



Australian Government
Department of Education and Training

Proposed Revisions to the English Language Intensive Courses for Overseas Students (ELICOS) Standards

Record of response to public submission round

English Australia

Preliminary

Are you happy for your submission to be published online? *

Yes

Organisation Name

Please provide your organisation name (if applicable).

English Australia

Sector of Delivery

Please provide your main sector of delivery (ELICOS, VET, higher education, combination, other) (if applicable).

Are you a member of an industry body?

Implementation of the ELICOS standards

There will be a staged approach to implementation of the revised ELICOS Standards. The revised ELICOS Standards will be applied to new market entrants from 1 January 2018, and to existing providers from 1 July 2018, to allow providers time to make required changes to staffing, curriculum and delivery.

Response

In the context of the recommendations for amendments included within this submission, English Australia strongly supports the implementation of the new National ELICOS Standards from 1 January 2018 for both new market entrants and existing providers. In doing so, English Australia notes that the changes made within the draft, and the recommendations made within English Australia's submission to this draft, were developed to ensure improvements to the protections for consumers and to ensure long-term quality and the sector's reputation for excellence. This includes addressing issues well known to the sector for considerable time, but exploited by a small number of providers.

The intention to address these issues has been very clearly raised as part of this consultation process. Therefore, allowance of an extensive adjustment period for continuing providers would seem to only support the small number of current providers who would not comply with these improved protections for consumers and quality standards.

English Australia holds that an implementation date of 1 January for all providers offers more than sufficient time to make any necessary business process changes to ensure compliance with the new standards.

Introduction

Clarifies that the definition of ELICOS Standards applies to all courses provided to overseas students that are solely or predominantly of English language instruction.

Response

The changes to the definition of ELICOS represent a significant improvement. English Australia does, however, raise the below as points of concern.

- 1. The use of the phrase "solely or predominantly" could be open to exploitation via courses developed that include a significant period of English language instruction within a longer course**

Response

at a VET or HE qualification level. This could include, for example, tertiary preparation courses with 3 months of English language instruction followed by 6 months of tertiary study skills development. Such a program could not be defined as solely or predominantly in English language instruction and, hence, the National ELICOS Standards would be circumvented.

English Australia requests that DET commit to publishing a fact sheet which provides examples of courses that are 'solely or predominately' of English language instruction to assist with clarity on this critical issue.

2. The phrase "Courses which do not fall within the definition of 'ELICOS' include, but are not limited to:" seems a sensible and legally sound wording. However, English Australia requests that DET commit to publishing a fact sheet which provides clarity as to what other courses DET perceives may fall outside the definition of ELICOS.

3. The use of the term 'school' is sensible, however, many providers refer to themselves as a 'school' and, hence, this may lead to some confusion. English Australia recommends adding a term such as "K – 12" or a phrase such as "where 'school' is defined within the Australian Education Act 2013" to more precisely define 'school'.

4. To maintain consistency and to address potential confusion or subversion, English Australia recommends clarifying 'Foundation Programs' by adding the phrase "as defined by the National Standards for Foundation Programs".

Standard C1 – Mandatory requirements for course applications

Clarifies the requirements for course applications, that information must be 'fit for purpose' and clarifies the strategy for assessing achievement of learner outcomes, samples of certification of completion and partial completion, and course syllabus.

Course applications must also demonstrate that the course will include 20 hours of face-to-face tuition per week.

Response

Standard C.1.0 should refer to 'the requirement of a minimum of 20 hours of face to face classes'. This will avoid the impression that the standards are imposing a maximum and would ensure that C1 is consistent with Standard P1.2.

Standard P1 – Scheduled course contact hours

Includes a direct reference to an ELICOS course being 20 hours of face-to-face tuition per week.

Response

Standard P1.1 should state that an ELICOS course has a minimum of 20 hours of face-to-face tuition per week. This will avoid the impression that the standards are imposing a maximum. This would also ensure that P1.1 is consistent with Standard P1.2.

Standard P2 – Needs of younger ELICOS students

Includes minimum requirements regarding the needs of students aged under 18 years, and that providers would need to structure courses for students of different levels of age, maturity and English language proficiency.

Response

Response

Standard P2 – Needs of younger ELICOS students

- The content of this standard appears somewhat redundant in light of the content of Standard 5 in the new version of the National Code. Unless there are requirements specific to ELICOS providers and students, the National ELICOS Standards could be simplified by the removal of this section.
- Standard P2.2 – the phrase “designed to meet the needs of students of different levels of age, maturity and English language proficiency”, doesn’t clarify what this design might involve. Do students of different age groups need to be in separate spaces with controlled access to areas with students under a certain age? Do children under a certain age need to have access to outdoor areas for play and/or exercise? How does DET suggest ‘maturity’ be understood and/or measured other than by age?

English Australia recommends that this standard either be removed along with all elements of Standard P2 as suggested above or that it is reworded to ensure sufficient clarity to support a consistent approach by the regulators. This clarification must also minimise uncertainty for providers and hence enable efficiency in their compliance efforts.

Standard P3 – Teaching ELICOS

The requirement for records of teaching delivery to ensure efficient administration has been replaced with the requirement for retention and accessibility of records.

Response

Standard P3.3 – The wording of this standard lacks clarity. Records clearly cannot ensure retention of records nor ensure there was revision. English Australia notes that this needs to be reworded to be effective. For example:

Providers maintain records of teaching delivery for a reasonable period and ensure:

- a) retention and accessibility of records, including electronically
- b) planned learning outcomes are documented
- c) effective review, revision, and delivery of courses

Standard P4 – Assessment of ELICOS students

Includes requirement that assessment be valid, reliable, fair, flexible and clearly referenced to criteria; that there be appropriate oversight or moderation; that assessment outcomes in English for Academic Purposes courses are to be benchmarked against external reference points commonly used in admission criteria for tertiary courses.

The requirement for records of assessment to ensure efficient administration has been replaced with the requirement for retention and accessibility of records.

Response

Standard P4 – Assessing ELICOS Students

The addition to Standard P4 of Standard P4.1.C.ii – “in the case of English for Academic Purposes courses, assessment outcomes should be benchmarked against external reference points commonly used in admission criteria for tertiary courses” has raised significant concerns amongst members of English Australia, particularly those members who are attached to universities. English Australia does not support the addition of this requirement in its current form for the following reasons:

- Regulation proportionate to risk:
There has been no evidence provided that the academic performance of students admitted through English for Academic Purposes courses (direct entry courses) justifying an increase in

Response

regulation. The view of the sector is that these courses are better preparing students for academic study than just undertaking an externally administered assessment. The implementation of this new requirement has the potential to significantly increase resource allocation and costs for ELICOS providers. Hence, before it is imposed evidence must exist that current practices by ELICOS providers are leading to negative impacts for students and their later learning experiences.

Without such evidence, the introduction of this requirement appears to be adding administrative burden, layers of regulation, and operational complexity without any justification. Similarly, without such evidence, there is no reason to expect nor any way to quantify any subsequent improvement for students or other sector stakeholders.

To date, English Australia has not been made aware of any such evidence. Hence, as government has emphasised that reducing regulatory burden and 'red tape' is a key driver in its current review of the regulatory framework, this addition appears to directly conflict with stated government policy.

- **Regulation focused on exit or admission:**

The new clause (4.1 C.ii) would only appear relevant to address a concern that students exiting English for Academic Purposes courses and entering HE or VET courses are doing so without sufficient English language proficiency for their subsequent course. In addition to there being no evidence to support this argument, English Australia is of the view that adding this regulatory requirement involves the provider of the English course carrying the weight of the regulatory burden in the place of the provider of the accepting VET or HE course. English Australia holds that it should instead be the provider of the primary course at VET or HE level carrying the regulatory burden of demonstrating the consistency and appropriateness of their admission decisions.

English Australia also notes that the realities of market forces make this a far more sensible and efficacious approach for the following reasons:

- **Firstly, providers of VET and HE courses will incur significant operational cost increases and reputational damage should they accept students who do not have sufficient English proficiency to complete the course they have been accepted into within the stated period of time. Hence, while they may gain a short-term benefit from additional student fee revenue, this would be far outweighed by the costs making it clearly within their material interest to avoid this. Hence, the imposition of government regulation where market forces are sufficient seems counter to this government's stated policy.**

- **Secondly, it is ELICOS providers who are reliant on VET and HE providers in granting direct entry pathways, not the reverse. ELICOS providers are not able to compel HE or VET providers to grant entry to underqualified students. Again, the imposition of government regulation where market forces are sufficient seems counter to this government's stated policy.**

- **Finally, it is noted that direct entry via ELICOS providers located in Australia and operating under the National ELICOS Standards is one of many entry points for an international student into a VET or HE course. As many of the other entry points will not involve adherence to the National ELICOS Standards, it is clearly more efficacious to capture all students by regulating how students are admitted into those courses rather than how they exit from one of the many pathways.**

- **Moderating/ benchmarking appropriate reference points:**

The phrase "external reference points commonly used in admission criteria for tertiary courses" has been strongly objected to by a large number of English Australia members, in particular those members which are university-based ELICOS centres. As these 'admission criteria' generally only reference a specific score in a standardised proficiency test, such as IELTS, TOEFL or PTE, this means the requirement is benchmarking Direct Entry courses against IELTS or some other proficiency test. Indeed, during the webinar on Monday 7th of August, this position was directly stated by DET.

English Australia strongly objects to this because the purpose and value of Direct Entry courses is

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that they equip students with a range of highly valuable skills and knowledge for their further study – skills and knowledge not addressed in any way in standardised English proficiency tests, such as IELTS. This includes knowledge of issues such as academic plagiarism, a key concern for international students and HE providers. It also includes skills such as academic research and participating in tutorials. Reducing the measurement of the efficacy of these Direct Entry courses to how they meet the far more limited proficiency indicators of a standardised test, such as IELTS, is counter intuitive when the stated aim is to ensure students are appropriately equipped for further study at VET or HE level.

Further to the above, this addition to the standards is not aligned with the realities of the ELICOS sector. The below points both illustrate this and suggest crucial adjustments to the addition should it be maintained.

- Using the term ‘English for Academic Purposes’ as the defining feature here fails to recognise that many courses that this clause is aiming to address use names other than English for Academic Purposes. It also fails to recognise that in some cases courses called English for Academic Purposes do not actually lead to a direct entry.

A more generic and at the same time more accurate phrasing would be recommended here, for example, “Direct Entry Programs”, which could be noted as “courses for which predefined assessment outcomes are considered sufficient to enter VET or HE courses.”

As such, ‘if’ the Department and our regulatory bodies are able to provide a body of evidence that justifies this additional regulatory burden proportionate to the risk, English Australia proposes the revised statement:

“In the case of Direct Entry courses, assessment outcomes should be moderated via an appropriate external framework.”

Standard P4.2, as noted earlier in this submission, appears to repeat the content of Standard P3.3.

As noted in the input on Standard P3.3, the wording of this standard requires review to be effective. This could be reworded as:

P4.2 Providers maintain records of assessment for a reasonable period and ensure:

- a) retention and accessibility of records, including electronically
- b) learning outcomes are documented
- c) effective review and revision of assessment as necessary

Standard P5 – ELICOS educational resources

No proposed changes to this standard.

Response

Standard P6 – ELICOS specialist staff

No proposed changes to this standard.

Response

Standard P6.4.b has not been changed in this draft. However, English Australia notes that the current wording would allow for any form of TESOL course as sufficient. This indicates online courses and weekend courses would be sufficient.

Some increase in the clarity of this requirement is desired by English Australia members to protect the quality of the sector. The key focus for concern is the inclusion of a meaningful practicum of relevant teaching practice which is observed and assessed by sufficiently trained experts. Thus, the addition of a phrase to the effect of:

“a suitable TESOL qualification or qualification that contains TESOL as a method and includes an

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observed and assessed practicum”

Standard P7 – ELICOS premises

Specifies that rooms and equipment should be fit for purpose and proportionate or appropriate to the number of students and course syllabus.

Response

English Australia believes this standard does not make clear why an ELICOS operation requires unique regulatory standards outside those specified in the National Code. It is also noted that the requirements seem overly prescriptive by including the requirement for student recreation areas (Standard 7.3.C) and storage areas (Standard 7.3.E)

Standard P8 – Business management

The term ‘designated authority’ has been updated to reflect the new role of the ‘ESOS agency’ and/or designated state/territory authority.

Response

English Australia believes this standard does not make clear why an ELICOS operation requires unique regulatory standards, outside those in the National Code, which specify how it is to be managed. None of the requirements listed appear to be unique to ELICOS and different from VET or HE operations. As such, it could be argued that including this section places an unnecessary regulatory burden on the provider.

Standard P8.3C refers to 'the state authority'. In doing so, this may imply that Standard P8.3 refers only to the schools sector as they are the only sector that must comply with state-based authorities. English Australia recommends rewording this standard to address the broader context of organisations providing ELICOS courses or removing it along with the other elements of the Standards that duplicate the requirements set in the National Code and other relevant legislation and regulation governing business management in Australia.

Glossary

Outdated provisions have been revised or removed where appropriate.

Response

Other comments

Please provide any other comments on the revised ELICOS Standards in the space below.

Response