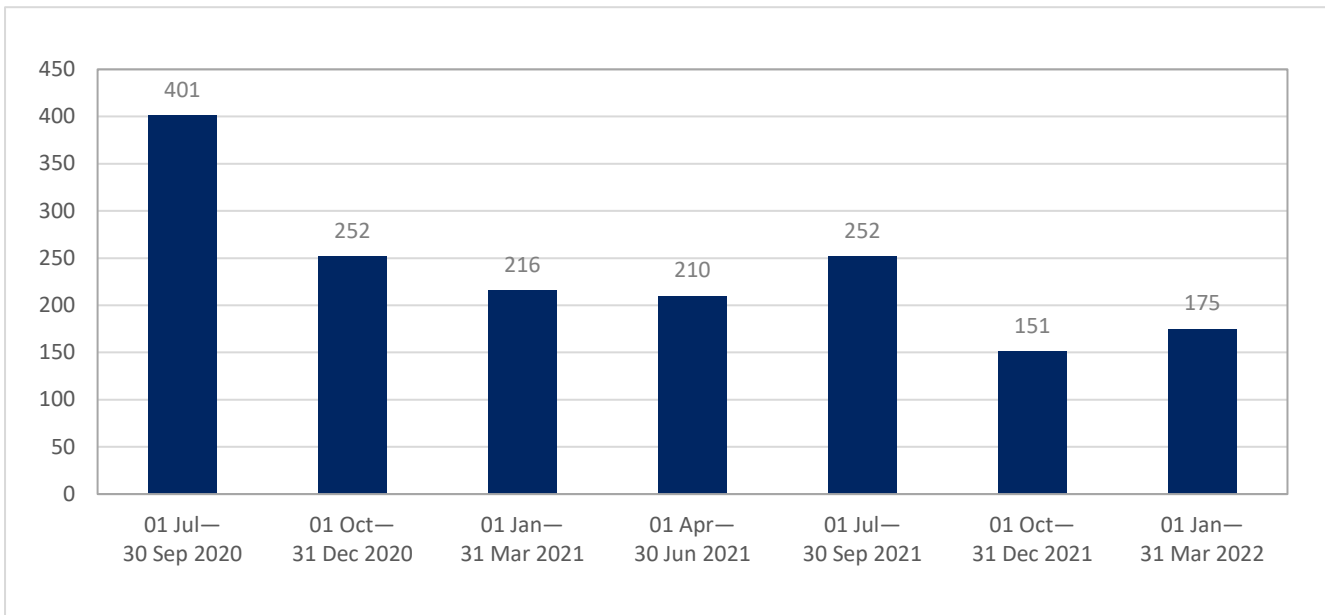


Quarterly Update: 1 January–31 March 2022

Complaints and enquiries received

Between 1 January and 31 March 2022, the Office of the Commonwealth Ombudsman (the Office) received 175 complaints and enquiries from international students enrolled with private registered education providers (see Figure 1). This represents a 19 per cent decrease in complaints when compared to the same period last year. We note that despite the relative decrease compared to last year, this is an increase on the previous quarter, which may be related to the gradual return of international students to Australia following the re-opening of borders.

Figure 1: Complaints¹ and enquiries received by quarter



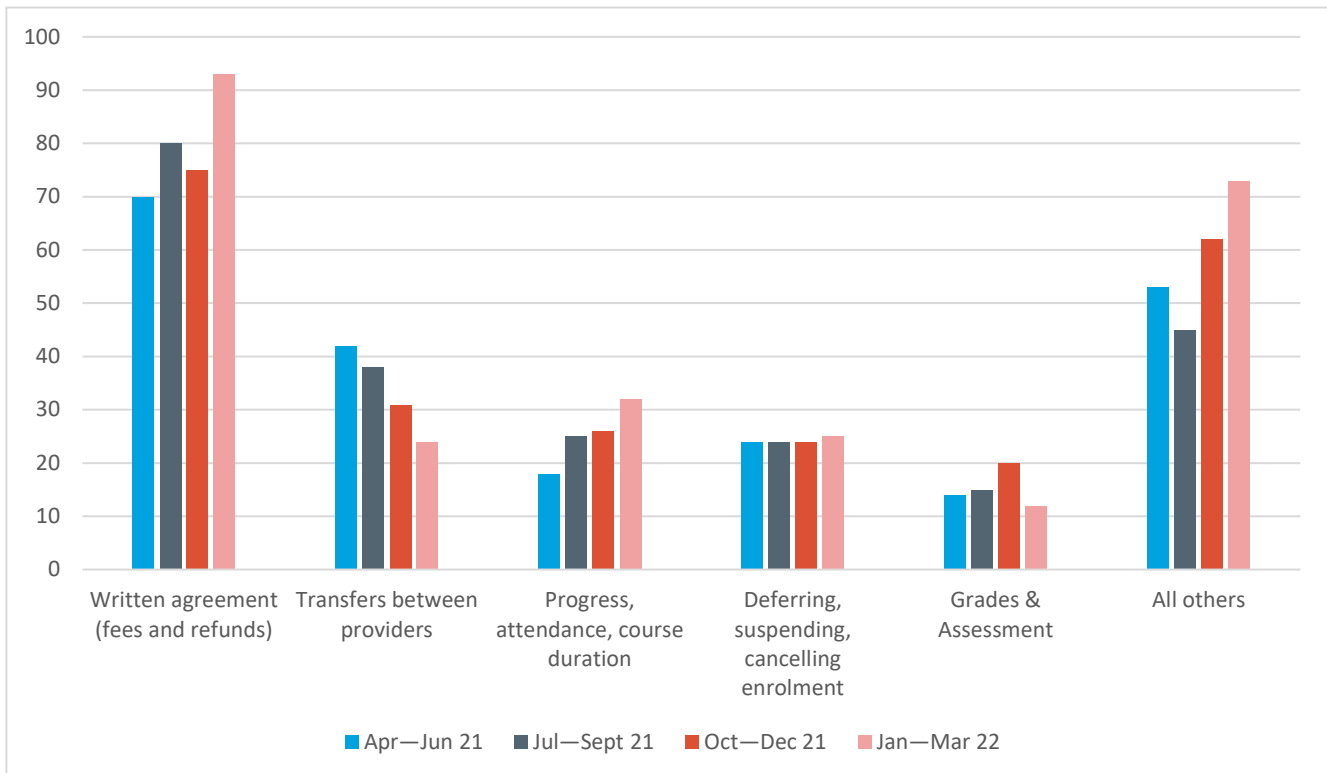
Complaint issues

The most common issue in complaints to the Office between 1 January and 31 March 2022 was written agreements and 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 March 2022



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 January to 31 March 2022, the Office finalised 45 complaint investigations, covering 84 issues. Table 1 summarises our view on 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 January to 31 March 2022

View	Total issues
Provider substantially met responsibilities to student	33
Provider did not substantially meet responsibilities to student (see below)	20
No view – provider and student resolved matter, or we otherwise discontinued the investigation	31

When we consider a provider has not substantially met their responsibilities, we work with both parties to find any possible suitable remedy for the student. If we observe that a provider's non-compliance is serious or repeated, we may disclose the matter to the appropriate regulators and other bodies such as the Tuition Protection Service and the Department of Education, Skills and Employment.

Case Study

An international student was studying a course in fitness with a private education provider. Part-way through the course, the student decided that studying fitness was not as interesting as they had thought, so the student asked their provider to release them to pursue a different vocational course with another provider. The provider refused the student's request, stating the circumstances did not meet the compassionate and compelling criteria in its transfer policy. The student lodged an internal appeal, and the provider upheld their decision due to no additional information being provided. The student then contacted our Office.

When submitting their complaint to our Office, the student provided new information, outlining mental health struggles that influenced their decision to change courses. Our Office gave the provider the opportunity to review this evidence before we continued our investigation. The provider reviewed the evidence and concluded they would still not grant the student's release request, noting the student obtained their medical evidence from an overseas practitioner.

Our assessment

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

- the *Education Services for Overseas Students Act 2000* (the ESOS Act)
- standard 7 of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code) provides several reasons a provider may release a student for study with another provider, including compassionate and compelling reasons, and
- the provider's documented policies and procedures.

This provider's transfer policy specified it would not accept overseas medical documentation. We consider that a blanket refusal to accept overseas documentation may not be reasonable in all circumstances. However, we understand that a provider may require a student to obtain documentation from an Australian medical practitioner in certain situations, for example to allow independent verification of medical evidence.

Outcome

We considered the provider's response, together with its own guidelines and the relevant legislation. We came to a view that on balance, the provider complied with its obligations, and the decision not to release the student was open to them.

Information for providers – Committing to a culture that values complaints

The foundation of good complaint handling lies in an organisational culture where staff understand the value of complaints and are committed to delivering a high-quality service. Starting at the executive level and modelled throughout the organisation, complaints should be treated as a welcome opportunity to engage with customers and an important source of information about performance. This will drive efficiencies and improve customer relations.

Here are some ways to assist in building a culture that values complaints:

- ✓ Ensure all staff understand their role in managing complaints
- ✓ Use staff meetings to talk about complaints, lessons learned, and resulting improvements
- ✓ Recruit suitable staff and provide regular complaint handling training
- ✓ Provide internal processes and guidance material
- ✓ Implement quality assurance and reviews of the complaint handling process.

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