

# Appendix B

## Submission template

Please note that the Department usually publishes and reserves the right to publish any written submission received and the names of persons making written submissions in the course of this consultation process.

If you consider that information in your submission should be treated as confidential, or if you wish to remain anonymous please clearly indicate this in your submission or in a cover note and provide reasons for your request.

The Australian Government reserves the right to accept or refuse a request to treat information as confidential and will use the criteria set out in the Department of Finance and Deregulation's Financial Management Guidance No. 3 on confidentiality in procurement, July 2007, as a guide when determining whether to accept a claim for confidentiality. Information relating to individuals will be protected under the *Privacy Act 1988*. Requests for access to such information will be dealt with under the provisions of the *Freedom of Information Act 1982*.

The template reflects the terms of reference for the review and the issues identified in the issues paper. Please refer to the issues paper and terms of reference for more information.

A field for general comments has been included below for you to raise additional issues.

Written submissions are to be received by 30 October 2009 and sent by email to: [esosreview@deewr.gov.au](mailto:esosreview@deewr.gov.au).

About you:

### Institution / organisation

Name:

National ELT Accreditation Scheme Limited

Sector:

ELICOS

Prepared by:

xxxxxxxxxxxxxxxxxxxx

Contact details:

xxxxxxxxxxxxxxxxxxxx

### Student / individual

Name:

Institution / organisation:

Course / role:

Home Country:

Contact details:

## Supporting the interests of students

- i. How can the quality and accessibility of reliable information be improved? What role can ESOS have in ensuring providers and their agents are held to account for supplying prospective and current international students with accurate and timely information?

### Comments

The National Code Standards 1 to 4 currently outline requirements in relation to information being provided to prospective students and agents. The effectiveness of the current monitoring arrangements in ensuring providers are held to account in relation to their compliance with these standards is questionable. The National Code requires a monitoring framework that is:

- nationally consistent and with regular moderation and training of auditors established,
- allows for timely audits and checks on information, and
- carries a realistic and enforceable set of tabled sanctions.


A national regulatory body is required that can oversee registration compliance and quality assurance with consideration of each sector in terms of standards and monitoring arrangements. Complementing a national regulatory body, but external to it, there needs to exist an international education authority that is comprised of both government and industry that can oversee the promotion of the Australian international education industry as a whole and provide research into the industry and future planning. Such an authority would be in a position to provide the key source of information in general for students and agents and act as a source of reference for providers.

An example of best practice:~

- NEAS checks a provider's promotional material in relation to ELICOS annually as part of its quality assurance monitoring processes around NEAS' standards. NEAS' standards hold criteria directly related to promotion of the provider as it relates to information to students wishing to study English. NEAS auditors are professionals within the field and with experience in international education and undertake annual training in relation to their auditing role.

### Recommendation/s

NEAS recommends:~

- 1. The establishment of a national regulatory body which allows for uniformity in registration processes and quality assurance monitoring across Australia specific to each sector of delivery - higher education (TEQSA), vocational education, schools, plus ELICOS and foundation (the latter two forming a Non-Award sector).
- 2. NEAS to be asked to act as the quality agency for providers of Non-Award programs of study - NEAS can also assist governments in the registration process.
- 3. The establishment of an international education authority that, among other roles, can provide a key source of general information for students and agents alike as well as serving as a reference point for providers. 

- ii. How should the Australian Government and the international education sector protect international students if a provider closes? How should this be resourced?

### Comments

It is inequitable to have quality providers bear the burden of poor monitoring - where providers at high risk of closing continue to operate until collapsing. Tighter and more effective assessment of providers at the initial registration stage would ease the number of providers that may not be robust enough in their overall quality and model of operation. Nevertheless, closures may still occur, even with stricter entry requirements, and in such cases protection of international students is paramount to the reputation of the industry.

The current combination of TAS and the ESOS Fund in serving to protect students in instances of courses ceasing to be offered through closures needs further examination and perhaps an amalgamation. At present, for private providers there are five TAS operators - of which only two operate nationally with one of these being for ELICOS only. Providers that are exempt from TAS membership must:

- i. have a bank guarantee; or
- ii. be a body corporate and have an indemnity agreement; or
- iii. be a provider who the Minister believes on reasonable grounds should not be expected to become a member of a TAS.

The above mix of options in relation to coverage needs re-examination. For students to be adequately protected by the one clear robust scheme would benefit all providers within the industry - both public and private.

### Recommendation/s

NEAS recommends:~

- 1. The establishment of a single fund contributed to by government and providers - with providers contributing on a sliding scale measured through a process of risk assessment which would include a history of compliance and student numbers.

- iii. Are different mechanisms needed to support international students to resolve complaints effectively? Are additional complaint mechanisms needed?

#### Comments

There is an element of confusion around the complaints and appeals process for many students and providers alike. For small providers, the process of complaints and appeals can become difficult and problematic in spite of best intentions. International students whose first language is not English may struggle with understanding the written processes conveyed in student handbooks, and the shorter and more varied periods of study that students have in the ELICOS sector exacerbates the problems providers have around the process (especially as it relates to poor attendance) and can render the system meaningless.

A procedure needs to be in place at the level of the provider and needs to be readily available and clearly communicated to students - in more than one format. If a complaint cannot be resolved at the provider level then an external body knowledgeable of the industry is required.

An example of best practice:~

- NEAS checks a provider's complaints and appeals policy and procedures and ensures that providers make them available to students at a level that would be clearly understood by all students.
- NEAS follows up a written complaint that indicates a breach in NEAS' standards by the provider with a short notice inspection.

#### Recommendation/s

NEAS recommends:-

- 1. A student ombudsman - allowing complaints that cannot be resolved at a provider level to be addressed promptly and with an understanding of both providers of education and international students.

- iv. Should an international student's ability to change their education provider be limited, if so in what way?

#### Comments

In principle, students should have the same rights with respect to their program(s) of study, whether they are Australian citizens/residents or holders of student visas. International students are at a disadvantage as 'buyers of education' due to their purchase at a distance when confirming their place of study from outside Australia. It is therefore important that comprehensive and accurate information about the provider and student requirements are conveyed to the student prior to their departure to Australia - highlighting elements such as the complaints and appeals process and the need for a student to take time to adjust to the study and the new environment.

To limit the likelihood of a change of provider to protect both student and provider alike there needs to be:

- accurate information provided to students relating to all details of the provider - programs of study, facilities, study requirements, refund policy, etc (refer to point i), and
- a nationally consistent and robust monitoring framework to monitor providers.

Current legislation covers the first point, however, the monitoring framework is not rigorous enough.

If there is a pattern of large numbers of international students leaving quality providers and drifting towards providers of poor quality or those that offer incentives driven by motives outside education, then it would appear that Australia is not attracting genuine students due to irregular promotion and/or the current registration and monitoring framework around providers is not robust enough.

#### Recommendation/s

NEAS recommends:-

- 1. The establishment of a national regulatory body which allows for uniformity in registration processes and quality assurance monitoring across Australia specific to each sector of delivery - higher education (TEQSA), vocational education, schools, plus ELICOS and foundation (the latter two forming a Non-Award sector) that allows for students to change to a provider after a period of 6 months as per current legislation.
- 2. NEAS to be asked to act as the quality agency for providers of Non-Award programs of study - NEAS can also assist governments in the registration process.

## Delivering quality as the cornerstone of Australian education

- v. How can the intersection between ESOS and the underpinning education quality assurance frameworks be improved?

### Comments

There has been a blurring of the lines between registration and quality assurance. Registration is a 'licence to operate'; quality assurance is an external confirmation that levels of quality have been achieved.

#### PROVIDER REGISTRATION:~

Registration is rightly the domain of government. It should involve, as currently does, checks on the bona fides of providers and their status as Australian organisations (eg, ASIC compliance), etc. For providers in Western Australian there is a layer over and above ESOS in relation to consideration of the financial viability of providers - a step that NEAS feels is a positive component to registration. However, registration of providers is currently varied depending on what state/territory a provider operates in with different forms to complete to capture details, different costs, and different processes in operation across the country. National consistency is required.

#### EDUCATIONAL QUALITY ASSURANCE (a stamp of approval by a relevant organisation):~

Quality assurance processes should also be nationally consistent and be conducted by those with training, knowledge and understanding specific to the sector and/or preferably the subject or trade skills being offered - enabling a professional judgement to be made around the delivery of learning. For the ELICOS sector, the student body is only 'international' undertaking studies in a specific subject area - 'English' with NEAS' standards being 'fit for purpose'.

#### An example of best practice:~

- NEAS is an industry quality assurance agency with considerable knowledge and experience in the delivery of English language teaching with a set of standards and quality assurance processes that are internationally recognised. It operates in line with other global quality assurance agencies working within the field of language teaching. NEAS accredits the provider as a whole - courses inclusive - through its standards.

### Recommendation/s

#### NEAS recommends:~

- 1. There is no further legislation put in place, however, there should be the establishment of a national regulatory body which allows for (a). uniformity in registration processes (including strict checks on financial viability) and (b). uniformity in quality assurance monitoring across Australia specific to each sector of delivery - higher education (TEQSA), vocational education, schools, plus ELICOS and foundation (the latter two forming a Non-Award sector).
- 2. NEAS to be asked to act as the quality agency for providers of Non-Award programs of study - NEAS can also assist governments in the registration process.

- vi. Where do international students' needs differ to other students, such that additional or different regulation is required?

### Comments

The ESOS Act and related National Code of Practice as they currently stand cover international students' needs where different to domestic. What is lacking is an appropriate monitoring framework that allows for national consistency - without state/territory variations.

The ELICOS sector displays a maturity in the understanding of the needs of international students with a history of a focus beyond the curriculum and into the welfare and overall support of students, that is, the totality of the student experience. This is reflected through the sector's industry standards and criteria as well as through the overall monitoring processes NEAS has established.

#### An example of best practice:~

- NEAS not only checks on premises, administration, curriculum, and staffing, but also assesses a provider's orientation program, accommodation placement service, student welfare provision and how social and recreational activities are made known to students. These checks are made by professionals with vast experience within the ELICOS sector and international education in general. (The governments, through the AESOC ELICOS project, modified NEAS' standards, however, in doing so, removed specific details inclusive of the section relating to student services and did not establish a monitoring framework).

### Recommendation/s

#### NEAS recommends:~

- 1. No further legislation - but the establishment of a national regulatory body which allows for uniformity in registration processes and quality assurance monitoring across Australia specific to each sector of delivery - higher education (TEQSA), vocational education, schools, plus ELICOS and foundation (the latter two forming a Non-Award sector)
- 2. NEAS to be asked to act as the quality agency for providers of Non-Award programs of study - NEAS can also assist governments in the registration process.

## Effective regulation

### vii. Is ESOS compliance and enforcement adequate?

#### Comments

As it currently exists, ESOS compliance and enforcement is not adequate. It is fragmented due to state/territory variances in monitoring arrangements and it is difficult to see how sanctions, when put in place, have any effect. In many instances it appears that the removal of a provider from CRICOS is related to bankruptcy in the main when it may be the case that the provider should not have been on CRICOS in the first place or at least removed prior to this situation occurring. In a recent collapse, the provider's conditions on CRICOS noted that its financial information was under assessment - and yet the provider was still on CRICOS. A clear set of sanctions need to be published with swift enforcement processes.

It is also noticeable that being on CRICOS does not indicate quality delivery of education. There has been a shift to a check on administrative processes and management of providers which is nationally inconsistent. Checks on administrative processes and management, although needed, should not distract from the important component - the delivery of quality education - where checks should be undertaken by trained professionals with knowledge and experience specific to the sector and/or preferably the subject or trade skills being offered.

An example of best practice:~

- NEAS' standards and monitoring processes allow for checks on management and administration as well as thorough checks on a provider's teaching and learning resources, professional development programs, staff qualifications and the mix of experience among staff, and with specific focus on the person responsible for academic management. These checks are made by professionals within the field and with vast experience within the ELICOS sector and international education in general. Along with routine monitoring assessments of providers, NEAS' processes allow for Short Notice inspections to be made as required.

#### Recommendation/s

NEAS recommends:~

- 1. The establishment of a national regulatory body which allows for uniformity in registration processes and quality assurance monitoring across Australia specific to each sector of delivery - higher education (TEQSA), vocational education, schools, plus ELICOS and foundation (the latter two forming a Non-Award sector) - which enforces prompt sanctions in stages - (a) limit student numbers, (b) suspend or cancel programs of study offered, and finally (c) provider registration cancellation.
- 2. NEAS to be asked to act as the quality agency for providers of Non-Award programs of study - NEAS can also assist governments in the registration process.

### viii. Can risk be better addressed through strengthening registration requirements and/or better targeting of compliance and enforcement action? How else can risk be managed?

#### Comments

Current risk management appears to be around data relating to complaints or waiting for a problem to occur then quickly running rapid audits. Risk is better addressed through strengthening initial registration requirements such as checks on financial viability, an increased focus on the quality of the delivery of education and related services through an appropriate system of nationally consistent monitoring, and, in case of a lapse in compliance, having prompt sanctions in place. A nationally consistent registration process should also call for evidence of an external check on quality assurance in the delivery of education as assessed by professionals knowledgeable in the field/subject or related industry experts, and/or have the provider demonstrate a successful history of delivering education to a domestic student base.

Risk can be better managed if the provider was subject to a nationally consistent monitoring regime that is clearly published and understood by providers, with the allowance of a spot check between regular on-site assessments if deemed necessary and is undertaken by trained professionals with knowledge and experience specific to the sector and/or preferably the subject or trade skills being offered as well as an understanding of the needs of international students.

An example of best practice:~

- NEAS' monitoring processes are specifically designed for the ELICOS sector (with students studying for far shorter periods on average). Quality assurance of a provider is through the annual assessment of submitted documents such as promotional material, teaching staff updates, professional development activities, etc. On-site assessments of providers occur every 12 to 18 months or at greater intervals if deemed necessary and, at times, a Short Notice assessment - spot check - may be required.

#### Recommendation/s

NEAS recommends:~

- 1. The establishment of a national regulatory body which allows for uniformity in registration processes and quality assurance monitoring across Australia specific to each sector of delivery - higher education (TEQSA), vocational education, schools, plus ELICOS and foundation (the latter two forming a Non-Award sector)
- 2. NEAS to be asked to act as the quality agency for providers of Non-Award programs of study - NEAS can also assist governments in the registration process. (The standards and processes of industry accreditation bodies with a sound track record of managing risk should be recognised by governments).

ix. What should be the balance between a focus on inputs and prescription versus outcomes?

Comments

'Outcomes' are commonly referred to by those in both government and industry, however, what is meant by the term is not always clarified. The National Code refers to 'Outcomes' with specific criteria to be met. The AQTF is 'outcomes focused' with standards and elements ('elements' include 'inputs' such as qualified staff and facilities) that are required to be met and are assessed. There has yet to be sufficient research and evidence to fully see how the the AQTF 2007 has actually improved the sector or has been of additional benefit to providers and students alike due to the fact that it is 'outcomes-based regulation'.

While NEAS' standards may be described as 'prescriptive' by requiring the provider to have specific criteria in place, NEAS notes that there is a wide variety of providers of ELICOS offering unique programs and services. That is, flexibility is not limited in spite of working to an established set of criteria that is on a par with global requirements in the field of language teaching - such as teacher minimum qualifications.

An example of best practice:~

NEAS standards and criteria come under review to meet their operating environment and were recently revised to minimise overlap with the National Code of Practice. In the ELICOS sector, quality providers have all the NEAS criteria in place - as they are fundamental to the delivery of English language learning programs.

Quality inputs may not necessarily yield 'successful' outcomes - such as high rates of student and staff satisfaction and positive learner progress. However, it is easier to 'fabricate' outcomes than inputs, and it is more likely if quality inputs are in place that the desired positive outcomes will follow: success cannot be guaranteed, but quality inputs make it more likely.

Recommendation/s

- 1. Criteria be in place and regularly reviewed for providers to refer to in terms of registration and quality assurance in the sector (s) the provider operates in that are assessed by a national regulatory body that holds expertise across each sector of delivery - higher education (TEQSA), vocational education, schools, plus ELICOS and foundation (the latter two forming a Non-Award sector).
- 2. Assessments be made by auditors trained and knowledgeable in the training skills/subject/sector they are assessing to lessen the need for overly prescriptive check box requirements.
- 3. NEAS to be asked to act as the quality agency for providers of Non-Award programs of study - NEAS can also assist governments in the registration process.

x. How can ESOS better support Australia's student visa program?

Comments

Issues relating to 'visa shop' providers and 'bogus students' are not unique to Australia. Education globally has shifted into a highly commercial arena with its associated broad spectrum of quality and pricing linked to meeting specific market demands. It also needs to be acknowledged that the perceived problems that are being experienced in Australia recently stem, to some extent, from the nexus between migration policy and education.

Australia, through the ESOS Act, is in a better position than other countries to keep a check on the provision of education to international students. However, having legislation in place is only a part of the equation - an effective monitoring arrangement is the key.

Main issues apparent within the current monitoring framework relating to the ESOS Act 2000:

- monitoring processes are not nationally consistent
- the legislation is not enforced with sufficient rigour and regularity

An example of best practice:~

- NEAS' standards and monitoring processes have been supporting the visa program and the Australian international education industry for almost 20 years. During this time, there have been few incidents of ELICOS providers collapsing outside of ELICOS centres that have been attached to a vocational education provider that has collapsed due to irregularities in the VET operation.

Recommendation/s

NEAS recommends:~

- 1. Tighter monitoring of the industry by a national regulatory body which allows for standards and monitoring frameworks specific to each sector of delivery - higher education (TEQSA), vocational education, schools, plus ELICOS and foundation (the latter two forming a Non-Award sector)
- 2. NEAS to be asked to act as the quality agency for providers of Non-Award programs of study - NEAS can also assist governments in the registration process.
- 3. A clear set of sanctions that are promptly enforced as required.

## Sustainability of the international education sector

- xi. What role should ESOS have in supporting the ongoing sustainability of the international education sector given the challenges it faces into the future?

### Comments

Governments need to invest more into international education recognising the importance of the industry to the overall future of Australia's education system and its reputation - investing in people, industry research, student support services, and marketing. Only when this investment is made will international education be functioning as a true benefit to Australia. This investment should allow for the establishment of an international education authority that is a partnership between government and industry.

This authority should not form part of the national regulatory body, but should regularly liaise with the national regulatory body to assist in the review of standards and processes and together keep an eye to the future. It should be responsible for creating a clear strategy and engaging with the world and communicating this strategy.

For providers that cater only to international students, there would need to be a consideration of the balance in recruitment to avoid a dependence on only one or two source countries which is neither beneficial to students or providers in the long term. However, maintaining a focus on the delivery of quality education to all students - domestic and international - is the key to building strong foundations to move into the future.

### Recommendation/s

NEAS recommends:-

- 1. The establishment of an international education authority.
- 2. The establishment of a national regulatory body which allows for uniformity in registration processes and quality assurance monitoring across Australia specific to each sector of delivery - higher education (TEQSA), vocational education, schools, plus ELICOS and foundation (the latter two forming a Non-Award sector).
- 3. NEAS to be asked to act as the quality agency for providers of Non-Award programs of study - NEAS can also assist governments in the registration process.

### General Comments

It appears clear from the need for this Review and from recent events picked up in the media that something is 'not right' with the Australian international education industry in spite of the economic success it has been. However, the issues that have tarnished the reputation of Australia recently stem from a minority of providers.

Many of the issues appear to sit with some providers that present a facade of education that masks other motives. Registration and quality assurance processes should operate nationally, consistently and with appropriate standards and a monitoring framework in place to see through the facades and recognise true education delivery.

It is clear that Australia now needs to develop a nationally consistent monitoring framework around current legislation and ensure prompt and effective enforcement of compliance.

The above measures would be best regulated through a national regulatory body which holds expertise and standards across each sector of delivery - higher education (TEQSA), vocational education, schools, plus ELICOS and foundation (the latter two forming a Non-Award sector) - and allows for national consistency in monitoring with clear sanctions in place in cases of non-compliance.

NEAS is an industry based model that has operated successfully in accrediting and quality assuring English language ('ELICOS') centres for nearly two decades. It is a model that works due to the fact that it:

- is consistently applied across states/territories
- has a set system of monitoring in place
- is 'fit for purpose' – assessors are professionals in the field

NEAS is in a position to act as the quality agency for providers of Non-Award programs of study and can assist governments in the registration process.

Thank you.