



Higher Education Standards Panel

Communique Number 12 – August 2014

Introduction

Welcome to the twelfth Communique from the Higher Education Standards Panel (the Panel). This Communique provides a brief initial response to the feedback obtained from the sector and other stakeholders on the Panel's Call for Comment Number 3 (April 2014) - *Proposed Higher Education Standards Framework* (the Framework).

As detailed below, the Panel received over 80 submissions to the Call for Comment. The Panel is most grateful for the generosity of stakeholders in providing the feedback at a busy time for the sector, and for the helpful and constructive nature of the responses.

Responses to the Paper

Eighty-three responses to the Call for Comment were received. More than half of the responses (46) came from providers, including 33 from universities.

The responses giving permission for publication will be available on the Panel's website soon (see www.HEstandards.gov.au).

Summary of Feedback

The Panel is undertaking a detailed analysis of the feedback received. An outline of the Panel's proposed approach is given below.

Feedback from Question 1

Do you broadly support the proposed Framework? If not, why?

Responses to this overarching question were almost universally positive; although most responses went on to suggest variations and improvements to the Framework. Most respondents commented favourably on the proposed structure of the Framework and the revised style and form of the proposed standards in Part A. Many respondents commented positively on the usefulness of the revised standards for internal monitoring purposes. The Panel's initiatives in seeking to integrate requirements from the AQF and the ESOS National Code within the standards were also widely supported.

Feedback from Question 2

Do you wish to make any suggestions in relation to the specific content of the Framework?

- **Overarching comments**

Footnotes: There was widespread concern about the number of footnotes used and the inclusion of 'standards' content in footnotes, which could be overlooked. Although this was not the Panel's intention, footnotes were frequently interpreted as being of lesser importance than the statement to which they refer. The Panel has noted the prevailing view that footnotes should be used more sparingly and then only for clarification rather than for elaboration of a standard, and will take this view into account in future drafting.

Reference Points: The concept and nature of reference points were welcomed overall, with a number of suggestions for additional reference points, or more widespread use of particular reference points across other domains of the standards. Questions have been raised about whether non-mandatory reference points could be drafted into a legislative instrument as proposed by the Panel and the

Panel needs to investigate this issue further. Some concerns were raised about particular references being mandated by some standards while only being a reference point for others. The Panel is comfortable with this approach but will consider this point further.

- **Part A**

While the feedback on this section was overwhelmingly positive, numerous suggestions for improvements have been received; encompassing form, style and content. Some respondents feel that various aspects of the current standards have potentially been softened e.g. the requirement for financial viability. Others have expressed concern about the absence of certain prescribed features of the current standards, e.g. prescription of an academic board, where the prescription has been replaced by more generic forms or outcomes. TEQSA has raised issues about potential regulatory difficulties with a few standards in particular in relation to its approach to regulation. There has been occasional criticism of the retention of some input/process standards and occasional respondents have felt that some standards are overly prescriptive. The Panel has a significant piece of analytical work ahead as it addresses the issues raised and seeks to strike a balance among sometimes mutually exclusive views.

- **Part B**

Respondents overall valued the separation of criteria for providers in Part B from the standards for the quality of education provided (Part A). There was widespread expression of interest in the eventual outcomes of the review of the existing Provider Category Standards. Some respondents felt that the proposed criteria for Self-Accrediting Authority may result in lower requirements for authorising providers. This was not the Panel's intention in revising and streamlining the current criteria, but this important concern is noted and the Panel will consider it seriously in its further analysis of comments on Part B.

- **Part C**

The intent of Part C has been widely welcomed, although not universally. TEQSA has expressed particular concerns, and there are potential drafting issues that need to be resolved. The Panel is undertaking a detailed analysis of the issues raised, noting the general support from the sector for the intent of Part C.

- **Part D**

Both the inclusion and content of a section on Definitions and Explanations of Terms were widely welcomed. Several suggestions for additional definitions and clarifications were made, including the possibility of replacement of some proposed definitions with definitions that already exist in other legislation or the like. There were mixed responses to the definitions that contain an elaboration of a corresponding standard e.g. by adding a 'list' of further content, such as specifying the required content of a testamur. Some respondents supported the Panel's intention to simplify the text of standards statements through elaboration of additional detail in a definition, while others felt that anything that constitutes a 'standard' should be in the standard statement itself. The Panel will revisit its position on this in the light of a full analysis of the feedback received and drafting advice.

Feedback from Question 3

Do you wish to make any overall or general comments about the Framework?

Most respondents reiterated their overall support for the Framework or various aspects of it while emphasising the particular aspects that they felt could be improved.

Panel's Response

The Panel is continuing its more detailed analysis of the feedback. It seems likely that there will be a number of suggestions for improvement that can be incorporated readily in redrafted standards. A number of legislative drafting issues still need to be considered in more detail, perhaps resulting in

changes in the way the intent of the standards is achieved e.g. in relation to reference points. TEQSA has raised issues about the regulatory effectiveness of certain standards and parts of the Framework. Consultation with TEQSA will continue in this respect. The Panel also needs to remain mindful of the wider policy agendas that do, or may, intersect with the revisions to the Framework.

Many of the proposed amendments that have been suggested are matters of refinement that will result in improvements in clarity or effect. Most are unlikely to be controversial. Other feedback and issues of concern may require more substantial variations to the structure of the Framework or particular standards within it. The Panel intends to outline its overall responses in a more detailed communique when its analyses have been completed.

Next Steps

- Submissions to the Call for Comment will soon be published on the Panel's website.
- The Panel's analysis of the feedback and issues arising will continue.
- Discussions about potential regulatory issues and matters of regulatory impact will continue with TEQSA.
- Unresolved drafting issues will be explored further, including with the Commonwealth.
- Discussions on related issues will continue with the Commonwealth and, it is expected, with the TEQSA Advisory Council.
- Revised drafts will be prepared.
- A more detailed response will be provided in a communique when the Panel's analyses are further advanced.
- It is hoped that the Panel will be able to provide advice to the Minister in 2014.
- The standards proposed to the Minister will also be published on the Higher Education Standards website.

Providing Feedback to the Panel

If you wish to provide feedback on any matter raised in this or any other communique, or on other matters to do with proposed Framework, the Panel can be contacted at any time via the Higher Education Standards Executive at:

EMAIL ADDRESS info@HEstandards.gov.au

WEBSITE <http://www.HEstandards.gov.au>

Alan Robson
Chair
Higher Education Standards Panel
August 2014

Distribution of Communiques

It would be helpful if the existing addressees of the Panel's communiques could look to passing the communiques on to interested parties within their constituencies. Anyone who wishes to be added to the distribution list can contact the email address above. Copies of communiques will be uploaded to the Panel's website as soon as practicable after distribution.