

# Overseas Students Ombudsman

Quarterly Report 1 January – 31 March 2017

## What is the Overseas Students Ombudsman?

The Overseas Students Ombudsman (OSO) has three functions:

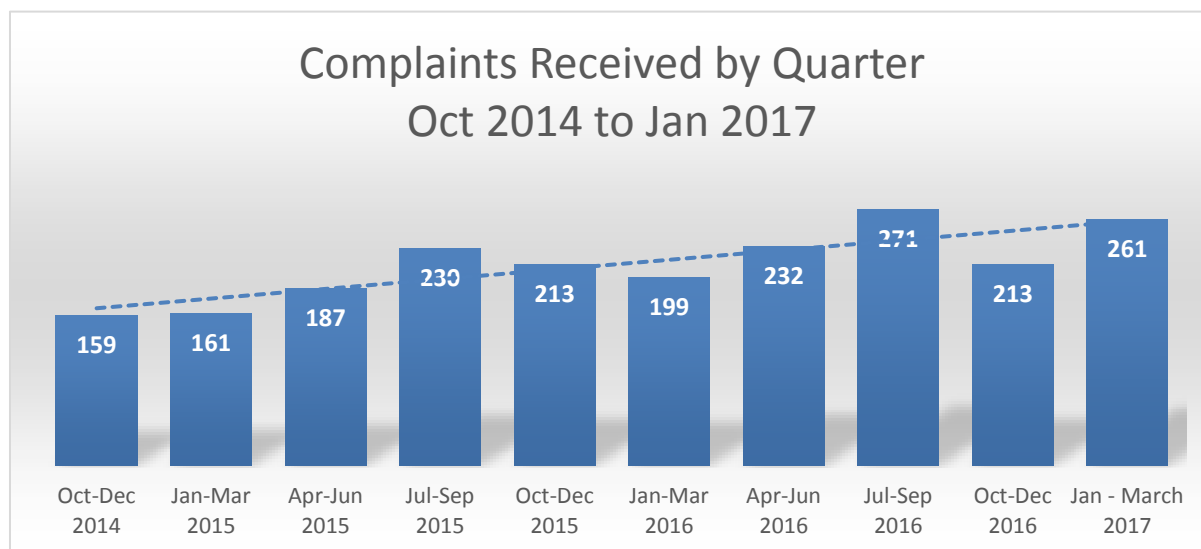
- investigate complaints about actions taken in connection with overseas students by private registered education providers
- give private registered providers advice and training about best practice complaints handling for overseas student complaints
- report on trends and systemic issues arising from our complaint investigations.

This report sets out the OSO’s activities from 1 January – 31 March 2017 in relation to each of these functions.

## At a glance

Key points from this report:

- the number of complaints received in the period 1 January – 31 March 2017 is an increase on the same time last year, reflecting an increase in complaints overall.
- complaints about written agreements, fees and refunds continue to be the main issue
- complaints about education agents increased over the last quarter.
- of the 98 complaint issues investigated and finalised, 35 (36%) were decided in favour of the provider, 23 (23%) in favour of the student and 40 (41%) in favour of neither party.



## Complaints received 1 January – 31 March 2017<sup>1</sup>

Received	Closed		Ongoing	
	Not investigated	Investigated	Under assessment	Under investigation
<b>261</b>	148	33	14	66
	57%	13%	5%	25%

<sup>1</sup> Complaints data generated from the Overseas Students Ombudsman’s complaint management system, Resolve on 6 April 2017.

## Complaints finalised 1 January – 31 March 2017<sup>2</sup>

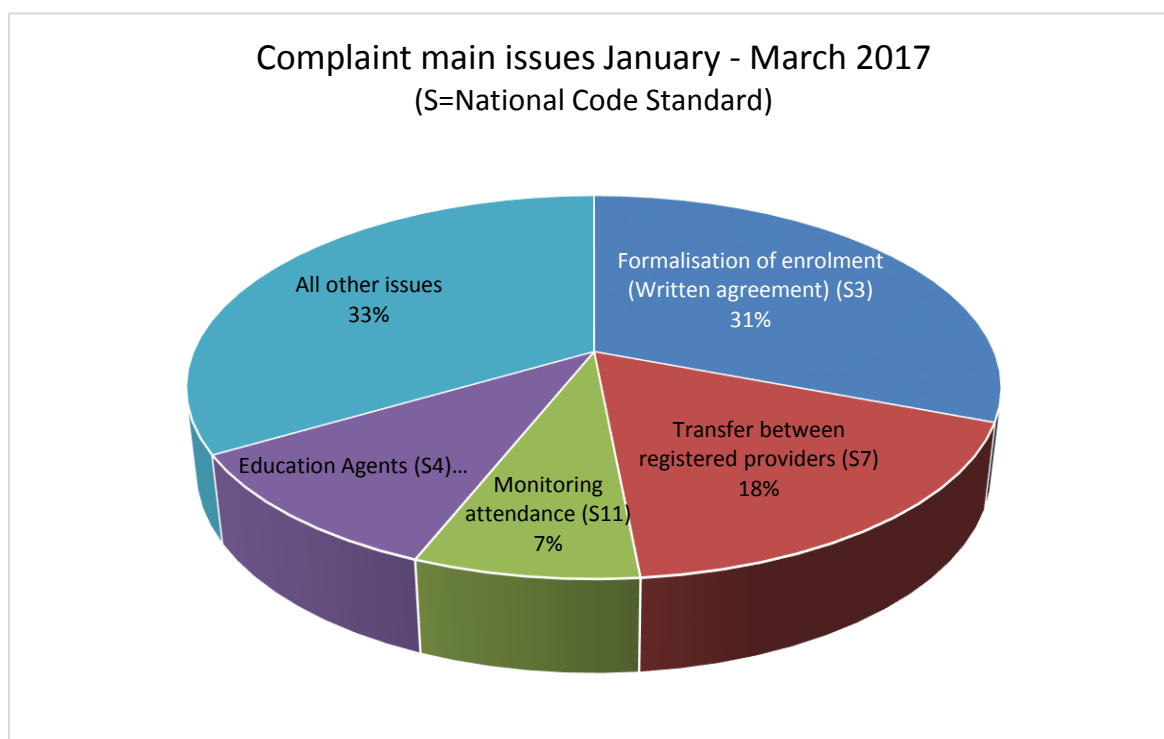
Finalised	Not investigated	Investigated	Investigated - number of Issues	Outcome Found in Favour of		
				Provider	Student	Neither
<b>231</b>	153	78	<b>98</b>	35	23	40
	66%	34%		36%	23%	41%

The OSO finalised 231 complaints during the 1 January to 31 March 2017 quarter, having investigated 78 issues. We finalised 153 complaints in the quarter without having to investigate (defined as contacting the provider to request information to help us consider the complaint). We are often able to form a view based on the documents the student gives us, resulting in a faster decision for the student and saving education providers time by not having to provide documents to us.

The 78 complaints that the OSO investigated and closed during the 1 January to 31 March 2017 quarter raised 98 separate issues.<sup>3</sup> Of these 98 issues, 35 were decided in favour of the provider, 23 in favour of the student and 40 were in favour of neither party.

### Complaint issues

The OSO closed 266 complaint issues related to complaints received prior to and during this quarter. Of the issues closed, complaints about provider refund refusals and fee disputes remains the number one complaint issue.



<sup>2</sup> Please note this analysis refers to all complaints closed in the January – March 2017 quarter, including some complaints received prior to the commencement of the quarter.

<sup>3</sup> Of which 28 complaints were received, investigated and closed within the quarter. A further 185 complaints were investigated and closed during the quarter which were received in or before the previous quarter.

Education agent complaints increased this quarter due to the OSO receiving a number of complaints alleging an education agent has engaged in dishonest practices in enrolling international students with Australian education providers and handling of refunds of tuition fees. We are still investigating some of the complaints and plan to publish an issues paper on this topic in the future.

#### Complaint issues closed, 1 January – 31 March 2017, compared to previous quarters<sup>4</sup>

<i>ISSUE</i>	Jan - Mar 2017	Oct-Dec 2016	July-Sept 2016
Standard 3 - provider refund/fee dispute/written agreement	82	90	127
Standard 7 - transfer between registered providers	47	51	55
Standard 4 - education agents	28	1	4
Standard 11 – monitoring attendance	20	22	26
Standard 10 – monitoring course progress	18	9	21
Standard 13 – deferring, suspending or cancelling the student’s enrolment	13	9	17
Out of jurisdiction to investigate <sup>5</sup>	10	7	0
Standard 8 – provider complaints and appeals processes	10	11	12
Grades/assessment	8	6	18
Graduation Completion Certificate	5	8	8
Standard 12 – course credit	5	2	2
Provider default	4	6	9
Bullying or harassment	3	3	0
Standard 1 – marketing information and practices	3	2	5
Standard 2 – student engagement before enrolment	3	3	1
Standard 14 – staff capability, educational resources and premises	2	17	17
Work placement/experience	2	0	3
Academic Transcript	1	2	5
Standard 5 - younger students	1	0	2
Standard 9 - completion within the expected duration of study	1	1	4
Discipline	0	3	3
Standard 6 - student support services	0	1	0
Overseas Student Health Cover	0	0	1
Standards for VET accredited courses	0	0	0
<b>Total</b>	<b>266</b>	<b>254</b>	<b>340</b>

<sup>4</sup> From the first quarter in 2015-16, the OSO quarterly reports include figures for complaint issues *closed* in each quarter. Previously, the OSO had reported quarterly figures for complaints *received* in a quarter.

<sup>5</sup> Out of jurisdiction means the provider was in jurisdiction but the student was out of jurisdiction because they were not a current, former or intending international student visa holder or the issue complained about was out of jurisdiction e.g. Discrimination, employment or privacy issues.

### Complaints - by education sector

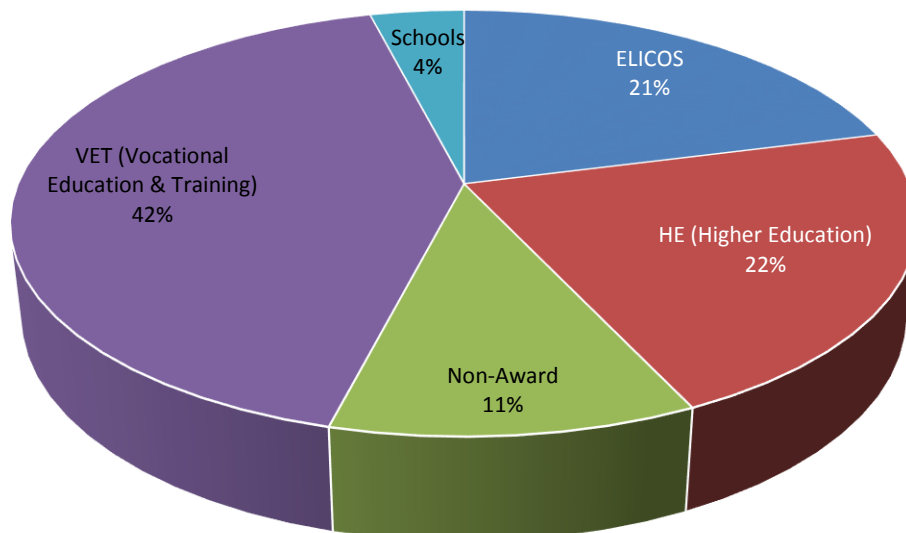
Most complaint investigations that we undertook and completed during the quarter related to Vocational Education and Training (VET), English Language Intensive Courses for Overseas Students (ELICOS) courses and Higher Education (HE). VET represented the most common course sector for complaints investigated and closed.

The OSO has generally received and investigated more VET complaints than complaints from other sectors which may reflect VET having the highest number of private providers in the OSO's jurisdiction.

### Complaints investigated and closed by education sector

Sector	Number of providers <sup>6</sup>	%	Jan - Mar 2017	%	Oct - Dec 2016	%
VET	490	47%	33	42%	44	56%
Schools	375	36%	3	4%	0	0%
ELICOS <sup>7</sup>	98	9%	16	21%	18	23%
Higher Education	74	7%	17	22%	13	16%
Non-Award	11	1%	9	11%	4	5%
<b>TOTAL</b>	<b>1048</b>		<b>78</b>		<b>79</b>	

Complaints investigated by sector January - March 2017



<sup>6</sup> Number of providers in OSO jurisdiction by PRISMS 'main course sector'. 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.

<sup>7</sup> English Language Intensive Courses for Overseas Students

**ELICOS Issues investigated and closed (16 complaints with 19 issues)**

Issue	Number of issues	%
Standard 11	8	42%
Standard 4	6	32%
Standard 3	3	16%
Standard 13	1	5%
Standard 8	1	5%
<b>TOTAL</b>	<b>19</b>	<b>100%</b>

**HIGHER EDUCATION Issues investigated and closed (17 complaints with 18 issues)**

Issue	Number of issues	%
Standard 10	7	39%
Standard 3	4	22%
Standard 7	4	22%
Standard 13	2	11%
Grades/Assessment	1	6%
<b>TOTAL</b>	<b>18</b>	<b>100%</b>

**NON-AWARD Issues investigated and closed (9 complaints with 14 issues)**

Issues	Number of issues	%
Standard 11	6	43%
Standard 4	2	14%
Standard 8	1	7%
Standard 2	1	7%
Standard 3	1	7%
Standard 7	1	7%
Standard 13	1	7%
Bullying or harassment	1	7%
<b>TOTAL</b>	<b>14</b>	<b>100%</b>

**VET Issues investigated and closed (33 complaints with 42 issues)**

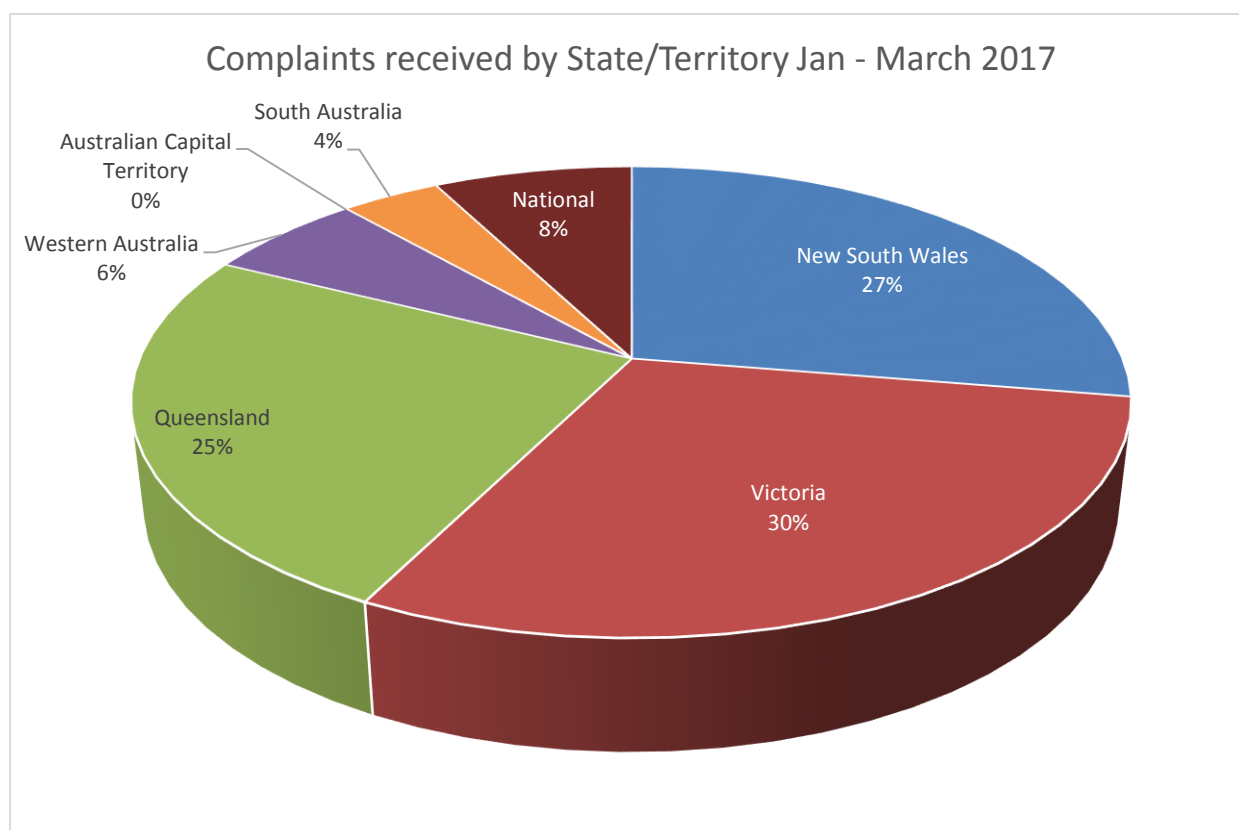
Issues	Number of Issues	%
Standard 3	12	36%
Standard 7	9	21%
Standard 10	7	17%
Standard 11	4	10%
Standard 4	3	7%
Standard 8	1	2%
Standard 12	1	2%
Standard 13	1	2%
Academic Transcript	1	2%
Grades/Assessment	1	2%
Graduation Completion Certificate	1	2%
Work placement/experience	1	2%
<b>TOTAL</b>	<b>42</b>	<b>100%</b>

**SCHOOLS Issues investigated and closed (3 complaints with 5 issues)**

Issues	Number of Issues	%
Standard 3	<b>3</b>	<b>60%</b>
Standard 5	1	20%
Standard 8	1	20%
<b>TOTAL</b>	<b>5</b>	<b>100%</b>

## Complaints received by State/Territory

State/Territory	Jan - March 2017	Number of registered providers <sup>8</sup>	Oct-Dec 2016	Number of registered providers <sup>9</sup>
Victoria	78	275	73	274
New South Wales	72	288	53	284
Queensland	65	269	34	259
Western Australia	16	85	34	86
National	20	28	15	30
Australian Capital Territory	0	11	2	11
South Australia	10	79	2	79
Northern Territory	0	5	0	5
Tasmania	0	9	0	9
<b>Total</b>	<b>261</b>	<b>1048</b>	<b>213</b>	<b>1037</b>



<sup>8</sup> Number of providers in OSO jurisdiction by PRISMS 'main course sector'. Includes South Australian (SA) providers, noting that we transfer complaint about SA providers to the SA Training Advocate. From PRISMS data 5 April 2017.

<sup>9</sup> Number of providers in OSO jurisdiction by PRISMS 'main course sector'. Includes South Australian (SA) providers, noting that we transfer complaint about SA providers to the SA Training Advocate. From PRISMS data 5 April 2017.

## 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). Complaints about a South Australian education provider are transferred to the Office of the Training Advocate, South Australia.

### Complaint issues transferred under s 19ZK to another authority<sup>10</sup>

Authority	Jan-Mar 2017	Oct-Dec 2016
Tuition Protection Service (TPS)	5	6
Australian Skills Quality Authority (ASQA)	3	14
South Australian Training Advocate	2	1
Australian Human Rights Commission (AHRC)	1	1
Victorian Registration and Qualifications Authority	0	1
Tertiary Education Quality Standards Agency (TEQSA)	0	0
Fair Work Ombudsman (FWO)	0	0
<b>Total</b>	<b>11</b>	<b>23</b>

The OSO may also make disclosures under s 35A of the *Ombudsman Act 1976* to regulatory bodies or public authorities where it is in the public interest to do so.

The OSO made no disclosures during the January - March 2017 quarter.

## Outreach and engagement activities

In this quarter, the OSO:

- Presented to the Council for International Education in Adelaide on our [consultation report on external complaint avenues for international students](#)
- Participated in the Commonwealth, State and Territory International Education and Training Forum in Canberra
- Presented to education providers at the TPS provider information sessions in Sydney, Melbourne, Brisbane and Canberra
- Participated in a stall at the Universities Australia conference in Canberra
- Attended the ACT Minister’s International Students Welcome event in Canberra
- Presented at the Study Melbourne and AFIS International Student Information Day in Melbourne
- Presented to Victorian schools registrars in Melbourne.

<sup>10</sup> Subject to confirmation. The OSO confirms receipt if transfer with other authorities throughout the year



## Publications

In this quarter the OSO published:

- [External complaint avenues for international students, Consultation Report \(February 2017\)](#)
- [Recent complaints about an education agent](#) information on our website (January 2017)
- [Provider Report No. 3 – Analysis of complaints and appeals to the Overseas Student Ombudsman](#) (January 2017)

## Submissions

The OSO also made a submission to the Department of Education's proposed changes to the National Code of Practice for Providers of Education and Training to Overseas Students 2007 on 10 March 2017. We will publish our submission on our [website once DET publishes all the submissions on its website](#).