

## Quarterly Update: 1 April–30 June 2020

### Executive Summary

This is the final quarterly update for the 2019–20 financial year for the Office of the Commonwealth Ombudsman's (the Office) Overseas Students Ombudsman function. In addition to the quarterly information, we will provide an overview of our activity for the 2019–20 financial year.

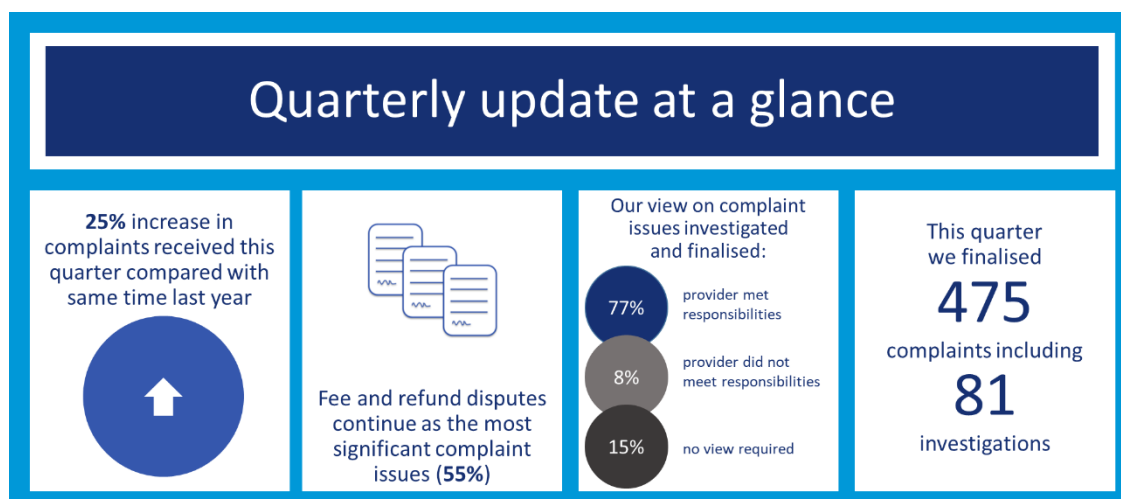
In its Overseas Students Ombudsman role, the Office can investigate actions taken by education providers in connection to intending, current or former student visa holders. The Office provides education providers advice and training about best practice complaint handling and reports on trends and systemic issues arising from complaints.

The impact of COVID-19 on the international education industry is reflected in the complaints received by the Office in this quarter. The number of complaints received increased by 25 per cent and complaints involving COVID-19 related issues accounted for about half of all complaints received.

International education providers needed to quickly adapt to physical restrictions which affected their ability to deliver in-person education and training. International students needed to adapt to a significantly different experience of life, study and work in Australia, with many losing part-time work at a time when their parents were less able to provide support from overseas.

The 1 April–30 June 2020 quarterly update:

- provides an overview of complaints received relating to the COVID-19 pandemic
- provides an overview of the Office's complaint handling activities and stakeholder engagement during the 2019–20 financial year
- provides statistical data on complaints we received and finalised, and key issues raised by international students
- compares complaint data against previous quarters
- outlines the action we took to finalise complaints that we received.



## COVID-19

Throughout this quarter, the Office continued to receive complaints from international students about actions taken by private registered education providers in response to the COVID-19 pandemic. These complaints were assessed and managed in accordance with our established policies and procedures, including encouraging complainants to raise their concerns with their education provider in the first instance.

In the 1 April–30 June 2020 quarter we observed a range of impacts:

- Overall complaints received (470) increased by 25 per cent, when compared to the same period in 2019 (377).
- Complaints received in this period peaked in April (179), with reductions in May (163) and June (128).
- Written agreements (fees and refunds) were the most common issue during the period (55 per cent of all complaints). This is due to some providers making significant changes to how courses were delivered, including converting to online formats without amending fees. COVID-19 also led to financial stress for some students, with some making the decision to not continue with study.
- Around half of the students (49 per cent) who complained to us in this period were referred to their education providers, as they had not raised their concerns with the provider or used the internal complaints and appeals process. Some students who complained to us early in the COVID-19 pandemic have started returning to the Office for further assistance.
- It is expected that the COVID-19 pandemic will have a continuing impact on international students. We will continue to monitor complaint issues and highlight trends in future updates.

We are continuing to liaise with other government stakeholders to ensure consistency in our approach and messaging to education providers and students, including:

- the Department of Education, Skills and Employment (DESE)
- the Department of Home Affairs
- the Tuition Protection Service (TPS)
- Tertiary Education Quality and Standards Agency (TEQSA)
- the Australian Skills Quality Authority (ASQA).

We regularly provide general complaint handling information, including statistics, and discuss common issues and challenges that students and providers are facing.

We published a [fact sheet](#) outlining our views on common COVID-19 related complaint scenarios to give guidance to providers and students. DESE also published a [fact sheet](#) with guidance for education providers on its website.

## 2019–20 in focus

The following summarises the work that the Office undertook in relation to international students and private education providers during the 2019–20 financial year:

- The Office received 1,526 complaints during the 2019–20 financial year, an increase of 14.1 per cent (1,337) when compared with the 2018–19 financial year. This was partially due to the impact of the COVID-19 pandemic, and we expect also a result of the effort made by the Office to connect with the international student education sector through presentations, workshops and social media messaging (both prior to and during the pandemic).
- In the same period we finalised 369 investigations, involving 408 issues, compared to 366 investigations finalised in 2018–19. The reduction in complaints investigated as a proportion of complaints received reflects the Office's efforts to ensure that education providers have the opportunity to fully consider an issue before we become involved. For example, we recently gave education providers the option of continuing to try resolve a student's complaint relating to COVID-19, based on the advice in the fact sheets developed by our Office and DESE, before we decide whether further investigation is required.

- We delivered Better Practice Complaint Management workshops to 25 Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered private education providers. This is part of our role in supporting education providers with their complaint handling governance and encouraging resolution between students and education providers.
- Our engagement with private education providers included the publication of three newsletters, focusing on complaint case studies and highlighting good practices that providers can adopt.
- We participated in a number of conferences, including speaking engagements at the International Student Education Agents Association (ISEAA) conference, the Tertiary Education Quality and Standards Agency (TEQSA) annual conference, and the International Education Association's ISANA conference to support the international education industry by sharing lessons learned from complaint analysis.

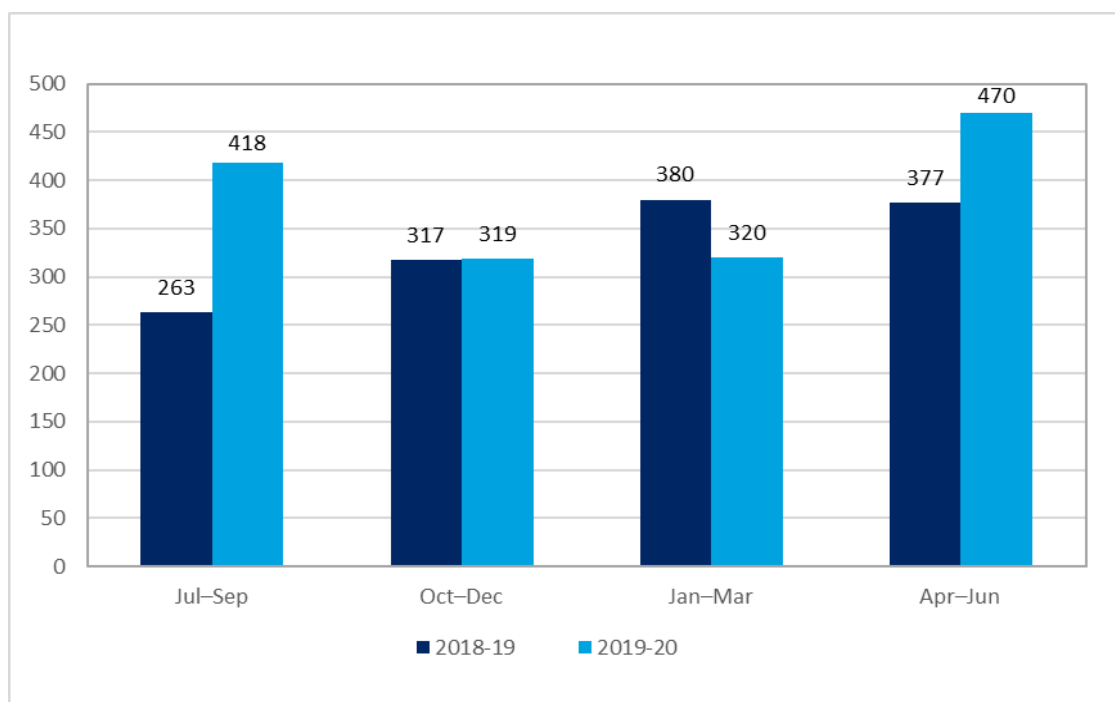
During the 2020–21 financial year we will focus on:

- continuing to improve our complaint handling processes
- delivering online complaint management workshops to education providers within our jurisdiction
- continuing outreach and producing material to engage with and support education agents, providers and international students
- supporting government agencies in development of legislation and policy affecting international education
- supporting consistency of data collection and external complaint handling for international students at a national level.

## Complaints and enquiries received

During 1 April–30 June 2020, we received 470 complaints from international students studying with privately registered education providers (see **Figure 1**). This represented a 25 per cent increase when compared to the same period last year.

**Figure 1—Complaints received 2018–19 and 2019–20**

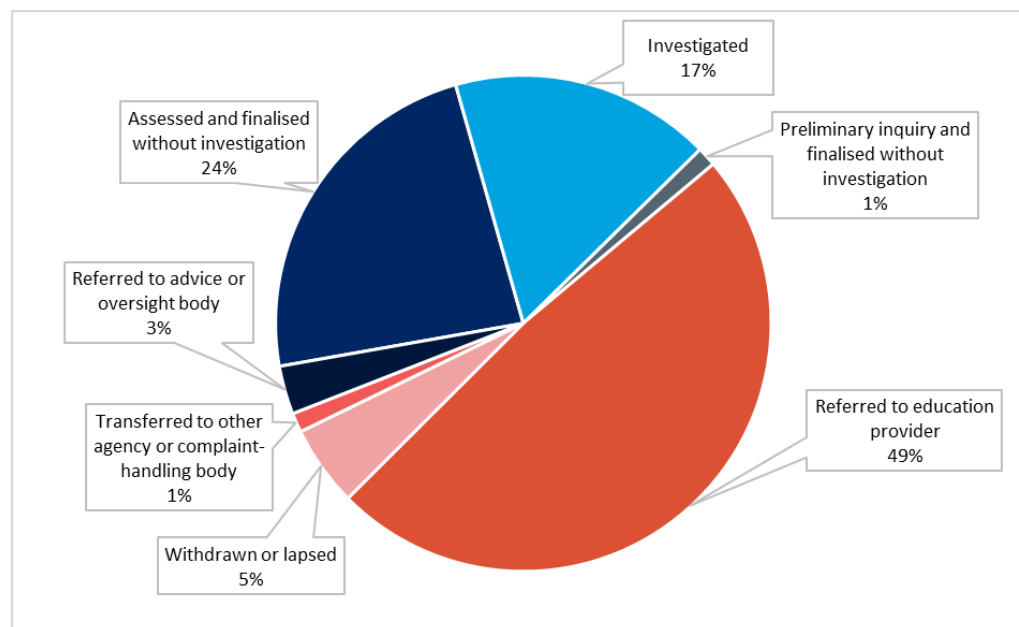


## Action taken to finalise complaints

During 1 April–30 June 2020 we finalised 475 complaints, which included 506 issues. Some complaints finalised during this period were received during previous quarters.

Figure 2 below provides a summary of the actions we took to finalise complaints in the quarter. More information on how we finalise complaints can found in our previous quarterly update [here](#).

Figure 2—How we finalised complaints in the quarter



### Did providers meet their responsibilities?

During 1 April–30 June 2020, we finalised 81 complaint investigations which included 87 issues. **Table 1—Views on finalised investigations: 1 April–30 June 2020** details our views as to whether providers met their responsibilities for investigations finalised during the period.

Table 1—Views on finalised investigations: 1 April–30 June 2020

| View                                                 | Total issues | %  |
|------------------------------------------------------|--------------|----|
| Provider substantially met responsibilities          | 67           | 77 |
| Provider did not substantially meet responsibilities | 7            | 8  |
| No view (see below)                                  | 13           | 15 |

We do not always form a view about whether the provider substantially met their responsibilities. This is usually because the issue was resolved between the student and provider during the course of the investigation, or the investigation was otherwise discontinued (for example, because the provider ceased operating, the student withdrew their complaint, or we decided that further investigation of that issue was unlikely to lead to a different outcome for the student).

### Comments and suggestions

At the conclusion of a complaint investigation, we can make comments and suggestions to providers in relation to the specific remedies or improvements that could be made to the provider's policies or processes.

During 1 April–30 June 2020, we made 11 suggestions to providers, covering issues such as accessibility of complaints and appeals processes, improved wording of clauses in written agreements, and improvements to policies and procedures to ensure compliance with relevant legislation.

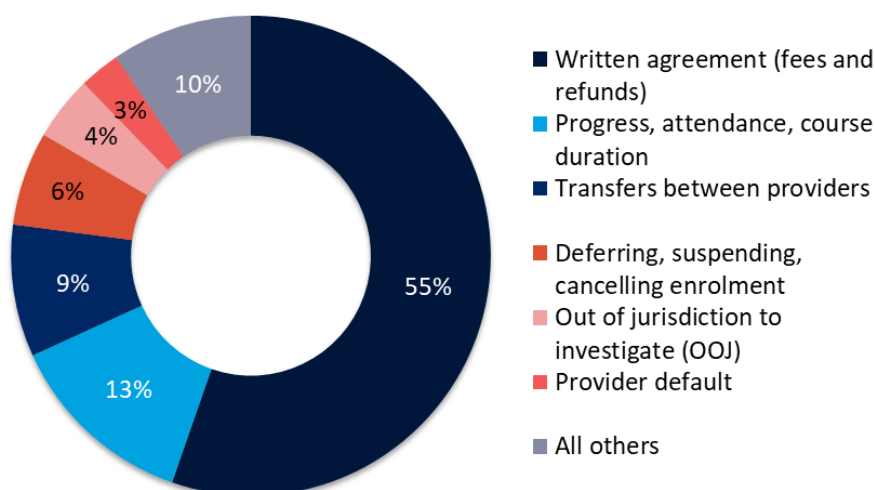
## Complaint issues

Written agreements (fees and refunds) continue to be the most common complaint issue (55 per cent). They are generally due to students seeking a refund of pre-paid tuition fees when they ceased their study before finishing their course. The student's ability to seek a refund should be stated in their written agreement with their provider<sup>1</sup>. In the previous quarter written agreements (fees and refunds) accounted for 36 per cent of all complaint issues. The increase in this quarter was in part driven by the impact of COVID-19, as students sought full or partial refunds due to the shift from face-to-face to online delivery.

Progress, attendance and course duration (13 per cent) and transfers between providers (9 per cent) were the next most common issues raised in complaints to our Office.

**Figure 3** shows common complaint issues raised in complaints during the quarter. Detailed data about complaint issues finalised during 1 April–30 June 2020, including comparisons with the previous quarter, can be found in **Table 3** on page nine.

**Figure 3—Common complaint issues: 1 April–30 June 2020**

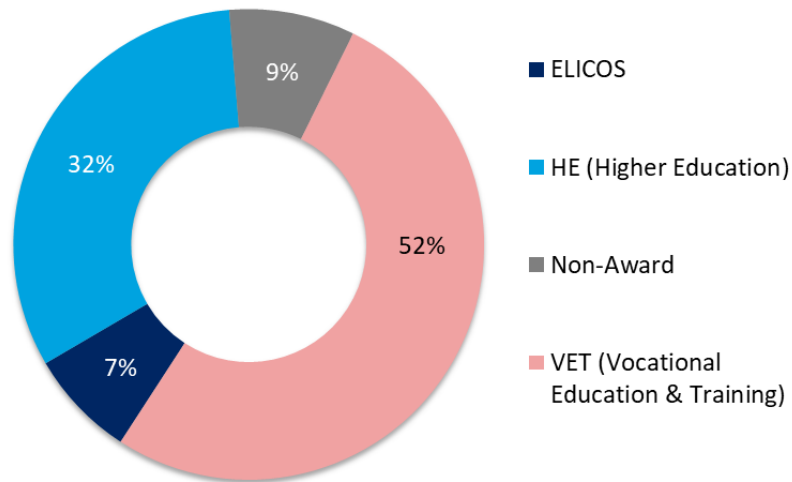


<sup>1</sup> National Code of Practice for Providers of Education and Training to Overseas Students 2018 Standard 3.4

## Complaints investigated by education sector

The Vocational Education and Training (VET) sector continues to be the sector we investigate most, with 52 per cent of investigated complaints from students studying VET courses. However, the VET sector also has the highest proportion of international students in the Office's jurisdiction (70.5 per cent), followed by the Higher Education sector (19.5 per cent) (see **Table 4** on page 10).

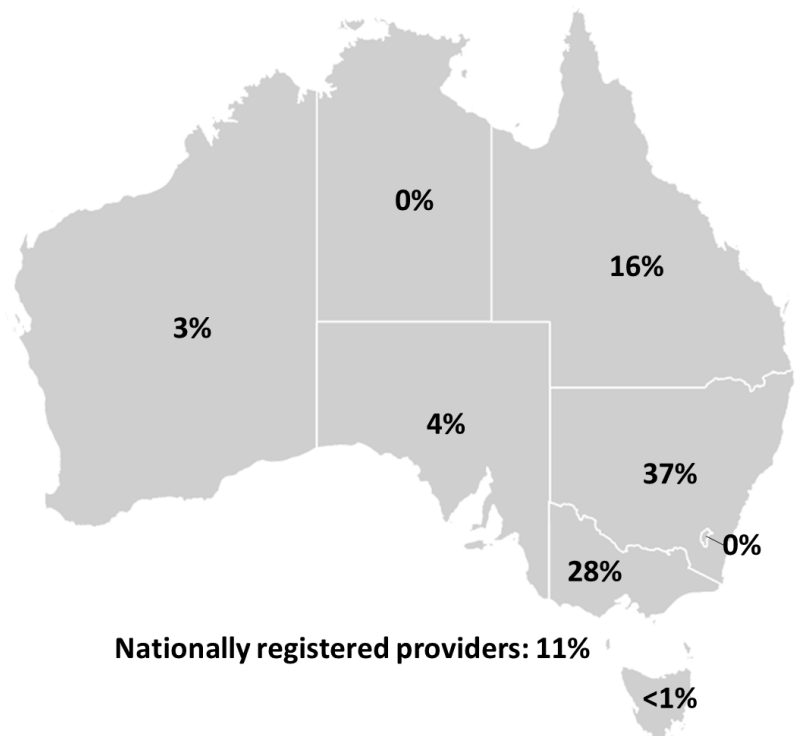
**Figure 4—Complaints investigated by sector: 1 April–30 June 2020<sup>2</sup>**



## Complaints by registered state or territory of providers

Providers registered in New South Wales, Victoria and Queensland made up the three largest groups of complaints received by our Office.

This is consistent with the higher number of students studying in these states (see **Table 5** on page 11).

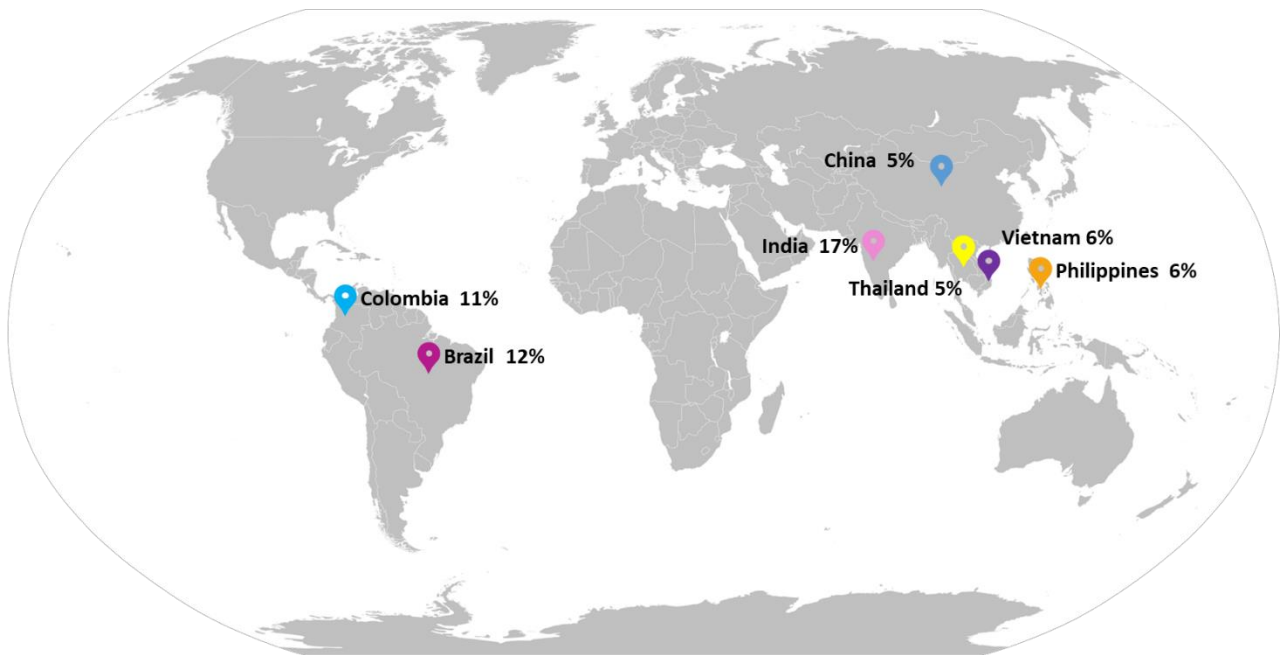


<sup>2</sup> English Language Intensive Courses for Overseas Students (ELICOS).

## Complaints investigated by complainant's home location

We investigated and finalised complaints from students originating from 25 different countries and administrative regions during the quarter. The largest groups of complainants were from India, Brazil and Colombia. There was a reduction in the proportion of complaints from international students from China, down from 16 per cent in the previous quarterly update. Although the number of complaints received by students from China did not decline in this quarter compared to previous quarters, they did not increase in line with the overall increase in complaints.

This could have resulted from the impact of travel restrictions affecting students from China in early 2020, as they were less likely to be in Australia at the time that students from other regions were experiencing COVID-19 related disruptions to their studies onshore.



### Case study

In April 2020, we received a complaint from a student who was seeking a refund of tuition fees from their provider, on the basis that their course was going to be delivered online due to pandemic-related restrictions. The student wished to return home, where they intended to continue their studies with a local provider.

The student's provider rejected their refund request and instead offered a deferral of studies for up to 24 months. The student refused this on the basis that they did not intend to return to Australia during that period. The student then contacted our Office to pursue a refund.

We contacted the provider and asked if they would like an opportunity to reconsider the student's complaint, informing them of the considerations we would take into account if we proceeded to investigate the complaint by sharing our [COVID-19 complaint fact sheet](#) and the [guidance](#) provided by DESE.

In light of this information, the provider took the opportunity to reconsider its decision and refunded the student's tuition fees without requiring any additional action or information from our Office.

We welcomed the providers' flexibility and willingness to reconsider its decision after being provided with relevant guidance and finalised our assessment of the complaint.

### Timeframes to finalise complaints

Some investigations take longer than others. This can be due to the complexity of the issues involved, or the response time of the complainant or provider to our requests for information. We continue to look for ways to more quickly finalise complaints, while maintaining best practice complaint handling processes.

During 1 April–30 June 2020, we finalised complaints within the following timeframes:

**Table 2—Complaints handling service standards: 1 April–30 June 2020**

| Complaints finalised | Timeframe        | Service standard |
|----------------------|------------------|------------------|
| 82%                  | Within 30 days   | 75%              |
| 91%                  | Within 60 days   | 85%              |
| 96%                  | Within 90 days   | 90%              |
| 100%                 | Within 12 months | 99%              |

## Detailed data regarding finalised complaints

Table 3—Complaint issues for complaints finalised 1 January–31 March 2020 and 1 April–30 June 2020

| Issue                                           | Complaints finalised in which issue was raised<br>January March 2020 | Complaints finalised in which issue was raised<br>April June 2020 |
|-------------------------------------------------|----------------------------------------------------------------------|-------------------------------------------------------------------|
| Formalisation of enrolment (written agreement)  | 124                                                                  | 280                                                               |
| Progress, attendance and course duration        | 50                                                                   | 65                                                                |
| Transfers between registered providers          | 56                                                                   | 45                                                                |
| Deferring, suspending or cancelling enrolment   | 15                                                                   | 32                                                                |
| Provider default                                | 11                                                                   | 14                                                                |
| Grades/assessment                               | 19                                                                   | 14                                                                |
| Academic Transcript                             | 20                                                                   | 6                                                                 |
| Complaints and appeals                          | 5                                                                    | 9                                                                 |
| Graduation Completion Certificate               | 8                                                                    | 7                                                                 |
| Education agents                                | 4                                                                    | 3                                                                 |
| Marketing information and practices             | 1                                                                    | 3                                                                 |
| Records management                              | 2                                                                    | 2                                                                 |
| Student support services                        | 1                                                                    | 2                                                                 |
| Bullying or harassment                          | 5                                                                    | 1                                                                 |
| Discipline                                      | 1                                                                    | 1                                                                 |
| Overseas Student Health Cover                   | 5                                                                    | 0                                                                 |
| Recruitment of overseas student                 | 2                                                                    | 0                                                                 |
| Younger students                                | 1                                                                    | 0                                                                 |
| <i>Out of jurisdiction to investigate (OOI)</i> | 13                                                                   | 22                                                                |
| <b>TOTAL</b>                                    | <b>343</b>                                                           | <b>506</b>                                                        |

Table 4—Complaints investigated and finalised: 1 January–31 March 2020 and 1 April–30 June 2020 by education sector

| Sector           | No. of students <sup>3</sup> | % of total number of students | Complaints investigated and finalised January March 2020 | % of complaints investigated and finalised | Complaints investigated and finalised April June 2020 | % of complaints investigated and finalised |
|------------------|------------------------------|-------------------------------|----------------------------------------------------------|--------------------------------------------|-------------------------------------------------------|--------------------------------------------|
| VET              | 159,880                      | 70.5%                         | 36                                                       | 69%                                        | 42                                                    | 52%                                        |
| Schools          | 7,013                        | 3.1%                          | 2                                                        | 1%                                         | 0                                                     | 0%                                         |
| ELICOS           | 14,867                       | 6.5%                          | 10                                                       | 13%                                        | 6                                                     | 7%                                         |
| Higher Education | 44,186                       | 19.5%                         | 17                                                       | 15%                                        | 26                                                    | 32%                                        |
| Non-Award        | 868                          | 0.4%                          | 3                                                        | 2%                                         | 7                                                     | 9%                                         |
| <b>TOTAL</b>     | <b>226,814</b>               | <b>100%</b>                   | <b>68</b>                                                | <b>100%</b>                                | <b>81</b>                                             | <b>100%</b>                                |

Table 4—Most common issues for complaint investigations finalised: 1 April– 30 June 2020 by education sector

| Sector           | Issue 1                           | Issue 2                           | Issue 3                                     |
|------------------|-----------------------------------|-----------------------------------|---------------------------------------------|
| VET              | Written agreements                | Progress, attendance and duration | Transfers                                   |
| <b>Schools</b>   | N/A (no complaints investigated)  |                                   |                                             |
| ELICOS           | Progress, attendance and duration |                                   |                                             |
| Higher Education | Progress, attendance and duration | Written agreements                | Transfers                                   |
| Non-award        | Progress, attendance and duration | Written agreements                | Deferring, suspending, cancelling enrolment |

<sup>3</sup> Number of 'Studying Confirmations of Enrolment' (CoEs) in Overseas Students Ombudsman jurisdiction by 'main course sector'. Provider Registration and International Student Management System (PRISMS) report as at 7 July 2020.

Table 5—Registered state or territory of providers for complaints finalised: 1 January–31 March 2020 and 1 April–30 June 2020

| State/Territory                                         | Complaints finalised<br>January March<br>2020 | Number of<br>registered<br>providers <sup>4</sup> | Complaints<br>finalised<br>April June 2020 | Number of<br>registered<br>providers <sup>5</sup> |
|---------------------------------------------------------|-----------------------------------------------|---------------------------------------------------|--------------------------------------------|---------------------------------------------------|
| New South Wales                                         | 103                                           | 336                                               | 176                                        | 344                                               |
| Victoria                                                | 71                                            | 301                                               | 131                                        | 304                                               |
| Queensland                                              | 50                                            | 291                                               | 78                                         | 293                                               |
| Western Australia                                       | 25                                            | 80                                                | 17                                         | 81                                                |
| South Australia                                         | 20                                            | 74                                                | 18                                         | 75                                                |
| National                                                | 25                                            | 27                                                | 51                                         | 27                                                |
| Australian Capital Territory                            | 2                                             | 15                                                | 0                                          | 18                                                |
| Tasmania                                                | 2                                             | 9                                                 | 4                                          | 10                                                |
| Northern Territory                                      | 0                                             | 7                                                 | 0                                          | 7                                                 |
| Not recorded (provider or<br>issue out of jurisdiction) | 0                                             | 0                                                 | 0                                          | 0                                                 |
| <b>Total</b>                                            | <b>298</b>                                    | <b>1,140</b>                                      | <b>475</b>                                 | <b>1,159</b>                                      |

## Data

The data in this update is for the period 1 April–30 June 2020. Our data is dynamic and may be updated if new information comes to light. For this reason, there may be minor differences in data when compared to what was reported in the last quarterly update. Previous quarterly updates are available on the Ombudsman's [website](#).

More information is available at <https://www.ombudsman.gov.au/How-we-can-help/overseas-students>

<sup>4</sup>Number of education providers in Overseas Students Ombudsman jurisdiction by 'main course sector'. PRISMS report, as at 1 April 2020.

<sup>5</sup>Number of education providers in Overseas Students Ombudsman jurisdiction by 'main course sector'. PRISMS report, as at 7 July 2020.