



INDEPENDENT
HIGHER EDUCATION
AUSTRALIA

IHEA SUBMISSION

Support for Students Policy

Guidelines Consultation

15 September 2023

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Introduction

Independent Higher Education Australia (IHEA) is pleased to present its submission in response to the “Support for Students Policy: Guidelines Consultation Paper”, released by the Federal Department of Education (DOE).

In summary:

1. IHEA supports the legislative changes in principle
2. However, we oppose the statutory enactment of a Support for Students Policy as these are already required by TEQSA
3. Urge the Minister to work with TEQSA and the Higher Education Standards Panel to use existing regulatory mechanisms to ensure compliance with the standards we all support

As active participants in the Australian University Accord process, we have collaborated extensively with a diverse range of stakeholders. Our goal has been to ensure our submissions encapsulate the broad spectrum of the independent higher education sector. This collaboration has given us the unique opportunity to serve as the voice for the independent higher education sector in this critical dialogue.

The Independent Higher Education sector is a legitimate study option for a range of different students. This includes students from marginalised communities, disadvantaged cohorts and students that would not otherwise pursue higher education such as second chance learners.

The Independent Higher Education sector accommodates students from target equity backgrounds at an almost comparable rate to universities. The Independent Higher Education sector is often considered to be a less intimidating option by targeted student equity groups because of smaller class sizes and increased learning support.

Table 2 below uses Department of Education 2019 data (reported in 2020)¹ as a benchmark for comparing equity target group participation in universities and Independent Higher Education providers. The data shows that independent HE providers have slightly lower participation results relative to universities. These results are further moderated by the Independent HE sector's contribution to equity group student access, retention and success.

Table 2 Target Equity Group participation comparison universities and the Independent HE sector

	NESB	Student with disability	Women in non-traditional areas	Indigenous	Low SES postcode measure	Regional	Remote
Independent HE Providers	1.88%	5%	11.78%	1.80%	15.27%	14.41%	0.60%
Universities	3.49%	7.58%	16.57%	2.05%	17.17%	18.52%	0.85%
DESE total % domestic students	3.40%	7.44%	16.23%	2.04%	17.05%	18.28%	0.83%

The Independent Higher Education sector ensures that students from equity groups have realistic and appropriate options for improving their lives through Higher Education.

¹ Accessed from <https://www.education.gov.au/higher-education-statistics/resources/2020-section-11-equity-groups>

Consideration of Issues

IHEA notes the provisions of the Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023.

IHEA provides in-principle support for the amendments proposed in the Bill. The Bill addresses two of the five priorities for immediate action in the Universities Accord Review Interim Report. One priority relates to First Nations students, the second to the 50 per cent pass rule and the related requirement to create “Support for Students Policies”. They aim to make higher education more accessible and supportive for all students, especially those from under-represented backgrounds.

The second of those amendments – the replacement of the 50 per cent pass rule – is the principal subject of this submission. IHEA notes that the changed rules apply consistently across the sector, to both independent and public institutions. That is to say, it applies in the case of Commonwealth Supported Places as well to students assisted by FEE-HELP.

The Bill would create a new section 19-43 in the *Higher Education Support Act 2003*, that would require providers to instead implement a “Support for Students Policy”, which would be administered by the DOE.

As the DOE Consultation Paper notes:

“The Amendment Bill introduces a requirement on higher education providers to have and comply with a *Support for students policy*.

“The policy must describe how a higher education provider identifies students who are at risk of failing their chosen units of study, including proactively identifying disengaged students based on best available data and evidence. The policy must also set out how the higher education provider will support their students to succeed in their courses.

“The Amendment Bill also includes requirements that a higher education provider must give the Minister for Education information relating to its *Support for students policy*, compliance with that policy and any other information as specified in the Guidelines.”

While supporting the intent of the “Support for Students Policy”, IHEA strongly believes that the mechanism proposed for implementation would place new and significant regulatory burdens on providers, would duplicate regulatory functions already covered by TEQSA, and would be premature given the Higher Education Standards Panel (HESP) review currently underway.

The new and significant regulatory burdens will arise as institutions adjust their operations to adhere to the new rules and to comply with a prescriptive policy requirement. Inevitably, providers of higher education will need to either amend or expand documents and communicate changed policies that address student support mechanisms, early identification of struggling students, and various forms of assistance. The impact will be particularly heavy for small or medium-sized providers. It is important to note that providers are already required to have all of these provisions in place under the Threshold Standards. However, the Amendment Bill is so prescriptive in terms of how the “Support for Students Policy” must be structured that it will inevitably involve significant modifications to existing policies and procedures and require additional staff training. Further, introducing another reporting regime to the Minister relating to this policy adds to the existing broad and onerous requirements on higher education providers to report to multiple regulatory and oversight bodies. Such a reporting regime usually assumes a compliance deficit. It would be far more practical to forego regular compliance reporting and instead address actual issues arising from desktop audits, complaints, and analysis of data provided through existing TCSI reporting. IHEA urges the Department to take seriously

the significant increase of regulatory burden in relation to this proposed “Support for Students Policy”.

Along similar lines, members have drawn to our attention that the new arrangements overlap with the existing requirements under *Higher Education Framework (Threshold Standards) 2021*. Indeed, the DOE Consultation Paper notes the related requirements under the Threshold Standards. The Threshold Standards are currently regulated by the Tertiary Education Quality and Standards Authority (TEQSA). The question remains whether it is sensible to have providers subject to DOE oversight in relation to this area when it is separately subject to oversight by TEQSA. It may be more appropriate for TEQSA to oversee the “Support for Student Policies” as well. Providers regularly report very close scrutiny from TEQSA on issues of student support and student wellbeing. Before introducing new requirements, IHEA asks whether there is evidence to support serious deficiencies in existing arrangements or oversight by TEQSA?

Sensibly, the Minister for Education has already requested the HESP to review the application of the Threshold Standards in relation to student support. It could be argued that this is a significant review that directly runs across the “Support for Students Policy” process. Certainly, it would seem important that the Guidelines Consultation should not be finalised before the receipt of the expert opinions of the HESP Review.

A similar query relates to the existing *National Code of Practice for Providers of Education and Training to Overseas Students 2018*.

The *National Code* also requires providers of higher education to deliver appropriate services to students including support services that allow international students to achieve their expected learning outcomes.

Higher Education providers must comply with the *National Code* to maintain their registration to provide education services to overseas students. Any new “Support for Students Policy” must not create duplication of these regulatory requirements.

Some of our members have expressed concern about the uncertainty of how new Guidelines may treat issues like the academic and non-academic support requirements, such as financial assistance and crisis support. How might these impose new obligations in excess of existing standards? Until the Guidelines are finalised we do not know.

Another query relates to the application of the Guidelines to student cohorts. In the above discussion it is assumed that the standards would apply to all students. However, the removal of the 50% pass rule directly related to students in receipt of a Commonwealth Supported Places or funding under FEE-HELP.

IHEA’s members strongly wish to avoid a potentially perverse outcome that could arise from the new arrangements, whereby the regulatory cost burden makes the signing on of students from various equity cohorts more, not less, problematic.

It is important that the Department of Education undertake a Regulatory Impact Assessment, including a robust cost-benefit analysis, on proposed change to transparently assess the potential regulatory burden.

Additionally, and particularly given the immediate implementation, we are very concerned that the legislation applies a severe penalty of sixty penalty units, or over \$18,000, for lack of compliance.

This is extreme and punitive, especially given there is no transition period, and a more proportionate penalty should apply.

Some members suggest that there should be a six-month transition period after the Bill receives royal assent to allow for providers to be adequately prepared for these new requirements. Or alternately, that there could be a six-month period where no fines are imposed while providers develop new policy settings to assist students.

Conclusion

On behalf of IHEA, its members, and the students they serve, IHEA thanks you for duly considering the matters raised in this Submission. We welcome future opportunities to provide substantive feedback on Australia's Education reforms.

Who We Are

Independent Higher Education Australia Ltd. (IHEA) is a peak body established in 2001 to represent Australian independent (private sector) higher education institutions. Our membership spans independent universities, university colleges and other institutes of higher education all of which are registered higher education providers accredited by the national higher education regulator, TEQSA or associate members seeking registration.

Our Vision is that: students, domestic and international, have open and equitable access to world class independent higher education in Australia, built on the foundations of equity, choice, and diversity.

Our Mission is to represent independent higher education and promote recognition and respect of independent providers as they contribute to Australian education, the Australian economy, and to society in general. We achieve this by promoting continuous improvement of academic and quality standards within member institutions, by advocating equity for their staff and students, and by delivering services that further strengthen independent providers' reputations as innovative, sustainable, and responsive to the needs of industry and other relevant stakeholders in both higher education and vocational education and training. IHEA's commitment is to excellence, productivity and growth in independent higher education being delivered through a trusted Australian education system underpinned by equity, choice, and diversity.

IHEA members have different missions, scales, and course offerings across the full AQF range (Diplomas to Doctorates). Members comprise:

- Four private universities (Bond University, Torrens University, University of Divinity, Avondale University),
- Four University Colleges (Alphacrucis University College, Moore Theological College, Australian College of Theology and Sydney College of Divinity), and
- Seventy-two not-for-profit and for-profit Institutes of Higher Education; and related corporate entities.

IHEA members teach 74 percent of the students in the independent sector (i.e., more than 130,000 students) and educate students in a range of disciplines, including law, agricultural science, architecture, business, accounting, tourism and hospitality, education, health sciences, theology, creative arts, information technology, and social sciences. A list of our full membership is provided in Appendix A.

IHEA holds a unique position in higher education as a representative peak body of higher education providers. Membership in IHEA is only open to providers registered with the Australian regulator – TEQSA. However, some IHEA members are dual and multi-sector providers who also deliver VET and/ or English Language Intensive Courses for Overseas Students (ELICOS) courses.

Contacts

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Appendix A



IHEA Member Institutions

Avondale University	Le Cordon Bleu Australia
Bond University	Leaders Institute
Torrens University	Lyons College
University of Divinity	Marcus Oldham College
Alphacrusis University College	Melbourne Institute of Technology
Australian College of Theology: Australian University College	Morling College
Moore Theological College: Australian University College	National Academy of Professional Studies - NAPS
Academies Australasia Polytechnic	National Institute of Organisation Dynamics Australia
Academy of Interactive Technology	Navitas
Adelaide Central School of Art	Australian College of Applied Professions
AIBI Higher Education	College of Business and Technology
APEX Institute of Higher Education	Educational Enterprises Australia
Australasian College of Health and Wellness	Melbourne Institute of Business and Technology
Australian College of Christian Studies	Navitas Bundoora
Australian College of Nursing	Queensland Institute of Business and Technology
Australian College of Physical Education	SAE Institute
Australian College of the Arts (COLLARTS)	South Australian Institute of Business and Technology
Australian Institute of Business	Sydney Institute of Business and Technology
Australian Institute of Business and Management	Perth Institute of Business and Technology
Australian Institute of Management	Western Sydney University International College
Australian Institute of Music	Oxford Institute of Higher Education
BBI – The Australian Institute of Theological Education	Perth Bible College
Campion College Australia	Photography Studies College
Christian Heritage College	Polytechnic Institute Australia
Eastern College Australia	Sheridan Institute of Higher Education
Education Centre of Australia	SP Jain School of Global Management
Asia Pacific International College	Sydney College of Divinity
Higher Education Leadership Institute	Sydney Institute of Higher Education
Endeavour College of Natural Health	Sydney International School of Technology and Commerce
EQUALS International	Tabor College Australia
Excelsia College	The College of Law
Governance Institute of Australia	The MIECAT Institute
Holmes Institute	The Institute of Creative Arts and Technology
ICHM	The Tax Institute Higher Education HEPCO
Ikon Institute of Australia	Torrens Global Education Services
Institute of Health and Management	Think: Colleges
Institute of Internal Auditors - Australia	Universal Business School Sydney
International College of Management, Sydney	Universal Higher Education
Kaplan Business School	UOW College
LCI Melbourne	Wentworth Institute of Higher Education