

# Overseas Students Ombudsman

Quarterly Report 1 October – 31 December 2016

## What is the Overseas Students Ombudsman?

The Overseas Students Ombudsman (OSO) has three functions:

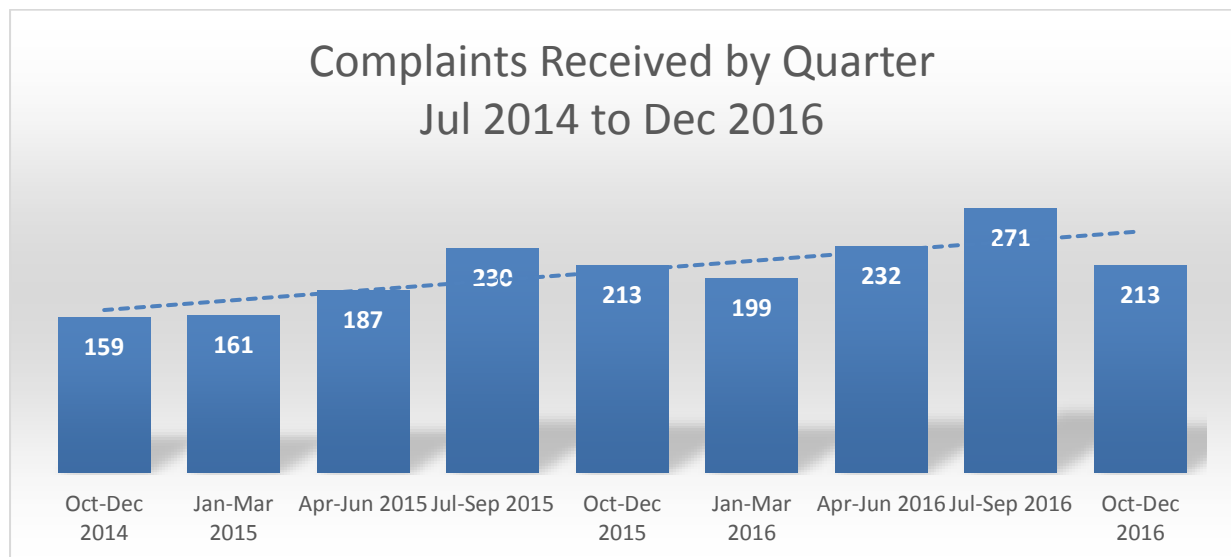
- investigate complaints about actions taken in connection with overseas students by private registered education providers
- give private registered providers advice and training about best practice complaints handling for overseas student complaints
- report on trends and systemic issues arising from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

This report sets out the OSO's activities from 1 October – 31 December 2016 in relation to each of these functions.

## At a glance

Key points from this report:

- the number of complaints received in the October-December 2016 is equivalent to the same time last year however complaints continue increase overall
- complaints about written agreements, fees and refunds continue to be the main issue
- of the 94 complaint issues investigated and finalised, 46 (49%) were decided in favour of the provider, 32 (34%) in favour of the student and 16 (17%) in favour of neither party.



## Complaints received 1 October to 31 December 2016<sup>1</sup>

| Received   | Closed           |              | Ongoing          |                     |
|------------|------------------|--------------|------------------|---------------------|
|            | Not investigated | Investigated | Under assessment | Under investigation |
| <b>213</b> | 125              | 27           | 11               | 50                  |
|            | 59%              | 13%          | 5%               | 23%                 |

<sup>1</sup> Complaints data generated from the Overseas Students Ombudsman's complaint management system, Resolve on 9 January 2016.

## Complaints finalised 1 October to 31 December 2016<sup>2</sup>

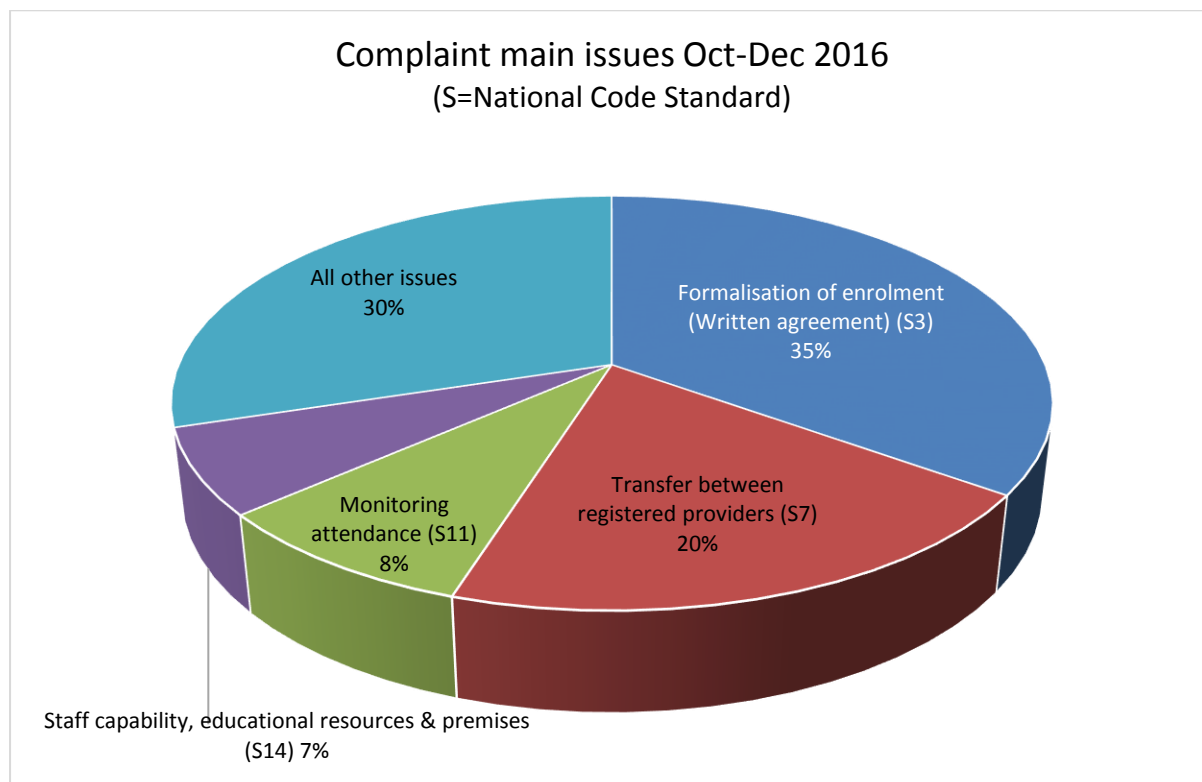
| Finalised | Not investigated | Investigated | Investigated - number of Issues | Outcome Found in Favour of |         |         |
|-----------|------------------|--------------|---------------------------------|----------------------------|---------|---------|
|           |                  |              |                                 | Provider                   | Student | Neither |
| 212       | 133              | 79           | 94                              | 46                         | 32      | 16      |
|           | 63%              | 37%          |                                 | 49%                        | 34%     | 17%     |

The OSO finalised 212 complaints during the October to December 2016 quarter, having investigated 79 of these. We finalised 133 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 79 complaints that the OSO investigated and closed during the October to December quarter raised 94 separate issues.<sup>3</sup> Of these 94 issues, 46 were decided in favour of the provider, 32 in favour of the student and 16 were in favour of neither party.

### Complaint issues

The OSO closed 255 complaint issues related to complaints received during the quarter and some complaints received prior to and during the 1 October – 31 December 2016 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 October - December 2016 quarter, including some complaints received prior to the commencement of the quarter.

<sup>3</sup> Of which 27 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.

**Complaint issues closed, 1 October – 31 December 2016, compared to previous quarters<sup>4</sup>**

| <i>ISSUE</i>  | <b>Oct-Dec 2016</b> | <b>July-Sept 2016</b> | <b>Apr-June 2016</b> |
|---|---------------------|-----------------------|----------------------|
| Standard 3 - provider refund/fee dispute/written agreement                | 90                  | 127                   | 81                   |
| Standard 7 - transfer between registered providers                        | 51                  | 55                    | 46                   |
| Standard 11 - monitoring attendance                                       | 22                  | 26                    | 31                   |
| Standard 14 - staff capability, educational resources & premises          | 17                  | 17                    | 13                   |
| Standard 8 - provider complaints and appeals processes                    | 11                  | 12                    | 11                   |
| Standard 10 - monitoring course progress                                  | 9                   | 21                    | 16                   |
| Standard 13 - deferring, suspending or cancelling the student's enrolment | 9                   | 17                    | 19                   |
| Graduation Completion Certificate   | 8                   | 8                     | 7                    |
| Out of Jurisdiction to investigate <sup>5</sup>                           | 7                   | 0                     | 0                    |
| Grades/assessment   | 6                   | 18                    | 14                   |
| Provider default  | 6                   | 9                     | 8                    |
| Discipline  | 3                   | 3                     | 0                    |
| Standard 2 - student engagement before enrolment                          | 3                   | 1                     | 3                    |
| Bullying or Harassment  | 3                   | 0                     | 0                    |
| Academic Transcript   | 2                   | 5                     | 5                    |
| Standard 1 - marketing information & practices                            | 2                   | 5                     | 2                    |
| Standard 12 - course credit   | 2                   | 2                     | 1                    |
| Standard 4 - education agents   | 1                   | 4                     | 7                    |
| Standard 9 - completion within the expected duration of study             | 1                   | 4                     | 3                    |
| Standard 6 - student support services                                     | 1                   | 0                     | 0                    |
| Work placement/experience   | 0                   | 3                     | 1                    |
| Standard 5 Younger Students   | 0                   | 2                     | 0                    |
| Overseas Student Health Cover   | 0                   | 1                     | 1                    |
| Standards for VET accredited courses                                      | 0                   | 0                     | 0                    |
| <b>Total</b>  | <b>255</b>          | <b>348</b>            | <b>269</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 or did not previously hold a student visa or the issue complained about was out of jurisdiction eg. Discrimination, employment or privacy issues.

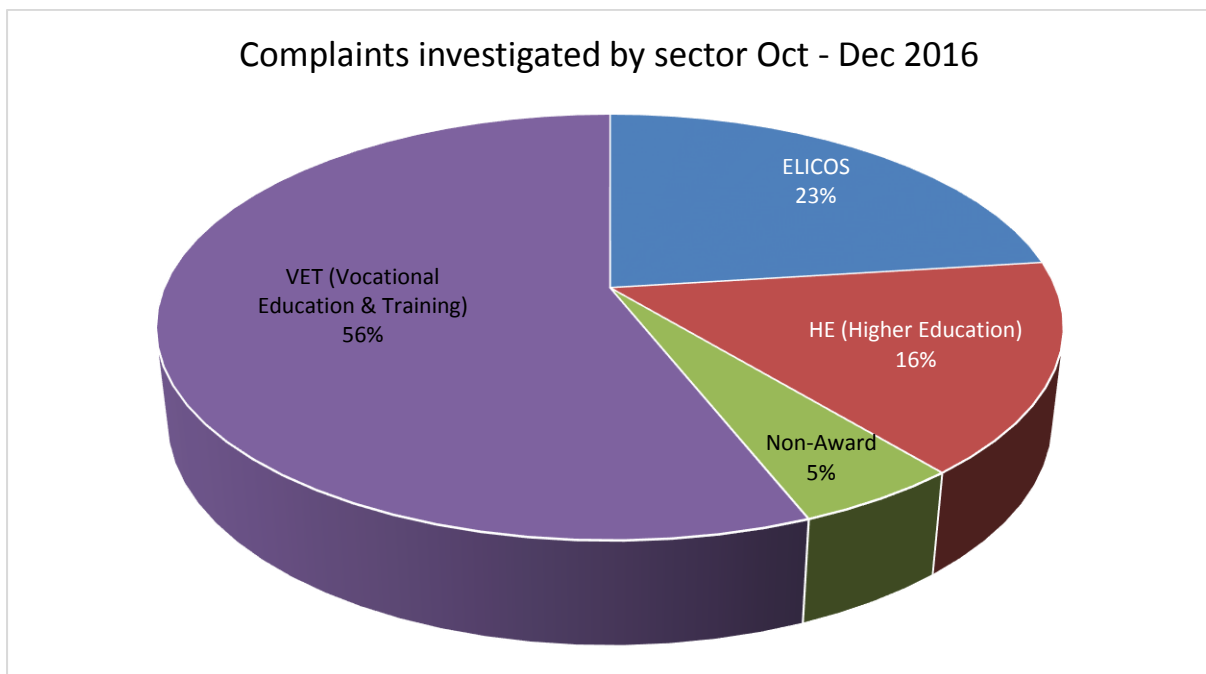
## Complaints - by education sector

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> | %   | Oct-Dec 2016 | %   | July-Sept 2016 | %   |
|---------------------|----------------------------------|-----|--------------|-----|----------------|-----|
| VET                 | 452                              | 47% | 44           | 56% | 58             | 59% |
| Schools             | 337                              | 35% | 0            | 0%  | 3              | 3%  |
| ELICOS <sup>7</sup> | 95                               | 10% | 18           | 23% | 17             | 18% |
| Higher Education    | 65                               | 7%  | 13           | 16% | 13             | 13% |
| Non-Award           | 9                                | 1%  | 4            | 5%  | 7              | 7%  |
| <b>TOTAL</b>        | <b>958</b>                       |     | <b>79</b>    |     | <b>98</b>      |     |



<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 (18 complaints with 22 issues)**

| Issue        | Number of issues | %           |
|--------------|------------------|-------------|
| Standard 11  | 13               | 59%         |
| Standard 3   | 4                | 18%         |
| Standard 7   | 2                | 9%          |
| Standard 14  | 1                | 5%          |
| Standard 4   | 1                | 5%          |
| Standard 8   | 1                | 5%          |
| <b>TOTAL</b> | <b>22</b>        | <b>100%</b> |

**HIGHER EDUCATION Issues investigated and closed (13 complaints with 14 issues)**

| Issue        | Number of issues | %           |
|--------------|------------------|-------------|
| Standard 3   | 10               | 71%         |
| Standard 10  | 2                | 14%         |
| Standard 8   | 2                | 14%         |
| <b>TOTAL</b> | <b>14</b>        | <b>100%</b> |

**NON-AWARD Issues investigated and closed (4 complaints with 4 issues)**

| Issues       | Number of issues | %           |
|--------------|------------------|-------------|
| Standard 3   | 2                | 50%         |
| Standard 11  | 1                | 25%         |
| Standard 7   | 1                | 25%         |
| <b>TOTAL</b> | <b>4</b>         | <b>100%</b> |

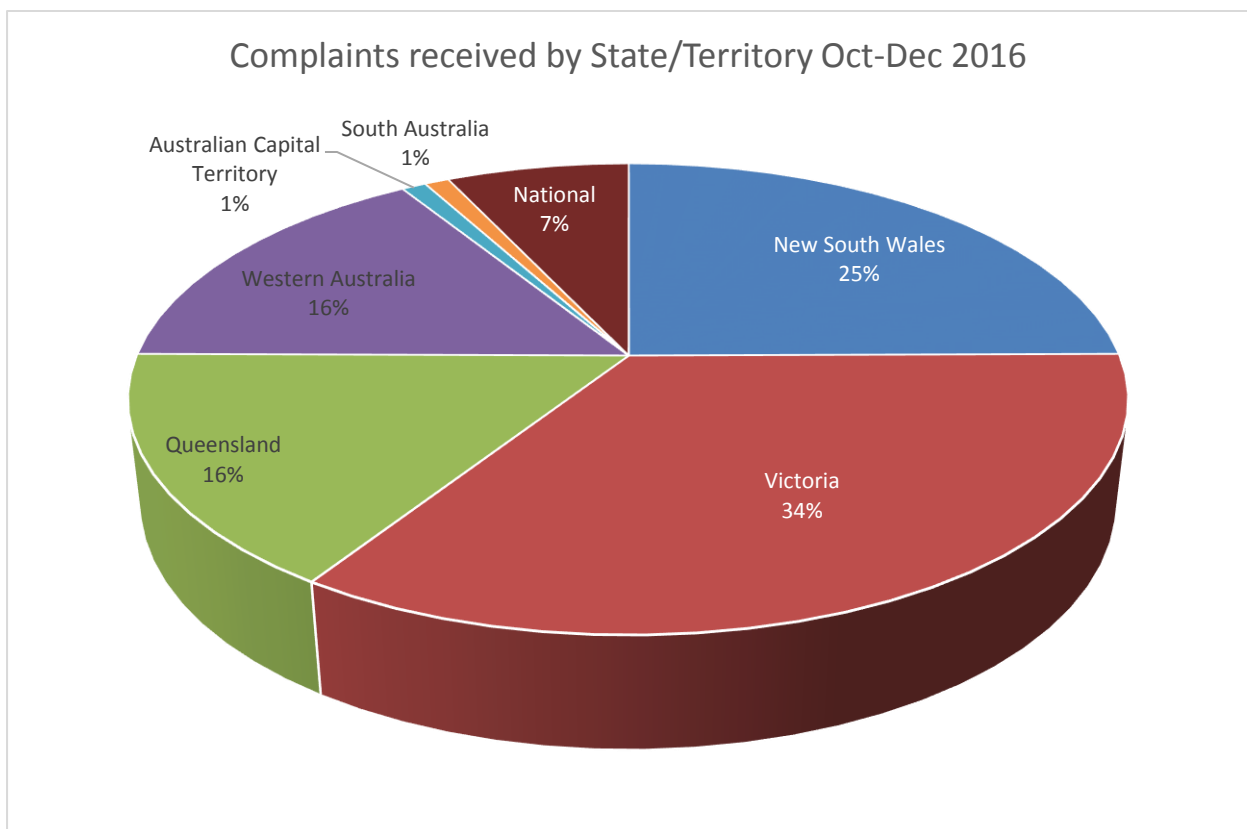
**VET Issues investigated and closed (44 complaints with 54 issues)**

| Issues                            | Number of Issues | %           |
|-----------------------------------|------------------|-------------|
| Standard 3                        | 22               | 41%         |
| Standard 7                        | 11               | 20%         |
| Standard 10                       | 7                | 13%         |
| Standard 11                       | 5                | 9%          |
| Graduation Completion Certificate | 2                | 4%          |
| Standard 13                       | 2                | 4%          |
| Standard 8                        | 2                | 4%          |
| Bullying or harassment            | 1                | 2%          |
| Standard 14                       | 1                | 2%          |
| Standard 9                        | 1                | 2%          |
| <b>TOTAL</b>                      | <b>54</b>        | <b>100%</b> |

**SCHOOLS Issues investigated and closed (Nil complaints)**

### Complaints received by State/Territory

| State/Territory              | Oct-Nov 2016 | Number of registered providers <sup>8</sup> | July-Sept 2016 | Number of registered providers <sup>9</sup> |
|------------------------------|--------------|---|----------------|---|
| Victoria                     | 73           | 274   | 100            | 268   |
| New South Wales              | 53           | 284   | 74             | 277   |
| Queensland                   | 34           | 259   | 52             | 257   |
| Western Australia            | 34           | 86  | 17             | 83  |
| National                     | 15           | 30  | 24             | 30  |
| Australian Capital Territory | 2            | 11  | 1              | 13  |
| South Australia              | 2            | 79  | 2              | 77  |
| Northern Territory           | 0            | 5   | 0              | 5   |
| Tasmania                     | 0            | 9   | 1              | 9   |
| <b>Total</b>                 | <b>213</b>   | <b>1037</b>                                 | <b>271</b>     | <b>1019</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 15 February 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 25 October 2016.

## 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

| Authority   | Oct-Dec 2016 | Jul-Sept 2016 |
|---|--------------|---------------|
| Australian Skills Quality Authority (ASQA)          | 14           | 11            |
| Tuition Protection Service (TPS)                    | 6            | 22            |
| Tertiary Education Quality Standards Agency (TEQSA) | 1            | 0             |
| Australian Human Rights Commission (AHRC)           | 1            | 0             |
| Victorian Registration and Qualifications Authority | 1            | 0             |
| South Australian Training Advocate                  | 0            | 1             |
| Fair Work Ombudsman (FWO)                           | 0            | 0             |
| <b>Total</b>  | <b>23</b>    | <b>34</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 October – December 2016 quarter.

## Outreach and engagement activities

In this quarter, the OSO:

- Presented to a delegation from the Republic of Indonesia
- Met with representatives of the Council for International Students Australia (CISA)
- Presented to and participated in the national Overseas Students Complaint Handlers’ Forum in Melbourne
- Presented to a delegation from the Republic of Korea
- Presented at the Australian International Education Conference (AIEC) in Melbourne and participated in a government information booth
- Attended the Commonwealth, State & Territory International Education Training Forum
- Held quarterly meetings with ASQA, DET, DIBP, TEQSA and the TPS.

## Publications

In this quarter the OSO published:

- [Provider report No. 2 – Analysis of complaints and appeals to the Overseas Students Ombudsman](#)

- A link to a [video VOIS Magazine produced](#) for international students with input from the OSO. It illustrates some of the issues a student might face with their private education provider, which the OSO might consider if unresolved.
- [OSO Quarterly Statistical Report for July to September 2016](#)

## **Submissions**

In this quarter we did not make any submissions. Previous submissions can be found on our [website](#).