

Provider e-newsletter

September 2019

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Quarterly update for April–June 2019 is now available

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

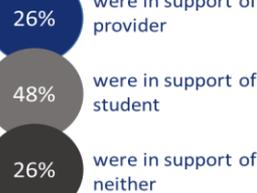
Quarterly update at a glance

53% increase in complaints received this quarter compared with same time last year



Fee and refund disputes continue as the most significant complaint issues

Of the complaint issues investigated and finalised:



We finalised
101
complaint investigations this quarter



Better practice in complaint management: free workshop

The Ombudsman provides complaint-handling support to private education providers registered to deliver courses to overseas students. We offer a free three-hour interactive workshop, delivered at your premises.

An ideal group size of 12-20 participants, and include staff who are directly involved in considering complaints, administrative staff who receive complaints and staff who deal with complainants while their complaint is being reviewed.

If your organisation is interested in receiving this free workshop to improve its complaint-handling, please contact us on Overseas.Students@ombudsman.gov.au. To confirm your interest please nominate potential dates and provide an estimate of number of staff.

Spotlight on decision letters

A decision letter is used when responding to complaints from students as well as providing a refusal or grant of an internal appeal. The two main functions of a decision letter are:

1. to communicate the decision or decisions that are made about the complaint or appeal, and
2. to give reasons for that decision.



Being transparent about the reasons for a decision is a measure of accountability. Giving reasons to the affected person means they are better able to see:

- the facts and reasoning that were the basis for the decision
- that the decision was not made arbitrarily or based on speculation, suspicion or on irrelevant information
- to what extent any arguments put forward have been understood, accepted or formed a basis for the decision
- whether they have been dealt with fairly, and
- the issues they will need to address if they decide to lodge an appeal.

The decision letter should clearly explain and justify the reasons why an internal appeal or a claim made by the student has not been accepted by the investigating officer.

An explanation of the decision should be presented in a style the student can understand. Each concern or grievance raised in the complaint should be itemised to help complainants understand that all aspects of their complaint were fully examined.

The Ombudsman uses decision letters to examine whether an education provider has acted in accordance with the law and with its own policies and procedures. They are also used to determine whether any decisions or actions have been communicated clearly and in a timely fashion.

If you would like more information on best practice in complaint-handling, including a [checklist](#) developed specifically for education providers, click [here](#) to see the range of publications that the Ombudsman has produced.

Case study – release from a packaged course

We received an external complaint from Adam* about Cleaver College's* refusal to release him to study with a new provider. Adam was studying a packaged General English, IELTS and a Diploma in Business with Cleaver College in Queensland, but obtained a letter of offer to study Nursing with an education provider in a different state. The letter of offer included additional General English study, rather than the higher level of IELTS study that Adam was due to start with Cleaver College.

Adam explained that his first study preference had always been to study Nursing, but his parents had not considered this to be a viable career for him. Adam's parents had changed their mind since his arrival in Australia and were willing to allow him to change his study pathway. He believed that he should be allowed to transfer as he had been studying in Australia with Cleaver College for over six months.

In Cleaver College's refusal decision and review letters, the college stated that Adam had not shown that the proposed new study plan would be in his best interests for compassionate and compelling reasons. Our assessment found that Cleaver College gave Adam a clear explanation of how his request was assessed, and that its decision was suitable in the circumstances. We communicated this to Adam and advised him that our assessment supported the provider's decision.

Commentary

Adam approached our Office with a strong conviction that Cleaver College was obliged to release him as he had already completed six months of his studies in Australia. Adam did not understand that the six-month requirement applies to the principal course in his package.

This complaint highlights ongoing misunderstandings about release by students studying packaged courses. Education providers should ensure that this is made clear to students at the time of enrolment, including through the agents used to recruit the students.

*Identifying information changed for privacy purposes.



Outreach and engagement

Council of International Students Australia – training with the Ombudsman

On 13 February 2019, the Ombudsman held a professional development webinar for grievance officers from the Council of International Students Australia (CISA), the peak body representing the interests of international students in Australia. This training focused on making a complaint to your education provider, with or without the assistance of a representative. This is the second year we have run this session with CISA, with twenty grievance officers participating from across Australia via webinar.

Australian Federation of International Students event – Melbourne

On 9 March 2019, we attended an information day for new international students in Melbourne, organised by the Australian Federation of International Students. Approximately 150 students and volunteers attended the event. We gave a presentation about the role of our Office and the kinds of complaints that we receive from international students. We also spoke to many attendees about their experience of making complaints to identify potential barriers for international students.

Australia New Zealand Agent (ANZA) conference – Darwin

From 3 to 5 April 2019, we attended ICEF's ANZA conference in Darwin. 450 participants attended the event, including 200 education agents and 150 agent organisations. We spoke with many education agents about common issues and complaints they see from international students in Australia. Education agents had questions relating to the provision of migration advice by education agents who are not registered migration agents, securing refunds for students whose visa application has been refused, and what to do when an education provider is closing. Education agents also expressed interest in receiving training on the National Code and student protections in Australia.

Ombudsman - Assisted referrals

In our last newsletter we told you about a new process the Ombudsman is using which we call an 'assisted referral'.

Students who have not yet complained to their provider make up a significant proportion of approaches to our Office - approximately 35 per cent. In January 2019 we commenced a process of referring complaints to education providers where it appeared that the provider had not yet attempted to resolve the complaint themselves.



Providers are not obliged to participate in the assisted referral process but we appreciate the cooperation of education providers who have participated in this new process, and worked with students to promptly resolve their complaints.

Now that we have been using assisted referrals for six months, we are seeking feedback on your experiences using this process. You can provide your feedback by email at Overseas.Students@ombudsman.gov.au.

If you would like to opt into the Ombudsman assisted referral process or would like more information, please contact us.

More information is available at ombudsman.gov.au.

Please note: This document is intended as a guide only. For this reason, the information should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the Commonwealth Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to the [Federal Register of Legislation](http://www.federalregister.gov).