



Frequently asked questions

Action Plan Addressing Gender-based Violence in Higher Education

What is the Action Plan Addressing Gender-based Violence in Higher Education?

On 23 February 2024, Education Ministers agreed the *Action Plan Addressing Gender-based Violence in Higher Education* (the Action Plan).

The Action Plan outlines a multi-pronged approach to create higher education communities free from gender-based violence through seven actions:

1. establish a National Student Ombudsman
2. higher education providers will implement a whole-of-organisation approach to prevent and respond to gender-based violence
3. introduce a National Higher Education Code to Prevent and Respond to Gender-based Violence
4. enhance the oversight and accountability of standalone student accommodation providers
5. identify opportunities to ensure legislation, policies and regulations focus on prioritising victim-survivor safety
6. increase data transparency and scrutiny
7. regular review of progress against the Action Plan.

The release of the Action Plan follows extensive stakeholder consultation including on the Draft Action Plan Addressing Gender-based Violence in Higher Education, released by Education Ministers on 22 November 2023.

National Student Ombudsman

What is an Ombudsman?

An Ombudsman is an independent oversight body that investigates individual complaints related to a specified organisation. Ombudsmen generally investigate complaints when a complainant has exhausted all other pathways to resolve their issue with the specified organisation directly.

What will the National Student Ombudsman do?

The National Student Ombudsman will provide domestic and international higher education students with an effective, trauma-informed complaints mechanism to use when they are not satisfied by their higher education provider's response.

The National Student Ombudsman will be established as a new statutory role within the Commonwealth Ombudsman, leveraging its existing skills and expertise.

The National Student Ombudsman will:

- receive and investigate student complaints about the administrative actions of their providers
- provide a single point of expertise and ensure students are able to have complaints considered in a trauma-informed way
- make recommendations to a provider about the administrative steps that should be taken to resolve a complaint
- offer a restorative engagement process between student and provider where appropriate
- work with regulators in the sector to identify and respond to systemic issues
- promote best practice complaints handling across the higher education sector.

The National Student Ombudsman will be the primary escalated body for higher education student complaints and seeks to streamline, simplify and improve processes for students, not duplicate roles or add complexity.

The Australian Government is working closely with state and territory governments to support the establishment of the Student Ombudsman.

The National Student Ombudsman will be free for students to access.

What types of complaints will the National Student Ombudsman be able to receive?

The National Student Ombudsman would be able to receive and investigate student complaints about the administrative actions of all higher education providers.

Examples about the types of complaints that the Student Ombudsman may investigate include:

- student safety and welfare, including gender-based violence
- course administration, such as timeliness and accuracy of information provided to students
- teaching provision and facilities, such as sufficiency of staffing to meet educational, academic and administrative needs of students
- disciplinary processes, such as procedures to address misconduct
- reasonable adjustments for students living with disability or experiencing special circumstances.

The National Student Ombudsman will not investigate complaints relating to the merit of academic decisions, complaints by employees of higher education providers or administrative actions regarding employment. It will not investigate complaints relating to vocational education and training (VET) students.



What role does a National Student Ombudsman have in addressing complaints of gender-based violence?

The National Student Ombudsman will provide a new mechanism for all higher education students to have their escalated complaints considered in a trauma-informed and student-centred way, including complaints relating to gender-based violence.

The National Student Ombudsman will also offer a restorative engagement process between students and providers where appropriate.

How will the National Student Ombudsman improve processes for students?

A National Student Ombudsman will improve students' experience and outcomes through:

- a streamlined and simplified complaints handling environment
- processes designed with students in mind
- consolidation of expertise in a single body with a specialised focus and sector-wide oversight
- promotion of best practice across the sector in relation to complaints handling
- information sharing with relevant regulators to identify and respond to systemic risk, provide the basis for further compliance action if necessary, and ensure accountability
- the ability to have complaints heard if a provider is acting unreasonably or there are unreasonable delays in responding to a student's complaint, or where the provider is otherwise failing to follow its own policies or meet regulatory expectations.

Can higher education staff use the Student Ombudsman?

The National Student Ombudsman will only be able to receive escalated complaints from higher education students. For students who are also employed by a higher education provider, the Student Ombudsman will only be able to receive escalated complaints that relate to the person's role as a student.

What about recourse for VET students?

There is a pressing need to improve access to trauma informed and student-centred complaints pathways in the higher education sector, particularly in regard to complaints of gender-based violence.

The Student Ombudsman is proposed to create a single escalated complaints mechanism for all higher education students. At this stage VET students would not be able to access the National Student Ombudsman, however all VET students can contact the National Training Complaints Hotline to have their complaint referred to the most appropriate authority.

When would the National Student Ombudsman commence?

The Australian Government will immediately begin establishing the National Student Ombudsman in close consultation with state and territory governments. The establishment of the Ombudsman will require legislative change. It is anticipated the Ombudsman will begin taking complaints from 1 February 2025 – pending passage of legislation.



Where can students go until the National Student Ombudsman commences?

Most higher education students who are not satisfied with their university or higher education provider can make a complaint to the ombudsman in their home state or territory.

Read more at the [StudyAssist](#) website.

National Higher Education Code to Prevent and Respond to Gender-based Violence ('National Code')

What is the National Code?

The National Higher Education Code will set best practice standards for preventing and responding to gender-based violence and embedding a 'whole-of-organisation approach'.

The Code will set rules for higher education providers for student and staff support, complaints handling processes, prevention programs and reporting requirements.

Student accommodation providers operated by a higher education provider must also comply with relevant sections of the National Code as part of that higher education provider's whole-of-organisation approach.

What is a whole-of-organisation approach?

A whole-of-organisation approach recognises that everyone across an organisation has a role to play in preventing and responding to gender-based violence.

This approach involves looking at everything from an organisation's policies and processes, organisational culture, to student and staff training to improve that organisation's ability to effectively prevent and respond to gender-based violence.

When would the National Code commence?

The National Code would commence 1 January 2025, with compliance activities starting from 1 January 2026, pending the passage of legislation.

Who does the National Code apply to?

The Code will apply to all higher education providers registered by the Tertiary Education Quality and Standards Agency.



It will cover standards related to the prevention of and response to gender-based violence across a provider's community, including staff and students.

Will there be an opportunity to provide feedback on the proposed National Code?

As with the Draft Action Plan, the Australian Government will consult with students, staff and experts and centre the voices and needs of victim-survivors as the National Code is developed.

Details on the consultation process will be published on the Department's website shortly.

What happens if a provider breaches the National Code?

Compliance with the requirements of the National Code will be mandatory. Outcomes for non-compliance with the National Code will be outlined in legislation.

How will the National Code account for the various sizes and structures of higher education providers?

The consultation process will inform how the National Code could be implemented in a way that enables providers to reflect their size and scale, while ensuring the higher education sector takes an evidence-based approach to prevention and response regarding gender-based violence.

Who will administer the National Code?

The proposed National Code would be implemented by a new expert unit initially established in the Department of Education.

This new unit would conduct targeted compliance; support providers by sharing best practice across the sector; and gather new and better data on gender-based violence in higher education.

This new unit would also work closely with the proposed National Student Ombudsman and the national regulator to ensure a coordinated approach.

