

What to expect if a student contacts us

This factsheet is to help education providers understand what we do when a student contacts us and what to expect.

Overview of our process

When an international student contacts our Office, we make an assessment about whether we will investigate the dispute. In some cases we may **decide not to investigate**. This might be because:

- the student has not complained or appealed to the education provider first
- the student has not responded to our request for further relevant information, or
- another organisation is better able to deal with the dispute.

In this situation, we will inform the student that we will not investigate and provide information about what they might do next. We will not contact you about the complaint, and for privacy reasons will not be able to advise you if a student has contacted us.

If a decision is made **to investigate a dispute**, we will ask you about the dispute and request relevant documents or information. The *Ombudsman Act 1976* contains **formal powers** to enable us to obtain documents from providers.

After we receive and consider the information provided by you we may need to ask you or the student for further information. Once we have all the information needed we will **make a recommendation that may support you or the student**¹.

You will be given the **opportunity to comment** on any proposed recommendation made by our Office which supports the student. The proposed recommendation may require you to take a particular action (e.g. pay the student a refund etc.). It may also include recommendations to make changes to your policies or procedures to meet the requirements of the National Code or Education Services for Overseas Students legislative framework.

This is your opportunity to advise us if you believe that we have missed important information or you have another comment you wish to make. We will take your comments into consideration before finalising the investigation.

¹ In some cases, a complaint may contain more than one issue, some of which may be resolved in support of the provider, others which may be resolved in support of the student.

Contact us

ombudsman.gov.au
1300 362 072

GPO Box 442
Canberra ACT 2601

The Ombudsman has offices in:

- » Adelaide
- » Brisbane
- » Canberra
- » Melbourne
- » Perth
- » Sydney

The Commonwealth Ombudsman is impartial, independent and does not advocate for the student or the provider

We use a balanced approach when investigating a dispute and look at both sides of the issue.

Investigations are conducted in private under the Ombudsman Act 1976.

In cases where our proposed recommendation supports you, we give the student an opportunity to comment before finalising our investigation.

We investigate and make recommendations based on a unique assessment of each case.

The outcome of one dispute will not necessarily impact any future recommendations on disputes that we may investigate about you.

If we make a recommendation from our investigation and you have not implemented it, we consider that as non-compliance with Standard 10.4 of the National Code. See also fact sheet - *What you need to know if we make a recommendation*. We may consider a provider's non-compliance in future investigations and report to the regulator.

Helpful tips if you are asked to provide information about a dispute

- Provide all of the requested information in full by the due date specified in the investigation notification email. This will help us understand both sides of the dispute and make a timely decision or recommendation.
- Contact us if you need clarification or you are unsure about the information in the email. We are here to help resolve the dispute.
- Let us know if the student has not accessed your internal complaints and appeals process. We may decide to direct the student back to your internal process.
- If after reading our email, you realise that your organisation has made a mistake in handling the student's issue and you want to change the outcome, let us and the student know.
- If you have provided our office with information and you want to find out about the progress of our investigation please contact us.

Need more information?

The Commonwealth Ombudsman provides information about best practice complaint –handling to help private education providers manage internal complaints effectively. We also publish **reports** on common or systemic issues identified through our investigations. Our resources can be found on our website ombudsman.gov.au

More information is available at ombudsman.gov.au.

Please note: This document is intended as a guide only. For this reason, the information should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the Commonwealth Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to the [Federal Register of Legislation](http://www.federalregister.gov).