



Annual Report

2022 | 2023



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Welcome

Tēnā koutou katoa

Welcome to the iStudent Complaints Annual Report for 2022/23.

The volume of enquiries made to our service and the proportion of cases requiring further dispute resolution assistance were similar to last year, with 58 enquiries (four fewer or six percent less) and 20 accepted cases (one more or 5 percent higher) in the 2022/23 financial year. When apportioned to student visa holder numbers, the number of international students requiring dispute resolution assistance has returned to pre-pandemic levels.

Pleasingly, the number of people applying for visas to study in New Zealand is increasing which is a good sign for the sector. However, with the dramatic drop in enrolments in recent years, both domestic and international, many education providers have reduced their staff numbers. As a result, we have observed that the sector is experiencing challenges in terms of resource, and consequently a loss of historical knowledge and expertise. In the international education arena, iStudent Complaints has been working to support providers to rebuild in this space. We have been engaging with peak bodies and collaborating with agencies to share our knowledge of international students' needs and challenges, supporting providers to develop their internal processes, and raising awareness of iStudent Complaints as a resource for both students and providers. Through this collaborative approach, we hope to reduce the severity of conflict in the industry and maximise the opportunity for early, mutual resolution of disputes where possible.

Excitingly, the Minister of Education has appointed Fair Way as the operator of the new combined scheme. This means that from 1 January 2024, we will assist both domestic tertiary learners and international students of all levels through our new service – Study Complaints. International students can continue to access iStudent Complaints and tertiary learners can continue to access the Tertiary Education Dispute Resolution scheme for now. Any cases in progress with the existing services will be transitioned to the new service when it comes into effect.

He rau ringa e oti ai - many hands make light work. Fair Way has a fantastic team of people who are passionate about supporting people in conflict. I'd like to express my gratitude to all the wonderful people who make iStudent Complaints what it is. In particular, I'd like to acknowledge Chris Pickering - Client Manager, Solveig Bratland – Resolution Coordinator, Edward Palmer – Resolution Facilitator, and Samantha de Coning – Head of Practice who played an integral role in the delivery of this service over the past twelve months.

Since 2016, we have assisted 578 student enquirers and resolved 74 percent of cases consensually. It's important work, that truly makes a difference for our international learners and their education providers.



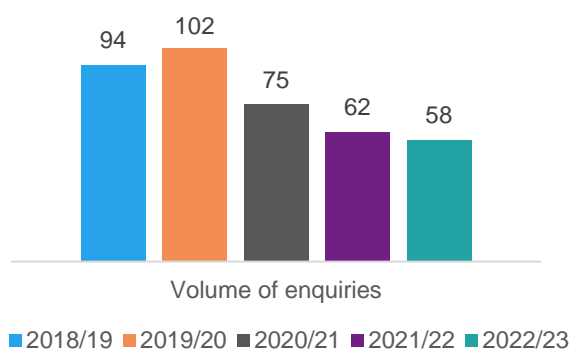
Ngā mihi

Jeanie Robinson

Jeanie Robinson is Operations Manager of Commercial Services at Fairway Resolution Limited (Fair Way). As part of her role, Jeanie has oversight of iStudent Complaints.

Overview of enquiries

Volume of enquiries



With international student numbers reducing in recent years, so too has the volume of enquiries to iStudent Complaints. We received fifty-eight enquiries in the 2022/23 financial year, which is six percent less than the previous year. Of these, twenty were accepted as cases requiring further dispute resolution assistance, one higher than last year. The rest were resolved or closed during our enquiry stage.

Location of student

34% were outside of New Zealand
(20 offshore enquiries)



66% were in New Zealand
(38 onshore enquiries)

How students got in touch

iStudent Complaints online webform has been popular this year, with 66% of students choosing this method to make their complaint. The webform is available in the following languages, making it easy for learners to understand and fill in:

- English
- Korean
- Chinese (Simplified)
- Chinese (Traditional)
- Japanese
- Thai
- Te Reo Māori

	Last Year (2021/22)		This Year (2022/23)	
	#	%*	#	%*
Online form	20	32%	38	66%
Email	23	37%	12	21%
Verbal	19	31%	8	14%

* All percentages are rounded, therefore may not add up to 100% exactly.

Progression of enquiries

	Last Year (2021/22)	This Year (2022/23)
Brought forward (balance 1 July)	3	1
New enquiries	62	58
Not accepted	21	19
Enquiries withdrawn / not proceeding (includes early resolution)	22	12
Accepted cases	19	20
Cases withdrawn	2	2
Carried forward (Balance on 30 June)	1	5

35% of accepted cases involved offshore students (7 cases)

65% of accepted cases involved onshore students (13 cases)

Overview of cases

Nature of the cases received



60% involved refund requests

(down from 74% last year)

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

	Last Year (2021/22)	This Year (2022/23)
Total	19	20
Refund – Withdrawal	11	11
Other	2	3
Compensation	0	3
Refund – course closure	2	1
Misrepresentation	1	1
Contract - Termination *	1	1
Safety & Wellbeing/COVID-19	1	0
Refund – Quality of provision (academic)	1	0
Refund – Visa declined	0	0

Country of origin

Country	Last Year (2021/22)		This Year (2022/23)	
	#	%*	#	%*
China	9	47%	10	50%
India	4	21%	7	35%
Brazil	1	5%	2	10%
Sri Lanka	0	0%	1	5%
Japan	1	5%	0	0%
Hungary	1	5%	0	0%
Thailand	1	5%	0	0%
Hong Kong	1	5%	0	0%
Mauritius	1	5%	0	0%
Total cases	19		20	



iStudent Complaints interacted with students in, Asia, Europe, and South America in 2023.

* All percentages are rounded, therefore may not add up to 100% exactly.

Education providers involved in cases



Half of all cases involved PTEs

PTEs have been the highest category each year since iStudent Complaints was established in 2016, however PTEs are trending down this year. We are now seeing complaints about a range of education provider types.

	Last Year (2021/22)		This Year (2022/23)	
	#	%*	#	%*
Private Training Establishment (PTE)	13	68%	10	50%
University	4	21%	4	20%
Te Pūkenga	1	5%	3	15%
Primary school	1	5%	1	5%
Transitional Industry Training Organisation	0	0%	1	5%
Secondary school	0	0%	1	5%
Intermediate school	0	0%	0	0%
Total	19		20	

* All percentages are rounded, therefore may not add up to 100% exactly.

How cases were resolved



Independent help goes a long way

Since establishment in 2016, 74% of all cases have been consensually resolved through facilitation, negotiation, and mediation.

	Last Year (2021/22)	This Year (2022/23)
Resolved at facilitation / negotiation	15	6
Resolved at mediation	2	0
Resolved at adjudication	11	7
Cases withdrawn	2	6
Total cases resolved	30	19
Carried forward (Balance on 30 June)	1	5
Total	31	24

Average timeframes

The following are average timeframes in calendar days.

	Facilitation/Negotiation	Adjudication	Overall
Average days to resolve or close	12	174	99

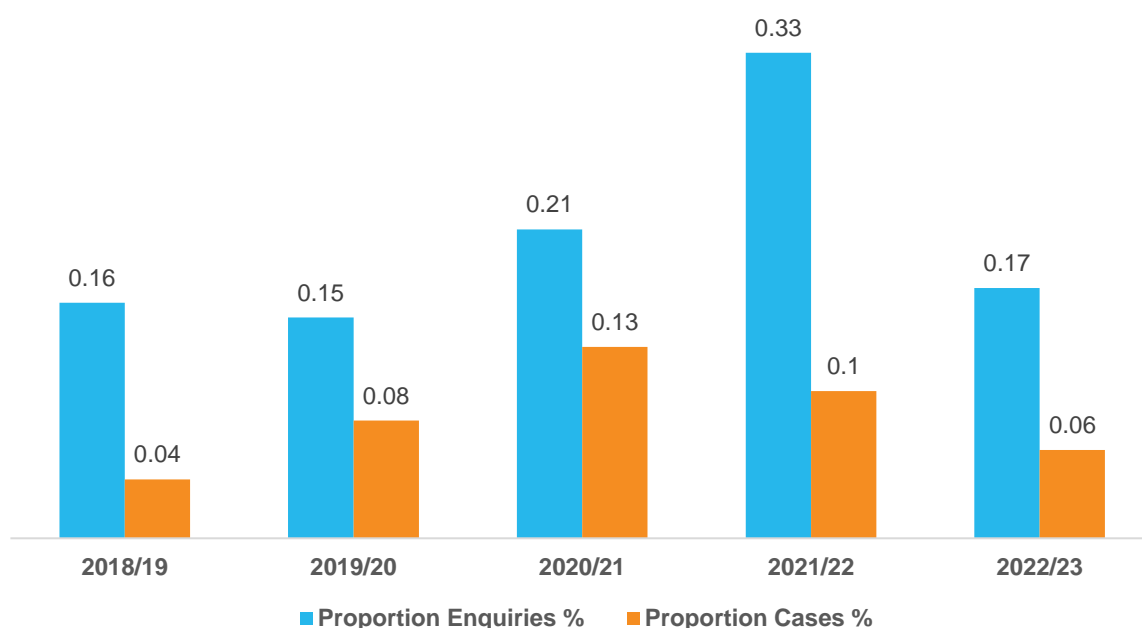
About the resolved cases

Student location	Method of resolution		
	Facilitation/Negotiation	Adjudication	Total
Offshore cases	0	5	5
Onshore cases	6	2	8
Total	6	7	13

Volumes in context

Over the course of the pandemic, international student numbers declined rapidly, however the need for independent dispute resolution services increased as education providers and international students faced unprecedented circumstances. This year, we have pleasingly seen an increase in student visa holder numbers and fewer covid-related disputes occurring. The proportion of students requiring dispute resolution assistance is now similar to pre-pandemic levels.

iStudent Complaints volumes in proportion to student visa holders



	18/19	19/20	20/21	21/22	22/23
Student visa holders *	Apr 2019	Mar 2020	Mar 2021	Mar 2022	Mar 2023
	59,606	67,331	35,944	18,992	33,438
Enquiries made to iStudent Complaints	94	102	75	62	58
Proportion enquiries to visa holders	0.16%	0.15%	0.21%	0.33%	0.17%
iStudent Complaints cases	23	54	45	19	20
Proportion cases to visa holders	0.04%	0.08%	0.13%	0.10%	0.06%

** Source: ENZ's *The Insight Story* - Issue 7
<https://intellilab.enz.govt.nz/document/715-20231005-insights-story-issue-7>

Case studies

Injury led to course withdrawal

About the case

The student contacted us after he was refused a refund of his tuition fees by the provider. The student was hoping for a full refund of his tuition fees as shortly after arriving in New Zealand he had fallen and injured his back severely. The student explained that he experienced severe pains, dizziness, and blackouts after the fall and that it was difficult to move. After consulting with doctors in New Zealand, it was determined that bed rest and painkillers was the way forward.

The student continued to attend his studies for a few days, but due to the pain consulted with doctors back in his home country who suggested he should have MRI and X-Ray scans. The student underwent further examinations, and it was determined that physiotherapy was all that could be done about his pain. At this stage, the student decided that due to the constant pain it was better to return home for treatment as he could not keep up with his studies as he had trouble being mobile.

The student informed the education provider of his choice and provided them with the medical exams to show proof of the injury. The education provider determined that the student was not entitled to a refund, however the school could defer his studies for a year. The provider's position was that the student's injury did not fall under exceptional

circumstances, and he was therefore not entitled to a refund as the withdrawal was submitted after the ordinary refund period.

How we helped

The iStudent Complaints' Resolution Coordinator contacted the parties involved and collated relevant information from the student's parent and the education provider regarding the dispute. The Resolution Coordinator furthermore helped the student understand the adjudication process and guided the student through various options in the complaints process. The student ultimately decided that they wanted to progress the complaint to adjudication and the Resolution Coordinator collated submissions for both parties, and liaised between the parties and adjudicator where further information was required. The adjudicator reviewed all submissions and issued a decision on whether the student should be entitled to a refund.

Outcome

The adjudicator decided that the injury which resulted from the unexpected fall should be considered as an exceptional circumstance. It was determined that the student's complaint was upheld and therefore the provider should refund the student for the full fee minus the weeks he had attended prior to the fall and minus any legitimately incurred and unrecoverable fees.

Wellbeing comes first

About the case

A student called iStudent Complaints requesting help as they wanted a refund from their provider. The student felt that due to their mental health issues it would be best for them to leave New Zealand and return to their home country. The student

was distressed and anxious, and wanted to book a flight home as soon as possible, but did not know how to apply for a refund. She was also worried that if she left the country, she would not be able to get the refund later. The student had contacted the provider but had not yet received a reply.

How we helped

The Resolution Coordinator helped the student find out what the proper internal process for withdrawing and getting a refund was. Furthermore, the Resolution Coordinator helped the student get in touch with wellbeing support in New Zealand to ensure that they were safe while the Resolution Coordinator liaised with the education provider. The Provider and Resolution Coordinator worked together to help the student comply with the internal process. This included completing the

necessary administrative steps as well as meeting with a counsellor as the withdrawal was due to mental health reasons. With the assistance of the Resolution Coordinator and the provider, it became possible for the student to speak with a counsellor and complete all relevant paperwork within the day.

Outcome

The student returned safely to their home country and was able to get a refund for the remainder of the course.

Partial refund queried

About the case

A student contacted us as she was dissatisfied with the provider withholding part of her refund. The student had paid full price for a multi-week English course and was dissatisfied with the fee of 25% that the provider had retained after she withdrew from the course.

How we helped

The iStudent Complaints' Resolution Coordinator assisted by contacting the provider and collating relevant information from the student and the provider. An opportunity for the student and provider to resolve the issue was provided through a mediated discussion with a mediator.

Unfortunately, the student and provider could not come to an agreement and the student escalated the issue to adjudication. The Resolution Coordinator collated the submissions for each party and the adjudicator made a final decision on the issue.

Outcome

The adjudicator did not uphold the student's complaint and found that it was reasonable for the provider to withhold up to 25% of the fees if they could prove that these were actual costs incurred. Through the submissions the provider showed evidence that they had actually incurred costs that equated to the 25% that they had withheld.

Installment plan

About the case

The student contacted the iStudent Complaints team to raise an issue regarding a refund of their tuition fees. The student had enrolled in an eight-month long Diploma program. Due to the student's financial situation, the school had allowed the student to pay the full tuition fee in two installments instead of their usual one payment. The student paid the first installment and successfully attended class and completed the assignments.

As the second installment approached, the student realised that they did not have the financial means to pay the second installment on time and asked the provider for an extension. The provider informed the student that they could provide a two-week extension, but if the payment was not completed before then the student would not be able to attend classes and would have to defer their studies by a semester.

The student managed to pay the second installment within the extension period but

did not show up to classes following this payment. After a week, the student informed the provider that they would like to withdraw and to have the second installment refunded to them.

The student argued that they had withdrawn within the refund period of the second half of their studies and should be entitled to a full refund for the second half. The provider argued that the course was not divided into two parts, it was a singular unified program and therefore the refund period only applied at the beginning of the studies. The fact that they had allowed this student to pay in two installments did not mean that the refund period was renewed with the second installment.

How we helped

iStudent Complaints collated relevant documents from both parties and facilitated a discussion between the student and the provider. The Resolution Coordinator

helped identify misunderstandings and helped the parties clarify their concerns. As a result of the facilitated discussion, the provider offered the student an option to defer their studies to a later date if being enrolled currently was an issue. The student elected to have the issue escalated to adjudication. The Resolution Coordinator helped the parties submit evidence and engaged with the adjudicator and parties where further submissions were required.

Outcome

The adjudicator did not uphold the student's complaint. The decision favored the provider's argument that the refund period did not apply to the extraordinary second installment but only to the payment at the beginning of the entire diploma program. They determined that the student was not entitled to a refund of half of the fees. The offer from the provider to defer studies was, however, still available to the student but was not accepted.

Homestay not provided

About the case

A pair of siblings contacted us regarding a refund for a homestay that their provider had promised to arrange but had not delivered on. Upon the arrival of the two students in New Zealand, they were informed that the provider was unable to arrange housing for them despite the two students having paid for this service. The students managed to arrange their own accommodation but after waiting for over two months had still not received a refund of the money paid to the provider for housing.

How we helped

The iStudent Complaints Resolution Coordinator contacted the provider to help connect the students with the right person who could assist. Once contact was established with the correct person, a refund was issued to the students within a few days.

Outcome

The students received the refund only 5 days after initially contacting iStudent Complaints.

Want to read more?

You can find additional case studies on our website under the Resources tab. Visit www.istudent.org.nz for more.



Systemic issues and scheme complaints



Systemic issues

No systemic issues were recorded; however, we do note that the sector is experiencing resource challenges and a subsequent loss of historical knowledge and expertise.



Complaints regarding iStudent Complaints

No complaints concerning iStudent Complaints were made.

Raising awareness



Website visitors

The iStudent Complaints website had **47,444 users** and **55,577 page views** this year.



Facebook page followers

The iStudent Complaints Facebook page has **73.4k** followers.



Newsletters

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

Feedback



International student

“It was very kind of you to handle my case. I appreciate your help, time, and effort. You have done your best and did it very professionally with very much consideration as well with fairness of communication.”



International student

“Thanks to your support in this situation it has finally been resolved!”



Education provider

“We would like to thank you and your team for your work on this case.”



International student

“Thank you so much for supporting and assisting us along the way! The issue has been resolved.”

Financial performance

For the year ended 30 June *

	2021/22	2022/23
	\$000	\$000
Income	224	220
Depreciation and Amortisation		
Personnel	30	27
Other **	140	178
Operating costs	170	205
Operating surplus	54	15

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

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



**iStudent
Complaints**

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