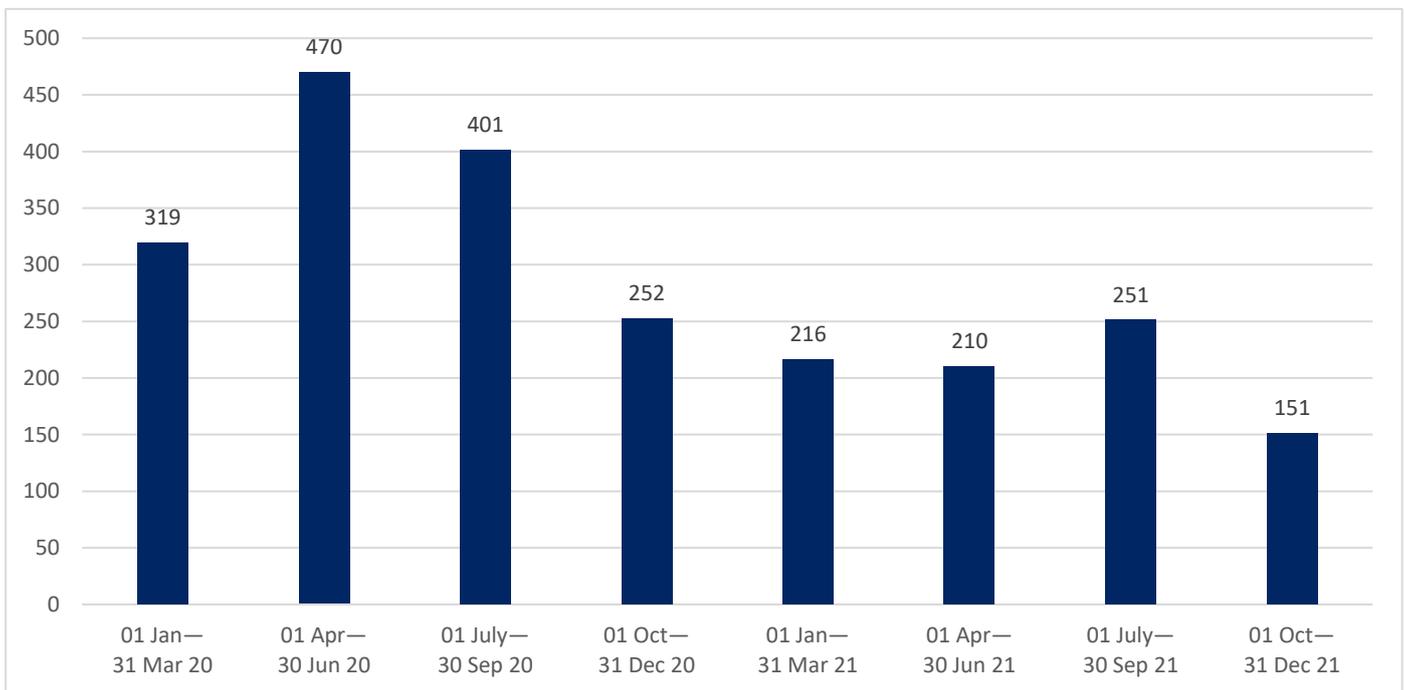


Quarterly Update: 1 October–31 December 2021

Complaints and enquiries received

During the quarter from 1 October to 31 December 2021, the Office of the Commonwealth Ombudsman (the Office) received 151 complaints and enquiries from international students enrolled with private registered education providers (see Figure 1). This represents a 40 per cent decrease in complaints when compared to the same period last year, an outcome that was expected given the decreased number of international students in Australia during the period due to COVID-19 travel restrictions.

Figure 1: Complaints¹ and enquiries received by quarter

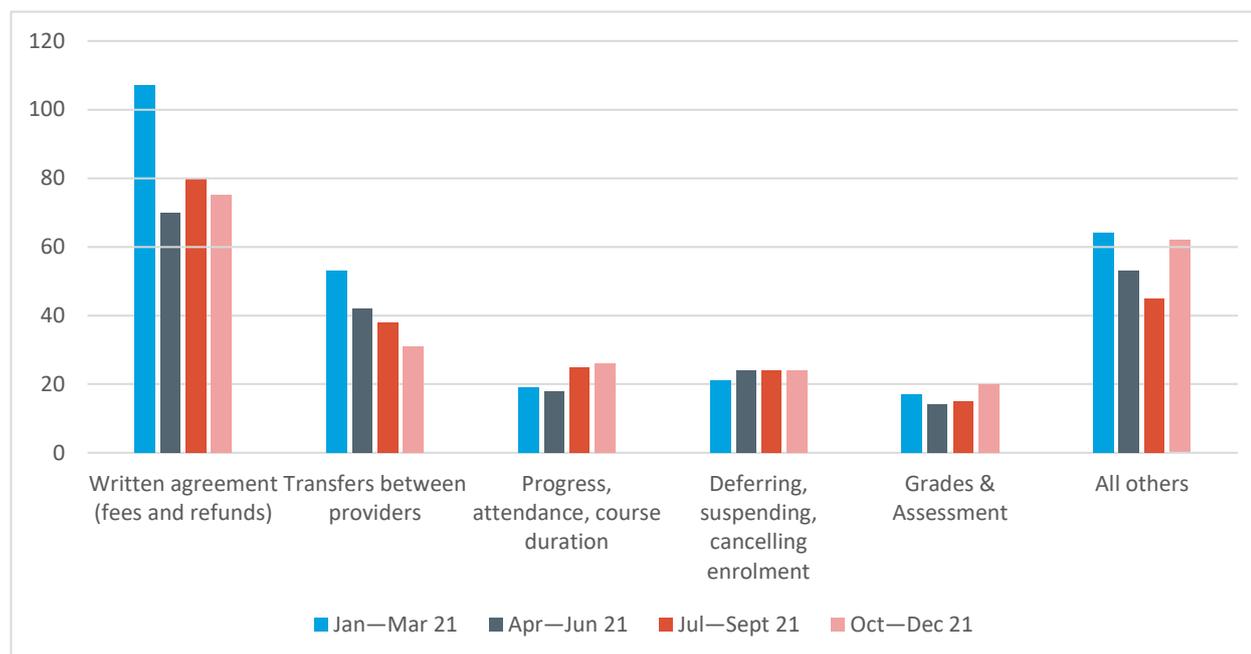


Complaint issues

The most common issue in complaints to the Office between 1 October and 31 December 2021 was written agreements (fees and refunds). These complaints were typically from students seeking refunds of pre-paid tuition fees because they ceased studying before they finished their course.

Figure 2 shows common complaint issues for the last 4 quarters.

¹ Includes complaints about private overseas education providers. For definitions of complaints, views, issues and other terms, please refer to [Overseas Students - Commonwealth Ombudsman](#). Our data is dynamic and regularly updated. This means there may be minor differences when compared to the last quarterly update. Previous quarterly updates are available on the Ombudsman's [website](#).

Figure 2: Common complaint issues – comparative data for 1 January 2021 to 31 December 2021

Did providers meet their responsibilities to students?

When delivering education products and services for overseas students, education providers are responsible for treating students fairly and reasonably and acting consistently with relevant legislation and national standards.

During the period from 1 October to 31 December 2021, the Office finalised 46 complaint investigations, covering 66 issues. Table 1 summarises our view about whether providers met their responsibilities to their students for each issue in the complaints we investigated during this period.

Table 1: Views on finalised investigations: 1 October to 31 December 2021

View	Total issues
Provider substantially met responsibilities to student	27
Provider did not substantially meet responsibilities to student	25
No view – provider and student resolved matter between themselves, or we otherwise discontinued the investigation	14

Case Study

An international student enrolled in a course which was advertised as being delivered in face-to-face evening classes. This timing and mode of delivery was important to the student due to their personal circumstances. Before the course commenced, the student learnt the course schedule had changed and it would only be offered in morning classes or online.

The student supplied evidence to demonstrate why they couldn't attend day classes and contacted the provider several times to seek a solution. The student's agent also informed the provider they had erred by not giving the student correct information about the timing of the course prior to them enrolling. The provider initially tried to accommodate the student through online study but, after 3 weeks, required the student to return to face to face classes which they were not able to do.

The student requested a release from the course with a full refund, which the provider refused. The student requested a meeting with the provider and explained they were misled prior to enrolling. The provider agreed to release the student and offered to refund a small proportion of the pre-paid fees. The student lodged an appeal and the provider decided the student did not meet the requirements for compassionate and compelling grounds in its cancellation policy. The student then contacted our Office.

Our assessment

We considered information provided by all parties and the requirements of:

- the *Education Services for Overseas Students Act 2000* (the ESOS Act)
- the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code) Standard 1.1 which states: *the registered provider must ensure that the marketing and promotion of its courses and education services in connection with the recruitment of overseas students or intending overseas students, including through an education agent (in accordance with Standard 4), is not false or misleading and is consistent with Australian Consumer Law*
- the provider's documented policies, procedures and student handbook.

We recognise that in many cases, providers require flexibility in the timing of course delivery. However, if a student receives inaccurate information about class times/days at the time of enrolment and they choose a course based on that information, in our view the student cannot reasonably be taken to have made an informed decision about which course to study. Based on this, we concluded the student should receive a refund of their unspent tuition fees.

Outcome

We informed the provider of our view that the student was entitled to a refund of her unspent tuition fees. The provider accepted our view and made the refund.

Complaint management tips for providers: acknowledging complaints

A clear, well timed contact to acknowledge a complaint sets the scene for the overall complaint experience and reduces the risk of student dissatisfaction. In the complaints about providers we handle, we often identify mistakes at this early stage which impact the relationship and/or exacerbate the central complaint.

Sometimes providers do not give an acknowledgement, which results in the student repeatedly contacting their provider or seeking support from our Office. Other times, the student's expectations are not managed, and they are dissatisfied when they do not receive a quick outcome or discover the outcome they hoped for was not possible or practical.

Here are some simple ways to smooth your complaints process with good acknowledgements:

- Wherever possible, acknowledge the complaint within 2 business days and provide a reference number.
- Include details about how and when the student should provide any further information regarding their complaint.
- Explain the complaint process, including:
 - the likely timeframes for contacting the complainant again and resolving the complaint
 - possible outcomes, and
- Provide contact details, preferably including the name of a contact person.

Further information and tips on effective complaint handling for providers can be found in our [Better Practice Complaint Handling Guide](#).