrol on the third year modules in which he wished to specialise nor on the dissertation for which he had already commenced his research. S complained to the University throughout the final academic year and in particular after he achieved a 2.1 overall in his third year. S's profile had indicated that he was a first class standard at the end of his second year. S appealed on the basis of the disadvantages that he suffered throughout the third year studying subjects that he had not chosen.

The University investigated the case and identified that there had been failings on the part of the University but it did not offer a remedy to S. There were delays throughout the University's investigations and subsequent significant delays in the provision of documentation once the case was referred to the OIA.

Reasons: The OIA found that there had been maladministration which had affected S and that while the University had acknowledged this point it had not offered a remedy. There were also delays throughout the University's procedures and this continued during the OIA's review in the provision of responses by the University.

Recommendations:

- That the University should offer to pay S £5,000 for the

detrimental effects of the University's mistakes and delays.

- That S and the University should agree a reference which acknowledged that due to the University's maladministration S had not received the support that he should have expected in his second and third years.
- That the University should review the administrative procedures for the year abroad and for the complaints system and that the University should report back to the OIA once these reviews had been completed.

Postgraduate issues

CASE 16

Issues/Key words: PhD examination, academic judgment

Outcome: Not Justified

Summary of case: S first registered at the University in 1992 studying for a PhD. His thesis was first examined in 1996, and again in 2002. After an appeal, the thesis was again re-examined in 2004, when S was recommended for the award of MPhil subject to some minor amendments to the thesis. S appealed again. An Appeals Panel concluded that there had been some procedural irregularities in the conduct of the 2004 viva, but that S had not

been disadvantaged by them. S pursued his appeal and at the final stage a detail review was conducted by a senior member of the Vice-Chancellor's team. That review concluded that there was no case to answer and that the University would not be allowing a further appeal.

S complained to the OIA about the University's decision and asked the OIA to consider issues about how the 2004 viva had been conducted.

The OIA's review pointed out that although it appeared that it was S's view that his thesis was worthy of a PhD, this was a matter of academic judgment, and that if he was successful in his appeal to the University (and indeed his complaint to the OIA) the outcome could only be the re-examination of his thesis rather than the award of the PhD. The OIA concluded that the University's decision that S had not been disadvantaged by procedural irregularities was not unreasonable, although the OIA criticised the University for lack of information in its procedures as to the conduct of its appeal proceedings and whether the student could call witnesses.

In the course of the review, the University indicated that although S had not resubmitted his thesis within the time limits, it would be prepared to offer him an MPhil subject to amendments. The OIA's decision was hopeful that S would feel able to accept this offer. After receiving the draft decision, S indicated that he accepted the OIA's findings.

Reasons: S was not materially disadvantaged by procedural irregularities. The decision on whether the thesis merited a PhD was a matter of academic judgment.

Recommendations:

- None, but the OIA suggested that the University review its procedures because of a lack of information in its appeal regulations as to the conduct of proceedings at a meeting of the Appeals Committee and as to whether a student might call witnesses.

CASE 17

Issues/Key words: PhD Supervision, academic piracy

Outcome: Partly Justified

Summary of case: S was studying for a PhD. She had had a sexual relationship with her supervisor, the nature of which was disputed but which the supervisor alleged was consensual. The supervisor did not declare the relationship, contrary to the University's policy on consensual relationships. After the relationship had ended, S accused the supervisor of poor supervision, bullying and harassment, and of passing off her work as his own. There were delays in the HEI's investigation of the complaint. The HEI identified some procedural

shortcomings but did not uphold the substantive complaints of bullying and academic piracy. It offered compensation for the procedural shortcomings and delays in the investigation.

Reasons: The HEI had failed to keep adequate records of supervision. It ought to have taken early action to change the supervision arrangements. It discouraged S from bringing her complaint and delayed in its investigations.

Recommendations:


- To support S in her efforts to continue with her PhD at another institution;
- To pay compensation of £8,000 in respect of her lost opportunity to complete the PhD at the HEI; and
- To pay compensation of £1,500 for the distress caused by the serious delays identified.

Student complaints procedure

CASE 18

Issues/Key words: Delays progressing complaint, delays in responding to OIA, First Stage Formal Decision

Outcome: Justified



Summary of case: S made a formal complaint; however the University did not respond until almost a year later. The complaint was then at the second stage of the formal procedures. S followed this up and requested that a Completion of Procedures letter be issued if the University could not deal with his complaint expeditiously. S submitted a Scheme Application Form to the OIA, stating that he had been unable to obtain a Completion of Procedures letter and asking the OIA to intervene.

As the University was still considering his complaint, the OIA agreed to allow the University an additional three months to complete its investigation. No further progress was made and therefore the OIA exceptionally accepted this complaint without a Completion of Procedures letter.

The OIA then requested information from the University; however four months later the University had not provided this in full. Under Rule 6.4 the parties are expected to comply promptly with reasonable requests for information.

The OIA exceptionally issued a “First Stage Formal Decision” after which further information was supplied by the University and a Formal Decision was later issued on the substantive matters of the complaint.

Independently of the OIA investigation, the University changed its procedures to avoid such delays occurring in the future.

Reasons: The University's delays in dealing with the complaint were unreasonable and unfair to S, who had suffered stress and inconvenience as a result of the delays.

Recommendations:

- Compensation of £500.


CASE 19

Issues/Key words: Academic appeal, complaint about internal processes, delay, lack of response

Outcome: Partly Justified

Summary of case: S was awarded a degree with Lower Second Class Honours. In August 2006 she submitted an appeal saying that she was unhappy with the degree classification which the University rejected two months later. S submitted another appeal raising new issues in relation to tutorial support and the treatment of certain students.

The University rejected the appeal but did not address the issue of tutorial support. S submitted a further appeal challenging the University's decision and saying that the issue of tutorial support had not been addressed. The University rejected the appeal but again



failed to address the issue of tutorial support. S submitted a formal complaint to the University about the way that it had handled her appeal. The University appeared to lose its file and did not respond. S raised her complaint again and also raised further issues which had not been included in her appeal. The University apologised for the delay in addressing the complaint and then gave reasons as to why her appeal had not previously been upheld (again not addressing the issue of tutorial support). S complained to the OIA about the handling of her appeal and complaint and the University's failure to address the new issues raised by her in August 2007.

Reasons: It was inappropriate for the University to investigate the further issues raised in August 2007 when considering a complaint about the way it had handled an appeal. However, the University did not fully address the appeal and failed to satisfactorily investigate the subsequent complaint in a timely and thorough manner.

Recommendations:

- Compensation of £400.
- The University to review its appeals and complaints procedures.
- The University to ensure that its staff are appropriately trained on the appeals and complaints procedures.

CASE 20


Issues/Key words: Pre-course information, on-course advice, complaint about internal processes, delay

Outcome: Partly Justified

Summary of case: S wished to enrol on an MSc course and accepted an offer of a place on the MSc on the basis that he first took a preliminary stage. That stage required him to pass the first three units at the first attempt before he could progress to the rest of the course. He failed one of the first three units and sought advice as to whether he could write off his first attempt and get back on track for the MSc.

He was then wrongly advised that he could retake the failed unit at a later date. He subsequently paid for and took further units. He was advised a year later that he could not obtain the MSc because he had failed his first attempt at one of the first three units.

He complained informally to his department but he received no response, despite chasing the matter up for 8 months. Four months further on, he submitted a formal complaint to the University. The University accepted that it had failed to address his informal complaint and offered him a chance to progress on the course.



However, S and the University could not reach agreement over the timetable of the course.


S complained to the OIA that the implications of the preliminary stage had not been explained to him, that incorrect advice had led him to pay for further units unnecessarily and that the University had inadequately dealt with his complaint.

Reasons: S was adequately advised about the preliminary stage, but given wrong advice which led to him purchasing the further units and his complaint was not dealt with properly.

Recommendations:

- Compensation of £3750, including an amount to account for the units S had paid for unnecessarily on the basis of the University's inaccurate advice.
- The University to review staff training in relation to its complaints procedures.

"...I was deeply touched by the respect for fairness and justice that transpires throughout the document that you just sent me, and that I could not have asked for a more thorough consideration of this case or for a more discriminating analysis of the evidence at hand, for which I am truly grateful."



"Your organisation really does have a huge impact upon the lives of students in positions like myself; without you, we would not be able to have such procedural errors addressed and rectified."



OIA complaints statistics

The presentation of complaints statistics is developed this year to set OIA data in the context of overall student numbers in HEIs in England and Wales, and to focus attention on the actual numbers of complaints received rather than only those eventually considered eligible under the Scheme.

First, the total number of complaints received on Scheme Application Forms is a reflection of student awareness of the Scheme and the numbers who wish to use it. While the year-on-year rise in the number of complaints received continued in 2008 (900 compared to 586 in 2006), this still represents a tiny proportion of the 1.9 million student enrolments in HEIs in England and Wales. At the same time, it is important to understand that the OIA can only receive complaints once a student has exhausted internal university processes. This means that the numbers of students complaining about 'acts or omissions' of HEIs is substantially higher, perhaps by a factor of ten, although, at present, data for total numbers of complaints against HEIs addressed internally is not available.

"Thank you for your objectivity and professionalism. I know in the larger scheme of things, these matters are not of great importance but it means a lot to me that I was finally heard."

Second, focusing on the number of Scheme Application Forms reflects both the trend in student use of the Scheme and the consequent OIA workload. A substantial amount of work takes place in reviewing the information provided to the OIA by students in Scheme Application Forms in order to determine whether a complaint is eligible under the Rules to review. Sometimes this requires case-handlers to ask the student or the HEI questions about the complaint before eligibility can be determined.

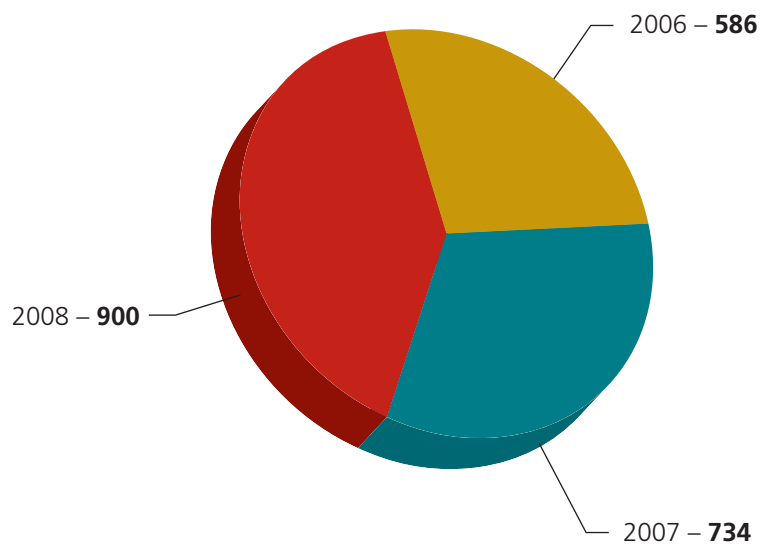
Enquiries

Our Enquiries Team dealt with over 800 pre-complaint enquiries from students in 2008, a 3 per cent increase over 2007. We also received over 150 enquiries from universities, students' unions and the media.

Most enquiries were telephone calls which OIA staff were able to deal with immediately. A number of enquiries received were in letter or e-mail format and required a written response. The great majority of enquiries were responded to within 2 days. As in previous years most enquiries were from students wanting to know more about how the Scheme works or whether a complaint was eligible under OIA Rules.

CHART 1

NUMBER OF COMPLAINTS RECEIVED PER YEAR



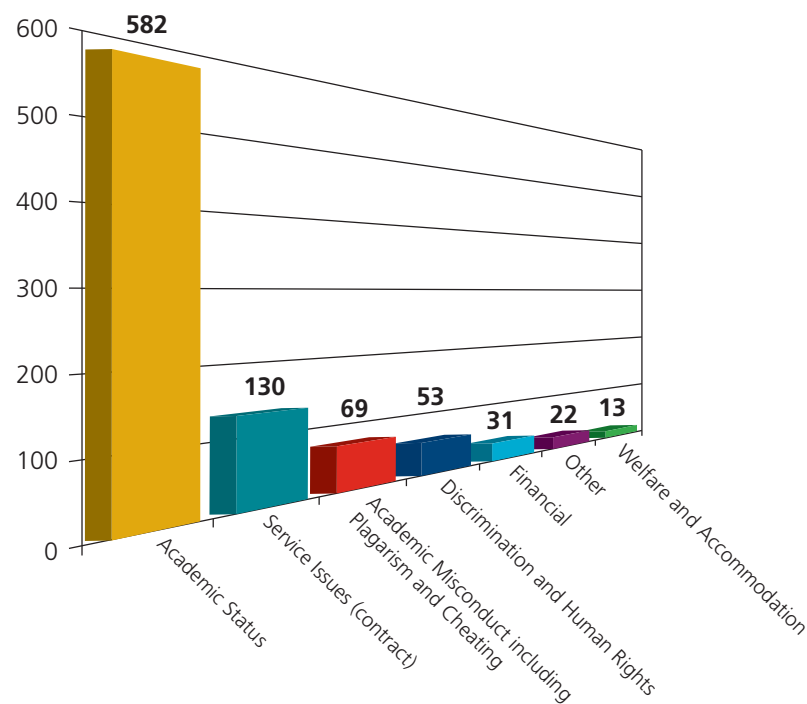
Complaints

In 2008 the OIA received 900 complaints from students. This is a rise of 23 per cent compared to 2007, and represents a significant increase in workload. The number of complaints received since 2006 is shown above.

Of the complaints received in 2008, 65 per cent concerned academic status, that is to say, issues outside 'academic judgment' but related to academic appeals, assessments and grades. This is a similar percentage to the previous year. The second largest category of complaints were about service issues (e.g. matters related to HEI contractual obligations). The chart below gives a breakdown of the type of complaints received.

CHART 2

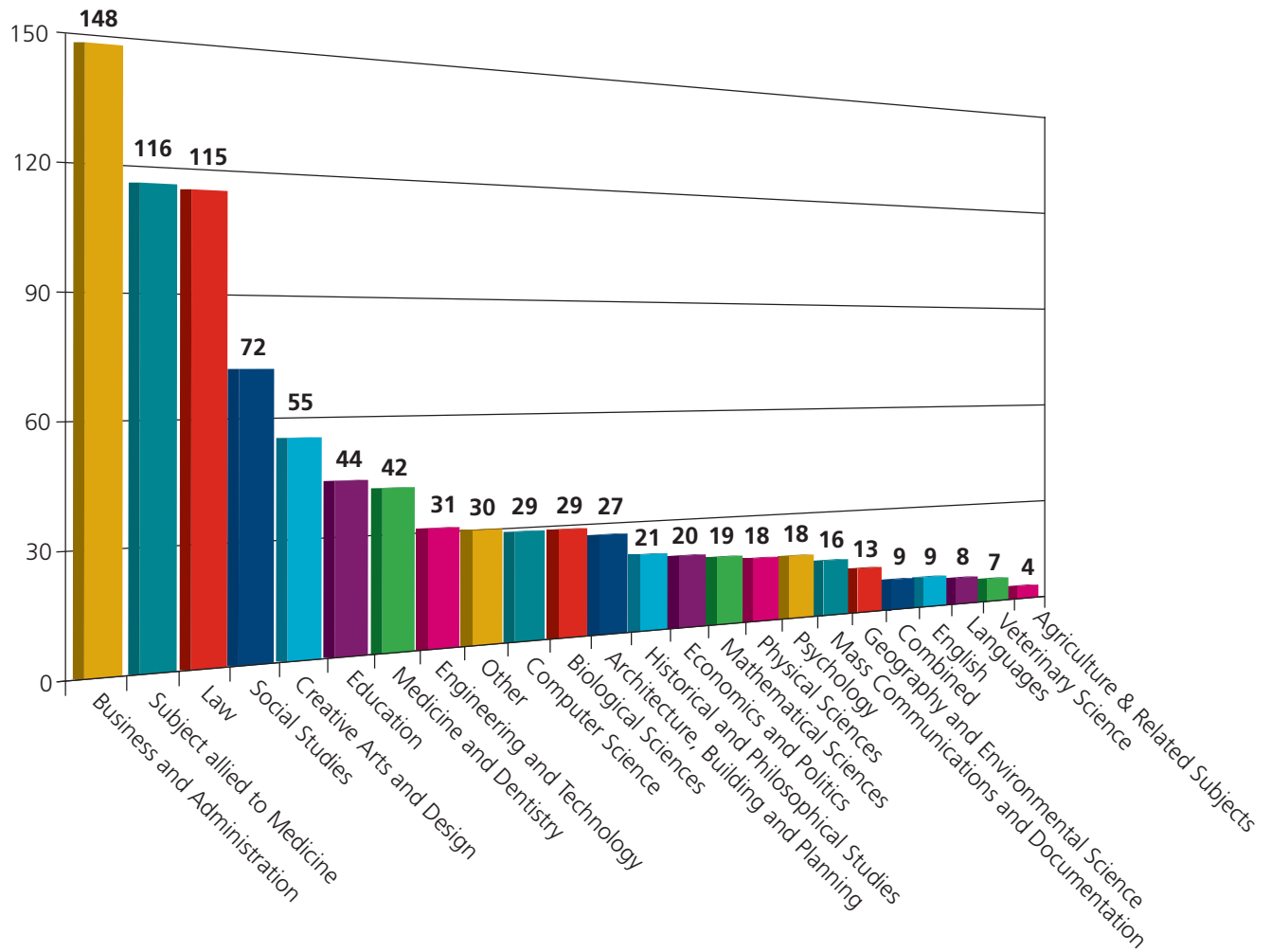
COMPLAINTS RECEIVED BY CATEGORY



The OIA received the largest number of complaints from students on Business and Administrative Studies courses, followed by subjects allied to Medicine and Law. To some extent, the distribution of complaints by numbers reflects subject enrolment in HEIs in England and Wales (there are, for example, only a small number of enrolled Veterinary Science students, which helps to explain the small number of complaints from students studying for that degree). But, additionally, the requirement that students on Medicine related, Law and Education courses must fulfil fitness to practise requirements if they are to pursue vocational careers creates an additional 'hurdle' and is another explanation for the large number of complaints in these subjects.

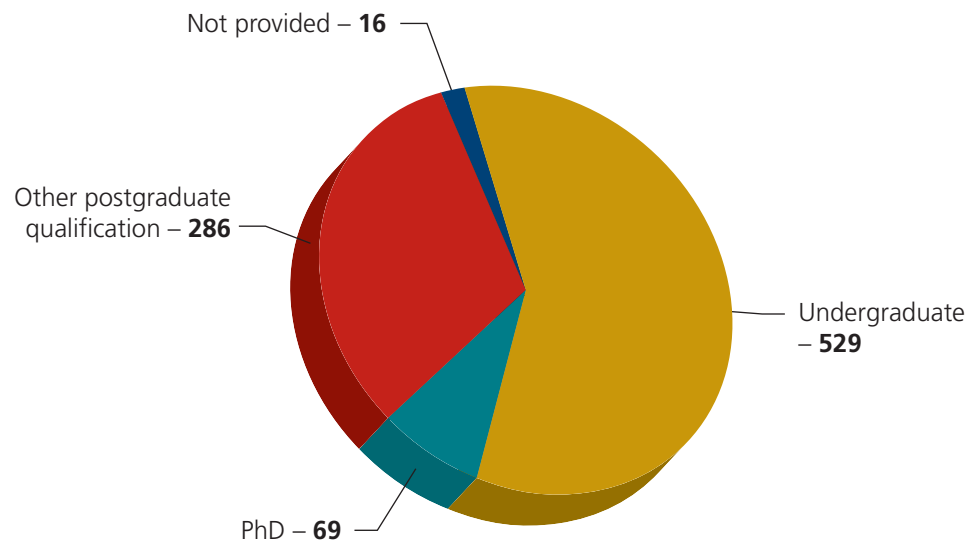
CHART 3

COMPLAINTS BY COURSE TYPE BY JACS REFERENCE



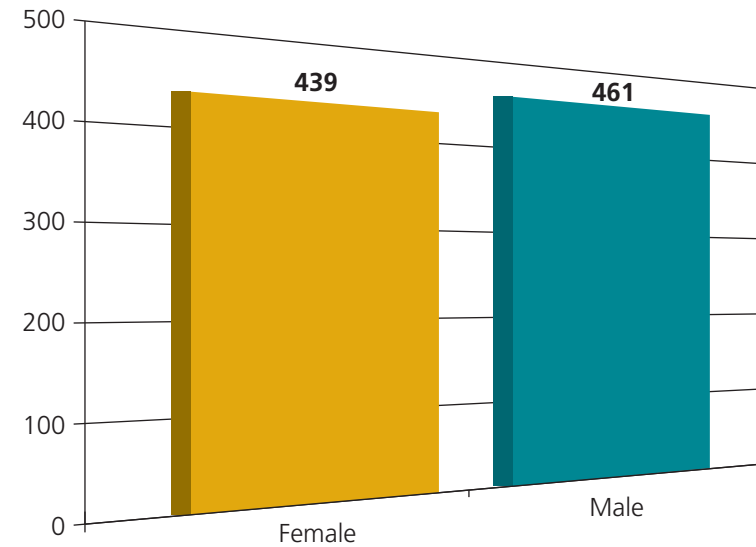
39 per cent of the complaints the OIA received were from postgraduate students. This constitutes an over-representation given that postgraduates studying at HEIs in England and Wales represented (in 2007-8) 22 per cent of enrolments¹.

CHART 4
COMPLAINTS BY STUDENT STATUS



439 complaints received were from women and 461 from men. Most of the complaints we received were from complainants in the age category 25-39.

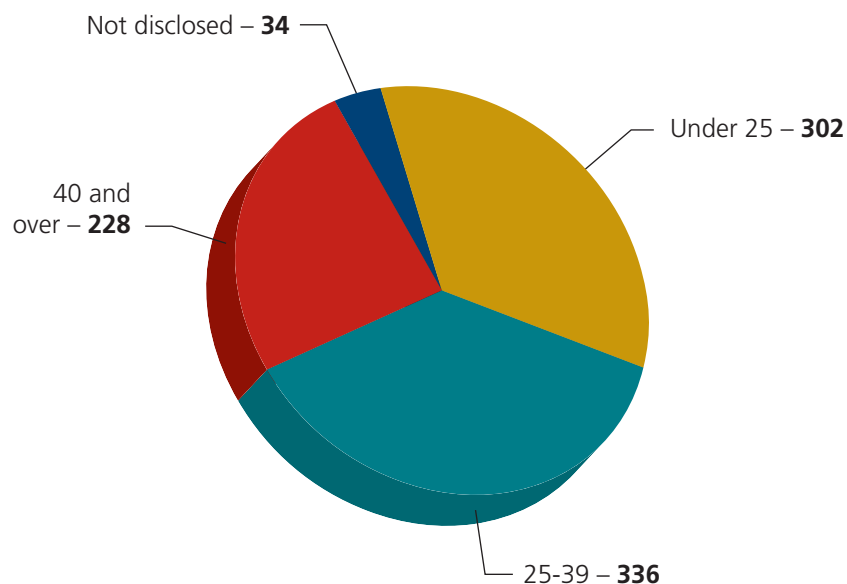
CHART 5
COMPLAINTS RECEIVED BY GENDER



¹ HESA – Table 3a Student enrolments on HE courses by location of institution, mode of study, level of study and subject area, 2007/08, http://www.hesa.ac.uk/dox/pressOffice/sfr130/sfr130r_table3a.pdf

CHART 6

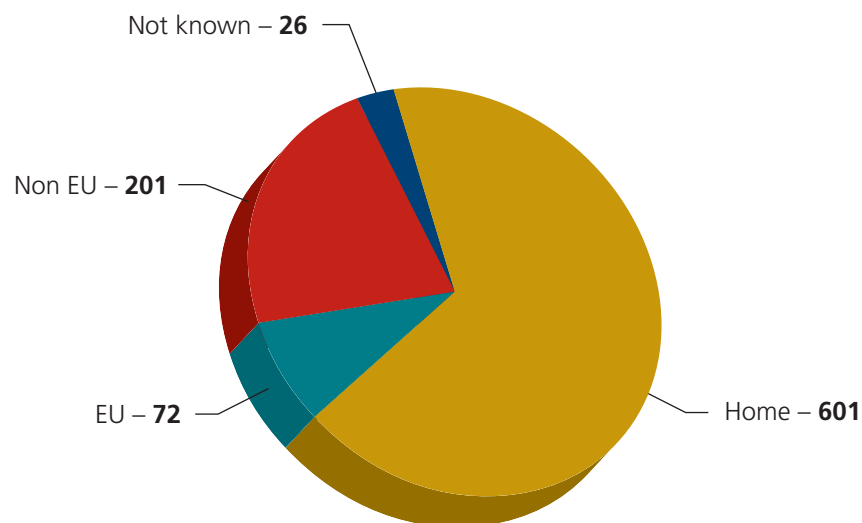
COMPLAINTS BY AGE



Most of the complaints we received were from UK domiciled students (67 per cent) with 8 per cent received from elsewhere in the European Union and 22 per cent coming from international students outside the European Union. Given that international students from outside the EU constitute 10 per cent of students enrolled at English

CHART 7

COMPLAINTS BY FINANCIAL STATUS



and Welsh HEIs these students are significantly more likely to make a complaint than either UK domiciled or EU students in proportion to their numbers². No doubt the differential fee rates for international students compared to UK domiciled students is relevant here.

² HESA – Table 1a All student enrolments on HE courses by location of institution, mode of study and domicile, 2003/04 to 2007/08, http://www.hesa.ac.uk/dox/pressOffice/sfr130/sfr130r_table1a.pdf

TABLE 1

10 MOST COMMON NATIONALITIES OF COMPLAINANTS

Nationality	Number
British	578
Indian	31
Chinese	25
Pakistani	21
Greek	17
Nigerian	16
Irish	14
American	13
Mauritian	10
Italian	9

Eligible complaints

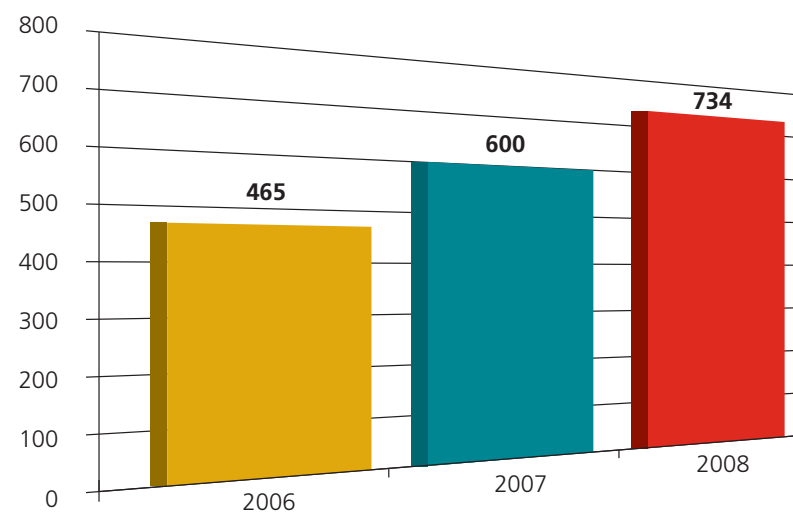
Out of the 900 complaints received, 734 (82 per cent) were judged as eligible for the OIA to Review under the Scheme Rules. This is a 22 per cent increase on the number of eligible complaints in 2007. A small number were settled or withdrawn. The remaining complaints were judged as not eligible for three principal reasons. First, because they were received out of time (not received within 3 months of the issue

of a University Completion of Procedures letter or within 3 years of the substantive events). Secondly, because the internal complaints procedures of the HEI complained about had not been exhausted. Thirdly, because the complaints were solely about ‘academic judgment’ which is beyond the remit of the OIA. We also received a number of complaints about institutions which were not ‘qualifying institutions’ under the Higher Education Act 2004. This issue is currently under consideration in the Pathway Project.

The number of eligible complaints since 2006 is set out in the chart below.

CHART 8

NUMBER OF ELIGIBLE COMPLAINTS PER YEAR

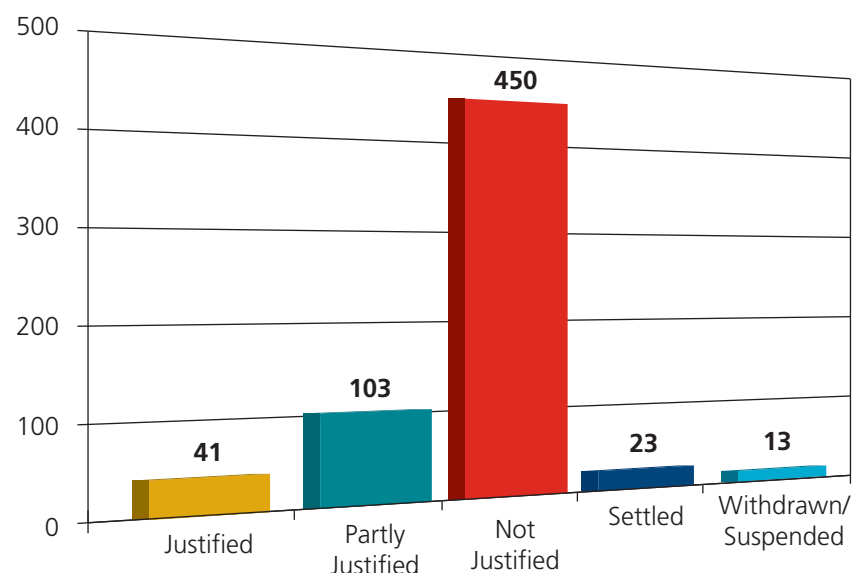


In 2008 the average time taken to determine whether or not a complaint was eligible was 20 working days. The average time taken to deal with an eligible complaint fell to 142 days in 2008. This is a significant and welcome reduction (17 per cent) on the average of 171 days taken in 2007. Almost half of eligible complaints were determined by the OIA Fast Track procedure in 2008. Fast Track complaints are relatively uncomplicated complaints where a student has provided the Office with most of the information needed to make a preliminary decision. As a result, there is no need to request a detailed response from the University. It was disappointing that the number of complaints still open and unresolved began to rise at the end of the year. This was due to case handling capacity lagging behind the growth in complaint numbers. Steps were quickly taken to address this issue by increasing incrementally the number of Assistant Adjudicators employed to review cases.

During the year the Office closed 630 eligible complaints. Some of these will have been received in 2007 as well as 2008. Of the eligible complaints 7 per cent were judged Justified and 16 per cent were Partly Justified. A further 4 per cent of eligible complaints were settled between the parties without the need for a full review with 2 per cent being withdrawn or suspended. 71 per cent of complaints determined in 2008 were found Not Justified.

CHART 9

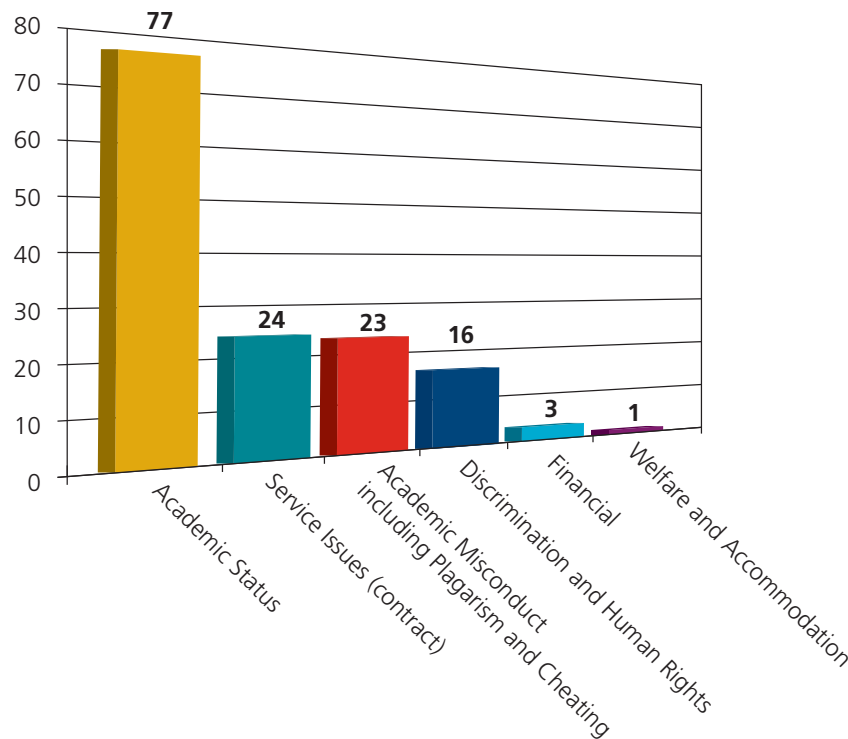
OUTCOME OF ELIGIBLE COMPLAINTS CLOSED IN 2008



The chart below shows the categories of the complaints which were found Justified and Partly Justified.

CHART 10


JUSTIFIED AND PARTLY JUSTIFIED COMPLAINTS BY CATEGORY



The OIA awarded £93,535 in compensation during 2008. This is a lower total than the figure for 2007 (£172,769) but there is no obvious trend here not least because the 2007 total included a number of group complaints where compensation was offered to more than one student in a single case.

Monitoring diversity

When complainants send a Scheme Application Form to the OIA, they are asked to complete and return an Equal Opportunities Monitoring Form. In 2008 118 students completed the form in respect of their ethnic background and 85 students did so in respect of a disability. Clearly, there is more work to be done in convincing complainants of the value of returning a Monitoring Form. On the limited data available, 50 forms were received from 'minority' ethnic complainants. This looks a significant number. With regard to disability, 34 of the complainants who responded recorded a specific learning difficulty e.g. dyslexia. The quantitative study of OIA complainants being conducted in 2009 is designed to provide useful information about the experience of all students including minority ethnic and disabled complainants.



"This is a complex case, which raises difficult legal, ethical and procedural issues. The University is grateful to the OIA for its careful and detailed consideration of the evidence and representations of both parties. There are valuable lessons in the report that will be fed through into a review of the University's fitness to practise regulations and procedures..."

"I would like to take this opportunity to praise the OIA in producing a professional document that is written in an anti-inflammatory and non-aggressive tone."



The Board (as at 31 December 2008)

The Board of Directors has 14 members. Eight are Independent Directors appointed by fair and open competition and with regard to the value and relevance of their skills and experience. One of the Independent Directors is Chair. Six are nominated by the major representative bodies in higher education in England and Wales. They are the Nominated Directors. The representative bodies may also appoint Alternate Directors, to attend Board meetings if their Nominated Director is not available.

Directors are normally appointed for terms of office of three years, which are renewable once so that Directors are eligible to serve a maximum of six years.

Professor Gowar's second term as Chair will end in 2009. A national search was launched at the end of 2008, to appoint his successor under fair and open competition. This resulted in the appointment of **Ram Gidoomal CBE** to succeed Professor Gowar in summer 2009.

Chair

Professor Norman Gowar

Appointed August 2003 (Reappointed 2006); Chair of the Board.

Independent Directors

- **Margaret Doyle** – Appointed November 2005 (Reappointed 2008).
- **Mark Emerton** – Appointed September 2004 (Reappointed 2007).
- **Sophie Holmes** – Appointed March 2005 (Reappointed 2008).
- **Terry Price** – Appointed June 2008.
- **Hugh Smith** – Appointed September 2004 (Reappointed 2007).
- **Dr Cecilia Wells OBE** – Appointed March 2005 (Reappointed 2008).

Deputy Chair of the Board since 2008.

- **Colin Wilby** – Appointed June 2008.

Nominated Directors

- **Ray Burton** – Nominated by the Committee of University Chairs. Appointed April 2007.
- **Gareth Lewis** – Nominated by Higher Education Wales. Appointed August 2003 (Reappointed 2006).
- **Maxine Penlington** – Nominated by the Association of Heads of University Administration. Appointed August 2003 (Reappointed 2006).
- **Aaron Porter** – Nominated by the National Union of Students. Appointed July 2008.
- **Heather Somerfield** – Nominated by Guild HE. Appointed in September 2005 (Reappointed 2008).
- **Professor Michael Thorne** – Nominated by Universities UK. Appointed August 2007.

Alternate Directors

- **Pauline Aldous** – Alternate Director for Guild HE. Appointed May 2007 and as a Nominated Director in March 2009.
- **Alex Bols** – Alternate Director for the National Union of Students. Appointed November 2007.
- **Professor Malcolm Gillies** – Alternate Director for Universities UK. Appointed August 2007.
- **Dr Christopher Turner** – Alternate Director for the Association of Heads of University Administration. Appointed January 2007 and as a Nominated Director from August 2009 for Higher Education Wales.



Staff list (as at April 2009)

Management and Approval Teams

The Independent Adjudicator and Chief Executive – Rob Behrens

Rob has been Independent Adjudicator and Chief Executive of the OIA since May 2008. He was Complaints Commissioner to the Bar Standards Board, regulating the behaviour of barristers in England and Wales between 2006 and 2008. In addition to handling individual complaints, he published a Strategic Review of Complaints and Discipline; a review now fully implemented by the Board. Before that Rob was a Cabinet Office senior Civil Servant and Secretary to the Committee on Standards in Public Life between 2003 and 2006. He joined the Cabinet Office following twelve years as a lecturer in higher education.

Deputy Adjudicator – Mike Reddy

Mike, a non-practising barrister, has worked for the OIA since its inception and was Chief Executive between 2004 and 2008. He leads the Approval Team and is a member of the Management Team. Mike was previously Deputy Banking Ombudsman and before that was a commercial lawyer with a major City of London law firm spending over ten years in the Middle East. He is currently a member of the Bar Standards Board Quality Assurance Committee and the Waterways Ombudsman Committee. He also chairs a school appeal panel and is an accredited mediator.

Chief Operating Officer and Company Secretary – Ben Elger

Ben joined the OIA as its first Chief Operating Officer in September 2008. He combines the role with that of Company Secretary. Ben is a member of the Management Team with key responsibility for finance and human resources management.

Before joining the OIA Ben spent 15 years working with students, for the last 10 years as Chief Executive of Reading University Students' Union, and before that at the Students' Unions at Winchester and South Bank Universities and as National Secretary of NUS.

Senior Assistant Adjudicator – Susanna Reece

Susanna joined the OIA in March 2004. She became a member of the Management Team in 2008 with key responsibility for good practice dissemination, training and mentoring, and the operation of the Higher Education Advisory Panel. She is also a member of the Approval Team. Susanna qualified as a solicitor in 1985 and, after a career in private practice, moved to the Law Society in 1993 to handle complaints about solicitors. From 2001 to 2004 she ran her own consultancy business providing advice and training to professional bodies on, among other things, the handling of complaints and appeals.



Senior Reviewer – Felicity Mitchell

Felicity joined the OIA 2004, and is now Senior Reviewer, having responsibility for legal claims against the OIA, including judicial review. She is a key member of the Approval Team. Felicity was called to the Bar in 1992 and, after some years in private practice, moved to the Banking Ombudsman as an adjudicator. She transferred to the Financial Ombudsman Service in 2001, where she worked as a Casework Manager.



Adjudication Team

Zoë Babb

Zoë joined the OIA in April 2009. Prior to joining she was Statutory Complaints Manager at Wokingham Borough District Council and has had previous roles at the University of Reading including Disability Officer.

Isobel Brown

Isobel has been at the OIA since March 2004 and is now First Contact Manager and an Assistant Adjudicator specialising in eligibility of complaints. Isobel was a secondary school science teacher for eleven years and was Acting Head of Faculty. She was responsible for training student teachers and mentoring newly qualified teachers.

Fiona Draper

Fiona joined the OIA in April 2005 as an Assistant Adjudicator. She now also has responsibility for the allocation of cases to adjudicators. Fiona

qualified as a solicitor in 1977. After a career in private practice, she moved to the Adjudicator's Office in 1996, where she specialised in casework on Inland Revenue complaints, including many complex tax matters.

Julia Hawkins

Julia joined the OIA in April 2009. She has previously worked at the Financial Services Ombudsman and most recently as Special Projects Manager at the Ombudsman for Estate Agents.

Siobhan Hohls

Siobhan joined the OIA in June 2006 as an Assistant Adjudicator. She is a qualified attorney admitted under the rules of the High Court of South Africa. Before moving to the United Kingdom in April 2006 she worked with an established legal firm in South Africa.

Anne Lee

Anne joined the OIA in September 2006 as an Assistant Adjudicator. She is a qualified solicitor and has also worked in Higher Education. She has taught undergraduates and postgraduates as well as having worked in university administration. She has been employed by legal practices, as well as in charities and public sector organisations, in a variety of civil litigation specialisms.



Jo Nuckley

Jo joined the OIA in July 2006 as an Assistant Adjudicator. Before then, she worked at the National Archives as Deputy Data Protection Officer, and then as the Lead Freedom of Information Assessor. Jo decided when information in historic government records could be made available to the public, and had a particular interest in the interaction between FOI and Data Protection legislation.

Claire Oldfield

Claire joined the OIA in April 2008 as an Assistant Adjudicator. She has worked in complaints investigation and management in a variety of different roles in the last 10 years including the Child Support Agency, the Police Complaints Authority and the Office of the Immigration Services Commissioner.

Helena Pell

Helena joined the OIA as an Assistant Adjudicator in March 2008. She qualified as a solicitor in 2000 and has worked in private practice specialising in corporate law.

Chris Pinnell

Chris joined the OIA in December 2007 as an Assistant Adjudicator. He worked for the Office of the Immigration Services Commissioner from its inception in 2001 and helped to introduce and develop many regulatory processes, including its complaints handling procedures.

Niamh Sherwood

Niamh joined the OIA as an Assistant Adjudicator in November 2007. She qualified as a solicitor in Ireland in 1991 before transferring to work as a solicitor in Reading. Niamh was made a partner in 1998 and remained working as a solicitor in private practice until 2007.

Jo Waite

Jo joined the OIA as an Assistant Adjudicator in April 2009. She is a qualified solicitor and previously worked in local government legal services, specialising in public sector contracting and procurement.

Helen Walton

Helen joined the OIA in June 2006. She is a qualified Barrister and Solicitor of the High Court of New Zealand where she practised employment law for several years. From 2005 Helen spent a year in the Client Relations Office of the Law Society of Scotland handling complaints against Scottish Solicitors.

Victoria Woollen

Victoria joined the OIA in March 2004, as an Assistant Adjudicator and leads for the OIA on University visits. She is a qualified solicitor and worked for several years as a commercial property lawyer in a City firm. She lectured in law at a College of Further Education before being appointed a Deputy District Chairman of Social Security Appeal Tribunals in 1997 and is now a Tribunal Judge. She combines this work with her OIA responsibilities.



Enquiries Team

Cheryl Emerton

Cheryl began working at the OIA in March 2004. She is Head of the Enquiries Team and Administration Manager, with key responsibilities in the areas of HR, Finance and IT. Before relocating from South Africa, Cheryl worked as an administration manager for a life insurance company.

Teresa Broad

Teresa is a part time administrator who primarily logs and responds to incoming email enquiries and telephone calls. She also helps to log and consider the initial eligibility of applications received and provides support to home based consultants.

Cheryl Goswell

Cheryl is a part time administrator who deals with telephone enquiries, supports home based consultants and undertakes other office administration tasks.

Florence Irvine

Florence considers initial eligibility of application received and enters the information on to our database. She also deals with telephone enquiries and other administration tasks.

Sandra Reader

Sandra is a part time administrator who ensures the integrity of the entries on our database. She also liaises with HEIs after a recommendation is made on a case.

Jo Smart

Jo is a part time administrator who keeps our point of contact list up to date and supports home based consultants as well as dealing with telephone enquiries. She also collates the satisfaction surveys we receive back from students.

Elizabeth Wilson

Liz joined the OIA April 2008 and considers the initial eligibility of complaints we receive and enters the information on to our database. She also answers telephone and email enquiries as well as giving support to home based consultants and undertaking other administration tasks.

Policy Development and External

Charlotte Corrish

Charlotte is the OIA's first Policy and Media Officer, having joined the Office from the Bar Standards Board in 2008. Charlotte handles all media enquiries and is the key policy officer with responsibility for the logistics and knowledge management of the Pathway Project.

Deborah Thompson

Deborah is Personal Assistant to the Independent Adjudicator and Chief Executive. She manages his office and diary. She also supports the Management Team and the Board and assists the Enquiries Team.

Charlotte Wootton

As Outreach Co-ordinator Charlotte's main responsibilities are organising

the OIA's highly regarded workshop programme and the OIA's regular visits to universities and students' unions.

Home based consultants

Alex Blacknell

Alex joined the OIA as a consultant in March 2008. She qualified as a solicitor in 1992 and worked in private practice handling litigation and disputes resolution until 1995. She was a shadow board member of a Housing Association between 2000 and 2002.

Katie Carter

Katie began work as a consultant for the OIA in March 2007. She worked in further and higher education in the late 1980s and early 1990s. From 1997 to 2005 she was Chief Executive of the UK healthcare regulator, the Joint Committee on Postgraduate Training for General Practice, a body that set standards for and quality-assured GP training.

Tony Drew

Alongside his role with the OIA, which he joined in February 2007, Tony continues to work as a consultant for various public sector organisations carrying out serious incident reviews and investigations into ethical conduct and bullying and harassment issues. Previously, Tony worked as an investigator for the Standards Board for England and the Parliamentary and Health Service Ombudsman.

Craig Knowles

Craig joined the OIA in April 2007 and has been a consultant since February 2009. He is admitted as both a Barrister and Solicitor to the High Court of New Zealand and as a Solicitor in England and Wales. After moving to the United Kingdom, Craig worked for a year at the Lands Tribunal in London developing a staff training programme and undertaking casework.

Sarah Payne


Sarah joined the OIA as an Assistant Adjudicator in March 2004. She qualified as a solicitor in 1996 and worked in litigation for a leading City firm until 2002. She also holds a public appointment as a Member of the Investigating Committee of the General Osteopathic Council and is a trustee and director of the Twins and Multiple Births Association.

Kay Shepherd

Kay joined the OIA as a consultant in 2005. She qualified as a solicitor in 1985, and worked as a litigation partner in private practice until 1991. She then joined the Office of the Banking Ombudsman. In 1999 she became a Tribunal Chairman, having previously sat on Social Security tribunals for two years as a lay member. She currently sits regularly as a Tribunal Judge a role she combines with her responsibilities at OIA.

Dr Patricia Witts

Patricia joined the OIA as a consultant in August 2006. She specialises in dealing with postgraduate complaints. Patricia worked as a solicitor in



private practice and industry before joining the Solicitors Indemnity Fund, where for many years she handled professional negligence claims against solicitors. She has a dual career as a lawyer and a specialist in the iconography of Roman mosaics.

Rufina Wong

Rufina joined the OIA in April 2008. She is a qualified solicitor and previously worked at Mills & Reeve Solicitors where her specialisms included higher education law. Rufina was also the firm's Data Protection and Freedom of Information expert.

"I would like to thank you for your help in this matter and in particular for requesting that the University allow me to see any evidence against me and give me a chance to reply to any accusations of collusion. Hopefully this will enable me to clear my name."

Strategic planning

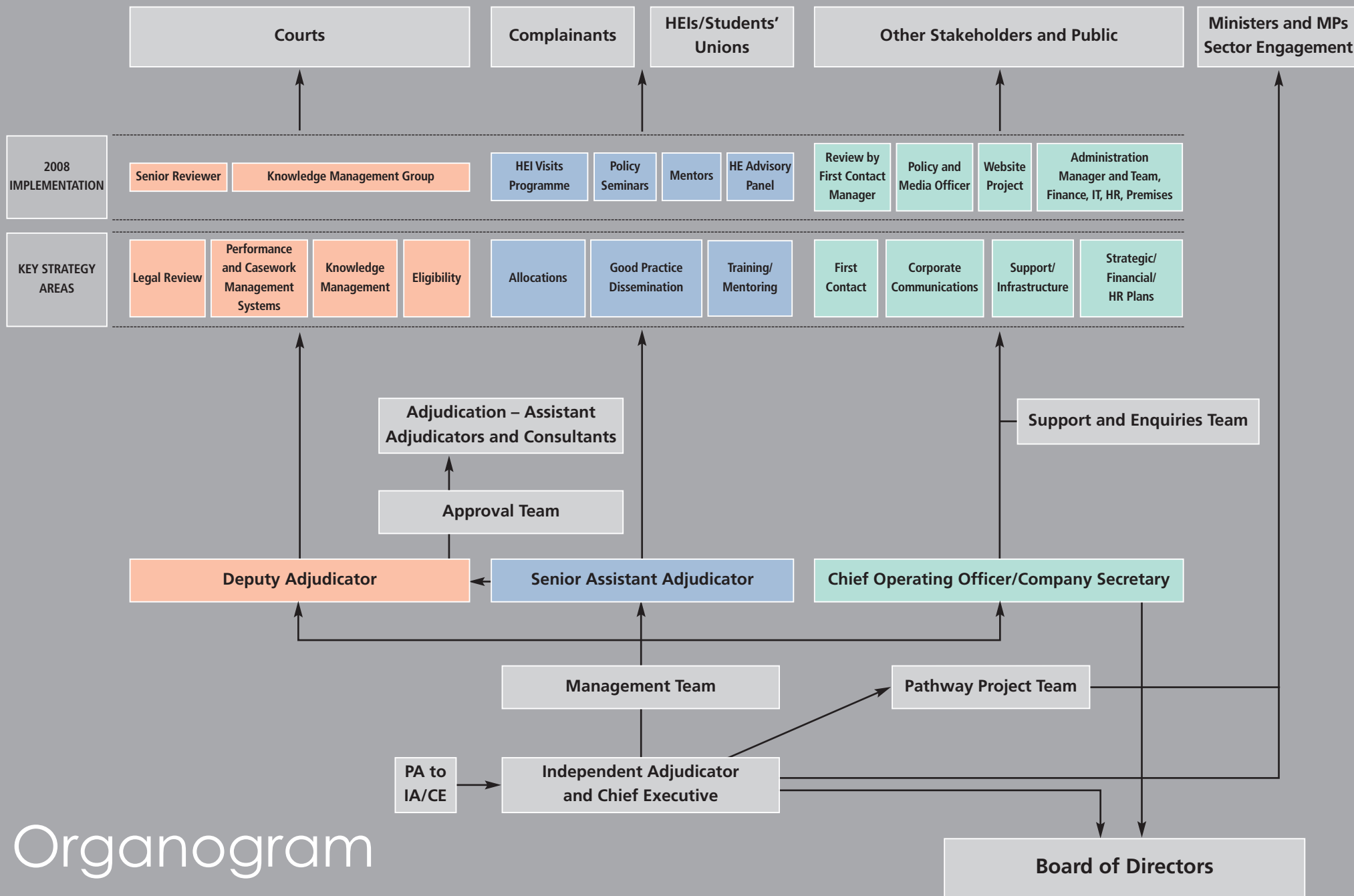
A new strategic plan and planning model were agreed by the OIA Board in December of 2008. The structure is designed to make it possible to link strategic aims and priorities to aims at every level of the organisation including personal objectives through the appraisal process.

In designing the model the Board and the Office have had the opportunity to formally set down for the first time the values that drive the OIA and our vision for the future. We are also now able to demonstrate that our operating plans are rooted in our key organisational aims.

The work on the strategic plan has complemented and informed work on the OIA organogram. This structure reflects the decision of the Board to integrate the roles of Independent Adjudicator and Chief Executive and the subsequent formation of a Management Team. The organogram is not simply an organisation chart but an attempt to capture our key areas of work and to emphasise the critical engagement with scheme users who appear at the top of the diagram.

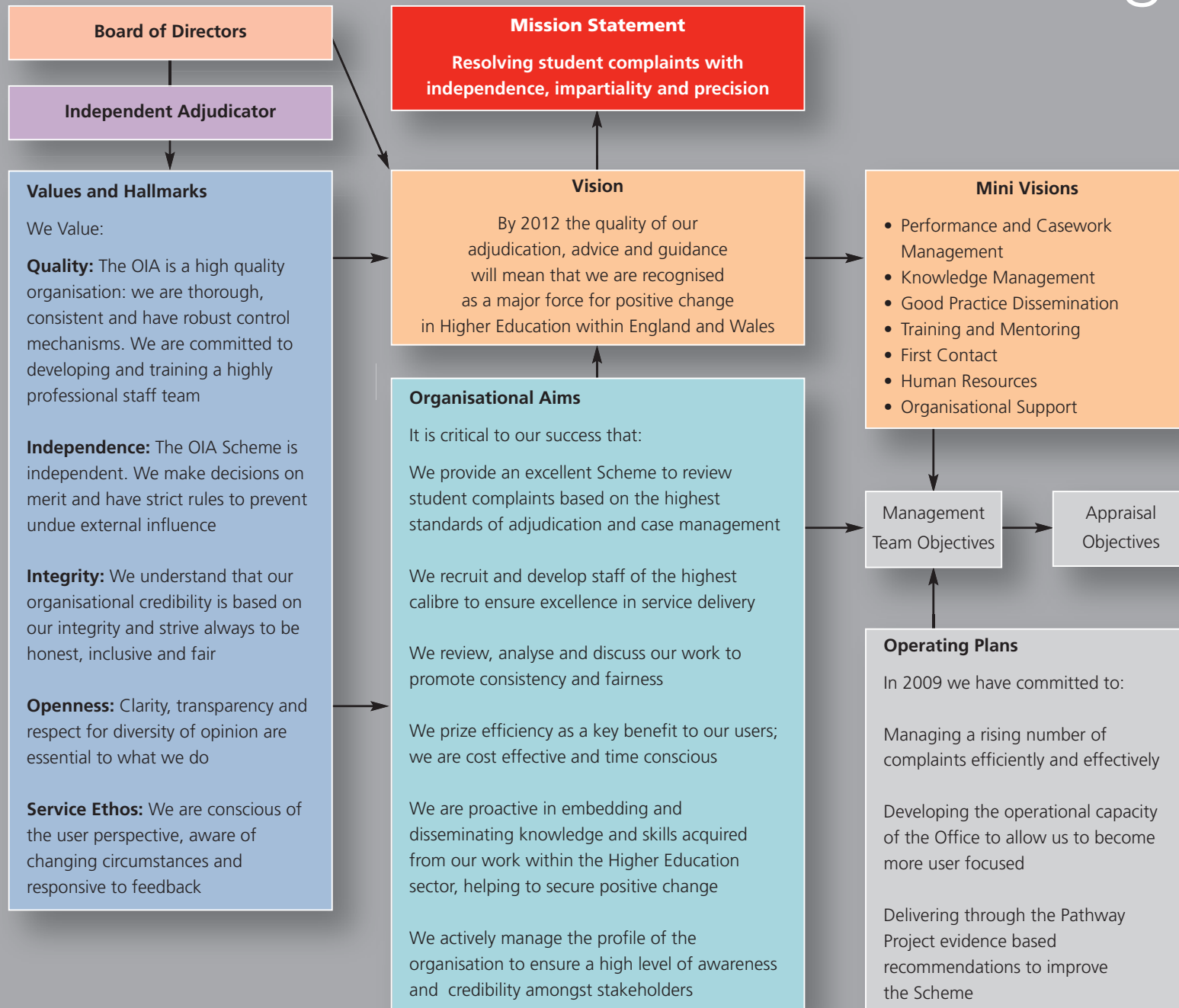
"[The] casehandler was very perceptive. Processes were transparent, fair and exceeded expectations in terms of timescale. A very valuable service for H[igher]E[ducation]."





Organogram

Strategic plan





OIA Subscriptions for 2008

Subscriptions were based on 'full time' and 'part time' higher education and further education students at Higher Education Institutions, according to 2005/06 HESA statistics

	Band	2008 Subscription Fees
Less than 500 students	A	£395
501 to 1,500 students	B	£795
1,501 to 6,000 students	C	£4,280
6,001 to 12,000 students	D	£8,495
12,001 to 20,000 students	E	£14,120
20,001 to 30,000 students	F	£21,345
30,001 to 50,000 students	G	£25,365
50,001 to 100,000 students	H	£31,215
More than 100,000 students	I	£47,960

"...I feel your service is a much needed one for students who have experienced wrong-doings such as myself. I thank you purely for listening and understanding my individual case as I know it was quite a complicated one."



An extract from the Statutory Accounts 2008

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31 DECEMBER 2008

	31 December 2008	31 December 2007
	£	£
TURNOVER	1,923,438	1,400,051
Administrative expenses	<u>1,622,454</u>	<u>1,324,933</u>
OPERATING SURPLUS	300,984	75,118
Interest receivable and similar income	<u>50,055</u>	<u>34,710</u>
SURPLUS ON ORDINARY ACTIVITIES BEFORE TAXATION	351,039	109,828
Tax on surplus on ordinary activities	<u>9,734</u>	<u>6,838</u>
SURPLUS FOR THE FINANCIAL YEAR AFTER TAXATION	<u>341,305</u>	<u>102,990</u>

BALANCE SHEET 31 DECEMBER 2008

	31 December 2008		31 December 2007	
	£	£	£	£
FIXED ASSETS				
Tangible assets		48,214		56,592
CURRENT ASSETS				
Debtors	61,182		64,372	
Cash at bank and in hand	1,324,305		<u>842,837</u>	
	1,385,487		907,209	
CREDITORS				
Amounts falling due within one year	888,856		<u>760,261</u>	
NET CURRENT ASSETS		496,631		<u>146,948</u>
TOTAL ASSETS LESS CURRENT LIABILITIES		544,845		<u>203,540</u>
RESERVES				
Income and expenditure account		544,845		<u>203,540</u>
		544,845		<u>203,540</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 63 and 64.

Respective responsibilities of directors and auditors You are responsible as Directors 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 25 March 2009.

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 2008.

Horwath Clark Whitehill LLP, Chartered Accountants and Registered Auditors, Reading 25 March 2009

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