

## Ombudsmen and Australian universities: learning from student complaints

Maxine Evers & Patty Kamvounias

**To cite this article:** Maxine Evers & Patty Kamvounias (2025) Ombudsmen and Australian universities: learning from student complaints, Journal of Higher Education Policy and Management, 47:3, 249-265, DOI: [10.1080/1360080X.2025.2457177](https://doi.org/10.1080/1360080X.2025.2457177)

**To link to this article:** <https://doi.org/10.1080/1360080X.2025.2457177>



© 2025 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group.



Published online: 01 Mar 2025.



Submit your article to this journal [↗](#)



Article views: 682



View related articles [↗](#)



View Crossmark data [↗](#)



OPEN ACCESS



# Ombudsmen and Australian universities: learning from student complaints

Maxine Evers and Patty Kamvounias

Faculty of Law, University of Technology Sydney, Sydney, NSW, Australia

## ABSTRACT

Student complaints against universities are a universal occurrence within higher education. In Australia, these complaints are complicated by the tension between the external appeal mechanisms of state and territory ombudsmen and the regulation of quality and standards in universities at a national level. The nine state and territory ombudsmen manage student complaints from universities in their jurisdictions. While there exist common insights and outcomes across their investigations and recommendations, given the number of ombudsmen, questions of efficiency, effectiveness and equity emerge. Drawing on an analysis of state and territory ombudsman data concerning complaints, presented as case studies in annual reports, this paper identifies the common themes across all complaints. Findings are proposed in the form of lessons that will improve the experience of students and universities in resolving complaints. The findings also offer evidence to support the recent establishment of a National Student Ombudsman.

## ARTICLE HISTORY

Received 30 September 2024

Accepted 19 January 2025

## KEYWORDS

Student complaints; ombudsman; complaint handling; National Student Ombudsman; complaints process

## Introduction

In Australia, higher education is delivered by public universities, private universities and other private education providers and is regulated by a complex application of federal, state and territory legislation. Higher education providers are required by law to have structures, policies and processes in place to manage and resolve student grievances and complaints (Stuhmcke et al., 2015). Standards have been set, requiring, *inter alia*, policies and processes that deliver timely resolution, recording of decisions and provision of written reasons and outcomes to students (Tertiary Education Quality and Standards Agency [TEQSA], 2021). Even the most robust internal complaint handling systems are subject to external review by courts and tribunals (Astor, 2008; Kamvounias & Varnham, 2010). An alternative avenue of external review is available to complainants through one of the nine parliamentary ombudsmen or the specialist ombudsman established to manage complaints from overseas students enrolled at private institutions (Kamvounias, 2015). Almost all universities in Australia are public institutions having been established by either federal, state or territory legislation. This makes their conduct subject to the scrutiny and oversight of the relevant ombudsman (Refer to Table 1).

**CONTACT** Maxine Evers  [maxine.evers@uts.edu.au](mailto:maxine.evers@uts.edu.au)  Faculty of Law, University of Technology Sydney, PO Box 123 Broadway 2007, Sydney, NSW 2007, Australia

© 2025 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group.

This is an Open Access article distributed under the terms of the Creative Commons Attribution-NonCommercial-NoDerivatives License (<http://creativecommons.org/licenses/by-nc-nd/4.0/>), which permits non-commercial re-use, distribution, and reproduction in any medium, provided the original work is properly cited, and is not altered, transformed, or built upon in any way. The terms on which this article has been published allow the posting of the Accepted Manuscript in a repository by the author(s) or with their consent.

Given the number of universities and university students differs considerably across each jurisdiction, ombudsmen have varying degrees of involvement in managing student complaints. Each is required by law to submit an annual report to parliament on their overall activities. Ombudsmen oversee the conduct of all public sector agencies. Managing university student complaints is a very small part of this work. There is no statutory requirement for reporting on a particular sector. Nonetheless, annual reports include relevant university student ‘case studies’ that identify areas of concern and their resolution.

This paper draws on the annual reports of the nine ombudsmen from 2007 to 2023 and analyses case studies to identify the types of complaints and their resolution, not simply for the individual student complainant but also for the recommendations and guidance given to universities to improve their practices and processes.

The paper begins with an overview of the role and jurisdiction of ombudsmen. Following is a detailed analysis of the case studies. The themes that emerged from the case studies are identified with the most common areas of complaint and their management highlighted. A discussion of the lessons from the case studies focuses on improving experiences for

**Table 1.** Legislation setting out the scope of the authority of the parliamentary ombudsmen and establishing Australia’s public universities.

Jurisdiction	Ombudsman Legislation	University Legislation
Australian Capital Territory	<i>Ombudsman Act 1989</i> (ACT)	<i>University of Canberra Act 1989</i> (ACT)
Commonwealth	<i>Ombudsman Act 1976</i> (Cth)	<i>Australian National University Act 1991</i> (Cth)
New South Wales	<i>Ombudsman Act 1974</i> (NSW)	<i>Charles Sturt University Act 1989</i> (NSW) <i>Macquarie University Act 1989</i> (NSW) <i>Southern Cross University Act 1993</i> (NSW) <i>University of New England Act 1993</i> (NSW) <i>University of New South Wales Act 1989</i> (NSW) <i>University of Newcastle Act 1989</i> (NSW) <i>University of Sydney Act 1989</i> (NSW) <i>University of Technology Sydney Act 1989</i> (NSW) <i>University of Wollongong Act 1989</i> (NSW) <i>Western Sydney University Act 1997</i> (NSW)
Northern Territory	<i>Ombudsman Act 2009</i> (NT)	<i>Charles Darwin University Act 2003</i> (NT)
Queensland	<i>Ombudsman Act 2001</i> (Qld)	<i>Central Queensland University Act 1998</i> (Qld) <i>Griffith University Act 1998</i> (Qld) <i>James Cook University Act 1997</i> (Qld) <i>Queensland University of Technology Act 1998</i> (Qld) <i>University of Queensland Act 1998</i> (Qld) <i>University of Southern Queensland Act 1998</i> (Qld) <i>University of the Sunshine Coast Act 1998</i> (Qld)
South Australia	<i>Ombudsman Act 1972</i> (SA)	<i>Flinders University Act 1966</i> (SA) <i>University of Adelaide Act 1971</i> (SA) <i>University of South Australia Act 1990</i> (SA)
Tasmania	<i>Ombudsman Act 1978</i> (Tas)	<i>University of Tasmania Act 1992</i> (Tas)
Victoria	<i>Ombudsman Act 1973</i> (Vic)	<i>Deakin University Act 2009</i> (Vic) <i>Federation University Australia Act 2010</i> (Vic) <i>La Trobe University Act 2009</i> (Vic) <i>Monash University Act 2009</i> (Vic) <i>Royal Melbourne University of Technology Act 2010</i> (Vic) <i>Swinburne University of Technology Act 2010</i> (Vic) <i>University of Melbourne Act 2009</i> (Vic) <i>Victoria University Act 2010</i> (Vic)
Western Australia	<i>Parliamentary Commissioner Act 1971</i> (WA)	<i>Curtin University Act 1966</i> (WA) <i>Edith Cowan University Act 1984</i> (WA) <i>Murdoch University Act 1973</i> (WA) <i>University of Western Australia 1911</i> (WA)

students and universities. This discussion results in a set of principles to inform the understanding of governments, universities and students of ways to improve this critical area of higher education. Finally, consideration is given to the role of a National Student Ombudsman to oversee the higher education sector.

## Background

The first ombudsman in Australia was established in Western Australia by statute in 1971. By 2009, there was an ombudsman in each state, territory and at the Commonwealth level (see Table 1). Ombudsmen are: ‘concerned with whether the administrative actions of the institution are in accordance with established procedures and are fair and reasonable’ (Ombudsman Western Australia, 2018, p. 52). Ombudsmen do not have authority to change university rules, policies, procedures or processes. Their powers are limited to the making of recommendations following the investigation of a complaint (Kamvounias, 2015). Recommendations can remedy individual complaints and improve administrative practices so that, as Barbour (2008) notes, the cause of a problem is corrected before it affects others. Recommendations for systemic change are an aspect of their work that widens the impact of their investigation beyond individual complaints. Ombudsmen are the place of last resort after complainants have exhausted all internal avenues of complaint resolution. For university students, internal avenues range from central student administration and class teachers through to university ombudsmen, deans of students, complaints managers and grievance officers (Stuhmcke et al., 2015).

Commentators have noted the small, but growing, number of complaints against universities being escalated to ombudsmen (Astor, 2005; Kamvounias, 2015; Kamvounias & Varnham, 2010; Olliffe & Stuhmcke, 2007). Given that, as at 2020, there were almost 1.5 million university students in Australia (Universities Australia, 2022), the number of complaints investigated by ombudsmen is comparatively miniscule. The reason for the low numbers is unclear: this may be due to student fatigue in escalating grievances or it may be due to effective internal appeals and complaint processes. It should also be noted here that there are complaints that the ombudsmen receive and decide not to investigate.

What is clear is that, even with small numbers, ombudsmen have chosen to publish case studies involving universities.

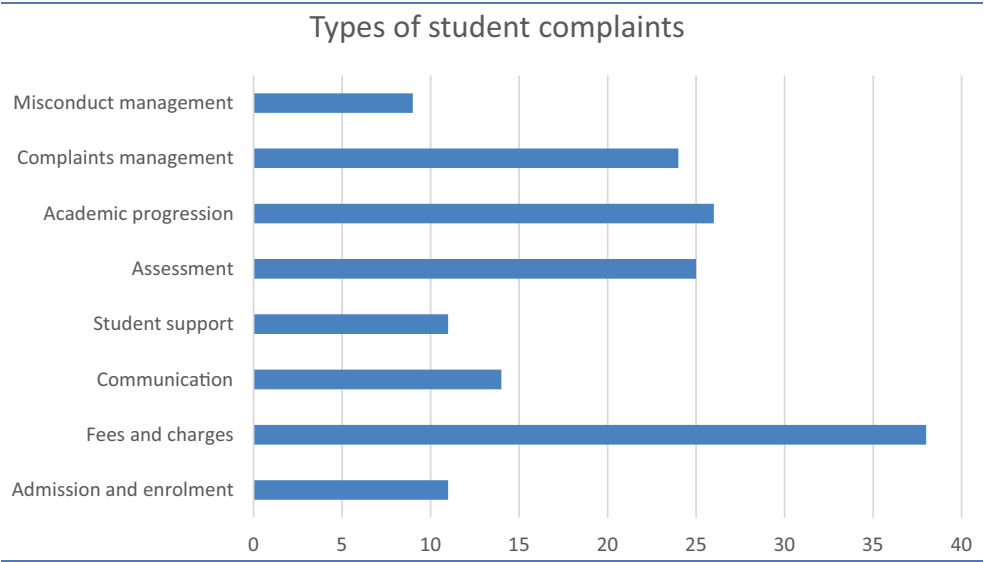
## Method

The information in the ombudsmen’s annual reports is publicly available. There is no legislative requirement for the publication of particular information: reports vary across different ombudsman’s offices and vary over time within the one office.

Our method centred on a documentary analysis of 112 case studies published in 144 annual reports (and other publications) from nine ombudsmen between the period 2007 to 2023. We employed a descriptive case study methodology (Yin, 2014) to identify and analyse data, resulting in the emergence of themes from which findings are presented. This approach allows for ‘readability, credibility’ and ‘confirmability’ of the study (Yin, 2014, p. 192).

Two data sets were needed to assess the effectiveness of the current ombudsman framework for the determination of student complaints. These were the identification of the major types of student complaints and following, the analysis of the core themes emerging from the case studies. We determined that a two faceted approach would achieve our objective: the

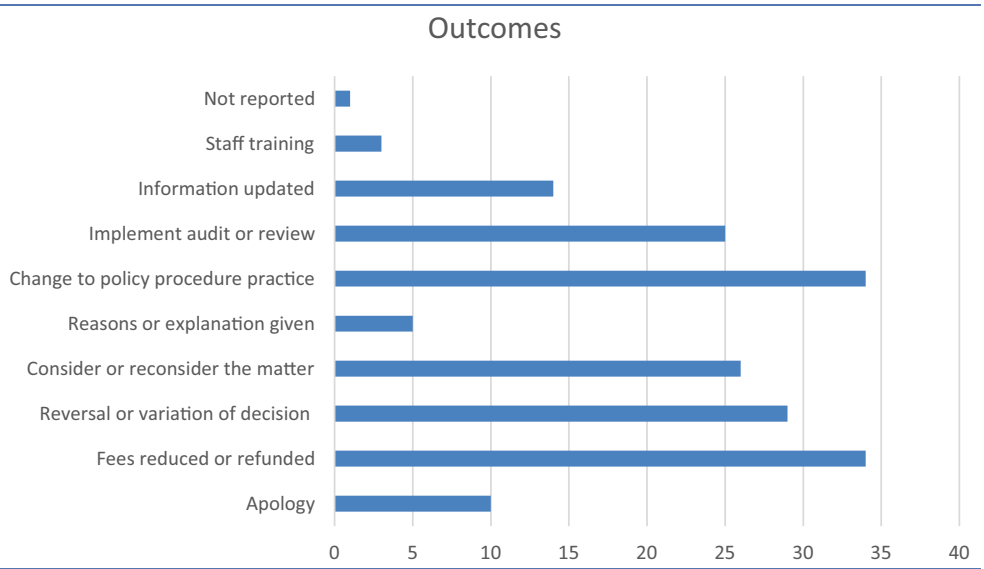
**Table 2.** Issues arising from the case studies published in the state territory and commonwealth ombudsman annual reports from 2007–08 to 2022–23.



types of student complaints were categorised through analysis of the case studies and the categorisation of the subject matter of the complaint. The insights of the ombudsmen were highlighted through an analysis of the text within the case studies.

Our method included the preparation of a table of types of complaints (Table 2) and outcomes (Table 3) and the coding of the case studies in order to identify themes. Preparation consisted of collating the number of case studies from annual reports and

**Table 3.** Outcomes of investigations in the case studies published about student complaints about universities in the state territory and commonwealth ombudsman annual reports from 2007–08 to 2022–23.



other material available online. This stage of data collection centred on the case studies at two levels: complaint types and textual representation of the investigations. Data collection followed with the clustering of complaint types into eight categories and outcomes into ten categories. The analysis of the textual representation of the investigations involved identification of words and phrases that highlighted the ombudsmen's perspectives. The themes that emerged from this textual analysis are then reported by way of lessons learned.

## Results

The number of case studies arising from student complaints is set out in Table 4. Ombudsmen can receive complaints from students, staff, and others. This study focuses on student complaints about their educational experience at a public university. Annual reports may include the number of complaints about universities and the outcomes of investigations into these complaints. However, our analysis is limited to the case studies that the ombudsmen have determined to publish.

As shown in Table 1, the number of universities within the jurisdiction of each ombudsman varies from a low of one (in the Australian Capital Territory, the Commonwealth, Northern Territory and Tasmania) to a high of ten (in New South Wales). Accordingly, the number of cases would be expected to vary across each jurisdiction. Each year there were no more than eleven case studies from all ombudsmen's offices. In each jurisdiction, the number of case studies varies from a low of zero (in the Australian Capital Territory) to a high of thirty-five (in Queensland) over the fifteen-year period being investigated.

The word length and detail provided in each case study vary across jurisdictions and within jurisdictions over time. In the Northern Territory, for example, case studies range from a few lines (in 2016) to several pages (in 2011). The most common method of reporting is the inclusion of relevant details in an insert or separate column as a means of highlighting the complaint. Queensland changed this approach with the introduction, in 2020, of the publication of separate 'Casebooks' containing one-page samples of its investigations of student and other complaints.

## Students and universities

For privacy and confidentiality reasons, student complainants are de-identified in the case studies. A general description may be given (for example: 'medical student' or 'a PhD student') and the use of pseudonyms and pronouns may indicate gender. However, gender is rarely reported, suggesting that this is not a relevant consideration when investigating complaints. Reporting practices vary, so it is difficult to reach any conclusions about the profile of complainants, other than to note that, in some cases, their field of study and level of study (undergraduate or postgraduate) is included.

Whether the complainant is an international or local student is also not consistently reported. In 50 of the 112 case studies, the student is identified either as an international student ( $n = 46$ ) or a domestic student ( $n = 4$ ). Again, this may indicate that the classification of a complainant is not a significant matter. Some reports refer to the *National Code of Practice for Providers of Education and Training to Overseas Students* 2018 (the National Code) that, since 1 July 2007, has prescribed standards for higher education

**Table 4.** Number of case studies published in state territory and commonwealth ombudsman annual reports from 2007–08 to 2022–23.

Ombudsman and universities	2007 – 2008	2008 – 2009	2009 – 2010	2010 – 2011	2011 – 2012	2012 – 2013	2013 – 2014	2014 – 2015	2015 – 2016	2016 – 2017	2017 – 2018	2018 – 2019	2019 – 2020	2020 – 2021	2021 – 2022	2022 – 2023	TOTAL
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Australian Capital Territory	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Commonwealth	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New South Wales	2	0	0	0	0	0	1	3	4	3	2	0	1	2	0	0	18
Northern Territory	0	0	1	1	0	0	0	0	1	0	1	0	0	0	0	0	4
Queensland	1	3	2	4	0	4	2	2	2	2	2	4	3	0	2	2	35
South Australia	0	0	1	2	1	0	1	0	2	0	0	1	1	0	1	1	11
Tasmania	0	1	0	0	0	0	0	0	0	0	0	0	1	1	2	1	6
Victoria	2	2	1	2	2	1	0	2	0	0	0	0	0	1	0	1	14
Western Australia	2	1	1	1	1	2	2	2	2	1	1	3	2	1	1	1	24
TOTAL	7	7	6	10	4	7	6	9	11	6	6	8	8	5	6	6	112

providers to overseas students studying in Australian universities (Ramia, 2015). The National Code also determined the role of ombudsmen as the external appeals body for overseas students at public universities when these students have exhausted all internal processes.

In jurisdictions that have oversight of one university only, identification of the university is self-evident. In other jurisdictions, the practice varies. No university is named in the studies reported in Western Australia. South Australia identified the university in every case study. Queensland named the relevant university until 2011; New South Wales and Victoria identified the university in some years. Other than Tasmania, South Australia, the Northern Territory and the Australian Capital Territory, it is not possible to ascertain whether the complaints are about any particular university or whether there is a trend or concern about any particular university.

These inconsistencies and anomalies in reporting gender, classification of students and respondent universities highlight the lack of a common approach by the ombudsmen. Arguably, this is a missed opportunity for systemic improvements.

### *Issues in the case studies*

The issues arising from complaints across the jurisdictions are described in Table 2. There are more issues than case studies because one complaint may cover more than one issue.

The issues are categorised as: admission and enrolment (including continuing enrolment); fees (including non-payment, overpayment, requests for refunds, withdrawal from course); communication and information (before and after enrolment); student support (including disability support); assessment (including examinations, theses, special consideration, placements); academic progression (including exclusion, academic caution, students at risk); complaints management (including complaints and appeals processes) and management of misconduct (both academic and non-academic misconduct).

### *Outcomes of investigations in the case studies*

Ombudsmen's recommendations may be limited to individual redress or may include recommendations for universities to improve processes to prevent recurrence of similar conduct. In this way, ombudsmen can influence administrative decision-making processes and assist universities to learn from mistakes and use complaints to improve decision making.

Table 3 outlines the outcomes of the investigations. As with student issues described in Table 2, there are more outcomes than case studies because one investigation may result in more than one recommendation.

Ombudsmen may investigate a complaint and make recommendations that resolve the complaint only for the individual complainant. Case studies where the outcomes are confined to individuals include recommendations that the university: reduce or refund fees; provide an apology; reverse or significantly vary a decision (including alternative assessment and resubmission of assessment); consider or reconsider a matter and provide reasons or an explanation for the conduct.



Ombudsmen may also make recommendations that have wider application beyond the individual complainant. Recommendations for general systemic or institutional change include that the university: implement an audit or review of the relevant policy, procedure or practice; make changes to the relevant policy, procedure or practice; update; clarify relevant communications and information and improve staff training.

It is important to note that ombudsmen may investigate a complaint and find that the university acted fairly, or its decision was reasonable and so make no recommendations. In 10 of the 112 case studies, ombudsmen identified no maladministration by the university. When the ombudsmen were satisfied that university investigations were made in accordance with relevant policies and procedures and there was no evidence that the student had been denied procedural fairness, the university decisions were upheld.

## Discussion

Clearly, there is a very small number of case studies compared to the student population in Australia's public universities over the same period. Nonetheless, these warrant closer examination.

Table 2 indicates that the predominant types of complaints are about fees, assessment, academic progression and complaints management. These are not surprising in the current competitive and costly higher education environment. However, this does not mean that these are the main areas of complaint, as the decision as to which complaints are showcased is at the discretion of the individual ombudsman.

In relation to complaints about fees, the most common outcome was a recommendation that the fees be reduced or refunded. What is perhaps not surprising, in more than half of cases about fee disputes, the ombudsmen also made general recommendations that universities review and amend their policies, procedures, systems or practices in relation to fees and charges. A particular area of concern for international students was universities' refusal to refund prepaid tuition fees when students were denied a study visa.

In relation to complaints about assessment, the most common outcome was a recommendation that the university reconsider or reverse a decision. Ombudsmen cannot change academic decisions but will consider whether policies and practices in relation to assessment are fair and reasonable. The case studies on assessment include investigation into matters such as compliance with assessment policies, delay in assessment decisions and the clarity and sufficiency of information provided in relation to assessments. In less than half of these studies about assessment, the ombudsmen made a recommendation that applied more widely than to the complainant. The most common recommendation was for the university to conduct a review of assessment policies and practices and update or clarify information given to students. Interestingly, five of the ten case studies where ombudsmen identified no maladministration by the university involved some aspect of assessment.

In relation to complaints about academic progression decisions, the most common outcome was also a recommendation that the university reconsider or reverse the decision in relation to the individual student. As with the case studies about assessment, the most common general recommendation was for the university to conduct a review of relevant academic performance, exclusion and student-at-risk policies and practices and update or clarify information provided to students.

In relation to complaints management, the most common outcome was again a recommendation that the university reconsider or reverse the decision concerning the individual student. It is interesting to note that, in this context, ombudsmen made more general than individual recommendations. These general recommendations were mainly that universities amend their policies or practices in relation to complaints management to ensure their rules and procedures were complied with, to avoid delays in decision making and to provide students an opportunity to be heard prior to the decision being made and give reasons for decisions.

Coding of the case studies manually, through identifying central words and phrases, provided insights into complaints, beyond their subject matter. For example, beyond the headline, lay the substantive issues, the ombudsmen's perception of the context of the complaint, their recommendations and the university response. Through this process, key themes were identified. These themes, based on the collective case studies, inform the lessons that universities can reflect on, and if relevant, implement.

The coding was clustered into the themes of communication, information, meeting individual needs, decision-making processes and managing complaints.

The themes of communication and information share common features as demonstrated by the language used in the case studies. References to *clarity* (Ombudsman Western Australia, 2022, p. 52), *clear and contemporary* (Queensland Ombudsman, 2020, p. 25), *accurate* (Ombudsman Tasmania, 2022, p. 27) and *incorrect information* (Ombudsman Western Australia, 2016, p. 46) and similar words and phrases are attributed to complaints concerning absence of correct and/or adequate explanations, incorrect links to webpages and a lack of out-of-office messages and referral details.

As a standalone theme, communication was identified as a failure by universities to provide clear explanations to students across a range of matters, such as applications, referrals, fees, progression and university decisions. This failure was highlighted in terms of recommendations to be *more proactive* (Victorian Ombudsman, 2008, p. 54), *specific rather than generic* (Queensland Ombudsman, 2023, p. 23) and to avoid being *poorly expressed* (Ombudsman Tasmania, 2021, p. 17). Despite communication being a critical tool for a university, the ombudsmen's findings indicate that there is a gap in consistent adherence to this core channel of interaction with students.

The theme of information centred around the lack of consistency, correctness and completeness. The case studies described these as universities needing to *consider wording of policies and procedures* (Ombudsman SA, 2022, p. 54), *amend information* (Queensland Ombudsman, 2020, p. 25), *amend incomplete information on website* (Ombudsman SA, 2011, p. 33) and to include information concerning *processes* (Ombudsman SA, 2014, p. 53) and *consequences* (Queensland Ombudsman, 2010, p. 59). Examples of concerns with information provided by universities to students include insufficient details as to requirements, inconsistent messaging and confusing policies and procedures. As with communication, information is central to the attraction and retention of students and, importantly, to the student experience.

When considering the theme of meeting individual student needs, the common underlying factor is acknowledging exceptional circumstances. These can be categorised into circumstances relating to health and safety, financial capacity, being an international student and disability. The case studies refer to *compassionate grounds* (Ombudsman Western Australia, 2019, p. 49), *experienced difficulties* (Ombudsman SA, 2019, p. 16),

need for *appropriate sensitivity and confidentiality* (New South Wales Ombudsman, 2008, p. 134), use of *discretion* (New South Wales Ombudsman, 2014, p. 69) and the need for *more flexible application of the rules* (Queensland Ombudsman, 2019, p. 28). The critical need for universities to recognise exceptional circumstances as a consideration in their decision-making and to provide individual and detailed explanations for decisions was identified as ‘steps’ that ‘might encourage confidence in the university’s decision-making process’ (Victorian Ombudsman, 2009, p. 17). A much-used approach from the university to individual students, particularly in cases of exceptional circumstances, was an apology. In some cases, this was framed as a gesture of goodwill.

In relation to the theme of universities’ decision-making processes, case studies highlighted examples such as delay and failure to: follow the correct application of policies; consider all relevant material; allow sufficient notice and an opportunity to respond; provide reasons for decisions; and implement an appeal and review process. Ombudsmen’s concerns as to universities’ conduct were expressed as *unfair* (Ombudsman Tasmania, 2020, p. 15; Ombudsman Western Australia, 2011 p. 40), *administrative shortcomings* (Ombudsman Western Australia, 2008, p. 49), *neglect* (Ombudsman Western Australia, 2010, p. 47), *limited* (Ombudsman Tasmania, 2021, p. 17) and *poorly expressed, inadequate and lack of insight* (Ombudsman Tasmania, 2021, p. 17). In contrast, universities’ remedial responses to ombudsmen’s recommendations were expressed as *gesture of goodwill* (New South Wales) Ombudsman, 2021, p. 24; 2018 p. 70), *open dialogue and reflecting* (Victorian Ombudsman, 2015, p. 14), *acknowledgment* (Ombudsman Western Australia, 2022, p. 52) and *apology* (New South Wales Ombudsman, 2018, p. 70 and Victorian Ombudsman, 2013, p. 37).

The theme of complaints management clearly arises in many cases through the publication of the outcome of the individual student complaint, the suggested remedy by the ombudsman and/or the action taken by the university to mitigate a similar complaint in the future. The ‘lesson’ for the university may well be a reason for the reporting of that particular case study. References in the case studies to *conceded* (Ombudsman Tasmania, 2022, p.27), *acknowledged* (Ombudsman Western Australia, 2022, p. 52), *oversight* (Ombudsman Western Australia, 2018, p. 49), *deficiencies* (Ombudsman Western Australia, 2014, p. 46), *absence* (Ombudsman SA, 2019, p. 16) and *limited* (Victorian Ombudsman, 2009, p. 16) led to a range of recommendations that, if implemented, would benefit current and future students of the particular university. Implementation of recommendations most often related to improved policies, procedures and processes, including appeals and reviews, early resolution mechanisms, opportunity for conciliation, record-keeping, reasonable timeframes, evidence-based findings and staff training.

## Findings and lessons

The principles, extracted from the case studies, serve as lessons for universities in the provision of a positive student experience. These principles form a guide to best practice for consistent, fair and efficient management of student complaints. Five key lessons emerge from the case studies: communication, information, individual needs, decision making processes and the management of complaints.

### ***Lesson 1: communications between universities and students should be accurate, clear, and updated where necessary***

Although the principle of effective communication through accurate, clear and relevant messaging is obvious, this is one of the highest areas of complaint. Clear and correct communication is fundamental to a positive student experience and should be effectively managed across the university sector. The case studies include examples of poor communication with students, including absence of responses, delayed responses, incorrect information and incomprehensible communications. International students were identified as a specific cohort who may require assistance and guidance with understanding university communications.

In relation to student complaints, the case studies identify that effective communication is essential in the areas set out in [Table 2](#). The lack of communication, or of effective communication, can lead to complaints, which, in turn, identify an additional gap in the management of student relations. Several ombudsmen's recommendations focused on 'natural justice' and the critical need for the provision of reasons, the implementation of review and appeal processes and the formalisation of the opportunity for students to respond to university decisions. Communication also requires regular monitoring and updating to ensure information and advice is accurate and consistent. Effective student-centred communication should be a priority for all universities.

### ***Lesson 2: information provided to students should be accurate, clear and adequate***

As the case studies demonstrate, information is closely linked to communication. The lessons learned by universities in response to ombudsmen's recommendations for improvement in the area of communication also relate to information. These lessons are underpinned by the critical need for clarity, accuracy and currency. As shown in [Table 3](#), updated information is a common outcome resulting from ombudsmen's recommendations.

Case studies cover various aspects of students' interactions with universities, such as information on websites and in hard copy materials. This is information that relates to major decision-making by students and includes entry requirements, fees, deadlines, accreditation of courses and course commencement and withdrawal dates. A common thread across the case studies addressing these types of complaints is that information should not be misleading.

Information concerning the right to review and appeal processes was also identified by ombudsmen as lacking, with relevant recommendations expanding beyond the individual student outcome to university decision-making policies and processes. The principle of the need for a fair and accessible complaints process is also relevant to the lesson relating to effective complaints management.

### ***Lesson 3: university decision-makers should consider individual student needs***

University decision-makers should exercise discretion and consider exceptional circumstances of individual students where in appropriate. A strong theme

throughout the case studies is ombudsmen's recognition of students with 'exceptional circumstances'. The case studies evidence an approach to complaints in situations where it is appropriate to acknowledge individual needs of students. This approach is underpinned by a sense of fairness and equity to students where universities have the ability to exercise discretion.

Ombudsmen acknowledge the need for exceptional circumstances at two levels: in the drafting of policies and processes, so as not to restrict the ability to take into account individual circumstances and in the determination of individual complaints through an openness to the needs of vulnerable students, in particular as international students and students with disabilities.

Such recommendations acknowledge individual student's situations across a broad range, such as mental health, financial position and special needs. Where appropriate, the key message is to seek pragmatic solutions to students' individual needs, even where this requires deviating from existing practice, for example, agreeing to a retrospective withdrawal from a unit, accepting an out of time appeal and allowing a late payment of fees.

#### ***Lesson 4: university decision-makers should follow proper decision-making processes that consider all relevant matters, give reasons and provide explanations***

Proper decision-making includes the consideration of all relevant matters, the giving of reasons and the provision of explanations. As summarised in [Table 2](#), the case studies evidence a significant shortfall in the decision-making processes.

Recommendations relevant to this shortfall centre around three areas: students' rights, record-keeping and conduct by universities. Students' rights include the right to: appeal decisions; be given full and proper reasons for decisions so students can understand decisions and effectively exercise review and appeal rights; comment on and respond to any adverse material arising in the course of investigation that formed the basis of the university's decision; and address issues causing poor performance. The inclusion of the student voice and the role of student bodies in decision-making has received attention in the literature (Tyrrell & Varnham, 2015; Matthews & Dollinger, 2023), however is beyond the scope of this research. University record-keeping should be accurate, rectified if not accurate, and retained. This includes the rectification of errors in record-keeping and the retention of records for the appropriate period. Effective record-keeping also includes maintenance of written notes of discussions with students about the matters that have a significant impact on their interests. Universities should comply with their own policies, for example, in relation to time-frames for resolution of complaints and accordingly, the avoidance of delays. Additionally, communication is important here, as universities need to be proactive in informing students about delays.

Several outcomes outlined in [Table 3](#) align with the above recommendations. These cover significant aspects of effective decision-making: the implementation of an audit or review; a change to policy, procedure or practice; the provision of reasons or explanations; a consideration or reconsideration of a matter; and the reversal or variation of a decision.

### ***Lesson 5: university decision-makers should manage complaints properly***

The lesson that complaints should be properly managed is closely connected to the requirement for effective decision-making and also aligns with lessons about communication and information. This lesson is also aligned with information and communication. Complaints management as a standalone area of referrals to ombudsmen is the fourth highest area of types of matters as shown in [Table 2](#). In addition, [Table 3](#) sets out the outcomes that may not have been necessary if the relevant universities had a proper complaints management process in place.

Students should be informed about the complaint process within the university and outside the university. Universities should provide and publish progress reports and final outcome reports of complaints, including the types and outcomes of complaints, both at the individual student and the university level.

The lessons and principles outlined above are not surprising and, indeed, reflect good practice in relation to administrative actions and decision making in universities. Reviews of complaint handling and administrative decisions in other public sector contexts, have resulted in similar conclusions (Gill, 2012; Wolf & Czekanski, 2011).

### **Recommendations and conclusions**

These themes highlight the consequences of a complaints management model across Australian public universities that is piecemeal and challenged by nine separate jurisdictions and approaches by nine independent ombudsmen.

With regards to investigating complaints, ombudsmen agree on the need for improved communication and information and the importance of having regard to exceptional circumstances for individual students. In relation to university-level recommendations, ombudsmen share findings that universities need to have effective decision-making processes and complaints management systems. These themes form the basis of our findings, presented as principles. These principles represent lessons that share a common purpose: to improve the experiences of students and universities in resolving complaints.

Despite complaints from university students being a small part of state and territory ombudsmen's jurisdictions, the inclusion of these case studies in their annual reporting highlights their significance as examples of the work of each office. Having independent impartial oversight of university decision making in relation to students is essential to good administrative practice. Currently, in relation to Australia's public universities, this is distributed across nine state and territory ombudsmen. Each is investigating university student complaints in which common issues arise and similar recommendations are made. There are, however, missed opportunities for systemic improvements across the university sector in relation to students' experience, for increased fairness and equity in a consistent approach to managing student complaints and for increased efficiency in managing those complaints.

In addition to the nine ombudsmen considered here, reference must also be made to a tenth office involved in student complaints: the Overseas Student Ombudsman. In 2011, the Overseas Student Ombudsman was established within the Commonwealth Ombudsman's office to receive complaints from overseas students studying at private institutions in Australia. Until the establishment of the Overseas Student Ombudsman,



students had no external appeals body to hear their complaints because private universities and higher education providers are beyond the remit of the parliamentary ombudsmen. Even with the establishment of the Overseas Student Ombudsman, there is still a significant gap, because domestic students, enrolled at private universities and higher education providers, have no recourse to an ombudsman.

One way to address these concerns and to act on the lessons learned from university student complaints investigated by public sector ombudsmen is to have one ombudsman dedicated to higher education students. Commentators have called for a national ombudsman to oversee university student complaints (Astor, 2005; Kamvounias, 2015; Kamvounias & Varnham, 2010; Olliffe & Stuhmcke, 2007). Additionally, over the last three decades, a common recommendation following federal government inquiries and reviews of the higher education sector has been the establishment of a national body to investigate student complaints (Department of Employment, Education, Training and Youth Affairs, 1998, p. 110; Senate Employment, Workplace Relations, Small Business and Education Committee, 2001, p. 137; Senate Education, Employment and Workplace Relations Reference Committee, 2009, p. 63).

A National Student Ombudsman to respond to student complaints along with a recommendation that a national student charter be developed, setting out a 'shared, national commitment to the welfare, safety and wellbeing of all students on campus and online' was part of the Australian Universities Accord (Department of Education, 2024, p. 26). While the impetus for the National Student Ombudsman arose from student safety issues on campus, particularly gender-based violence, the role of the Ombudsman is much broader, extending to areas such as equity of access to quality education and ongoing reviews for the purpose of improving the student experience. This recommendation received bipartisan support and legislation was passed in late 2024 to establish a National Student Ombudsman as a new statutory function of the Commonwealth Ombudsman. The National Student Ombudsman will begin taking complaints in February 2025. In addition to dealing with complaints about, and conduct investigations into, actions of higher education providers, the Ombudsman will work collaboratively with the federal regulator, Tertiary Education Quality and Standards Agency (TEQSA) and the Commonwealth Department of Education, thus strengthening national oversight of the sector. It is hoped that the National Student Ombudsman will also work closely with the state and territory ombudsmen to ensure consistency and a coordinated approach.

## General limitations

This study is limited to an analysis of the case studies involving student complaints published in the ombudsmen's annual reports over the period 2007 to 2023.

The case studies are a sample, selected by each ombudsman, from the total number of student complaints against universities in each jurisdiction. The small number of case studies compared to the thousands of students enrolled in Australian public universities prohibits a claim that they are representative of university student complaints in the relevant period. Nor can these case studies account for the nature and outcomes of all university student complaints.

Our analysis is also limited by the structure and purpose of the published case studies. The lack of commonality as to method of selection, composition and reporting results in examples of isolated reforms restricted to a particular university. Additionally, most case studies are brief and do not provide details of the full investigation undertaken by the ombudsmen nor any changes made by universities in response to the ombudsmen's recommendations. This means that universities are not aware of concerns and changes implemented at other universities that may be applicable to their own institution. There appears to be no formal or public sharing of lessons or development of precedents that may allow for clarity and consistency in relation to management of student grievances. The establishment of the National Student Ombudsman should address these deficiencies.

## Conclusion

The annual reports of nine ombudsmen across Australia are the primary source of information about higher education student complaints. Understandably, the result is a lack of consistency in the reporting of complaints and outcomes. An examination of these annual reports evidences the use of case studies as a technique to demonstrate decision-making processes and highlight areas of concern. Analysis of case studies published during the period 2007 to 2023 identified the common areas of complaints and how these were resolved. Through this analysis, key lessons for university decision makers and the critical need for a national body to manage student complaints, emerge. It is hoped that the long awaited establishment of the National Student Ombudsman addresses these concerns, and finally provides all students across the sector with the opportunity to have their complaints dealt with consistently, fairly and efficiently.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

## References

- Astor, H. (2005). Improving dispute resolution in Australian universities: Options for the future. *Journal of Higher Education Policy & Management*, 27(1), 49–65. <https://www.tandfonline.com/doi/full/10.1080/13600800500045885>
- Astor, H. (2008). Australian universities in court: Causes, costs and consequences of increasing litigation. *Australasian Dispute Resolution Journal*, 19(3), 156–169.
- Barbour, B. (2008). The impact of external administrative law review: Courts, tribunals and ombudsman. *Australian Institute of Administrative Law Forum*, 57, 50–58. <https://search.informit.org/doi/10.3316/agispt.20083064>
- Department of Education. (2024). Australian universities accord final report. Australian Government <https://www.education.gov.au/australian-universities-accord/resources/final-report>
- Department of Employment, Education, Training and Youth Affairs. (1998). Learning for life: Review of higher education financing and policy: Final report. <https://www.voced.edu.au/content/ngv%3A30787>



- Gill, C. (2012). The impact of the Scottish public services ombudsman on administrative decision-making in local authority housing departments. *The Journal of Social Welfare & Family Law*, 34 (2), 197–217. <https://doi.org/10.1080/09649069.2012.718535>
- Kamvounias, P. (2015). Public sector ombudsmen and higher education. In S. Varnham, P. Kamvounias, & J. Squelch (Eds.), *Higher education and the Law* (pp. 125–136). The Federation Press.
- Kamvounias, P., & Varnham, S. (2010). Legal challenges to university decisions affecting students in Australian courts and tribunals. *Melbourne University Law Review*, 34(1), 140–180. <https://law.unimelb.edu.au/mulr/issues/previous-issues/volume34>
- Matthews, K.E., & Dollinger, M. (2023). Student voice in higher education: The importance of distinguishing student representation and student partnership. *Higher Education*, 85(3), 555–570. <https://doi.org/10.1007/s10734-022-00851-7>
- Olliffe, B. & Stuhmcke, A. (2007). A national university grievance handler? Transporting the UK office of the independent adjudicator for higher education (OIA) to Australia. *Journal of Higher Education Policy & Management*, 29(2), 203–215. <https://doi.org/10.1080/13600800701351777>
- NSW Ombudsman. (2008). *Annual Report 2007-2008*. [https://cmsassets.ombo.nsw.gov.au/assets/Reports/AR\\_Ombo\\_07-08\\_Pt2.pdf](https://cmsassets.ombo.nsw.gov.au/assets/Reports/AR_Ombo_07-08_Pt2.pdf)
- Ombudsman New South Wales. (2014). *2013-2014 Annual Report*. <https://cmsassets.ombo.nsw.gov.au/assets/Reports/NSWOmbudsman-Annual-report-2013-2014.pdf>
- Ombudsman New South Wales. (2018). *Annual Report 2017-18*. <https://cmsassets.ombo.nsw.gov.au/assets/Reports/NSW-Ombudsman-Annual-Report-2017-18.pdf>
- Ombudsman New South Wales. (2021). *Annual Report 2020-2021*. <https://cmsassets.ombo.nsw.gov.au/assets/Reports/NSW-Ombudsman-Annual-Report-2020-21.pdf>
- Ombudsman SA. (2011). *Annual Report 2010/11*. [https://www.ombudsman.sa.gov.au/publication-documents/annual-reports/annual\\_report\\_2010\\_2011.pdf](https://www.ombudsman.sa.gov.au/publication-documents/annual-reports/annual_report_2010_2011.pdf)
- Ombudsman SA. (2014). *Annual Report 2013/2014*. <https://www.ombudsman.sa.gov.au/publication-documents/annual-reports/2013-2014-Annual-Report.pdf>
- Ombudsman SA. (2019). *Annual Report 2018-19*. <https://www.ombudsman.sa.gov.au/publication-documents/annual-reports/Ombudsman-SA-Annual-Report-2018-2019.pdf>
- Ombudsman SA. (2022). *2021-2022 Annual Report*. <https://www.ombudsman.sa.gov.au/publication-documents/annual-reports/2021-22-Ombudsman-SA-Annual-Report.pdf>
- Ombudsman Tasmania. (2020). *Annual Report 2019-2020*. [https://www.ombudsman.tas.gov.au/\\_\\_data/assets/pdf\\_file/0005/592178/ANNUAL-REPORT-2019-2020-Ombudsman-Tasmania.PDF](https://www.ombudsman.tas.gov.au/__data/assets/pdf_file/0005/592178/ANNUAL-REPORT-2019-2020-Ombudsman-Tasmania.PDF)
- Ombudsman Tasmania. (2021). *Annual Report 2020-2021*. October 2021. [https://www.ombudsman.tas.gov.au/\\_\\_data/assets/pdf\\_file/0004/635800/PDF-OF-OMBUDSMAN-ANNUAL-REPORT-for-website-at-14-October-2021.PDF](https://www.ombudsman.tas.gov.au/__data/assets/pdf_file/0004/635800/PDF-OF-OMBUDSMAN-ANNUAL-REPORT-for-website-at-14-October-2021.PDF)
- Ombudsman Tasmania. (2022). *Annual Report 2021-2022*. [https://www.ombudsman.tas.gov.au/\\_\\_data/assets/pdf\\_file/0007/683251/Final-signed-Ombudsman-Annual-Report-2021-2022.PDF](https://www.ombudsman.tas.gov.au/__data/assets/pdf_file/0007/683251/Final-signed-Ombudsman-Annual-Report-2021-2022.PDF)
- Ombudsman Western Australia. (2008). *Annual Report 2007-08*, September 2008. <https://www.ombudsman.wa.gov.au/Publications/Documents/annualreports/Ombudsman-WA-Annual-Report-2007-08.pdf>
- Ombudsman Western Australia. (2010). *Annual Report 2009-10*. <https://www.ombudsman.wa.gov.au/Publications/Documents/annualreports/Ombudsman-WA-Annual-Report-2009-10.pdf>
- Ombudsman Western Australia. (2011). *Annual Report 2010-11*. September 2011. [https://www.ombudsman.wa.gov.au/Publications/Documents/annualreports/Ombudsman-WA\\_Annual\\_Report\\_2010-11.pdf](https://www.ombudsman.wa.gov.au/Publications/Documents/annualreports/Ombudsman-WA_Annual_Report_2010-11.pdf)
- Ombudsman Western Australia. (2014). *Annual Report. 2013-14*. <https://www.ombudsman.wa.gov.au/Publications/Documents/annualreports/Ombudsman-WA-Annual-Report-2013-14.pdf>
- Ombudsman Western Australia. (2016). *Annual Report 2015-16*. <https://www.ombudsman.wa.gov.au/Publications/Documents/annualreports/Ombudsman-WA-Annual-Report-2015-16.pdf>
- Ombudsman Western Australia. (2018). *Annual Report 2017-18*. <https://www.ombudsman.wa.gov.au/Publications/AR1718/Ombudsman-WA-Annual-Report-201718.pdf>

- Ombudsman Western Australia. (2019). *Annual Report 2018-19*. <https://www.ombudsman.wa.gov.au/Publications/AR1718/Ombudsman-WA-Annual-Report-201718.pdf>
- Ombudsman Western Australia. (2022). *Annual Report 2021-22*. <https://www.ombudsman.wa.gov.au/Publications/AR1718/Ombudsman-WA-Annual-Report-201718.pdf>
- Queensland Ombudsman. (2010). *Annual Report 2009-10*. <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5310T3092/5310t3092.pdf>
- Queensland Ombudsman. (2019). *Annual Report 2018-19*. <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5619T1720/5619t1720.pdf>
- Queensland Ombudsman. (2020). *Casebook 2020*. <https://www.ombudsman.qld.gov.au/improve-public-administration/blog/make-a-decision-casebook-2020-examples>
- Queensland Ombudsman. (2023). *Casebook 2023*. <https://www.ombudsman.qld.gov.au/publications/casebooks/casebook-2023-helping-agencies-to-improve-decision-making>
- Ramia, G. (2015). The regulation of international higher education. In S. Varnham, P. Kamvounias, & J. Squelch (Eds.), *Higher education and the Law* (pp. 53–63). The Federation Press.
- Senate Education, Employment and Workplace Relations Reference Committee. (2009). Welfare of international students final report. [https://parlinfo.aph.gov.au/parlInfo/download/publications/50996/upload\\_pdf/HPP012016000859.pdf;fileType=application%2Fpdf#search=%22publications/50996%22](https://parlinfo.aph.gov.au/parlInfo/download/publications/50996/upload_pdf/HPP012016000859.pdf;fileType=application%2Fpdf#search=%22publications/50996%22)
- Senate Standing Committees on Education and Employment. (2001). Universities in crisis final report. Universities in crisis -.Parliament of Australia. [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Education\\_Employment\\_and\\_Workplace\\_Relations/Completed\\_inquiries/1999-02/public\\_uni/report/contents](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_Employment_and_Workplace_Relations/Completed_inquiries/1999-02/public_uni/report/contents)
- Stuhmcke, A., Olliffe, B., & Evers, M. (2015). Resolution of student grievances within universities. In S. Varnham, P. Kamvounias, & J. Squelch (Eds.), *Higher education and the Law* (pp. 114–124). The Federation Press.
- Tertiary Education Quality and Standards Agency. (2021) *Higher education standards framework (threshold Standards)*. <https://www.teqsa.gov.au/how-we-regulate/higher-education-standards-framework-2021>.
- Tyrrrell, J., & Varnham, S. (2015). The Student voice in university decision-making. In S. Varnham, P. Kamvounias, & J. Squelch (Eds.), *Higher education and the Law* (pp. 30–40). The Federation Press.
- Universities Australia. (2022). Higher Education Facts and Figures. [figures.https://universitiesaustralia.edu.au/publication/higher-education-facts-and-figures-2022/](https://universitiesaustralia.edu.au/publication/higher-education-facts-and-figures-2022/)
- Victorian Ombudsman. (2008). Annual Report 2008. <https://webresource.parliament.vic.gov.au/VPARL2006-10No130.pdf>
- Victorian Ombudsman. (2009). Annual Report 2009. [https://www.vgls.vic.gov.au/client/en\\_AU/search/asset/1284684/0](https://www.vgls.vic.gov.au/client/en_AU/search/asset/1284684/0)
- Victorian Ombudsman. (2013). Annual Report 2013. <https://webresource.parliament.vic.gov.au/VPARL2010-14No245.pdf>
- Victorian Ombudsman. (2015). Annual Report 2015. <https://assets.ombudsman.vic.gov.au/assets/Reports/Annual-Reports/Victorian-Ombudsman-Annual-Report-2014-15.pdf>
- Wolf, Z.R., & Czekanski, K. E. (2011). Analyzing student complaints against nursing programs: Taxonomies of complaints and outcomes. *Journal of Professional Nursing*, 27(5), 283–291. <https://www.sciencedirect.com/science/article/abs/pii/S8755722311000792>
- Yin, R.K. (2014). *Case study research: Design and methods* (2nd ed.). SAGE.