

## Navitas submission on Proposed revisions to the English Language Intensive Courses for Overseas Students (ELICOS) Standards

August 2017

The ELICOS Standards are being reviewed as part of the overall reform of the Education Services for Overseas Students framework. A copy of the proposed revisions is available at [Proposed revisions to the English Language Intensive Courses for Overseas Students \(ELICOS\) Standards](#)

### Consultation Questions and Navitas Responses:

#### 1) Implementation of the ELICOS standards

There will be a staged approach to implementation of the revised ELICOS Standards. The revised ELICOS Standards will be applied to new market entrants from 1 January 2018, and to existing providers from 1 July 2018, to allow providers time to make required changes to staffing, curriculum and delivery.

##### Implementation Response:

Navitas, as a member of English Australia, fully endorses its position on the timing of the implementation of these proposed changes. English Australia has stated:

*In the context of the recommendations for amendments included within this submission, English Australia strongly supports the implementation of the new National ELICOS Standards from 1 January 2018. In doing so, English Australia notes that the changes made within the draft, and the recommendations made within English Australia's submission to this draft, were developed to ensure improvements to the protections for consumers and to ensure long-term quality and the sector's reputation for excellence. This includes addressing issues well known to the sector for considerable time, but exploited by a small number of providers.*

*The intention to address these issues has been very clearly raised as part of this consultation process. Therefore, allowance of an extensive adjustment period for continuing providers would seem to only support the small number of current providers who would not comply with these improved protections for consumers and quality standards.*

*English Australia holds that an implementation date of 1 January for all providers offers more than sufficient time to make any necessary business process changes to ensure compliance with the new standards.*

#### 2) Introduction

Clarifies that the definition of ELICOS Standards applies to all courses provided to overseas students that are solely or predominantly of English language instruction.

##### Introduction Response:

Navitas endorses the proposed revision to the definition of a course in the English Language Intensive Courses for Overseas Students (ELICOS) Standards. The revision makes it clear that the ELICOS Standards apply to all courses provided to overseas students that are solely or predominantly of English language instruction – even those registered in other sectors.

Navitas supports the broadening of the definition of ELICOS in the Standards to uphold the quality and integrity of the sector. It will ensure all providers of intensive English language courses to overseas students are bound by the requirements within the Standards.

Navitas would also note the importance role of regulatory bodies in monitoring the application of the revised definition, particularly in regard to those courses in the vocational education and training sector that are currently beyond the scope of the Standards.

Finally, Navitas would also highlight the need for regulators to be actively monitoring provider behaviour in any period prior to implementation of the proposed changes.

#### 3) Standard C1 – Mandatory requirements for course applications

Clarifies the requirements for course applications, that information must be 'fit for purpose' and clarifies the strategy for assessing achievement of learner outcomes, samples of certification of completion and partial completion, and course syllabus.

Course applications must also demonstrate that the course will include 20 hours of face-to-face tuition per week.

Standard C1 Response:

Navitas endorses the proposed changes.

**4) Standard P1 – Scheduled course contact hours**

Includes a direct reference to an ELICOS course being 20 hours of face-to-face tuition per week.

Standard P1 Response:

Navitas endorses the proposed changes.

**5) Standard P2 – Needs of younger ELICOS students**

Includes minimum requirements regarding the needs of students aged under 18 years, and that providers would need to structure courses for students of different levels of age, maturity and English language proficiency.

Standard P2 Response:

Navitas endorses the proposed changes.

**6) Standard P3 – Teaching ELICOS**

The requirement for records of teaching delivery to ensure efficient administration has been replaced with the requirement for retention and accessibility of records.

Standard P3 Response:

*P3.1 - Teacher to student ratios:*

As far back as October 2014 Navitas has advocated for a degree of flexibility relating to teacher to student ratios (see our submission on the [Reforms to the ESOS Framework](#)).

We would urge consideration be given to the inclusion of a phrase similar to 'class sizes are appropriate to the learning outcomes of the course'. For example, there are occasions in an English for Academic Purposes course when it would be appropriate to simulate a Q&A or note taking session within a university lecture, a debate or a student presentation to a group of 20-40 other students. All of which do not meet the current ratio requirement.

Navitas would also seek to have the teacher to student ratio for learning groups increased slightly to 1:20 to allow for greater flexibility where from a learning outcome and student experience perspective it would be preferable to have a class of 20 as opposed to splitting the group.

*P3.3 (a) – Records of teaching and delivery ensure: Retention and accessibility of records:*

Navitas endorses the proposed changes.

**7) Standard P4 – Assessment of ELICOS students**

Includes requirement that assessment be valid, reliable, fair, flexible and clearly referenced to criteria; that there be appropriate oversight or moderation; that assessment outcomes in English for Academic Purposes courses are to be benchmarked against external reference points commonly used in admission criteria for tertiary courses.

The requirement for records of assessment to ensure efficient administration has been replaced with the requirement for retention and accessibility of records.

Standard P4 Response:

Navitas, as a member of English Australia, fully endorses its position on proposed changes to this Standard. English Australia has stated:

*The addition to Standard P4 of Standard P4.1.C.ii 'in the case of English for Academic Purposes courses, assessment outcomes should be benchmarked against external reference points commonly used in admission criteria for tertiary courses' has raised significant concerns amongst members of English Australia, particularly those members*

who are attached to universities. English Australia does not support the addition of this requirement in its current form for the following reasons:

**Regulation proportionate to risk:** There has been no evidence provided that the academic performance of students admitted through English for Academic Purposes courses (direct entry courses) justifying an increase in regulation. The view of the sector is that these courses are better preparing students for academic study than just undertaking an externally administered assessment. The implementation of this new requirement has the potential to significantly increase resource allocation and costs for ELICOS providers. Hence, before it is imposed evidence must exist that current practices by ELICOS providers are leading to negative impacts for students and their later learning experiences. Without such evidence, the introduction of this requirement appears to be adding administrative burden, layers of regulation, and operational complexity without any justification. Similarly, without such evidence, there is no reason to expect nor any way to quantify any subsequent improvement for students or other sector stakeholders.

To date, English Australia has not been made aware of any such evidence. Hence, as government has emphasised that reducing regulatory burden and 'red tape' is a key driver in its current review of the regulatory framework, this addition appears to directly conflict with stated government policy.

**Regulation focused on exit or admission:** The new clause (4.1 C.ii) would only appear relevant to address a concern that students exiting English for Academic Purposes courses and entering HE or VET courses are doing so without sufficient English language proficiency for their subsequent course. In addition to there being no evidence to support this argument, English Australia is of the view that adding this regulatory requirement involves the provider of the English course carrying the weight of the regulatory burden in the place of the provider of the accepting VET or HE course. English Australia holds that it should instead be the provider of the primary course at VET or HE level carrying the regulatory burden of demonstrating the consistency and appropriateness of their admission decisions.

English Australia also notes that the realities of market forces make this a far more sensible and efficacious approach for the following reasons:

- Firstly, providers of VET and HE courses will incur significant operational cost increases and reputational damage should they accept students who do not have sufficient English proficiency to complete the course they have been accepted into within the stated period of time. Hence, while they may gain a short-term benefit from additional student fee revenue, this would be far outweighed by the costs making it clearly within their material interest to avoid this. Hence, the imposition of government regulation where market forces are sufficient seems counter to this government's stated policy.
- Secondly, it is ELICOS providers who are reliant on VET and HE providers in granting direct entry pathways, not the reverse. ELICOS providers are not able to compel HE or VET providers to grant entry to underqualified students. Again, the imposition of government regulation where market forces are sufficient seems counter to this government's stated policy.
- Finally, it is noted that direct entry via ELICOS providers located in Australia and operating under the National ELICOS Standards is one of many entry points for an international student into a VET or HE course. As many of the other entry points will not involve adherence to the National ELICOS Standards, it is clearly more efficacious to capture all students by regulating how students are admitted into those courses rather than how they exit from one of the many pathways.

**Moderating/ benchmarking appropriate reference points:** The phrase 'external reference points commonly used in admission criteria for tertiary courses' has been strongly objected to by a large number of English Australia members, in particular those members which are university-based ELICOS centres. As these 'admission criteria' generally only reference a specific score in a standardised proficiency test, such as IELTS,

TOEFL or PTE, this means the requirement is benchmarking Direct Entry courses against IELTS or some other proficiency test. Indeed, during the webinar on Monday 7th of August, this position was directly stated by DET.

English Australia strongly objects to this because the purpose and value of Direct Entry courses is that they equip students with a range of highly valuable skills and knowledge for their further study – skills and knowledge not addressed in any way in standardised English proficiency tests, such as IELTS. This includes knowledge of issues such as academic plagiarism, a key concern for international students and HE providers. It also includes skills such as academic research and participating in tutorials. Reducing the measurement of the efficacy of these Direct Entry courses to how they meet the far more limited proficiency indicators of a standardised test, such as IELTS, is counter intuitive when the stated aim is to ensure students are appropriately equipped for further study at VET or HE level.

Further to the above, this addition to the standards is not aligned with the realities of the ELICOS sector. The below points both illustrate this and suggest crucial adjustments to the addition should it be maintained. Using the term 'English for Academic Purposes' as the defining feature here fails to recognise that many courses that this clause is aiming to address use names other than English for Academic Purposes. It also fails to recognise that in some cases courses called English for Academic Purposes do not actually lead to a direct entry. A more generic and at the same time more accurate phrasing would be recommended here, for example, "Direct Entry Programs", which could be noted as 'courses for which predefined assessment outcomes are considered sufficient to enter VET or HE courses'.

As such, 'if' the Department and our regulatory bodies are able to provide a body of evidence that justifies this additional regulatory burden proportionate to the risk, English Australia proposes the revised statement: 'In the case of Direct Entry courses, assessment outcomes should be moderated via an appropriate external framework'.

## **8) Standard P5 – ELICOS educational resources**

No proposed changes to this standard.

## **9) Standard P6 – ELICOS specialist staff**

No proposed changes to this standard.

## **10) Standard P7 – ELICOS premises**

Specifies that rooms and equipment should be fit for purpose and proportionate or appropriate to the number of students and course syllabus.

### Standard P7 Response:

P7.3 (d) *Private study areas or areas for related activities, such as library, resource centre and language laboratory*: Navitas proposes that 'language laboratory' be removed from this description, as it is no longer used across the sector.

## **11) Standard P8 – Business management**

The term 'designated authority' has been updated to reflect the new role of the 'ESOS agency' and/or designated state/territory authority.

### Standard P8 Response:

Nil

## **12) Glossary**

Outdated provisions have been revised or removed where appropriate.

### Glossary Response:

Nil.

### **13) Other comments**

Please provide any other comments on the revised ELICOS Standards in the space below.

*Other Response*

Nil.

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