

Summary of changes to the draft National Code

Overview

- Parts A, B and C of the 2007 National Code have been streamlined to:
 - provide an overview of the ESOS framework
 - summarise the role of the National Code and its purpose
 - outline the quality assurance arrangements and roles of other relevant Commonwealth agencies
 - move the standards to part B.
- Some part C and D requirements in the 2007 National Code have been moved to Standard 11 as requirements for providers.

Standard 1 – Marketing information and practices

- Standard 1 retains most of the current provisions relating to marketing. It has been amended to clarify that:
 - providers must not engage in false or misleading marketing practices, consistent with Australian Consumer Law.
 - marketing material must accurately identify work-based or work-integrated learning opportunities, and prerequisites including English language.

Standard 2 – Enrolment of an overseas student

- Standard 2 requires providers give students information on course content, modes of study and assessment requirements.
- It clarifies that this must include information on online and/or work related learning placements and information on the policy and process for approving welfare and accommodation arrangements for students aged under 18, where applicable.
- It provides that course credit or recognition of prior learning must preserve the integrity of the award to which it applies.

Standard 3 – Formalisation of enrolment and written agreements

- Standard 3 provides detailed provisions on the information that providers must give to students in their written agreement. Changes to standards 2 and 3 ensure that the information students receive before they enrol and at the time they enrol are aligned.
- It retains the provision that the written agreement must include information on any conditions on enrolment, and refund policies.

Standard 4 – Education agents

- Standard 4 requires the provider must:
 - ensure the agent has appropriate knowledge and understanding of the international education system in Australia, including the agents code of ethics; and
 - take immediate corrective action or terminate its relationship with the agent or subcontractor who engages in false and misleading conduct, and does not deal with students honestly and transparently.

Standard 5 – Younger students

- Standard 5 strengthens requirements relating to under 18 students. It ensures a high standard of welfare is maintained during under 18 students' study in Australia with a particular focus on accommodation arrangements.
- Standard 5 ensures student welfare and accommodation arrangements are maintained where a student transfers providers, and during any other break in those arrangements (for example, over a holiday period) to ensure there are no gaps.
- Standard 5 acknowledges existing state and territory regulatory frameworks related to child protection. It also requires providers to give all students aged under 18 information on who to contact in an emergency and how to report abuse.

Standard 6 – Student support services

- Standard 6 clarifies providers must take all reasonable steps to provide a safe environment on campus.
- It requires providers to have in place a documented policy and process to manage critical incidents that could affect a student undertaking or completing the course.
- Providers must also give information to students regarding a range of support services, including relating to English language, health, legal services, complaints and appeals avenues, online learning and employment assistance.

Standard 7 – Student transfers

- Standard 7 retains the restriction on transfers for students that have not completed the first six months of their main course, to discourage course-hopping.
- It clarifies the considerations providers must take into account when assessing student transfer requests.
- It allows for the development of a streamlined, systems-based process for providers to approve transfer requests, through the existing departmental provider registration system. This is

anticipated to significantly reduce the administrative burden on providers compared with current release letter requirements.

Standard 8 – Monitoring course progress and attendance

- Standard 8 requires all providers to monitor course progress to ensure the student is in a position to complete the course within the expected duration of the student visa.
- It requires ELICOS, school and foundation sector providers to implement a documented policy and process for monitoring attendance. Providers must identify, notify and assist a student at risk of not meeting attendance requirements, which are set at a minimum of 80%.
- Standard 8 specifies that attendance monitoring applies to VET providers who are required to monitor attendance as a condition of registration. If this applies, the minimum requirement for attendance is 70% of the scheduled contact hours for the course.
- A provider may decide not to report a student for breaching attendance requirements if the student provides genuine evidence of compassionate or compelling circumstances, is still attending at least 70 per cent of course contact hours and appeals the decision successfully.

Standard 9 – Deferring, suspending or cancelling the student's enrolment

- Standard 9 now outlines the requirements relating to deferring, suspending or cancelling the student's enrolment. It contains no significant changes to policy from the 2007 version.

Standard 10 – Complaints and appeals

- Standard 10 now outlines the requirements relating to complaints and appeals (previously standard 8). It contains no significant changes to policy from the 2007 version.

Standard 11 – Additional requirements

- Standard 11 streamlines registration requirements which previously related to 'registration authorities'. Registration authorities are replaced by ESOS agencies following amendments to the ESOS Act passed in December 2015.
- Under the revised standard 11, providers must seek approval from the ESOS agency for:
 - course content and duration
 - number of overseas students enrolled within the limit approved by the ESOS agency
 - arrangements with other education providers (partnerships).
- Providers are required to seek approval from their ESOS agency for any proposed changes to the above during their period of registration under the ESOS Act.