

Overseas Students Ombudsman Quarterly Report 1 January – 31 March 2015

Role of the OSO

The Overseas Students Ombudsman (OSO) has three functions:

- to investigate complaints about actions taken in connection with overseas students by private education providers;
- to give private registered providers advice and training about best practices for the handling of complaints made by overseas students; and
- to report on trends and systemic issues arising from investigations.

This quarterly report sets out the activities of the OSO between 1 January 2015 and 31 March 2015 in relation to each of these functions.

Complaints issues

The OSO received 161 complaints and external appeals in January-March 2015 covering 172 issues. The OSO has experienced a 12.5 per cent increase in complaints received since the same quarter in 2014. This could be due to an increase in international student numbers in Australia and raised awareness of the OSO's role.

The top four complaint issues¹ were:

- Provider refunds
- Standard 3 – Formalisation of enrolment
- Standard 7 – Transfer between registered providers
- Standard 10 – Monitoring course progress

These issues remain consistent with the previous quarter.

However within the top four complaint categories there was an increase in the number of provider refund complaints received this quarter. The office received a total of 40 provider refund issues in complaints in this quarter compared with 26 of these issues in the last quarter. It may assist providers to use the OSO's new Written Agreements Checklist (available on our website www.oso.gov.au) to ensure their written agreement and refund policy is compliant with the relevant legislation and able to be applied.

There was a reduction in the number of Standard 7 transfer issues with 22 received in this quarter compared to compared 40 received in the previous quarter. However the numbers for this quarter were similar to the numbers for the same quarter last year possibly because students are less likely to seek a transfer in the first quarter of a year.

¹ Including Standards 1 – 14 from the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*

Complaints received about private providers 1 January -31 March 2015²

Complaints received 161	Closed 107	Closed without investigation	94
		Investigated and close	13
	Still open 54	Under assessment	21
		Investigation underway	33

Issues for complaints received 1 January – 31 March 2015

Issue type	Number of issues
Provider refunds	40
Standard 3 – Formalisation of enrolment	24
Standard 7 – Transfer between registered providers	22
Standard 10 – Monitoring course progress	12
Standard 13 – Deferring, suspending or cancelling enrolment	10
Grades/assessment	9
Standard 11 – Monitoring attendance	9
Standard 8 – Complaints and appeals	8
Graduation completion certificate	6
Standard 12 – Course credit	5
Standard 14 – Staff capability, resources, premises	4
Provider default	3
Standard 1 – Marketing information and practices	3
Academic transcript	2
Out of jurisdiction to investigate (OOJ) ³	2
Overseas Student Health Cover	2
Standard 2 – student engagement before enrolment	2
Standard 4 – Education agents	2
Work placement/experience	2

² Complaints data generated from the Overseas Students Ombudsman's complaint management system, Resolve. Data on number of providers by State/Territory and Main Course Sector provided by the Department of Education from the *Provider Registration and International Student Management System (PRISMS)*.

³ Out of jurisdiction means the provider was in jurisdiction but the student was out of jurisdiction because they were not on, or previously holding, a student visa or the issue complained of was out of jurisdiction e.g. discrimination, employment, privacy issues.

Bullying or harassment	1
Discipline	1
Higher education standards framework	1
Standard 9 – completion within expected duration	1
Standards for VET ⁴ accredited courses	1
Standard 5 – younger students	0
Standard 6 – Student support services	0
TOTAL	172

Complaints investigated and closed by education sector

1 January – 31 March 2015

Sector	Investigations completed per sector	Number of providers in OSO jurisdiction by PRISMS 'main course sector'
ELICOS ⁵	6	97
Higher Education	17	72
Non-Award/other	0	10
VET	19	369
Schools	3	408
Total	45	956

Issues investigated and closed – ELICOS

6 ELICOS complaints investigated and closed with 8 issues

Issue	Number of Issues
Provider Refunds	3
Standard 11 attendance	2
Standard 7 Transfers	1
Standard 3 formalisation	1
Standard 13 deferring cancelling or suspending enrolment	1
TOTAL	8

⁴ Vocational Education and Training sector

⁵ English Language Intensive Courses for Overseas Students

Issues investigated and closed – Higher Education

17 Higher Education complaints investigated and closed with 20 issues

Issues	Number of issues
Standard 10 course progress	8
Standard 7 transfer between providers	4
Standard 13 deferring, cancelling or suspending enrolment	3
Standard 4 education agents	1
Standard 12 course credit	1
Provider Refunds	1
Standard 3 written agreements (fee disputes)	1
Standard 8 complaints and appeals	1
TOTAL	20

Issues investigated and closed – VET Sector

19 complaints investigated and finalised with 22 issues

Issue	Number of issues
Standard 10 course progress	5
Standard 7 transfer between providers	5
Standard 11 - attendance	4
Standard 13, deferring cancelling or suspending enrolment	3
Graduation completion certificates	2
Provider Refunds	2
Standard 8 complains and appeals	1
TOTAL	22

All complaints received by State and Territory

State/ Territory	Number of Complaints received	Number of CRICOS registered providers in OSO jurisdiction
Victoria	74	239
New South Wales	69	255
Queensland	9	236
Western Australia	9	82
South Australia	3	87
Australian Capital Territory	2	11
National	0	31
Northern Territory	0	5
Tasmania	0	10
Total	161	956

Complaints transferred by OSO to another authority

Under s 19ZK of the *Ombudsman Act 1976*, the OSO must transfer a complaint to another statutory complaint handler if it could be more effectively dealt with by that complaint handler.

The OSO transfers complaints about the quality of the education provider's teaching, staff or facilities to the appropriate regulator. The OSO transfers complaints about provider defaults and provider refunds in visa refusal cases to the Tuition Protection Service.

Authority	Number of complaints transferred
Tuition Protection Service	9
Australian Skill Quality Authority	1

The OSO also makes disclosures under s 35A of the *Ombudsman Act 1976* to regulatory bodies or public authorities where it is in the public interest to do so. The OSO did not make any disclosures under s 35A during this quarter.

Provider advice and training in best practice complaint handling

At the time of preparing this report there were 965 providers within OSO's jurisdiction. The OSO has adopted a strategic approach to providing training and guidance to providers about best practice complaint handling by presenting at forums, such as conferences, webinars and professional development events organised by industry peak bodies. We provide information about systemic issues that arise from the complaints and external appeals we investigate, and suggest ways to avoid common mistakes and problems.

In this quarter the OSO presented at the:

- Association of Independent Schools South Australia professional development workshop
- Independent Schools Council Queensland international education staff orientation day
- International Student Advisors Network Australia (ISANA) best practice workshop.

The OSO media and publications page contains advice and guidance for education providers and overseas students.

In this quarter the OSO published:

- a fourth edition of the student e-Newsletter
- a Written Agreement Issues Paper and Checklist that providers can use to assess whether their written agreement is compliant and to provide guidance about resolving refund, fee dispute and written agreement complaints
- special editions of both the student and the provider e-Newsletters promoting the Written Agreements Issues Paper and Checklist.

Outreach and engagement activities

The OSO engaged with these stakeholders:

International

- the Department of Education (DE) counsellors from Australian consulates and embassies in key international student source countries
- the Overseas Students Ombudsman, Mr Colin Neave, and the OSO Director, met with the Malaysian consul & education attachés in Sydney

Students

- OSO held an information stall and spoke to international students at the Study Melbourne/Australian Federation of International Students (AFIS) International Student Info Day in Melbourne

Other stakeholder liaison – The OSO:

- presented at a series of ESOS Reform workshops in Canberra
- attended the NSW Ombudsman's University Complaint Handlers Forum in Sydney
- met with Fair Work Ombudsman staff in Adelaide
- met with the South Australian Training Advocate
- attended the TPS provider levy information session in Brisbane and Canberra
- met with DE and Department of Immigration and Border Protection (DIBP)
- met with the Australian Skills Quality Authority (ASQA)
- met with the Tertiary Education Quality and Standards Agency (TEQSA)
- met with the Tuition Protection Service (TPS)
- hosted a teleconference with other overseas student complaint handlers (teleconference includes State and Territory Ombudsman, South Australian Training Advocate and the Western Australian International Education Conciliator).

Focus for the next quarter

The OSO will focus on key systemic issues we see, including written agreements (provider refunds and fee disputes), attendance and course progress monitoring, provider transfers and complaints handling.

We will participate in consultations on the Australian government's draft National International Education Strategy and lodge a written submission to Austrade on the draft strategy, outlining the OSO's role in providing strong consumer protections and improving the student experience by resolving complaints and helping providers improve their policies and practices.

We will also continue to engage with providers, students and other organisations to raise awareness of the OSO's role. This includes meeting with the consulates of key student source countries to highlight the services the OSO provides to intending, current and former overseas students.

Finally, next quarter we will report on the outcome of the recommendations we made in our Overseas Student Health Cover (OSHC) issues paper, published in August 2014. We will detail the responses we received from DE, DIPB and DH regarding what action they have taken in response to our recommendations.