



# Common issues with Course Progress and Attendance

Overseas Students Ombudsman  
3 September 2015



# Overseas Students Ombudsman

- We investigate complaints and external appeals from overseas students about private education providers with reference to the ESOS Act and National Code
- We help education providers improve their internal complaints and appeals processes
- We report on trends and systemic issues we see through our complaints investigations

# Course Progress

## Best practice:

- Having a course progress policy that clearly defines
  - satisfactory course progress
  - when the student is deemed to be ‘at risk of not meeting satisfactory course progress’
  - unsatisfactory course progress
- The course progress policy includes an intervention strategy, designed to assist students to improve to satisfactory levels

# Course Progress

## Best practice:

- The intervention strategy is implemented as soon as the student is identified as being 'at risk' of failing to meet satisfactory course progress
- Once the student is assessed as having failed to meet satisfactory course progress, the provider sends the notice of intention to report with internal appeal rights
- If the student lodges an internal appeal and is unsuccessful, the provider advises external appeal rights and does not report until this process is complete

# Course Progress

## Poor practice:

- Provider's course progress policy does not define satisfactory and unsatisfactory course progress
- Policy does not state the point at which the student will be deemed to have failed or applies a different standard
- Failing to implement an intervention strategy at all; implementing one that is not meaningful; implementing it too late or; 'cancelling' it mid-way

# Course Progress

## Poor practice:

- Failing to report the student after they fail to meet course progress (after the intervention strategy is implemented)
- Sending the notice of intent to report to the wrong address
- Failing to give the student appeal rights before reporting the student
- Reporting the student on different grounds in PRISMS

# Attendance

## Best practice:

- A clear attendance policy that states the attendance requirements (80% or higher)
- Policy states the period over which the provider will monitor and report on attendance (one study period, length of course or Confirmation of Enrolment (CoE)?)
- Policy states when and how the provider will contact the student to warn them if they are at risk of falling below 80% projected attendance or absent for 5 consecutive days

# Attendance

## Best practice:

- Policy states how attendance will be recorded and calculated including how the provider counts absences covered or not covered by a medical certificate; lateness or early departures from class etc.
- Attendance policy available to students and explained at orientation
- Provider keeps accurate attendance records and calculations which can be replicated by an external appeal body



# Attendance

## Best practice:

- Provider records attendance over the stated reporting period and sends warnings/notice of intention to report at the right time to the student's correct address
- Provider advises student of their internal appeal rights
- Provider gives the student a written outcome of the internal appeal with details of the reasons for the decision and advice of external appeal rights
- Provider awaits outcome of external appeal before reporting

# Attendance

## Poor practice – policy

- Does not state minimum percent attendance required or
- Does not state the period over which the 80% is calculated
- Does state it but provider has done something different e.g. monitored over a different period, past the end of a CoE or over multiple CoEs when policy states reporting period is one CoE
- Contradicts National Code e.g. states provider will not report student if between 50-80% attendance when provider only had discretion to consider not reporting if attendance at least 70% (and satisfactory course progress)

# Attendance

## Poor practice – calculations

- Provider unable to explain how it calculated attendance or over what period and external appeal body cannot replicate
- Miscalculating attendance by calculating current attendance rather than projected attendance
- Miscalculating attendance by including public holidays or other days when no classes are scheduled
- Including lateness to class/early departures in absence calculations when provider's policy does not state the provider will do this

# Attendance

## Poor practice – warnings

- Failing to send the warning to the student after five consecutive days of absence or before the student falls below 80%
- Unclear warnings that confuse current and projected attendance, do not state study period
- Warnings that do not state what the consequences are of being at risk of failing to meet satisfactory attendance i.e. DIBP report
- Warnings not sent to the parent/legal guardian for under 18s
- Sent to the wrong address

# Attendance

## Poor practice – notice of intention to report

- Not sending the notice to the parent/legal guardian for under 18 year old student
- Sending the notice to the wrong address
- Sending the notice after the student has fallen below 70% so the provider no longer has discretion not to report based on compassionate and compelling circumstances
- Failing to provide advice of internal appeal rights

# Attendance

## Poor practice – other

- Intending to report a student under Standard 11 when the student has never commenced the course or inactively advised cessation of studies by not returning after a deferral/holiday break when the provider should instead have reported the student within 14 days
- Upholding the student's internal appeal and deciding not to report but placing conditions on this decision and later reversing the decision and reporting the student when those conditions not met
- Failing to give external appeal rights

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# Questions?

[www.oso.gov.au](http://www.oso.gov.au)

# OSO publications and resources

- Better practice complaints handling guide
- Presentations on a range of topics
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