



office of the
independent
adjudicator

The OIA Scheme

oiahe.org.uk

[DRAFT FOR CONSULTATION]

The OIA

The Higher Education Act 2004 requires that an independent body run a student complaints scheme in England and Wales. The Office of the Independent Adjudicator for **Student Complaints** (OIA) was chosen to run the student complaints scheme. We are independent from students and providers, and from governments and regulators.

We are an alternative dispute resolution (ADR) body. This means that we provide a way of resolving complaints that is different to courts and tribunals. The way we work is set up to be quicker and easier for everyone to use.

The Scheme

This Scheme sets out the terms of how we operate and handle any student complaints that we receive on or after XDATEX, to meet the requirements of the Higher Education Act.

1. Providers covered by the Scheme

Most providers are a “qualifying institution” that are, by law, automatically part of the OIA Scheme. Other providers may apply to join the Scheme voluntarily if they meet our conditions for joining. A provider that stops being a qualifying institution continues to be part of the OIA Scheme for 12 months from the date when it stopped being a qualifying institution. They are called a “transitional institution.” Providers that are part of the OIA Scheme must comply with the requirements imposed on them by this Scheme

2. Complaints covered by the Scheme

A student or former student can complain to us about anything their provider has done or failed to do from the point at which they accept an offer to study from that provider.

3. Students should raise their complaint with the provider and exhaust the provider’s internal procedure before bringing a complaint to us

We will not review a complaint unless the provider has had the opportunity to look at it first, unless we consider that exceptional circumstances apply. A student therefore normally needs to have completed the provider’s internal processes before complaining to us.

4. There is a time limit for students to bring a complaint to us

When the student completes the provider’s internal processes the provider must issue the student with a “Completion of Procedures Letter.” A student has 6 months from the date of the Completion of Procedures Letter or the provider’s final decision, if no Completion of Procedures Letter is issued, to submit a Complaint Form to us.

5. What we do

We review qualifying complaints to decide the extent to which the complaint is justified as soon as we reasonably can. Where we think that early resolution of a complaint may be possible, we intervene to support effective resolution possibly by settlement. We share the outcome and the reasons for our decision with the student and provider. Where a group of students have all been affected by a particular issue or event at a provider we may decide to review those complaints together.

6. Recommendations

Where we uphold a complaint because we decide it is justified to some extent or in full, we may make Recommendations that the provider should follow.

7. We cannot consider complaints about academic judgment

Academic judgment is not any decision or judgment made by an academic. It is a decision or judgment about something that can only be made by someone who has the appropriate academic expertise.

8. We exclude some complaints

- a. We will not look at a complaint, or a part of a complaint, if we decide it is about something that has already been looked at by us or a court or tribunal, or is being looked at by a court or tribunal and those proceedings have not been put on hold (stayed).
- b. We will not normally look at a complaint, or a part of a complaint, if we decide it is about:
 - i. An application for admission to study at a provider and/or the decision whether to offer the student a place to study
 - ii. Issues to do with a student's employment by the provider.
- c. We cannot review a complaint about a transitional institution unless the events complained about occurred before the date it became a transitional institution.

9. We may terminate a qualifying complaint without considering the merits of the case if we decide the complaint is frivolous or vexatious, or there is other good reason to terminate our review.

10. Independence

Casework is conducted under the authority of the Independent Adjudicator, who is appointed as an independent person to carry out the review of complaints. All casework is carried out under the authority of the Independent Adjudicator to appropriate quality standards and by approved process to ensure independence and consistency.

11. Our service is free for students.

12. Requirements of providers that are part of the OIA Scheme

- a. All providers that are part of the Scheme must pay an annual subscription to fund our service. This may include a case-related element based on a published scale. The subscription and case-related element is set by the OIA Board.
- b. Providers must respond to any reasonable requests for information we make about a complaint. We act if a provider does not comply with a request for information about a complaint.
- c. Providers must issue a student with a Completion of Procedures Letter when the student completes the provider's internal processes.
- d. Providers must comply with any Recommendations we make in full within the time we set and report back to us. We act if a provider does not comply with a Recommendation within the time we set.
- e. Providers must respond to any reasonable requests we make for relevant information relating to their internal complaints procedures to support us in working effectively and efficiently, and in identifying learning and good practice.

13. Each year we publish an Annual Report on the student complaints scheme.