

Common issues with written agreements, course progress and complaints handling



Overseas Students Ombudsman

- We investigate complaints from <u>overseas students</u> about <u>private</u> schools, colleges and universities (we transfer complaints about SA providers to the SA Training Advocate)
- 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



Systemic issues

- Overseas Students Health Cover (OSHC) problems with some private providers taking the money but not arranging the cover for the student
- Some providers start the cover too late placing the student in breach of their student visa condition
- We worked with the Departments of Education, Immigration, Health, the Private Health Insurance Ombudsman and the OSHC Insurers to explore OSHC administration issues
- We published an Issues Paper on 5 August with recommendations for Education, Health and Immigration



Systemic issues

- Written Agreement Problems many providers have written agreements that do not comply with the *Education Services for Overseas Students Act 2000* (ESOS Act) or National Code requirements
- Errors result in providers having to pay refunds/forego fees
- Many providers lack a cancellation fee policy as it is not (currently) required by the ESOS Act or National Code
- OSO Issues Paper sent to ISCA and other stakeholders in July for comment by 1 September 2014
- OSO written agreements checklist and survey sent to providers with our July provider e-newsletter
- Final paper and checklist to be published soon!



Systemic issues

- OSO Submission on the ESOS Reforms sets out other issues we have noted through our complaints investigations including:
 - The need for greater clarity and guidance on guardianship for under 18 year olds as not all 'guardian's are 'legal guardians' including Student Guardian Visa holders who may only be a 'suitable nominated relative' for immigration purposes but not for the purpose for signing written agreements
 - Other providers have accepted the signature of a homestay parent or other relative who was not the student's legal guardian



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)
 - 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



Written Agreements

• Poor practice:

- Invalid written agreements missing essential details or signed by under 18 year old or non-legal guardian
- Tuition fees accepted by provider or agent, before agreement signed
- Failure to make new written agreement when course details/dates changed
- Refund policy not included
- Refund policy contradicts ESOS Act/National Code
- Contradictory or confusing terms and conditions
- Failure to pay refunds owed



- Best practice:
 - Having a course progress policy that clearly defines
 - satisfactory course progress
 - when the student is deemed to be 'at risk of not meeting satisfactory course progress'
 - unsatisfactory course progress
 - The course progress policy includes an intervention strategy designed to assist students to improve to satisfactory levels



- Best practice:
- The intervention strategy is implemented as soon as the student is identified as being 'at risk' of failing to meet satisfactory course progress
- If the intervention strategy is implemented and the student still fails to meet satisfactory course progress, the provider sends the student the notice of 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



- Poor practice:
 - Provider's course progress policy does not define satisfactory and unsatisfactory course progress
 - Policy does not state the point at which the student will be deemed to have failed or applies a different standard
 - Failing to implement an intervention strategy at all, not meaningful or implementing it too late
 - 'Cancelling' the intervention strategy mid way



- Poor practice:
 - Failing to report the student after they fail to meet course progress (after the intervention strategy has been implemented)
 - Sending the notice of intent to report to the wrong address
 - Failing to the give the student appeal rights before reporting the student
 - Reporting the student on different grounds in PRISMS



- Best practice:
 - Provider's internal complaints and appeals policy available on its website
 - Provider helps students access the appeal process
 - Provider deals with complaints/appeals objectively based on relevant facts and applicable policy/legislation
 - Provider identifies any errors made and remedies them
 - Provider gives student a written outcome which details
 Overseas Students
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- Poor practice:
 - Complaints and appeals policy hard to find and not on website
 - Provider argues with students by email rather than directing them into the internal appeal process & giving them a written decision with full reasons
 - Provider refusing to consider an internal appeal due to outstanding fees – breach of Standard 8



- Poor practice:
 - Provider not assessing whether they have followed their own policy and relevant National Code standards/ESOS Act requirements as part of the internal appeal process
 - Provider failing to identify their own errors
 - Providers considering irrelevant factors/information
 - Conflict of interest with the person complained of being the person who considers the internal complaint/appeal



- Poor practice:
 - Failing to give a written outcome to the student
 - Poorly written decisions that do not explain the reasons for the internal appeal outcome
 - Failing to advise the student of their internal or external appeal rights



OSO Better Practice Complaint Handling Guide



February 2011

Better Practice Complaint Handling for Education Providers

Complaint Handlers' Checklist

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



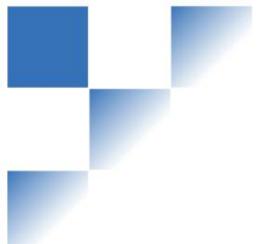


Publications and resources

- We send out a provider e-newsletter to all private providers twice a year with useful tips and advice
- We also send out a **student e-newsletter** twice a year
- You can subscribe to our newsletters on our website:

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





Questions?

