



**Office of the Independent Adjudicator: annual letter 2014**

<b>Outcome requested:</b>	Council is asked to <b>note</b> the Office of the Independent Adjudicator's (OIA) annual letter to QMUL for 2014, together with contextual information from ARCS and a summary of cases handled by the OIA.
<b>Executive Summary:</b>	The OIA reports annually on cases handled in the previous year. Its annual letters, provided for each subscribing institution, are published on its website.
<b>QMUL Strategy:</b>	SA 3: to provide all our students, wherever based, an education that is judged internationally to be of the highest quality, and which exploits innovations in teaching, learning and assessment.
<b>Internal/External regulatory/statutory reference points:</b>	The CUC <i>Higher Education Code of Governance, Element 4</i>  This annual letter and overview supports Council's role in seeking assurance that student complaints are effectively addressed and that the welfare and wellbeing of students are secured.
<b>Strategic Risks:</b>	Aligns with the following risks: 2.01 Student experience 7.01 Design and delivery of high quality portfolio of programmes 9.01 Reputational development and external relations 13.01 Maintain effective and constructive governance
<b>Equality Impact Assessment:</b>	No equality and diversity issues are considered to arise from this paper.
<b>Subject to prior and onward consideration by:</b>	n/a
<b>Confidential paper under FOIA/DPA</b>	n/a
<b>Timing:</b>	Annual report.
<b>Author:</b>	Jane Pallant, Deputy Academic Registrar
<b>Date:</b>	3 <sup>rd</sup> November 2015
<b>Senior Management/External Sponsor</b>	Jonathan Morgan, Academic Registrar and Council Secretary

## **Office of the Independent Adjudicator (OIA) Annual Report 2014**

### **Context**

1. The OIA reports annually on complaints received and closed in the previous calendar year. It is worth noting that the OIA refers to all cases it receives as 'complaints'. The majority of cases that are submitted to the OIA by QMUL students are unsuccessful appeals (most commonly against decisions of examination boards). To provide an idea of the breakdown of case types, for 2014-15 QMUL received 270 appeal requests (both academic and non-academic) and 16 stage 2 complaints. Council will receive a full report on the outcomes for QMUL's appeals, complaints and misconduct procedures in April 2016.

The OIA's 2014 Annual Report for QMUL (appendix 1) shows that:

[a] the number of QMUL students who referred their case to the OIA remains 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, particularly under [b] above do not entirely reflect the current position with student casework since there can be a substantial delay between QMUL dealing with a complaint and the OIA's decision being reflected in the Annual Report.
3. The seven cases which were 'justified' by the OIA relate to a variety of issues. These can be summarised as follows:
  - an unusual disciplinary case where the OIA was concerned about the impact of the penalty upon the student's studies;
  - QMUL's failure to notify the Student Finance England of a student's withdrawal;
  - a complaint about the student experience on a postgraduate taught Dentistry programme;
  - the conversion of mark from a module taken as part of the study abroad programme;
  - a complaint from a postgraduate taught student in the School of Medicine and Dentistry regarding the boundary mark for the use of a viva voce examination;
  - a delay in case handling procedures;
  - a postgraduate research student who had been deregistered but had subsequently submitted evidence of extenuating circumstances.
4. The OIA's outcome letters provide detailed evidence for the rejection, or level of justification for each case considered. These outcome letters provide useful guidance for institutions and may contain recommendations with a deadline for compliance.

### **Improvements to processes for handling student casework at QMUL**

5. The OIA published a Good Practice Framework for Handling Complaints and Appeals in December 2014. Higher education institutions are expected to comply with the good practice guidance, or have good reason for any deviation. QMUL mapped its procedures for case-handling against the guidance for implementation in

September 2015. The most significant change was the re-introduction of a third, final internal review stage.

6. The OIA will not consider a student's case until the student has been issued with a 'Completion of Procedures' letter to show that all internal elements of the appeal/complaint process are complete. QMUL removed its third 'final' review stage in 2013 in order to enable students to take their case to the OIA more quickly if this was something that they wished to do. QMUL had found that the third review stage, which could only be upheld on the grounds of procedural error, was adding an unnecessary delay without any scope for amending decisions in the majority of cases.
7. The Good Practice Framework for Handling Complaints and Appeals recommends that a final internal review stage should be included in appeal and complaint procedures, and should incorporate a review of whether the outcome was reasonable in all the circumstances. This expansion of the role of the final internal review may lead to fewer cases being submitted to the OIA, but if students remain unhappy with the outcome then it is likely that they will still want to undergo this external review of their case.
8. Appendix 2 shows a summary of complaints received by the OIA in the 2014 calendar year. The outcomes indicate that there will be a reduction in the number of justified and partly justified cases in the 2015 Annual Letter published in 2016.
9. ARCS has discussed amendments to casework procedures with the OIA and these meetings have been very useful. The procedural revisions have resulted in fewer justified decisions from the OIA, but these improvements are not yet reflected in the most recent annual report. A significant factor in reducing the number of justified cases has been the adoption of a more flexible approach to referring decisions back to the original decision making body. The OIA has endorsed these revisions, including a procedural amendment which enables students to comment on the full report of their case before a decision is made.
10. ARCS will monitor the impact of changes made to procedures in light of the OIA's Good Practice Framework and will report on any significant trends identified in 2015-16.

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22 September 2015

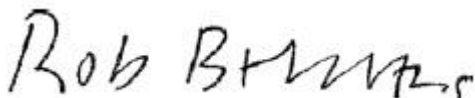
Dear Professor Gaskell

**Annual Letter**

I enclose the OIA Annual Letter for your institution for 2014. This documents the University's record in handling complaints and appeals. Explanatory notes and relevant definitions are set out in Annexe 2. The Annual Letters will be published on the OIA website in due course.

I hope this is helpful.

Yours sincerely,



Rob Behrens  
Independent Adjudicator & Chief Executive

# Annexe 1

## STATISTICS

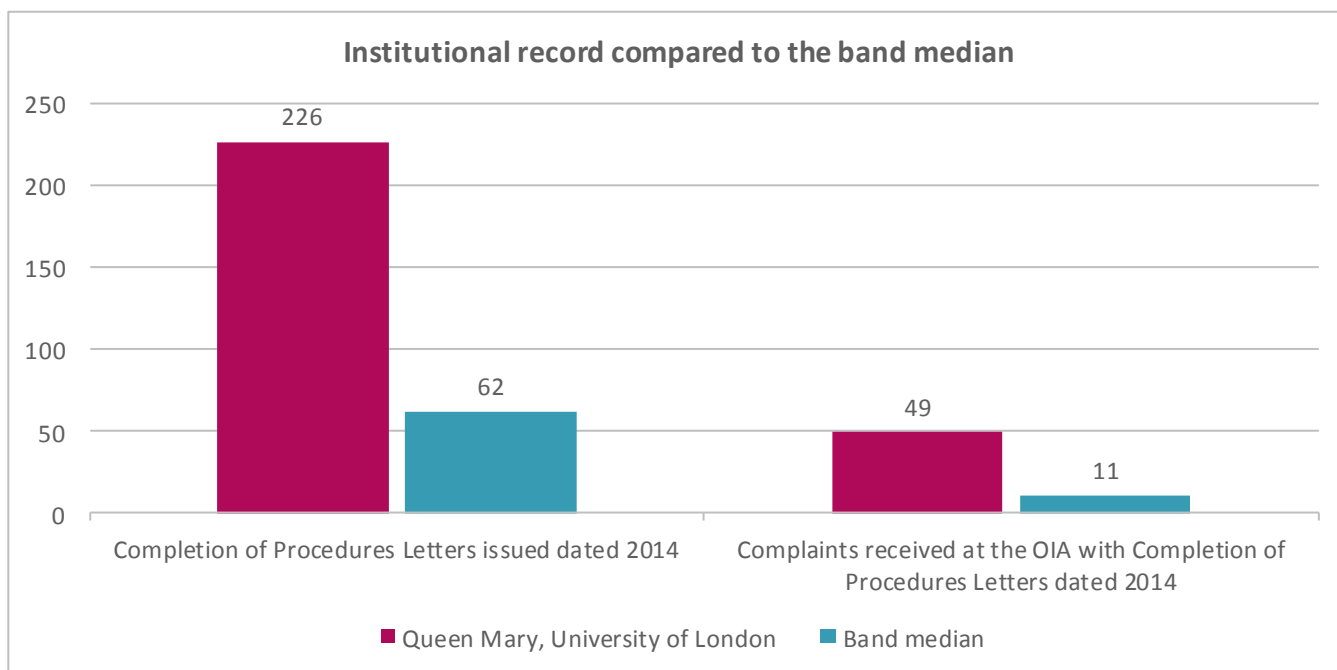
Queen Mary, University of London		
Year	OIA Band	Number of students
2014	E	14860
2013	E	14820

Annual Complaints to the OIA <sup>1</sup>		
Year	Complaints received at the OIA	Complaints closed at the OIA <sup>2</sup>
2014	47	51
2013	53	50
Annual Change	Decreased by 6	Increased by 1

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	
2014	226		2014	49
2013	56	2013	48	
Annual Change	Increased by 170	Annual Change	Increased by 1	

Queen Mary, University of London has informed the OIA that 226 students were issued with a Completion of Procedures Letter in 2014. To date the OIA has received 49 complaints from Queen Mary, University of London students with Completion of Procedures Letters dated 2014. This means that about one in every five students who exhausted the formal internal complaints procedures during 2014 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 one in every six students who had complained.<sup>3</sup> Charts 1 and 2 below give the comparison between the returns from Queen Mary, University of London and the band medians.

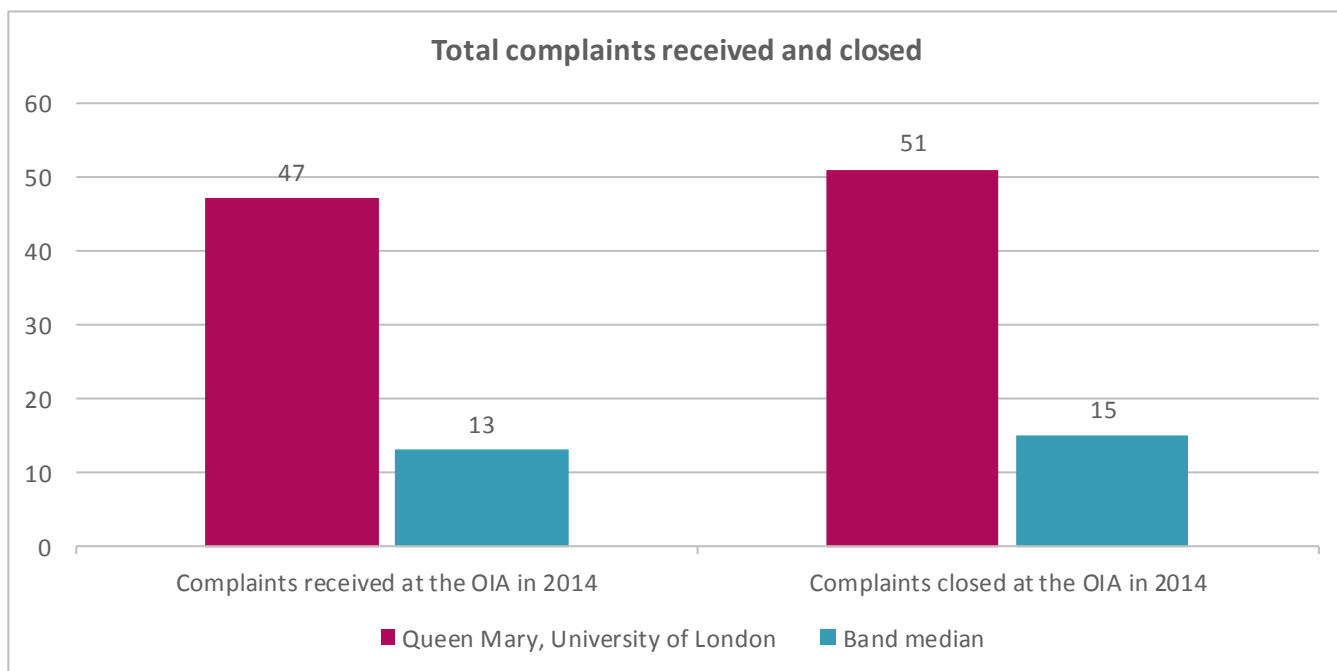
Chart 1



<sup>1</sup> 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.

<sup>2</sup> Some of the complaints might have been received in the previous year.

<sup>3</sup> 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.



The OIA closed 51 complaints against Queen Mary, University of London in 2014. Chart 3 below displays the outcome of the closed complaints and compares Queen Mary, University of London figures to those of the band median.

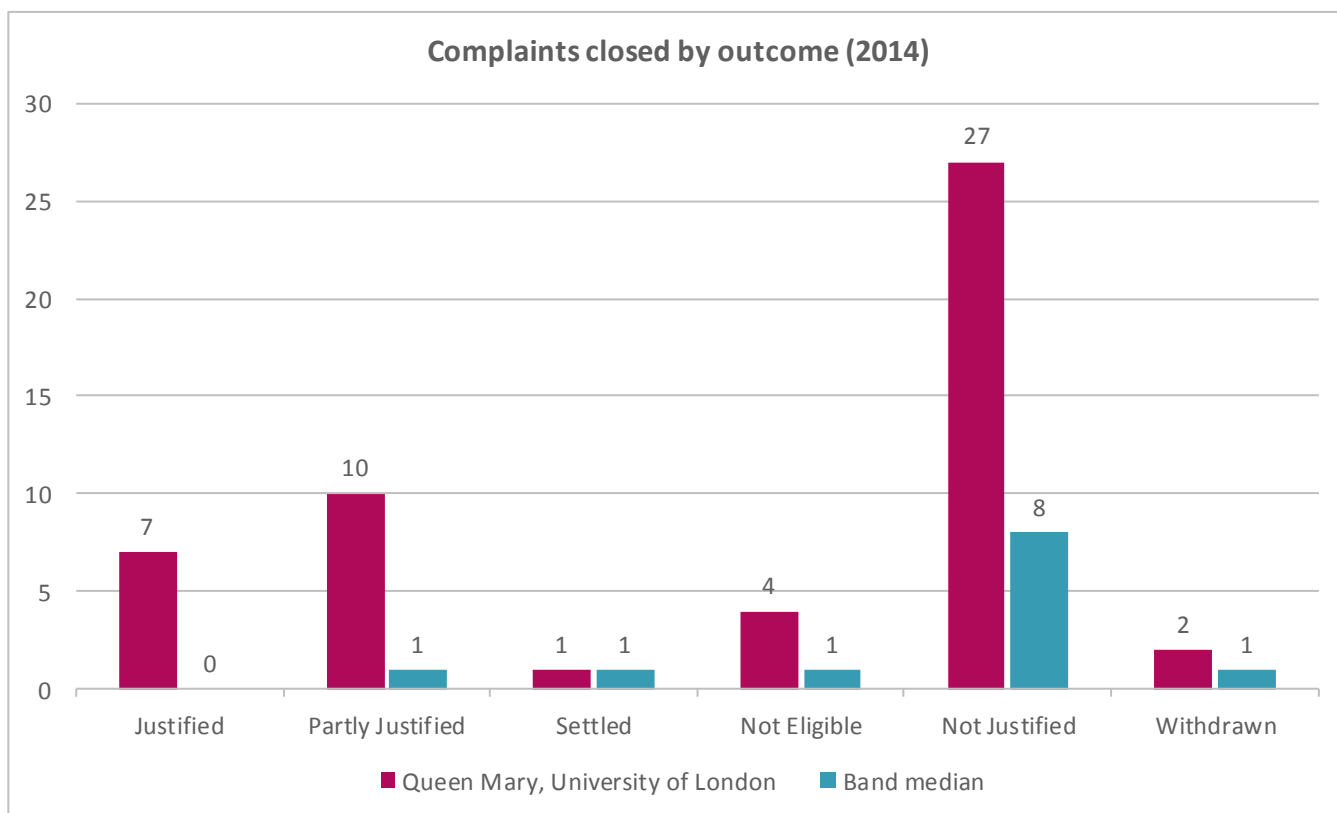


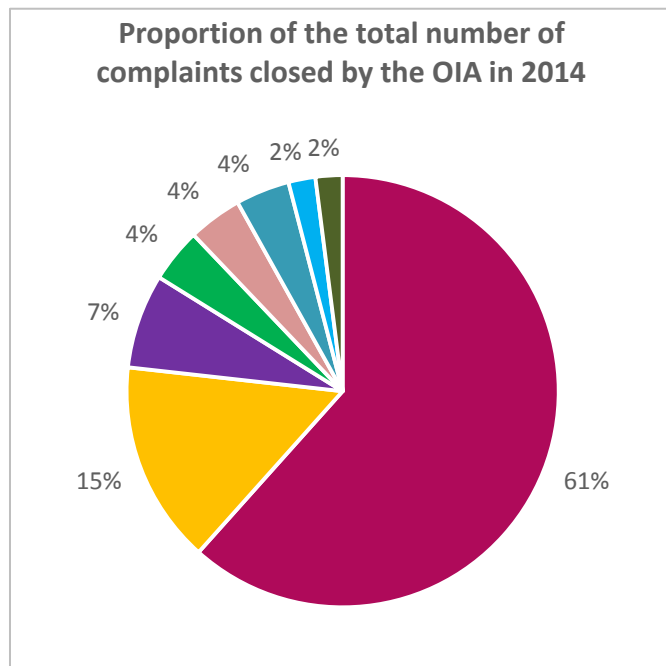
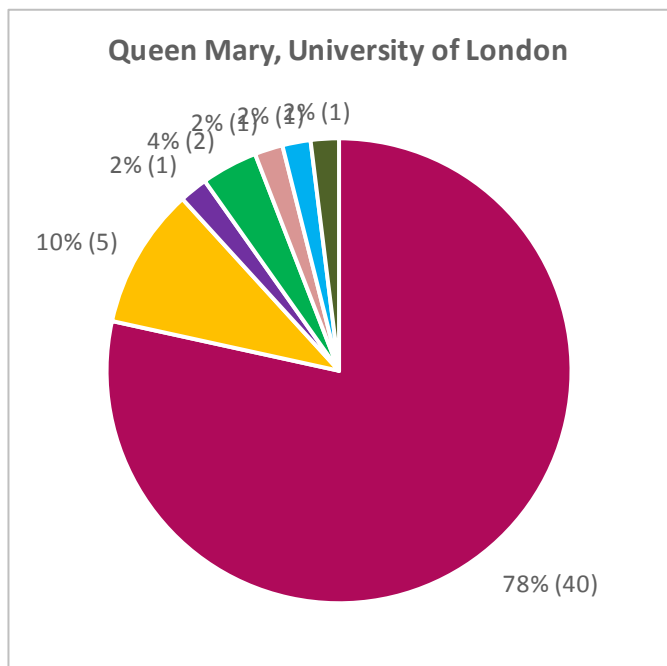
Chart 4 below breaks down the complaints about Queen Mary, University of London closed in 2014 by subject matter of complaint. Chart 5 below illustrates the proportion of the total number of complaints about all universities closed by the OIA in 2014 attributable to subject matter of complaint. In chart 4 actual numbers of complaints are contained in brackets.

### Complaints closed by subject matter (2014)

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

Chart 4

Chart 5



As previously notified the university's subscription for 2015 will include a case element based on complaint numbers in 2014.

We were grateful for the university's response to the Good Practice Framework consultation during the year.

# Annexe 2

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## 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](http://www.hesa.ac.uk). 2010/2011 HESA figures were used to assign universities to the relevant OIA subscription band in 2013 and 2011/2012 figures in 2014.
- Note 3* The heading 'Complaints received at the OIA in 2014' includes all complaints where the OIA Complaint Form was received at the OIA during 2014. It also includes Not Eligible complaints. By contrast, 'Complaints received at the OIA with Completion of Procedures Letters dated 2014' includes only complaints received at the OIA with Completion of Procedures Letters dated 2014, whenever received. For example, a complaint may have been received in 2015 but with the Completion of Procedures Letter dated 2014. The example given also applies to 2013 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 for 2014 were as follows:

Institution size	2014 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.

**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.

## **Appendix 2 – summary of cases received by the OIA in calendar year 2014**

Case 1  
UG MBBS  
Requirement to sit in attendance and pay full fees  
OIA decision: not justified

Case 2  
SEFP  
Fee rate for 1<sup>st</sup> year of BSc  
OIA decision: Not eligible

Case 3  
UG Business and Management  
Assessment Offence Penalty  
Decision: not justified

Case 4  
UG MBBS  
Requirement to sit in attendance and pay full fees  
OIA decision: not justified

Case 5  
UG MBBS  
Disability as an extenuating circumstance  
OIA decision: not justified

Case 6  
UG MBBS  
Extenuating circumstances not properly taken into account  
OIA decision: not justified

Case 7  
UG MBBS  
Student appealing deregistration from 2010/11 academic year  
OIA decision: not eligible – out of time

Case 8  
UG MBBS  
Assessment and marking of exampaper  
OIA decision: not justified

Case 9  
UG MBBS  
Disability  
OIA decision: pending outcome

Case 10  
PG SMD  
Extenuating circumstances, marking and assessment  
OIA decision: not justified

Case 11  
UG SBBS  
Disciplinary matter – student suspended from laboratories  
OIA decision: not eligible – student had not been through QMUL's internal appeal procedures

Case 12  
UG SBCS  
Extenuating Circumstances and degree classification  
OIA decision: not justified

Case 13  
UG SBCS  
Assessment offence penalty  
OIA decision: not justified

Case 14  
UG SBCS  
Degree classification and extenuating circumstances  
OIA decision: not justified

Case 15  
SEFP  
Extenuating circumstances and deregistration.  
OIA decision: Not Eligible – out of time

Case 16  
UG EECS  
Progression criteria  
OIA decision: not justified

Case 17  
UG Physics  
Disability and failure to submit extenuating circumstances  
OIA decision: not justified

Case 18  
PG SMD  
Failure to achieve MSc and extenuating circumstances  
OIA decision: not justified

Case 19  
PG SEMS  
Insufficient information about programme provided when applying  
OIA decision: not justified

Case 20  
UG Mathematics  
Disability support  
OIA decision: partly justified  
Recommendation: increase amount offered to student from £500 to £1000, repeat offer to permit student to retake final year.

Case 21  
UG Mathematics  
Mental Health  
Settled – student had on-going health issues, agreed student could resit with 1<sup>st</sup> sit status.

Case 22  
UG Mathematics  
Error on exampaper  
OIA decision: not justified

Case 23  
UG Mathematics  
Error with exam timetabling  
OIA decision: not justified

Case 24  
UG Mathematics  
Disability and extenuating circumstances  
OIA decision: not justified

Case 25  
UG EECS  
Degree classification and disability  
OIA decision: not justified

Case 26  
PG EECS  
Deregistration owing to immigration status.  
OIA decision: not justified

Case 27  
UG EECS  
Extenuating circumstances properly considered  
OIA decision: not justified

Case 28  
PG SEMS  
Assessment offence penalty for plagiarism  
OIA decision: not justified

Case 29  
PG EECS  
Exam marking  
OIA decision: not justified

Case 30  
PGR EECS  
Stipend payment, failure of programme  
OIA decision: partly justified  
Recommendation: £646.53 for stipend reconciliation, £500 for error with stipend payment

Case 31  
PG EECS  
Project submission deadline  
OIA decision: pending outcome

Case 32  
UG EECS  
Disability, extenuating circumstances, delay to resolving appeal  
OIA decision: not justified

Case 33  
UG Economics and Finance  
Deregistration for low attendance  
OIA decision: not justified

Case 34  
UG Politics  
Assessment offence penalty for exam offence  
OIA decision: not justified

Case 35  
UG Economics and Finance  
Disability, extenuating circumstances, exams  
OIA decision: not justified

Case 36  
UG Economics and Finance  
Appeal submitted out of time  
OIA decision: not justified

Case 37  
PG CCLS  
Marking of exampaper  
OIA decision: not justified

Case 38  
UG Law  
Extenuating circumstances and degree classification  
OIA decision: not justified

Case 39  
UG Law  
Degree classification awarded in 2007  
OIA decision: Not eligible – out of time

Case 40  
UG Law  
Degree classification and extenuating circumstances  
Withdrawn by student after OIA informed them case was unlikely to be justified

Case 41  
UG Law  
Extenuating circumstances  
OIA decision: not justified

Case 42  
UG Business and Management  
Delay in completing appeal case  
OIA decision: partly justified for delay  
Recommendation £500

Case 43  
UG Mathematics  
Extenuating Circumstances  
OIA decision: not justified

Case 44  
UG Business and Management  
Extenuating circumstance and degree classification  
OIA decision: not justified

Case 45  
UG EECS  
Assessment offence penalty for plagiarism  
OIA decision: not justified

Case 46  
UG SLLF  
Extenuating circumstances, supervision, appeal not considered fairly  
OIA decision: not justified