

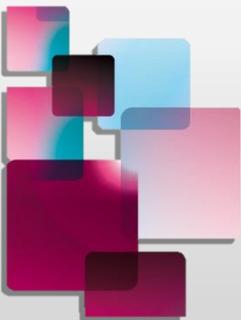
ALTERNATE DISPUTE RESOLUTION IN AN ERA OF HIGHER FEES

Meeting student expectations and
complaints

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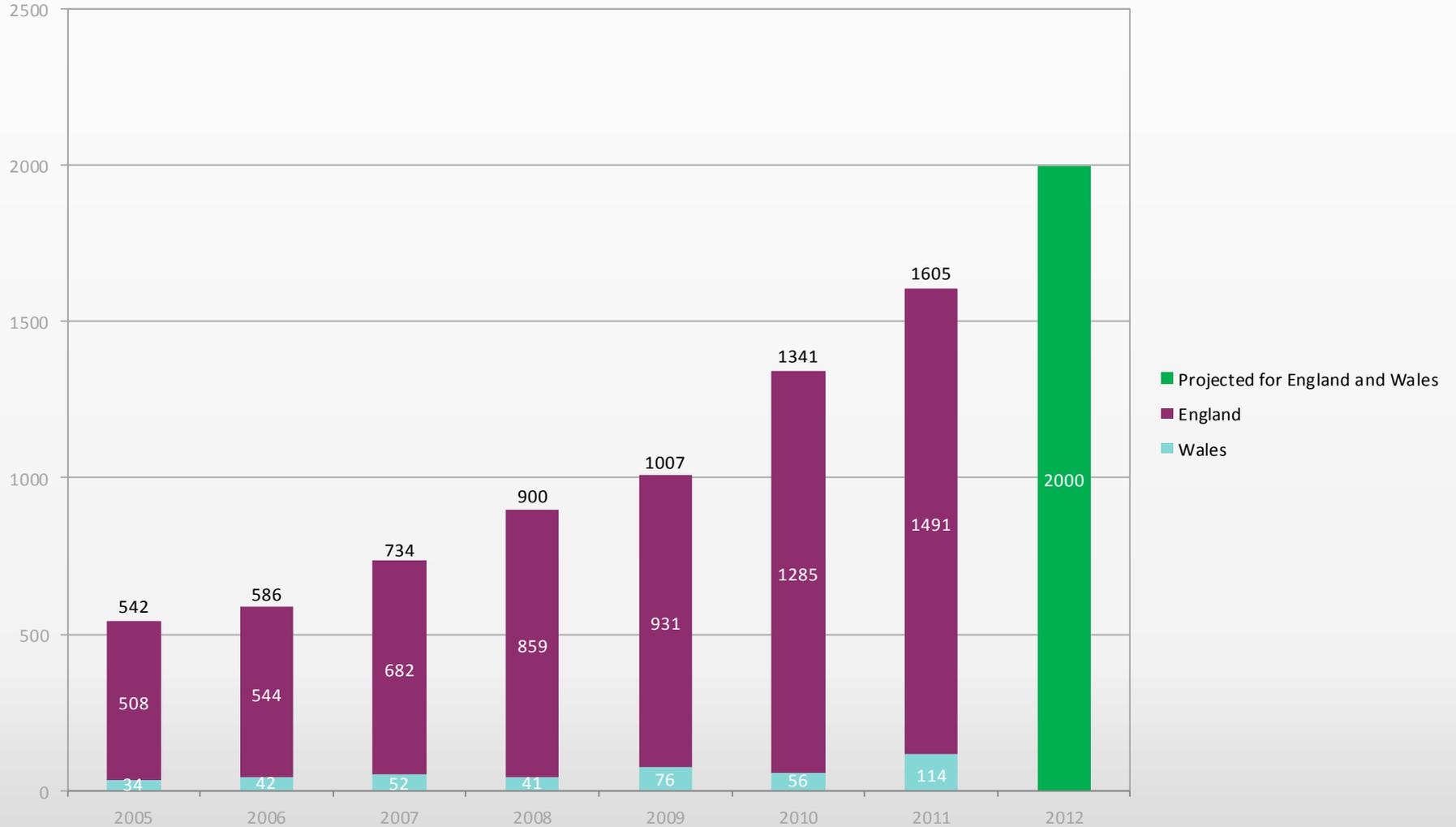
The OIA as a Strategic Partner

- **A Classic Ombudsman Scheme** – Final resort, independent complaints resolution for all HEIs in England and Wales
- **Accountable** to Board with independent majority and to Judicial Review
- **Accessible** – Uniquely, service free to registered students and former registered students. Closed nearly 10,000 complaints since inception.
- **Authoritative** – HEIs disciplined at implementing OIA Formal Decisions
- **Academic Judgement** decisions excluded from remit confirming that higher education not a perfect market place. **And that students are not ‘customers’ in the allocation of degree outcomes.**
- **Instrument of Transparency and Good Practice sharing as part of the Regulatory Framework** with powers to:
 - ✓ **Publish non-compliance;**
 - ✓ **Publish summaries of Final Decisions by name of HEI where there is a ‘public interest’;**
 - ✓ **Publish Annual Letters to HEIs setting out their complaints handling record;**
 - ✓ **Share material with Regulatory partners with ‘a relevant right or interest’;**
 - ✓ **Construct Sector Good Practice in implementation of Pathway 3 (2012).**

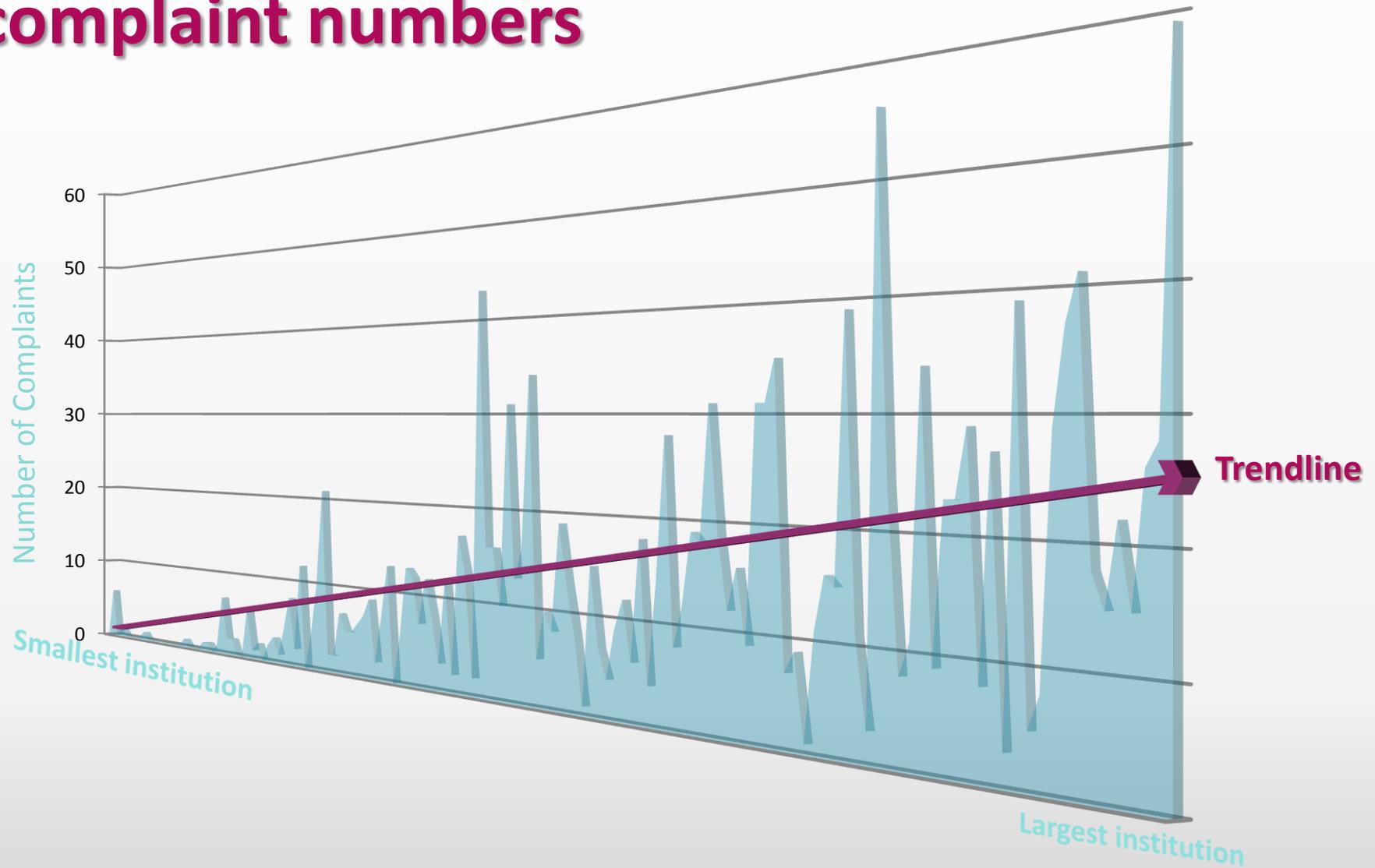
The OIA delivers:

- **Independent Adjudication, free from Government or sector influence** (compare and contrast with, e.g., press or armed services)
- Appropriate remedies, not confined to financial compensation, for students in higher education
- Final Decisions and feedback **to improve** complaints handling, the protection of students as customers of services, and **the overall student experience**
- Faster, cheaper, specialist alternative to courts through common system across England and Wales

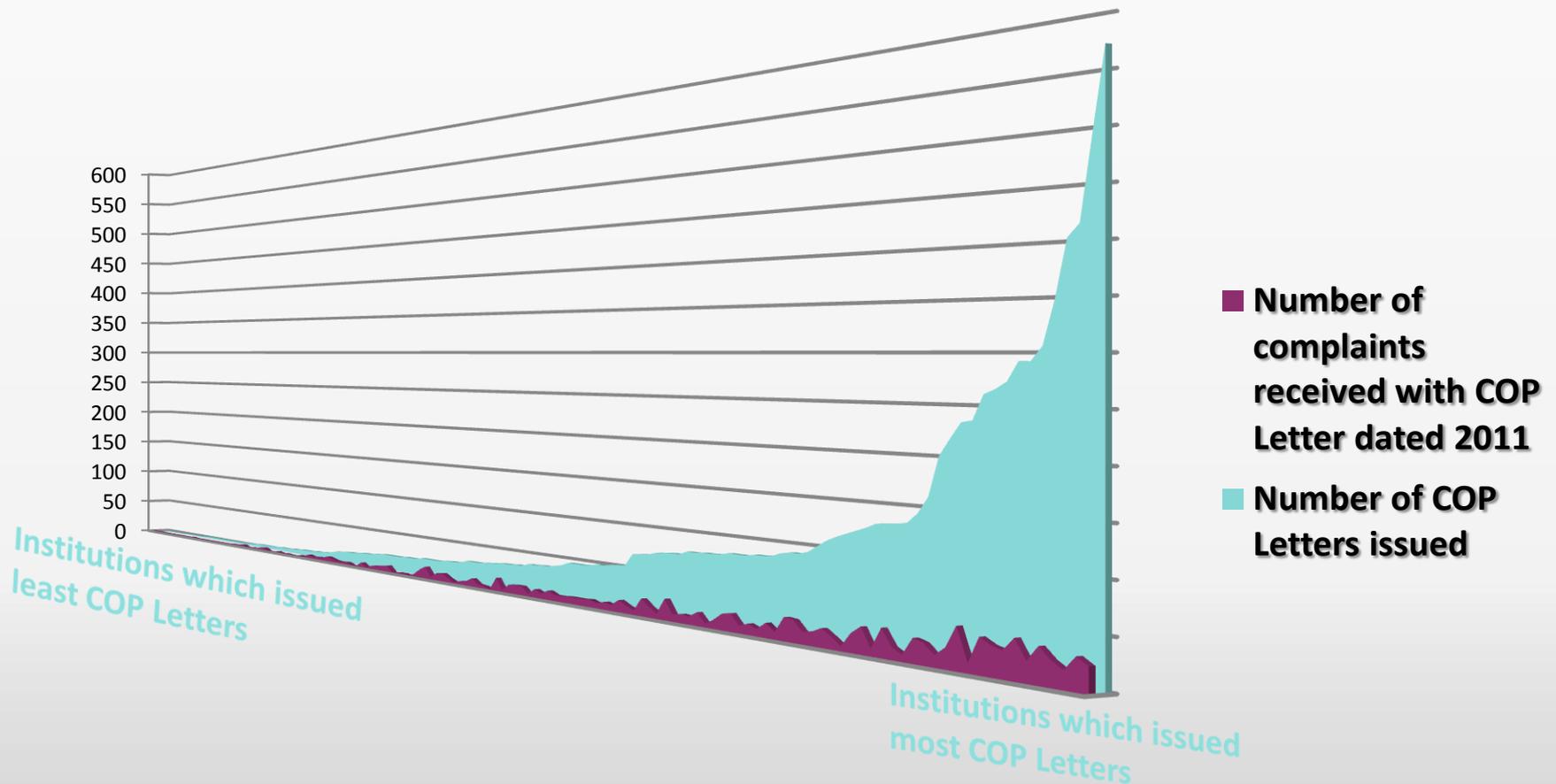
Rising volumes



Impact of institution size on complaint numbers



Relation between internal complaints and appeals and complaints received by OIA



Legitimate expectations of students in complaints and appeals

- Clear, and simple Regulations
- “Reasonable in all the circumstances”
- Due process in the sense of fair and equitable procedures leading to consistent outcomes
- Transparency and effective communication in case handling
- Appropriate speed in resolution....

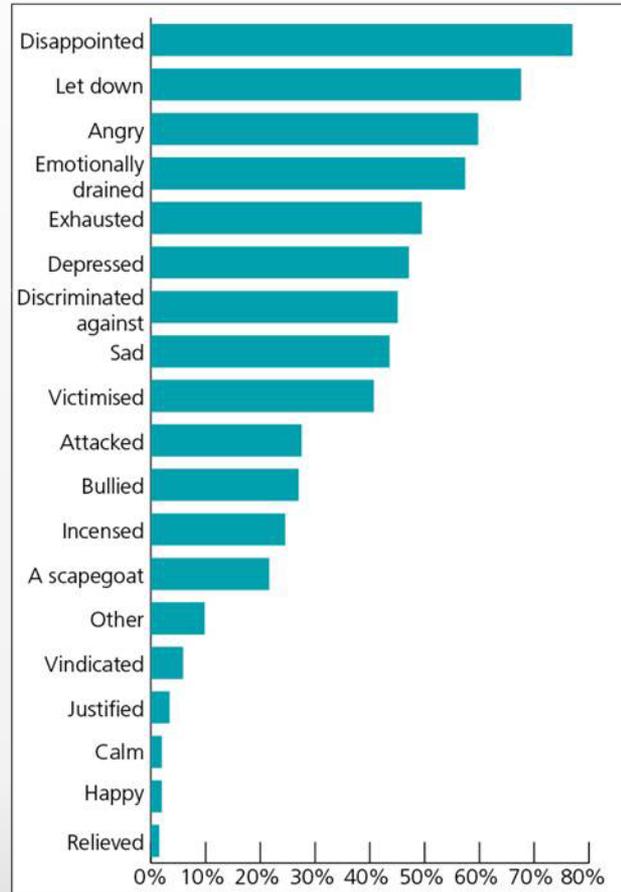


Time, speed and complaints

- Students whose complaints reach the OIA have already waited a long time
- In 2009 40 per cent of student complaints that reached the OIA had taken over six months to go through their university's internal processes
- Provisional data suggest that by 2012 this had risen to over 50 per cent
- Long time in anyone's life, but especially when you are young and making plans

How complainants feel

Figure 4: How did you feel at the end of the whole procedure at your university?



When things go wrong

- **Clear and simple** – Gaddafi, L.S.E. and the Woolf Inquiry
- **“Reasonable in all the circumstances”** – Westminster, non-compliance and disability 2011
- **Due Process** – Recent case involving postgraduate supervision and Russell Group HEI
- **Transparency and effective case-handling** – post-graduate student alleges plagiarism by supervisor. Claims not thoroughly investigated and staff exchanged e-mails ‘to now remove this student from the bursary to preserve our staff responsibility to [academic colleague]’ and ‘fire some warning shots over his bow as we initially agreed’
- **Speed in resolution** – long internal delays causing appeals not to be heard before students re-sit exams.

When things go wrong

Absence of Due Process – Case Study

Masters student (S) upgraded to PhD by supervisor who then left this Russell Group University (H). No replacement appointed, despite S's requests.

H downgrades, then upgrades S but no supervisor appointed. S's complaint rejected without evidence of investigation. S complains again when new supervisor one who had joined in downgrading registration.

6 months later following Regulations change H terminated registration on grounds that no suitable supervisor could be found. S complains to OIA. H complies with Final Decision – 15k refund of tuition fees plus 5k for distress and inconvenience.

Principles of early resolution

- Joint effort to spell out processes which deliver possibilities of early resolution
- No one size fits all – but towards cross-sector approach under-pinned by written Good Practice Framework (as set out in Pathway 3)
- Role of student unions as partners in managing expectations
- Deployment of skilled, dedicated and trained proportionate capacity
- Transparency and Trust

Different approaches

- Diversity of approaches and record of achievement of a number of existing bodies in supporting students with complaints
 - Student Services Offices
 - Students Union Advice Centres
 - Student Conciliators
 - Graduate Interns
 - Complaint Mediation Schemes
- Impractical to graft on to English and Welsh HEIs a campus ombudsman concept which sits uneasily with existing arrangements, not available at European universities.
- Mediation – an under-used and not always understood process in HEIs

Pilot initiatives

- Canterbury Christ Church – wider use of mediation
- Glamorgan – Student Conciliators
- Sheffield – facilitated discussion
- Kingston – training in complaint handling and mediation
- Huddersfield – student conciliators
- ARC linking pilots to good practice procedure

How to contact us

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