



Overseas Students Ombudsman Discussion Paper Safeguarding the Student Experience: External Complaint Avenues

ABOUT ISCA

The Independent Schools Council of Australia (ISCA) is the peak national body representing the Independent school sector. It comprises the eight state and territory Associations of Independent Schools (AISs). Through these Associations, ISCA represents a sector with 1,091 schools and just over 586,800 students, accounting for nearly 16 per cent of Australian school enrolments.

Independent schools are a diverse group of non-government schools serving a range of different communities. Many Independent schools provide a religious or values-based education. Others promote a particular educational philosophy or interpretation of mainstream education.

Independent schools include:

- Schools affiliated with larger and smaller Christian denominations for example, Anglican, Catholic, Greek Orthodox, Lutheran, Uniting Church, Seventh Day Adventist and Presbyterian schools
- Non-denominational Christian schools
- Islamic schools
- Jewish schools
- Montessori schools
- Rudolf Steiner schools
- Schools constituted under specific Acts of Parliament, such as grammar schools in some states
- Community schools
- Indigenous community schools
- Schools that specialise in meeting the needs of students with disabilities
- Schools that cater for students at severe educational risk due to a range of social/emotional/behavioural and other risk factors.

Independent schools are not-for-profit institutions founded by religious or other groups in the community and are registered with the relevant state or territory education authority. Most Independent schools are set up and governed independently on an individual school basis.



OVERSEAS STUDENTS IN INDEPENDENT SCHOOLS

The latest PRISMS data shows that over 18,000 school students are enrolled in Australian schools. These students comprise nearly 4% of the total overseas student cohort.

Nearly forty per cent (7,000) of these students are enrolled in non-government schools. In 2015 there were over 6,300 overseas students enrolled at around 340 Independent schools.

ISCA estimates between 30-40% of all CRICOS registered providers in Australia are Independent schools that are individually registered and individually responsible for meeting compliance requirements. By contrast, state departments of education hold single provider registrations covering any number of government schools enrolling overseas students within a state.

Overseas student enrolments in Independent schools vary from 1 to close to 200 overseas students. The median number of overseas students at an Independent school is 7 students.

The sector is very aware that this profile differs quite substantially from other sectors. For the vast majority of Independent schools, overseas students do not determine the school's sustainability. Rather, overseas students provide a much valued international element and diversity to school populations.

ISCA RESPONSE TO THE DISCUSSION PAPER

Q1. Do you agree that it is important that international students have access to an external, independent complaint handling body when they have an issue with their education provider that they cannot resolve with the education provider directly?

Yes. The purpose of the Education Services for Overseas Students (ESOS) framework is to protect the rights of overseas students as consumers of education services in an environment beyond the jurisdiction of their own legal systems. It is particularly important for students to have access to an independent complaint handling body where there is a grievance over a requirement prescribed by legislation - for example, the content of a written agreement, refund of tuition fees, or where a provider is required to report a student for failing to meet visa conditions, or otherwise makes a decision that can affect a student's enrolment or visa.

Q2. Do the current external complaint avenues for international students with a complaint about their education provider meet international students' needs? Please indicate if your comments relate to the private sector, public sector or both.

As the peak body for Independent schools, ISCA is satisfied with the way the Overseas Students Ombudsman (OSO) handles complaints impartially, is proactive and transparent in educating private providers about its role, responsibilities and complaints handling processes, and shares sector statistics about the quantity and nature of complaints received and resolution outcomes for private providers.

It is currently not possible to comment on these aspects of complaints handling processes in the public sector because of the lack of publicly available information. It would be very useful for sector wide analysis of the common issues of international students if the same kind of information that is made publicly available by the OSO about the private sector were similarly available for the public sector.

Q3. Do the current external complaint avenues for international students with a complaint about their education provider meet international education providers' needs?

In the cases where ISCA is aware of the OSO handling Independent school sector complaints, the answer is yes. Independent schools have reported that a fair, reasonable and open approach has been taken by the OSO on the rare occasions when a student has appealed a school decision.

The OSO has also been responsive to sector requests to present at professional development events on the agency's role, responsibilities, and approach to handling complaints and has provided advice and examples of good practice relevant to the sector.

Q4. Are the current external complaint avenues simple to understand and easy to access?

This is true in the case of the OSO, and the websites of TEQSA and ASQA have complaints pages that provide information for students about their respective jurisdictions and provide links to other organisations that may be more appropriate.

However, for students enrolled with public providers, it may not be easy for international students to follow processes for lodging complaints using relevant state and territory government websites. For example, it could be difficult for international students to determine if they are eligible to lodge a complaint using the web forms provided, and to understand the complaints handling process where the service can be used for multiple purposes and government departments.

Q5. If not, what would make it easier for international students to understand the external complaint avenues and to access them easily?

One possibility would be for the role and budget of the OSO to be expanded to handle complaints for all international students. This would mean, apart from the limited number of complaints that would need to be addressed by TEQSA or ASQA, there would be a single authoritative source of information for international students and providers alike.

Another alternative could be for a website listing all the current external appeals avenues in such a way that a student could filter by state/territory and provider type to determine which organisation is the correct one for them.

Providers should also be able to refer international students to a suitable organisation for external complaints.

Q6. Are there any gaps in complaint handling for international students with a complaint about their education provider that you see? If so, what is the best way to address these?

This is a difficult question to respond to when it is not easy to compare processes and outcomes for all external complaints handling agencies.

It is reassuring for students to see the outcomes of the OSO's work in the private sector, as the OSO publishes detailed quarterly data and reports that specifically address international student complaints and issues. On the other hand, reporting on international student grievances in the public sector appears to be limited to annual agency reports, with varying levels of detail about complaints and appeals outcomes that specifically relate to international students.

Q7. In your view, what changes, if any, may be required to ensure future external complaint avenues for international students meet the needs of international students and the sector?

It would speak to the purpose of the ESOS framework if it could be said that external complaints processes across all sectors and providers were consistent and transparent. However that is not the case. One way of ensuring consistency and transparency for all providers across all sectors, would be for the role and budget of the OSO to be expanded to handle complaints for all international students, and to provide industry specific analyses of international student consumer issues, FAQs, advice and good practice guides to all providers in all sectors - public and private.

Another approach would be for all external complaint handling bodies to report in the same way so that analysis of international student consumer issues could be undertaken across all sectors and providers. It would also be helpful to know if all external complaint handling bodies have similar and consistent processes for dealing with complaints.

A final comment on the proposed consultation process. Whilst the OSO is to be commended on consulting with CISA to ensure student concerns and issues are taken into account, it should be kept in mind that CISA does not generally have a lot of contact with students under 18 years of age. For issues relating to this cohort of students, it may be necessary for the OSO to use its own data for private providers and liaise with the state and territory agencies to collate data complaints lodged and case outcomes for underage students.

ISCA
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