



INDEPENDENT
HIGHER EDUCATION
AUSTRALIA

IHEA SUBMISSION

**TERTIARY EDUCATION QUALITY AND
STANDARDS AGENCY
CONSULTATION PAPER ON THE
INTERIM STATEMENT OF
REGULATORY EXPECTATIONS:
STUDENT GRIEVANCE AND
COMPLAINT MECHANISMS**

27 March 2025

IHEA Submission

Tertiary Education Quality and Standards Agency Consultation Paper on the Interim Statement of Regulatory Expectations: Student Grievance and Complaint Mechanisms

Independent Higher Education Australia (IHEA) welcomes the opportunity to provide feedback on the Tertiary Education Quality and Standards Agency (TEQSA) Consultation Paper on the Interim Statement of Regulatory Expectations: Student Grievance and Complaint Mechanisms, for which submissions are due by 27 March 2025.

Overview of Interim Statement of Regulatory Expectations

TEQSA has issued an Interim Statement of Regulatory Expectations (SRE) regarding regulatory expectations around student grievance and complaint mechanisms. The SRE is a new regulatory guidance format that TEQSA states it has adopted to address systemic risks to compliance with the Higher Education Standards Framework (Threshold Standards) 2021.

Unlike TEQSA's guidance documents, SREs are prescriptive and outline minimum actions TEQSA expects providers to take to demonstrate that they are meeting their obligations under the Threshold Standards. These are that:

- Providers must ensure their student grievance and complaint mechanisms meet the requirements of the Threshold Standards.
- Providers must undertake review and improvements to student grievance and complaint mechanisms to ensure they meet these regulatory expectations and the needs of their student cohorts.

With respect to meeting the provisions of the Threshold Standards, the focus particularly relates to:

- The support offered to students is informed by and meets the needs of student cohorts (Standard 2.3.3).
- A provider's grievance and complaint mechanisms are capable of resolving grievances about any aspect of a student's experience with the provider, its agents or related parties (Standard 2.4.1).
- All students have opportunities to provide feedback on their educational experiences, which informs institutional monitoring, review and improvement activities (Standard 5.3.5).
- A provider's governing body exercises competent oversight of and is accountable for all of the provider's operations (Standard 6.1.1), which includes grievance and complaint mechanisms, and wellbeing and safety,
- A provider can demonstrate, and governing body assure itself, that is operating effectively and sustainably. This includes monitoring complaints, allegations of misconduct, breaches of academic integrity, and critical incidents, and taking action to address underlying causes (Standard 6.2.1.j).

While the SRE is currently in draft, following consultation, TEQSA advises that it will consider feedback with an aim to publish the final materials in April 2025.

Requirement for additional reporting for student grievances and complaints

The interim SRE specifically outlines additional reporting requirements for providers in the Australian University category to.

The aim of these additional requirements is for TEQSA to assure itself that each university is meeting its obligations or actively taking steps to address any issues. TEQSA is drawing attention to universities because they are concerned that is where the greatest risk to students resides given the number of students they enrol and the complexity of their operations.

However, we understand that this focus on universities is primarily in response to issues that have occurred at public universities.

As such, in developing the reporting framework, TEQSA's response needs to be proportional and to address the actual risk and concerns that exist. TEQSA states that it recognises that providers will meet these expectations in different ways depending on their student cohort, operating environment, and the various legislative requirements under which they operate.

This needs to include consideration of providers' diversity of operations, scale, resources and student cohorts. We believe that the regulatory approach should mirror that of the Support for Students Policy, which allowed for transition as well as working with providers to increase their capability, which will vary from provider to provider. The extensive and ongoing consultation process of the Support for Students Policy should be followed, as well as the approach to working with the sector to transition to the new requirements.

Furthermore, we recommend that TEQSA takes an educative approach as a first step in any regulatory action, including developing practical guidance for different provider types and working in partnership with the sector.

TEQSA identifies that universities will need to undertake this work (review and enhance grievance mechanisms; incorporate the Good Practice Characteristics into complaint and grievance mechanisms; and to prepare for additional reporting requirements) by 31 December 2025. However, it is also clearly stated that the regulatory expectations in the interim SRE apply to all higher education providers, with all other (than those in the Australian University category) providers expected to complete this work by 30 June 2026.

From IHEA's perspective, as an organisation that represents a diverse range of higher education providers, we will have five members subject to the arrangements of an Australian University to report by the end of 2025, with the remaining, majority of our providers expected to report to TEQSA by June 2026. TEQSA should continue to work with the sector to ensure that these timeframes can be achieved, particularly if providers need to make any systems changes.

TEQSA advises that they will share further details with universities in the coming months about the reporting requirements once the SRE is finalised and published. This will be important, and not just for universities, to ensure there is a clear understanding about TEQSA's expectations. Given the expectation is that the interim SRE, once finalised, will apply to all higher education providers, it is strongly recommended that it be shared with the entire sector at the same time. This will ensure that any barriers to implementation can be addressed early to ensure the proposal is implementable in the proposed timeframe.

Connections and opportunities with other agencies

TEQSA notes that there is ongoing work that may guide revisions to the regulatory expectations, which includes the work by the National Student Ombudsman (NSO), the Race Discrimination Commissioner, the Special Envoy to Combat Antisemitism in Australia, the Special Envoy to Combat Islamophobia in Australia and reviews conducted by some universities. If THE Parliament adopts a National Code on preventing and responding to gender-based violence, that code will override the requirements in this statement for any complaints covered by the National Code.

TEQSA states that they will work with the Department of Education (DoE) and the NSO to minimise regulatory burden and to apply lessons from work in responding to complaints of gender-based violence, to improve handling of other types of student grievances and complaints lessons.

Given the capacity for overlap between the work of the NSO to help resolve complaints about the actions of their higher education provider, DoE as the regulator for the National Code on Preventing and Responding to Gender-Based Violence and TEQSA in this SRE and as the national higher education regulator, the work of all of these parties must be streamlined, efficient and coordinated. This will be essential to minimise regulatory burden on providers.

In moving forward, it is recommended that TEQSA, DoE and NSO work together to develop a **unified**, streamlined reporting process for providers to ensure efficiency and minimise duplication and overlap. Such a coordinated approach will ensure a comprehensive compliance framework is in place, while also reducing regulatory burden on providers.

Characteristics of Good Practice

In the interim SRE, TEQSA outlines 23 Characteristics of Good Practice for student grievance and complaint mechanisms that it expects providers to demonstrate. While the Characteristics of Good Practice has the potential to be a useful tool for providers, we think it should also be finessed to be reflective of the scale of a provider.

An example of some of the characteristics and the challenges facing smaller providers are outlined below so that TEQSA can consider in terms of the requirements being fit for purpose for the provider. To better support providers, we suggest that TEQSA establish a dedicated unit and a hotline to support providers implement these requirements.

- D) Multiple options are available for students to lodge complaints, ensuring accessibility for those who require assistance or cannot access standard channels:** Implementing multiple, diverse channels (e.g., online, in-person and by telephone i.e. a hotline) may be resource-intensive, requiring additional administrative support or digital platforms that smaller providers, with limited resources, may struggle to achieve without additional support and assistance.
- E) Complainants may choose to make complaints anonymously or confidentially. Complainants are to be informed about any impacts a choice to complain anonymously or confidentially may have on the investigation, consideration or outcome of the complaint:** Managing anonymous complaints fairly and appropriately may be challenging for providers to implement, but moreso for a smaller scaled operation, without further investment.
- I) Complainants and respondents (where applicable) are provided with, or can access, timely updates on the progress of their grievance or complaint:** Keeping complainants and respondents informed throughout the process can be challenging when complaint-handling staff have multiple roles and limited capacity. This is likely to be the case at a smaller provider where staff perform multiple roles rather than a single, dedicated function.
- Q) Sufficient staff are employed to manage the volume and complexity of complaints the provider receives:** Smaller providers may not have dedicated staff for grievance handling, making it difficult to process complaints efficiently or manage complex cases without overburdening existing employees.
- R) Staff responsible for handling student grievance and complaints receive appropriate training in...trauma-informed and person-centred practice:** Training staff in trauma-informed practices, discrimination awareness and handling grievances from diverse student groups (e.g., First Nations students, international students, LGBTIQ+ students) requires time and investment, which may be challenging for smaller providers. This may be an area where TEQSA, NSO and DoE can work together to provide or facilitate consistent training for providers, given a trauma-informed response has been identified as critical to addressing gender-based violence.
- S) Minimising Complaint Transfers Between Staff:** Smaller providers often lack dedicated complaint-handling staff with decision-making authority, leading to delays as complaints escalate through different levels.
- U) The need to support the wellbeing and safety of staff managing or responding to grievances and complaints is identified and appropriate mitigations and supports are in place to respond to these needs:**

V) Local, domestic and global events are monitored to identify any changes that may impact student wellbeing and safety, or demand for student grievance and complaints. Adjustments are made accordingly to student-facing services, support, grievance and complaint processes:

W) During periods of heightened tensions or stress for students, providers proactively contact identified student groups to offer comprehensive support and ensure any relevant adjustments are made to facilitate access to grievance and complaint mechanisms:

With respect to U to W above, and without dedicated Human Resource or wellness programs, smaller providers may struggle to provide mental health and resilience support for staff managing difficult complaints, without additional assistance.

The above examples identified scenarios where the response of the provider will clearly depend upon, and be impacted by, the resources available to the provider. As such, when TEQSA considers how higher education providers have implemented the Characteristics of Good Practice, it will be imperative that they do so in a scalable way that is fit for purpose for the provider, their student body and the issues they are dealing with, rather than a blanket approach based on the worst case scenarios that may be playing out in a small number of providers. Taking such a risk-based approach will ensure that TEQSA addresses the actual issues that exist without overly burdening the sector in a one size fits all approach. For example, some independent providers only deliver online courses, the nature of which is quite different to face to face study, and so the SRE needs to reflect this diversity.

Developing a scaled or tiered reporting template that covers the full spectrum of providers is recommended. We recommend that the template used for the first annual report for the Support for Students Policy, which providers were required to complete by 1 March 2025, should be used as a basis for any reporting template. That template was developed as a practical reporting tool that supported providers of all sizes and scale, without being prescriptive. A similar approach should be adopted here.

It would also be beneficial for TEQSA to develop scenarios and case studies, in consultation with a range of diverse providers, that reflect the different types and model of higher education providers to serve as practical and supporting guidance. This should be implemented with the aim of streamlining engagement and reporting across the NSO, TEQSA and DoE.

This will give credibility and effect to TEQSA's recognition that providers will meet these expectations in different ways depending on their student cohort, operating environment, and the various legislative requirements under which they operate.

IHEA members have embraced the implementation of the Support for Students policy and the National Code on Preventing and Responding to Gender-Based Violence, and played an instrumental and critical role to ensure they were developed and implemented in a meaningful and practical way. The learnings from those approaches must be adopted here.

Monitoring, review and improvement

The interim SRE requires student grievance and complaint mechanisms to be routinely undertaken monitored, reviewed and improved, which includes:

- Students who have engaged with complaints services as a complainant or respondent are invited to provide feedback on their experience.
- The student body is consulted or otherwise contributes to reviews and changes to policies for student grievances and complaints. A summary of responses to student feedback is published.

IHEA supports the intent of the above requirements but recommends that TEQSA work closely with smaller providers to ensure they can implement these processes without undue burden. As mentioned elsewhere in the

submission, it will be critical that the implementation of these requirements will be scalable to the provider, their resources and their risks.

It will also be important that TEQSA take an educative and partnership based approach to working with smaller providers, in particular, so that they are able to meet these new arrangements in an efficient and streamlined way.

Governance and public reporting

TEQSA's expectations for governance and public reporting are stated as including the following:

- Providers anticipate and prepare for internal reporting and annual public reporting against a reporting framework to be developed by TEQSA and the National Student Ombudsman.
- At least twice a year, the governing body must review a report of de-identified complaints data, including an analysis of trends and opportunities for improvement. The governing body is to ensure that appropriate responses are implemented to address serious or recurring complaint issues.
- The governing body must assure itself that the provider is meeting its obligations under the Threshold Standards in relation to student grievance and complaint management. This includes ensuring that any trends or issues identified from complaints data have been adequately addressed.

It will be important to quickly understand what the reporting template will look like, its purpose and who will review it and how it will be used, as well as whether biannually is a frequency required of all providers. The Support for Students Policy systematically worked through all of these issues to ensure a reporting template could be implemented for all providers. The frequency of reporting should be adjusted based on the risks for a provider, with only the highest risk providers being required to report biannually.

The SRE emphasises the importance of governance oversight and public reporting. TEQSA expects providers to report on grievance data and ensure that trends are addressed. IHEA acknowledges the importance of this, but emphasises the need for a streamlined reporting framework that reflects the diversity of providers and their operational models. As noted elsewhere in this submission the reporting framework that will be developed by TEQSA and the NSO must be streamlined and reflect the approach taking for the Support for Students Policy to ensure that it appropriately caters for all provider types, scales and actual risks.

We recommend that TEQSA engage with providers to develop reporting mechanisms that are flexible and scalable, which allows all providers to meet the requirements without excessive administrative burden.

Conclusion

In-principle, IHEA supports the intent of TEQSA's Interim SRE to improve student grievance and complaint mechanisms. However, we urge TEQSA to refine the guidance to ensure it is fit for purpose for all provider types, particularly smaller institutions with limited resources. A flexible, educative approach that considers provider diversity will be essential for successful implementation. Further, we recommend that TEQSA, the NSO and DoE coordinate their efforts to create a streamlined reporting process, minimising duplication and regulatory burden for providers.

We look forward to further consultation prior to the finalisation and implementation of a practical SRE that is workable for all providers.

Who We Are

Independent Higher Education Australia Ltd. (IHEA) is a peak body established in 2001 to represent Australian independent (private sector) higher education institutions. Our membership spans independent universities, university colleges and other institutes of higher education, all of which are registered higher education providers accredited by the national higher education regulator, TEQSA or associate members seeking registration.

Our Vision is that: students, domestic and international, have open and equitable access to world class independent higher education in Australia, built on the foundations of equity, choice, and diversity.

Our Mission is to represent independent higher education and promote recognition and respect of independent providers as they contribute to Australian education, the Australian economy, and to society in general. We achieve this by promoting continuous improvement of academic and quality standards within member institutions, by advocating equity for their staff and students, and by delivering services that further strengthen independent providers' reputations as innovative, sustainable, and responsive to the needs of industry and other relevant stakeholders in both higher education and vocational education and training. IHEA's commitment is to excellence, productivity and growth in independent higher education being delivered through a trusted Australian education system underpinned by equity, choice, and diversity.

IHEA members have different missions, scales, and course offerings across the full AQF range (Diplomas to Doctorates). IHEA has 86 members, which comprise:

- Five private universities (Australian University of Theology, Avondale University, Bond University, Torrens University and University of Divinity).
- Six University Colleges (ACAP University College, Alphacrucis University College, Excelsia University College, Moore Theological College, SAE University College and Sydney College of Divinity).
- Seven self-accrediting institutes of higher education (ACAP University College, Excelsia University College, Griffith College, Kaplan Business School, Marcus Oldham College, Photography Studies College and The College of Law).
- Seventy not-for-profit and for-profit institutions of higher education; and related corporate entities.

IHEA members teach approximately 74 percent of the students in the independent sector (i.e., more than 130,000 students) and educate students in a range of disciplines, including law, agricultural science, architecture, business, accounting, tourism and hospitality, education, health sciences, theology, creative arts, information technology, human services and social sciences.

IHEA holds a unique position in higher education as a representative peak body of higher education providers. Membership in IHEA is only open to providers registered, or seeking registration, with the Australian regulator – TEQSA. However, some IHEA members are dual and multi-sector providers who also deliver VET and/or English Language Intensive Courses for Overseas Students (ELICOS) courses.

Contacts:

The Hon. Dr. Peter Hendy
Chief Executive Officer
Email: Peter.Hendy@ihea.edu.au
Phone: 0418 679 911

Dr James Hart
Chief of Policy
Email: James.Hart@ihea.edu.au
Phone: 0418 694 680