

Provider e-newsletter – September 2019

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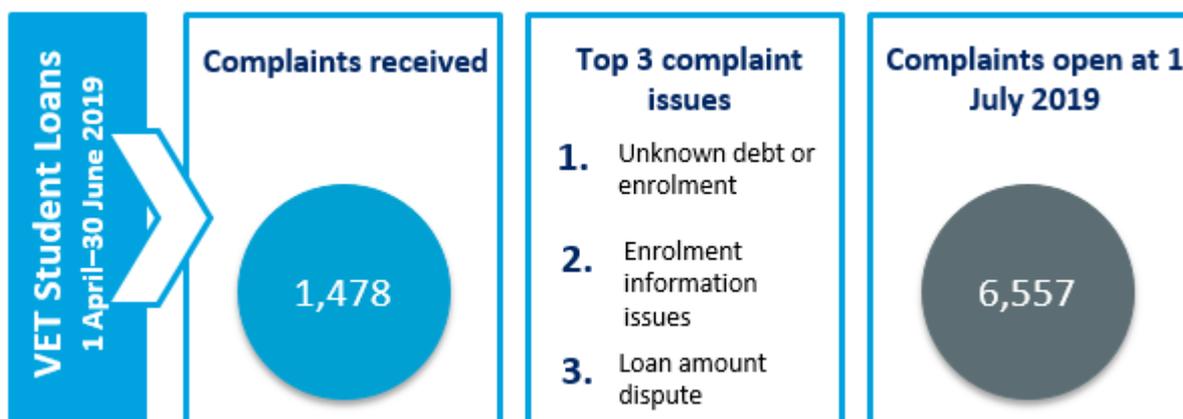
Welcome to the September edition of the VET Student Loans Ombudsman newsletter. In this edition we cover:

- quarterly update: April–June 2019
- update on VET FEE-HELP Student Redress Measures
- free workshops in complaint management
- spotlight on decision letters
- complaint study—calculation of census dates.

VET Student Loans Quarterly update

The VET Student Loans Quarterly update for April–June 2019 is available [here](#).

This update provides information on the complaints we have received and closed, as well as common issues that were complained about during the April–June 2019 quarter.



VET FEE-HELP Student Redress Measures

On 1 January 2019, the VET FEE-HELP Student Redress Measures came into effect. The measures provide a remedy for students who, due to the inappropriate conduct of their VET provider, incurred debts under the VET FEE-HELP loan scheme.

Under the redress measures, we assess complaints and decide whether we will make recommendations to the Department of Employment, Skills, Small and Family Business (the department) to remove individual VET FEE-HELP debts.

As at 31 August 2019, the Office has recommended that the department remove VET FEE-HELP debts for 1,603 complaints, involving 10,998 units of study, with a total value of \$29.8 million including loan fees.

If you have any questions about this process, you can email us at VET.StudentLoans@ombudsman.gov.au

Free workshops in complaint management

The Ombudsman provides best practice complaint-handling support to education providers. As part of this support we are offering to deliver a free three-hour interactive workshop on complaint management at your premises.

An ideal workshop group would be 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 this free workshop please contact us at VET.StudentLoans@ombudsman.gov.au to confirm your interest. In your email please nominate potential dates for the workshop and provide an estimate of the number of staff.

Spotlight on decision letters

A decision letter is used when responding to complaints and appeal requests from students. 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 those decisions.



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 a VET provider has acted in accordance with the law and with its own policies and procedures. They are also used to determine if any decisions or actions have been communicated clearly and in a timely fashion.

If you would like more information on better practice in complaint-handling, click [here](#) to see the range of publications that the Ombudsman has produced.

Complaint study – calculation of census dates

Cole* complained to us that he had been approached in a shopping centre to enrol in a Diploma of Business at Star Institute's* Blacktown campus. He quickly found that he was not academically suited to the course. Cole told us that he had withdrawn from the course but had incurred a VET FEE-HELP debt despite completing only a few days of study.

Cole explained that he had lodged a complaint with Star Institute and his refund request was refused as he had withdrawn after the census date.

We commenced an investigation into Cole's complaint and asked questions of Star Institute about its assessment of Cole's academic suitability for the course, as well as the representations made to Cole about the requirements of the course.

As part of our normal assessment of student complaints we requested the Confirmation of Enrolment issued to Cole and the census dates applicable to his units. In considering this information we found that Star Institute had set the census date earlier than 20 per cent of the way through the course. This is in breach of section 67(2) of Schedule 1A to the *Higher Education Support Act 2003*, which refers to the *Higher Education Support (VET) Guideline 2015* (the VET Guidelines).

This meant that Cole was not able to participate in up to 20 per cent of the course before withdrawing without financial penalty. We formed a preliminary view that Star Institute should refund Cole for the cluster of units he had incurred as a debt. This preliminary view was made on the basis that he was not given the appropriate amount of time to try the course and see whether it was right for him.

Star Institute accepted our preliminary view and re-credited Cole's debt.

Under the VET Guidelines that apply to VET FEE-HELP approved providers, providers must not set a census date within the first 20 per cent of a unit's duration.

For VET Student Loans approved providers, the relevant legislation is the *VET Student Loans Act 2016*, which specifies in section 58 that census date requirements are to be found in the *VET Student Loans Rules 2016* (the VSL Rules). The VSL Rules also require census dates to be at least 20 per cent of the way through that 'part' of the course (section 131).

*Identifying information changed for privacy purposes.

More information is available at vet.ombudsman.gov.au

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