

Common issues with Course Progress and Attendance



**DE ESOS Reforms
Consultation Workshop**
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Overseas Students Ombudsman

- We investigate complaints and external appeals from overseas students about private education providers with reference to the ESOS Act and National Code
- We help education providers improve their internal complaints and appeals processes
- We report on trends and systemic issues we see through our complaints investigations



Course Progress

- Best practice:
 - Having a course progress policy that clearly defines
 - satisfactory course progress
 - when the student is deemed to be ‘at risk of not meeting satisfactory course progress’
 - unsatisfactory course progress
 - The course progress policy includes an intervention strategy, designed to assist students to improve to satisfactory levels



Course Progress

- Best practice:
 - The intervention strategy is implemented as soon as the student is identified as being 'at risk' of failing to meet satisfactory course progress
 - Once the student is assessed as having failed to meet satisfactory course progress, the provider sends the notice of intention to report with internal appeal rights
 - If the student lodges an internal appeal and is unsuccessful, the provider advises external appeal rights and does not report until this process is complete



Course Progress

- Poor practice:
 - 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



Course Progress

- Poor practice:
 - 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



Attendance

- Best practice:
 - A clear attendance policy that states the attendance requirements (80% or higher)
 - Policy states the period over which the provider will monitor and report on attendance (one study period, length of course or Confirmation of Enrolment (CoE)?)
 - Policy 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



Attendance

- Best practice:
 - Policy states how attendance will be recorded and calculated including how the provider counts absences covered or not covered by a medical certificate; lateness or early departures from class etc.
 - 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

Attendance

- Best practice:
 - Provider records attendance over the stated reporting period and sends warnings and the notice of intention at the right time to the student's correct address
 - Provider advises student of their internal appeal rights
 - Provider gives the student a written outcome of the internal appeal with details of the reasons for the decision and advice of external appeal rights
 - If the student lodges an external appeal, provider awaits the outcome before reporting

Attendance

- Poor practice – Attendance policy
 - Does not state minimum percent attendance required or
 - Does not state the period over which the 80% is calculated (one study period, total course length, length of CoE?) or
 - Does state it but provider has done something different e.g. monitored over a different period, past the end of a CoE or over multiple CoEs when policy states reporting period is one CoE
 - Contradicts National Code e.g. states provider will not report student if between 50-80% attendance when provider only had discretion to consider not reporting if attendance at least 70% (and satisfactory course progress)



Attendance

- Poor practice – Attendance calculations
 - Provider unable to explain how it calculated attendance or over what period and external appeal body cannot replicate
 - Miscalculating attendance by calculating current attendance rather than projected attendance
 - Miscalculating attendance by including public holidays or other days when no classes are scheduled
 - Including lateness to class/early departures in absence calculations when provider's policy does not state the provider will do this

Attendance

- Poor practice – Warnings
 - Failing to send the warning to the student after five consecutive days of absence or before the student falls below 80% projected attendance
 - Unclear warnings that confuse current and projected attendance, do not state study period
 - Warnings that do not state what the consequences are of being at risk of failing to meet satisfactory attendance i.e. being reported to DIBP
 - Warnings not sent to the parent/legal guardian for under 18s
 - Sent to the wrong address



Attendance

- Poor practice – Notice of intention to report
 - Not sending the notice to the parent/legal guardian for under 18 year old student
 - Sending the notice to the wrong address
 - Sending the notice after the student has fallen below 70% so the provider no longer has discretion not to report based on compassionate and compelling circumstances
 - Failing to provide advice of internal appeal rights

Attendance

- Poor practice – Other
 - Intending to report a student under Standard 11 when the student has never commenced the course or inactively advised cessation of studies by not returning after a deferral/holiday break when the provider should instead have reported the student within 14 days of that event occurring under s 19(1)(c) or s 19(1)(d) of the ESOS Act
 - Upholding the student's internal appeal and deciding not to report but placing conditions on this decision and later reversing the decision and reporting the student when those conditions are not met
 - Failing to give external appeal rights



Questions?

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