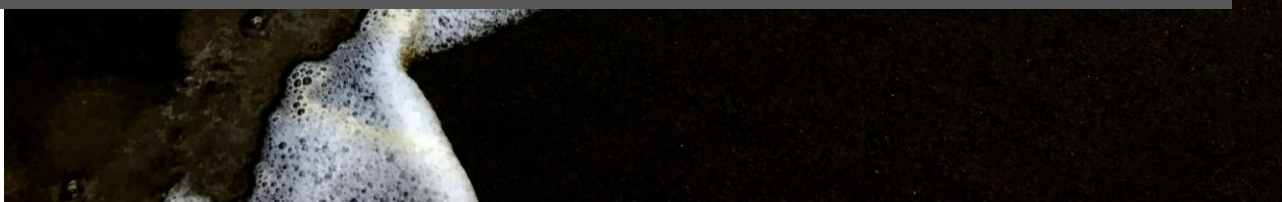




Annual Report

2020 | 2021



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Feedback from a student

“Thank you for your help in facilitating and mediating with a solution. While I am disappointed with the outcome, I respect [the Adjudicator] decision and will just have to put this behind me and move on.”

Welcome

Tēnā koutou katoa

Welcome to the iStudent Complaints Annual Report for 2020/21, our fifth year as the international student dispute resolution scheme.

The education sector is still navigating the challenges of a global pandemic. While we may not have the same volumes of overseas learners on our shores, iStudent Complaints remains here to help where we can. Overall enquiries have reduced by a quarter in the past year, however we have seen an increasing need for more formal dispute resolution services. In particular, adjudications have tripled in the past year demonstrating the need for both consensual and determinative processes being available to support students and their education providers.

For those students who need our help, iStudent Complaints continues to focus on early resolution. Of the 75 enquiries received this year, 60% required more formal assistance (facilitation / negotiation / mediation / adjudication). 32% of enquiries were resolved or closed directly between the education provider and student, after initial assistance and referral by our team (noted as withdrawn / not proceeding in the statistics that follow). 53 complaints were resolved by the team – with the majority resolved by facilitation, followed by adjudication, mediation and negotiation. Since COVID, we have seen increasingly complex cases and have also noted the difficulty in finding times where parties were available as many complainants were based offshore. These factors have led to longer resolution timeframes and more cases requiring a determinative approach than previous years.

Our team continue to innovate and continuously improve our service. This financial year, we moved to a new case management system which enhanced our internal ways of working. We also undertook a complete redesign and rebuild of our website, focussing on accessibility, making it easy for international students to navigate and interact with us. We've seen an increase in students using our online forms since the change. We also introduced a new contact centre solution, improving the experience of customers who phone our team.

I would like to acknowledge the work of two of the iStudent Complaints team members - Emma Barker and Josh Thomas who as Resolution Facilitators have been key to the delivery of our services. I'd also like to recognise the wider Commercial Services team at FairWay – the Resolution Coordinators, Resolution Practitioners and Client Managers who together ensure our customers have a great experience and receive a quality service. Ehara taku toa i te toa takitahi, engari he toa takitini – my strength is not that of a single warrior but that of many.



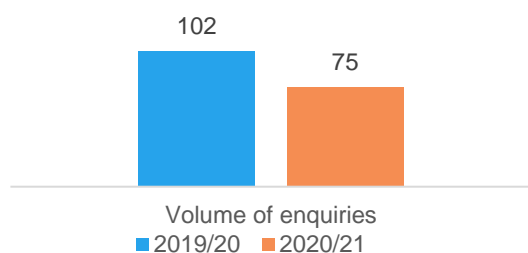
Ngā mihi

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



Enquiries to iStudent Complaints have reduced by a quarter compared to last year. There was a reduction in the overall number of enquiries during the current year; 52% were made by international students outside of New Zealand. The higher percentage of off-shore enquiries is likely linked to border closures.

Location of student making enquiry

52% were outside of New Zealand
(39 offshore enquiries)

39% were in New Zealand
(29 onshore enquiries)

9% did not record their location
(7 enquiries not specified)



How enquiries were received

We launched a new website which makes it even easier to engage with us. The website is available in nine languages and now students can make a complaint online in their native language. The value of these changes is illustrated in this table, showing the majority of interactions are now made through our website.

For students who prefer to communicate in person or over the phone, we offer interpreter services.

We also regularly engage with students overseas using videoconferencing and have seen this increase since the pandemic.

	Last Year (2019/20)		This Year (2020/21)	
	#	%	#	%
Online form	40	39%	38	51%
Email	37	36%	30	40%
Verbal	25	25%	7	9%

Progression of enquiries (enquiries converted into complaints)

Of the new enquiries received, almost 30% were concluded through early resolution offered by iStudent Complaints.

	Last Year (2019/20)	This Year (2020/21)
Brought forward (Balance at 1 July)	10	7
New enquiries	102	75
Not accepted	13	10
Withdrawn / not proceeding* (includes early resolution)	38	24
Accepted cases	54	45
Carried forward (Balance at 30 June)	7	3

56% of accepted cases involved offshore students (25 cases)

38% of accepted cases involved onshore students (17 cases)

**The remaining 3 cases did not record their location*

Overview of cases

Country of origin

Country	This Year (2019/20)		This Year (2020/21)	
	#	%	#	%
China	20	37%	15	33%
Singapore	0	0%	10	22%
Other	13	24%	9	20%
India	17	31%	6	13%
South Korea	0	0%	4	9%
Italy	1	2%	1	2%
Brazil	3	6%	0	0%
Total cases	54		45	



As a result of the closure of one Private Training Establishment this year, we received cases from 10 affected students based in Singapore.

Education providers involved in cases

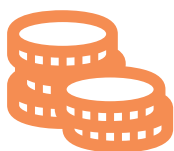


Cases about Private Training Establishments remain the highest.

An increase is noted in three other categories. Pre-tertiary providers account for only 20% of the total complaints.

	Last Year (2019/20)		This Year (2020/21)	
	#	%	#	%
Private Training Establishment	34	63%	26	57%
Institute of Technology or Polytechnic	4	7%	5	11%
Transitional Industry Training Organisation	2	4%	4	9%
Primary school	8	15%	4	9%
Secondary school	1	2%	4	9%
Intermediate school	1	2%	1	2%
University	4	7%	1	2%
Total	54	100%	45	100%

Nature of the cases



We have seen a major increase in cases requesting a refund following a course closure.

For example, if an education provider closed down or if a course was unable to run due to insufficient numbers.

	Last Year (2019/20)	This Year (2020/21)
Total	54	45
Refund – course closure	1	15
Refund – Withdrawal	13	10
Safety & Wellbeing/COVID-19	0	7
Refund – Quality of provision (academic)	11	4
Compensation	6	3
Misrepresentation	3	2
Refund – Visa declined	2	2
Other *	8	1
Contract - Termination **	1	1
Incorrect fee	6	0
Refund – Termination	3	0

* In 2019/20 "Other" related to COVID-19.

In 2020/21 "Other" related to a refund due to a student's personal circumstances.

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

How cases were resolved

	Last Year (2019/20)	This Year (2020/21)
Brought forward (Balance at 1 July)	7	17
Resolved at facilitation	27	28
Resolved at negotiation	0	3
Resolved at mediation	10	7
Resolved at adjudication	5	15
Total cases resolved	42	53
Carried forward (Balance at 30 June)	17	12
Total	59	65



Adjudication numbers
have tripled.

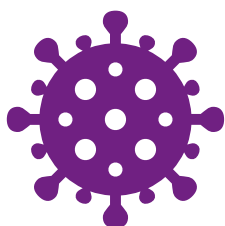
Parties were generally more entrenched in their positions, requiring adjudicators to make findings.

About the resolved cases

72% of all cases were resolved through consensual processes. 62% of resolved cases involved offshore students and 38% of resolved cases involved onshore students.

Student location	Method of resolution (2020/21)				Total
	Facilitation	Negotiation	Mediation	Adjudication	
Offshore	21	2	4	6	33
Onshore	7	1	3	9	20
Total cases resolved	28	3	7	15	53

COVID-19 related cases



Half of all cases completed were COVID-19 related.

The majority of these cases were from students who were unable to enter or re-enter New Zealand and who disputed the offered refund or resolution from their provider (20 cases).

Case studies

Alcohol leads to high school student's bad behaviour

About the case

During a school trip an 18-year-old international student purchased and drank alcohol. He also gave alcohol to other underage students. In an intoxicated state, the international student tried to kiss some of the students. The minor students reported the behaviour to the school, who immediately suspended the student. After internal procedures were carried out, the student's placement was terminated and he returned to his home country.

The student's father was very upset and lodged a complaint with the school. The father said the school was to blame for what happened on the school trip and that the subsequent disciplinary and termination processes were unfair towards the international student. The father felt it was the school's lack of supervision which gave the 18-year-old student an opportunity to buy alcohol on the trip. The father claimed if the school had provided adequate supervision this would not have happened. The father wanted the school to pay compensation and apologise to the international student.

The school did not agree with the father's view and the dispute was referred to iStudent Complaints.

How we helped

Although mediation was offered to the parties, the dispute remained unresolved and the parties asked iStudent Complaints to adjudicate the dispute. The adjudication was done on the papers, meaning information and submissions from both parties were provided to the adjudicator in writing. Several other issues were raised when the papers were filed.

Outcome

The adjudicator partly upheld the parent's complaint, finding there was insufficient evidence that the school had provided adequate supervision during the school trip. The adjudicator ordered the school to review its policies for supervision requirements during school trips.

The adjudicator, however, did not agree with the father's view that the school was solely to blame for what happened. The adjudicator found that the student breached the school's policies and procedures, and that the school was within its right to terminate the international student's placement. The student was 18 at the time of the incident and as an adult he should bear responsibility for his actions in breaching rules that were known to him. The adjudicator concluded there was no basis for finding the school had to pay any compensation to the student.



Intermediate school student caught with cannabis while suspended

About the case

Just as the Prime Minister announced that New Zealand was closing its borders in 2020 due to the COVID-19 pandemic, a young international student was suspended for circulating inappropriate and explicit material amongst her classmates. Whilst still on suspension, the same student was caught smoking cannabis at her homestay. The school followed its internal disciplinary process with the student and decided to terminate her placement. For the student, it meant finding a new school in New Zealand or returning to her country of birth.

Because of the uncertainty around COVID-19, the student's parents decided it was best for her to return home. Logistically this was a nightmare to work out, as the parents no longer resided in the student's country of birth and the student could not get a visa for the new country her parents were now living in. The student was very stressed during this period. The school provided support by arranging for the student to stay at another homestay while she waited for her visa and flight.

After the student left New Zealand her parents raised concerns around how the school supported the student during the period before her departure. The parents felt that the student was not given a fair opportunity to present a case during the hearing against her and that the school could have done more to support the student. The parents also felt the sanction to terminate the school-placement was very harsh if one were to consider the impact it had on the student during an international pandemic.

In addition, the parents wanted a refund of a portion of the school fees paid, as the student only attended school for a couple of weeks. The school disputed the parent's view and very soon the dispute escalated with both parties getting lawyers involved.

The parents were advised to refer a dispute to iStudent Complaints.

How we helped

Our first step is always to see if a mutual resolution can be reached. iStudent Complaints arranged to mediate the dispute using an online videoconferencing platform. At mediation, both parties got an opportunity to listen to each other and work together towards a solution.

Outcome

With a greater understanding of the needs and interests of the other party, the school and parents were able to reach a settlement which addressed their needs and the matter was closed. The terms of the settlement are confidential between the parties.



PTE student enrolment terminated

About the case

A Private Training Establishment (PTE) terminated a student's enrolment after the student allegedly refused to get support for his mental health.

Concerns were raised about the student's behaviour in class by his tutor and some incidents had taken place on campus, resulting in a warning being made to the student.

In support of the student, the education provider arranged counselling, met with the student and his support person, offered a different training option and ultimately asked the student to get a report confirming he was "*stable to cope with class situations, fellow students and his studies*". The student refused to visit the counsellor and some more incidents occurred, resulting in the student being trespassed from the campus. The provider alleged that despite all their support efforts the student's mental health impacted on his ability to act in a mature way and it therefore had the right to terminate the student's contract.

When the student's enrolment was terminated the student referred a dispute to NZQA. NZQA found the provider had breached parts of the Private Training Enterprise Registration Rules. The student also referred the dispute to iStudent Complaints, claiming "cultural favouritism" had taken place, harassment about his mental health and that false claims had been made about the student physically assaulting a staff member. The student wanted a full refund of his study fees.

How we helped

iStudent Complaints appointed a mediator and a mediation took place between the student and education provider, but they were unable to resolve the matter together. The student asked iStudent Complaints to adjudicate the matter. The adjudicator asked both the student and education provider to outline their positions and provide supporting information so they could make an independent decision on the matter.

Outcome

The student's complaint was partially upheld by the adjudicator.

The adjudicator dismissed the student's claim about cultural favouritism as no evidence was submitted to support this allegation. She also found there was insufficient evidence to comment on the alleged physical assault.

The adjudicator did agree with the student that the education provider had not fulfilled their contractual obligation to the student. iStudent Complaints found that it was reasonable for the provider to refund a portion of the student's tuition fee.



Refund reduction and delay for PTE student

About this case

An Indian student arrived in New Zealand to undertake a course at a Private Training Establishment (PTE). Due to air travel delays associated with COVID-19 in early 2020, they arrived late on the day their course commenced and went straight to the school. The student asked to start a day later as they were fatigued from their travel, however, this was declined and due to missing the first day of class, the student was told that they would not be able to take part in the course. They were offered a place in the same course starting later in the year, but instead chose to enrol in an alternative course with a different provider.

After changing providers, the student requested that 80% of the original course fees be refunded and transferred to their new education provider. The school advised that they would refund 70% of the fees, which the student accepted. After three months of subsequent follow up by the student, the refund offered by the provider was changed to approximately 40% of the fees. The student was dissatisfied with this amount, believing they were entitled to more, as per their contract with the provider, and the earlier communication advising that they would receive 70% of their fees refunded.

How we helped

The student sought assistance from a trusted member of the Indian community who contacted iStudent Complaints as an advocate for the student.

After gaining the students authority to speak with their advocate, iStudent Complaints contacted the provider and shared the information that the advocate had forwarded.

Outcome

The provider reviewed all the information and responded to the student advising that they would refund 100% of the course fees, acknowledging the original offer and the considerable time that had elapsed since the refund request.

The satisfied student got in touch with iStudent Complaints following this and expressed “*Thank you for your great work*” to the team involved.

Systemic issues and scheme complaints



Systemic issues

No systemic issues were recorded during the 2020/21 financial year.

Complaints regarding iStudent Complaints

No formal complaints concerning iStudent Complaints were made.

Performance measures

iStudent Complaints is committed to delivering a quality and efficient service to the students and education providers who need our assistance. During the course of the COVID-19 pandemic, our ability to meet KPIs has been severely challenged given the majority of students that proceed through the process are based overseas. This has caused many issues previously not experienced in the pre COVID-19 environment, for example:

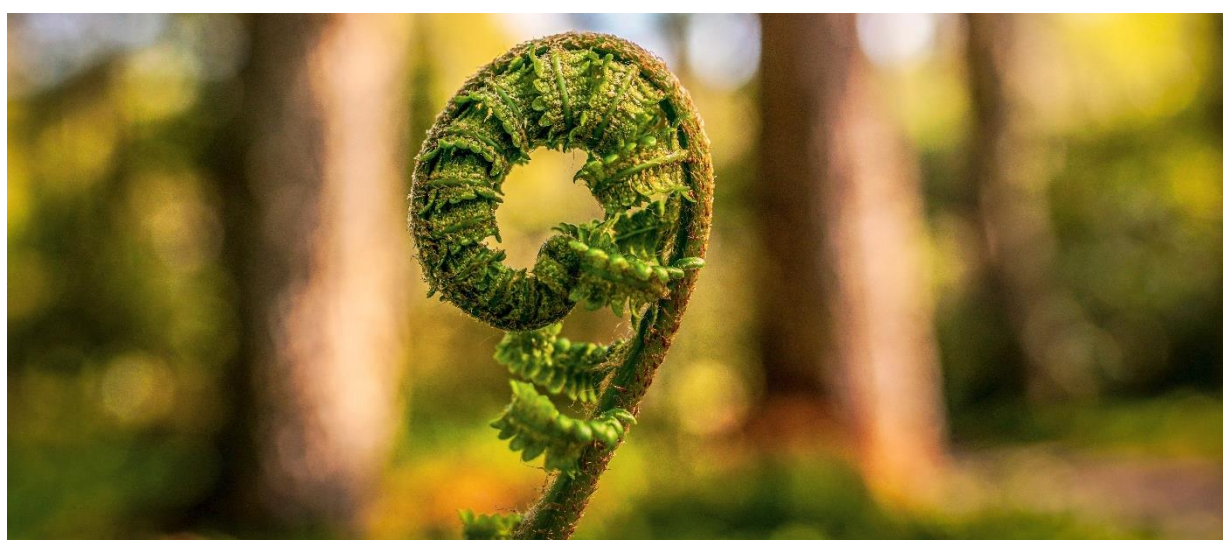
- Communication lags due to international time differences
- Holding mediations is more difficult to organise due to the limited time frame when all parties are available (due to time differences).

Students overseas do not have access to the same student support or mental health services as those based in New Zealand. Due to the disruption of COVID-19, mental health and wellbeing need to be duly acknowledged when progressing cases. Timeframes were amended to allow students the opportunity to access extra support as necessary. Timeframes were also extended to allow students to participate fairly and fully.

We are reviewing our internal processes as part of our continuous improvement programme and looking at ways to improve the overall timeliness.

Performance Measure	Target	Achieved	Additional comments
Initial response to enquiry within 1 working day	95%	92%	Target not achieved. 69 of 75 enquiries were responded to within 1 working day.
Triage Decision (accept and allocate practitioner, request further information or decline) within 15 working days of claim	95%	95%	Target achieved.
Negotiation - Disputes managed by negotiation completed within 10 working days of triage decision)	90%	33%	Target not achieved. 2 of 3 cases were resolved more than 10 but less than 20 working days after triage decision. We chose to not escalate these cases when nearing target timeframes as it would not have assisted in resolution.
Mediation – Disputes completed within 30 working days of triage decision Disputes completed within 35 working days of triage	85% 95%	33% 33%	Targets not achieved. The average time for matters to resolve at mediation was within 44 days of the triage decision. Finding times where both parties were available was difficult this year as many complainants were based offshore.

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>0%</p> <p>0%</p>	<p>Targets not achieved.</p> <p>In some cases, students may not have the same experience with dispute processes as a provider. To ensure a fair process, the timeframes set out by the adjudicator can be amended to assist a student to compile their complaint or to ensure they can respond in full.</p> <p>The average length of adjudication was 93 working days. This increase was due to two complex cases. Practitioner guidelines were amended to ensure cases do not extend to these lengths again. Excluding the 2 cases, the average timeframe was 73 working days.</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>71%</p> <p>No modifications</p>	<p>Target not achieved.</p> <p>Due to the nature and complexity of complaints received and the resolutions sought, we've seen a threefold increase in the usage of adjudication this year.</p> <p>Target achieved.</p>



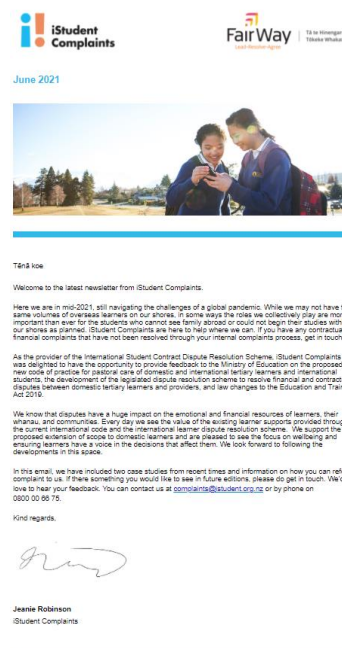
Raising awareness of iStudent Complaints

Education provider updates

It is important that both international students and education providers are aware of our service. We issued four quarterly newsletters and we also created an email subscription page on the updated website so interested education providers can add themselves to our distribution list.

Recent topics covered include:

- Referring complaints
- Challenging conversations – tips
- Understanding dispute resolution
- Tips for taking complaints
- Case studies from throughout the year.



Events

Waitangi Day - Porirua

FairWay joined Porirua City Council to celebrate Waitangi Day on 6th February. We had a stall at the venue and a team of volunteers including a Resolution Coordinator and Resolution Practitioner experienced in iStudent Complaints. The team gave away reusable backpacks and hand sanitisers at the event.



Culture Fest – Auckland

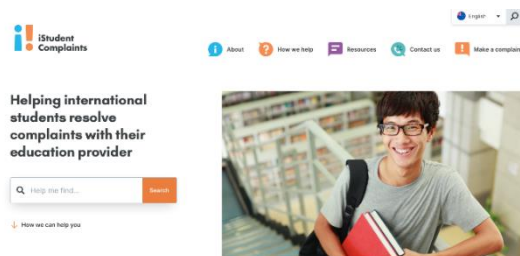
The FairWay team had a stall at the Culture Fest Event in Mr Roskill, Auckland on Sunday 28 March. The event, organised by Auckland Council, was previously known as the Auckland International Cultural Festival. Our iStudent Complaints flag was prominently placed in front of our stall, encouraging international students and host families to engage with our team.



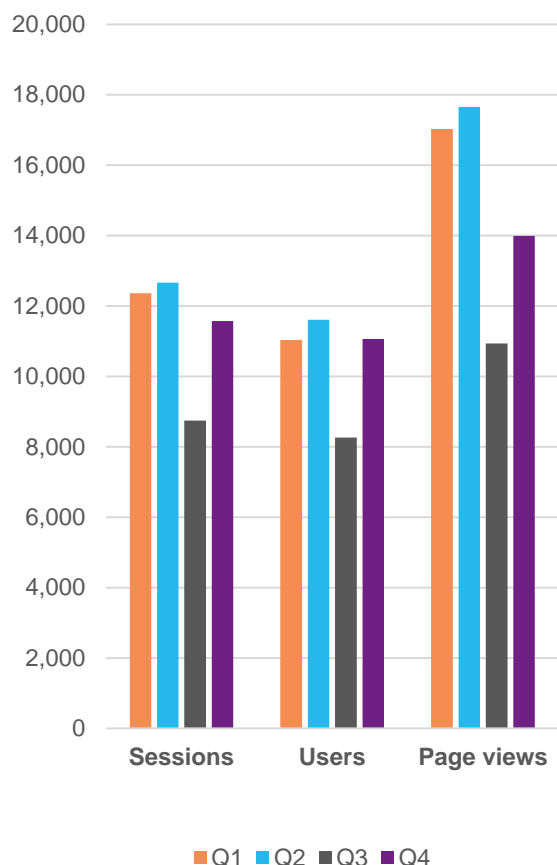
iStudent Complaints website

Revamped website

The iStudent Complaints team were excited to launch the new and improved website in November. The upgraded website provides international students with a more interactive experience, and all content was simplified and translated into nine languages. Education providers can also find a wealth of useful content, including decisions, case studies and more.



Can iStudent Complaints help me?



Statistics

We experienced a strong peak in traffic during the second quarter, coinciding with the launch of the revamped website. As education providers closed for the summer holiday period, traffic declined in the third quarter, and picked back up in the fourth quarter once education providers reopened.

Across the 2020/21 financial year, the website had:

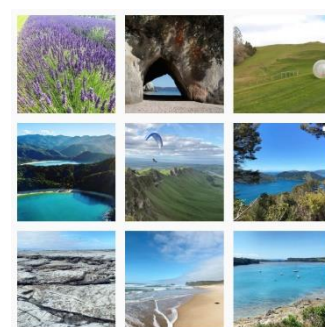
- **45,344 sessions**
- **41,495 users**
- **59,602 page views**

55.77% of website users were based in New Zealand, followed by Australia (9.35%), United States (7.95%), Bangladesh (4.15%), India (3.69%), United Kingdom (3.31%), Canada (1.54%), China (1.47%), Philippines (0.96%) and Singapore (0.75%).

Social media

Facebook and Instagram

Social media continues to be a popular method of engagement. The iStudent Complaints Facebook page had 78,900 page likes across the year. Posts and adverts shared on Facebook reached 1,049,121 people. Popular blogs had strong engagement – for example our April blog on outdoor pursuits and adventure activities had over 5,000 likes and reactions. The iStudent Complaints Instagram page had 674 followers during the year and our content reached 103,682 Instagram users.



Financial performance

For the year ended 30 June *

	2020	2021
	\$000	\$000
Income	231	266
Depreciation and Amortisation		
Personnel	62	82
Other **	151	231
Operating costs	213	313
Operating surplus	18	-47

* 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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