



Australian Government

Tertiary Education Quality and Standards Agency



# TEQSA's Regulator Performance Framework

Version 1.0

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# Overview

This document contains the activities and evidence metrics proposed to assess TEQSA's performance as a regulator, per the Australian Government's Regulator Performance Framework (RPF).

The Regulator Performance Framework consists of the following six Key Performance Indicators:

1. Regulators do not unnecessarily impede the efficient operation of regulated entities
2. Communication with regulated entities is clear, targeted and effective
3. Actions undertaken by regulators are proportionate to the regulatory risks being managed
4. Compliance and monitoring approaches are streamlined and coordinated
5. Regulators are open and transparent in their dealings with regulated entities
6. Regulators actively contribute to the continuous improvement of regulatory frameworks

This version of the TEQSA Regulator Performance Framework model reflects TEQSA's work to enhance the RPF to more clearly illustrate the benefits of the multiple initiatives to enhance TEQSA's quality assurance and regulatory performance. As part of this work, the RPF framework has been more explicitly aligned to the key strategies and metrics in the TEQSA Corporate Plan 2015-19. The Corporate Plan sets out TEQSA's priorities, underpinning strategies and associated high-level performance indicators for the period. As described in the Corporate Plan, TEQSA strives to maintain, streamline and improve its regulatory performance and its regulatory frameworks through engagement with the providers it regulates, effective communication with the sector and, in particular, having regard to the Australian Government Regulator Performance Framework (RPF). TEQSA will continue to enhance the detail of its Regulator Performance Framework model to ensure that the agency demonstrates as clearly as possible its compliance with the RPF KPIs.

Section 1 describes TEQSA's proposed Regulator Performance Framework. For each Key Performance Indicator, TEQSA has identified a range of performance indicators and related possible evidence metrics that would be considered during self-assessment and external review.

Section 2 shows how this framework aligns to the key Strategies and overall Key Performance Indicators of the TEQSA Corporate Plan 2015-19.

To the extent that it is practicable, TEQSA proposes to streamline the measures of its performance to address reporting against both the priorities of the Corporate Plan and the KPIs of the RPF, ideally using data/metrics that have already been collected by the Agency in the course of risk analyses and regulatory activities, rather than imposing additional burdens on the sector.

## Section 1 – TEQSA’s RPF KPIs

### **KPI 1 Regulation by TEQSA does not unnecessarily impede the efficient operation of higher education providers.**

TEQSA consults regularly with Higher Education providers, with peak industry bodies, and with Government about streamlining regulatory processes and reducing the administrative burden on providers to comply with TEQSA’s requirements. Case managers also work closely with providers to tailor the information/evidence required based on a variety of risk and other factors. Specific performance indicators include:

- Evidence of regular, constructive consultation with the sector (for example, from schedules of meetings with peak groups and other networks, other Commonwealth agencies and regulators, as well as examples of consultations on specific topics such as the recent ‘*A risk and standards based approach to quality assurance in Australia’s diverse higher education sector*’ paper developed in consultation with sector peak bodies).
- A series of reductions in administrative burden already achieved, with further progress planned (for example, the design and implementation of the recent ‘core plus’ approach to course accreditation and reaccreditation).
- Engagement with international agencies to contribute to development of trans national policy (for example, collaboration via staff exchanges (CPE and Korea) and collaborative projects such as the Quality Assurance of Cross-border Higher Education (QACHE) project).
- The use of a case management model for regulatory processes allowing tailoring of processes according to the circumstances of individual providers (for example, to amending registration periods for merged providers).

### **KPI 2 TEQSA’s communication with higher education providers is clear, targeted and effective.**

TEQSA pays considerable attention to communication with providers and other stakeholders who have an interest in its work. Specific performance indicators include:

- TEQSA’s decisions are provided in a timely manner, clearly articulating the reasons for decisions (for example, TEQSA publishes the National Register on a monthly basis, updating decisions and sharing decision-related information such as conditions and shorter approval periods).
- TEQSA gives all higher education providers a reasonable opportunity to address matters relevant to a decision by TEQSA before making a decision that affects the provider (for example there is a defined process to ensure procedural fairness for proposed negative decisions).
- Specific consultation with the sector occurs before proposed changes are made to TEQSA’s practices (for example the ‘beta’ approach to guidance notes, which are published for consultation).
- Comprehensive current guidance material for regulatory policies and processes is publicly available and updated regularly, and includes guidance on how TEQSA interprets particular risks and the types of scenarios that tend to reduce risk (for example, through the list of extensive guidance notes and application guides available on the TEQSA website, as well as the published Risk Assessment Framework).
- TEQSA has established and standardised communication processes (as defined in the Case Management Handbook).
- All general information that is required by providers is current and publicly available (as well as guidance notes and application guides, other materials include samples screen shots for the online forms, and a YouTube tutorial for use of the provider portal).

### **KPI 3: Regulatory actions undertaken by TEQSA are proportionate to the risks being managed.**

TEQSA has developed and implemented an innovative standards-based risk modulated approach to regulation. Specific performance indicators include:

- A comprehensive capacity for multifactorial risk analysis of all provider types (as outlined in the published Risk Assessment Framework and supported by a risk team in TEQSA).
- Integration of risk analysis and regulatory decision making, by use of comprehensive detailed current data sets gathered and maintained to inform risk analyses and regulatory interventions (as outlined in the published Risk Assessment Framework).
- Progressive development of the scope and application of the 'core plus' model to further reduce burdens on demonstrated low-risk providers.
- Development and continuous improvement of comprehensive quality assurance processes for the regulatory assessment and decision making process (for example TEQSA has well defined internal review mechanisms built into assessment processes).

### **KPI 4: TEQSA's compliance and monitoring approaches are streamlined and coordinated.**

TEQSA is engaged in collaborations with other Commonwealth agencies and other regulators (e.g. ASQA, international agencies and professional bodies) to enhance, streamline and share data, and to minimise regulatory impact. Specific performance indicators include:

- Collaboration with the Department of Education and Training to streamline and automate data collection on providers and enhance access and sharing (for example TEQSA and the Department of Education and Training have been working together to implement a streamlined and seamless transition for providers from the TEQSA PIR process to the expanded Department of Education and Training Higher Education Information Systems (HEIMS) data collection).
- Collaboration with professional bodies to enhance data sharing and thus reduce regulatory burden on providers that are regulated by both TEQSA and a professional body (for example, a recent pilot of a joint assessment by TEQSA and a professional body).
- Collaboration with ASQA to streamline regulatory processes for providers that are regulated by both TEQSA and ASQA (for example, the pilot of a joint assessment of an application, and the alignment of registration expiry dates for TEQSA and CRICOS to reduce the need for multiple separate applications).
- Specific interactions with international regulatory agencies as warranted for assessments of trans-national education from Australian providers (with, for example, the Council for Private Education in Singapore).
- Demonstrated transparency of inspection and monitoring arrangements (for example, provider visits are always co-ordinated in advance with the provider).
- Evidence of collected information being acted upon, stored and re-used (for example case managers re-use materials provided once by the provider for multiple purposes, through the Case Management System).

**KPI 5: TEQSA's dealings with higher education providers are open, transparent and consistent.**

TEQSA is open and transparent in its dealings, as evident from the following performance indicators:

- A clear publicly available risk framework and articulated risk analysis process (as provided by the published Risk Assessment Framework).
- Transparency in the results of the regulatory decision making process (for example, TEQSA publishes the National Register on a monthly basis, updating decisions and sharing decision related information such as conditions and shorter approval periods).
- Public sharing of aggregate observations of performance and risks derived from regulatory experience with the sector, by publication of analytical reports (for example the publication of various risk based analytical reports, such as the recent *'A risk and standards based approach to quality assurance in Australia's diverse higher education sector'* paper developed in consultation with sector peak bodies).

**KPI 6: TEQSA's regulatory framework continues to be improved in consultation with stakeholders.**

TEQSA is committed to continuous improvement of its approach and processes, as evident from the following performance indicators:

- Well established, productive consultative mechanisms with stakeholders, and use of a variety of media and channels to convey information to stakeholders (for example the recent consultation for the 'core plus' approach for course accreditation and re-accreditation).
- Positive collaboration with the Higher Education (HE) Standards Panel (as illustrated by the contributions made by TEQSA to the development of the new standards).
- Regular engagement with the Minister of and the Department of Education and Training (for example, for a range of matters including changes to the TEQSA Act for delegations and extensions to proposed amendments to the ESOS Act).

## Section 2 - TEQSA’s Regulatory Performance Framework aligned to the Key Strategies in the Corporate Plan

### 1. Effective Oversight of the Quality and Reputation of Australian Higher Education

Corporate Plan Strategies	Corporate Plan Performance Indicators	Corresponding Regulator Performance Framework Performance Indicators
<ul style="list-style-type: none"> <li>▶ Identify, monitor and respond to significant trends, incidents and risks to higher education that is delivered in or from Australia.</li> <li>▶ Promote the role, importance and effectiveness of Australia’s quality assurance and regulatory system in maintaining the reputation of Australian higher education nationally and internationally</li> <li>▶ Contribute to the enhancement of the national data collection and national sharing of the data about the quality of higher education</li> </ul>	<ul style="list-style-type: none"> <li>▶ TEQSA has effective mechanisms to identify, monitor and respond to risks to higher education across the sector</li> <li>▶ Enhanced levels of information about the sector are available to the sector and stakeholders</li> <li>▶ The role and effectiveness of TEQSA is better understood by stakeholders nationally and internationally</li> <li>▶ TEQSA collaborates in the development of national data collections</li> <li>▶ Consultation mechanisms and guidance resources are developed for transition to the revised Higher Education Standards Framework</li> </ul>	<p><b>Regulatory actions undertaken by TEQSA are proportionate to the risks being managed (KPI 3).</b> TEQSA has</p> <ul style="list-style-type: none"> <li>• developed and implements an innovative standards-based, risk modulated approach to regulation, through the integration of risk analysis and regulatory decision making, by use of comprehensive detailed current data sets gathered and maintained to inform risk analyses and regulatory interventions, a clear and publically available Risk Assessment Framework, and the progressive development of the scope and application of the ‘core plus’ model to further reduce burdens on demonstrated low-risk providers.</li> </ul> <p><b>TEQSA’s dealings with higher education providers are open, transparent and consistent (KPI 5)</b> as demonstrated by</p> <ul style="list-style-type: none"> <li>• the transparency in the results of the regulatory decision making process (for example the monthly publication of the National Register and the publication of the outcome of AAT decisions or negotiations) as well as the public sharing of aggregate observations of performance and risks derived from regulatory experience with the sector, by publication of analytical reports (as an example).</li> <li>• Regulation by TEQSA does not unnecessarily impede the efficient operation of higher education providers (KPI 1), and its approach to consultation and engagement assists with mutual understanding, through regular, constructive consultation with the sector and engagement with international agencies (for example, development of</li> </ul>

Corporate Plan Strategies	Corporate Plan Performance Indicators	Corresponding Regulator Performance Framework Performance Indicators
		<p>trans national policy, collaboration via staff exchanges and collaborative projects).</p> <p><b>TEQSA’s compliance and monitoring approaches are streamlined and coordinated</b> (KPI 4), as evidenced by:</p> <ul style="list-style-type: none"> <li>• Collaboration with the Department of Education and Training to streamline and automate data collection on providers and enhance access and sharing.</li> <li>• Collaboration with professional bodies to enhance data sharing and thus reduce regulatory burden on providers that are regulated by both TEQSA and a professional body.</li> </ul> <p><b>TEQSA’s regulatory framework continues to be improved in consultation with stakeholders</b> (KPI 6) to assist with:</p> <ul style="list-style-type: none"> <li>• initiatives such as the development of and transition to the HE standards, using well established, productive consultative mechanisms with stakeholders and use of a variety of media and channels to convey relevant information to stakeholders.</li> </ul>

## 2. Efficient, effective, responsive, risk-based quality assurance and regulatory activities

Corporate Plan Strategies	Corporate Plan Performance Indicators	Corresponding Regulator Performance Framework Performance Indicators
<ul style="list-style-type: none"> <li>▶ Further integrate risk analysis and quality assurance activities</li> <li>▶ Maintain a strong focus on the educational experiences and outcomes for students in quality assurance activities</li> <li>▶ Continue to implement a program of improvement of quality assurance and regulatory approaches involving key stakeholders</li> <li>▶ Continue to build organisational capability</li> </ul>	<ul style="list-style-type: none"> <li>▶ Quality assurance and regulation by TEQSA does not unnecessarily impede the efficient operation of higher education providers</li> <li>▶ Quality assurance and regulatory actions undertaken by TEQSA are proportionate to the risks being managed</li> <li>▶ TEQSA’s compliance and monitoring approaches are streamlined and coordinated</li> <li>▶ The quality assurance framework continues to be improved in consultation with stakeholders</li> <li>▶ Quality assurance business processes are documented and applied consistently</li> </ul>	<p><b>Regulation by TEQSA does not unnecessarily impede the efficient operation of higher education providers (KPI 1).</b> TEQSA has:</p> <ul style="list-style-type: none"> <li>• achieved a series of reductions in administrative burden already achieved, with further in progress.</li> <li>• established a case management model for regulatory processes allowing tailoring of processes according to the circumstances of the individual providers.</li> </ul> <p><b>Regulatory actions undertaken by TEQSA are proportionate to the risks being managed (KPI 3).</b> TEQSA has:</p> <ul style="list-style-type: none"> <li>• developed and implements an innovative standards-based, risk modulated approach to regulation, through the integration of risk analysis and regulatory decision making, by use of comprehensive detailed current data sets gathered and maintained to inform risk analyses and regulatory interventions, a clear and publically available Risk Assessment Framework, and the progressive development of the scope and application of the ‘core plus’ model to further reduce burdens on demonstrated low-risk providers. Additionally comprehensive quality assurance processes are in place for regulatory assessment and decision making.</li> </ul> <p><b>TEQSA’s compliance and monitoring approaches are streamlined and coordinated (KPI 4),</b> as evidenced by:</p> <ul style="list-style-type: none"> <li>• Collaboration with the Department of Education and Training to streamline and automate data collection on providers and enhance access and sharing.</li> <li>• Collaboration with professional bodies to enhance data sharing and thus reduce regulatory burden on providers that are</li> </ul>

Corporate Plan Strategies	Corporate Plan Performance Indicators	Corresponding Regulator Performance Framework Performance Indicators
		<p>regulated by both TEQSA and a professional body.</p> <ul style="list-style-type: none"> <li>• Collaboration with ASQA to streamline regulatory processes for providers that are regulated by both TEQSA and ASQA.</li> </ul> <p><b>TEQSA’s regulatory framework continues to be improved in consultation with stakeholders (KPI 6)</b> by use of well established, productive consultative mechanisms with stakeholders and use of a variety of media and channels to convey information to stakeholders (for example through contributions to the Higher Education Standards Panel and regular engagement with the Department of Education and Training).</p>

### 3. Constructive and collaborative relationships with governments, higher education providers and other stakeholders

Corporate Plan Strategies	Corporate Plan Performance Indicators	Corresponding Regulator Performance Framework Performance Indicators
<ul style="list-style-type: none"> <li>▶ Share data and analyses to support compliance and improvement activities</li> <li>▶ Strengthen the collaborative relationship with ASQA, the Higher Education Standards Panel and other agencies with mutual interests both in Australia and internationally</li> <li>▶ Consult with peak bodies and higher education providers to promote a shared understanding of TEQSA's approach and its core functions</li> </ul>	<ul style="list-style-type: none"> <li>▶ TEQSA's communication with higher education providers is clear, targeted and effective</li> <li>▶ TEQSA's dealings with higher education providers are open, transparent and consistent</li> <li>▶ Increased synergies developed with other agencies and contributions to collaborative goals</li> <li>▶ Effective implementation of the requirements of regulatory responsibilities is achieved, including the TEQSA and ESOS Acts</li> </ul>	<p><b>TEQSA's communication with higher education providers is clear, targeted and effective</b> (KPI 2), for example:</p> <ul style="list-style-type: none"> <li>• TEQSA's decisions are provided in a timely manner, clearly articulating the reasons for decisions.</li> <li>• TEQSA gives all higher education providers a reasonable opportunity to address matters relevant to a decision by TEQSA before TEQSA makes a decision that affects the provider.</li> </ul> <p><b>TEQSA's dealings with higher education providers are open, transparent and consistent</b> (KPI 5), for example TEQSA has:</p> <ul style="list-style-type: none"> <li>• A clear publically available risk framework and articulated risk analysis process.</li> <li>• Transparency in the results of the regulatory decision making process.</li> </ul> <p><b>TEQSA's compliance and monitoring approaches are streamlined and coordinated</b> (KPI 4) with other agencies, departments and professional bodies to increase synergies and achieve collaborative goals.</p>

#### 4. Effective internal quality assurance by providers

Corporate Plan Strategies	Corporate Plan Performance Indicators	Corresponding Regulator Performance Framework Performance Indicators
<ul style="list-style-type: none"> <li>▶ Optimise TEQSA’s application of the Higher Education Standards Framework to foster internal quality assurance purposes</li> <li>▶ Provide guidance to providers on enhancing internal quality assurance</li> </ul>	<ul style="list-style-type: none"> <li>▶ Enhanced internal quality assurance systems are reflected in reduced regulatory burden for providers</li> <li>▶ The proportion of low risk providers is increasing</li> <li>▶ Enhanced capacity of providers to meet the requirements of TEQSA’s quality assurance</li> </ul>	<p><b>Regulation by TEQSA does not unnecessarily impede the efficient operation of higher education providers (KPI 1).</b> TEQSA has:</p> <ul style="list-style-type: none"> <li>• achieved a series of reductions in administrative burden already achieved, with more in progress.</li> <li>• established a case management model for regulatory processes allowing tailoring of processes according to the circumstances of the individual providers.</li> </ul>