

# INDEPENDENT HIGHER EDUCATION

IHE response to the consultation on the review of  
the OIA Scheme

July 2026

## Overall views on the proposed approach

*Overall, how clear do you find the proposed Scheme document? [Rating out of 5]*

Rating: 2.

*Overall, how clear do you find the explanatory note? [Rating out of 5]*

Rating: 2.

*Do you support the proposed approach of having a shorter principles-based Scheme supported by a separate explanatory note?*

No.

## Remit and discretion

*How clear are the draft documents about what types of complaint the OIA can and cannot consider? [Rating out of 5]*

Rating: 2.

***How clear are the draft documents about when the OIA may decide not to consider, suspend or terminate a complaint? [Rating out of 5]***

Rating: 4.

***Please comment on the draft wording on academic judgement if you wish.***

The revised wording on academic judgment is clearer at headline level, particularly in explaining that academic judgment is not simply any decision made by an academic. It is useful for students to understand the distinction between academic expertise and administrative error.

However, the draft appears to provide less supporting detail on the boundary between academic judgment, professional judgment and procedural fairness than many users may need in practice. We would welcome fuller illustrative examples, especially in areas such as academic misconduct, plagiarism and fitness to practise, where there may be a mix of expert judgment and procedural decision-making. This is more explicit in the current Rules. Without this additional scaffolding, there is a risk that students and providers may find it harder to understand which concerns remain reviewable and which do not. Some IHE Members working in professionally regulated provision suggested that fitness to practise may be better dealt with separately, provided the OIA gives clearer supporting guidance elsewhere, because these cases are shaped by professional body frameworks and differ significantly across subjects and sectors.

## **User experience and accessibility**

***How easy are the draft documents to read and understand? [Rating out of 5]***

Rating: 4.

***Do the draft documents explain clearly enough what students should do before bringing a complaint to the OIA?***

Yes.

***Are there any groups of users who may find the draft document harder to understand or use? If yes, please explain which groups and what changes would help.***

Yes. The draft may be harder to understand or use for students with complex or vulnerable circumstances, including disabled students, students in crisis, international students facing immigration consequences, and students involved in group complaints. These groups may be more likely to rely on clearly documented routes, explicit timelines, written reasoning and visible safeguards in order to understand and navigate complaints processes.

For instance, international students face a distinct interaction between OIA timelines and UK Visas and Immigration (UKVI) processes. The practical consequences of a complaint, or of a provider's decision, may not become apparent until some time after a Completion of Procedures Letter is issued, particularly where a student's visa or immigration status is affected. Students who have already left the UK, including those who have been removed or deported, may find it

considerably harder to gather evidence and pursue a complaint from overseas within a shortened time limit. We would welcome clear and transparent guidance on how OIA timelines are intended to interact with UKVI-related decisions and deadlines, so that international students are not disadvantaged by external processes outside their control. A more discretionary approach may be harder for them to use in practice and could favour more confident or well-represented participants over those with less support.

Students on non-modular or long-cycle programmes (such as PGRs and PhDs) may also face difficulties as assessment and progression points are much less frequent than on modular undergraduate courses. A PhD student might raise an internal complaint, receive a negative outcome, and only later - perhaps at the next review many months later - realise the full consequences of the earlier issue. Because PGR processes can have long gaps between formal decision points, a six-month deadline could expire before the student understands the impact or is in a position to take the complaint to the OIA.

The draft may also be less straightforward for students and providers operating in less typical contexts, including apprenticeships, articulation routes, partnership delivery, and mixed student/employee arrangements, where the boundaries of scope are already difficult to interpret. Smaller or newer providers with less case handling experience may also find the new approach harder to navigate because reduced procedural detail can make it harder to advise students, judge proportionality, anticipate expectations and manage operational or reputational risk. Clearer examples, more explicit guidance, and retained visible safeguards would help make the documents more usable for these groups.

## **Specific proposed changes**

***The draft scheme would reduce the time limit for bringing a complaint from 12 months to 6 months from the Completion of Procedures Letter, or the provider's final decision if no Completion of Procedures Letter is issued. Do you support this change?***

No.

***Are the provider requirements in the draft Scheme sufficiently clear and proportionate?***

No.

***If you answered No, can you provide comments or details about your answer?***

We do not support reducing the time limit from 12 months to six months based on the evidence provided. The consultation's rationale (that most students bring complaints within three months) does not address the minority of cases that currently rely on the fuller 12-month window, and no analysis has been offered of what characterises those cases or how discretion would protect them. A shorter timeframe can only be acceptable if accompanied by published guidance on when the OIA will accept complaints outside the six-month period.

IHE Members recognised that a shorter timeframe may support earlier resolution in straightforward cases, help keep evidence and staff recollection fresh, and reduce the extent to which unresolved complaints continue to linger - long delays make it harder to establish the

core issues, gather relevant evidence, and implement meaningful remedies. However, it risks disadvantaging students whose circumstances make it harder to act quickly, including disabled students, students in crisis, international students facing immigration consequences, students involved in group complaints, and students on long-cycle programmes such as PGRs and PhDs. It may also be problematic where students have to navigate several overlapping procedures such as in validating partner routes, and particularly where professional body frameworks or other external routes may be pursued before reaching the OIA.

If the time limit is shortened, the accompanying guidance should set out clearly when the OIA will accept complaints outside the six-month period, what factors it will take into account, and how flexibility will be applied where fairness requires it. We would therefore encourage the OIA to provide clear examples showing how discretion will operate in practice.

***The draft Scheme would enable a student to complain to the OIA about anything a provider has done or failed to do from the point at which they accept an offer to study instead of the point at which they register. Do you support this change?***

Yes.

## **Final views**

***Would you be willing to take part in follow-up engagement if needed?***

Yes.

***Any other comments on the proposed Scheme or explanatory note?***

Overall, IHE is disappointed that a consultation intended to increase clarity has, in several respects, reduced it. We support efforts to make the Scheme shorter and more accessible, but we would encourage the OIA to ensure that simplification does not come at the cost of predictability, visibility of safeguards, or confidence in consistent decision-making that underpins sector confidence in them.

While we recognise the OIA's aim of producing a shorter and more accessible Scheme, we would prefer that all substantive scheme parameters remain within the Scheme document itself, rather than being split between the Scheme and a separate explanatory note. Guidance sitting outside the Scheme is more easily amended without consultation, and it is the Scheme itself, rather than the guidance, against which the OIA can ultimately be held to account.

## **Scope from offer acceptance**

We broadly support the intention to bring complaints into scope from the point of offer acceptance, as this may provide a more realistic route to redress where problems arise before registration. IHE Members with existing internal admissions or offer-related appeal routes particularly recognised the value in this extension of scope. However, this extension should be accompanied by clearer guidance on how it applies in more complex scenarios, including deferred entry, articulation routes, progression arrangements, changes to course delivery after acceptance, late withdrawal of an accepted offer, or disputes about deposits and pre-arrival

commitments. IHE Members felt there is still a grey area around rejected applicants, exemptions, and the point at which a pre-registration complainant should receive a Completion of Procedures Letter or be signposted externally. The OIA should give a clear explanation of how this expanded remit will sit alongside the roles of other bodies, including regulators and consumer protection frameworks, so that students and providers can understand where responsibility lies.

### **Procedural safeguards and confidence in the Scheme**

We are disappointed to note an inconsistency at the heart of this reform. The OIA expects providers to demonstrate procedural fairness, transparency and consistency in their own complaints handling, yet the draft Scheme reduces the extent to which those same qualities are stipulated in the OIA's own processes. We recognise that the OIA's experience will have shown the need for flexibility in exceptional cases, but the Scheme should still make clear what normally happens and should distinguish the standard process from exceptional discretionary departures.

In simplifying the Scheme, a number of important procedural safeguards appear to have become materially less explicit, and this risks undermining sector trust and confidence in the OIA at precisely the point it is asking the sector to place more trust in its discretion. In particular, the draft documents seem to rely more on discretion in areas where users may previously have expected clearer procedural entitlements, such as opportunities to respond to evidence, seek reconsideration of decisions, or comment on proposed recommendations before they are finalised. If that is the intended effect, it may reduce transparency and confidence in the fairness of the OIA's own processes. If that is not the intended effect, the documents should state these safeguards more clearly. We are disappointed that the consultation materials offer no explanation for removing these specific safeguards, and we do not think reduced explicitness can be treated as a neutral simplification. We would ask the OIA to either reinstate defined rights of reply and reconsideration with clear timelines or explain directly why it considers them no longer necessary with clear examples showing when discretion will and will not be used.

### **Discretion, consistency and provider burden**

IHE Members are concerned that moving important procedural expectations into broader discretion, or into guidance outside the Scheme, could make it harder for students, advisers and providers to understand how decisions will be made. This is particularly important where the draft uses less definite wording such as "may" or "generally", or where safeguards such as opportunities to respond to evidence, comment on proposed outcomes, or understand reasons are less explicit.

It should be clear when an issue has reached a final endpoint, rather than leaving providers, students or staff with the impression that discretion may bring a matter back into scope indefinitely. Providers need to understand not only what is expected of them, but also when a matter is concluded. Staff involved in complaints often care deeply about securing a fair outcome for students, but unclear endpoints, iterative engagement, or a sense that discretion may reopen issues can create significant operational and emotional burden. This is an issue for staff across all providers, though it may be especially acute in smaller teams. Uncertainty makes it harder to plan workload, access support, manage difficult cases, and judge proportionality. It may also increase perceived inconsistency between case handlers, weaken published

precedent and sector learning, and create informal compliance pressure if providers feel expected to resolve matters before formal escalation without clear criteria.

### **Relationship with providers**

IHE Members value the OIA's current collaborative and approachable style and are concerned that reducing explicit opportunities to comment on evidence or draft outcomes could make the relationship feel more adversarial and less open. Members compared this risk to other regulatory experiences where reduced access to clear points of contact and fewer opportunities for dialogue led to greater ambiguity and lower confidence in the process.

### **Contact IHE**

- For more information, or to speak to someone about this consultation response, please email [info@ihe.ac.uk](mailto:info@ihe.ac.uk)
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