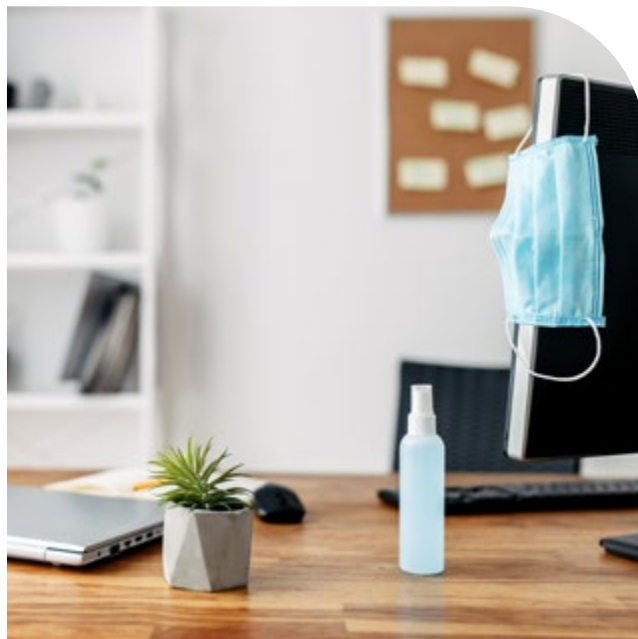




office of the  
independent  
adjudicator

# Annual Report 2021

[oiahe.org.uk](https://oiahe.org.uk)



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# Foreword by 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 profound impact of the coronavirus pandemic over the last two years has brought real challenges for advancing this vision. As we begin to emerge from the pandemic, there are also real opportunities to build on what we have collectively learnt, to create a fairer and more inclusive higher education sector for the future.

The OIA has a unique and valuable part to play in this. The impacts of Covid-19 remained the key context for our work during the year, and we continued to work with students and their representative bodies, providers, sector organisations and governments to contribute to ongoing responses to the pandemic and to share learning from complaints. We also progressed many other aspects of our work across a range of issues that matter to students, and our Annual Report for 2021 reflects this.

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 Chief Executive Ben Elger and Independent Adjudicator Felicity Mitchell who, together, so ably lead the organisation.

Felicity announced this year that she will be leaving the organisation in April 2023, at the end of her five-year term. I am hugely grateful to her for all she has done and will continue to do over the coming year for the OIA.

**Dame Suzi Leather**  
Chair of the Board



# Introduction to the Annual Report for 2021

2021 has been another challenging year. Many students continued to experience disruption to their studies and their lives through the year, and some have been very significantly affected, often those who were already vulnerable. Providers have still been working hard to deliver learning and support students in difficult circumstances, with complex considerations and balances of risk to navigate. We are very aware of the cumulative effect of ongoing stresses and pressures on students and those who support them, and on staff in providers.

We continued to try to help students and the higher education sector to navigate the challenges of the pandemic. We carried on taking a flexible approach to our casework processes. We published further information and guidance and reached out to students and their representative bodies and to providers. We worked extensively with governments, sector and student organisations and other relevant bodies to contribute to ongoing responses to the pandemic.

The evolving impacts of coronavirus continued to raise difficult questions around what fairness for students looks like in this context. In complaints involving coronavirus-related issues, we have considered what is fair for the student in the circumstances of their complaint, and what could reasonably be expected of the provider at the time the issues of the complaint arose. Of course, there are many other things that matter to students too, and we have as usual seen complaints across a wide range of issues during the year.

Despite the challenging year we progressed our strategic priorities and delivered against most of our Operating Plan for 2021. We exceeded most of our key performance indicators for the timeliness of our complaints-handling processes in the context of ongoing increases in the number of complaints coming to us, but we did not meet our turnaround KPI and addressing this remains a key focus. We again delivered a virtual outreach programme to share learning from complaints with the sector and to engage positively with students, their representative bodies and higher education providers. And we played our part effectively in the wider regulatory framework, using our influence to maintain focus on issues affecting students and trying to promote clarity for students about when and how to raise their concerns and how we may be able to help.

We would like to thank our staff for their outstanding commitment to our work again this year despite the ongoing personal challenges many have faced, and our Board for their continued support and advice.

**Felicity Mitchell**  
Independent Adjudicator

**Ben Elger**  
Chief Executive



# Headlines of the year

## Complaints



Complaints received: 2,763  
Up 6% on 2020



Complaints closed: 2,654  
Up 2% on 2020



Introduced Additional Rules for Large Group Complaints

## Sharing learning



Published further guidance and case summaries relating to the impact of the pandemic



Ran a programme of 32 webinars, workshops and online discussions, with a total of 1,074 participants



Held a series of student discussion groups to better understand students' experiences

## Working with others



Worked closely with governments, sector bodies, NUS and other relevant organisations to contribute to ongoing responses to the pandemic



Promoted understanding of our remit to bring greater clarity, especially for students, about how we can help



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

# 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.

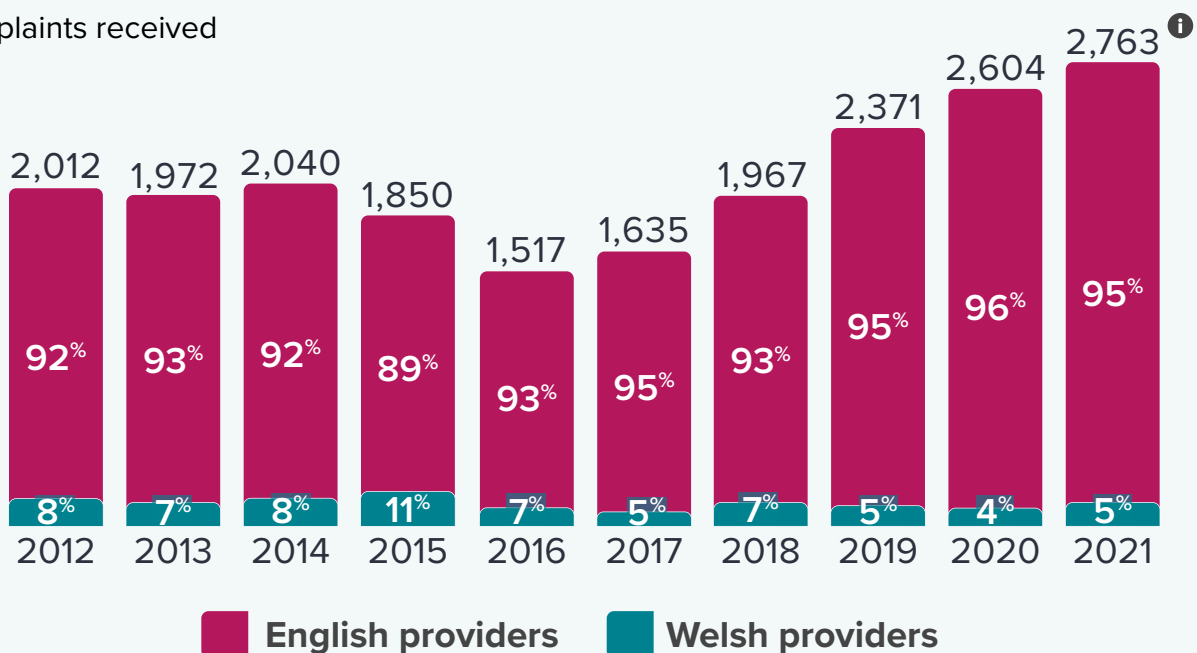
## Complaints received

In 2021 we received 2,763 complaints, our highest ever number and an increase of 6% on 2020 (2,604). In addition, we received a complaint from a large group of students. We have not included this complaint in our data on complaints received in 2021 to avoid a distorting effect on trend information.

The rise in complaints in 2021 continues the trend of annual increases since 2017, although the increase over the last two years has been smaller than the increases we saw before the pandemic. These smaller increases may be partly because students are finding it more difficult with the other pressures they are experiencing to pursue their complaints, and because some providers are finding it difficult to progress complaints effectively through their internal procedures in the context of other pressures.

**CHART 1**

Complaints received



<sup>1</sup> Not including the large group complaint



## Observations

Most of the high-level patterns in complaints to us in 2021 are broadly similar to those we saw in 2020. Complaints arising at least in part from the impact of the coronavirus pandemic accounted for 37% of the complaints we received, a significantly higher proportion than in 2020 (12%). This is as we would expect, given the time needed for students to raise their complaint through their provider's internal procedures and that students have up to a year to bring their complaint to us. We believe the pandemic has also continued to have an effect on complaints students haven't brought to us, in particular in relation to academic appeals which have not returned to the pre-pandemic proportions of our caseload (see below).

Each year we ask higher education providers for information about the number of Completion of Procedures (COP) Letters they have issued. The information we have received indicates that the overall number of COP Letters issued by providers in England in 2021 was higher than the number issued in 2019, following a significant dip in 2020 (there was no significant change for providers in Wales across this period). This may be a knock-on effect of delays in internal processes at the height of the pandemic.

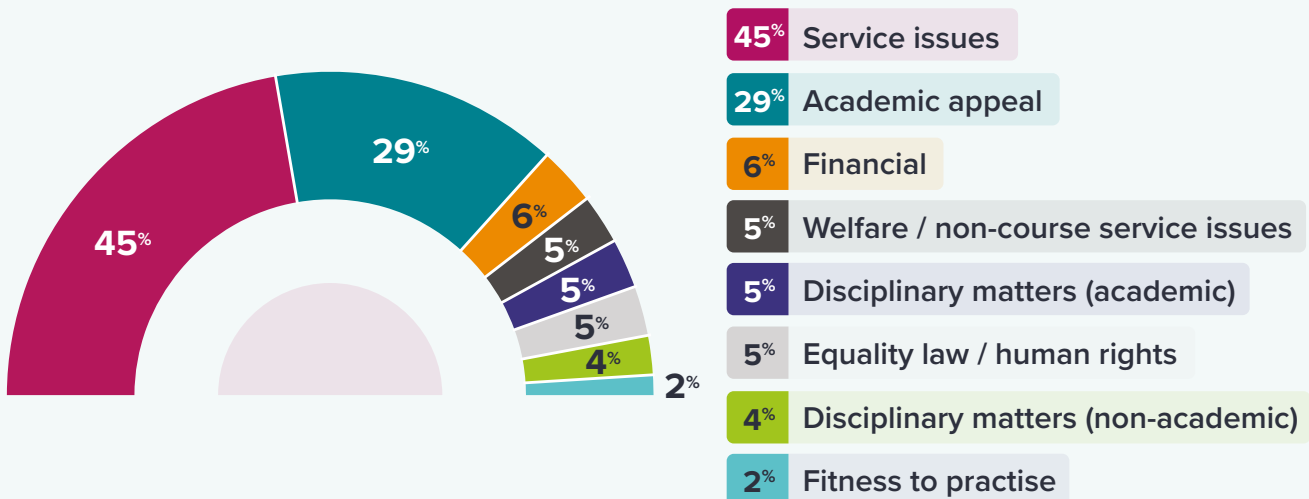


“Thank you for all the time and effort you put to the investigation of my complaint till the final review stage [...] I too wish you all the best and thank you for the patience as well as support that you provided to me across my long case.”

## Complaints received by complaint category

**CHART 2**

Complaints received by complaint category



Complaints relating to service issues (teaching, supervision and course-related facilities) accounted for 45% of the complaints we received in 2021. This was 2% up on 2020, when there was a significant rise in service issue complaints as a proportion of our caseload. Complaints arising from the impact of Covid-19 accounted for around half of the service issue complaints received in 2021. We discuss complaints relating to service issues including Covid-19 in more detail under [Themes in complaints](#).

We saw a further small reduction in the proportion of complaints relating to academic appeals. This follows a significant fall the previous year. The continuing lower proportion of this type of complaint in our caseload may be because some students were still benefiting from “no detriment” or safety net policies.

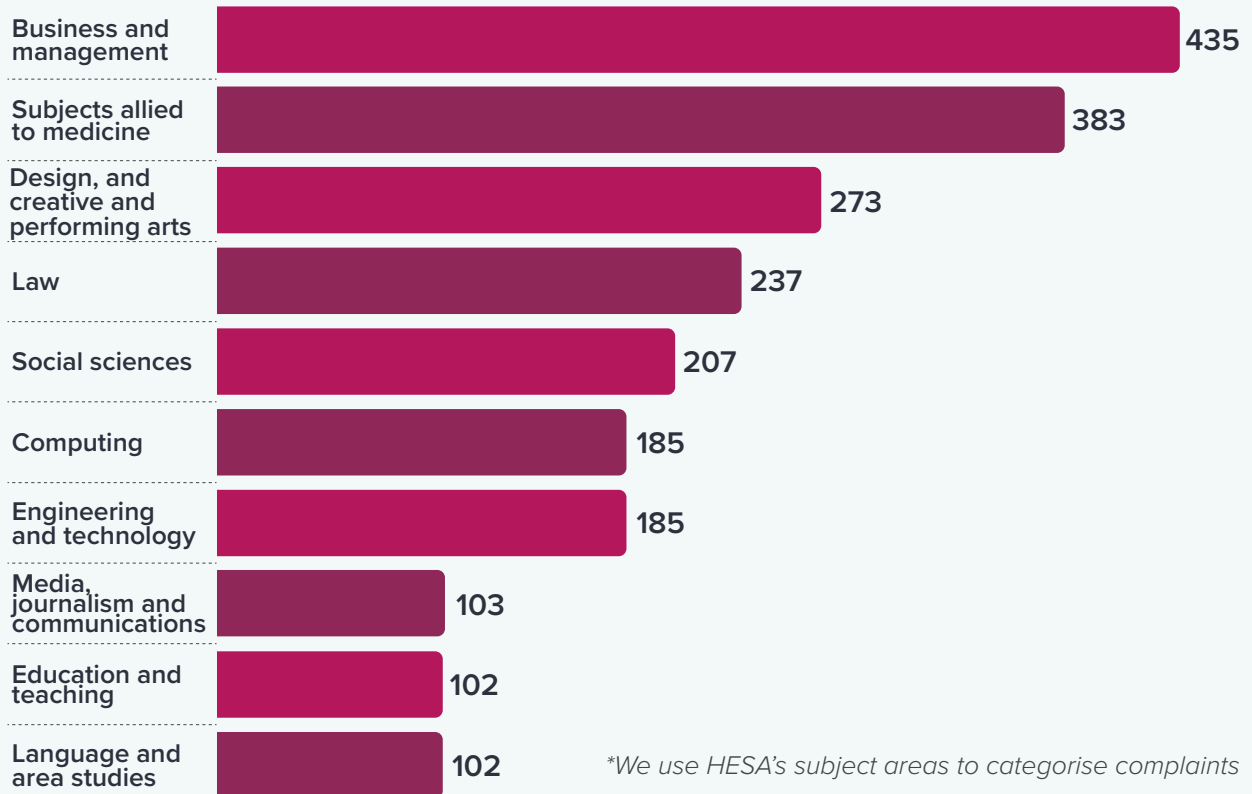
The number of complaints in other complaint categories remains relatively small, but collectively these categories accounted for 27% of case receipts. This is higher than in recent years, with the increase fairly evenly distributed across the categories.

“... I’m really glad I got through to you to discuss this, because it’s been a worry and I’ve avoided having this sort of conversation with yourselves... There’s that uncertainty and hence why I wanted to have that informal conversation.”



**CHART 3**

Top 10 - Complaints received by area of study\*



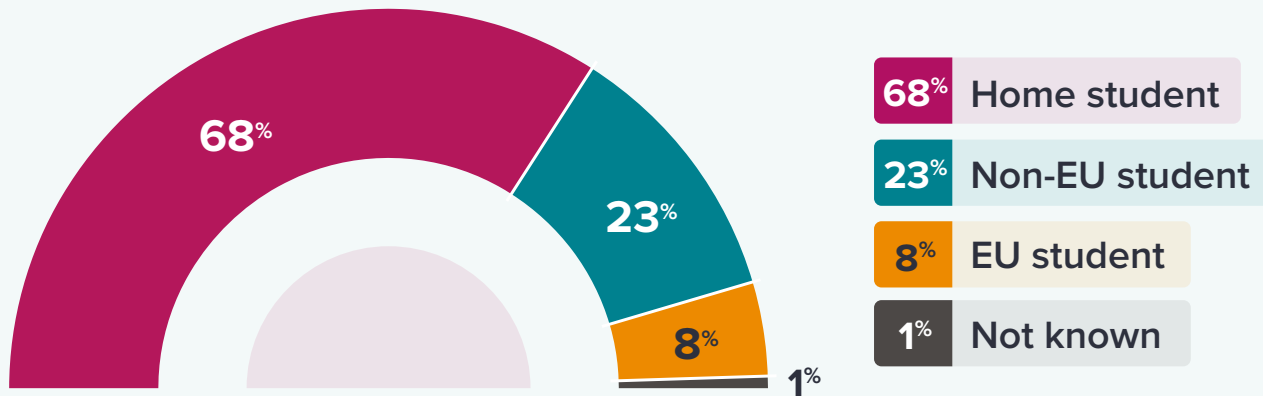
We consistently receive more complaints from students on Business and management courses, reflecting the high number of students on courses in this area across providers in England and Wales. Complaint numbers by subject area tend to be quite variable, partly because numbers are fairly small once broken down in this way. In 2021, we saw increases in several areas where courses tend to involve practical elements, including Subjects allied to medicine and Design, and creative and performing arts (see also under [Themes in complaints](#)).



## Complaints received by student domicile

**CHART 4**

Complaints received by student domicile

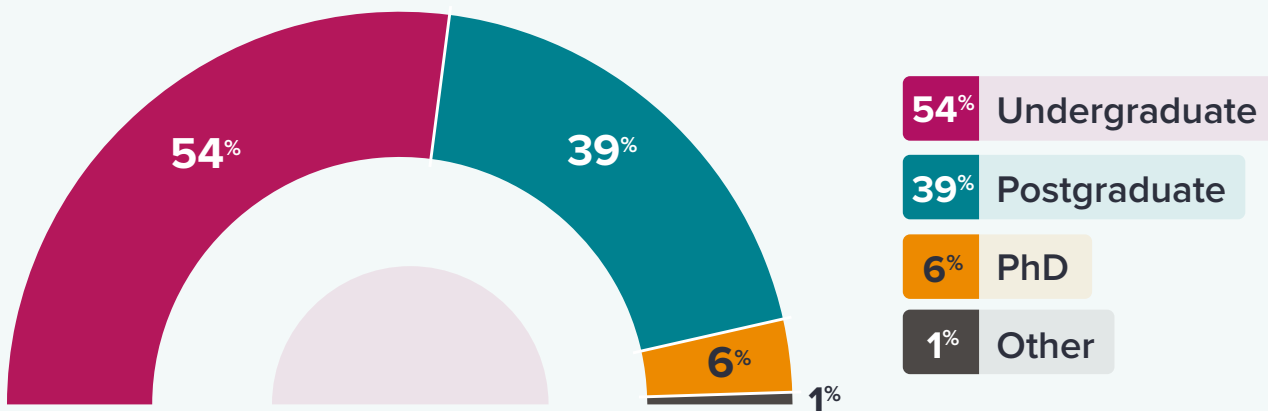


The proportion of complaints we receive from home, EU and non-EU students has remained broadly consistent for several years. International students, especially non-EU students, continue to be over-represented in the complaints we receive. As an indicative comparison, non-EU students accounted for 16% of the student body in England and Wales as reported in the Higher Education Statistics Agency (HESA) statistics for 2020/21, but accounted for 23% of the complaints made to us in 2021.

## Complaints received by level of study

**CHART 5**

Complaints received by level of study



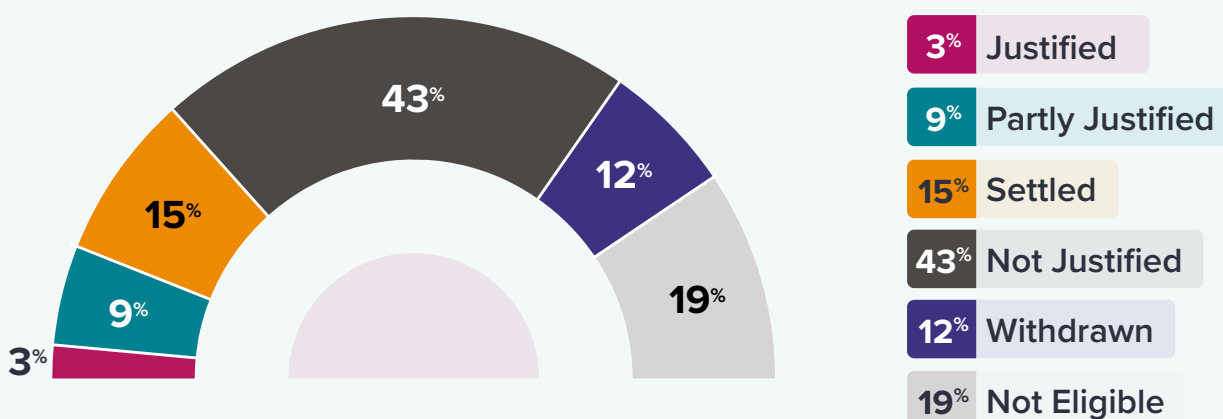
A consistent feature of the complaints we receive is the very significant over-representation of PhD and other postgraduate students. In 2021, 45% of complaints we received came from these students (as an indicative comparison, PhD and other postgraduate students make up 27% of the overall student population in England and Wales as reported in HESA statistics for 2020/21). 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 non-EU 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 2021, we closed 2,654 complaints, an increase of 2% from 2020 (2,597). 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, and this remains a key focus.

## The outcome of complaints

**CHART 6**  
Closures by outcome



“I wanted to say even though I disagree with the outcome, thank you very much for putting together such an in-depth report. It got me to view matters from a different perspective...”

In total, 27% of cases were Justified, Partly Justified, or Settled in favour of the student. The proportion has increased slightly over recent years, in part because of the continuing rise in complaints about service issues, which are more likely to be upheld, and the reduction in complaints about academic appeals, which are less likely to be upheld. The proportion of complaints we settled in 2021 is 5% up on the previous year, exceeding our KPI for the first time.

The proportion of Not Justified complaints fell in 2020 and has remained at a similar level in 2021. We continued our approach of trying to be clear with students and student advisors about what we can and can't do and the approach we are likely to take, so that they understand what we will look at and can make an informed decision about whether or not to pursue their complaint.

We also try to make it clear to students more widely when they can complain to us, and what they can complain about. In particular, many of the cases that we decide are Not Eligible for us to look at under our Rules are where the student has come to us before they have completed the provider's internal processes, so we have continued to emphasise that students normally need to complete those processes first.



## Judicial review

Our case decisions can be challenged by judicial review. During 2021 we received a total of eight new judicial review claims, one fewer than in 2020. The trend over the last six years is downward despite the rise in complaints during that period. Seven claims were refused permission, and one was granted permission to proceed in January 2022 and is still active. This is the first time since 2017 that a claim has been granted permission to proceed.

# Themes in complaints

An important part of our work is to look beyond each individual case that we review to identify common themes and issues, and to share learning from what we see to help improve practice in the sector. 2021, like 2020, was dominated by the impact of the Covid-19 pandemic. In this section we discuss some of what we saw in Covid-related complaints, as well as some wider themes and issues in our casework.

## Complaints involving Covid-related issues

As the pandemic continued to evolve through the year so did expectations, and so did the challenges facing students and providers. As restrictions started to lift providers had more options open to them and more time to put arrangements in place, but there were new and sometimes complex issues and risks to balance.

In 2021 we continued to receive complaints relating to the earlier stages of the pandemic as well as to students' more recent experiences, because students have up to 12 months to bring their complaint to us if they are still unhappy after they have completed the provider's internal processes.

Complaints involving issues relating to the impact of Covid-19 accounted for 37% of the complaints we received in 2021.

Compared with our case receipts as a whole, there were no significant differences by student domicile (home, EU and non-EU students), but a slightly higher proportion came from undergraduate students and a slightly lower proportion from PhD students. Around 60% raised service issues, and a little under a quarter were related to academic appeals. 16% of Covid-related complaints were group complaints, significantly higher than in our overall case receipts.

In complaints we saw, providers had largely taken steps to enable students to meet the learning outcomes of their courses, and to make sure that students were not disadvantaged in assessments. But some students found that they weren't getting the learning experiences that they reasonably expected. Some had been affected by the cumulative impact of the pandemic and industrial action.

Perhaps unsurprisingly, students on Design, and creative and performing arts courses were strongly represented in Covid-related complaints to us, accounting for 15% of those we received and raising issues such as access to equipment and studio space or opportunities to exhibit work. More widely, complaints from students across a range of subject areas often related to practical experiences that were disrupted by Covid-19 restrictions. Students complained about lack of access to laboratories, cancelled or changed projects, placements and study abroad opportunities. We also continued to see complaints about disciplinary breaches, and about accommodation fees.

The last two years have brought some particular challenges for international students and for students intending to work or study abroad as part of their course, because of the difficulties with international travel. We received some complaints from international students who were unhappy about paying higher international fees for a learning experience that was in the end largely online. However, we did not receive a large number of complaints from students about issues with travelling to England or Wales to study, or from students at English and Welsh providers who had expected to travel abroad. The disruption Covid-19 caused to international travel and to placement opportunities made it all the more challenging to find suitable remedies for some students.

We also saw complaints relating to issues with technology. As well as complaints arising from technical failures, some students struggled with digital literacy, especially in online timed exams. Some found it difficult to make the technology work at all, and for others their limited typing skills affected their performance. Some staff had difficulties too. As blended learning approaches are an increasing part of provision, it's important that providers support students and staff to develop the digital skills they need.

There were some differences in the outcomes of Covid-related complaints closed in 2021 compared with overall case closures in the year. A slightly higher proportion (23%) were Not Eligible for review, almost all because they had come to us prematurely. A notably higher proportion (22%) were settled. The illustrative case summaries of complaints arising from the Covid disruption that we published in 2020 and 2021 were useful here. Providers and students could see the sort of approach we had taken in similar cases, making it easier to reach a settlement. We also know anecdotally that providers and student representative bodies have made use of the case summaries during internal procedures, helping to resolve some complaints without the need to come to us.

When we can, we try to recommend practical remedies for students' complaints. But in many Covid-related complaints, this has not been possible, or in some cases not enough. Remedies for most of the Covid-related complaints we upheld or settled, especially those about service issues, have involved financial compensation. In Covid-related complaints in 2021, we agreed a total of a little over £200,000 in settlements and recommended a total of around £40,000 on those we upheld.





### Case summary 1

A group of students was on a two-year healthcare-related postgraduate research course. The students complained to the provider about a number of issues including problems with laboratory work and feedback, frequent timetable changes, and the move from lab-based projects to desk-based projects during a nationwide lockdown in the Covid-19 pandemic. There were other administrative issues with the course. The provider upheld some of the students' complaints and offered some compensation.

The group was not happy with the provider's offer and complained to us. The provider then increased its offer of compensation to £1,000 for each of the students in the group but the group again rejected the offer.

During our review, we drew the provider's attention to our published case summaries and, specifically, to a summary of a similar complaint involving the loss of a lab-based practical research project. The provider agreed that the case was similar and increased its offer of compensation to £1,500. Some of the students accepted the provider's offer, but others in the group did not, because they felt the provider had not addressed some important issues they raised in their complaint, some of which arose before the pandemic. We had further discussions with the provider which then offered a total of £2,500 compensation for each of the remaining students in the group, being £1,500 in relation to the change of project, and £1,000 for the other issues raised by the group. The group accepted this offer, and the complaint was **Settled** on that basis.

We received proportionately fewer complaints arising from academic appeals in 2021. This may be because some students continued to benefit from "no detriment" or safety net policies. The complaints we saw included concerns about changes to assessments and students' requests for additional consideration for their personal circumstances.

"You lot have been brilliant with me today. This is the opposite of what I've been experiencing and I have no words right now to describe how much I want thank you [both] for speaking and treating me like a normal human being. You have been a legend!!! Thank you for your kindness and hard work"

## Case summary 2

A student studying for a professionally accredited qualification failed a module. The student appealed the result. They said that they had not been given printed materials for the module and that they had personal circumstances that had affected their performance in the module. The student said that the provider ought to have applied its “no detriment” policy, under which the provider took into account students’ previous academic performance to prevent disadvantage as a result of the disruption caused by the Covid-19 pandemic. The provider rejected the student’s appeal. It said that the student could have asked for additional consideration of their personal circumstances at the time of the assessment but did not, and it was too late to do so once results were published. It said that the no detriment policy didn’t apply to the module because it was professionally accredited, and the accrediting body did not permit it.

The student complained to us. We decided the complaint was **Not Justified**. The learning materials that students needed for the module were available online and the student didn’t have a special reason (such as a specific learning difference) for asking for printed materials. It was reasonable for the provider to conclude that the student didn’t have a good reason for not asking the provider to consider their personal circumstances at the time of the assessment. The provider had explained to students that the no detriment policy did not apply to the module because of the requirements of the professional body. So the provider’s decision not to uphold the student’s appeal was reasonable.



## Complaints about service issues

The proportion of complaints we receive that relate to service issues (broadly, teaching, course delivery, supervision and course-related facilities) has risen significantly over the last few years (from 23% in 2018 to 45% in 2021). Complaints arising from the disruption caused by industrial action and the pandemic mostly fall within this category, which partly explains this increase. More widely, students have complained about the departure of key staff affecting their specialist area of study, poorly prepared substitute teachers, short-notice timetable changes, venue changes, poor communication, unclear information in prospectuses, and late feedback.

### Case summary 3

A student completed a degree in Psychology with Criminology. When the student booked their graduation tickets, they realised for the first time that the degree was a BA. They expected to graduate with a BSc. The student complained to the provider.

The provider explained that its Psychology degrees could be BSc or BA, depending on the second subject a student studied. As the student's second subject, Criminology, was an arts-based subject, their degree was BA. This was correctly explained on the UCAS website and in the course handbook, which was available to all students online, but the student said they had not accessed the handbook. The provider accepted that its pre-admission information, which described the course as BSc/BA, could have been clearer and did not fully explain how the degree would be conferred, and that the student had been given incorrect information through its webchat. It explained that it could not award the student a BSc because of the content of the curriculum they had studied, but that the BSc and BA degrees were of equal value and both were accredited by the British Psychological Society. The provider offered the student compensation of £1,000 for the distress caused.

The student rejected the provider's offer and complained to us. The student said they would not have joined the course had they known it led to a BA rather than a BSc and that they had to undertake work experience before undertaking postgraduate study to make up for the fact it was not a BSc.

We concluded that the student's complaint to the provider was valid because of the confusing information, but that the provider had made a reasonable offer to compensate them for that. We concluded that it was reasonable to expect students to familiarise themselves with their course handbook and, if this student had done that at the beginning of the course, it might have been possible to put in place a practical remedy for them by adjusting their programme. The BA and BSc were both accredited programmes and the student had not provided any evidence to support their argument that their prospects for postgraduate study had been affected. In the circumstances, we thought the provider's offer of compensation was a reasonable one. The provider's offer was still open to the student, so we decided that the complaint to us was **Not Justified**.

#### Case summary 4

A student complained about the impact of industrial action on their studies. The provider rejected the complaint and said that it had taken steps to make sure that students could complete their assessments and it had delivered alternative sessions for those sessions that were missed.

The student complained to us. We decided that the complaint was **Partly Justified**. We thought the provider had taken reasonable steps to ensure that students were able to achieve the required learning outcomes so that they could progress with their studies. But communication with students had not always been clear. Some students were not told about the alternative teaching sessions or when they were taking place, and so they missed them. We recommended that the provider should pay the student compensation for the teaching that had been missed, which we assessed at a little under £600.

Complaints about service issues are sometimes complex and multi-faceted and can relate to the student's perception of the value of their experience as a student, and to concerns about the quality of their course. We can consider issues such as what was promised and what was delivered, whether particular subject areas were covered, whether delivery was accessible and worked for the student, or whether the student was adequately supported. But we can't look at issues of academic judgment (which we define narrowly as a judgment that is made about a matter where the opinion of an academic expert is essential), for example, that teaching was not of an adequate academic standard, or that a postgraduate student did not get the right academic guidance from their supervisor.

A higher proportion of students with complaints to us about service issues receive favourable outcomes than those with academic appeals, and this includes settlements. Our case-handlers look out for opportunities to resolve a complaint at an early stage where possible. Settlements can be a speedier and less stressful way to resolve complaints. This 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. In 2021 we settled 15% of complaints overall. But for complaints about service issues, we settled 19%, compared to only 10% of academic appeal complaints. This reflects the more complex nature of service complaints in comparison to appeals, which often involve aspects of academic judgment and tend to raise more straightforward issues with less scope for reaching a settlement.

In recent years we have received more complaints from groups of students complaining about the same issues. In 2021, group complaints accounted for 9% of complaints we received, up from around 5% in the previous three years. Often these groups are made up of 10 to 30 students complaining about service issues affecting their cohort. In 2021, group complaints were substantially more likely to have a favourable outcome, and in particular to be settled. Identifying a suitable remedy or remedies for students in a group can be challenging, though, if they have been impacted differently. In some cases we were able to settle a group complaint that the provider had tried to settle but not been able to, perhaps because our fresh and independent perspective helped those involved to come to an agreement that hadn't previously been possible.

## Case summary 5

A group of students was on an MA in a practical arts-based subject. The course was new for the provider, and the group was in the first cohort, starting in 2018/2019. The group complained to the provider about the course at the end of their first year. The complaint was about misleading promotional material, facilities and health and safety concerns, and the structure, delivery and content of the course.

The provider partly upheld the group's complaint. It set out a plan for improving the course for the second year and for new students and offered the students a reduction in their fees for the year.

The group did not accept the provider's offer and complained to us. We concluded that the complaint was **Justified**.

The provider had accepted many of the group's complaints, including complaints about misleading promotional information, facilities and health and safety concerns, not delivering key skills, issues with the course structure and availability of materials. We decided that the provider had reached fair conclusions on most aspects of the group's complaint, but that it had underestimated the impact these issues had had on the group and did not take into account the students' distress and inconvenience. We concluded that the provider's offer of compensation was not reasonable. We recommended that the provider should offer the students a refund of 50% of their tuition fees for the term that had been particularly impacted, and compensation of £3,500 for the students' distress and inconvenience.

.....

A second group of students joined the same course in 2019/20. The group complained to the provider about similar issues to the first group, and changes that had been made to two practical modules in the first term. The provider upheld the complaint and offered the students a refund of 50% of tuition fees for the two modules and some compensation for distress and inconvenience. It set out some practical measures it was planning to take to resolve the group's concerns.

At that point the provider had to close its facilities because of the nationwide lockdown during the coronavirus pandemic. The provider told the students that it could not continue delivering practical modules but that other teaching would move online. This meant that the length of the course would be extended. Practical sessions were due to resume in the autumn of 2020 but delays occurred because of staffing issues caused by the pandemic, and another lockdown in the early part of 2021. The provider offered students some financial support during this extended period of study. The course eventually resumed in March 2021 and the students completed their studies in the early summer.

The second group of students made another complaint to the provider about issues with practical modules and the delay in completing the course. The provider offered further compensation to the group.



**Case summary 5 - continued**

The group was unhappy with the provider's response to their second complaint. They complained to us about the outcome of both complaints, and about how the provider had dealt with their complaints.

We decided their complaints were **Partly Justified**.

We decided that the provider had reached a reasonable conclusion on the group's first complaint and offered practical remedies that were reasonable at the time. But the pandemic meant that the practical remedies could not be implemented, and the compensation offered by the provider was not reasonable. The provider had made considerable efforts to deliver practical teaching and learning that had been missed both during the first term and as a result of the pandemic, but those were hampered by further pandemic-related problems in autumn 2020.

We concluded that the provider's final offer to the group to refund 50% of the total tuition fees was reasonable given the failings it had identified, the efforts it had made to try to make up for what had been missed, and the significant disruption caused by the pandemic. The group was able to complete the course, although not with the full content or learning experience they reasonably expected, and over a longer period.

But we also decided that the provider had not properly investigated the group's second complaint and this meant that several issues raised by the group had not been resolved.

We recommended that the provider should apologise to the students, should re-make its offer of a refund of 50% of the tuition fees, and should offer a further £6,250 for the distress and inconvenience caused by the issues raised by the group in both complaints and the provider's handling of the second complaint. We also made some good practice Recommendations.





## Case summary 6

A few months into a new five-year MBBS programme to study medicine at an overseas campus, some students complained about their experience so far. They said the course had fallen short of what the provider had promised in advertising material. The students complained about facilities that were unfinished or not available and that advance information about the programme had not been clear. The provider did not uphold the complaint. At the beginning of the students' second year the provider made a goodwill payment to all students in the group's cohort relating to issues with the new facilities and accommodation.

The students complained to us. We upheld the complaint and made some Recommendations to the provider. The students subsequently provided us with a report from the General Medical Council (GMC) following an inspection of the provider's overseas campus which was relevant to the students' complaint. We decided to reopen our review.

We decided that the students' complaint was **Partly Justified**. We decided that the students had been given misleading information about some buildings and facilities which were still not ready long after the students' arrival, and a new "health hub" which was not due for completion until after the students had completed their studies. We also concluded that the students had been led to believe that teaching and practice would be in an English-speaking setting but in fact the local language was used in clinical consultations. As a result, the GMC introduced a requirement that students had to have some understanding of the local language to continue with their studies.

The students wished to complete their studies at the provider's campus in England. By this time UK hospitals were under considerable pressure because of the ongoing pandemic and we concluded that it would not be in the students' interests to recommend a transfer.

We recommended that the provider should pay the students a sum of compensation of around £24,000 for the distress and inconvenience caused by the misleading information about facilities and the course, and the impact of the poor information about language requirements. We also recommended that the provider should arrange and fund personalised tuition in the local language and should arrange clinical attachments for remaining elective components of the course in England (subject to any travel restrictions). We also recommended that the provider should review its website and marketing information to ensure that it complies with its obligations under consumer protection law.

In 2021 we introduced additional Rules for Large Group Complaints following consultation. The additional Rules enable us to adapt our normal review process so that we can handle Large Group Complaints more efficiently whilst maintaining fairness. It is intended for complaints from a large group of students at a single provider where there is a high degree of commonality between the complaints and where the complaints could be considered collectively.

We didn't receive any Large Group Complaints after the additional Rules came into effect and so we are not yet reviewing that process. However, we did receive a complaint from a group of over 400 students relating to Covid-19 disruption earlier in the year and this has provided some useful learning.

## Academic appeals

Although the number and proportion of complaints about academic appeals in our casework have fallen in recent years, in 2021 they still made up just under a third of our case receipts. Around two thirds of complaints about academic appeals have a Not Justified outcome, which indicates that providers are in most instances considering students' appeals fairly.

Academic appeals most often arise from the student not making a request for additional consideration of their personal circumstances at the correct time. This might be illness, bereavement or other personal difficulty that they feel affected their performance and which most providers expect students to raise at the time of the affected assessment. We published our Good Practice Framework section, [Requests for additional consideration](#) in December 2020 and it highlights the importance of having a well-advertised process for making requests, with students being reminded of the process at key points during their studies, and of showing flexibility where students have good reason for missing the deadline for making a request. Appeals processes can be stressful for students and put pressure on providers' resources, and when things go wrong in that process it can have serious consequences for the student. So having an efficient, flexible and fair process for students to follow when they need additional consideration is very important.

## Complaints about other issues

We see a wide range of other issues in our casework. Collectively, complaints relating to financial issues, academic and non-academic disciplinary and fitness to practise processes, welfare and equality issues rose a little in 2021.

The number of complaints relating to sexual misconduct remained small but has risen slightly in recent years. We continued to work with others on this important issue and supported work to improve the guidance available to providers.

“Thank you so much for letting me vent and get my emotion out. I feel a bit better. Really appreciate your time, I know you're very busy. Good luck reviewing my cases!”

## Complaints from disabled students

The very challenging context of the last two years has affected some students more significantly than others, and disabled students have sometimes been particularly badly affected.

We received complaints from disabled students about a range of issues in 2021. For many students their ability to access their studies was affected by delays with assessments for support and issues with funding. Some students had problems accessing online lectures, and with not all teaching sessions being recorded or uploaded promptly. Some students complained to us about how the reasonable adjustments they would usually expect in a timed examination were applied to online assessments, and issues with the instructions for assessments that were taken over a long period. Some students found that it took longer for them to absorb and learn from online content, and that additional study hours had an impact on availability for paid work, with some experiencing financial hardship as a result.

We worked with the Disabled Students' Commission during the year to support our understanding of the issues affecting disabled students and to feed in learning from complaints, for example into the Commission's work on automated captioning.



In view of the many ways in which disabled students have been impacted, we have some concern that we have not received more complaints. We have heard informally that some disabled students have felt they had no option but to drop their complaint, or even abandon their studies, because they no longer had the energy to continue.

The challenges for some disabled students have been compounded by problems accessing hard-pressed disability support and student advice services at their provider. We understand that many providers are under considerable pressure but protecting and even strengthening student support services, particularly for disabled students, is vitally important. Good support services can make a real difference in helping students through their studies and improving their experience, and also in de-escalating potential complaints and resolving them early.

The move online as a result of the pandemic meant that some disabled students found it easier to access their learning. Students told us that they valued having more control over how and when they could access their learning experience. It's important that providers embed and build on improvements in accessibility in future provision.

### Case summary 7

A student suffered a serious injury in an accident during their studies. Some months later they asked their provider for support for the ongoing impact of their injury on their studies. The provider put in place some support for the student but didn't give them any information about Disabled Students' Allowance (DSA). The following year the student asked for some further support and the provider advised them to apply for DSA, which they did. A few months before the end of their studies, the student obtained funding through DSA for assistive technology and equipment, and study skills support.

The student was awarded a 2:2 classification and was close to the borderline for a 2:1. They said that they would have achieved a 2:1 classification if DSA support had been put in place earlier. They made an academic appeal, which the provider rejected, and then complained to the provider about the support they had received. The provider rejected the complaint and the student complained to us.

We decided that the student's complaint was **Justified**. We thought that the provider ought to have given the student information and advice about DSA support when they first asked for help. The provider said that it had not done so because at that point the effects of the student's injury had not lasted for 12 months or more. DSA is available to students with a "physical or mental impairment which has lasted or is likely to last for more than 12 months and which has substantial and adverse effects on an individual's ability to carry out day to day activities". The student first asked for support ten months after their injury and medical evidence indicated that the effects of the injury were ongoing. The delay in advising the student about DSA support, and delays in the application process itself, meant that the student couldn't access all the support they needed until near the end of their studies. There was evidence that their academic performance had improved once the DSA support was in place. We recommended that the provider should reconsider the student's grade profile with this in mind. When the provider reconsidered the student's profile, it decided to award the student a 2:1 classification.

### Case summary 8

A student experiencing complex mental health difficulties interrupted their studies during their first year. The provider backdated the student's interruption so that they weren't charged tuition fees. They returned to their provider the following year and the provider put in place some support for the student. There were some delays to the student's student loan funding and DSA funding because of confusion about the interruption to their studies and this caused the student hardship and additional distress. The student withdrew from their studies following a mental health crisis.

The student complained to the provider about the support they had received when they had returned to study after interrupting. The provider upheld the student's complaint. Although the provider had put in place pastoral and financial support for the student, it accepted that the student had found it very distressing to have to tell different people in different services about their history because of the provider's concerns about confidentiality. The provider had taken steps to improve how it shares information about a student's support needs as a result of the complaint. The provider also accepted that it could have given clearer information and advice to the student about what interrupting their studies might mean for their student funding, and this might have avoided the difficulties the student had with accessing financial support when they returned. The provider offered to refund the student's tuition fees and repay their maintenance loan, and to pay them compensation of £3,500 for distress and inconvenience, because they weren't able to continue with their studies.

The student rejected the provider's offer and complained to us. They asked for compensation for lost earnings that they would have earned had they taken an apprenticeship instead of registering at the provider.

We decided that the provider had offered the student a reasonable remedy for the issues they had experienced and had also taken action to improve support provision for future students. The student had very difficult personal circumstances, and the provider had given the student some support. We decided that it was reasonable for the provider not to compensate the student for earnings they might have received if they had decided to do an apprenticeship instead. The provider's offer was still open and so we decided that the student's complaint to us was **Not Justified** on that basis.

## Mental health and wellbeing

Students' mental health and wellbeing has been a particular concern through the pandemic. This has been reflected in our casework. We have seen students whose existing mental health issues have worsened, sometimes very significantly, and many more who have struggled with the pandemic's impact on their studies and lives. We have seen examples of good support from providers and others where the provider could have done more to support the student effectively. It will be important that providers continue to focus on supporting the mental health and wellbeing of their students.

# Putting things right

When we decide that a complaint is Justified or Partly Justified, we usually make Recommendations. In 2021 we made Recommendations in over 300 cases. Our Recommendations aim to put things right for the student or students involved and, where appropriate, to improve procedures or processes.

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, and we take a similar approach in cases that we settle. Examples of practical remedies we recommended included:

- To apologise again to a student, keeping in mind our guidance on [apologies](#), because the original apology didn't go far enough
- To re-register a student and give them a two-year extension to the usual maximum period of registration to complete their studies
- To write a letter of academic reference referring to a particular module a student had studied, for them to use when applying for professional roles in practice
- To work with a student to facilitate future research that they might be interested in undertaking
- To give a student leave of absence until they were able to show they were fit to return to their studies, and to allow them to submit assignments for outstanding modules on their return
- To give a student additional guidance and support on how to avoid academic misconduct
- To rehear a student's appeal to decide whether to offer the student another placement opportunity in light of their personal circumstances
- To engage an external expert to consider whether a student should have been included as an inventor in a provider's patent application.

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

- To a disabled student whose decision to study at a provider was in part due to its approach to lecture capture as a reasonable adjustment, which was then not fully delivered
- For one year's lost earnings, where delays in the appeals process led directly to a student losing a job opportunity
- To reimburse the cost of a student taking a replacement module at another provider
- To refund tuition fees to the Student Loans Company for an additional year of study a student had to do because they were unfairly suspended from their course.



The Recommendations we made in 2021 included financial compensation totalling £792,504. In addition, students received a total of £511,875 through settlement agreements we reached. The overall total compensation, £1,304,379, was significantly higher than in 2020 (£742,132, excluding compensation following the closure of GSM London). This is likely to be partly because in some cases it was more difficult to find a practical remedy due to the impact of the pandemic, and financial compensation was higher to reflect this. The highest single amount of financial compensation was just over £68,000, and 63 students received amounts of over £5,000.

We also make good practice Recommendations to help improve processes and practice in providers. Often these Recommendations are to review internal procedures, taking into account the guidance in the relevant sections of our Good Practice Framework. Examples of good practice Recommendations we made included:

- To retain copies of all relevant information published on the provider's website, so that the information would be available even if it is updated and overwritten over time (it is important when reviewing complaints to be able to see the information available to students at the time)
- To review procedures for and approach to monitoring service delivery at a partner provider
- To deliver training about procedural fairness for staff involved in fitness to practise procedures
- To review guidance to staff about advice for international students regarding the relationship between disability support, progression decisions and visa requirements.

We follow up our Recommendations to make sure that the provider complies with them. If a provider does not comply, or there is a delay, we will take steps to address this. In 2021, although all our Recommendations were implemented, only 67% of our good practice Recommendations were implemented on time, which was lower than last year. It is likely that these delays reflected the pressure on staff in providers during the year. However, it is positive that 95% of our student-centred Recommendations were implemented on time.



# 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 providers. This year we continued to offer online opportunities for providers and student representative bodies to engage with our outreach programme.

## Webinars

We delivered 19 webinars attended by 885 participants. We offered Level 1 (introductory) webinars on topics including complaints about service issues, fitness to practise, procedural fairness, and supporting disabled students, and Level 2 webinars, which are a more in-depth discussion of case examples, on student disciplinary processes and postgraduate student complaints.

We also delivered webinars introducing new members to our Scheme and exploring good practice when drafting internal procedures.

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.

“I particularly liked the recognition that small providers and College based HE is involved - very often we are overlooked or expected to ‘fit’ with procedures aimed at University providers. That was absolutely not the case here.”

“The webinars that you are providing at the moment seem like a tailor-made training course for my advice role! Training in these areas is not something that normally comes along so these are great as they cover all the University policies and procedures that I deal with on a daily basis.”

## 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. The sessions were well attended with 114 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 advisors to support students through internal processes, and that it was reassuring to meet colleagues in other providers facing similar challenges. And for us, it was useful to hear more about some of the issues affecting students.

“I have a better understanding of the process. I also felt encouraged to utilise the cases on the OIA website with students who are considering making a complaint to the OIA.”

## 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, the Association of Colleges (AoC), GuildHE, Independent HE, the National Association of School Based-Teacher Trainers (NASBTT), the National Association of Student Money Advisers (NASMA), the UK Council for International Student Affairs (UKCISA) and Unipol, and we ran a session at the SU21 Digital Conference and contributed to NUS's annual Lead and Change training for sabbatical officers.

## Outreach calls

It is important that providers and student representative bodies feel able to approach us if they have questions about our Scheme or good practice guidance. We also welcome conversations with providers and student representative bodies about emerging issues or anything else it may be useful to discuss. We held outreach calls or online meetings with a range of individual providers and student representative bodies this year. These conversations have often been really useful two-way learning opportunities, so please email us at [outreach@oiahe.org.uk](mailto:outreach@oiahe.org.uk) if you would like to explore setting up a call.

# 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 2021 our Diversity Steering Group, which includes Board members with relevant expertise and the Senior Leadership Team, continued to oversee our work in this area.

## Students and casework

We are committed to making our service as welcoming and accessible as possible for all who need to use it, and to understanding the different experiences of students who use our service.

We collect diversity information on a voluntary basis from students who complain to us, by asking them to complete a monitoring questionnaire when they submit their complaint. This supports our ongoing programme of work to look at our casework data from this perspective, focusing on what we can learn to help us improve our own practice and develop additional good practice guidance for providers. Our case-handlers don't have access to information we collect about a student's personal characteristics (but some characteristics may be apparent from information submitted as part of the student's complaint itself).

In 2021 we looked at some aspects of our casework data by ethnicity. We were pleased that around 75% of students who complained to us in 2021 gave us information about their ethnicity in the monitoring questionnaire. The overall ethnic distribution of students who complained to us in 2021 was broadly consistent with the distribution seen over the last five years.

We focused our analysis on home students, because we know from our wider work that there are additional factors to consider in relation to international students. We have also focused on complaints from Asian, black, and white students, because numbers in other ethnic groups are too small for meaningful analysis.

For home students, there were some differences in the broad areas of complaints that students from different ethnic groups brought to us. In 2021, 53% of white students' complaints to us were about service issues, and 24% were about academic appeals. But for black students and Asian students, complaints about service issues were a smaller proportion, both at 32%, and academic appeals were higher, at 38% and 39% respectively. It is possible that there may be a link between the higher proportion of complaints about academic appeals that we see from black students and Asian students, and the degree awarding gap. Some students told us in student discussion groups that as a person of colour, they feel concerned about drawing attention to themselves by making a complaint, and others that they felt their concerns might not be taken as seriously by their provider as those of white students. It may be that the perceived gain outweighs the perceived risks for black students and Asian students when considering an academic appeal, but not when considering a

complaint about service issues. However, these are complex and multi-faceted issues and we need to be cautious in interpreting our data.

The underlying pattern in the type of complaints students of different ethnicities bring to us is relevant when considering the outcomes of complaints. This is because we consistently uphold a higher proportion of complaints about service issues than complaints about academic appeals, for students of all ethnicities. These two complaint categories together accounted for three quarters of the total complaints we received in 2021, and we focused our further analysis on these categories.

We did not identify any significant disparity in the outcomes home students of different ethnicities received to their complaints about academic appeals. Around 18% of complaints from Asian, black, and white students to us about academic appeals received favourable outcomes. The proportion of cases we decided were Not Justified was similarly consistent across the different ethnicities.

However, in complaints about service issues, a higher percentage of white students received favourable outcomes than students of other ethnicities. In 2021 25% of the complaints made by black students about service issues received favourable outcomes, compared to 32% of the complaints made by Asian students, and 37% of the complaints made by white students. It is important to give these numbers context in terms of the volume of our casework. Different outcomes in just 10 cases would have removed the disparity. But although the numbers are small, any disparity is a concern. In a dip-sampling exercise we undertook in 2020, we did not identify any evidence of bias in our case-handling. Nonetheless we recognise that perceptions of bias are inevitably somewhat subjective and we remain alert to this risk, keeping it in mind when carrying out our regular quality assurance processes. We have not as yet been able to identify any clear reasons for the disparity in outcomes of service issue complaints. We will continue to monitor our case outcomes and to try to understand reasons for differences, as well as continuing to engage directly with students of different ethnicities, including through our student discussion groups, to further deepen our understanding of their experiences.

In 2021 we also undertook an information-gathering exercise from our case-handlers to try to understand more about how well-equipped students appeared to be to make their complaint, and their expectations about their complaint, on cases that were closed by settlement or fully reviewed across a period of a number of months. We then looked at the information on home students' complaints by ethnicity (case-handlers were not aware that ethnicity was one of the aspects we would be looking at). Overall, there were no very clear patterns or differences in the information from case-handlers, by ethnic group of the student. We recognise the limitations of a fairly small sample and that case-handlers' views are inevitably somewhat subjective. Nonetheless, we think it is positive that we have not found large differences. Students across all ethnic groups made use of different sources of advice and support and submitted evidence in support of their complaint of varying types. A very high proportion of the students across all ethnicities had used the correct process at their provider. Students across all ethnic groups had missed deadlines at various stages of the complaint process. Most of the students were asking for outcomes that case-handlers considered to be realistic.

## Our organisation

In 2021 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, and we were successful in making some more diverse appointments. 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 high degree of flexibility in their working hours.

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 2021 we had a median gender pay gap in favour of men of 6.4% (down from 11.4% in 2020). This figure varies over time due to the small size of the organisation.

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 2021 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, including the many difficulties that have arisen in the course of the pandemic.

We also take steps 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. Colleagues shared reflections about what Pride Month and Black History Month mean to them, and we welcomed some inspirational speakers who shared their experiences and celebrated achievements while raising awareness of the issues that continue to affect communities. To mark the International Day of Persons with Disabilities, colleagues shared experiences of living with a range of disabilities.

“Respect, understanding, care, tone of voice, professionalism, support, and the ability of the staff to be honest when something has gone awry on their part and compassionate to offer apology letters without even being asked. Makes one feel normal and like a human being again [...] to feel like a normal person when I live in a world right now where someone like me is not seen as normal.... makes me love life all over again. Thank you for your kind appreciated service.”



## Working with others

As an ombuds scheme 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, and we work with a range of organisations in the sector and beyond to contribute to the development of policy and practice with a focus on fairness for students.

As the pandemic and related expectations and challenges evolved through the year, we worked hard to promote understanding including at government level of our role and what we can and can't do, and to be clear for students about when and how we can help. We worked with the Department for Education (DfE), the Welsh government, the Office for Students (OfS), the Higher Education Funding Council for Wales (HEFCW), Universities UK (UUK) and National Union of Students (NUS) among others to contribute to wider ongoing responses to the pandemic. Investing time in these inter-relationships has been particularly important in this period.

We continued to contribute to policy discussions and consultations, sharing insights from our understanding of student concerns and complaints to support a joined-up, student-focused approach. We regularly contributed at the UK Standing Committee on Quality Assessment (UKSCQA) including on work towards a joint statement on the UK-wide approach to regulation in the context of our role as an England and Wales organisation. We had regular joint meetings with DfE, the OfS and the Competitions and Markets Authority (CMA). We responded to a range of relevant inquiries and consultations, including the All-Party Parliamentary Group on Students' call for evidence on the impact of Covid-19 on students, the UPP Foundation Student Futures Commission and a number of OfS consultations.



## Some of the organisations we work with



In Wales, we worked with the Welsh government and others as progress continued towards a more integrated tertiary sector. The Tertiary Education and Research (Wales) Bill, published in November 2021, 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). It is expected that the Bill will complete its passage through the Senedd in summer 2022, and that provisions under the legislation will start to come into effect once the Commission for Tertiary Education and Research in Wales is established, in 2023. We are also aware that a similar breaking down of the divide between higher and further education in England remains a possibility in the longer term.

Access to independent redress for unresolved complaints is an important part of achieving fairness for students. We continued to encourage providers and awarding bodies that are not required to join our Scheme under legislation to do so voluntarily. Following on from the government's Reforming Higher Technical Education consultation response, we are pleased that the Institute for

Apprenticeships and Technical Education's guidance on Higher Technical Qualifications encourages all awarding organisations to join our Scheme.

We engaged with the DfE and others around the Higher Education (Freedom of Speech) Bill, including submitting written evidence to the Bill Committee. We remain concerned about some aspects of the Bill. The proposal that the OfS Director of Free Speech and Academic Freedom would be able to 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 conflicts inherent in the different functions of the OfS Director of Free Speech and Academic Freedom. We will continue to work with all involved when the Bill returns in the next parliament to try to make it as clear as possible for students about where to raise their concerns and what the different routes can offer.

We continued to work with the OfS and HEFCW 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.

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 participating in the Ombudsman Association Senior Leaders' Network to discuss key issues such as diversity and inclusion, and contributing to sessions on emerging from the pandemic with international colleagues at the ENOHE conference. These were important and useful opportunities to share insights and learning and keep up to date with issues and developments in the ombuds sector. We also contributed to various online events.

# Improving what we do

In this section we talk about some of the work we did in 2021 to continually improve what we do.

## Putting kindness into practice

In recent years we have been exploring ways we can make our processes kinder for those who use and interact with our service. When we began this work the importance of kindness and human connection in public services was starting to be more widely recognised, but experiences of the pandemic have emphasised just how vital these are for our wellbeing.

In 2021 we built on our work to embed kindness in what we do. We continued to be flexible and responsive to the needs of individual students and staff at providers, many of whom still faced uncertainty and difficult circumstances as the pandemic evolved. We took time to listen and tried to reassure students that we understood their concerns. And we continued to try to communicate as clearly and empathetically as possible.

Our experience has shown that taking a kinder approach helps us to offer a better service and to build trust. If a student feels supported and that we have taken the time to understand their concerns, they are more likely to be able to engage with our processes effectively and accept the outcome of their complaint, even if it is not what they wanted. This can bring benefits to all involved.

More widely, we try to keep kindness in mind in all our interactions, with our colleagues and with people we come into contact with, in all aspects of our work.

## 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.

For example:

- A disabled student brought several complaints to us. We agreed to look at one complaint at a time to make it more manageable for the student. The student was still finding it difficult to give us their comments on the complaint. We offered to issue a draft decision to help the student to see what to focus their comments on, and to take their comments verbally and transcribe the calls.
- A student was advised to shield during the coronavirus pandemic, and had limited access to their students' union which had been helping them with their complaint. We suspended the case until the student was better able to access support.

We continued to offer students the opportunity to speak to a case-handler about their complaint and our likely approach before deciding whether to bring the complaint to us. Students also have opportunities to talk to us during our review.

“...Well received and thank you for being so patient and understanding me. Thank you for looking into my case and being considerate with my health issues.”

## Students' experience of our service

In 2021 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. We are pleased that a high proportion of those who respond to our surveys say that we have treated them with respect and politeness. Others express concerns, most commonly around communication including understanding our processes and decisions, the extent and nature of our remit, timeliness and perception of a lack of impartiality.

Students who are unhappy with their experience can make a complaint about our service. In 2021, we received 54 service complaints, the lowest number for several years.

Some of these 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. The service issues that were raised generally reflected concerns similar to those 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 give us insight into how we can further improve our service. We feed learning from service complaints back into our case-handling, and continue to use it to deepen our understanding of how students might experience our process and to inform developments in our work. For example, the learning has fed into our work around how we communicate and into developments such as taking a more flexible approach to our processes, and helps to identify topics for learning and development sessions.

## Advisory Panels

Our two Advisory Panels met online 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.

### Higher Education Advisory Panel

During the year we referred several issues to our Higher Education Advisory Panel (HEAP), which provides expert opinion on practice in higher education. This year much of the discussion was focused on the continuing impact of the coronavirus pandemic. We discussed different approaches to blended learning, complexities around delivering placements and practical sessions, the importance of clear communication so that students know what to expect, disciplinary issues and issues affecting disabled students.

The Panel reflects the diversity of our Scheme membership and includes student advisers and a balance of administrators and academics from providers. The Panel does not see or make decisions on individual complaints.

#### HEAP members during 2021

- **Sarah Wilmer**, Student Adviser, Leeds Beckett University Students' Union (Chair)
- **Zoë Allman**, Associate Dean (Academic), De Montfort University (from September 2021)
- **Mandi Barron**, Head of Student Services, Bournemouth University
- **Claire Blanchard**, Partnership Lead, University of Wales Trinity Saint David
- **Geoff Green**, Academic Registrar, University of Leicester (to May 2021)
- **Jonathan Hall**, Higher Education Deputy Manager, Recruitment, Admissions & Engagement, South Devon College (to April 2021)
- **Dr Mark Hollingsworth**, Director of Registry and Academic Affairs, University of Birmingham (from September 2021)
- **Jawanza Ipyana**, Student Adviser, University of Sunderland Students' Union (to April 2021)
- **Charlotte Levy**, Registrar, Royal Academy of Dance
- **Carmen Neagoe**, Head of Educational and Teaching Support, Cambridge Judge Business School, University of Cambridge
- **Melissa Reilly**, Sexual Violence & Harassment Response Manager, The University of Manchester
- **Cat Turhan**, Representation and Advice Manager, Imperial College Union (from September 2021)
- **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 is chaired by our Head of Adjudication Team.

In 2021 we invited the Disabled Students' Commission to attend Panel meetings and Susan Daniels, Chief Executive of the National Deaf Children's Society joined us in this capacity. The panel discussed a range of issues affecting disabled students in the context of the coronavirus pandemic, including the accessibility of online teaching and assessments, concerns about the return to face-to-face teaching, resourcing issues for those supporting disabled students, and the impact of disruption to NHS services on disabled students. We also discussed issues related to the Disabled Students' Allowance and financial support.

### DEP members during 2021

- **Hannah Abrahams**, Secretary and Mental Health Advisor and Mentor, University Mental Health Advisors Network (UMHAN) and City, University of London
- **Harriet Cannon**, Disability Advisory Team Manager, University of Leeds
- **Antony Chuter**, Chair, Pain UK
- **Gemma Carr**, Senior Programme Officer, Mentally Healthy Universities Programme, Mind
- **Martin McLean**, Education and Training Policy Advisor (Post-14), National Deaf Children's Society
- **John Milligan**, Team Leader, Visually Impaired Children, Young People & Families, Virtual School Sensory Support
- **Levi Pay**, Director and Principal Consultant, Plinth House
- **Lynn Wilson**, Operations Manager, National Association of Disability Practitioners (NADP)

# Our people

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.

2021 was the first time that many of our colleagues were able to work in our office in well over a year. For those who joined the organisation during the pandemic, it was also the first opportunity to start to meet colleagues in person.

Our Staff Liaison Committee has continued to meet regularly through the year. This has been particularly valuable in the context of the challenges of working in different ways through the pandemic.

“Many students have been negatively impacted by the pandemic, at the same time everyone has had to adapt to changes. My role has effectively been to manage students’ expectations of what we can do and in some cases to signpost and to provide support. I’ve often had students express their emotions in various ways due to their frustration of having been through a lengthy complaints process and then having not received the outcome they expected. It has been a challenging but satisfying role especially when there is a positive outcome, I have felt completely supported by my colleagues since starting this role.”

**Anisha, Case-handler**

“As a relatively new starter to the OIA, I continue to find myself in admiration of how our casework data and insights can support learning opportunities across the organisation. Through continuous self-reflection and awareness of trends in our data, I have found the constant strive to improve our processes and outreach greatly satisfying, particularly when this is applied to our support of students. Assisting the organisation and our stakeholders in understanding the patterns and trends in the complaints we see is not without its challenges. The nuances in our data and different needs of colleagues across the organisation require a dynamic approach in collecting, analysing and presenting insights. However, one theme continues to run through this process and in my first few months in the organisation, which is, a culture of caring and kindness in the continuous endeavour to help students.”

**Harry, Casework Intelligence and Insights Officer**

“Kindness has been a focus for the organisation over the past few years and it’s been really rewarding to be part of the team tasked with helping kindness to flourish. I’ve found my colleagues at the OIA are driven by a commitment to fairness. The question “Is it fair?” runs through everything we do, but increasingly, we follow this up with “Is it kind?” We’ve thought a lot about how we communicate. Often, we can’t give a student what they want and this might feel unkind at first, but by taking the time to listen to their concerns and using clear, compassionate language to explain our decision, we can reassure a student that we have considered and understood their circumstances. This can help them accept and feel a sense of closure to what’s often been a difficult situation. Kindness can make a massive difference and I’m really proud to be part of an organisation that prioritises it.”

**Jenn, Communications Officer**

“In the cases I have reviewed I have seen the difficulties and frustrations experienced by students and providers alike during the pandemic and associated lockdowns and re-openings with moves from online to blended learning and back, and also noted the resilience shown. In our casework we empathise with the disappointment experienced by students, and the logistical complexities faced by providers. In my day-to-day role I assess how a provider has responded to a complaint, if it has followed correct processes and whether or not it has ultimately come to a fair and reasonable decision.”

**Nicola, Assistant Adjudicator**

“I have really enjoyed my work over the last year I have been at the OIA. The work is very fulfilling, it feels really good to be able to help students resolve their complaints and answer their enquiries. Students have experienced a lot of difficulties over the last couple of years with the pandemic and strikes that have occurred in various providers, so it is a great thing to be able to help them through their issues.

Being able to work from home has been a pleasure and the flexible office days have been extremely helpful. Working virtually with the team has been seamless.”

**Tim, Casework Administrator**

## Wellbeing

Although 2021 brought fewer Covid restrictions, it was still a challenging time for many and supporting the wellbeing of our people continued to be an important focus.

We did this in a number of ways, including providing continuing practical support for remote working and supporting staff as we prepared to fully reopen our office and move to hybrid working. During mental health awareness week, we explored ways to maintain good mental health.

We continued to innovate in the ways we came together to both work collaboratively and socialise. Over the course of the year we were even able to meet a few furry co-workers in the background of our less formal Teams meetings!

We held our annual Macmillan coffee morning as a hybrid online and in-person event, and to mark Kindness Day UK staff donated food to a local charity supporting families in need.

## Learning and development

We continued to offer learning and development opportunities in 2021, to build knowledge and skills as part of our commitment to continually improving what we do. As well as sessions on racial and LGBTQ+ equality issues and on mental health, we ran training including on safeguarding, data protection and management skills. We also ran a regular programme of internal knowledge-sharing sessions on case-handling topics and two externally led sessions on student funding.

## 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 Christopher, our IT Infrastructure Lead, who received nominations from colleagues across several teams. Christopher's dedication to excellence has been particularly apparent this year, as we continued to work remotely for much of the time. His helpful, patient and supportive approach to colleagues across our organisation has made a huge difference to our ability to work effectively during this period.

# Our organisational structure



(correct as of 31 December 2021)

# 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 2021 we progressed the review of our governance arrangements which had been paused in 2020 due to the impact of the pandemic. The review is looking at how we can best reflect the wider membership of our Scheme in our governance and further strengthen governance effectiveness.



## Trustees / Directors

The Trustees/Directors of the charitable company, who served throughout 2021 unless otherwise stated, were as follows:-

### Independent Trustees/Directors

**Chair:** Dame Suzi Leather

**Deputy Chair:** Andy Mack

Adesewa Adebisi

Andrew Chandler

Dr Wendy Finlay

Gillian Fleming (to 30 September 2021)

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 the National Union of Students

Hillary Gyebi-Ababio - Nominated Director

Natasha Dhumma - Alternate Director

#### Nominated by Universities UK

Professor Alistair Fitt - Nominated Director

Professor Paul Layzell - Alternate Director

#### Nominated by Universities Wales

William Callaway - Nominated Director

Dr Kevin Mundy - Alternate Director

# 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 2021](#) reports progress against our [Operating Plan 2021](#). 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. In 2021 we were very aware of the significant financial challenges facing the higher education sector. However, the number of complaints coming to us has continued to rise, and notwithstanding the efficiency gains we have made, our costs remain strongly linked to the size of our caseload. Taking this into account, the Board agreed an increase in core subscription fee rates for 2021 of 5.0% for all types of provider.

Some providers also pay a case-related element of the subscription. “Points” are allocated to each complaint we receive, and each subscription band has a points threshold. The case-related element is payable when the number of points allocated to complaints received about the provider in the previous year exceeds the band’s points threshold. The number of points above the threshold determines the fee. The points allocated to a case are based on whether it is not eligible for us to review, settled or withdrawn before it goes to full review, or is fully reviewed. This maintains the vital principle that there should be no link between the outcome of eligible cases and the amount of any fee paid. In 2021 the Board agreed a small increase in the per point fee from £220 to £230 (which will affect case fees payable in 2023). We plan to review the case-related element of subscriptions in 2022, to make sure that it continues to operate as fairly as possible for all providers.

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

**CORE SUBSCRIPTION FEE RATES FOR 2021**  
(pro-rated for providers joining the OIA Scheme part way through the year)

| Student numbers                  | Band | Core Subscription Fee (£) | Core Subscription Fee (£)<br>(HE in FE providers only) |
|----------------------------------|------|---------------------------|--|
| Up to and including 200 students | AA   | 480                       | 336  |
| 201 to 500 students              | A    | 991                       | 694  |
| 501 to 1,500 students            | B    | 2,000                     | 1,400  |
| 1,501 to 6,000 students          | C    | 10,753                    | 7,527  |
| 6,001 to 12,000 students         | D    | 21,366                    | 14,935   |
| 12,001 to 20,000 students        | E    | 35,465                    | 24,826   |
| 20,001 to 30,000 students        | F    | 53,608                    | 37,526   |
| 30,001 to 50,000 students        | G    | 63,706                    | 44,594   |
| 50,001 to 100,000 students       | H    | 78,395                    | 54,877   |
| More than 100,000 students       | I    | 120,449                   | 84,314   |

**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 (£)<br>(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   |

Providers of School-Centred Initial Teacher Training (SCITTs) and providers that are brought into membership of our Scheme because their HE provision is franchised from another provider and are not on the OfS Register, or because they are a provider in England that is not on the OfS Register but is providing a course leading to an award of another member that is in England, pay a core subscription fee for 2021 of £280 (£294 in 2022).

# Statements of financial activities

## for the year ended 31 December 2021

|   | Unrestricted funds |                 |             | Unrestricted funds |                 |            |
|---|--------------------|-----------------|-------------|--------------------|-----------------|------------|
|   | General Reserve    | Pension Reserve | Total 2021  | General Reserve    | Pension Reserve | Total 2020 |
|   | £                  | £               | £           | £                  | £               | £          |
| <b>Income</b>                             |                    |                 |             |                    |                 |            |
| <i>Income from investments</i>            | 1,460              | -               | 1,460       | 11,150             | -               | 11,150     |
| <i>Income from charitable activities</i>  |                    |                 |             |                    |                 |            |
| Subscriptions                             | 6,142,557          | -               | 6,142,557   | 5,864,352          | -               | 5,864,352  |
| <i>Other income</i>                       | 7,747              | -               | 7,747       | 5,680              | -               | 5,680      |
| <b>Total income</b>                       | 6,151,764          | -               | 6,151,764   | 5,881,182          | -               | 5,881,182  |
| <b>Expenditure</b>                        |                    |                 |             |                    |                 |            |
| <i>Charitable activities</i>              | 5,774,082          | 3,005,886       | 8,779,968   | 5,352,892          | 304,482         | 5,657,374  |
| <b>Total resources expended</b>           | 5,774,082          | 3,005,886       | 8,779,968   | 5,352,892          | 304,482         | 5,657,374  |
| <b>Net income/(expenditure)</b>           | 377,682            | (3,005,886)     | (2,628,204) | 528,290            | (304,482)       | 223,808    |
| <b>Net movement in funds for the year</b> | 377,682            | (3,005,886)     | (2,628,204) | 528,290            | (304,482)       | 223,808    |
| Total funds at 1 January 2021             | 1,844,380          | (1,751,911)     | 92,469      | 1,316,090          | (1,447,429)     | (131,339)  |
| <b>Total funds at 31 December 2021</b>    | 2,222,062          | (4,757,797)     | (2,535,735) | 1,844,380          | (1,751,911)     | 92,469     |

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 2021

|   | 2021             |                           | 2020             |                      |
|---|------------------|---------------------------|------------------|----------------------|
|   | £                | £                         | £                | £                    |
| <b>FIXED ASSETS</b>                           |                  |                           |                  |                      |
| Tangible assets                               |                  | 140,896                   |                  | 193,964              |
| <b>CURRENT ASSETS</b>                         |                  |                           |                  |                      |
| Debtors                                       | 232,052          |                           | 279,385          |                      |
| Cash at bank and in hand                      | 6,357,960        |                           | 5,850,706        |                      |
|   | <u>6,590,012</u> |                           | <u>6,130,091</u> |                      |
| <b>LIABILITIES:</b>                           |                  |                           |                  |                      |
| Amounts falling due within one year           | (4,363,219)      |                           | (4,273,452)      |                      |
| <b>NET CURRENT ASSETS</b>                     |                  | <u>2,226,793</u>          |                  | <u>1,856,639</u>     |
| <b>TOTAL ASSETS LESS CURRENT LIABILITIES</b>  |                  | <u>2,367,689</u>          |                  | <u>2,050,603</u>     |
| <b>LIABILITIES:</b>                           |                  |                           |                  |                      |
| Amounts falling due after one year            |                  | (145,627)                 |                  | (206,223)            |
| <b>NET ASSETS EXCLUDING PENSION PROVISION</b> |                  | <u>2,222,062</u>          |                  | <u>1,844,380</u>     |
| Pension provision                             |                  | (4,757,797)               |                  | (1,751,911)          |
| <b>TOTAL NET (LIABILITIES)/ASSETS</b>         |                  | <u><u>(2,535,735)</u></u> |                  | <u><u>92,469</u></u> |
| <b>FUNDS</b>                                  |                  |                           |                  |                      |
| <b>Unrestricted Funds</b>                     |                  |                           |                  |                      |
| General reserve                               |                  | 2,222,062                 |                  | 1,844,380            |
| Pension reserve                               |                  | (4,757,797)               |                  | (1,751,911)          |
|   |                  | <u>(2,535,735)</u>        |                  | <u>92,469</u>        |

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

The full set of audited [financial statements](#) can be found on our website.





office of the  
independent  
adjudicator

## Office of the Independent Adjudicator for Higher Education

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