

# HANDLING STUDENT COMPLAINTS

## Understanding Private and Alternative Providers in HE

**Felicity Mitchell**

Deputy Adjudicator

[felicity.mitchell@oiahe.org.uk](mailto:felicity.mitchell@oiahe.org.uk)

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# The Office of the Independent Adjudicator for Higher Education

- Designated Operator of Students' Complaints Scheme under Higher Education Act 2004
- All "Qualifying Institutions" in England and Wales
- NQI Protocol
- Funded from compulsory subscriptions
  - case-related element from 2014
  - new funding structure will apply to QIs and NQIs
- Independent of both Government and universities

# The OIA provides:

- Appropriate remedies for higher education
- Free service for students
- Common system across England and Wales
- Faster, cheaper, specialist alternative to courts
- Feedback that can be used to improve complaints handling and the student experience
- Independent Adjudication, free from government or HEI influence

- Regulatory partnership with HEFCE, QAA, OFFA, SLC , HESA
- Students at heart of what we do
- Memorandum of Understanding with QAA
- OIA scheme should be part of student numbers criteria for alternative providers

# Complaint handler of last resort

- The OIA receives a small number of complaints compared to the number of enrolled students in England and Wales
- Around one in seven of complaints that have reached the end of internal HEI procedures is referred to the OIA
- Number of complaints increases each year; provisional figure for 2012 is 2021 complaints received (25 per cent increase on 2011)

- Series of Pathway consultations with the sector
  - Greater transparency:
    - annual letters
    - publication of cases
  - Sharing good practice:
    - early resolution pilots;
    - steering group for good practice framework

- Constant improvements in process
  - Emphasis on early resolution
  - Development of triage
  - Changes in review process

# What Do We Do?

- Review complaints to see whether they are Justified, Partly Justified or Not Justified :
  - Did the universities properly apply regulations and follow procedures?
  - Was the university's decision reasonable in all the circumstances?
- Good practice recommendations
- Dissemination of good practice and feedback to HE sector



## What Does the Scheme Cover?

- We review complaints about any act or omission of a university.
- Not:
  - Admissions
  - Student employment
  - Court proceedings
  - Academic judgment
  - “Does not materially affect the complainant as a student”

## Bringing a Complaint to the OIA

- A student must exhaust the internal complaints/appeals procedure of the HEI before coming to the OIA
- OIA Complaint Form must be received by OIA within three months
- Time limit runs from date of Completion of Procedures Letter (“COP”)
- Three year time bar

## Trends in OIA complaints

- Procedural fairness
- Perception of Bias
- Lack of clarity in complaint/appeal processes
- Academic appeal cases
- Delay!

## Timeliness!

“In any case the university and the student should aim to complete all stages of an academic appeal within a reasonable time, and the maximum should not normally exceed **four months**. However, any delays on the part of the university should not result in the academic appeal being automatically granted.”

Academic Registrars' Council, *A Reference Document on Academic Appeals and Extenuating Circumstances for University Practitioners* (April 2011) chapter 7, p. 23, paragraph 7.3

“It is the pest of our profession that we seldom see the best side of human nature...many a man... I have at first longed to pitch out the window, and yet, at length, have discovered that he was only doing as I might have done in his case, being very angry, and, of course, very unreasonable...”

Sir Walter Scott, *Guy Mannering*

## How to Contact Us

- By post:
  - Third Floor, Kings Reach,  
38-50 Kings Road,  
Reading, RG1 3AA
- Tel: 0118 959 9813
- Online: [www.oiahe.org.uk](http://www.oiahe.org.uk)
- Email:  
[enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)



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