**Australian Government**

**Tertiary Education Quality and Standards Agency**

# Higher Education Provider Roundtables – event report

Melbourne – 25 June 2018
Sydney – 6 July 2018

TEQSA

# Overview

The Higher Education Provider Roundtables were convened as an opportunity for TEQSA to receive feedback directly from independent and TAFE higher education providers about how the agency can improve its performance and its engagement with these provider groups.

Approximately 60 participants attended the Melbourne event and 80 participants attended the event in Sydney.

The roundtable events commenced with Anthony McClaran, TEQSA Chief Executive Officer, providing an update on the agency's recent performance, changes in budget position and key data from the most recent Stakeholder Survey results submitted by independent and TAFE higher education providers.

Simon Finn, Chief Executive Officer of the Council of Private Higher Education (COPHE), presented some of the key issues identified by COPHE members in relation to TEQSA's performance, provider interactions and communication with the agency and experiences in fulfilling TEQSA's Course Accreditation and Risk Assessment processes.

Dr Paul Whitelaw and Ili Pelletier, on behalf of TAFE Directors Australia (TDA) provided an overview of some of the key characteristics unique to TAFE higher education providers, and how both TEQSA and the sector could better understand these providers and support TAFE higher education students.

At the Sydney event, Rod Camm, Chief Executive Officer of the Australian Council for Private Education and Training (ACPET), discussed some of the challenges faced by ACPET members in their interactions with TEQSA, and a vision of how providers and the agency can continue to build a stronger relationship in the future.

Participants then took part in small group discussions facilitated by a representative from the sector and observed by a Commissioner or member of TEQSA's Senior Management Team. Participants were asked to note the legal framework and Government policy environment in which TEQSA is required to operate, and to focus the discussion on the operations of the agency and how it can improve its interaction with independent and TAFE higher education providers.

The main points arising from each group were later presented to all attendees for broader discussion. Common themes, issues and ideas for improvement were identified.

Overall, there is a strong desire from providers for TEQSA to act as a quality assurance agency, not just as a regulator, and help to guide providers to achieve excellence in higher education.

# Major themes identified

The following themes were identified as part of the small group discussions and appeared consistently across both events. Additional issues raised are also listed below.

Many of the themes identified were consistent with the views presented by ACPET, COPHE and TDA in the opening remarks and with the results of TEQSA's 2017 Stakeholder Survey.

# Melbourne

## Timeliness of Decision Making

Many participants expressed concern about the significant time lapse between the submission of applications and a decision by TEQSA, particularly for decisions regarding course accreditation applications.

It was stressed that waiting for a course to be accredited, without having an indication of the estimated completion date, may have financial implications for providers in relation to not being able to market the course or recruit students. This may also affect operational decisions around facility and property leases, staffing and other resources. Many participants believed that this put the non-self-accrediting providers at a disadvantage compared to self-accrediting providers.

Some concerns were raised that, while TEQSA requests information and responses from providers within relatively short timeframes, this is inconsistent with the time in which the agency itself takes to provide feedback on applications, respond to risk assessments or to routine enquiries from providers, who would like more timely communication.

Future increases and stability in TEQSA's resources should assist in reducing the time taken to complete assessments and improve the consistency and timeliness of communication with Case Managers, which was welcomed by participants.

## Case Manager Performance

Participants provided varying accounts of their interactions with Case Managers. Many providers confirmed that their dealings had been extremely positive, while others believed the communication and relationship with their Case Manager could be improved.

**Communication**

From the feedback provided by some participants, a balance needs to be struck as to the right amount of communication between TEQSA and providers – and this may vary between providers. The majority of participants indicated a preference for more regular and consistent communication with Case Managers,  particularly in relation to feedback on applications, progress of assessments, updates to guidance material and changes in Case Manager. These comments are consistent with the feedback provided in TEQSA's 2017 Stakeholder Survey.

Some participants indicated a desire to meet more often and face-to-face with their Case Manager. Other participants requested greater transparency around provider meetings initiated by TEQSA as these can be daunting when issues have not previously been communicated and discussed.

**Culture**

A number of participants raised concerns about the high turnover of Case Managers, which may contribute to a loss of corporate knowledge in, and inconsistent experiences with, TEQSA.

There was also a concern raised by some participants that the agency does not understand or take into account the differences of independent and TAFE higher education providers and, in extreme cases, there is a perception that TEQSA may appear biased against these provider types. For example, small-scale providers are not able to compete with larger providers, including universities, in terms of resources and yet TEQSA is seen by some to apply a one-size fits all approach in regards to policies, procedures and regulation.

The suggestion was made that this could be improved through diversifying TEQSA's workforce by recruiting Case Managers with more experience in the private sector, industry or business.

These comments are consistent with feedback provided in the 2017 Stakeholder Survey.

# Risk Indicators and Assessments

Generally, participants indicated that the TEQSA Risk Assessment was a helpful document and that the communication with the agency in collecting and validating the data was a positive experience.

Participants indicated varying levels of understanding of the risk indicators and there was a strong desire that TEQSA gives greater consideration to the context of the provider when developing the risk assessment – particularly regarding calculating attrition data and conducting financial analysis. Similarly, the context of the provider should be taken into account when developing International Activity Profiles.

For a number of providers, more transparency on risk thresholds and the weighting that is applied to different indicators would be beneficial.

In regards to organisational risk, many participants indicated that changes in Government policy is identified as one of the most significant risks for their institutions.

# Guidance Notes

Generally, participants indicated that TEQSA's Guidance Notes were helpful for interpreting the Higher Education Standards Framework. However, the consensus was that more communication is required to alert providers when Guidance Notes are released or updated, and to explain what changes have been made and why.

Some providers also sought clarity about the process for consulting with providers in developing guidance material and on whether the information published in Guidance Notes is a suggestion, a recommendation, an expectation or a 'must do'.

## Confidentiality and Protection of Information

Concerns were raised by a small number of independent and TAFE higher education providers as to the security and confidentiality of information once submitted to TEQSA. Clarity was sought as to how the agency ensures the protection of sensitive information and intellectual property, through confidentiality agreements with its staff, and how the agency would act in the event of a breach by either current or former staff.

## Other Issues Raised

The following issues were also raised by participants during the small group sessions:

- Tailoring course accreditation processes and evidence requirements to better meet the business needs of the provider.
- Continue to streamline assessment processes: less burden for low risk providers/courses or new courses already within a providers' scope of delivery; running internal and external reviews of material concurrently; and working more cohesively with peak and professional bodies to ensure that these accreditation processes are not impacted by TEQSA's timeframes for decision making.
- Responses from Case Managers in a more timely and consistent manner to all enquiries, to strengthen relationships and ensure providers receive feedback on applications so that necessary improvements can be made.
- Give providers more information on their options for internal review and increase communication from Case Manager's so that providers understand the circumstances around conditions imposed.
- Take into account the context of the provider when collecting data; for example, graduate outcome data for international students is hard to collect once the student leaves Australia, which may affect the ability to report data accurately.
- Give greater focus to employability as a student outcome.
- Collaborations between independent and TAFE providers to diversify the sector and create more choices for students.
- Increase independent and TAFE provider representation at TEQSA events, including the annual TEQSA conference.
- Ensure appropriate levels of consultation with the sector around upcoming changes to TEQSA's cost recovery model, taking the scale of providers and the potential impact of providers passing on costs to students into account in developing the model.

# Sydney

## Reputation of Private Providers: Recognising and Valuing Uniqueness

Some participants expressed a belief that the distinctiveness of independent and TAFE higher education providers, and the benefits that this brings to sector, is not recognised or valued highly enough by TEQSA. They believed that this is seen through experiences with some Case Managers and in the way the Higher Education Standards Framework

can be applied. There was also concern that, in a few cases, there is a perceived inconsistency in TEQSA's decision making for independent and TAFE higher education providers.

The comment was made by some participants that TEQSA could do more to ensure its regulatory processes are tailored to take into account the different contexts of providers and ensure that the Higher Education Standards Framework and TEQSA's expectations of evidence requirements do not stifle diversity and innovation – particularly in niche and specialist areas.

Some participants indicated a belief that independent and TAFE higher education providers are perceived by the broader community as providing poorer quality education (than universities). There was a desire for TEQSA to assist in dispelling this perception.

Generally, participants disliked the "for-profit" categorisation and terminology often used to describe independent providers. It was commented by some that profit is not a bad thing, as providers need to make profit to be financially viable, but it is what providers do with the profit that is important for example, re-investing back into the business.

Similarly, there was broad aversion to the use of 'non-university higher education provider' as it was believed this suggests a lack of credibility and defines a part of the sector by what it is not, rather than by placing value in what those providers contribute to the sector. The term 'independent providers' was generally considered more appropriate for describing this group of higher education providers.

Overall, participants believed that TEQSA can assist in creating a more equitable view of all providers by promoting examples of good practice from independent and TAFE higher education providers and continuing to engage with these providers, guiding them to not only meet, but exceed the Higher Education Standards Framework.

# Case Manager Performance

Participants provided varying accounts of their interactions with Case Managers. Some participants confirmed that their dealings had been extremely positive and that they had been able to seek advice and work well in partnership with their Case Manager. However, other participants believed the communication and relationship with their Case Manager has been hampered by the significant turn-over of TEQSA staff in recent years, creating inconsistencies in knowledge and expertise. Some participants indicated that they were unsure of who their current Case Manager was, which does little to build relationships with the Agency.

Inconsistency in Case Manager approach was a concern voiced by a number of participants, and three areas in particular were identified for further consideration with regard to improving Case Manager performance:

- Induction
- Calibration and consistency of decision making
- Monitoring of the performance of case managers.

### Expertise

Some participants believed that TEQSA should be more diverse in its workforce, seeking staff with more a greater experience and understanding of the independent and TAFE higher education sector.

Participants were generally supportive of the Case Management Model but expressed concern at what they saw as the variability of expertise of the Case Managers. Some also noted that the discontinuity of Case Managers had impacted on the ability to build relationships between TEQSA and provider contacts. This is consistent with the results of the Stakeholder Survey 2017.

### Engagement

There was strong commentary that Case Managers would gain a better understanding of individual providers if they worked towards a partnership with provider contacts, where communication is strengthened and there is more direct and regular dialogue. Overall, participants were keen to develop stronger relationships with their Case Managers, with some calling for Case Managers to take part in regular site visits, and attend provider events and TEQSA provider forums.

## Agency Performance and Timeliness of Decision Making

Some participants were concerned about the time TEQSA can take to reach a regulatory decision, particularly for decisions around revoking conditions, which are in the public domain and may impact on a provider's ability to attract students.

Other participants noted that in many cases they are given a fixed period of time to respond to requests, but felt that TEQSA does not hold itself to the same standards.

Overall, participants indicated that the Agency should reflect the same behaviours it expects from providers with some participants suggesting that performance indicators be considered, and others indicating that TEQSA needs to be more responsive to the sector in general.

## Risk and Data

Many participants expressed the view that TEQSA needs to take into account individual provider contexts when defining risk. A one-size fits all approach does not work, as small or specialist providers, particularly in areas such as the use of casual and sessional staff, calculating attrition and financial sustainability and viability, may be at a disadvantage as statistics do not always accurately reflect reality. The lag in the data being used in Risk Assessments may also not be an accurate reflection of what is occurring at the provider at the time TEQSA is making a decision.

There was support for the Risk Assessment Framework and the process. However, many participants believed that more communication and greater transparency of the TEQSA thresholds was required to ensure all providers understand how they are being assessed, and can use the information for benchmarking activities.

## TEQSA's Role in Quality Enhancement

There was strong support for TEQSA adopting a greater focus on quality enhancement and playing a larger role in helping the sector exceed the threshold standards of the Higher Education Standards Framework.

Some participants expressed a view that TEQSA can behave "like a bully", and that the agency's approach is "not to help, only to regulate". There was also a suggestion that Case Managers sometimes act more like "Case Prosecutors".

Generally, participants believed that a more collaborative approach, where TEQSA worked in partnership with providers, would be more effective in enhancing quality.

There was very strong support for TEQSA's good practice note on contract cheating and a desire that more examples of best practice be published for other providers to learn from.

## External Experts

Many participants felt that the TEQSA Register of Experts would benefit from more private sector experience and that all experts should undergo training to ensure they have an appropriate level of knowledge and understanding of the Higher Education Standards Framework, as well as up to date experience in a modern teaching environment.

## Other Issues Raised

The following issues were also raised by participants during the small group sessions:

- Ensuring guidance material from TEQSA and ASQA is not contradictory to assist dual sector providers who must meet requirements of both regulators.
- Continue to look for opportunities for cohesion between TEQSA, other regulators and professional accreditation bodies.
- Consider the way condition information is displayed on the National Register to ensure it is not misleading, particularly for those providers who have a reliance on the international student market.
- The perception that independent and TAFE higher education providers have been tarnished by what occurred in the VET sector regarding VET FEE-HELP.
- The types of information TEQSA requests as part of a course accreditation application can be vast and cumbersome.
- Greater transparency around TEQSA's decision making processes and the judgements being made when setting evidence requirements for accreditation processes.
- Greater collaboration between TEQSA and providers to engage students in the private sector.
- Improving communication between TEQSA and providers with an aim to reduce adversarial and legal action.

# Next Steps

An improvement plan will be developed, in consultation with TEQSA's Senior Management Team and Case Managers, to implement actions to improve the Agency's engagement with independent and TAFE higher education providers.

The following questions, based on the feedback received from participants of these roundtable events, will assist in the development of the improvement plan and be considered as part of TEQSA's forward planning, including the Corporate Plan for the next four years:

1.  How can TEQSA classify higher education providers more appropriately to reflect all organisations, including independent, not-for-profit, TAFE and pathway providers?

2.  Why is there a difference in TEQSA's performance rating and feedback from universities compared with other providers? How can this be addressed and can TEQSA be more transparent around how it does business?  How can TEQSA receive feedback (both positive and negative) from providers on a more regular basis?

3.  How can TEQSA play a greater role in quality enhancement to support 'excellence, innovation and diversity' and support the growth of the higher education sector effectively? What can providers do to assist in building a more collaborative partnership with the regulator?
    a.  TEQSA sees itself as a regulator based on a partnership model but this needs to be conveyed to the sector to remove a roadblock in improving relationships.
    b.  Providers need to have a strong understanding of the relevant legislation to gain an appreciation of the environment that TEQSA is required to operate within.

4.  As industry, the market and the sector continue to evolve, how can TEQSA ensure it is also evolving as a regulator?

5.  How can TEQSA further streamline the course accreditation assessment process? Could the internal and external review of material occur concurrently? Could the process for new courses within a provider's existing scope of delivery and expertise be accelerated?

6.  How can the relationship between case teams and providers be improved?
    a.  Can Case Managers be more engaged with the sector and conduct site visits to gain a greater understanding of individual organisations?
    b.  What does good provider liaison look like? What should be the KPIs and training for Case Managers? How can TEQSA ensure a consistent approach by all Case Managers?
    c.  Can a tiered approach to partnership and risk be implemented whereby high risk providers have far greater interaction and work more closely with Case Managers?

7.  How can TEQSA improve its communication to providers around the following matters?

     a. The status of assessments – can this be tracked through the Provider Portal?
     b. The process for requesting an internal review of decisions, including decisions made about conditions
     c. The status of Guidance Notes and ensuring the relevant people within providers are aware of and understand any changes. What innovative systems could be used to support this?

8. How can TEQSA increase transparency of metrics/data in relation to risk thresholds, attrition and financial analysis? Could a dashboard report be developed for each provider, indicating how they are tracking?

9. How can TEQSA increase the areas of expertise of its Register of Experts and ensure adequate representation from the independent, TAFE and business sectors? Can there be more cooperation between professional accreditation and TEQSA processes?