



## Overseas Students Ombudsman

Independent Schools Qld  
Brisbane  
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# Overseas Students Ombudsman

- We investigate complaints from overseas students about private universities, colleges and schools
- We work with education providers to help them improve their internal complaints and appeals processes
- We report on trends and systemic issues



# How we investigate

- We are independent, impartial and investigate in private
- We usually ask students to go through the provider's internal complaints and appeals process before we investigate
- We ask the provider to explain what they did and why
- We request relevant documents from both parties
- We form a view and provide an opportunity to comment before we make a final decision



# How we investigate

- If we find the provider did things correctly, we explain this to the student
- If we find substantial errors, we make recommendations to the provider, including giving the student a remedy
- We also make suggestions for systemic improvements to providers' policies and practices
- We analyse complaints data to identify systemic issues across the sector and publish issues papers on relevant topics



# How we investigate

- In refund cases, we particularly look at:
  - Was the written agreement signed before course money was paid?
  - Does the written agreement:
    - Accurately state the study periods?
    - Correctly itemise the relevant fees?
    - Include the provider's refund policy?
    - Require the parent or legal guardian to sign if the student is under 18 years old?



# How we investigate

- In transfer cases, we look at whether the provider:
  - Has implemented and properly applied a student transfer policy
  - Considered whether the transfer would be detrimental to the student
- In poor course progress or attendance cases, we look at:
  - has the provider implemented and properly applied course progress and attendance policies
  - sent appropriate warnings at the right time



# How we investigate

- In almost every case, we look at whether the provider has a fair and accessible complaints and appeals policy, and has applied it properly in the particular case
- We also look for signs that other students may have been affected by the same or similar problems
  - is there a systemic issue?



# Possible outcomes

- If the provider made a mistake or acted unfairly, we can ask them to:
  - Apologise
  - Change or reconsider a decision
  - Change their policies or procedures
  - Pay a full or partial refund
  - Not report the student to Immigration





# Possible Outcomes

- If we think there is a wider systemic issue, we may investigate further and/or publish a public report
- If we consider that the provider may have breached the ESOS Act or National Code, we may notify the regulator
- If we find that the provider acted correctly, we explain why to the student



# Common Mistakes

- Non-payment or late payment of refunds where the student is entitled to a refund
- Receiving money before written agreement is concluded
- Written agreements not signed by parent or legal guardian for students under 18
- Written agreements which fail to accurately identify course, fees or study periods.
- Providers refusing to grant release letters to students even though the transfer would not be to the detriment of the student, contrary to Standard 7



# Common Mistakes

- Providers not giving students a written statement of the outcome of their complaint or internal appeal, including details of the reasons for the outcome, as required by Standard 8.1d
- Providers reporting students for unsatisfactory course progress or attendance without first giving the student an opportunity to lodge an internal or external appeal, contrary to Standards 10.6, 10.7, 11.6. 11.7
- Providers not contacting and counselling students that they are at risk of falling below the 80 per cent attendance requirement, before their attendance drops below 80 per cent, as required by Standard 11.4



# Publications and resources

- We send out a **provider e-newsletter** to all private providers twice a year with useful tips and advice
- We also send out a **student e-newsletter** twice a year
- You can subscribe to our newsletters on our website:

[www.oso.gov.au/publications-and-media/](http://www.oso.gov.au/publications-and-media/)

# Publications and resources

- We publish quarterly complaints statistics reports
- We have produced a guide to 'Better Practice Complaint Handling for Education Providers'



## Better Practice Complaint Handling for Education Providers

February 2011

### Complaint Handlers' Checklist

- ☐ Do you have written complaint handling procedures? Are they easy to understand and apply?
- ☐ Do you acknowledge complaints promptly?

**ACKNOWLEDGE**  
all complaints quickly



# Questions ?