

Overseas Students Ombudsman Quarterly Report 1 April – 30 June 2015

Role of the OSO

The Overseas Students Ombudsman (OSO) has three functions:

- to investigate complaints about actions taken in connection with overseas students by private education providers
- to give private registered providers advice and training about best practices for the handling of complaints made by overseas students and
- to report on trends and systemic issues arising from investigations.

This quarterly report sets out the activities of the OSO between 1 April 2015 and 30 June 2015 in relation to each of these functions.

Complaints issues

The OSO received 187 complaints and external appeals in April - June 2015 concerning 229 issues. This represents a 16% increase on the last quarter (161 complaints received in January-March 2015) and a 21% increase from the 154 complaints received in the April to June quarter in 2014.

The top four complaint issues were:¹

- Written agreements, refunds and fees (66)
- Standard 7 – Transfer between registered providers (38)
- Standard 8 – complaints and appeals (21)
- Standard 13 – deferring, suspending or cancelling enrolment (21)

We noted a decrease in fee complaints about written agreements compared to the previous quarter. This is pleasing given we published our written agreements issues paper and provider checklist in March 2015, to help providers ensure their written agreements are compliant. Hopefully this has helped to reduce complaints.

On 29 May 2015, we published an issues paper on course progress (Standard 10) and attendance (Standard 11) external appeals. While these complaints did not appear in the top four complaint issues this quarter there was a small increase compared to the previous quarter and compared to the April - June 2014 quarter.² This is likely due to the overall increase in complaints we are seeing as international student numbers continue to rise. We hope that over time providers will use our issues paper to address the mistakes we see, resulting in our office finding less errors in future external appeals.

¹ Including Standards 1 – 14 from the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*

² In April – June 2014 we received 13 standard 11 complaint issues and six standard 10 complaints issues.

In this quarter we saw an increase in complaints about transfers between providers although this appears to be due to the time of year as transfer complaints were the leading complaint type in the same quarter in 2014.

Complaints about deferments, suspension or cancellation of enrolment increased compared to the last quarter and the same quarter last year, as did complaints about provider's complaint handling processes. We will undertake further analysis of these complaints to identify any systemic issues or trends.

Complaints issues by education sector

We continued to receive most complaints about Vocational Education and Training (VET) courses followed by Higher Education and English Language Intensive Courses for Overseas Students (ELICOS). We received one complaint each relating to a schools or non-award course.

For VET complaints, external appeals from students about to be reported for unsatisfactory course progress or attendance were the top issues. For Higher Education, transfers between providers and refunds were the top two issues. For ELICOS, attendance external appeals and complaints about deferring, suspending or cancelling enrolment were highest.

Complaints received about private providers 1 April – 30 June 2015 ³

Complaints received 187	Closed 121	Closed without investigation	101
		Investigated and closed	20
	Still open 66	Under assessment	23
		Investigation underway	43

³ Complaints data generated from the Overseas Students Ombudsman's complaint management system, Resolve. Data on number of providers by State/Territory and main course sector provided by the Department of Education from the *Provider Registration and International Student Management System* (PRISMS)

Complaint issues received April to June 2015 compared to previous quarter

Issue type	April - June 2015 quarter	Jan - March 2015 quarter
Fee/Refund/Written Agreement	66	64
Standard 7 – transfer between registered providers	38	22
Standard 8 – complaints and appeals	21	8
Standard 13 – deferring, suspending or cancelling enrolment	21	10
Standard 10 – monitoring course progress	14	12
Standard 11 – monitoring attendance	14	9
Grades/assessment	10	9
Out of jurisdiction to investigate (OOJ) ⁴	7	2
Standard 14 – staff capability, resources, premises	7	4
Graduation completion certificate	5	5
Academic transcript	5	2
Discipline	4	1
Standard 4 – education agents	3	2
Provider default	2	3
Standard 1 – marketing information and practices	2	3
Standards for VET accredited courses ⁵	2	1
Higher education standards framework	2	1
Standard 2 – student engagement before enrolment	2	2
Work placement/experience	1	2
Employment	1	0
Standard 9 – completion within expected duration	1	1
Standard 12 – course credit	1	5
Bullying or harassment	0	1
Overseas Student Health Cover	0	2
Standard 5 – younger students	0	0
Standard 6 – student support services	0	0
TOTAL	229	172

⁴ Out of jurisdiction means the provider was in jurisdiction but the student was out of jurisdiction because they were not on or did not previously hold a student visa or the issue complained about was out of jurisdiction e.g. discrimination, employment or privacy issues.

⁵ Vocational Education and Training sector

Complaints investigated and closed by education sector 1 April – 30 June 2015

Sector	Investigations completed per sector	Previous quarter investigations completed per sector per sector	Number of providers in OSO jurisdiction by PRISMS 'main course sector'
ELICOS ⁶	12	6	96
Higher Education	16	17	71
Non-Award/other	1	0	9
VET	26	19	383
Schools	1	3	394
TOTAL	56	45	953

Issues investigated and closed – ELICOS

12 ELICOS complaints investigated and closed with 16 issues

Issue	Number of Issues
Standard 11 – monitoring attendance	8
Standard 13 – deferring, suspending or cancelling enrolment	4
Provider refunds	2
Standard 10 – monitoring course progress	1
Standard 2 – student engagement before enrolment	1
TOTAL	16

Issues investigated and closed – Higher Education

16 Higher Education complaints investigated and closed with 25 issues

Issues	Number of issues
Standard 7 – transfer between registered providers	8
Provider refunds	5
Standard 10 – monitoring course progress	4
Standard 8 – complaints and appeals	3
Standard 1 – marketing information and practices	2
Standard 3 – formalisation of enrolment (fee disputes)	2
Standard 11 – monitoring attendance	1
TOTAL	25

Issues investigated and closed – VET Sector

26 complaints investigated and finalised with 41 issues

Issue	Number of issues
Standard 10 – monitoring course progress	11
Standard 11 – monitoring attendance	7

⁶ English Language Intensive Courses for Overseas Students

Provider refunds	7
Standard 7 – transfer between registered providers	5
Standard 13 – deferring, suspending or cancelling enrolment	5
Standard 8 – complaints and appeals	2
Graduation completion certificates	1
Standard 14 – staff capability, resources, premises	1
Standard 4 – education agents	1
Standards for VET accredited courses	1
TOTAL	41

All complaints received by State and Territory

State/ Territory	Number of complaints received	Last quarter	Number of CRICOS registered providers in OSO jurisdiction
New South Wales	70	69	260
Victoria	58	74	238
Queensland	21	9	233
Western Australia	18	9	83
Australian Capital Territory	3	2	11
South Australia	2	3	82
Northern Territory	1	0	5
National	0	0	31
Tasmania	0	0	10
Total	173	161	953

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).

Authority	Number of complaints transferred
Australian Skills Quality Authority	9
Tuition Protection Service	7
South Australian Training Advocate	3
Tertiary Education Quality Standards Agency	1

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 did not make any disclosures under s 35A during this quarter.

Provider advice and training in best practice complaint handling

At the time of preparing this report there were 953 providers within OSO's jurisdiction. The OSO provides training and guidance to providers about best practice complaint handling by presenting at industry forums, such as conferences, webinars and professional development events. The [OSO media and publications page](#) contains advice and guidance for education providers and overseas students.

In this quarter the OSO:

- presented at an International Student Advisors Network (ISANA) provider workshop on best practice in written agreements, course progress, attendance and complaints handling
- presented at a Study NSW/Australian Council for Private Education and Training (ACPET) provider workshop on best practice in written agreements, course progress, attendance and complaints handling
- presented at the NEAS Conference on the role of OSO.
- conducted two webinars through English Australia on attendance monitoring and written agreements.

Publications

In the April to June quarter the OSO published:

- a Course Progress and Attendance Issues Paper and Student Fact Sheet
- a summary of the outcomes of our August 2014 Overseas Student Health Cover Issues Paper
- the fifth edition of our provider e-newsletter with tips and advice to help providers prevent and resolve complaints.

These publications are available on our [website](#).

Outreach and engagement activities

The OSO engaged with a range of stakeholders during the April to June quarter including:

- the Ombudsman participating in the Ministerial Roundtable on the Draft National Strategy for International Education
- a separate meeting with the Department of Education and Training (DET) to discuss the draft national strategy for international education and OSO's consumer protection role
- participating in the agency-level Commonwealth, State and Territory International Education Roundtable
- participating in Austrade's Australian International Education 2025 consultation workshops
- contributing to the Tuition Protection Service (TPS) Review
- meeting with the DET National Training Hotline staff to discuss VET complaints from overseas students that the hotline may transfer to OSO
- meetings with the Korean and Vietnamese Embassies to advise them of our role and how we can help intending, current and former overseas students from their countries
- quarterly meetings with the TPS, ASQA, DET and DIBP.

Submissions

We made a submission to DET on the Draft National Strategy on International Education outlining the OSO's role in maintaining strong consumer protections for international students.

We also made a submission to the Productivity Commission on Barriers to Service Exports. Both submissions can be found on the [OSO website](#).