

5 December 2024

Mr David Robinson

Level 2, Albert Facey House
469 Wellington Street
Perth WA 6831

Dear Mr Robinson

Managing National Student Ombudsman (NSO) – Western Australia Ombudsman (WA Ombudsman) Relations

This letter is to establish arrangements to manage relations between our organisations within the higher education sector.

Legislative changes with the passing of the *Universities Accord (National Student Ombudsman) Act 2024* established the NSO as the primary escalated complaints handling mechanism for students within the higher education sector, allowing my Office to deal with, and investigate complaints, about any action taken by a higher education provider other than an excluded action.

I understand that the WA Ombudsman has existing responsibilities within this sector, including receiving complaints from students concerning their higher education provider.

In light of my Office's expanded role, I would like to establish arrangements which will focus on coordination, cooperation and information sharing between our two organisations for the effective oversight of the higher education sector.

I propose that the NSO and the WA Ombudsman agree to:

- work together to better the student experience within the higher education sector

- facilitate trauma informed referrals between our organisations where appropriate
- ensure all complaint referrals between our organisations are done with the express informed consent of the complainant
- share information, policy and guidance documents, including complaint assessment matrices, to ensure our organisations have the information required to accurately communicate complaints pathways to students
- share clear guidance to students on their rights under the *Public Interest Disclosure Act 2003*
- share de-identified complaint data to enable the NSO to report on the volume of student complaints across Australia, and to consider national complaint trends among the higher education sector
- establish regular formal engagement and maintain contact lists of relevant officers to resolve any jurisdictional or administrative matters between our organisations
- partner together on stakeholder engagement initiatives within the WA Ombudsman's jurisdiction to promote best practice complaints handling and to improve the student experience within the higher education sector
- manage PID and conduct complaints¹ by having the WA Ombudsman predominantly deal with such complaints, on account of the WA Ombudsman's unique capacity to investigate the underlying conduct
- manage complaints concerning dual providers so that complaints from students studying higher education awards are handled by the NSO and complaints from students studying Vocational Education and Training (VET) awards are handled by the WA Ombudsman

¹ A conduct complaint is a complaint that could be relevant to a state or territory ombudsman's functions concerning Public Interest Disclosures or misconduct and maladministration.

- manage complaints concerning controlled entities of higher education providers on a case-by-case basis, noting that our understanding of these entities shall develop over time.

I propose that if the above is acceptable to the WA Ombudsman, that this letter and your letter of confirmation in reply shall together constitute an Exchange of Letters between our two agencies and that a copy of this Exchange of Letters be published to our respective websites.

I further propose that this Exchange of Letters does not create any enforceable legal rights or obligations between our organisations.

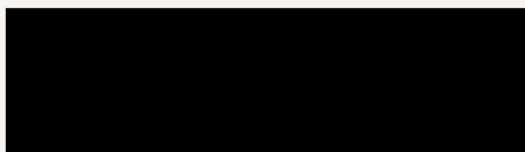
Nonetheless, we agree to act reasonably and cooperate in good faith in accordance with the terms of this Exchange of Letters.

Additionally, if a dispute cannot be resolved at the contact officer level, the dispute will be escalated to the Deputies of each organisation, or to officers nominated by the contact officer for each organisation, for resolution.

This Exchange of Letters shall commence on the date the WA Ombudsman provides the letter of confirmation and will continue until either organisation provides notice to vary or terminate the arrangement.

Yours sincerely

Sarah Bendall



**First Assistant Ombudsman
National Student Ombudsman**