

SUBMISSION TO THE *SUPPORT FOR STUDENTS POLICY* GUIDELINES CONSULTATION PAPER

15 September 2023

Universities Australia (UA) welcomes the opportunity to provide feedback on the *Support for students policy guidelines* ('the guidelines') consultation paper.

UA is the peak body representing Australia's 39 comprehensive universities. Our member universities span the length and breadth of Australia. Together, they educate around one and a half million students each year, undertake significant research and development activities, and engage globally to grow Australia and the world's knowledge base while supporting our nation's economic and social well-being.

UA supports the abolishment of the 50 per cent pass rule and commends the policy objective of ensuring students are supported to successfully study in higher education. UA also acknowledges the need for oversight and accountability measures to ensure that student progress is appropriately monitored and supported where necessary.

However, UA would like to highlight several issues with what is proposed in the consultation paper. The consultation paper proposals are merely additional compliance measures or requirements in reporting that would duplicate existing regulatory measures under the *Higher Education Standards Framework 2021* (Threshold Standards). This duplication in reporting and the necessity to rework existing student support policies to fit the suggested compliance measures of the guidelines will create undue administrative burden, rerouting university staff and resources away from the important work of supporting students.

Additionally, there is concern around lack of clarity and feasibility of some specific suggestions in the guidelines (i.e., clarity around 'proactively' identifying and responding to students at risk for disengagement or reporting on 'identified' students). UA suggests a detailed review of the language used and further clarification of key terms.

Moreover, UA is concerned that the evidence component outlined in the consultation paper will not achieve the policy intent of supporting students, and instead focuses on creating additional compliance and reporting measures. The guidelines focus exclusively on reporting policies and penalties for compliance rather than measures to strengthen and improve existing policy structures or services. UA questions the risk-proportionality of the proposed regulatory measures. There is concern that having increased regulations risks draining resources from student support services or risks discouraging students from engaging when they have additional support needs. We remain concerned that the measures are in conflict with the policy objective of improving or ensuring levels of support for students to complete their studies.

Our submission responds to the nine discussion questions from the consultation paper and provides a series of recommendations to government to ensure the proposed amendments meet their policy intent.

RECOMMENDATIONS

UA notes that the consultation paper seeks feedback particularly on other detail that should be included in the guidelines and practical issues with implementation. Given this, UA makes the following recommendations. The guidelines should:

- avoid redundancies and inefficiencies imposed by duplicate reporting to both TEQSA and the Department of Education by restricting reporting and regulatory monitoring to TEQSA.
- ensure greater integration and coordination between the legislation, associated guidelines, regulatory standards, and agency operations to improve existing policy settings.
- avoid burdensome reporting or compliance measures in favour of finding ways to work directly with institutions to improve existing structures.
- recognise that the student data being requested in the guidelines is of a sensitive nature and consider the implications of that.
- better reflect the student's agency in their study and role in accessing supports that the provider makes available and accessible.
- align with any updates to the Threshold Standards coming from the current review and the 2022 Education Services for Overseas Students (ESOS) review where appropriate.
- have an appropriate timeline for full compliance that allows for a 12-month grace period for providers to adapt their existing policies for the new requirements before fines come into play.
- provide clear definitions for terminology to delineate between compliance and non-compliance.

CURRENT STUDENT SUPPORT MEASURES

DISCUSSION QUESTIONS 1&2: Are there features of the Code that could also be applied to domestic student support and included in the guidelines? How do we ensure that the Code and the new arrangements work together?

The *National Code of Practice for Providers of Education and Training to Overseas Students* (the Code) sits within the ESOS framework and is concerned with supporting and protecting the interests of international students. It is, in many respects, a consumer protection mechanism. While elements of the Code concern the provision of learning supports, the Code largely responds to policy issues that are specific to international students.

As required under the Threshold Standards, universities already have suites of policies and procedures such as those proposed in the consultation paper; these cover all student cohorts, domestic and international alike. Under the Code, additional targeted supports for student visa holders are provided, but these are not relevant to other cohorts of students.

As providers have existing regulatory requirements under TEQSA for all students (see discussion question 3) concerning the suggested policy, additional specific requirements from the Code would either be a duplication of reporting measures or irrelevant to the intent of the proposed amendments.

CHANGES TO HIGHER EDUCATION PROVIDER GUIDELINES

DISCUSSION QUESTION 3: What other detail should be included in the guidelines and why?

The suggested policy requirements are redundant for universities. As stated above, the proposed measures are already regulated under the Threshold Standards, specifically concerning admission and transition into courses, monitoring student progress, student wellbeing and safety, and student support. It is unclear why additional measures need to be replicated.

Furthermore, many providers address these requirements across a range of policy suites (i.e., enrolment policies, reasonable adjustment procedures, assessment policies, etc.) as part of the requirements under HESA and the TEQSA Act. The current state of the suggested guidelines, to bring these under one '*support for students policy*', with itemised support requirements, would require providers to review and significantly rework existing policy architecture to comply, diverting resources away from the actual activity of supporting students. This is obviously undesirable and at odds with the policy objective of improving student support.

To achieve the policy intent of the guidelines and support student wellbeing rather than adding further detail to additional requirements that already exist, the guidelines should provide specific targets, negotiated with individual institutions to improve existing structures, such as setting locally relevant targets for improved support systems through the mission-based partnership agreements.

Discussion Question 4: Are proposed individual student and institution-level requirements practical, and implementable? If not, how can they be improved?

While universities already have ongoing policies and procedures that address the proposed amendments as part of their obligations under the TEQSA Act, the guidelines, as proposed, are not practical or implementable. The consultation paper seems to assume that because providers have existing support policies already compliant with the suggested amendments, implementation should be straightforward. Unfortunately, adhering to the guidelines would, conversely, be complex with little benefit. The existing policies and procedures would need to be reviewed and modified to meet the guideline's specific requirements, despite already existing in separate targeted policies. This would be a significant administrative undertaking that would divert resources away from the very support systems in question.

The consultation paper suggests that institutions need mechanisms in place to predict, en masse, which students are more likely to be at risk. However, these kinds of generalised mechanisms are not always feasible. Universities have strong support systems in place to support students on a one-on-one basis as they begin to demonstrate at risk behaviours, long before they complete (and therefore fail) a course. Special consideration or targeted support occurs at an individual level to respond to the needs of the student within a specific course or unit. Rather than attempting to predict which students may need support before that need has arisen, the guidelines should acknowledge the professional judgement of university staff to provide tailored and appropriate levels and types of supports on an as-needs basis.

There are additional concerns about student privacy and appropriate risk management concerning the handling of identifiable information. While it is appropriate and necessary to collect data on students that is possibly identifiable, it is difficult to justify the need for multiple sets of the same student information – i.e., through the new reporting requirements as well as through the Tertiary Collection of Student Information service (TCSI). This is particularly important in relation to information that could be potentially damaging if mishandled (e.g., financial data, access history of wellbeing services, identification of ‘at-risk’ status) without there being a significant, obvious benefit to individual students. Therefore, if the guidelines proceed, it is also recommended that reporting on these measures be provided through de-identified data to maintain the privacy of student information or that regulatory requirements be consolidated with existing reporting measures (such as TCSI) to limit unnecessary duplication of identifiable or re-identifiable student information.

It is also recommended that a review of the language of the guidelines be conducted to better reflect the student’s role or responsibility for study decisions. While universities have a duty of care to provide academic and non-academic supports to students, the language of the proposed guidelines seems to place the onus on institutions to guarantee that students utilise those support mechanisms to the utmost possible degree. An institution can provide all relevant information and resources and reach out to the student, but it is ultimately the student’s decision whether, when, or how to engage with provided supports. It is important to recognise students as active participants in their learning and wellbeing.

Discussion Question 5: Are there examples of best practice, reports and reviews that focus on supporting students to complete their studies, that could be drawn on for the guidelines?

The consultation paper notes that the Minister has called for a review of the Threshold Standards by the Higher Education Standards Panel in relation to student support. UA recommends alignment of the guidelines with any updates to the Threshold Standards coming from that review and that creation of new policy beforehand, may be premature. UA also notes that the guidelines would also benefit from feedback from the outcomes of the 2022 ESOS review, the response to which has not yet been made public.

Discussion Question 6&7: What other reporting requirements need to be included to demonstrate compliance with the *Support for students policy* requirements? Is there other information that should be reported, or that could be re-purposed, that would demonstrate compliance, and assist in monitoring and evaluating the outcomes of these guidelines?

As highlighted above, providers are already regulated under TEQSA for the proposed reporting requirements. UA urges the department to seek ways to consolidate or re-purpose these reporting measures over creating new ones. Further, some of the measures suggested such as academic outcomes and HELP expenditure of cohorts are already available to the Department via TCSI data. Under the proposed amendments, the Department would have duplicate compliance actions and powers. Rather than creating redundancies and inefficiencies in imposing duplicate reporting, compliance attention should be directed at improving existing structures within a single set of regulatory standards.

Discussion Question 8: What needs to be taken into account in the Department's approach to non-compliance?

UA urges further review of the nature of the compliance measures. It is important to weigh the risks against the benefits of the approach laid out in the consultation paper to improving support for students. The threat of compliance penalties (particularly without measures to improve existing structures) will have little impact on improving support for students but provides a powerful disincentive for providers to enrol equity students or any students deemed in need of additional support out of fear of penalties if the student does not succeed despite providers' best efforts. As with reporting measures, UA recommends that further consideration be given to the nature of compliance actions to ensure they are fit for purpose and meet the policy objectives.

If the suggested compliance measures go forward, further consideration is recommended of both the timeline for full compliance and the language used in the guidelines.

Considering that the debate of legislation for the *Higher Education Support Amendment* has been delayed to October, it is unclear when the amendment will be finalised and passed. Consequently, this will likely leave very little time for institutions to complete needed work such as reviewing, drafting, approving and implementing new policies (or changes to existing policies), to comply with the guidelines.

The guidelines also contain ambiguity in language that could impact compliance. For example:

*"The aim of these penalties is not to affect higher education providers merely because they have students that fail, where they have a compliant policy and have **diligently** applied it. For example, if twenty students fail due to **personal choices**, and the university applied its policy **diligently**, it would not result in a penalty,"* (Consultation Paper, p. 11).

A clear definition of 'diligent' and 'personal choices' should be provided. Further clarity is also needed on the *extent* to which some supports must be provided to be compliant, especially where there may be limits created by resourcing such as in the sentence, *"arrangements to provide non-academic supports for students, such as financial assistance"* (p. 8).

Overall, the guidelines would greatly benefit from clear definitions for terminology, particularly in areas that would delineate between compliance and non-compliance.

Discussion Question 9: What practical considerations need to be taken into account in implementing the guidelines?

Providers are already required to have and report on policies that support student learning and wellbeing. These cover a range of policies across and within institutions. Needing to rework these policies and procedures will create immense administrative burden on universities without supporting the improvement of these existing policies in students' interests. As noted, the staff whose workload goes up with additional administrative burdens like these are the same staff who are supporting students. When this happens, they are taken away from that essential work to do administrative work.

CONCLUSION

UA supports the policy objective of ensuring institutions are supporting students to succeed in their studies but questions how the guidelines, as drafted, will achieve this. To make the amendments fit for purpose, practical and implementable, UA recommends the government reconsider the legislative changes and guidelines as they exist. If greater clarity on student wellbeing policies is desired, universities can be asked to report on these through the university mission-based compacts process, in which the Minister can request such information. Under section 19-110 of HESA, as an accountability mechanism, the existing compact process – or any future version of this mechanism – is best placed to provide transparent information on student support policies without increasing unnecessary administrative burden, duplication of regulatory responsibilities and shifting the focus of work from supporting students to reporting on policies. Importantly, if the government wishes to ensure appropriate policies are in place, the compacts capture this importance fully, as only by fulfilling the reporting requirements for the compacts can universities receive their funding.

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