

Navitas submission to Reforming ESOS: Consultations to build a stronger, simpler, smarter framework for international education in Australia

Chapter 1—Risk assessment and management

Risk management

Question 1: The practical application of risk management

1a: How can duplication of risk management for international education providers across the different domestic quality and regulatory frameworks and ESOS be avoided?

There is no real standardisation of processes or requirements across jurisdictions and sectors for multi-sector and single sector/multi-location providers. Different regulators apply different standards of proof to the same standard/criteria for a single sector provider operating across jurisdictions. For multi-sector providers the various quality assurance frameworks in place (AQTF, HE) require ostensibly the same information but in different formats. Experience is that state regulators lack the expertise to accept staffing lists, unit outlines, financial reports, policy documents, etc from one QA framework and apply it to another. It would be a relatively simple exercise to cross reference the information required from each sector and apply a 'mutual recognition' protocol for regulators to accept when undertaking registration and accreditation activities involving multi-sector or multi-location institutions.

A different CRICOS code is required for the same legal entity operating in different states. A student transferring to another campus, operated by the same legal entity, in another state, must apply for a change of provider. This is manifestly ludicrous for a "Commonwealth" register. Navitas specifically seeks the ability to utilise one CRICOS code for one separate legal entity operating across Australia.

There is no standardisation regarding conditions that a regulator imposes on providers operating within that jurisdiction but which another jurisdiction does not impose. If there is a demonstrated requirement for an additional condition, it should be applicable across all jurisdictions. This would best be done through a national regulator.

The lack of standardisation generally is not replicated in the ELICOS sector where the NEAS has a set of national accreditation standards which are consistently enforced across Australia, and which enjoy broad industry support.

The acceptance of a suite of registration requirements that would be applicable across all education sectors would lead to a major reduction in duplication of effort and associated waste of resources involved in cross sectoral registration, accreditation and risk management.

A key aspect of avoiding duplication of risk management activities for education providers is the training, and accreditation, of regulators' staff before they are assigned

to registration activities. It is unsatisfactory, and highly risky, to audit a provider with little or no experience in the sector, or of the particular audit requirements. Unfortunately, this is all too often the case.

1b: *Should the risk assessment be based entirely on defined criteria or should regulators be given the flexibility to draw on a wide range of information and experience?*

Navitas' experience to date in the English language, VET and HE sectors across all jurisdictions except Tasmania leads us to support a set of defined national criteria, developed in consultation with industry, and operating within a provider risk level framework. Whilst there are merits in giving highly experienced regulator staff flexibility to draw on a wide range of information and experience, in reality this would only perpetuate the problems with the current system. A significant investment in additional staff, staff training and moderation within and across sectors/jurisdictions would be necessary for this to occur. The level of flexibility given to regulators would need to be proportional and appropriate to the demonstrated capabilities of those regulators

In most jurisdictions regulators contract out elements of their responsibilities related to assessing compliance with requirements of the ESOS Act and the underpinning regulatory quality assurance frameworks. The issue of relevant knowledge of, and experience with, the operations of providers arises here as well. This is particularly problematic in the assessment of financial viability where the work may be outsourced to small accountancy firms with limited experience of the sector and/or the operations of large, corporate entities, particularly in assessment of balance sheets, intercompany relationships and cross company guarantees. Further compounding the problem outsourced work appears to be 'time based' with contractors paid on an hourly rate. A greater level of expertise and sophistication is required. A 'fit for purpose' panel approach, using big firms for big providers and small firms for small providers would have merit, as would the requirement for regulators to meet KPI's, e.g. response times. There appears to be limited understanding of industry recruitment/delivery cycles and the business drivers of an export market.

On the subject of defined criteria, any risk assessment of an education provider should include recognition of the full compliance and risk mitigation obligations to which a provider is exposed. For example, publicly listed companies must meet ASX listing rules that require significant and stringent compliance, including having in place a comprehensive risk management and external reporting culture and have the systems in place to support that culture. Such providers should be seen as having a lower risk profile than those providers who have more limited legislated systems and reporting obligations.

"Navitas would also wish to see a more sophisticated and coherent monitory approach from regulatory bodies utilising relevant legislation, regulation and expertise outside the ESOS framework, for example Corporations Law, Local Government building regulations, industrial relations law, OH&S and professional body and industry skills council standards." Navitas submission to the ESOS Review, October 2009

1c: *Should different risk criteria be applied depending on the sector of the provider (higher education, VET, ELICOS, schools)?*

Navitas would not support different risk criteria depending on the sector of the provider. This is too 'gross' a measure and indeed many public and private providers operate in more than one sector. However we support risk rating providers according to a range of factors, e.g., students under 18 years of age, number of previous breaches, and these factors may be applied or weighted differently depending on the sector.

1d: *Are there different tests that should be applied at initial registration compared to continuing registration to inform a provider's risk assessment?*

Navitas would like to see more stringent entry criteria for new entrants to the industry, which would include detailed business plans, auditing of financial capabilities, a testing of the purpose for entering the industry, and a twelve-month 'guided candidacy'.

Navitas notes that the length of time that it takes to acquire a CRICOS code for a new centre can be up to 12 months. Without seeking to water down the entry criteria, the period of time is unreasonable for standard business practices. This is especially relevant where a provider has had successful operations in another State or Territory. As noted previously, a national CRICOS code for each legal entity (as opposed to State and Territory CRICOS codes) would simplify this process significantly and would offer more transparency for students.

1e: *Are there any specific considerations arising from the sharing of information on risk among regulators?*

Navitas is of the view that sharing of information on risk among regulators is both desirable and necessary, provided appropriate probity controls are in place. We believe that this would reduce the compliance burden on providers and ensure efficiencies in multiple sectors.

1f: *How should the risk assessment influence a decision about the maximum number of overseas students a provider is able to enrol?*

Providers must be able to demonstrate their capacity and capabilities, through the registration and accreditation process, to deliver qualifications and courses to the standard required and to their accredited student load. If there are breaches of conditions of accreditation by a provider this should be reflected in their risk rating.

Given that a decision to restrict the maximum number of students is likely to have significant detrimental commercial outcomes for the provider any changes to a provider's accredited capacity should be done, through due process, as a result of accreditation breaches. If a provider is approved to operate, they should be able to operate up to their maximum accredited capacity and, as such, the risk assessment should not influence a decision about the maximum number of students.

1g: *Should there be a more limited risk assessment applied to providers with an intended capacity of only a small number of overseas students (e.g. less than 50 students)?*

Navitas does not support this proposition. Government would be sending a message that smaller numbers of students do not deserve the same rigorous protections as those attending larger institutions. The reputation risk to the industry is too great.

Assessing and managing risk

Question 2: Financial viability and risk

2a: *How should financial viability tests differ for ESOS purposes compared to domestic quality assurance and fee-help purposes (for example, in ensuring a provider has sufficient capacity to meet the provider's refund obligations to students)?*

Government should engage one of the Big Four accounting firms to provide recommendations on an appropriate financial viability test for international education providers that addresses the complexity and specific nature of the industry for discussion with industry representatives.

Specific tests for ESOS purposes should complement those already applied under domestic quality and regulatory frameworks (including the Corporations Law and ASX listing requirements).

2b: *What factors should be considered relevant in assessing the financial viability and financial risk of businesses operating in the international education sector? Examples may be, but are not limited to, consideration of financial records, budget documents, financial managements systems and fee payment arrangements.*

2c: *How often should a provider's exposure to risk, including a provider's financial viability, be assessed?*

The frequency of a provider's exposure to risk should be linked to their risk profile. For instance, Navitas is a publicly listed company and all materials matters must be published to the ASX – this would suggest that a lower frequency of reporting might be appropriate. High risk providers should be assessed annually. Low risk providers should provide annual reports and be assessed on a 5-year basis as part of their re-registration process. All providers should be required to provide annual audited accounts.

2d: *What can be done to guard against the risks that might arise from a change of ownership?*

Where a new owner takes over an ongoing business, at the change of ownership, the purchaser should respond to material changes, in terms of financial viability and risk, provided by the previous owner at initial registration.

Question 3: Capacity to deliver to a satisfactory standard

3a: *What criteria should be used to assess a provider's capacity and capability to provide education of a satisfactory standard? How should these criteria be prioritised, if at all, in assessing a provider's risk profile?*

The current regulatory/quality assurance regimes are sufficient to assess a provider's capacity and capability to provide education to a satisfactory standard, subject to appropriate resourcing of the regulators and appropriate enforcement of the standards.

3b: *To what extent, if any, should providers be required to have a mix of domestic and international students?*

There is an implied suggestion in the question that a mix of domestic and international students is required for an education of a satisfactory standard to be provided. It is of course acknowledged that students who are choosing to study in Australia should receive an Australian experience. The question is - What is an Australian experience? Australia itself is a vibrant, multicultural community. However, many Australian students have a mono-cultural experience in their classrooms.

The opportunity to mix with students from a variety of cultures and backgrounds is an important part of the Australian education experience for students in all sectors – be they students from Australia or from overseas. It would be unfortunate for the Government to *assume* that mandating providers enrol a particular mix of domestic and international students would provide a more satisfactory standard of provision and/or experience. Clearly in the ELICOS sector, forcing enrolments of domestic students would be nonsensical.

In the tertiary sectors, providers would welcome the opportunity to compete on a level playing field for domestic students. For example, access to HECS-HELP and the opportunity to compete with public institutions for Commonwealth funded higher education places would level the playing field in the higher education sector. However, without that level playing field requiring providers to have a mix of domestic students relies on there being a market for those students. In WA for example, demand for higher education places from domestic students so is so low that some publically funded institutions are enrolling anyone who can pass a unit via an 'extension' enrolment prior to accepting a funded place. In that market – a 25% charge for a FEE-HELP place puts private providers at an unfair disadvantage. Unless the playing field is level enough for private providers to compete fairly with public institutions, *requiring* domestic student enrolments is impractical and anti-competitive.

Question 4: Governance and management capability

4a: What criteria should be used to assess a provider's governance and management capability? How should these criteria be prioritised, if at all, in assessing a provider's risk profile?

The criteria for a provider's governance and management capability should be contained within the current regulatory/quality assurance regimes for the sectors. For example, there are a range of governance and management criteria defined in the NEAS standards "Standards and Criteria for ELT Centres" for the ELICOS sector.

4b: To what extent should other business affiliations, overseas ownership of a provider and/or continuity of present ownership and management affect any consideration of risk?

4c: Who should be included in the 'fit and proper person' test and what should this involve?

Navitas is of the view that the current provisions under the ESOS Act are sufficient.

Question 5: Qualifications and courses

5a: What criteria regarding the qualifications and courses offered should be used to assess a provider's risk? Such criteria may include the number and qualifications of staff relative to the courses offered and student numbers as well as the extent to which the course offerings are aligned with migration policy or other government policies.

Navitas supports the standards and criteria contained in the underlying registration and accreditation frameworks, e.g. NEAS, AQTF, and HEP. However, regulations require effective monitoring and enforcement. Navitas does not support rating a provider as a higher risk if the course offerings are aligned with migration or other government policies. Government has the ability to amend policy settings if there is evidence of abuse of systems and policies.

5b: How should these criteria be prioritised, if at all, in assessing a provider's risk profile?

5c: To what extent, if any, is the course fee structure an indicator of risk?

This should be part of the financial viability assessment. There is sufficient published data to identify the 'normal' range of fees charged for courses.

However, in the ELICOS sector, unpublished/discounted fees for specific markets may lack transparency and are further complicated by commission arrangements, where payments of commission over 40% of fees, is not uncommon.

Some form of analysis of these structures, plus sudden changes in these structures, could be lead indicators of a provider in financial distress. It is highly likely that employees inside of organisations that have failed recently in Australia would have known of the significant financial duress the organisation was operating under. A mechanism for reporting of these signals to regulators may be appropriate.

5d: *To what extent, if any, is course packaging an indicator of risk?*

Navitas is of the view that course packaging is not an indicator of increased risk. In fact, it could be viewed as an indicator of a lower risk level as packaged pathway courses have as their outcome cohorts of international students who are better prepared for academic success in the Australia tertiary system. It could be argued that a language proficiency rating score, e.g. IELTS score, may have a higher risk associated with it as the learner may have the entry level English required by the receiving institution but lack the academic study skills and knowledge of Australian education norms and requirements.

Question 6: Performance as an indicator of risk

6a: *What criteria of past performance should be used to assess a provider's risk? Such criteria may include: deliberate or repeated non-compliance with legislative and regulatory requirements; staff turnover; reporting patterns; rates of student completion; and a substantiated complaints history.*

Navitas believes past performance is a significant indicator of provider risk – both positively and negatively. All of the above criteria are reasonable and could be taken into account.

6b: *How should these criteria be prioritised, if at all, in assessing a provider's risk profile?*

6c: *To what extent, if any, should the business associations (current or past) of the provider be taken into account?*

This should be considered and assessed to form a view of whether these associations increase a provider's risk level

6d: Should there be a time limit on when a provider's previous history of non-compliance can be included in the risk assessment and how should this differ depending on the seriousness of non-compliance?

Navitas believes this is worth considering.

Question 7: Student profile

7: What factors, if any, contribute to a provider's risk with regard to student profile and how can this risk be managed?

The key issue for assessing risks associated with the mix of a provider's student cohort is the extent to which the reliance on a limited number of source countries for students increases a provider's risk of default. Clearly reliance on one or two countries for the majority of a provider's students exposes that provider to the sovereign and consumer demand risks associated with those countries – be those Australia (e.g., linked to the supply and financial support of domestic places, or the winds of migration policy change) or any other country.

It is a good risk mitigation strategy to have a range of student source countries, or cohorts (e.g., school leaver, mature age, metropolitan, regional, etc for domestic student cohorts). However it should not be mandated. There are many reputable providers with limited source markets. The 'Perfect Storm' which occurred in 2009/10 was the result of a number of specific factors, primarily related to poor enforcement of the existing frameworks and lack of a national strategic framework for a major export industry.

The issue of engagement with Australians and Australian society, as well as Australians engagement with other cultures and peoples, is more appropriately handled through a requirement for proportionate and appropriate internationalisation strategies, and associated evidence of implementation, as part of the provider (re-)registration process. It is noted that this is less of a factor in the ELICOS sector where, by definition, 100% of the student are international.

Question 8: Industry charges and levies

8: Which of the risk factors outlined above should influence any charges that may be levied on a provider?

Question 9: Risk assessment and management

9a: Are there any learnings from the approach to re-registration that could usefully inform ongoing risk assessment and management of all CRICOS registrations?

From Navitas' perspective, the re-registration process was time consuming and repetitive where it was unclear if it would have been successful in flushing out providers who should not be operating.

This in and of itself seems to suggest a criteria that defines risk and weights the assessment appropriately would be beneficial.

9b: *How should risk be applied to a multijurisdictional provider?*

A national approach, utilising nationally consistent criteria, should be applied to multi-jurisdictional providers. Navitas supports the introduction of a national regulator.

9c: *What factors do you consider to be multipliers of risk?*

The combination of a number of risk factors, e.g. single nationality and large student cohorts in very small number of programs may be an indicator of increased risk.

9d: *How often should the risk assessment criteria be reviewed?*

9e: *What types of conditions on a provider's registration would be useful in managing risk?*

9f: *What, if any, are the resource implications arising from a risk-managed approach—for providers? For regulators?*

Navitas would expect that a lower risk provider should have a lower compliance burden.

Please provide any additional general comments.

Navitas makes the following general comments on consumer rights and responsibilities. In Australia overseas students are free to choose a program from a provider with a combination of:

- low fees;
- a program profile targeted to perceived 'quick wins', e.g. migration related occupations or skills in demand lists,
- one or two student source countries; and/or
- poor regard for the attendance requirements of the awards they offer.

To what extent should the principle of 'buyer beware' be applied to these students wishing to study in Australia? When a provider offers low program prices, a small program profile, and focuses on programs targeted towards 'quick wins', then the risks for the student are commensurate to those qualities of the provider. The same principle applies when buying a new watch. A five dollar copy watch from a street vendor cannot

be expected to be as reliable as a Rolex bought from a reputable retailer. Additionally, those students expect an equivalent level of consumer protection they would receive after enrolling in a Government funded university.

Consumer protection is an essential element of a healthy and reputable international education industry however with the right to consumer protection come certain consumer responsibilities. Reputable, long-standing, and professional education providers, and more importantly their students, should not be financially or administratively penalised because of the purchasing decisions by consumers of high risk competitors. There is a case for those students choosing to attend colleges demonstrating a combination of high risk factors having to take responsibility for their purchasing decision. This responsibility could be in the form of a premium for their consumer protection. For example, this could be done by charging such providers a higher fee for tuition placement scheme membership, which they will likely pass on to their students.

Chapter 2—Tuition Protection Service

Key issues

Question 10: Defaulting provider obligations

10a: Should the TPS become involved as soon as the provider declares itself unable to deliver courses to overseas students?

Yes. If there are signs that a provider is not able to meet its obligations, then the TPS should be able to take immediate action. Clearly the provider should be proving refunds in the first instance.

10b: Should there be a legislated limit on the length of time that providers should be given before it is determined that they will not meet their obligations?

10c: Are there any risks to students or the industry more generally in maintaining the current obligations for defaulting providers? If so, how might these be mitigated? Should other steps be taken to ensure that new owners of failed providers meet the former provider's obligations?

Regulators should pursue the previous owner/defaulting provider vigorously through all legal channels. Any requirements that the new owners meet the former provider's

obligations would be a dangerous interference into normal commercial practices. Why would someone buy a business that requires them to take on the liabilities of the previous owner?

Question 11: Student information

***11a:** What obligations should be put on the provider to hand over student records in the case of a provider closure? How might this be effectively enforced? Should the records become government property as trustee for the students?*

Yes, the provider should ultimately be responsible for handing over records to the appropriate government authority.

***11b:** How else might the TPS effectively assist students in locating proof of courses successfully completed? What role, if any, should the student have in ensuring and maintaining up-to-date records regarding the proportion of the course they have received?*

This is not the responsibility of the student, apart from students keeping their own personal records. Failure by a provider to supply records should be addressed by appropriate criminal and legal sanctions.

***11c:** Is it reasonable to require that all providers maintain student contact details, including phone numbers and email addresses, in electronic database format (e.g. spreadsheets) that may be uploaded onto PRISMS? If not, how may these contact details be maintained so they are readily accessible?*

Yes, it is reasonable. If a provider is not able to maintain these records, it would be a reasonable indicator that they are not able to effectively run their business. A regulatory sanction, for providers at risk, could be required to export and email data to the TPS on a frequent basis.

Question 12: Student placement and refund arrangements

***12a:** What identifiable cohorts of students may require a higher level of support (for example, students under the age of 18)?*

The following students may require additional support:

- minors
- with defined pathways requiring specific articulation arrangements
- undertaking courses that are high cost
- undertaking courses that are not generally delivered by a small number of providers

- undertaking courses where providers have specific capacity issues related to resource requirements

12b: *Should there be any scope for a simple refund arrangement for displaced students, or certain cohorts of displaced students, thereby bypassing the placement process altogether (for example, in financial hardship)?*

In some limited cases, courses may be so specific that they are offered by a very small number of providers – hence, a limited case-by-case analysis may indicate this. In general, financial hardship consideration should not be a factor as they have already met the ‘financial capacity’ tests.

Question 13: Student refund entitlements

13a: *Is it reasonable to require students, wherever possible, to enrol in a similar course to the default course before refund entitlements become payable?*

Yes

13b: *Are there circumstances in which it is not reasonable to expect students to enrol in a similar course (e.g. where there are no available places in similar courses) in order to have access to their refund entitlements?*

Possibly, some students choose a provider on factors apart from the specific course (e.g., nationality mix) and another provider may not be able to provide that.

13c: *What role or responsibility should students have in ensuring that they are appropriately placed or refunded?*

Students should be expected and required to provide a prompt response to communication and requests for information.

13d: *If a student fails to make any contact with the TPS within a defined timeframe, should they be deemed to have relinquished any claims?*

Potentially; it cannot be an opened ended liability for the TPS if it has made reasonable attempts to contact the student.

13e: *What level of evidence would be necessary to assess the proportion of the pre-paid course not yet delivered?*

Question 14: Student consumer protection

14a: When and how should students be provided with general information about their ESOS consumer protection rights and responsibilities?

Generally students should be provided this information prior to enrolment, possibly at the beginning of their studies and in the event of a possible claim (i.e., a college closure).

14b: What mechanisms would be most appropriate for disseminating such information?

Please provide any additional general comments

In the current ESOS environment, there is an argument that good providers are being penalised because of the poor performance of competitors. This seems to be reasonably unique in the Australian business context and does not apply in other industries.

In the international education industry unscrupulous providers can walk away from a business and good providers are required to pick up the pieces. Solvent, successful and compliant providers (primarily in the private sector) are currently required to act as free insurance for 'dodgy' providers. In the current industry downturn, this is especially onerous where the possible burden of picking up un-funded students from closed providers could push a good provider over the edge.

That is, in the current tuition assurance mechanisms, good providers contribute year after year to underpin the international education sector through TAS membership and ESOS Assurance Fund payments, thus bearing the responsibility compared with the providers who close. Ultimately the better providers support TASs and the ESOS Assurance Fund when, in reality, they'll never need it. This anomaly needs to be effectively addressed through the proposed TPS.

Chapter 3 – Improving the National Code

Key Issues

Question 15: Provider marketing material

15a: How can the requirement for providers' marketing material be strengthened to give students a clearer understanding of their study options?

The National Code already specifies the information requirements for marketing materials.

15b: *What additional information related to living in Australia should providers be required to make readily available to prospective international students, for example, on accommodation?*

As above, this information is already required as part of the national Code. It might be that an authoritative government agency would be better placed to provide this information, rather than every separate supplier.

Question 16: English language requirements

16a: *How can ESOS support a consistent approach to English language requirements appropriate for different qualifications?*

An accrediting body with professional ELT expertise, e.g. NEAS, would be appropriate to assess these.

16b: *What additional support would be appropriate for a student enrolled in a course with less than the recommended English language levels? How should this be regulated?*

As a general principle, providers should be able to enrol students in a course without the recommended language levels. In addition, secondary and tertiary sector providers should be required to provide appropriate ongoing English language and study skills support for international students during their course of study.

Question 17: Written agreements

17a: *What detail should be included as standard clauses in a provider/student written agreement with respect to the course, costs and refunds? What degree of flexibility is still appropriate?*

The Federal Government provides model clauses for certain areas of industrial agreements and perhaps it would be appropriate for the development of model clauses for use in student agreements. The onus might then be on the provider, as part of the normal registration and accreditation process, to justify a variance from the standard clauses.

Whilst there may be very few situations where variations would be reasonable, this would at least provide flexibility for providers under extenuating circumstances.

17b: *Are there other things that should be included in the written agreement, for example, conditions on student transfer?*

17c: *How might the written agreement be strengthened to ensure students are clear about their rights and obligations with respect to ESOS and visa conditions, for example, attendance, transfers, and keeping contact details up to date?*

If model clauses were provided, it would then be cost effective for translation of these model clauses into major international languages. Whilst there is no suggestion that the burden of every agreement being translated into the student's original language, there could be some argument for key model clauses to be provided in other languages.

Question 18: Younger students

18a: *Should existing requirements be clarified and strengthened to meet the welfare needs of underage students and, if so, in what way?*

The existing provisions are sufficient. Appropriate regulatory oversight is the key to ensuring that these requirements are being met by providers on an ongoing basis.

18b: *Should there be any requirements on providers for involving parents and legal guardians in these arrangements?*

18c: *How can provider obligations for the welfare of younger students be better enforced in the event of provider closure?*

Question 19: Student support

19a: *How can existing requirements be strengthened to ensure that students have ongoing access to the information recommended in the Baird Review?*

Authoritative government websites would ensure a 'single source of truth' for this type of information.

19b: *What detail should be included in student safety plans? What requirements for community consultation, including with police, in the development of student safety plans should there be?*

Government should fund 'best practice' guides that include significant assistance with providers implementing these for the first time.

19c: What should the scope of these plans in terms of on campus and off campus student safety?

19d: How should student safety plans for overseas students differ and/or be integrated into student safety plans in place for domestic students?

Question 20: Transfer requirements

20: What are the practical implications of and key considerations for the proposed changes to the existing transfer requirements?

Question 21: Flexibility in course delivery

21a: How much flexibility is appropriate for face-to-face, online and distance learning, while ensuring that educational quality and student visa integrity are supported? How should these requirements be regulated?

With the almost universal adoption of ICT learners demand a learning environment that enables them to move seamlessly across delivery modes. The appropriate mix of face-to-face, online and distance should be 'fit for purpose' and be addressed within the course accreditation process.

21b: Should providers be prohibited from delivering courses in long blocks which are clearly intended to facilitate part-time employment of students?

Question 22: Monitoring attendance

22a: What aspects, if any, of the requirements on monitoring attendance could be simplified?

The National Code introduced in 2007 introduced significant problems with operating this Standard, especially in the ELICOS Sector. The minimum attendance requirement was dropped from 80% to 70% but was allowed to be 'set' by the provider. Consequently, when we report a student for less than 80% attendance (as per our policies) the student can ultimately go to DIAC and they are likely to get a reprieve on the basis that they are not below 70%.

DIAC have effectively pushed the workload back on to providers without making things more efficient or streamlined. The workload for providers is high and too many students believe (wrongly) that they will never be reported and that somehow they will get a reprieve, no matter how many times they are told about the attendance requirement.

Further, the 20 day internal appeal cycle can mean that a student, nearly at the end of their ELICOS course, can effectively make their attendance drop below the 70% level but know that they will have 20 days (4 weeks) for an appeal process. Ultimately the student can leave their studies and not be reported.

The current policy should be re-instated to 80% and regulators streamline the reporting and monitoring processes for providers.

22b: What level of flexibility is appropriate for monitoring attendance and course progress across sectors?

If the 80% level was re-instated, no flexibility should be allowed in assessing attendance against this.

Regarding course progress, in some programs within the ELICOS sector attendance and weeks delivered are ultimately a proxy for course progress (in cases where students are not seeking to articulate into other pathway programs). Registering authorities need to adopt more flexibility to allow for these programs and not force a 'one size fits all' mentality when assessing provider policies in this area.

Please provide any additional general comments (maximum 1800 words in total per submission).

Navitas endorses Recommendations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, and some aspects of 12, of the Baird Review.

In September 2009 Navitas provided a submission to the Senate Education, Employment and Workplace Relations Committee's Inquiry into the Welfare of International Students. In October 2009 Navitas provided a submission to the ESOS Review ("the Baird Review".)

Navitas respectfully refers the Government in their consideration of submissions to Reforming ESOS Consultations to these submissions as there are a number of matters directly relevant to the Consultations contained within Navitas' earlier submissions.