

# OIA changes to the GPF

What they are and why they matter to students and SUs



**WONKHE**  
SUs



# OIA changes to the GPF

What they are and why they matter to students and SUs



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SUs

# A direction of travel...

- Established 2003
- Slow shift from “did the uni follow the procedures” to “are the procedures fair”
- Engagement with SUs
- Pressure from consumer law (need to ensure that ADR is effective)
- Learning from casework generally and in wider fields (ie equalities work)
- GPF used as a default standard and so implies (soft) rights
- Very much (still) about acting in not acting out...



“

**We recommend that each provider, along with its students, compares its own complaints and academic appeals processes to the Framework to be sure that there are sound reasons for any differences**

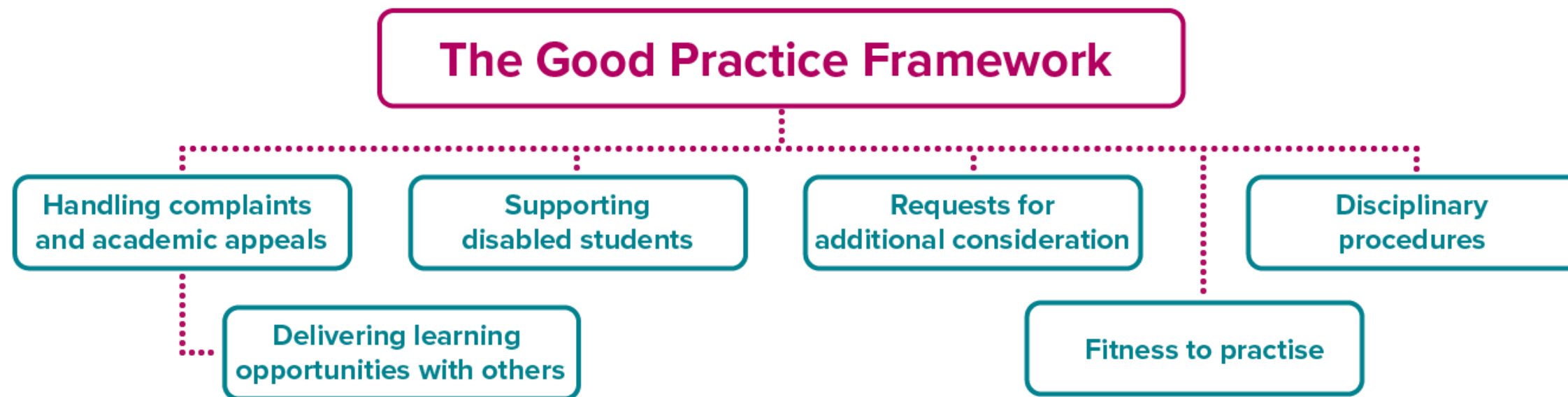
# How it works

- Everyone has a procedure
- Students have to exhaust it before going to OIA
- OIA then looks at
  - Whether the provider followed its own procedures
  - Whether those procedures were reasonable (and compatible with consumer / equality law)
  - Was the provider's final decision reasonable?
- Reaches decision and makes recommendations
- Almost all providers follow the recommendations almost all of the time

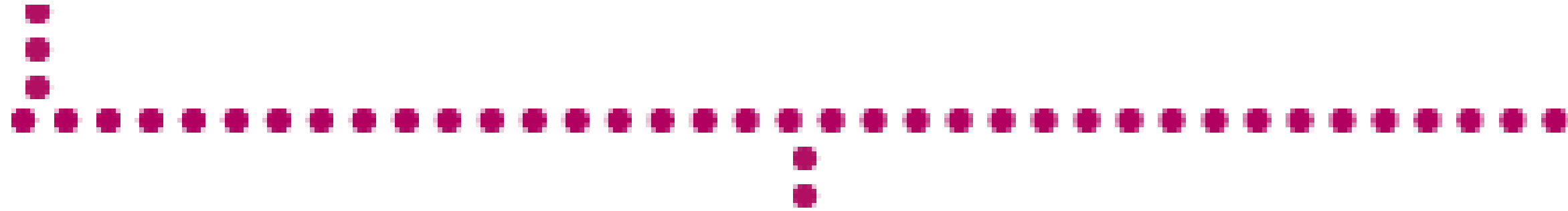




# Good practice framework



# Good practice framework



**Requests for  
additional consideration**



# Good practice framework



**Handling complaints  
and academic appeals**



**It is good practice...**

**It is not good practice...**

# Headlines

Handling complaints  
and academic appeals

- Updating the language of the **principles**, and separating them into a **standalone** part of the Good Practice Framework to make it clearer that they apply across all sections of the Framework.
- An additional document to explain about **bias**, in response to feedback that identified this as a key area where clarification would be helpful.
- New or expanded guidance on what to do when **more than one process** might apply, complaints about **student representative bodies**, complaints about **behaviour of staff or other students**, and **group complaints**.
- Bringing together the guidance on the process for both **complaints** and **appeals** to help avoid duplication – but still drawing **distinctions** between the two processes where necessary.

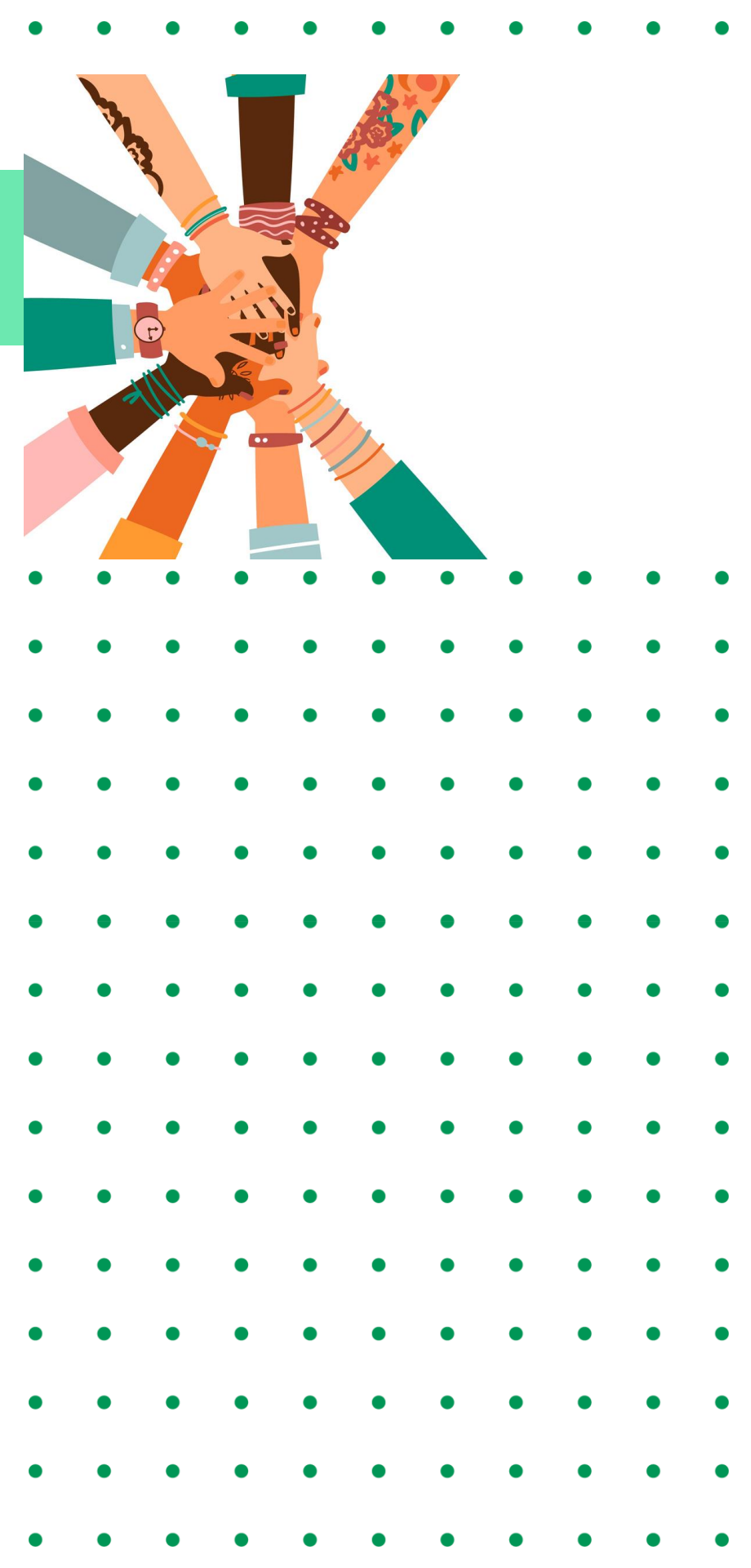
# New principles

- Current: Accessible, Clear, Proportionate, Timely, Fair, Independent, Confidential, Improves the student experience
- Two new ones: **Inclusive** and **flexible**
- **Flexible:** There is flexibility where a student raises issues that fall under more than one process.



# Inclusive

- Everyone is expected to act **reasonably** and **kindly** towards each other, and to treat the processes themselves with **respect**.
- The process is designed to be **supportive** and **barriers** are identified and reduced or removed.
- Students are not **disadvantaged** because they have made a complaint or challenged a decision made by the provider.
- Students are **listened** to and there is recognition that every individual involved brings different experiences and can make contributions of value.





# Examples of issues students might raise

- events causing **significant disruption** to the normal delivery of a course, service or other aspect of the student experience, such as industrial action or a public health emergency
- **bullying or harassment** by another student or a staff member (if the provider does not have a separate procedure for students to raise these kinds of concerns)
- **concerns about policies or procedures relating to financial support, immigration processes or welfare support**
- concerns about a **service delivered by other organisations** or contractors on behalf of the provider that the student feels has affected their learning experience



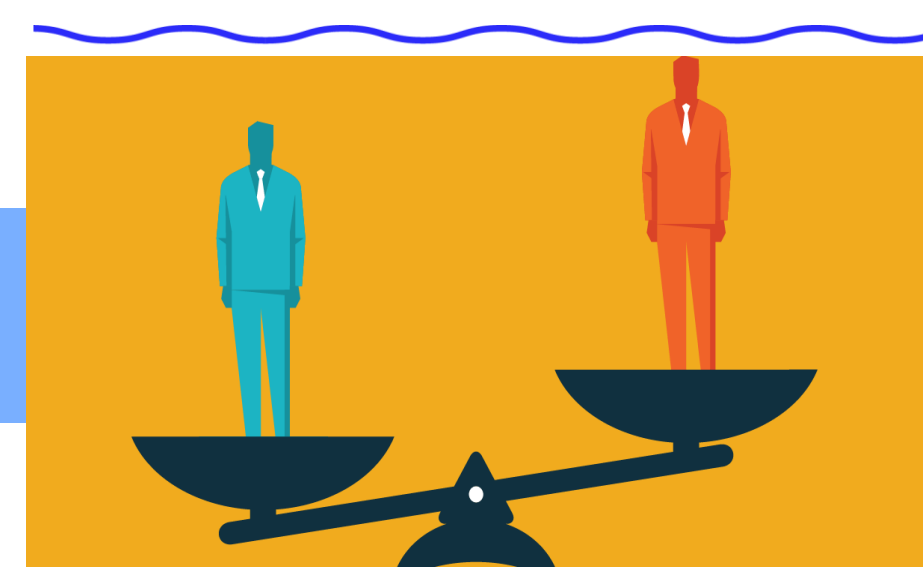
**But what can I  
complain about?  
Quality and B3...**

# B Conditions examples

- The subject matter of a course is not representative of current thinking and practices.
- A staff team that is over-reliant on visiting teachers to deliver large or significant elements of a course is not likely to be appropriately qualified.
- There should be support relating to avoiding academic misconduct includes support for essay planning and accurate referencing, and advice about the consequences of academic misconduct
- Appropriate software - students have, or have reliable and consistent access to, the software they need to effectively access all aspects of course content.
- See also blended learning review

# Bias

- A tendency to treat one person or group, thing or point of view more or less favourably than another, especially in a way considered to be unfair, noting that bias can be deliberate, but it can also be unintentional.
- It then says that providers have a duty to act fairly which means that decision-making should both be unbiased and, importantly, should be seen to be unbiased.
- Small providers
- Sabbs on panels
- Pressure to make the “right” decision





# Academic appeals

New **definition** of academic appeal:

- “A challenge to or request for reconsideration of a decision by an academic body that makes decisions on student progress, assessment and awards This may include a request to change marks or progress decisions, or final award classifications ”

An additional **reason** for academic appeal:

- “a challenge to the outcome of a student’s request for additional consideration of personal circumstances which have affected their performance (if the provider’s procedures for responding to requests for additional consideration don’t include an appeal stage)”





# Who can complain?

Whole new section. Of note:

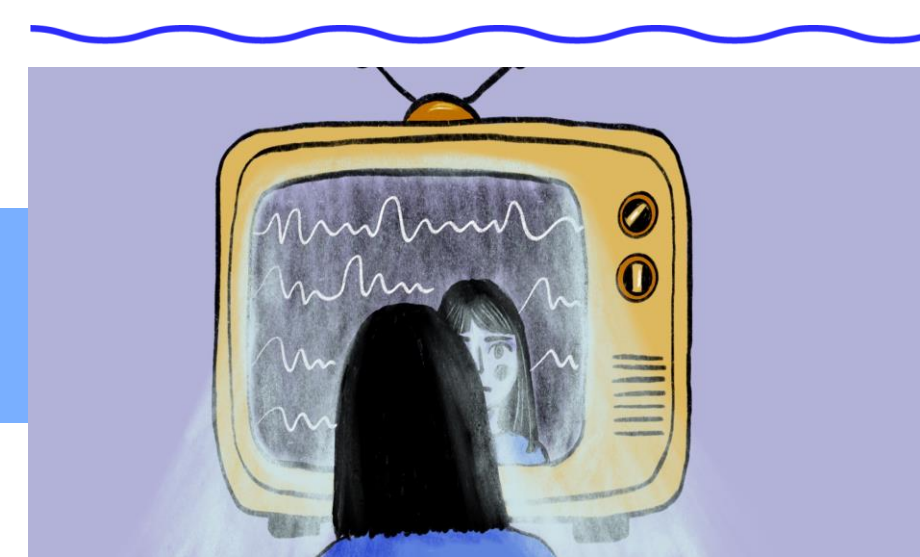
- “Student” refers to students, trainees or apprentices who have registered or enrolled on their course
- Includes those who have recently left a provider
- Good practice for providers to set out a deadline for students to raise complaints or make appeals, once they are no longer a student
- Providers should apply the deadline flexibly, and be willing to consider whether any former student has a good reason for making their complaint or appeal after this time
- Provider may decide to consider an anonymous complaint if there are good reasons for the matter to be investigated, for example because the complaint raises safeguarding issues, or issues that may affect a number of students or a whole department or course



# Representation

## Whole new section. Of note:

- The provider may give examples of who can, or can't, act as a supporter or representative for the student and explain what their role in the process will usually be. However, the provider will need to apply its normal policy flexibly, for example to make reasonable adjustments, or because it may disadvantage the student if the requirements were applied rigidly.
- Legal representation at an academic appeal hearing would only be appropriate in very exceptional circumstances (it is not good practice to ban students from using legal representation entirely).
- Providers do not normally have an obligation to contribute towards the costs of a student's legal or other representation. However, it may be appropriate for providers to consider doing so where some form of representation is necessary to prevent a disadvantage to a disabled student. This is because the provider must make its procedures accessible.
- Students should not be expected to use personal support resources intended for their academic work, funded by Disabled Students' Allowance, on complaints or appeals.



# Case study

- An autistic student complains to their provider about access to specialist equipment in a laboratory and their interactions with the module lead.
- The student finds it difficult to articulate their complaint and the thought of a meeting to discuss the complaint is overwhelming. A student adviser at the provider's student representative body helps the student to complete the complaint form and supports them through the initial process.
- The student has previously had help from an organisation that supports autistic adults in navigating formal processes such as employment or housing disputes.
- The student would like to use this support again.
- The provider agrees to contribute to the cost of a representative with experience in supporting autistic adults to attend the complaint meeting with the student.

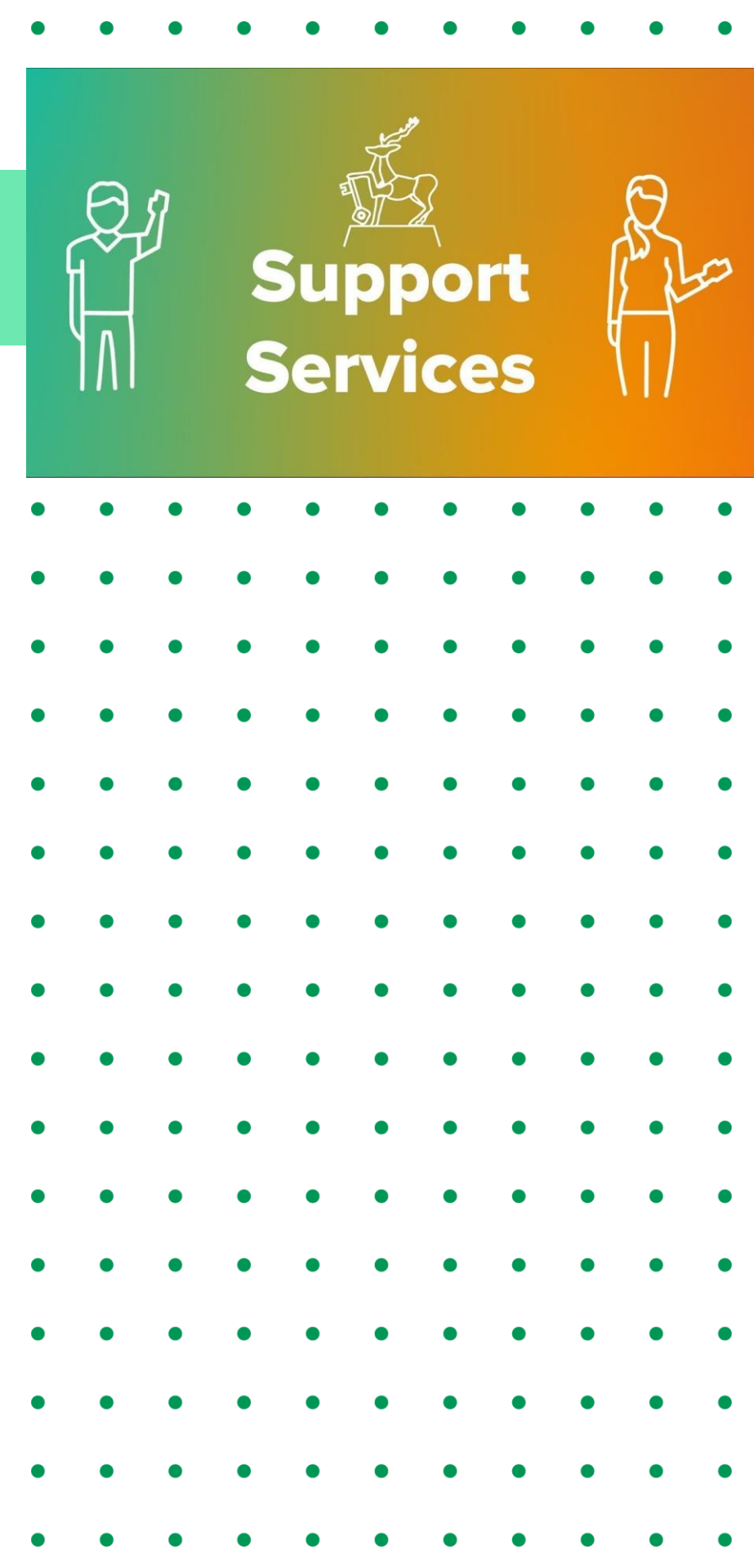


# New section on confidentiality

- It is not good practice to ask a student to sign a confidentiality agreement or non-disclosure agreement as a part of an offer to settle or resolve their complaint.
- Such agreements can leave the student feeling that their complaint has not been listened to or taken seriously, and can mean that learning from the complaint is lost.

# Support for students

- Students are often inexperienced in raising concerns independently, within formal structures
- They may not have had positive experiences of other bodies with authority over other aspects of their lives
- They may anticipate that the process will be confrontational, and be worried about how staff may react to them raising their concerns and that it might have negative effects on their studies and career
- It is important that providers take steps to give reassurance on these points
- For example, providers can explain how marking and moderation procedures usually operate, ensuring that a member of staff can't reduce a student's grades because they had made a complaint
- Providers can encourage a culture of listening to feedback and share with students the actions they have taken to respond to students' concerns
- If the complaints process is part of this wider positive culture it can be less intimidating
- Students may be concerned that bringing a complaint that is not upheld may result in action against them under conduct, disciplinary or fitness to practise procedures
- It is important to assure students that they will not be penalised for raising a complaint about something they are genuinely concerned about, even if those concerns turn out to be misplaced





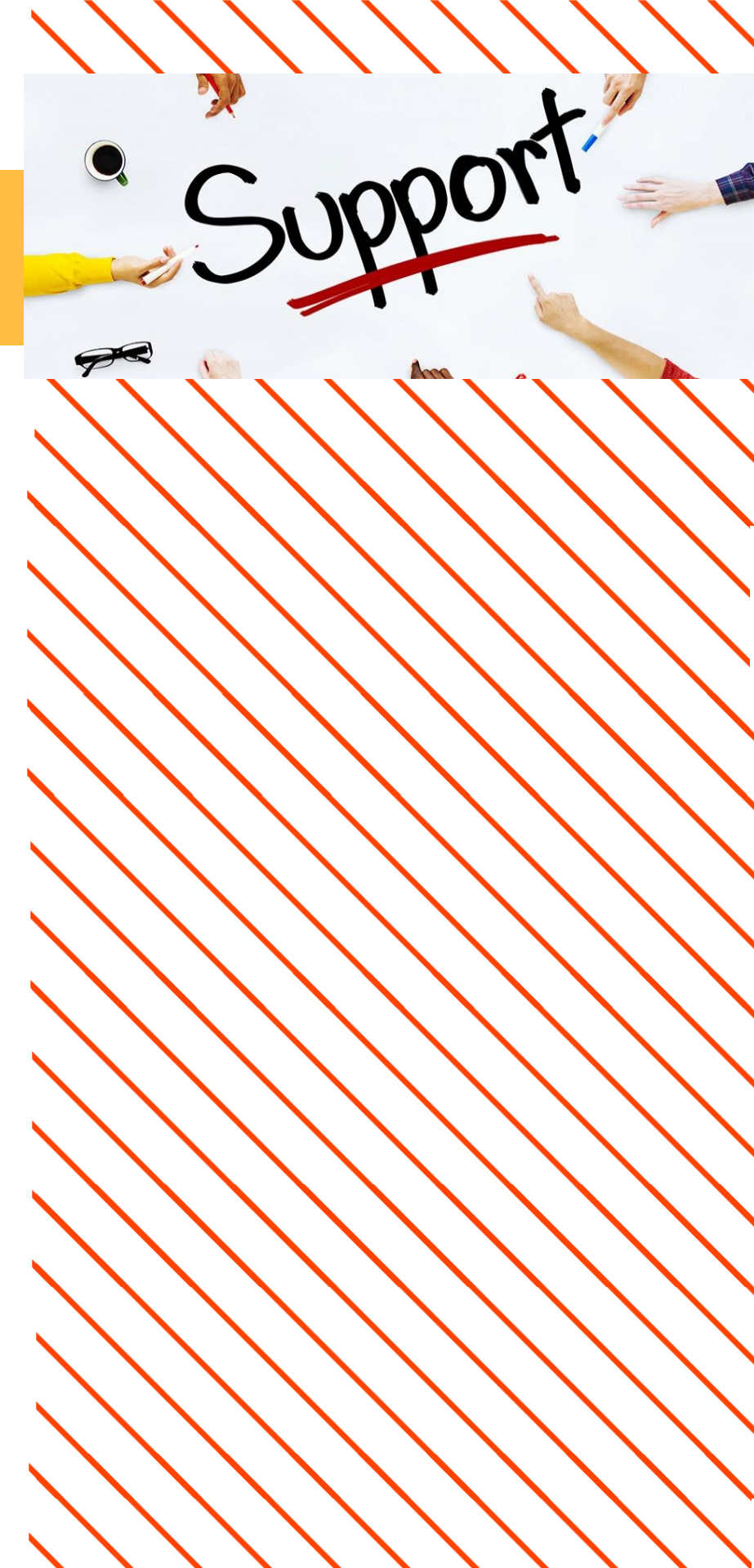
# Support (standards)

- It is good practice to make sure students have access to well-resourced sources of advice and guidance
- Often this support will be based within the provider's own student representative body, or within another student representative body that the provider's students have access to
- Where there is no student representative body, providers should make sure that staff members who are independent of the subject of the complaint or appeal can give students advice and guidance about the process
- Some support services are able to offer advocacy services which might include helping a student prepare written submissions, attending hearings and speaking on the student's behalf
- Other services are more targeted towards enabling the student to act independently. However the service is structured, it can be helpful to explore these issues with the student:



# Support issues

- How does the process work? What will the student need to do, what deadlines will they need to meet, and how long is the process likely to take?
- What evidence can the student supply to support their views? Who can supply this?
- What outcome does the student want? Is this realistic?
- What can the student do while the case is ongoing to put themselves in the best position for afterwards? It can be helpful to think about what will happen if the student's case is successful, and also what will happen if it is not successful
  - This is particularly important if there could be an impact on opportunities to repeat assessments or continue to engage with specialist learning opportunities like placements
- Are there wider issues that have been raised that the student needs support with?
  - For example, has an academic decision had an impact on the student's financial entitlements, arrangements for accommodation or visa status? It may be appropriate to direct students towards specialist sources of advice in these areas
- Does the student need support with their mental or physical wellbeing? It may be appropriate to direct students to additional sources of support



# Process flexibility

- It is good practice to give students information about any actions they need to take to preserve their position while the issues are still being considered (for example, to make sure they don't miss any course deadlines or a resit opportunity) and to direct students to any sources of advice
- When setting deadlines, the provider will need to make sure a student or former student has a reasonable period to bring their complaint or appeal and seek support or advice if they wish to
- But it can be challenging to investigate or respond to complaints or appeals that are made a long time after the issues arose, for example because key individuals may have moved on or important records may no be longer available
- When deciding whether to accept a late complaint or appeal the provider needs to consider the student's individual circumstances, the nature and seriousness of the issues they are raising, and whether it is still reasonably possible to investigate the events
- Providers should apply deadlines flexibly when the student has a good reason, which should normally be supported by evidence, for making their complaint or academic appeal late It is good practice for a provider to keep a record of why it has accepted a complaint or appeal late





# Process adjustments for disabled students

- Where the provider knows a student is disabled, it will not normally be appropriate to ask the student for evidence of this again when they are asking for an adjustment to the process
- The provider should explore with the student what adjustments they might reasonably need  
The provider should get advice from its disability support team where appropriate

# Grounds for appeals

It is common for providers to set out specific grounds for making an academic appeal. Examples include:

- Procedural errors in the assessment
- Bias or a reasonable perception of bias in the assessment (merits)
- Personal circumstances that have had an impact on the student's learning and their performance in the assessment (Students may have to present a good reason for not asking for additional consideration of their circumstances at an earlier time)
- Problems with the delivery of teaching and learning opportunities



# Fast tracking...

Some complaints or appeals may need the provider to take particularly swift action These may include, but are not limited to:

- cases where external time limits apply for example in meeting regulatory requirements for the completion of professional courses
- cases where delay may cause significant difficulties regarding the student's visa status



# Panel members and sensitive info

- Any sensitive information should not be disclosed to panel members until their membership has been confirmed (so that the student has had an opportunity to object to a panel member, for example on grounds of bias, before they have seen the sensitive information)
- It is helpful to explain clearly whether the student is responsible for communicating with any witnesses they want to make a statement, or whether the provider will do this

# Panels

- These are not legal proceedings and providers should avoid unnecessary formality
- Providers will usually want to hear from students in their own words, and it is important that everyone present remains focused on the matters relevant to the particular complaint or appeal
- If the student is accompanied by a representative or friend, it is important that they also understand the process and any decisions that have been reached so they can support the student effectively
- It is normally reasonable to give any representative, as well as the student, an opportunity to raise concerns about the process or ask questions to help them clarify their understanding if they need to
- It is good practice to take a note of any meeting, setting out who attended, a brief outline of what took place and the reasons for the decisions taken
- It is not normally necessary to make or retain full audio or video recordings of panel hearings or meetings, but providers should consider requests from students to do this
- It may be appropriate to record meetings as a reasonable adjustment for some disabled students or staff
- It is reasonable for providers to say that students should not make recordings without permission



# Multiple procedures

Whole new section. Two new case studies...

- Case study 9: Deciding which process to use
- A student submits an academic appeal on several grounds, one of which is that they have been bullied by their supervisor
- The student says this affected their performance in their dissertation
- The provider tells the student that it is putting the appeal on hold until the bullying allegation has been investigated under its Harassment and Bullying Procedures, because the outcome of that investigation may be relevant to the student's appeal
- Once that process has been completed, the appeal process can continue



# Acting flexibly to use a single process

- A disabled student makes a formal complaint that the provider did not put in place agreed reasonable adjustments during the academic year
- They explain that lecturers across different modules appeared to be unaware of the agreed adjustments, and often didn't provide copies of lecture materials in advance
- They also say they were made to sit a timed in-class assessment without arrangements being made for a separate room or additional time
- The student says they were made to feel they were being difficult when they tried to raise their concerns and that the persistent issues caused their mental health to deteriorate
- The student explains that this negatively affected their academic performance throughout the year
- The provider carries out an initial assessment of the complaint
- It decides that some of the issues raised may also be grounds for an academic appeal and, if the issues of complaint were upheld, it is likely that it would need to consider an academic remedy in addition to other steps to put things right for the student
- The provider decides it would be pragmatic to carry out a single investigation and hold a single meeting to consider all the issues raised by the student
- It explains to the student the process it plans to follow and why, what the student's role in the process will be, and where they can get support and advice

# Students' unions

- A new section on complaints about a student representative body
- Maintains idea that a student's complaint can go to the OIA to the extent to which the university has had a role in reviewing the complaint
- (Education Act 1994 Section 22)



# Complaints about others

- When students complain about staff members it is essential that the investigation is conducted by someone who is independent of the situation to avoid bias or a reasonable perception of bias.
- It is reasonable for providers to expect students to take steps to resolve some disagreements and disputes with other students themselves. In some instances, it will not be appropriate to try to resolve a complaint informally.
- Where a student's complaint indicates that another student or member of staff may have breached expected standards of behaviour, codes of conduct, or expectations or conditions of their employment, providers will need to investigate the concerns in a way that takes account of the rights of the person complained about to have a fair process
- Data protection legislation does not completely prevent providers sharing information about a responding person's disciplinary process with the reporting student. There are benefits to the reporting student, and to the student community as a whole, in being open about how complaints about student or staff behaviour have been considered

# Complaints about other students

- Compatibility with OfS statement of expectations?
- Implications for SU complaints procedures?
- Interaction with partners (year abroad, franchise/partner colleges, placements)
- Interaction with employment procedures
- Interaction with SU procedures
- Staff-student misconduct



# Communicating outcomes

The student who made the complaint should receive a resolution to that complaint

It is good practice to consider including at least the following information:

- What steps were taken to investigate the complaint;
- A summary or high-level description of the evidence made available to the decision-maker(s), or a copy of that evidence;
- Who made the decision(s);
- What measures may be put in place to prevent the issue that led to the complaint happening again;
- If the behaviour is found to have had an adverse impact on the reporting student, a remedy for that impact



# Case study: Request a review

- Student A complains about the behaviour of student B
- The provider investigates the complaint and decides to take action against student B under its disciplinary procedures
- Student B is found to have breached the provider's code of conduct
- The provider tells student A it has upheld their complaint and has reached a conclusion on the disciplinary case
- It explains that student B is not permitted to contact them and that arrangements have been made so students A and B do not come into contact in the library
- The provider tells student A they can ask for a review of the outcome of their complaint
- Student A asks for a review
- They explain the proposed arrangement giving each student access to the library within certain hours is very difficult for them because they have caring responsibilities
- The provider agrees to amend the arrangements

# Group complaints



- Could be shared course or shared facility
- Sometimes students will make a formal complaint having already identified themselves as a group
- It is good practice to operate procedures in a way that reduces the administrative burden on students and staff, for example, not requiring every student in a group to make individual submissions to initiate the process
- A provider can take reasonable measures to check that any students named in a group complaint are aware of the complaint and have actively agreed to be part of it

## Case study:

- A provider receives a complaint from the representative of a group of students naming 50 other students in their cohort as signatories to the complaint. Instead of requiring everyone to submit an individual complaint form, the provider asks the representative to circulate a copy of the complaint form to the group.
- It explains that each student who wants to be part of the group complaint should send an email from their own student account to the complaints team confirming their student number, that they are aware of the content of the complaint and that they accept the declaration of consent on the back of the complaint form.



# Group complaints

- Sometimes, students may want to join a complaint that is already being investigated, or submit individual complaints about the same issues after the provider has made its decision
- If their complaint would otherwise be in time under the provider's procedures, it would not be reasonable to refuse to look at it because the student wasn't part of the group from the start
- If a provider receives a number of individual complaints about the same issues, it may decide to handle those complaints as a group
- But there should be an element of student choice. If a student doesn't want to join the group, or they want to represent themselves in the complaint, they should be able to make an individual complaint
- Sometimes students will bring a complaint as a group, but the issues may have impacted the students in different ways
- In circumstances like this the provider may decide to split the complaint into sub-groups, for example by organising them into different module or programme groups
- Additional material on the role of the representative (role, plus it may be appropriate for the provider to recognise, in any remedy offered for a complaint, the additional responsibilities taken on by students acting as representatives for large groups)



# Deal or no deal?

- Some of the group may accept an offer at the formal stage and decide not to go to the review stage
- But sometimes the review stage will result in a different or better offer for the remaining students
- Although it doesn't automatically need to extend the new offer to the other students, the provider should nevertheless think about whether it would be reasonable in the circumstances to do that
- This is likely to depend on the nature of the complaint and what the conclusions were
- For example, if the review stage concludes that the provider has done something substantially wrong, and that wasn't properly acknowledged at the previous stage, the provider still needs to think about how to put that right for the students
- The provider should also consider whether the remedy should be offered to other affected students too, even if they didn't join the complaint




# Group case study

- Group complaint - offering the remedy to all students
- A group of 15 students complained to their provider that they hadn't received tuition on a piece of specialist software that was essential to their module
- At the formal stage the provider explained that the person with the relevant expertise had left and the provider hadn't been able to recruit a replacement in time
- It explained it had already changed the module assessments so the students wouldn't be disadvantaged academically
- It did not uphold the complaint
- 10 students in the group took the complaint to the review stage
- At the review stage the provider acknowledged that it had not delivered something that it had promised in its promotional material and that this hadn't properly been addressed at the formal stage
- It apologised and offered to bring in an external expert to deliver a one-day workshop on the specialist software
- It extended the apology to all students on the module and invited all students to attend the workshop, not just those that brought the complaint

# Learning from complaints

Providers may wish to develop analysis that takes into account other factors (than volume) including:

- Whether students understand which process to use and use the right one at the right time
- Whether there are persistent complaints about certain things or common themes in different complaints;
- Whether students' complaints and appeals are handled in a timely way;
- Whether students and their representatives understand the reasons for the provider's decision even if they disagree with it
- Good analysis will consider not only the complaints and appeals that have been received, but where they have not been received, and any groups of students who are not using the processes



**Characteristics of complaints**

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