



Guidance Note: *Grievance and Complaint Handling*

Version 1.1 (22 February 2019)

Providers should note that Guidance Notes are intended to provide guidance only. They are not definitive or binding documents. Nor are they prescriptive. The definitive instruments for regulatory purposes remain the TEQSA Act and the Higher Education Standards Framework as amended from time to time.

What does ‘Grievance and Complaint Handling’ Encompass?

‘Grievance and Complaint Handling’ encompasses the policies and procedures implemented by higher education providers in response to a grievance or complaint expressed against the provider by another party, including students, staff or members of the wider community. However the *Higher Education Standards Framework (Threshold Standards) 2015* (HES Framework) section on Grievances and Complaints is specific to those involving students, so for the purposes of this Guidance Note, grievance and complaint handling is confined to *grievances and complaints from students*¹. The term ‘grievance’ is used from this point as a generic term including any expression of dissatisfaction with some aspect of a student’s experience with the provider (including with agents or other related parties who represent or act on behalf of the provider).

Grievances typically fall into two classes:

- minor issues that are suitable to be addressed informally and usually resolved easily (e.g. by a discussion with local staff, clarification of a misunderstanding etc.)
- those that involve a formal process for resolution (such grievances are typically known as a ‘complaint’ or a ‘formal complaint’, to distinguish them from matters that are resolved informally).

Purpose of this Note

The purpose of this note is twofold:

- to give guidance to providers about TEQSA’s expectations

¹ ‘Students’ may include prospective students who have had some interactions with the provider (e.g. via an agent), current students (irrespective of mode of participation) and past students (most likely limited to a defined period after completion).



- to help students understand what they can expect from providers.

Relevant Standards in the HES Framework

The HES Framework addresses student grievances in several ways. They are addressed directly in Section 2.4 (Standards 2.4.1-2.4.5), which encompasses the requirement for providers to have mechanisms to address them, as well as various process requirements for formal complaints relating to:

- costs
- advocacy and support for students
- timeliness
- confidentiality
- fairness, and
- access to an independent third party if needed.

Information about a provider's grievance resolution process is to be in the public domain (e.g. on the provider's website) and accessible to students (see Standard 7.2.2f). The information must be accurate, relevant and timely (Standard 7.2.1). Providers are required to document and record responses to formal complaints (Standard 7.3.3c). The provider's corporate governing body is required to assure itself that the occurrence and nature of formal complaints are monitored and action is taken to address underlying causes (Standard 6.2.1j). This should be supported by regular reporting to the governing body, and providers should give consideration to making summary information publicly available. Students are to be given opportunities to provide feedback on their experience and student feedback should inform a provider's monitoring, review and improvement processes (Standard 5.3.5).

Staffing requirements (Section 3.2) include students having access to teaching staff for individual assistance (Standard 3.2.5). This is a situation where students may take the opportunity to raise grievances. It may also be an important potential means for informal resolution. The governing body is also required to take steps to create an environment in which students are treated equitably, and are able to participate in the deliberative and decision making processes of the provider (Standard 6.1.4). This too may represent a means to identify and resolve and/or prevent grievances in a collective sense through systemic changes to a provider's operations.

Intent of the Standards

The overarching intent of the Standards is to achieve resolution of grievances as effectively as possible, to minimise the occurrence of unresolved grievances, and to achieve these goals with minimal adverse consequences for the provider or student(s) involved.

While some types of grievances are best resolved locally and informally, more serious grievances, including allegations of assault or sexual harassment, are unlikely to be suitable for informal resolution. Some providers have had success with establishing a forum for restorative dialogue, and some complaints need to be referred to the police. This needs to be acknowledged within the policy framework.



The Standards promote access to grievance processes in various ways and encourage an environment of evidence-based organisational learning to generate preventative improvements that aim to obviate the recurrence of similar issues. There is an expectation that students will be able to access institutional processes without charge or at reasonable cost and that access to review by a third party will be available in the event the provider's internal processes do not lead to resolution of a formal complaint.

The Standards do not, and cannot, require that all grievances or complaints will be resolved to the satisfaction of all parties. The Standards do however require that there is a genuine attempt to resolve genuine complaints, through consistent and fair application of policies and procedures without retribution. These requirements encompass delivery arrangements with other parties, which are required to be quality assured by the primary registered provider (Standards 5.4.1-5.4.2) and this includes responsibilities for grievance handling (Standard 2.4.1).

The scope of the Standards concerned with student grievances does not include handling grievances and disputes from staff or other parties. Appeals about academic decisions generally operate through academic processes and policies (usually approved by an academic governing body) and typically require application of particular academic expertise that may not be required for resolution of more general grievances. How such matters are dealt with (i.e. through separate or similar processes) is up to the provider. The Standards do however require that the relevant processes are made explicit to students (Standard 7.2.2f).

Some Standards also require providers to make available specific information to assist international students studying in Australia (e.g. Standard 7.2.2g). Careful attention to this requirement may obviate grievances arising in this area. Other Standards also attempt to obviate potential sources of dissatisfaction e.g. through clarifying student rights and obligations prior to enrolment (Standard 1.1.2) and through giving reasonable notice of changes to a provider's operations that may affect students' participation in an intended course(s) of study (Standard 7.2.4).

Risks to Quality

Failure to engage in effective grievance handling, including implementation of preventive improvements informed by previous grievance cases, may manifest in various ways. These might include:

- poor communication with students leading to expectations that fuel complaints
- unresolved student dissatisfaction and consequent impact on demand
- diminished educational achievements
- avoidable disadvantage to students
- adverse publicity, actions and reputational risk
- disruption and diversion of resources
- recurrence of preventable issues, especially those relating to quality
- reduced performance on national quality indicators e.g. student experience, graduate satisfaction.



What TEQSA will look for

This part of the guidance note covers the full extent of the Standards, and corresponding evidence that TEQSA may require, related to grievance handling.

For new applicants seeking initial registration and course accreditation, TEQSA will require evidence to be provided in relation to all relevant Standards.

For existing providers, the scope of Standards to be assessed and the evidence required for particular applications may vary. This is consistent with the regulatory principles in the TEQSA Act, under which TEQSA has discretion to vary the scope of its assessments and the related evidence required. In exercising this discretion, TEQSA will be guided by the provider's regulatory history, its risk profile and its track record in delivering high quality higher education.

TEQSA's case managers will discuss with providers the scope of assessments and evidence required well ahead of the due date for submitting an application.

The evidence required for particular types of application is available from the Application Guides on the TEQSA website.

Providers are required to comply with the Standards at all times, not just at the time of application, and TEQSA may seek evidence of compliance at other times if a risk of non-compliance is identified.

TEQSA recognises that providers may meet the requirements of the HES Framework in various ways, particularly in view of variations in the scale of providers and the nature of different courses of study. Students may also have varying expectations depending on previous experiences (e.g. entry via a pathway program) and the level of study involved (e.g. undergraduate vs postgraduate study). Nonetheless, TEQSA will need to be satisfied that providers are meeting and can be expected to continue to meet the requirements of the HES Framework, whatever their circumstances. In so doing, TEQSA will expect providers to demonstrate the following capabilities in particular.

- *Policies and Procedures:*

TEQSA must be satisfied that these exist, are current, and are known to staff responsible for their implementation. TEQSA must also be satisfied that the provider's policies and procedures are likely to be fit for their purpose and are consistent with the requirements of the standards, particularly Standards 2.4.1-2.4.5. This will include delegations of authority for implementation of procedures consistent with the scale and nature of the provider, and evidence that the relevant staff are equipped for their role in administering grievances, including through training. TEQSA will also need to be satisfied that the provider's approach caters for grievances about any aspect of a student's experience, including with agents and related parties (Standard 2.4.1)

Grievances about particularly sensitive issues (such as assault and sexual harassment) may require more specific approaches, and TEQSA will need to be satisfied that a provider's processes and staffing allocations are appropriate to deal with these matters.

Dealing with grievances about sexual assault and sexual harassment requires an especially clear reporting and response pathway that offers students choices about how the information provided by them will be processed and responded to. Students may wish to disclose and receive support, but not proceed with a formal complaint. Policies and procedures need to focus on the safety and the support of the students



involved, and staff should be specifically trained to receive such disclosures. The student decides whether an incident is reported to the police.

- *Communication and Access by Students:*

A provider will need to show that all relevant information required for students to access and participate in grievance processes is accurate, current and easily-locatable in the public domain (Standard 7.2.2.f), e.g. through a dedicated section of the provider's website. TEQSA will need to be satisfied that students have been informed about grievance processes and how to access them by mechanisms that are relevant to the student cohorts involved e.g. online, via a student app, or a student handbook. Information for students will need to include who to contact and may include any additional advice that the provider regards as helpful e.g. advice to seek local resolution where practicable and how this might be done. If local (and informal) resolution is encouraged, TEQSA will expect that staff do not discourage students from lodging formal complaints where a student is not satisfied with the outcome of informal discussions.

Additionally, sexual assault and sexual harassment related grievance information needs to include definitions of behaviour that constitutes sexual assault or sexual harassment and contact details for support services.

- *Implementation:*

TEQSA will need to be satisfied that the provider's handling of formal complaints (or future handling in the case of a new provider) is consistent with both the provider's policies and the detailed requirements of the HES Framework, particularly the process requirements of Standards 2.4.2-2.4.4 concerning:

- costs
- consistency
- fairness
- confidentiality
- absence of reprisal
- provision of advice
- support
- recording decisions and informing the student in writing of the outcome and the reasons.

In so doing, TEQSA may draw on records of handling previous complaints (Standard 7.3.3c). TEQSA acknowledges that there may be a need for specific processes to handle vexatious complainants. Providers should make every effort to resolve complaints within reasonable timeframes that should be stated within the policy framework.

- *Review and Improvement:*

TEQSA will need to be satisfied that there are processes for analysis and monitoring of complaints handling to generate improvements and implement preventative mechanisms where possible (see Standards 2.4.4, 6.2.1j), drawing on institutional records where needed (Standard 7.3.3c). Are there patterns of recurring complaints relating to particular issues or processes, and if so, what action is taken to address this?



- *Independent review:*

Providers must make provision for review by specified independent third parties (other than TEQSA) in the event that internal processes do not resolve a complaint, and ensure that records of the complaint are made available to the reviewer. Third party complaint-handling bodies for all students at public providers and international students at private providers are outlined on the [TEQSA Complaints webpage](#). All students at public higher education providers have an avenue of appeal to the relevant Commonwealth, State or Territory Ombudsman, about administrative actions or decisions and the related processes, but only after all internal processes for resolution have been followed and concluded. Domestic students at private providers can contact the relevant state government consumer protection agency about issues covered by the Australian Consumer Law. The [Overseas Students Ombudsman](#) (OSO) investigates complaints from international students about private providers that relate to administrative actions or decisions made by the provider and the related processes, but not about broader educational quality issues.

Private providers must make specific arrangements for independent review of complaints about issues not covered by a consumer protection agency or the OSO.

Providers may make arrangements for grievances to be considered by an external qualified dispute resolver. This arrangement must provide for matters to be determined by the dispute resolver if mediation is not acceptable to either party or if mediation is undertaken but does not prove to be successful.

Guidelines for Students

This section of the Guidance Note is intended as a prompt for students who are experiencing difficulties with a provider that are affecting their educational experience. The points raised here are based on typical practical experiences in the higher education sector and are intended to be helpful to students.

Please note that these points are not exhaustive and do not replace the requirements of the HES Framework. Nor are they prescriptive, and they do not bind either TEQSA or providers in interpretation or application of the HES Framework.

Students who are dissatisfied about aspects of their educational experience could consider the following points:

- Your higher education provider (your provider) is required to have policies and procedures to resolve grievances and to tell you about them (e.g. on a website or in a student handbook). This includes policies and procedures about sexual assault and sexual harassment. You should look at these in relation to your circumstances. There will be particular procedures for appealing against, for example, an academic result.
- Your provider is required to provide points of contact for resolution of grievances.
- You should clarify what the problem is, so that you can easily tell someone else, and you should also decide what you hope might be a satisfactory outcome.
- Some types of complaints or grievances are suitable to being addressed locally and informally at least in the first instance. Points of contact and/or advice on ways of going about this should be provided. This may be as simple as contacting your lecturer, another staff member or a student contact officer. You should not be discouraged from making a formal complaint if you are not satisfied with the outcome



of an informal process. Some incidents will not be suited to informal resolution at all, including cases of assault or sexual harassment.

- You should note that a provider's policies may place some legitimate restrictions on matters that can be dealt with in its grievance-handling processes. For example, there may be quite separate processes for handling general matters (e.g. perceived tardiness in marking assignments) and some particular matters (e.g. academic decisions, such as disputing a grade awarded). Some matters may also be protected against a complaint or appeal e.g. organisational policy decisions taken by bodies legitimately established for such purposes, such as an academic board or a governing council.
- If you feel it is necessary to proceed with a formal complaint, you should note that this is a formal process and acquaint yourself with the process. Some matters that you should be aware of include that a formal process will require you to express your complaint in writing and records of the process will need to be maintained. Formal responses from the provider will be in writing. Providers may or may not be able to respond to anonymous complaints, depending on their legal framework.
- When you disclose an incident of sexual assault or sexual harassment, unless there are legal requirements because of your age, you decide whether a formal report is made, and whether the incident is reported to police.
- You should note that providers cannot impose unreasonable costs for handling a complaint and that you are able to have support in the process (e.g. from a friend or an advocate, such as a member of the student association, but not normally from a legal representative). In the case of sexual assault or sexual harassment your provider should connect you with counselling and academic support as required.
- A provider is required to deliver timely resolution of complaints and to keep you informed of progress. You should note that resolution of complaints can sometimes be complex and, in some cases, it may be to your advantage to agree to allowing extra time, e.g. where you would have more time to prepare your case.
- A complaints-handling process should be confidential and preserve your privacy, unless you choose to do otherwise or disclosure is required by law.
- Once a resolution has been reached, the provider should notify you in writing and implement any follow up actions as soon as reasonably practicable.
- In the event that a complaint cannot be resolved by internal processes, a provider is required to identify an avenue for review by an independent third party. This may be within the provider (e.g. an independent student ombudsman) or an external reviewer.
- Grievance and complaints-handling processes assume the parties involved act in genuine good faith with a view to resolution.



Resources and references

AS/NZS 10002:2014 Australian/New Zealand Standard™, *Guidelines for complaint management in organizations*, <direct link to PDF download:
<<https://infostore.saiglobal.com/store/PreviewDoc.aspx?saleItemID=2764164>>.

Commonwealth Ombudsman (2009), *Better Practice Guide to Complaint Handling*, <http://www.ombudsman.gov.au/_data/assets/pdf_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf>.

Commonwealth Ombudsman, Overseas Student Ombudsman, and Australian Capital Territory (ACT) Ombudsman (2016), *Complaint Handling at Universities: Australasian Best Practice Guidelines*, <http://www.ombudsman.gov.au/_data/assets/pdf_file/0019/37351/University-Complaints-Handling-Guidelines-April-2016.pdf>.

General advice on making complaints in the sector available on the TEQSA website, <<http://www.teqsa.gov.au/complaints>>.

Guidelines available on the Ombudsman New South Wales website, <<https://www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/state-and-local-government>>.

Jackson, J., Fleming, H., Kamvounias, P., and Varnham, S. (2009), *Good Practice Guide for Handling Complaints and Appeals in Australian Universities*, <<http://www.olt.gov.au/resources/good-practice?text=grievance>>.

Resources for education providers (including fact sheets, best practice complaint handling checklist, and provider e-Newsletter) available on the Commonwealth Ombudsman website, <http://www.ombudsman.gov.au/about/overseas-students/oso-publications#practice_guide>.

Resources for international students available on the Commonwealth Ombudsman website, <http://www.ombudsman.gov.au/about/overseas-students/oso-publications#for_students>.

TEQSA (2016), *Explanations of terms in Part A of the HES Framework 2015*, <<http://www.teqsa.gov.au/explanations-hes-framework-terms>>.

TEQSA, *Guidance Note: Wellbeing and Safety*, <<https://www.teqsa.gov.au/latest-news/publications/guidance-note-wellbeing-and-safety>>.

TEQSA welcomes the diversity of educational delivery across the sector and acknowledges that its Guidance Notes may not encompass all of the circumstances seen in the sector. TEQSA also recognises that the requirements of the HESF can be met in different ways according to the circumstances of the provider. Provided the requirements of the HESF are met, TEQSA will not prescribe how they are met. If in doubt, please consult your TEQSA case manager.

Version #	Date	Key changes
1.0	23 October 2017	Made available as beta version for consultation.
1.1	22 February 2019	Amended in response to consultation feedback and to include the reference to the Guidance Note on Wellbeing and Safety.