“Meeting Student Expectations” Contract or Partnership

“Institutional complaints & appeals procedures - a national approach?”

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The Academic Registrars' Council

ACADEMIC
REGISTRARS
COUNCIL

"ARC is the national forum of senior managers responsible for the academic administration of student matters in publicly funded Universities and Colleges of Higher Education within the United Kingdom."

This Appeals & Complaints Practitioner Group has been established to represent the views of the HE sector on all issues relating to student complaints and appeals. The Group will advise members on latest developments, provide a forum for debate, disseminate good practice and seek to influence and lead debate on these issues across the sector.

Institutional complaints and appeals procedures

Aim of Presentation

i) To reflect upon the sustainability of the current level of institutional autonomy in the context of appeals and complaints, referring to:

- National trends in the area of appeals and complaints at institutional level
- The impact of external scrutiny from the Office of Independent Adjudicator and through student litigation

ii) To report on the deliberations of the Academic Registrars' Council, with particular reference to the Practitioners' Group on Appeals and Complaints

iii) To undertake a brief predictive analysis of future trends within the new fee regime

Institutional complaints and appeals procedures

A decade of substantial changes in the HE sector

- The creation of the Office of Independent Adjudicator
- The introduction of high fees in Higher Education
- A culture of litigation and of expectation
- An increasing importance on employability and “good degrees”

The Impact at Institutional level

Academic Registrars have witnessed

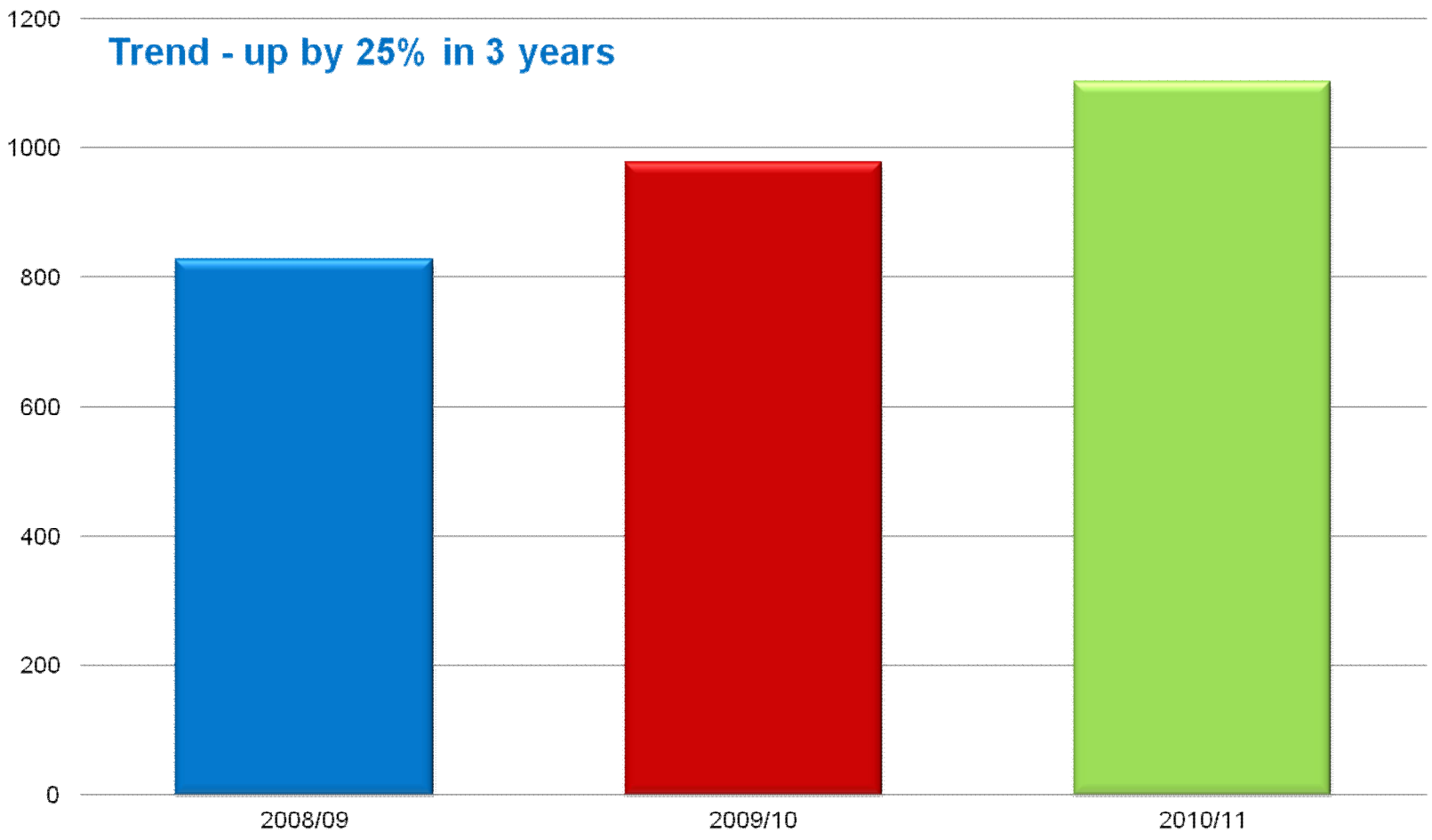
- a substantial and alarming increase in student appeals & complaints
- a trend of increasing complexity in student cases
- growing pressures arising from external scrutiny on procedures (OIA, solicitors, and student bodies) within a period of threats on resources

Institutional complaints and appeals procedures

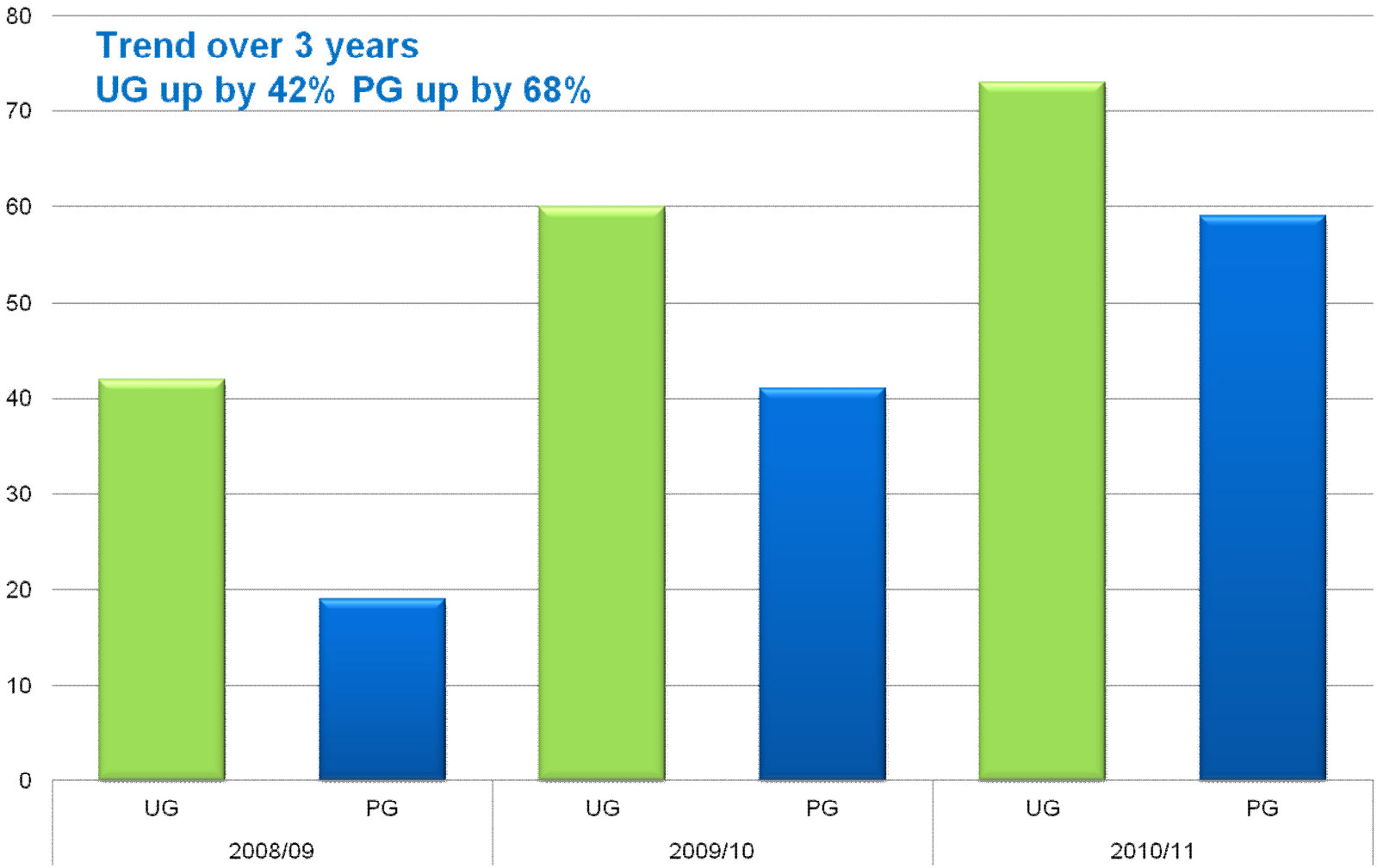
Statistical overview of a selection of UK universities

Appeals	-	Swansea
Complaints	-	Glamorgan
OIA	-	Exeter
Trends	-	Birmingham
	-	Manchester
	-	Newcastle
	-	Sunderland
	-	Surrey

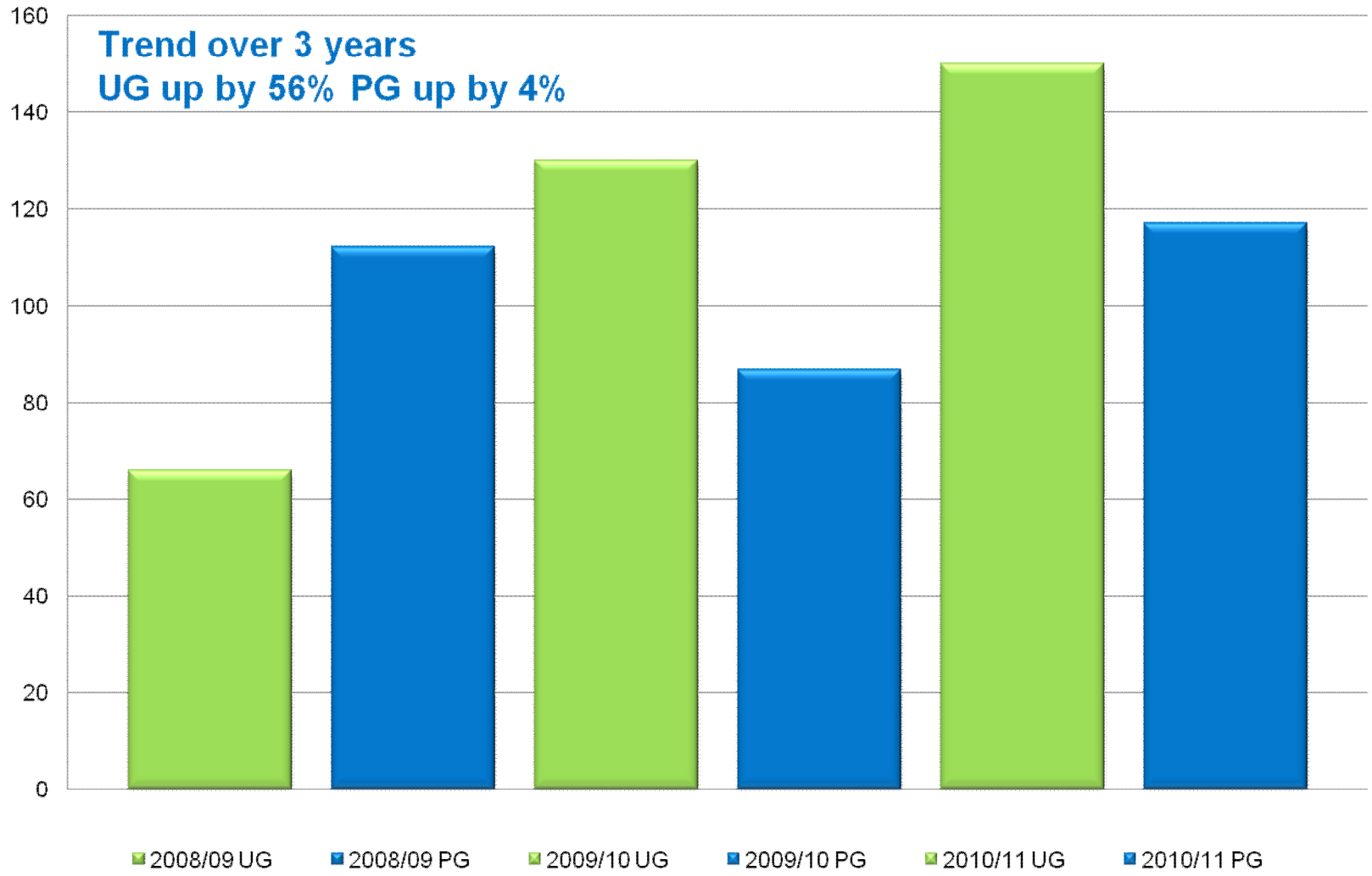
Appeals - Total numbers of the 8 universities



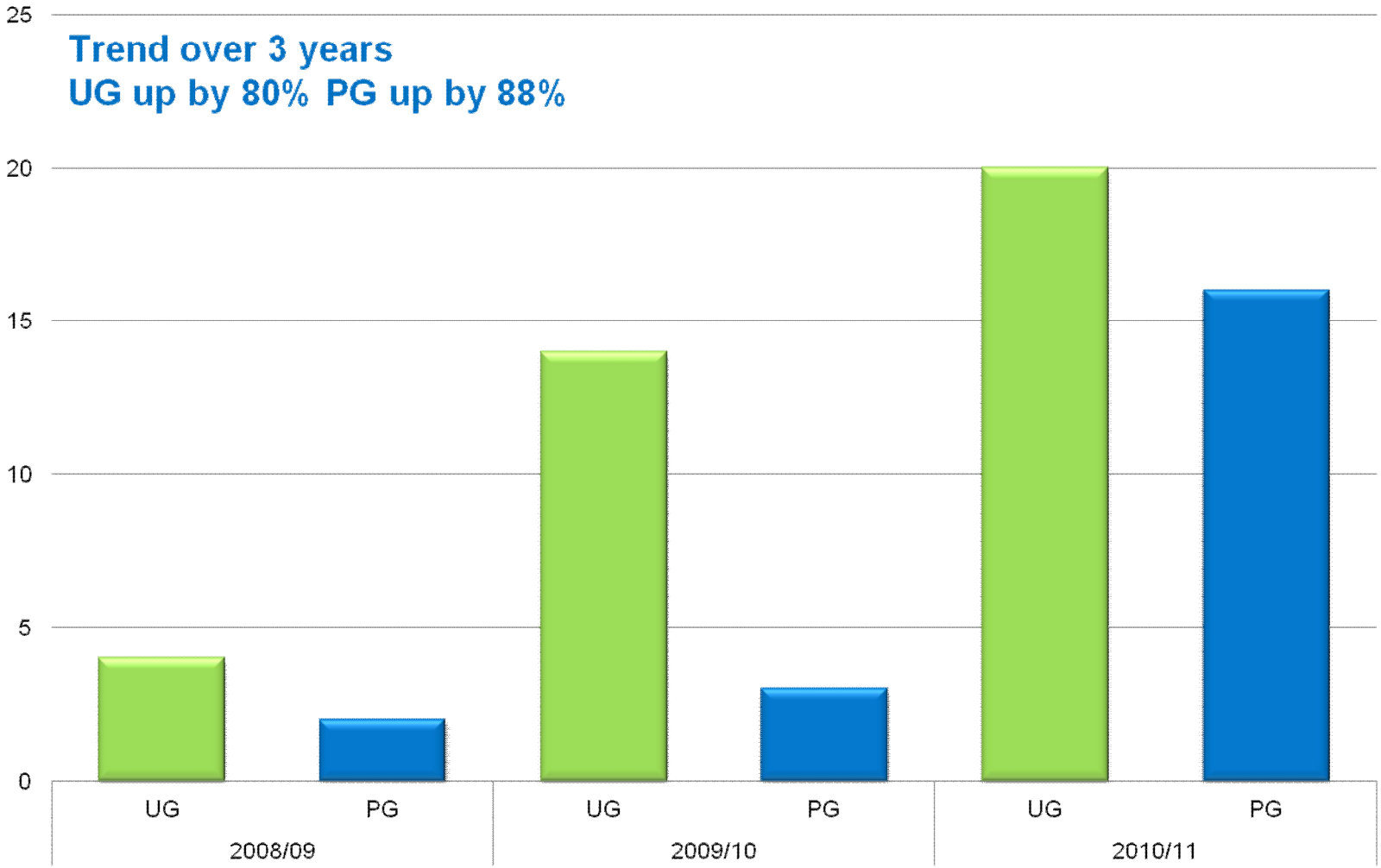
Newcastle University Appeals



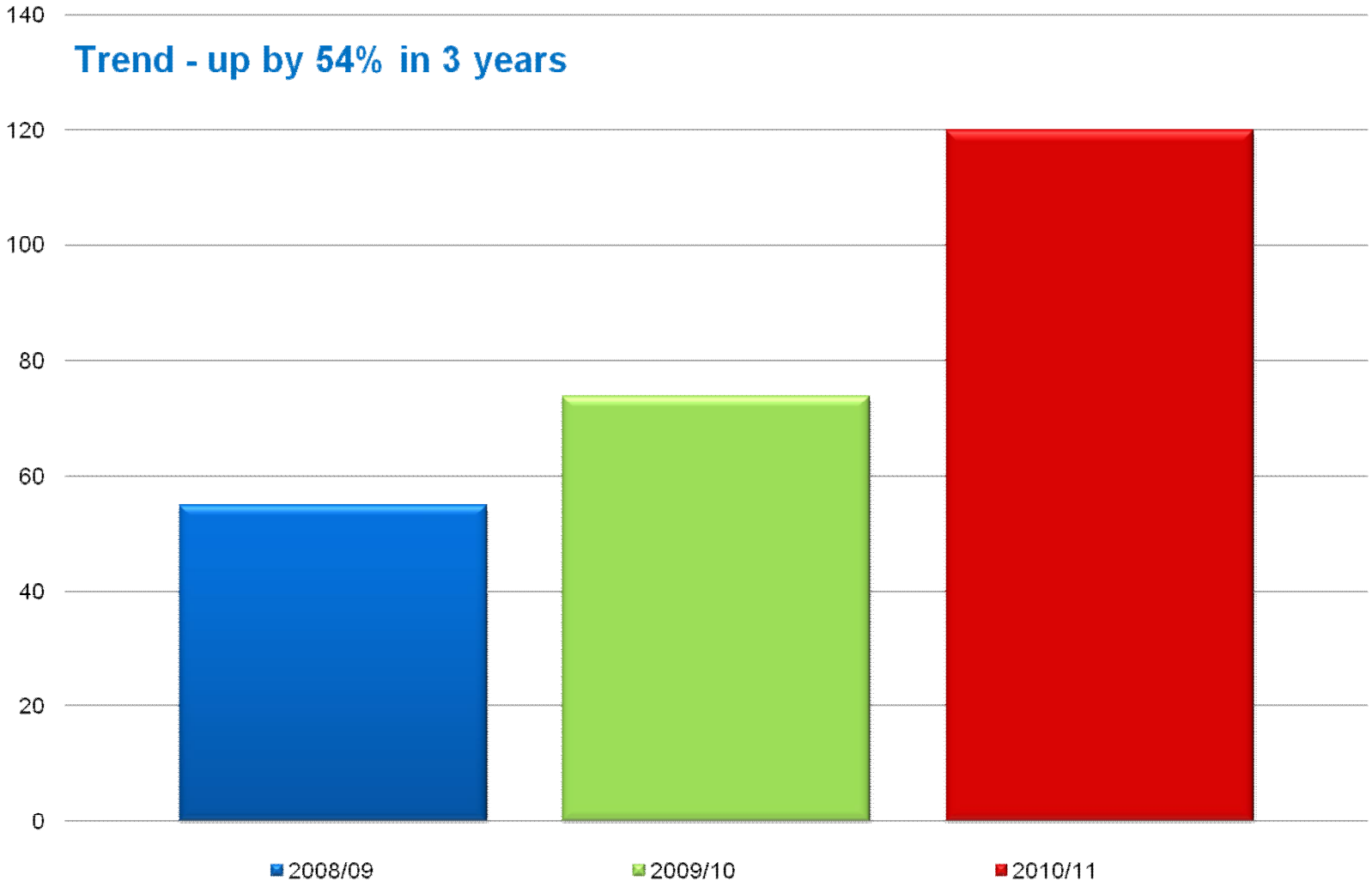
Complaints - Total numbers of 7 universities



Exeter University Complaints



Referrals to OIA - Total numbers from 7 universities



Institutional complaints and appeals procedures

The Context

- UK universities enjoy institutional autonomy and in the context of Appeals and Complaints this means
  - Drafting their own regulations
  - Developing their own procedures
  - Determining their own outcomes
- However, universities develop their procedures within the context of the QAA Code of Practice and relevant legislation
- Students have the right to approach the OIA to review institutional decisions
- The OIA and courts, in arriving at their judgements, reflect upon institutional compliance with their own procedures, contractual law and natural law – and not against practices at other HEIs.
- However, what are student expectations? – are the differing practices acceptable and can the HE sector defend such inconsistencies?

Institutional complaints and appeals procedures

The ARC Appeals & Complaints Practitioners' Group

Initially the Group compared practices and examined trends, and

- engaged with the NUS and considered students' expectations of universities – Student Charter on Appeals and Complaints
- considered the judgements of the OIA and outcomes of court cases
- referred to the QAA Code of Practice
- considered enhancement initiatives e.g. mediation, and
- identified areas of work which would benefit from a sector-wide consistent approach through the dissemination of good practice – using the "twins test" – yet respecting institutional autonomy

Institutional complaints and appeals procedures

Four main themes were explored aiming to encourage consistent sector-wide institutional practices :

1) **Academic Appeals' Procedures**, commenting on the proliferation of internal stages including internal reviews through to issuing *Completion of Procedures letters*
2) Processing student notification of **extenuating circumstances**
3) Dealing with appeals and complaints from students on **collaborative programmes**
4) The management of complaints from **Research degree students**

- **A "Reference Document on Academic Appeals and Extenuating Circumstances for University Practitioners" was published in 2011**
- Work on-going with the two other subject areas

Institutional complaints and appeals procedures

Dissemination of Good Practice includes

- Consistency of terminology (mitigating circumstances vs extenuating circumstances)
- “Fit to Sit” practice
- Removal of the practice of mark adjustment
- Time-limit of 4 months for processing cases
- Streamlining procedures, recommending filtering stage + a formal appeal stage and a review of decision stage
- An indicative list of acceptable extenuating circumstances and those which would not be deemed admissible
- Sharing of forms
- Incorporation of mediation options in procedures

Institutional complaints and appeals procedures

The Future - key developments

Increasing and variable fees leading to the raising of student (and parent) expectations on a national basis, informed by

- The Student Charter
- Key Information Sets
- Public information designed to attract students to institutions

Solicitors' interests in the HE Sector

Responding to the outcomes of the OIA Pathway Consultation Exercise – the concept of 'national guidelines'

Conflicting call on limited resources: the promotion of and investment in new strategic developments vs investing in infrastructures to support the inevitable increase in work in areas such as appeals and complaints

Institutional complaints and appeals procedures

Trends?

An immediate increase in complaints – general agreement nationally,

- unless students experience a significant improvement in their experience: facilities; contact hours; student support; curricula incorporating employment enhancing aspects; good degrees;

An increase in cases being referred to the OIA and courts

- Reviews of institutional approaches to appeals & complaints, within an environment possibly incorporating detailed nationally developed guidelines

To what extent will institutional autonomy be challenged in this area?

The ARC approach to date is to work collectively as a team

Questions?

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