



Australian Government
Department of Education,
Skills and Employment

Education Services for Overseas Students (ESOS) Review 2022

Submission form

Please use this form to provide your comment and return to ESOS-PolicyTeam@dese.gov.au by COB 29 April 2022

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Are you a member of an industry body? If yes, please specify	Yes, ISANA

X - I consent to this submission being published in full on the DESE website.

ISANA International education Association has represented professional staff throughout the international education sector for ## years. The ESOS framework, including the national code of practice provides guidance and minimum standards for members of ISANA across the many aspects of the provision of student support and student wellbeing services, and provision of services related to support and monitoring of student progress, enrolments, and admission.

This submission has been compiled following 3 intensive consultations with ISANA members representing the Foundation, secondary, Elicos, vocational and higher education sectors, student accommodation, local and state/territory government services. The insights and recommendations reflect the broad range of actual experiences and issues raised by members pertaining to each of the five subject areas.

ISANA would like to acknowledge the generous contribution of members to this submission and thank the Department of Education Skills and Employment for conducting this timely and important review of the ESOS framework.

QUESTIONS	COMMENTS
Expansion and diversification	
1. What are the barriers in the current ESOS framework to the sector's expansion and diversification into online and offshore delivery?	Throughout the last 2 years, one issue that has been highlighted to prevent the ESOS framework from being able to adequately provide protection for consumers of the Australian education is the quality of the education provided and how this is promoted or assured through the Australian legislative frameworks.
2. What lessons have we learnt through flexible delivery, online modes of study and other changes in response to the pandemic that could be incorporated into the ESOS framework?	International students over the past 2 years who have been unable to study in Australia or on Australian campuses, have experienced a lower quality of education provision through online delivery. Given most international students were paying the same fees as they were charged in the on-campus delivery mode, they were less satisfied with a lower quality education experience. Examples of this are in work placements opportunities or in classroom practical experiences, access to critical student services and importantly the student to teacher and student to student engagement. The fee structures are the most contentious concern in this regard.
3. What percentage of a course should the ESOS framework allow to be studied online? How could the ESOS framework support delivery models such as mixed-mode study where students may move from ESOS non-regulated to a ESOS regulated environment (for example, a student studying part of their degree offshore, and part onshore)?	There are opportunities to promote the quality assurance measures of Australian online qualifications, such as quality assurance measures built into the on-campus in Australia product over and above the Cricos code. The promotion of the high-quality technology, research and value of the course outcomes, and quality of curriculum design. Transparency is key in this regard, international students and their status, study options and graduate employment options. Students must be able to access clear definitions of 'international students' and the study options available to them.
4. What safeguards could be used to increase visibility and assure the quality of courses delivered online and offshore in the future?	<p>Quality is also demonstrated in the transparency of delivery and delivery partners. Transparency about third parties involved in the development and delivery of course/platforms and how private information is used/shared amongst parties would also assist in ensuring quality of education provision.</p> <p>Currently, mode of delivery and the amount of time international students spend undertaking online study is restricted, however, ISANA believes that the ESOS framework should be extended to education for international students onshore with a student visa and students studying offshore. The mode of delivery will need to be acknowledged, through introduction of guidelines outlining the specific additional requirements for the modes of delivery, to include student engagement, connection, supervision, and academic progress. It is vital however to consider the impact on diversification in online and face to face classrooms without quotas or negative consequences and therefore the ESOS framework would need to provide for this through minimum requirements, such as staff/student ratios, while ensuring there remains flexibility that is currently only afforded to domestic students. Considerations need to include student language proficiency, integrity of student visa program - standards to comply with visa program, as well as engagement and connection with the institution. It would be useful to consider the option of proportions of face to face and online delivery in context of the whole course, where in some courses, individual subjects may be split mode while whole semesters may be delivered online in other courses. Ultimately, there also needs to be a broader understanding of the different viability for the different sectors – Secondary, Foundation, Elicos, Vocational</p>

	<p>and Higher Education.</p> <p>The mode of delivery for all international students' needs to be more flexible, allowing students to interchange between modes, allowing students to return home during teaching periods, while managing differences in time zones. The positive impact on this will be a higher retention rate for students who would normally have been required to postpone study if they needed to return home for even a short period of time. English language capability is of concern to ISANA members – because of the impact that a reduced capability has on international students' ability to complete their course, get the most out of their course and of their experience in Australia, including their ability to find suitable employment upon graduation. Therefore, if the framework were not extended to the online and offshore delivery modes, English language requirements and academic integrity needs to be considered.</p> <p>Lessons learned include embedding flexibility in the delivery and options for students. It is undisputed that we cannot go back to delivering what we have always done, students' expectations have changed, and education providers are now aware of the opportunities to expand their education delivery potential and capability. Flexibility and options will assist the international education industry to sustain global competitiveness in the long term.</p>
Meeting skills needs and graduate workplace readiness	
<p>5. How could providers support international students to identify and undertake courses that align with Australia's priority employment fields?</p>	<p>ISANA members were clear in their response to this section. One member asked: 'do we want to channel students into courses where there are obvious skill gaps, or should we be focussing on developing students potential and talents?' Channelling students into courses they have little or no interest or talent to meet skills needs could lead to oversupply, students doing courses they aren't interested in, and over enrolment of students into courses leading to lack of diversity of students in many courses.</p> <p>In most ISANA members experiences, the most successful students study courses they are interested in, good at and passionate about. The students who most often don't succeed, change courses, or perform poorly are those who are doing the courses they are not interested in, or for the wrong reasons. International students invest many thousands of dollars and therefore should be encouraged to spend this time and money on the courses they are most likely to succeed and perform well.</p> <p>Despite this however, many students are interested in knowing this information, many see a migration outcome as the most important outcome, while many others see employment outcomes as the most important outcome. Therefore, providers that can support the identification and promotion of courses that lead to migration outcomes, need to be supported by easily accessible and reliable federal government advice on skill gaps, accurate data, both current and forecasting. This should be accompanied by accessible policy that will support this approach by education providers. Education providers are slow to respond at times, changing courses and scaling up delivery of courses when migration and employment skill gaps are not forecast will result in reactive and inefficient course delivery.</p>
<p>6. What changes could be made to the ESOS framework to support providers offering a wider range of work integrated learning opportunities?</p>	
<p>7. What regulatory measures could be implemented to make study choices in occupations and areas of demand more attractive for overseas students?</p>	

Work Integrated Learning and International students

Access to Work Integrated Learning (WIL) options for international students under the ESOS framework and Student visa restrictions¹ are too restrictive. Currently, international students must count their WIL hours as part of their work rights allowance according to their student visa unless their course has registered the WIL work component in the course CRICOS registration. While most courses contain WIL subjects, institutions are currently not able to register courses with elective or non-compulsory WIL subjects on CRICOS, which account for a large majority of higher education WIL subjects, therefore restricting international student undertaking these courses from completing WIL during their course.

Over and above a clear differentiation between the access to WIL for international and domestic students, there are additional negative impacts on international students. These include:

- a. being prevented from accessing their regular part time income and may need to resign from their part time employment or their part time employment may be jeopardised because they participate in WIL.
- b. being prevented from undertaking WIL in a full-time capacity at any time during their course – even if they are accepted into a paid or unpaid internship during the summer or winter break, because they are undertaking a WIL unit as part of their course, their course is deemed ‘in session’ by the migration act and they must count it towards their work restricted hours.
- C. a reduced ability to improve their employability skills, understanding of their career pathways and preferences, and build their understanding of specific industries and the relevance and connection between their study qualification and skills to industry.
- D. reduced benefit they can obtain and contribute to the workplace and community through connections and networks developed during WIL experiences.

The above issues would be reduced substantially if the CRICOS work component requirement was abolished, and instead, the ESOS framework recognised all WIL units that are counted toward the course and therefore not counted towards the visa-imposed work restrictions. WIL units should be recognised if they count toward the course credit or are required to be completed for the course.

This would mean that the student must be enrolled in the Work placement subject and it either be counted toward the course or required to complete the course. That would then allow for WIL units that are non-compulsory electives to count in this regard,

The international education sector is in a unique position now to attract students to fill skill and employment gaps in the wake of the Covid pandemic.

As it is widely known that courses that are more likely to result in a migration outcome are very attractive to international students that would like to spend time working in Australia post study, the additional measures that could be included are that WIL is a compulsory component of those courses. Providing employability skills development as an embedded part of a minimum amount of a course that would increase a student’s preparation for the Australian workplace, promotion, and increased access to career services in all institutions

¹ Current student visa work restrictions are not taken into consideration in this commentary because they are only temporary.

	with improved capability to meet the needs of international students.
Supporting the quality of third-party relationships	
8. What kinds of measures to increase the transparency of third-party arrangements could be effective in improving student and provider choice?	There is a strong opinion among ISANA members that Standard 4 does not meet their expectations in relation to the ability of the sector to adequately be assured of the standard of service provided within the education agent industry. ISANA recommends, as it has for many years, that all education agents engaged with the Australian International Education sector are required to be registered, with a body such as MARA, and be required to undertake specific training to recruit international students for Australian education providers. For agents practicing onshore in Australia, this is very feasible, however for agents practicing overseas, if such a register is not deemed possible, it may be non-compulsory, and from the list of education agents that are known as 'best practice' and are able to demonstrate their understanding of this, as well as their understanding of the legal frameworks underpinning the Australian international education sector.
9. What are the effects of increasing transparency of agent commissions? Would transparency measures improve student and provider choice? Would they drive down high remuneration rates over time? What are other potential outcomes from increasing agent transparency?	ISANA has concerns about the commissions paid to and received by education agents because of the lack of transparency to students. Student choice would be most positively impacted by this and could be declared in written agreements with students to enable them to understand how the commission works, and so students understand the environment around commission and how they may be directed to different courses because the agents will be paid higher commissions. Through this, it may prevent students from making poor or uninformed choices.
10. What information, such as education agent performance outcomes, can the Government make available to providers to help them decide the agents with which to engage?	The information that would be useful to providers could include the types of corrective action, transparency around the breaches by agents and education providers. Clear and prescriptive guidelines for education providers and education agents need to be created that detail how corrective action may be taken – what the consequences might entail, without there being a focus on the negative impact on students.
11. Should providers be required to have written agreements with all agents from whom they accept students, it could result in more information for students and improve data reporting on provider and agent activity. Are there any other positive or negative outcomes for students in this change?	If an education agent refers a student to any education provider there should be a written acknowledgement of the referral and record of this transaction despite no payment of commission by the education provider. This would then provide detail for an action or record that may be required in future regarding the student, agent, or education provider. For example, we will outline situations regarding transferring students where agents are involved in repeated student course transfers, and without transparency where there may not be written agreements, the ongoing practice by the agent and/or the education provider is not traceable due to the paucity of written agreements and documented records.

12. What information should written agreements between agents and providers contain to protect providers and better inform students and the government?	Written agreement should contain records of all subcontractors of education agents. This would then assist education providers to have clear and transparent oversight of who is representing their education institution.
13. What is the potential impact on providers regarding increased administrative activity if they are required to monitor all agents?	The minimal increase in administrative activity would be far outweighed by the increase in transparency and oversight, enabling education providers and students to make more informed decisions.
Course transfers	
14. How can the ESOS framework enhance optimal student choice and safeguard the ability of providers to deliver a quality education experience?	<p>The data provided by DESE in the discussion paper is not the experience of ISANA members, who are certain that onshore recruitment and course transfers are still a large problem.</p> <p>The first reason the problem occurs is that the definitions and processes are not clear or transparent. There are many different examples of how students are encouraged by agents or education providers onshore to change courses, before they have completed 6 months of their principal course.</p>
15. How can the framework and providers ensure course packaging requirements are transparent to students and support student choice and wellbeing?	<p>As noted above, the processes and definitions of the course transfer component of the national code of practice need to be made much clearer, and in many cases, education agents should be able to demonstrate they have adequately provided this information to students, and students should be able to demonstrate they understand their obligations.</p> <p>However, the clear profiteering entities over and above the education agent are the receiving education providers who should be required to make a case to DESE if they enrol a student who DESE is aware has not met the course transfer requirements.</p> <p>There needs to be a clear and simple process for education providers who experience course transfers from their courses to report the education provider, course, and education agents to regulators, if there is reasonable suspicion that standard 4 and standard 7 are being breached.</p> <p>There are examples of undisclosed conflicts of interest where colleges are funnelling students directly to a provider or examples of agents gaining repeated commissions by moving students around every six months. These practices do not uphold the objective of the Australian international education sector, nor the legislation underpinning the sector, to provide high quality education outcomes to international students. Ongoing disruptions and course changes serve only to provide profit to education providers and agents, while students education outcomes and experiences are jeopardised.</p>

<p>16. What are the benefits to providers and students in restricting a student from changing providers within the first six months of their primary course, and what would be alternatives to support student choice?</p>	<p>There are very clear benefits for students: Students have time to settle into their course and are not be able to be ‘poached’ - persuaded to leave their primary course to embark on an easier but less suitable or cheaper and lower quality provider where they may not have been able to obtain a visa as easily as through their primary course provider.</p> <p>An alternative to support student choice is that providers should be encouraged to use their discretion in granting students’ release. Consideration should be given to the feeder or primary course decision to grant a release, guidance from the regulators on this is required, such that the relationship between feeder and primary course providers may be investigated in more detail in relation to what lengths students may go to so they are released from a primary course, such as failing entry requirements.</p> <p>The current system is not working because of situations such as the following: A) Students can withdraw from a course and have their Confirmation of Enrolment (CoE) cancelled and then go to another Provider for a new CoE. For the Department of Home Affairs (DoHA) if the student has a CoE they can remain to Australia. These types of back-door transfers aren't captured in statistics. B) A student can be enrolled with their principal provider and simultaneously undertake another course with another education provider, resulting in a failure in one course but also this defeats the purpose of having restricted transfers. Students are not the ‘winners’ in these scenarios, they are clearly persuaded to embark on these activities with the misunderstanding they will be better off, meanwhile, no record of commissions, agent recruitment or education provider encouragement is required.</p>
<p>17. Should ‘concurrent study’ as an option remain within PRISMS and if so, what provisions should be made to ensure it is not abused?</p>	<p>As per the example provided above, ‘concurrent study’ is not always the best option for students and currently loopholes exist in the system that negatively impact students. ISANA recommends that the definition of concurrent study is improved to clearly detail what is and is not acceptable so that the loophole is reduced. For example, it may be that concurrent study is restricted to certain level courses and length of course, types of course, and how they are related or benefit the students career pathway. As noted above, if a student is enrolled with principal provider and completing a course with another education provider it defeats the purpose of having restricted transfers, so the definition should consider this in context of how concurrent study may be used as a loophole.</p>
<p>18. What restrictions, if any, should there be on the transfer of adult international students where they wish to transfer between providers?</p>	<p>These should not be changed.</p>
<p>Written agreements</p>	
<p>19. How effective are written agreements in consistently setting out and protecting the rights and obligations of students and providers?</p>	<p>Written agreements effectiveness can vary, for example, if the educational provider appoints the Agent (with Commission) as an exclusive agent in the ACT to receive and process applications for entry to any of those providers full fee-paying courses this could be considered a ‘fee for service’.</p>

20. What measures could be introduced to increase transparency of written agreements, for the benefit of students and providers?	Education agents should be required to explain written agreements to students in their native language and education providers should be required to ensure this is taking place. Projects funded by DESE like the ESOS for Students, that ISANA has recently completed, are a start to ensuring students are aware of the ESOS Act and the obligations of education providers, agents and their rights and protections under the National Code of Practice, however, it should be required that such programs are included in students orientation packages, education providers websites and promotional material that will then assist in creating more visibility and understanding of the written agreements and their responsibilities under those agreements and how this relates to the legal framework.
21. If model clauses or model written agreements are introduced, what would they look like and how can they best be leveraged to reduce regulatory compliance costs and promote best practice in the areas of refunds, deferrals and transfers?	Model clauses in agreements should be simplified, plain English and relatable so that students can understand them, also have website information that explains written agreement more clearly and simply.
22. How could refund regulations be revised to ensure consistency between providers and better reflect the different circumstances in which they may be requested?	Where the student is over 18 years of age, refunds should be paid directly into their Australian or international bank account in Australian dollars. Where the student is under 18 years of age, refunds should be paid to the parent or guardians bank account. Refunds should not be paid to an agent or other party unless they were the original payee. The final payment may be withheld until all third-party agreements have been finalised, there needs to be a clause to protect international students from waiting long periods of time for refunds due to bureaucracy. Any commencing student who wishes to withdraw should notify provider in writing of their intention to withdraw. Registrations should process the withdrawal and forward the information to Finance to process the refund in a timely manner. After the student commencement, the submission of an application to withdraw will prompt the refund assessment by the Academic Administration. Students who wish to appeal a refund decision should have clear access the internal and external appeals processes. In such cases students should refer to the providers Complaints Policy and Procedures.
English language	
23. How can the ESOS framework better support students' English language skills to match their course requirements on the start of enrolment and ensure an optimal student experience for all students?	Studying a qualification in a second language is challenging regardless of meeting a formal benchmark or entry requirement to enter a course. Students and staff often note that students can fall behind, or are not able to participate in classroom and social discussions because of their English language proficiency or their confidence in speaking or writing English, particularly in their first couple of teaching periods in Australia. In this regard, ISANA recommends that the ESOS framework should Allow enrolment in a diploma of English taught concurrently with bachelor programs, students should be able to study English throughout a program and where possible additional English language support should be provided where students identify their studies would be enhanced with this support. This may be formal or informal support depending on the needs of the individual student.

24. Would it be beneficial to introduce an independent assessment of international students' English proficiency before they commence their first AQF course?	<p>Currently, assessment of English language at course level is arbitrary compared with the students who are tested by the formal English language testing results, however, education providers using independent course level assessment should be required to provide adequate support throughout the course that ensures students are successful in their studies. Standardisation of equivalencies is not necessarily ensuring that students have the English competency levels required for their courses. Best practice would include additional English Language wrap around support for students.</p> <p>At school level, there are recommended levels of English ability in AEAS testing, and most schools follow that guideline, and include an interview to determine actual comprehension of spoken English. We have found that students with low English ability struggle to keep up with course demands</p>
25. How can PRISMS data entry requirements be adjusted to make it easier for providers to record evidence of a student's English proficiency?	Ensure that data is unique and not duplicate information.
26. What additional guidance do providers need to ensure incoming students meet English language requirements?	<p>When students are not progressing academically, there is little chance they will complete their course of studies. Especially when students are not at the required English level, they are unlikely to stay in their course. The governance structure of providers is often not followed up by regulators to ensure the admission levels are adequate and/or ethical, in assessing long term success rates of international students. A best practice example for the VET and higher education sectors are the Secondary Schools in Victoria, VRQA oversees CRICOS registration and approval. They are very particular about standards and supports that are required for students. For example, entry requirements - guidelines on what is required, how English tests are benchmarked, good practice guides.</p> <p>ISANA would like to see similar standards across all education sectors to be able to manage student progress and the quality of the course we deliver. As providers plan and map out supports and resources for students for each course - and required by the regulator - as part of TESQA and ASQA standards, this should be monitored by the ESOS framework.</p>
27. How can providers of ELICOS and Foundation Programs ensure that students have reached the required level of English language proficiency to start their first AQF course?	<p>Engagement: support and promote relationships with peak bodies and networks that promote engagement with international researchers and research organisations.</p> <p>Supervision: Continue to improve the quality of supervision by training and mentoring programs, including through the development of a community of practice around pedagogy supervision.</p> <p>Understand how the community is made up.</p> <p>Volunteer work.</p>
General Questions	
28. How can the ESOS framework be strengthened and improved to deliver an optimal student experience?	<p>Regulatory system to create online, overseas, or blended learning standards, to ensure consistency across all education sectors this includes multiple regulators.</p> <p>Incentives: Revise research incentive schemes to recognise and encourage interdisciplinary collaboration both with university and international partners more strongly.</p> <p>Concede covid is no cover for academic or other misconduct and review long term impact.</p>

	<p>Re-examine studying offshore on a student visa versus studying without a visa – post study work rights (PSW) eligibility. Re-write National Code i.e are online courses regardless of Covid still eligible for CRICOS. Professional year program to be covered under ESOS.</p> <p>Orygen are involved in a project with DESE -Enhance RTO Capability to Support VET Student Mental Health and Wellbeing and this may be the project for best practice across all providers. ISANA would like to advocate for a clause to be included in Standard 6 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018: Registered Providers must take all reasonable steps to provide a mentally healthy campus or premises. The inclusion of this clause ensures that education providers must report on their attention to international students’ mental health in their reporting to the regulators and align with another clause: Registered Providers must take all reasonable steps to provide a safe environment on campus.</p>
29. How can the framework resolve any regulatory barriers that prevent sector innovation, diversification, and growth of Australian education offerings, including online and offshore?	<ol style="list-style-type: none"> 1. Collaboration of the education sector to collectively market Australian education as a distinctly quality product when compared to UK, Canada and US. 2. Clear authentic value proposition that is meaningful to students, across various cultures, models and locations and encompasses all educational sub sectors, this might mean we need to dial up and dial down key attributes. What are they now and what do they look like in the future? 3. Pertaining to source countries is challenging - like picking a suburb that nobody has thought of as the up-and-coming growth. 4. Share insights and partner on market research. 5. Global work rights imbedded into the Australian qualification.
30. How can the ESOS regulatory framework evolve to better support the sector to deliver a high-quality education experience?	<p>Acknowledge online delivery is not suitable in the long term for most students.</p> <ol style="list-style-type: none"> 1. Regarding student quality educational experience educational providers should recognise much is outside their control – travel, financial implications, OSHC insurance requirements while student offshore, internet access. 2. Support should be tailored to the needs of student cohorts: on campus, online or blended modes, offshore, partner providers, health, and disability. 3. Additional student support- policies, processes, and activities to foster and maintain wellbeing and safety during COVID-19 restrictions or easing of restrictions. 4. Educational Providers should consult with international students to develop: <ol style="list-style-type: none"> a) Engaging course and pathways that meet student needs b) Student centred learning and teaching c) Recognising and responding to student diversity d) Strengthening student relationships and partners via engagement e) Fostering environments that enable active student learning and f) Assisting students to make informed decisions about their education and careers

Any additional comments you wish to make?	
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