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Annual Report 2019



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Foreword by the Chair

We want all students to be treated fairly always. That is our vision. Our Annual Report 2019 sets out what we have done during the year to protect and advance fairness for students through all aspects of our work.

Although it's important to take stock at the end of a year and to share some of our learning from 2019 through this Report, we are acutely aware that our world has changed profoundly. Those we are here for, students and the higher education sector, now face new and extreme challenges. The coronavirus pandemic has had a profound immediate impact on the sector and will shape its future and the lives of everyone who studies and works in higher education for years to come.

The OIA's unique and valuable role is no less important in this context. We are committed to working with governments, sector organisations, providers, students and their representative bodies to help the sector respond effectively. We do not underestimate the scale of the challenge, but we believe that with a realistic approach in a spirit of mutual cooperation and guided by a shared vision of fairness for students, we can together navigate these very difficult times.

I would like to thank my colleagues on the Board, Ben Elger, Chief Executive and Felicity Mitchell, Independent Adjudicator for their able leadership of the organisation, and all our excellent staff. None of our achievements in 2019 would have been possible without the skill, hard work and commitment of everyone in our organisation.



Dame Suzi Leather

Chair of the Board of Directors

Introduction to the Annual Report for 2019

Reflecting on 2019 for the OIA's Annual Report has felt like looking back into a different world – one in which most people had never even heard of coronavirus. Our Report records a successful year for our organisation, in which we handled a high number of complaints, met or exceeded almost all of our KPIs, built on our work to share learning in the sector and continued to work as an integral but independent part of the higher education regulatory framework. We hope the insight into our work that we share in the Report will be useful even in these difficult times.

It is impossible in the current context to look back without also looking forward. The fundamental values and principles that underpin our work have not changed: promoting fairness for students, understanding the sector we work in, engaging with and listening to providers, students and their representative bodies, and a commitment to playing our part in improving policy and practice. But like everyone else, we are adapting what this looks like in practice to the changed circumstances. We have adopted a very flexible approach to our processes to allow for the major challenges providers, student representative bodies and students are facing. We still expect providers to do what they can to minimise the impact of issues on their students and to respond to the concerns of individual students. But we recognise that what is reasonable or even possible now may be very different, and will continue to evolve. We will need to consider the overall context as well as the circumstances of each complaint when deciding what is reasonable and how to put things right where they have gone wrong.

Perhaps now more than ever there is a need for mutual understanding and cooperation and we will continue to encourage this approach, building on our work in 2019 and in previous years.



Felicity Mitchell

Independent Adjudicator



Ben Elger

Chief Executive



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Headlines of the year

Complaints

- Received 2,371 complaints and closed 2,185
- Exceeded all KPIs that relate to the timeliness of our process

Good practice

- Published Good Practice Framework Fitness to practise section
- Held Mitigating Circumstances Forum and published Requests for special consideration discussion paper

Outreach

- Launched our new more intuitive and accessible website
- Ran an extensive programme of webinars, workshops and visits

Regulatory environment

- Consolidated our role in the regulatory framework including work around mitigating market exit
- Progressed plans for expanding access to our Scheme as part of wider developments in Wales

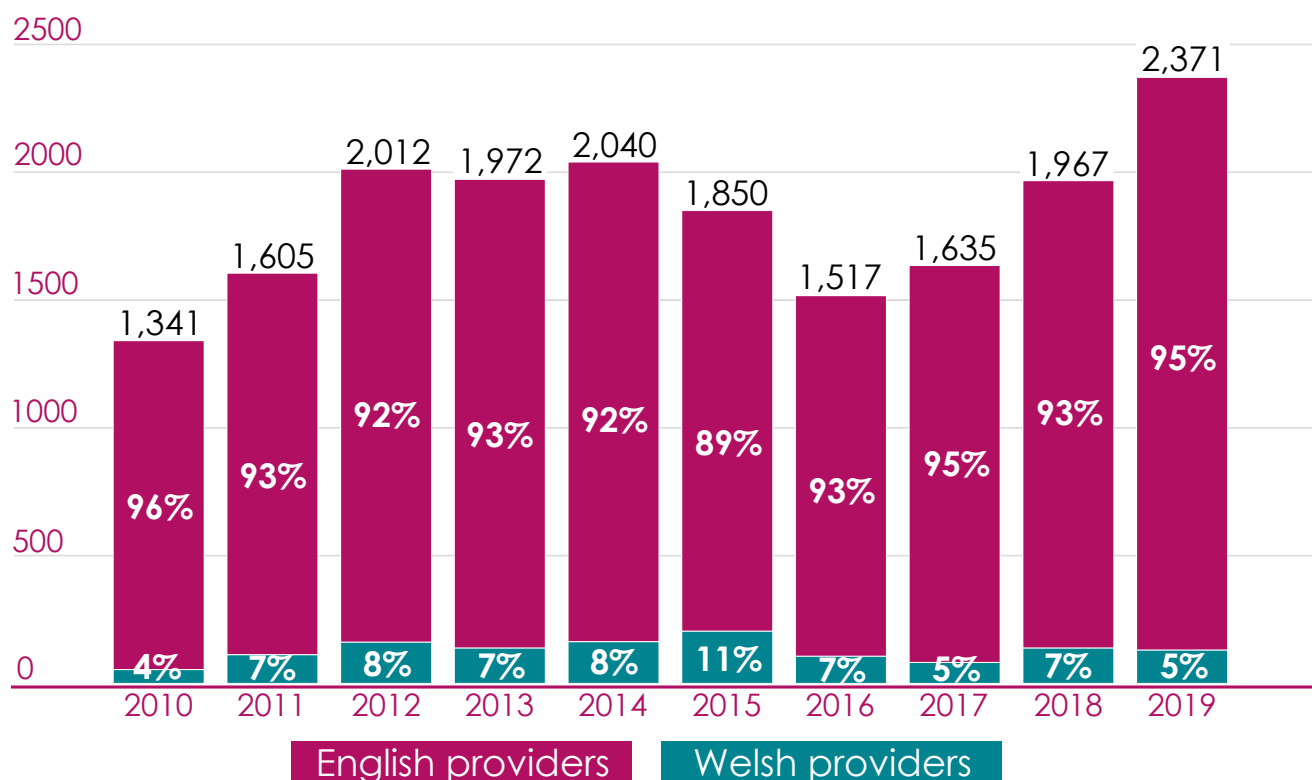
Trends in complaints

While every complaint is unique, trends and patterns in the complaints we see give a valuable insight into students' concerns. We are always cautious about drawing conclusions about trends in the wider sector based on our data, and in interpreting what we see, because the number of students who complain to us is still very small in relation to the student body as a whole and many factors can influence a student's decision to pursue a complaint. Nonetheless, our data reflects the issues that matter to students and shows that some are proportionately much more likely to complain to us than others.

Complaints received

In 2019 we received 2,371 complaints, an increase of just under 21% on 2018 (1,967). This is the highest number of complaints we have ever received in a year, and comes on the back of an increase of 20% the previous year.

Chart 1: Number of complaints received per year



Observations

It is impossible for us to be certain about exactly why more students are bringing their complaints to us. The rise has broadly been across the full range of complaints we receive, although some of the increase in 2019 can be attributed to complaints about specific events which affected a number of students, including industrial action and the closure of a provider.

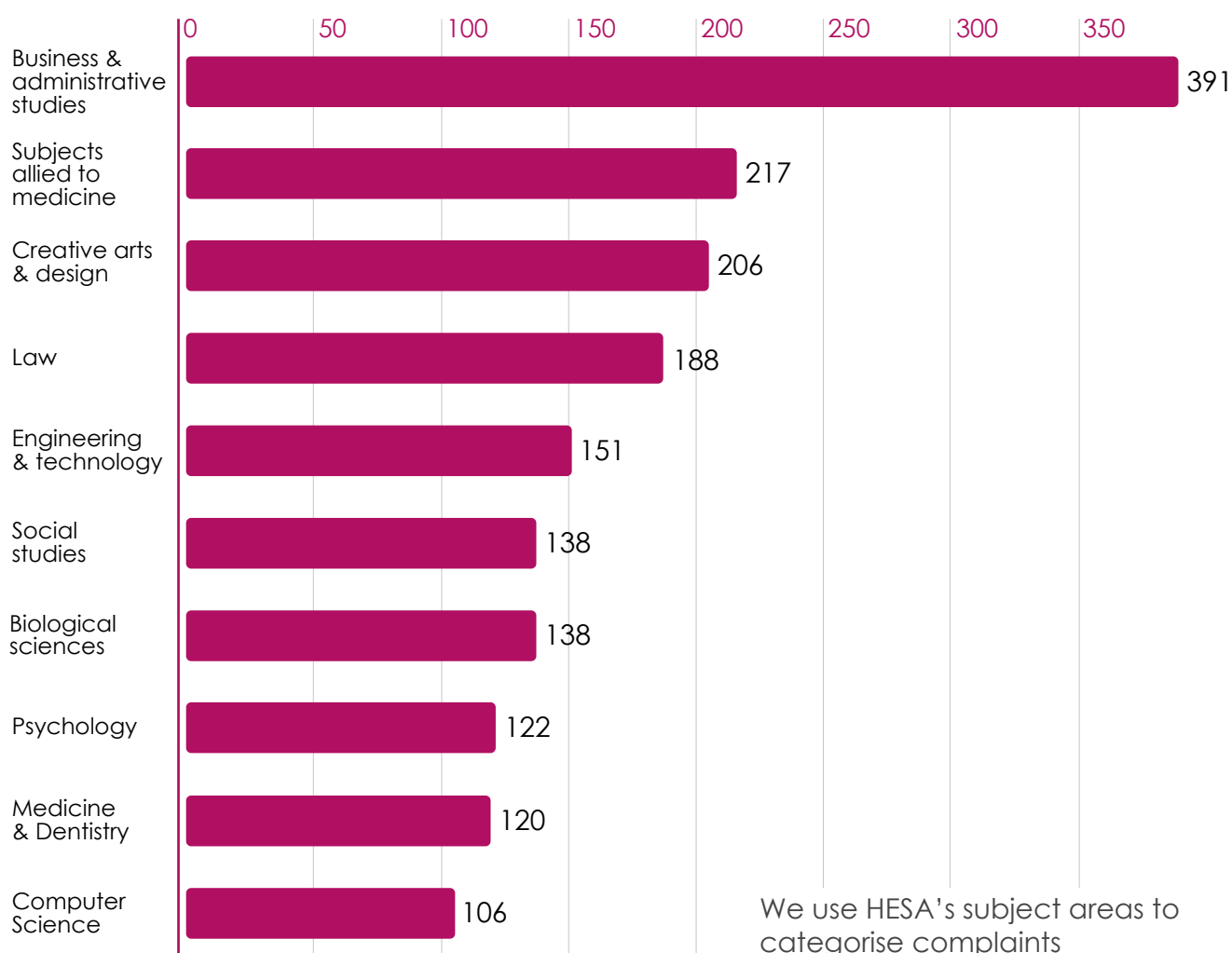
We believe there are likely to be several factors influencing the continuing increase in the number of complaints we receive. Students' awareness of their consumer rights, and of routes to raise their concerns, continues to grow. Our good practice work helps providers to improve how they handle complaints, but also reduces barriers to students pursuing their complaints within their provider and with us. Some issues affecting students such as the industrial action and sexual harassment in higher education have attracted considerable media attention and have increased focus on student complaints. We also hope that our own efforts to make our service as accessible as possible are making it easier for students to complain to us.

The rise in complaints is not necessarily a bad thing. It is important that students are able and confident to raise their concerns and pursue them. Providers can benefit from hearing about students' concerns and getting a better understanding of their students' experiences, and we can use the learning from complaints to promote good practice in the sector.



Complaints received by area of study

Chart 2: Complaints received by area of study - Top 10

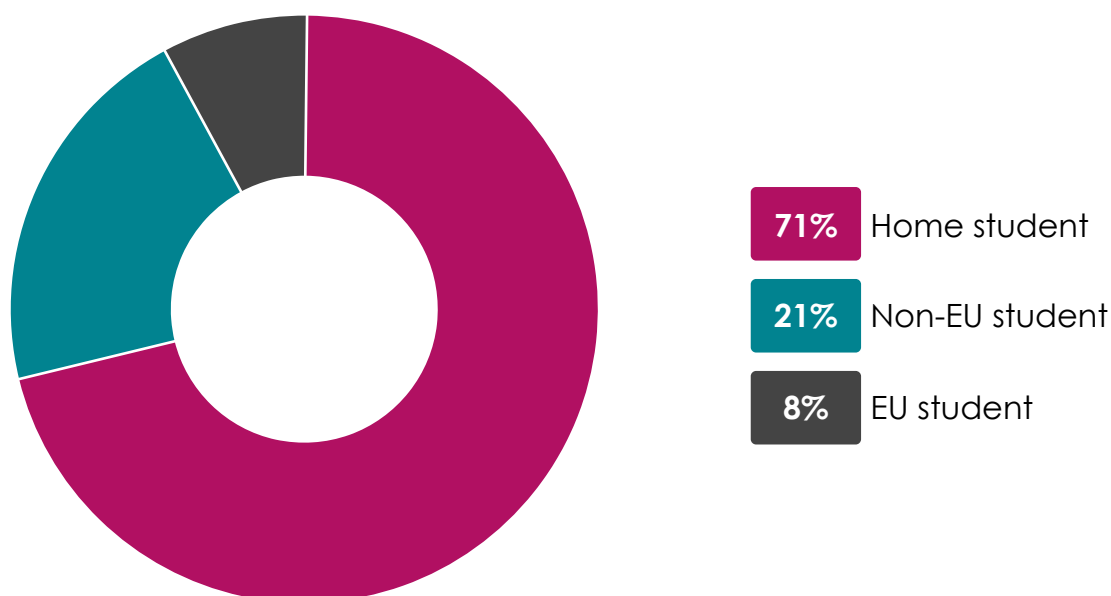


In 2019 the rise in complaints has generally been spread across the subject areas studied, with some variability as we would expect due to the small numbers involved once cases are broken down by study area. Business & administrative studies students consistently account for the most complaints to us, reflecting the high number of students on courses in this area across providers in England and Wales.

"I want to thank you sincerely for the manner in which you handled this case. I did not get what I wanted, but I am pleased that someone who is independent observes some wrongdoing by the University."

Complaints received by student domicile

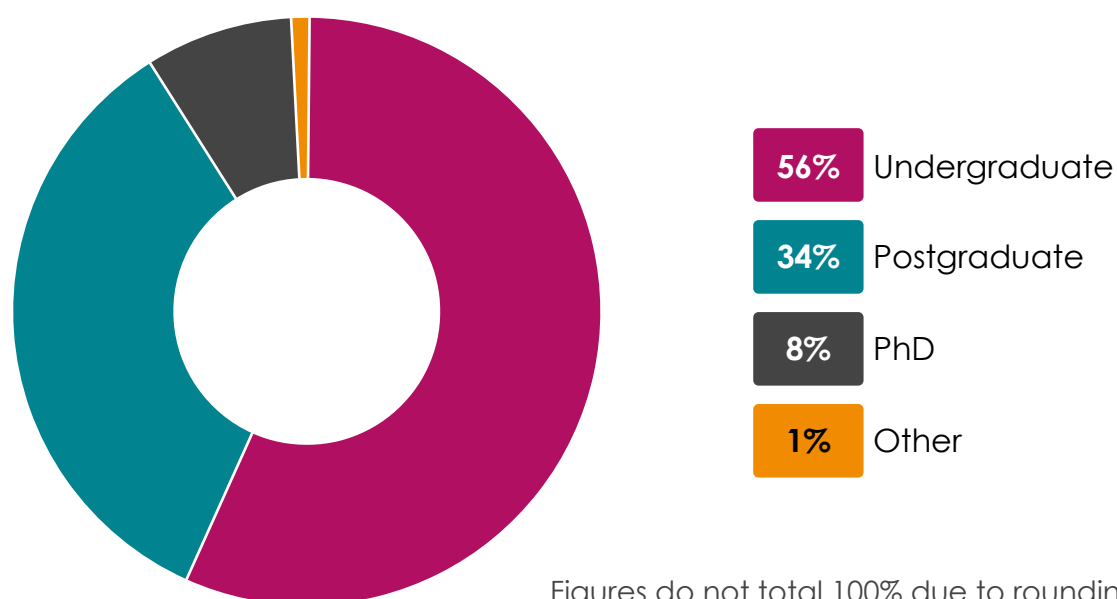
Chart 3: Complaints received by student domicile



The spread of complaints we have received from home, EU and non-EU students has remained consistent for several years. Non-EU students continue to be over-represented in the complaints we receive. As an indicative comparison, non-EU students accounted for 14% of the student body in England and Wales as reported in [HESA statistics for 2018/19](#), but accounted for 21% of the complaints made to us.

Complaints received by level of study

Chart 4: Complaints received by level of study



Figures do not total 100% due to rounding

A consistent feature of the complaints we receive is the very significant over-representation of postgraduate and PhD students (42% of complaints received in 2019). As an indicative comparison, these students make up around a quarter of the overall student population in England and Wales as reported in [HESA statistics for 2018/19](#).

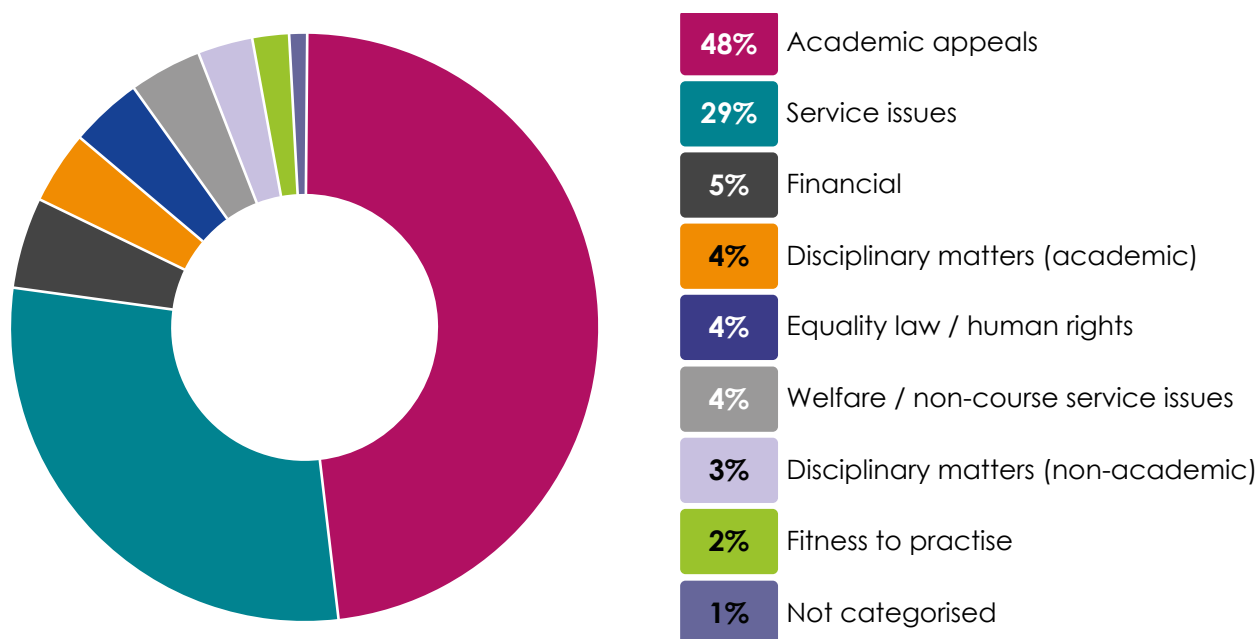
Our experience from casework and wider discussions suggests that these students are more inclined to pursue their complaints. The investment they have made in their studies is often substantial. Many have made a significant personal or professional commitment in taking on their course, sometimes putting their career on hold. In 2019, 37% of the postgraduate and PhD students who complained to us were non-EU students, paying higher fees, sometimes incurring higher costs such as travel and sometimes with additional considerations such as visa applications or sponsorship arrangements. These factors can lead to students feeling under greater pressure to “succeed” on their course. There are also some issues that only affect postgraduate or PhD students, for example issues with the supervisory relationship are a common theme in complaints from PhD students.

“I’d like to commend the thorough attention given to my case so far. Additionally, to date, I have found the clear and prompt communication extremely helpful, and quite refreshing, especially after all I’ve been through.”

Complaints closed

In 2019, we closed 2,185 complaints, an increase of 27% from 2018 (1,722). We exceeded our KPI of closing 75% of complaints within six months of receipt.

Chart 5: Closures by complaint category



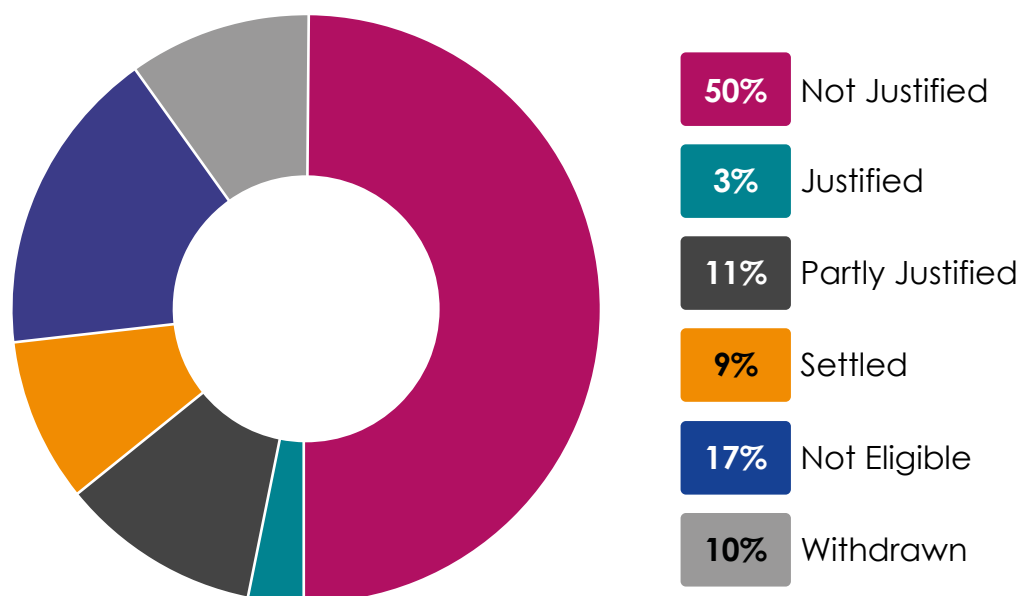
Overall, the distribution of case closures by complaint category shows a similar pattern to previous years.

Academic appeals still account for around half of all complaints to us. This reflects the importance students place on achieving their chosen qualification, with a grade they feel fairly reflects their ability and performance. Nearly half of these complaints are directly related to requests for special consideration in exams or assessments.

In recent years there has been some increase in the proportion of complaints which relate to service issues such as the quality of teaching, supervision and facilities. In 2019, 29% of the complaints we reviewed related to service issues in some way, the highest it has ever been. Part of this increase is due to complaints we reviewed in early 2019 related to industrial action which took place in 2018.

The outcome of complaints

Chart 6: Closures by outcome



In total, 23% of cases were Justified, Partly Justified, or Settled in favour of the student. This is a slight rise from 2018 and is more consistent with previous years.

In many of the cases that are Not Eligible the student has come to us before they have completed the provider's internal processes. We continue to try to make it clear to students when they can complain to us, and what they can complain about. In 2019 we have been speaking with more students at an early stage of our process to explain what we can and can't do in relation to their individual case, so that they understand what we will look at and can make an informed decision about whether or not to pursue their complaint. This may have led to the slight increase in the number of complaints being withdrawn.

"We are lucky in that this is the first complaint we have had through the OIA, and I will admit it has been a worrying time. However, I have been impressed with the communications from all OIA staff and the relative fast turnaround at each stage of the process. "



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“I am very grateful of the OIA’s decision and I want to express my sincere gratitude for all of the team members who had to go through all the information regarding my case and for the OIA as an institution which enables fairness in complicated situations. Thank you.”

Common themes and sharing learning

An important part of our work is to look beyond each individual case that we review to identify common themes and issues, and to share learning from what we see to help improve practice in the sector. In this section we discuss some of the themes we have seen in 2019 and show some of the ways in which we have shared learning and good practice.

Fitness to practise

Our [Good Practice Framework](#) is a key part of how we share learning. During the year we developed and consulted on a new section on [Fitness to practise](#). We are grateful to our Good Practice Framework steering group for their valuable input, and to all the people in providers, student representative bodies, professional bodies, regulators and other organisations whose feedback informed the final version. We supported the publication in October with outreach events, and published a number of [case summaries](#).

Fitness to practise is about whether a student has the skills, knowledge, character and health to practise a particular profession safely and effectively. The Good Practice Framework: Fitness to practise gives good practice guidance for providers in designing procedures and handling individual cases. It explores the way processes that apply to all students (including disciplinary procedures and processes that are used when it is not clear if a student is well enough to continue their studies) relate to processes that only apply to students pursuing a qualification within a regulated profession.

Student fitness to practise is relevant across the full range of our membership, from university providers with large cohorts of law, social work, medical, dental or other health professions students, to school-centred initial teacher training providers (SCITTs) working with one or two trainee teachers at a time. The principles set out in the new section of the Framework are relevant to processes across all of our different members.

Around 2% of the complaints we reviewed in 2019 concerned a student's fitness to practise. Even though the number of cases is small, we think that this is an important area to focus on. Providers usually have to take action to explore any concern which is raised about a student's fitness for their chosen profession; the decision made by the provider may determine whether the student is ever allowed to practise. It is very important that students can be confident that providers have made these decisions fairly and impartially, taking into account relevant professional standards and guidance from Professional, Statutory and Regulatory Bodies, and considering the evidence carefully. Fitness to practise processes should not punish the student but should explore whether a student can be supported to become fit to practise in the future.

We decided that 32% of the complaints we reviewed about fitness to practise in 2019 were Justified or Partly Justified, a much higher proportion than for most complaint categories, and a further 5% were settled. In most of these cases, where we identified an error in the process that had been followed, we recommended that the provider should reconsider its decision about whether the student was fit to practise, by putting the case in front of a fresh panel with appropriate professional expertise. It is not usually appropriate for us to try to make this judgment ourselves.

We also recommended that the provider should pay compensation for distress and inconvenience if the process had taken too long. We normally recommend higher sums of compensation in cases where the student has missed an opportunity to start a placement or missed a progression point because the investigation was unreasonably delayed.

Case summary 1

A student was studying for a Masters in Counselling. The course involved practical placements where students were in contact with children and young people. Students are required to have personal counselling sessions throughout their studies.

The student's formal enrolment was delayed because of an issue with their fees, and they were suspended for a period during the first term. During the suspension the student stopped their counselling sessions. Early in the second term the provider told the student that, because they had misled staff about their personal therapy sessions, they had to complete a year of personal therapy before they would be allowed to do a practical placement, and they couldn't continue with the course until they had done the placement. The provider also raised concerns about other aspects of the student's behaviour. The student withdrew from the course and complained to the provider. The provider rejected the complaint and the student complained to us.

We decided that the complaint was **Justified**. It was reasonable for the provider to stop the student from doing the practical placement while it investigated concerns, because its priority was to protect vulnerable children. But the process the provider followed was not fair: the course contributed to professional accreditation, but the provider did not have in place a fitness to practise process for students, or a proper right of appeal; it did not give the student advance notice of the case against them or a proper chance to respond to it; the provider did not keep records of meetings with the student, or of the reasons for its decisions. The student effectively had no choice but to withdraw, and did not want to go back to the course.

We recommended that the provider should refund the student's tuition fees and pay them compensation for the distress the unfair process caused them. We also recommended that the provider should review its approach to managing fitness to practise concerns on professional courses.

Case summary 2

A student on a healthcare-related course also ran a small business. During a healthcare placement, a member of staff raised a concern that the student's website misrepresented the qualifications they held and used two protected job titles that the student was not yet entitled to use. The student was interviewed, and the provider decided to set up a formal fitness to practise panel. The student told the provider at short notice that they couldn't attend the hearing because of a domestic emergency. The student didn't say what the emergency was or provide any supporting evidence about it. The panel went ahead, and it decided that the student was not fit for practice and terminated the student's registration. The provider rejected the student's appeal on the basis that they had not established any grounds for an appeal.

The student complained to us, saying that the provider should not have made a decision in their absence and that they had not been responsible for writing the inaccurate information on the website.

We decided that the complaint was **Not Justified**. While it was unfortunate that the student could not attend the hearing, it was reasonable for the panel to take place without them, because of the limited availability of external clinicians to attend. The student had had an opportunity to explain their position in person during the initial investigation, and to make a written statement to the panel. The student had not presented any new information in their appeal that they had not been able to give before.

The panel had given reasons for its decision, which included an assessment of whether the student had enough insight about why the misrepresentation could damage public trust, and whether the student had taken personal responsibility for the misrepresentation.



Case summary 3

A student nurse completed two placements at different wards of a hospital. During the second placement, staff raised concerns about the student's attitude towards them. The student was required to engage with additional tutorial support and to write a reflective essay. The student began a third placement at the hospital. Staff again expressed concerns about the student's professional attitude and conduct.

The provider held a fitness to practise panel and decided that the student was not fit for practice. The panel terminated the student's studies. The student submitted an appeal, on the basis that the provider had not contacted the witnesses they had identified to speak in their defence. The provider obtained a statement from one of these witnesses. It decided that the new evidence was not sufficient to overturn the panel's previous decision. The student complained to us.

We decided that the complaint was **Justified** because the process followed had not been fair. The provider had not clearly told the student in advance of the panel exactly what events and interactions were being considered. The provider made reference to 14 different sections of the Nursing and Midwifery Council's Code of Conduct, but did not clearly explain to the student how and when they had breached the Code. The provider had not allowed the student to make contact with potential witnesses, but had not tried to contact the witnesses identified by the student before the panel hearing took place. The panel included a person employed by the same organisation as the placement staff, whose comments led to a reasonable perception of bias in favour of the placement staff. The panel did not explain why termination of the student's registration was the appropriate outcome, or why lesser sanctions would not have been appropriate.

We recommended that the provider offer to carry out a fresh fitness to practise process, and pay the student compensation for distress and inconvenience arising from the flawed process.

"I express my gratitude to everyone at the OIA for putting the best effort to help me. I'm glad that the process has been transparent and fair for all parties involved...."

Sexual harassment and misconduct

We have seen a gradual rise in complaints involving sexual harassment or sexual misconduct over the last three years, although the numbers are still very small, amounting to only 1.5% of the cases we closed in 2019. We hope that the increase reflects a growing confidence among students who experience sexual harassment or misconduct to report these issues and make complaints, and a greater number of these complaints completing the formal procedures at providers. It is important that providers take steps to encourage a culture where students feel able to raise issues, and to support them effectively when they do. Empowering frontline staff to confidently listen to students and direct them to appropriate sources of expert advice and guidance is an important part of this.

We receive complaints from students who have reported sexual harassment or misconduct to their provider, and from students who have been accused of harassment or misconduct. Most of the complaints we reviewed were about interactions between students, but a small number were cases where staff were accused of harassing or otherwise mistreating a student. We have not seen any cases where a student has been disciplined solely for harassment of a member of staff, although we have seen examples of this kind of behaviour within disciplinary cases with a wider scope.

Just over 45% of the complaints we reviewed about sexual harassment and misconduct this year were Justified or Partly Justified or were Settled in favour of the student. This is significantly higher than the rate across all of the complaints we have reviewed. In 2019 we upheld complaints both from students who had experienced these kinds of behaviours, and students who had been accused of them. Providers are not always following fair processes or giving clear reasons for decisions involving accused students. This is especially important around decisions to suspend or entirely remove students from their course of study.

Complaints about sexual harassment or misconduct are inherently personal and unique to the particular situation, and therefore need a customised response. It is important that procedures are operated flexibly, can respond to changing external factors, and that all students and staff involved in the process can access support. A number of the complaints we have received from reporting students have been about how their provider communicated with them during the process, whether they were signposted to appropriate sources of extra support, and what they were told about any sanctions for the other party.

Guidance we have published explains that a reporting student should be given a clear outcome to their complaint, and a remedy for any impact the accused person's behaviour has had on them, even where the reporting student can't be given full information about another person's disciplinary case. We recognise that it can be difficult to balance this with the data protection rights of other individuals and we welcome the recommendation from the Equality and Human Rights Commission that the sector should work together with the Information Commissioner's Office to improve clarity in this area.

Case summary 4

Student A reported a sexual assault by Student B to the provider and to the police. The provider met with both students, and then put its investigation on hold until the police investigation had been concluded. The provider did not suspend Student B but took steps to ensure that the two students would not come into contact with each other during teaching, assessments, or other activities. The matter progressed to the Crown Court and student B was acquitted of all charges. At the end of the process, which took over a year, the provider contacted Student A, who confirmed that they wanted the provider to continue to consider the matter under its disciplinary procedures. The provider attempted to track down witnesses to the event and also sought advice from the Information Commissioner's Office, which confirmed that it was not allowed access to the CCTV footage used in the court case. The provider decided that there was insufficient evidence to show that Student B had breached its Disciplinary Code. Student B made a counter-complaint about the behaviour of Student A, which the provider rejected.

Student A complained to us. They said that the provider's decision was not reasonable, it had taken too long to reach the decision, and that it should not have allowed Student B to make a counter-complaint because its procedures said that students making complaints would not be disadvantaged by doing so.

We decided that the complaint was **Not Justified**. The provider had taken reasonable steps to seek out evidence about what had happened, but was unable to get any additional witness testimony. The evidence from the two students involved was contradictory. The provider's decision was reasonable on the basis of the evidence available to it. The process had been longer than all parties would have liked, but the provider had kept Student A informed about what was happening. It was reasonable for the provider to look into the counter-complaint against Student A before it could decide that it was without merit.

Case summary 5

A student was arrested following an allegation by another student at the same provider of serious sexual assault. The provider suspended the student, preventing them from attending the campus. This was at the end of an academic year, and the student was able to submit their remaining assessments remotely. At the start of the next academic year, the police investigation was still ongoing. The provider decided to extend the suspension, and because it was not clear how long the investigation might take, it advised the student to interrupt their studies for the next academic year. The student appealed against the extension of the suspension but the provider rejected the appeal.

The student complained to us. Shortly after this, the police confirmed that their investigation was complete and no charges would be brought. The provider also decided not to apply any sanctions under its disciplinary procedures.

We decided that the complaint was **Partly Justified**. We recognised that the provider had explored whether the student could continue their studies remotely, and had good reasons for deciding that this was not possible. The provider had to balance the student's right to be presumed innocent while the police investigation was ongoing, with its responsibilities towards the student who made the allegation. But the provider had not given a good explanation to the student about why a geographically limited suspension would not be appropriate. The students were not studying at the same campus, and the accused student only needed to be on campus on one day per week and was willing to abide by any restrictions the provider felt necessary to safeguard other students. The student's bail conditions did not impose any restriction on their movement and the reporting student had decided to suspend their studies for the academic year. The provider should have reconsidered the suspension, taking this information into account.

"We would like to thank you for helping us with this complaint. You have honestly kept us informed throughout the process. We appreciate everything you have done for us. Thank you."

"Thank you for this. Although I am disappointed with the outcome regarding my complaint, I do appreciate the work that you and your colleagues have undertaken."

Case summary 6

A student reported a sexual assault by another student that had taken place during a students' union society activity. The complaint was initially considered by the students' union. It referred the complaint to the provider at the end of its procedures. The provider identified a member of staff to investigate the complaint but that person wasn't able to complete the investigation and it had to be restarted. The reporting student was told that a disciplinary case would be brought against the other student.

Some six months later the student was told that the disciplinary case had been concluded. The provider did not share the outcome of that process and did not issue a Completion of Procedures Letter for the complaint.

The student complained to us about how long the process had taken, about a lack of communication and support, and reported that they had felt scared and unsafe on the campus.

We decided that the complaint was **Partly Justified**. We concluded that it had not been reasonable in this case for the provider to wait for the students' union to complete its investigation before it began its own, and that while there were some good reasons for delays in the provider's process, it had not done enough to keep the student informed of progress or to offer them support. There was no evidence that the student had been told of other options for pursuing the matter, including reporting it to the police. While it was reasonable to use the disciplinary process for the allegations made against the other student, it was not reasonable to leave the reporting student without any remedy to their complaint.

We recommended that the provider should take immediate steps to address the student's concern about meeting the other student during their studies, and should pay the student compensation for the severe distress and inconvenience they had experienced because of the process failures. We also recommended that the provider should review its disciplinary procedures referring to relevant sector guidance and should ensure its staff receive training in handling complaints of this nature.

Complaints from disabled students

Disabled students are over-represented in complaints to us. In 2019 just over 20% of the complaints we reviewed were identified as complaints from disabled students, a similar proportion to 2018. Not all students choose to share information about disability in the information they give us, so this figure is likely to be an underestimate. It is also possible, given that the process of making a complaint may place greater calls upon available time or energy for disabled students, that not all disabled students who would like to pursue their complaint are able to do so.

We think there are a number of reasons why proportionately more disabled students complain to us. Many of the issues we see in complaints can happen to any student, but there are additional issues that can only arise for disabled students, for example around reasonable adjustments. Some issues that can affect any student may have a more severe impact on disabled students. Some disabled students have complex needs that providers may find difficult to meet. Some of the complaints we receive from disabled students are entirely unrelated to their disability, but it is often the case that the complaint is related in some way to their experience as a disabled student.

For complaints we resolved in 2019, around three quarters of the disabled students who complained to us had specific learning disabilities, social communication disabilities and/or mental health issues. Complaints from students who have a physical disability including visually impaired students and deaf students accounted for a much smaller number of complaints.

A greater proportion of disabled students' complaints to us were Justified, Partly Justified, or Settled in favour of the student: 28% compared to 22% for non-disabled students.

From what we see, providers generally have a range of sensible policies and procedures in place, and we see numerous examples of staff putting considerable effort into supporting disabled students. Many of the complaints we uphold do not indicate a wider problem at the provider. They are more commonly a result of providers not successfully adapting provisions or processes that are designed to meet most students' needs to the needs of an individual disabled student in a particular set of circumstances. Nonetheless there is still work to do to create more fully inclusive learning environments.

We continue to see complaints from students who have experienced difficulties during the process of getting reasonable adjustments, particularly where the adjustment being requested is unusual. Some disabled students who attend placements during their studies have also experienced difficulties. There is sometimes a lack of a shared understanding between the student, the provider and the placement setting about what is expected of each of the people involved.

It is very important that providers consider the needs of disabled students across the full range of services they offer, and listen carefully to individual students to understand how they can best support them. Our [Good Practice Framework: Supporting disabled students](#) gives guidance for providers.

Case summary 7

A student on an art and design course developed a musculoskeletal condition which rapidly worsened and had a significant impact on the student's ability to produce the practical artwork required. At this stage in the course, students were focused on their dissertation and accompanying practical pieces. There were difficulties in arranging a support worker for the student who had the right level of competence in working with the specific materials used in the main component of the practical piece. The student asked to be allowed to change to a different version of the dissertation module which had a mark scheme that put a greater emphasis on the written submission than the practical piece. The tutor refused on the basis that it would be "unfair to other students" to allow them to change routes.

The provider rejected the student's appeal about the dissertation module, although it accepted the student's request for special consideration regarding other modules, as a result of which the student's degree classification was improved.

The student complained to us. We decided that the complaint was **Justified**. The provider should have supported the student by making adjustments to the dissertation module. We recommended that the provider pay compensation to the student for the distress this caused.

Case summary 8

An international student was called to a meeting to discuss their low attendance. The student said that they had a part-time job that was interfering with their studies and the provider warned them that they needed to improve their attendance. The student did not increase their attendance, and the provider terminated their registration on the course. The student appealed against this decision. The student supplied medical evidence from their doctor in their home country that confirmed that the student had a long-term mental health condition that made it difficult to talk about their wellbeing with other people. The doctor also noted that they had advised the student not to talk about their illness. The provider rejected the student's appeal on the basis that the student could have disclosed their health difficulties at an earlier time.

The student complained to us. We decided that there had been a procedural irregularity in the appeal process, because it was considered by a single person rather than by the panel described in the written procedures. We were also concerned that the provider's decision did not record how it had considered whether the student was disabled, and whether that placed them at a disadvantage regarding the attendance regulations. The provider had not commented on the evidence from the student's doctor.

We decided that the complaint was **Justified** and recommended that the provider put the appeal before a fresh panel.

Case summary 9

A disabled student had difficulties with language and motor skills and also had an autistic spectrum disorder. The student received payments through the Disabled Students Allowances (DSAs) towards some assistive technology and was offered a number of support measures including extra practical sessions and lectures.

The student complained to the provider that the support did not meet their needs. They asked for a note taker, which had been flagged by a Needs Assessor as something which would be very helpful, but the costs of this could not be met through the standard DSAs. The provider said the student could record lectures and could use notes that were being taken for another disabled student for those classes that they both shared. The provider gave the student a standard exam adjustment of 25% extra time but the student said that was not enough. The provider rejected the student's complaint.

The student complained to us and we decided that the complaint was **Justified**. The provider had taken steps to make adjustments to help the student, but when the student said that these adjustments were not helpful, it did not properly consider whether the student was still at a disadvantage and whether it would be reasonable to take any other steps. The support that had been put in place meant that the student had to spend additional time and effort to get the information they needed, placing an extra burden on them. The uncertainty about whether there would be a note-taker in their classes had made the student very anxious. The provider could not demonstrate that it had considered whether the student needed more than the standard exam adjustment.

We recommended that the provider should reconsider the student's reasonable adjustments. We said that if the provider decided that it should not provide the student with a note taker, then it should support the student to use Student Finance England's Exceptional Case Process to seek this through the DSAs. We also recommended a payment for distress and inconvenience.



Consumer rights and complaints about service issues

Providers offer many different services and types of support to students, so the range of service-related issues that a student might raise is very broad. Over the years we have looked at how providers have responded to complaints about everything from recreational sports facilities, to car parking, to the cost of food at a particular snack outlet. But the majority of complaints about service that we review are directly linked to the student's academic experience, for example, teaching being cancelled or perceived as being of poor quality, or problems accessing a provider's Virtual Learning Environment.

Students do not usually quote legislation or talk about their "consumer rights" in making their complaints to us, but we continue to see students making explicit reference to tuition fee costs when they believe something has gone wrong.

In 2019, we continued to address complaints arising from industrial action during 2018. We also received complaints following the closure of GSM London.

A number of the complaints we reviewed in 2019 related to whether the provider was able to deliver what it had promised to students in prospectuses and other marketing materials.

Case summary 10

A student enrolled on a research Masters in a Business Management-related area. The student found the mathematical content of some modules challenging. The student complained that the provider's course information had been misleading, because it did not make it clear what level of maths knowledge was required. The provider rejected the complaint.

The student complained to us. We decided that the student's complaint was **Justified**. The provider had reviewed the course content and concluded that the maths required would typically be taught at A-level and undergraduate level, but it did not take into account that the course entry requirements didn't say that students needed A-level maths or a degree in a mathematical subject. It also looked at the mathematical knowledge required on other similar courses at other higher education providers, but didn't look at any of the information it had put on its website when the student was making the decision to apply for the course.

We recommended that the provider should put the complaint before a fresh panel. The panel should be told what prospective students in this cohort could have learned from the website about the level of mathematics required. We also recommended that the provider should pay the student compensation for the distress caused by not carrying out a careful investigation and missing the opportunity to resolve the complaint.

Case summary 11

A student was studying at a college on a course which covered levels 4,5,6 and 7 and was validated by a university. The student was paying for the course themselves, and the tuition fees were around £1,400 per year. The student completed all of the level 4 modules but was withdrawn from level 5 for non-payment of fees.

In the next academic year, the student enrolled onto level 5 of a related but different course, which was validated by the same university. The student did not meet the criteria to be considered as a continuing student, and so should have paid fees of £6,000 per year. But the college made a mistake and told the student that they would be charged the previous lower fees.

During the second semester of level 5, the college wrote to students to tell them that the validation arrangements with the university were coming to an end. When the student completed their level 5 modules successfully, there was no level 6 course to enrol on. The student was told to apply for level 6 entry to a new course, validated by a different university. The fee for this course would be £8,000 per year.

The student complained to the college. The college rejected the complaint, saying that the information provided to the student had been clear, and that it could not alter the fees payable for the new level 6 course.

The student complained to us. We concluded that the college had not given the student clear information about the fees they would have to pay. The college had only intended to allow the student to continue to pay the fee of £1,400 for one academic year, because of the mistake it had made. But the email it sent to the student was not clear about this. Also, the college had known since before the student restarted at level 5, that the validation arrangements with the first university were coming to an end. The college knew that the student had health issues which had disrupted their studies and so was aware that they were unlikely to be able to complete the course before the arrangement finished. It did not tell the student that their fees could go up because of this.

We concluded that the provider had not given the student clear information so that they could make well informed decisions about pursuing their studies. We decided that the complaint was **Partly Justified**.

We recommended that the college should support the student in applying to the new course and, if accepted, charge the student fees at the original level for the rest of the course. We also recommended that the college should review its internal guidance to staff about the requirements of consumer law regarding the accuracy of information to be given to students and prospective students.



Complaints arising from industrial action

During 2019 we reviewed around 50 complaints arising from industrial action at some higher education providers in 2018. There was further industrial action towards the end of 2019 and we will be reviewing complaints about that during 2020.

We published case summaries to illustrate our approach to industrial action complaints in February and May, building on the briefing note that we published in 2018. We also worked with the OfS, UUK, QAA and NUS to develop guidance to help students raise and pursue their concerns about the impact of the industrial action on their studies.

There were some common themes in the complaints we saw. Many providers worked hard to find ways to make up for missed teaching and lost learning opportunities. But some decided that it was enough not to test students on what they had missed. We took the view that if a student is led to believe they will learn about a specific topic, then the provider can't make up for failing to deliver that learning simply by not examining the student on it.

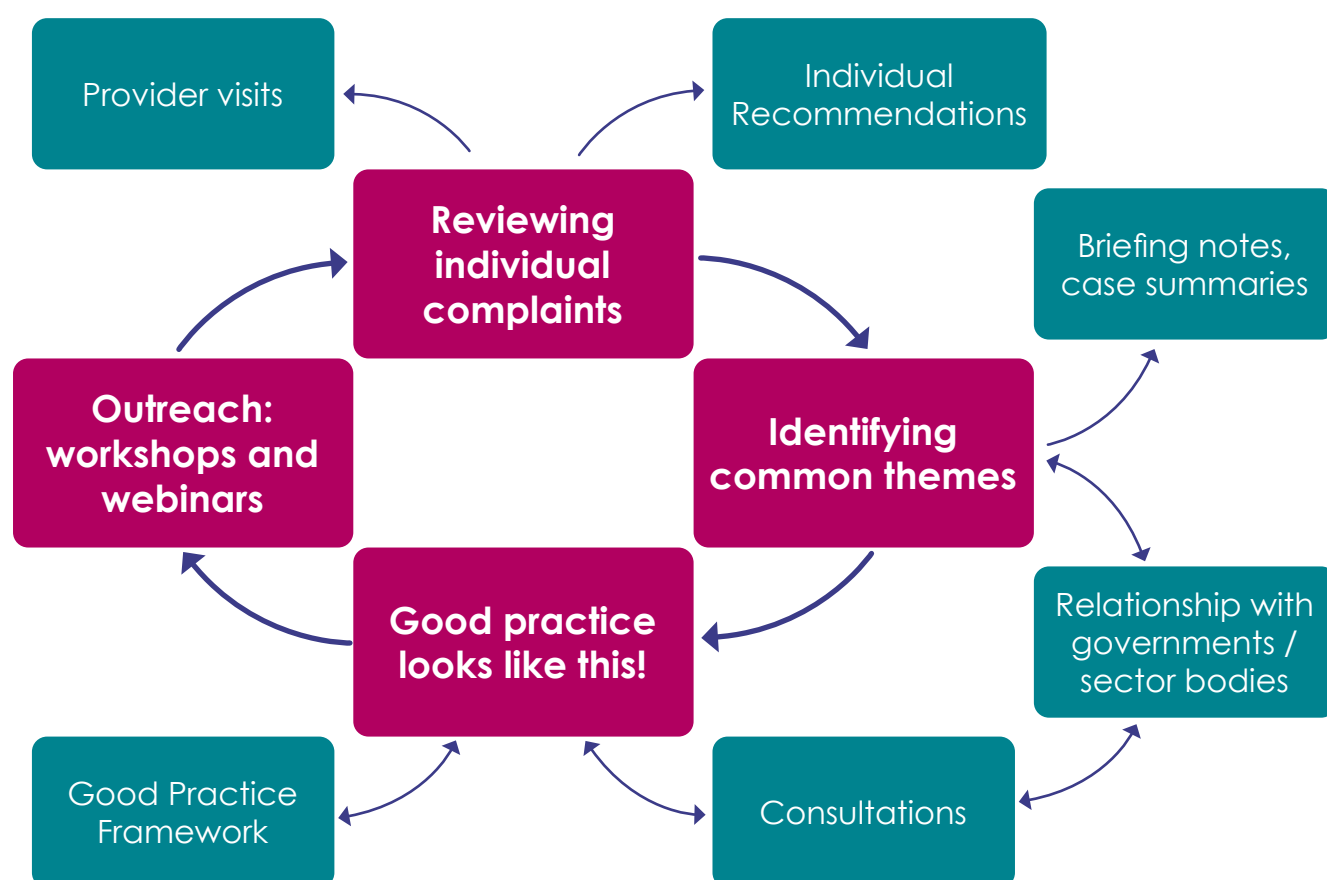
We found that some students were still disadvantaged even though their provider had tried to make up for what had been missed. Those students had not been able to take full advantage of what was on offer, perhaps because the alternative arrangements were not accessible to them, or because they could not extend their studies.

We decided that students were entitled to a refund of some of their tuition fees where the provider had not done enough to make up for what had been missed, or if the alternative arrangements had not worked for the individual student. Tuition fees support more than just direct teaching, and the impact on students varied depending on the stage (and length) of their course, and we reflected this in our Recommendations.

Many students signed up for "class actions" but those actions do not seem to have proceeded and the students do not appear to have benefited. Some of those students complained to us at quite a late stage but had not tried to complain to their provider, so we were not able to consider their complaint. We continue to try to make it clear to students that they should first raise their complaint with their provider, to have the best chance of resolution and to keep open the possibility of complaining to us if they are unhappy with the outcome.

How we make a difference

Our casework is the building block for the outreach work that we do and our work with sector bodies and governments to influence policy. We look at common themes in the complaints we see and work out what good practice looks like. That all feeds into our publications, workshops and webinars, and into how we influence wider higher education policy.



But even at the level of an individual complaint we can start to make a difference to how providers do things. How does this work?

Firstly, our case-handlers look out for opportunities to resolve a complaint at an early stage where possible. If something has obviously gone wrong and there's a simple way to put it right, we will try to get the provider and the student to agree to settle the complaint. We aim to settle 10% of complaints and in 2019 we almost achieved that. But we will only do this where the settlement is the most appropriate outcome for the student and the provider in that case.

Although settlement is likely to be the best outcome for the student (or group of students) concerned, it may not result in changes to the provider's systems or processes. In some cases it is better for us to issue a Complaint Outcome with Recommendations which we can then follow up, than to settle the complaint less formally.

We will usually make Recommendations when we decide that a complaint is Justified or Partly Justified. Our Recommendations aim to put things right for the individual student and, where appropriate, to improve procedures or processes. Where possible we will recommend a practical remedy to try to put the student back in the position they would have been in if things had not gone wrong.

In 2019 we made Recommendations in over 300 cases to put things right for individual students. This is higher than in 2018, in part due to the overall increase in the number of complaints we reviewed and to the proportion with a Justified/Partly Justified outcome returning to a slightly higher level after a small dip last year.

Examples of practical remedies we recommended included:

- To allow a student to attend a final year placement following fitness to practise proceedings, after an Occupational Health assessment, appropriate induction and professional support had been put in place
- To explain to a student why parts of their thesis breached data protection legislation and to allow a redacted copy to be published once approved
- To change a PhD student's supervision arrangements
- To allow a student an exceptional extra attempt at an exam because the student had special circumstances that the provider had not considered.

The Recommendations we made included financial compensation totalling £562,738, with 23 students being awarded more than £5,000. In addition, students received a total of £182,651 through settlement agreements we reached or following suggestions we made. The overall total compensation, £745,388, was higher than the previous year (£639,515). The highest amount of financial compensation we recommended was just over £53,000.

We also made good practice Recommendations, for example:

- A change to a provider's regulations to introduce a summer or autumn resit opportunity for students who fail final year exams
- A review of a provider's practices and procedures for implementing reasonable adjustments for disabled students
- A review of the data security implications of a provider's practice of asking students to share their user name and password with their practice mentors
- A review of a provider's procedures for dealing with students' allegations of staff misconduct
- A review of a provider's terms and conditions, including a force majeure clause, taking into account our comments and CMA guidance.

We follow up our Recommendations to make sure that the provider complies with them. If a provider does not comply or there is a delay we will take steps to address this. In 2019 81% of our good practice Recommendations and 94% of our student-centred Recommendations were implemented on time.

Even when we decide a case is Not Justified, our work can still make a difference. For a provider, it can be helpful to know that their processes have worked properly, and that they have reached a reasonable decision. Where things have gone wrong but we decide that the student has not been disadvantaged we will often make suggestions to help providers to improve their processes. For a student, knowing that an impartial third party has looked at their complaint can be reassuring and can sometimes help to bring closure to often long-running and emotional involvement with their complaint.

"Although I can not deny that I am disappointed with the findings I am pleased that the review is finished and I can draw a close to this episode."



Judicial review

Our case decisions can be challenged by judicial review. We received eight new judicial review claims during 2019, four fewer than in 2018 and the lowest number of new claims since 2014. For the second year in a row, none of those eight students was granted permission to proceed with their claim.

The cases included:

- A claim brought by a former PhD student who had been imprisoned for money laundering who complained to us about the provider's refusal to readmit him to complete his PhD in fund management. We had concluded that the provider's decision was reasonable because of the significant risk to its reputation given the nature of the student's offence and the connection to his PhD studies.
- A claim by a student who objected to our Recommendation that the provider should offer to reinvestigate his complaint and should pay him compensation for distress and inconvenience caused by the provider's previous flawed investigation. The Recommendation was in full and final settlement of the matters we had dealt with. The student argued that if he were to accept the provider's offer he would not get a remedy for the substance of his complaint, although we had explained to him that if he was unhappy with the provider's conclusions when it had investigated his complaint he could bring a new complaint to us.
- A nursing student who failed her second attempt at a placement and argued that she should not have been tested on competencies which she had passed on her previous placement. We had concluded that it was reasonable to require the student to pass all competencies on her retrieval placement so that the provider could be confident that she had reached the necessary standards in all areas.

"The decision of the OIA that the applicant's complaint was partly justified was detailed and thorough. It dealt with the matters raised by the applicant in sufficient detail and reached a conclusion upon them. While the applicant does not accept that decision to the extent that his complaints were not accepted in full, I consider that he has identified no errors of law or principle which would give rise to any real prospect of a successful application for judicial review."

Rt. Hon. Lord Justice Males

Outreach

Our outreach programme is another important way we share learning from complaints with higher education providers, student representative bodies, students and others, and refresh our knowledge and understanding of the sector.

Workshops

Our workshops are an opportunity for providers and student representative bodies to engage in detailed discussion of the issues we see in our casework, and to get a more in-depth understanding of our good practice guidance. The feedback we receive shows that people attending the workshops also value the opportunity to connect with their peers.

“Fantastic workshop, thoroughly insightful and has encouraged me to read much further into GPF and scrutinise our own procedures.”

“It was a positive event for me and so nice to network a little with other advisers and to share experiences and knowledge. OIA staff very approachable and clear info imparted. Thank you.”

For us, the workshops are a valuable way to learn more about how different providers and student representative bodies are supporting students.

We ran nine workshops during 2019, in Reading, London, Southampton, Brighton, Cambridge and Nottingham. Three of these workshops were specifically for student officers and staff working in advice and representation roles in student representative bodies. We also ran two workshops introducing our work to new members of our Scheme or to people new to the Point of Contact role at their provider.

In a first for us, in our 15th year of running workshops, we were evacuated during an unscheduled fire alarm! But there were still some interesting discussions about fitness to practise case studies in the car park.

Webinars

650 participants joined us across 30 different webinar sessions during 2019, to explore our own processes and discuss good practice. Feedback suggests that participants find our webinars an effective way of engaging with our good practice work.

We offer level one webinars which are an introduction to the topic, and level two webinars which offer an opportunity for in-depth discussion of case examples on a particular theme. We welcome participants in any role within a provider or student representative body with an interest in the topic.

“Your webinars are far superior to any others I have attended. Your slides have the right amount of detail. You don't keep repeating the same thing in different ways and you never sound like you are simply reading from notes so I find it easy to remain engaged.”

“I've never done a webinar before but I enjoyed taking part in this one – these are great to have as webinars because they make learning and development much more accessible.”

We continued to deliver webinars on popular topics including fitness to practise, accommodation complaints, and procedural fairness. Following on from the publication of the [Good Practice Framework: Disciplinary procedures](#) towards the end of 2018, we added two new topics: academic disciplinary matters and non-academic disciplinary matters. We also added a level two webinar exploring examples of complaints made by disabled students.

Participants tell us that they have benefitted from the webinars by learning something new in an informal discussion, consolidating their existing knowledge, and getting suggestions from their peers about new ways to tackle issues.

“It has reassured me that we are on the right track with our approach.”

“Generated some ideas for how we can make things clearer for students.”

“We are new to the OIA as a provider and whilst we have reviewed our procedures, I now see that we have a little more work to do in order to adhere to all of the requirements in this respect.”

Visits

Visits are an opportunity for providers and student representative bodies to hear more about our work, to talk with us about current patterns and trends in complaints and appeals, and to ask us questions on a more individual basis than workshops or webinars may allow. We don't carry out audits or inspections of procedures or processes during visits.

Visits are also an opportunity for us to listen to and learn from student representative bodies and providers: the concerns and challenges they have and what is working well, the unique features of individual providers and the makeup of their student body, and their experience of our service.

In 2019, we visited 21 providers and 16 student representative bodies, including some “virtual visits” which took place online. At many of the visits, we discussed processes for students to request special consideration of circumstances affecting their study. We also discussed the importance of consistency between written procedures and what actually happens in practice, and of using clear language and signposting students to the next stage, and on to our Scheme.

Several student representative bodies told us about the excellent working relationships they have with their provider. Others said that they did not always get to participate when providers are sharing learning from complaints. Common themes included how to overcome students'

fear of repercussions after making a complaint, and a desire for providers to give students more detailed reasons for their decision when they don't uphold a complaint or appeal.

Requests for special consideration

In March we held our Mitigating Circumstances Forum on how providers respond to students who report challenging personal circumstances affecting their studies. More than 160 delegates from providers and student representative bodies joined us to explore the principles and practicalities of designing a system that gives students a fair chance to participate fully in their course and perform in assessments to their full potential. We heard from the University of Surrey and the Students' Union about working together to review regulations; from Cardiff University Students' Union about the importance of compassion; from the University College of Estate Management about fairness and standards; from Leeds Beckett Students' Union Advice Service, Bournemouth University and BPP University about evidence requirements; and from Birmingham City University about the journey to centralised processes across a provider. We are very grateful to all the delegates for sharing their experiences and challenges openly.

The event gave us a lot to think about. We worked through some of the key themes that emerged from it and from other discussions during the year to produce a [discussion paper](#) on what we are now calling requests for special consideration, which we published towards the end of the year.

We will be taking this forward in 2020 as we develop the next section of the Good Practice Framework, and there will be further opportunities for providers and student representative bodies to contribute to the discussion as work progresses.

External events

During the year we contributed to external events to share our learning more widely. We spoke on topics including effectively addressing and resolving student complaints, enhancing student engagement, transnational education, and supporting international students and disabled students. We participated in a number of discussion forums. We contributed to the NUS Membership Services conference, joining the plenary panel session and delivering two workshops on consumer rights and complaints.



Student discussion groups

In 2018 we trialled student discussion groups, which give us an opportunity to meet students who have not made a complaint to us and to understand their views on their experience of higher education. During 2019 we continued to meet with students, seeking information about what they have found helpful in their studies, and about their understanding of what options and support would be available to them if they had a complaint. We met with students from five different providers including part-time students, mature students, commuter students, undergraduate students, postgraduate students, apprentices, international students and students studying abroad for a qualification from a UK provider, distance learning students, disabled students and carer students. One of the discussion groups was held online, and we hope to develop this approach further in 2020. We would like to thank Liverpool Guild of Students, University College of Estate Management, the University of Law, Brighton Students' Union and Leeds Beckett Students' Union for their help in organising these events.

We were grateful for these students' willingness to share their own unique experiences. Some common themes included the difficulty transitioning from a school to a higher education environment, particularly if a student is the first person in their family to study at this level. One student said,

"For me, I don't think I really started University until second year! I discovered so much more that hadn't really been signposted to me in first year or explained properly, and there was so many sources it was difficult to know where to look.... there needs to be more done at the start of the first year, like 'this is how to do University' – because no one tells you how to do it. You go to your first lecture and think, 'well do I take notes? Do I have a folder? Do I have a note pad?'"

Many participants spoke about positive interactions with staff going the extra mile to help them, with one student describing the Apprenticeship Co-ordinator:

"... She really listens and just sometimes gives you that, you know, hug in a kind of an online way, just for extra support".

Students at the heart of the regulatory environment: our role

We hold a unique position in the higher education sector. Our independence is the cornerstone of our ability to review complaints impartially and fairly, but we also have a role to play in the wider regulatory framework. We work with a range of organisations in the sector and beyond to contribute to the development of policy and practice. As an independent complaints-handling organisation, we have a distinct perspective on live issues in the sector and we use this to inform policy consideration at regional and national levels, promoting a student-focused, proportionate and joined-up approach.

The rapid change and widespread uncertainty in the UK's political landscape continued through 2019, including two changes of Minister of State for Universities. We supported the Department for Education in familiarising the ministers and their officials with our work and the role of complaints in the wider regulatory framework. This included briefing officials with up-to-date information about issues such as industrial action.

The end of May saw the long-awaited publication of the Augar report on the Review of Post-18 Education and Funding. The Report took account of evidence we contributed in 2018. A government response had been expected by now but in the current context it is unclear when this will be possible.

We continued to attend the UK Standing Committee on Quality Assessment (UKSCQA) to contribute to co-ordination between organisations in the regulatory framework and to participate in policy discussions at government level.

We were pleased that the ministerial letter to the Office for Students (OfS) about strategic priorities going into its second year of operation specifically mentioned us as a body that OfS should continue to work with to support the student experience. In 2019, much of our work with the OfS focused on its registration of providers, which can affect whether students at a provider can access our Scheme, and on the protection of students in the event of a market exit (see below).

We maintained our strong relationship with the National Union of Students (NUS). We regularly engaged with a wide range of organisations including the Association of Colleges (AoC), the Association of Heads of University Administration (AHUA), the Competition and Markets Authority (CMA) through the Consumer Benefit Forum, GuildHE, the Higher Education Funding Council for Wales (HEFCW), Independent HE, QAA, UCM Cymru/NUS Wales, the UK Council for International Student Affairs (UKCISA) and Universities UK (UUK), through meetings and attending key events.

We have worked closely with the National Association of School-Based Teacher Trainers (NASBTT) to understand the challenges they face in the current policy context, which has seen a focus on merging existing centres of teacher training for students on school-based routes.

Sharing information

Information-sharing arrangements help us to work with other organisations to identify themes and concerns about quality, standards or practice across all or parts of the sector. Complaints can sometimes suggest underlying systemic or regulatory issues that other bodies need to be aware of. Sometimes other bodies may be able to alert us to a systemic issue at an early stage, enabling us to be better prepared if a large number of complaints follow. We have [memoranda of understanding](#) or similar agreements with a number of bodies, including OfS, QAA and HEFCW.

Contributing to inquiries and consultations

In 2019 we drew on our experience and evidence to respond to a range of consultations and inquiries, including on student pregnancy, higher technical education and students studying at international campuses run by English providers.

We contributed evidence for the Equality and Human Rights Commission's inquiry into racial harassment in universities. We welcome the EHRC's important work in this area and we were pleased that their report, "Tackling racial harassment: universities challenged", recognised our Good Practice Framework and recommended that complaints procedures should be in line with our guidance.

A case for student protection

Higher education providers have been facing an increasing number of financial and operational challenges in recent years in the context of Brexit, shifting demographics and changes to employer pensions. Many providers have been making difficult choices to close courses and campuses, or even exit the market altogether. However, in our experience the market approach can sometimes forget, or dismiss as collateral damage, the students who are affected.

The reality of the impact on students was demonstrated in 2019 when GSM London went into administration. We worked as part of a task force, bringing our expertise on how to mitigate the impact on students who suddenly found themselves in an uncertain situation. Together, the task force was able to secure positive outcomes for many GSM students in a difficult situation, ranging from helping students to quickly transfer to other providers to securing the highest available exit award.

The closure of GSM London highlighted the lack of – and need for – a sector-wide approach to protecting students, such as an independently held source of funding to facilitate remedies for students in the event of a market exit. We have been sharing the lessons learnt as part of the task force and working with the OfS, others in the regulatory framework, student organisations and providers to promote a real focus on individual remedies for students so they do not pay the price for market exit. This could become even more urgent in the context of the coronavirus pandemic.

Access to our Scheme

Our vision is that all students are treated fairly. This includes having access to independent redress for unresolved complaints.

Our Scheme membership now stands at well over 800 providers and covers the vast majority of students on higher education level courses at providers in England and Wales.

We have continued dialogue about widening access to our Scheme throughout the year. In Wales, work on the implementation programme to establish the Commission for Tertiary Education and Research (CTER) has continued to move forward. The Commission will, subject to legislation, be established by 2023 and will be responsible for the funding, oversight and regulation of post-compulsory education in Wales. We have been working closely with Welsh government officials on the development of policy proposals, including extending access to our Scheme to all post-compulsory education and training students in Wales, except for those in school sixth forms where alternative arrangements apply. We are aware of possibilities of a similar breaking down of the divide between higher and further education in England and we are contributing to that discussion as appropriate.

We have also been encouraging providers and awarding bodies that do not fall under the definition of “qualifying institution” (those which are required to join our Scheme under legislation) to join voluntarily.



Improving what we do

Our values underpin our work and inform how we approach improving our service. In this section we talk about some of the things we have done during the year, and some of the ways we go about improving what we do.

OUR VALUES	Integrity & independence	
	Quality	
	Openness & accessibility	
	Service ethos	
	Engagement	
	Equality & diversity	

Our new website

We launched our new website in February 2019. We have designed it with our values in mind and with ease of use at the forefront. The improvements we made to the design and content mean it is easier for people to find the information they need quickly and easily. We use clear, informal and straightforward language, and images and infographics throughout the site to explain what we do and how our processes work. The website meets high accessibility standards. It also now has a responsive design, allowing people to view it more easily on devices such as tablets and mobile phones.

We now provide more information in Welsh on our website than ever before, including all our good practice guidance and key information for students.

We have had very positive feedback from people who use the website, and we will continue to listen to feedback to inform future developments.

"I have looked at the new website, and it is clear to see that access has truly been taken seriously in the applied reforms ... Every link is clear and concise on the homepage, which really does assist quick access to info. It is also good that there is a Browse reading software as an option on the site for those who may need it ... From checking the website out, accessibility boxes have really been ticked. Excellent stuff!"

Quote from a visually impaired student

“Toolkits” for providers and student representative bodies

We are continuing to add to our online resources. During 2019 we developed two toolkits, one for [student representative bodies](#) and the other for [providers](#), giving key information about our Scheme. For both we asked for views on the content and form, and the final versions reflect the helpful suggestions we received. The toolkit for student representative bodies includes information to introduce new student officers and advice staff to our Scheme and materials to help explain to students who we are and what we do. The toolkit for providers is designed for new members of our Scheme or staff who are new to the OIA Point of Contact role.



Students' experience of our service

Actively listening, reflecting and learning help us to continually improve what we do. We try to be flexible and responsive to those who use our service.

We have continued to listen to students to gain a better understanding of their needs and concerns. In 2019 we gathered more feedback from the students who use our service than ever before. This feedback, together with insight from the students who participated in our student discussion groups, is very valuable and has informed some of the improvements we have made to what we do.

Some students are very satisfied with our service. We are pleased that a high proportion of those who respond to our surveys say that we have treated them with respect and politeness. Others express concerns, most commonly around communication, including understanding our processes and decisions, the extent and nature of our remit, timeliness and perception of a lack of impartiality. We have done a lot of work in recent years to address these issues. We continue to try to provide clear information about what we can and can't do, to guide and support students through our process and explain our decisions clearly, to focus on timeliness at all stages of our process and to provide reassurance about our independence and the steps we take to protect the impartiality of our casework. We have published some [information](#) about the feedback we have received and how we have made use of it to improve our service.

The complaints we receive about our service can also provide valuable feedback about what students think and their experience of our service.

In 2019, we received 59 complaints about our service (59 in 2018). Many of these raised issues about the merits of the student's complaint about their provider rather than about the service we had provided. Where service issues were raised, these have generally shown similar concerns to those expressed in the wider student feedback. Learning is fed back to improve our casework and the information we provide. In 2019, learning from service complaints led to some specific changes to signpost information on our website more clearly, and helped inform steps we were taking to improve how we communicate with students about our timescales and our approach to reasonable adjustments.

Communicating effectively

We understand how important it is to students that we communicate clearly and sensitively. This has influenced our ongoing work on all aspects of our communication, including the tone and style of our writing. It is also a motivation behind our more recent focus on kindness in our work (see below).

Following a successful pilot, which offered students the opportunity to discuss their case with us over the telephone, we made changes to our case-handling process so that students are offered a phone call with their case-handler at an early stage. Talking to us helps to reassure students that we have listened and understood their concerns, and enables us to check our understanding. It is also an opportunity for us to explain what we can and can't do in relation to the student's individual case, so that they understand the likely scope of our review and what we will look at.

Kindness in practice

There is increasing awareness of the importance of kindness in the workplace and in public sector and community settings, and it is very relevant to our work too.

We started talking about kindness as an organisation after hearing a presentation by Jennifer Wallace of the Carnegie (UK) Trust on "Taking a human approach". Kindness and human connection are essential in promoting the wellbeing of both students and our staff. This means listening to and taking the time to understand people's concerns; using simple language and a less formal tone that is not intimidating; trying to minimise people's anxiety; setting clear expectations; and explaining our decisions carefully and sensitively. We have begun to look at how we can build on the work we are already doing to improve the way we communicate, to embed a kinder approach in our work.

Equality, diversity and inclusion

Our commitment to equality, diversity and inclusion, like our other values, underpins what we do both as an employer and through our work.

We encourage an inclusive working culture in which everyone is valued for who they are. We actively reach out when we are recruiting to groups that are currently under-represented in our Office, and we monitor the diversity of our staff and our Board. We offer flexible working arrangements, including part-time positions at all levels and enable people to work from home where appropriate. We have a job evaluation framework and grading structure to set the appropriate pay grade for each role so that people doing the same or similar roles are paid equally. Around three quarters of our staff are female, and the proportion in senior roles is similar. At 31 December 2019 we had a median gender pay gap in favour of men of 11.4% (2018: 7.6%). This figure varies over time due to the small size of the organisation.

We take steps to promote awareness and increase understanding of diversity and inclusion. Equality and diversity are discussed with new staff during induction. We regularly attend external events on relevant topics to update our knowledge, and contribute to events and consultations to share learning from our work.

We collect diversity information on a voluntary basis from students who complain to us. In 2019 we looked at what this could help us to learn about complaints from disabled students (see also [Complaints from disabled students](#)).

We are committed to making our service as accessible as possible to all who need to use it. We have a positive and proactive approach to making reasonable adjustments to our review processes, and offer a range of adjustments tailored to meet individual students' needs. In 2019, following consultation with panel members from our Disability Experts Panel, we introduced an online British Sign Language interpreting service to help improve access for deaf and hard-of-hearing students.



Advisory Panels

Every year we benefit from the expertise and advice of our two Advisory Panels. Both Panels meet twice a year to discuss topics of interest, and our case-handling staff can refer issues to Panel members for their expert input. Panel members also participate in consultations on new sections of the Good Practice Framework. In 2019, both Panels contributed valuable feedback on our Fitness to practise section.

Higher Education Advisory Panel

During the year we referred several issues to our Higher Education Advisory Panel (HEAP), which provides expert opinion on practice in higher education providers. We discussed topics such as sexual harassment, social media, student fees and visas, student accommodation, industrial action, good practice for agreeing penalties in cases of serious misconduct, and fitness to practise procedures. The panel does not see or make decisions on individual complaints.

The Panel reflects the diversity of our Scheme membership and includes student advisers and a balance of administrators and academics from providers. We expanded the membership of the Panel this year.

Gregory Allen stepped down as Chair in April 2019. We are grateful to him for his excellent chairing, and to Sarah Wilmer for picking up the baton.

HEAP members during 2019

- **Gregory Allen**, Head of Quality and Governance, GSM London (to April 2019) (Chair)
- **Sarah Wilmer**, Student Adviser, Leeds Beckett University Students' Union (Chair from April 2019)
- **Mandi Barron**, Head of Student Services, Bournemouth University
- **Claire Blanchard**, Partnership Lead, University of Wales Trinity Saint David
- **Geoff Green**, Academic Registrar, University of Leicester
- **Jonathan Hall**, Higher Education Deputy Manager, Recruitment, Admissions & Engagement, South Devon College
- **Jawanza Ipyana**, Student Adviser, University of Sunderland Students' Union
- **Charlotte Levy**, Registrar, Royal Academy of Dance
- **Carmen Neagoe**, Head of Educational and Teaching Support, Cambridge Judge Business School, University of Cambridge
- **Melissa Reilly**, Sexual Violence & Harassment Response Manager, The University of Manchester
- **Nicholas Whitehouse**, Coordinator, Mixed Economy Group

Disability Experts Panel

Our Disability Experts Panel (DEP) is made up of disability practitioners and experts in disability matters from specialist organisations and higher education providers.

During the year we discussed with the panel issues including delays in support provision, students' mental health issues and whether providers should involve students' families, requests from providers for occupational health reports, and the provision of additional support outside disabled students' allowances (DSAs) funding.

DEP members during 2019

- **Hannah Abrahams**, Secretary and Mental Health Advisor and Mentor, University Mental Health Advisors Network (UMHAN) and City, University of London
- **Mary Bown**, Head of the Disability Advisory Service, Imperial College London
- **Antony Chuter**, Chair, Pain UK
- **Stephen Heath**, Lawyer, Mind
- **Martin McLean**, Education and Training Policy Advisor (Post-14), National Deaf Children's Society
- **John Milligan**, Team Leader, Visually Impaired Children, Young People & Families Virtual School Sensory Support
- **Levi Pay**, Director and Principal Consultant, Plinth House
- **Lynn Wilson**, Operations Manager, National Association of Disability Practitioners (NADP)

Our people

We have a strong team of people who are the heart of our organisation, with shared values, a commitment to the work we do and a wide range of skills and experience. We work in a positive and collaborative way to deliver the best service we can across all areas of our work.

“Our interactions with providers and students arise from complaints. This means that some people we are in contact with are unhappy, distressed, sometimes angry and need guidance. Many students see the OIA as a lifeline – this can be helpful but can also make things challenging when managing a student’s expectations and being impartial. Being able to guide a student through our process gives me the most satisfaction. I also enjoy helping students understand and make sense of the process they’re going through. It’s important to listen to understand rather than listening to respond, and to be able to signpost individuals to relevant organisations for more support and guidance. I have had many instances where a student starts a call distressed and somehow by the end of the call I have been able to calm them down – for me, this is one of the best moments in this role”.

Nicole | Casework Administrator

“As Student Liaison Officer I enjoy listening to and talking with students and their representative bodies to understand their experiences and share the learning from our work. I think having a background in reviewing student complaints has really helped me to understand many of the issues students face, but it’s an ever-changing sector we work in and I’m always keen to learn more. I’m nearing the end of a part-time Postgraduate Certificate in Student Engagement. I’ve really enjoyed learning about this developing field of study. It’s been a pretty full-on year – I’m a mature, part-time student, balancing studies, work and being dad to two boys under five; but it’s also been a humbling experience too, reminding me just how tough student life can be, and I’ve had great support from colleagues throughout.”

Barry | Student Liaison Officer

“I joined the OIA at the end of 2019, having previously worked as an adjudicator at the Financial Ombudsman Service. One of the things I have really appreciated since joining the team are my colleagues, who have been so welcoming and helpful.

I think the most challenging aspect of this role, indeed with most complaint handling roles, is the disappointment someone feels when they don’t get the outcome they had hoped for. But sometimes we are able to get a positive outcome for a student, which is rewarding, especially when it’s a life-changing decision for them. I also value the OIA’s transparency to both students and providers when dealing with complaints.

Having not worked in higher education, I still have lots to learn about the sector, but with the resources available to me I am learning new things every day, which keeps me motivated.”

Desvinder | Assistant Adjudicator

“When I applied to work at the OIA I was the manager of a Students’ Union Advice Service. We saw many students who were reluctant to complain to the OIA because it seemed too difficult and lengthy. Sometimes I could understand why they felt this way. That was over five years ago, and since then the OIA has become a lot more accessible, and it has been great to be part of an organisation that is continually looking for ways to improve. I enjoy communicating with students and providers so that they understand who we are, what we do and why we have made our decisions. I also like to take part in outreach activities because it helps me keep in touch with what is happening in the sector.”

Cheryl | Assistant Adjudicator

“Before joining the OIA I was a PhD student. I also worked as a student reviewer for the Quality Assurance Agency (QAA). I really enjoy the challenging nature of our work at the OIA and the fact that every case is different, and as case-handlers we need to adapt our approach to support individual students through our process effectively. I really value working in a team where everyone is motivated to provide the best service possible. Although our work can be difficult, it is really rewarding when we get to have a positive impact, for example by giving a student closure in relation to their complaint or by settling a case with a provider.”

Matthew | Case-handler

“Before the OIA, my background has been in HR within a number of different sectors including insurance, IT, the NHS, and homecare.

The OIA has a culture that I have not experienced before in any of my previous roles. We respect, support and continuously learn from each other and embrace collaborative thinking and flexible working. This has been especially valuable to me as a parent of two school-aged children as I work part-time, giving me the work-life balance that I have needed.

I enjoy working in HR at the OIA due to the variety of work and priorities. My main focus is on supporting our people during their employment with us as well as payroll, pensions, benefits and wellbeing. The greatest challenge and reward for me personally is no errors following a payroll run!”

Elaine | HR Advisor

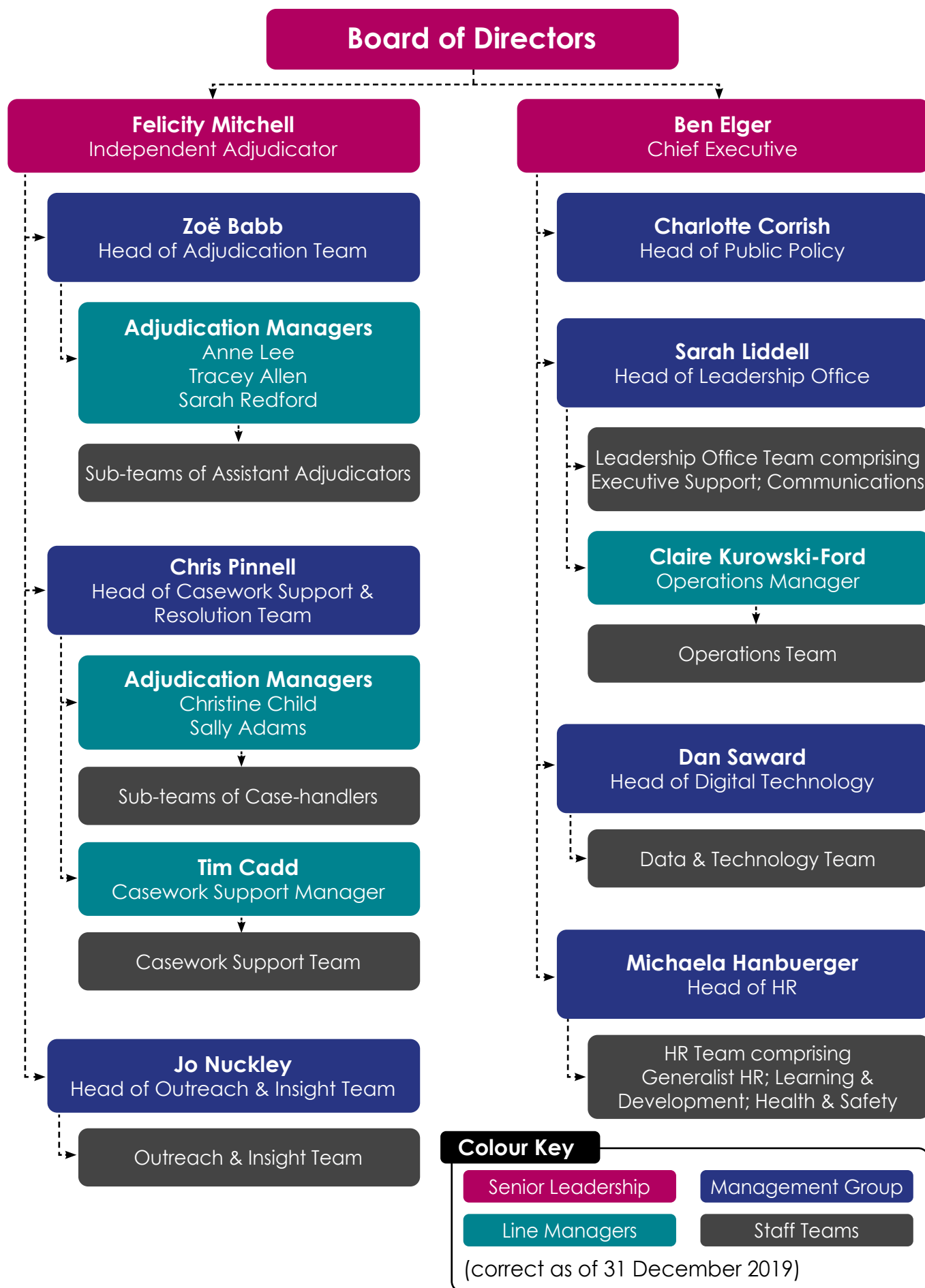
We offered a wide range of learning and development opportunities during the year to build knowledge and skills as part of our commitment to continually improving what we do. Mental health is an important issue, and one we often encounter in our casework, so we were pleased to welcome Mind to deliver a mental health awareness workshop for us. We also provided management development, media and technology training courses. As well as externally led training, we ran a regular programme of internal knowledge-sharing sessions.

We are committed to supporting wellbeing in our organisation through promoting a positive working culture, individual support from managers and our HR team, and access to professional external support from our comprehensive Employee Assistance Programme where needed. In 2019 we also regularly shared tips and resources with colleagues and encouraged open conversations and activities to promote wellbeing.

We are always keen to celebrate some of the many ways that our people make a difference. In 2019, we created the Rebecca Marsland Award, in memory of our great friend and colleague who sadly passed away. Each year, the award is given to one of our colleagues in celebration of an outstanding contribution to our work, an exceptional personal achievement or an act of kindness. We invite colleagues to make nominations and our Chief Executive and Independent Adjudicator decide on a worthy winner. This year, the award was given to a case-handler in our Assessment and Resolution Team, for their unfailingly positive contributions to our work, not only in their casework, but in outreach activity and mentoring of new staff.



Our organisational structure



Our Board of Trustees/ Directors

The OIA is overseen by an independent Board of Directors.

The Board has 15 members. Nine, including the Chair, are Independent Directors appointed by fair and open competition on the basis of their skills and experience. Six are Nominated Directors from representative bodies in higher education in England and Wales. These bodies may also appoint Alternate Directors, to attend Board meetings if their Nominated Director is not available.

During 2019 we progressed our review of our governance arrangements, looking at how we can best reflect the wider membership of our Scheme in our governance. We will continue with the review when we and stakeholders are in a position to do so once the coronavirus situation has improved.

Directors are normally appointed for a term of three years and serve up to two terms. No Director can serve for longer than nine consecutive years.

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

The Board's responsibilities include:

- preserving the independence of the Scheme and the role of the Independent Adjudicator
- oversight of the performance and effectiveness of the Independent Adjudicator, the Chief Executive and the OIA Scheme
- setting the budget for the OIA and the level of subscriptions payable by providers each year
- approving the Rules and procedures for the operation of the Scheme.

Trustees/Directors

The Trustees/Directors of the charitable company, who served throughout 2019 unless otherwise stated, were as follows:-

Independent Trustees/Directors

Chair: Dame Suzi Leather

Deputy Chair: Andy Mack

Andrew Chandler

Dr Wendy Finlay

Gillian Fleming

Peter Forbes

Carey Haslam (to 30 June 2019)

Martin Kirke (from 1 July 2019)

Jonathan Rees

Sophie Williams

Nominated and Alternate Trustees/Directors

Nominated by the Association of Heads of University Administration

Mark Humphriss - Nominated Director (to 30 June 2019)

Dave Hall - Alternate Director (Nominated Director from 1 July 2019)

Nominated by the Committee of University Chairs

Dr Simon Walford - Nominated Director (to 1 March 2019)

Dr Diana Walford - Nominated Director (from 1 March 2019)

Nominated by GuildHE

Professor Geoffrey Elliott - Nominated Director

Jon Renyard - Alternate Director

Nominated by the National Union of Students

Amatey Doku - Nominated Director (to 30 June 2019)

Claire Sosienski Smith - Nominated Director (from 1 July 2019)

David Malcolm - Alternate Director (from 1 September 2019)

Alan Roberts - Alternate Director (to 30 April 2019)

Nominated by Universities UK

Professor Alistair Fitt - Nominated Director

Professor Paul Layzell - Alternate Director

Nominated by Universities Wales

William Callaway - Nominated Director

Dr Kevin Mundy - Alternate Director (from 1 March 2019)

Our strategy and Operating Report

Our charitable purpose is to advance education for public benefit through the independent review of student complaints in England and Wales and by using learning from complaints to help improve policies and practices.

[Our strategy](#) identifies four key priorities through which we fulfil our purpose:

- to review student complaints independently, fairly and effectively
- to share learning from complaints with higher education providers, student representative bodies, students and others, to help improve policies and practices and the student experience
- to work effectively with others and influence policy and practice in the wider regulatory framework for higher education and in the ombuds sector
- to continually develop our organisation so that we can do our work well.

Our [Operating Report for 2019](#) reports progress against our [Operating Plan 2019](#). It sets out what we have done during the year to advance each of our strategic priorities. It includes information on our performance against our key performance indicators, progress in ongoing areas of work, and new initiatives.

Subscriptions

Our subscription model is designed to reflect the diversity of our membership and, to a lesser extent, the number of complaints about a provider, through a core subscription fee and a case-related element.

All providers pay a core subscription. For most providers this is based on student numbers (see Core subscription fee rates below for more information). In 2019 we took transnational education (TNE) student numbers into account in our subscriptions for the first time by using HESA aggregate offshore numbers (TNE students are generally able to bring complaints to us).

Core subscription levels are reviewed annually. In 2019, taking into account the substantial and sustained rise in the number of complaints coming to us over the last two years, the Board agreed an increase in core subscription fee rates for 2020 of 5.0% for all types of provider.

Some providers also pay a case-related element of the subscription. “Points” are allocated to each complaint we receive, and each subscription band has a points threshold. The case-related element is payable when the number of points allocated to complaints received about the provider in the previous year exceeds the band’s points threshold. The number of points above the threshold determines the fee. The points allocated to a case are based on whether it is not eligible for us to review, settled or withdrawn before it goes to full review, or is fully reviewed. This maintains the vital principle that there should be no link between the outcome of eligible cases and the amount of any fee paid. In 2019 the Board agreed a small increase in the per point fee from £200 to £210 (which will affect case fees payable in 2021).

More details of our [subscriptions arrangements](#) can be found on our website.

CORE SUBSCRIPTION FEE RATES FOR 2019

(pro-rated for providers joining the OIA Scheme part way through the year)

	Band	Core Subscription Fee (£)	Core Subscription Fee (£) (HE in FE providers)
Up to and including 200 students	AA	435	304
201 to 500 students	A	899	629
501 to 1,500 students	B	1,814	1,270
1,501 to 6,000 students	C	9,753	6,827
6,001 to 12,000 students	D	19,352	13,546
12,001 to 20,000 students	E	32,168	22,518
20,001 to 30,000 students	F	48,624	34,036
30,001 to 50,000 students	G	57,783	40,448
50,001 to 100,000 students	H	71,107	49,775
More than 100,000 students	I	109,250	76,475

CORE SUBSCRIPTION FEE RATES FOR 2020

(pro-rated for providers joining the OIA Scheme part way through the year)

	Band	Core Subscription Fee (£)	Core Subscription Fee (£) (HE in FE providers)
Up to and including 200 students	AA	457	320
201 to 500 students	A	944	661
501 to 1,500 students	B	1,905	1,334
1,501 to 6,000 students	C	10,241	7,169
6,001 to 12,000 students	D	20,320	14,224
12,001 to 20,000 students	E	33,776	23,643
20,001 to 30,000 students	F	51,055	35,739
30,001 to 50,000 students	G	60,672	42,470
50,001 to 100,000 students	H	74,662	52,263
More than 100,000 students	I	114,713	80,299

Statement of financial activities

for the year ended 31 December 2019

	Unrestricted funds		Total	Unrestricted funds		Total
	General Reserve	Pension Reserve	2019	General Reserve	Pension Reserve	2018
	£	£	£	£	£	£
Income						
<i>Income from investments</i>	22,676	-	22,676	13,297	-	13,297
<i>Income from charitable activities</i>						
Subscriptions	5,419,824	-	5,419,824	4,636,061	-	4,636,061
<i>Other income</i>	4,264	-	4,264	3,600	-	3,600
Total income	5,446,764	-	5,446,764	4,652,958	-	4,652,958
Expenditure						
<i>Charitable activities</i>	4,908,563	777,155	5,685,718	4,586,623	(13,161)	4,573,462
Total resources expended	4,908,563	777,155	5,685,718	4,586,623	(13,161)	4,573,462
Net (expenditure)/income	538,201	(777,155)	(238,954)	66,335	13,161	79,496
Transfers between funds	-	-	-	-	-	-
Net movement in funds for the year	538,201	(777,155)	(238,954)	66,335	13,161	79,496
Total funds at 1 January 2019	777,889	(670,274)	107,615	711,554	(683,435)	28,119
Total Funds at 31 December 2019	1,316,090	(1,447,429)	(131,339)	777,889	(670,274)	107,615

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

Balance sheet at 31 December 2019

	2019		2018	
	£	£	£	£
FIXED ASSETS				
Tangible assets		273,397		366,168
CURRENT ASSETS				
Debtors	205,885		179,858	
Cash at bank and in hand	4,573,647		2,713,913	
	<u>4,779,532</u>		<u>2,893,771</u>	
CREDITORS				
Amounts falling due within one year	(3,470,019)		(2,154,634)	
NET CURRENT ASSETS		1,309,513		739,137
TOTAL ASSETS LESS CURRENT LIABILITIES		<u>1,582,910</u>		<u>1,105,305</u>
CREDITORS				
Amounts falling due after one year		(266,820)		(327,416)
NET ASSETS EXCLUDING PENSION PROVISION		<u>1,316,090</u>		<u>777,889</u>
Pension provision		(1,447,429)		(670,274)
TOTAL NET (LIABILITIES)/ASSETS		<u>(131,339)</u>		<u>107,615</u>
FUNDS				
Unrestricted funds				
General reserve		1,316,090		777,889
Pension reserve		(1,447,429)		(670,274)
		<u>(131,339)</u>		<u>107,615</u>

These constitute summarised financial statements and do not include the financial information and disclosures required in a full set of financial statements.

The full set of audited financial statements can be found on our website at www.oiahe.org.uk.



office of the
independent
adjudicator

Office of the Independent Adjudicator for Higher Education

Second Floor, Abbey Wharf
57-75 Kings Road
Reading
Berkshire
RG1 3AB

0118 959 9813

enquiries@oiahe.org.uk

Registered Company number: 04823842
Registered Charity Number: 1141289

