

# Problems and solutions

Common mistakes and how providers  
can avoid them



**Doris Gibb**  
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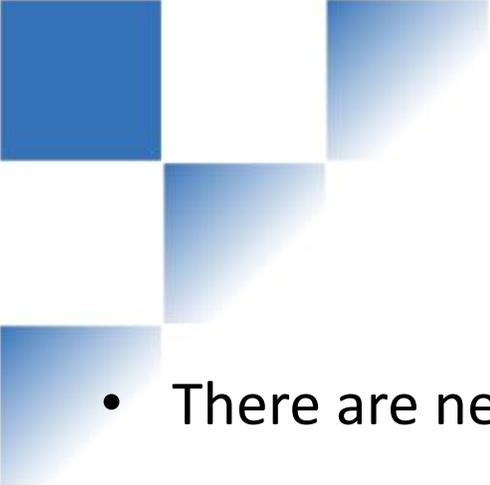
# Overview

- OSO's role
- Complaint trends
- Investigation outcomes for main complaint issues
- Problems we see
- How to prevent problems
- Resources



# OSO's Role

- 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
- We report on trends and systemic issues

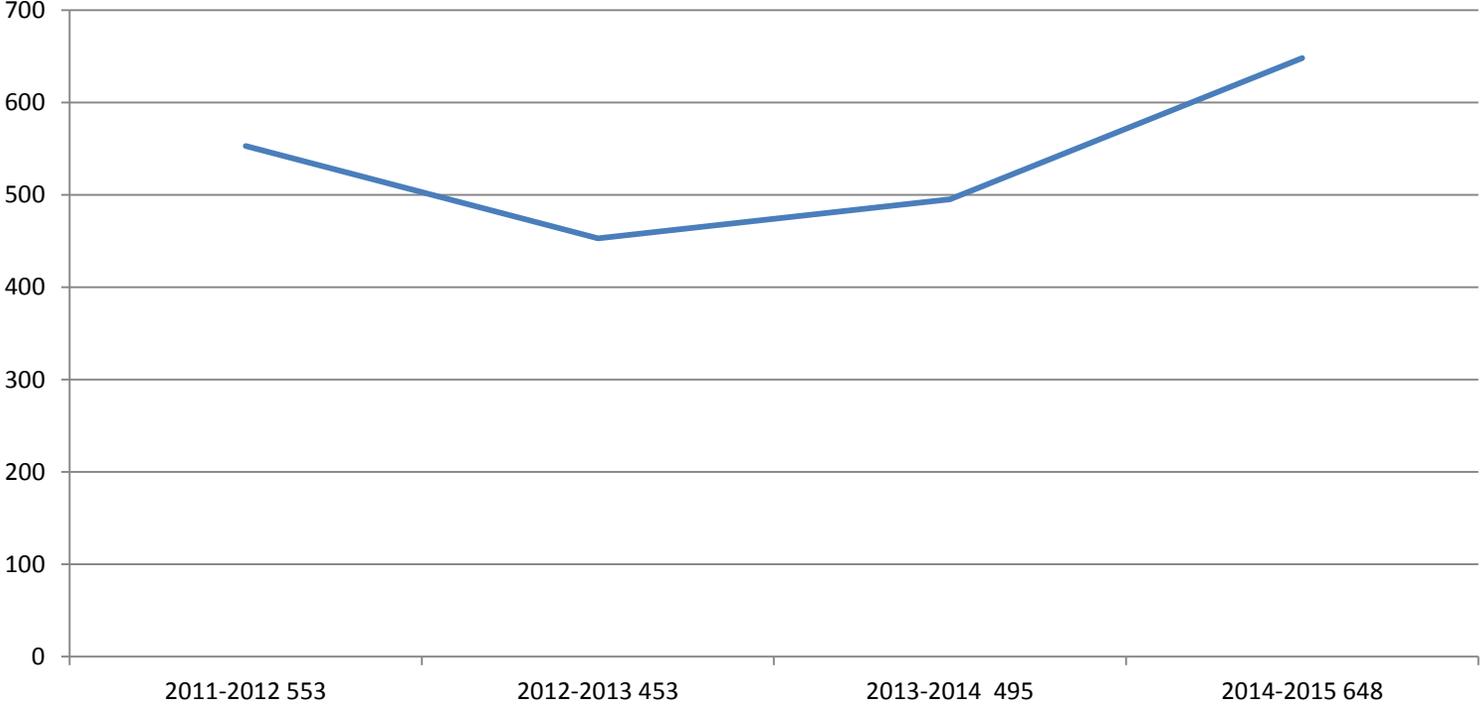


# Our complaints role

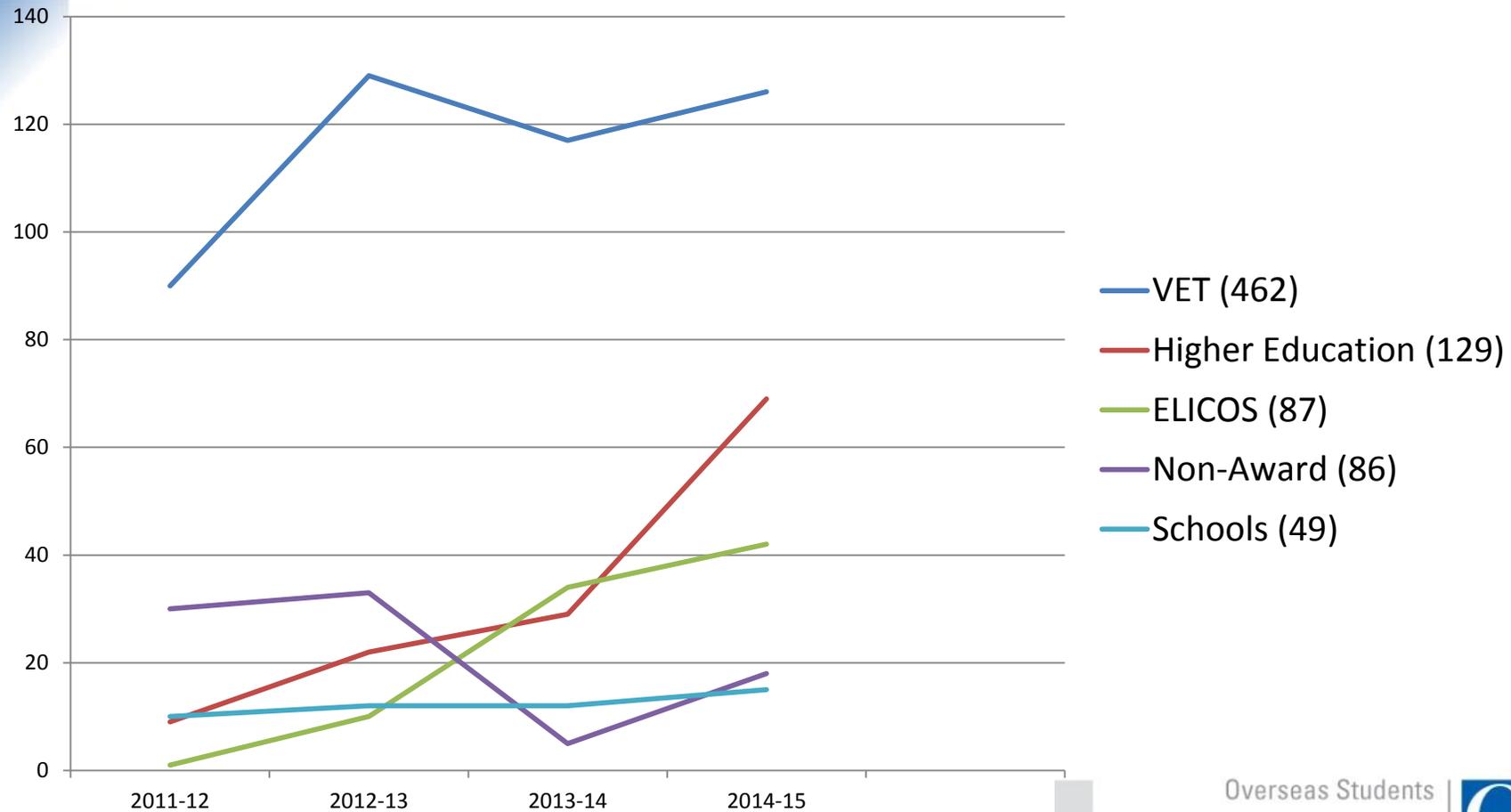
- There are nearly 1,000 providers in our jurisdiction
- We have received complaints about nearly a third
- Complaints received from students from over 68 countries
- We received 2,150 complaints and appeals in our first four years of operation (9 April 2011 to 8 April 2015)
- We investigated 879 of these and 1271 were resolved by other means

# Complaint trends

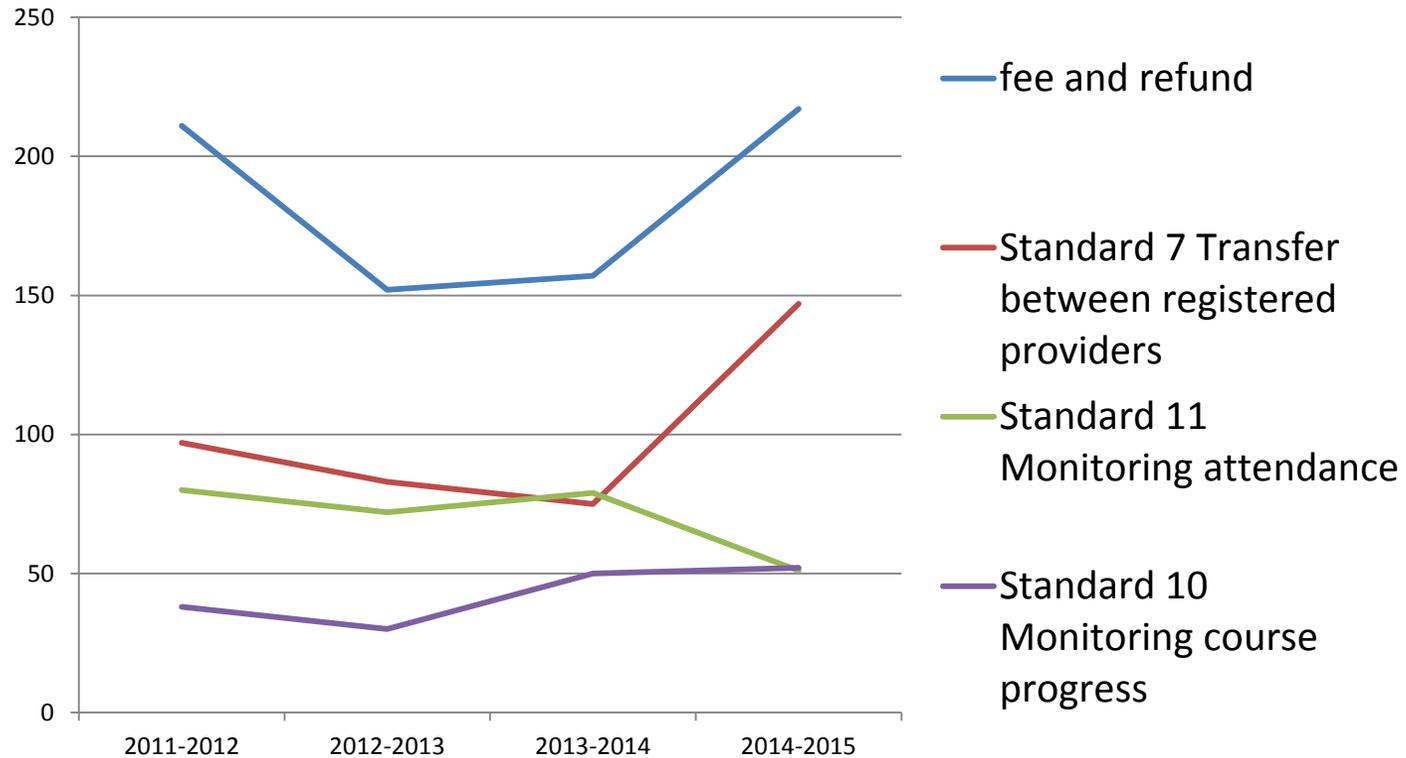
Complaints and appeals received April to April each year



# Number of issues investigated by student course sector

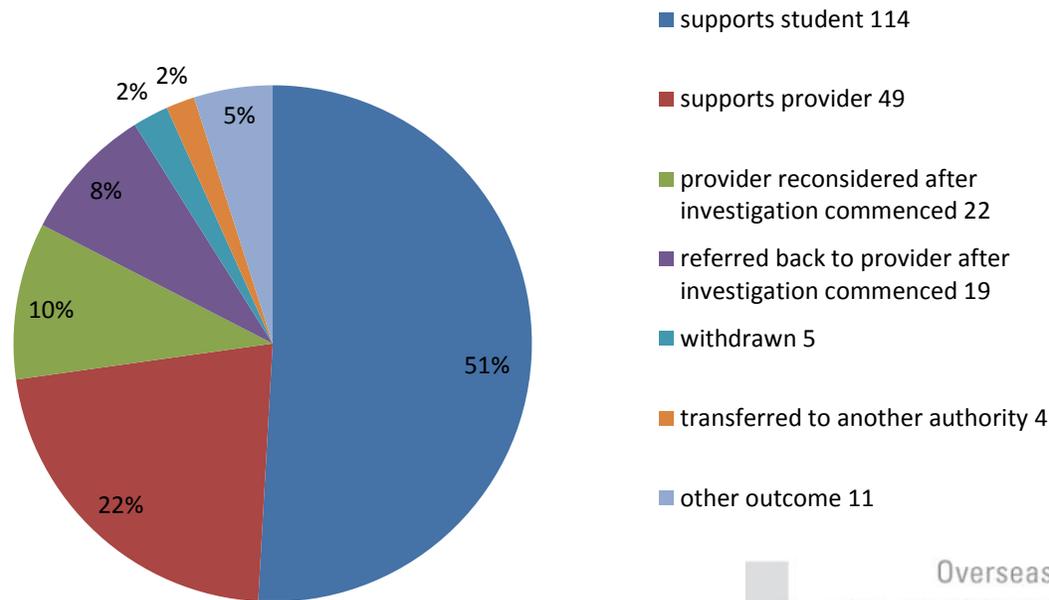


# Top 4 complaints



# Fee and refund complaints

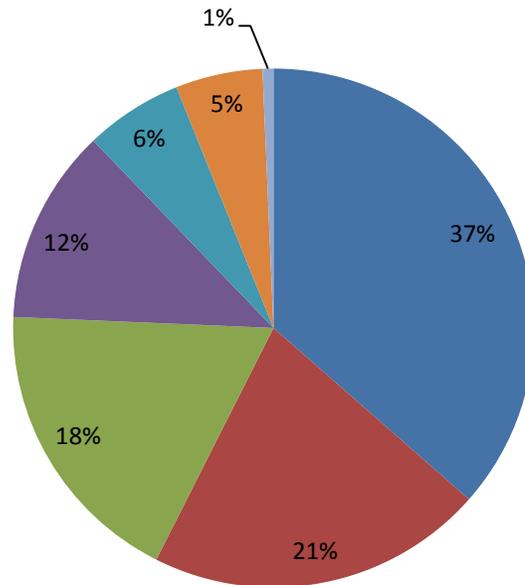
51% decided in favour of the student  
22% decided in favour of the provider



# Standard 7 transfer appeals

37% decided in support of the provider

21% decided in support of the student

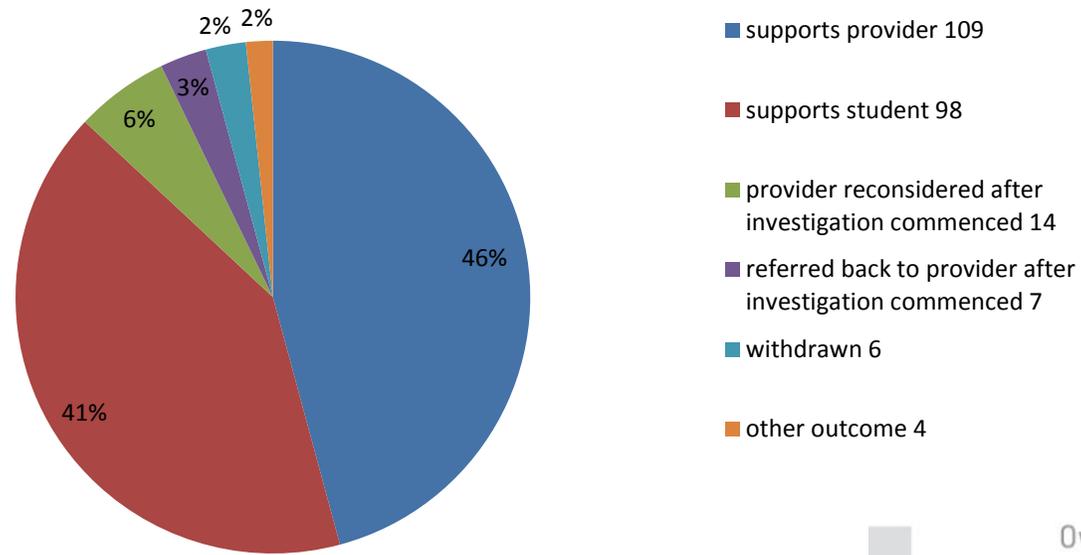


- supports provider 54
- supports student 31
- provider reconsidered after investigation commenced 27
- referred back to provider after investigation commenced 18
- withdrawn 9
- Lapsed 8
- other outcome 1

# Standard 11 attendance appeals

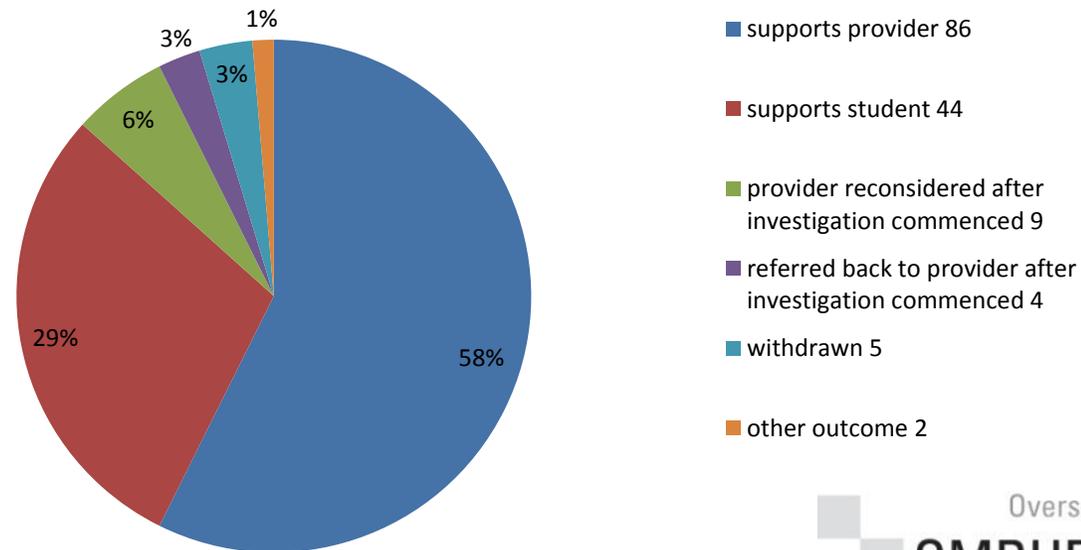
46% decided in favour of the provider

41% decided in favour of the student



# Standard 10 course progress appeals

58% decided in support of the provider  
29% decided in support of the student



# Problems – written agreements

- Receiving money from students before the offer is accepted and the agreement is formed
- Failing to include complete and accurate information in agreements about the course, fees and refund policies
- Failing to include a refund policy
- Providers using the refund policy to charge a cancellation fee (need a cancellation policy for this)
- Unclear or inconsistent use of key terms
- Terms and conditions which are contradictory.

# Solutions -Written Agreements

- Clear written agreement with course name, study periods, itemised list of fees signed or otherwise accepted by student, parent or legal guardian
- Refund policy included (not a link or reference to it elsewhere, such as the student handbook)
- Cancellation fee policy included if you want to charge a fee for withdrawing before course completion
- Fees paid concurrently with, or after, agreement signed
- Refunds owed paid within provider obligation period either under the written agreement or s 47E ESOS Act

# Problems – provider transfers

- Having a transfer policy that does not define when a transfer will be granted
- Provider including irrelevant grounds in the transfer policy (e.g. DIBP Genuine Temporary Entrant (GTE) criteria)
- Provider relying on grounds for refusal that are not included in the transfer policy (e.g. unpaid fees)
- Failing to provide the student with a written outcome
- Refusal letters that list a standard set of reasons, some or all of which do not apply to the individual student
- Failing to show detriment when refusing a transfer



# Solutions - provider transfers

- Having a transfer policy that clearly defines
  - ✓ the circumstances in which a transfer will be granted
  - ✓ the circumstances the provider considers provide reasonable grounds for refusing the student's request, including when a transfer can be considered detrimental to the student
  - ✓ only includes relevant grounds
- Preamble to Standard 7 states:  
'It is expected that the student's request will be granted where the transfer will not be to the detriment of the student'



## Solutions - provider transfers (2)

- All transfer requests properly considered and refusal based on detriment/grounds listed in policy
- Written refusal with reasons why the provider considers the transfer would be to the student's detriment, taking into account the student's individual circumstances
- Student advised of internal appeal right
- Internal appeals considers any new information and addresses this in the written outcome with advice of external appeal rights



# Problems – attendance reporting

- Attendance policies that do not comply with standard 11
- Failing to implement policies
- Incorrect attendance calculations
- Failing to warn students that they are at risk of being reported before they fall below 80%
- Poor practices in sending the Notice of Intention to Report
- Failing to give external appeal rights



# Solutions - attendance (1)

- A clear attendance policy that:
  - ✓ states the attendance requirements (80% minimum)
  - ✓ 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



## Solutions - attendance (2)

- 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
- Parents/legal guardian involved if under 18 years
- If student never commences at all, reported under s19(1)(c) rather than poor attendance



## Problems – course progress

- 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



## Problems – course progress

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

# Solutions - course progress

- Have a course progress policy that clearly defines:
  - ✓ satisfactory and unsatisfactory course progress
  - ✓ when the student is deemed to be 'at risk of not meeting satisfactory course progress'
  - ✓ the point at which the student will be determined to have failed to meet satisfactory course progress
- The course progress policy includes an intervention strategy designed to assist students to improve to satisfactory levels



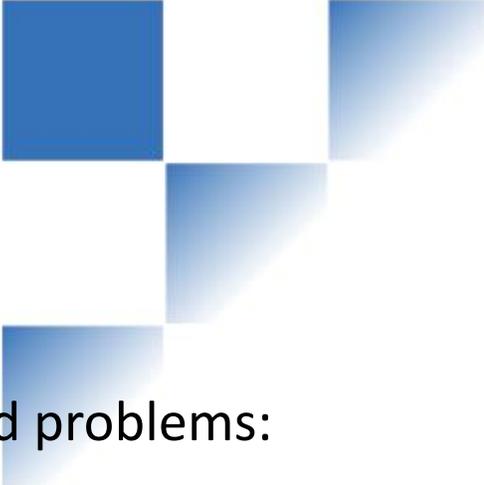
## Solutions - course progress

- The intervention strategy is implemented as soon as the student is identified as being 'at risk'
- If the student still fails to meet satisfactory course progress, the provider sends the notice of intention to report with appeal rights
- The student has the opportunity to lodge an internal and external appeal, and the provider awaits the outcomes, before reporting the student



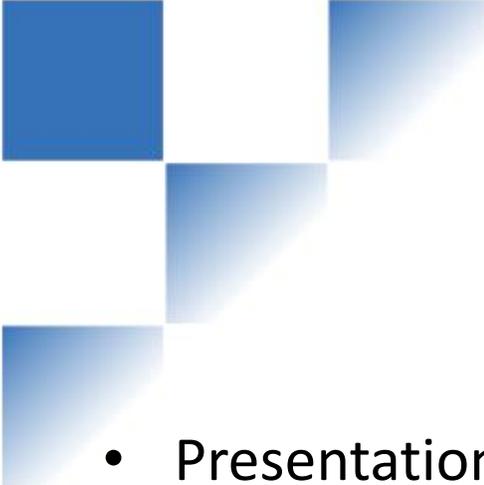
# Internal Appeal & Complaints

- Provider's internal complaints and appeals policy readily available e.g. on its website
- Provider helps students access the appeal process when problems/disagreements arise
- Provider deals with complaints/appeals objectively based on relevant facts and applicable policy/legislation
- Provider identifies any errors made and remedies them
- Internal appeal written outcome details reasons for the decision and external appeal rights



# Solutions?

- 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
- Listen to complaints –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)