



# TEQSA UPDATE, NOVEMBER 2012

Welcome to the final TEQSA Update for 2012. TEQSA would like to take this opportunity to thank all of our registered providers for their cooperation in our first year of operation. We look forward to continuing our dialogue and interaction with providers in 2013, to promote our shared objectives of maintaining and enhancing the quality of Australian higher education. We would also like to wish everyone a happy and safe holiday season.

## Sydney Provider Briefing

The second TEQSA Provider Briefing was held in Sydney on 17 August, attracting 320 participants from across the sector. TEQSA Commissioners and senior staff presented on a wide range of topics, including material change, regulatory compliance processes, and TEQSA's information collection program. Feedback on the event was overwhelmingly positive and constructive, and has reinforced our view that there is an appetite for more information about TEQSA's regulatory approach. All presentations from the day are available from TEQSA's website.

TEQSA believes that continued dialogue and engagement with providers are essential in promoting a better understanding of Australia's national regulatory regime, and in increasing the sector's capacity to comply with the Higher Education Standards Framework.

We receive consistently positive feedback that our case management model is working well, but this would not be possible without the willingness of providers to engage with us, to help create these effective relationships.

## TEQSA Annual Report 2011–12

TEQSA's first annual report was tabled in Parliament on 30 October, covering the period of time from the Agency's inception to the end of the last financial year. The report contains comprehensive information about TEQSA's role, functions and people, and explains the development of TEQSA's regulatory framework, including the Regulatory Risk Framework.

The Annual Report also clarifies TEQSA's relationship with other government entities with higher education responsibilities, such as the Australian Skills Quality Authority (ASQA), the Higher Education Standards Panel and the Australian Qualifications Framework Council.

A copy of the Annual Report has been sent to every registered higher education provider, and you can also find it on the TEQSA website at [www.teqsa.gov.au/annualreports](http://www.teqsa.gov.au/annualreports).

## First Risk Assessment Cycle

The assessment of risk is a critical part of TEQSA's evidence-based approach to regulatory decision-making. TEQSA is about to commence its first cycle of risk assessments. Each provider will have received a letter and an information sheet, outlining TEQSA's requirements, the timetable and what providers need to do.

More information about TEQSA's Regulatory Risk Framework is available on our website at <http://www.teqsa.gov.au/regulatory-risk-framework>.

## **Provider Information Request**

A reminder to all providers that the deadline for the submission of data for TEQSA's annual Provider Information Request is 30 November 2012. TEQSA has only requested information essential to its assessment of risk, and that cannot be obtained through any other means. If you are having difficulties meeting this deadline or need more information, please contact [collections@teqsa.gov.au](mailto:collections@teqsa.gov.au) as soon as possible.

Recently, the Australian Parliament passed an amendment to the *Higher Education Support Act 2003* (HESA) to enable the transfer of data supplied to it as part of its regular data collection processes. Once passed into law, the operation of the HESA Act will mean that providers that currently report to DIISRTE will have reduced reporting requirements for TEQSA. Beyond this, TEQSA is working as part of a newly established National Advisory Group on Higher Education Data and Information, to develop an integrated, national approach to data collection.

TEQSA will release details of the 2013 PIR arrangements early in the New Year – the 2013 request will not vary in any substantial way from the 2012 collection.

## **Quality Assessments**

A key means by which TEQSA will fulfil its quality assurance responsibilities will be through formal quality assessments (QAs).

The first two QAs have been announced and will address two areas that have been identified as matters of concern within the sector: English Language Proficiency and Third Party Arrangements. These have been selected on the basis of an analysis of a range of risk factors, relevant published reports and sector views. The terms of reference and methodologies for both QAs will be released by the end of 2012.

In undertaking QAs, TEQSA will draw on the extensive knowledge and expertise that exists within the higher education sector. Further information on TEQSA's approach to QAs and how interested parties can become involved in the QA process will be made available on the TEQSA website.

## **TEQSA Register of Experts**

The application period for TEQSA's Register of Experts is now open. We are interested in creating a network of experts with experience and expertise across a wide range of fields from both within and outside the higher education, ELICOS and Foundation Programs sectors, to assist with our regulatory work.

This is a new process and members of TEQSA's Interim Register need to apply if interested in becoming part of the new Register. Information and application documentation are available on the TEQSA website at [www.teqsa.gov.au/experts](http://www.teqsa.gov.au/experts). Applications close on Tuesday, 11 December 2012.

## **TEQSA Reference Groups**

TEQSA has established Reference Groups in three key areas; Regulatory Risk, Information Collection, and Regulation and Quality Assessment. Members of these Reference Groups have been nominated by the peak bodies, and TEQSA has also directly invited experts to be members. The Reference Groups will be used specifically for sounding out ideas and to gain expert views on a range of high-level regulatory issues. The membership of each Reference Group will be published on the TEQSA website.

TEQSA will continue to canvass views and seek feedback from the sector through public consultations on major policy issues.

## **TEQSA and Online Course Delivery**

Providers will be aware of recent public debate about the possible implications of Massive Open Online Courses (MOOCs) for the Australian higher education sector. This has included some commentary on TEQSA's role in regulating the delivery of higher education through MOOC arrangements.

TEQSA's regulatory approach does not inhibit innovation in the delivery of higher education. On the contrary, TEQSA strongly encourages initiatives within the sector to improve the quality of the student's experience of higher education, whether this is through more diverse content or the creation of more effective and accessible modes of delivery.

TEQSA's focus on outcomes encourages providers to seek new and better ways of meeting national standards of quality that suit their circumstances and their goals for the delivery of higher education services. If you are considering alternative methods of delivery, we encourage you to share with us your experiences and thoughts about how it can be done in line with the Threshold Standards.

## **National CRICOS Registration**

Recent changes to the *Education Services for Overseas Students Act 2000* (ESOS Act) have introduced national registration on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) for education providers operating in more than one location, state or territory.

Previously, a provider seeking to deliver courses in another state or territory was required to apply for a new CRICOS registration. Since 1 July 2012, CRICOS registration is by course/by location and providers may now simply apply to add a new location with at least one course to an existing CRICOS registration number.

TEQSA will still need to assess each new location against all registration criteria under the ESOS Act, and each course must be approved for delivery at each location before registration on CRICOS. If you would like more information about how this change may affect your operations, please contact your Case Manager.

## **Marketing of new courses undergoing accreditation or CRICOS registration**

Providers seeking initial accreditation or CRICOS registration of a course should avoid conveying the impression that the course is accredited or registered, or will be accredited or registered, before the application has been formally approved by TEQSA.

A reference by a provider on its website or in any other published material to a course that is the subject of an initial accreditation or CRICOS registration application may be misleading and may breach section 111 of the TEQSA Act, Provider Registration Standard 6.3, and section 8 of the ESOS Act.

A provider must not actively market a course to overseas students if the provider is not registered on CRICOS to provide the course, or has an arrangement with another registered provider. However, if a provider is contacted by a prospective student, a provider may, in line with the Explanatory Guide for the National Code Part D, Standard 1, inform prospective and enrolled students that it has applied for accreditation of a course and/or CRICOS registration and is awaiting an outcome, but must refrain from any suggestions regarding its availability.

## **ELICOS**

TEQSA has regulatory responsibility for English Language Intensive Courses for Overseas Students (ELICOS) delivered by registered higher education providers, and ELICOS providers in partnership with a registered higher education provider.

TEQSA has recently held a series of joint provider information sessions with ASQA to outline our approach to regulating ELICOS providers. Should you have any queries about TEQSA's regulatory role with ELICOS, contact us, and our staff will be able to help you.

TEQSA recognises the important role that the National ELT Accreditation Scheme (NEAS) may play as part of an institution's quality assurance processes. It is not a TEQSA requirement that providers have NEAS accreditation in order to be registered by TEQSA on CRICOS. TEQSA will, however, have regard to NEAS accreditation of a provider when assessing a provider's registration.

## **Regulation of non-award courses**

TEQSA's regulatory responsibilities under the ESOS Act include all non-award programs delivered by a TEQSA-registered higher education provider, where those programs provide a pathway to, or are associated with, a higher education award.

In addition to ELICOS (as outlined above) and Foundation Programs, this includes study abroad or exchange programs, enabling programs, research higher degree qualifying programs and practicum support programs. It does not, however, include courses which are not directly related to higher education, such as aviation or high school preparatory programs which might also be delivered by a dual or multi-sector provider.

## **Curriculum Materials for Course Accreditation Applications**

TEQSA continues to refine its regulatory processes in the light of experience and feedback from the sector. In this context, we have reviewed requirements for curriculum materials as part of an application for course accreditation. The requirements will now strike a better balance between the need for assurance of the quality of delivery of courses, and the principle of reflecting risk in our regulatory approach.

The revised requirements take into account: i) the existing evidence base, including track record, of a provider's capacity to meet the Threshold Standards; and ii) the provider's need for flexibility in the delivery and assessment of course materials.

In future, rather than the requirements under section of 6.9 of the current Application Guide for Accreditation of a Higher Education Course of Study (AQF Qualification), the following requirements will apply:

- a. All applications are to include weekly lecture and tutorial plans (or equivalent) for each subject that will be offered in the first teaching period; and
- b. If the applicant already delivers an accredited higher education course, they will also be required to provide a sample of curriculum materials to illustrate what they would typically envisage using in a subject; or
- c. If the applicant does not currently deliver a higher education course, they will also be required to provide all curriculum material proposed to be used in at least one (core) subject that will be offered in the first teaching period.

TEQSA may, however, still seek further information on curriculum materials during the substantive assessment process, if this is necessary to fully evaluate whether or not the

application meets the Threshold Standards. This will likely be the case if the application is for a Field of Education or AQF level in which the provider has no previous delivery experience.

TEQSA also takes this opportunity to stress the need for alignment between subject content, assessment tasks, subject outcomes and the overall course learning outcomes.

The revised requirements will be incorporated in updates to the application Form and Guide in the near future.

## **Nested Qualifications**

Providers are reminded of the need to ensure that all qualifications, including each separate qualification in a nested set, meet the Qualification Standards. This means that individual learning outcomes must be defined for each qualification, and each course must be structured so that students can achieve the learning outcomes if they exit with that qualification.

For example, if a student exits with a Graduate Diploma from a nested set that culminates with a Masters degree, then that student must be able to achieve the learning outcomes for Graduate Diploma, and these must be aligned with the relevant AQF specifications for Graduate Diploma. If you have any questions on this issue, please contact your Case Manager.

## **Clinical Placements for International Students**

TEQSA is aware of current issues regarding the availability of clinical placements and internships for international students in health related courses, including medicine.

In this context, TEQSA reminds providers of their obligations under the ESOS Act, the National Code, and the Threshold Standards to provide students with accurate advice about their course of study and professional outcomes. If clinical placements, internships and other requirements for professional practice cannot be guaranteed, this should be made known to students prior to enrolment and during their course of study if circumstances change.

If you have any questions about the relevant regulatory requirements, please contact your Case Manager.

## **TEQSA's relationship with professional associations**

TEQSA believes there are benefits for the sector in TEQSA cooperating with professional bodies to the fullest extent possible. To this end, TEQSA has written to organisations that have a regulatory or quality assurance function related to a specific discipline or profession, where qualifications are obtained through higher education.

TEQSA will investigate possible complementary approaches, the potential for information sharing, and to encourage communication regarding respective roles.

Further into the future, TEQSA will look at developing relationships with international professional bodies and with a broader range of professional bodies in Australia, to inform its regulatory activity, with a view to minimising the regulatory burden on all providers.

## **New Forms and Guides for Self-accrediting Authority**

Under section 41 of the TEQSA Act, a registered higher education provider may apply to TEQSA for authority to self-accredit one or more courses of study. Self-accrediting authority is a significant responsibility, as a self-accrediting provider is not required to apply to TEQSA for accreditation of its courses of study.

Providers may apply for self-accrediting authority for the first time, or apply to extend the scope of their existing self-accrediting authority.

The application guide and form for Self-accrediting Authority are now available on the TEQSA website at <http://www.teqsa.gov.au/self-accrediting-authority>.

As always, providers are strongly encouraged to refer to the relevant Guide when completing the Application Form.

*TEQSA is committed to working closely with all providers. If you have any particular questions or concerns you wish to discuss, contact your Case Manager, or email [enquiries@teqsa.gov.au](mailto:enquiries@teqsa.gov.au).*