



Guidance Note: Wellbeing and Safety

Version 1.2 (8 January 2018)

Providers should note that Guidance Notes are intended to provide guidance only. They are not definitive or binding documents. Nor are they prescriptive. The definitive instruments for regulatory purposes remain the TEQSA Act and the Higher Education Standards Framework as amended from time to time.

What do wellbeing and safety encompass?

The Higher Education Standards Framework (Threshold Standards) 2015 (HES Framework) includes a Section on wellbeing and safety that requires providers to provide timely and accurate advice on access to student support services and to promote and foster a safe environment on campus and online. While the Standards of the HES Framework encompass organisational responsibilities for the wellbeing of staff, their primary focus is on supporting the wellbeing and promoting the safety of students. This Guidance Note focuses generally on current students, irrespective of their mode of participation. Special requirements exist for younger students, particularly in relation to international students under the *Education Services for Overseas Students Act 2000* [ESOS Act]. This Guidance Note is focused on the requirements of the HES Framework.

The terms ‘wellbeing’ and ‘safety’ are used in their ordinary meanings, broadly encompassing ‘overall wellness’ and ‘freedom from harm’ respectively. The Standards implicitly recognise that many factors may affect wellbeing (e.g. social, financial, health, cultural, educational, etc.), many of which may not be under the control of the provider. The Standards also implicitly acknowledge that ‘safety’ is regulated in more detail through other frameworks, such as workplace-safety legislation, and do not seek to duplicate those mechanisms.

Managing issues to do with risks to wellbeing or safety may become quite complex for providers, particularly in distinguishing events that occur within the scope of the provider’s operations (e.g. an assault on campus) from events that occur outside the scope of the provider’s operations. These may entail differing levels of response, however even incidents that fall outside the scope of the provider’s operations may have adverse impacts on subsequent educational experiences (e.g. an unwelcome approach from a fellow student at a private weekend function) and the provider may need to ensure support is available. Other parties may also be involved (e.g. in the case of a mishap or other difficulty in a work placement, or an incident at a third-party location). Remote circumstances may also have an impact, such as civil unrest in the home country of international students who are studying in Australia.

Providers should actively use their influence and governance links to support affiliated entities (such as residences and university colleges) to promote and foster a safe environment for students enrolled at the provider. There are particular risks posed by recurring sexual assault and sexual harassment at residences, and providers should use their best offices to encourage residences to implement counter-measures, such as



evidence-based sexual violence prevention education programs, as well as programs to counter the harmful effects of alcohol and drug abuse.

Relevant Standards in the HES Framework

The Standards that are directly concerned with wellbeing and safety are in Part A of the HES Framework (Standards for Higher Education) as a separate Section (2.3) within the Learning Environment domain. The Standards encompass (paraphrased):

- 2.3.1 avenues and contacts for support for students if needed
- 2.3.2 availability of specific types of personal support services
- 2.3.3 ensuring that support services offered reflect the needs of student cohorts
- 2.3.4 promotion of a safe environment
- 2.3.5 management of critical incidents.

The 'support' components of these Standards complement and supplement the learning support requirements encompassed by the Standards in Section 3.3: Learning Resources and Educational Support.

Intent of the Standards

The HES Framework broadly contemplates a provider recognising that it has a range of responsibilities to students and, in so doing, taking active responsibility for fostering an environment of wellbeing and safety for its students. This includes:

- conducting effective risk assessments and implementing preventative controls for the risks identified
- providing advice about actions to take, staff to contact and support services that are accessible (whether directly or through another party) if students' personal circumstances are having an adverse effect on their education, including:
- conducting evidence-based sexual violence, drug and alcohol abuse prevention education programs
- providing support for affected students where needed (whether directly or through another party)
- having systems and processes to respond to incidents and prevent recurrences.

These actions presuppose the provider will have an overarching framework of guiding policies and effective processes for these functions, and that there is sufficient corporate commitment to promoting wellbeing and safety with enough resources to support these activities. The Standards also presuppose that the provider will identify risks to wellbeing and safety, take steps to understand the support needs of particular student cohorts, and implement effective mitigation and management strategies for identified risks.

Risks to Quality

Failure to meet the requirements of the Standards concerned with wellbeing and safety (Standards 2.3.1-2.3.5) is likely to interfere with success in students' studies, whether individually and/or for cohorts as a whole. This may be compounded by personal loss and suffering for individual students arising from preventable adverse circumstances. In failing to



meet the preparedness elements of the Standards, a provider will also not be sufficiently prepared to predict and manage risks, or to respond to adverse incidents should they occur. As a consequence:

- the provider's educational performance is likely to be diminished
- students may incur avoidable loss and suffering
- students may fail to maintain academic progress
- the provider may be exposed to legal action and/or reputational damage
- TEQSA or another regulator may need to intervene
- the reputation of higher education in Australia may be harmed.

In view of the multifaceted potential causes of diminished wellbeing, providers are advised to contemplate potential impacts on student wellbeing when considering the requirements of other Standards beyond those directly under the heading of wellbeing and safety (Standards 2.3.1-2.3.5). For example, the following list identifies a series of Sections and Standards and the underlying risks they are seeking to manage, all of which could manifest in an adverse impact on student wellbeing:

- 1.1.1 admission of students who are ill-equipped to cope with their course
- 1.3.2 insufficient needs analysis, early feedback and targeted support
- 1.3.6 not ensuring equivalent opportunities for different modes of participation
- 2.1.1 unsuitable facilities, including for placements
- 2.1.2 unsecure IT systems exposing students' systems to interference
- 2.1.3 students having limited interactions with, or being isolated from, other students
- 2.2.1 failure to acknowledge needs of diverse groups
- 2.4 insufficiently accessible complaints and grievance processes and support
- 3.3.4 not maintaining adequate contact with students
- 5.2 insufficient effort to prevent inadvertent breaches of academic integrity
- 5.3.5 not obtaining or disregarding student feedback
- 5.4 poor management of arrangements with other parties, including onshore and offshore partner education providers
- 6.1.4 abrogation of corporate responsibility for promoting and fostering a safe environment
- 6.2.1c inadequate resourcing
- 6.2.1e poor risk identification and management
- 6.2.1i inadequate contingency arrangements, including for business continuity
- 7.2 inadequate information to enable informed participation
- 7.2.4 insufficient notice of potential disruptions to participation
- 7.3.3b breaches of privacy or confidentiality
- 7.3.3c insufficient or poor records of management of incidents.



Providers also have statutory obligations to provide for the support of international students who are studying in Australia under the ESOS Act, with its associated *National Code of Practice for Providers of Education and Training to Overseas Students 2017* (National Code). These obligations include requirements for providing a safe environment, especially for students under the age of 18 years.

What will TEQSA look for?

This part of the guidance note covers the full extent of the Standards, and corresponding evidence that TEQSA may require, in relation to wellbeing and safety.

For new applicants seeking initial registration and course accreditation, TEQSA will require evidence to be provided in relation to all relevant Standards.

For existing providers, the scope of Standards to be assessed and the evidence required for particular applications may vary. This is consistent with the regulatory principles in the TEQSA Act, under which TEQSA has discretion to vary the scope of its assessments and the related evidence required. In exercising this discretion, TEQSA will be guided by the provider's history, its risk profile and its track record in delivering high quality higher education.

TEQSA's case managers will discuss with providers the scope of assessments and evidence required well ahead of the due date for submitting an application for renewal of registration, and may extend the scope to include wellbeing and safety if necessary.

The evidence required for particular types of application is available from the Application Guides on the TEQSA website.

Providers are required to comply with the Standards at all times, not just at the time of application, and TEQSA may seek evidence of compliance at other times if a risk of non-compliance is identified.

In the first instance, TEQSA will need to be satisfied that a provider is acting responsibly and proactively to create an environment of wellbeing and safety for all students. This should be evident in the commitment of the governing body (see Standard 6.1.4) and the framework of policies, processes and activities that have been established to foster and maintain wellbeing and safety (e.g. Standard 2.3.4). This information also needs to be accessible to students (see Standard 7.2.1).

Actions taken to promote a safe environment, and the information provided to students about the actions they can themselves take and the support available, should be tailored to the needs of particular student cohorts (Standards 2.3.2-44). This will include students who are studying in different modes of participation, i.e. on campus, online or blended modes, and students who are involved with other delivery partners (whether onshore or offshore) or in clinical or other work placements. It will also include students whose studies are impeded by health issues, including mental health issues requiring access to counselling. Support services can be outsourced, but must be accessible, and any charges must be reasonable.

An important element of fostering wellbeing and safety is the preparedness of the provider and its capacity to respond to incidents, especially critical incidents (Standard 2.3.5). Another aspect of preparedness is a provider's capacity to anticipate issues through risk identification and mitigation (see Standard 6.2.1e), and to implement preventative actions. TEQSA will expect to see evidence of risk identification consistent with the scale and context of the provider and its environment, and how this guides the provider's preparedness.



Critical Incidents

In relation to critical incidents, TEQSA will expect to see evidence (e.g. policies, procedures, checklists, rehearsals, accountabilities) of how a provider intends to respond to a range of foreseeable major events either on or off-campus that pose risks to students or staff. These might include:

- violent behaviour, assaults, bomb scares
- serious accidents, explosions, fire; or
- deaths.

TEQSA accepts that many incidents will require a tailored response but nonetheless expects to see an overall approach to preparedness that is considered and likely to be practicable, that should include a critical incident management plan. The plan should include a review and reporting phase to ensure lessons are learned as part of the follow-up (Standard 2.3.5). TEQSA will also expect a provider to be prepared to respond to events of different nature and scale, e.g. responding to an event affecting many students collectively, such as a terrorism incident, as distinct from an isolated event involving an individual such as an assault or sexual harassment.

Other incidents, assault and harassment

Where incidents do occur on campus, off campus or online, TEQSA will expect a provider to implement an appropriate and effective response, including where necessary taking disciplinary action against those found to be responsible for assaults and making any adjustments to its policy framework and practices to reduce the risk of recurrence and enhance safety and security.

All incidents considered significant by the provider should be recorded and monitored, including 'near misses' that do not result in harm, but easily could have. Patterns of recurring incidents should be identified, reported to the responsible managers and governance bodies and action taken to mitigate future risk.

Providers should report to TEQSA (as material changes) incidents that indicate material breaches in safety or preventative controls, including recurring incidents of sexual assault or sexual harassment.

Incidents of assault or harassment may give rise to student grievances, which should be addressed with reference to Section 2.4 of the HES Framework (Student Grievances and Complaints) and the related Guidance Note. Complaints resolution processes should be accessible and effective.

Some incidents (particularly assaults) may need to be reported to the police, where there is reason to believe a criminal offence may have been committed. Any other reporting must be consistent with the requirements of privacy legislation.

At the same time as taking action to respond to incidents as they occur, providers should take pre-emptive action to minimise incidents, including through appropriate evidence-based sexual violence prevention education programs and campaigns.

Staff and students should be clearly advised that the provider will take a zero-tolerance approach to sexual assault and sexual harassment and other forms of harmful misconduct.

In some cases students may experience a misadventure that is outside the control of the provider and unrelated to their course of study, e.g. a violent assault in a city street. While the provider may not have jurisdiction to investigate such incidents or take action against



those responsible (unless the assailant is a fellow-student), it may need to provide access to support to mitigate any flow-on effects on the student's education, e.g. through temporary incapacitation, or where the assailant could be a fellow student. TEQSA expects a provider to have contemplated how it intends to deal with such matters, at least in principle, and to have a clear understanding of the boundaries of its responsibilities. For example, will the provider implement follow-up actions such as offering ongoing counselling and academic support?

Where staff have particular accountabilities for providing support, TEQSA will need to be satisfied that they are competent to undertake their roles by way of qualifications, experience and currency of knowledge.

TEQSA will not seek to duplicate safety regulation that is carried out by other authorities, but will nonetheless wish to be assured that a provider is meeting its obligations to other authorities, consistent with the HE Framework, including occupational health and safety requirements. TEQSA will also be interested in any lapses in compliance with safety regulations that may occur and will want to be assured that such lapses have been rectified and action has been taken to prevent recurrences.

TEQSA may also be alerted to lapses in the wellbeing and safety environment through complaints from staff and students or referrals from other agencies.



Resources and references

Australian and New Zealand Student Services Association Inc., *ANZSSA Guidelines for Professional Practice*,

<<https://www.anzssa.com/Public/Resources/Guidelines/Public/Guidelines.aspx?hkey=12cc338a-6186-4d7a-8f7b-1f385ee0c550>>.

Australian Government, *Education Services for Overseas Students Act 2000*,
<<https://www.legislation.gov.au/>>.

Australian Government, *National Code of Practice for Providers of Education and Training to Overseas Students 2017*, <<https://www.legislation.gov.au/>>.

Australian Human Rights Centre, University of New South Wales, *Strengthening Australian University Responses to Sexual Assault and Harassment Project*,

<<http://www.ahrcentre.org/topics/strengthening-australian-university-responses-sexual-assault-and-harassment>> and *On Safe Ground* report (August 2017),

<http://www.ahrcentre.org/news/2017/08/03/925>

Australian Human Rights Commission, *Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities* (2017),

<https://www.humanrights.gov.au/our-work/sex-discrimination/publications/change-course-national-report-sexual-assault-and-sexual>>

Enhancing Student Wellbeing project, <<http://unistudentwellbeing.edu.au/>>.

Healthy Universities Network (UK), <<http://www.healthyuniversities.ac.uk/>>.

Henry, A., Macrae, M., and Kaplan, A., *The Hunting Ground Australia Project*,

<<http://www.thehuntinggroundaustralia.com.au/>>

National Centre for Student Equity in Higher Education, <<https://www.ncsehe.edu.au/>>.

Universities Australia, (12 February 2016), *Respect. Now. Always* campaign,

<<https://www.universitiesaustralia.edu.au/uni-participation-quality/students/Student-safety#.WMc-w6W1Euw>>.

TEQSA (2016), *Explanations of terms in Part A of the HES Framework 2015*,

<<http://www.teqsa.gov.au/explanations-hes-framework-terms>>.

TEQSA, *Guidance Note: Grievance and Complaint Handling*, <<http://www.teqsa.gov.au/hesf-2015-specific-guidance-notes>>.

TEQSA, *Material Change Notification Policy*,

<<http://www.teqsa.gov.au/sites/default/files/Material-Change-Notification-Policy-3-5.pdf>>.

TEQSA welcomes the diversity of educational delivery across the sector and acknowledges that its Guidance Notes may not encompass all of the circumstances seen in the sector. TEQSA also recognises that the requirements of the HESF can be met in different ways according to the circumstances of the provider. Provided the requirements of the HESF are met, TEQSA will not prescribe how they are met. If in doubt, please consult your TEQSA case manager.



Version #	Date	Key changes
1.0	28 July 2017	Made available as beta version for consultation.
1.1	11 October 2017	Minor amendment to 'What will TEQSA look for?' text box, and addition of resource from the Australian Human Rights Centre.
1.2	8 January 2018	Amendments in the light of submissions received during and after the consultation period.