

Establishing an Education Ombudsman



The Australian Greens call for the expansion of the powers of the Commonwealth Ombudsman to safeguard the quality of, and access to, education in Australia.

Senator Sarah Hanson Young has introduced into parliament the Ombudsman Amendment (Education Ombudsman) Bill 2010 to advance this aim.

BACKGROUND

Australia's thriving international education sector has come under local and international media scrutiny over the past few months, following a series of reports surrounding violent attacks against Indian students. This follows calls for better assistance and support for international students that have fallen on the deaf ears of successive governments and opposition parties.

Since then, an intense spotlight has been placed on our international education sector, with issues such as visa exploitation and discrimination within employment, student safety, questionable information provided by education and immigration agents, and sub-standard educational services and support by some providers, contributing to the perception of rorting within our education sector.

Currently when it comes complaint resolution, particularly with regard to international students, the fact that there are so many overlapping obligations with state accreditation bodies and the Commonwealth department, highlights the difficulties about where to go and who to trust.

Expanding the powers of the Commonwealth Ombudsman to cover the domestic and international education sector in Australia would act as a one-stop national authority for resolving individual student complaints; provide a further avenue for academic disputes, monitoring and enforcing compliance of education institutions, and facilitating communication between state and federal governments and educational organisations.

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In 2001, the Senate Employment, Workplace Relations, Small Business and Education References Committee recommended that “a *national Universities Ombudsman be appointed, funded by the Commonwealth, after consultation with the states and national representative bodies on higher education, including staff and students, and that such an office include the power to investigate ancillary fees and charges and to conciliate complaints. Students enrolled in Australian programs off-shore should have equal rights of access to the Ombudsman.*”¹

What the Education Ombudsman would look like

The role of the education ombudsman in operating across all jurisdictions and sectors, would be to discern any concerning trends or systemic problems and initiate action or bring the issue to the attention of the state regulatory authorities, DEEWR and/or the Minister.

During evidence presented to the Senate Inquiry into Welfare for International Students, the Commonwealth Ombudsman noted in its submission the need for an external, as well as an internal, avenue for complaints to be made if internal mechanisms prove unsatisfactory. The role of the education ombudsman could also be combined with the Immigration Ombudsman and compliance auditing roles to “address a range of systemic failures across the international student sector.”²

1 http://www.aph.gov.au/Senate/committee/eet_ctte/completed_inquiries/1999-02/public_uni/report/c04.pdf “Universities in Crisis: Report into Higher Education” September 2001 p.137

2 <https://senate.aph.gov.au/submissions/committees/viewdocument.aspx?id=0b572d1a-0a14-4f84-b629-065abc31e510> Commonwealth Ombudsman Submission to Welfare for International Students Inquiry

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The Commonwealth Ombudsman outlined the possible functions an education Ombudsman could provide:

- Receipt and investigation of complaints about government and non-government service providers;
- Receipt and investigation of complaints about government service delivery and regulatory agencies;
- Compliance audits of the exercise of regulatory and investigation functions by government agencies;
- Education, advice and training to service providers and regulatory agencies on best practice complaints handling;
- Agency specific and cross-agency own motion investigations into areas of complaint or where systemic problems begin to arise.

Students could contact an independent body such as an ombudsman on issues such as study, safety, accommodation or employment after exhausting other complaint and assistance mechanisms available to them. This body would also be able to investigate complaints in relation to providers and regulatory bodies.

The ombudsman office could also make recommendations on necessary improvements to policies and procedures that institutions would be obliged to implement, or be sufficiently powered to make recommendation to the government authority that does have such power over changes to institutions arrangements.