

Good, better, best practice complaint handling



ISANA
Best Practice Workshop
27 August 2015





Overview

- Role of the Overseas Students Ombudsman
- OSO complaint trends
- Better practice
 - complaint handling
 - written agreements
 - transfer between providers
 - course progress/attendance
 - cancellation/suspension of enrolment
- Publications and resources



Overseas Students Ombudsman

- We investigate complaints from overseas students about private schools, colleges and universities
- We work with education providers to help them improve their internal complaints and appeals processes
- We report on trends and systemic issues we see through our complaints investigations

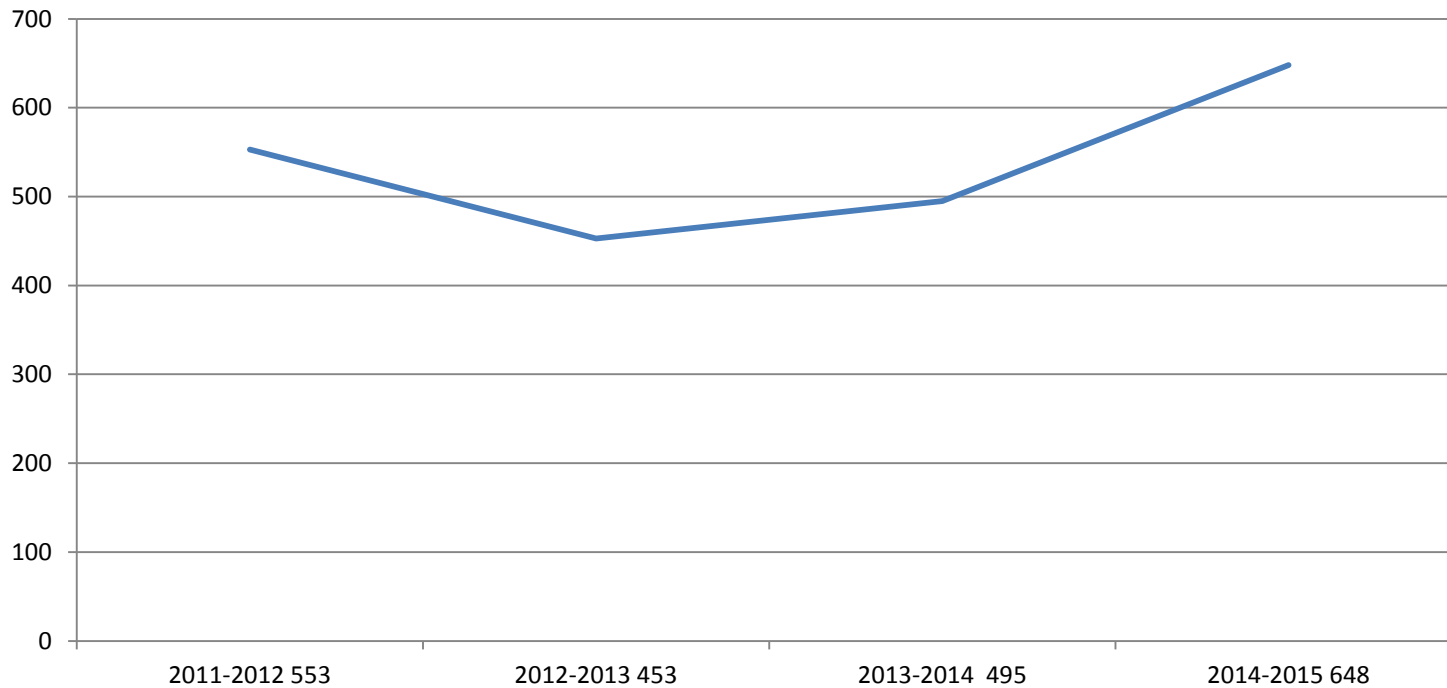


Overseas Students Ombudsman

- There are nearly 1,000 providers in our jurisdiction
- We have received complaints about nearly a third
- Complaints received from students from over 68 countries
- We received 2,150 complaints and appeals in our first four years of operation (9 April 2011 to 8 April 2015)
- We investigated 879 of these and 1271 were resolved by other means.

Complaint trends

Complaints and appeals received April to April each year

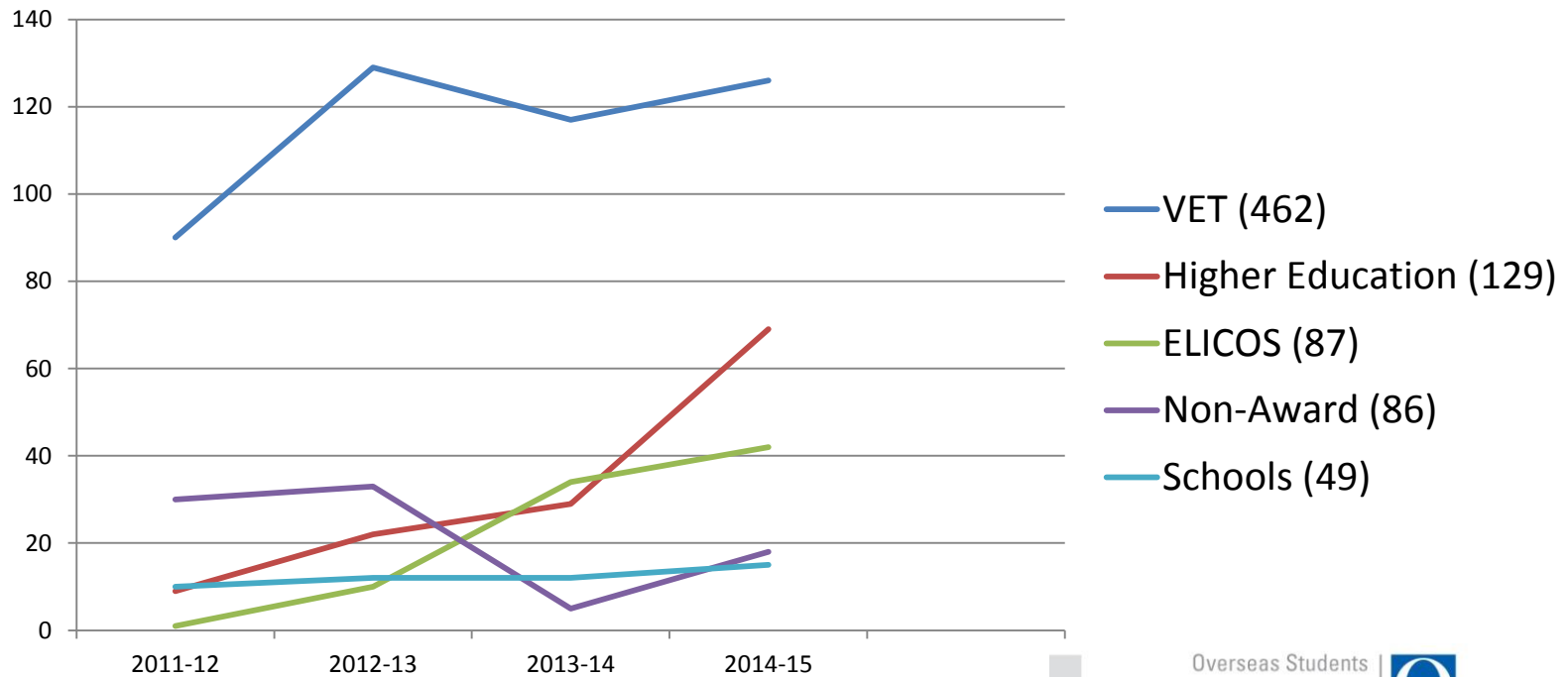


Overseas Students

OMBUDSMAN



Number of issues investigated by student course sector

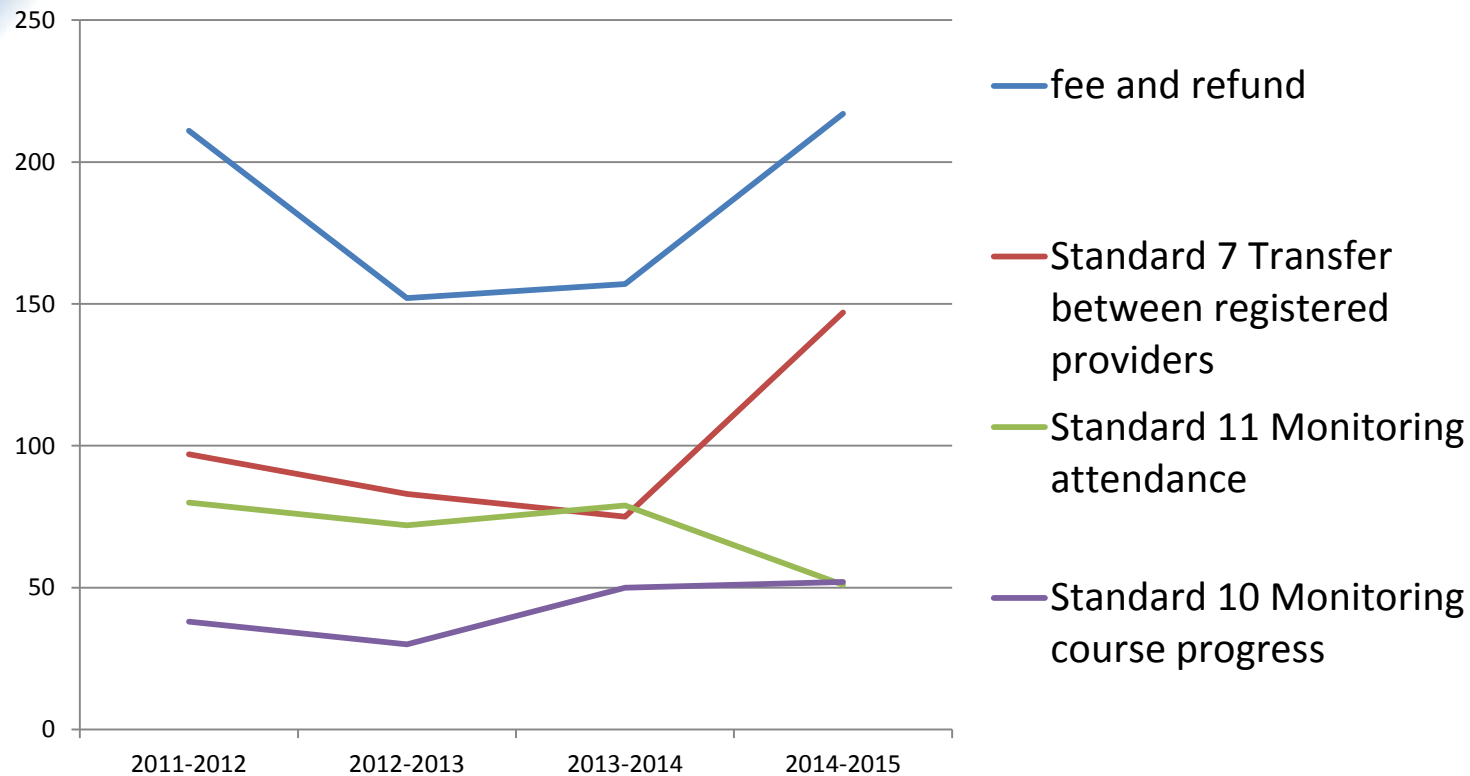


Overseas Students

OMBUDSMAN



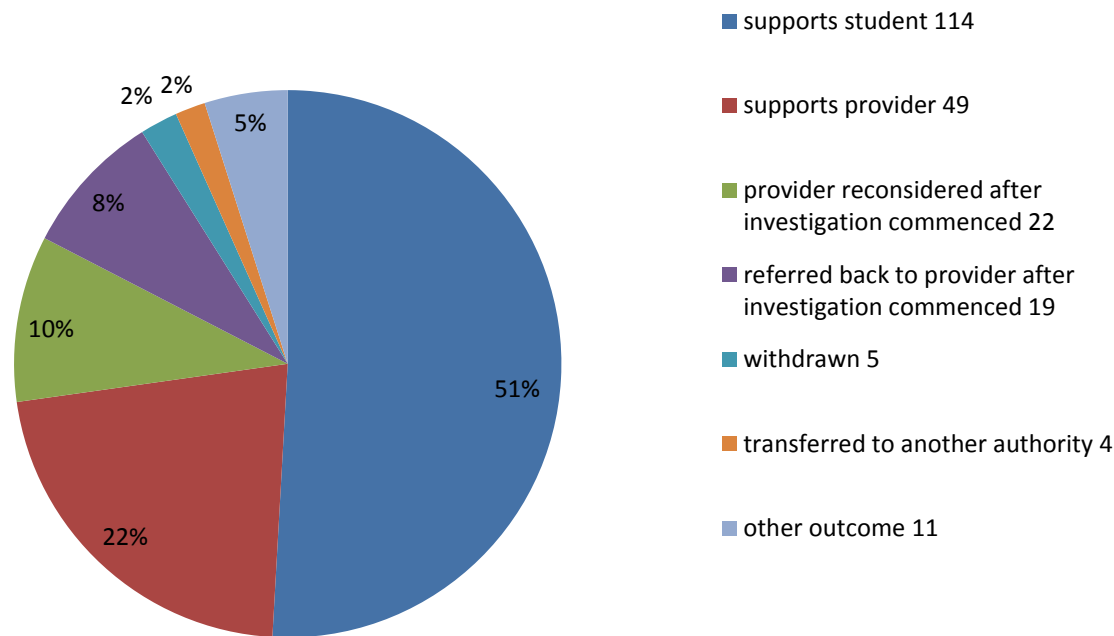
Top 4 complaints complaint issues



Fee and refund complaints

51% decided in favour of the student

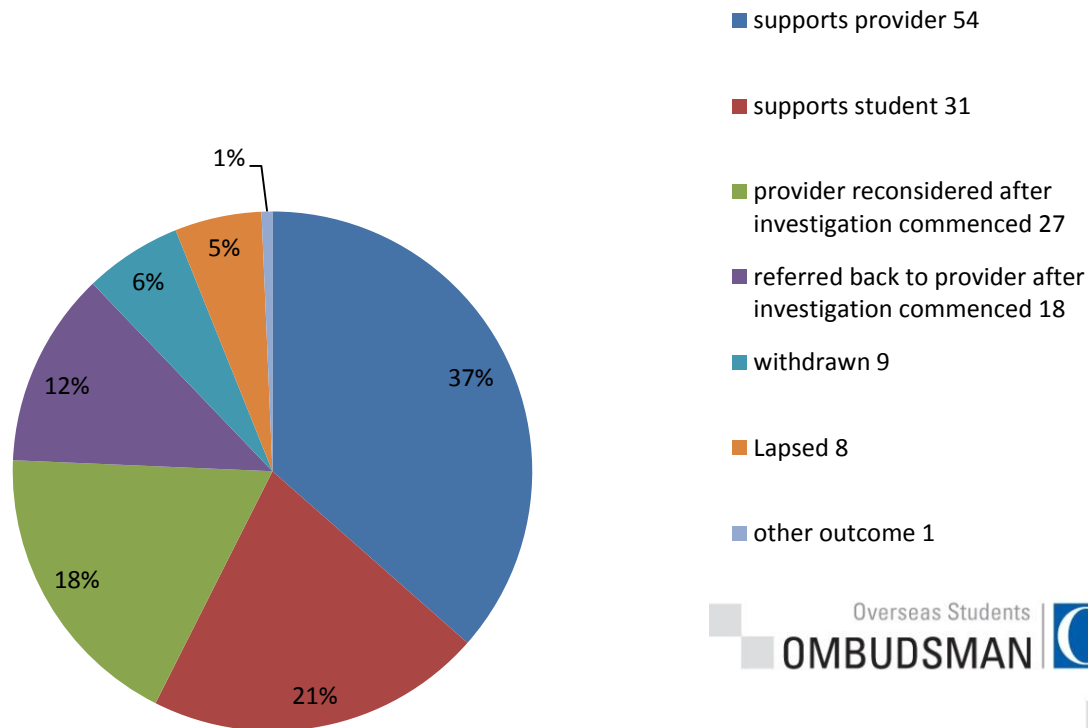
22% decided in favour of the provider



Standard 7 transfer appeals

37% decided in support of the provider

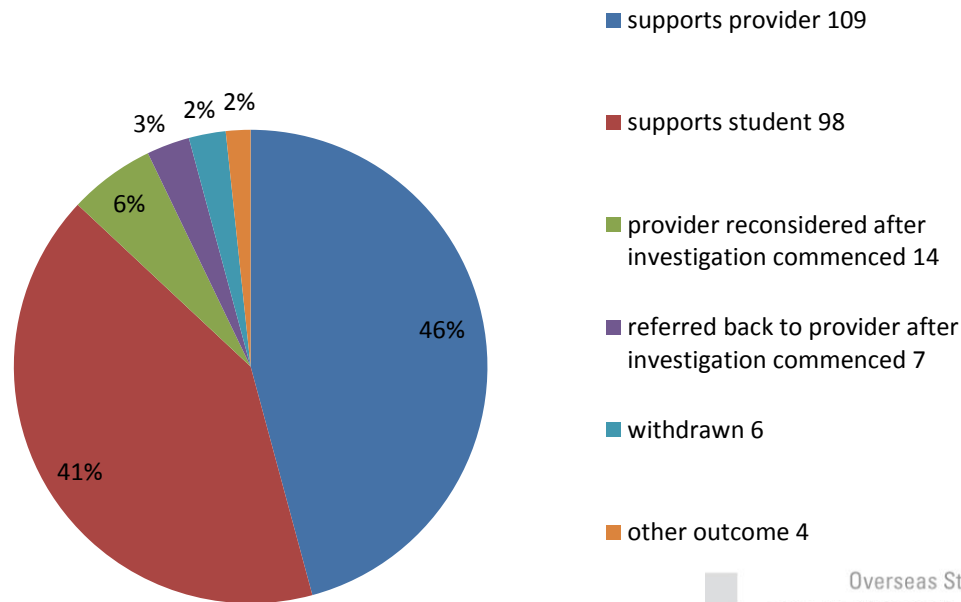
21% decided in support of the student



Standard 11 attendance appeals

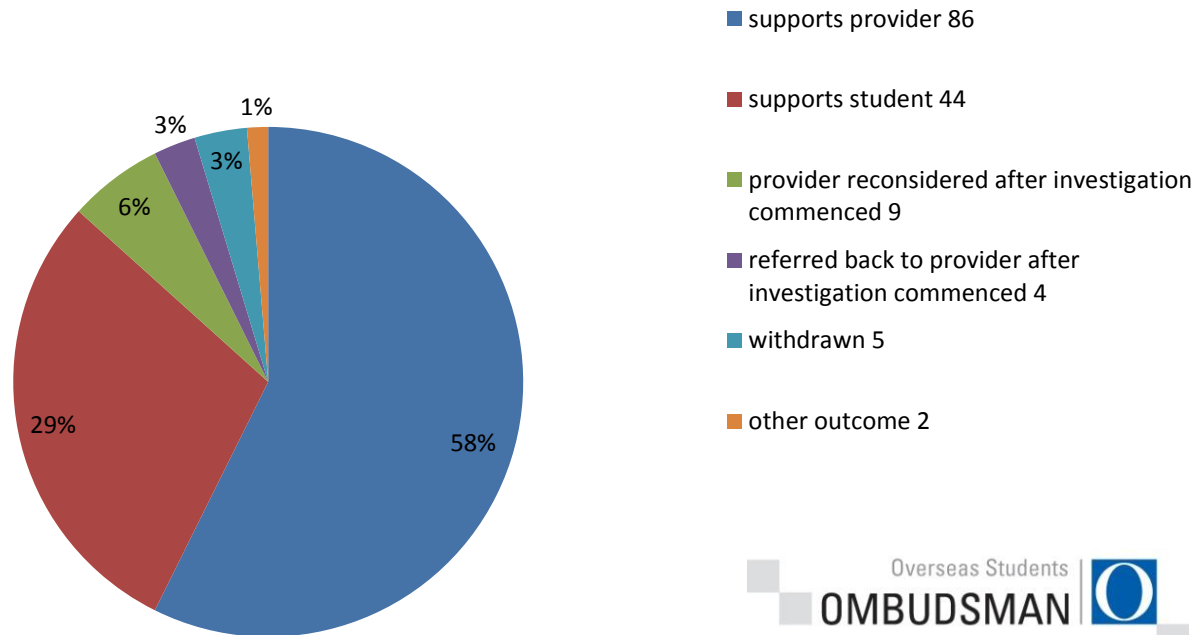
46% decided in favour of the provider

41% decided in favour of the student



Standard 10 course progress appeals

58% decided in support of the provider
29% decided in support of the student





Standard 8 Requirements

Providers must:

- Have an internal complaints and appeals policy for dealing with formal complaints and appeals where concerns cannot be resolved informally
- Create a written record of the complaint or appeal
- Commence the complaints process within 10 working days of the complaint being lodged
- Give the complainant an opportunity to present his or her case at minimal or no cost
- Provide a written statement of the outcome of the complaint, including reasons

Internal Appeal & Complaints

- Best practice:
 - Provider's internal complaints and appeals policy readily available e.g. on its website
 - Provider helps students access the appeal process when problems/disagreements arise
 - Acknowledge promptly, and keep students advised of progress
 - Provider deals with complaints/appeals objectively based on relevant facts and applicable policy/legislation

Internal Appeal & Complaints

- Best practice:
- Provider identifies any errors made and remedies them, including any systemic errors
- Give students an opportunity to comment or show cause, before making a decision not in their favour
- Internal appeal written outcome details reasons for the decision and external appeal rights
- Advise students of their right to complain or appeal to OSO

Written Agreements

- Best practice:
 - Clear written agreement with course name, study periods, itemised list of fees signed or otherwise accepted by student, parent or legal guardian
 - Refund policy included (not a link or reference to it elsewhere, such as the student handbook)
 - Cancellation fee policy included if charging cancellation fee
 - Clear terms and conditions
 - Fees paid concurrently with or after agreement signed
 - Refunds owed paid within provider obligation period either under the written agreement or s 47E of ESOS Act



Provider Transfers

- Best practice:
 - Having a transfer policy that clearly defines
 - the circumstances in which a transfer will be granted
 - the circumstances the provider considers provide reasonable grounds for refusing the student's request, including when a transfer can be considered detrimental to the student
 - only includes relevant grounds
 - Preamble to Standard 7 states:

'It is expected that the student's request will be granted where the transfer will not be to the detriment of the student'



Provider Transfers

- Best practice:
 - All transfer requests properly considered and refusal based on detriment/grounds listed in policy
 - Written refusal with reasons why the provider considers the transfer would be to the student's detriment, taking into account the student's individual circumstances
 - Student advised of internal appeal right
 - Internal appeals considers any new information and addresses this in the written outcome with advice of external appeal rights



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/not covered by a medical certificate; e.g 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 stated reporting period
 - Provider sends warnings/counsels students as soon as identified as being 'at risk' and before below 80%
 - Provider contacts student if absent for 5 consecutive days
 - Parents/legal guardian involved if under 18 years
 - If student never commences at all, reported under s19(1)(c) rather than poor attendance



Attendance

- Best practice:
 - Notice of intention sent at right time to correct address
 - Provider advises student of their internal appeal rights
 - Provider considers at appeal if it has followed its policy and Standard 11 correctly at each step
 - Provider gives written internal appeal outcome with details of reasons for decision and external appeal rights
 - Provider awaits outcome of the external appeal before reporting on the intended grounds

Course Progress

- Best practice:
 - Having a course progress policy that clearly defines
 - satisfactory and unsatisfactory course progress
 - when the student is deemed to be 'at risk of not meeting satisfactory course progress' (50% or more of units in any study period).
 - the point at which the student will be determined to have failed to meet satisfactory 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'
 - If the student still fails to meet satisfactory course progress, the provider sends the notice of intention to report with appeal rights
 - The student has the opportunity to lodge an internal and external appeal, and the provider awaits the outcomes, before reporting the student



Cancellation and suspension

- Clear, easily accessible policy on deferment/suspension/cancellation of studies
- Inform student that deferment, suspension or cancellation may affect student visa
- Do not count periods of deferment or suspension for the purposes of calculating attendance
- Make sure appropriate appeals process is concluded before deferral/suspension/cancellation is implemented
- Report variation within the appropriate period.

OSO Better Practice Complaint Handling Guide



Better Practice Complaint Handling for Education Providers

February 2011

Complaint Handlers' Checklist

- ☐ Do you have written complaint handling procedures? Are they easy to understand and apply?
- ☐ Do you acknowledge complaints promptly?

ACKNOWLEDGE
all complaints quickly





OSO Better Practice Complaint Handling Guide

General enquiries:

Phone: 1300 615 262

Online: [ESOS Online Enquiry Form](#)

Visa enquiries:

Phone: 131 881 (within Australia)

Online: [Department of Immigration and Border Protection](#)

PRISMS Help Desk:

Phone: 61 2 6240 7647

Email: prisms@education.gov.au



Publications and resources

- Annual report and quarterly statistical reports
- Issues papers and submissions
- Presentations on a range of topics
- Brochures in English and 21 other languages
- Provider e-newsletter twice a year
- Student e-newsletter twice a year
- Subscribe on our website:

www.oso.gov.au/publications-and-media/



Questions ?