



ISANA PD Session
10 November 2017

Presenter: Bianca Martin

We will cover:

- Role of the Overseas Students Ombudsman and the Private Health Insurance Ombudsman
- National Code 2018
- Insights from complaint-handling
- Best practice complaint-handling

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The Overseas
Students
Ombudsman

Role of the Commonwealth Ombudsman



OVERSEAS STUDENTS OMBUDSMAN



COMMONWEALTH
OMBUDSMAN



Overseas Students Ombudsman

- independent, external complaint and appeal body
- Investigate complaints from intending, current and former international students about private registered education and training providers
- Over 1,000 private CRICOS providers in our jurisdiction
- provide information and training on best practice complaint-handling of international student complaints
- report on trends and broader issues that arise from complaint investigations

Private Health Insurance Ombudsman

- An independent body that resolves complaints about Australian private health insurance.
- This includes complaints from intending, current and former international students about Overseas Students Health Cover providers – AHM, Bupa, Medibank Private, NIB and Allianz.
- The Ombudsman can deal with complaints from OSHC members, OSHC insurers, private hospitals or medical practitioners.
- Complaints must be about a health insurance arrangement, i.e. not clinical or commercial issues.

Private Health Insurance Ombudsman OSHC Data

	2015-16		2016-17	
	Total	Disputes	Total	Disputes
AHM	11	0	19	3
Bupa	25	6	22	5
Medibank	23	2	33	2
NIB	23	9	23	6
Allianz	64	8	81	7
Total	146	25	178	23

Complaint figures for different OSHC providers are not directly comparable to each other as market share data is not available. These figures show the number of complaints over time and it can be assumed market share numbers are relatively similar to registered domestic providers and do not greatly change from year to year.

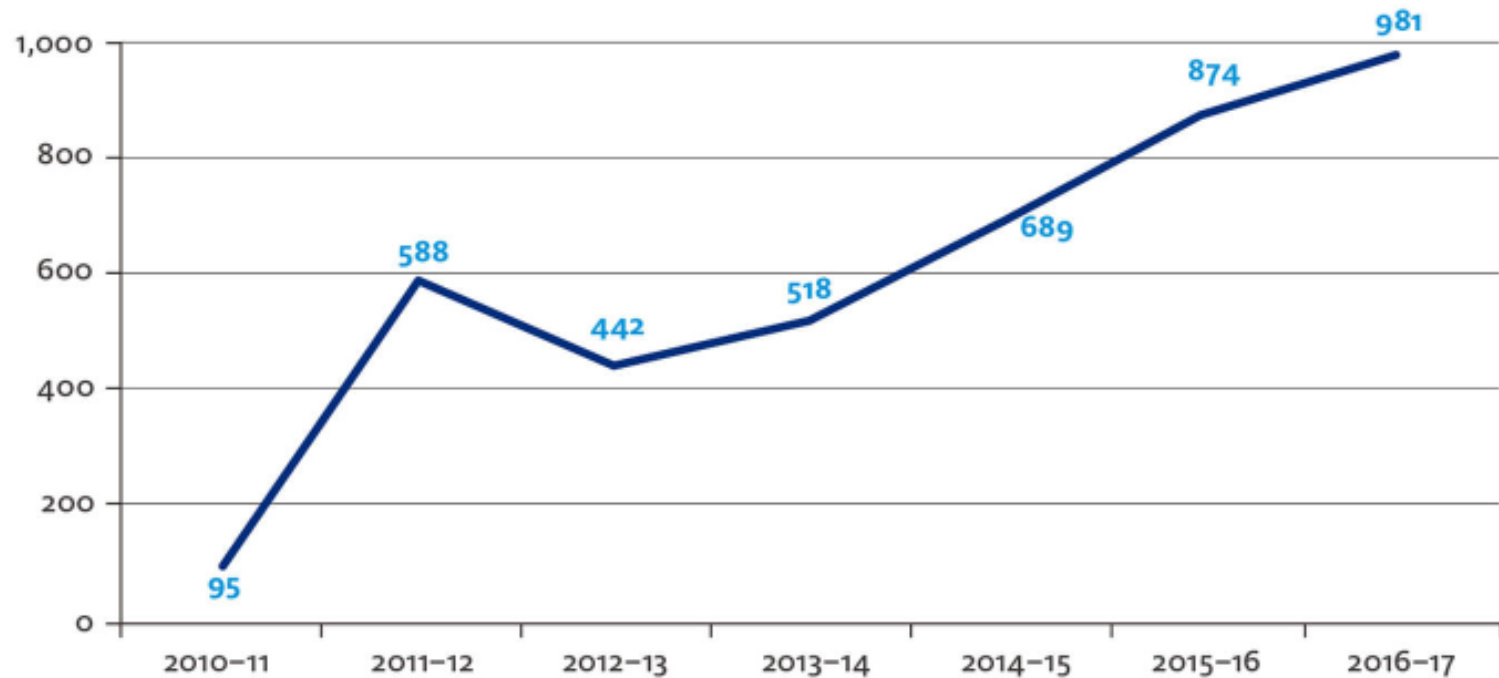
The value of complaints

- Many problems can be identified and resolved early
- Complaints provide critical feedback
- Complaints provide opportunities to re-engage students who might otherwise go elsewhere

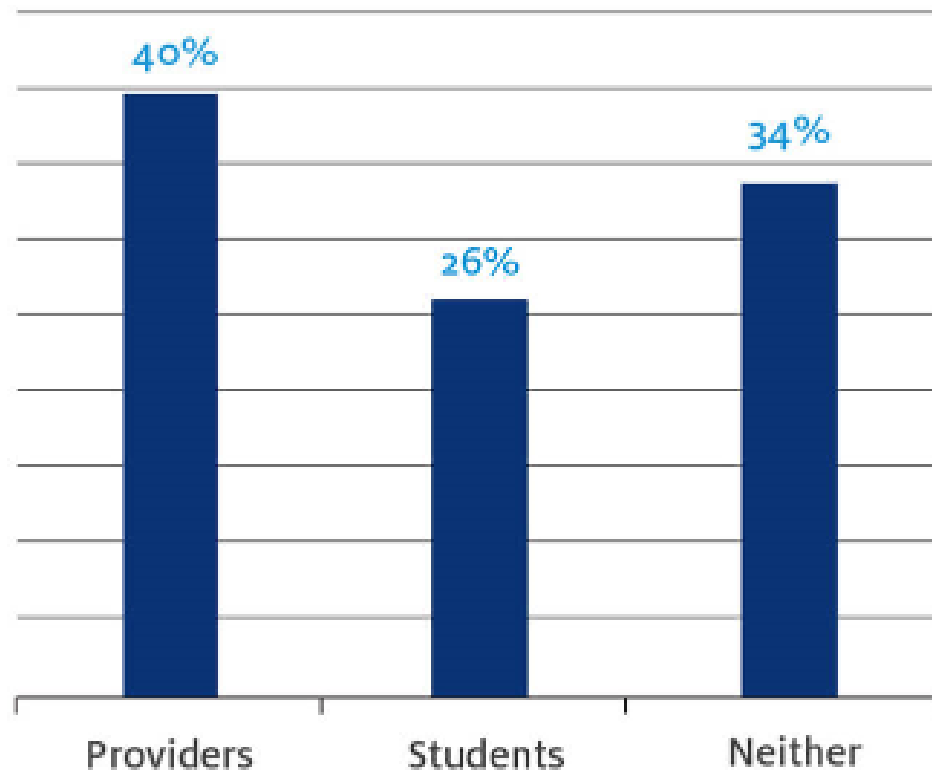
What our complaint data tells us

- Informs
- Highlights trends and broader issues
- Helps compare your organisation with the sector

Overseas Students complaints received by year



Outcomes in support of:





2 National Code 2018

“ The benefits of international education and training depend on the quality of the courses and services provided to overseas students, and on public confidence in the integrity and quality of the international education sector. ”

National Code of Practice for Providers of Education and Training to Overseas Students 2018

National Code 2017

Top 3 issues

Standard 3- Fees and Refunds

Standard 7- Transfer between registered providers

Standard 10 & 11 – Monitoring progress & attendance

Standard 3: Written agreements

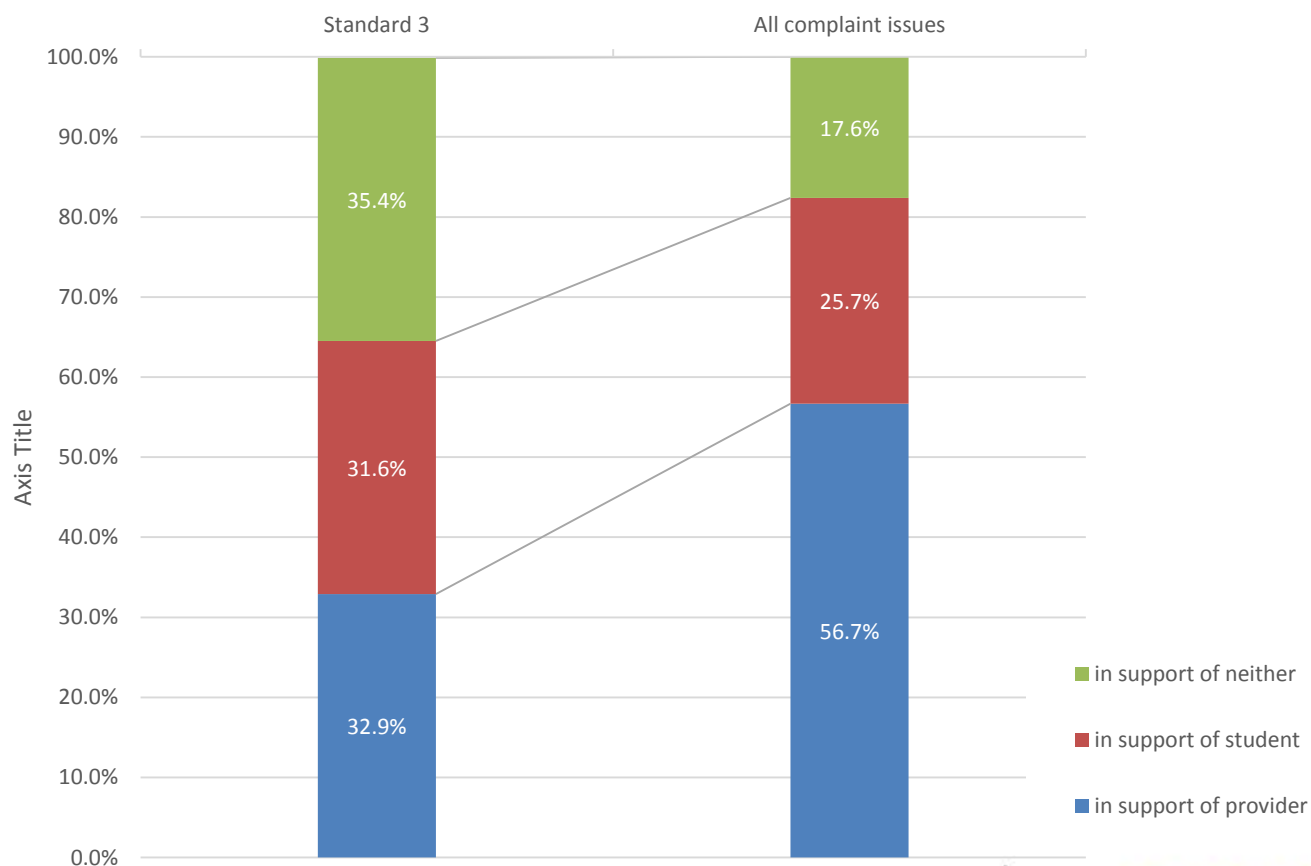
Overview of changes

Written agreements:

- can take any form
- need to be clear about services that are to be delivered
- require details about the course such as an overview of course content, any compulsory online learning and workplace learning to be included in the written agreement
- hyperlinks to provide supplementary material only
- Specify who can receive a refund

Standard 3

Outcomes of investigations



Standard 3: complaint issues

Deficiencies in written agreements include:

- omit the statement about Australian Consumer Law
- failure to itemise course monies
- failure to ensure the letter of offer or enrolment is signed or 'otherwise accepted'
- gaps in written agreements which create ambiguity or uncertainty
- failure to implement the agreement.

Refund policies that:

- are not included in the written agreement
- do not set out what happens to all the fees already collected when a student defaults
- deny a refund in cases where the student's visa has been refused- the ESOS Act entitles the student to a refund

Complaint issues:

- fairness of common terms and conditions (eg. early termination and **cancellation fees**)

Case Study 1

Standard 3

1. Read case studies 1 (A, B & C)
2. Discuss with your group and answer the questions at the end of the case study
3. Report back to the group

Standard 8

Overseas Student visa requirements

Overview of changes

Monitoring attendance and /or course progress

- VET providers will only need to monitor course progress but not attendance (unless required by the ESOS agency as a condition of registration)

Online learning

- Providers can offer 1/3 online (up from 1/4)
- at least one face to face unit in each study period

Reporting student visa breaches

Allowable extensions of course duration

Standard 8

The National Code 2018 requires that providers will now determine in their policies:

- Satisfactory
- Non-satisfactory
- 'At-risk'
- details about how the provider will identify, notify and assist the student at risk
- 'in sufficient time'

Standard 8: complaint issues

- Unclear definitions, eg 'satisfactory'
- the provider does not identify students who are 'at risk'
- Failure to implement an intervention strategy for at risk students or implementing it too late
- Not advising a student of their right to lodge an internal and external appeal.
- Not providing the student with written reasons for its decision to affirm the internal appeal decision

Case Study 2

Standard 8

1. Read case study 2
2. Discuss with your group and answer the questions at the end of the case study
3. Report back to the group

Standard 7

Overseas student transfers

- release letters are no longer required (record in PRISMS)
- have a documented policy and process for assessing international student transfer requests prior to the international student completing six months of their principal course (or for the schools sector until after the first six months of the first registered school sector course)
- Providers continue to need a transfer policy including what they consider to be reasonable to refuse a transfer request.

Standard 7: complaint issues

- transfer policies which do not define the grounds:
 - for granting the student's request
 - for refusing the student's request
- relies on grounds for refusal that are not included in the transfer policy (e.g. unpaid fees)
- fails to consider whether the transfer will be to the detriment of the student
- failing to adequately consider a student's individual circumstances
- refuses to consider a transfer request when required

Case Study 3

Standard 7

1. Read case study 3
2. Discuss with your group and answer the questions at the end of the case study
3. Report back to the group

Issues and Challenges

What can providers do?

1. Write down three things your organisation is doing in preparation for the January 1 National Code implementation
2. Share your priorities with your table
3. Each table to share their top priority and how you are managing that priority



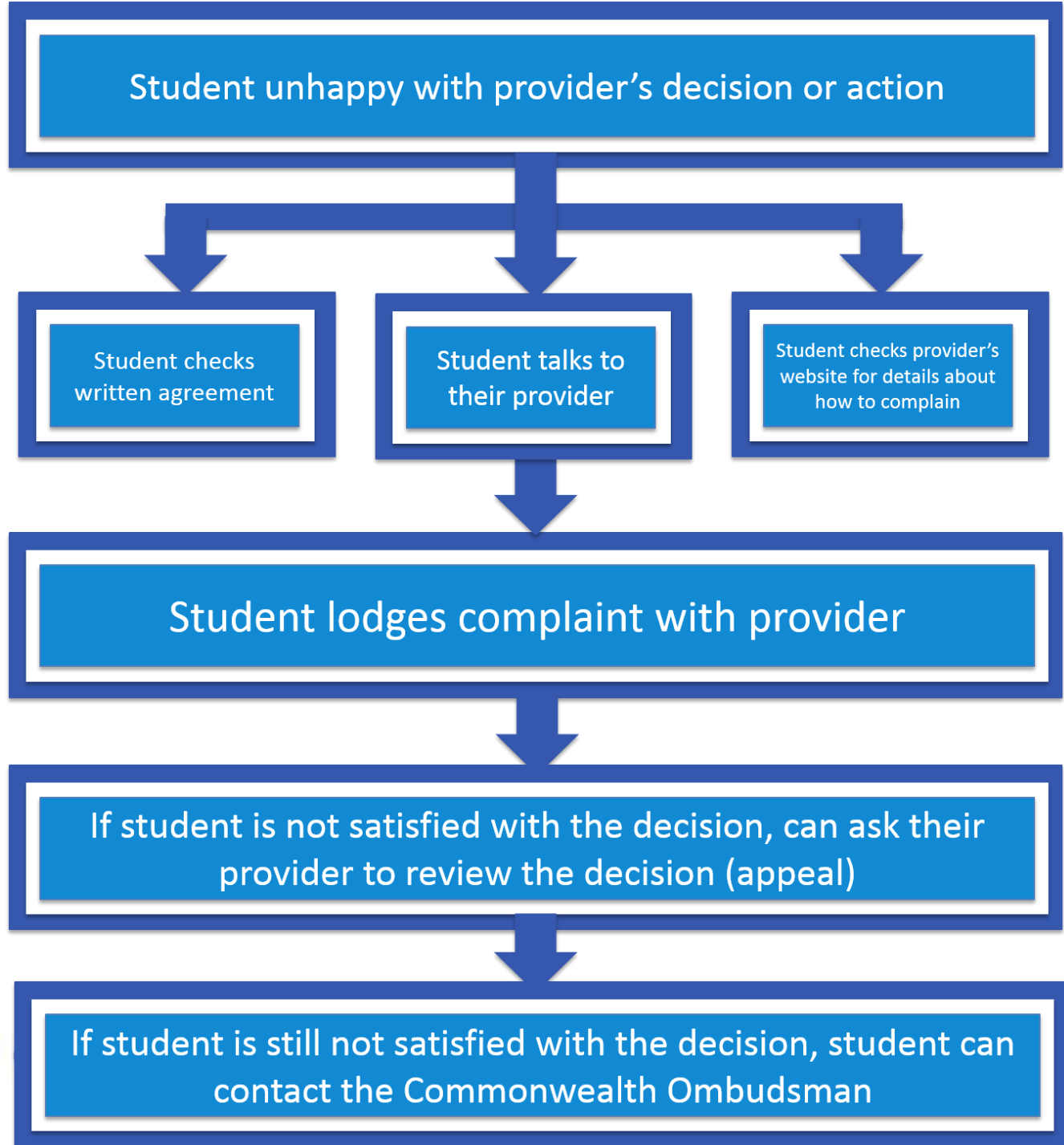
Coffee Break



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3 Best practice complaint handling

Basic dispute pathway



Standard 10

Complaints and appeals

Providers must:

- Have a documented internal complaints handling and appeals process and policy.
- Provide the student with comprehensive, free and easily accessible information about that process and policy

Best practice complaint-handling

Process

1. Recognise
2. Acknowledge
3. Assess
4. Resolve
5. Plan
6. Investigate
7. Respond
8. Provide
9. Improve

Tips for managing complaints

- Ensure your complaints and appeals policy is accessible
- Direct students to your complaints/internal appeals process
- Acknowledge promptly, and keep students advised of the process
- Investigate complaints and consider appeals with an open mind

- Give students an opportunity to comment or show cause before making a decision not in their favour
- Provide a written explanation of your decision with reasons
- Advise students of their right to complain or appeal to the Ombudsman

Tips for managing complaints

For more information



ombudsman.gov.au

1300 362 072

Thank you!

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