

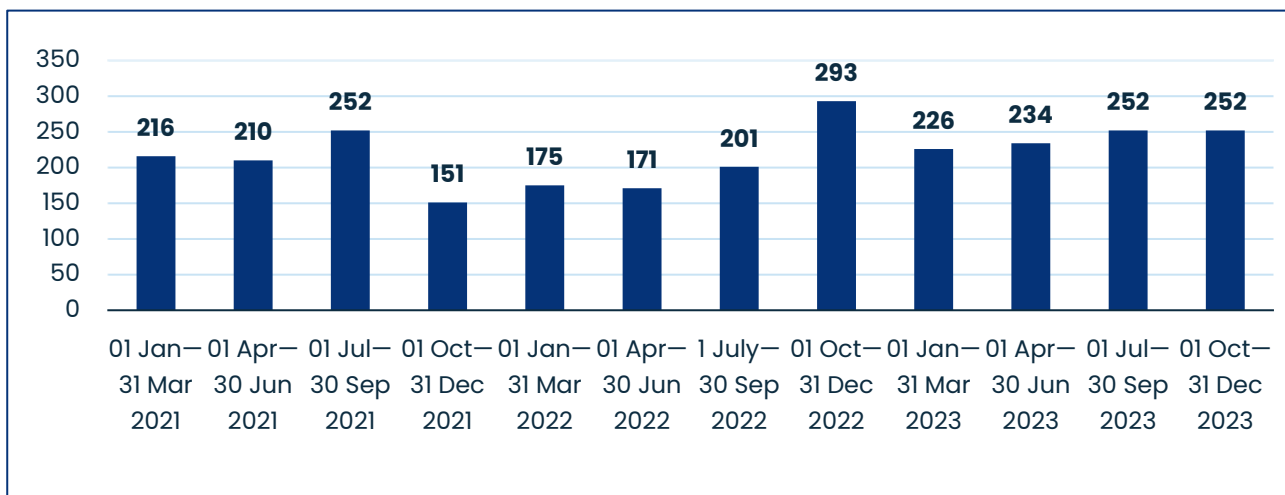
Quarterly update: 1 October – 31 December 2023

In its role as Overseas Students Ombudsman, the Office of the Commonwealth Ombudsman (the Office) assists international students through independent complaint handling. We can investigate private registered education providers' actions in connection with intending, current or former student visa holders. The Office also gives providers advice and training about complaint handling, and reports on trends and systemic issues arising from its activities.



Between 1 October and 31 December 2023, the Office received **252** complaints and enquiries from international students enrolled with private registered education providers (see Figure 1), a 14 per cent decrease on the same period last year.

Figure 1: Quarterly complaints and enquiries received from 1 January 2021 – 31 December 2023



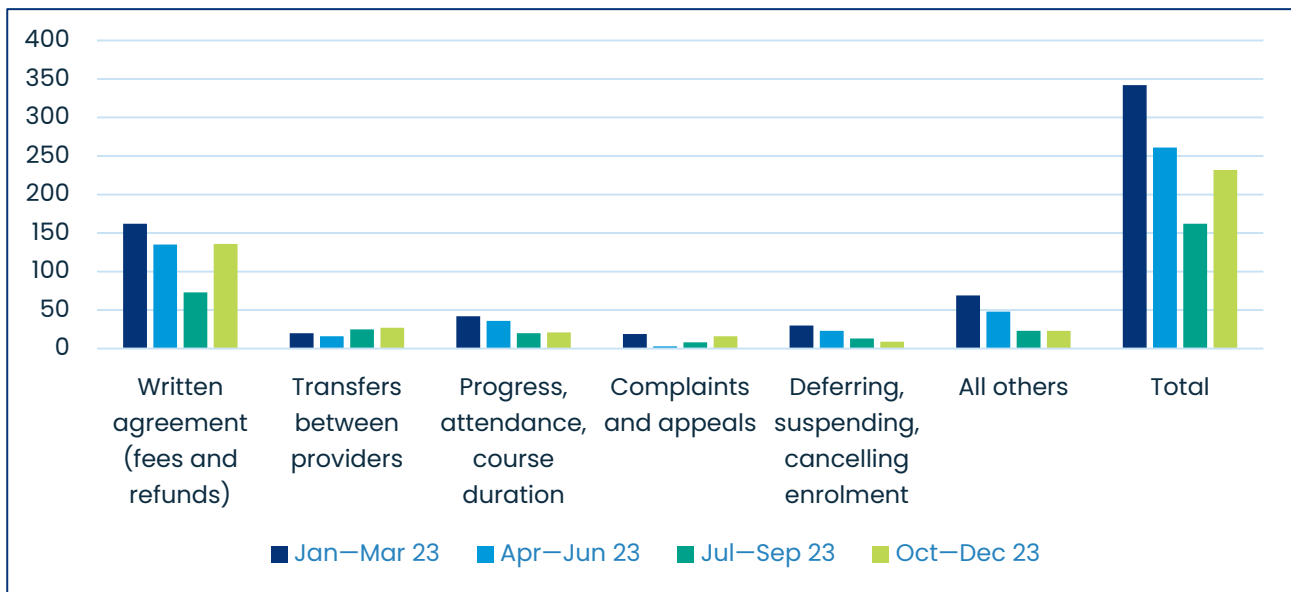
Issues raised in complaints

During the quarter, we finalised 217 complaints, comprising 232 issues. We received some of these complaints during previous quarters.

As in previous quarters, the most common issue in complaints to the Office between 1 October and 31 December 2023 was refunds of pre-paid fees, usually from students who did not commence their course or who ceased study before they finished their course (written agreements: 62 per cent). Many of these complaints were from students whose visas were refused but who had not received a refund from their providers.

Progress, attendance and course duration (15 per cent) and transfers between providers (10 per cent), were the next most common issues in complaints to the Office. Figure 2 below shows common issues raised in complaints during the quarter.

Figure 2: Common complaint issues: 1 October 2022 – 30 September 2023



Did providers meet their responsibilities?

When delivering education products and services to overseas students, education providers must treat students fairly and reasonably and act consistently with relevant legislation and national standards.

Between 1 October and 31 December 2023, the Office finalised 75 investigations, comprising 85 issues. Table 1 summarises our view on whether providers met their responsibilities to students for each issue in the complaints we investigated during this period.

Table 1: Views on finalised investigations: 1 October – 31 December 2023

| View | Total issues |
|---|--------------|
| Provider substantially met responsibilities to student | 25 |
| Provider did not substantially meet responsibilities to student | 54 |
| No view – provider and student resolved the matter, or we discontinued the investigation for another reason | 6 |

When we consider that a provider has not substantially met their responsibilities, we work with both parties to find a suitable remedy for the student. If we observe that a provider's non-compliance is serious or repeated, we may disclose the matter to regulators and other bodies such as the Tuition Protection Service and the Department of Education.

Case study

Academic Integrity

Thomas was doing a Masters by research with a private education provider. His relationship with his supervisor broke down towards the end of his studies. When he submitted his final thesis, his supervisor alleged that Thomas had engaged in academic misconduct and referred him to a misconduct committee.

The committee invited Thomas to a meeting where he defended his work, but it ultimately found he had breached academic integrity rules and cancelled his enrolment.

The student's story

Thomas told the Office he believed the academic misconduct allegations were not due to reasons like plagiarism, but an assumption that because his spoken English was not fluent, he may not have completed his thesis on his own.

Thomas also advised that he had paid his supervisor an additional fee of \$2,000 to provide tutoring services, and that their relationship deteriorated when he could no longer afford to pay for additional tutoring.

The provider's story

The provider advised that in addition to concerns about the quality of Thomas' thesis, their integrity concerns were justified as Thomas had approached a staff member for 'ghost writing' services.

The provider also advised that free academic support was available to Thomas. They also advised that throughout Thomas's enrolment, there was no evidence to indicate he was not meeting milestones or making required progress.

As a result of our questions, the provider investigated Thomas' claim of paying \$2,000 for tutoring services. His supervisor resigned during the investigation, but if they hadn't, the provider said it would have terminated their contract.

Our view

The Office was not satisfied that the provider had given Thomas the supervisory support required while he was researching and drafting his thesis, given he had been convinced to pay his supervisor extra.



Furthermore, we viewed it concerning that Thomas had not been given any warnings about his academic progress. If the provider had intervened earlier to warn Thomas or put him on academic probation, he could have made a more informed decision whether to invest the time and money to continue the course.

Outcome

As a result of our investigation, the provider:

- offered Thomas a Graduate Certificate and the opportunity to take part in the graduation ceremony;
- refunded fees that were paid directly to the supervisor for 'tutoring services' totalling \$2,000.00.

Further Comments:

The Office does not assess matters of academic merit or verify whether misconduct has occurred, but we can consider administrative aspects of academic decisions.

This includes looking at the education provider's handling of complaints about a finding of academic misconduct, and whether the provider can support the finding with information and evidence. Where a penalty has been imposed, we will also look at whether that penalty is supported by the provider's policy and appears otherwise reasonable in all circumstances.

In this case, given the failure of the provider to adequately support Thomas, we viewed that a more appropriate remedy would have been to allow Thomas to re-attempt his Masters' thesis with better supervision and support. However, we did not insist on this remedy as the provider's decision appeared reasonably open to it.

**An alias has been used for privacy reasons.*

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