# Transcript: Podcast - Introduction to the National Student Ombudsman transcript

Darren Britten

00:05

Hello everyone and welcome to this ADCET podcast. This episode is an audio recap of a recent ADCET webinar titled Introduction to the National Student Ombudsman, presented by Claire Gough and Zachary Cronau. This webinar introduced the National Student Ombudsman, the role of the Ombudsman and the services they provide, and highlighted how it differs from the Australian Human Rights Commission. We hope you find this presentation interesting and engaging and you can find additional information supporting this podcast on the ADCET website. Over to you, Claire.

Claire Gough

00:42

Thank you, Bec, and thank you so much for ADCET for hosting us today. Ongoing dialogue with our stakeholders is a priority for the team at the National Student Ombudsman. Some of you may have attended previous presentations and for others this is the first time we are meeting. Either way, we really appreciate you taking your lunchtime to be with us today. So, as Bec shared, my name is Claire and I'm the Director for the Education and Outreach Team. Similar to Bec, I'm a white woman in my 40s, but I do have blondish hair and a big smile on my face because we are genuinely happy to be here by two colleagues Zach, the Director for our Strategic Investigations and Reporting Team, and the fabulous Bridie, also from the Education and Outreach Team, here to support us with the slide deck. We have a presentation to work through today and, as Bec said, we'll make sure we have time for discussion and questions at the end of our presentation. I'd like to start by sharing what might be a recap for some of you on why the NSO was created. There were two major reports the University Accord final report and the action plan addressing gender-based violence. These reports recommended the establishment of the National Student Ombudsman after finding that systemic issues related to gender-based violence persisted across the sector, and the reports also highlighted concerns about how complex, slow and confusing complaint options for students can be possibly still are. So the National Student Ombudsman opened its doors on the 1st of February this year and we received our first complaint within 15 minutes of opening our doors. We are now six months into operations and our complaint numbers and staffing numbers have continued to grow. We are here to help deliver a more inclusive, accessible higher education experience where higher education providers prioritise student wellbeing and belonging.

02:54

In terms of our scope the types of complaints we consider we consider complaints on a very broad range of issues from students and, as an ombudsman, we are in the unique position of examining complaints from outside the institution. So we consider complaints from students on a range of things. This includes issues related to student wellbeing and discrimination and, importantly, this includes disability discrimination. We consider matters of course administration, and that means things like enrolment, recognition of prior learning, certification at graduation, the provision of inaccurate or misleading information. We also consider complaints relating to teaching provisions and facilities, which is about the quality of teaching and courses, as well as assessments, placements, learning resources and supervision, which is particularly important for PhD candidates. We also consider complaints related to reasonable adjustment student accommodation services, where those services are owned and operated by higher education providers themselves. And at the crux of it all is that we consider complaints about the fairness and effectiveness of student complaint handling processes.

04:18

There are some things that the National Student Ombudsman cannot consider complaints about. That, importantly, relates to VET courses, and we can't accept complaints about staffing matters. Nor can we accept complaints about academic judgment, so that's things like the grade that was awarded, although we might consider the policy or the process behind what led to that grade, including requests for academic accommodations or special considerations. Later in the presentation we will describe the common complaint themes that we have heard about it, but it's safe to say that students are coming to us on all of these issues that I've described. It's also important, I think, to pause and think about who is in scope. So when we refer to students, this encompasses complaints from prospective students, from current students and from past students. We provide services to international students as well as domestic students and all levels of students from undergraduate to higher degree research. Our Act allows us to consider historical complaints without any time limitations. I would now like to hand over to my colleague, Zac, to talk you through the complaint process when students do come to the NSO.

Zachary Cronau

05:45

Thank you, glam. My name is Zac Cronaur and I'm the Director at the NSO for Strategic Investigations, as well as our Reporting section that looks at data. So when students come to the NSO, there's a number of ways that they can make a complaint to us. They can make a complaint to the NSO online, over the phone or in person at one of our offices. Complaints can be made by individual students, by groups of students or by a representative on behalf of a student, with their consent. We normally ask students to raise an issue with their provider before they make a complaint to the NSO. While we do have the discretion to take a complaint where the student has not raised it with their provider first, we only progress complaints in the first instance in particular circumstances such as when a student feels unsafe engaging with their provider directly. When a complaint is lodged with us, the complaints team looks at the details provided to identify high-risk matters and prioritise those. This includes complaints relating to student safety or where there is an urgent time sensitivity. When a student approaches us, we also ask whether the student has a disability or any accessibility requirements that are relevant to us being able to support them to interact with the NSO throughout the complaint handling process. We ask this question so we can best assist the student and to ensure that our service is accessible and inclusive for all. We don't ask for evidence. We only ask for the student to self-identify to us the support that they require. This also means that a student might not tell us about a disability that they have where it isn't relevant to an accessibility requirement that they seek from us to assist with the complaint handling process. Next, we check that the complaint is in scope of the work that we can do and listen to the student's concerns to understand what outcomes they would like to receive for the issue, any actions that the student has taken previously to coming to the NSO and about how the provider has been handled to date by the provider.

07:55

The NSO can accept anonymous complaints. Filing an anonymous complaint can limit sometimes what we can do because we can't obtain further information about the problem from the student. However, the NSO may be able to contact a provider to request further information, make recommendations or take another action in response to an anonymous complaint. Information provided via anonymous complaints can also assist us by informing a broader NSO investigation into a problem in the higher education sector For some of our data coming up to the end of July, the NSO had received 2,211 contacts from students. These contacts are mostly received from current undergraduate students and a small portion are from non-university providers. We are hearing from a large number of international students, which makes up 40% of the complaints we've received, which over-represents the 30% of students in the sector that are international students sector that are international students. Of the contacts that we have received, almost 1,800 have been classified as an in-jurisdiction complaint. The other contacts can include inquiries or matters that are out of jurisdiction for our office. We are pleased that just over 50% of matters have been resolved and we're continuing to resolve more matters every day been resolved and we're continuing to resolve more matters every day.

09:28

The most common complaint topic relates to course administration, which makes up just over 30% of all the complaints that we've received. Unmet academic requirements on misconduct at 20%. Teaching and learning issues at 19%, and then fees and financial issues not far behind, at 14% of all the complaints that we have received. Some specific information on disability complaints is that discrimination, racism or inadequate support, which is one of our complaint themes, makes up 6% of all of the complaints that are raised with the NSO makes up 6% of all of the complaints that are raised with the NSO, significantly within discrimination complaints. Over half of discrimination complaints are made to the NSO by a student who is reporting that the discrimination that they have experienced relates to having a disability at 49 of the complaints that we have received. 40% of the complaints that we have received 40% of the complaints that we have received instead relates, at 45 complaints, to an issue that a student has had with an existing or trying to establish a new learning access plan with their higher education provider. And 21 complaints that we have received raised a different type of concern about general inadequate support that the student had received from the provider that related to them having a disability. I mentioned earlier that we asked students if they have a disability or an accessibility requirement. That relates to our complaint handling process. 13% of all students who have made a complaint to us told us that they did have one. We recognise that as our data continues to mature as a new service, we will be able to better identify matters related to disability that might be categorised in other complaint areas, such as course administration, special consideration concerns and enrolment. We are continuing to unpack our data to understand the core issue for each student complaint, and these do change as we engage with students in the process and uncover more information about a student's situation. It's important that we use the data generated by student complaints to not only address individual student concerns, but to drive systemic reforms across the sector, which will ultimately help to improve the NSO goal of improving the overall student experience. We will also use the data to develop education and outreach activities that will help providers to go beyond compliance with legislation to ultimately use best practice in complaints handling and to support students directly.

12:10

We have a case study to discuss as part of this presentation about a student who approached the NSO to raise their issue. For the purpose of this case study, we've named the student Emma, which isn't their real name, and Emma was a neurodivergent student who had an agreed learning access plan in place with the University of the Sunshine Coast, usc. Before starting her new course, she had contacted some course staff to let them know about her existing learning access plan, to let them know about her existing learning access plan. Then, during the course, she requested an additional extension of time for an assignment and provided a medical certificate to support her application. Emma became distressed when, rather than considering her request for an extension. The professor recommended to her alternative options that discriminated against her as a neurodiverse person, including that the professor thought that she should withdraw from the course. Emma had also requested that the professor enabled closed captions for course videos. The professor told Emma directly that the platform did not provide this function. Suspecting that this was not the case, emma raised the request through IT and student services. Closed captions were available in the platform and were promptly enabled by IT. After her experience, emma submitted a formal complaint, first with USC, but was dissatisfied with the outcome, with USC's response. She then proceeded to contact the NSO. Emma told us that she was unhappy with their experience. After the NSO raised Emma's experience with USC, usc provided an acknowledgement and an apology to Emma. Usc also advised that it had taken a number of steps to address the issue that laid behind Emma's complaint, including recently updating their student well-being toolkit for staff to include new content about neurodiversity, conducting a systemic review of closed captioning within courses and implementing a new policy to consider extension requests to help address AMA's concerns. That started in semester 2 of 2025.

14:31

In establishing the NSO, we have worked very hard across all NSO teams to establish a collaborative approach to complaint handling to reduce touchpoints, increase efficiency and ensure both higher education providers and students are supported. There are a range of ways in which complaints like the complaint raised from Emma may be resolved, and not all complaints will require the NSO to contact a provider. Sometimes for a student coming to the NSO and talking with one of our complaints officers helps the student to receive the advice or support they need to raise their concern directly with their higher education provider. We sometimes ask for more information from a student to determine the best course of action to resolve their complaint. Resolve their complaint. Then we can decide how best to engage with the provider by referring a matter to them to reconsider or by asking the provider pointed questions about the NSO's concern with their approach. In some cases we launch a detailed investigation to fully explore a provider's approach and consider making formal and public recommendations to the provider to make changes.

15:46

When a student's individual concern is resolved, we also consider, like in Emma's case, whether the provider needs to make some broader changes to solve the problem and prevent other students from encountering the same issues.

16:00

This can include updating a policy or a procedure or providing additional training and support to staff. We see a number of common themes in complaints about higher education providers not doing enough to support students with a disability. These include students not being aware of how to engage with a provider's formal complaint handling policy to raise a concern when an issue isn't being handled correctly. Providers being too rigid and focused on what a procedure says, instead of genuinely considering the issue a student with a disability is raising and how the provider can make changes to be more flexible or provide additional support. A disjointed system with learning access plans where agreed accommodations to support a student with a disability are not then effectively implemented across different courses, and students feeling that they have to do all the work to try and have their needs or problems listened to and that providers aren't proactive in responding to their concerns. I'll hand over now back to Claire to talk about our alternative dispute resolution pathways.

Claire Gough

17:13

Thank you, Zac. So Zac talked through some of the different resolution pathways we have available at the National Student Ombudsman and I wanted to just take a minute to highlight our conciliation and restorative engagement pathway. So this resolution pathway was established to support students who've experienced harm, including gender-based violence and other forms of discrimination or harassment. The aim of our conciliation or restorative engagement model is to support students to safely share their experience with a representative from the higher education provider in a conference that's facilitated by an experienced facilitator. Sometimes we use external facilitators, sometimes we use our in-house capability to facilitate those conferences. The core principles that underpin our restorative engagement model are firstly, do no further harm. Respect and safety are paramount when we're facilitating one of these conferences. These conferences focus on and require an agreed set of facts. There's no disputes about the facts between parties when they come to the table at a conference, and that participation for a restorative engagement conference is voluntary, from both the student perspective and that of the higher education provider. So, depending on the desired outcome, a restorative engagement conference can involve the conference itself, it could involve an exchange of a letter of an apology, and we work very much on a case-by-case basis, consistent with our broader aim to elevate the student voice and put students at the centre. So we have had a couple of conciliation conferences that have included students with disability and these conferences have centred around learning adjustment plans and accessibility of course content. The conferences have highlighted to us that students continue to experience a lack of understanding and support around their plans and accessibility and we see students having to advocate for themselves and their disability needs, which have been both physical and psychosafety needs. These matters have highlighted a lack of ability of providers to individualise but, once pointed out, we have seen a willingness of providers to take stock of this and think about student-centred approaches. University staff can understand the impact of having course offerings not adaptable with a learning adjustment plan and we use these conferences to encourage providers to think outside the box, to focus on individual needs, to take away the bureaucracy and see the individual student. Our restorative engagement and conciliation team are really excited to continue having these conferences and to continue to elevate the student voice.

20:31

So we'd had some previously submitted questions about the difference between the NSO and other body bodies, and particularly Australian Human Rights Commission. So one of the key differences between the NSO and the other complaint bodies or ombudsman or human rights commissions that are out there is that we are solely focused on the higher education sector and that we eagerly look for systemic issues impacting on the student experience. We offer multiple resolution pathways, as Zac previously outlined, and that can include referral back to the higher education provider right through to formal or systemic investigations. The NSO does not have time limitations that some other bodies may have. We know that most other agencies will consider a complaint if the incident has occurred in the last kind of 12, maybe 24 months period, but we have no time limit here at the NSO. Also, one of the points of difference, I think, at the National Student Ombudsman is that we don't just ensure higher education providers are acting in accordance with the law, but that they're acting fairly as well. The flip side of that, perhaps, is that we're not a regulator, so we make recommendations but not enforceable undertakings. I think public reporting on issues and provider responses can be more persuasive than regulatory actions. In some instances, though, the choices with the student. They have a choice whether they bring their matter to the NSO or to another body, or to both.

22:15

The establishment of the National Student Ombudsman didn't change existing legislation for human rights bodies, for state and territory ombudsmen, so there is dual jurisdiction for some matters. We have established information sharing and complaint transfer protocols with state bodies, and that includes consultation about student complaints alleging breaches. So we have a letter of exchange with the Victorian Ombudsman, for example, where we can consult with them if there are breaches of the Charter of Human Rights and Responsibilities Act and if a complaint has significant charter implications, we may consult with the Victorian ombudsman about referring that complaint with the complainant's consent. All of the letters of exchange that we have signed with other state and territory bodies are available on our website if that's what you would like to read more about. The NSO, unlike some of the other bodies, does not have access to a whistleblower process, and they're so if a matter meets the thresholds for public interest disclosure, we would attempt to refer that complaint to the state or territory body so that the complainant has access to those provisions.

23:38

We've also had some queries about complaints associated with accreditation bodies. So complaints associated with accreditation bodies are out of scope for the National Student Ombudsman. Our legislation very neatly describes our remit as the actions of a TEQSA registered higher education provider and not the decisions of an accreditation body. There are other ombudsmen, such as the National Health Practitioner and Privacy Ombudsman, who can assist, and TEQSA can also consider complaints on issues that violate broader higher education threshold standards and, given the pre-interest in the accreditation bodies, we're actually meeting with TEQSA this in the coming week and we'll update our frequently asked questions so that we can call out the matter of where to take student complaints on accreditation bodies. So, aside from the incredible NSO staff who manage the complaints and the investigations and the data, we have a team that is dedicated to education and outreach for the National Student Ombudsman, and one of our legislative functions is to provide advice and training on the handling of student complaints, and we recently did a survey across the sector, and from that survey we learned strong appetite for training, particularly in relation to managing challenging complainant behaviour, managing sensitive cases, implementing better practice, complaint handling and trauma-informed practices. So we are beginning to develop resources for the sector on these and on other topics.

25:27

It's timely, though, to talk about education, because the Commonwealth Ombudsman, of which the National Student Ombudsman sits within, is soon releasing its program for its annual complaint handling forum, and one of the sessions will be led by Dr Dinesh Palapanna, and the session is on accessible by by Design. Embedding Disability Informed Practice in Complaint Handling. I think this will be an incredible session. I have never heard Dr Palapanna speak before, but in reading up about him, I was thoroughly impressed with his achievements and, while tickets are not yet on sale, this session will be held virtually on Thursday, the 30th of October, and I suggest you follow either the Commonwealth Ombudsman or the National Student Ombudsman socials for more information on the Complaint Handling Forum and specifically on the Embedding Disability.

26:23

Informed Practising Complaint Handling. Informed practice in complaint handling. When we talk about education, there's obviously this focus on us being able to educate the sector, but we're also really eager to learn from you. So if there's something that you think we're missing in terms of being accessible for students with disability, in terms of reporting on what we're hearing about student complaints, we'd really like you to get in touch with us and our details our email address is available on the slide and I will just say it out for anyone as well it's nsooutreach at ombudsmangovau. Now we have gone rather quickly through the information we'd prepared to share with you, but I hope that's a good thing and we can now hand back to Bec and open the floor for questions, discussion, comments. We'd love to hear from you.

Rebecca Morris

27:24

Thank you so much, Claire and Zach. Your presentations are always so clear and informative and to the point, and I have a list of questions. We've had a couple come through in the Q&A, but I do encourage anybody else who has a question to ask now before I take over and to start peppering them with my questions and to start peppering them with my questions. Tracy in the chat has asked how do you define?

Zachary Cronau

27:55

reasonable. When it comes to reasonable adjustments, it's a really good question, Tracy, and the answer is that it is a case-by-case basis, but generally, when thinking about reasonable adjustments that can be made to a complaint handling process, we're really there to try and do whatever we can, so it's very rare that an adjustment is requested that we're unable to accommodate, and the good news is that there's a lot of flexibility in the way that we can work to work with the student's preferred way of us contacting them. We see adjustment requests for contact over email or phone specifically for updates, or the way that we lay out the information that we're providing for an update on a complaint or about some time requests that we might be able to accommodate in terms of providing additional time to think about a request from us for more information, or when we're communicating about the outcome of our discussion directly with a provider and what the provider has told us.

Rebecca Morris

28:59

Thank you, Zac. Can I ask a bit more about that? So when you're trying to determine if a provider has met the reasonable adjustments in terms of the DSE so I'm assuming you take your definition of reasonable adjustments directly from the DSE Is there anything else you look at, or do you look at the processes and how the university itself has defined it? I just can you explain a bit more about that process?

Zachary Cronau

29:30

Sorry, I spoke about us instead of the provider. That makes sense. So that's a good question. We do look at the DSE, but the Ombudsman's role looks at whether the action is fair and reasonable, which can go beyond the legislation. So we'll look at whether the provider appears to be meeting its legislative obligations through the DSE. But what we then do is we might conclude that for a specific concern, that there might not be an issue with the legislative description of reasonable adjustment, but we might still find that the provider should be taking further action regardless of that. So it's not uncommon for us to conclude that there's still more that a provider can do, even if we don't think that they're not meeting their minimum legislative requirements.

Rebecca Morris

30:23

Thank you, Zac and Tracy. I hope that answers your question and this next question actually builds off that. So thank you, William. You must have predicted what the discussion was going, which direction the discussion was going to go in. But what happens when the university won't amend their level of support or acknowledge they've done something wrong? So what happens if there's pushback from the university?

Zachary Cronau

30:52

It's a really good question and the answer is that it depends on the view that the ombudsman office is starting to draw through the NSO.

31:04

So if the NSO thinks that what the university or other higher education provider did is wrong and unreasonable or unfair, then there's a range of options that we might take to further progress a matter.

31:21

So, ultimately, most of the cases that we resolve are resolved informally, and what that means is that we continue to have those discussions with university or a higher education provider to talk about why we disagree with their opinion or their position about something or we think that there's more work that they should take.

31:39

There is a small number of matters where we're unable to come to an agreement with the provider and their position is that they don't agree that they did something wrong and our position is that they did do something wrong or they've acted unreasonably or unfairly.

31:54

In those instances and it's again relatively infrequent that we have to do this, but in those instances, that's when we're more likely to declare a formal investigation, and what that means is just that we send the provider a letter informing them that we're investigating it. It gives us more powers to request more information and to ask the provider to do certain things, like potentially come to a certain meeting that they have to attend with us to further explain their position and then, depending on the results of an investigation, the ombudsman might write in private to the provider with their conclusions about their points of concern and some recommendations for change. Or we might prepare a public report that outlines what our conclusions and our findings are and then the recommendations that we're making to the provider and potentially more broadly across the higher education sector about changes that they need to implement.

Rebecca Morris

32:52

Thank you. I don't suppose you can provide us some information or data about how many formal investigations the NSO has actually launched and this is really just for my love of a you know bit nosy, but is there many formal, does it? You've said a small number, but how many?

Zachary Cronau

33:16

That is a great question. What I can say is that we're about to produce some data about how many investigations that we've conducted so far on complaints. As we begin to work through more complaints, though, the amount of information that we receive about different issues continues to add on to each other, and we talk about anonymous complaints and intelligence that we form, and we're continuing to build that picture about what some of the key issues are across the sector. So I think it's fair to say that over the next year the number of investigations that we launch will increase and increase. (inaudible - speaking over the top of each other)

Claire Gough

33:52

Oh sorry, Claire, sorry.

33:52

I think also one of the things that we really want to make sure the sector understands is the terminology investigate.

33:58

I think when students come to us, there could be a level of I really want you to investigate this matter and I think it's important to acknowledge that everything that comes to us gets a really really good review and consideration.

34:15

And just because we don't take something to a formal investigation doesn't mean we don't value that and doesn't mean that, like what Zacsaid, over time it doesn't build our understanding of what's happening in the sector or highlight certain areas which are consistently coming up.

34:33

And so, given we're in, you know, six months of operation, we are still super keen to build that knowledge and experience. So if a student comes to us and the outcome is that we facilitate them going back to their provider to ask their provider to look at the matter again, that is still a good we. We see there's some really still some good outcomes from that and we don't want to create any perception that, you know, investigation is the gold star outcome and anything else isn't sufficient. So I just wanted to kind of add that layer there, that the term investigation kind of gets put up on this pedestal. But it doesn't mean through those other resolution processes we don't resolve a matter for an individual student at the same time as banking that in our intelligence and data bank of what's happening in the sector. Thank you so much.

Zachary Cronau

35:23

I'll just add to say that the investigation also adds a lot of time. So it's a formal fact-finding process and takes a long time to work through the disputes with the providers about their position. So when we talk about not investigating a matter, that's often where we can identify resolutions that we can agree to with the provider to solve the problem much faster than we can through an investigation. So it's often more helpful for a student where we are able to first identify an early resolution rather than a long process to finally form some agreement with the provider through potentially a public recommendation.

Rebecca Morris

36:01

Thank you both. That's very helpful and I'm just going off script. I promise I'll return to the Q&A box, but I have one more follow-up question that that fits in with this. So what happens when a student's not satisfied with the outcome, like where to from you? Um, can the student go, or is that it?

Zachary Cronau

36:26

it's a good question. If a student's not satisfied with an answer that they get from the nso about and the nso's concluded that we're not going to take further action on a case, then the first thing that we ask is that the student contacts us to let us know that and there might be that we can provide a better explanation to the student about the perspective that we've formed. Or there might be that the student's able the student about the perspective that we've formed, or there might be that the student's able to explain why the decision that we've reached isn't quite right and provide some additional information or provide additional perspectives that we need to consider about why more should be done, and we might change our opinion about what the next best step is for their complaint. If, after that, the student's still unsatisfied, there are some options that they have.

37:14

As Claire mentioned, there's a number of bodies that overlap with our jurisdictions. They might wish to raise a complaint with the Australian Human Rights Commission, for example. Or if they still are dissatisfied with the conclusion that we have reached in the NSO, we have a process where they can request a formal review. So as part of that internal review, that means that a new officer independent of the original decision maker on the case, checks what's happened, considers the student's perspective about why they think a different outcome should be achieved or that the NSO officer has made a mistake in the process to forming their view, and then make some conclusions about whether that case should be reopened or if there's further work that should be done.

Rebecca Morris

38:01

Okay, thank you. Another question from the group Do you have the conciliated outcomes listed on your website?

Claire Gough

38:14

No, and Zac might jump in as well but often it's to do with the privacy for that student and the fact that sometimes that's very much about a personal story being heard and listened to by the university as opposed to systemic outcomes. They can often be historical matters and so policies and people and processes may have moved on from the time when the issues occurred and therefore the conciliation is about that apology for what happened at that time as opposed to systemic findings. But we will report in our annual report with Jack's team on numbers of conciliations and perhaps in time, trends and insights. Zac, is that fair to say?

Zachary Cronau

39:01

That's quite fair to say, and Claire did a great job of describing the process, but the way that a conciliation works, which protects both the student and the provider, to be really frank in the conciliation environment, is that a conciliation is confidential, so we don't report on the outcomes of all of the conciliation in a public way. What we will do, though and I was just talking about with the director of the conciliation team about this yesterday is we're going to report high level information about the types of matters that are brought to conciliation and the types of outcomes that happen at a very high level but not connected to individual issues, naming the provider and the student.

Rebecca Morris

39:44

Okay, thank you. Kerry has posed a question and this relates back to our discussion about reasonable adjustments that we spoke about before. So how does this relate to international students and visa restrictions in the way you determine what reasonable adjustments are and what supports it's reasonable to expect a provider to put into place? I'll just clarify. I'll just add a bit more to that question as well. Often it's difficult to determine. You know there can sometimes be layers of issues for a student and layers of complications. So how do you work through that to determine a complaint that's to do with potentially disability discrimination or if it's to do with, like you said, you're getting a high number of complaints from international students? Can you speak a little bit to that?

Zachary Cronau

40:48

I certainly can.

40:50

As you've quite rightly pointed out, there are often layers, and we spoke as well about how we'll do more work in the future to try and identify where disabilities intersect with the problems that students are facing in other areas as well.

41:03

That isn't captured explicitly as an issue with the disability.

41:07

Through the way that we capture and report on our data, the way that we capture and report on our data, we certainly do receive a lot of complaints from international students and we're used to them raising visa complications with how they engage in other areas of their educational journey, and that can be around.

41:23

You know, I've seen some complaints about some concerns with rescheduled placements or rescheduled offerings for missed tutorials or lectures or exams, which conflicts with employment responsibilities and challenges there For reasonable adjustments as well. It will be, you know, where there's a complaint that involves both aspects or more aspects. What we ask for the student is to really highlight what they think is the problem with how the providers reacted to their request in the first instance, and then we work with the provider to understand why it might be unfair or unreasonable the way that they have tried to accommodate a reasonable adjustment or decided that an adjustment that the student has requested is not a reasonable adjustment and reviewing that decision, and that can include all of those intersectional elements that might come from a disability and a visa issue or other areas of a student's personal circumstances.

Rebecca Morris

42:28

Thank you, kerry. I hope that's answered your question. Linda has asked Claire. Can you please provide the details of the October webinar again where we can find the details or who it was we needed to follow?

Claire Gough

42:54

in the chat. There's been some promotion on the Commonwealth Ombudsman LinkedIn page. I'll also name that page but the ticket sales haven't gone live yet. They should be going live in the next week to confirm the date, time and how to register for the session. And also I'll put in the National Student Ombudsman social links because we will be making sure we share on there as we think it's such an exciting opportunity. So I'll put all those in the webinar chat now.

Rebecca Morris

43:21

Thank you so much. Lauren has posed a question and let me read it out. In my experience, there are requirements and expectations that accreditation bodies push down to providers that potentially resulting in discriminatory expectations of students with disability, for example, inability to make reasonable adjustments. With this crossover in mind, do you know of any cases where a university has supported a student to have reasonable adjustments following a complaint, despite the pressure requirements from accreditation bodies?

Zachary Cronau

44:14

sometimes be faced between that balancing act, I think, where a provider might be passing on and linking to those accreditation body requirements which might reflect issues that have intersectional bodies and require a broader lens about reviewing how higher education requirements are set up. What I can say is that I have seen some complaints that raise those concerns and I think that there's some more work to be done, so we'll be taking a further look at those issues. The challenge for us in the NSO is that we can only look at what the higher education provider's action is through our legislation. So we can't look at what the accrediting body is setting as a requirement there directly. But what we can do, where we choose to investigate a particular matter and make public reports, is talk about the wider context within an issue might sit, such as these reasonable adjustments.

Rebecca Morris

45:09

Can I ask a follow-up question to that? Have you had complaints or dealt with any issues to do with inherent requirements that universities are posting and potentially discriminating or excluding students with disability from particular courses or excluding students with disability from particular courses? Has that come up? And I'm just thinking in terms of the accrediting bodies and their requirements and then also the inherent requirements that universities are developing and publishing?

Zachary Cronau

45:46

It's a great question, unless Claire has seen some. I haven't personally seen some of those complaints. That doesn't mean that they haven't been seen more broadly in the NSO, so we might take that on notice and get back to you on that. Have a disability for fear that once they disclose their disability, that it will result in some kind of discrimination which means that they're not requesting or receiving support to support them in their higher educational journey. So it wouldn't surprise me that we've received complaints about inherent requirements as well, but we'll have to check.

Rebecca Morris

46:27

Thank you. It'll be interesting to see any reports that you have sort of identifying those areas where complaints are being made and to consider how that might change practice. Can I just ask again my own question the data that you'll be publishing, will you be using that to inform best practice, to make sort of more general recommendations to the sector on how to better support students with disability or, you know, international students or whatever? So wherever the complaints are coming, will you then be using that information to actually make specific suggestions?

Zachary Cronau

47:10

Yes is the short answer.

47:17

Yes is the short answer.

47:17

The long answer is, you know, wearing my data hat, I think that data should definitely inform the way and how we choose to act.

47:21

So data can help us to inform which topics we think are systemic across multiple providers or affect large ranges of students to target for an investigation and think about whether a private or a public report needs to be issued with some specific recommendations for change. So in that way, data can assist us to target our approach and decide what's the most important next investigation that we need to approach or how wide scale a particular issue might be, to think about whether individual resolutions aren't the answer on their own and we need to think about how we address broader systemic problems across the sector. The other answer is that we might use data to look at highlighting some case studies and, through highlighting case studies outside of an investigation, talk about the types of issues that students, such as students with a disability, encounter, and making not a formal investigation recommendation as recommendations defined under our legislation, but making suggestions and highlighting areas informally where we think and putting providers on notice about the types of changes and the types of issues that they should be paying attention to.

Rebecca Morris

48:35

So interesting. Can't wait for some of that to come out and start having a look at where those sorts of changes can be made. And this connects Darlene's question. So where will data like the formal investigations be published? Where and when can we expect to start seeing some of that?

Zachary Cronau

48:56

We're all very excited to start to see some of that come through, darlene, so I understand your question there. So, as I mentioned, the investigation at the end of an investigation, the process is that the ombudsman makes a decision about whether an investigation report should be prepared for the investigation. So an investigation might not end through that approach. An investigation might conclude with a frank conversation and an agreement with the provider that they agree to change a particular issue. Where the ombudsman decides that a report will be prepared, then the ombudsman decides whether it's in private to a higher education provider or in public. When it's in public, then that means that there's a few different options that can happen, but you'll always find them published on our website. So we're eagerly awaiting for the first one to be available there, and the investigation report will include a list of all the recommendations that we're formally making to one or more higher education providers about the issues that we've uncovered.

Rebecca Morris

50:01

Fantastic, thank you. William has commented. Thanks so much. I really appreciate what NSO does. Further to my last question NSO does Further to my last question and William's last question was where universities won't make changes. So further to my last question if the university is determined as doing wrong and won't do anything, does the student attain a usable formal report so they can pursue a just resolution after the NSO?

Zachary Cronau

50:45

That's a good question, William, and the answer is, you know, we ideally hope that we're able to achieve an informal resolution for someone that approaches us so they don't feel the need that they have to then go to another body or maybe take some legal action against a higher education provider.

50:57

At the end of you know, if an NSO complaint finishes because the higher education provider is not changing their perspective, that they haven't done the wrong thing and they're not agreeing to a resolution that resolves the concern that a student has raised with us, then what we can provide is an outcome letter that describes what we've done and talks about what we've considered in making a decision.

51:25

And so if that's the end of the road for a particular matter, then that's the kind of information that a student can have to understand what we've considered, how we've approached the problem and what the outcome has been and the next steps in terms of the NSO's role, and that might help them to raise the complaint with the Australian Human Rights Commission, who can see what the NSO has already explored, or to consider another pathway.

51:50

But it's not a formal document per se in the way that can be used, for, you know, it's not a letter of the way that the Ombudsman Service works is that we form an opinion, essentially when we conduct a formal investigation. When we don't conduct a formal investigation, what it is is it's a complaint handling summary of what we've done and what our current view is. So it's not a formal document for the purposes of legal court proceedings but potentially, depending on what the student is looking to do next, then it might help them to understand exactly what the next stage of action has been from the NSO in getting involved in the job of reviewing the provider's action.

Claire Gough

52:36

And Zach, fair to say that repeated behaviour of providers not taking on board our recommendations can result in us going to TEQSA just letting them know as the regulator in our sector.

Zachary Cronau

52:48

That's quite right, and we talk to TEQSA very frequently about different issues and issues that we think are important for TEQSA and TEQSA very frequently about different issues and issues that we think are important for TEQSA, and TEQSA also lets us know about issues that they think are important for us to consider from our complaint handling perspective.

Rebecca Morris

53:03

Fantastic, William. I hope that's answered your question. The last question in the Q&A, Bozena, I think maybe I predicted your question and it might have been answered, but let me just read it out. While adjustments provided to students with disabilities will vary case by case, will there be scope within your work to issue regular updates highlighting best practices for the sector? As much as we all want to avoid doing the wrong thing, we're also keen to learn from examples of best practice, which, at the moment, may not be readily available. So, yeah, taking that sort of preventative approach rather than the, you know, fix the problem afterwards.

Claire Gough

53:48

We hear a large appetite for best practice and for case studies and we definitely are working towards that so that we can share the stories of.

54:00

This came to us and this was the response from the provider and we see this as best practice. Or this is because we also our staff have to deep dive into, you know, higher education, complaint handling processes and policies, and so sometimes we see things that are excellent in there and sometimes we see things that are not excellent in there and we do want to be able to highlight, both through static kind of insight reports on our website as well as through the education that we're rolling out. So our education is not just about that big stick this is what went wrong but our education also focuses on here's some providers who are doing really innovative, good student-centered things, and we want to be able to be a platform to share that across the sector. So that's definitely part of our work plan for the coming 12 months, as we see that you know it's still early days for us what we're seeing good, bad and otherwise but we do. We're very committed to sharing best practice as well.

Rebecca Morris

55:03

Thank you so much. We have just one minute left and we've got through all the questions in the Q&A. But I just thought quickly. I asked you both before the session if you support VET students and if not, why not, and then the way you spoke about your triage system. So I thought if you could just for one minute briefly speak to that to let everyone in the audience know as well.

Claire Gough

55:29

Sure. So VET students are not in our legislation. It's not a choice, not a line in the sand that we've drawn that we support TEQSA registered higher education students. We recognise that some students and some providers cross over into both of those areas and so I don't want to overload our complaints intake team. But if there was a student that was, say, in both areas, they might have started in a vet course or they're still doing some vet courses and they're in their higher education studies as well, they can come to us.

56:03

If someone comes to us and they are a vet student and we cannot help them, we won't just say sorry, you're out of jurisdiction. We'll say sorry, you're out of jurisdiction and here's where you can go, and predominantly vet students will be going to their state or territory ombudsman. There are some unique situations, particularly for international vet students of private providers, where the Overseas Student Ombudsman function of the Commonwealth Ombudsman supports those complaints. But I really want to stress that there's no wrong door. If someone came to the NSO we would get them to the right place, but for VET students it's for most their point of call would be their state or territory ombudsman.

Darren Britten

56:51

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