

# Setting the scene with ESOS

Observations from complaint  
handling



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# Overview

- The value of the ESOS framework
- OSO's role
- Complaint trends
- Investigation outcomes for main complaint issues ELICOS
- Problems we see
- How to prevent problems
- Resources

# The value of the ESOS framework

The ESOS framework protects international student consumer rights and Australia's reputation as an international education provider by:

- Placing obligations on education institutions to deliver a high-quality service to international students
- Requiring providers to enroll students with appropriate skills and offer adequate student support services



# The value of the ESOS framework

- Establishing the Tuition Protection Service and requiring students to be refunded in certain circumstances.
- Giving students a right to complain and requiring providers to listen and respond to student complaints.



# OSO's Role in achieving ESOS objectives

- We investigate complaints about the actions of private registered education providers across all education sectors, taken in connection with international students
- We work with education providers to help them improve their internal complaints and appeals processes so they can protect and restore student experiences
- We report on trends and systemic issues arising from complaints by international students in Australia.



# Our complaints role

- There are nearly 1,000 providers in our jurisdiction
- We have investigated complaints about approximately one third of them
- Complaints have been received from students from over 68 countries
- We have received 2,508 complaints and appeals
- We have investigated 994 of these and 1514 were finalised without investigation
- We have investigated 176 ELICOS complaints (award and non-award) raising over 200 issues

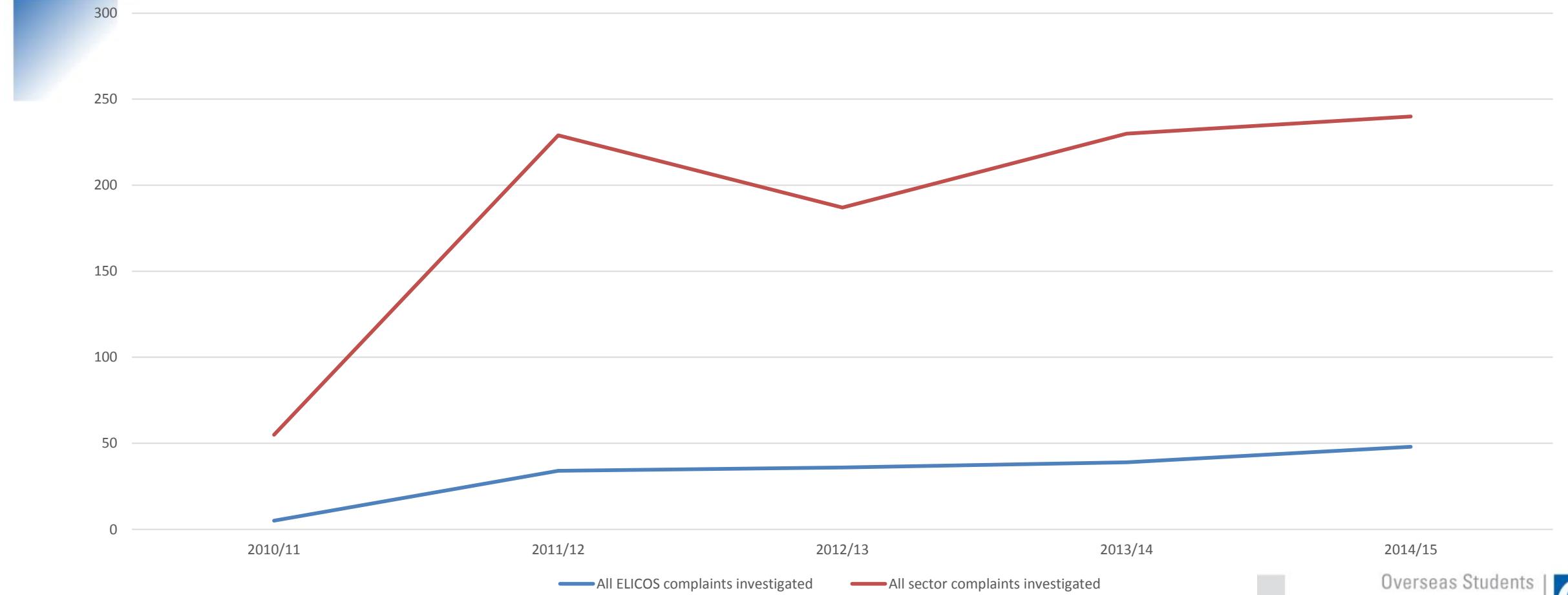


# Our complaints role

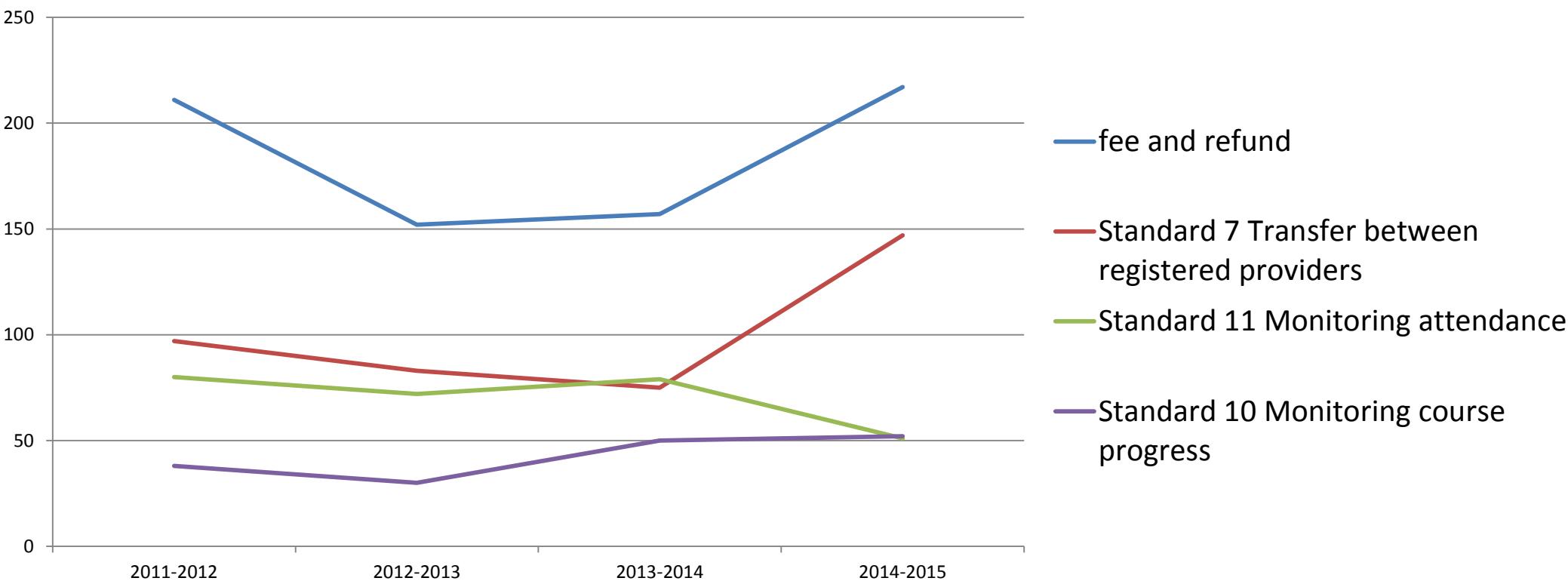
When we investigate:

- We are impartial
- We consider if the provider has complied with the ESOS framework and its policies and procedures
- We give both parties an opportunity to comment on our proposed decision
- We identify systemic issues and make recommendations where we think the provider has made a mistake

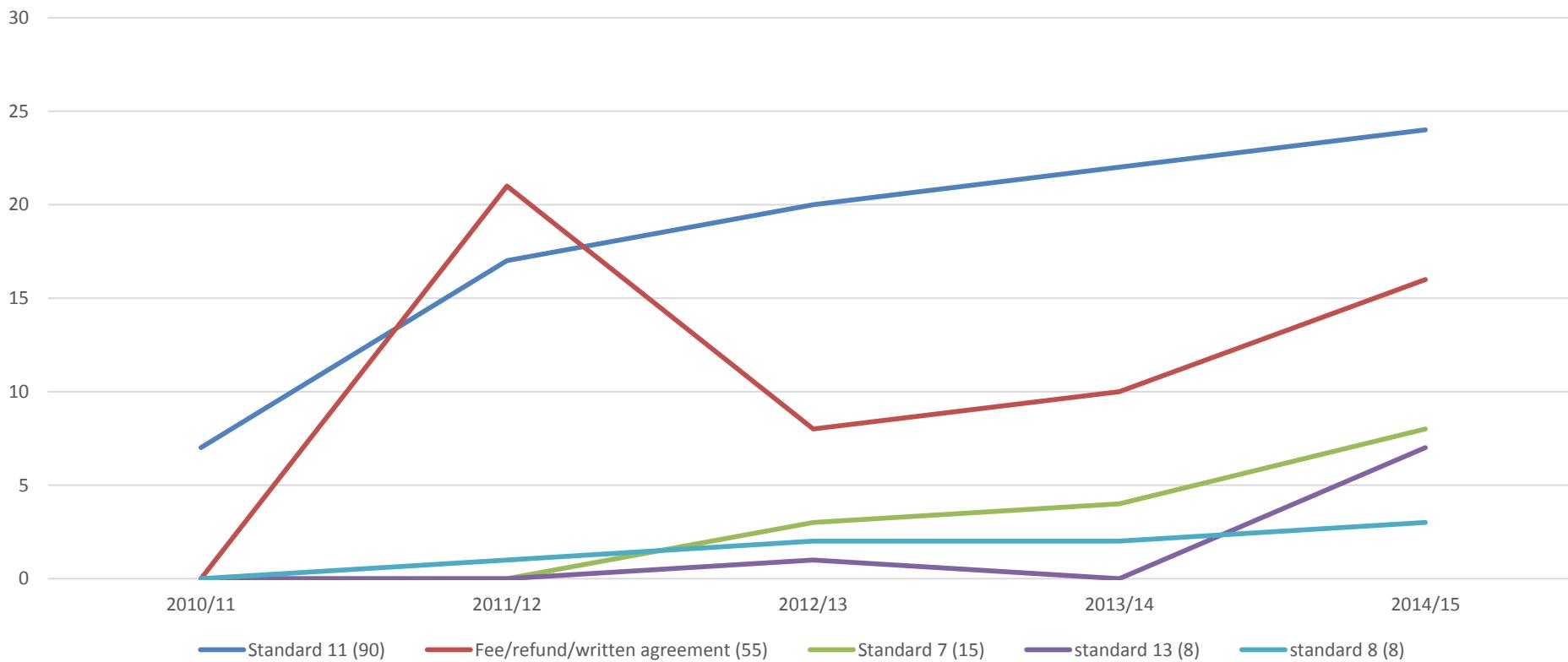
# Number of complaints investigated



# Top 4 complaints investigated – all sectors



# Top 5 complaint issues investigated – ELICOS



# Complaint outcomes – all sectors

- Fee and refund complaints:
  - 51% decided in favour of the student
  - 22% decided in favour of the provider
- Standard 7 transfer complaints:
  - 37% decided in support of the provider
  - 21% decided in support of the student
- Standard 11 attendance complaints:
  - 46% decided in favour of the provider
  - 41% decided in favour of the student

# Complaint outcomes – ELICOS

Overall:

We have investigated and closed over 200 issues about ELICOS providers (award and non-award). We found in favour of the student in relation to 83 issues and in favour of the provider in relation to 74 issues.

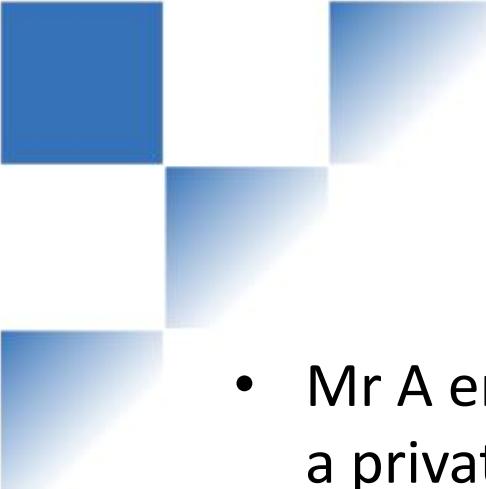
Issue	Outcome supports student	Outcome supports provider
<b>Standard 11 attendance</b>	40	40
<b>Fee, refund, written agreements</b>	30	12
<b>Standard 7 transfers</b>	4	7

# Avoid common mistakes

- Recruit appropriate students – test for English Language proficiency
- Form a written agreement with the student which includes all required terms and conditions
- Ensure the student has signed or accepted a written agreement before accepting money for the course
- Monitor the student's attendance in accordance with your policy and issue *appropriate* warnings

# Avoid common mistakes

- Make sure your attendance, transfer and refund policies and procedures are consistent with the ESOS framework and implement them.
- If students make a complaint that is not resolved informally implement your formal complaints and appeals processes.
- Give students a written outcome to their complaint which addresses their individual circumstances and advise them of their internal appeal options which they have 20 working days to access.



## Case study 1

- Mr A enrolled in a package of courses, an English course and diploma with a private provider and a degree with a public university. After his COEs were issued but before his visa application was finalised, Mr A was contacted by the private provider. The provider explained that the entry requirements for his degree course had changed and the public university had asked it to advise Mr A to withdraw his enrolment in his package of courses, withdraw his visa application and apply for a refund.
- We advised the provider that failure to provide the course as agreed amounted to student default and recommended that the provider refund the student under s.46D of the ESOS Act.

## Case study 2

- Ms B was enrolled in a package of courses, an English for Academic purposes course with a private provider and a degree with a public university. Ms B decided that she wanted to transfer to another institution for both her English program and her degree and applied for a release letter. Ms B was advised by her English Language provider that it would not issue a release letter to her unless she obtained a release letter from the provider of her principal course. She approached the university for a release letter and was advised that it would not issue her with a release letter as she did not have a release letter from her English language provider.

## Case study 2 - continued

- We recommended that the English language provider contact the University with the consent of Ms B and establish a process for resolving the matter.

## Case study 3

- Ms C contacted us and complained about the quality of education provided by her English language provider. Ms C said that she had complained to the school but it had not given her a written response. When we investigated, the provider advised that Ms C had complained some time after she finished her course and that her complaint was written as a legal statement of claim. For this reason the complaint was forwarded to the provider's lawyer rather than processed in accordance with the provider's complaints and appeals policy.

## Case study 3 - continued

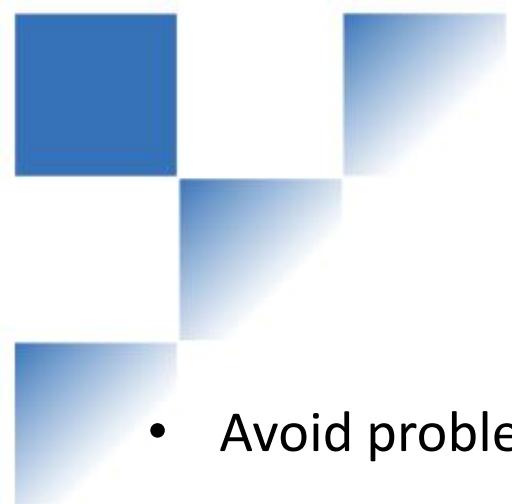
- The provider advised that the student had signed a conciliation agreement at the conclusion of a formal ADR process. We advised the caller that the conciliation agreement fulfilled the requirements for a written outcome under standard 8 but suggested to the provider that in future the provider process complaints in accordance with the procedures set out in its policy.

# Case Study 4

- Mr D complained to our office that he withdrew from his Upper Intermediate General English Course because he was unhappy with the quality of teaching. He applied for a refund and was refused on the basis that he withdrew after course commencement.
- When we investigated we found that the provider relied on self-assessment to determine the appropriate level of English for new students. The provider's website stated 'An English level test and orientation will be conducted prior to course commencement.' Mr D was not tested until after course commencement and the testing established that he was at intermediate level.

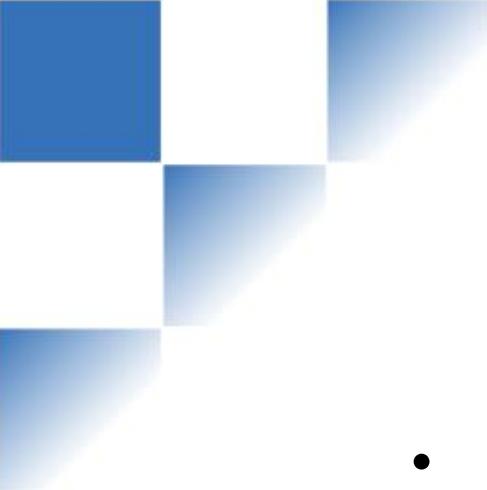
# Case Study 4

- We found that self-assessment was compliant with standard 2 of the National Code however we suggested that the provider consider its discretion under the written agreement to refund a percentage of fees for students withdrawing just prior to commencement as Mr D did not have the opportunity to consider his options before course commencement.



## In a nutshell...

- Avoid problems:
  - ✓ Make sure your written agreement is compliant
  - ✓ Make sure your policies are compliant and staff follow them in practice
  - ✓ recruit students with the capacity to undertake the course
- Complaints are an opportunity to fix problems, protect reputation, retain students, improve policies and practices and avoid future problems



# Resources

- Presentations on a range of topics on our website
- Issues papers and submissions
- Provider e-newsletter twice a year
- Student e-newsletter twice a year
- Subscribe on our website:
- [www.oso.gov.au/publications-and-media/](http://www.oso.gov.au/publications-and-media/)
- Brochures in English and 21 other languages
- Annual report and quarterly statistical reports



## Where to go for help?

- ESOS hotline, general enquiries:
  - Phone: 1300 615 262
- PRISMS Help Desk:
  - 61 2 6240 7647
  - Email: [prisms@education.gov.au](mailto:prisms@education.gov.au)
- OSO better practice complaint-handling guide for education providers [www.oso.gov.au](http://www.oso.gov.au)



# Questions?

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