

Proposed changes to the publication of TEQSA's decisions

The IRU supports the proposals for fuller and earlier publication of TEQSA decisions, including rejections.

A more open approach to the publication of TEQSA's decisions, is the most effective way to ensure greater scrutiny of all aspects of the system, including of the regulator itself.

The creation of TEQSA was an intentional balance to the potential risks of a significantly larger higher education sector, both as universities have grown but also the growth in other providers, including a greater number of for profit bodies.

To assess how well the quality arrangements supporting higher education are working it is essential to understand what TEQSA is doing, how often higher education providers are deemed by it not to meet requirements for registration or for courses to be accredited, and whether those judgements stand up to later scrutiny.

Hence the proposals from TEQSA are not just concerning the individual provider about which decisions have been made, but about TEQSA's good operations and the strength or not of the quality system.

Fairness is important in a model that releases decisions as they are made, where a review from the affected providers remains possible. It should be managed through the use of categorization or classifications.

When a decision is being formally challenged, TEQSA should indicate this in the public record, so that a dispute from the provider on the decision is clearly recorded and the outcome of appeals can also be listed. A half way point would be to await the outcome of an appeal internal to TEQSA which has set time frames to be complete.

The risk from waiting for the full appeal processes to be complete is that any organisation whose operations are threatened will be advised to pursue all legal means to defer sanctions. That can mean, as the discussion paper indicates, that a final decision can be several months and potentially a question of years.

The use of media releases to highlight decisions would assist in making the system more accessible and visible. It is not an easy system for students to engage with. Many prospective and current students would be unaware of its existence. Media releases, proclaiming decisions about providers would build public awareness and empower prospective students and ultimately assist them to make better and more informed choices. Equally, media releases should also be used to highlight where decisions have been overturned and the regulator has got it wrong. TEQSA would need to ensure that releases focussed on provision of information about decisions and were not inflammatory in cases at dispute.

Consultation Questions

Question 1: Do you agree with the proposed principles to guide TEQSA's approach to publishing information about its decisions?

Supported.

Question 2: Do you agree with the proposed approach to the timing of the publication of information about TEQSA's decisions?

It is important to publish decisions close to the time they are made. As indicated above it is whether this should be at the point of the TEQSA decision or after any internal appeal is completed.

Question 3: Do you agree with the proposal to publish information about the rejection of applications for initial registration and course accreditation?

Supported. It is impossible to assess the operation of the quality system if we have no knowledge of how often potential providers and courses have been rejected.

Question 4: Do you agree with the proposed amendments to the National Register Guidelines?

Supported.

Question 5: Do you agree with the proposal to publish news announcements and media releases about significant decisions by TEQSA.

Supported.

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