



# Overseas Students Ombudsman

IDP Brisbane International Student EXPO  
Presentation  
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# Overview

- What is an Ombudsman?
- Overview of Overseas Students Ombudsman's role
- How to complain to your education provider
- When and how to complain to the OSO
- What happens when you complain to the OSO
- How the OSO investigates complaints
- Possible outcomes
- Case studies
- Avoiding problems with your provider



# What is an Ombudsman?

- An Ombudsman investigates complaints about businesses or government agencies
  - Free, impartial, independent
- Different Ombudsmen deal with different governments and industry sectors
  - Eg Commonwealth Ombudsman – Australian Government agencies such as the Department of Immigration and Border Protection (DIBP)
  - Telecommunications Industry Ombudsman – telephone and internet companies
  - Fair Work Ombudsman – employment issues

# The Overseas Student Ombudsman

- The OSO investigates complaints from overseas students about private education and training providers
- State Ombudsmen investigate complaints about public providers eg Universities
- Public or private - complain to your provider first

# Complaining to your provider

- You should be able to access your provider's complaints and appeals policy and procedure
- This should tell you how to make a formal complaint
- The complaint handling process should begin within 10 working days of lodgement and finalised as soon as practicable
- You should receive a written outcome to formal complaints explaining the written outcome
- If you are not happy with the outcome or conduct of your complaint your provider must direct you to an independent external complaints and appeals body.



# Tips for complaining

- Read the provider's complaints and appeals policy
- Complain in writing
- Clearly identify what the complaint is about
- Clearly identify the outcome you want
- Be calm and polite
- Keep records – copies of emails, letters etc
- Persist – contact the provider if they do not contact you
- Make sure you get a written outcome



# Case Study

Ms A enrolled in a hospitality course at XYZ College. Soon after arriving in Australia, she realised that she had been overcharged for her course fees. One day after class, Ms A mentions this to Lynn, the receptionist. Lynn says that she will tell Sue from accounts and Sue will get back to Ms A. Ms A does not hear back from the College, so two weeks later she contacts the Overseas Student Ombudsman.

- Would we investigate?
- What could Ms A do differently?



# Complaining to the OSO

- Complaints can be made through our online complaint form, by phone, email, post or in person
- We consider whether we can investigate your complaint
- We also consider whether we should investigate your complaint



# How we investigate

- We are independent and impartial
- We investigate in private
- We ask the provider to explain what they did and why they did it
- We give the provider an early opportunity to resolve any problems
- We try to get all relevant documents from both parties
- We give both sides an opportunity to comment before we finalise our investigation
- Where we find problems, we try to make clear and helpful recommendations to the provider



# Common Complaints to OSO

- Fee and refund disputes
- Transfer between registered providers
- Monitoring course progress
- Monitoring attendance



# Possible outcomes

- If the provider made a mistake or acted unfairly, we can ask them to:
  - Apologise
  - Change or reconsider a decision
  - Change their policies or procedures
  - Refund part or all of your fees
  - Not report you to the Department of Immigration and Border Protection for non-compliance with visa conditions
- If we find that the provider acted correctly, we explain why



# Case Study

Mr B's provider told him that he would be reported to DIBP for inadequate course progress. When Mr B complained to our office, we agreed with the provider that Mr B's course progress was not satisfactory. However, we found that the provider had not properly applied its appeals policy because it not given Mr B an opportunity to comment on its decision.

- What should we do?



# Case Study

Ms C complained that she had withdrawn from her course one week before it started, but her provider had refused to give her a refund. When she complained to the OSO we asked for a copy of her written agreement and the provider's refund policy. The provider's refund policy was included in Ms C's written agreement. The policy said that no refund would be given if a student withdrew less than four weeks before the course start date.

- Outcome?



# Case Study

Ms E complained to our office that her provider would not give her a letter of release allowing her to transfer to another provider. We found that Ms E did need a letter of release because she had commenced her course less than six months earlier. However, the provider had not shown that the transfer would be to Ms E's detriment.

- What should OSO do?

# Case Study

Ms F's provider decided to report her to DIBP for inadequate attendance. The provider calculated that she had attended only 65% of the contact hours for a particular unit of study, and said that reporting was mandatory under Standard 11 and its policies. We found that the provider had miscalculated the number of course contact hours, that Ms F had actually attended 78% of the unit's contact hours, and that reporting was discretionary.

- Outcome?

# Case Study

Mr G complained about his provider's decision to report him to DIBP for poor attendance. As part of our investigation, we asked the provider for evidence that it had sent Mr G a warning letter before his attendance fell below 80%. The provider provided proof that it had sent a warning to his home address. However, Mr G had changed address without telling his provider and Mr G never received the letter.

- Outcome?
- What difference would it make if Mr G had notified the change of address but the provider had not updated his record?





# Avoiding Problems

- Before you enrol:
  - Read your written agreement carefully before you sign it
  - Read your provider's refund policy carefully as well, before signing the agreement
  - Know your student visa conditions
  - Read your provider's attendance and course progress monitoring policies – some are stricter than others

# Avoiding Problems

- When you have enrolled:
  - Get a copy of written agreement
  - Read your provider's policies and procedures
  - Remember, just because you get a release letter does not mean that you are entitled to a refund
  - Tell your provider if you change address so that you receive any written warnings or important information
  - Get your Overseas Student Health Cover (OHSC) card right away when you arrive
  - Talk to your provider as problems arise (don't let things drift)



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