

## Quarterly Update: 1 April–30 June 2021

### Executive Summary

This is the last quarterly update for the 2020–21 financial year for the Office of the Commonwealth Ombudsman’s (the Office) Overseas Students Ombudsman function.

In its Overseas Students Ombudsman role, the Office handles complaints about private registered education providers’ actions in connection with intending, current or former student visa holders. The Office also offers private registered education providers advice and training about best practice complaint handling, and reports on trends and systemic issues it identifies through its complaint handling activities.

This quarterly update:

- provides a brief reflection on the 2020–2021 financial year
- provides statistical data on complaints we received and finalised during the quarter, as well as:
  - common issues raised in those complaints
  - how this data compares to previous quarters
  - the action we took to finalise complaints we received.

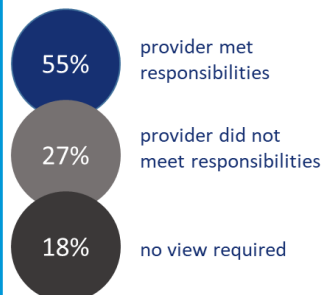
## Quarterly update at a glance

**55%** decrease in complaints received this quarter compared with same time last year



Fee and refund disputes continue as the most significant complaint issues (**32%**)

Our view on complaint issues investigated and finalised:



This quarter we finalised  
**181**  
complaints including  
**37**  
investigations

## Summary of 2020–21

In 2020–21, the Office received 1,079 complaints from international students, a 29 per cent decrease from the 1,526 complaints it received in 2019–2020. This is consistent with the decrease in international students studying in Australia due to the impacts of the COVID-19 pandemic, with 17 per cent fewer international students studying with Australian providers in June 2020 compared with June 2019, and many of the remaining 83 per cent studying remotely from outside Australia.<sup>1</sup>

Of the 1,079 complaints we received during 2020-21, 194 (18 per cent) raised issues related to COVID-19. In most cases, students were seeking refunds of pre-paid fees due to:

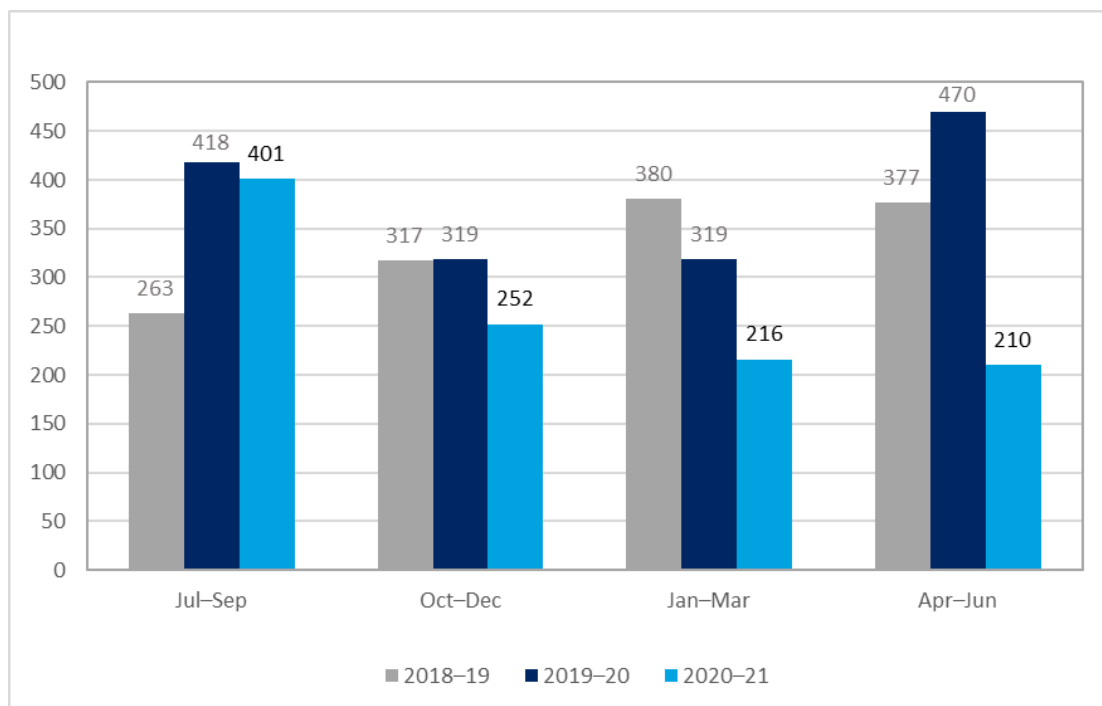
- being unable to commence study due to border closures
- being unable to continue study due to financial hardship
- not being satisfied with online delivery.

Students also sought transfers to cheaper courses as they had lost part-time work and their families were not able to support them due to disruptions to work and business overseas. Aside from financial remedies, students sought deferments or suspension of studies during lockdowns, and requested providers make allowances in academic assessment to account for difficulties, such as unreliable access to information technology and poor mental health.

## Complaints and enquiries received from 1 April to 30 June 2021

Between 1 April and 30 June 2021, we received 210 complaints and enquiries from international students enrolled with private registered education providers (see Figure 1). This is a 55 per cent decrease compared to the same period last year. This downward trend was not unexpected given the decreased number of international students who remained in Australia due to COVID-19, as well as the high volume of complaints made by international students in the same period last year due to the shift to online studies in response to lockdowns.

**Figure 1: Complaints and enquiries received from 2018–19 to 2020–21**



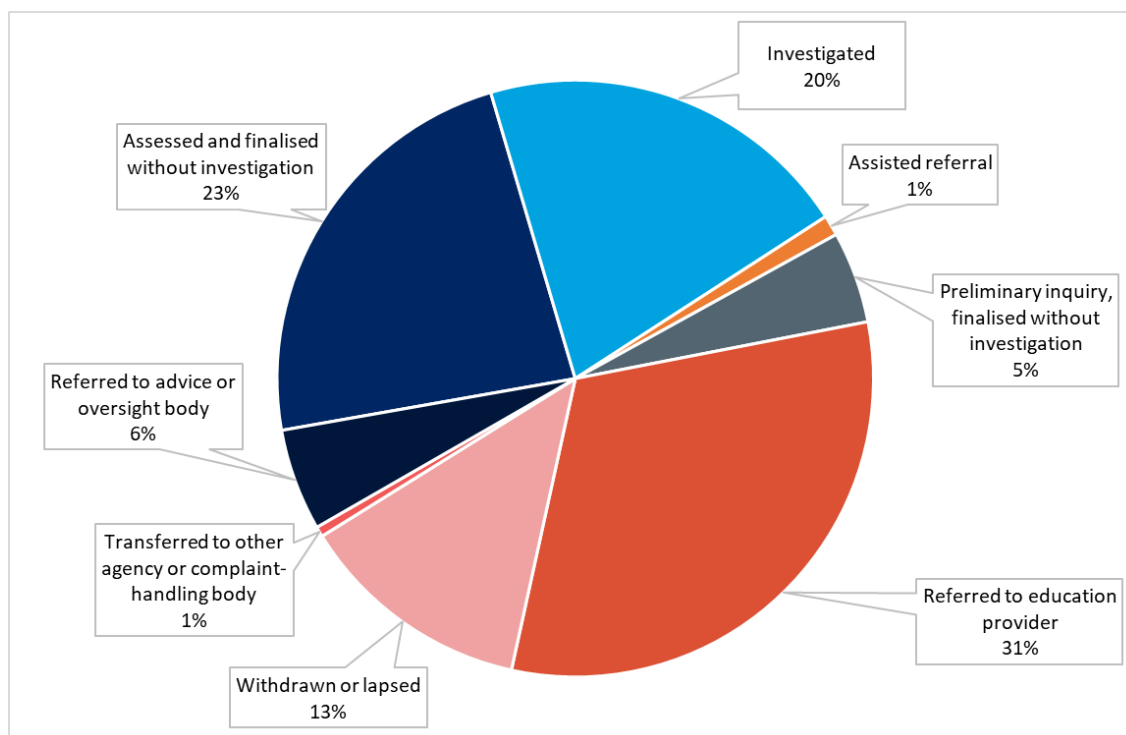
<sup>1</sup> International Student Data monthly summary, June 2021 (<https://internationaleducation.gov.au/research/international-student-data/Documents/MONTHLY%20SUMMARIES/2021/Jun%202021%20MonthlyInfographic.pdf>), accessed 26 August 2021.

## Action taken to finalise complaints

Between 1 April and 30 June 2021, we finalised 181 complaints which included 221 issues. We received some of these complaints during previous quarters.

Figure 2 provides a summary of the actions we took to finalise complaints in the quarter. More information on how we finalise complaints can be found in an earlier quarterly update [here](#).

**Figure 2: How we finalised complaints in the quarter**



## Did providers meet their responsibilities?

Between 1 April and 30 June 2021, we finalised 37 complaint investigations which included 53 issues. Table 1 details our views about whether providers met their responsibilities for investigations finalised during the period.

**Table 1: Views on finalised investigations: 1 April–30 June 2021**

View	Total issues	%
Provider substantially met responsibilities	30	55%
Provider did not substantially meet responsibilities	15	27%
No view (see below)	10	18%

We do not always form a view about whether the provider substantially met their responsibilities. This is usually because the issue was resolved between the student and provider during the investigation, or the investigation was otherwise discontinued. For example, we may discontinue our investigation because the provider ceased operating, the student withdrew their complaint, or we decided that further investigation of that issue was unlikely to lead to a different or better outcome for the student.

## Comments and suggestions

At the conclusion of our investigation, we can make comments and suggestions to providers about specific remedies or improvements they could make to their policies or processes.

Between 1 April and 30 June 2021, we made 9 suggestions to providers about issues including accessibility of complaints and appeals processes, improved wording of clauses in written agreements, and improvements to policies and procedures to ensure compliance with relevant legislation.

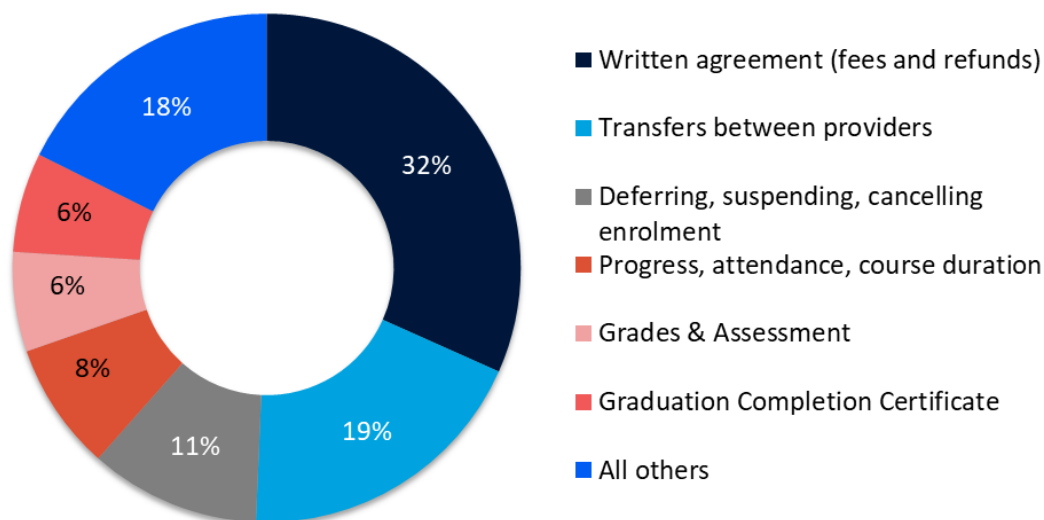
## Complaint issues

Written agreements (fees and refunds) continue to be the most common issue (32 per cent) in complaints from overseas students. These complaints are generally due to students seeking a refund of pre-paid tuition fees where they cease studying before finishing their course. The student's ability to seek a refund should be stated in their written agreement with their provider.<sup>2</sup>

Transfers between providers (19 per cent) and deferring, suspending and cancelling enrolment (11 per cent) are the next most common issues in complaints to our Office.

Figure 3 below shows the most common issues raised in complaints during the quarter. Detailed data about complaint issues finalised during 1 April to 30 June 2021, including comparisons with the previous quarter, can be found in Table 3 on page 8.

**Figure 3: Common complaint issues: 1 April–30 June 2021**



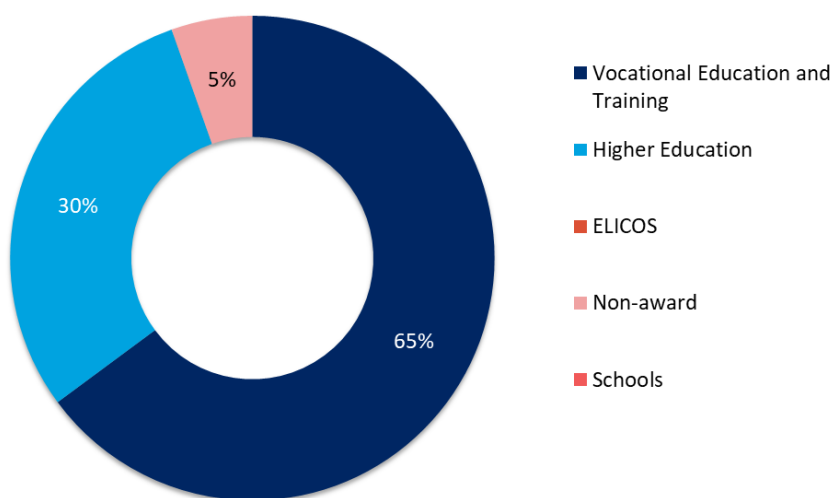
<sup>2</sup> National Code of Practice for Providers of Education and Training to Overseas Students 2018, standard 3.4.

### Complaints investigated by education sector

The Vocational Education and Training (VET) sector continues to be the sector we investigate most often, with 65 per cent of investigated complaints made by students studying VET courses. This aligns with the VET sector having the highest proportion of international students in the Office’s jurisdiction (77 per cent), followed by the Higher Education sector (18 per cent) (see

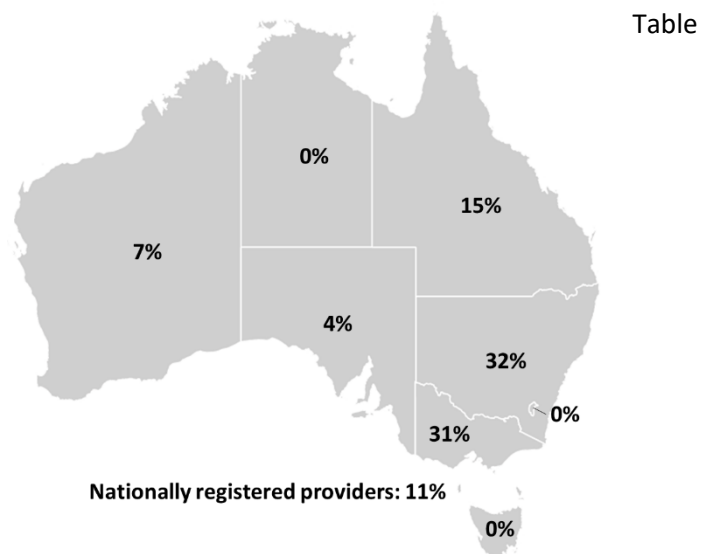
Table 4 on page 9). In this quarter, we did not investigate any complaints from students in the English Language Intensive Courses for Overseas Students (ELICOS) or Schools sectors.

**Figure 4: Complaints investigated by sector: 1 April–30 June 2021**



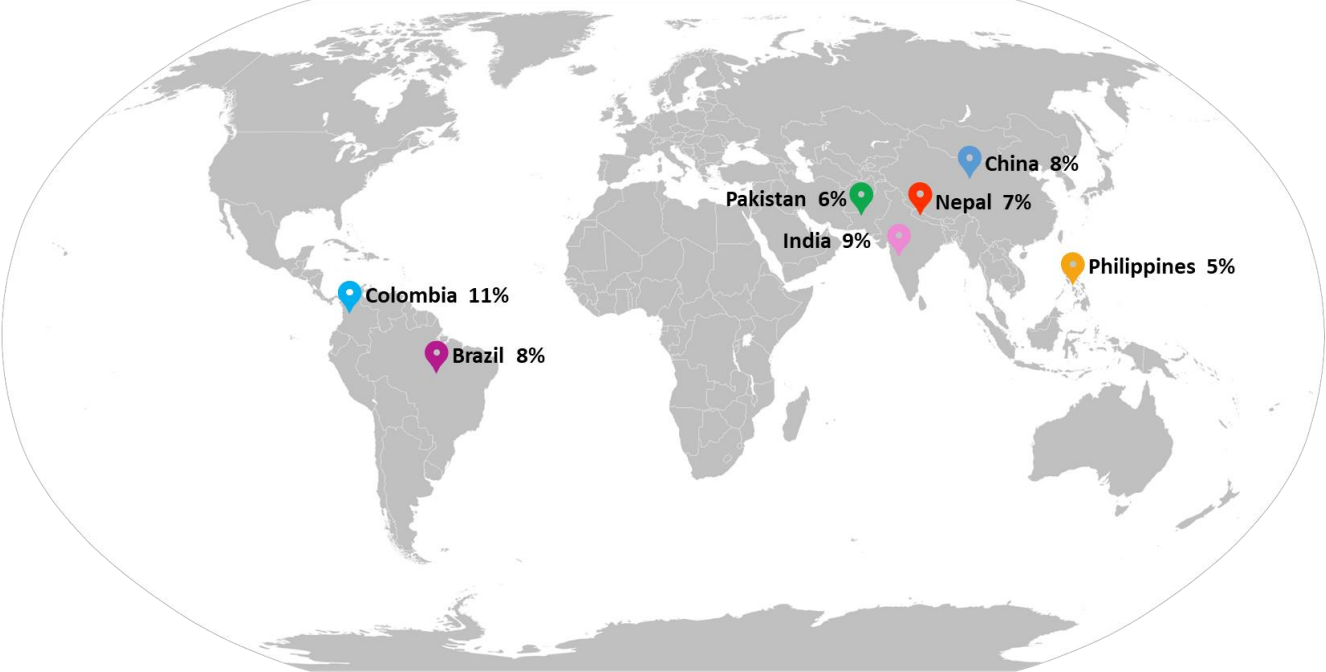
### Complaints by registered state or territory

Providers registered in Victoria and New South Wales were the subject of the greatest numbers of complaints to our Office during the quarter. This is consistent with the higher number of students studying in these states (see 6 on page 10).



### Complaints investigated by complainant’s home location

During this quarter, we investigated and finalised complaints from students originating from 38 different countries and administrative regions. The greatest numbers of complaints were made by students from Colombia and India.



## Case study – Refunding Unspent Tuition Fees

We received a complaint from a student who had enrolled in a Diploma and Advanced Diploma package of business courses. Shortly before commencing the Advanced Diploma course, their provider sent them a new Letter of Offer, asking them to sign and return it as soon as possible. The provider stated that the qualification had been updated and now included additional units of study, so it would take longer to complete. The student did not see any option but to sign the Letter of Offer and agree to the conditions it contained.

The student progressed well in their Advanced Diploma studies but withdrew for personal reasons 6 months before completion. The student had already paid for the rest of the course, so they asked for a refund of their unspent tuition fees. The provider refused the student's request and upheld that decision when the student lodged an internal appeal.

### Provider default

The provider decided to deliver the updated course without following provider default processes for the original course. In our view, the provider defaulted on their original agreement to deliver the Advanced Diploma between certain dates. However, they did not advise the student of their right to be placed with another provider or receive a release and refund of unspent tuition fees. In addition, the provider did not advise the Tuition Protection Service Director of their default.

The regulator had already agreed to an extended transition period between the two versions of the Advanced Diploma qualification, and the student's original planned course dates would have allowed them to complete the Advanced Diploma within that period. If they had been released or placed with a different provider, they may have been able to complete their studies within the original timeframe.

### Outcome

We concluded the provider should issue the student a refund as they were not advised of all available options when asked to sign the new written agreement. The provider accepted our view and refunded the unspent tuition fees.

We advised the provider that, if it upgrades a qualification in the future, it should ensure that all affected students are given the option to:

- be placed with another provider (if other providers are delivering the qualification over a longer period)
- receive a refund of unspent fees and a release to transfer to another provider of their choice
- accept the provider's offer of transferring to the upgraded qualification.

This is the case even where the provider has no choice but to offer the upgraded qualification.

## Timeframes to finalise complaints

Between 1 April and 30 June 2021, we met our complaint handling service standards as displayed in Table 2. We strive to meet these standards by actively monitoring complaint progress and looking for ways to finalise matters in a timely manner while maintaining a high standard of complaint handling.

**Table 2: Complaint handling service standards: 1 April–30 June 2021**

Complaints finalised	Timeframe	Service standard
77%	Within 30 days	75%
85%	Within 60 days	85%
92%	Within 90 days	90%
100%	Within 12 months	99%

## Detailed data regarding finalised complaints

**Table 3: Complaint issues for complaints finalised 1 January–31 March 2021 and 1 April–30 June 2021**

Issue	Issues raised in complaints finalised, Jan Mar 2021		Issues raised in complaints finalised, Apr Jun 2021	
	No.	Percentage	No.	Percentage
Formalisation of enrolment (written agreement)	107	38.1%	70	31.7%
Transfers between registered providers	53	18.9%	42	19.0%
Deferring, suspending or cancelling enrolment	21	7.5%	24	10.9%
Progress, attendance and course duration	19	6.8%	18	8.1%
Grades/assessment	17	6.0%	14	6.3%
Graduation Completion Certificate	11	3.9%	14	6.3%
Complaints and appeals	8	2.8%	9	4.1%
<i>Out of jurisdiction to investigate (OOI)</i>	8	2.8%	9	4.1%
Provider default	1	0.4%	5	2.3%
Bullying or harassment	2	0.7%	4	1.7%
Discipline	4	1.4%	4	1.7%
Academic Transcript	8	2.8%	3	1.3%
Additional registration requirements	0	-	1	0.5%
Marketing information and practices	10	3.5%	1	0.5%
Records management	3	1.1%	1	0.5%
Recruitment of overseas student	1	0.4%	1	0.5%
Student support services	5	1.8%	1	0.5%
Education agents	3	1.1%	0	-
<b>TOTAL</b>	<b>281</b>		<b>221</b>	



**Table 4: Complaints investigated and finalised: 1 January–31 March and 1 April–30 June 2021, by education sector**

Sector	No. of students <sup>3</sup>	% of total number of students	Complaints investigated and finalised January March 2021	% of complaints investigated and finalised	Complaints investigated and finalised April June 2021	% of complaints investigated and finalised
VET	151,217	77.2%	29	54.7%	24	65%
Schools	5,173	2.6%	1	1.9%	0	0%
ELICOS	3,211	1.7%	10	18.9%	0	0%
Higher Education	35,701	18.2%	13	24.5%	11	30%
Non-Award	641	0.3%	0	0%	2	5%
<b>TOTAL</b>	<b>195,943</b>	<b>100%</b>	<b>53</b>	<b>100%</b>	<b>37</b>	<b>100%</b>

**Table 5: Most common issues in finalised investigations: 1 April–30 June 2021, by education sector**

Sector	Issue 1	% of issues investigated in sector	Issue 2	% of issues investigated in sector	Issue 3	% of issues investigated in sector
VET	Written agreements	39.4%	Transfers	21.2%	Complaints and appeals	12.1%
Schools	No investigations finalised	-	-	-	-	-
ELICOS	No investigations finalised	-	-	-	-	-
Higher Education	Deferring, suspending, cancelling enrolment	29.4%	Written agreements	23.5%	Progress, attendance and duration	17.6%
Non-award	Complaints and appeals processes	33.3%	Discipline	33.3%	Grades and assessment	33.3%

<sup>3</sup> Number of 'Studying Confirmations of Enrolment' (CoEs) in Overseas Students Ombudsman jurisdiction by 'main course sector'. Provider Registration and International Student Management System (PRISMS) report as of 24 August 2021.

**Table 6: Registered state or territory of providers for complaints finalised: 1 January–31 March 2021 and 1 April–30 June 2021**

State/Territory	Complaints finalised January March 2021	Number of registered providers <sup>4</sup>	Complaints finalised April June 2021	Number of registered providers <sup>5</sup>
New South Wales	94	358	58	357
Victoria	65	317	57	324
Queensland	20	293	26	296
Western Australia	11	81	13	82
South Australia	10	74	8	75
Australian Capital Territory	6	21	0	22
Tasmania	0	11	0	11
Northern Territory	1	7	0	9
National (provider may operate nationally)	25	27	19	27
<b>Total</b>	<b>232</b>	<b>1,189</b>	<b>181</b>	<b>1,203</b>

## Data

The data in this update covers the period from 1 April to 30 June 2021. Our data is dynamic and may be updated if new information comes to light. For this reason, there may be minor differences in data when compared to what was reported in the last quarterly update. Previous quarterly updates are available on the Ombudsman's [website](#).

More information is available at [ombudsman.gov.au/How-we-can-help/overseas-students](http://ombudsman.gov.au/How-we-can-help/overseas-students).

<sup>4</sup>Number of education providers in Overseas Students Ombudsman jurisdiction by 'main course sector'. PRISMS report, as of 21 April 2021.

<sup>5</sup>Number of education providers in Overseas Students Ombudsman jurisdiction by 'main course sector'. PRISMS report, as of 24 August 2021.