Dear Alan

TEQSA welcomes the opportunity to respond to the Higher Education Standards Panel’s (‘the Panel’) call for comment on proposed revisions to the current higher education Threshold Standards, outlined in the discussion paper (March 2013) and in the accompanying draft standards for Course Design (Coursework) and Learning Outcomes (Coursework).

For over a year now, TEQSA has regulated higher education providers using the Higher Education (HE) Standards framework and based on regulatory principles of regulatory necessity, reflecting risk and proportionate regulation. This experience in interpreting and applying the standards across all of TEQSA’s regulatory activities is the foundation for TEQSA’s response to the review of the standards framework that the Panel is now undertaking.

TEQSA supports the on-going appraisal of aspects of Australia’s regulatory and quality assurance framework for the higher education sector. Significant progress has been made since the introduction of the current Threshold Standards in clarifying requirements for providers. TEQSA believes there is an inherent value in maintaining stability in regulation, to the maximum extent possible. It welcomes, however, refinements to the standards framework, which improve the capacity of the sector to deliver quality in higher education and also facilitate efficient and effective regulation.

TEQSA offers the observations set out in Attachment A as a preliminary response to the Panel’s consultation paper, released in March. They are provided without prejudice. TEQSA reserves the right to comment on the framework in its totality and to provide views to the Minister for Tertiary Education in accord with the remit given by section 58 of the Tertiary Education Quality and Standards Agency Act 2011 to provide views on the making of standards.

We look forward to future engagement with the Panel on its work and to the opportunity to take a holistic view on the proposed revisions to the framework, once more detail is available.

Please contact Commissioner Dorte Kristoffersen (dorte.kristoffersen@teqsa.gov.au) for clarification of any of the points raised in this submission.

Yours sincerely

Dr Carol Nicoll, PSM
Chief Commissioner

April 2013
Attachment A: TEQSA response to proposed revisions of the Higher Education Standards Framework

The Panel is seeking initial feedback on its proposed approach to revising the format and style of the standards, including a new organising framework, however full details of the proposed organising framework and draft standards are yet to be released. TEQSA offers the observations set out in Attachment A as a preliminary response to the Panel’s consultation paper, released in March. They are provided without prejudice. TEQSA reserves the right to comment on the framework in its totality and to provide views to the Minister for Tertiary Education in accord with the remit given by section 58 of the Tertiary Education Quality and Standards Agency Act 2011 to provide views on the making of standards.

Context
TEQSA’s response to the proposed revisions to the format and style of the standards is framed by the following considerations.

Regulatory burden – TEQSA, in considering the possible implications of any changes to the current standards, is mindful of both: (1) the regulatory impost on higher education providers (HEPs) that may follow; and (2) the practical application of the framework in the regulatory process. As a matter of principle, any changes to the overall standards framework should avoid the imposition of additional requirements on a HEP unless this is demonstrated to be essential to the improvement of quality in higher education. TEQSA would welcome any opportunities to reduce the regulatory burden for providers, while maintaining quality and protecting a HEP’s ability to innovate and remain competitive. Based on TEQSA’s experience of applying the current framework, it is recommended that the Panel consider options for reducing the number of Threshold Standards.

Clarity of obligation – The effectiveness of TEQSA’s approach to regulation is based on providers being responsible for demonstrating how they meet the Threshold Standards. Accordingly, TEQSA recommends that standards be framed to clarify provider obligations.

Implementation considerations – The higher education sector will require sufficient lead time in order to understand and meet revised or new requirements within the HE Standards Framework. In addition, amendments to TEQSA’s application forms, accompanying guides and regulatory processes will be required to reflect revised (and possibly new) requirements, and such amendments may be significant. TEQSA will also need sufficient time to adjust its processes and to brief the sector on updated requirements. TEQSA notes that a period of over three years was required to implement all revised AQF requirements.

TEQSA recommends that the Panel develop a transition strategy for the revised standards framework that outlines an appropriate notice period and takes account of the implementation considerations noted above, and also of the potential for amendments to the TEQSA Act that may need to be made as a result of the revised standards framework.

Necessity – It would be useful for the Panel to map the proposed revisions against the existing standards in order for stakeholders to be able to readily identify where existing provisions within the standards remain, have been changed, have been expanded upon, or where provisions may be deleted.
Proposed format of the Standards
TEQSA offers the following initial general comments on the proposed format of the standards. TEQSA’s observations relate to TEQSA’s experiences to date in applying the current standards framework.

Applicability across different provider experiences – TEQSA supports any effort to reduce overlap and repetition within or across the standards. TEQSA notes that the standards will need to be applied across all of TEQSA’s regulatory functions, including initial registration and renewal of registration.

The experience of HEPs is very diverse, ranging from entities with no experience seeking to be registered for the first time by TEQSA, to those providers with significant higher education experience seeking renewal of registration. Standards framed in outcomes terms are impractical for an aspiring or newly registered provider to meet as it is not possible for such a provider to demonstrate its capacity to meet outcomes without a record of operational experience and performance. TEQSA recommends that proposed amendments to the standards balance the need for inputs as well as outcomes to take account of the diversity of experiences across well-established, greenfield, and aspiring providers.

Summary statements for each standard - TEQSA recommends that a high level summary statement be retained for each section of the standards, as this enables TEQSA to make an overall judgment about the intent of the standard and whether this has been met.

Defining terminology –TEQSA notes the Panel’s intention for a glossary of terms to accompany the revised standards framework and welcomes such a development. TEQSA recommends that any glossary developed by the Panel should take into account the glossary of terms already included in each of TEQSA’s Application Guides. These clarify TEQSA’s interpretation of language used in the current standards, some of which is replicated in the proposed revisions.

Reference Points
TEQSA makes the following preliminary observations about the proposed introduction of the concept of ‘Reference Points’ within the standards framework.

First, TEQSA seeks further clarification on what status reference points are intended to have within a regulatory decision-making context, what relationship they have with the standards, and what weighting is to be placed on HEP adherence to reference points. Are reference points, for example, intended to guide evidence requirements to inform interpretation of the standards, and/or to form part of the requirements within the standards? As noted above, TEQSA’s approach to regulation is based on providers being responsible for demonstrating a case that they meet the Threshold Standards. Without clarity about the definition of reference points, it is not clear how they should be used by providers or by TEQSA. If reference points are intended only as a guide to the standards there would be no obligation for providers to meet requirements set out by reference points; and consequently reference points would not be used directly by TEQSA in its regulatory decision-making.

Second, TEQSA is unclear whether reference points are intended to be treated with equal regard. TEQSA has strong concerns if this were the case, as the AQF would effectively be
afforded the same standing as the diverse range of accreditation requirements of professional accreditation bodies and associations.

Third, professional accreditation requirements are listed as a reference point in both draft standards. TEQSA is working closely with a number of professional accreditation bodies. This work has shown that there are diverse approaches to, and purposes for, accreditation. TEQSA is uncertain how the potentially contradictory requirements across reference points would be dealt with. Would it be at the discretion of a provider to determine which requirements will be applicable to them?

Role of the AQF
At present, the Threshold Standards require providers to meet the AQF specifications and requirements for AQF Qualifications. TEQSA’s ability to make judgements about the compliance of providers with the current standards framework relies on having a clear understanding of the status and purpose of the Australian Qualifications Framework (AQF). From TEQSA’s experience in regulating against the AQF requirements to date, there is an appropriate level of flexibility in interpretation to ensure that innovation and diversity in the sector are not jeopardised, and no significant difficulties have arisen. TEQSA considers that the embedded AQF requirements are a strength of the current Threshold Standards. The excision of the AQF from the HE Standards Framework would render the regulation of courses problematic. TEQSA’s ability to ensure compliance with the national specifications for regulated qualifications in Australia will be effectively removed.

Uncertainty about the status of the AQF could have implications for the international recognition and comparability of Australian qualifications, with potentially damaging consequences for Australian providers that market qualifications overseas and also for the international mobility of graduates.

It is relevant to note that since the introduction of the AQF several other countries have followed Australia’s approach in introducing a nationally recognised qualifications policy framework in order to improve national consistency, and to promote the national and international portability of qualifications.

TEQSA recommends that the Panel give further consideration to the AQF’s status and relationship to the revised standards in light of the potentially significant regulatory implications arising from the framework being classified as a reference point.

Proposed standards
As previously noted, TEQSA strongly supports the Panel’s stated intention to make the standards more outcomes focussed wherever appropriate, and considers that some aspects of the proposed standards have been drafted appropriately. The requirements are generally succinct and clear.

Until the full framework is released, TEQSA provides the following initial comments to further improve specific components of the draft standards. Observations already made about the relative weighting of the standards are also relevant here.
Course Design (Coursework)

*Separation from Learning Outcomes* – TEQSA considers that the learning outcomes standards and the course design standards are conceptually closely aligned and therefore recommends that these be integrated.

*Process attributes* – Element 1 of the draft standards requires ‘defined’ processes to be ‘utilised’ for course design and assurance of quality. TEQSA recommends that this element also include a requirement for such processes to be robust, subject to formal review, and consistently implemented. The Panel may also consider including a reference to policies as well as processes in elements 1 and 2.

*Clarity of terms* - there is potential for differing interpretations of the standards because of ambiguities, which are likely to cause challenges for regulating. For example:

- ‘academic disciplines’ and ‘field of study’ in element 5(b). It is not clear whether these terms are intended to be used interchangeably or whether they should be interpreted differently. TEQSA recommends that the standards refer to classifications already used in the sector, such as ‘Field of Education’ as defined by the Australian Standard Classification of Education (ASCED). This recommendation is also applicable to elements 3(a), 3(c) and 3(d) of the draft Learning Outcomes (Coursework) standards.
- ‘informed by’ in section 4; ‘drawn from’ in section 5(a); and ‘encompasses’ in section 5(c) appear to be used interchangeably and are subject to differing interpretations. It is not clear whether a single threshold requirement should be applied to each of these terms, or whether different requirements should be applied. TEQSA would encourage greater uniformity in the use of language if there is no conceptual differentiation intended. If there is conceptual differentiation intended, it will be important for the standards or the Explanatory Statement that accompanies the standards to make clear the nature of and reasons for the differentiation.

*Potential for rationalising* - TEQSA recommends that the Panel consider amalgamating requirements of sections 5(a) and 5(c) to cover both ‘current knowledge and scholarship’ and ‘relevant emerging concepts informed by recent scholarship, current research findings and advances in practice …’.

*Course coherence* - the stem of section 5 could also require the course of study to be coherent. Course coherence is a requirement in the current Course Accreditation Standards. TEQSA recommends wording such as ‘Each course presents as a coherent program of study that …’

*Stakeholder input* - the draft standards are silent on stakeholder input (such as from employers and industry) into the course design process, and TEQSA recommends that the Panel consider this be included.

Learning Outcomes (Coursework)

*Clarity of terms* – TEQSA’s comments on the proposed Learning Outcomes standards are of a similar vein to those made about the draft Course Design standards.
They go, in the main, to the potential for differing interpretations of the Learning Outcomes standards because of some ambiguities, which are likely to also complicate the task of effective regulation. For example:

- ‘international comparators’ in element 2 is subject to wide interpretation. Is it the intention that a provider specify the ‘comparator’?
- element 2 includes a requirement for learning outcomes to be ‘consistent with the qualification awarded’. It is unclear this element would be assessed. TEQSA recommends that the Panel consider clarifying this section.
- ‘take account of’ in element 7 is subject to differing interpretations. In similar terms to the comments provided above about the use of the words ‘informed by’ ‘drawn from’ and ‘encompasses’ within the draft Course Design (Coursework) standards, TEQSA would encourage greater uniformity in the use of language across the standards framework if there is no conceptual difference intended.

**English language proficiency** – The current standards stipulate a requirement for English Language Proficiency of students. The draft standards appear to be silent on such requirements. Is it the Panel’s intention that the reference to ‘communication skills’ in section 3(c) encompasses English language proficiency?

**Refinement of wording** - section 3(a) is currently worded as ‘... the mastery of specific disciplinary and/or interdisciplinary knowledge and skills ...’ It is suggested that this be reworded as ‘... disciplinary and, where relevant, interdisciplinary ...’

**Alignment of learning outcomes** - Section 4 provides that the relationship between the overall learning outcomes for each course of study and the learning outcomes for units that contribute to the course of study is ‘demonstrable.’ This requirement could be met even if there is little or no relationship between the learning outcomes at a course and unit level. TEQSA recommends that the Panel consider revising the standard to place a stronger emphasis on the importance of the relationship and alignment between learning outcomes at a course level and a unit level.

**Clarity of meaning** - section 9 as drafted possibly implies the need for grade moderation, although this is unclear. It is also unclear how this standard would be measured and its compliance demonstrated. TEQSA recommends that the Panel consider redrafting this section for greater clarity.

**Responsibility for development of learning outcome statements** - section ii of the Reference Points refers to learning outcomes statements developed by ‘... Office for Learning and Teaching discipline communities ...’ The learning outcomes statements referred to were developed by the (former) Australian Learning and Teaching Council.