

**Overseas Students Ombudsman
Quarterly Report 1 July – 30 September 2015**

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 July 2015 - 30 September 2015 in relation to each of these functions.

Complaints received about private providers 1 July – 30 September 2015 ¹

Complaints received 230	Closed 200	Closed without investigation	161
		Investigated and closed	39
	Still open 30	Under assessment	6
		Investigation underway	24

Complaints issues

The OSO received 230 complaints and external appeals in July - September 2015 concerning 267 issues. This represents a 23% increase on the last quarter (187 complaints received in April - June 2015) and a 49% increase from the 154 complaints received in the same period last year (July - September 2014 quarter).

¹ Complaints data generated from the Overseas Students Ombudsman's complaint management system, Resolve on 13 October 2015. 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)

The top four complaint issues were:²

- Standard 3 - provider refunds, fee disputes, written agreements (68)
- Standard 7 – transfer between registered providers (39)
- Standard 11 – monitoring attendance (23)
- Standard 10 – monitoring course progress (21)

Standard 3 complaints about provider refund refusals and fee disputes continue to be our top complaint issue, at the same level as previous quarters this year. We published our [written agreements issues paper](#) and [provider checklist](#) in March 2015, which we hope will help providers ensure their written agreements are compliant and able to be relied on in refund and fee dispute complaints.

Standard 7 provider transfer appeals continued at the same level as the last quarter and the same quarter last year, reflecting that we receive more of these appeals in the latter parts of the calendar year. This may reflect the students are likely to study with their providers for some time before requesting a release letter to transfer to another provider.

Standard 10 and 11 external appeals about unsatisfactory course progress and attendance increased by more than 50%. On 29 May 2015, we published a [course progress and attendance issues paper](#), which we hope will help providers to avoid the mistakes we see, resulting in our office finding less errors in the appeals we investigate.

Standard 13 complaints about deferment, suspension or cancellation of enrolment and Standard 8 complaints about the provider's internal complaints and appeals process continue to be higher than the first quarter of the year and the same period last year. This may reflect the overall increase in complaints. We are continuing to analyse these complaints for systemic issues and trends with a particular focus on complaints about provider's internal complaints and appeals processes.

Complaints issues by education sector

We completed fewer investigations in this last quarter compared to previous quarters. This may be due to the larger number of complaints received and closed without investigation. Where we are able to form a view from the papers the student provides, without contacting the education provider, it is not considered to be an 'investigation'. We are often able to form a view based on the papers which gives the student a faster decision and saves education providers time by not having to provide documents to us.

Most complaint investigations that we did undertake and complete during the quarter related to Higher Education and Vocational Education and Training (VET) courses. For Higher Education, provider refund complaints and fee disputes were the top issue investigated. For VET complaints, Standard 7 provider transfers and Standard 11 attendance monitoring external appeals were the top issue investigated. The number of investigations for ELICOS, Non-award and Schools were small with provider refunds and fee disputes; Standard 11 attendance monitoring and discipline being the top issues for those sectors respectively.

² 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 July to September 2015 compared to previous quarters

Issue type	July – Sept 2015 quarter	April - June 2015 quarter	Jan - March 2015 quarter
Standard 3 - provider refund/fee dispute	68	66	64
Standard 7 – transfer between providers	39	38	22
Standard 11 – monitoring attendance	23	14	9
Standard 10 – monitoring course progress	21	14	12
Standard 13 – deferring, suspending or cancelling enrolment	19	21	10
Standard 8 – provider complaints and appeals process	15	21	8
Grades/assessment	12	10	9
Out of jurisdiction to investigate (OOJ) ³	12	7	2
Provider default	9	2	3
Standard 14 – staff capability, resources, premises	9	7	4
Standard 1 – marketing information and practices	8	2	3
Graduation completion certificate	7	5	5
Bullying or harassment	6	0	1
Academic transcript	4	5	2
Standard 2 – student engagement before enrolment	3	2	2
Standard 12 – course credit	3	1	5
Standards for VET accredited courses ⁴	3	2	1
Work placement/experience	3	1	2
Standard 4 – education agents	2	3	2
Overseas Student Health Cover	1	0	2
Discipline	0	4	1
Employment	0	1	0
Higher education standards framework	0	2	1
Standard 5 – younger students	0	0	0
Standard 6 – student support services	0	0	0
Standard 9 – completion within expected duration	0	1	1
TOTAL	267	229	172

³ Out of jurisdiction means the provider was in jurisdiction but the student was out of jurisdiction because they were not on or did not previously hold a student visa or the issue complained about was out of jurisdiction e.g. discrimination, employment or privacy issues.

⁴ Vocational Education and Training sector

Complaints received, investigated and closed by education sector

1 July – 30 September 2015

Sector	Investigations completed per sector July – Sept 2015	Previous quarter investigations completed per sector per April – June 2015	Investigations completed per sector per Jan – March 2015	Number of providers in OSO jurisdiction by PRISMS 'main course sector' ⁵
ELICOS ⁶	3	12	6	95
Higher Education	11	16	17	64
Non-Award/other	2	1	0	9
Schools	1	1	3	365
VET	9	26	19	378
TOTAL	26	56	45	911

Issues investigated and closed – ELICOS

3 ELICOS complaints investigated and closed with 3 issues

Issue	Number of Issues
Standard 3 – formalisation of enrolment (provider refunds & fee disputes)	2
Standard 11 – monitoring attendance	1
TOTAL	3

Issues investigated and closed – Higher Education

11 Higher Education complaints investigated and closed with 12 issues

Issues	Number of issues
Standard 3 – formalisation of enrolment (provider refunds & fee disputes)	5
Standard 7 – transfer between registered providers	3
Standard 10 – monitoring course progress	2
Standard 1 – marketing information and practices	1
Standard 13 – deferring, suspending or cancelling enrolment	1
TOTAL	12

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 – VET Sector

9 complaints investigated and finalised with 12 issues

Issue	Number of issues
Standard 7 – transfer between registered providers	4
Standard 11 – monitoring attendance	4
Standard 10 – monitoring course progress	2
Standard 13 – deferring, suspending or cancelling enrolment	1
Standard 8 – complaints and appeals	1
TOTAL	12

Issues investigated and closed – Schools

1 schools complaint investigated and closed with 1 issue

Issue	Number of Issues
Discipline	1
TOTAL	1

Issues investigated and closed – Non-award

2 non-award complaints investigated and closed with 2 issues

Issue	Number of Issues
Standard 11 – monitoring attendance	2
TOTAL	2

Complaints received by state

State/ Territory	Number of complaints received July – Sept 2015 quarter	April – June 2015 quarter	Jan – March 2015 quarter	Number of CRICOS registered providers in OSO jurisdiction
New South Wales	90	70	69	261
Victoria	76	58	74	240
Queensland	35	21	9	241
Western Australia	20	18	9	84
Australian Capital Territory	0	3	2	43
South Australia	3	2	3	82 ⁷
Northern Territory	0	1	0	5
National	6	0	0	27
Tasmania	0	0	0	10
Total	230	173	161	993

⁷ SA providers are within our jurisdiction, however, we transfer complaints about SA providers to the SA Training Advocate, as recommended by the 2010 Baird Review.

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).

Authority	Number of complaints transferred July- Sept 2015 quarter	Number of complaints transferred April - June 2015 quarter	Number of complaints transferred Jan - March 2015 quarter
Australian Skills Quality Authority	7	9	1
Tuition Protection Service	7	7	9
South Australian Training Advocate	4	3	0
Tertiary Education Quality Standards Agency	0	1	0
Total	20	19	10

The OSO may also make disclosures under s 35A of the Act to regulatory bodies or public authorities where it is in the public interest to do so. The OSO made one disclosure under s 35A during this quarter to the Victorian Registration and Qualifications Authority (VRQA) about a Victorian school.

Provider advice and training in best practice complaint handling

The OSO provides training to providers about best practice handling of overseas student complaints. In this quarter the OSO:

- delivered a training webinar on course progress for ELICOS providers through English Australia in August
- presented at a best practice provider workshop organised by the International Student Advisors Network Australia (ISANA) in Brisbane in August
- presented at the Australian Council for Private Education and Training (ACPET) conference in Melbourne in August
- delivered a training webinar on course progress and attendance through ACPET in September
- presented at the English Australia conference in Brisbane in September.

Outreach and engagement activities

The OSO engaged with a range of stakeholders during this quarter:

- presented at the Council for International Students Australia (CISA) conference in Melbourne in July
- hosted the second National Overseas Students Complaint-Handlers Forum in Melbourne in July
- presented to the new CISA executive in Canberra in August
- presented at the IDBP student expo in Brisbane in August
- spoke on a panel at the ISANA international education accommodation symposium in Melbourne in September
- met with the Chinese Embassy in August and the Embassy of Brazil in September to advise them of our role and how we can help intending, current and former overseas students from their countries
- met by teleconference with the State Ombudsman offices, the South Australian Training Advocate and the Western Australian International Education Conciliator to discuss overseas student complaint issues in September
- met with the TPS, ASQA, the Tertiary Education Quality Standards Agency (TEQSA), the Department of Education and Training (DET) and the Department of Immigration and Border Protection (DIBP) in August and September.

Publications

We published eight presentations delivered during this quarter, which are available on our [website](#).

Submissions

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