



**Professor Pip Pattison AO**

Deputy Vice-Chancellor (Education)  
Office of the Deputy Vice-Chancellor (Education)

27 July 2021

ESOS Policy and Legislation Team  
International Frameworks Branch  
International Division  
Department of Education, Skills and Employment

Submission made via: [ESOS-PolicyTeam@dese.gov.au](mailto:ESOS-PolicyTeam@dese.gov.au)

***'Foundation Program Standards: positioning for quality, success and competitiveness'***

Thank you for the opportunity to respond to the consultation regarding proposed changes to the Foundation Program Standards effective from 1 October 2021. Our responses to the six discussion questions are attached.

The University of Sydney welcomes the revised and updated Standards. We have been engaged with a successful foundation program, the University of Sydney Foundation Program (USFP), for over two decades. Foundation programs provide strong academic preparation for tertiary study, including critical training in English language and core academic skills.

Foundation programs for international students are packaged with a principal course of study such as a bachelor's degree and a student visa, which is issued under the aegis of the higher education provider (HEP). Given the risk this entails for HEPs, and our obligation to manage pathway providers and oversee foundation programs' quality, it is appropriate that we have significant input into the Foundation Standards.

We are aware that there is a perception, repeated in the media, that students admitted to higher education institutions through a foundation program are under-prepared. The University of Sydney monitors intake standards and the academic progression of foundation students carefully, particularly in the first year of their chosen bachelor programs, and reviews programs and English language preparation and support regularly as a consequence.

The USFP is subject to the same level of rigorous oversight and reporting as other University of Sydney programs. We have long-standing processes for oversight which include a Joint Venture Board exercising governance over all aspects of the USFP supported by a Compliance Committee, an Admissions Committee, and a Marketing Committee. A Board of Studies approves admissions offers and monitors standards and academic matters. Each faculty involved in admitting students from the USFP appoints Faculty Liaison Officers for relevant disciplines who monitor assessment and marking standards at the discipline level, provide curriculum and other advice and are a point of contact between the USFP provider and the faculty. Our Academic Board, which is entirely independent of these processes, is responsible for approving admission standards and monitoring student outcomes. The Academic Board also chairs the five-yearly course quality review into the Foundation Program.

Office of the Deputy Vice-Chancellor Education  
Room 405, Level 4  
Michael Spence Building (F23)  
Corner of Eastern Avenue and City Road  
The University of Sydney NSW 2006  
Australia

T +61 2 9351 3517  
E [pip.pattison@sydney.edu.au](mailto:pip.pattison@sydney.edu.au)  
[sydney.edu.au](http://sydney.edu.au)

ABN 15 211 513 464  
CRICOS 00026A



Finally, on the matter of diversification, while the COVID-19 pandemic has created challenges for international education and has reinforced the need for diversification, we note that meaningful diversification has been a long-standing challenge in the Australian international education sector. The University of Sydney has diversified and grown market segments, nevertheless the growth rates of students from other countries have not been able to match growth rates in demand from China.

We hope that our input to the revised Standards has been helpful and would welcome further discussion if beneficial to the Review.

With best wishes,

(signature removed)

Professor Pip Pattison (AO)  
Deputy Vice-Chancellor (Education)

**Attachment**

The University of Sydney submission in response to the Department of Education, Skills and Employment consultation paper for the Foundation Program Standards Review, July 2021

## The University of Sydney submission in response to the Department of Education, Skills and Employment consultation paper for the Foundation Program Standards Review, July 2021

---

### 1. What are your overall comments on the paper, including possible amendments?

- Updates to the Foundation Standards are timely. It is recognised that foundation programs are often the first stage in an important pathway to tertiary education in Australia. The attraction for students arises predominantly from packaging a foundation course together with a bachelor program for the purposes of securing a longer-validity visa. The connection between higher education providers and their nominated pathway providers necessitates significant oversight and quality assurance processes not only to maintain the integrity of the sector, but to ensure student preparedness and success for tertiary studies ahead.

- Possible amendments to the Foundation Standards to include:

***New standard for the care and protection of foundation students under 18 years of age and a requirement to follow relevant child protection legislation in each state and territory***

- A new standard of care and protection is welcome for under-18 students, however, currently an additional exemption must be applied for if a provider is seeking to enrol students under 17; over and above the requirement to meet the standards for students under 18. It is recommended that the standard of care be aligned for both students under 18 and students under 17 as the age difference is marginal and the higher duty of care should in fact apply to both age groups;
- Alignment with Standard 5 of the National Code is suggested to avoid regulatory duplication. As higher education providers are equipped to admit under-18 students, it is sensible to adopt the same requirements;
- It is not recommended that foundation programs be open to students under the age of 16 years as significant risks for providers arise. The needs of this group are better met through standards for secondary school education;
- State-based legislation already exists in regard to child protection and while higher education providers already have obligations under these laws, it follows that all providers of foundation programs should as well. In NSW, legislation was enacted following the introduction of the *Children's Guardian Act 2019* and higher education providers are bound by 'reportable conduct' processes. To ensure the safety and wellbeing of all students under 18, it is recommended that similar obligations arise under the Standards to ensure consistency. Further consideration may be required where online learning environments are expanded as this forum attracts additional risks for students and their wellbeing.

***New standard to specify that foundation programs must be a minimum of 20 hours per week***

- It is agreed that foundation program standards should require a minimum of 20 hours per week and we strongly suggest that this should be specified as 20 hours of face-to-face contact, with any additional studies being delivered via multiple options, such as online, hybrid, etc. The exception to the requirement of a minimum 20 hours of face-to-face contact per week would be in extraordinary circumstances such as legally enforced lockdowns and border closures, where face-to-face contact is not possible;

- The consultation paper also examines the possibility of examinations not forming more than 40 per cent of the total assessment for students. Foundation programs are required to achieve comparable outcomes to those of secondary school education and it is recommended that consideration be given to aligning the use of examinations in foundation programs with those in school leaver qualifications in Australia. Considering the requirements of the NSW Higher School Certificate and university studies, it is suggested that this be moved to 50 per cent to ensure preparedness for University studies.

### ***English Language***

- English language proficiency for university study is critical to success. The University of Sydney considers that English language testing post-completion of foundation studies and prior to admission should occur. This serves as a safety net for students to prevent them from struggling in university study and assures providers of a minimum level of language proficiency.
- The proposal refers to increasing the minimum IELTS score for entry into extended programs from 5.0 to 5.5. This is supported.
- The proposal of standardising the minimum IELTS score for regular/standard foundation programs is supported.
- The proposal to clearly and distinctly differentiate between streamed and generalist areas to ensure the integrity of the generalist program is maintained is supported to preserve the rigor attached to the generalist programs.

### ***Academic Preparedness***

- The introduction of a written agreement from a university receiving foundation students to confirm that their foundation program curriculum prepares them for a higher education program is not supported. Universities already provide a condition for placement in packaged programs, which confirms that successful completion will result in a firm unconditional offer to a university bachelor's degree. It is unclear how a further statement will benefit students. It may result in increased risk of legal action against higher education providers if students allege failure in university studies as arising from a consequence of deficiencies within the foundation program. The satisfactory completion of foundation studies does not provide a guarantee of a 'pass' at university and the imposition of such a requirement may prompt a heightened sense of entitlement to successful results.
- The consultation paper suggests that providers should also assess overall university readiness. However, foundation programs already assess academic and English language abilities. It is unclear how any other assessment could be measured. A requirement to assess 'readiness' is generally inconsistent with admission requirements for most domestic students and the rationale for imposing this additional requirement on students from foundation programs has not been made.
- In addition to formal methods in the Standards, it is proposed that providers must explicitly include and focus on critical thinking and academic integrity. Critical thinking and an understanding of academic integrity is crucial to higher education and this proposal is supported. Foundation programs should provide comparability and consistency with the year 12 curriculum to promote academic skills and knowledge necessary for higher education and the requirements in these two crucial areas should be comparable.

**2. Is the minimum age requirement of 17 years of age to commence a foundation program or 16 years of age with prior approval by TEQSA appropriate?**

- TEQSA has already provided minimum limits for the admission of students who are 16 years old to foundation programs. It is recommended that the minimum age for entry into a foundation program of 16 years be retained and that the same expectations and standards of care apply to all students devoid of additional regulatory exemptions. All under-18 students require similar standards of care and the additional regulatory burden attached to the care of under-17 students is not helpful when the same standards should apply to both. As such, we recommend that the exemption requirement be dissolved in favour of the same (higher) requirements for all under-18 students.

Education providers will be subject to the same state/territory legislation for all under-18 students and as such, it would be sensible to avoid divergent requirements.

**3. Is there a need for 'extended' foundation programs?**

**i. If so, how should the Standards apply to them?**

- The University of Sydney already supports preparedness for tertiary study via an extended program of 18 months. There is no need to extend this further. Where needed, we believe longer preparation is best done by the secondary school sector.

**4. Should the Foundation Program Standards also regulate courses under 26 weeks?**

**i. If not, should providers be able to register these courses on CRICOS as 'non-award'?**

- Foundation Standards should not regulate courses under 26 weeks. By design, short courses are not foundation programs and as such, the Standards lack applicability. Should some reference to them arise, it is recommended that a specific and separate section of the Standards address them. In such a situation, consideration should be given to standard nomenclature such as 'university entry programs' or 'university transition programs'.
- An unanticipated risk for education providers in regulating short courses is the tendency of the Department of Home Affairs (DHA) to triple package them as part of the Simplified Student Visa Program (for example: a short course either prior to or after a foundation program linked to a bachelor's degree). By default, higher education providers hold the risk attached to a packaged student visa consisting of all programs of study and yet commonly do not offer such short courses themselves. The consequence of all three courses being attached to one student visa and to one higher education provider places an unnecessary and unintended risk on the provider, some aspects of which may be outside the provider's control.
- As a means of meeting Standard 1.2 of the Foundation Standards, a program should be formed on the basis of being at least one full-time year of study. The issue of whether programs shorter than 26 weeks should be award courses or non-award courses will depend on whether specific standards are developed for them, as mentioned above. Award status may be suitable for some shorter programs but unsuitable for others. Students who fail to reach the standard for entry to a university by a small margin may be able to achieve the standard through an additional short non-award program. However, students with more substantial preparation needs may benefit from packaged award programs of less than 26 weeks.

**5. Should online learning be a part of Foundation programs?**

**i. If so, how should this be specified?**

- Online learning creates additional pedagogical challenges in building the relational foundations between students and teachers which, research shows, is a key element in effective learning. Cohort building and cohort support are an important element in creative and productive learning environments. For this reason, we consider that extensive or a majority of online learning is not suitable for this age group. This, however, does not preclude blended learning and effective use of technology-assisted learning tools. Fully online foundation programs are not supported.

**ii. What limits should be in place (such as course percentage or hours per week)?**

- Limits of 75 per cent face-to-face and no more than 25 per cent online are recommended. As noted above (in question 1), there are sometimes extraordinary circumstances - such as legally enforced lockdowns and border closures - where face-to-face contact is not possible, and consequently limits might be exceeded. The online component needs to be purposefully designed to foster interaction and engagement, not simply Zoom versions of face-to-face teaching. It is also suggested that 25 per cent of work be applied to written assignments, and that oral assignment and live in-class discussion/participation should be at the centre of any program.

**iii. How would consideration be given to the younger cohorts in foundation programs?**

- When considering younger cohorts in foundation programs, it is suggested that more frequent interventions be applied to assess progression and to review attendance. A model that explicitly refers to progression and attendance checks at set intervals is suggested to provide clarity and parity to the attendance and progression policies of foundation providers.

**6. Is the distinction between streamlined and general programs required?**

**i. Should there be specified key learning areas, or more flexibility to deliver units designed to meet student needs/pathway course needs, with only the English language component as compulsory?**

- It is recommended that generalist and streamlined programs be distinguished and separate. We strongly recommend that both English and Maths be compulsory. Where any STEMM disciplines are selected, Maths should be included. Social studies and cultural aspects to learning are also strongly recommended.