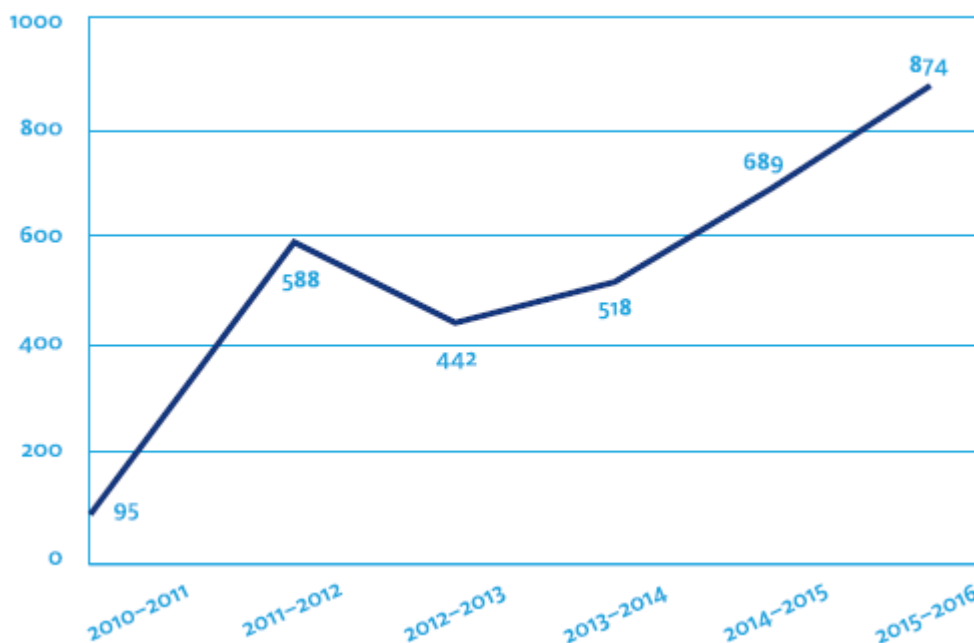


OVERSEAS STUDENTS OMBUDSMAN

The Overseas Students Ombudsman (OSO) investigates complaints and appeals from intending, current and former international students about private colleges, universities and schools.

In 2015–16, the OSO received 874 complaints and appeals, 27 per cent more than in 2014–15 and 69 per cent more than in 2013–14. This represents a correlation between the considerable and sustained growth in the international student sector and the number of complaints received.

Figure 7: Overseas Students Ombudsman complaints received by year



In 2015–16 the office started 315 complaint investigations and completed 291, compared to 238 investigations started and 239 completed last year.

Of the completed investigations, 56.7 per cent were resolved in favour of the provider; and 25.7 per cent in favour of the complaining student. In 17.6 per cent of cases the office’s investigation outcome favoured neither party because the case was otherwise finalised. For example, the provider fixed the problem quickly before the office needed to fully investigate or the office decided after starting its investigation that the issue would be better dealt with by another complaint-handling body.

The office finalised 575 complaints without investigating (compared to 441 last year) because the office:

- formed a view on the documents provided by the student
- referred the student back to his or her education provider’s internal complaints and appeals process, or
- transferred the complaint to another complaint-handling body as provided by s 19ZK of the Act.

Figure 8: How complaints were finalised by Overseas Students Ombudsman

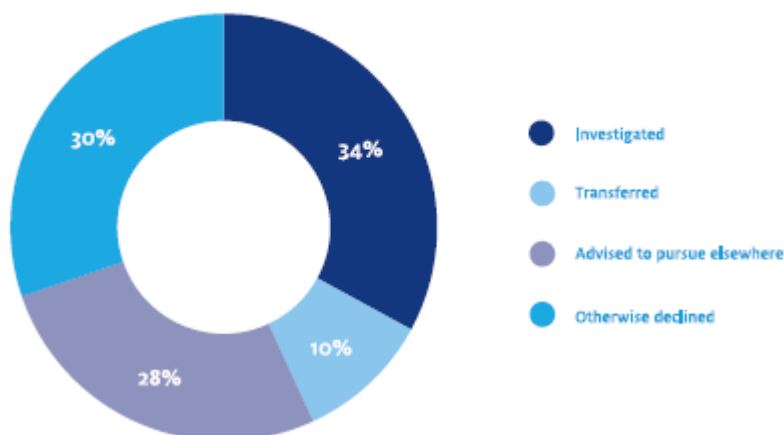


Table 4: Complaints transferred to other complaint bodies

Complaint body	Number of complaints transferred in 2015–16	Number of complaints transferred in 2014–15
Australian Human Rights Commission	1	0
Australian Skills Quality Authority (ASQA)	21	19
Fair Work Ombudsman	1	0
Office of the Training Advocate, SA	12	10
Tuition Protection Service (TPS)	55	33
Total	90	62

Helping students through impartial complaint-handling

Complaint issues

The two main complaint types continued to be provider refunds and fees disputes (325 complaints) and providers' decisions to refuse a student transfer to another provider under Standard 7 of the National Code (174 complaints/external appeals).

Providers' decisions to report students to the Department of Immigration and Border Protection for failing to meet attendance requirements under Standard 11 (115 complaints/external appeals) moved from the fourth to the third most common issue.

The fourth main complaint issue was providers' decisions to cancel, suspend or defer a student's enrolment under Standard 13 (104 complaints/external appeals).

Student Feedback

"Hi, Thank you very much for your reply. I am really glad to see that you have taken action against my complain. This would have never happened in my country. I am proud to be living in Australia, where even complaints from foreigners are listen without any discrimination. [My education provider] was not even listening to me before but after lodging this complain and action taken by OSO, he has now been really respectful to me. Once again thank you OSO" (sic)

Reports to the regulators

The OSO has the power under s 35A of the Act to disclose information about providers of concern to the relevant regulator. In 2015–16 the office made six s 35A reports to the Australian Skills Quality Authority, compared to three last year.

Reports on trends and systemic issues

Our publications this year were:

- a report on the OSO's first four years of operations, including key outcomes and activities
- a *Written Agreement (Fees and Refunds)* student fact sheet to help students avoid the problems that commonly lead to complaints
- an updated version of our *Written Agreements Issues Paper and Provider Checklist* to reflect the December 2015 *Education Service for Overseas Students 2000* changes
- Four quarterly statistical reports highlighting key issues, trends and outcomes
- two e-newsletters for private education providers
- an e-newsletter for international students.

The office participated in interagency meetings about the Department of Health's review of the *Overseas Student Health Cover Deed of Agreement*, providing observations based on issues identified in our complaint investigations. The office also collaborated with the publication *Insider Guides* that published an online article on the role of the OSO, which was promoted to students through social media.

Stakeholder engagement and promoting best practice complaint-handling

In 2015–16, the Ombudsman met with the embassies of Brazil, China and Indonesia to raise awareness of our role in helping students from these countries with complaints.

The office convened a complaint-handling panel at the Council for International Students Australia (CISA) national conference to highlight to the attendees their right to complain and who to contact for different issues. The office provided training to the new CISA Executive to advise where to direct students experiencing problems. The office also presented at the IDP Education Brisbane International Students Expo and the Australian Federation of International Students/ Study Melbourne international student information day.

The office:

- collaborated with English Australia (EA) and the Australian Council of Private Education and Training (ACPET) to deliver three provider training webinars on course progress, attendance and best practice complaint-handling
- provided training through the International Student Advisors Network Australia (ISANA) and participated in an ISANA symposium on international student accommodation issues
- spoke at the EA, ACPET and ISANA national conferences as well as presenting at the Australian International Education Conference (AIEC) for the first time, and
- attended the NSW Ombudsman's University Complaint Handlers forum, which includes two private universities in the OSO's jurisdiction.
- The office held regular liaison meetings with regulators, the Australian Skills Quality Authority (ASQA) and the Tertiary Education Quality Standards Agency (TEQSA), to discuss common issues as well as the Tuition Protection Service (TPS), the Department of Education and Training and the Department of Immigration and Border Protection (DIBP) to discuss issues relating to international education and overseas student complaints.

Looking forward

In April 2016, the government released Australia's first *National Strategy for International Education 2025* and the *AIE2025 Roadmap*, which envisages Australia's welcoming 720 000 international students each year by 2025. The strategy notes the OSO's role in supporting this growth by ensuring strong student protections.

As the international education sector continues to grow, the office expects to see a continued increase in complaints. The office wants to find out whether the current complaint arrangements meet students' needs and whether any changes could be made to strengthen or simplify student protections.

The office will have commenced that process before publication of this report by releasing a consultation paper on the external complaints avenues for international students.

Case study

A student complained to the OSO that her private education provider had cancelled her enrolment while she was overseas on holiday during the mid-year break. She was informed at the airport when she attempted to re-enter Australia that her visa had been cancelled. It seemed that her private education provider had informed DIBP that she had not paid her tuition fees and had therefore cancelled her enrolment. The student contended that she had paid her fees and should be allowed to continue studying.

The office found that the student had in fact paid her fees but had not labelled her bank transfer with sufficient identifying details. This meant that the provider was unable to establish that the bank transfer was hers. Some instalments were also paid several weeks late, but the provider had not followed this up with the student.

In addition, the office found that the provider had not notified the student in writing of its intention to cancel her enrolment for non-payment of fees, nor had it offered her an opportunity to lodge an internal appeal against its decision. This is a breach of Standard 13 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (the National Code)*.

The office recommended that the provider update its cancellation policy to ensure that in such cases in future a letter is sent to the student, inviting him or her to appeal. The office also recommended that the provider follow up on all outstanding fees in a timely manner and revise its fee policy to document this process.

Finally, the office recommended that the provider reinstate the student's enrolment while it conducted an internal appeal, and to inform DIBP that the student's enrolment had been cancelled in error.