

## The OSO: connecting and collaborating with other complaint handlers to provide a positive student experience



Overseas Students  
**OMBUDSMAN**

# Collaboration in complaints handling



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The Australian Government's draft National Strategy for International Education notes that a positive student experience is crucial to the success of Australia's international education sector. The theme of this conference is collaborating in providing services to international students to achieve just that - a positive student experience.

This morning I would like to talk to you about the way the Overseas Students Ombudsman collaborates with other complaint handlers to provide consistent complaints handling services to international students and to identify trends across our various jurisdictions.

## Complaint handlers

	Private	Public
International students	Overseas Students Ombudsman + SA Training Advocate	State/Territory Ombudsman + SA Training Advocate
Domestic students	SA Training Advocate + Senate Inquiry has recommended a VET Training Ombudsman be created	State/Territory Ombudsman + SA Training Advocate

All international students in Australia have access to an independent complaints and external appeals body, to investigate complaints and provide students with an impartial view, if they are unhappy about an action or decision of their education provider. If problems arise, the availability of an independent, impartial complaints and appeals body can be critical to resolving problems and restoring the student experience.



## Overseas Students Ombudsman

- We investigate complaints about the actions of private registered education providers in connection with intending, current and former international students
- We work with education providers to help them improve their internal complaints and appeals processes
- We report on trends and systemic issues

The Overseas Students Ombudsman investigates individual complaints about the actions or decisions of *private* education providers, in connection with intending, current or former international students.

## State & Territory Ombudsmen + SA Training Advocate

- Australian Capital Territory Ombudsman
- New South Wales Ombudsman
- Northern Territory Ombudsman
- Queensland Ombudsman
- South Australian Ombudsman
- Tasmanian Ombudsman
- Victorian Ombudsman
- Western Australian Ombudsman
- Office of the Training Advocate, South Australia



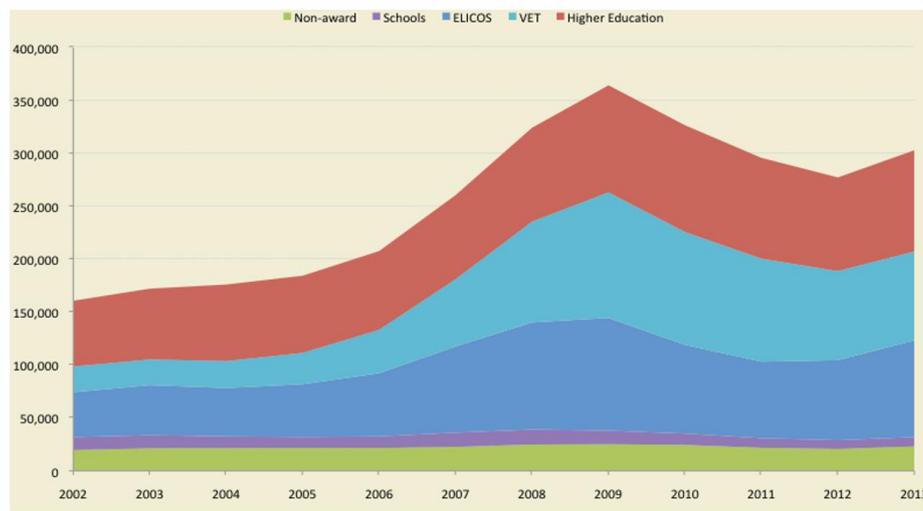
The State and Territory Ombudsmen deal with complaints from international and domestic students about *public* education providers. In South Australia, the Office of the Training Advocate deals with complaints about public and private education providers.

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Sometimes people think the Overseas Students Ombudsman covers all international students, as the name seems to imply. However, we only cover the private sector. Therefore, we collaborate with other complaint handlers to ensure we deliver consistent complaints handling services to international students.

### The 'perfect storm' of 2009-10



Student commencements 2002 - 2013

The Overseas Students Ombudsman was established in the wake of what has been described as a 'perfect storm' for international education in Australia in 2009-10. Many people in this room will remember the headlines from five or six years ago following a series of attacks in Melbourne against Indian international students. The media on the subcontinent reported that Indian students were not safe in Melbourne and the Indian government issued an advisory urging Indian students to be cautious in Australia<sup>1</sup>.

This, amidst a series of revelations about poor quality providers, unscrupulous practices and a spate of provider closures, saw students fearful they would be left out of pocket.<sup>2</sup> Along with the high Australian dollar and the tightening of the skilled migration list, the damaging headlines resulted in a fall in student numbers for three consecutive years<sup>3</sup>.

The Baird Review became the cornerstone of the Government's response to the crisis and introduced a suite of measures designed to increase protections for international students. The Baird Review recommended an enhanced Tuition Protection Service and the introduction of an independent complaints body for international students enrolled with *private* providers (the Overseas Students Ombudsman).

<sup>1</sup> ABC News 1 January 2010 <http://www.abc.net.au/news/2010-01-06/melbourne-not-safe-for-students-india-warns/1199568>

<sup>2</sup> Four corners 27 July 2009 <http://www.abc.net.au/4corners/content/2009/s2637255.htm>

<sup>3</sup> <https://internationaleducation.gov.au/research/International-Student-Data/Pages/InternationalStudentData2014.aspx>

## Overseas Students Ombudsman

- Commenced on 9 April 2011
- Investigate individual international student complaints and external appeals
- Help education providers improve their own complaints handling and internal appeals processes
- Report on trends and systemic issues



The Commonwealth Ombudsman's Act and jurisdiction was extended and on 9 April 2011 the Overseas Students Ombudsman was born. However, before the legislation passed to create the Overseas Students Ombudsman, we had already begun meeting with different parts of the international education sector, to 'map out' the international student complaint landscape and connect with relevant organisations.

It was an interesting exercise trying to put the pieces of the complaint handlers' puzzle together. At that time, complaints were split between the state regulators and the then Department of Education, Science and Training under the Shared Responsibility Framework. However, other organisations played a role in assisting students with complaints, even if this was not mapped out in any formal document on complaints avenues for international students.

One benefit of us meeting with different stakeholders and forming relationships was that, as we did so, we were able to introduce and connect other people and organisations to each other. For example, not many people knew about the WA International Education Conciliator outside WA or the new Victorian International Student Care Service (now the Study Melbourne Student Centre). We told others about their services as we met other stakeholders in the sector and exchanged contact details.

This has continued to be the case. For example, when we visited Redfern Legal Centre's International Student Legal Services Clinic in 2013, they advised they had not had sufficient funding at that time to focus on building linkages with other organisations in the international education sector. We contacted the Australian Council for Private Education and Training (ACPET) and asked if Redfern Legal's solicitor could attend an education provider forum we were speaking at the next day. The Redfern solicitor was able to come and meet the ACPET NSW representative and the president of the Council of International Students Australia, who was also presenting, and build on those relationships from there.

We also suggested to the Department of Education and Training in 2015 that they invite Redfern Legal Centre to their February ESOS Workshops on fee and refund complaints, as we knew they had been dealing with complaints in this area. We ended up collaborating and both presenting on this topic on the day from our different perspectives as ombudsman and legal advocate. So, as you can see, collaborating with other complaint handlers has been a key part of what we do, ever since we began.

In 2010, before we officially began, we worked with the State and Territory Ombudsman and the SA Training Advocate to establish protocols to transfer complaints between our offices where an international student contacted one ombudsman and needed to be directed to another.



## Overseas Student Complaint Handlers Network

- Overseas Students Ombudsman
- Australian Capital Territory Ombudsman
- New South Wales Ombudsman
- Queensland Ombudsman
- South Australian Ombudsman
- Tasmanian Ombudsman Victorian Ombudsman
- Western Australian Ombudsman
- South Australian Training Advocate
- Western Australian International Education Conciliator



From there we established the Overseas Student Complaint Handlers Network, to bring together the State and Territory Ombudsman offices, the SA Training Advocate and later the Western Australian International Education Conciliator, to discuss issues relating to international student complaints. Our aim is to ensure that all international students around Australia receive a consistent complaints handling service and outcome, regardless of which ombudsman or complaint handler they contact with their problem.

In the early days of the network we had guest speakers from the Department of Education and Training, the Department of Immigration and Border Protection and the Tuition Protection Service to brief the group on recent changes at that time to the ESOS Act and the establishment of Streamlined Visa Processing (SVP). Through this group we were able to identify a trend with some students seeking to transfer to a non-SVP provider by appealing the provider's release letter refusal to the relevant ombudsman. We were then able to alert those ombudsman's offices that had not yet had any transfer appeals be mindful of this as they considered provider transfer external appeals.

We also explored trying to move towards using consistent complaint categories across the ombudsman's offices. Our aim was to be able to produce a report on international student complaints across Australia, covering public and private providers in all states and territories.

By doing so we could answer the question, ‘what do students complain about in relation to their education provider?’ for the whole of Australia, not just for the private sector that we cover. So far we have not been able to achieve the same level of data collection, as some offices do not distinguish between international and domestic student complaints. However, the OSO has recently published a report on our first four years of operation, which highlights the complaint trends we’ve seen across the private sector. This report is available on our website for those who are interested.

## National Overseas Student Complaint Handlers Forum



- Overseas Students Complaint Handlers Network +
- Study Melbourne and Study NSW
- Consumer Action Law Centre
- Australian Human Rights Commission
- Fair Work Ombudsman
- Private Health Insurance Ombudsman
- Australian Skills Quality Authority
- Tertiary Education Quality Standards Agency
- Tuition Protection Service
- State and Territory Schools regulators
- Department of Education and Training
- Department of Immigration and Border Protection
- Council for International Students Australia (speaker)



In 2014, we held our inaugural National Overseas Students Complaint Handlers Forum, which brought together:

- the overseas student complaint-handlers network
- the Fair Work Ombudsman (FWO)
- the Australian Human Rights Commission (AHRC)
- Study Melbourne
- the national regulators, Australian Skills Quality Authority (ASQA) and the Tertiary Education Quality Standards Agency (TEQSA)
- the state and territory schools regulators
- the Tuition Protection Service and
- the key policy departments; the Department of Education and Training and the Department of Immigration and Border Protection

The forum was a great opportunity to learn more about each other’s roles so that we could understand where we could refer students that we couldn’t help, to avoid them bouncing around different complaint handlers looking for the right person to help them with their problem. We also discussed key complaint issues and trends, including issues we suggested DET consider in its ESOS Reforms process. The feedback we received from those who participated was very positive and some commented they felt connected into a wider network for the first time, rather than just working on their own in their particular jurisdiction.

Since that forum, we have regularly received requests from other complaint handlers for advice on how we would approach a particular issue. The close working relationships we have established through the network mean people feel comfortable to pick up the phone and seek advice from their complaint-handling colleagues. We're pleased that it operates this way now compared to there being little connection between complaint handlers when we first began.

We have also shared our template letters and analysis checklists with each other, to share our knowledge of investigating international student complaints and to promote consistency in complaints handling across the network.

We have appreciated the opportunity to collaborate with the Council for International Students Australia (CISA) by organising a complaint-handlers panel at the 2014 and 2015 CISA conferences.

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## Overseas Student Complaint Handlers Panel at CISA conference

- Overseas Students Ombudsman
- Australian Capital Territory Ombudsman
- New South Wales Ombudsman
- Victorian Ombudsman
- Queensland Ombudsman
- Western Australian Ombudsman
- South Australian Ombudsman
- South Australian Training Advocate
- Fair Work Ombudsman
- Australian Human Rights Commission



This enabled us to bring together representatives from the State and Territory Ombudsmen, the SA Training Advocate, the Australian Human Rights Commission (AHRC) and the Fair Work Ombudsman (FWO) to speak to students about problems they were experiencing and raise awareness of the relevant complaint bodies available for different types of problems.

Our work on systemic issues has also involved collaborating with peak bodies, regulators and the policy departments.

## OSO Issues Papers

- ❑ Written Agreements (March 2015)
  - + Provider Checklist (March 2015)
  - + Student Fact Sheet (October 2015)
  
- ❑ Overseas Student Health Cover (August 2014)
  - + Summary of outcomes 6 months (April 2015)
  
- ❑ Course Progress and Attendance (May 2015)
  - + Student Fact Sheet (May 2015)



In March this year, we published an issues paper on written agreements – the contract between the education provider and student which sets out whether the student will be eligible for a refund, or owe fees, if they withdraw from their course before completing it.

Prior to publishing the issues paper, we distributed a consultation draft to the provider and student peak bodies, providers, regulators and policy departments, including a draft checklist providers could use to check if their written agreement is compliant with all the relevant ESOS requirements. We wanted to ensure we took into account feedback about what was useful to providers and the views of the regulators and policy departments. We were able to publish a revised paper and checklist that incorporated this feedback in March 2015.

This issues paper has been very useful for other complaints handlers to consider as it sets out the main areas of non-compliance that we see by education providers in refund complaints and fee disputes. The Tuition Protection Service, which handles some complaints about refunds, has commented favourably on the provider checklist, which it has considered in its role in resolving provider refund complaints and claims.

The Department of Education and Training (DET) invited us to speak at the ESOS Reforms workshop on written agreements in February 2015, which included the peak bodies, providers, the regulators and student representatives. We were also invited to present on systemic issues we have seen in course progress and attendance cases as well as provider transfers. Our work on systemic issues has therefore informed other organisations' consideration of complaints as well as the review of the ESOS Act and the National Code 2007.

Another issues paper we published focused on problems we had seen with Overseas Student Health Cover. Our investigation was another example of collaboration as the issues cut across different areas of government and the private sector, without any one body having responsibility for OSHC. We liaised with the Department of Health, the Department of Education and Training, the Department of Immigration and Border Protection, the Private Health Insurance Ombudsman and the OSHC insurance companies. By bringing the relevant parties together we were able to clarify the issues, highlights the problems we were seeing and make recommendations and suggestions for improvements.



## National Overseas Student Complaint Handlers Forum 2015

1. How can we promote greater awareness amongst international students of the different complaint handlers?
  2. How can we help education providers improve their own complaints handling?
- Now collaborating on options to move forward



In July 2015, we held a second National Overseas Students Complaint Handlers Forum, bringing together a wider group of complaint handlers, the key policy departments, the national regulators, the state and territory schools regulators and other student support organisations. This included some additional participants, such as Study NSW, the Victorian Consumer Action Law Centre and the Private Health Insurance Ombudsman.

The Private Health Insurance Ombudsman representative commented that they were impressed that the 30 complaint handlers who attended worked as such a cohesive group with a focus on collaborating to improve access for students to complaints services and addressing the issues we see through complaints, without any hint of politicking or grandstanding by any one organisation.

At this year's complaint-handlers forum, we discussed current issues, trends and challenges and chose two to focus on in the coming year:

1. How can we promote greater awareness amongst international students of the different complaint handling bodies and who to contact for different types of problems?
2. How can we help education providers improve their own internal complaints handling?

Again, we are collaborating with other organisations to progress these issues. The Department of Education and Training is considering options for a one-stop source of information for international students and we have been discussing ideas with them. We have also spoken to CISA who are willing to develop a page on their website setting out the different complaint handling bodies and who students should contact for different problems, if CISA can receive funding to do so. This is another possibility.

On the second issue of problems we see with providers' internal complaints and appeals processes, we have held two teleconferences with the other complaint handlers in September and November this year to discuss the issues we see. We are currently in the process of gathering data and case studies to include in a paper summarising the issues.

We intend to send this paper to the peak bodies to inform discussions on the challenges providers face and how we as complaint handlers can work collaboratively to help providers improve their own complaints handling. This may include offering training in best practice complaints handling or providing checklists for conducting complaints and appeals.

We are open to suggestions and look forward to discussing this with the peak bodies in the new year. We have appreciated the opportunity to collaborate with the peak Bodies - ISANA, ACPET and English Australia - to deliver training workshops and webinars to their members on best practice complaints handling, written agreements, course progress and attendance.

We have also collaborated with English Australia on its revision of its Best Practice Guide to Monitoring Student Progress. This followed our office approaching English Australia for advice about the information ELICOS providers give students prior to enrolment about when their English language proficiency will be tested to determine what level of English they will be studying. We had a complaint on the issue and wanted to make sure we were properly informed on sector practices before responding to it. We appreciated the opportunity to seek expert advice from English Australia and, as a result, were invited to contribute some text to the revised guide which addressed this topic. When we exchanged farewell emails with English Australia's former CEO, Sue Blundell, on her retirement in September this year, she said:

"I have really appreciated the difference that the OSO has made to our industry and how great you have been at reaching out and working collaboratively with us."

### Conclusion

In conclusion, as I've outlined today, our work extends beyond resolving individual student complaints to working with other complaint handlers to promote consistency in complaints handling services provided to international students. The result is a well-connected complaints handling network that is active in identifying and addressing systemic issues, for the benefit of international students and the broader Australian international education sector.

We look forward to continuing to work collaboratively with peak bodies, government and other complaint handlers to maintain strong student protections for international students and to enhance the student experience in this way. Thank you for your time today.



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