

Summary of responses to Key Comments and Feedback from the Public Consultation Exercise on the Private Education (Dispute Resolution Schemes) Regulations

AIM

1. This paper provides an update on the key comments and feedback received during the public consultation exercise on the Private Education (Dispute Resolution Schemes) Regulations, and the Council for Private Education’s (CPE) Response to them.

BACKGROUND

2. The Private Education (Dispute Resolution Schemes) Regulations aim to establish dispute resolution schemes which are cost-effective and allow students and private education institutions (PEIs) to resolve their disputes quickly. The Regulations prescribe the dispute resolution schemes and the centres administering the schemes, as well as stipulating the obligations of the PEIs in relation to the schemes.

3. The public consultation exercise on the Private Education (Dispute Resolution Schemes) Regulations was conducted from 17 Feb – 2 Mar 2010. During this period, the CPE received responses from organisations and members of the public through the online channel provided.

SUMMARY OF RESPONSES FROM THE PUBLIC CONSULTATION EXERCISE

4. The respondents are supportive of the provisions provided in the Regulations, and have provided CPE with useful suggestions and comments. The summary on the key comments and feedback received, together with the responses from the CPE, are presented in Table 1 below.

Feedback/Comments	CPE’s responses
As PEIs are financially stronger than students, students should not be made to pay any fees for mediation and arbitration.	The payment structure has been weighted as to make the dispute resolution scheme affordable and accessible to students. At the same time, requiring students to pay would deter them from making frivolous requests for mediation and arbitration.
Disputing parties should make equal payments to the dispute resolution centres so as to discourage irresponsible behaviour on the part of students.	
Outcome of dispute resolution	While disputing parties can choose not

<p>proceeding should be binding on all disputing parties.</p>	<p>to accept the settlement terms proposed by the mediator and so not sign the settlement agreement, arbitral awards are "final and binding". The provision of allowing students not to be bound by the outcome of the dispute resolution proceedings would be removed from the Regulations.</p>
<p>In order not to disadvantage students, lawyers should not be allowed to represent the disputing parties during mediation and arbitration.</p>	<p>CPE notes this suggestion. CPE will monitor the situation closely and carry out a review if it is observed that allowing legal representation has disadvantaged students during arbitration proceedings.</p>

Table 1: Summary of responses

5. The CPE would like to thank members of the public and stakeholders for participating in the public consultation exercise and providing the CPE with useful comments and feedback.