

Ombudsman services and the international education sector

Complaints from international students made to
the Commonwealth Ombudsman

ISANA PD, 11 April 2024



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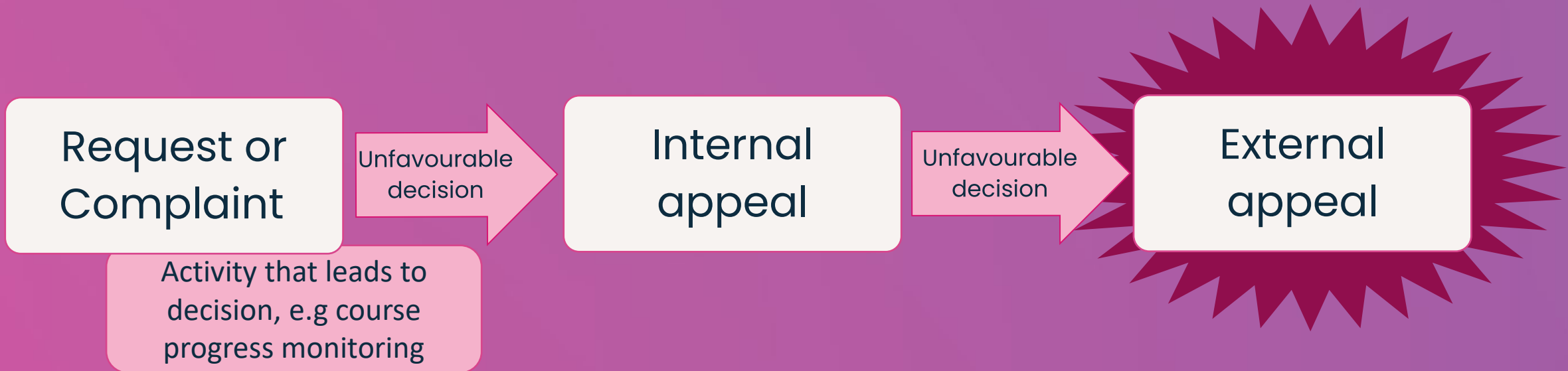


About the Commonwealth Ombudsman

What is the Ombudsman's role in
International Student complaints?



Complaint flow



Overseas Students Ombudsman

- Considers complaints from international students with **private** education providers.
- Aside from individual complaints:
 - promotes best-practice handling of complaints from international students
 - reports on trends and broader issues that arise from complaint investigations.



Free



Independent



Impartial



OVERSEAS STUDENTS

Overseas Students Ombudsman

National Student Ombudsman

Recognising complaints

Participants:

1. What is a complaint?

2. What is the difference between complaints and feedback?

3. How can you recognise that someone is making a complaint, if they don't specifically tell you they are making one?

a. What should you do, if that happens?



Recognising complaints



Complaint

'An implied or express statement of dissatisfaction where a response is sought, reasonable to expect or legally required.' It includes dissatisfaction with a provider's:

- customer service
- actions or decisions
- inaction or delay
- policy or processes.

Feedback

A compliment, criticism, comment or suggestion where a response is not sought, or not reasonable to expect.'



Barriers to making a complaint – for international students

Participants: What may prevent an international student from making a complaint to their provider?



Barriers to making a complaint – for international students

- English language skills
- Accessibility
 - not knowing how to complain
 - not being in the country
- Cultural issues
 - never made a complaint before, never saw others do so
 - not understanding right to complain
- Fear
 - afraid to cause insult
 - fear of repercussions – academic, visa
 - Strained, awkward relationship
 - Not wanting to get someone in trouble
- Confidence issues
 - issue won't be considered important enough
 - they must have done something wrong too



What do international students complain about?

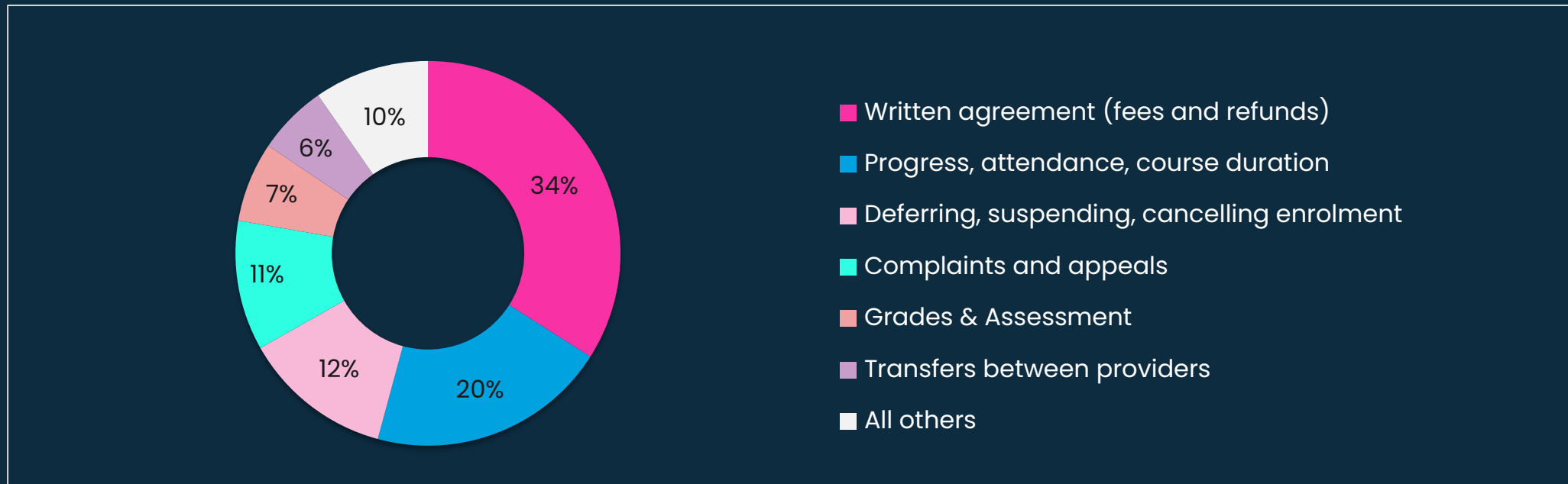
Participants: what sorts of complaints do international students make to you/your organisation?



What do international students complain about?

Complaint issues to the Overseas Students Ombudsman

1 July 2022 to 30 June 2023



Why are complaints important?

Participants:

1. Why is it important to have good complaint handling policies and processes, and a culture that welcomes complaints?
2. What has your organisation learned from complaints?



Why are complaints important?

1. Complaints are a good source of information about how to improve your organisation.
 - improvements can prevent others from having a negative experience
 - even if the complaint doesn't result in a remedy for the student, it can help identify where you need to communicate more effectively.
2. Complaints give you the opportunity to repair a relationship.
 - customers who are happy with the way their complaints are handled can turn into advocates.
3. An accessible and effective complaints process can prevent escalation.
 - avoids student affecting atmosphere in class
 - avoids negative publicity on social media and review sites.



Systemic issues in complaints to the Overseas Students Ombudsman

- Refunds:
 - Students don't usually read their written agreements, so are surprised when they don't get refunds for periods not studied.
 - Some providers struggled to pay refunds after bulk visa refusals – hundreds of students have complained that they didn't receive their refunds.
 - Human resource limitations processing many refunds
 - Logistical issues with international bank transfers.
 - Only clear right to a refund in ESOS is when a student's visa is refused.
 - Students who withdraw visa applications aren't covered
 - Australian Consumer Law still applies.
 - Many providers ignore ESOS, limiting visa refusal refunds.
 - Depending on reasons for visa refusal
 - Placing unreasonable time limits on refund applications.



Systemic issues in complaints to the Overseas Students Ombudsman

- Transfers:
 - Providers telling students their application for release is refused because the student hasn't completed 6 months of their principal course
 - Providers not referring to their policy when giving students reasons for refusing release, or not giving any reasons for refusing release
 - Inappropriate reasons for refusing release in provider policies:
 - Could apply to any applicant, e.g. no release for change of mind
 - Genuineness of student (formerly GTE, now GS)
 - Long packages
 - Conflict between student's interests and provider's interests
 - If an education provider refuses a student's transfer request, the student can't be granted a new visa to study with another provider
 - Must have CoE from the other provider
 - Other providers can't issue CoE.



Q & A



Resources

Fact sheets

- for providers and students on common complaint issues

Issues paper

- on application of Australian Consumer Law 'fairness' principles to international student written agreements

Guides

- Better practice complaint handling guide
- Guidance for complaint handlers on dealing with risks of harm
- NSW Ombudsman's guide on managing unreasonable conduct by a complainant



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<https://ombudsmansurvey.com.au/n/Yb3uzBW>



Feedback for us