



Australian Government

Tertiary Education Quality and Standards Agency

# Concerns and complaints about providers policy

September 2021

**TEQSA**

# Purpose

This policy sets out the principles for how TEQSA manages concerns and complaints (collectively referred to as concerns) about regulated entities under TEQSA's legislative framework.

# Scope

This policy relates to concerns about registered higher education providers. It does not extend to complaints about TEQSA's processes, staff or resources, or about TEQSA's regulatory decisions. For information on these topics, refer to [Complaints about TEQSA](#).

# Principles

These principles are intended to ensure TEQSA applies a consistent, efficient and respectful approach to managing concerns to support TEQSA's regulation of the Australian higher education sector.

## Principle 1: TEQSA's role in receiving concerns

1. TEQSA's functions are established under section 134 of the *Tertiary Education Quality and Standards Agency Act* (TEQSA Act) and include "collecting, analysing, interpreting and disseminating information relating to higher education providers, regulated awards quality assurance practices and quality improvement, and the Higher Education Standards Framework."
2. Concerns are an important source of intelligence to identify risks of non-compliance with a provider's obligations under TEQSA's legislative framework.
3. TEQSA is not a complaints resolution body and typically does not have a role in addressing individual complainants' grievances. We prioritise broader, systemic issues and are unlikely to pursue matters that:
  - a. are one-off, isolated events, unless the conduct involves wider implications for students, staff, or the quality, integrity or reputation of the higher education sector
  - b. have not been considered through the provider's complaints handling processes
  - c. are solely for the purpose of obtaining redress for students or staff, unless there is clear evidence of deficiencies in the provider's complaint handling processes.
4. Anyone can raise a concern with TEQSA. Concerns should be submitted using the [online form](#) as the preferred method, however the method is not restricted.
5. All providers are required to have complaints handling processes capable of resolving complaints. This includes providing access to an independent third-party review if needed.
6. TEQSA encourages individuals to consider raising concerns directly with the provider, where appropriate, using the provider's complaints handling process. Doing so may result in a more timely and effective resolution with the provider.

## Principle 2: Protection of information

7. TEQSA accepts information from anonymous sources about higher education providers. TEQSA determines how to proceed in these circumstances based on the quality of the

information available. TEQSA's capacity to progress matters raised anonymously may be limited if further information is required.

8. TEQSA handles the personal information<sup>1</sup> of any individuals it collects in managing concerns in accordance with the *Privacy Act 1988 (Cth)* (Privacy Act) and TEQSA's Privacy Policy and Privacy Management Plan.
9. TEQSA will usually only disclose an individual's personal information outside of TEQSA, for example to the higher education provider or another government agency, with the individual's consent. TEQSA requests consent to disclose the personal information provided in the concern to the provider and/or to another government agency (where applicable) at the time the concern is submitted. This consent is voluntary. For more information about how TEQSA collects, uses and discloses personal information, refer to TEQSA's [Complete APP Privacy Policy](#).

### Principle 3: Respectful engagement

10. TEQSA is committed to being respectful, responsive, fair and consistent in the way it manages concerns.
11. All concerns are recorded and carefully reviewed to determine the appropriate response.
12. If contact information is provided, TEQSA will acknowledge receipt of a concern in writing within 5 working days.
13. If the concern is outside TEQSA's remit, TEQSA will either refer the matter to the relevant government agency where appropriate and where the individual has provided consent to do so, or direct the individual to the relevant organisation that may assist.
14. TEQSA may contact the individual who raised the concern to request more information.
15. Subject to TEQSA's confidentiality obligations, TEQSA will advise the individual of the outcome of TEQSA's consideration of the information they submitted. TEQSA will also provide information on how to make a complaint about TEQSA's handling of their concern.

### Principle 4: Risk-based approach

16. TEQSA takes a risk-based approach to considering concerns and deciding the appropriate response, guided by TEQSA's compliance priorities.
17. TEQSA does not investigate every concern and will generally only take action on concerns where there is a serious risk to students or to the quality, integrity or reputation of the higher education sector, and where the concern relates to the provider's compliance with its obligations within TEQSA's legislative framework.
18. All concerns are recorded and may be used to inform future regulatory activity and identify risks. For example, TEQSA may take action where it identifies a trend in concerns raised.
19. TEQSA's regulatory response is guided by [TEQSA's approach to compliance and enforcement](#), including consideration of the basic principles for regulation in the TEQSA Act.
20. TEQSA will apply principles of procedural fairness in addressing concerns with providers.

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<sup>1</sup> The meaning of personal information for this purpose is set out in the *Privacy Act 1988 (Cth)*.

# Contact

Any enquiries about TEQSA's Concerns and complaints about providers policy can be directed to: [concerns@teqsa.gov.au](mailto:concerns@teqsa.gov.au).