

Overseas Students Ombudsman

Complaints and education agents



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Director

Overseas Students Ombudsman role

- The Australian Government established the OSO with legislative powers as part of the consumer protection framework
- We apply the principles of the Australian Consumer Law
- We use the standards of the 'National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students'
- We recognise there is a diverse range of education providers and education agents in the international education industry
- We see both good and bad practices



Overseas Students Ombudsman role

- We investigate complaints from overseas students about private registered education and training providers
- This includes current, former and intending overseas students
- There are nearly 1,000 private providers in our jurisdiction
- We have received more than 1,000 complaints since we began operating in April 2011



Complaints

- We receive most complaints directly from students
- Education agents can also complain on behalf of a student, with their written consent
- Complaints can be made through our online complaint form, by phone, email, post or in person



How we investigate

- We are independent and impartial
- We investigate in private
- We give the provider an early opportunity to resolve any problems
- Both sides have an opportunity to comment before we finalise our investigation
- We try to make clear and helpful recommendations



Provider and agent responsibilities

- Providers are required by Standard 4 of the National Code to take responsibility for their agents
- Agents should uphold the same standards as providers
- Providers must act on complaints from students about their agents
- Providers should consider the student's complaint and ask the agent to provide their version of events
- Providers should take responsibility for fixing problems caused by their agents

Standard 4 of the National Code

- A provider must enter into a written agreement with every education agent it engages to formally represent it
- A provider must not enter into an agreement with an agent it knows or reasonably suspects of engaging in dishonest practices
- A provider must terminate its agreement with an agent which it reasonably suspects, or knows it has, engaged in prohibited practices
- A provider must take immediate corrective and preventative action once aware of an agent being negligent, careless, incompetent or engaged in false, misleading or unethical advertising and recruitment practices

Complaints about agents (1)

- Giving false or misleading advice about a course or provider
- Enrolling a student with one provider while telling the student they had been enrolled with a different provider
- Accepting tuition fees before the student signed the written agreement
- Failing to pass on tuition fees to the provider
- Failing to give the student a copy of the written agreement, with the refund policy, so the student is unaware of their rights

Complaints about agents (2)

- Receiving a refund on behalf of a student when not authorised to do so in the student's written agreement with the provider
- Receiving a refund on behalf of a student when authorised to do so but then failing to give the refund to the student
- Arranging sub-standard accommodation in Australia and failing to assist the student when they complained

Complaints about agents (3)

- Delaying lodgement of a withdrawal request so the student was not eligible for a refund by this time
- Giving immigration advice or assistance in Australia when not a registered migration agent - including failing to lodge a student visa application on time so the student became unlawful



Breaches by providers

- Failing to have a current written agreement in place with their agents
- Failing to consider or investigate complaints about their agents
- Failing to take appropriate corrective or preventative action against their agents where warranted



Investigation outcomes

- Formal report to the Minister for Tertiary Education
- Report to the regulator (e.g. ASQA, TEQSA)
- Recommend that the provider terminates their agreement with the agent
- Student reports agent to police (failure to pay fees or refund)
- Provider repays refund to student and seeks to recover from agency

Tips for managing complaints

- Ensure your complaints and appeals policy is easily accessible
- Acknowledge promptly, and keep students advised of progress
- Investigate complaints and consider appeals with an open mind
- Give students an opportunity to comment or show cause, before making a decision not in their favour
- Provide a written explanation of your reasons
- Advise students of their right to complain or appeal to OSO



Best practice complaints handling

For more information see our
Guide to Better Practice Complaint Handling
for Education Providers

<http://www.oso.gov.au/publications-and-media/>



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