

14 December 2015

All Awarding Organisation Responsible Officers

Ref: RO44/2015

Dear Responsible Officer

Complaints in Higher Education (HE) Qualifications

This letter is to draw your attention to some changes to the arrangements for handling complaints from students studying Higher Education (HE) courses in England and Wales and how this interacts with your responsibility for handling complaints as an Awarding Organisation (AO).

For students studying at universities there is a well-established right of complaint to the Office of the Independent Adjudicator for Higher Education (OIA) Scheme¹, which we understand applies regardless of the course of study.

The Government has made changes to legislation² that have extended membership of the OIA Scheme to providers which provide one or more HE courses designated to receive student support funding and to providers with degree awarding powers. Those providers joined the OIA Scheme on 1 September 2015, and from this date we understand that students on any HE course provided by the new member providers are able to take their complaint to the OIA. These changes may mean that students studying some courses that lead to Ofqual regulated qualifications may now also have a right of complaint to the OIA.

The OIA's current list of what constitutes a relevant HE course for the purposes of the OIA Scheme, for students studying at providers which joined the OIA Scheme by virtue of the amended legislation³ is available here: <http://www.oiahe.org.uk/glossary.aspx#hecourse>.

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¹ Full details of the OIA scheme are available here: <http://www.oiahe.org.uk>

² The definition of 'qualifying institution' (being an institution which is required to subscribe to the OIA Scheme) is set out in the Higher Education Act 2004 and has been amended through Section 89 of the Consumer Rights Act 2015: <http://www.legislation.gov.uk/ukpga/2015/15/section/89/enacted>

³ Broadly, this means providers which are not universities.

For those AOs that award regulated qualifications, you remain responsible for complying with the General Conditions of Recognition including Condition D4 'Responding to enquiries and complaints procedures'.

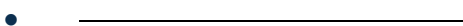
We have been working with the OIA to map out and understand the interactions between the processes that you will have for dealing with complaints, and the processes that the OIA operates for HE students.

We envisage that institutions which provide relevant HE courses (which lead to the award of Ofqual regulated qualifications)⁴, and which are members of the OIA Scheme, will handle complaints from students on those courses in the following way:

1. Complaints will initially be handled internally, following published procedures.
2. Where this does not resolve the complaint to the student's satisfaction, the student will be able to escalate the complaint to the OIA. At the end of an internal procedure, we understand that OIA scheme members must produce a Completion of Procedures Letter for students advising them of their ability to complain to the OIA and the timescales for doing so.
3. Where the OIA receives complaints from students on courses leading to the award of a relevant HE qualification and which is also an Ofqual regulated qualification OIA will review them and assess whether the complaint falls within its remit or is best dealt with by the relevant AO. So affected AOs may wish to share with the OIA their complaints contact details.
4. We would expect any complaints received by AOs from the OIA to be treated in line with your existing procedures.
5. Having complained to their AO, students will still be able to escalate the complaint to Ofqual if the matter falls within Ofqual's remit, as is currently the case.

The simple flowchart overleaf outlines how we consider the process will work in practice.

We recognise that some complaints are complex and the OIA will need to make some judgements about whether they most closely relate to acts or omissions of the centre/institution relating to the service provided and which fall within the OIA's remit or the overall quality or standards of your



⁴ Broadly, this means: (i) any course leading to the award of an Ofqual-regulated qualification where the student is studying at a university; and (ii) a course included in the OIA's list of HE courses - <http://www.oiahe.org.uk/glossary.aspx#hecource> – leading to the award of an Ofqual-regulated qualification where the student is studying at another type of provider.

qualifications. We will keep these arrangements under review with the OIA and with AOs; but in general we expect complaints about the student experience and centre delivery to be handled through the OIA, and complaints regarding design, delivery of assessment, moderation and awarding of the qualification to be handled by the AO with recourse to Ofqual.

If you have any questions or comments please contact Regulatory.Relationships@ofqual.gov.uk

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Bryan Horne', with a stylized flourish extending to the right.

Bryan Horne

Associate Director – Standards for Vocational Qualifications and Apprenticeships

Complaint Handling

