Students, complaints and justice

An essential part of managing the student experience is acting appropriately when things go wrong. **Ruth Deech** reports on the UK's approach to handling student complaints.

The system of the Office of the Independent Adjudicator for Higher Education (OIA) is unique in the world. It is a national adjudication scheme, which reviews disputes at the request of students if a university cannot resolve the complaint itself. Other countries' universities have campus ombudsmen, or a similar service provided at state or governmental level, but none has a dedicated and independent service like the OIA, and it has become the object of international interest. All universities need to prioritise independent complaints resolution, not least because of their international attractiveness. The quality of all students' experience and their completion rates are important. Moreover, the recruitment and retention of students from overseas are not only intellectually desirable aims but also important commercial factors. Overseas students commit themselves to significant amounts of fees in order to study here and deserve, as do home students, a free and independent review of their complaints, should they occur. The OIA is committed to encouraging universities to pursue every opportunity to resolve complaints internally, and has explored through its workshops the working of the 'campus ombudsman' system, as on US and European campuses. The aim is to provide a speedy, efficient and less legalistic resolution to disputes.

With the increase in the number of students in recent years and the introduction of tuition fees, it was considered that principles of human rights and impartiality required a new approach to dispute settlement. After consultation, the higher education sector agreed to subscribe to a specialist review body, separate from the universities, which would review student complaints once the university's own internal procedures had been exhausted. The OIA was established in 2004 under statutory powers, with offices in Reading, near London. It employs about 25 staff; most of those carrying out investigations are legally qualified. The subscribers are the 146 universities based in England and Wales, with nearly 2 million students in total, of whom about 14% are international students.

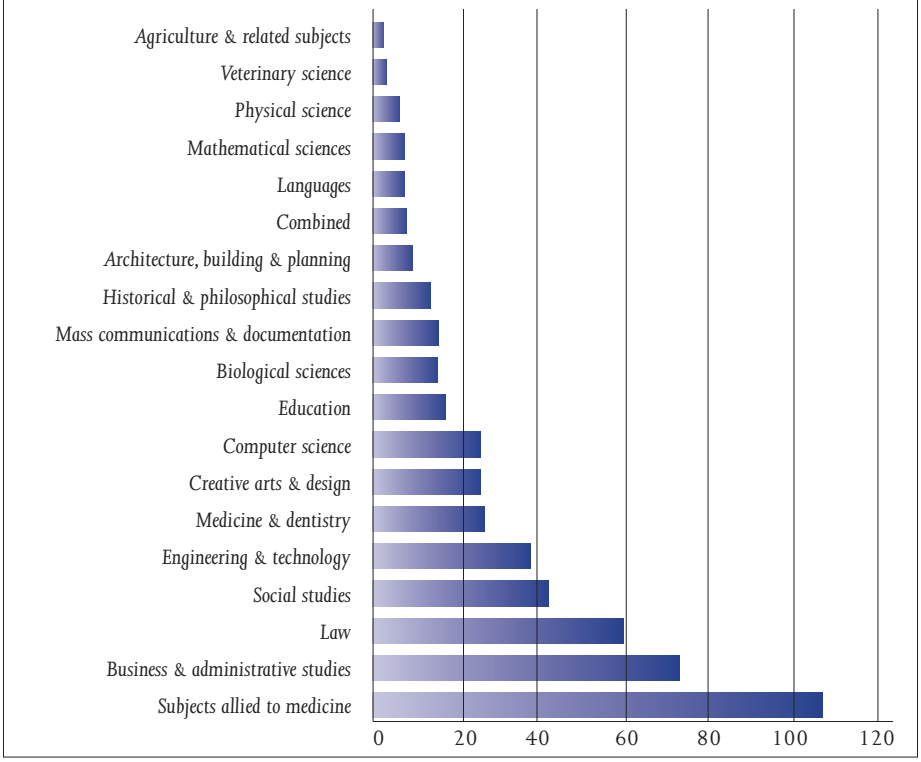
The remit of the OIA is wide – registered students can complain about any 'act or omission' of a university. The service is free to students, and they do not need to use lawyers. Typically, complaints are about grading and assessment procedures, teaching, supervision, facilities, disability, accommodation and disciplinary matters. The OIA does not interfere with a university's academic judgment and, like the courts, leaves this to the experts, the university teachers. It also excludes from its jurisdiction disputes about admission and employment, and matters where the underlying incidents occurred more than three years earlier. Students remain free to go to court and litigate against their university after receiving a decision by the OIA but they cannot go to court first and then ask the OIA to take a second look. It is expected that the amount of direct litigation between universities and their students will decrease as a result of the OIA's existence.

The OIA bases its review on the documents submitted by students and universities and has the power to hold hearings if necessary. It asks whether the procedures of the university have been properly followed and whether any decision taken was reasonable in all the circumstances. The draft decision may be commented on by the parties before the final decision is issued. Remedies recommended to universities include offering students an apology, fresh opportunities to take examinations or attend a hearing, or compensation. We can also recommend that a university reviews or changes its procedures. Although our recommendations are not binding upon them, all universities have so far accepted the OIA's decisions.

After operating for three years, the OIA has issued around 1000 decisions and recommended a total of about GBP 350,000 compensation to be paid to students whose complaints were found to be justified. About 33% of complaints have been found to be justified and compensation was recommended in about 30% of these cases. Compensation is not the prime remedy or the hallmark of success for a complainant. It is better that the student should have a fresh chance to receive the promised education and the opportunity to prove their ability (and that universities make every effort to achieve those aims) and compensation is only useful where it is too late for this to be achieved or where stress, inconvenience and disappointment have been suffered.

In 2006, 381 complaints were closed, over 75% more than in the previous year, and the number is expected to rise again in 2007. The average time taken to reach a decision is six months. 62% of complaints related to academic

Cases by course types 2006



matters, where the success rate tends to be lower. A majority of complainants are male – 55% – and 60% are aged over 25. 35% of complaints were by postgraduates, a higher percentage than one would expect from their presence in the university student body. The same is true of overseas students, who form 25% of complainants.

The OIA is an active member of the European Network of Ombudsmen in Higher Education (ENOHE) and shares its experiences with foreign counterparts, although none has a system quite like the OIA. The OIA will be hosting the annual conference of ENOHE in London from 15-17 April 2008. The theme, 'Universities, Students and Justice', will encompass sessions on international students, financial support, plagiarism, diversity and disability, the student contract, student ombudsmen, good practice in complaints handling, student references and graduate issues. The OIA will be delighted to welcome ACU delegates and to know that the ACU will be sponsoring a delegate – more information about the conference and registration can be found at **http://enohe.oiahe. org.uk** The conference will be an indispensable opportunity for university representatives from all over the world to focus on sharing and developing good practice in handling student complaints.

The OIA believes that the movement of students from one country's universities to another is often affected by their confidence in the quality of the education that they can expect to receive overseas. Good complaints handling and learning from it act as monitors of that situation. Much work needs to be done by sending and hosting universities to ensure that migrating students are cared for and have sufficient language skills and familiarity with the type of teaching that they will encounter and the expectations for study. For example, many alleged plagiarism cases seem to turn on misunderstandings by overseas students about referencing and sourcing of material and reveal considerable cultural differences in the approach to work. The OIA is very conscious that every disappointed overseas student is likely to deter several others from embarking on a course at British universities, and this is true of all internationally attractive universities.

Effective complaints settlement is a very good way of making sure that students receive the study opportunities that they registered for and that they leave university with respect for their studies and the institution that has provided these. ■

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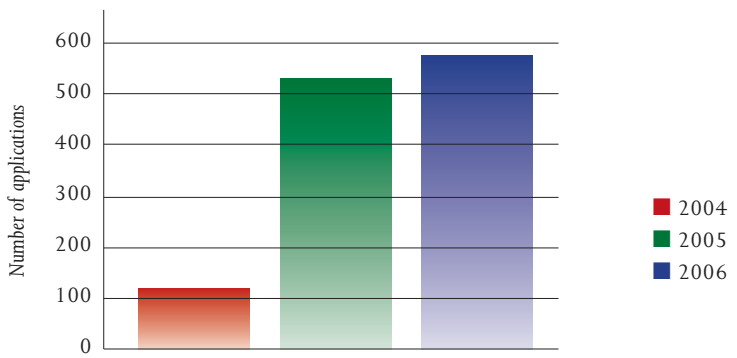
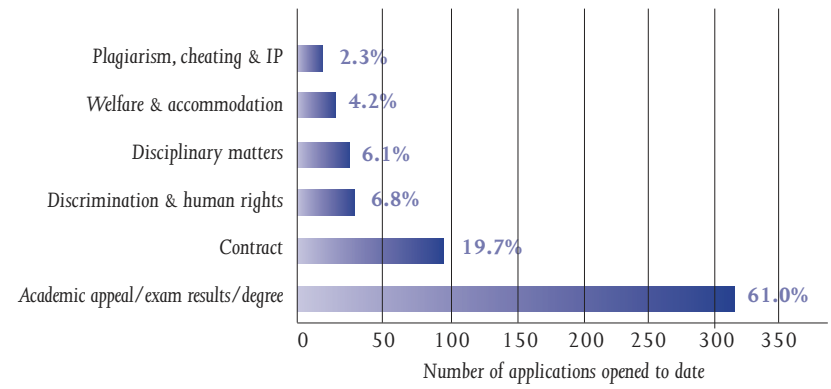
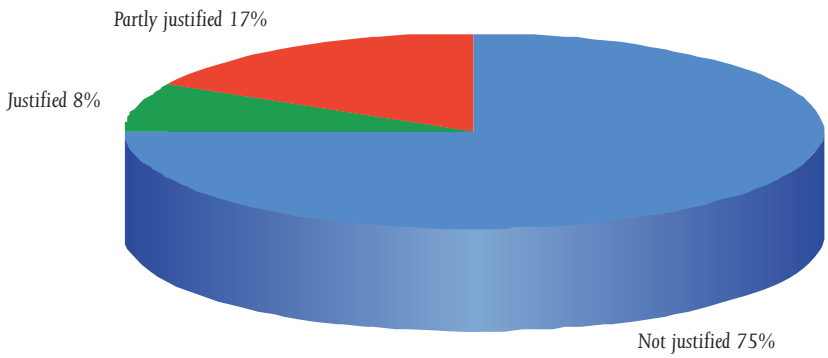
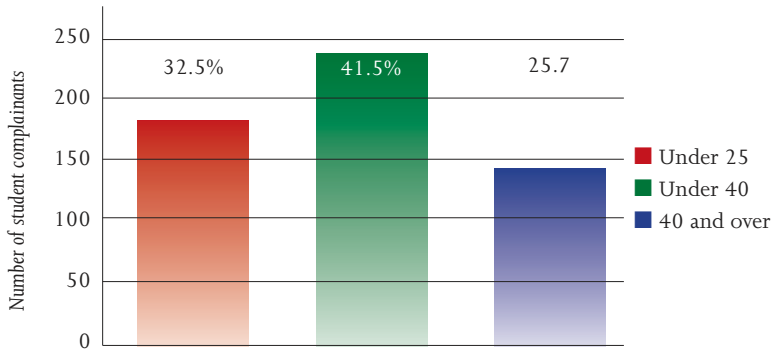
Applications opened per year 2004-2006



Subject matter of complaints



Outcome of complaints



Cases by age category