



Higher Education Standards Panel

Communique Number 6 – December 2012

Introduction

Welcome to the sixth Communique from the Higher Education Standards Panel (the Panel). The purpose of this Communique is to note some key points concerning the Higher Education Standards Framework (HES Framework) and to summarise and reiterate the Panel's work and thinking so far in reviewing the HES Framework. Some frequently asked questions will also be addressed.

The Panel believes this summary will be helpful to all who have taken an interest in the Panel's work in 2012, but particularly to those who have not been as directly involved as others with standards development activities in 2012. Details about the Panel and its work, including the Panel's previous communiqués, are available on the Panel's website (<http://www.HEstandards.gov.au>).

The Higher Education Standards Panel

The Panel was established under the *Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act 2011)* to provide independent advice to the Commonwealth Minister responsible for tertiary education and research, on making and varying the HES Framework and the Standards contained therein. The Panel is resourced by the Tertiary Education Quality and Standards Agency (TEQSA) but otherwise operates independently of TEQSA. The appointment of Panel members was completed in January 2012. The Panel has met every two months since February 2012 and consulted with stakeholders on many occasions. A similar schedule is envisaged for 2013, with continuing out-of-session work and consultations.

The Higher Education Standards Framework

The *TEQSA Act 2011* allows the Minister to make the standards that together form the HES Framework. The standards, when 'made', are legislative instruments of the Commonwealth. While the standards are used by TEQSA for regulatory purposes, they are *not* 'TEQSA standards'.

The HES Framework is defined in the *TEQSA Act 2011*. It includes 'Threshold' Standards comprising collectively:

- Provider Registration Standards
- Provider Category Standards
- Provider Course Accreditation Standards, and
- Qualification Standards.

The current Threshold Standards were made as legislative instruments in December 2011 and TEQSA commenced regulation against them in January 2012. The Panel is required to commence a review of the Threshold Standards by January 2013 and has already commenced that work.

The HES Framework also makes provision for the development of 'Non-Threshold' Standards including:

- Teaching and Learning Standards
- Research Standards
- Information Standards

and there is provision to make other standards should circumstances warrant.

These mooted 'Non-Threshold' standards have not been defined and have not been proposed to be used for regulation.

The Panel's review and revision of the Threshold Standards

In commencing the required review of the current Threshold Standards, the Panel has identified a number of issues with the existing Standards through its discussions with the sector, TEQSA and other stakeholders. These include:

1. 'Threshold' Standards - the concept of 'Threshold' Standards can be interpreted in a number of ways. The Panel considers that such standards should either be met or not met by providers, i.e. the standards are not intended to be 'graded'.
2. Nature and role of 'Non-Threshold' Standards – the nature and role of the 'Non-Threshold' Standards is unclear because regulation against the 'Non-Threshold' Standards is not contemplated and while they have been named, these standards have not been defined. The Panel intends to encompass teaching and learning, research and information in its review of the Threshold Standards.
3. Difficulties with the current Threshold Standards and the HES Framework – these include an emphasis on input and process rather than outputs and outcomes, a varying rate of applicability to all providers, unnecessary complexity and repetition in the current standards and ambiguities surrounding the mix of (regulated) threshold and (unregulated) non-threshold standards.
4. A need to improve the underlying organising framework for the standards with a view to enhancing coherency, removing overlap and building a stronger relationship between the organisation of the standards and the characteristics of higher education provision.

Organising framework for review of the Threshold Standards

In the second half of 2012, the Panel developed an organising framework to review and recommend revisions to the current Threshold Standards (Communique 4). The organising framework is based on a mapping of the characteristics common to the provision of higher education in Australia. This framework seeks to address at least some of the factors identified by the Panel that detract from the clarity and effectiveness of the current Threshold Standards. It is also intended to ensure a comprehensive consideration of the characteristics of providers by the Panel, and result in a coherent set of standards.

The Panel's organising framework will also, during its application and evolution, take account of different types of providers, different models of access and delivery, the necessity of standards, coherency of standards, broad application of the standards, the logical segmentation of standards and the role of professional accreditation.

The Panel's decision-making processes for reviewing the Threshold Standards

The Panel is concerned that its work on reviewing, revising and recommending draft standards is grounded in sound decision making that is relevant to the sector and the provision of higher education. In conjunction with the organising framework it has adopted (see above), the Panel has established criteria to guide its decision making and to ensure that any issues identified in relation to the existing Threshold Standards and the HE Standards Framework are addressed systematically.

The Panel's criteria are applied across a two-step process; initially in deciding which aspects of higher education provision require standards statements, and then in ensuring that the draft standards statements that are developed appear likely to achieve their intended aim.

In deciding whether any particular characteristics of higher education provision may warrant standards statements, the Panel's considerations include:

- to what extent the characteristic is addressed in the current Threshold Standards
- whether regulating the selected characteristic would duplicate other regulatory processes
- whether the selected characteristic is an outcome rather than an input or process
- that the characteristic can be demonstrated and/or measured
- that a minimum acceptable level of performance can be established for the characteristic, and
- that the characteristic is material to quality educational outcomes.

The Panel will also consider the necessity of regulation of the characteristic and the overarching objects of the *TEQSA Act 2011*.

In the second step of the process, draft standards statements are reviewed in relation to:

- their applicability to all providers of higher education
- their suitability for any accepted or anticipated modes of participation or modes of delivery
- whether or not the draft standard would inhibit the diversity of educational offerings in Australia
- any departures from the current Threshold Standards and the potential impact of the changes on the sector
- whether evidence of compliance is likely to be available or obtainable, and
- whether the proposed standards are proportional to the intrinsic level of risk and changes in the regulatory burden.

The Panel's response to comments on the teaching and learning standards discussion paper

During the year, the Panel considered feedback from the sector on the discussion paper *Developing a Framework for Teaching and Learning Standards in Australian Higher Education and the Role of TEQSA*¹, which was released in 2011 by the Commonwealth Department of Education, Employment and Workplace Relations.

The Panel found the feedback helpful to its work and noted in particular that the development of teaching standards and learning standards is broadly supported; teaching and learning standards could be developed separately, although their inter-relationship should not be lost; teaching and learning standards must at least codify the 'minimum' level of performance expected of all providers of higher education in Australia; the sector wishes to be involved and consulted on standards development; the consultative process should include a broad range of stakeholders; and the importance to the sector of external referencing and moderation of courses, including peer review (further discussion is provided in Communique 3).

Although the Panel is not proposing to develop teaching and learning standards specifically at this point, it will be reviewing the scope and nature of the elements of the current Threshold Standards that encompass teaching and learning (and research and information) to assess whether these topics are covered sufficiently and appropriately to codify the minimum standards required for provision of higher education in Australia. In so doing the Panel will take account of the feedback on the discussion paper referred to above.

¹ http://www.deewr.gov.au/HigherEducation/Policy/tegsa/Documents/Teaching_Learning_Discussion_Paper.pdf

Frequently asked questions

Some of the questions commonly asked of the HE Standards Panel are:

- **How do I contact the TEQSA Standards Panel?**
The Higher Education Standards Panel has been appointed separately from TEQSA by the Commonwealth Minister; it is not part of TEQSA, nor is it a 'TEQSA' Panel. The Panel can be contacted through its Executive (info@HEstandards.gov.au).
- **How does the HE Standards Panel expect TEQSA to interpret the Threshold Standards for a course accreditation?**
The Panel does not interpret the Standards for regulatory purposes. All queries on regulatory interpretation of the Standards should be addressed to TEQSA (enquiries@teqsa.gov.au).
- **Who should I tell if I think there is something wrong with the current standards that should be fixed?**
Notify the HE Standards Panel through its Executive (info@HEstandards.gov.au).
- **Can I get copies of the HE Standards Panel's communiques and be put on the mailing list?**
Request an addition to the communique mailing list by emailing info@HEstandards.gov.au and access previous copies of communiques and related material on the Higher Education Standards website (<http://www.HEstandards.gov.au>).
- **My discipline has developed some 'standards' – will the Panel approve them?**
The Panel does not 'approve' standards developed by other bodies. However, the Panel would like to know of such developments (info@HEstandards.gov.au) as they may be helpful as a point of reference in future standards recommended by the Panel.
- **Will revised standards detail curricula for courses in particular disciplines?**
The Panel does not envisage developing detailed standards at the level of discipline content. It sees this as a matter for providers, discipline groups and professional bodies.
- **Will the revised standards apply to all providers?**
The Panel envisages that it will recommend that the same standards will apply to all providers who carry out the same or equivalent types of activities.
- **When will the Teaching and Learning (Non-Threshold) standards be developed?**
The Panel is focusing its attention on the review of the Threshold Standards, which already contain elements of teaching and learning. The Panel will review the extent to which the revised standards should incorporate the topics mooted to be covered by the Non-Threshold standards (i.e. teaching, learning, research, information).
- **What does 'threshold' mean to the Panel?**
The Panel sees the Threshold Standards as codifying the minimum standard of provision of higher education that is acceptable in Australia. It sees such 'threshold' standards as being met or not met, i.e. they are not envisaged to be 'graded' or 'aspirational' standards.
- **Will the revised standards replace those used by professional bodies for accreditation of programs?**
No, although it is hoped that the Higher Education Standards will acknowledge the existence and role of professional standards in ways yet to be considered in detail.
- **The Panel is proposing to 'map' the characteristics of Higher Education provision. Does this mean there will be a standards statement(s) for every characteristic?**
No. The Panel is using this mapping approach to ensure no critical aspect is overlooked and to provide a coherent basis for thinking about the need for standards. The Panel will apply decision criteria to determine whether or not it believes standards should be developed for a particular characteristic, considering the inherent risk to quality educational outcomes for students and the scope of the current standards.

Consultations

As outlined in Communique 1, the Panel proposes to operate in a consultative manner. It has met with stakeholders on some 40 occasions already. Both informal and formal consultations are planned to continue through 2013 as draft standards material is released for comment.

The Panel's standards development process (released in Communique 5 in November 2011) includes iterative consultations with the sector and other stakeholders. The process includes formal consultation stages which will be used to review draft standards. Once the Panel is satisfied with the resulting standards, a final draft of the standards will be provided to the Commonwealth Minister responsible for tertiary education and research (the Minister for Tertiary Education, Skills, Science and Research).

In considering the Panel's advice, the Commonwealth Minister is required to consult with counterparts in the States and Territories and with TEQSA before deciding on the final standards and proceeding to establish them as legislative instruments.

Invitations for formal feedback on draft standards and related materials will be posted under 'Calls for Comment' on the Panel's website from time to time. The Panel proposes to continue with its series of communiques to keep the sector informed about the Panel's thinking, to report on feedback received and to report on progress. Readers are invited to review the 'News' and 'Calls for Comment' sections of the Higher Education Standards website periodically.

Technical amendments to the current Threshold Standards

In early 2012, a number of technical errors in the current Threshold Standards were brought to the attention of the Panel. The Panel has since provided advice on proposed technical amendments to the Commonwealth Minister for Tertiary Education, Skills, Science and Research. This advice is separate from the Panel's comprehensive review of the Threshold Standards.

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 developing standards, the Panel can be contacted at any time via the Higher Education Standards Executive at:

NEW EMAIL ADDRESS info@HEstandards.gov.au

PLEASE NOTE NEW WEBSITE <http://www.HEstandards.gov.au>

The Panel is grateful for the cooperation and support it has received during the year and looks forward to continuing to engage with the sector and other stakeholders in the coming year.

Alan Robson
Chair
Higher Education Standards Panel
December 2012

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.