

Overseas Students Ombudsman
Quarterly Report 1 April – 30 June 2016

Role of the OSO

The Overseas Students Ombudsman (OSO) has three functions:

- investigate complaints about actions taken in connection with overseas students by private registered education providers
- give private registered providers advice and training about best practice complaints handling for overseas student complaints
- report on trends and systemic issues arising from our complaint investigations

This report sets out the OSO's activities from 1 April – 30 June 2016 in relation to each of these functions.

Key points from this report:

- complaint numbers are up 24% on the April to June quarter last year
- complaints about written agreements, fees and refunds continue to increase
- of the 113 complaint issues investigated and closed, 63 were decided in favour of the provider, 24 in favour of the student and 26 were in favour of neither party

Complaints received about private providers 1 April – 30 June 2016 ¹

Complaints received 232	Closed 175	Closed without investigation	143
		Investigated and closed	32
	Still open 57	Under assessment	8
		Investigation underway	49

¹ Complaints data generated from the Overseas Students Ombudsman's complaint management system, Resolve on 11 July 2016. Data on number of providers by State/Territory and main course sector provided by the Department of Education from the *Provider Registration and International Student Management System* (PRISMS).

Complaint outcomes²

The OSO finalised 235 complaints during the April to June 2016 quarter, having investigated 85 of these. We finalised 150 complaints in the quarter without having to investigate (defined as contacting the provider to request information to help us consider the complaint). We are often able to form a view based on the documents the student gives us, resulting in a faster decision for the student and saving education providers time by not having to provide documents to us.

The 85 complaints that the OSO investigated and closed during the April to June quarter raised 113 separate issues.³ Of these 113 issues, 63 were decided in favour of the provider, 24 in favour of the student and 26 were in favour of neither party.

Complaint issues

The OSO received 232 complaints and external appeals in April to June 2016 concerning 269 issues. This represents a 24% increase from the 187 complaints received in the same period the previous year (April to June 2015) and a 16.5% increase on the last quarter (199 complaints). This shows a continuing trend of increasing complaint numbers.

The top four complaint issues were:⁴

- Standard 3 – provider refunds, fee disputes, written agreements (81)
- Standard 7 – transfer between registered providers (46)
- Standard 11 – attendance (31)
- Standard 13 – deferring, suspending and cancelling the students enrolment (19)

Standard 3 complaints about provider refund refusals and fee disputes remain our number one complaint issue. In this quarter, we have seen an increase in the number of complaints relating to standard 13, most of which were complaints about provider's decisions to cancel enrolments.

² Please note this analysis refers to all complaints closed in the April to June 2016 quarter, including complaints received prior to the commencement of the quarter.

³ Please note 32 complaints were received, investigated and closed within the quarter. A further 53 complaints were investigated and closed during the quarter which were received in the previous quarter.

⁴ Including Standards 1 – 14 from the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*.

Complaint issues received compared to previous quarters

1 April – 30 June 2016

Issue type	Apr-June 2016	Jan-Mar 2016	Apr-June 2015
Standard 3 - provider refund/fee dispute/written agreement	81	74	66
Standard 7 - transfer between registered providers	46	37	38
Standard 11 - monitoring attendance	31	20	14
Standard 13 - deferring, suspending or cancelling the student's enrolment	19	18	21
Standard 10 - monitoring course progress	16	20	14
Grades/assessment	14	8	10
Standard 14 - staff capability, educational resources & premises	13	7	7
Standard 8 - provider complaints and appeals processes	11	3	21
Provider default	8	5	2
Graduation Completion Certificate	7	4	5
Standard 4 - education agents	7	2	3
Academic Transcript	5	9	5
Standard 9 - completion within the expected duration of study	3		1
Standard 2 - student engagement before enrolment	3	2	2
Standard 1 - marketing information & practices	2	1	2
Work placement/experience	1	2	1
Overseas Student Health Cover	1	3	0
Standard 12 - course credit	1	4	1
Total	269	233	229

Complaints issues by education sector

Most complaint investigations that we undertook and completed during the quarter related to Higher Education and Vocational Education and Training (VET) and ELICOS courses. VET represented by far the most common course sector for complaints investigated and closed, contrasting with the January to March sector in which the OSO closed and investigated more Higher Education complaints. However this quarter's sector breakdown is more typical of the sector breakdown since the OSO was established, the OSO having generally received and investigated more VET complaints than complaints from other sectors.

Complaints investigated and closed by education sector 85 complaints with 113 issues

Sector	Apr-June 2016	Jan – Mar 2016	Apr – June 2015	Number of providers in OSO jurisdiction by PRISMS 'main course sector' ⁵
ELICOS ⁶	16	20	12	93
Higher Education	23	24	16	71
Non-Award	5	8	1	8
Schools	1	4	1	381
VET	40	20	26	436
TOTAL	85	76	56	989

Issues investigated and closed – ELICOS 16 complaints with 19 issues

Issue	Number of issues
Standard 11 Monitoring attendance	10
Standard 10 Monitoring Course progress	2
Standard 8 Complains and appeals process	2
Standard 7 Transfer between registered providers	2
Standard 3 Provider refund/fee dispute/written agreement	2
Standard 13 Deferring, suspending or cancelling the student's enrolment	1
Total	19

⁵ Excludes South Australian (SA) providers as, while they are in jurisdiction, we transfer complaint about SA providers to the SA Training Advocate, as recommended by the 2010 Baird Review.

⁶ English Language Intensive Courses for Overseas Students

**Issues investigated and closed – Higher Education
23 complaints with 26 issues**

Issues	Number of issues
Standard 10 Monitoring course progress	7
Standard 3 Formalisation of enrolment (Written agreement)	6
Standard 7 Transfer between registered providers	4
Standard 13 Deferring, suspending or cancelling the student's enrolment	3
Standard 11 Monitoring attendance	2
Academic Transcript	1
Standard 4 Education agents	1
Standard 1 Marketing information & practices	1
Grades/assessment	1
Total	26

**Issues investigated and closed – Non-Award
5 complaints with 7 issues**

Issues	Number of issues
Standard 11 Monitoring attendance	3
Standard 10 Monitoring course progress	1
Standard 13 Deferring, suspending or cancelling the student's enrolment	1
Standard 14 Staff capability, educational resources & premises	1
Standard 3 Formalisation of enrolment (Written agreement)	1
Grand Total	7

**Issues investigated and closed – Schools
1 complaint with 1 issue**

Issues	Number of issues
Standard 3 Formalisation of enrolment (Written agreement)	1
Total	1

**Issues investigated and closed – VET
40 complaints with 60 issues**

Issues	Number of issues
Standard 7 Transfer between registered providers	12
Standard 10 Monitoring course progress	11
Standard 3 Formalisation of enrolment (Written agreement)	10
Standard 11 Monitoring attendance	6
Standard 8 Provider complaints and appeals processes	5
Standard 13 Deferring, suspending or cancelling the student's enrolment	5
Graduation Completion Certificate	2
Overseas Student Health Cover	2
Grades/assessment	2
Standard 14 Staff capability, educational resources & premises	1
Provider default	1
Standard 2 Student engagement before enrolment	1
Standard 9 Completion within the expected duration of study	1
Standard 12 Course credit	1
Grand Total	60

Complaints received by State/Territory

State/Territory	April – June 2016	Jan – Mar 2016	Oct-Dec 2015	April – June 2015	Number of CRICOS registered providers in OSO jurisdiction ⁷
New South Wales	69	75	89	70	268
Victoria	78	71	65	58	256
Queensland	21	34	32	21	249
Western Australia	42	13	16	18	82
Australian Capital Territory	0	0	2	3	13
South Australia	2	2	2	2	76
Northern Territory	0	0	2	1	5
National	20	4	5	0	31
Tasmania	0	0	0	0	9
Total	232	199	213	173	989

⁷ From PRISMS data 18 July 2016

Complaints transferred by the OSO to another authority

Under s 19ZK of the *Ombudsman Act 1976*, the OSO must transfer a complaint to another statutory complaint handler if it could be more effectively dealt with by that complaint handler.

The OSO transfers complaints about the quality of the education provider’s teaching, staff or facilities to an appropriate regulator such as the Australian Skills Quality Authority (ASQA). The OSO transfers complaints about provider defaults and provider refunds in visa refusal cases to the Tuition Protection Service (TPS). Complaints about a South Australian education provider are transferred to the Office of the Training Advocate, South Australia.

Complaint issues transferred under s 19ZK to another authority

Authority	April – June 2016	Jan – Mar 2016	Oct – Dec 2015	July – Sept 2015
Australian Skills Quality Authority (ASQA)	9	2	6	7
Tuition Protection Service (TPS)	16	22	9	7
South Australian Training Advocate (SATA)	1	1	3	4
Tertiary Education Quality Standards Agency (TEQSA)	0	0	0	0
Australian Human Rights Commission (AHRC)	0	1	0	0
Fair Work Ombudsman (FWO)	0	1	0	0
Total	26	27	18	20

The OSO may also make disclosures under s 35A of the *Ombudsman Act 1976* to regulatory bodies or public authorities where it is in the public interest to do so. The OSO made five disclosures to ASQA during the quarter, relating to three providers within its jurisdiction. The disclosures concerned a range of issues, including:

- a bribery allegation
- a failure to pay a provider refund
- a non-compliant written agreement
- a failure to arrange Overseas Student Health Cover (OSHC) for the entire period of the student’s visa and entering incorrect information in the Provider Registration and International Student Management System (PRISMS).

Outreach and engagement activities

In this quarter, the OSO:

- Presented at the [ICEF ANZA education agents/providers workshop](#) in Melbourne
- Presented at two [International Student Advisors Network Australia provider workshops](#) in Canberra and Sydney
- Hosted a teleconference with our overseas student complaint-handlers network, which includes the State and Territory Ombudsman, the South Australian Training Advocate and the Western Australian International Education Conciliator
- Met with the ASQA, TEQSA and the TPS
- Circulated a [discussion paper on external complaint handling avenues for international students](#).

Publications

In this quarter the OSO published:

- [OSO Quarterly Statistical Report for January to March 2016](#).
- [Provider e-newsletter \(May 2016\)](#)

Submissions

In this quarter we did not make any submissions. Previous submissions can be found on our [website](#).