

Schedule 5 OIA Annual Activity Report for Period 1 October 2021 to 30 September 2022

(a) Disputes received

No. enquiries* received (total)	No. disputes received (domestic)	No. disputes received (cross-border)	No. disputes received (total)	No. disputes accepted (continued to case domestic)	No. disputes accepted (continued to case cross-border)	No. disputes accepted (continued to case total)
3276	2013	679	2692	1611	546	2157

*The reporting category of 'enquiries' includes those that have no relation to cases, and those related to a case before it is submitted. Those enquiries received related to a case once it has been submitted are not included as they are part of our casework. We are not able to break the enquiries category down into domestic and cross-border sub-categories as, by their nature, we do not collect sufficient data during such interactions to be able to do so.

Please note: these figures do not include the complaints we received from a group of over 400 students about one provider, which we reviewed all together. We have kept these separate in order to avoid a distorting effect on our reporting.

(b) Types of disputes

	Domestic	Cross-border	Grand Total
Service Issues	795	199	994
Academic Appeal	652	308	960
Financial	111	32	143
Equality law / Human rights	111	13	124
Welfare / Non-course service issues	86	25	111
Disciplinary matters (academic)	72	77	149
Disciplinary matters (non-academic)	79	10	89
Fitness to practise	50	2	52
Other	56	14	70
Totals	2012	680	2692

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 However, students who have withdrawn their complaint or whose complaint we have ruled not eligible, may not respond.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

(c) Systematic or significant problems occurring frequently that lead to disputes between consumers and traders.

Detailed information on the trends and common themes that we see in the complaints we review is provided in our Annual Report (<https://www.oiahe.org.uk/media/2706/oia-annual-report-2021.pdf>). This includes a specific section on complaints related to the Covid-19 pandemic, however, we have not identified any "systemic or significant problems" that occur frequently sector-wide. Where we have identified information about potential systemic issues within individual providers, we have shared this with the relevant sector regulators, the Office for Students and Higher Education Funding Council for Wales. We continue to develop new and update existing elements of the Good Practice Framework for handling complaints and academic appeals (<https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/>). For example the section on 'requests for additional consideration' has been informing our review process since October 2021, and in September 2022 we launched a consultation on revisions to the main section of the Framework, with the aim of publishing an updated version by the end of 2022. Our programme of outreach work continues to expand, and we have returned to making in person (as well as virtual) visits to providers and student representative bodies. We have also issued new guidance for the sector on responding to the cost of living crisis (drawing on learning from complaints) and complaints relating to pregnancy, parenthood and childcare. All with the focus on our vision of fairness for students across the higher education sector.

(d) Recommendations on addressing problems identified in (c).

We have made Recommendations in individual complaints as well as incorporating our insights into guidance we have published (see details in section(c) above). Providers have responded positively to our guidance and case summaries, for example through: engaging with students, finding ways to deliver learning opportunities that have been missed, and adjusting formal processes, as well as attempting to resolve complaints internally, and being open to settlement opportunities that we identify.

(e) Number of disputes refused to deal with

Total no. of disputes rejected	538
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Reason	No. rejected	Percentage of rejected
a) the consumer has not attempted to contact the trader first	411	76%
b) the dispute was frivolous or vexatious	9	2%
c) the dispute had been previously considered by another ADR body or the court	10	2%
d) the value fell below the monetary value	0	0%
e) the consumer did not submit the disputes within the time period specified	21	4%
f) dealing with the dispute would have impaired the operation of the ADR body	11	2%
g) other (enquired too early, not yet complained to trader, trader not member, advice call etc...)	76	14%

We are pleased to note a decrease (from 80% to 76%) in the number of complaints that we have declined to deal with because the consumer has not attempted to contact the trader first. We continue to promote materials on our website (e.g. case summaries, briefing notes and guidance, FAQs for students) and through our contact with student representative bodies to help make it clear to students that they need to complain to their higher education provider in the first instance.

(f) Number of procedures discontinued for operational reasons and those reasons

No. discontinued	Percentage of discontinued
0	0%

Reasons: N/a

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

Average time taken to resolve dispute	Domestic	Cross-border	Total
from receipt of complaint	136	114	125
from complete complaint file	8	8	8

We continue to work towards reducing the overall time taken to resolve disputes across our scheme, and are pleased to start to see the benefits of those efforts with a 6% decrease in the average time taken this year. Especially in the context of the disruption caused by the pandemic and the steady increase in caseload we have seen over the last few years. Our commitment to reducing the timescale to resolve disputes is an ongoing organisational priority.

(h) Percentage of provider compliance

100%

Additional information

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