

This response was submitted to the [Children, Young People and Education Committee](#) inquiry into the general principles of the [Tertiary Education and Research \(Wales\) Bill](#)

TER 18

Ymateb gan: Swyddfa'r Dyfarnwr Annibynnol dros Addysg Uwch (SDA)

Response from: Office of the Independent Adjudicator for Higher Education (OIA)



office of the
independent
adjudicator

'for students in higher education'

Background

The OIA is designated under the Higher Education Act 2004 as the operator of the complaints scheme for higher education students in England and Wales. Our remit has been extended twice since 2015 and now all universities, higher education providers with degree awarding powers and those offering higher education courses designated for student support funding are required to join the OIA Scheme. In addition, in England all providers registered with the Office for Students are required to join, as well as those providing higher education courses leading to an award of an OIA member where both are in England. A diverse range of higher education providers are now covered by the OIA Scheme; from small, industry-specific independent providers, to initial teacher training providers, to large further education colleges and universities. Our membership includes almost 800 providers.

The OIA has a wide remit to consider complaints from students about any "act or omission" of a member provider. This includes complaints about service quality, course provision, behaviour of other students or staff, issues arising on placements, problems with provider owned accommodation, academic appeals, and disciplinary and fitness to practise procedures.

The OIA cannot look at complaints about academic judgment. We can only consider complaints from students or former students, not from members of staff or from members of the public.

The OIA's role is to review acts and omissions of higher education providers and look at whether they have followed correct and fair procedures and reached a reasonable decision. We also share good practice, which we do through initiatives such as the [Good Practice Framework](#) for handling complaints and academic appeals, and a comprehensive outreach programme of workshops, webinars, case summaries and visits to providers.

The OIA is an ombuds scheme and not a regulator but it is part of the regulatory framework for higher education in England and Wales. The OIA is independent of governments, regulators, higher education providers and students. However, the OIA liaises regularly with governments and works with other sector bodies to share information which contributes to our respective roles. We are approved by the

Chartered Trading Standards Institute (CTSI) as a consumer alternative dispute resolution (ADR) body.

Evidence - Part 5: Learner protection, complaints procedures and learner engagement

The OIA welcomes the proposed extension of its role and remit as the independent body responsible for dealing with unresolved complaints across the sector. The proposals would improve consistency of protection for learners and to help ensure a level playing field for those who have unresolved complaints. We also welcome the proposed duty placed on the Commission to ensure that providers have in place a procedure for investigating complaints and to ensure that providers also take reasonable steps to make the procedure known to learners. The OIA believes all learners should have clarity about access to redress for their complaint.

Recourse to free, independent redress of unresolved complaints contributes to an improved learner experience. It provides learners with an opportunity to resolve their concerns at no cost without having to go to court and without the need for legal representation. Dealing with complaints in this alternative dispute resolution context helps to redress the power imbalance between learners and providers. Feedback from some learners indicates that they are more willing to accept the decision of an independent and impartial review body like the OIA even if they do not agree with it.

Through our work as an independent complaints body we may gather information which identifies themes and concerns about quality and standards across the sector. We have in place processes for information sharing with relevant regulators which may inform improvements about the quality of teaching and learning in the sector and deliver better outcomes for learners. We look forward to working with the Commission in fulfilling its statutory functions and building on our existing relationship with HEFCW. We would welcome an early conversation about our roles and responsibilities and how we will work together.

We welcome the proposed provision in the Bill allowing for Welsh Ministers to specify by regulations providers which are qualifying institutions for the purposes of the OIA Scheme. This would enable the OIA to plan effectively and work with providers to ensure their processes are clear and transparent and in line with our [Good Practice Framework](#), as well as helping us to understand the particular characteristics of the parts of the sector which are new to us, and its learners. We note that the provision in the Bill does not allow for Ministers to specify local authorities in relation to school sixth form provision – we believe this is a proportionate approach given the existing landscape and potential for confusion for learners.

We look forward to working with new providers who will join the OIA, and those current members who will have more learners eligible to bring complaints to the OIA, as well as student organisations, to ensure they understand our role and how we review complaints. We also look forward to working with the Commission to ensure learners are protected if things go wrong.