



Higher Education Standards Panel

Communique Number 5 – November 2012

Introduction

Welcome to the fifth Communique from the Higher Education Standards Panel (the Panel). This Communique focusses on the overall processes that have evolved for the development of national higher education standards (including review and revision of the current Threshold Standards) and some of the decision-making steps that will be taken by the Panel within its review and development work, including in its consultations with the sector and other stakeholders.

This Communique builds on the themes that were developed in Communique Number 4, which it is suggested should be read first. Like its predecessor, this Communique seeks to clarify some of the detail of how the Panel intends to carry out its work and the prevailing decision-making context for that work.

Decision criteria for developing standard statements

Communique 2 outlined the issues identified with the existing threshold standards and the HES Framework, including:

- the relative emphasis given to input, process, output and outcome characteristics
- the extent to which standards themselves might guide their interpretation and point to the types of evidence that could indicate compliance
- how and to what extent standards might point to external reference points
- the relationship between threshold standards and other ‘standards’ that are outside of the HES Framework, and
- whether the existing standards encompass the characteristics of all types of providers of higher education to the extent they should.

In response to these issues, the Panel has established a set of criteria to guide its decision making and to ensure the above matters are considered in reviewing the current Threshold Standards and recommending revised standards.

The criteria are applied across a two-step process. Firstly, the Panel selects and defines the characteristics of a provider and agrees on whether standard statements should be developed in relation to those characteristics, thus implying regulation. Secondly, following agreement to proceed with the development of standards for a characteristic, the Panel reviews the draft standard statements against its review criteria. In other words, the Panel’s decision making is guided initially by the question of whether or not a standard should be developed for a particular characteristic and then, if so, whether the proposed draft standards seem fit for their intended purpose.

To initiate the standards development process, the Panel uses its concept of a higher education provider to select characteristics that are considered to be essential features of a provider’s operations. Amongst other matters, the Panel considers whether and to what extent each of the selected characteristics is addressed by the current standards and, whether regulating the selected characteristic would duplicate any other regulatory processes or instruments. The Panel’s process also seeks to ensure, wherever possible, that each selected characteristic is an outcome rather than

an input or process characteristic, that the characteristic can be demonstrated and/or measured, that a minimum acceptable level of performance can be established for that characteristic and that the characteristic is seen to be material to quality educational outcomes. The Panel notes that selection of measurable/demonstrable 'outcome' characteristics rather than process characteristics may not always be possible, practicable, or even desirable in some cases.

The Panel also considers the sector's views on the necessity of the regulation of the characteristics to which standard statements may apply, and the overarching objects of the TEQSA Act in relation to the provision of quality higher education.

In the second stage of the Panel's development process, the proposed draft standards are reviewed in relation to their applicability to all providers of higher education, their suitability for any accepted or reasonably-anticipated modes of participation or models of delivery, and whether or not the draft standard would be likely to inhibit the diversity of educational offerings in Australian higher education.

In addition, the proposed standards are assessed in relation to their departure from the current standards, and the potential impact any proposed revisions may have on the sector. The Panel also considers whether evidence of compliance is likely to be available or can be obtained reasonably readily. Such evidence should ideally be available from the provider's normal business operations and internal quality assurance processes. Finally, the Panel considers whether the proposed standards are proportional to the intrinsic level of risk of not delivering quality outcomes and that any revisions to the existing standards will not lead to an unreasonable increase in regulatory burden (noting that revisions could in some cases potentially lead to a decrease in regulatory burden).

In applying its decision criteria, the Panel feels confident that the decision to develop a standard will have been given careful and consistent consideration, as will the quality and relevance of the standard statements that are developed for consultation with the sector. The Panel also uses these criteria for assessing the current standards.

The Panel's application of its decision-making criteria in the standards' development process is highlighted in the process map that accompanies this Communique.

Standards development process

The Panel's processes begin with a consideration of the characteristics of a higher education provider that may warrant standard statements. The Panel's processes are informed by views obtained from: the sector and other stakeholders, the Panel's own assessments, the current Threshold Standards and TEQSA's current regulatory interpretations.

In accordance with the *TEQSA Act 2011*, the Panel's standards development process includes iterative consultations with the sector and other stakeholders, building on the initial consultations that have already occurred. The Panel's development process also includes formal consultation stages for draft standards. Draft standards released for formal consultation will be accompanied by any required regulatory impact analyses. Feedback from formal consultations will be used by the Panel to review the draft standards and the regulatory impact analysis. Once the Panel is satisfied that it has considered feedback from the consultation sufficiently and has revised the standards accordingly, the Commonwealth Minister for Tertiary Education, Skills, Science and Research is provided with a final draft of the standards along with a summary of any potential regulatory impacts.

In considering the Panel's advice, the Commonwealth Minister is required to consult with counterparts from the States and Territories through the Standing Council on Tertiary Education, Skills and Employment (SCOTESE), and with TEQSA. The Minister may request further advice from the Panel in relation to the feedback received from the Minister's own consultations before deciding on the final standards and proceeding to establish the standards as a legislative instrument.

A map of the development process is attached. Readers will note that the views of stakeholders are considered at various stages during the development process.

Providing Feedback to the Panel

If you wish to provide feedback on any matter raised in this Communique, the Panel can be contacted via the Higher Education Standards Executive at:

THE NEW EMAIL ADDRESS info@HEstandards.gov.au.

Alan Robson
Chair
Higher Education Standards Panel
November 2012

Distribution of Communiques

Until such time as the Panel's website has been completed, it would be helpful if the existing addressees of the Panel's Communiques could look to passing each Communique on to interested parties within their constituencies. Anyone who wishes to be added to the distribution list can contact the email address above.



Australian Higher Education Standards Development Processes

