

# What to expect when we contact you

This fact sheet helps education providers understand our processes and what to expect when we contact you.

## Overview of our process

When a student contacts us, we make an assessment about whether we will investigate their complaint. In some cases, we may decide not to investigate. This might be because:

- the student has not complained to the education provider first
- the student has not responded to our request for relevant further information
- we do not consider that an investigation is warranted
- another organisation is better able to deal with the complaint.

If we decide not to investigate a complaint, we will inform the student and provide information about what they might do next. We will not contact you about the complaint and, for privacy reasons, we will not be able to tell you whether a student has complained to us.

## Preliminary inquiries

In some cases, we may contact you for information to help us decide whether to investigate a complaint by making a preliminary inquiry.

We will only make a preliminary inquiry for straightforward matters. We can make preliminary inquiries over the phone or by email and will ask you to respond within five working days.

If, after making a preliminary inquiry, we decide not to investigate a complaint, we will inform the student and provide information about what they might do next. We will not contact you further about the complaint.

## Investigations

If we decide to investigate a complaint, we will ask you about the complaint and request relevant documents or information. We may do this using our informal or formal powers under the *Ombudsman Act 1976*.

In some cases, we might request documents or information from you more than once about the same complaint. We are interested in getting all the facts before we finalise a complaint.

### Contact us

[ombudsman.gov.au/vslo](http://ombudsman.gov.au/vslo)  
1300 362 072

GPO Box 442  
Canberra ACT 2601

We are impartial,  
independent and not  
an advocate for the  
student or the  
provider.

Investigations are  
conducted in private  
under our Act.

You can contact us at  
any time during an  
investigation to help  
clarify information.

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## Preliminary views

In some cases, after considering all the information provided, we may form a view that you should take some action to remedy a complaint. We will send this to you for comment, in what we call a preliminary view. Preliminary views outline what action we think you should take and the reasons why. If you have further information you believe we should consider, you may respond to the preliminary view with this information. Although preliminary views are not binding on providers, most providers accept the view and take the suggested actions.

If after considering all the information provided, we form the view that you have followed all applicable laws, policies and procedures, and that your actions were reasonable, we will not send you a preliminary view.

## Finalising investigations

If you have received a preliminary view from us, and you provide further information, we will consider this information before finalising the investigation.

When we decide to finish an investigation, we will inform both you and the student.

In some cases we might make a comment or suggestion for your organisation to improve a process, or to highlight an area of concern. Our comments and suggestions are not binding on providers.

If a student disagrees with our decision to close the complaint, they can request a review. If this happens and we grant the review request and decide to investigate or further investigate the complaint, we may contact you again.

## Reports and recommendations

After we've completed an investigation, if we have serious concerns about the actions of a provider (including during the investigation process), the Ombudsman can write a report with recommendations which will be sent to the provider for comment. We may publish our reports publicly.

Recommendations are not binding on providers, however we must give the Secretary of the Department of Education and Training a copy of the report along with the provider's comments. We can also give a copy of the report to the Australian Skills Quality Authority and the Minister for Education.

We can also report lack of cooperation with our investigation and non-compliance with our recommendations to the above agencies.

## Helpful tips if you are asked to provide information about a complaint

- Provide all of the requested information and answer all questions in full by the requested date. This will help us understand both sides of the complaint.
- If you need more time to provide us with information, you can contact the Dispute Resolution Officer responsible for the complaint to request an extension.
- Contact us if you need clarification or you are unsure about the information we have requested. We will clarify the issues.
- If you have provided us with information and you want to find out about the progress of our investigation please contact us.

## How long do I have to respond to an Ombudsman's request for information?

In our request for information, we will ask for the information to be provided within a certain period of time. This is usually 10 or 20 business days.

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## What happens if I don't respond to the Ombudsman on time?

If you are having trouble collating the requested information, contact us to request more time and we will negotiate a new timeframe with you.

If you do not contact us to let us know that you need additional time, and you do not provide the requested information, we may form a view on the basis of the information we have available.

Alternatively, the Ombudsman may use formal powers to require an education provider to provide information or documents.

## Do providers need to engage a lawyer to help respond to a complaint investigation?

Our complaint investigations are not legal actions against providers and we seek to investigate informally as much as possible. The information we request is used to find out what happened, when and why, so that we can make an informed and impartial decision about how the complaint can be resolved.

Providers should not need to engage with a lawyer to understand our requests, or to write a response. If you do not understand what is being asked, you can contact us by phone or email.

Providers who wish to use a lawyer are welcome to do so.

## Do I have to implement the views, comments or suggestions of the Ombudsman?

While our views, comments and suggestions are not binding on providers, we can make reports about serious concerns we have about a provider's actions. By making such reports, the concerns may come to the attention of the regulator or the Department of Education and Training, who have the ability to make binding decisions on providers or revoke a provider's VET Student Loan approval status.

## Need more information?

We provide information about best practice complaint-handling to help education providers manage their internal complaints effectively. We also publish reports on common or systemic issues identified through our investigations. Our resources can be found on our website [ombudsman.gov.au/vslo](https://ombudsman.gov.au/vslo).

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More information is available at [ombudsman.gov.au](https://ombudsman.gov.au).

Please note: This document is intended as a guide only. For this reason, the information should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the Commonwealth Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to the [Federal Register of Legislation](https://www.federalregister.gov/).