



# TEQSA UPDATE, JULY 2013

Welcome to the July 2013 TEQSA Update. The TEQSA Update provides information to providers in the higher education sector about TEQSA's regulatory framework, policies and requirements. It also contains news about recent activities and upcoming events.

## Review of Higher Education Regulation

TEQSA is currently participating in the review of higher education regulation (*'Assuring quality while reducing the higher education regulatory burden'*), announced by the then Minister for Tertiary Education and the Minister for Higher Education on 29 May 2013. The reviewers, Professor Kwong Lee Dow and Professor Valerie Braithwaite, have met with the TEQSA Commission, senior management and staff to discuss in detail the higher education regulatory framework and how TEQSA implements the framework to meet the objects of the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act).

TEQSA's contribution to the red-tape review is based on its first 18 months of regulating the sector, including our experience in dealing with significant quality issues within the sector. We believe, that going forward, there is scope for a reconsideration of the checks and balances in the higher education regulatory framework, and hence, TEQSA's practice of regulation.

TEQSA has identified a number of actions it plans to take to reduce the regulatory burden on the sector. These are outlined in the table below in the context of actions already taken to address issues and concerns raised by providers. These actions are detailed in the Attachment to this Update (pages 5 – 10).

Our plans respond directly and affirmatively to calls for a reduction in the current level of regulatory burden experienced by providers. TEQSA will accelerate its process of reform in order to further minimise regulatory requirements on providers, on the basis of risk and internal quality assurance. In doing so, TEQSA remains cognisant of the Australian Government's key interest in maintaining and strengthening domestic and international confidence in the quality of Australian higher education.

## Publication of regulatory decisions

As part of its commitment to accountability, TEQSA has decided to make more information about its regulatory processes and decisions available to the public. This reflects international good practice in regulatory reporting.

In March 2013, TEQSA issued a consultation paper to seek feedback from the higher education sector on TEQSA's proposed approach to public reporting of regulatory decisions made on or after 1 July 2013. The consultation paper was sent to all higher education providers, sector peak bodies, and State and Territory Ministers with responsibility for higher education. The paper outlined possible approaches to reporting and publication methods, type of information, timeframes, and a summary of the reporting process.

A summary of feedback received during the consultation period and an explanation of how TEQSA will implement its approach to public reporting is now available at <http://www.teqsa.gov.au/news-publications/news/consultation-outcomes-public-reporting>.

Regulatory decisions made on or after 1 July 2013 will be reported on the National Register of higher education providers. Providers who have already undergone a renewal of registration process before this date can elect to have a report published on the National Register recording this decision.

### **Register of Experts**

In the second half of 2012, TEQSA conducted an open selection process to establish a permanent Register of Experts. Experts make an important contribution to TEQSA's decision-making on registration and accreditation matters. We use experts to meet specific requirements arising from provider applications, and draw on their specialist knowledge, skills and experience. We may also access additional experts where there is a gap in expertise or availability. Over 200 experts have been selected for the current register.

Registered experts will be contacted about information and training workshops, to be held from late August 2013. Workshops are voluntary, at no charge and participation is strongly encouraged.

A further open application round will be held in the second half of 2013, with a simplified application form in response to sector feedback. More information will be posted on the TEQSA website soon.

### **Third party arrangements Quality Assessment**

TEQSA commenced implementation of the Quality Assessment on Third Party Arrangements (TPAs) in April 2013. A survey was distributed to providers on 5 April 2013 focused on arrangements that facilitate a teaching and learning experience, curriculum development and/or student support activities.

We appreciate the effort made by providers in responding to the survey. We are now analysing the responses to inform the development of case studies. Participation in this part of the quality assessment will be voluntary. TEQSA will be providing a report to the Minister and the sector towards the end of 2013. The Terms of Reference and more information are available at <http://www.teqsa.gov.au/for-providers/quality-assessments>.

### **Next TEQSA provider briefing – Thursday 3 October 2013**

TEQSA's next Provider Briefing will be held on **Thursday 3 October 2013** at the Melbourne Convention and Exhibition Centre.

The briefing will include an update for the higher education sector on developments in TEQSA's regulatory approach, how TEQSA is responding to sector feedback on its processes, and it will include tailored sessions of interest to specific providers.

The program will be posted on the TEQSA website when registration opens in August.

## **TEQSA-OLT Forum on eLearning – Friday 4 October 2013**

TEQSA and the Office for Learning and Teaching (OLT) will be hosting a forum on eLearning at the Melbourne Convention and Exhibition Centre on **Friday 4 October 2013**.

The forum will showcase current OLT research projects on standards for distance education and e-assessment, and provide an opportunity for senior higher education representatives to focus on the implications of these developments for the strategic planning, teaching, learning and quality assurance of higher education.

Most sessions will provide an opportunity for open discussion and debate, with attendees encouraged to register for one of three special workshop sessions on how eLearning can improve approaches to teaching; what eLearning means for the campus experience; or how eLearning benefits learning across disciplines.

Invitations to register will be sent to CEOs and Vice-Chancellors in late July.

## **Provider Information Request**

All providers will soon receive information about TEQSA's 2013 Provider Information Request (PIR). Data collected under the PIR is used by TEQSA to inform its risk-based regulatory approach, including tailoring regulatory assessment processes to reflect provider risk.

The 2013 PIR meets TEQSA's commitment that there would be no significant changes in requirements from the 2012 PIR. Drawing on feedback from providers, TEQSA has improved its PIR documentation to make the 2013 experience as smooth as possible.

Submission of data for the 2013 PIR will be due no later than **31 October 2013**, and TEQSA encourages providers to lodge their return as early as possible. If you have any questions about the PIR 2013 please email [collections@teqsa.gov.au](mailto:collections@teqsa.gov.au).

*This information relates to higher education providers only and does not affect stand-alone ELICOS or Foundation Program providers.*

## **Signing of Memoranda of Cooperation with Hong Kong (HKCAAVQ)**

On 30 April 2013, TEQSA signed a Memorandum of Cooperation (MoC) with Hong Kong to formalise cooperation in enhancing the capacity of our respective regulatory agencies to promote quality assurance and strengthen the regulation of higher education in both jurisdictions.

The MoC with Hong Kong furthers TEQSA's strategy of engagement with international higher education regulators in countries where Australian institutions are most active. It supports the regulation of offshore Australian providers, as well as the regulation and assessment of overseas institutions operating in Australia. TEQSA's international strategy and more information about our MoCs can be found at [www.teqsa.gov.au/about/international-engagement](http://www.teqsa.gov.au/about/international-engagement).

## **New information sheets and FAQs on the TEQSA website**

TEQSA regularly publishes new information on its website to explain aspects of TEQSA's regulatory approach and practice. Since the last TEQSA Update, we have issued:

- ▶ Updated information on 'teach-out arrangements' available at <http://www.teqsa.gov.au/for-providers/course-accreditation/teach-out>
  
- ▶ An information sheet for international providers wishing to deliver higher education in Australia, explaining their regulatory obligations under Australian law for the delivery of higher education available at [http://www.teqsa.gov.au/sites/default/files/FAQs\\_InternationalProvidersinAustralia.pdf](http://www.teqsa.gov.au/sites/default/files/FAQs_InternationalProvidersinAustralia.pdf)
  
- ▶ A frequently asked questions (FAQ) document clarifying TEQSA's regulation of ELICOS Programs available at [http://www.teqsa.gov.au/sites/default/files/FAQs\\_TEQSAandTheRegulationOfELICOS.pdf](http://www.teqsa.gov.au/sites/default/files/FAQs_TEQSAandTheRegulationOfELICOS.pdf)
  
- ▶ An information sheet explaining TEQSA's approach to financial assessment available at [http://www.teqsa.gov.au/sites/default/files/TEQSA%20Infosheet\\_FinancialAssmnt.pdf](http://www.teqsa.gov.au/sites/default/files/TEQSA%20Infosheet_FinancialAssmnt.pdf)

More TEQSA information sheets and FAQs are available at <http://www.teqsa.gov.au/for-providers/frequently-asked-questions-providers>.

If you have suggestions for topics that would be of broad interest to the higher education sector please email [comms@teqsa.gov.au](mailto:comms@teqsa.gov.au).

## **TEQSA Service Charter**

TEQSA's Service Charter explains our commitment to the people we deal with, including higher education providers, members of the public, current and prospective higher education students, experts and peak bodies with responsibility for representing the sector we regulate.

Our charter is available on the TEQSA website at [www.teqsa.gov.au/news-publications/news/teqsa-service-charter](http://www.teqsa.gov.au/news-publications/news/teqsa-service-charter).

## **Give us your feedback on TEQSA's website**

TEQSA now has a website survey to encourage users of the website to give us feedback. We are interested in whether the information on the website meets your needs and is easy to find. We will use your feedback to further develop our website as a key platform for communicating important information to providers and other stakeholders. The link to the survey is here: <http://www.teqsa.gov.au/news-publications/news/teqsa-invites-feedback-its-website-0>

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



# Actions for more effective and efficient regulation of the higher education sector

## Part A: Actions TEQSA will take

In light of ongoing sector feedback, and the objectives of the Ministerial statement, *Assuring quality while reducing the Higher Education regulatory burden (May 2013)*, TEQSA commits to the actions outlined in the table below. These largely have the effect of accelerating measures set out in Part B. They are subject to the effect of any future changes to the Threshold Standards.

<p>1. For providers with strong and mature quality records and no significant risks in their risk profile leading into re-registration, and where TEQSA has identified no other regulatory concerns, a streamlined re-registration track will apply. The Low Risk Re-Registration Track will focus on a smaller number of specific standards only and require a minimum evidence base. The specific standards will be advised by TEQSA, after focused consultation with stakeholders. The standards will apply to all providers on this track. Some examples of regulatory concerns include known prima facie breaches of standards during the current registration term, rejection of course accreditation applications, and material changes that TEQSA regards as giving rise to significant compliance risk.</p>
<p>2. For providers with some limited risk or compliance concerns identified through their risk profile or in broader dealings with TEQSA, a Limited Risk Re-Registration Track will have the same requirements as the Low Risk Re-Registration Track (see above) plus an additional focus on specific risks and/or concerns identified by TEQSA.</p>
<p>3. For a provider seeking the re-accreditation of its courses, where the provider has no significant risks and a history of multiple successful course accreditations in the last five years, a streamlined re-accreditation track will apply that focusses on a smaller number of specific standards and a focused evidence base. The specific standards will be advised by TEQSA and will apply to all providers on this track. Providers fitting the profile above will also be offered this track in relation to accreditation of new courses, so long as the courses are in fields and at levels already accredited to the provider.</p>
<p>4. As part of the mid-2013 scheduled review of the Regulatory Risk Framework, TEQSA will reduce the number of risk indicators to focus on a core set of indicators, based on the experience of the first full round of risk assessments of all providers.</p>
<p>5. From the 2013–14 annual risk cycle onwards TEQSA will only issue preliminary risk assessments for response by providers if TEQSA has new or continuing concerns about risks or is asked to do so by a provider. TEQSA will, however, issue a</p>

preliminary risk assessment in the year leading up to re-registration.
6. TEQSA will communicate to the sector by 1 August 2013 a narrowing of the circumstances in which it expects material change notifications.
7. Going forward, TEQSA will limit quality assessments initiated by TEQSA to one per calendar year in the period 2013–2015.

## **Part B: Actions TEQSA has scheduled in line with its strategic planning**

In February 2012, the Minister for Tertiary Education approved the *TEQSA Strategic Plan 2011–2014*. The Strategic Plan envisages a phased approach to building the new Agency and implementing a new and tailored regulatory approach. As part of TEQSA's second phase of regulation (2014–15), it will introduce a number of reforms from 1 January 2014. This second phase builds on the experiences and insights gained from having completed a first tranche of provider re-registrations. TEQSA will also bring forward its plans to further refine the regulatory risk framework.

1. From the beginning of 2014, TEQSA will implement further changes to re-registration and accreditation processes to provide a streamlined approach for providers assessed as low risk. This will follow a scheduled review of the risk framework in mid-2013 and a review of application forms that is already underway.
2. TEQSA will develop a more targeted approach to the use of site visits, experts and requests for further information and will consider options for focusing the scope of particular assessments.
3. TEQSA will introduce from 1 January 2014 streamlined application forms and guides for all providers, including more targeted content requirements.
4. TEQSA will introduce from 1 January 2014 a single streamlined application form to facilitate a provider wishing to submit simultaneously a re-registration application for TEQSA, ASQA and CRICOS registration.
5. TEQSA will introduce in 2014 electronic submission forms for registration processes.
6. TEQSA will progress dialogue with relevant professional accreditation bodies on introducing complementary accreditation procedures. This will reduce the imposition on a provider seeking accreditation for the same course from both TEQSA and a professional accreditation body.
7. As part of its commitment to explain its regulatory decisions, including how it takes a risk-based, proportionate approach, TEQSA will publish on the National Register of Higher Education Providers its regulatory decisions taken on or after 1 July 2013, including reasons supporting each decision. (This will not apply to new applications for initial registration which are rejected.)

## Part C: Actions TEQSA has already taken

During TEQSA's first phase of regulation (2012–2013), it has already implemented significant actions to minimise the regulatory burden on providers, especially relative to previous requirements of Australian Universities Quality Agency (AUQA), State and Territory Government Accrediting Authorities and regulation under the *Education Services for Overseas Students Act 2000* (ESOS Act).

<p>1. TEQSA has adopted a graduated approach to regulatory intervention, based on a best practice 'pyramid' model (I Ayres and J Braithwaite, 1992). This allows TEQSA to encourage and reward compliance, and to take the least interventionist approach available in the circumstances. TEQSA's graduated approach to achieving compliance outcomes is outlined on page 22 of its 2011–2012 annual report.</p>
<p>2. TEQSA has adopted an open, consultative approach, including consulting the sector on major policy developments on six occasions to date (regulatory risk, information collection, fees, national register guidelines, information guidelines, and the publication of regulatory decisions). TEQSA has established three sector-based Reference Groups (Risk, Information Collection, and Regulation and Quality Assessment). TEQSA seeks feedback directly from providers that have undergone a regulatory process (for example, at the completion of a re-registration process) and invites feedback on the regulatory information on its website through a website feedback survey.</p>
<p>3. TEQSA introduced a single, national renewal of registration process. Some providers that have undergone re-registration with TEQSA have publicly stated that this process has been less onerous, less costly and less time-consuming than previous processes associated with the AUQA audit approach.</p>
<p>4. TEQSA has taken full advantage of the seven year timeframes available under the TEQSA Act (as the default) whereas a five year cycle was the previous maximum in both State and Territory regulation and AUQA quality audits. The duration of registration is based on TEQSA's determination of quality and risk.</p>
<p>5. TEQSA has allocated a Case Manager to each registered provider to ensure a high level of support, communication and two-way understanding in the regulatory relationship. This has been supported by a program of ongoing provision of information to the sector on the scope and operation of providers' statutory obligations, via regular provider briefings (three higher education briefings, five ELICOS briefings), sector communiques (five published to date), and presentations to and participation in sector forums (over 100 to date). TEQSA's website was substantially upgraded in January this year, and TEQSA continues to enhance its web content and to diversify the channels for its delivery.</p>
<p>6. After consulting the sector on its proposed annual Provider Information Request (PIR) data collection, TEQSA responded to feedback from the sector and reduced the number of data elements sought under its annual PIR data collection. TEQSA scaled the collection to take account of the existing reporting requirements on providers. For universities, this reduced the number of data elements to six. By comparison, this is in the order of one percent of the reporting burden imposed on</p>

<p>universities by DIICCSRTE. TEQSA's detailed record of response to sector feedback was published on its website in August 2012 at <a href="http://www.teqsa.gov.au/news-publications/current-consultations">http://www.teqsa.gov.au/news-publications/current-consultations</a>.</p>
<p>7. For re-registration and course re-accreditation assessment processes and decisions, TEQSA is progressively implementing a risk-based approach that determines greater or lesser use of the following compliance strategies depending on the provider's risk profile:</p> <ul style="list-style-type: none"> <li>▶ requests for further information (RFI)</li> <li>▶ targeted site visits, including length and scope of visit</li> <li>▶ use of external experts</li> <li>▶ imposition of conditions; and</li> <li>▶ length of registration or accreditation period.</li> </ul>
<p>8. On the basis of sector feedback, TEQSA has introduced a substantially streamlined form for CRICOS provider and course registration processes, based on the assessment of risk and certification from providers. This has been accompanied by a significant reduction in the amount of information required. The new arrangements have benefited universities, in particular.</p>
<p>9. For CRICOS registration, providers can opt for national registration, rather than the previously separate State and Territory-based registrations. Providers have advised TEQSA that this has significantly reduced the work and information requirements for renewal of registration. It should be noted, however, that further reforms are dependent on the implementation of changes to the PRISMS database system planned by DIICCSRTE.</p>
<p>10. For dual sector providers, TEQSA has implemented a 'single desk' approach with ASQA to streamline the assessment process for all CRICOS applications.</p>
<p>11. TEQSA has designed its risk assessment process to offer providers the opportunity to review and comment on draft risk profiles. Participation in this part of the process is voluntary.</p>
<p>12. TEQSA has provided clear guides and forms for registration, accreditation, and material change notifications to clarify what is required in order to minimise the effort involved for providers in preparing applications and notifications.</p>
<p>13. TEQSA has made it easier for providers to meet evidence requests, for example, by accepting electronic submissions rather than print copies, and by reducing requirements for curriculum materials.</p>
<p>14. After consulting the sector, TEQSA developed Information Guidelines which permit it to share information with other relevant government agencies, thereby reducing the need for providers to supply the same information to multiple providers. TEQSA also worked closely with DIICCSRTE on legislative amendment to the <i>Higher Education Support Act 2003</i> (HESA) to permit the Department to share data with TEQSA.</p>

15. TEQSA has decided in relation to the 2013 Quality Assessment on Third Party arrangements that any further requirements of providers will be voluntary.

16. TEQSA has announced it will delay the second of its Quality Assessments (in relation to English Language Proficiency) until the second half of 2014, on the basis of concerns within the sector about potential workloads, and pending ministerial direction on a new Quality Assessment on initial teacher education programs.