



Annual Report
2021 | 2022



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Welcome

Tēnā koutou katoa

Welcome to the iStudent Complaints Annual Report for 2021/22.

This was our sixth year as the independent dispute resolution scheme, dedicated to resolving financial and contractual complaints between international students and their education providers.

Compared to pre-pandemic, the volume of international learners has decreased by around two-thirds. While fewer students studying has resulted in fewer people contacting our service, the cases we are seeing are more complex. This has resulted in an increase in the number of complaints requiring formal dispute resolution. Of the 62 enquiries received this year, 31% required more formal assistance. In addition, 3 cases were carried over from the previous year.

The majority of these were resolved consensually through facilitation, mediation and negotiation (17 cases) and with 11 matters resolved determinatively (adjudication). With the strong demand for someone independent to make a decision, we have created a new determinative panel within Fair Way. This means we have a wider pool of scheme adjudicators available who are familiar with the relevant sections of the Education and Training Act 2021, the International Student Contract Dispute Resolution Scheme Rules 2016, the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021, and other relevant legislation for iStudent Complaints. Our panel also have proven experience in customer service, decision writing and meeting strict timeframes.

Our team have observed that awareness of education providers' internal complaint processes is low. A high number of enquiries were not accepted this year and often, this was to allow the student to make their provider aware of their issue or to work through options together before escalating matters to iStudent Complaints. Our aim is always to resolve issues as early as possible, and by making students aware of their options at the enquiry stage we enable them to do so.

We are looking forward to seeing more international students back on our shores soon. From late July 2022 New Zealand's borders have been fully open, along with applications for student visas. This is great news for education providers and international students alike. To support the return of international students, iStudent Complaints will increase engagement with education providers and stakeholders over the next few months. During the pandemic, opportunities were limited so we're excited about the prospect of meeting more people and supporting the sector from our unique perspective as the international student dispute resolution scheme.



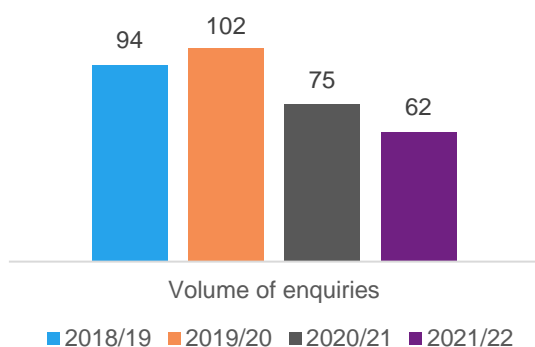
Ngā mihi

Jeanie Robinson

Jeanie Robinson is Operations Manager of Commercial Services at FairWay Resolution Limited. As part of this role, Jeanie has oversight of iStudent Complaints.

Overview of enquiries

Volume of enquiries



After an initial increase as COVID-19 emerged in 2020, enquiries to iStudent Complaints have decreased over the course of the pandemic, with fewer international students studying in New Zealand.

Location of student

39% were outside of New Zealand
(24 offshore enquiries)

61% were in New Zealand
(38 onshore enquiries)



How enquiries were made

Initial methods of communication were relatively balanced between email, online and verbal channels this year.

While digital communications remain most popular, we did see a significant increase in calls made to the service.

	Last Year (2020/21)		This Year (2021/22)	
	#	%	#	%
Email	30	40%	23	37%
Online form	38	51%	20	32%
Verbal	7	9%	19	31%

Progression of enquiries

	Last Year (2020/21)	This Year (2021/22)
Brought forward (balance 1 July)	7	3
New enquiries	75	62
Not accepted	10	21
Enquiries withdrawn / not proceeding* (includes early resolution)	24	22
Accepted cases	45	19
Cases withdrawn	-	2
Carried forward (Balance at 30 June)	3	1

58% of accepted cases involved offshore students (11 cases)

42% of accepted cases involved onshore students (8 cases)

Overview of cases

Nature of the cases received

74% involved refund requests this year

**Relates to claims about incorrect termination as opposed to claims regarding amount of refund.*

	Last Year (2020/21)	This Year (2021/22)
Total	45	19
Refund – Withdrawal	10	11
Refund – course closure	15	2
Other	1	2
Contract - Termination *	1	1
Safety & Wellbeing/COVID-19	7	1
Refund – Quality of provision (academic)	4	1
Misrepresentation	2	1
Compensation	3	0
Refund – Visa declined	2	0

Country of origin

Country	Last Year (2020/21)		This Year (2021/22)	
	#	%	#	%
China	15	33%	9	47%
India	6	13%	4	21%
Brazil	0	0%	1	5%
Japan	0	0%	1	5%
Hungary	0	0%	1	5%
Thailand	0	0%	1	5%
Hong Kong	0	0%	1	5%
Mauritius	0	0%	1	5%
Singapore	10	22%	0	0%
Other	9	20%	0	0%
South Korea	4	9%	0	0%
Italy	1	2%	0	0%
Total cases	45		19	



iStudent Complaints interacted with students in Africa, Asia, Europe, and South America

Education providers involved in cases



Over two-thirds of all cases in 2022 involved PTEs

PTEs have been the highest category each year since iStudent Complaints was established in 2016.

Complaints involving universities have noticeably increased this past year.

	Last Year (2020/21)		This Year (2021/22)	
	#	%	#	%
Private Training Establishment (PTE)	26	57%	13	68%
University	1	2%	4	21%
Te Pūkenga	5	11%	1	5%
Primary school	4	9%	1	5%
Transitional Industry Training Organisation	4	9%	0	0%
Secondary school	4	9%	0	0%
Intermediate school	1	2%	0	0%
Total	45		19	

How cases were resolved



Communication counts

50% of cases were resolved using facilitation and negotiation techniques to support the student and their provider to communicate and share information.

	Last Year (2020/21)	This Year (2021/22)
Resolved at facilitation / negotiation	31	15
Resolved at mediation	7	2
Resolved at adjudication	15	11
Cases withdrawn	0	2
Total cases resolved	53	30
Carried forward (Balance at 30 June)	12	1
Total	65	31

Average timeframes

	Facilitation	Negotiation	Mediation	Adjudication	Overall
Average days to resolve or close	40	86	167	158	112.75

About the resolved cases

Student location	Method of resolution (2021/22)				
	Facilitation	Negotiation	Mediation	Adjudication	Total
Offshore cases	7	4	1	8	20
Onshore cases	3	1	1	3	8
Total cases resolved	10	5	2	11	28

COVID-19 impacts

Over the course of the pandemic, international student numbers declined significantly, however the need for independent dispute resolution services has increased as education providers and international students faced unprecedented circumstances.

The following table illustrates the contrasting trends:

	18/19	19/20	20/21	21/22
Student visas approved*	103,837	83,747	52,083	36,512
Enquiries made to iStudent Complaints	94	102	75	62
iStudent Complaints cases	23	54	45	19

**Immigration NZ, approved student visa applications (people included), report prepared 3 June 2022.*



Case studies

Vaccine mandates

About the case

As a result of the recently implemented COVID-19 vaccine mandates, an unvaccinated student was no longer able to attend their practical studies. Due to their student visa obligations, the student was facing attendance warnings and the possibility of the termination of their enrolment. The student decided to withdraw and seek a refund, which was denied by the PTE. The student then approached iStudent Complaints for assistance with the matter.

How we helped

The Resolution Coordinator collated a large amount of information from the student and the PTE regarding the ongoing dispute. Identifying the potential for an early resolution, the Resolution Coordinator facilitated a discussion between the parties before the matter was referred to adjudication.

During the facilitated discussion, the parties had ample opportunity to convey their respective positions which allowed the parties to understand one another on a level that was previously unachievable. The facilitated discussion also allowed the parties to have control over the outcome and the parties used this opportunity to achieve a mutually beneficial outcome given the circumstances.

Outcome

The student and PTE reached an arrangement whereby the student was able to continue their enrolment and work towards the completion of their qualification as much as possible given the mandate requirements, and the provider left open the practical subjects in case the student chose to get vaccinated, or the mandates were dropped.

Discontinued course and border closure

About the case

With the closing of New Zealand's borders, a student found themselves unable to return and continue their studies. Furthermore, they had heard that their course was to be discontinued. They approached iStudent Complaints as they had issues obtaining a refund from their PTE.

The PTE's perspective was that they had cancelled the student's enrolment before the emergence of COVID-19 due to non-attendance and a lack of communication. They felt the issues of this complaint were not a direct result of the pandemic and they declined to refund the student.

How we helped

iStudent Complaints assisted the student and the PTE to exchange information to better

understand each other's positions. Mediation allowed the parties to talk to one another directly and negotiate an agreement. As a result, they agreed on additional information to provide to one another. However, after this point, the student ceased communication with iStudent Complaints.

Given the lack of response, the practitioner progressed this dispute to adjudication. Both parties were asked to submit relevant information for the practitioner to assess and make a binding decision.

Outcome

The student failed to meet the deadline to provide their submission. As a result, the complaint was dismissed by the adjudicator and the case was closed. The complaint could not be reopened again, bringing finality to the dispute.

Withdrawal from studies

About the case

The pandemic has been marked by uncertainty. Both students and education providers have had to make decisions about their future based on ever-changing information. This was a student's dilemma when he first enrolled to study at a New Zealand university in late-2020. Starting in an online foundation course, he hoped to come into the country in 2022 to begin his bachelor's degree studies in person.

Part way through his foundation course, it was clear from government communications that the border would not be opening in time. A difficult decision had to be made and he chose to withdraw from the programme. The student requested a refund for the other half of the course, which the university declined, so he contacted iStudent Complaints.

How we helped

iStudent Complaints' Resolution Coordinator spoke to the student and the university about

the issue and what they needed to resolve this dispute. The student felt there was a lack of consideration for the exceptional circumstances COVID-19 had created, while the school thought they had applied their policy fairly. Facilitation was convened to allow both to share these perspectives with each other. The meeting did not result in an agreement, but it gave the university a chance to extend empathy and the student to feel heard.

Unable to reach a mutual agreement, the dispute was passed on to an adjudicator. The role of the adjudicator is to consider all the information and evidence presented, and to make a decision from their neutral standpoint based on the law and details of the case.

Outcome

A decision was made based on the facts presented by both parties, and the complaint was not upheld.

Finding a way forward

About the case

iStudent Complaints was contacted by a former student who felt they had been disadvantaged from enrolling in the next intake for their course due to delays and communications made between the student, the PTE and the PTE's agent. As a result, the student had changed their plans, withdrawn from the PTE, and was seeking a refund for the unused portion of tuition fees from the date of their withdrawal. The student had been told by the PTE that no refund was available due to the refund clause in the contract not being satisfied.

How we helped

iStudent Complaints contacted all the relevant parties and arranged a facilitated

discussion. There were multiple participants who each contributed to the discussion and shared their unique perspectives. Once the parties agreed on the series of events that had taken place, the facilitator assisted the parties to explore and discuss the particular instances that lead the parties to this dispute.

Outcome

Each side acknowledged that this situation had not turned out the way they had hoped when the student first enrolled. The parties were able to agree that despite the strict refund clause, the unique situation required further consideration and together they agreed on terms to resolve the dispute. The parties continued to engage civilly and cordially following the facilitation to finalise the terms of resolution.

COVID travel restrictions

About the case

iStudent Complaints was contacted by a student who, after receiving permission from their PTE, urgently returned home to their country of origin to visit family.

The student had been advised that he would be able to return to study without any additional steps. The student was then prevented from returning to New Zealand due to COVID-19 restrictions. During this time the student was advised that they would be able to return to study once COVID-19 restrictions had been lifted without any additional steps.

Once the COVID-19 restrictions had been lifted, the student contacted the PTE to confirm their return to study. He was advised that the PTE had recently changed ownership and the new owners would not recognise the student's enrolment and the student would be required to re-enroll and pay full tuition fees despite the

representations previously made by the PTE under the old management.

How we helped

The student contacted iStudent Complaints regarding this dispute. The iStudent Complaints facilitator contacted the PTE who confirmed their new position. Once the iStudent Complaints process had begun, the PTE decided to reconsider their position regarding the student's enrolment and requirement to pay for additional tuition fees.

Outcome

The PTE recognised the unfortunate situation that the student was in and offered to reduce the tuition fee by 90%. The student gladly accepted this offer and was re-enrolled shortly thereafter. The student began their travel arrangements back to New Zealand and the case was closed as resolved.

Early Resolution

About the case

A parent enrolled their young child into a Primary School with the hopes of coming into New Zealand at the start of the 2020 school year. Unfortunately, due to the border closures, the student and parent could not enter the country.

The parent requested a refund of the tuition fee which the school granted minus a deduction of administrative fees. The parent disputed the deduction due to the unprecedented circumstances in which they had to withdraw. Unable to reach a resolution directly, the parents bought their dispute to iStudent Complaints.

How we helped

The facilitator spoke to both the parent and the school to help both sides identify what

they needed in order to resolve the dispute. This also gave both parties an opportunity to contemplate the impact it has had on them. This information was then shared with each other so both sides could gain a mutual understanding of what the problem was.

Outcome

From this conversation, the parent understood the terms of the refund policy and how that supported the school's deduction of administrative fee. Meanwhile, the school also considered the additional time and energy involved in a more formal dispute process. The school decided as a gesture of goodwill and to acknowledge the hardship that COVID-19 has brought to everyone, they would also refund the administrative fee. An early resolution was reached for both parties.

Systemic issues and scheme complaints



Systemic issues

No new systemic issues were recorded, however the impacts of COVID-19 continued to be seen through high numbers of refund requests. One area for consideration is how providers can learn from this experience. We recommend providers review how they manage exceptional circumstances, consider their communications, identify opportunities for improvement and update their policies as needed. With the possibility of future unforeseen events, this should be factored into planning.



Complaints regarding iStudent Complaints

No formal complaints concerning iStudent Complaints were made.

Raising awareness



Website visitors

The iStudent Complaints website had **52,734** users this year, which is up 27% on the previous year.



Facebook page followers

The iStudent Complaints Facebook page has **75,757** followers.



Newsletters

Almost **800 education providers** are subscribed to iStudent Complaints newsletter, which is issued four times a year.

Feedback



International student

“I am glad to receive your reply, thank you for your hard work and I’d like to cooperate with you.”



Education provider

“Thank you for this and for your kind and patient facilitation.”



International student

“Thank you so much for your help. Now I can finally plan my future study.”

Financial performance

For the year ended 30 June *

	2021/22	2020/21
	\$000	\$000
Income	224	266
Depreciation and Amortisation		
Personnel	30	82
Other **	140	231
Operating costs	170	313
Operating surplus	54	-47

In 2020/21 we upgraded the iStudent Complaints website which contributed to high costs that year.

* Presented as an extract from financial statements prepared for FairWay Resolution Holdings Limited.

** Other includes: Interpreters, Occupancy, ICT, Finance, HR Support, and Travel.



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