

Overseas Students Ombudsman

Quarterly Report 1 July – 30 September 2016

What is the Overseas Students Ombudsman?

The Overseas Students Ombudsman (OSO) has three functions:

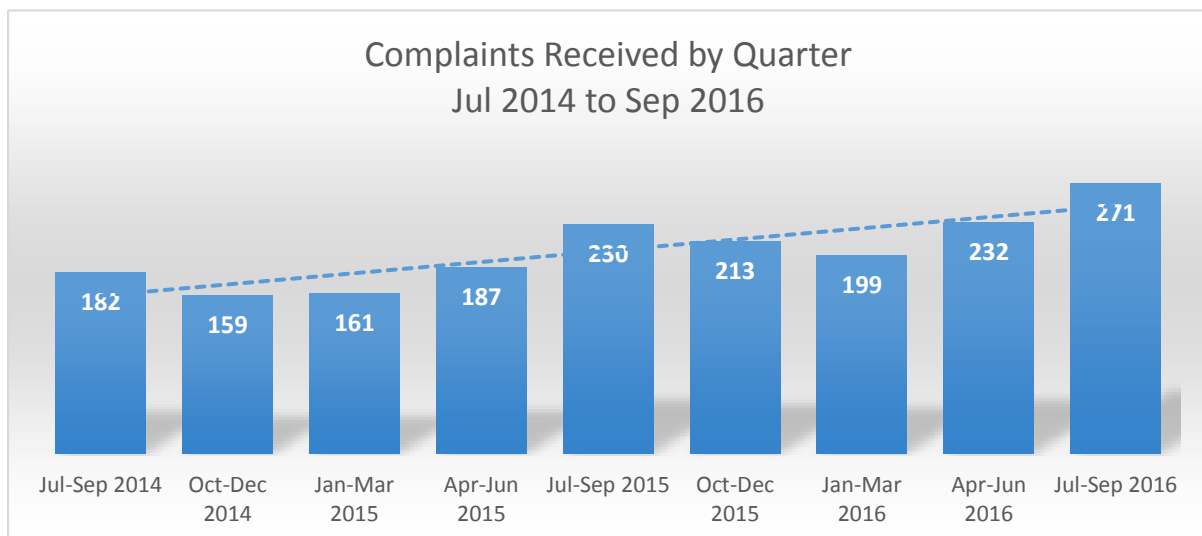
- investigate complaints about actions taken in connection with overseas students by private registered education providers
- give private registered providers advice and training about best practice complaints handling for overseas student complaints
- report on trends and systemic issues arising from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

This report sets out the OSO’s activities from 1 July – 30 September 2016 in relation to each of these functions.

At a glance

Key points from this report:

- The number of complaints received by the OSO continue to increase
- complaints about written agreements, fees and refunds continue to be the main issue
- of the 131 complaint issues investigated and finalised, 54 were decided in favour of the provider, 32 in favour of the student and 45 were in favour of neither party.



Complaints received in 1 July to 30 September 2016¹

Received	Closed		Ongoing	
	Not investigated	Investigated	Under assessment	Under investigation
271	177	46	2	46
	65%	17%	1%	17%

¹ Complaints data generated from the Overseas Students Ombudsman’s complaint management system, Resolve on 21 October 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)

Complaints Finalised 1 July to 30 September 2016²

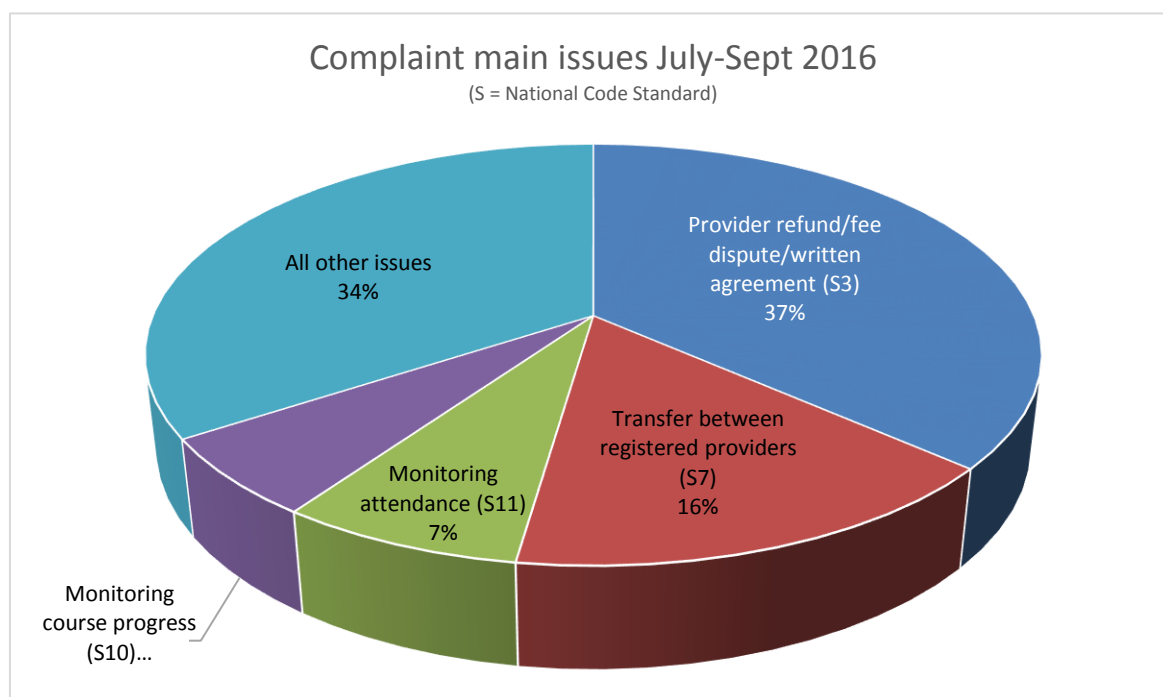
Finalised	Not investigated	Investigated	Issues raised	Found in Favour of		
				Provider	Student	Neither
273	175	98	131	54	32	45
	64%	36%		42%	24%	34%

The OSO finalised 273 complaints during the July to September 2016 quarter, having investigated 98 of these. We finalised 175 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 98 complaints that the OSO investigated and closed during the July to September quarter raised 131 separate issues.³ Of these 131 issues, 54 were decided in favour of the provider, 32 in favour of the student and 45 were in favour of neither party.

Complaint issues

The 271 complaints and external appeals received this quarter included 348 issues. Complaints about provider refund refusals and fee disputes remain the number one complaint issue.



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

³ Of which 46 complaints were received, investigated and closed within the quarter. A further 52 complaints were investigated and closed during the quarter which were received in the previous quarter.

Complaint issues 1 July – 30 September 2016, compared to previous quarters

<i>ISSUE</i>	July-Sept 2016	Apr-June 2016	Jan-March 2016
Standard 3 - provider refund/fee dispute/written agreement	127	81	68
Standard 7 - transfer between registered providers	55	46	39
Standard 11 - monitoring attendance	26	31	23
Standard 10 - monitoring course progress	21	16	21
Grades/assessment	18	14	12
Standard 13 - deferring, suspending or cancelling the student's enrolment	17	19	19
Standard 14 - staff capability, educational resources & premises	17	13	9
Standard 8 - provider complaints and appeals processes	12	11	15
Provider default	9	8	9
Graduation Completion Certificate	8	7	7
Academic Transcript	5	5	4
Standard 1 - marketing information & practices	5	2	8
Standard 4 - education agents	4	7	2
Standard 9 - completion within the expected duration of study	4	3	0
Work placement/experience	3	1	3
Discipline	3	0	0
Standard 5 Younger Students	2		
Standard 12 - course credit	2	1	3
Standard 2 - student engagement before enrolment	1	3	3
Overseas Student Health Cover	1	1	1
Bullying or Harassment	0	0	6
Out of Jurisdiction to investigate ⁴	0	0	12
Standards for VET accredited courses	0	0	3
Total	348	269	267

Complaints - by education sector

Most complaint investigations that we undertook and completed during the quarter related to Higher Education (HE), Vocational Education and Training (VET) and English Language Intensive Courses for Overseas Students (ELICOS) courses. VET represented the most common course sector for complaints investigated and closed.

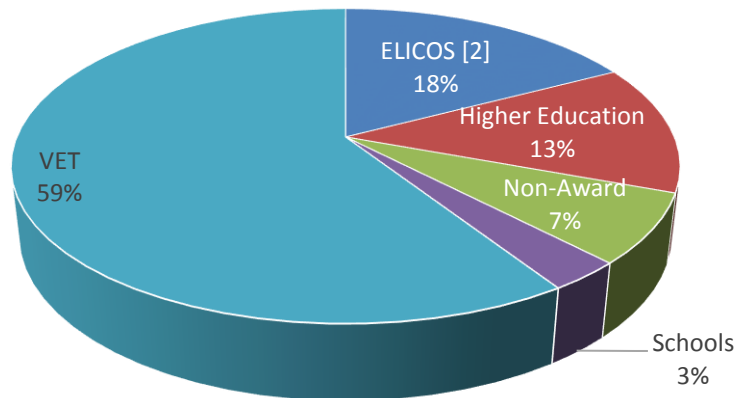
The OSO has generally received and investigated more VET complaints than complaints from other sectors which may reflect VET having the highest number of private providers in the OSO's jurisdiction.

⁴ Out of jurisdiction means the provider was in jurisdiction but the student was out of jurisdiction because they were not or did not previously hold a student visa or the issue complained about was out of jurisdiction eg. Discrimination, employment or privacy issues.

Complaints investigated and closed by education sector

Sector	Number of providers ⁵	%	July-Sept 2016	%	Apr-June 2016	%
ELICOS ⁶	97	10%	17	18%	16	19%
Higher Education	71	7%	13	13%	23	27%
Non-Award	8	1%	7	7%	5	6%
Schools	378	37%	3	3%	1	1%
VET	465	45%	58	59%	40	47%
TOTAL	1019		98		85	

Complaints investigated by sector July-Sept 2016



ELICOS Issues investigated and closed (17 complaints with 22 issues)

Issue	Number of issues	%
Standard 11 Monitoring attendance	8	36%
Standard 3 Formalisation of enrolment (Written agreement)	5	24%
Standard 14 Staff capability, educational resources & premises	2	10%
Standard 7 Transfer between registered providers	2	10%
Standard 13 Deferring, suspending or cancelling the student's enrolment	1	4%
Grades/assessment	1	4%
Standard 4 Education agents	1	4%
Standard 5 Younger students	1	4%
Standard 8 Complaints and Appeals Process	1	4%
Total	22	

⁵ Number of providers in OSO jurisdiction by PRISMS 'main course sector'. 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

HIGHER EDUCATION Issues investigated and closed (13 complaints with 18 issues)

Issues	Number of issues	%
Standard 10 Monitoring course progress	6	33%
Standard 3 Formalisation of enrolment (Written agreement)	6	33%
Standard 8 provider complaints and appeals processes	2	10%
Standard 7 Transfer between registered providers	1	6%
Standard 4 Education agents	1	6%
Standard 2 Student engagement before enrolment	1	6%
Standard 13 Deferring, suspending or cancelling the student's enrolment	1	6%
Total	18	

NON-AWARD Issues investigated and closed (7 complaints with 7 issues)

Issues	Number of issues	%
Standard 11 Monitoring attendance	5	71%
Standard 7 Transfer between registered providers	2	29%
Grand Total	7	

SCHOOLS Issues investigated and closed (3 complaints with 3 issues)

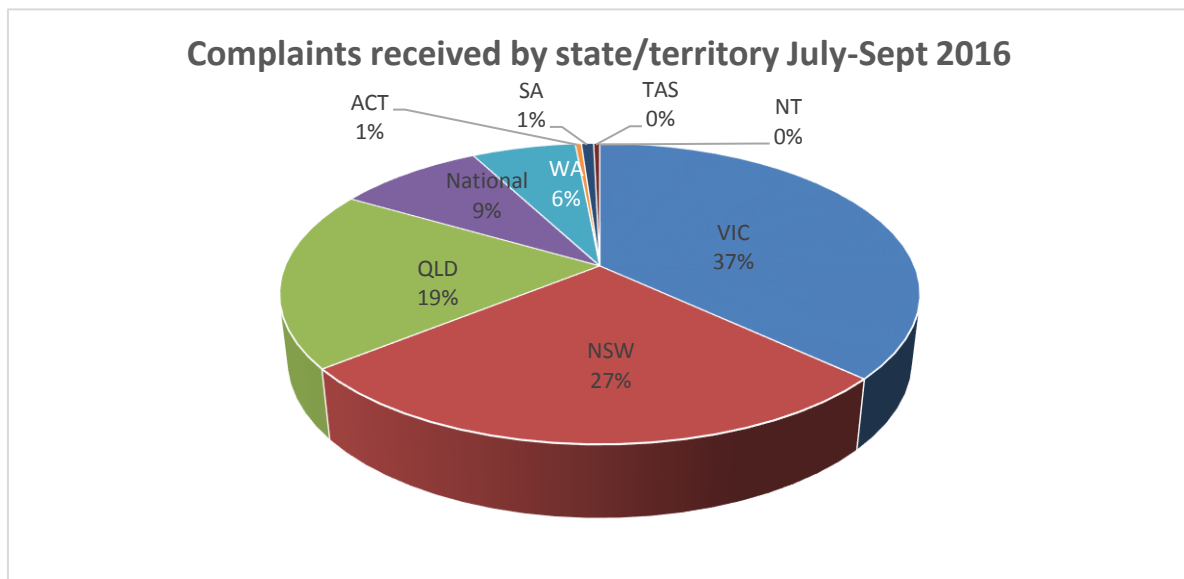
Issues	Number of issues	%
Standard 11 Monitoring attendance	2	66%
Standard 7 Transfer between registered providers	1	34%
Total	3	

VET Issues investigated and closed (58 complaints with 81 issues)

Issues	Number of Issues	%
Standard 3 Formalisation of enrolment (Written agreement)	21	26%
Standard 7 Transfer between registered providers	19	24%
Standard 10 Monitoring course progress	13	16%
Standard 11 Monitoring attendance	8	11%
Provider default	4	5%
Academic Transcript	4	5%
Standard 14 Staff capability, educational resources & premises	3	4%
Standard 13 Deferring, suspending or cancelling the student's enrolment	2	2%
Standard 8 Provider complaints and appeals processes	2	2%
Standard 9 Completion within the expected duration of study	2	2%
Overseas Student Health Cover	1	1%
Grades/assessment	1	1%
Graduation Completion Certificate	1	1%
Grand Total	81	

Complaints received by State/Territory

State/Territory	July-Sept 2016	Apr-June 2016	Number of registered providers ⁷
New South Wales	74	69	277
Victoria	100	78	268
Queensland	52	21	257
Western Australia	17	42	83
Australian Capital Territory	1	0	13
South Australia	2	2	77
Northern Territory	0	0	5
National	24	20	30
Tasmania	1	0	9
Total	271	232	1019



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.

⁷ Number of providers in OSO jurisdiction by PRISMS ‘main course sector’. From PRISMS data 25 October 2016

Complaint issues transferred under s 19ZK to another authority

Authority	Jul-Sept 2016	Apr-Jun 2016
Australian Skills Quality Authority (ASQA)	11	9
Tuition Protection Service (TPS)	22	16
South Australian Training Advocate	1	1
Tertiary Education Quality Standards Agency (TEQSA)	0	0
Australian Human Rights Commission (AHRC)	0	0
Fair Work Ombudsman (FWO)	0	0
Total	34	26

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 two disclosures to ASQA during the quarter, relating to two providers within its jurisdiction. The disclosures concerned two issues:

- The obligations of providers towards students who are under 18 where that provider confirms to the Department of Immigration and Border protection that it is assuming responsibility for the student's accommodation and welfare arrangements
- Managing transition to updated training courses and completion of courses within expected time frames.

Outreach and engagement activities

In this quarter, the OSO:

- Presented at the Council of International Students Australia (CISA) conference in Darwin
- Provided training to CISA grievance officers around Australia
- Attended the Australian Council of Private Education and Training (ACPET) conference in Hobart
- Presented at the English Australia Conference in Hobart
- Participated in the Commonwealth, State and Territory Education and Training Forum in Sydney
- Exchanged information 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
- Held quarterly meetings with the ASQA, TEQSA and the TPS.

Publications

In this quarter the OSO published:

- A student video about the OSO in [English](#), [Hindi](#), [Korean](#), [Indonesian](#), [Malay](#), [Mandarin](#) and [Vietnamese](#)
- A special edition [provider e-newsletter](#) highlighting the new video – 30 August 2016
- [Making a complaint to your education provider – steps to follow](#) Insider Guide article with content by the Overseas Students Ombudsman - 5 August 2016
- [What does the Overseas Students Ombudsman do?](#) Insider Guide article about the Overseas Students Ombudsman - 28 July 2016
- [OSO Quarterly Statistical Report for April to June 2016](#)

Submissions

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