



Senate

Paper Title	Office of the Independent Adjudicator Annual Letter 2014
Outcome requested	Senate is asked to note the Annual Letter and accompanying commentary.
Points for Senate members to note and further information	<p>The OIA reports annually on complaints received and closed in the previous calendar year.</p> <p>A training session on student casework, including outcomes of recent cases, will be held for Senate members and chairs of casework panels in November 2014.</p>
Questions for Senate to consider	Appendix 2 contains a summary of anonymised cases that have been handled by the OIA. The OIA requires institutions to publish summaries of each case. Is Senate content with the format of these summaries for publication?
Regulatory/statutory reference points	QMUL is required to handle appeals and complaints in accordance with the QAA's UK Quality Code for Higher Education and the guidance and recommendations of the OIA.
Strategy and risk	Failure to effectively manage appeals and complaints has an adverse impact on the student experience, and exposes QMUL to reputational and financial risk.
Reporting/consideration route for the paper	
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Office of the Independent Adjudicator (OIA) Annual Report 2013

1. The OIA reports annually on complaints received and closed in the previous calendar year. The most recent report (appendix 1) shows that:
 - [a] the number of QMUL students who complained to the OIA was much higher than the mean for institutions of a similar size;
 - [b] the proportion of complaints found to be justified or partly justified was also higher than for the same comparator group.
2. The data do not entirely reflect current practice, because there can be a delay of up to two years between QMUL dealing with a complaint and the OIA's decision being reflected in the Annual Report.
3. Of the complaints closed by the OIA in 2013, 44% were not justified; 6% were not eligible under the OIA's rules; 24% were settled; 14% were partly justified and 12% were justified.
4. The high number of settled cases involved MBBS students who submitted appeals at the end of 2011/12, having failed the programme. These students had been diagnosed, following deregistration, with a specific learning difficulty. QMUL's original assessment of the cases was not to uphold the appeals; however, the OIA reviewed the majority of these appeals in the student's favour, citing QMUL's obligations under the Equality Act (2010). QMUL agreed to settle these cases and the students were permitted to return to study.
5. ARCS has taken action to minimise the number of complaints that are taken up by the OIA as follows:
 - [a] adopting a more flexible approach in order to identify outcomes that are acceptable both to QMUL and to students;
 - [b] improving case management by learning lessons from complaints that are found to be justified or partly justified by the OIA;
 - [c] strengthening and clarifying regulations.
6. Further action to be taken by ARCS will include:
 - [a] reflecting on the national Good Practice Framework for Handling Complaints and Academic Appeals, due to be published by the OIA in December 2014.
 - [b] emphasizing through our written communications and submissions that QMUL always sets out to act in a way that is fair, reasonable and legally compliant.

7. So far during 2014 there has been a reduction in the number of complaints that are taken up by the OIA, and in the number that are found to be justified or partly justified. It is unlikely that our position will match the sector mean until 2015, when the changes that are outlined in paragraph 3 are fully reflected.

8. A brief summary of each case handled by the OIA is provided in appendix 2. Lessons have been learned from these cases, and more detailed examples will be used in the training session for staff serving on casework panels to be delivered in November 2014.



office of the
independent
adjudicator

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

23 July 2014

Dear Professor Gaskell,

Annual Letter

I enclose the OIA Annual Letter for your institution for 2013. 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, later this month.

I hope this is helpful.

Yours sincerely,

Rob Behrens

Independent Adjudicator & Chief Executive

Annexe 1

STATISTICS

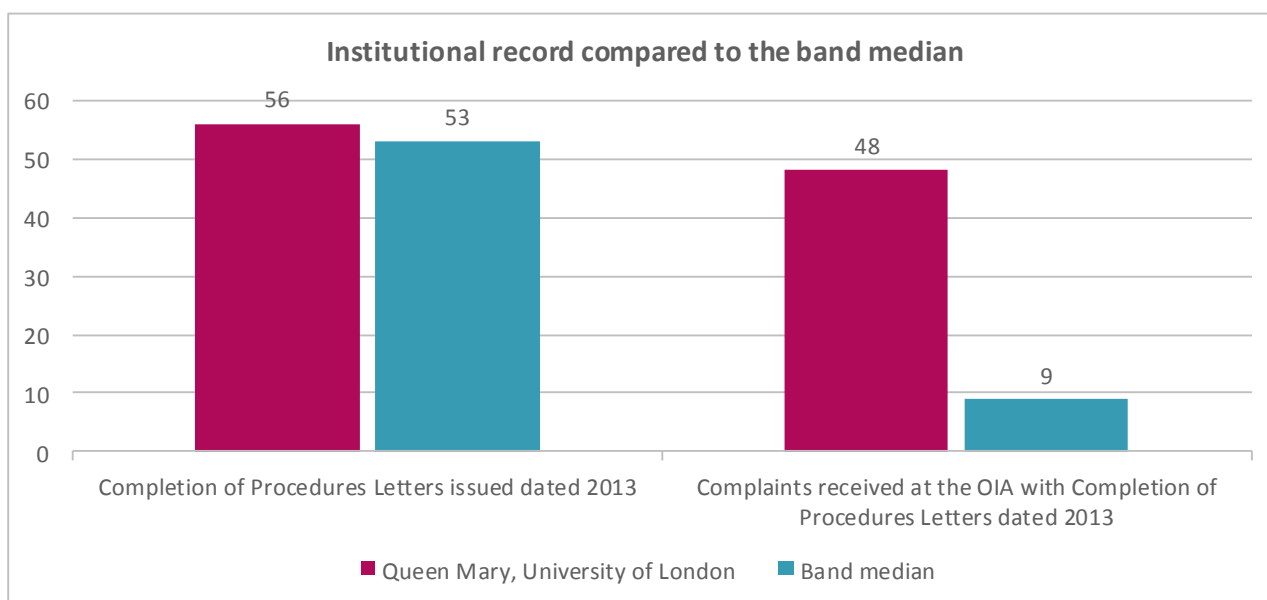
Queen Mary, University of London		
Year	OIA Band	Number of students
2013	E	14820
2012	E	14725

Annual Complaints to the OIA ¹		
Year	Complaints received at the OIA	Complaints closed at the OIA ²
2013	53	50
2012	23	26
Annual Change	Increased by 30	Increased by 24

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	
2013	56		2013	48
2012	36		2012	32
Annual Change	Increased by 20		Annual Change	Increased by 16

Queen Mary, University of London has informed the OIA that 56 students were issued with a Completion of Procedures Letter in 2013. To date the OIA has received 48 complaints from Queen Mary, University of London students with Completion of Procedures Letters dated 2013. This means that all but eight students who exhausted the formal internal complaints procedures during 2013 brought their complaint to the OIA. By way of comparison, the mean average proportion of complaints brought to the OIA from universities in the same band was about one in every eight students who had complained.³ Charts 1 and 2 below give the comparison between the returns from Queen Mary, University of London and the band medians.

Chart 1

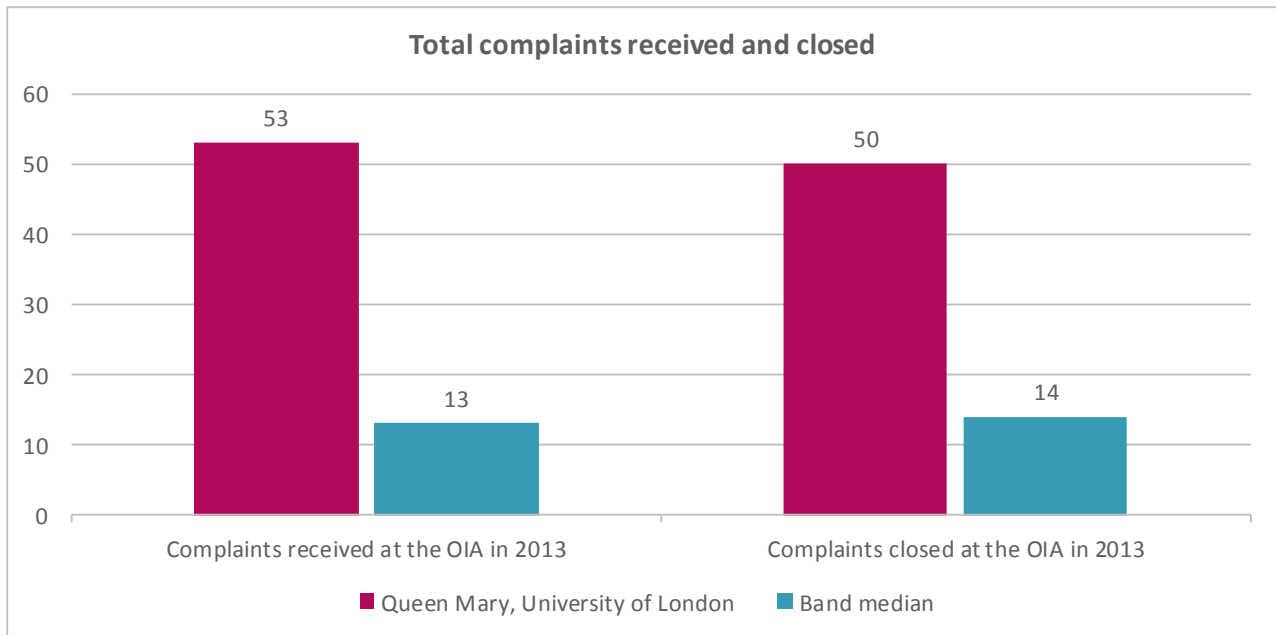


¹ The figures under headings "Complaints received at the OIA" and "Complaints received at the OIA with Completion of Procedures Letters dated [year]" may overlap. The figures under these headings should therefore not be added together.

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

³ Here we use the mean average for the band as the comparator. This is consistent with the way we have previously calculated the ratio of complaints to completion of procedures letters for the OIA as a whole. The charts that follow show comparison to the median average to limit the distorting impact of any outlying institutions within the band.

Chart 2



The OIA closed 50 complaints against Queen Mary, University of London in 2013. 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

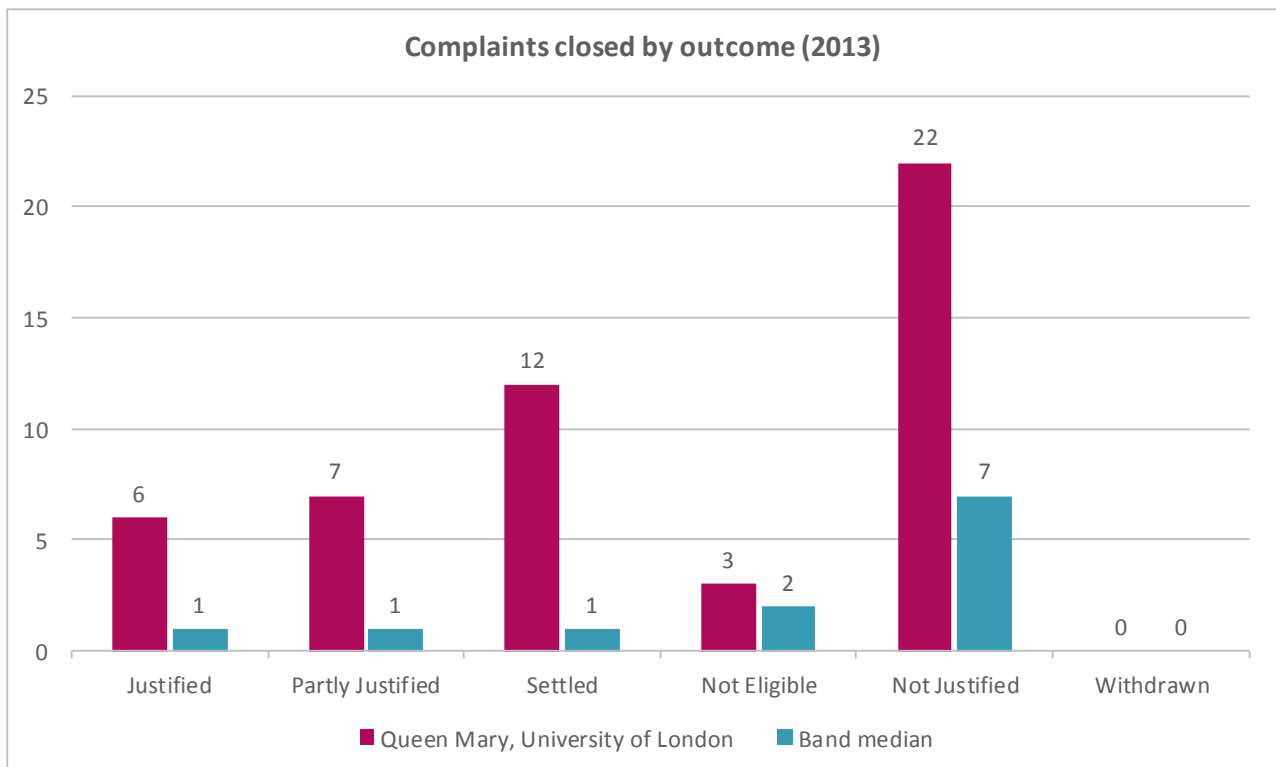


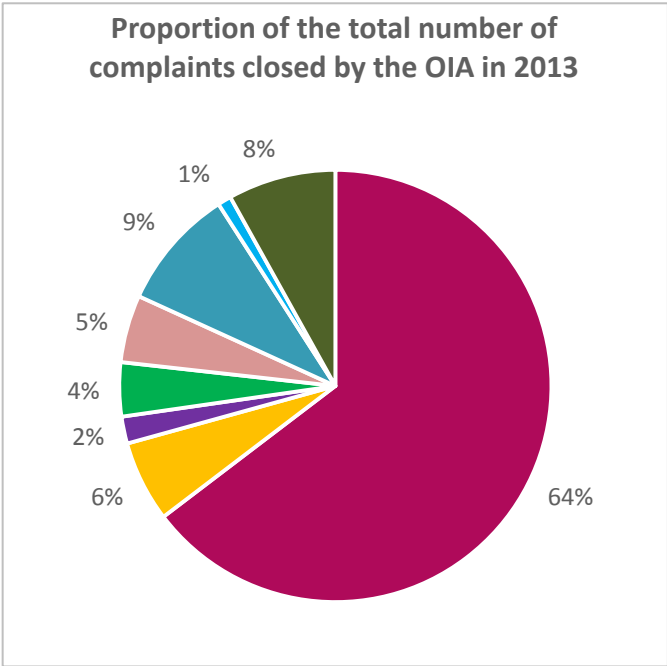
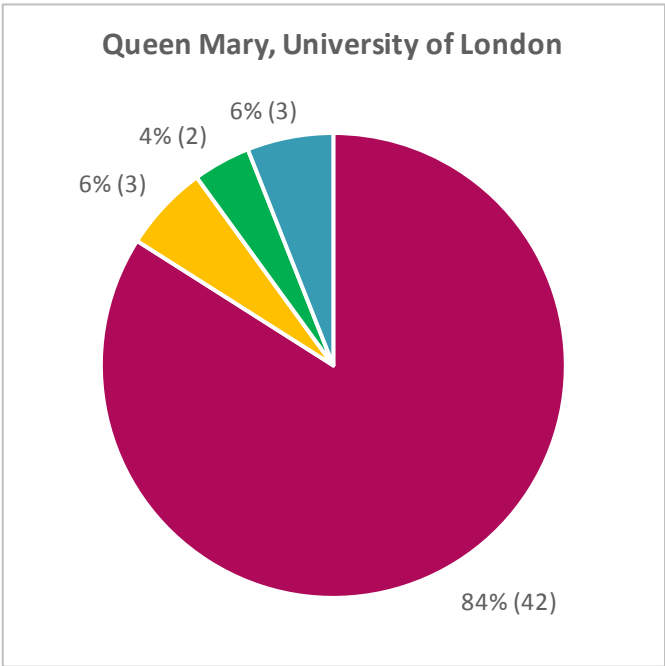
Chart 4 below breaks down the complaints about Queen Mary, University of London closed in 2013 by subject matter of complaint. Chart 5 below illustrates the proportion of the total number of complaints about all universities closed by the OIA in 2013 attributable to subject matter of complaint. In chart 4 actual numbers of complaints are contained in brackets.

Complaints closed by subject matter (2013)

- 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



We note that your institution is receptive to settlement opportunities, and that some cases were resolved by settlement during the year. As previously notified the university's subscription for 2014 will include a case element based on complaint numbers in 2013.

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. 2009/2010 HESA figures were used to assign universities to the relevant OIA subscription band in 2012 and 2010/2011 figures in 2013.
- Note 3* The heading 'Complaints received at the OIA in 2013' includes all complaints where the OIA Complaint Form was received at the OIA during 2013. It also includes Not Eligible complaints. By contrast, 'Complaints received at the OIA with Completion of Procedures Letters dated 2013' includes only complaints received at the OIA with Completion of Procedures Letters dated 2013, whenever received. For example, a complaint may have been received in 2014 but with the Completion of Procedures Letter dated 2013. The example given also applies to 2012 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 to 20,000 students	E
20,001 to 30,000 students	F
30,001 to 50,000 students	G
50,001 to 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 Final 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.

23 July 2014

Appendix 2 – summary of OIA cases

Case 1

UG Law

Year abroad mark and degree classification

OIA decision: justified

Recommendation: Refer case to examboard for reconsideration of degree classification.

Case 2

UG SEMS

Complaint – alleged failure to provide reasonable adjustments for disability.

OIA decision: Not justified

Case 3

UG SBCS

Discretion and degree classification.

OIA decision: not justified.

Case 4

UG MBBS

Diagnosis of a specific learning difficulty after failure of the year.

Settled before final decision. Student permitted to return to study.

Case 5

UG MBBS

Diagnosis of a specific learning difficulty after failure of the year.

Settled before final decision. Student permitted to return to study.

Case 6

UG MBBS

Diagnosis of a specific learning difficulty after failure of the year.

Settled before final decision. Student permitted to return to study.

Case 7

UG MBBS

Diagnosis of a specific learning difficulty after failure of the year.

Settled before final decision. Student permitted to return to study.

Case 8

UG MBBS

Diagnosis of a specific learning difficulty after failure of the year.

Settled before final decision. Student permitted to return to study.

Case 9

UG Law

Extenuating circumstances and degree classification.

OIA decision: not justified

Case 10

UG MBBS

Diagnosis of a specific learning difficulty after failure of the year.

OIA decision: Not justified.

Case 11
UG MBBS
Diagnosis of a specific learning difficulty after failure of the year.
OIA decision: Not justified.

Case 12
UG MBBS
Diagnosis of a specific learning difficulty after failure of the year.
Settled before final decision. Student permitted to return to study.

Case 13
UG Economics and Finance
Close proximity of exams.
OIA decision: not justified

Case 14
UG MBBS
Diagnosis of a specific learning difficulty after failure of the year.
Settled before final decision. Student permitted to return to study.

Case 15
PGR SPIR
Appeal against an assessment offence.
OIA decision: not eligible – QMUL's internal procedures not completed.

Case 16
UG MBBS
Support for disability and other extenuating circumstances
OIA decision: Not justified

Case 17
UG MBBS
Diagnosis of a specific learning difficulty after failure of the year.
OIA decision: Not justified

Case 18
UG MBBS
Diagnosis of a specific learning difficulty after failure of the year.
Settled before final decision. Student permitted to return to study.

Case 19
UG MBBS
Diagnosis of a specific learning difficulty after failure of the year.
Settled before final decision. Student permitted to return to study.

Case 20
PGT IHSE
Complaint – delay in handling appeal.
OIA decision: Justified
Recommendation £200

Case 21
UG MBBS
Diagnosis of a specific learning difficulty after failure of the year.
Settled before final decision. Student permitted to return to study.

Case 22
UG SBCS
Extenuating circumstances.
OIA decision: partly justified
Recommendation: £200 for delay to appeal only

Case 23
UG Physics
Appeal out of time.
OIA decision: not justified

Case 24
UG Dentistry
Support for disability.
OIA decision: partly justified for delay in completing appeal only.
Recommendation: £500

Case 25
UG SBCS
Appeal out of time
OIA decision: not justified

Case 26
PGT SMD
Programme Regulations and degree classification
OIA decision: justified
Recommendation: £500 and further consideration of degree classification.

Case 27
PGR Business and Management
Disciplinary hearing and handling of subsequent
OIA decision: Justified
Recommendations: £17,496 compensation and review Student Code of Discipline

Case 28
SEFP
Deregistration.
OIA decision: Not justified

Case 29
PGT SMD
Non award of MSc.
OIA decision: Not justified

Case 30
PGR CLLS
Deregistration and supervision.
OIA decision: Not justified

Case 31
UG Business and Management
Voluntary withdrawal from programme.
OIA decision: Not justified

Case 32
PGT Dental School
Complaint – complaint handling and delay
OIA decision: partly justified
Recommendation: £500

Case 33
UG SBCS
Extenuating circumstances and degree classification
OIA decision: Outcome pending

Case 34
UG Physics and Astronomy
Number of attempts student entitled to.
Settled before final decision, student permitted further attempt.

Case 35
PGR SMD
Deregistration and handling of subsequent appeal
OIA decision: justified
Recommendation: £5000

Case 36
UG Law
Degree classification and extenuating circumstances
OIA decision: not justified

Case 37
PGR SMD
Non-award of PhD and delay in convening panel to rehear case following previous decision of OIA.
OIA decision: partly justified
Recommendation: £250 for delay only.

Case 38
PGT SPIR
Appeal against an assessment offence.
OIA decision: not eligible – not submitted on time.

Case 39
UG Politics
Complaint – notification of withdrawal to SLE and complaint handling.
OIA decision: Partly Justified
Recommendation: £2500 and review complaint policy.

Case 40
PGT Dentistry
Complaint – course provision
OIA decision: justified
Recommendation: £12,300 and review complaints policy

Case 41
UG MBBS
Deregistration following failure of programme.
OIA decision: not justified

Case 42
PGR CCLS
Complaint supervision and complaint handling.
OIA decision: Justified
Recommendation: £5,000 and further submission opportunity.

Case 43
PGT EECS
Disclosure of extenuating circumstances.
Settled – student permitted additional sit.

Case 44
UG SLLF
Extenuating circumstances and progression
OIA decision: Not justified

Case 45
UG intercalated
Module mark – procedural error.
OIA decision: Not justified

Case 46
UG MBBS
Fees.
OIA Decision: Not justified

Case 47
PGT CCLS
Appeal out of time.
OIA decision: Not justified

Case 48
UG MBBS
Fees
OIA decision: not justified

Case 49
UG Law
Disability and extenuating circumstances.
OIA decision pending

Case 50
UG Economics and Finance
Degree classification and disability
OIA decision pending

Case 51
UG Law
Extenuating circumstances and degree classification.
OIA decision: Not justified

Case 52
PGT Economics and Finance
Assessment offence appeal
OIA decision pending

Case 53
PGT EECS
Failure to enrol. Appeal out of time.
OIA decision: Not justified.