

Quarterly Update: 1 January–31 March 2020

Changes to Commonwealth Ombudsman services due to COVID-19 pandemic

As part of our commitment to the health and safety of our staff, many of whom are working remotely or who have been redeployed to other public service agencies so that government resources are focused on the delivery of essential services to the Australian public, it may take longer than usual for the Office to respond to complaints. Our complaint service is continuing within this new environment but we needed to make some changes in order to respond to the demands on our services.

Our phone service has been temporarily limited to 9am to 12 noon Australian Eastern Standard Time, Monday to Friday. During this time we are encouraging complainants to lodge complaints through our online [complaint form](#).

Impact of the COVID-19 pandemic on complaints from international students

Since mid-March we have been receiving complaints from international students about actions taken by private registered education providers in response to the COVID-19 pandemic. These complaints are being assessed and managed in accordance with our established policies and procedures, including encouraging complainants to raise their concerns with their education provider in the first instance.

We are also liaising with other stakeholders including Department of Education, Skills and Employment (DESE), Department of Home Affairs, and Australian Government regulators to discuss common issues and challenges students and providers are facing. We are aware that providers and students are seeking guidance in this unprecedented time and we have published a [fact sheet](#) outlining our potential views on common complaint scenarios. DESE has also published a fact sheet with guidance for education providers on their [website](#).

More information on the impact of the pandemic on international student complaints will be reported in future updates.

Quarterly update at a glance

16% decrease in complaints received this quarter compared with same time last year



Fee and refund disputes continue as the most significant complaint issues (**36%**)

Our view on complaint issues investigated and finalised:



This quarter we finalised
298
complaints including
68
investigations

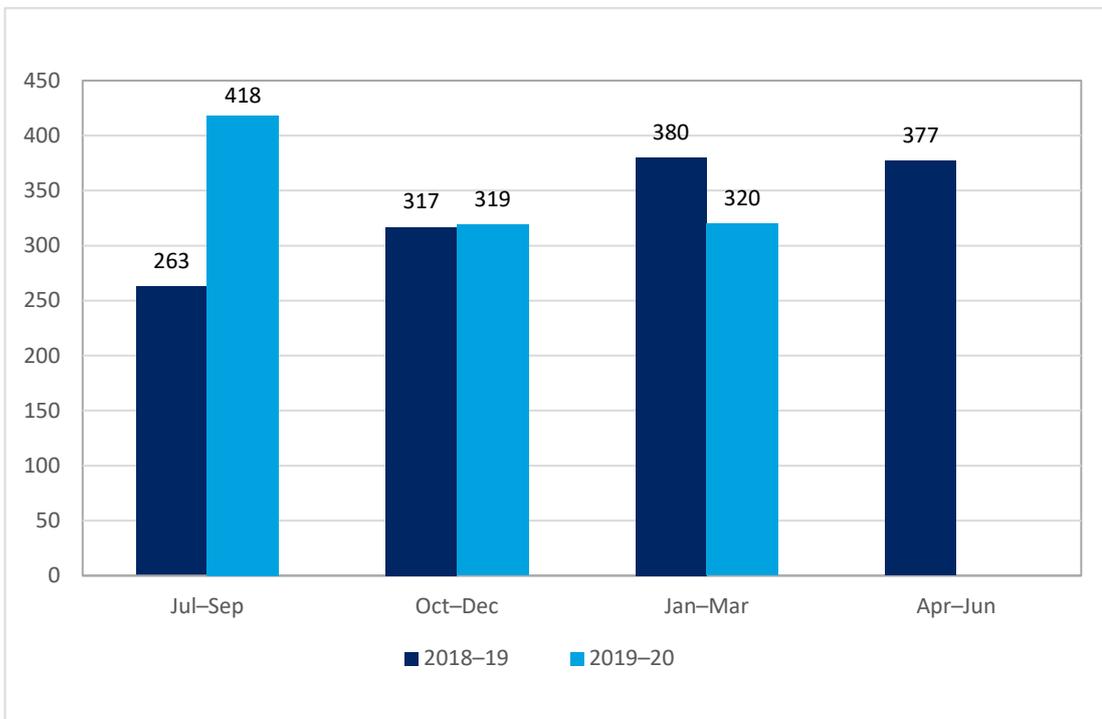
The Commonwealth Ombudsman’s role as Overseas Students Ombudsman

In its Overseas Students Ombudsman role, the Office can investigate actions taken by private registered education providers in connection to intending, current or former student visa holders. The Office also gives private registered providers advice and training about best practice complaint handling, and reports on trends and systemic issues arising from complaints.

Complaints received

During 1 January–31 March 2020, we received 320 complaints from international students studying with privately registered education providers (see Figure 1). This represented a 16 per cent decrease compared to the same time last year. The Office has received 1,072 complaints during the current financial year to 31 March 2020. The Office is expecting that complaints received in the 2019–20 financial year will exceed the number received during 2018–19 (1,324) due to a range of factors, including the impact of the COVID-19 pandemic.

Figure 1—Complaints received 2018–19 and 2019–20 YTD

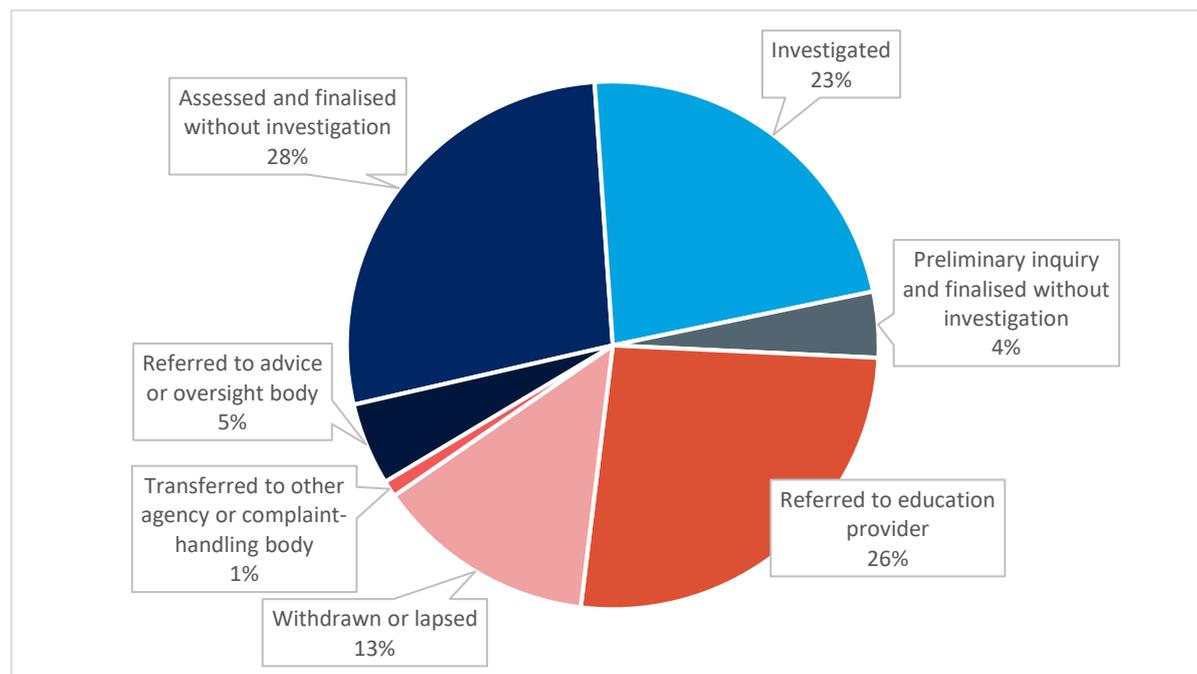


Action taken to finalise complaints

During 1 January–31 March 2020 we finalised 298 complaints, which included 343 issues (more than one issue may be recorded for each complaint). Some complaints finalised during this period were received during previous quarters.

Figure 2 below provides a summary of the actions we took to finalise complaints in the quarter. More information on how we finalise complaints can be found in our previous quarterly update [here](#).

Figure 2—How we finalised complaints in the quarter



Final views on complaint issues

During 1 January–31 March 2020, we finalised 68 complaint investigations which included 81 issues. Table 1 details the view we formed on complaint issues in the investigations finalised during the period.

Table 1—Views on finalised investigations into issues: 1 January–31 March 2020

View	Total issues	% ¹
Provider substantially met responsibilities	50	62
Provider did not substantially meet responsibilities	19	24
No view (see below)	12	15

Table 1 shows that for 15 per cent of complaint issues finalised in the quarter, we did not form a view about whether the provider substantially met their responsibilities. This can be for the following reasons:

- the issue was not investigated, even though other issues complained about were investigated
- the issue was resolved between the student and provider during the course of the investigation, or
- the investigation of that issue ceased before a view could be formed.

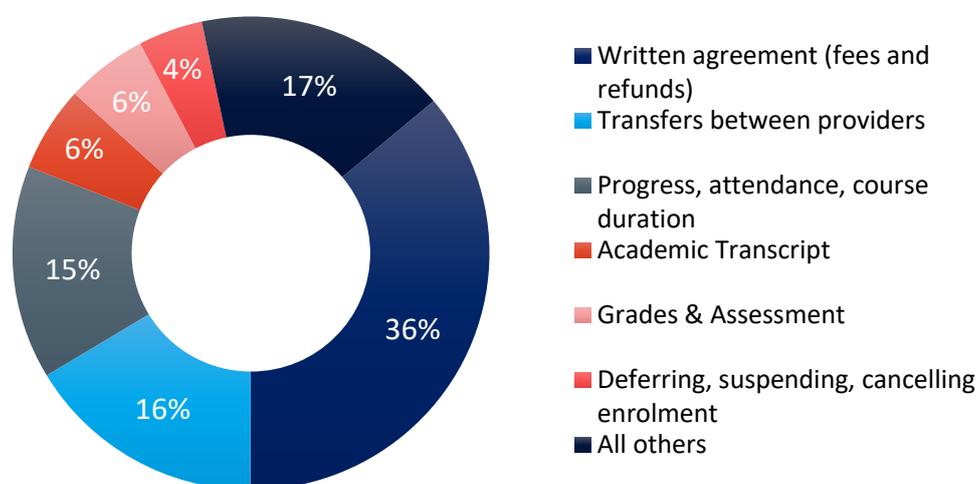
¹ Does not total 100 due to rounding.

Complaint issues

Written agreements (fees and refunds) continue to be the most common complaint issue. They are generally due to students seeking a refund of pre-paid tuition fees when they have ceased their study before finishing their course. The student's ability to seek a refund should be stated in their written agreement with the provider.² Transfers between providers and progress, attendance and course duration, were the next most common issues raised in complaints to our Office.

Figure 3 shows common complaint issues raised in complaints during the quarter. Detailed data about complaint issues finalised during 1 January–31 March 2020, including comparisons with the previous quarter, can be found in Table 3 on page nine.

Figure 3—Common complaint issues: 1 January–31 March 2020

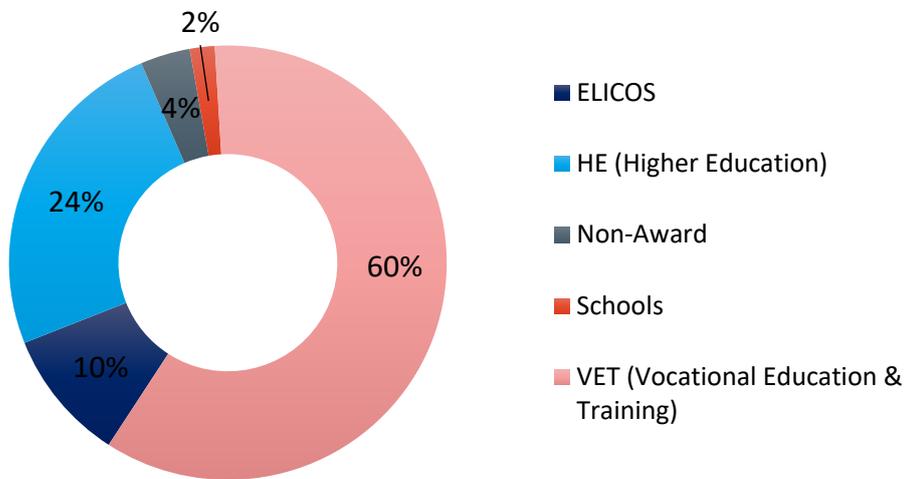


Complaints by education sector

The Vocational Education and Training (VET) sector continues to be the most commonly complained about sector, with 60 per cent of investigated complaints from students studying VET courses (see Figure 4). However, the VET sector also has the highest proportion of international students in the Office's jurisdiction (68 per cent), followed by the Higher Education sector (20 per cent).

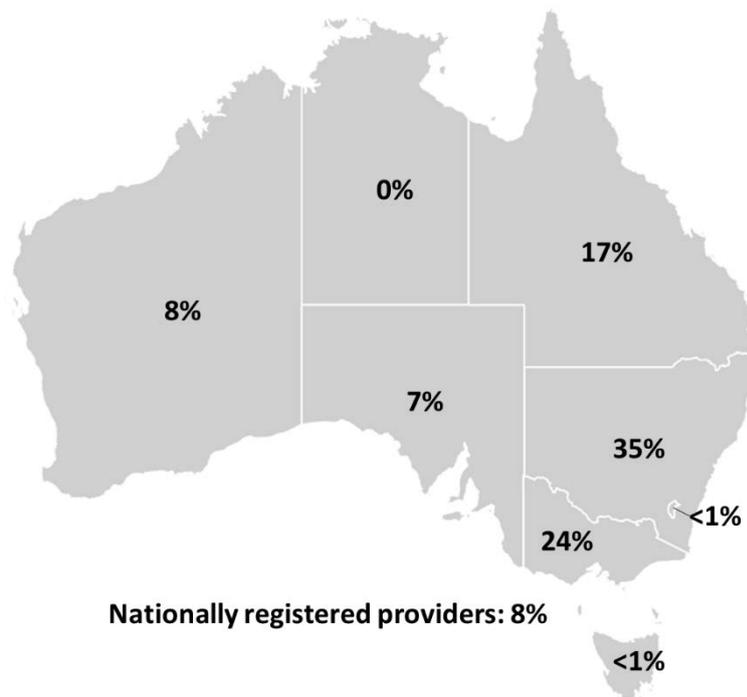
² National Code of Practice for Providers of Education and Training to Overseas Students 2018 Standard 3.4

Figure 4—Complaints investigated by sector: 1 January–March 2020



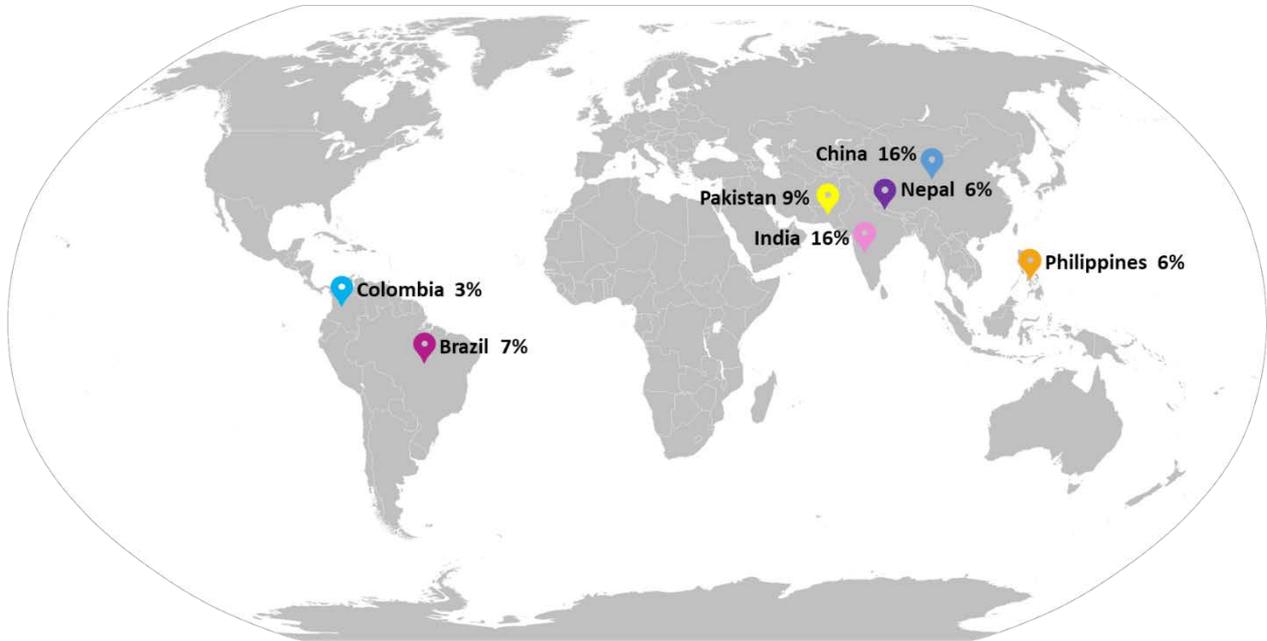
Complaints by registered state or territory of providers

Providers registered in New South Wales, Victoria and Queensland made up the three largest groups of complaints received by our Office. This is consistent with the higher number of students studying in these states (see Table 6 on page 11).



Complaints investigated by origin of complainant

We investigated and finalised complaints from students originating from 25 different countries and administrative regions during the quarter. The largest groups of complainants were from India, China and Pakistan.



Case study: Bank account issues and fee refunds

An international student approached us after applying for a refund from their education provider, and not receiving a response for four months. After contacting the student's provider we were told that they had no record of ever receiving fee payments from the student, and that they had informed the student of this. The provider and student gave us records of their correspondence regarding the refund request.

The correspondence revealed that the student was convinced they had paid their tuition fees as they had been provided with a Confirmation of Enrolment (CoE). However, the provider insisted they had no record of receiving a payment. The student had provided receipts showing international transfer numbers, however the provider was adamant that no such transfer had been made to their accounts. On further investigation, the provider told us that some of their bank account details had been incorrectly stated on the transfer receipt, and that it appeared a different bank had been the recipient of the funds.

The student made enquiries with their bank, and the bank confirmed that although a different bank had been the initial recipient of the funds, the transfer had been rerouted to the correct account. The provider then informed us that the student's CoE had been issued on the basis of the transfer receipt, without confirming that the funds had actually been received, and they insisted that the payment had never been deposited.

We compared the transfer confirmation from the student and the provider's banking records for the period and were able to identify a payment that matched a reference number. This confirmed that a payment had been received from the student. However, as the payment had been routed through two banks, the first bank had deducted an international transfer fee resulting in the amount deposited in the provider's account being slightly less than expected. This meant that the provider had been looking for a specific amount that was not evident in their accounts for that time period due to the discrepancy caused by the deduction of the bank fee.

Once we gave this information to the provider it decided to refund the student.

This case demonstrates how applying good complaint handling practices can avoid drawn-out disputes and improve experiences for students and education providers. Three elements of better practice complaint handling as identified in our [guide](#) would have assisted in resolving the complaint much earlier:

- Impartiality: in this case, the provider appears to have made a judgement too early after not finding a matching amount in their accounts. Continuing to search, for example by the student's reference number, would have identified the payment.
- Investigation: it was only during the external appeal to our Office that the provider identified that their bank details were incorrectly recorded on the student's receipt. It appears that the education provider did not consider all the information that the student provided.
- Response: if the provider had given the student a complete response, the student would have had the information they needed to query where the money was sent.

Timeframes to finalise complaints

Some investigations take longer than others. This can be due to the complexity of the issues involved, or the response time of the complainant or provider to our requests for information. We continue to look for ways to more quickly finalise complaints, while maintaining best practice complaint handling processes.

During 1 January–31 March 2020, we finalised complaints within the following timeframes:

Table 2—Complaints handling service standards: 1 January–31 March 2020

Complaints finalised	Timeframe	Service standard
74%	Within 30 days	75%
82%	Within 60 days	85%
90%	Within 90 days	90%
100%	Within 12 months	99%

Disclosures to regulatory bodies

Under s 35A of the *Ombudsman Act 1976* (Ombudsman Act), the Ombudsman may make disclosures to any person, including a regulatory body in respect of the performance of its functions or in relation to an investigation, if it is considered in the public interest to do so. We made no disclosures to a regulator under s 35A of the Ombudsman Act during the 1 January–31 March 2020 period.

Submissions

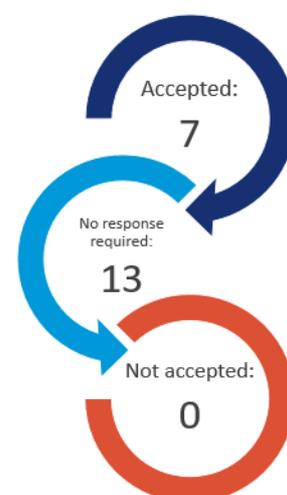
Occasionally the Ombudsman may make submissions to government departments or parliamentary inquiries to inform development of new legislation and policy. We did not make any submissions in this quarter. Previous submissions can be found on our [website](#).

Keep up to date with the latest news from the Ombudsman by signing up to our [Provider e-newsletter](#)

Comments and suggestions

At the conclusion of a complaint investigation, we can make comments and suggestions to providers in relation to the specific remedies or improvements to the provider's policies or processes.

During 1 January–31 March 2020, we made 20 comments to providers for improvements or reconsideration of an earlier decision.



Detailed data regarding finalised complaints

Table 3—Complaint issues for complaints finalised 1 October–31 December 2019 and 1 January– 31 March 2020

Issues	Complaint issues finalised	
	October 2019	December 2019
Formalisation of enrolment (written agreement)	169	124
Transfers between registered providers	47	56
Progress, attendance and course duration	45	50
Academic Transcript	15	20
Grades/assessment	19	19
Deferring, suspending or cancelling enrolment	13	15
Out of jurisdiction to investigate (OOJ)	9	13
Provider default	18	11
Graduation Completion Certificate	7	8
Bullying or harassment	2	5
Complaints and appeals	12	5
Overseas Student Health Cover	2	5
Education agents	2	4
Recruitment of overseas student	2	2
Records management	5	2
Younger students	-	1
Marketing information and practices	1	1
Student support services	2	1
Discipline	-	1
TOTAL	370	343

Table 4—Complaints investigated and finalised: 1 October–31 December 2019 and 1 January– 31 March 2020 by education sector

Sector	No. of students ³	% of total number of students	Complaints investigated and finalised October December 2019	% of complaints investigated and finalised	Complaints investigated and finalised January March 2020	% of complaints investigated and finalised
VET	169,480	67.6%	70	69%	36	53%
Schools	7,225	2.9%	1	1%	2	3%
ELICOS ⁴	22,992	9.2%	13	13%	10	15%
Higher Education	49,575	19.8%	15	15%	17	25%
Non-Award	1,339	0.5%	2	2%	3	4%
TOTAL	250,611		101		68	

Table 5—Most common issues for complaint investigations finalised: 1 January– 31 March 2020 by education sector

Sector	Issue 1	Issue 2	Issue 3
VET	Written agreements	Progress, attendance and duration	Transfers
Schools	Progress, attendance and duration	Written agreements	
ELICOS	Progress, attendance and duration	Transfers	Written agreements
Higher Education	Progress, attendance and duration	Written agreements	Transfers
Non-award	Progress, attendance and duration		

³ Number of 'studying Confirmations of Enrolment' (CoEs) in Overseas Students Ombudsman jurisdiction by 'main course sector'. Provider Registration and International Student Management System (PRISMS) report as at 1 April 2020.

⁴ English Language Intensive Courses for Overseas Students.

Table 6—Registered state or territory of providers for complaints finalised: 1 October–31 December 2019 and 1 January–31 March 2020

State/Territory	Complaints finalised October–December 2019	Number of registered providers ⁵	Complaints finalised January–March 2020	Number of registered providers ⁶
New South Wales	115	333	103	336
Victoria	118	304	71	301
Queensland	46	293	50	291
Western Australia	15	81	25	80
National	32	28	25	27
South Australia	16	78	20	74
Australian Capital Territory	5	15	2	15
Tasmania	0	9	2	9
Northern Territory	0	7	0	7
Not recorded (provider or issue out of jurisdiction)	0	0	0	0
Total	347	1,148	298	1,140

Data

The data in this update is for the period 1 January–31 March 2020. Our data is dynamic and regularly updated as new information comes to light. For this reason, there may be minor differences in data when compared to what was reported in the last quarterly update. Previous quarterly updates are available on the Ombudsman's [website](#).

More information is available at <https://www.ombudsman.gov.au/How-we-can-help/overseas-students>

⁵Number of education providers in Overseas Students Ombudsman jurisdiction by 'main course sector'. PRISMS report, as at 6 January 2020.

⁶Number of education providers in Overseas Students Ombudsman jurisdiction by 'main course sector'. PRISMS report, as at 1 April 2020.