



## Queensland University of Technology

### Response to the Tertiary Education Quality and Standards Agency consultation paper on its

#### ***Interim statement of regulatory expectations: Student grievance and complaint mechanisms***

Thank you for the opportunity to provide feedback on the *Interim statement of regulatory expectations: Student grievance and complaint mechanisms*. QUT recognises the critical importance of this area of regulatory interest and is committed to working with TEQSA and all other relevant government agencies – at both federal and state levels – to ensure that students have clear and reliable access to fair and effective grievance and complaint mechanisms. Our feedback is provided under the corresponding heading of each section.

#### **Contextual information**

##### Additional reporting requirements – student grievance and complaint mechanisms

Universities are subject to numerous overlapping statutory obligations in the grievance and complaint domain, overseen by a number of different entities. QUT draws some comfort from the awareness of TEQSA of this state of affairs, expressed in its assurance that ‘TEQSA will engage with the National Student Ombudsman and Department of Education around these proposed requirements to ensure there is no unnecessary burden on universities.’

To operationalise this intention to avoid unnecessary burden on universities, any ‘additional reporting requirement’ imposed by TEQSA should take the form of the supply to TEQSA of information already collected and supplied to other agencies for the same purpose.

Universities would be further reassured were this coordination and mutual awareness extended to the state and territory authorities, since all but one of Australia’s public universities are overseen by state regulators, including Ombudsman functions (however titled).

Additionally, QUT contests the stated assumption ‘that the greatest risk to students resides within universities given the number of students they enrol and the complexity of their operations.’ This formulation is a system-centred rather than a student-centred perspective. From the point of view of an individual student, the responsiveness of their institution to their particular circumstance is what matters, not whether there are two or two dozen fellow students also engaged in complaint processes. Furthermore, greater organisational complexity is always accompanied by more specific staff specialisation, with expert

dedicated staff who handle complaints as their primary function, rather than fulfilling this role as just one of a wide variety of different tasks.

An equally compelling argument can therefore be made from the individual student's point of view that non-university providers are less well resourced to handle grievances and complaints than are larger organisations with specialist, dedicated staff. Indeed this point is tacitly conceded in the construction of the longer compliance timeframe afforded non-university providers to 'review and mature their grievance and complaint mechanisms,' presumably because they are taken to be less well equipped to undertake the necessary compliance work in the tighter timeframe allocated to universities. It is reasonable to suppose that such a capacity constraint would apply equally to the frontline work of handling grievances and complaints that is the subject of the regulatory compliance effort.

The size and complexity of universities may seem to TEQSA to pose a greater risk when regarded collectively, but they do not actually pose an elevated risk to individual students. QUT argues that the professed focus on universities is both misplaced and antithetical to a student-centred approach. Imposing additional reporting requirements on those institutions that are in fact well equipped to handle student complaints and grievances, and not on those that TEQSA tacitly acknowledges may have difficulty meeting tighter timelines for bringing mechanisms up to code, is not in the interests of students across the higher education sector. To serve the interests of all students in Australian higher education, we recommend that the interim statement of regulatory expectations and its reporting requirements be recalibrated to be institutionally agnostic, except where specific conditions relating to institutional nature are relevant.

### **TEQSA's regulatory expectations**

1. QUT is committed to ensuring that our student grievance and complaint mechanisms, like all other policies and procedures, meet the requirements of the Threshold Standards.
2. QUT regularly undertakes review and improvement of our policies and procedures, including our student grievance and complaint mechanisms, to ensure they meet our regulatory obligations and the needs of students, staff and relevant stakeholders.

### Characteristics of good practice

- 3e. Due to particular duties of care owed by the University to students and staff, there may be no choice but to address certain issues once they have been identified.
- 3f. This statement is too broad. Particularly where there are safety risks, broader concerns about wellbeing, or in other specific circumstances (e.g. for certain complaints relating to a minor), the application of this principle may not always be possible. In seeking to resolve a complaint, details may need to be disclosed on a 'need to know' basis with other staff. Additionally, where the matter involves a staff member and that staff member is identifiable, there are times where we are required to advise the complainant that the information will be shared with HR.

This would impact informed consent in circumstances where the complaint has been received via email or via a third party and therefore, they may not be aware of policy or this information when disclosing as they would be if they had used the form or disclosed to a specifically trained staff member. The term 'other parties' also needs to be clarified.

- 3g. Some outcomes may be confidential, such as disciplinary processes.
- 3k. It is not just the limitation of privacy which needs to be taken into account when informing the complainant of outcomes, but also obligations under Enterprise Agreements, legislation and other regulatory requirements.
- 3m. The point is well taken, but this protection needs to be balanced with a corresponding expectation of protection against frivolous or vexatious complaints, without which the grievance and complaint mechanisms could be used as a work-around to circumvent the prevention of reprisal.
- 3n. This articulation of the elements of procedural fairness is particularly important in terms of the considerations raised in 3e. and 3f.
- 3o. There needs to be a caveat to this provision, along the lines of, 'To the extent possible, policies and processes for handling grievances and complaint are trauma informed.' It would also assist to outline the relevant aspects of what being trauma informed means.
- 3t. This section – on ensuring staff decision-makers are appropriately trained – is the only mention in the interim statement of regulatory expectations of appeals. This is not an uncommon element of many grievance and complaint processes in real life, and deserves more complete consideration in the final document.

#### Monitoring, review and improvement

- 4c. Care will need to be taken when publishing responses to student feedback to avoid inadvertent identification of individuals involved in a complaint process.

#### Governance and public reporting

- 5b. The expectation that the University Council must at least twice a year, 'review a report of de-identified complaints data, including an analysis of trends and opportunities for improvement' is misaligned with the actual level of student grievances and complaints received. The conduct of a bi-annual review and analysis by the relevant officers, recommended at 4d, is more feasible, but annual review by the governing body would be more in proportion to the volume of complaints in lived reality.

We would be pleased to discuss these matters further should that be of assistance.