

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

As required by ESOS, many education providers already have in place a great deal of information that can be accessed by international students through a variety of modes of delivery. Although agents are more often than not involved in providing initial information to prospective students, the provider must take ultimate responsibility for ensuring its accuracy. Direct contact between a provider and its students is important.

The issue of monitoring agents is currently wrought with difficulties. Providers themselves are responsible for ensuring agents meet certain criteria before they are appointed and then they are responsible for monitoring their performance. However, there is no facility to share information that comes to light on agent misconduct, and this poses a huge risk to the reputation of quality education and service to international education. Perhaps the implementation of an agent licensing framework could be considered.

Another means of ensuring that providers are held accountable for giving accurate information to students is to instate an independent complaints body for all international students. This would assist in monitoring the quality of information given to students by both providers and agents.

The supply and timely delivery of accurate information about institutions, courses and all aspects of student support should be evidenced before providers are even able to operate. This is required by the National Code and state authorities currently must certify compliance with the National Code before a provider can be registered. Perhaps at this initial stage a more prescriptive standard set of requirements might avoid registration of providers who are not taking this responsibility seriously.

University staff at all levels engage in benchmarking activities, professional development training, conferences and forums in order to continually improve their services to domestic and international students alike. However, not all providers take their responsibilities to this level. Some operate in isolation and do not even engage with professional bodies such as ISANA who offer free on-line assistance to providers in the area of Student Support Information, through such tools as The Rainbow Guide. DEEWR could consider funding further "best practice" templates for all education providers offering services in Australia.

A crucial part of the discussion around access to reliable information includes whether the reliable information is in fact absorbed and understood by international students. Quite apart from language issues, which clearly affect some cohorts; international students receive a huge amount of information on arrival. Much information that is not immediately relevant is put aside by students. Effective providers will continue to deliver information throughout the duration of the course to ensure it is absorbed. This regular contact with students also importantly assists in engaging with students on different levels, not just at the beginning and end of a student's course but throughout the course.

Universities generally conduct student satisfaction surveys at the end of a course and by and large these show that the student experience is positive. By the end of a 3-year course, students have likely adjusted to the new culture, found appropriate accommodation, and forgotten initial difficulties in their first year. Some of those students who did not cope however, would have left their provider.

ESOS could consider additional regulation around conducting mid-year student satisfaction surveys for international students on how they are coping with life and study in Australia. This is a move that would benefit students and providers.

Recommendation/s

- An Agent Licensing Framework be considered – only following significant consultation with the education industry
- An independent complaints handling body should be established
- DEEWR fund further ‘best practice’ templates
- Additional regulation for regular student satisfaction surveys
- Perhaps it should be mandatory that all providers are members of a professional or peak education body

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

Comments

In the first place, the delivery of education to international students should only be permitted by providers that meet strict criteria, which will be addressed in question viii. If regulators follow these criteria the likelihood of a provider folding will be minimal.

Nevertheless, the Australian government must ensure that a safeguard is in place for every international student to guarantee that they have a place in a course of their choice with a quality provider should their initial provider close.

In this way the state and territory regulators need to communicate and work closely with the quality providers to ensure that transitions into new providers are as smooth as possible.

Clearly there will be issues with places and courses available to students in the event of a closure so a clear strategy needs to be in place. Furthermore, while the Tuition Assurance Scheme (TAS) provides valuable protection for consumers, any price differentials incurred from moving students to a new provider will need to be covered - perhaps by the high risk providers.

Recommendation/s

- A strategic safeguard be established in communication with quality providers to protect international students and new providers in the case of a provider closing down
- A sliding scale of risk level be established so that education providers determined to be at high risk of closure are required to be more financially accountable

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

Comments

Many universities have clear complaints processes in place for students. However, it would be of great benefit to international students to see the establishment of an independent complaints handling body with an international education ombudsman.

The process of utilising the complaints body would have to be clearly communicated to all international students and the body would have to be adequately resourced so as to be timely and efficient in responding to complaints.

Recommendation/s

- An independent complaints handling body be established

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

Comments

In order to protect international students from deceitful and unscrupulous agents and providers, their ability to change provider should most definitely be limited.

While there is a valid argument for allowing the unrestricted ability of international students to change providers, this has a number of implications, and if a high standard of education is to be maintained within Australian institutions it is imperative that students are identified, monitored, and counselled so that they meet the conditions of their student visas.

If an international student has been granted a student visa to come and study a particular course, it should not be such a simple task to gain a new CoE and enter a course in a completely new field of study. Allowing students to change with ease also allows unscrupulous agents, etc to flourish. VIDC has a collection of flyers from agents (some of which have already been submitted to DEEWR) encouraging students to change their providers and offering a financial incentive for doing so.

Visa subclass requirements are easily circumvented by obtaining package offers for a degree course for which students often have no intention of taking. VIDC has tracked a significant increase in the number of release letters being signed for international students in Victorian universities since the requirement of Standard 7 for non-release with the initial provider was changed from 12 months to 6 months. The majority of students who apply to transfer from their provider are those who gain entry to Australia for a packaged program then seek release from the principal course in order to pursue a vocational course linked to the General Skilled Migration (GSM) program. While consumer choice allows students to access cheaper courses and courses that have fast tracks to permanent residency, the costs involved in this type of activity are worn entirely by providers.

Regulation compliance is essential in establishing the genuine intent of the provider. However, students also need to make informed, careful decisions that do not intentionally misuse the industry's resources. The future connection between the international education industry and the GSM program, particularly in the skilled trades sector, needs careful consideration.

Recommendation/s

- Reinstatement of the 12-month non-release period with initial provider rather than 6 months
- A standard administrative fee could be charged to those students wishing to change providers within the 12-month period where no wrong-doing has occurred by the institution, or payment for the percentage of the principal program completed
- Approvals for transfers between providers be built in to PRISMS functionality
- The Federal Government review the links between immigration and international education outcomes in collaboration with peak industry bodies

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

A risk-based system could be positioned within the education quality assurance frameworks requiring high risk providers to be audited more frequently.

More regular audits with an outcomes based reward system could serve to motivate providers to maintain high quality standards in the delivery of education. Audits should also be publicised.

Recommendation/s

- A risk-based approach to audits be adopted
- ESOS audit results to be made publicly available

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

Comments

International students arrive in Australia mostly without support networks and many can experience language and academic difficulties, culture shock, stress and loneliness.

As they hold student visas, they are also subject to the requirements under that visa, including attendance, academic progress, etc. For the most part compliant providers will attempt to address these needs.

It would be complex to look at additional regulation as more research is required. However, the government and the wider community also have a duty of care to international students, for while they reside in Australia they must be afforded the same rights and responsibilities as any member of the community

In the areas of safety, welfare, transport, accommodation, equity and social inclusion, international students also need to be supported by other activities and initiatives from the Government, and the wider community.

Recommendation/s

- Government to invest in research to this major export industry
- Promote the standing of international education within the federal and state governments
- Federal and state governments to provide funding/grants to assist providers and community groups on initiatives to support international students

Effective regulation

vii. Is ESOS compliance and enforcement adequate?

Comments

Currently there are jurisdiction issues between federal and state agencies regarding compliance and these have created confusion around ESOS, including duplicate audits. Numerous forums have been held within institutions and between institutions in an attempt to interpret regulation and be compliant. This could be avoided if adequate resources and management are provided for ESOS

compliance and enforcement. To avoid confusion over interpretation, a national approach to quality assurance needs to be adopted immediately.

A risk-based approach toward ESOS compliance should also be established which aims to reward those providers that are compliant and penalise those that are not.

Recommendation/s

- The establishment of a central body to accredit, monitor and enforce compliance of higher education is supported
- More funds and resources be given for compliance and enforcement activities
- A risk-based approach to audits be taken

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

Strengthening registration requirements is necessary to ensure that only suitable providers are permitted to deliver education. The existing provider registration process is clearly inadequate as it has allowed numerous private providers to set up shop with absolute ease.

Alongside the current requirements, there should be a stringent list of criteria that potential providers must meet before registration can be considered including more detailed information checks around their financial, business and educational background, a comprehensive business plan in place, evidence of considerable experience in the field of education delivery, length of time in operation with domestic students before delivery to international students, percentage of domestic students enrolled against international students, demonstration of adequate infrastructure for course delivery and student support, demonstration of reliable marketing and student support information and communication practices, links with peak bodies and evidence of training in ESOS.

Further to this, a period of probation would be advisable. And, most importantly, enforcement of these criteria needs to occur.

Another means of managing risk is to establish an award/reward system for successful outcomes. Providers who are successful in registration (under new criteria) and subsequent audits should be able to wear an ESOS approved stamp on their website and other marketing materials. An awards system could be established in different areas. This would serve to award providers who are not only compliant but also innovative in their service delivery to international students.

Recommendation/s

- Strengthen and lengthen provider registration requirements
- DEEWR to establish an award/reward system to encourage compliance and best practice
- DEEWR to provide mandatory ESOS training for new providers.

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

Comments

Inputs and prescription are essential in creating a minimum requirement by which all providers must comply. Outcomes on the other hand allow high quality providers to raise the bar. As stated in the

response to question viii, an awards or reward system could create incentives to improve service delivery.

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

Comments

While many education providers report breaches to students' visa conditions via student course variations there has been a distinct lack of enforcement by government authorities.

Also, as previously stated, the reinstatement of the 12 month non-release period with the principal provider will better support a more reliable student visa program.

Recommendation/s

- Government authorities to better communicate the outcomes of student course variations on student visas.
- Reinstatement of 12-month non-release period with initial provider rather than 6 months.

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

Regular reviews of the ESOS Act will help to continue to enhance Australia's high standard of quality assurance for international education. However, reviews should only be made following carefully considered and well-informed collaboration with all sectors and peak industry bodies. Both federal and state governments need to undertake significant research into support policy and regulatory design on an ongoing basis.

The lack of foresight by the Government into issues arising from linking education to migration has been regrettable, but this has largely arisen from a disjointed approach to regulatory roles in Government and failure to adequately enforce ESOS requirements amongst high risk providers.

While the ESOS framework is important in the ongoing sustainability of international education in Australia, many of the challenges relate to the management of registration, enforcement and audits.

Recommendation/s

- Stricter criteria for registration as an education provider
- Regular reviews of ESOS be planned in advance
- The federal government in close consultation with education providers and industry should review the links between immigration and international education