



office of the
independent
adjudicator

A photograph of two young people, a woman on the left and a man on the right, looking down at a document together. The man is wearing a dark beanie and a blue shirt. The woman is wearing a red and black plaid shirt. The background is slightly blurred, showing what appears to be a library or study area with bookshelves.

INTRODUCTION TO THE OIA FOR STUDENTS



www.oiahe.org.uk



@oiahe

Effective from January 2019

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Introduction

The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent, transparent Scheme to review student complaints about individual higher education providers.

This leaflet includes information and guidance about our review process for students or their representatives who want to complain about a provider which is a member of the Scheme. It should be read alongside [the Rules](#) which are available on our website. In the event of any conflict between this leaflet and the Rules the Rules take priority.

Before you make a complaint, please check:

- Is your complaint something we can look at?
- Have you completed the provider's internal complaints or appeals procedures?
- Has your provider sent you a Completion of Procedures Letter?

To make a complaint:

- Please complete and sign our Complaint Form (or tick the box if you are using the online form on [MyOIA](#)) and send it to us with a copy of the Completion of Procedures Letter.
- Send us your Complaint Form in good time.
- Please do not send us any other documents related to your complaint at this stage. We will ask the provider for a copy of all the information that is relevant to your complaint, including copies of all the documents that the provider considered and any record of how the provider considered your case before it reached its final decision. We will share details of our information request with you and when the provider has sent us the relevant information, we will send you a copy and give you an opportunity to comment on this information. If you think any information is missing or there is something else you want us to see, you can send it to us at that stage.

We can provide our literature in different formats. Please contact us if you have any questions regarding this or our complaints process:



enquiries@oiahe.org.uk

0118 959 9813

About the OIA

The OIA was designated as the operator of the Student Complaints Scheme in England and Wales under section 13 of the Higher Education Act 2004 with effect from 1 January 2005. The Consumer Rights Act 2015 and the Higher Education and Research Act 2017 have since extended the range of higher education providers that are required to participate in the Scheme. For ease of reference, we use the terms “higher education provider” or “provider” throughout this leaflet.

We are not a court and our outcomes may differ from those decided by a court.

You can [search for your provider](#) on the membership page on our website, where you can also find further information about our Scheme.



Can you make a complaint to us about my higher education provider?

You can [search for your provider](#) to see if we can accept complaints about it on our website.

You can make a complaint, if you:

- are or were a student at the provider that you are complaining about; or
- are or were studying on a course leading to the grant of one of the awards of the provider that you are complaining about.

Does it make a difference which course you are studying at your higher education provider?

The Consumer Rights Act 2015 and the Higher Education and Research Act 2017 extended the membership of the Scheme to many Further Education and Sixth-Form Colleges, alternative providers and providers of School-Centred Initial Teacher Training (SCITTs). The term “student” includes trainees and apprentices. We are only able to consider complaints from higher education students at those providers. Students who are or were studying at a university, may complain about that university regardless of which course they are or were studying on. You can find out more on the [student hub](#) on our website.

Can you complain to us about events that took place before your provider joined our Scheme?

If you are making a complaint about events which took place before the provider became a member of the Scheme, we will not consider the complaint. However, a complaint may relate to events which occurred before and continued after the provider became a member. In these cases, the events that occurred before the provider became a member are likely to be relevant background, which we will take into account when considering the complaint about events which occurred after membership began.

You can [search for your provider](#) on the membership page of our website. This will also show you the date on which your provider joined our Scheme.

Can someone complain to us on your behalf?

Usually, the best person to complain to us is you, as you understand your situation better than anyone else. However, you may appoint a representative eg a students' union representative, by completing section two of our Complaint Form. You will need to ensure your representative knows all about your complaint, is willing to represent you and can keep you fully informed, as we will only deal with your representative once you have appointed them.

Our procedures are informal and you should not need to have a legal representative. For this reason we will not normally recommend that a provider should contribute towards your legal costs even if your case is found to be Justified.

What type of complaints can we deal with?

We can review complaints about anything a provider has done or failed to do. This might be about:

- A programme of study
- A service provided by a provider to a student
- A final decision of a provider's disciplinary or appeal body.

We are not a court and our outcomes may differ to those decided by a court. We are a review body. This means we will consider how the provider dealt with your complaints/appeal and its final decision. The focus of our review will be what happened before the Completion of Procedures Letter was issued. Our Scheme is not a further appeal to your higher education provider. We provide an independent review Scheme and our role is principally to consider whether the provider has correctly applied its regulations and followed its procedures and whether the outcome is reasonable in the circumstances.

Complaints we can look at include but are not limited to:

- Academic appeals
- Bullying and harassment
- Discrimination (but see below)
- Fitness to practise processes
- Procedural irregularities
- Teaching provision and facilities
- Welfare
- Accommodation
- Disciplinary matters - including plagiarism
- Extenuating circumstances
- Placements
- Research supervision
- Unfair practices

Are there any complaints that we can't deal with?

We can't look at complaints about:

- Admissions, unless the person complaining is a former student of that higher education provider who is applying for re-admission, and the complaint is directly connected to their time as a student.
- Academic judgment or teaching quality.
- Student employment.
- Matters which are or have been considered by a court, tribunal or other ADR entity, unless formally stayed or adjourned.
- A provider that was not a member of the Scheme when the events complained about arose or is a "transitional institution".

We may decide not to review a complaint if we believe reviewing it might seriously damage our ability to run our processes effectively. For example:

- The complaint relates to events which took place over a significant period of time (more than three years) and involves a very high volume of documentation.
- A different forum is better equipped to consider the matter: for example, complaints about data protection issues will normally be better considered by the Information Commissioner's Office.
- There are other proceedings taking place within the higher education provider or elsewhere which are relevant to the complaint. For example, a student complains to us about an academic appeal and they want to be given a further resit opportunity. The student is also the subject of separate disciplinary proceedings which might result in their exclusion. If they are excluded then they would not be able to take advantage of a further resit opportunity. There would be no point in conducting a review of the academic appeal before the results of the disciplinary proceedings are known.

What happens if you come to us with a complaint about discrimination?

In considering issues related to discrimination we do not act as a court. We don't investigate or make legal findings in the same manner as a court. However, it is appropriate for us to refer to the law and guidance on discrimination to form an opinion as to good practice and to decide whether the provider has acted fairly. So, for example, we might look at whether a provider has given adequate consideration to whether its procedures are placing a disabled student at a substantial disadvantage and, if it has not, we might recommend that it does so. However, we would not make a finding that the provider had discriminated against the student.

Under the Higher Education Act 2004, students who bring a complaint to us about sex, race or disability discrimination and who decide to institute court proceedings are allowed additional time, over and above the usual time limits set by the courts. However, you should bear in mind that the time limits set by the court will start running when the original incident occurred.

How do you complain to us?

Before you can complain to us, you must first complete the provider's internal complaints or appeals procedures. Once you have done this, the provider should issue you with a Completion of Procedures Letter. This letter should set out clearly the issues that have been considered, the provider's final decision and the deadline for bringing a complaint to us.

Once you have received a Completion of Procedures Letter you need to send us a completed and **signed Complaint Form** within 12 months of the date of the provider's final decision.

In exceptional circumstances, we may look at a complaint where the internal complaints or appeals procedures have not been completed.

Please see [our website](#) for more information on making a complaint.

What information should you include with the Complaint Form?

You should also send:

- A copy of the Completion of Procedures Letter

When filling in our Complaint Form you should refer to the guidance notes included with the form and describe the complaint as clearly and concisely as possible.

You don't need to send us any other documents at this stage.

Are there any time limits for complaining to us?

Yes. We must receive your signed OIA Complaint Form within 12 months of the date of the Completion of Procedures Letter; otherwise your complaint will be out of time. The 12 month period will normally run from the date of the Completion of Procedures Letter. For example, if your Completion of Procedures Letter is dated 7 September, we must receive your OIA Complaint Form by 7 September the following year.

Although you may have 12 months from the date of the Completion of Procedures Letter, it is usually better to complain earlier. This is because the remedies we can recommend may be limited if you wait a year before complaining to us.

Does it cost anything to make a complaint?

No. There is no charge for complaining to us.

What happens after you send us your Complaint Form?

We will acknowledge receipt of your complaint and determine whether the complaint is one which we can review under our Scheme Rules. Students and higher education providers can ask us to reconsider our decision that we can or can't review their complaint (or parts of it) by writing to us within 14 days of the decision. A different reviewer will reconsider the decision and tell you and the higher education provider the outcome. For more information about what we [can and can't look at under our Rules](#), please visit our website.

If we accept your complaint following this initial stage, the case-handler might:

- Try to settle or mediate the complaint
- Ask the provider for its comments on the complaint
- Ask the provider or you for more information
- Issue a Complaint Outcome in respect of the complaint
- Contact you to discuss your complaint and whether your desired outcome is achievable
- Send you information to comment on.

You will receive further information about the review process once your complaint is received. Further guidance on our review process can also be found in our leaflet, [What Happens Next](#).

How do we review complaints?

We have the discretion to decide how the review will progress and what information it needs. Case-handlers consider at each stage whether it might be possible to settle the complaint. Settlement is the informal resolution of a complaint brought to us. This means that the complaint is resolved without the need for a full review.

Our case-handlers gather information and evidence until they are confident that they have all the material they need to make a decision on the individual complaint.

When we request information from you, please do not send original documents as can't be responsible for documents that are lost in the post and we won't normally return documents to you at the end of our review.

How long will it take to consider my complaint?

Once we have all the relevant information, the case-handler will write to you and the provider to say that the file is complete. We will normally complete our review within 90 days of receiving the complete complaint file. If we consider that the complaint is highly complex then this may take longer.

Each complaint is individual. However, it is not always possible to provide a quick fix solution and some eligible complaints may take six months or longer to conclude if the information needed takes a long time to collect or the case is highly complex.

Our Rules provide that an oral hearing is an option; however, in practice we find that this is not normally necessary. If the case-handler considers that a hearing might be necessary or a student requests a hearing, the case handler will refer the complaint to their manager.

What can you do about my complaint?

Our role is to “review” the final decision of the provider and not normally to re-investigate the complaint. We decide whether your unresolved complaint about the provider is Justified, Partly Justified or Not Justified. We consider whether the provider properly applied its regulations and followed its own procedures, and whether any decision made by the provider was reasonable in all the circumstances.

If we decide a complaint is Justified or Partly Justified, we may make Recommendations. For example, we may require the provider to review or change its procedures or regulations; review or change the way it handles appeals and/or complaints; make a financial award, or reconsider the appeal/complaint. In these cases, we will ask you and the provider to comment on the practicality of the Recommendations set out in the Complaint Outcome before they are finalised. You are free to accept Recommendations in full and final settlement, or to reject our Recommendations.

If we decide a complaint is Justified or Partly Justified, we normally try to put you back in the position you would have been in, had the circumstances of the complaint not occurred. However, this may not always be possible or appropriate and in such cases we may award compensation, or some other remedy. We are not a regulator and we cannot punish or fine providers.

Providers normally comply with our Recommendations by making an offer “in full and final settlement of the complaint”. This means that, if you accept the offer, you would not be able to take court proceedings against the provider about the same issues. Making a complaint to us does not prevent you from bringing legal proceedings against the higher education provider if you are dissatisfied with the outcome of our review. We can’t advise you as to any alternative action you may be able to take.

If we decide a complaint is Not Justified, we may still make good practice suggestions and/or observations for the provider to consider.

Does a provider have to comply with your decision?

Providers are expected to comply with OIA decisions and any Recommendations in full. In our experience, compliance with our Recommendations by providers is excellent. Any non-compliance is taken seriously and is reported to our Board and published in our Annual Report. You do not have to accept our decision or Recommendations.

Can I withdraw my complaint?

Yes. There may be circumstances under which you choose to withdraw your complaint to us. You can do so at any time during the review process, however, you will need to let us know as soon as possible.

Can I get help with making a complaint?

If you need help or advice with making a complaint you can speak to your student representative body (students' union, association or guild), or your local [Citizens Advice Bureau \(CAB\)](#).

We can provide our literature in different formats. Please contact us if you have any questions regarding this or our complaints process on enquiries@oiahe.org.uk or 0118 959 9813.

We run an independent Scheme and are unable to advise you on how to pursue your complaint.

What if I am dissatisfied with the way my complaint has been handled?

Whatever the outcome of your case, we hope you will be satisfied with the level of service we provide. However, if you have any concerns, please [refer to our website](#) for further information.



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