



office of the
independent
adjudicator

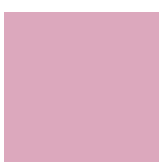
2022 Annual Report

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Foreword from the Chair

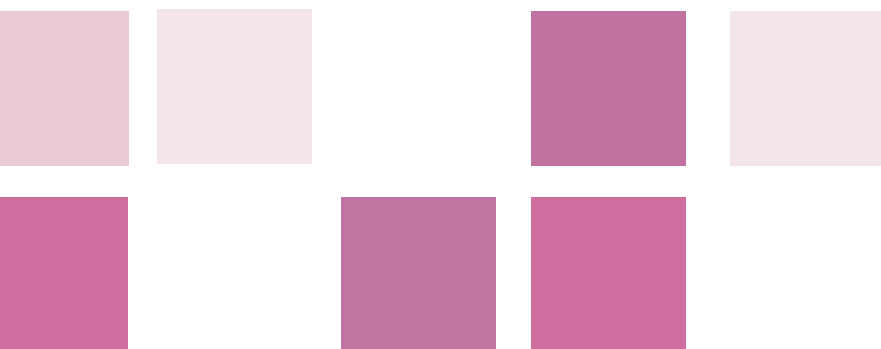
Our vision is that students are always treated fairly. A shared commitment to fairness for students must be at the heart of a successful higher education sector that delivers for students and for our wider society. The context of the legacy of the pandemic and the impact on so many students of acute cost of living pressures is making this more challenging, and even more important.


The OIA has a unique and valuable part to play in this. We continued to work with students and their representative bodies, providers, sector organisations and governments to share learning from complaints and contribute to policy developments. We handled more complaints than ever before, providing access to independent, impartial review of students' unresolved complaints. We progressed our work across a range of issues that matter to students. Our Annual Report for 2022 reflects the breadth and depth of our work.

None of our achievements this year would have been possible without the skill and dedication of everyone in our organisation in continuing to fulfil our remit despite the many ongoing challenges. I would like to thank our excellent, committed staff, my colleagues on the Board, and particularly Independent Adjudicator Felicity Mitchell and Chief Executive Ben Elger who, together, so ably lead the organisation.

This has been Felicity's last full year as Independent Adjudicator. I would like to take this opportunity to pay tribute to her exemplary integrity and commitment and to thank her for the exceptional skill, care and kindness she has brought to the OIA's work over the last 19 years.

This is also my last Annual Report as Chair of the OIA Board. I am proud of what we have achieved as an organisation during my time as Chair, and confident that the OIA will go from strength to strength with Helen Megarry as our new Independent Adjudicator from May 2023 and a new Chair from October.



 **Dame Suzi Leather**
Chair of the Board



■ Introduction

Welcome to our Annual Report for 2022. The Report gives a picture of our work during the year and reflects on our wider context and relevant developments as we progressed our strategic priorities and delivered against our Operating Plan for 2022.

The number of complaints coming to us continued to increase. Nonetheless we exceeded most of our key performance indicators for the timeliness of our complaints-handling processes, although we did not meet our turnaround KPI and addressing this remains a key focus. We delivered a full outreach programme, both virtual and in person, to share learning from complaints with the sector and to engage positively with students, their representative bodies and higher education providers.

2022 was again a complex and challenging year in our external environment. We worked extensively with others in the regulatory landscape to contribute to thinking around relevant policy developments, to help promote a joined-up approach and a focus on key issues affecting students. Following discussion and planning over a number of years, we welcomed the Tertiary Education and Research (Wales) Act which will in due course extend our remit to further education students in Wales, giving more students the benefit of access to independent redress for their unresolved complaints.

It has also been an important year for developments within our organisation. We continued to grow capacity to manage our rising caseload, alongside our ongoing focus on efficiency, and undertook a significant project to upgrade our IT infrastructure to better support the service we provide. We maintained a strong commitment to diversity and inclusion in our organisation and in our work. We also prepared for the key upcoming changes of the Independent Adjudicator and the Chair.



Headlines of the year

Complaints

2,850 complaints received

📈 Up 3% on 2021

2,821 complaints closed

📈 6% up on 2021

Sharing learning

Published the revised Good Practice Framework: Handling complaints and academic appeals

Published guidance on responding to the cost of living crisis, drawing on learning from complaints

Ran a programme of 36 online outreach events with over 700 participants, as well as 13 in-person visits to providers and student representative bodies

Working with others

Worked closely with governments, sector bodies, NUS and other relevant organisations to contribute to relevant discussions and developments

Worked with the Welsh government and others towards making our service available to students across the post-compulsory education and training sector in Wales

■ A time of challenge and change: thoughts from the Chief Executive

Adapting to a changing and challenging environment is key for most ombuds, charities and organisations in the higher education sector at the moment. For the OIA this is certainly the case. We are in a crucial period of refresh and renewal following the unprecedented focus on our role during the pandemic. We have emerged with a growing membership, reviewed governance, an increased volume of work and a somewhat bigger team. We are acutely conscious of the difficult financial climate for students and providers alike and the need not to pass on cost to providers unless necessary. We have strictly limited subscriptions increases this year whilst managing to replace some important operating systems that had been in place almost since the organisation started and were becoming obsolete. We will need to continue to adapt in the coming months and years to effectively take account of significant changes in the landscape including planning for our new role across the tertiary sector in Wales and the Office for Students' proposed new role around free speech complaints in England.

And of course an important part of the next stage of our journey will be welcoming Helen as Independent Adjudicator and then a new Chair later in the year. They will be standing on the shoulders of giants. It has been a pleasure and privilege to work with Felicity jointly leading the OIA over the last five years. She has been an inspirational presence in the organisation throughout the first two decades of our operation and absolutely central to the development of a respected, forward-focused and independent ombuds organisation. Together we have benefited hugely from Suzi's wisdom and support throughout her term of office. I am looking forward to working alongside Helen to together lead our great team at the OIA, as we continue to undertake and develop our essential role at this challenging and important time for students and the higher education sector.

■ **Ben Elger**
Chief Executive



Reflections from the outgoing Independent Adjudicator

I joined the OIA back in 2004, before it was even formally designated as the operator of the student complaints scheme in England and Wales. Much has changed over that period, for us and for the higher education sector. In 2005 the Scheme covered around 150 universities, and we closed just over 200 complaints. In 2022, we covered a little under 900 higher education providers, and closed over 2,800 complaints.

It has been good to see many improvements and developments. Providers' procedures are, on the whole, fairer, better signposted and easier to follow. Record keeping has got better and learning from complaints is captured more systematically. I've been pleased to see how our outreach work and, in particular, the development of our Good Practice Framework, has contributed to improvements in practice over the years. Last year we revised and updated the foundational section, Handling complaints and academic appeals.

Importantly, support for disabled students has come a very long way. Back in 2004, the Disability Discrimination Act didn't even apply to higher education services. Since then, legislative developments and guidance has changed how providers approach support for disabled students. There is still a long way to go, but we should recognise the improvements that have been achieved so far.

The last few years have thrown up extraordinary challenges. Students and providers have had more to contend with than during the whole of my 19 years at the OIA, and those who are most vulnerable have been most affected. We are seeing increasing levels of distress among students who are struggling to cope, and our Report for 2022 reflects this. At the same time the pressures on providers make it more difficult for them to support students effectively.

The OIA has changed a lot too. Our values have always been at the heart of our work, but what that looks like in practice has evolved over the years. We've come a long way in terms of how we relate to higher education providers, to students' unions and other student representative bodies, and, perhaps most importantly, to students themselves.

Through a sustained period of growth in the number of complaints we have received, we've maintained the vital focus on quality and timeliness. We have worked hard to become a more open and accessible organisation, expanding our outreach and engagement and communicating with students in a less formal way. This helps to bring a human touch to our processes for everyone who comes into contact with us. Underlying this change has been a positive move to embrace a kinder approach, including adopting a [Commitment to Kindness](#) in 2022, in all aspects of our work. If I had to identify one thing I am most proud of, it would be this.

I have been so fortunate to work with so many dedicated and talented colleagues over the years, and with such a wise and supportive Board led so expertly by Suzi, during my time as Independent Adjudicator. I am immensely grateful to them all. But most of all, I want to thank Ben for being such a joy to work alongside. The OIA is truly lucky to have him and I leave it in good hands with him and Helen at the helm.



Felicity Mitchell
Independent Adjudicator

Trends in complaints

We include in this section some information about patterns and trends in the complaints we see. We are always cautious in interpreting this, 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. Similarly, trying to draw wider conclusions about the sector from our data should also be approached with caution. Nonetheless, the complaints we see reflect issues that matter to students and show that some students are proportionately much more likely to complain to us than others.

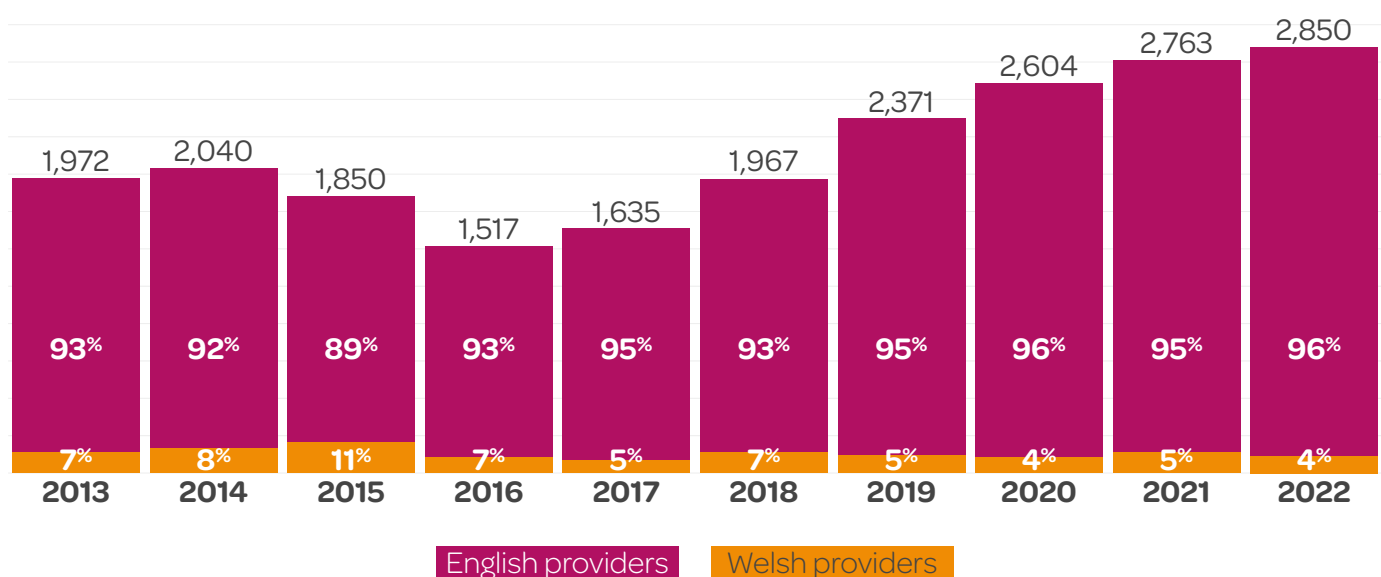
◆ Complaints received

In 2022 we received 2,850 complaints, our highest ever number and an increase of 3% on 2021 (2,763).

The rise in complaints in 2022 continues the trend of annual increases since 2017, although the increases over the last few years have been smaller than those we saw before the pandemic.

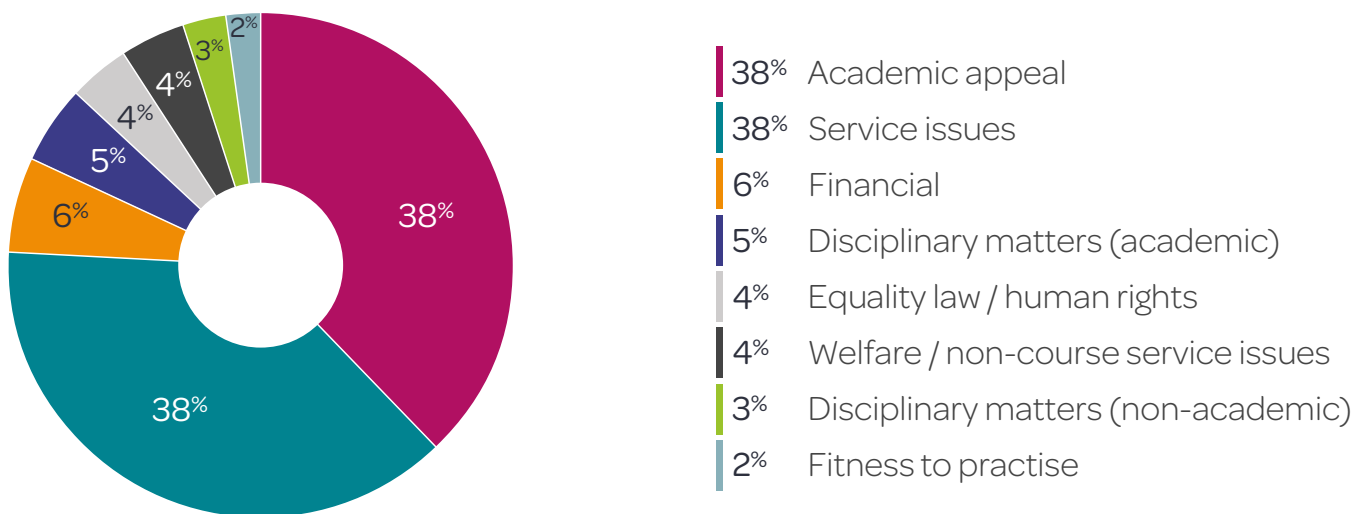
The number of students studying at providers in England is significantly larger than the number studying in Wales. The number of complaints we received as a proportion of the student body in each country is similar.

Number of complaints received per year



The overall picture of complaint volumes in the sector is complex. From our engagement with students and higher education providers, we have heard that some students are finding it more difficult with the other challenges they are facing to pursue their complaints, and that some providers are finding it difficult to progress complaints effectively through their internal procedures in the context of other pressures. However, we are also hearing of higher volumes of complaints in providers, and this is supported by the information we have from providers about the number of Completion of Procedures (COP) Letters they issued in 2022 at the end of their internal processes.

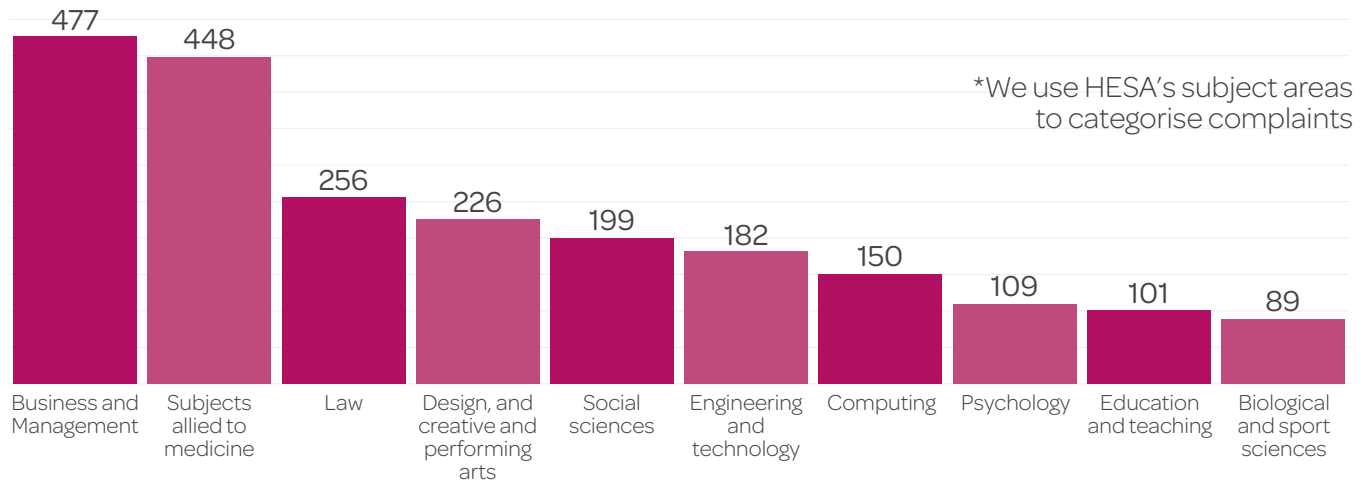
Complaints received by complaint category



In 2022, there was some rebalancing of our caseload between complaints relating to service issues (teaching, course delivery, supervision and course-related facilities) and complaints relating to academic appeals. Service issue complaints and academic appeals each accounted for 38% of complaints we received (45% and 29% respectively in 2021). This rebalancing was at least in part related to emerging from the pandemic. More of the Covid-related complaints we received in 2022 related to academic appeals and fewer to service issues than in the previous two years. Overall the number of Covid-related complaints was significantly lower in 2022, accounting for a little under a quarter of our case receipts, and reduced through the year. It is likely that the rise in complaints relating to academic appeals partly reflects the end of the “no detriment” or safety net policies that had been in place during the pandemic and had resulted in fewer appeals. However, well before the pandemic we had seen a trend of service issue complaints increasing as a proportion of our caseload and academic appeals decreasing, and the proportions have not gone back to those we saw in earlier years.

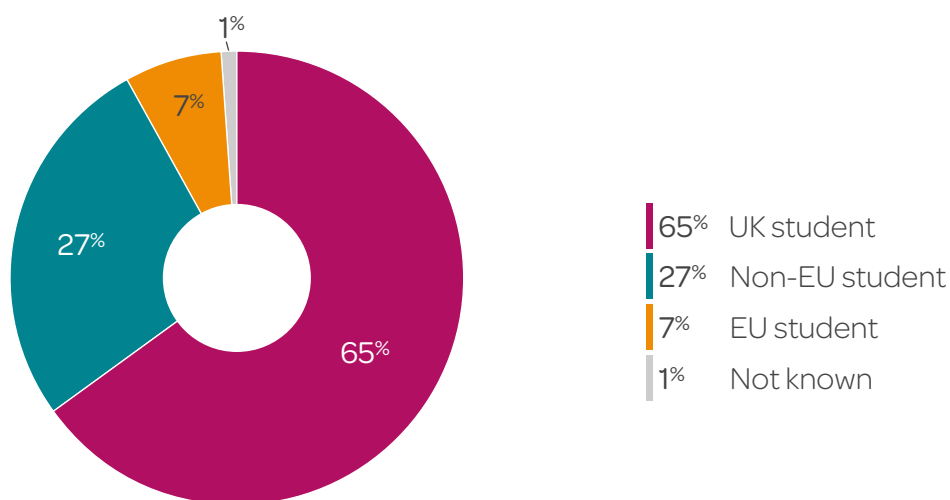
The number of complaints in other complaint categories remained relatively small. Collectively these categories accounted for 24% of case receipts, slightly lower than last year (27%).

Complaints received by area of study - Top 10



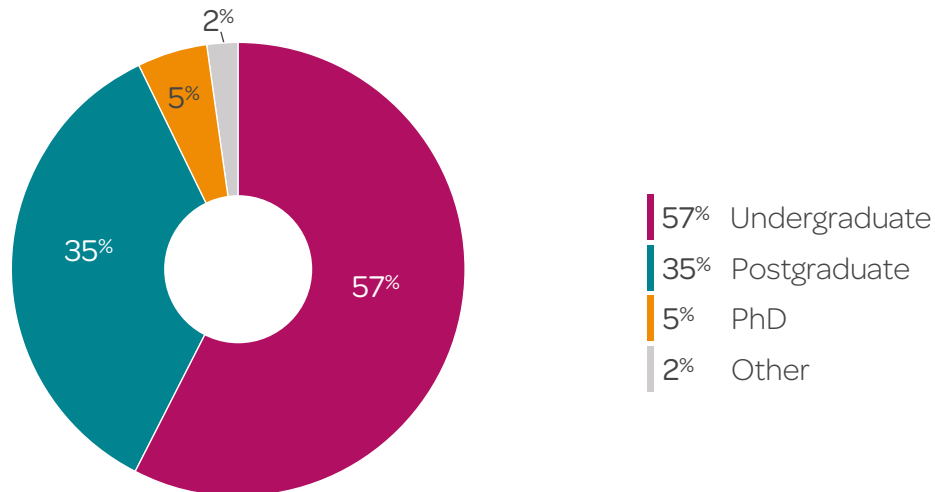
We consistently receive more complaints from students on Business and management courses, reflecting the high number of students on courses in this area. Complaint numbers by subject area can be quite variable, partly because numbers are fairly small once broken down in this way. But we have seen a notable increase over the last two years in the number of complaints from students studying Subjects allied to medicine.

Complaints received by student domicile



In 2022 there was a significant growth in the non-EU student population and we saw an increase in the proportion of complaints from these students (and a corresponding decrease in complaints from UK-domiciled students). International students, especially non-EU students, continue to be over-represented in the complaints we receive. As an indicative comparison, non-EU students accounted for 19% of the student body in England and Wales as reported in HESA statistics for 2021/22, but 27% of the complaints made to us in 2022.

Complaints received by level of study



A consistent feature of the complaints we receive is the significant over-representation of PhD and other postgraduate students. However, in 2022 this over-representation was less marked than in recent years. In 2022, 40% of complaints we received came from these students (as an indicative comparison, PhD and other postgraduate students made up 28% of the overall student population in England and Wales as reported in HESA statistics for 2021/22). We have in previous years discussed the likely reasons for the over-representation, including the often substantial personal and financial investment and the other considerations for some international postgraduate students such as visas or sponsorship arrangements, leading to a possible greater sense of pressure to “succeed” in their studies. 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.

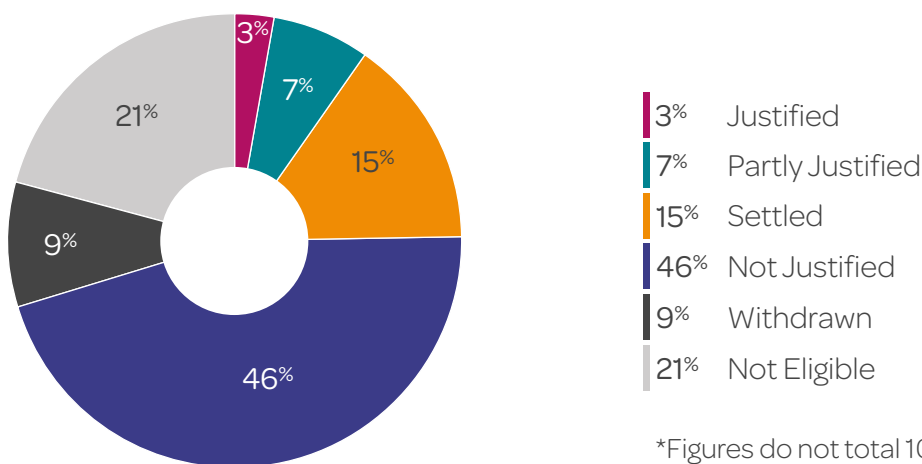


◆ Complaints closed

In 2022, we closed 2,821 complaints, an increase of 6% from 2021 (2,654). Although this was our highest ever number of closures in a year, we did not meet our key performance indicator (KPI) of closing 75% of complaints within six months of receipt, closing 69% within that timeframe. We are very aware of how important it is to students that we review their complaints in a timely way. We were able to make some progress with reducing the number of older cases in our caseload and this remains a key focus.

In addition, we closed a complaint from a [group of over 400 students](#). We have not included this in our data on complaints closed in 2022 to avoid a distorting effect on trend information.

The outcome of complaints



In total, 25% of cases were Justified, Partly Justified, or Settled in favour of the student. This is a slight decrease on last year (27%), in part because of the reduction in complaints about service issues and the increase in complaints about academic appeals (proportionately more complaints about service issues are upheld). In addition, the complaint from the large group of students was Partly Justified. The proportion of complaints we settled in 2022 was 15%, the same as in 2021 and again exceeding our KPI. The proportion of outcomes is similar for complaints about providers in both England and Wales.

The proportion of cases that were Not Justified rose slightly in 2022. We continue to engage with students and student advisers about our approach and what we consider to be reasonable so that students can make an informed decision about whether pursuing their complaint is likely to lead to the outcome they are hoping for.

In 11% of the complaints with a Not Justified outcome, the provider had already made an offer to remedy the student's complaint but the student had not accepted the offer. We agreed that the student had a valid complaint but decided that the provider's offer was reasonable and it remained open for the student to accept. On that basis, we didn't uphold the complaint.

In 2022 there was also a slight increase in the proportion of complaints that we decided were Not Eligible for us to look at under our Rules. Many of these cases were where the student had come to us before they had completed the provider's internal processes. In some cases the student was finding it difficult to pursue their complaint with the provider, perhaps because of delays or other barriers, and we did what we could to help move the complaint forward. We continued to try to make it clear to students when they can complain to us, and to emphasise that they normally need to complete those processes first.

◆ Legal challenges to our decisions

Our case decisions can be challenged by judicial review. During 2022 we received a total of four new judicial review claims, compared to eight in 2021. This continues the steady downward trend in the number of claims received over the last seven years, despite the rise in complaints during that period. Two of those four claims were refused permission, and one is awaiting a decision.

In one case we offered to reopen our review when the claim was served. (Under our normal processes the student could have asked us to consider reopening our review after we issued our decision but they did not.) The provider decided to reopen its consideration of the student's disciplinary case and the judicial review claim was withdrawn.

Judicial review cases often provide useful learning and insights for us, and reflections from judges on our decisions and processes.



"The [OIA's] decision ... is a careful and considered decision taking into account the relevant rules and regulations governing both the [OIA] and the [provider]. It acknowledges the breadth of the complaint made by the Claimant but correctly notes the time limit applying to complaints made to the Defendant which the Claimant had been informed of ... Finally the decision ... was a reasonable decision which is carefully explained on the basis of those matters which the Defendant could look at. This did not include all events which had arisen during the Claimant's studies."



In June 2022 we attended the first substantive hearing of a judicial review claim against us since 2018. (The claim was issued in 2021.) The claim related to the provider's decision to exclude a student following two incidents of racist behaviour. At the hearing the judge, the Hon. Mrs Justice Steyn DBE, found in favour of the claimant on two grounds:

1. That the OIA was wrong to dismiss the complaint that the penalty of expulsion was disproportionate in any event.
2. That the OIA was wrong in failing to hold that the provider was fundamentally unfair in taking into account in its decision other alleged misdemeanours of the claimant (not charged against him) although stating that it did not.

The judge did not uphold the third ground, that the OIA was wrong to dismiss the complaint that the decision of the provider was perverse and/or procedurally unfair in that the process failed properly to take into account the claimant's disability.

The judge quashed our decision and ordered that we conduct a fresh review. She didn't accept the claimant's argument that the penalty was not one that the provider could have imposed, and declined to make an order that we must recommend that the provider should impose a lesser penalty, or that we should find the complaint Justified or Partly Justified without conducting the fresh review.

The judge made no order for costs against us, reflecting the fact that we had offered to reopen our review when permission was granted and the student had declined our offer.

Also during the year we received one County Court claim for damages in which the student argued that the OIA had destroyed their documents. The claim was struck out by the Court. A claim for discrimination, received in 2021, was also struck out during the year.



■ Themes in our casework

The complaints that students bring to us reflect their experiences and the things that matter to them. In 2022 our caseload was more varied than in 2021.

Our casework and engagement with students gives us an insight into concerns beyond the specific issues raised in complaints. During the year students and providers were contending with multiple challenges, including the cost of living crisis, accommodation issues, concerns relating to international student recruitment, and disruption to studies from industrial action in higher education and more widely, as well as the longer-term impacts of the pandemic.

◆ Student wellbeing

During the year we heard from students, their representative bodies and providers, and from our two Advisory Panels, about the different pressures and worries that many students were facing. Students' mental health and wellbeing is being significantly impacted and this is a major concern. In 2022 we continued to see a rise in the number of students experiencing significant distress and mental health difficulties, and this was also reflected in the issues raised in students' complaints.



Case summary 1

A student was studying for a degree in business with a foreign language. The student was affected by mental health difficulties and during their first year of study they had discussed and agreed with the provider what support would be helpful. The student complained in the second year that the provider was not making reasonable adjustments to support them in their studies. They complained that material made available on the virtual learning environment was disorganised, that they had not received additional time in some assessments, and that they did not want to participate in any interactive sessions nor answer questions in class. The student was upset that a tutor had criticised them for not attending presentations by other students, because their disability sometimes affected their ability to attend teaching sessions.

The provider investigated the complaint. It concluded that speaking and listening in a group setting in a foreign language was a competence standard for the course so it was not a reasonable adjustment to allow the student not to participate at all. But it found that, although there were systems in place so that staff would be aware of adjustments that should be made, these were not working very well in practice. It said that communication with the student about what adjustments could be made and how these would work could have been better.

The student complained to us. We upheld some parts of the student's complaint (we decided it was **Partly Justified**). It was reasonable for the provider to say that speaking and listening in a foreign language was a competence standard. But the provider should have explored in more detail some of the other adjustments the student asked for. The tutor should not have criticised the student's attendance. The provider was already taking action to address some of the issues in the systems and how they were used by staff. We recommended that the provider should pay the student £1,000 in compensation for the distress they had experienced, and should arrange a further meeting between the student, academic staff and wellbeing staff to discuss the student's ongoing support.

“I am also very grateful for [your] kind and compassionate approach to me in what has been a difficult time.”

Case summary 2

A disabled student and their provider agreed a support plan during their second year of studies. In the final year of the course, the student sought help managing deadlines because their mental health was declining. The provider met with the student and agreed a new support plan. The student and provider discussed taking time out and completing the dissertation in the next academic year as an external student.

The student did not submit their dissertation at the usual time and the provider decided to award the student a 2:2 based on the credits they had successfully completed. The student submitted an academic appeal, based on personal circumstances that had affected their performance, and saying that the decision to make the award had been unfair.

The provider partly upheld the appeal. It said that the student had not submitted new evidence about their personal circumstances. But it accepted that the student wanted to complete the dissertation, and it offered the opportunity for them to do so.

The student complained to us. We upheld some of the student's complaint (we decided it was **Partly Justified**). It was reasonable for the provider to offer the student the chance to complete their dissertation. But the provider had not kept clear records about what had been agreed as the student's new support plan and its communication with the student about the dissertation had caused them some distress. We recommended that the provider offer the student an apology and £350 in compensation for distress.



“Thanks for the update. It is a disappointing outcome [...] but thank you for your sympathetic approach and explaining your reasons so that I could understand why.”



Case summary 3

A student was completing a year studying at a university in another country as part of their undergraduate degree. Towards the end of this year the student was told that the modules they had chosen could not count towards their qualification. The student had an existing mental health condition and became very distressed by this news. They failed some assessments and stayed abroad longer than they had originally planned to complete some additional work and resits. The student became more unwell and took a break from their studies. They complained to the provider where they were studying their degree about what had happened at the overseas provider.

The provider upheld the student's complaint. It said that there had been things that the student had a responsibility to do which would have lessened some of the problems. But it acknowledged that it should have done more to support the student and to manage the study abroad partnership. It put in place some changes to stop this happening in the future. It apologised to the student, reimbursed the student's additional accommodation costs, and offered compensation of £2,500 for the distress caused. It also offered to waive the remainder of the student's tuition fees when they returned to study.

The student complained to us. The student had a valid complaint but the provider had offered a reasonable remedy, so we didn't uphold the student's complaint to us (we decided the complaint to us was **Not Justified** on the basis that the provider had made a reasonable offer).

Case summary 4

A student on a healthcare-related course had a mental health condition. The student was supported by the provider and completed the academic modules and a placement successfully. The student was not able to start their second placement on time because of their mental health condition. The placement provider terminated the placement because the student had missed the mandatory induction sessions and it said it wasn't possible to arrange alternative sessions. The provider temporarily withdrew the student while it tried to arrange another placement. The student complained but the provider did not uphold their complaint.

The student complained to us. We partly upheld the complaint (we decided it was **Partly Justified**). It was beyond the provider's control that the placement provider didn't offer alternative induction sessions. Finding placement opportunities was very difficult at the time because of the impact of the Covid-19 pandemic. But the provider should have prioritised the student's need for a placement, or at least guaranteed them a placement the following year, possibly exploring options with placement providers in other areas. The student had since withdrawn from their studies and so we recommended that the provider should offer them a partial refund of tuition fees, and some compensation for distress and inconvenience.



◆ Delays in internal processes

Providers and student organisations are generally working hard to support students, but are themselves facing other significant challenges at the same time as student support needs are increasing. Over the last year many students, student representative bodies and providers told us their concerns about delays in their providers' internal processes. We understand how challenging it is to balance rising caseloads, increasing complexity, and pressures on staff. But resourcing complaints handling and student support and advice services effectively, even when finances are stretched, leads to better outcomes for students.

We continue to see a number of students bringing their complaint to us before they have completed their provider's internal processes. Some of these are students who are very frustrated by delays and this can affect their ability to engage with internal processes and with our processes effectively. Sometimes the delay becomes the subject of a new complaint about the provider's process, running alongside the student's original complaint.

We made Recommendations that providers should pay compensation to students for delays in the internal processes in a number of cases in 2022. We also found in some cases that significant delays in resolving complaints made a practical remedy more difficult or even impossible, when one might otherwise have been available. For some students this meant that financial compensation was the only remaining remedy available.

◆ Group complaints

Complaints from groups of students continue to be a regular part of our casework. The group cases we see most often involve students complaining about a particular module or course, or about laboratory or studio facilities. Sometimes a group complaint may arise from an issue that affects students on different courses, for example, a closure of leisure or support facilities. Some of the case summaries below illustrating common issues in our casework are from groups of students.

Some students find it easier to make a complaint with others, and it can be helpful if the students' union or other student representatives can provide support with organising the group. Managing cases as a group can also help providers by reducing the administrative burden.

Sometimes students in the groups we see have been affected by the issues raised in the complaint in different ways. It's important that providers consider carefully the best way to approach a group complaint in circumstances like this. For example, it can be helpful to split the complaint into sub-groups, such as by organising them into different module or programme groups. It may be better to handle some of the complaints individually or to look at remedies individually, for example because an individual student may have been impacted very differently because of a disability or personal circumstances.

Finding a way to resolve group complaints at an early stage is likely to be beneficial to the students and the provider. It's important for providers to have clear processes for students to follow, and for students to engage with those processes so that appropriate remedies, including practical remedies, can be put in place at the time. This can be especially important in situations where students may be thinking about signing up to group legal action. Many complaints are successfully resolved in providers' internal processes, and if students don't raise their complaints in this way, they may miss the opportunity to have their concerns addressed if the legal action doesn't proceed or is not successful.

We included additional guidance on group complaints in the revised [Handling complaints and academic appeals](#) section of the Good Practice Framework, which we published in 2022.

Large group complaint

In 2022 we completed our review of complaints from a group of over 400 students at a provider about the disruption to their arts-based courses caused by Covid-19. The complaints were received before the introduction of our Large Group Complaints process so we considered them under our usual processes. The complaints were suspended for some time in 2021 because the provider had not considered them at the course level or cohort level during the internal procedures.

We decided that the complaints were Partly Justified because the provider had not properly addressed some of the issues the students had raised about the disruption to their courses and had not provided sufficient information to show that it took reasonable steps to deliver the learning opportunities that it had promised. We also thought that it took the provider too long to consider the complaints.

We held a series of mediated discussions with representatives of the group to identify a suitable remedy for different cohorts that have been affected differently by the disruption. We divided the group into sub-groups based on their cohort and the extent to which their studies had been impacted by the disruption, recommending different remedies for the different sub-groups, ranging from an apology to £2,000 in compensation. In some cases we were able to help the provider and the representatives of the group to reach agreement on which cohorts should fall into which sub-group. Where there was no agreement, we made decisions based on the evidence provided by the students and the provider. We also recommended that the provider should apologise to the students and should pay compensation for delays in handling the complaints process. In total the students received around £640,000 in compensation.

The review of this group was challenging and time-consuming, but the learning from it will be extremely useful for any future large groups, and the Large Group Complaints process will make future reviews less cumbersome. Some of the learning will also inform the way we manage smaller groups.

◆ Complaints about course delivery

The complaints that students bring to us show that many different aspects of their studies are important to them. These include issues such as the course content and structure being as described in promotional materials, contact hours and mode of delivery (in person or online), frequency and timeliness of feedback, external accreditation, access to placements, clear information about any prerequisites or special requirements, access to laboratory or studio facilities, equipment and materials, and efficient administrative arrangements.

Sometimes in the complaints we see, there have been issues with course delivery that the provider has not adequately addressed. But in others, the student's expectations are not realistic or reasonable and may not relate to what the provider is actually offering.

Of course, it's important that providers deliver what was promised and what students reasonably expect. But they also need to help students to understand what they can expect during their studies. Students need clear and easily accessible information about what to expect when they begin studying, what might change over the course of their studies and why, and the different options that are available to them so that they can make informed choices. Even small changes can have a significant impact, for example changing the timing of scheduled teaching hours might be difficult for students with caring responsibilities or other commitments.

It's also important that providers have good lines of communication with students and their representatives, so that the provider becomes aware of any issues at an early stage and can take steps to address them before they evolve into complaints.

Case summary 5

A small group of students enrolled on a postgraduate taught programme. The programme had been advertised as accredited by a professional organisation and the students had chosen the course because of this. After starting the course the students discovered that it was no longer accredited. They complained to the department and staff accepted that the information about the course was incorrect and the students had been misled. But when the students made a formal complaint the provider told them they had to prove that they had been given misleading information. The provider offered the students £500 as a gesture of good will.

The students complained to us. We looked at the information the students were given about the course and evidence the students had of conversations during which staff members had accepted that they'd been given misleading information. We asked the provider to reconsider its offer. The provider offered a full refund of the tuition fees and compensation of £5,000 for the distress and inconvenience caused. The students accepted the offer and the complaint was **Settled** on that basis.

Case summary 6

A group of students was studying a distance learning course. The students complained that the course didn't live up to their expectations, based on the prospectus and other marketing materials. The structure of the course allowed students to select individual modules and take breaks between them. The students complained that it had not been clear to them that some modules would run less frequently than others. They complained that the course was too theoretical and lacked practical elements that had been promised. The students also complained that students without a science, technology, engineering and mathematics (STEM) background would find the course very challenging. They raised concerns about the availability of staff, and the quality of teaching materials which contained factual errors. Assessments had also caused problems, with one exam being an hour shorter than it should have been and another using a question that had been used before and which some students had had access to as a revision aid.

The provider completed its review of the complaint after nine months. It accepted that there had been some errors in the course materials and issues with some assessments, which it was taking steps to address. It did not uphold most aspects of the students' complaints.

The students complained to us. We upheld the students' complaints (we decided they were **Justified**). The provider's investigation had not directly addressed a number of the students' concerns. In some places the investigator had relied on summary statements from departmental staff about the content of documents rather than reviewing the documents in full. The full documents included evidence that supported the students' concerns. For example, the course validation documents included a comment from the external examiner that the course may be challenging for students with no STEM expertise. Some academic staff had complained that they felt unable to support the number of students being recruited to the course.

We recommended that the provider should undertake a quality review of the programme and that it should review its marketing materials to ensure that these are accurate. We also recommended that the students receive compensation, which varied according to the number of modules studied by each member of the group. We shared information about this complaint with the Office for Students under our information-sharing arrangements, having notified the provider that we would do so.

Case summary 7

A student complained to their provider about delays in giving them their timetable, changes to the scheduling of their classes, poor communication, and other administrative errors. The provider partly upheld the student's complaint and offered them compensation. The student wasn't happy with the amount offered and complained to us.

We didn't uphold the student's complaint to us. We agreed that the student had valid complaints about the administration of the course. But the provider had accepted that there were delays with the timetable, communication problems, and some other administrative issues and it had apologised and offered the student compensation. We thought the issues had caused the student some inconvenience and uncertainty over a short period of time, but that they had not had any impact on them academically. We decided that the compensation the provider had offered was reasonable. This meant that the complaint to us was **Not Justified** on the basis that the provider had made a reasonable offer to resolve the complaint.

Case summary 8

A student enrolled on a part-time postgraduate taught programme, intending to complete it whilst working full time. They were told before enrolling that they would need to commit to around 10 hours a week of teaching and personal study time. The student made it clear that they weren't able to commit to more hours. But when the student started, the time commitment was much higher and they weren't able to manage it on top of their full-time job. The provider accepted that the student had been given incorrect information and offered a refund of a proportion of the tuition fees they had paid.

The student complained to us. We thought that the student would not have enrolled had they been given correct information about the time commitment and we asked the provider to reconsider its offer. The provider offered a full refund of tuition fees and the student accepted the offer. The complaint was **Settled** on that basis.

◆ Harassment and sexual misconduct

We saw some increase in complaints relating to harassment and sexual misconduct, but numbers remain small. It can be very hard for students who have experienced unwanted behaviours to make a complaint, and these cases can be difficult to resolve fairly.

Case summary 9

A former student complained to the provider about the behaviour of a member of academic staff several years earlier. The student said the staff member had coerced them into a sexual relationship, which continued after they had graduated. Because of the seriousness of the student's complaint the provider agreed to consider it even though they were no longer a student. The provider upheld the student's complaint but said that because of data protection confidentiality issues it could not tell them the outcome of the subsequent staff disciplinary proceedings. The provider offered to pay for counselling sessions for the student.

The student complained to us that the investigation was intrusive, and the outcome lacked transparency and that the provider had not offered them a meaningful apology for the trauma they had experienced. The student was concerned about other students and wanted to be told what action the provider had taken against the member of staff.

We explained to the student that it was reasonable for the provider to keep the details of the staff disciplinary proceedings confidential. We proposed to attempt to settle the complaint to help the student find some closure and the student agreed with this course of action.

We discussed the issues with the provider. The provider offered the student a meaningful apology from a senior member of staff, an opportunity to have a facilitated meeting with the provider and the OIA, to discuss safeguarding for future students, and a sum of compensation for the distress and inconvenience caused. The student accepted the offer and the complaint was **Settled** on that basis.

When the student felt ready we facilitated the meeting. At the meeting, the provider outlined what actions it had taken as a result of the student's complaint, and the student was able to ask questions and comment on the way the provider had conducted the investigation into their complaint. The provider thanked the student for the courage they had shown by coming forward with the complaint.

Case summary 10

Student A was accused by another student, Student B, of sexual assault. Student B complained to the provider that Student A had sex with them when they were too intoxicated to give consent. The provider investigated the complaint under its disciplinary procedures. The provider interviewed both students. Student A said that they reasonably believed that Student B consented to sex. Student A attended a disciplinary hearing with a legal representative after which the provider decided they had breached its sexual misconduct policy and should be expelled. Student A appealed but the provider rejected the appeal.

Student A complained to us. We did not uphold their complaint (we decided it was **Not Justified**).

We concluded that the provider had followed a fair process and that Student A had a fair opportunity to put their case. This included the opportunity to challenge Student B's evidence by putting questions to them through the disciplinary panel. It was reasonable for the provider not to allow Student A to cross examine Student B directly. It was also reasonable for it to take into account text messages between the two students soon after the incident and to conclude those messages indicated Student A was aware that Student B had been too intoxicated to give consent. The provider reached a reasonable decision on the balance of probabilities that Student A had breached its sexual misconduct policy by having sex with Student B without their consent, and gave a reasonable explanation for deciding that it was proportionate to exclude Student A, and that a lesser penalty wasn't appropriate.

Case summary 11

A student was accused of inappropriate behaviour by several other students. Two students said that the student had touched them inappropriately and without consent and other students said that the student had made them feel uncomfortable by frequently entering their personal space during gym sessions, and waiting for them outside the gym. The provider started disciplinary proceedings. Following an investigation, the provider decided the student's behaviour was sexual harassment and that they had breached the provider's code of conduct. The student was given a final written warning and their access to certain buildings was restricted. The provider also required the student to attend counselling at the provider's expense. The student appealed the decision and the provider rejected the appeal.

The student complained to us. We did not uphold their complaint (we decided it was **Not Justified**).

We decided that the provider acted reasonably in how it investigated the allegations about the student's behaviour and that it followed a fair process. The student was given full information about the allegations and had a proper opportunity to respond to them. The provider reached a reasonable conclusion that the student's behaviour, both verbal and physical, was unwanted and inappropriate and that it fell within its definition of major misconduct. The written warning was the least serious penalty that the provider could apply for major misconduct and we concluded that imposing that penalty, along with the restriction and counselling, was proportionate.

In 2022 we continued to work with other organisations in the higher education sector to help develop thinking around good practice in this area, including the importance of having effective processes and ensuring that students are given an outcome to their complaint.

We contributed our learning from complaints to the development of [UUK guidance on tackling staff to student sexual misconduct](#). We also fed into the evaluation of the impact of the Office for Students' statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education.

■ Putting things right

Our casework can help to put things right for students in many different ways.

Reaching a settlement of a complaint can often be a positive way forward for everyone. Where that is not a suitable option, if we decide that a complaint is Justified or Partly Justified we usually make Recommendations. In 2022 we made Recommendations in around 270 cases. Our Recommendations aim to put things right for the student or students involved (“student-centred Recommendations”) and, where appropriate, to improve procedures or processes for the benefit of other students as well (“good practice Recommendations”). In complaints we have not upheld, we may still make suggestions to help providers to improve their practices.

The practical outcome of a complaint is of course very important for the student. But so is how they feel. Knowing that an independent organisation has looked at their concerns, even if the outcome is not what they hoped for, can be reassuring and can sometimes help to bring closure to often long-running and emotional involvement with their complaint.

◆ Early resolution and settlement

Our case-handlers look for opportunities to resolve a complaint at an early stage where possible. Sometimes talking through a complaint with a student, either before they submit their complaint to us or in the early part of our process, can give the student a new perspective on their complaint and they may decide not to pursue it further. For example, we may be able to explain that the steps a provider has already taken to resolve their complaint appear to be reasonable, or that the remedy the student is seeking is unlikely to be possible.

Settlements can be a quicker and less stressful way to resolve complaints. They can be particularly beneficial for students who are continuing with their studies because it can help to restore a relationship of trust with their provider. Settlements can also offer greater flexibility in the remedy for the complaint. Examples of settlement agreements that students and providers agreed to in 2022 included:

- ◆ To uncap a student’s module mark, to recalculate the student’s overall award mark using the uncapped mark, and to reconsider the student’s profile and the new award mark to see if they were eligible for a higher degree classification. This was because we were concerned that the provider had applied its regulations unfairly. The student was subsequently awarded a first class honours degree.

- ◆ To remove a clause in the provider's pre-existing offer to settle the student's complaint that tried to prevent the student from speaking about their complaint or taking any further action in relation to any other complaint the student might have about the provider.
- ◆ To reconsider whether a student was able to continue with their studies under the provider's support for study process, and to apologise and pay them compensation for distress caused by not following the process fairly.

◆ Student-centred Recommendations

When we uphold or partly uphold a complaint, where possible we recommend a practical remedy or remedies to put the student back in the position they would have been in if things had not gone wrong. Examples of practical remedies we recommended in 2022 included:

- ◆ To reconsider the decision not to allow a disabled student to step away from their studies for a period (as well as to pay the student some compensation). This was because the provider didn't properly consider the knock-on impact of a lack of support in the student's first year on their progress in the second year, or think about whether additional support might be needed when their mental health deteriorated.
- ◆ To remove a cap on resit marks because the provider had not fairly applied its policy to adjust the assessment regulations for students affected by the disruption caused by Covid-19.
- ◆ To rehear a case of suspected academic misconduct against a student as the original process had not been fair.
- ◆ To send a student an outcome to their complaint about a member of staff, setting out what the provider had decided the facts of the case were, whether it had decided that the behaviour in question would reasonably leave someone distressed, whether it had identified any changes it could make to improve its processes or policies, and whether it identified anything further it should do to support the student who made the complaint.
- ◆ To give a student information about external funding obtained by the provider for their project, and what had happened to the funding, so that the student could make an informed decision about whether to bring their complaint to the attention of the funding body.
- ◆ To send the student course materials that they had not been able to access online as they were studying from prison.

Where a practical remedy is not possible, or is not enough, we may recommend financial compensation. Examples of financial compensation we recommended included:

- ◆ To refund one year's tuition fees to a nursing student and to offer to reconsider fitness to practise concerns because there had been a significant delay in dealing with the student's disclosure of a criminal conviction before they started the course, and the self-disclosure was not considered during their appeal
- ◆ To refund a proportion of tuition fees to a group of students and to pay compensation for the severe disappointment, distress and inconvenience caused by significant and ongoing issues with the delivery of their course and the impact of this on them, and for not investigating their complaint properly
- ◆ To refund fines that a student had been told to pay following an unfair disciplinary process, and to pay the student compensation for distress and inconvenience
- ◆ To pay for costs incurred by a student as a direct consequence of an administrative error by the provider that led to them paying placement and visa fees that were wasted.

We follow up our Recommendations to make sure that the provider complies with them. In 2022, 93% of our student-centred Recommendations were complied with on time. If a provider does not comply, or there is a delay, we will take steps to address this.

The Recommendations we made in 2022 included financial compensation totalling £382,298, excluding the large group complaint. Financial compensation can alternatively be part of a settlement of a case. The proportion of overall compensation coming from settlements has increased over recent years, and last year totalled £667,816, exceeding compensation through Recommendations for the first time. The overall total compensation in 2022 (still excluding the large group complaint) was £1,050,114. This is below the 2021 total of £1,304,379, but still significantly above pre-pandemic levels. The highest single amount of financial compensation was over £48,000, and 49 students received amounts of £5,000 or more.



◆ Good practice Recommendations

Our good practice Recommendations are usually for providers to review and improve internal procedures and practices, taking into account the guidance in the relevant sections of our Good Practice Framework. Examples of good practice Recommendations we made in 2022 included:

- ◆ To review training for staff who deal with sexual misconduct cases
- ◆ To review the complaints procedure, including how it links with other procedures such as staff and student disciplinary procedures, and the information students should receive about their complaint if another procedure is used
- ◆ To keep better records of complaint investigations and to review the process for sharing information with the student during a complaint investigation
- ◆ To carry out an overdue review of the quality of a programme in line with the provider's procedures for new programmes
- ◆ To review processes for changing a course or curriculum to make sure that current students and those holding an offer are given the information they need at a time that allows them to make informed decisions about the course.

In 2022, 60% of our good practice Recommendations were implemented on time, which was lower than last year. It may be that pressure on staff in providers during the year contributed to some delays. We continue to follow up any cases where our Recommendations have not yet been fully implemented.



“Thank you for forwarding the letter detailing the [Not Justified] outcome of the complaint. We have read the document with interest and are considering how best to learn from the comments and the suggestions you make about our processes.”



■ Good Practice Framework

Our [Good Practice Framework](#) sets out principles and operational guidance to support higher education providers in England and Wales. It is the cornerstone of our work to promote good practice. It draws on our broad experience in handling complaints, and informs the way we consider complaints.

The Framework currently has six sections: Handling complaints and academic appeals, Delivering learning opportunities with others, Supporting disabled students, Requests for additional consideration, Disciplinary procedures, and Fitness to practise.

We regularly review and update the Framework to make sure that it continues to be relevant and current. In 2022 we developed and consulted on a revised version of the [Handling complaints and academic appeals](#) section of the Framework. This is the original section of the Framework, and was last updated in 2016. In January and February, we held a series of informal webinar discussions to help inform the initial stages of our review, with attendees from 67 providers and student representative bodies. We then consulted on the draft revised section. We are grateful to everyone from providers, student representative bodies and sector organisations whose feedback informed the final version, and to our Good Practice Framework Steering Group for their valuable input.

The main developments in the revised section are:

- ◆ We updated the language of the [principles](#), and separated them into a standalone part of the Good Practice Framework to make it clearer that they apply across all sections of the Framework
- ◆ We created an additional document to explain what we mean when we talk about [bias](#), in response to feedback that identified this as a key area where clarification would be helpful
- ◆ We developed the guidance on what to do when more than one process might apply, complaints about student representative bodies, complaints about behaviour of staff or other students, and group complaints
- ◆ We brought together the guidance on the process for both complaints and appeals to help avoid duplication – but still drawing distinctions between the two processes where necessary.

We published the final updated version in December.

In 2023 we plan to consult on and publish an updated version of the Delivering learning opportunities with others section.

■ Outreach and insight

Our outreach activities play an important role in sharing learning and supporting our understanding of the sector and the issues affecting students and higher education providers. This year we continued to offer online opportunities for providers and student representative bodies to engage with our outreach programme, as well as resuming in-person activities.

◆ Workshops

We offered two online workshops for student representative bodies and staff working in a student advice role. These sessions focused on student casework and explored approaches to advocacy and supporting students with complaints. We also heard from student representative bodies that have established partnerships to deliver advice and support to students at other local providers and we discussed different models for supporting students at partner institutions.

The sessions were well attended with 90 participants. Attendees told us that it was helpful to learn more about our process and approach to complaints and how our Good Practice Framework and guidance can help advisers to support students through internal processes. They found it valuable to share experiences with other advisers in a supportive environment and feel reassured that they are facing many of the same challenges. For us, it was especially useful to hear more about how advisers are making greater use of online tools to offer students access to support, and the pros and cons of this approach.



“I found this workshop really worthwhile and appreciated the chance to network and share information and experiences.”



◆ Webinars

In 2022 we delivered 17 webinars in total (including the webinars to support the review of the Good Practice Framework section), attended by 532 participants.

Our webinar programme for the year had a focus on academic misconduct. We offered both introductory webinars on this topic and more in-depth discussion of case examples. We also ran a new discussion webinar with our Points of Contact and other relevant staff in providers. This gave participants the opportunity to explore different approaches to handling complaints relating to academic misconduct and to share issues they encountered and good practice they have developed. We have since published a [casework note and case summaries](#) on complaints relating to academic misconduct.

We also offered webinars on complaints about accommodation, and to introduce new members to our Scheme.

Participants valued the opportunity to learn more about good practice and our approach and to share practice with others, and found the sessions a useful prompt to look at their provider's procedures and evaluate practice against our published guidance.



“It was really interesting to hear from peers in the sector and what they do in practice. And also to be reminded of all the [OIA's] resources.”



◆ Visits

In 2022 we resumed our in-person visits, meeting with 13 providers and 11 student representative bodies.

Visits are an opportunity for providers and student representative bodies to hear more about our work and to talk with us about current patterns and trends in complaints and appeals. 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.

Student wellbeing was a common theme of our discussions. We heard that whilst students are still seeking help with specifically academic matters, there has also been increased demand for advice about practicalities of day-to-day life. Colleagues from providers and student representative bodies expressed concern that it is increasingly challenging for students to balance the demands of their studies with other demands such as paid employment and domestic responsibilities, and that for some this is affecting their ability to fully participate in student life.

We also talked with providers about the [Good Practice Framework: Requests for additional consideration](#) (mitigating circumstances) and the approach they are taking to self-certification beyond the pandemic.



“You really made my team feel listened to and honestly that's been half the battle! Thank you again for all of your support. I've always been a big cheerleader for the OIA but now I have a thousand more reasons!”



◆ Student discussion groups

We ran a number of our student discussion groups throughout 2022, including with international students, disabled students and students from Black, Asian and minority ethnic backgrounds.

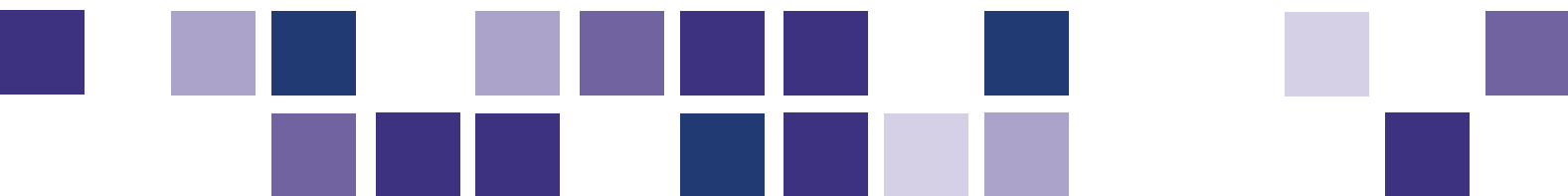
The groups enabled us to hear directly from students who had not complained to us, to help us understand more about students' experiences, and were also an opportunity to raise awareness of our work and how we can help.

The discussions highlighted the unique nature of each student's experience as well as common issues. The students we spoke to offered a nuanced and balanced view of their experiences. Many spoke positively about their engagement with academic staff, but several described members of staff being too busy to offer feedback or to support students effectively. Some students said that they felt overwhelmed by the amount of information available to them at the start of their course, and that they didn't always find sources of support until later than would have been ideal.

We are grateful to all the students who have shared their views with us.

◆ Student adviser discussion groups

In 2022 we launched our student adviser discussion groups, which we run in a similar way to our student discussion groups. These build on our existing engagement with student advisers. Participants valued the learning and networking opportunity and the chance to share their experiences and learn about practice elsewhere. We have also benefited from the groups, learning from advisers' depth of knowledge and experience of supporting, advising and representing students who have complaints and appeals.



◆ External events

In addition to the events we host ourselves, we also speak at events run by other organisations. Some of these events are mainly for those who manage complaints and appeals at providers. Others have given us the opportunity to talk to a wider audience about the service we provide, and about learning from complaints. We have taken part in events hosted by a wide range of organisations including the Academic Registrars' Council (ARC), College and University Business Officers (CUBO), the Committee of University Chairs (CUC), Independent HE, the Institute of Government and Public Policy, the National Association of School-Based Teacher Trainers (NASBTT), the Quality Assurance Agency (QAA) and Universities UK (UUK), as well as contributing to the Advisers and Caseworkers in Students' Unions conference and the National Union of Students (NUS) SU22 event.

We hosted a joint in-person event with GuildHE. This included an exploration of how interpersonal behavioural issues and non-academic misconduct can be addressed in the context of small cohorts of students, and subject areas which involve a significant amount of close group work such as dance and drama.

◆ Other engagement

We had outreach calls or online meetings with a range of individual providers and student representative bodies. These conversations have often been really valuable two-way learning opportunities. We are always happy to answer any queries about our Scheme or good practice guidance, and we welcome conversations about emerging issues or anything else it may be useful to discuss.

■ Equality, diversity and inclusion

As an ombuds service we have a deeply held commitment to fairness. Our values include equality and diversity and we are committed at all levels of our organisation to promoting this. We do this both through our work and as an employer. In 2022 our Diversity Steering Group, which includes Board members with relevant expertise and the Senior Leadership Team, continued to oversee our work in this area, and equality, diversity and inclusion was regularly discussed at meetings of the full Board.

◆ Casework and outreach

Through the year we looked for opportunities to highlight the challenges facing many disabled students, and the need for higher education providers to resource support services appropriately. We liaised with the Disabled Students' Commission on relevant issues and we responded to the consultation on the Disabled Student Commitment. We listened to the experiences of disabled students through our student discussion groups and benefited from the insights of our Disability Experts Panel.

We worked with the Living Black at University Commission to explore the practical implementation of recommendations arising from research about the experiences of Black students in student accommodation, focusing on the recommendations that processes for making complaints are clear and accessible, and that learning from complaints is shared.

We attended a series of events organised by the Union of Jewish Students and the Holocaust Educational Trust. We also participated in a meeting between the taskforce on antisemitism in higher education chaired by Lord Mann and higher education sector organisations.

In July we published a casework note on [complaints relating to pregnancy, parenthood and childcare](#), together with some case summaries. These highlight some of the issues that can arise, and how providers can support students.

We also continued to focus on making the service we provide accessible and inclusive. We supported our awareness and understanding of the needs of different students, for example through an externally led session on neurodiversity. We made a range of accessibility adjustments to our case review process, including taking a flexible approach to deadlines, advising students in advance when we were ready to issue our decision, and talking through our decision with students over the phone.

A student who has a severe visual impairment brought a complaint to us about the provision of support on their higher education course. We talked to the student and agreed adjustments to our usual processes. We accepted the student's complaint verbally over the phone and gave them additional time to provide any comments or additional evidence. We put information the provider gave us about the complaint into an easily accessible format before we sent it to the student.

We also aim to make our outreach activities inclusive. We offer resources and events in a range of formats so that people can access them in a way that works for them. Sometimes it's the small things that make a difference:



“Thank you for an informative and interesting webinar. The enforcement of microphones off was particularly well done, which is important to me as I have auditory sensitivities and weird background noise can be distracting to the point where I am unable to follow what is being said. 10/10 for inclusion!”



◆ Our organisation

In 2022 we maintained a strong focus on diversity in our recruitment. We continued to take a more skills-based approach that relies less on candidates' previous experience and again worked with a specialist diversity recruitment company for some roles, and appointments we made in 2022 added to the diversity of our staff. We continue to monitor the diversity of our staff and our Board.

We also support diversity through offering flexible working arrangements, including part-time positions at all levels. Our staff can work remotely for a high proportion of their working time, if they prefer and as their role allows, and have a lot of flexibility in their working hours. This can be particularly helpful for those who are managing disabilities or health conditions, or who have caring responsibilities.

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 on an equal basis. Around three-quarters of our staff are female, and the proportion in senior roles is similar. At 31 December 2022 we had a median gender pay gap in favour of men of 5.6%, compared with 6.4% in 2021). This figure varies over time due to the small size of the organisation but has reduced over the last two years.

It is important not only that we continue to improve the diversity of our workforce but also that everyone who works for us feels valued, included and supported. In 2022 we continued to promote an inclusive working culture.

We continued to support staff with a range of mental and physical health conditions. We are pleased that many feel able to be open about challenges they face.

We strengthened what we do to promote awareness and increase understanding, and to celebrate diversity. Discussion of equality, diversity and inclusion is included in our induction programme for new staff. We marked several events and celebrations during the year including Pride Month and Black History Month, and regularly shared information about events and issues to raise awareness. To mark the International Day of Persons with Disabilities, colleagues shared experiences of living with a range of disabilities.



Working with others

As an ombuds scheme and registered charity we are independent from governments, sector organisations and from the higher education providers in our Scheme, and our independence underpins our ability to review complaints impartially and fairly. But we are also an integral part of the higher education regulatory landscape in England and in Wales, working in the distinct contexts and approaches of each.

In a politically turbulent year and with significant ongoing challenges in the sector, we have continued to contribute to the development of policy and practice with a focus on fairness for students. We shared insights from our understanding of student concerns and complaints in relevant discussions and consultations to support a joined-up, student-focused approach. We invested time in engaging with relevant developments. We worked with a range of organisations, including the Department for Education (DfE), the Welsh government, the Office for Students (OfS), the Higher Education Funding Council for Wales (HEFCW), Universities UK (UUK), National Union of Students (NUS) and the Quality Assurance Agency (QAA), among many others. We regularly contributed at the UK Standing Committee on Quality Assessment (UKSCQA) and had regular joint meetings with DfE, the OfS and the Competition and Markets Authority (CMA). We engaged with a range of relevant inquiries and consultations, including responding to the UK government's Higher Education Reform consultation on higher technical provision at levels 4 and 5 and their Lifelong Loan Entitlement (LLE) consultation, and to the OfS's Call for Evidence on the Experiences of International Students.

Some of the organisations we work with



MillionPlus



RUSSELL GROUP



Towards the expansion of our remit in Wales

We worked with the Welsh government, HEFCW and others as progress continued towards a more integrated tertiary sector. The Tertiary Education and Research (Wales) Act, which was passed by the Senedd in June 2022 and received Royal Assent in September, includes provisions to extend 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). The provisions under the legislation will start to come into effect once the Commission for Tertiary Education and Research in Wales is established. We are working closely with the government and others around the timing and approach to the expansion of our remit as the wider implementation of the Act is taken forward.



We have continued to engage with the DfE and others around the Higher Education (Freedom of Speech) Bill as it has progressed through the parliamentary stages. We remain concerned about some aspects of the Bill and others have raised similar concerns. The proposal that the OfS Director of Free Speech and Academic Freedom will consider complaints about freedom of speech issues could be confusing for students trying to find their way through different complaints routes. We are also concerned about the potential conflict inherent in the different functions of the OfS Director of Free Speech and Academic Freedom. We have been pleased to hear positive comment about the value for students of our role during the House of Lords stage and from stakeholders. We are working with all involved to try to make it as clear as possible for students about where to raise their concerns and what the different routes can offer if the Bill passes into legislation. There has been some reassurance from Ministers about adequate time and consultation to help with this.

We continued to work with the OfS, HEFCW and relevant professional, statutory and regulatory bodies (PSRBs) across a range of issues and to share information under our formal agreements, including about issues in complaints that may indicate a systemic concern at a provider, and OfS registration information that may impact a provider's membership of our Scheme.

We contributed to the OfS-led taskforce on the closure of the Academy of Live and Recorded Arts (ALRA), sharing our learning from our experience of previous provider closures including GSM London. In this instance, all of the students were offered the opportunity to transfer to another provider, but more widely we remain concerned that students may not always be adequately protected if a provider closes and they may be left with unresolved complaints. While students can complain to us for up to a year after a closure, there are difficulties in addressing complaints about a provider that no longer exists, in particular in terms of how things can be put right for the student if we uphold their complaint. We believe further consideration is needed on how to make sure that remedies are available for students in such circumstances.

Access to independent redress for unresolved complaints is an important part of achieving fairness for students. We are continuing to engage with the UK government around developments such as the LLE and the wider strategy on access to tertiary education to ensure that independent redress for complaints is considered as part of the greater integration of higher and further education. We have also continued to encourage providers and awarding bodies that are not required to join our Scheme under legislation to do so voluntarily.

Throughout the year we met regularly and contributed to events with other ombuds schemes through our membership of the Ombudsman Association, and with the international higher education ombuds sector through the European Network of Ombuds in Higher Education (ENOHE). This included contributing to sessions at the Ombudsman Association and ENOHE conferences, leading a review for the Ombudsman Association of the guiding principles for the recognition of ombuds schemes, and leading work to identify core values shared by ombuds bodies working in higher education settings internationally. These were important and useful opportunities to share insights and learning and keep up to date with issues and developments in the ombuds sector.

Improving what we do

In this section we talk about some of the work we did in 2022 to continually improve what we do.

◆ Our commitment to kindness

In 2022 we adopted a [Commitment to Kindness](#), which identifies six key behaviours and practices that can help us to embed kindness across our organisation. We have been working towards a kinder approach for some time, but this public commitment to what we are doing was important because it reaffirmed the value we place on kindness. We hope that this commitment will help to further reassure students that we will listen to them and consider their concerns, even if we can't always give them the outcome they would like.

◆ Our approach to our case-handling process

We aim to make our complaints-handling process easy for students to understand and access, to support students through our process, and to review complaints in a way that is proportionate and appropriate for the individual student and their complaint. This flexible, tailored approach to our reviews is supported by robust quality control processes overseen by our Casework Quality Group.

It can be stressful for a student to bring a complaint to us, and our decisions can be upsetting for those who don't get the outcome they were hoping for. We continued to explore how we can communicate most effectively with students so that they understand our processes and likely approach. We looked at how we could better support students through our process, particularly those students who may be vulnerable.

A student brought a complaint to us about a number of very sensitive issues that had significantly impacted their health and wellbeing. We arranged for the student's case to be handled throughout our review process by a single member of our case-handling team. The case-handler provided the student with regular updates about the progress of our review and agreed to call them before sending any new information about their case to them. At the end of our process the case-handler also called the student to tell them that the decision was about to be issued and to talk them through it.

◆ Students' experience of our service

In 2022 we continued to invite feedback from the students who use our service. This feedback, together with insights from students who participated in our student discussion groups and from our day-to-day interactions with students, is very valuable and informs how we develop what we do.

Some students are very satisfied with our service. 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.

Students who are unhappy with their experience can make a complaint about our service. In 2022, we received 57 service complaints, compared to 54 in 2021.

Some of the complaints we received raised issues about the merits of the student's complaint about their provider, but we can't consider those issues under our service complaints procedure. Where the concerns were about our service, the issues raised were generally similar to the concerns expressed in the wider student feedback.

The complaints we receive about our service, as well as being an opportunity to put things right if they have gone wrong, can also help us to deepen our understanding of how students might experience our process and how we can further improve our service. Complaints about our service are considered separately from casework, and learning is then fed back in. For example, it has contributed to our work around how we communicate and how we support students through our process, and has helped to identify topics for learning and development sessions.



“Thank you for allowing me to speak with you openly. I felt really comfortable talking to you and discussing this matter... Thank you again for taking the time to speak with me. I really appreciate your help and support.”



◆ Advisory Panels

Our two Advisory Panels met twice in the year to discuss topics of interest. Our case-handling staff can also refer issues to Panel members outside of meetings for their expert input. The Panels do not see or make decisions on individual complaints.

■ Higher Education Advisory Panel

The Higher Education Advisory Panel (HEAP) discussed a wide range of issues including the impact of cost of living pressures on students and steps providers are taking to help, the impact of industrial action on students (both action in the higher education sector and wider disruption such as rail strikes), sexual misconduct, and ongoing challenges around mental health and disability. The Panel also discussed the rise some providers are seeing in academic misconduct cases and more generally in complaints and appeals, and the associated increase in pressures on staff in complaints and appeals teams and student support services.

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

HEAP members during 2022

- ◆ **Sarah Wilmer**, Chair (to 31 October 2022)
- ◆ **Zoë Allman**, Associate Dean (Academic), De Montfort University
- ◆ **Claire Blanchard**, Partnership Lead, University of Wales Trinity Saint David
- ◆ **Dr Mark Hollingsworth**, Deputy Chief Operating Officer, City, University of London
- ◆ **Charlotte Levy, Registrar**, Royal Academy of Dance
- ◆ **Dr Nathan Morris**, Head of Student Complaints and Academic Casework Team & Senior Assistant Registrar, University of Warwick (from 1 November 2022)
- ◆ **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
- ◆ **Adrian Spence**, Advice & Support Manager, Aston Students' Union, Birmingham (from 1 November 2022)
- ◆ **Cat Turhan**, Representation and Advice Manager, Imperial College Union
- ◆ **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.

The Panel discussed issues including challenges faced by disabled students in accessing support and pressure on support and advice services at providers, support for disabled students from disadvantaged areas or low-income families or with experience of care, belonging and inclusion, academic integrity issues, and the difficulties that blended learning approaches can cause for some disabled students. The Panel also talked about possible barriers to complaints from disabled students and how these might be addressed.

DEP members during 2022

- ◆ **Harriet Cannon**, Disability Advisory Team Manager, University of Leeds
- ◆ **Antony Chuter**, Chair, Pain UK
- ◆ **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 IT infrastructure

Like many organisations, we are reliant on our IT systems to enable us to do our work effectively. In 2022 we invested in upgrading the IT infrastructure through which we manage our casework and some other core functions, to improve functionality and integration and offer a better experience for providers and students using our MyOIA portal, as well as to strengthen security. We launched the new system in early 2023 and feedback has been largely positive.

“Working alongside colleagues from across the OIA to deliver a replacement for our case-management system was, for most of us, a unique experience. The understanding gained of the intricacies of our processes, and of the wider organisational needs, will help enable us to further develop the system to best meet the future needs of both students and our member providers.”

Tim, Casework Support Manager 

Our people

◆ Introduction

Our people are at the heart of our organisation, with shared values, a commitment to the work we do and a wide range of skills and life experiences. We work together as a strong and collaborative team to deliver the best service we can across all areas of our work.

We continued to grow our organisation, alongside a strong focus on efficiency, to enable us to manage effectively the ongoing increases in the number of complaints coming to us and other key aspects of our work. In our recruitment we continued to reach out to diverse candidates as part of our wider [equality, diversity, and inclusion](#) work.

During the year we also further embedded our hybrid working arrangements, taking a flexible approach to support colleagues to work as effectively as possible.

Our Staff Liaison Committee again met regularly through the year. It continues to be a valuable forum for listening to and sharing information with staff representatives on issues that affect staff.

“I recently joined the OIA as an HR Advisor with a focus on several different areas including equality, diversity, and inclusion. Diversity is one of the OIA’s core values and I have loved being involved in raising awareness, training, and activities that help us to have an inclusive working environment. It was really exciting to jump straight in with this year’s celebration of Black History Month in October and to highlight other events in areas of gender, race, religion, sexuality, and disability. I’m looking forward to continuing to build on this through further initiatives, and continuing conversations about diversity.”

Michelle, HR Advisor 

“Having supported students through the OIA process in my previous role, it has been interesting to witness the work that goes on ‘behind the scenes’ to deliver outcomes. Students and providers continue to deal with the consequences of the pandemic - and more recently with the impact of industrial action, and the cost of living crisis. It’s important that students feel empowered to make a complaint when things haven’t gone as they should have, or feel unjust. It has been a challenging but satisfying role especially when we are able to settle a complaint to the satisfaction of both the student and the provider. I have really enjoyed my first six months here and have felt supported and trusted by my colleagues to make right and fair decisions.”

Lakhjeet, Case-handler 

“As a member of the Outreach and Insight Team I’ve seen how the work that the team does has evolved over the years. As well as running an annual calendar of webinars, workshops and visits for our members we now run discussion groups for students and from 2022 discussions for student advisers too. All of these discussions are incredibly valuable.

The students in our discussions have not necessarily brought a complaint to the OIA or even plan to. What they do is they inform us about student life in higher education at the minute. They tell us what life is really like for students now. The student adviser discussions allow us to see what students are talking about to advisers, what do they need support with and are providers able to deliver it. Both really important insights into student life.”

Suzanne, Outreach Officer 

“I’ve been with the OIA for eight years now and in that time have worked in different roles across our three case-handling teams. This has given me a real depth of knowledge in our process but also the bigger picture - what students and providers are experiencing and how we can help. Through this I've learnt that being open with students about their options from the outset and resolving their complaints at the earliest opportunity is the kindest, most effective way for us to run our service. And I've seen a positive and energetic shift to our approach in response which I feel very proud to be part of!”

Rachel, Adjudication Manager 

“This year has presented significant challenges for students and providers, with the cost of living crisis arriving in the wake of the Covid-19 pandemic. In my work reviewing cases, I have seen the impact of the financial climate in various forms. For instance, requests for additional consideration from students due to the academic impact of difficult financial circumstances, together with complaints concerning the provision of support. We are mindful of this broader context across the organisation. It is a reminder of the continued importance of empathy in the work that we do and of the fact that we make ‘real-world’ decisions that do not take place in a vacuum.”

Simon, Assistant Adjudicator 

◆ Learning and development

We continued to offer learning and development opportunities in 2022, to build knowledge and skills as part of our commitment to continually improving what we do. This included internal knowledge-sharing sessions on a range of case-handling topics, and externally led sessions on neurodiversity and autism, and on wellbeing and thriving through change.

The Rebecca Marsland Award

The Rebecca Marsland Award was created in 2019 in memory of our friend and colleague who sadly passed away. It is awarded each year as a 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 our Independent Adjudicator, together with the previous year's winner of the award, decide on a worthy winner. This year, the award was given to Keshia, our Office and Facilities Co-ordinator, who received nominations from colleagues across several teams. Keshia's dedication to excellence has been more noticeable than ever this year. Her kind, patient, and level-headed approach to helping colleagues, and visitors to our organisation, has helped to make everyone feel welcome and supported during our adjustment to hybrid working.



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.

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](#) of the Scheme.

In 2022 we progressed the review of our governance arrangements. The review looked at how we can best reflect the wider membership of our Scheme in our governance and further strengthen governance effectiveness, and identified new arrangements that will provide a robust and flexible basis for our governance going forward. We are grateful to our Company Members and others who engaged with us on the review. We are now working towards implementation.

Our Board and Management Group, June 2022



2022 was Dame Suzi Leather's last full year as Chair of the Board. Suzi has served as Chair through a key period for the OIA, not least as we responded to the major challenges of the pandemic. She has overseen significant developments to our leadership and governance, including supporting the transition to our joint leadership structure. She and our longstanding Deputy Chair, Andy Mack, who is also approaching the end of his term of office, have been instrumental in the review of our governance. We thank them both for their important contribution to the OIA.

◆ Trustees/Directors

The Trustees/Directors of the charitable company, who served throughout 2022 unless otherwise stated, were as follows:

■ Independent Trustees/Directors

Chair: Dame Suzi Leather

Deputy Chair: Andy Mack

Adesewa Adebisi

Andrew Chandler

Dr Wendy Finlay

Martin Kirke

Jonathan Rees

Sophie Williams

■ Nominated and Alternate Trustees/Directors

Nominated by the Association of Heads of University Administration

Dave Hall - Nominated Director

Nominated by the Committee of University Chairs

Vacant (no appointment made due to governance review)

Nominated by GuildHE

Jon Renyard - Nominated Director

Nominated by National Union of Students

Hillary Gyebi-Ababio - Nominated Director (to 30 June 2022)

Chloe Field - Nominated Director (from 1 July 2022)

Natasha Dhumma - Alternate Director (to 31 December 2022)

Nominated by Universities UK

Professor Alistair Fitt - Nominated Director

Professor Paul Layzell - Alternate Director (to 31 July 2022)

Nominated by Universities Wales

William Callaway - Nominated Director

Dr Kevin Mundy - Alternate Director

■ 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 2022](#) reports progress against our [Operating Plan 2022](#). 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).

Core subscription levels are reviewed annually. The number of complaints coming to us continues to rise, and notwithstanding the efficiency gains we have made, our costs remain strongly linked to the size of our caseload. We are nonetheless very aware of the significant financial challenges facing the higher education sector. Taking these considerations into account, the Board agreed a modest increase in core subscription fee rates for 2022 of 3.0% 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, or is 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 2022 the Board agreed a small increase in the per point fee from £230 to £240 (which will affect case fees payable in 2024).

In 2022 we began a planned review of the case-related element of subscriptions, to make sure that it continues to operate as fairly as possible for all providers. We had a very positive focus group with people from a range of providers. Feedback suggests that the arrangements are broadly operating fairly but that there is a need to recognise the general increase in the volume of complaints. In light of this we plan to review the band thresholds during 2023, with any changes to be introduced for cases received in 2024 (payable in 2025).

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

CORE SUBSCRIPTION FEE RATES FOR 2022
(pro-rated for providers joining the OIA Scheme part way through the year)

Student numbers	Band	Core Subscription Fee (£)	Core Subscription Fee (£) (HE in FE providers only)
Up to and including 200 students	AA	504	353
201 to 500 students	A	1,041	729
501 to 1,500 students	B	2,100	1,470
1,501 to 6,000 students	C	11,291	7,904
6,001 to 12,000 students	D	22,403	15,682
12,001 to 20,000 students	E	37,238	26,067
20,001 to 30,000 students	F	56,288	39,402
30,001 to 50,000 students	G	66,891	46,824
50,001 to 100,000 students	H	82,315	57,621
More than 100,000 students	I	126,471	88,530

CORE SUBSCRIPTION FEE RATES FOR 2023
(pro-rated for providers joining the OIA Scheme part way through the year)

Student numbers	Band	Core Subscription Fee (£)	Core Subscription Fee (£) (HE in FE providers only)
Up to and including 200 students	AA	519	363
201 to 500 students	A	1,072	750
501 to 1,500 students	B	2,163	1,514
1,501 to 6,000 students	C	11,630	8,141
6,001 to 12,000 students	D	23,075	16,153
12,001 to 20,000 students	E	38,355	26,849
20,001 to 30,000 students	F	57,977	40,584
30,001 to 50,000 students	G	68,898	48,229
50,001 to 100,000 students	H	84,784	59,349
More than 100,000 students	I	130,265	91,186

The following providers pay a core subscription fee for 2022 of £294 (£303 in 2023):

- ◆ Providers of School-Centred Initial Teacher Training (SCITTs)
- ◆ Providers that are brought into membership of our Scheme because their designated HE provision is franchised from another provider, and (if they are based in England) they are not on the OfS Register
- ◆ Providers in England that are not on the OfS Register but are providing a course leading to an award of another member of our Scheme that is in England.

Statement of financial activities

◆ For the year ended 31 December 2022

	Unrestricted funds			Unrestricted funds		
	General Reserve	Pension Reserve	Total 2022	General Reserve	Pension Reserve	Total 2021
	£	£	£	£	£	£
Income						
<i>Income from investments</i>	14,324	-	14,324	1,460	-	1,460
<i>Income from charitable activities</i>						
Subscriptions	6,606,971	-	6,606,971	6,142,557	-	6,142,557
<i>Other income</i>	-	-	-	7,747	-	7,747
Total income	6,621,295	-	6,621,295	6,151,764	-	6,151,764
Expenditure						
Charitable activities	6,539,986	29,169	6,569,155	5,774,082	3,005,886	8,779,968
Total resources expended	6,539,986	29,169	6,569,155	5,774,082	3,005,886	8,779,968
Net income/(expenditure)	81,309	(29,169)	52,140	377,682	(3,005,886)	(2,628,204)
Net movement in funds for the year	81,309	(29,169)	52,140	377,682	(3,005,886)	(2,628,204)
Total funds at 1 January 2022	2,222,062	(4,757,797)	(2,535,735)	1,844,380	(1,751,911)	92,469
Total funds at 31 December 2022	2,303,371	(4,786,966)	(2,483,595)	2,222,062	(4,757,797)	(2,535,735)

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 2022

	2022		2021	
	£	£	£	£
FIXED ASSETS				
Tangible assets		132,898		140,896
Intangible assets		331,245		-
		<u>464,143</u>		<u>140,896</u>
CURRENT ASSETS				
Debtors	253,646		232,052	
Cash at bank and in hand	4,225,737		6,357,960	
	<u>4,479,383</u>		<u>6,590,012</u>	
LIABILITIES:				
Amounts falling due within one year	(2,555,125)		(4,363,219)	
	<u>1,924,258</u>		<u>2,226,793</u>	
NET CURRENT ASSETS		1,924,258		2,226,793
TOTAL ASSETS LESS CURRENT LIABILITIES		<u>2,388,401</u>		<u>2,367,689</u>
LIABILITIES:				
Amounts falling due after one year		(85,030)		(145,627)
NET ASSETS EXCLUDING PENSION PROVISION		<u>2,303,371</u>		<u>2,222,062</u>
Pension provision		(4,786,966)		(4,757,797)
TOTAL NET (LIABILITIES)/ASSETS		<u><u>(2,483,595)</u></u>		<u><u>(2,535,735)</u></u>
FUNDS				
Unrestricted Funds				
General reserve		2,303,371		2,222,062
Pension reserve		(4,786,966)		(4,757,797)
		<u>(2,483,595)</u>		<u>(2,535,735)</u>

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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.



office of the
independent
adjudicator

2022 Annual Report

Office of the Independent Adjudicator

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