Submission to:

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

ISANA: International Education Association

ISANA: International Education Association is the representative body for professional who work in student support services, advocacy, teaching and policy development in international education.

ISANA's area of interest is in the support and welfare of international students outside the classroom and in the broader community - to both enhance our students' experience whilst studying in Australia and to promote the social and cultural benefits that international students bring to the Australian community.

Since it is expected that education quality assurance frameworks should "meet the reasonable expectations of students to receive the study experience they are paying for"(p. 7, Reforming ESOS) – ISANA believes that this includes student support frameworks and this submission focuses on these areas. We welcome the opportunity to comment on these issues.

21 January 2011

Chapter 1: Risk assessment and management

Refers to questions: 3a, 8, 9

ISANA strongly supports the need for stringent registration and ongoing monitoring of providers. We fully endorse the concern expressed that some providers do not have a demonstrated capacity to provide a high level of ongoing support to ensure that international students have the quality experience they expect.

All international students, regardless of the institution they are enrolled in, are entitled to receive a high level of support during their stay. Our experience has been that this support can vary depending on the institution's capacity, context and commitment. For example, sometimes it is not feasible for a small institution to offer the range of services, programs and facilities that a larger institution can offer. This kind of inequity needs a systematic solution that recognises acceptable differences between sizes and settings of education providers while aiming towards a common minimum standard. This would require a framework of minimum standards along with ways of implementing, assessing and monitoring these standards.

The 'international student hubs' suggested by the Baird Review, could form an instrumental part of such arrangements, and ISANA would support these hubs having a strong presence among both students and education providers in their territories. These hubs could offer information, advice, programs and services. They would not only be physical in nature but also provide a range of strategies to reach out to international students to enhance the quality of their overall experience.

However, hubs will not be effective for education providers who are, for example, remotely located; so other ways to implement, assess and monitor these standards must also serve all providers.

This would also complement the Community Engagement Strategy recently announced and highlighted in Chapter 2 of the International Students Strategy for Australia (ISSA).

A sustainable funding model for such an organisation needs to be further explored.

Recommendation 1:
  - *That international student hubs be established and funded to provide a range of services and programs to enhance the experience offered to international students at institutions who have gaps in their student support framework.*

Chapter 2 – Tuition Protection Service

Refers to questions 10a, 11c, 14a, 14b

One would expect that with more stringent risk assessment and management strategies, the likelihood of provider closures will be minimal. College closures can lead to a great deal of stress and anxiety on those students affected and this is only compounded when there are lengthy delays in resolving their situation.

Although ISANA has not received direct feedback from staff involved in dealing with students affected by college closures, we do have extensive experience dealing with international students who experience stress and anxiety and require support in resolving complex issues. In situations like this and as per question 10a, early intervention is the key premise under which we operate and we feel it is critical to intervene as soon as it becomes apparent that a provider declares itself unable to deliver courses to its students.

We note in the ISSSA that state-based provider closure taskforces have been established to manage support for all international students affected by college closures. We recommend that not only should these taskforces identify a first point of contact for affected students, but also appoint a dedicated case manager to all affected students. Each case will be different and the case manager will be able to work with the student and other parties to take into account the various options available to resolve the issue in a timely manner.

ISANA recognises that student placement and refund assessment relies heavily on accurate student contact details, academic records and financial records. However, ISANA also recognises that education providers have immense difficulty maintaining current student contact details and is therefore reluctant to recommend legislative changes to mandate that all institutions record contact details in PRISMS, as per question 11c.

In relation to this issue, ISANA recommends that education providers identified as high-risk providers in the recent re-registration process be required to provide regular student contact information and academic transcripts to the appropriate regulatory authority. This is a safeguard measure to ensure immediate access to these records in case of provider closure. One of the key issues that encompasses many of the questions posed in the 'Reforming ESOS' document is that many of the difficulties experienced by our international students present themselves in situations where we have failed to communicate with them effectively. The international education sector has a fragmented approach to communicating with students; the

information is inconsistent and doesn't reinforce the same messages. Whilst ISANA commends the establishment of the Study in Australia portal, we believe that how, when and from whom prospective and current students like to receive their information needs to be further researched and understood or the international education sector will continue to experience the same problems highlighted in this document. There is a plethora of information on government and institution websites, handbooks, brochures and in a range of other formats provided by a variety of different stakeholders – however, much of this information is unavailable through the students' preferred communication channels.

With the introduction of the T*hink Before* campaign in 2010, it was recognised by ISANA, Australian Network and the Victorian Police that traditional forms of communication have had limited success, in this instance on international student safety awareness. In response to the questions posed in 14a and 14b, we believe that the traditional forms of communication in relation to students' ESOS consumer protection rights and responsibilities have also had limited success and encourage more research on the use of digital technologies to convey these important student messages.

Important research projects such as "Educating the Net Generation Implications for learning and teaching in Australian Universities" (http://www.netgen.unimelb.edu.au/overview/index.html) are contributing to useful strategies for successful communication with students in a contemporary university setting.

Recommendation 2:
- *That all international students affected by college closures be appointed a dedicated case manager, through the provider closure taskforces, to resolve their case in an individual and timely manner.*

Recommendation 3:
- *Those high-risk education providers be required to provide regular student contact information and academic transcripts to the appropriate regulatory authority.*

Recommendation 4:
- *That the use of digital technologies be explored as an appropriate, relevant method of communication by government, institutions and regulatory authorities to convey important information*

Chapter 3 – Improving the National Code

ISANA agrees that the National Code standards should be readily understood without the need for extensive supporting documentation, as currently provided in the Explanatory Guides. Elements of the National Code are vague and open to interpretation and there has been confusion in the international education sector, since its inception in 2007, as to the legitimacy of the explanatory notes to both guide institution compliance practice and provide accurate advice to students. ISANA supports the development of a set of enforceable standards to ensure that institutions offer a high, consistent level of support to our international students.

Question 15 Provider marketing material (Standard 1)

Although this issue has long been identified and significant improvements have been made; this still appears to be an issue of concern. This would suggest that the strategies that have been adopted have not been effective. Students are not being given the information that they need and once again does this comes back to the communication strategies adopted have not been effective. It may also be that we are not giving students the information they need to make an informed decision and this should be explored further.

The most common recruitment channels for international students are either through education agents or the institution directly. Education agents are paid a commission for the students that they recruit and institutions are under pressure to maximise the number of international student enrolments.

How impartial is the information students receive from these sources? Would an education agent advise prospective students to go to another agent because they do not represent the institution that offers the course that might best suit the student? Would an institution recommend to a student that they go to another provider because they do not offer their preferred study option? There would be instances where students would be receiving impartial advice, but there would be many occasions that this would not occur because of the financial incentives in place to recruit new students.

Question 16 English language requirements (Standard 2)

English language proficiency is crucial and can often be a barrier to engagement. Of particular interest to ISANA is the need to for students to be able to access English language support within their institution. We also feel it is essential to offer programs and activities that take students out of their cultural groups where they often speak their native language and to facilitate opportunities to engage with people who

do not speak their native language. Students are then put in a position where they must to speak English. It is through practising the use of English in a practical sense that will improve English language proficiency. At present, there is no requirement to provide adjunct English language services, though in many instances students would benefit significantly from these services, despite having met the English proficiency entry criteria.

Question 17 Written agreements (Standard 3)

We are uncertain as to how useful the written agreements are, and whether expanding them will serve any purpose other than to protect the provider. There are often extenuating circumstances that a student would need to be able to apply for a refund; especially when expectations have not been managed in the first instance. On many occasions the student is unlikely to read the written agreements and this links back to question 15 and the need to effectively communicate and advise students before they make final decision on where they would like to study.

Question 18   Younger students (Standard 5)

ISANA agrees that student welfare for younger students is a cause of concern and confusion, particularly in terms of where the ultimate responsibility and duty-of-care lies for these students. This confusion has been compounded by the role of "guardian" - later changed to other names such as "carer" to avoid confusion with the role of legal guardians - which was introduced by the industry, but is currently not referred to in either the ESOS Act or the National Code.

In relation to question 18 (a), Standard 5 currently requires registered providers to ensure that arrangements made to protect the personal safety and social well-being of younger students are appropriate – it however doesn't provide any guidelines or recommendations on appropriate standards for accommodation, support and general welfare arrangements for which the registered provider is assuming responsibility. A number of education providers have taken this approval activity seriously and have developed their own sets of standards for this process. However, quite a number of education providers have found this task difficult and have passed the process over to 'guardianship agencies' and individual 'guardians' to perform the role for them.

Confusion has also arisen because of the nexus between accommodation arrangements and the provision of support and welfare for younger students. Some education providers virtually equated these two activities, placing all their under age students in 'homestay' situations and expecting the homestay hosts to provide all or most of the necessary care and support. While in many situations, particularly in the secondary school sector, the homestay is a very

appropriate and useful formal of accommodation and provides a good atmosphere in which the students can live and study, it is not the role of the homestay hosts to manage the whole of support and welfare situations. Problems can arise within the homestay arrangement and the students issues may be outside the realm of a homestay host's experience i.e. issues to do with educational matters, visas, etc. The ultimate role of monitoring and support must lie with the education provider.

In relation to question 18 (b), Australia has taken a different approach to New Zealand in regard to the role of the parents in this process. Under the Australian migration regulations, a student visa can be approved directly without any consultation with the education provider, if the student is accompanied by a guardian parent or the parent nominates an appropriate relative with whom the student will live. In New Zealand, the legislation requires the education provider to approve the accommodation arrangements even if they are initiated by the student's parents.

The Australian situation has resulted in a number of negative outcomes. There have numerous incidents discovered by education providers where parents on 'guardian visas' have left Australia for extended periods of time, leaving the under-age student living completely on their own. There have also been occasions where approved relatives have provided inappropriate supervision, sometimes living too far from the education provider or being young and inexperienced themselves. This provides a very difficult situation of the education provider who, while having no legal obligation to monitor and support this student, often feels a moral obligation to do so.

Recommendation 5
- *That a set of guidelines be developed to assist education providers in the process of approving the care and welfare arrangements for international students under 18 years of age. These could include the degree of supervision (i.e. amount and type of face-to-face contact), regulations relating to accommodation providers and their role in the supervision and support of students under 18 years of age, the need for clear paths of communication in crisis situations and the provision of appropriate, i.e. culturally sensitive, physical and emotional support and counselling where it is needed.*

Recommendation 6
- *That clear guidelines be developed about the relative roles of an education provider and a guardian/carer where such a person or agency is used.*

Recommendation 7

- *That there be some regulation of guardian/carer, particularly those who live apart from the student(s) involved and those who also play the role of migration or education agents*

Recommendation 8

- *That the role of accommodation providers within the process of monitoring and support of students under 18 be identified.*

Recommendation 9

- *That the 'guardian parent' visa situation be reviewed to see if they have a valid place in this process to find ways of preventing parents of these visas leaving the country without the student and in the case where this occurs alternative welfare arrangements should be put in place until the 'guardian parent' returns.*

Recommendation 10

- *That education providers be more involved in the granting of all visas to under 18 international students. And in particular, those education providers assess the accommodation arrangements suggested for all such students with the right to intervene in any accommodation arrangements that are inadequate or appropriate.*

Recommendation 11

- *Placing Under 18 students only with a host family where each member of the household, aged 18 and above, has undergone a screening process, i.e. Working with Children Check (except ACT and Tasmania) and Police Check. This should be written into the placement agreement.*

Question 19   Student Support (Standard 6)

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

ISANA endorses the two phase approach of pre-departure and ongoing advice recommended by Baird Recommendation 14. A significant amount of emphasis is placed on induction and orientation programs but this is often an ineffective way of disseminating a significant amount of information to students because of information overload and they are often poorly attended. It comes back to the issue raised earlier and the need to disseminate information to students at the time it is needed. As mentioned y, ISANA also endorses the development of hubs to support both students and education providers in establishing and maintaining current and comprehensive

information access and referral. We also make reference to our earlier recommendation about the need to explore the use of digital technologies as an effective communication tool. The critical issue is how to monitor the quality of the education provider's information required under Standard 6, no matter what content specifications are set.

It might be effective to parallel a model established by the NSW GIPA Act, (in 2010, GIPA replaced the Freedom of Information Act) where all NSW government agencies (and there are hundreds, including some very small) are required to submit a prescribed set of published information to the Office of the Information Commissioner (OIC) for approval. Where approval is not granted, advice is provided to the agency on how to rectify the deficits etc.

In the education provider case, the hubs could undertake the monitoring role of the Office of the Information Commissioner and Standard 6 would require all education providers to demonstrate compliance with a checklist of information requirements monitored by the hubs on an annual basis. This proposal would very much depend on the mission, ownership, funding and structure of the hubs to determine what role they could effectively play.

A major benefit of this approach is the opportunity for the hubs to update their benchmarks of information based on their own activities and enquiries, and the information provided by education providers. It would also ensure consistency in the information provided.

ISANA recognises the value of competition among education providers, but it does not endorse competition on the basis of the quality of safety information etc. This is where a collaborative state or national standard is entirely appropriate.

Recommendation 12
- *That information published is be of a minimum standard and monitored for quality, accessibility, consistency and completeness by an independent body.*

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?

In terms of the content, ISANA would endorse the ISSA proposal as a minimum.
  "The ISSA indicates that, depending upon the particular circumstances of the provider, a plan might include details about:
  • campus security and security monitoring

- security escort services
- emergency telephones
- how to contact police
- data collection and monitoring
- specific information for students under the age of 18
- safety committees
- public transport options
- support services in the event of a crime taking place"

Student Safety Plan content should be easy to understand, and specified at national, state and community levels. The national would set common minimum requirements; the state would add specifics related to state based services such as police, transport, and fire service; and community – particularly for communities outside the capital city – would add further localised information. Education providers would have an input at the community level to ensure that the resulting content of these plans could be effectively implemented on campus and in the residential locations of the majority of the providers' student populations. Collaboration with emergency services is essential in the development of the plans

Missing from the list of details required in a safety plan is information for students to make them safety aware to minimise their risks and the adoption of effective communication strategies. Institutions should be required to demonstrate a student safety communication strategy that minimises their risks not only on campus but also within the wider community. The *Think Before* campaign has resources available to support institutions to communicate safety information. Students also need to be made aware of role emergency services in our community and their approachability and commitment to ensuring their safety. This may be very different to the emergency services back in their home country.

Recommendation 13

- *An effective student safety communication strategy should also be included the provider Student Safety Plan.*

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

Both on and off campus locations are considered under the ISSA. The scope should be informed by the best information available on the safety of residents in general, and students in particular where that information is available. Institutions are in much more control of the on

campus environment but need to also be actively involved in ensuring the safety of their students off campus.

ISANA is not an authority on safety risk assessment but has effectively engaged with emergency services in collaborations to improve the safety of our international students. We would be a very appropriate partner in considering safety risk data and further contributing to safety management plans.

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

ISANA would recommend that the meeting the safety needs of international student be integrated into all enrolled students where that integration is appropriate. The safety risks are likely to very similar in many cases, and where the risks are different it would be expected that the greater risk is faced by international students.

International students lack critical knowledge of and familiarity with safe behaviour in Australia. Their knowledge of safe behaviour in their home country forms the basis of their perceptions in safe behaviour in Australia and the information provided by their education providers should form a bridge for adapting that capacity to locations within Australia. Again, the hubs could play a valuable role in looking into safe behaviour transition and inform the industry in general.

General comment
Safety is important and has received significant attention. However, there are a number of issues affecting the student experience that go beyond safety – including the access students have to information, facilities, services and programs that will enhance their experience and address issues such as maximising academic success, development of leadership skills, combating the potential to feel isolated and lonely, engaging with local students and the community more broadly. Providers should not only provide a safety plan but also include a plan to enhance to overall student experience.

Question 20   Transfer requirements (Standard 7)

In weighing up the relative merits of maximising course suitability against minimising the losses incurred from recruiting a student that chooses to study elsewhere, ISANA definitely favours course suitability.

While always preferring the right course choice to be made prior to issuing a student visa, ISANA accepts that students ought to be able to review that choice in the light of fresh information or responses to the original course choice and seek a transfer without impediment. However, if this review supports the removal of course transfer barriers, it must consider three things:

- the question of course suitability
- the timing of course changes
- refund agreements

1. It cannot be simply asserted that an initial or subsequent course choice is more suitable. Students may select unsuitable initial courses for a variety of reasons, and may select unsuitable subsequent courses; so restricting re-selection does not necessarily improve the suitability of courses.
2. Transferring courses can be hazardous if left too late and leave students in situations that prevent them from satisfactorily completing either course.
3. Refund agreements should be firm enough to discourage course transfers for trivial or erroneous reasons.

Recommendation 14

- *That mandated impediments to course transfer be removed and attention given instead to ethical recruitment practices, fair levels of restriction to commencement of new courses, and fair refund entitlements.*

Question 22 Monitoring attendance (Standards 10 and 11)

It is crucial to monitor attendance and course progress to ensure early identification of students at risk. If a student is not attending classes or meeting course requirements then why wait one or more study periods before any action is taken. There are many cases where a student fails a significant number of subjects and the institution keeps enrolling them and taking their money. This demonstrates that the institution is more interested financial contribution rather than making an effort to intervene and provide appropriate support to ensure success in their studies. Where a student is not attending any classes or making an effort then yes, that student should first be counselled to ensure there are no extenuating circumstances and then reported to DIAC.

In response to question 22 there should be some flexibility in reporting requirements and they should not be too onerous to a significant amount of administrative responsibility, but it is important that there is early identification of students who are not engaging and are potentially at risk.

General comments

ISANA has convened a working party to consider a number of issues in relation to the provision of homestay services. A number of submissions were received as part of the consultation process and the findings of the working group have been complied into a report that is available upon request. Although this is not specifically covered as an item for consideration on this review we feel that it is important to share the findings and relevant recommendations highlighted in the paper.

There are many benefits offered through a home stay experience as an accommodation option for international students. Home stay offers support, guidance and a safe environment. Without proper guidelines and controls in place there is potential to exploit students and not offer the quality experience that they deserve. In order to improve the homestay experience offered to international students, ISANA proposes the following recommendations.

Recommendation 15

- *Homestay standards for providers, their staff and their hosts. These standards in best practice should take into consideration state and territory legislation and should cover guidelines for service levels, good practice in the provision of appropriate accommodation, meals, use of utilities and acceptable standards of behaviour by both hosts and students. The standards should show evidence of risk management, critical incident and complaints policies and procedures; mediation and client management processes; accurate record keeping and ongoing staff development.*

Recommendation 16

- *In the absence of any existing state legislation, the maximum allowable number of students in a homestay is limited to two students. However, up to three students may be allowed in some regions if the facilities are adequate and the ability of the homestay parents to care for the students is deemed to be satisfactory. This decision would need to be assessed by the homestay provider with the education provider.*

ISANA is grateful for the opportunity to contribute to this consultation process. We feel ISANA is ideally placed to further add to the discussion and contribute to a number of important issues that have been raised. We would welcome the opportunity to discuss the contents of our submission.