



## Advice from the Higher Education Standards Panel to TEQSA regarding the application of the Higher Education Standards Framework for regulatory purposes

This advice is provided to TEQSA in accordance with Section 168 (1b) of the TEQSA Act 2011.

The Higher Education Standards Panel advises TEQSA that, in applying the Higher Education Standards Framework for regulatory purposes, TEQSA should have regard to the following:

1. The Standards for Higher Education (the Standards) in Part A of the *Higher Education Standards Framework* (the Framework) represent the minimum acceptable institutional conditions, arrangements and levels of performance for the provision of higher education in or from Australia by higher education providers registered under the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act 2011) and incorporate the education-related elements of the *National Code of Practice for Providers of Education and Training to Overseas Students 2007* (established under the *Education Services for Overseas Students Act 2000*).
2. Part B of the Framework sets out criteria that are applicable to prospective or registered providers irrespective of the types of education they provide or may provide.
3. The Standards are intended to provide a framework for internal monitoring of their higher education activities by providers in the course of their normal business, as well as a framework for TEQSA's regulatory purposes.
4. While the Standards encompass a broad range of higher education activities and a registered provider is required by the TEQSA Act 2011 to meet and continue to meet all of the requirements of the Framework at all times, the Standards are nonetheless intended to be used selectively for regulatory purposes by TEQSA in accordance with the three basic principles for regulation articulated in the TEQSA Act 2011 (Section 13) (the principle of regulatory necessity, the principle of reflecting risk, and the principle of proportionate regulation), taking into account potential regulatory burden and the particular circumstances of the provider. The design of the Framework is intended to facilitate a selective application of the standards for regulatory purposes by TEQSA.
5. The Standards collectively refer to a provider that is a 'going concern' e.g. with mature systems and several cohorts of graduates from its courses; TEQSA is expected to apply the Framework taking account of an individual provider's stage of development if the provider has not yet reached a mature state of development in parts or all of its operations.
6. The Panel believes that the integration of ESOS requirements within the Standards will facilitate streamlining TEQSA's regulatory work in this respect.
7. In relation to the application of the Framework for regulatory purposes, the Panel has an expectation that TEQSA will not only be guided in an overarching way by the three basic principles for regulation articulated in the TEQSA Act 2011 but also by the following particular principles:
  - a. seeking to minimise regulatory burden in applying the Framework in as streamlined and efficient a way as possible, consistent with achieving a regulatory purpose
  - b. informing the sector how TEQSA proposes to apply the Framework for regulatory purposes in general
  - c. agreeing in advance with individual providers on the scope of standards to be applied by TEQSA in the specific instance
  - d. informing TEQSA's application of the Framework by having particular regard to the public information requirements of the Standards for Representation, Information and Information Management
  - e. in the case of a mature provider with a known history and track record seeking a renewal of registration, having particular regard to the provider's performance in relation to the 'overarching' standards for Institutional Quality Assurance and Governance and Accountability in the first instance, and

- f. wherever practicable, having regard to evidence generated by a provider's internal quality assurance systems in the normal course of internal monitoring of its compliance with the requirements of the Framework and/or information in the public domain, in preference to requesting information generated solely for external regulatory purposes.
8. In relation to registration of providers and accreditation of courses by TEQSA, the Panel advises TEQSA to have broad regard to the standards specified in Table 1, taking into account the particular circumstances of the provider, the specific nature of the course(s) of study concerned and whether the regulatory purpose is an initial accreditation or a re-accreditation. In the small number of cases where a particular section of the standards is applicable to both regulatory purposes, this is intended to indicate the application of different sub-sections of the standards.
9. In advising TEQSA to have regard to certain standards, the Panel is not intending to diminish the requirement under the Act that all of the standards apply to providers at all times, nor to constrain the scope of standards that TEQSA may need to apply to achieve a regulatory purpose in particular circumstances.
10. TEQSA has streamlined its approach to registration of providers through its 'core and extension' model. In advising TEQSA to have regard to particular sets of standards for certain purposes, the Panel notes that in having such regard TEQSA may at its discretion choose smaller or different sets of standards in identifying 'core' standards for particular purposes where it believes a regulatory purpose will be better served in those particular circumstances.

**Table 1: Standard Sections for which TEQSA is advised to have particular regard in the selection of Standards that are applicable to registration and accreditation of courses of study**

Higher Education Standards Framework	Registration	Accreditation
<b>Part A</b>		
<b>1. Student Participation and Attainment</b>		
1.1 Admission		✓
1.2 Credit and Recognition of Prior Learning		✓
1.3 Orientation and Progression		✓
1.4 Learning Outcomes and Assessment		✓
1.5 Qualifications and Certification		✓
<b>2. Learning Environment</b>		
2.1 Facilities and Infrastructure	✓	✓
2.2 Diversity and Equity	✓	✓
2.3 Wellbeing and Safety	✓	✓ (only if ESOS regulation is required)
2.4 Student Grievances and Complaints	✓	
<b>3. Teaching</b>		
3.1 Course Design		✓
3.2 Staffing	✓	✓
3.3 Learning Resources and Educational Support	✓ (3.3.2 only)	✓
<b>4. Research and Research Training</b>		
4.1 Research	✓ (according to provider's circumstances)	
4.2 Research Training		✓ (if applicable to the provider)
<b>5. Institutional Quality Assurance</b>		
5.1 Course Approval and Accreditation	✓	✓
5.2 Academic and Research Integrity	✓	
5.3 Monitoring, Review and Improvement	✓	✓
5.4 Delivery with Other Parties	✓ (if applicable to the provider)	✓ (if applicable to the provider)
<b>6. Governance and Accountability</b>		
6.1 Corporate Governance	✓	
6.2 Corporate Monitoring and Accountability	✓	✓ (6.2.1i only)
6.3 Academic Governance	✓	
<b>7. Representation, Information and Information Management</b>		
7.1 Representation	✓	✓
7.2 Information for Prospective and Current Students	✓	✓
7.3 Information Management	✓	✓
<b>Part B</b>		
<b>Part B1</b>	✓	
<b>Part B2</b>	✓	
<b>Part B3</b>		✓ (where applicable to the provider)