

April 2020

In this edition

- » Quarterly update: October-December 2019
- » COVID-19
- » Spotlight on communicating with complainants
- » Case study: monitoring attendance
- » Outreach and engagement

Quarterly update for October–December 2019 is now available

You can download a copy of the latest [quarterly update](#) from our website.

Quarterly update at a glance

Less than 1% increase in complaints received this quarter compared with same time last year



Fee and refund disputes continue as the most significant complaint issues

Our view on complaint issues investigated and finalised:



This quarter we finalised
347
complaints including
101
investigations

COVID-19

This newsletter comes to you at a time when the world is experiencing extraordinary disruption due to the novel coronavirus (COVID-19) pandemic. We would like to reassure you that we are still providing external complaint handling services, including about complaints arising from COVID-19. Although we are not accepting face-to-face appointments with students at present, we can receive complaints by phone and online. It may take longer than usual for us to contact students regarding their complaints due to government-wide resources being focussed on the delivery of essential services to the Australian public. We will try to be as flexible as possible when investigating complaints, for example by ensuring that our requests for information are as brief and well-targeted as possible, and by providing extensions of time for providers to respond to requests if necessary. Please email us at overseas.students@ombudsman.gov.au with any questions. We will remain in touch throughout this period through our e-newsletter, and extend our thoughts to all those affected by the virus.



Spotlight on: Communicating with complainants

A common issue we notice through our complaint investigations relates to education providers not adequately or transparently communicating with student complainants, especially in relation to their complaint or appeal outcomes.

Standard 10 of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* states that providers must, among other requirements:

- Give the overseas student a written statement of the outcome of the appeal, including the reasons for the outcome, and keep a written record of complaints or appeals on the overseas student's file, and
- Advise the student of their right to access an external complaints-handling and appeals process at minimal or no cost, and that this information must be provided to the student within 10 working days of the completion of the internal complaints and/or appeals process.

We note that providers sometimes do not provide a written statement of the outcome of the complaint or appeal; or an adequate description of the reasons for the outcome; or how to appeal the decision. This can mean that the student is not provided with enough information about what the decision was based on, or how they can appeal the decision.

Where we find that the provider's internal complaints and appeals processes are unsatisfactory, we may make comments requesting the provider change their policies and processes. In some cases, we may also uphold a student's external complaint on the basis that the provider's decision was not adequately supported.

A complaints process is a valuable part of an education provider's business. It can give confidence to students that they will be treated fairly and their grievances will be listened to. It can also result in valuable feedback to the provider about problems affecting students who would not complain themselves.

It is important that students know how to make a complaint - whether internal or external - and that providers make it clear that this is open to them to do. Some suggestions on how to communicate to students about this are:

- Easily accessible complaint forms, with links to policies and procedures.
- Instructions to students in plain English outlining what information the student needs to provide and by when.
- Reminders throughout the student's course that the organisation has a complaints process, and complaints are welcome, confidential and will not result in repercussions.

You can read more about complaint handling in our [Better Practice Guide to Complaint Handling](#) on the [Commonwealth Ombudsman website](#).

Case study – monitoring attendance

Lee* was a Japanese student studying in Australia. His provider had advised him that because his attendance had dropped below 80%, Lee would be reported to Home Affairs for not meeting the requirements of his student visa. Lee went through an appeals process with his provider but the provider upheld its original decision, so Lee made a complaint to us.

In the course of our investigation we noticed that Lee's English language skills were at an elementary level. Although he had received appropriate emails from his provider at several stages as his attendance was dropping, he had not realised the seriousness of his situation and did not understand a reporting process that had been triggered.

When Lee was advised his provider was intending to report him, he wrote an email explaining that he had been working until midnight most nights after school, and that he was sorry and would try to attend more classes. Lee did not realise that the provider considered this email to be an appeal against its intention to report him.

Lee told us that a family member had been diagnosed with cancer, which was causing him significant distress and worry so he had decided to take on extra work to be able to send money to his family back home. Lee told us that his culture and upbringing made it difficult for him to ask for help, and stated he did not have a support person at the meetings he attended and was not clear about what actions he was required to take.

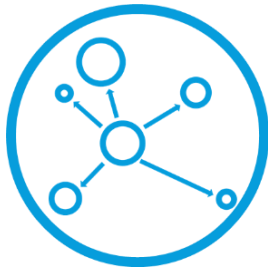
The provider told us it did not know about Lee's family health crisis, and that the first time it had heard about it was during our external complaint investigation.

The provider had intervened early and repeatedly, following its procedure that interventions would occur at four levels of dropping attendance. However, we found significant opportunities for improvement in the documentation the provider gave to Lee. For example, the notification emails simply told Lee an appointment had been made for him, without saying that Lee must attend the appointment or explaining consequences of not attending. Attached to these emails was a document, the first page of which was a counselling sheet, with the provider's letter on the second page, communicating the appointment date and time without a sense of urgency.

Lee's education provider was upset to learn that Lee was confused about the process, as it has had significant experience working with students with low levels of English literacy and believed it had explained everything clearly and thoroughly to Lee.

On balance, we considered that the provider had substantially followed the requirements of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (the National Code), and their own policies and procedures, so we formed the view that the provider could report Lee for low attendance. However, we made suggestions to the provider about how it could improve its process and documentation to improve student understanding.

*Identifying information changed for privacy purposes.



Outreach and engagement

AIEC Perth

In November 2019, two representatives of our Office attended the Australian International Education Conference in Perth to connect with other stakeholders and improve our understanding of current issues in international education.

TEQSA Annual Conference

We were pleased to have the opportunity to present a seminar at the TEQSA conference in November 2019, on the topic 'The Importance of that Squeaky Wheel: or, why good complaint handling works for everyone', in cooperation with the Victorian Ombudsman. In this presentation we talked about the value of complaints, the importance of making the complaints process accessible for consumers, and good record keeping.

ISANA Conference

In the first week of December 2019 we attended the ISANA conference and gave a presentation on provider intervention strategies for students at risk of unsatisfactory course progress. This presentation described strategies we have identified among high-performing providers of ways to appropriately monitor course progress and intervene when a student is identified as being at risk of not meeting course progress requirements.

Complaint Management Workshops

We have continued to deliver complaint management workshops to private CRICOS-registered education providers. These interactive workshops engage attendees in thinking about their own experiences making complaints, and take note of principles and processes that they can apply to their own organisation.

In the current climate of the COVID-19 pandemic, we are pausing additional workshops until further notice.

Sign up to the OSO e-newsletter

If you would like to sign up to receive the [Overseas Students Ombudsman e-newsletter, you can sign up on our website](#).

More information is available at ombudsman.gov.au.

Please note: This document is intended as a guide only. For this reason, the information should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the Commonwealth Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to the [Federal Register of Legislation](#).