

Provider e-newsletter edition 10

What went wrong?

And other news from the Commonwealth Ombudsman - Overseas Students

Outreach and engagement

What went wrong?

Presentation by Ron Colley, Director, Postal Industry and Overseas Student Ombudsman at the **NEAS conference 2017**

The National Strategy for International Education 2025 notes that *'positive student experience is crucial to the success of Australia's International Education sector'* and with a record number of international students choosing to study in Australia this year, the challenge is to maintain a positive experience for students, and if things go wrong, to restore it.

This is where the Overseas Students team at the Office of the Commonwealth Ombudsman comes in, to assist students and private education providers to resolve deadlocked disputes, including disputes involving the actions or decisions of an education agent associated with the provider.

Last year the government introduced the Agent Code of Ethics to provide a guide to the expected professional behaviour of individual agents and agencies working with Australian international students, as well as parents, providers and fellow agents across the sector. Using a recent example, Ron explored the implications for students, providers and agents when things go wrong with the agent relationship.

You can find a copy of this [presentation](#) on our website.

CISA Conference Canberra

We presented at the Council of International Students Australia (CISA) 2017 conference held in Canberra.

Assistant Director, Bianca Martin presented to a large group of student representatives and other stakeholders about the role of the Overseas Students team within the Commonwealth Ombudsman, the process for students to follow to resolve an issue and current issues relevant to international students. The audience was engaged and asked thought provoking questions that demonstrated interest in the presentation and their passion in representing the international student body.



You can find a copy of this [presentation](#) on our website.

Quarterly report for April – June 2017 is now available

You can download a copy of the latest [quarterly report](#) from our website.



What's new at the Commonwealth Ombudsman?

The Commonwealth Ombudsman now investigates complaints regarding the VET Student Loans program and VET FEE-HELP scheme. The new function began operation on July 1 2017 and is independent, impartial and a free service for students and providers.

This new function is industry focused, responsible for investigating complaints, identifying systemic issues, and making recommendations to providers and government regarding providers delivering vocational education and training (VET) services under both VET Student Loans and VET FEE-HELP programs. We will also provide VET providers with advice and training about best practice complaints-handling.

In the first eight weeks of operations, we have received almost 2000 approaches from VET Student Loans and VET FEE-HELP students.

If you would like information on how to refer your students to the Commonwealth Ombudsman, or any reference materials on our VET Student Loans service, please email VET.StudentLoans@ombudsman.gov.au

New resources

We are committed to helping students and their providers to resolve disagreements. We have many resources for providers and their students. You can find our resources, including the new items listed below on the Commonwealth Ombudsman Overseas Students publications page:

- [VOIS magazine student video](#) featuring the Commonwealth Ombudsman. The video is about a student's experience studying in Australia and how he resolved a problem with his education provider
- [Information for international students and domestic students about the closure of Careers Australia](#)

Reminder – keep your list of education agents on your website up to date

In recent months we received many complaints about an education agent which allegedly defrauded many intending students and education providers.

Section 21A of the *Education Services for Overseas Students Act 2000* requires all CRICOS providers to maintain a list of all the provider's agents and publish that list on its website. If you terminate an agreement

with a particular education agent, you should remove their details from the list of agents published on your organisation's website.

Case study – Ombudsman in action helping international students and private education providers resolve disputes

Following a three month English course with an Australian university's private college, Xiang*, a student from China, enrolled with the university to undertake Masters level studies. As his commencement date approached, Xiang had to withdraw from his courses due to problems with his student visa application. Xiang notified his provider and requested a refund for his English lessons but this was not received by the college until after the student's English sessions had commenced. Xiang had sent them to the partner university rather than directly to the college.

The college decided that Xiang could be granted a refund of 50 per cent of the pre-paid tuition fees for the English courses. The college's fees and refund policy specified there would generally be no refunds of fees if requests were submitted after course commencement. Xiang appealed this decision with the college, but the decision was upheld on review. The student contacted our Office, seeking a full refund of his tuition fees.

We investigated the matter and found that although the written agreement with the student had outlined some circumstances where full or partial refunds could be paid, it did not specify that no refund would be payable if the student withdrew after commencement.

Standard 3.2 of the National Code states:

The registered provider must include in the written agreement the following information, which is to be consistent with the requirements of the ESOS Act, in relation to refunds of course money in the case of student and provider default:

- a. **amounts that may or may not be repaid to the student** (including any course money collected by education agents on behalf of the registered provider)
- b. *processes for claiming a refund.*

As the provider's agreement did not comply with the requirements of the National Code, we recommended that the college:

- refund the student fees paid for time the Xiang would have studied after the date he withdrew from his course
- revise its written agreement template to meet all the requirements of Standard 3 of the National Code.

The college thanked us for the detailed response and accepted the outcome of our review and our recommendations. The college reviewed their international student letter of offer and promptly refunded the student the remaining 50 per cent of his pre-paid tuition fees.

*name has been changed to protect privacy.

Commentary

Education providers sometimes consider that it is enough for their fee and refund policies to be published on their website, and avoid putting these in the letters of offer which form the basis of their written agreement with the student. However, *standard 3.2* makes it clear that the written agreement must include the provider's refund policy, not merely a reference or website link to the policy.

For more information, please refer to the issues paper and checklist about written agreements published on our [website](#).

Please also refer to the [National Code 2018](#) section 3.4 which will apply from 1 January 2018.

Want to know more?

If you would like to know more about any of the information raised in this newsletter or about the Commonwealth Ombudsman's free, independent and impartial dispute resolution service, send an email to overseas.students@ombudsman.gov.au with your name and daytime contact details and we'll be in touch.