



Senate

Paper Title	OIA Annual Report 2012
Outcome requested	Senate is asked to note the paper.
Points for Senate members to note and further information	<ul style="list-style-type: none">• New practices within the Appeals Unit have led to unusual changes in the report• 2 Justified judgements received• 4 Partly justified judgements received
Questions for Senate to consider	n/a
Regulatory/statutory reference points	Compliance with the OIA under the 2004 Higher Education Act
Strategy and risk	26. Poor student experience
Reporting/consideration route for the paper	None
Authors	Nick Smith, Assistant Academic Registrar (Council and Governance)
Sponsor	Wendy Appleby, Secretary to Council and Academic Registrar

OIAHE (Office of the Independent Adjudicator) Casework Report 2012

1. Context and Data

- 1.1 This is the fourth annual report on QMUL's Office of the Independent Adjudicator for Higher Education (OIA) casework and provides key data and commentary on complaints made by students against the College to OIA in the period January - December 2012. It includes a comparison to the 2011 calendar year.
- 1.2 The college is compared to other HEIs with a similar number of students (Band E). However there are difficulties comparing some of these figures, and while Senate should be aware of where improvements can be made, it is important that they have a clear idea of the differences between institutions and our previous practices.

Completion of Procedures Letters

- 1.3 In discussion with the OIA, QMUL changed the way it issued Completion of Procedure (CoP) letters. In previous years these were issued at the end of both the stage 3 appeals process and, later, once a final review from the Principal's Nominee had occurred. This meant that before 2012 we issued far more CoP letters than other institutions. The decrease of 230 letters issued should not indicate a drop in caseload or that issues were not settled through the full channels but the report reflects only those which went to the final review stage.
- 1.4 Of the complaints closed by outcome in 2012 as a percentage, 62% of those raised at QMUL were not justified (band median 61%); 15% were partly justified (band median 11%) and 7% were wholly justified (band median 0%).

Restructuring of ACCU and resulting delays

- 1.5 Senate members may recall that at last year's report, concerns were raised by the students' union that delays had been occurring due to the restructuring of the Appeals, Complaints and Conduct Unit. It was noted at the last meeting that this would lead to an increase in the number of 'justified' and 'partly justified' judgements.
- 1.6 The number of delays has significantly reduced now and the backlog created has been dealt with, but the lag in reporting from the OIA means that this, and next year's, report will show the issues of the delay within them.

2. Summary of upheld complaints

- 2.1 Two complaints in the period were deemed 'Fully Justified' following OIA review. Four complaints during the reporting period were 'Partly Justified', as summarised in the table below. Complaints that were raised in 2012 but have not been completed by the OIA are not included in these figures

Justified cases

Faculty & Subject Area	Nature of complaint	Decision Basis	Remedy	College response
SMD, Medical Statistics	Research progression – delay in carrying out PhD assessment	Unreasonable delay in carrying out assessment Unreasonable delay in handling appeal	Newly constituted Appeal Panel to hear students case and offer of £500 compensation	College carried out remedy as requested
HSS, Politics	Rejected Extenuating Circumstances	Discretion should have been applied to this case	Examination results to be uncapped	Examination results uncapped but no change to overall award

Partly Justified cases

Faculty and Subject Area	Nature of complaint	Decision Basis	Remedy	College response
HSS, French and Hispanic studies	Academic Appeal	Unreasonable delay in handling appeal	£250 compensation	Compensation offered but never taken up by student
SMD, MSC Public Health	Academic Appeal	SEB made a decision against regulations and student believed they had passed. Decision was later overturned by DEB but delay between these 2 bodies meant student was unable to resit their failed exams.	Apology and £750 compensation	College carried out remedy as requested
S&E, BSC Biology	Academic Appeal	Unreasonable delay in handling appeal	£350 to be paid for distress and inconvenience caused.	Compensation offered but never taken up by student
SMD, MBBS	Rejected Extenuating Circumstances	Discretion should have been applied to this case	Reconsidered by SEB	College carried out remedy as requested

3. Work to reduce OIA cases

- 3.1 Where the resolution from the OIA has been due to delays in case handling it is hoped that the fully staffed ACC unit will alleviate many of these. Senate will also be aware that at their meeting of 20th June members approved a Student Casework review (SE2012.58) that streamlined some of our processes to reduce the wait for students.

4. Subscription Rates and Resourcing

- 4.1 A new funding model is being initiated by the OIA where institutions are charged on a case by case basis. An institution in our Band has 39 “points” and for each point over this total it is charged £200 in addition to the core subscription costs. A completed or in

progress case would attract 3 “points” in this system. While our obligation to students is the prime reason for reducing complaints, this adds an additional incentive.

- 4.2 OIA cases are current coordinated in Council Secretariat rather than Academic Secretariat, the latter division of which manages complaints, appeals and disciplinary to the point of Completion of Procedures. This model mitigates conflict of interest as Nick Smith (Assistant Registrar, Council and Governance) has had no prior involvement in the cases that reach OIA when he investigates the complaints submitted to OIA and produces the College’s representation for each case.

Nick Smith
Assistant Registrar, Council and Governance
September 2013



office of the
independent
adjudicator

Professor Simon Gaskell
Principal
Queen Mary, University of London
Principal's Office
Mile End Road
LONDON
E1 4NS

24 September 2013

Dear Professor Gaskell,

Annual Letter

I enclose the OIA Annual Letter for your institution for 2012. This documents the University's record in handling complaints and appeals. Explanatory notes and relevant definitions are set out in Annexe 2. A copy of this letter will be published on the OIA website, together with letters to all other Scheme members, on 24 September 2013.

I hope this is helpful.

Yours sincerely,

Rob Behrens
Independent Adjudicator & Chief Executive

Annexe 1

STATISTICS

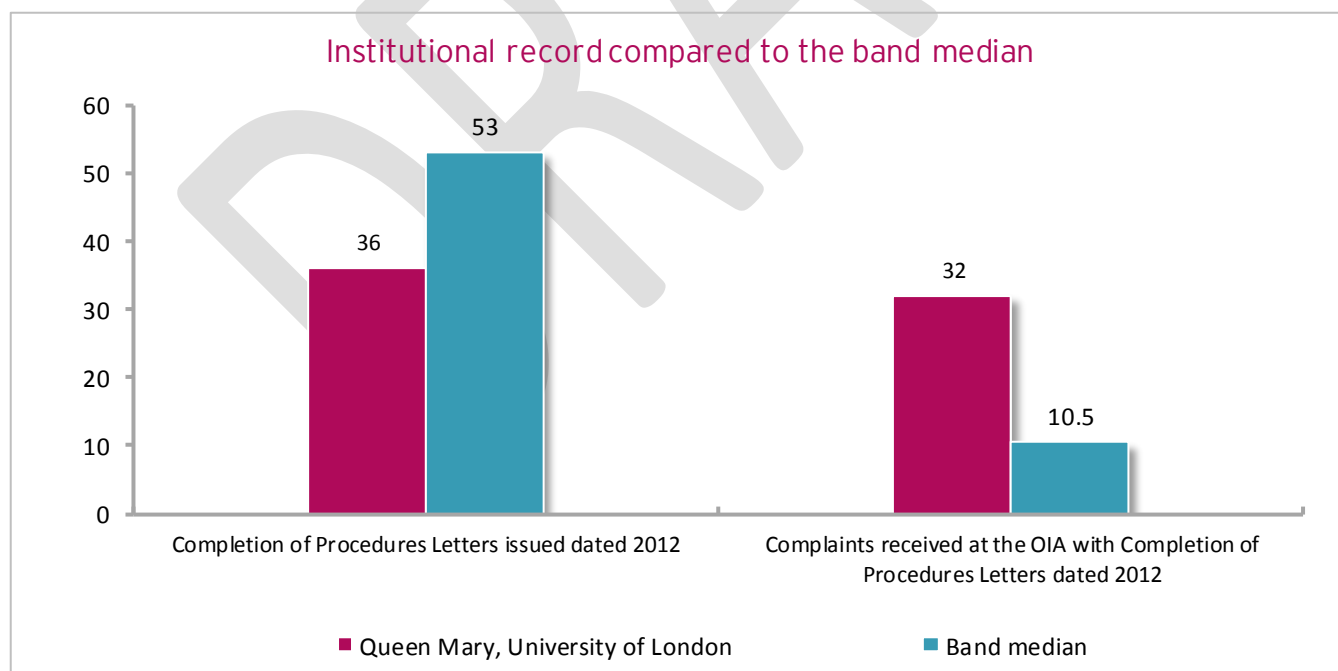
Queen Mary, University of London		
Year	OIA Band	Number of students
2012	E	14725
2011	E	14025

Annual Complaints to the OIA ¹		
Year	Complaints received at the OIA	Complaints closed at the OIA ²
2012	23	26
2011	43	28
Annual Change	Decreased by 20	Decreased by 2

Completion of Procedures Letters issued dated		Of these Completion of Procedures Letters issued the OIA received the following:	Complaints received at the OIA with Completion of Procedures Letters dated	
2012	36		2012	32
2011	266		2011	41
Annual Change	Decreased by 230		Annual Change	Decreased by 9

Queen Mary, University of London has informed the OIA that 36 students were issued with a Completion of Procedures Letter in 2012. To date the OIA has received 32 complaints from Queen Mary, University of London students with Completion of Procedures Letters dated 2012. This means that all but four student who exhausted the formal internal complaints procedures during 2012 brought their complaint to the OIA. By way of comparison, the average proportion of complaints brought to the OIA from universities in the same band was one in every six students who had complained. Charts 1 and 2 below give the comparison between the returns from Queen Mary, University of London and the band medians.

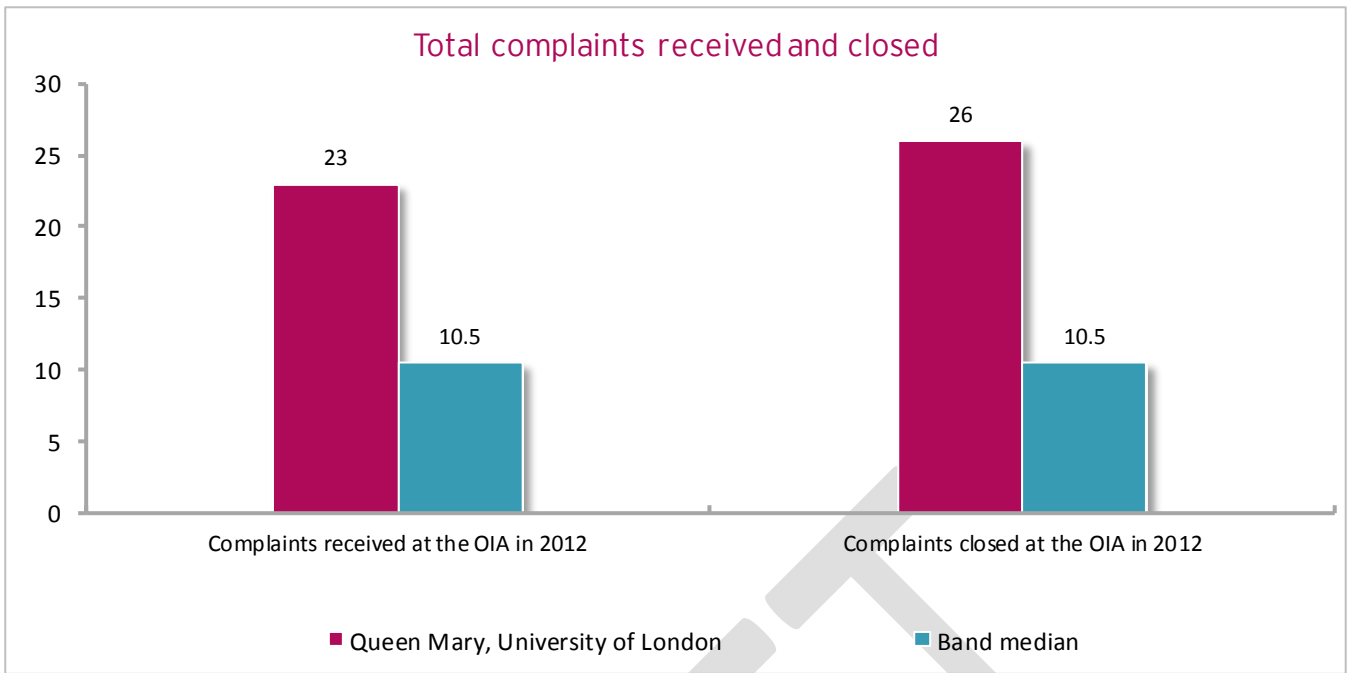
Chart 1



¹ The figures under headings "Complaints received at the OIA" and "Complaints received at the OIA with Completion of Procedures Letters dated [year]" may overlap. The figures under these headings should therefore not be added together.

² Some of the complaints might have been received in the previous year.

Chart 2



The OIA closed 26 complaints against Queen Mary, University of London in 2012. Chart 3 below displays the outcome of the closed complaints and compares Queen Mary, University of London figures to those of the band median.

Chart 3

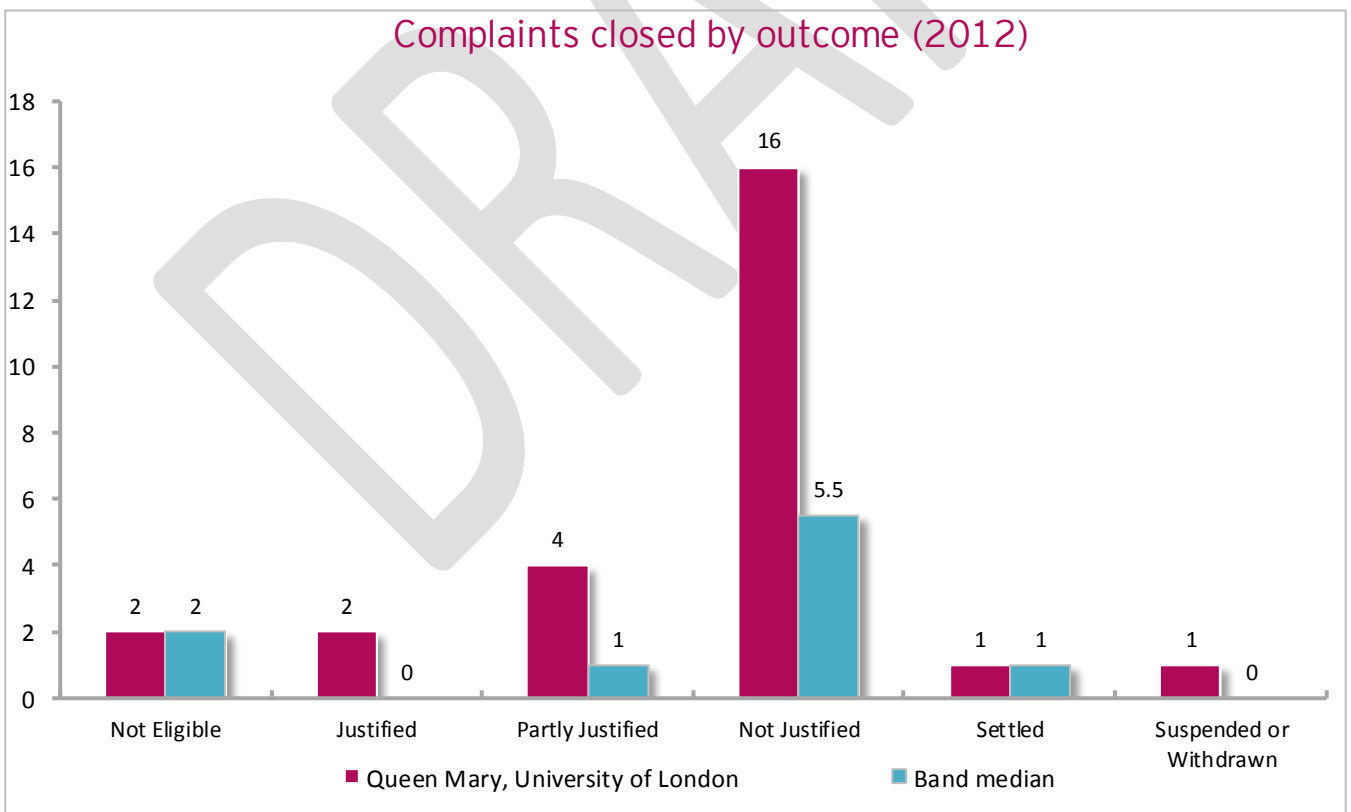


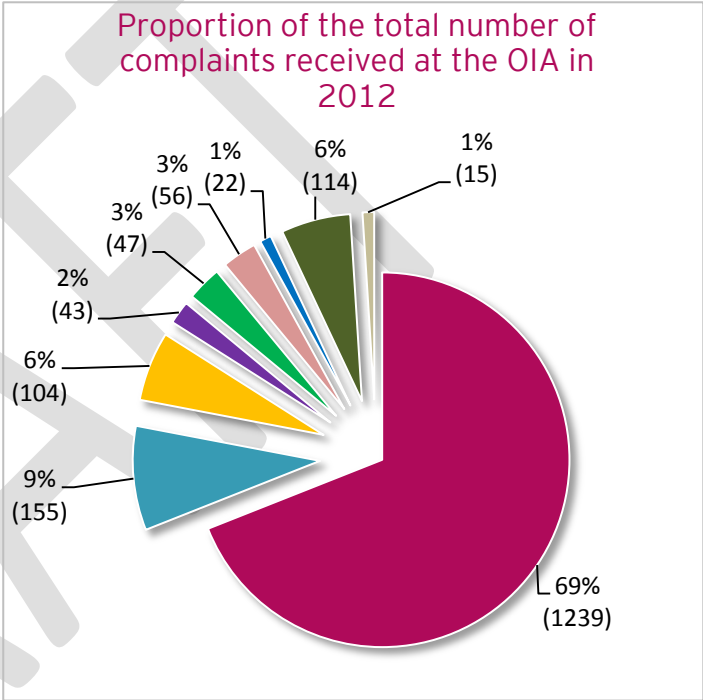
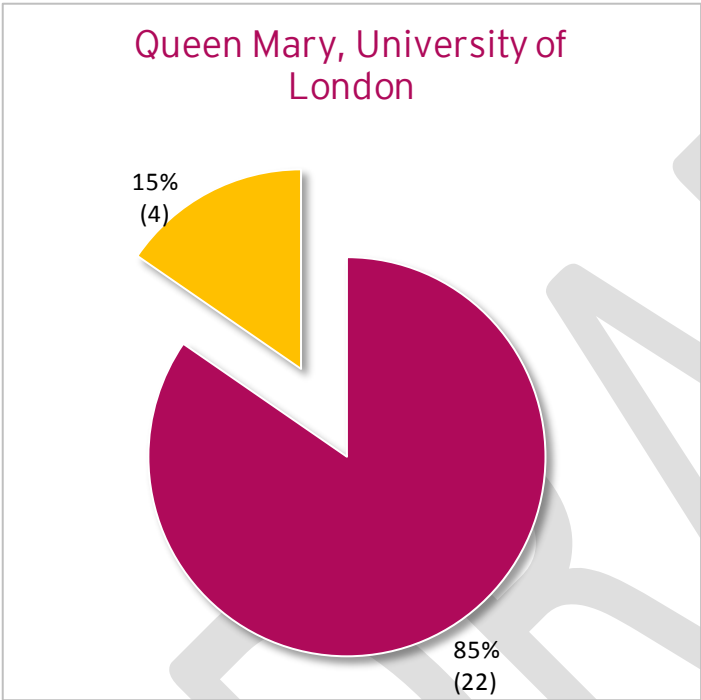
Chart 4 below breaks down the complaints about Queen Mary, University of London closed in 2012 by subject matter of complaint. Chart 5 below illustrates the proportion of the total number of complaints about all universities closed by the OIA in 2012 attributable to subject matter of complaint. In both charts actual numbers of complaints are contained in brackets.

Complaints closed by subject matter (2012)

- Academic Status
 - Academic misconduct, plagiarism and cheating
 - Discrimination and Human Rights
 - Welfare and Accommodation
 - Admissions
- Services issues (Contract)
 - Disciplinary matters (not academic)
 - Financial
 - Other

Chart 4

Chart 5



Annexe 2

EXPLANATORY NOTES

- Note 1* Under Scheme Rule 4 the OIA has the discretion, exceptionally, to review complaints even where the internal complaints procedures have not been exhausted. For statistical purposes, we treat such complainants as having exhausted the relevant procedures.
- Note 2* Student numbers were obtained from Higher Education Statistics Agency (HESA) – www.hesa.ac.uk. 2008/2009 HESA figures were used to assign universities to the relevant OIA subscription band in 2011 and 2009/2010 figures in 2012.
- Note 3* The heading 'Complaints received at the OIA in 2012' includes all complaints where the OIA Complaint Form was received at the OIA during 2012. It also includes Not Eligible complaints. By contrast, 'Complaints received at the OIA with Completion of Procedures Letters dated 2012' includes only complaints received at the OIA with Completion of Procedures Letters dated 2012, whenever received. For example, a complaint may have been received in 2013 but with the Completion of Procedures Letter dated 2012. The example given also applies to 2011 statistics.
- Note 4* In this exercise, bands G, H and I are merged for the purposes of calculating band averages for universities in those bands. This enabled the OIA to provide more meaningful contextual information where numbers of institutions in bands are small.
- Note 5* The heading 'OIA Band' refers to OIA subscription bands which are as follows:

Institution size	Band
Fewer than 500 students	A
501 to 1,500 students	B
1,501 to 6,000 students	C
6,001 to 12,000 students	D
12,001 20,000 students	E
20,001 30,000 students	F
30,001 50,000 students	G
50,001 100,000 students	H
More than 100,000 students	I

DEFINITIONS

Completion of Procedures Letter - Once a student has exhausted the university's internal complaints or appeals procedures, the university must promptly send the student a Completion of Procedures Letter. In line with published Guidance, this letter should set out clearly what issues have been considered and the university's final decision. This letter directs the student to the OIA.

Justified/Partly Justified/Not Justified - At the end of the OIA review process we will decide whether a student's complaint about the university is Justified, Partly Justified or Not Justified.

Not Eligible complaint - This is a complaint that we cannot review under our Rules.

Settled complaint - Once a complaint is received by the OIA and the University has been notified, a complaint will be considered "settled" where the parties to the complaint reach an agreed outcome prior to the OIA issuing a Formal Decision.

Suspended complaint - A case may be suspended, normally at the request of a complainant, in exceptional circumstances e.g. bereavement or illness. Cases may also be suspended if there is on-going action taking place in another forum which could affect the outcome of the OIA's review e.g. secondary procedures taking place within the University.

University - For ease of reference, we use the word 'university' throughout the letter to include all institutions subscribing to the OIA Scheme.

Withdrawn complaint - A complaint will be considered "withdrawn" if a complainant requests that the OIA cease to review the complaint or in cases where the complainant fails to participate in the OIA's process.

CATEGORIES OF COMPLAINTS

Academic Status - complaints which are related to academic appeals, assessments, progression and grades.

Service Issues (contract) - complaints which are related to the course or teaching provision, facilities and supervision.

Disciplinary matters - complaints which are related to disciplinary proceedings for non-academic offences.

Academic Misconduct - complaints which are related to academic offences including plagiarism, collusion and examination offences.

Discrimination and Human Rights - complaints where the student claims there has been any form of discrimination, including harassment, and where he or she claims his or her Human Rights have been breached.

Financial – complaints relating to finance and funding: e.g. fees and fee status, bursaries and scholarships.

Welfare and Accommodation – complaints relating to support services, e.g. counselling, chaplaincy, assistance for international students, and university accommodation issues.

24 September 2013

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