



Charles Sturt
University

Consultation on 'Support for students policy' requirements

15 September 2023

Office of the Vice-Chancellor
Charles Sturt University

Charles Sturt University - TEQSA Provider Identification: PRV12018 (Australian University). CRICOS Provider: 00005F.



15 September 2023

Ben Rimmer
Deputy Secretary, Higher Education, Research and International
Department of Education
GPO Box 9880
Canberra ACT 2601

Dear Mr Rimmer

Consultation Paper on 'Support for students policy' requirements

Thank you for this opportunity to comment on the proposals to introduce new requirements for university policies on support for students. Charles Sturt University supports the intent of this reform. The University is committed to ensuring the success of our students, especially those from rural, regional and remote areas and others who have historically missed out on the opportunity of higher education. We have a range of policies and procedures in place to identify students at risk of withdrawing or otherwise failing to complete their studies and offer them the help they need to succeed.

In our submission in response to the interim report from the Australian Universities Accord Panel we argued that it will be important to bolster support for students if the higher education system is to achieve the Accord's goals of increasing participation and attainment in higher education across the board, and particularly for First Nations students and those from rural, regional and remote areas and low SES or disadvantaged backgrounds.

It is our view, however, that the Government's proposal to amend the *Higher Education Support Act 2023* (HESA) to include detailed requirements for a support for students policy goes well beyond what is recommended in the interim report, and beyond what seems to be required given current legislative and regulatory arrangements. Moreover, we have concerns about the way this proposed reform is being developed and the suggested timetable for its implementation.

The way universities provide support for students should be governed by the Higher Education Standards Framework (HESF) rather than HESA. This may require amendment of the Framework to ensure that the Government's intentions are appropriately addressed. We would be supportive of this approach, and it would be more appropriate for universities to respond to advice or recommendations from the Higher Education Standards Panel – work which Minister Clare has asked the Panel to undertake – rather than provide comment on a consultation paper issued after fairly detailed requirements have been spelled out in legislation.

The Government's proposed approach is likely to create multiple, overlapping and potentially divergent regulatory arrangements with additional costs and reporting requirements. Australia's higher education sector currently spends around \$500 million per year on meeting compliance-based reporting requirements. Adding to this burden without robust consultation could mean diverting resources from essential activities like teaching, learning and student support. There is also potential for the proposed policy requirements to undermine universities' ability to manage the delivery of services like support for students in a way that best serves the needs of those students and the mission of the university.

Finally, the expectation that universities will have new policies and operational frameworks for support for students in place before the start of the 2024 academic year is unrealistic, especially given that the sector is expecting other legislative and regulatory reforms to follow from the Accord – including,



Charles Sturt
University

possibly, new funding arrangements for support students in line with recommendations from Charles Sturt University and others. Whether the new arrangements form part of HESA or the HESF, it would be more feasible to allow for development of institutional arrangements during 2024 and alongside other reforms flowing from the Accord, with monitoring of and reporting on the new arrangements from 2025.

Notwithstanding these concerns and suggestions, the University provides the attached response to the consultation paper to how best ensure that expanded participation and attainment in higher education includes appropriate support for all students. We would be happy to provide more information to the Department on any of the issues raised in this submission.

Yours sincerely

A handwritten signature in black ink that reads "Renée Leon".

Professor Renée Leon PSM
Vice-Chancellor and President



Consultation Paper on 'Support for students policy' requirements

General comments

Charles Sturt University welcomes the Government's prompt response to the priority actions proposed by the Australian Universities Accord Panel in their interim report. We were particularly pleased to see the Panel include the University's Embedded Tutors Program as a case study in the report's section on 'Excellence in learning, teaching and student experience'. The program, funded through the Higher Education Participation and Partnerships Program (HEPPP), has been proven to be a successful way to provide academic support to some of the University's diverse student population – a population that includes First Nations, first-in-family, low SES and disadvantaged students in numbers and proportions well above the average for the Australian higher education sector. For example, in 2022 First Nations students made up more than three per cent of enrolments at Charles Sturt University, compared to an average of about two per cent in other universities and around the same for the sector as a whole.

In its discussion of support for students, the interim report outlines several issues the Panel will consider further (page 69) and, under Priority Action 4, recommends that any funding provided by the extension of the Higher Education Continuity Guarantee (HECG) surplus to what is required for teaching and learning and related costs should be prioritised toward support for equity students.

Charles Sturt University supports the recommendation to extend the HECG and agrees that additional investment in support for students is necessary, both in the short term and to meet the Accord's goals of expanded participation and attainment, a point we made in our response to the interim report. However, the approach suggested in the interim report may not be sufficient, since universities at or over cap may not be able to provide additional funding for student support services, leaving their existing and incoming student cohorts underserved.

The University is also concerned that the Government's response to this recommendation – amending HESA to include detailed requirements for a support for students policy – goes well beyond what is countenanced in the interim report, and beyond what seems to be required given current legislative and regulatory arrangements.

Moreover, Charles Sturt University is concerned that the legislation to amend HESA was introduced before consultation with universities, and in advance of any advice from the Higher Education Standards Panel. Many of the perverse outcomes of the Job-Ready Graduates reforms could have been avoided if there had been greater consultation with the sector before implementation, and it is important not to repeat these mistakes.

The provisions in the bill also take little account of what universities are already doing to provide support for students. In a speech to the House of Representatives on Wednesday 6 September 2023 Minister Clare noted that evidence to the Senate committee looking into the bill had confirmed that "many universities already have these kinds of policies in place." Certainly this is the case at Charles Sturt University and we are confident our current policies on support for students, and the associated operational frameworks, are suitable for the needs of our students and working well.

The Government's proposal, however, does not take any of this into account: instead it specifies a particular approach that universities must take, rather than recognising that there may be a range of effective ways to successfully and appropriately support student progress. In addition to necessitating major changes to the University's policies on student progress the specified route would be an expensive undertaking, well beyond



the scope of current resources. Meeting the requirements set out in the bill before Parliament and outline in the consultation paper will require additional targeted investment before many universities can hope to provide support for students at the scale envisaged, and until they reach that point we face the risk of financial penalties and reputational damage.

Charles Sturt University suggests that before embarking on any reforms to support for students the Department could undertake a review of relevant university policies and their effectiveness, ideally as part of the Minister's request to the HESP to review the application of the Threshold Standards as they apply to student support, along with consideration of whether the 2018 recommendations have been effectively implemented and/or demonstrate success. Such a review would help develop a best practice model which could be included in the HESF. On the other hand, a rushed and somewhat punitive legislative change effected without identifying whether there are problems with current practices will lead to an increase in administrative costs across the sector, potentially diverting substantial funding from support for students to compliance with detailed data collection and reporting requirements.

Another concern with the Government's proposed approach is that in its current form HESA does not require universities to have a named policy on any issue; only that, on some matters, they should have an appropriate policy in place and act in accordance with it. This is consistent with universities developing their own internal policies suitable to the institution's mission and goals and the needs of its students, staff and other stakeholders. In contrast to HESA the HESF already includes indications of the kind of internal policies providers are expected to have, albeit without any detail about their content or how they are applied – far less than is included in the proposed amendments to HESA. Charles Sturt University suggests that it would be more appropriate, and more in keeping with current regulatory arrangements, to include guidance on a support for students policy in Part 1 of the HESF, and only after consultations informed by advice from the Higher Education Standards Panel. Charles Sturt University understands this is a common view across the higher education sector.

If the Government nonetheless proceeds with its plans to embed requirements for a support for students policy in legislation, this too should be done only after full consultation with the sector informed by a better understanding of what arrangements universities currently have in place. Ideally any consultation on legislative arrangements would include an exposure draft of the associated Guidelines. The relatively detailed requirements set out in the *Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023* suggest that draft guidelines may already exist.

Charles Sturt University also suggests that imposing new requirements on support for students, including extra data collection and detailed reporting, may lead some universities to avoid making offers to students, cohorts or equity groups likely to need more support, and therefore likely to represent a higher cost to the university, leading providers to focus instead on 'easy wins' to achieve equity targets. However the Government implements its plans for support for students the guidelines and data and reporting requirements will need to be designed to prevent such an outcome.

Finally, the discussion to date around universities' support for students does not appear to have taken into account students' responsibility for their own success in higher education. Universities already provide a range of advice and support for students, passively and actively. Diligent teaching staff will recommend those services to students who may be, or may appear to be, struggling with their studies or other issues. University staff cannot however force students to utilise any of those services. The approach proposed in the *Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023* and the consultation paper is potentially intrusive of students' autonomy in that it would require universities to approach and offer support to students who may be unwilling to accept them, or feel they have been targeted by the university, or are being tacitly encouraged to withdraw. There are similar risks with the detailed reporting proposed, especially given the expectation that there will be "a specific requirement for

appropriate crisis and critical harm response arrangements.” Without appropriate protections in place, detailed reporting might allow for the identification of individual students.

Many of the challenges around providing appropriate support for students can be mitigated by boosting students’ capabilities (and aspirations) well before they get to university. As noted in the University’s response to the Accord interim report, the latest NAPLAN results have highlighted significant concerns about literacy and numeracy, and broader skills essential for student progress at any level of education. In NSW there is the additional challenge of gaps in access and outcomes between rural and remote students and metropolitan students that have persisted over time and in spite of attempts by the NSW Government to redress this imbalance (see the recent NSW Auditor-General’s report, ‘Regional, rural and remote education’). One of the best and most cost-effective ways to achieve the goals of the Accord would be to ensure that more students have the knowledge and skills required to succeed at university, and the aspiration to do so.

Response to consultation questions

1. Are there features of the [National Code of Practice for Providers of Education and Training to Overseas Students 2018] that could also be applied to domestic student support and included in the [Higher Education Provider] Guidelines?

The relevant provisions are already included in HESA, the HESF, and the associated Guidelines.

2. How do we ensure that the Code and the new arrangements work together effectively?

Many of the requirements set out in the National Code relate to marketing, recruitment, and offers to overseas students, as well as visa issues, and so are not relevant to domestic students, or are already covered by existing regulations, guidelines and the HESF.

The University expects that the requirements under Standard 6 (Overseas student support services) would be considered by the Higher Education Standards Panel in developing its advice to the Minister and/or the Department.

3. What other detail should be included in the Guidelines and why?

Any guidelines relating to support for students should:

- (a) be incorporated into existing Guidelines,
- (b) avoid duplicating or contradicting any current legislation, guidelines, and/or regulatory/compliance frameworks,
- (c) clarify how government and universities will fund compliance (i.e. separate allocation or as part of CSG and other streams),
- (d) include information on how the responsible agency will assess compliance, noting there is a high potential for subjective assessment in relation to considerations like ‘personal choice’,
- (e) outline proportional and cost-effective reporting requirements, and
- (f) address risks associated with the collection, recording, retention and reporting of personal information, for example on the reasons why a student may have asked for or declined support.

4. Are the proposed individual student and institutional level requirements practical, and implementable? If not, how could they be improved?

No.

The discussion paper is internally contradictory in places.



It implies that the guidelines and requirements may change in response to the outcomes of the Accord and other reviews, making it difficult for universities to plan ahead or know that they are complying with requirements.

Many of the suggested metrics seem to be better aligned to government reporting on policy objectives than universities reporting on their own goals and targets.

The requirement for universities' support for students policies to be updated annually does not allow enough time for evaluation and does not take into account universities' cycles and processes for review and update of policies. Established procedures for amending university policies depend on internal stakeholders such as the Academic Senate and Council, with a fixed schedule of meetings, and on being able to meet the requirements of the HESF and the expectations of TEQSA for robust internal governance over policies affecting students.

In particular, the expectation that universities will have new policies and operational frameworks for support for students in place before the start of the 2024 academic year is unrealistic, not least because the Accord is likely to result in other significant changes to the policy and funding arrangements for universities, some of which will have a direct bearing on universities' ability to provide support for students. It would be more feasible to allow for development of institutional arrangements during 2024, alongside other Accord reforms, with monitoring of and reporting on the new framework from 2025.

5. Are there examples of best practice, reports and reviews that focus on supporting students to complete their studies, that could be drawn on for the Guidelines?

Examples of best practice should be included in the HESF. One way to achieve the desired objectives would be to amend the Framework to include a domain on support for students. This would require more careful consultation with the higher education sector than has been the case so far on this issue.

6. What other reporting requirements need to be included to demonstrate compliance with the Support for students policy requirements?

Reporting on compliance with a 'Support for students' policy should not be conflated with reporting on outcomes e.g. retention and progress.

Good definitions and a non-exhaustive set of examples of breaches would be useful, as would guidance on what data is required, what it is needed for, where it will be stored, how it can be accessed, and whether and when it will be reported, and in what for,

Reporting should be no more than annual and disaggregated as far as practical, noting that there is a risk that detailed reporting of the use of some kinds of support services could allow for the identification of individuals.

7. Is there other information that should be reported, or that could be re-purposed, that would demonstrate compliance, and assist in monitoring and evaluating the outcomes of these Guidelines?

As we have yet to see any guidelines for the new policy we cannot respond to the question as worded. In general however, we think it is more important to report on outcomes than on processes.

8. What needs to be taken into account in the Department's approach to non-compliance?

The Department should not be responsible for monitoring compliance with any new requirements. That is the role of TEQSA.



Monitoring must take into account that universities have differing governance arrangements and need to have the freedom to determine the measures that work for their students to achieve success.

Monitoring should be underpinned by a risk assessment framework that in part may identify providers at risk of being non-compliant, and reporting requirements that reflect the degree of risk involved.

When the responsible agency believes a university may be in breach of any requirements relating to support for students there must be a confidential, multi-step process underpinning any final determination.

9. What practical considerations need to be taken into account in implementing the Guidelines?

Costs. A realistic time frame for implementation.

The relationship between this measure and other outcomes from the Accord, especially as more changes to legislative, regulatory and reporting arrangements (including the HESF) seem likely.

The impact of any changes to the Australian Qualifications Framework following the recent review (and the Accord).