

Role of the Overseas Students Ombudsman



NEAS conference
7 May 2015





Overseas Students Ombudsman

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



Consumer Protection

- Australia has a strong consumer protection framework for overseas students
 - ESOS Act and the National Code standards
 - Regulators (ASQA, TEQSA, schools)
 - Tuition Protection Service
 - Overseas Students Ombudsman
 - State & Territory Ombudsman and SA Training Advocate
 - Australian Consumer Law principles
- Standard 8 of the National Code requires all CRICOS providers to have an internal and an external complaints and appeals process for overseas students



Complaint statistics

- We have received over 2,000 complaints from students from 68 different countries, since we began in April 2011
- We cover most education providers; 85% of CRICOS providers are private (963) vs 163 public
- In 2013-14 = 519 complaints – up from 14% from last year
- We are seeing a 30% increase in complaints this year
- Due to increasing overseas student numbers and greater awareness of our role



Complaint issues

- Main complaint types:
 1. Refund & fee disputes (28%)
 2. Transfer/release letter external appeals (16%)
 3. Unsatisfactory attendance external appeals (11%)
 4. Unsatisfactory course progress external appeals (9%)



Complaint issues

- Other complaint types:
 - Cancellation of enrolment (non-commencement, misbehaviour)
 - Deferrals/suspension of studies
 - Education agents
 - Admissions refusals
 - Grades
 - Completion certificates and academic transcripts
 - Provider's complaints process



How we investigate

- We are independent, impartial and investigate in private
- We usually ask students to go through the provider's internal complaints and appeals process before we investigate
- We ask the provider to explain what they did and why
- We request relevant documents from both parties
- We form a view based on the relevant ESOS Act provisions, National Code standards and the provider's policy
- We provide an opportunity to comment before we make a final decision



How we investigate

- If we find the provider did things correctly, we explain this to the student
- If we find errors, we make recommendations to the provider, including giving the student a remedy
- We also make suggestions for systemic improvements to providers' policies and practices
- We analyse complaints data to identify systemic issues across the sector and publish issues papers on relevant topics



Systemic issues

- **Written Agreement Problems** – many providers have written agreements that do not comply with the ESOS Act or National Code
- Errors result in providers having to pay refunds/forego fees
- Issues Paper and checklist for providers published March 2015
- **Overseas Students Health Cover (OSHC)** – problems with some private providers taking the money but not arranging the cover for the student or arranging too late – placing the student in breach of student visa condition
- Issues Paper published August 2014 - recommendations DE, DH & DIBP
- **Course progress and attendance** – next Issues Paper to be published highlighting best and poor practices we see in external appeals
- Fact sheet for overseas students on same topic



Sector engagement

- We make submissions on relevant topics like the ESOS Reforms, SVP future directions, Productivity Commission on export services
- We present at key conferences such as CISA, ACPET, EA, NEAS, AIEC
- We present at workshops and webinars through ACPET, EA, ISANA and ISCA and to students through CISA, AFIS
- Meetings with consulates of key student source countries
- We meet quarterly with DE, DIBP, TPS, ASQA & TEQSA
- Overseas Students Complaint Handlers Forum to discuss common issues and promote consistency amongst other complaint handlers



Publications and resources

- Annual report and quarterly statistical reports
- Issues papers and submissions
- Presentations on a range of topics
- Student 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 ?

www.oso.gov.au