

## Quarterly Update: 1 October–31 December 2018

### About the Commonwealth Ombudsman

The Office of the Commonwealth Ombudsman (the Office) has three main functions in its Overseas Students role. They are to:

- investigate complaints about actions taken by private registered education providers in connection with intending, current or former student visa holders
- give private registered providers advice and training about best practice complaint-handling for international student complaints
- report on trends and systemic issues arising from our complaint investigations.

This update sets out our activities for the 1 October–31 December 2018 quarter in relation to each of these functions.<sup>1</sup>

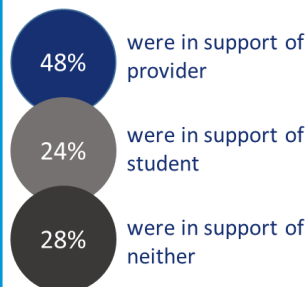
## Quarterly update at a glance

22% increase in complaints received this quarter compared with same time last year



Fee and refund disputes continue as the most significant complaint issues

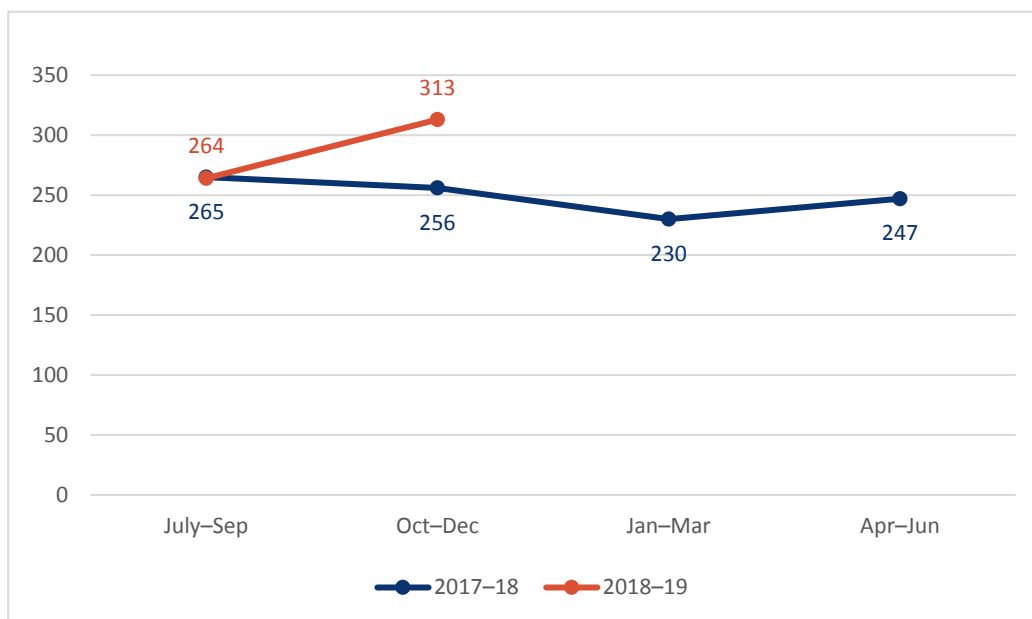
Of the complaint issues investigated and finalised:



We finalised  
**72**  
 complaint investigations this quarter

<sup>1</sup> Official statistics relating to the 2018–19 reporting year will be published in the 2018–19 Commonwealth Ombudsman Annual Report.

## Complaints received



## Complaints and issues finalised

Complaints finalised <sup>2</sup>	Not investigated	Investigated	Issues finalised <sup>3</sup>	Not investigated	Investigated	Outcome found in support of (per issue):		
						Provider	Student	Neither
302	230	72	336	243	93	45	22	26
	76%	24%		72%	28%	48%	24%	28%

During the quarter we finalised 302 complaints which contained 336 issues. Of those 302 complaints we:

- Investigated 72 complaints which included 93 issues. Complaints about provider refund refusals and fee disputes (written agreements) remain the most significant issues.
- Declined to investigate 230 complaints. In most cases we referred the student back to their education provider to complete the provider's internal complaint-handling processes. In some cases, documents provided by the student at the time of the complaint allowed us to determine that the complaint did not require investigation.

Some issues considered as part of an investigated complaint are resolved in support of neither party. This can be for the following reasons:

- the issue was not investigated, even though other issues complained about were investigated
- the issue was resolved between the student and provider during the course of the investigation
- the investigation of that issue was ceased before a determination could be made.

Detailed data about complaint issues handled during 1 October–31 December 2018, including comparisons with the previous quarter, can be found at [Appendix A](#).

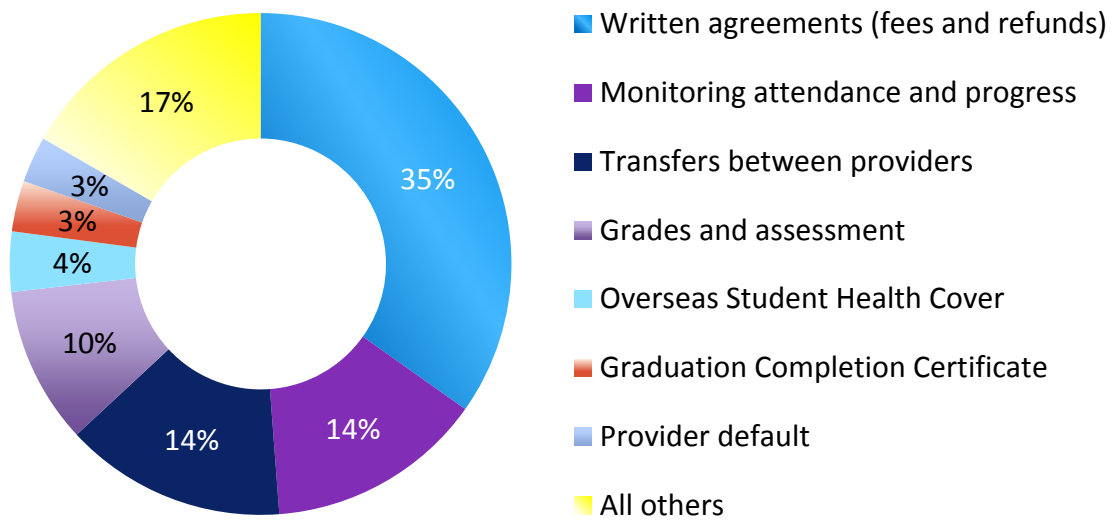
<sup>2</sup> Some complaints closed in this quarter were received in previous quarters.

<sup>3</sup> Some complaints contain more than one issue.

## Complaint issues

Written agreements (fees and refunds) continue as the number one complaint issue we receive from overseas students studying at private providers. These are usually about students seeking a refund of pre-paid tuition fees when they have ceased their study before finishing their course. Students’ ability to seek this refund should be stated in their written agreement with the provider. Student attendance and course progress monitoring, and transfers between registered providers were the next most common issues raised in complaints to our Office.

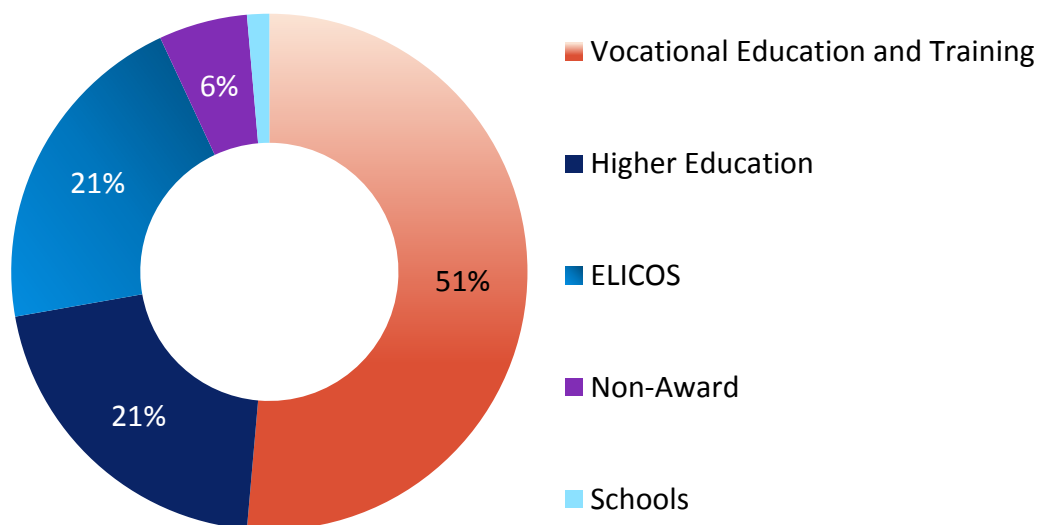
### Top complaint issues: 1 October–31 December 2018



## Complaints by education sector

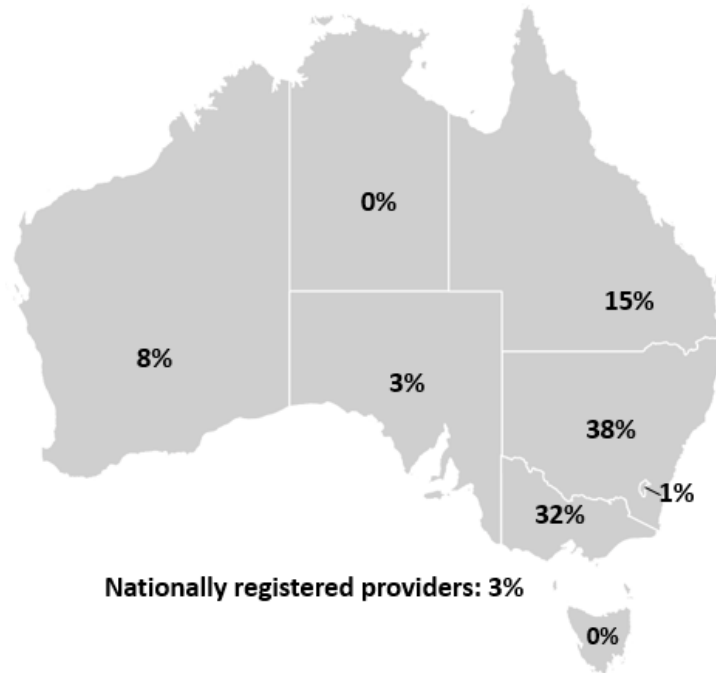
The Vocational Education and Training (VET) sector continues to be the most commonly complained about sector, however it also has the highest number of registered private providers.

### Complaints investigated by sector: 1 October–31 December 2018



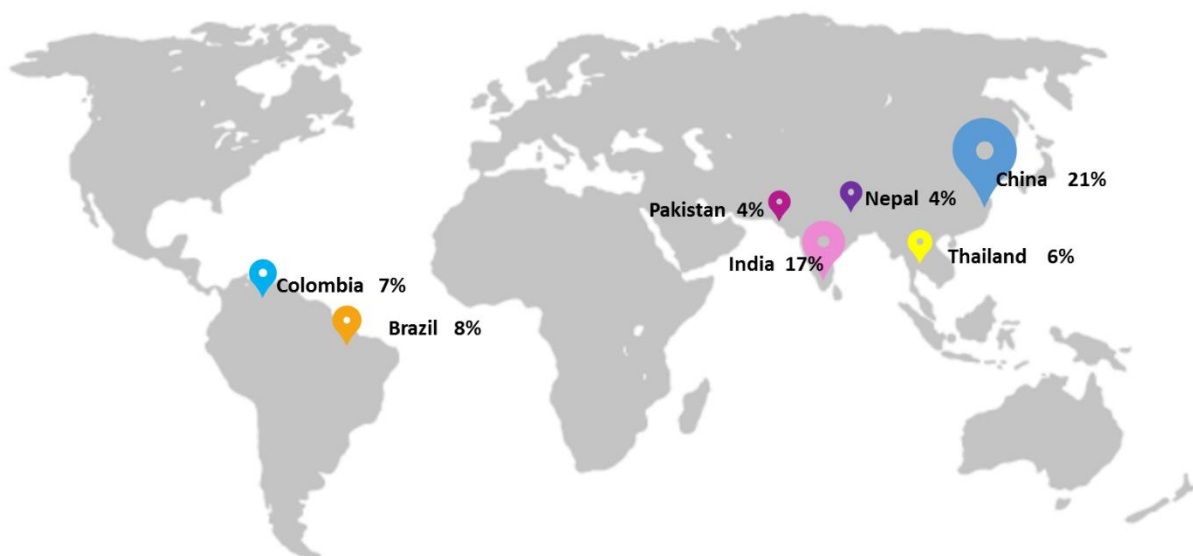
### Complaints by registered state or territory of providers

Providers registered in New South Wales and Victoria made up the two largest groups of complaints received by our Office. This is consistent with the higher number of students studying in these states.



### Complaints investigated by origin of complainant

The complainants whose cases we investigated and closed during 1 October–31 December 2018 originated from 30 different countries and administrative regions. The largest groups of complainants were from China, India and Brazil.



## Complexity

Some investigations take longer than others. The length of the investigation varies depending on the complexity of the case and the responsiveness of the student and education provider.

We continue to look for ways to reduce resolution times while maintaining best practice in complaint-handling.

We have recently implemented an assisted referral program, which involves our Office transferring complaints to providers where we identify that the student has not yet gone through the provider's complaints process. This aims to:

- improve assistance offered to complainants, increase the efficiency of the complaints process
- reduce the administrative burden on providers by ensuring providers have a chance to respond to the complainant before we commence an external investigation.

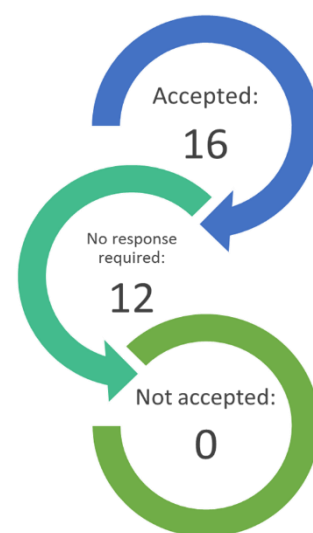
During 1 October–31 December 2018, the average completion time for all complaints was 29 days. Seventy six per cent of all complaints were closed within 30 days, 11 per cent from 31–60 days and the remaining 13 per cent in 61 days or more.

## Comments and suggestions

At the conclusion of an investigation, we can make comments and suggestions to providers in relation to specific remedies and also in relation to the provider's policies or processes.

During 1 October–31 December 2018, we made 28 comments to providers for improvements or reconsideration of an earlier decision.

If we finalise our investigation in support of the student and we suggest that a provider takes specific action to benefit the student, providers are obliged by the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code)<sup>4</sup> to implement our decision or recommendation immediately. If a provider does not agree to implement our suggestion, we may disclose this refusal to the appropriate regulator.



<sup>4</sup> Standard 10

### Case study: Extension of a scholarship

Jana<sup>5</sup> had been studying a masters by research on a full scholarship. Part-way through writing her thesis, she realised that she wouldn't be able to complete it in time and made an application for an extension of time.

Jana did not hear back from the faculty office about the outcome of her application. Instead, she was provided with a new Confirmation of Enrolment (CoE) which covered her requested extension, and indicated a total tuition fee of '\$0'.

Jana completed her thesis, and handed it in. A few weeks later, she received an invoice for outstanding fees to cover the additional enrolment period.

Jana lodged an internal appeal with the provider, but was not satisfied with their response, so contacted our Office.

Following investigation, we proposed that the education provider should waive any outstanding fees for Jana, and recommended changes to the provider's policy and processes. The education provider accepted the proposal and our policy suggestions.

#### *Commentary*

Looking at the documentation provided for this complaint, it is evident that the education provider's policies and processes were well thought-out and established, and that their intention was to be fair and reasonable.

This example illustrates the value of having a robust complaints and appeals process. Despite best efforts, mistakes and omissions may occur. Complaints are an opportunity for internal reflection and external scrutiny, which help providers continually improve their services, and their business.

### Disclosures to regulatory bodies

Under s 35A of the *Ombudsman Act 1976*, the Ombudsman may make disclosures to regulatory bodies or public authorities where it is in the public interest to do so.

We made four disclosures under s 35A during the 1 October–31 December 2018 quarter.

### Submissions

We made no submissions during 1 October–31 December 2018.

Previous submissions can be found on our [website](#)

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More information is available at [ombudsman.gov.au](http://ombudsman.gov.au)

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<sup>5</sup> Names and locations have been changed to protect privacy.

## Appendix A—detailed data regarding finalised complaints

Complaint issues closed, compared to previous quarter

Issues	Jul–Sep 2018	Oct–Dec 2018
Formalisation of enrolment (written agreement)	120	117
Transfers between registered providers	48	48
Progress, attendance and course duration	50	47
Grades/assessment	29	34
Out of jurisdiction to investigate (OOJ)	13	24
Overseas Student Health Cover	0	13
Graduation Completion Certificate	7	11
Provider default	7	10
Complaints and appeals	21	7
Deferring, suspending or cancelling enrolment	11	7
Bullying or harassment	2	7
Student support services	0	3
Discipline	0	3
Academic Transcript	8	2
Recruitment of overseas student	6	1
Education agents	5	1
Marketing information and practices	0	1
Staff capability, educational resources and premises	2	0
<b>TOTAL</b>	<b>329</b>	<b>336</b>

**Complaints investigated and closed by education sector**

Sector	No. of students <sup>6</sup>	% <sup>7</sup>	Jul–Sep 2018		Oct–Dec 2018	
				%		%
VET	142,174	69%	45	47%	37	51%
Schools	6,263	3%	0	0%	1	1%
ELICOS <sup>8</sup>	22,026	11%	19	20%	15	21%
Higher Education	34,683	17%	30	32%	15	21%
Non-Award	1,674	1%	1	1%	4	6%
<b>TOTAL</b>	<b>206,820</b>		<b>95</b>		<b>72</b>	

**Top three issues investigated and closed by sector**

Sector	Issue 1	Issue 2	Issue 3
VET	Written agreements	Progress, attendance and duration	Transfers
Higher Education	Written agreements	Progress, attendance and duration	Transfers
ELICOS	Progress, attendance and duration	Written agreements	Transfers
Non-award	Progress, attendance and duration		
Schools	Progress, attendance and duration		

<sup>6</sup> Number of 'studying Confirmation of Enrolment' (CoEs) in Overseas Students Ombudsman jurisdiction by 'main course sector'. Excludes South Australian (SA) providers as, while they are in jurisdiction, we transfer complaints about SA providers to the Office of the Training Advocate. Provider Registration and International Student Management System (PRISMS) report as at 3 December 2018.

<sup>7</sup> Sum is greater than 100% due to rounding.

<sup>8</sup> English Language Intensive Courses for Overseas Students.



**Complaints closed by registered state or territory of providers**

State/Territory	Jul–Sep 2018	Number of registered providers <sup>9</sup>	Oct–Dec 2018	Number of registered providers <sup>10</sup>
New South Wales	92	319	86	323
Victoria	90	287	103	294
Queensland	47	278	45	282
Western Australia	23	82	24	82
National	24	28	17	28
Australian Capital Territory	1	15	2	16
South Australia	13	74	10	74
Northern Territory	1	6	24	6
Tasmania	0	11	0	11
Not recorded (provider or issue out of jurisdiction)	0	0	15	0
<b>Total</b>	<b>291</b>	<b>1,100</b>	<b>302</b>	<b>1,116</b>

<sup>9</sup> Number of providers in jurisdiction, per PRISMS data. Includes SA providers, noting that we transfer complaints about SA providers to the Office of the Training Advocate, as at 27 October 2018.

<sup>10</sup>As above, as at 3 December 2018.