



 iStudent
Complaints

 Fair Way
Lead • Resolve • Agree

2018 Annual 2019 Report

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Foreword

Tēnā koutou katoa

We are very pleased to present the third iStudent Complaints Annual Report.

Overall, the volume of enquiries coming to iStudent Complaints has decreased, however it is great to see the number of cases resolved by facilitation remaining steady at 30 cases each year. This demonstrates the value of our focus on early resolution and the great work being undertaken by our team of Resolution Coordinators and Resolution Facilitators in this space.

Our customer satisfaction rates also make very rewarding reading. 100 percent of our survey respondents reported being satisfied or very satisfied with the service they received. The team also got full marks for their interactions with customers including listening and understanding their views, being friendly and courteous, giving all the information needed about the dispute resolution process, being knowledgeable and answering questions as well as being able to handle queries efficiently.

I would like to acknowledge the support and guidance shown by Denise Evans, Principal – Dispute Resolution to the iStudent Complaints team over the past three years. Denise's passion for resolving disputes is infectious and she has championed the iStudent Complaints service both in New Zealand and internationally. The team really value and benefit from her continued support. I would also like to recognise the fantastic efforts of Richard Hazelwood, Client Service Lead and Samantha de Coning, Resolution Practitioner for the contributions they have made to this service in the past year. FairWay's purpose is leading the prevention and resolution of disputes, and both Richard and Samantha have really lived this in the iStudent Complaints space. Finally, I would like to thank Connor Clements, Digital Media Advisor for his digital engagement tenacity. Our website has seen a steady increase in traffic over the year and our Facebook page has grown from 7,000 to more than 25,000 followers this year which reflects all the hard work that he has put in over the year.

All in all, we are well placed as we now launch into the 2020 reporting year.



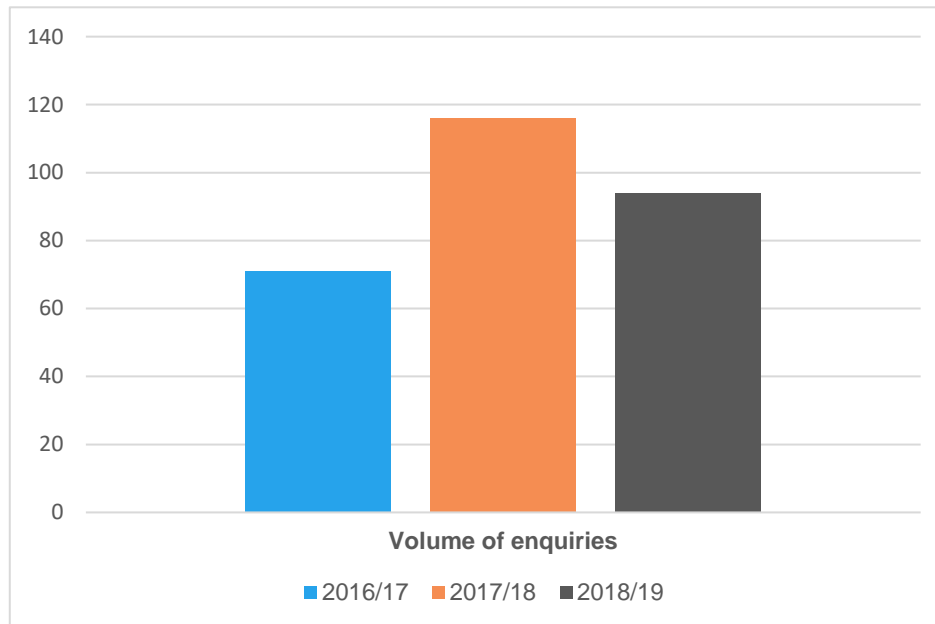
Ngā Mihi

Liz Hogan

Liz Hogan is Head of Commercial Services at FairWay Resolution Limited. As part of this role, Liz provides leadership within FairWay and has oversight of iStudent Complaints.

Overview of enquiries

Volume of enquiries



Overview

There has been a total of 94 enquiries throughout the past reporting year.

Enquiries have decreased by 22 compared to last year's total of 116, however enquiry levels are still well above the 71 enquiries made during our first year of operation in 2016/17.

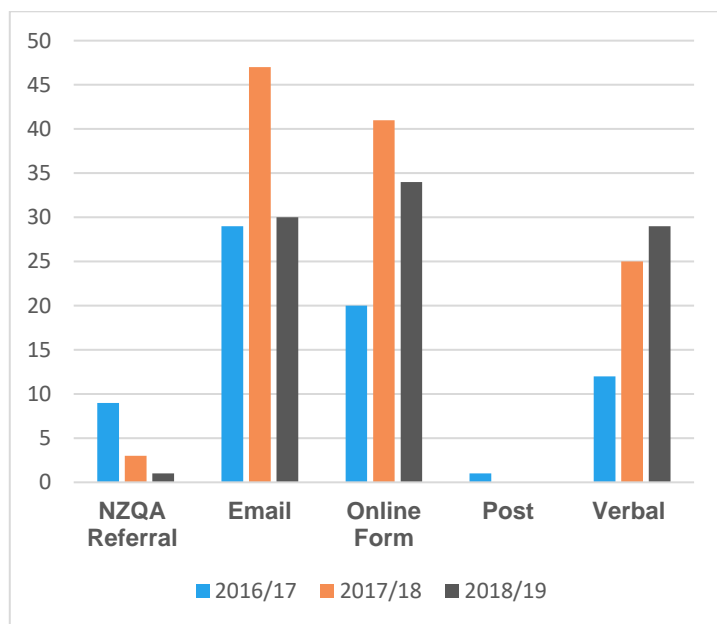
Students from India and China have made the most contact with iStudent Complaints in 2018/19.

This year, the volume of iStudent Complaints enquiries made online has remained steady while we have also seen an increased proportion of contacts made verbally.

How enquiries were received

Digital communication channels continue to be most popular method of communication for international students seeking to contact iStudent Complaints. This year, there has been an increase in the number of verbal contacts made directly with iStudent Complaints.

Method of receipt



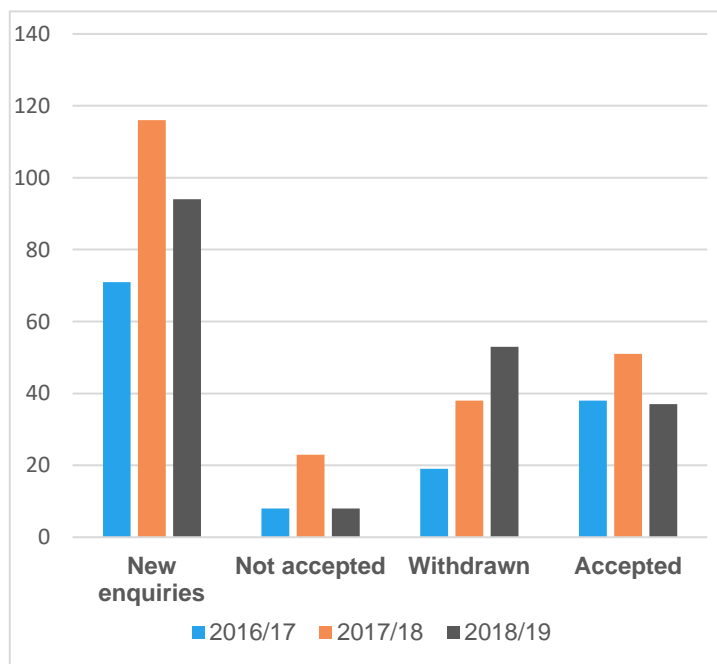
Details

	Previous Year (2016/17)		Last Year (2017/18)		This Year (2018/19)	
	Enquiries	Percentage	Enquiries	Percentage	Enquiries	Percentage
NZQA referral	9	13%	3	2%	1	1%
Email	29	41%	47	41%	30	32%
Online form	20	28%	41	35%	34	36%
Post	1	1%	0	0	0	0
Verbal	12	17%	25	22%	29	31%

Enquiry analysis

Our Resolution Coordinators guide students and providers through the process. They explain the next steps, gather all the necessary information, answer questions and keep in touch throughout. Many complaints are resolved at this initial enquiry phase.

Enquiries received



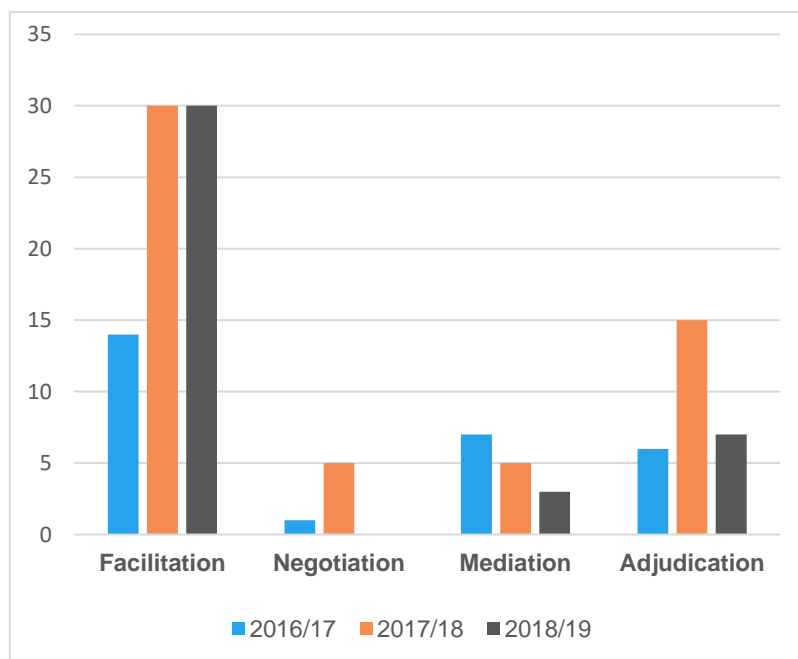
Details

	Previous Year (2016/17)	Last Year (2017/18)	This Year (2018/19)
Brought forward (Balance at 1 July)	-	6	4
New enquiries	71	116	94
Not accepted	8	23	8
Withdrawn / not proceeding	19	38	53
Accepted claims	38	51	23
Carried forward (Balance at 30 June)	6	4	10

How claims were resolved

The iStudent Complaints team supports education providers and students to identify, work through and resolve complaints. Our Resolution Coordinators will begin facilitating a complaint by gathering all information and engaging both parties in conversation. If the matter remains unresolved, then a Resolution Practitioner will help to negotiate a resolution or they may arrange a mediation. Most complaints are resolved through this process. In the small number of cases where no agreement can be reached, a decision is made through adjudication.

Method of dispute resolution



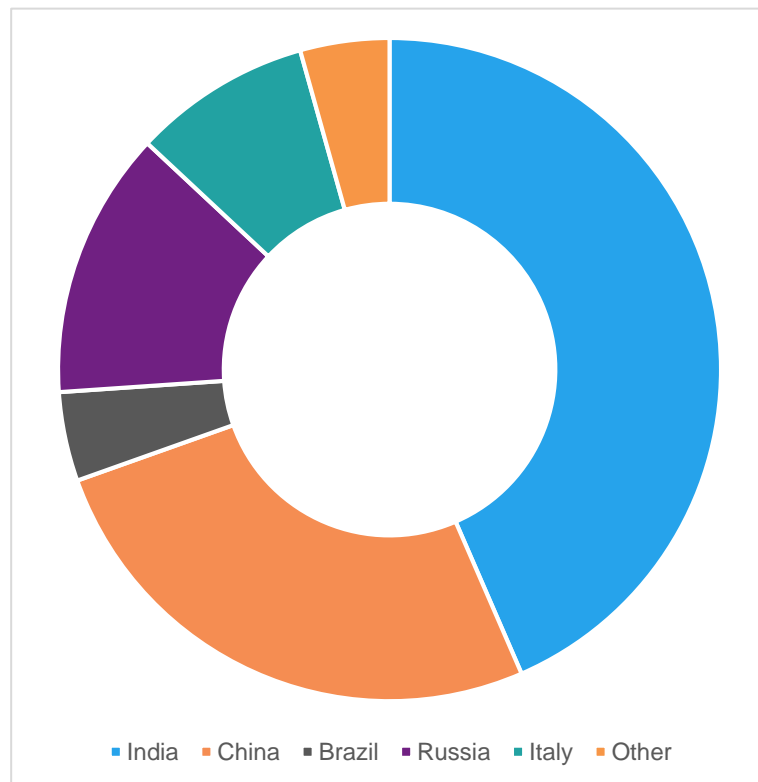
Details

	Previous Year (2016/17)	Last Year (2017/18)	This Year (2018/19)
Brought forward (Balance at 1 July)	0	10	3
Resolved at facilitation	14	30	30
Resolved at negotiation	1	5	0
Resolved at mediation	7	5	3
Resolved at adjudication	6	15	7
Total claims resolved	28	55	40
Carried forward (Balance at 30 June)	10	3	7
Total	38	58	47

Student ethnicity

Over 40 percent of all accepted claims received this year have come from Indian students, followed by students from China who made up 26 percent of accepted claims.

Ethnicity of accepted claims in 2018/19



Details

Ethnicity	Previous Year (2016/17)		Last Year (2017/18)		This Year (2018/19)	
	No. of claims	Percentage	No. of claims	Percentage	No. of claims	Percentage
India	12	32%	27	52%	10	43%
China	11	29%	6	12%	6	26%
Russia	4	11%	1	2%	3	13%
Italy	0	0%	0	0%	2	8%
Other	5	13%	5	10%	1	4%
Brazil	0	0	3	6%	1	4%
Pakistan	0	0	2	4%	0	0%
Mexico	3	8%	2	4%	0	0%
Chile	0	0	2	4%	0	0%
South Korea	1	2%	2	4%	0	0%
Hong Kong	2	5%	1	2%	0	0%
Total claims	38		51		23	

Category of claims

This table outlines the category of claims registered each year. The majority of iStudent Complaints claims involve refund requests.

ISC category	Previous Year (2016/17)		Last Year (2017/18)		This Year (2018/19)	
	No. of claims	Percentage of total	No. of claims	Percentage of Total	No. of claims	Percentage of Total
Refund - withdrawal	22	59%	22	43%	10	43%
Refund – visa declined	3	8%	6	12%	0	0
Refund - termination	3	8%	5	10%	0	0
Refund – course closure	3	8%	5	10%	5	22%
Misrepresentation	3	8%	2	4%	0	0
Incorrect fee	2	5%	2	4%	2	9%
Compensation (following NZQA investigation)	1	2%	4	8%	1	4%
Refund - quality of academic provision	0	0	1	2%	2	9%
Termination **	0	0	1	2%	0	0
Other *	1	2%	3	6%	3	13%
Total claims	38	100%	51	100%	23	100%

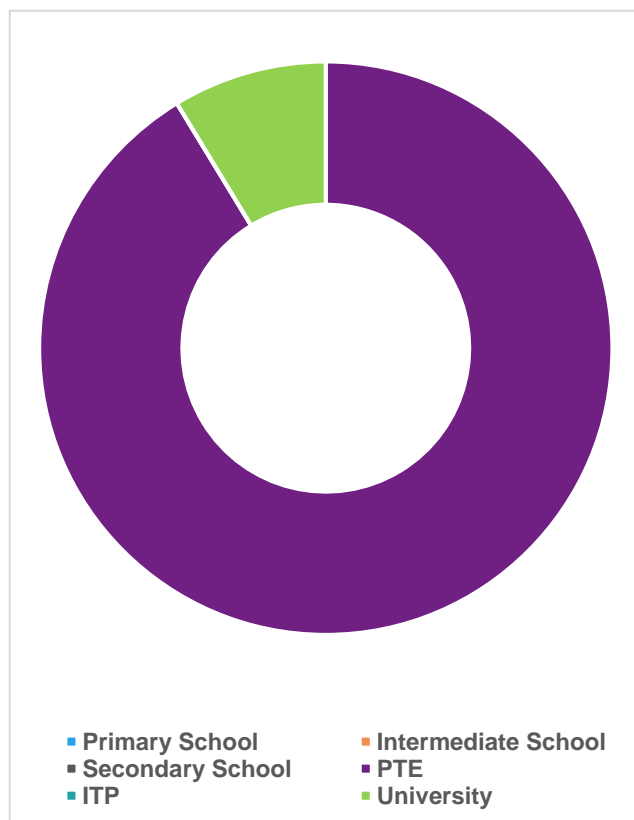
* "Other" cases related to Retake-Fee and Fee – Non-Attendance.

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

Education providers involved in claims

Over 90 percent of registered claims in 2018/19 involved Private Training Establishments (PTEs).

2018/19 provider overview



Details

	Previous Year (2016/17)		Last Year (2017/18)		This Year (2018/19)	
	Enquiries	Percentage	Enquiries	Percentage	Enquiries	Percentage
Primary School	0	0%	0	0%	0	0%
Intermediate School	1	3%	2	4%	0	0%
Secondary School	0	0%	3	6%	0	0%
PTE	34	89%	39	76%	21	91%
ITP	2	5%	5	10%	0	0%
University	1	3%	2	4%	2	9%
Total	38	100%	51	100%	23	100%

Please note that all demographic information relates to claims accepted during the current reporting year and does not include claims carried forward from last year.

Case studies

1. The value of iStudent Complaints approach

Background

The student, who had returned to China, approached iStudent Complaints as she felt that the refund offered by the provider was insufficient and she did not agree with their calculations.

There were a number of challenges present in this case which required the Resolution Practitioners to find creative solutions to ensure that the parties could participate effectively. These included the technological challenges of creating a virtual mediation 'table', logistical and timing issues, finding ways to incorporate and explore the role of the supporter, working with parties from diverse backgrounds and dealing with power imbalances.

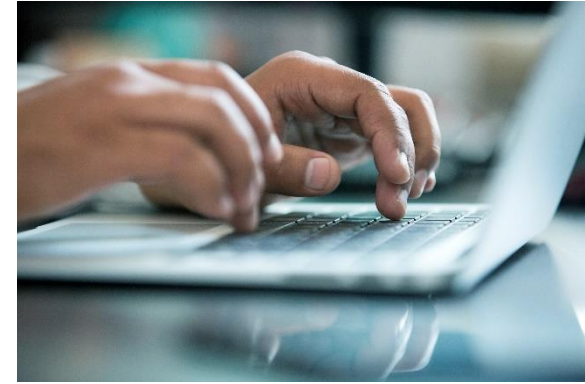
Technology and logistics

The Student was in China, while the provider and practitioners were located in New Zealand. The distance and time difference needed to be dealt with in a way which would facilitate the information sharing process. Possibilities included teleconferencing and videoconferencing. We encountered difficulties in contacting the Student by phone but were able to set up a Skype pre-mediation meeting by email. Successful connection on the day took a couple of tries and highlighted the importance of having a backup form of communication, in this case email, available.

The time difference also raised issues for the joint meeting in that there was a limited window for connection. Because of this, we decided to have two shorter sessions a few days apart. The other benefit of shorter sessions is that online mediation can be extra tiring for people. Having two sessions can also be a way to differentiate between different stages in the mediation and allow time for digestion and processing of information, and the generation of options.

For practitioners, the main learning here is the importance of gaining confidence with the technology and having backup systems in place. It is also important that your parties feel confident and for this reason, having a practice run at the pre-mediation meeting and discussing what will happen if the technology fails with them in advance can alleviate everyone's anxiety.

Importantly, online mediation with multiples parties clearly necessitates the importance of identifying participants and their roles clearly and highlighting the confidential nature of mediation, especially when online processes can be easily recorded and the opportunity for others to listen in is increased.



Creating the virtual space

The first important point is that everyone was online. The student and her support person joined from China. The provider's two representatives joined from their campus and the practitioners from their office. As such, all participants were having the same experience, and no one had the perceived benefit of being in the same room as the practitioners. Our experience is that the beginning of the mediation is a vital step in setting the scene for meaningful communication and connection. The practitioners began with introductions using the theme of 'who am I and where do I come from'. The purpose of this is to get participants to share beyond their role in the dispute. By starting, the practitioners were able to model the response they were after. Talking about themselves, their country of origin and their experiences and background, participants were invited to do the same. This process breaks down the traditional 'educator' and 'student' inherent power imbalance and begins to set the tone that this is a group of diverse people coming together to sort a problem. In this mediation, the provider's representatives and the student and her support person had never met. There was a big impact when everyone connected via video at the joint meeting and could see each other.

The role of the support person

The student was supported by a friend who acted as both an interpreter and advocate. She was not only there to provide emotional support to the student, but her role was also to be a facilitator of understanding. She played a very active role in the mediation and the process was enhanced because of her input. Our experience is that support people are in reality never silent even if they do not speak in the mediation. The party has brought them with because they recognise that they may not always be able to communicate clearly and because of their close connection to the issue, may not be able to listen and hear effectively. In this case, the role also included translating from English to Mandarin. Recognising the value that support people can bring and trusting parties to define the parameters of this support is valuable to the process as a whole. While practitioners need to be aware of this as a possibility, at no time in this mediation did we feel that the support person had overstepped the Student's voice.

The process

Dealing with the challenges and focusing on relationship building facilitated the creation of the virtual mediation table. The parties were ready to begin exploring the issues and sharing their viewpoints. We assisted them with this process by looking back to move forward. The parties worked together to create a joint timeline of what had happened. By sharing each of their stories and dealing with miscommunications, perceptions and gaps in information, they were able to create a third shared story. Creating a shared understanding of what had happened, allowed the parties to see that both had suffered loss and to move from fault finding to finding a true resolution (not solution).

Other insights

Education empowers students and iStudent Complaints provides another opportunity for this. It provides a forum for real-life problem solving and conflict resolution. Students are supported through this process and all parties are given the chance to voice their issues and are empowered to have those difficult conversations. This case also highlights how technology can be a successful alternative to face to face mediations. By fitting the process to the circumstances of parties, meaningful dispute resolution is always possible. This is no different when the parties are separated by distance and other online means of creating a safe and successful forum need to be used.

2. Was a student entitled to a refund following withdrawal due to illness in the family?



The student's complaint related to a withdrawal refund request that had been declined by the provider.

The student said they had been forced to withdraw from the course a few months after it started because there was illness in the family, and he was required to return home. The student had sought a refund, but the provider had refused – stating that under its refund policy no refund was due.

The iStudent Complaints facilitator sought more information. The student explained that one of their parents was ill and would require ongoing treatment. The situation was putting the student (and the rest of the family) under considerable strain which in turn was affecting the student's studies, hence the decision to withdraw.

iStudent Complaints contacted the provider, who clarified that the student had enquired about the complaint process but that the student had contacted iStudent Complaints before lodging a formal complaint through their internal process.

It was confirmed that students are able to submit a complaint to iStudent Complaints in the first instance should they wish and that iStudent Complaints can in turn raise the matter with the provider. In such instances the provider is provided with reasonable time to investigate the situation.

The provider explained that the information provided by the student at the time of withdrawal had indicated that the student had been fully aware of the parent's condition prior to the start of the course and that no further evidence had been provided to indicate that the condition had deteriorated at the time of the withdrawal. Hence the refund policy had been applied. The provider however offered to review the decision should the student be able to provide additional evidence that the family member's health had deteriorated after the course began. The student provided further background information and copies of medical reports in support of the claim.

Following a review of this new information, the provider offered the student a partial refund pro-rated to the time he had attended his course. The student was pleased to accept the offer. Both parties advised that they were grateful for the assistance provided by iStudent in reaching a resolution.

3. Was the Student incorrectly charged?

The student was enrolled in a Level 6 course with the provider. The student made payment of her fees for Year 1. The student discovered after commencing her studies that other students enrolled in the same course as her were paying lower fees.

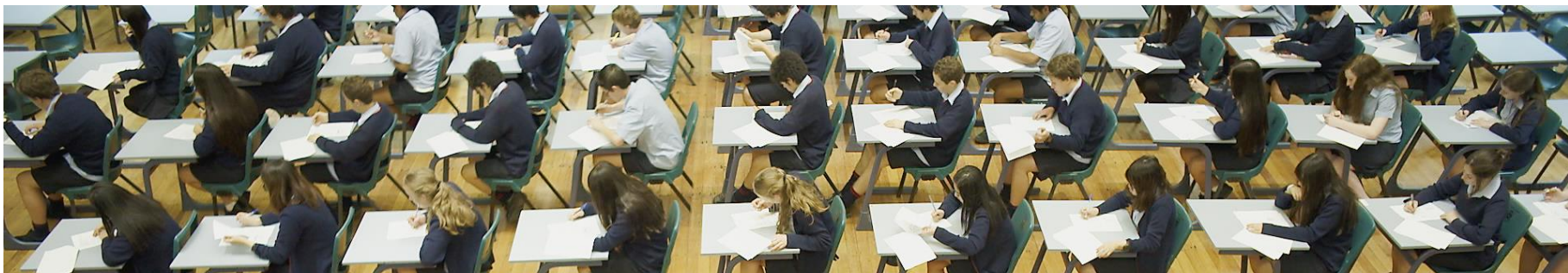
Communications between the student and the provider followed, and the provider advised the student that the fees were correct. Further, the provider advised the student that the “lower fees paid by some students were as a result of promotions offered from time to time by the provider to certain agents”. This enabled the agents “to offer selected programmes to potential students with a fee scholarship”. The provider’s position was that the student was advised of the fees in the Application Form when she completed and accepted the provider’s Offer of Place and made payment of the fees on this basis. As such, there was no reason for the provider to now reduce the fees or provide fee scholarship.

The student and the provider met in mediation in an attempt to reach agreement on the above issue.

They were unable to reach agreement and the matter was referred to adjudication.

In the Final Decision the adjudicator found that the provider had met their statutory obligations in terms of Section 234B (a) and (b) of the Education Act 1989. Further, that a binding contract existed between the provider and the student. The adjudicator also found that the provider’s actions were not misleading and therefore lawful. The adjudicator also considered whether the actions of the provider were “fair and reasonable in the circumstances”. The adjudicator considered the fact that the majority of the students studying the programme were paying the same fees as the student and further that as a commercial entity, the provider was not prohibited from using price discrimination in order to market its programmes.

The complaint was dismissed.



Systemic issues

No systemic issues were identified during the 2018-19 reporting year.



Performance measures

iStudent Complaints is committed to delivering a quality and efficient service to the students and education providers who need our services.

Performance Measure	Target	Achieved	Additional comments
Initial response to claim within 1 working Day	95%	96% (Target Achieved)	
Triage Decision (accept and allocate practitioner, request further information or decline) within 15 working days of claim	95%	100% (Target Achieved)	
Negotiation - Disputes managed by negotiation completed within 10 working days of triage decision)	90%	Not applicable	Zero cases were resolved through negotiation this reporting period.
Mediation – Disputes completed within 30 working days of triage decision.	85%	100% (Target achieved)	The average time for matters to resolve at mediation was within 20 days of the triage decision.
Disputes completed within 35 working days of triage.	95%	100% (Target achieved)	

Performance Measure	Target	Achieved	Additional comments
<p>Adjudication – Disputes completed within 30 working days of decision to involve an adjudicator</p> <p>Disputes completed within 60 working days of the decision to involve an adjudicator</p>	<p>85%</p> <p>95%</p>	<p>57% (Target not achieved)</p> <p>86% (Target not achieved)</p>	<p>The average length of time for adjudication was 33 working days.</p> <p>Four of the seven cases resolved at adjudication exceeded the 30-working day timeframe.</p> <p>One case of the 7 cases resolved at adjudication exceeded the 60 working day measure.</p>
<p>Service Quality - At least 75% of disputes are resolved by Consensual measures</p> <p>Less than 10% of adjudication decisions are modified by the District Court under section 238L(3)</p>	<p>75% or more</p> <p>Less than 10%</p>	<p>83% (Target achieved)</p> <p>No modifications (Target Achieved)</p>	<p>A significant increase on last year's performance was achieved, with 83% of disputes resolved by consensual means.</p>

Satisfaction with iStudent Complaints

Feedback is sought from parties using the scheme by way of Satisfaction Surveys sent at the end of the dispute process.

Overall satisfaction

Overall, how satisfied are you with the service you received from iStudent?	Totals
Very satisfied	50%
Satisfied	50%
Neutral	0%
Dissatisfied	0%
Very dissatisfied	0%
Don't know	0%

About our team

Thinking about team members you interacted with, how strongly do you agree or disagree that they...?	
Listened to you and understood your views?	100% agree/strongly agree
Were friendly and courteous?	100% agree/strongly agree
Gave you all the information you needed about the dispute resolution process?	100% agree/strongly agree
Were knowledgeable and able to answer your questions?	100% agree/strongly agree
Were able to handle your query efficiently?	100% agree/strongly agree

About the process

How strongly do you agree or disagree with the below statements about your experience?	
The process was fair and impartial	83% agree/strongly agree
I had a good understanding of the process and how long it would take	83% agree/strongly agree
I was kept well informed of what was going to happen, eg. Delays, changes, how the process would work	67% agree/strongly agree
The time taken for the process was reasonable	83% agree/strongly agree
I understood the outcome	83% agree/strongly agree

Anecdotal feedback

From students

“Thorough and unbiased.”

“I think it was mutual faith and understanding of the issue.”

“Friendly and helpful service.”

“Clear comms and great follow up - I appreciate the reminders!”

“Such a true mediator.”

“(Name) is very cooperative, he follows the case more than I do. Thanks to (Name) for his efforts.”

“Thank you for your assistance. I really liked your customer service.”

“I have got the payment of \$400 thank you so much for the help. I really appreciated.”

“I appreciate the commitment level by (Education Provider) as well as from iStudent support. Once again, thank you and I hope the (Education Provider) will keep progressing with excellence and definitely I am proud student of (Education Provider) forever.”

From providers

“Thank you for your constructive engagement throughout the mediation process. We have been genuinely grateful for your feedback and our commitment to identifying improvements to our systems and processes is sincere. Good luck with this next stage of your career.”

“(Name), thanks to you too for your great tact and support during the mediation process.”

Complaints regarding iStudent Complaints

No formal complaints were received concerning iStudent Complaints during the reporting period.



Raising awareness of iStudent Complaints



Through our communications and marketing activities, we are creating awareness of iStudent Complaints amongst our core audience groups.

We are seeing particularly strong results from our digital engagement with international students.

Highlights from the year include:

- Email newsletters for education providers
- Developing a new flyer
- Our presence at events
- Significant increases in our website and social media engagement.

Email newsletters

Education providers who are signatories to the Education (Pastoral Care of International Students) Code of Practice 2016 remained a key audience for iStudent Complaints in 2018/19.

Building on our previous email series, released three update emails in 2018/19 to maintain awareness and engagement with this audience group. We have had strong open rates for these campaigns.

Newsletter	Date
Happy Holidays from the iStudent Complaints Team <ul style="list-style-type: none">44.52% open rate1% click rate	18/12/2019
Latest news from iStudent Complaints <ul style="list-style-type: none">52.35% open rate3.38% click rate	27/02/2019
iStudent Complaints – May Update <ul style="list-style-type: none">47.85% open rate3.57% click rate	30/05/2019



Flyer



The iStudent Complaints team designed an A5 flyer to help promote the dispute resolution scheme.

In keeping with iStudent Complaints theme of promoting New Zealand as a great place to study, we position iStudent Complaints as being here to help students navigate their educational experience in New Zealand.

This resource was useful when engaging with both students and providers at meetings and events throughout the year.

Article

In response to a topic in the media, iStudent Complaints published an article entitled “What Can International Students Do If They Feel They Are Being Mistreated During Internships?”

The media reports featured international students who reported being exploited or treated like slaves during internships. Whether studying in a classroom environment or gaining practical work experience as part of their course, we wanted international students to know that they can expect a safe and quality education.

This article is available online:

<https://www.istudent.org.nz/resources-publications/article/what-can-international-students-do-if-they-feel-they-are-being-mistreated-during-internships>



Events

7 April 2019 - Auckland International Cultural Festival



FairWay and iStudent Complaints had a very successful day reaching out to the community of Auckland.

The annual International Cultural Day is held at the War Memorial Park, Mt Roskill.

This is the fourth year we have participated, and the festival continues to grow in size and diversity.

6 February 2019 – Porirua Waitangi Day Festival



Looking for something to do this Waitangi Day?



COME VISIT US AT THE WAITANGI DAY FESTIVAL ON THE PORIRUA WATERFRONT!



For several years running, FairWay and iStudent Complaints have had a presence at the annual Waitangi Day Festival in Porirua.

This is a great community event where the team engage with individuals from wide variety of backgrounds.

This year, we had a mixture of sunglasses and fan-flyers as promotional goods for the event.

2018 ANZELA Conferences

iStudent Complaints attended the Australia & New Zealand Education Law Association (ANZELA) Conference in Cairns last October.

Denise Evans and Kristine Brown presented a paper at the ANZELA Conference entitled 'Going with the grain when resolving education disputes' which included insights from our iStudent Complaints experience.



2018 NZIEC Conferences

iStudent Complaints attended the New Zealand International Education Conference & Expo (NZIEC) in Wellington.

We co-presented a session entitled 'Ineffective communication – a common cause of Code complaints' with NZQA.

In 2019, the iStudent Complaints team will be a sponsor and host an exhibit stand at the event, and present a session entitled 'If we can do it -so can you' in Sky City, Auckland.



Meetings

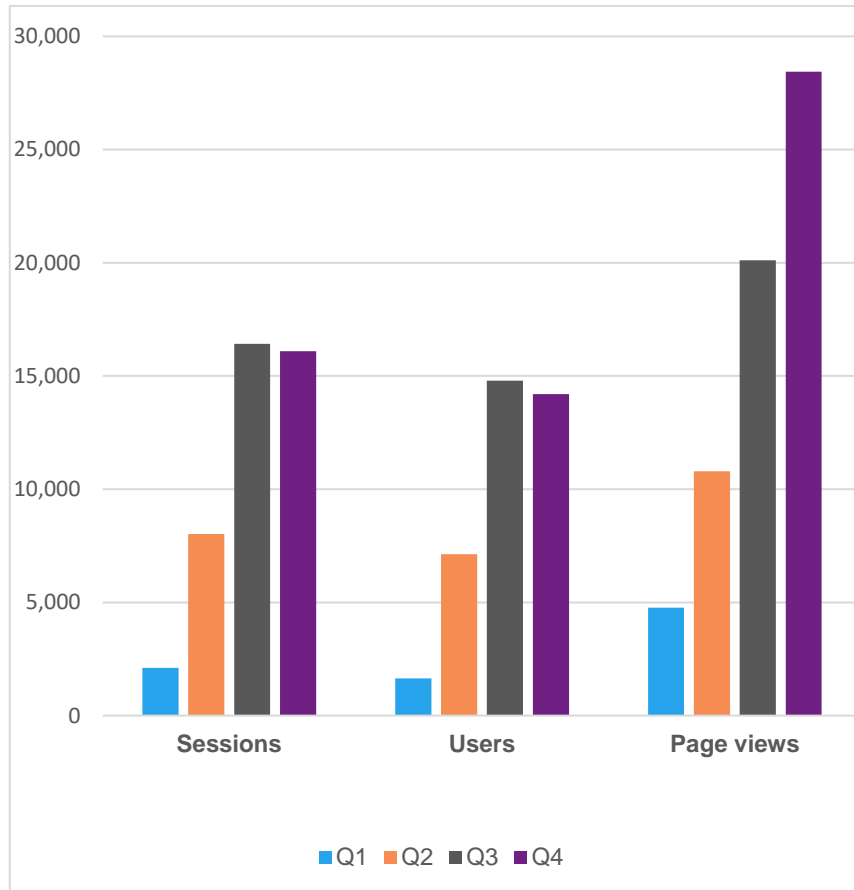
Throughout the year, we have engaged with both education providers, agents and international student organisations in order to give them insight into the process iStudent Complaints offers and how the service is of benefit to them and their students.

An example is our meeting with the New Zealand International Students' Association (NZISA) in May where we discussed how our organisations can work together to streamline the dispute resolution process for international students studying in New Zealand together with NZQA.



iStudent Complaints website

Website audience



iStudent blog

The iStudent Complaints blog continues to be our most successful vehicle for regular digital engagement international students and their families.

Our weekly blog is published on the website, and then shared through our social media channels to help promote New Zealand as a great place to study and iStudent Complaints as a service should students ever need it.

Our blogs have included:

- 2019 Kiwi Kai for International Students to Try
- Iconic Kiwi Songs for International Students to Listen To (including a Spotify playlist)
- An iStudent Complaints Guide
- The Kiwi Way – Openness and Helping each Other (in response to the Christchurch events)
- New Zealand Living Costs – A Guide for International Students
- 10 Tips to Look After Your Mental Wellbeing.

Website growth

Our website page views have grown considerably from last year:

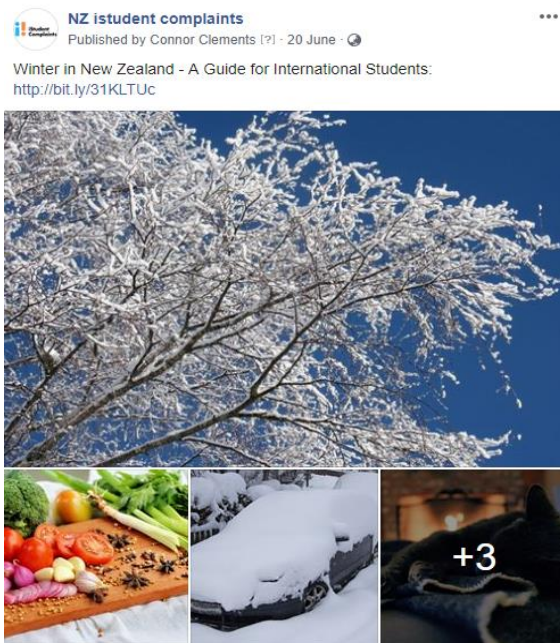
	Q1	Q2	Q3	Q4
2017/18	4038	5019	5394	4731
2018/19	4770	10790	20,115	28,444

Social media

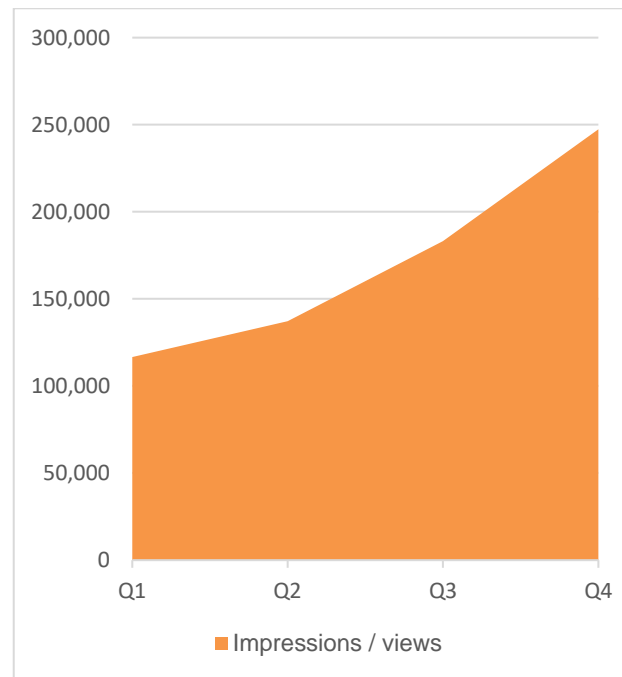
Through our digital engagement, particularly by sharing a weekly blog for international students, we have grown our Facebook following to from over 7,000 followers last year to over 25,000 followers and we have consistently high engagement with our posts. As an example, our 'Winter in New Zealand – A guide for International Students' post from 20 June 2019 reached over 30,000 people and had almost 4,472 reactions, comments and shares.

<https://www.facebook.com/istudent.complaints/>

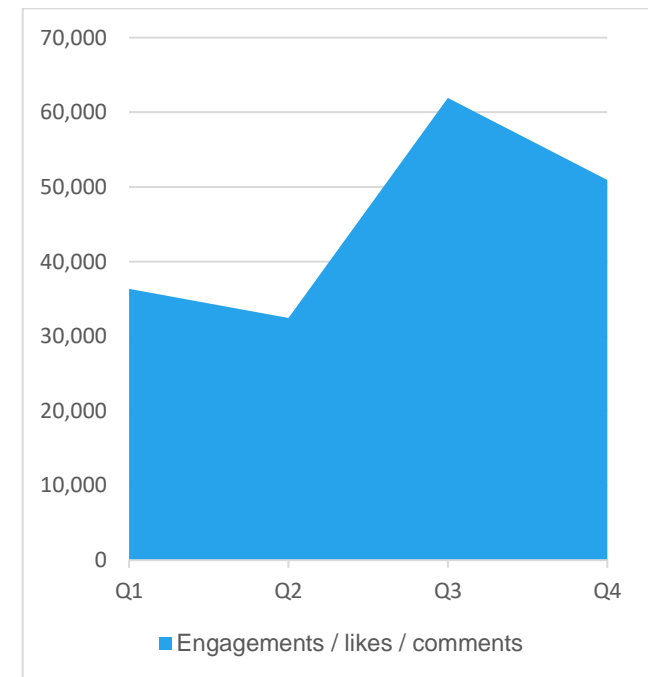
Facebook post



Facebook - impressions/views



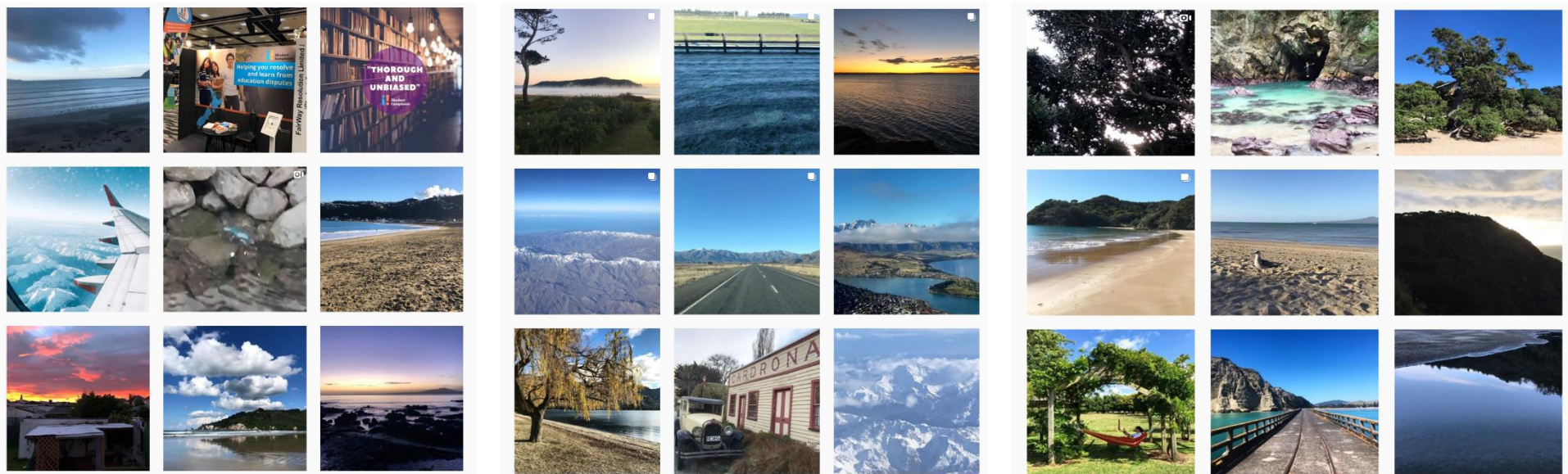
Facebook – likes, shares, comments



Social media (continued)

Our iStudent Complaints Instagram page is also continuing to gain popularity. We share images of New Zealand, and our iStudent Complaints blog. We now have 648 followers (up from 460 followers).

<https://www.instagram.com/istudentnz/>



Looking forward

Plans for the year ahead

In the coming year, we plan to:

- Undertake a review and refresh of the iStudent Complaints website
- Have a presence at education conferences including NZIEC
- Continue engagement within the education sector
- Focus on our digital engagement with international students
- Continue to focus on the early resolution of disputes.

Financial performance

For the year ended 30 June 2019 *

		2019	2018
	* note	\$,000	\$,000
Income		222	218
Depreciation and Amortisation		7	7
Personnel		51	70
Other	**	89	122
Operating costs		147	199
Operating surplus		75	19

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

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