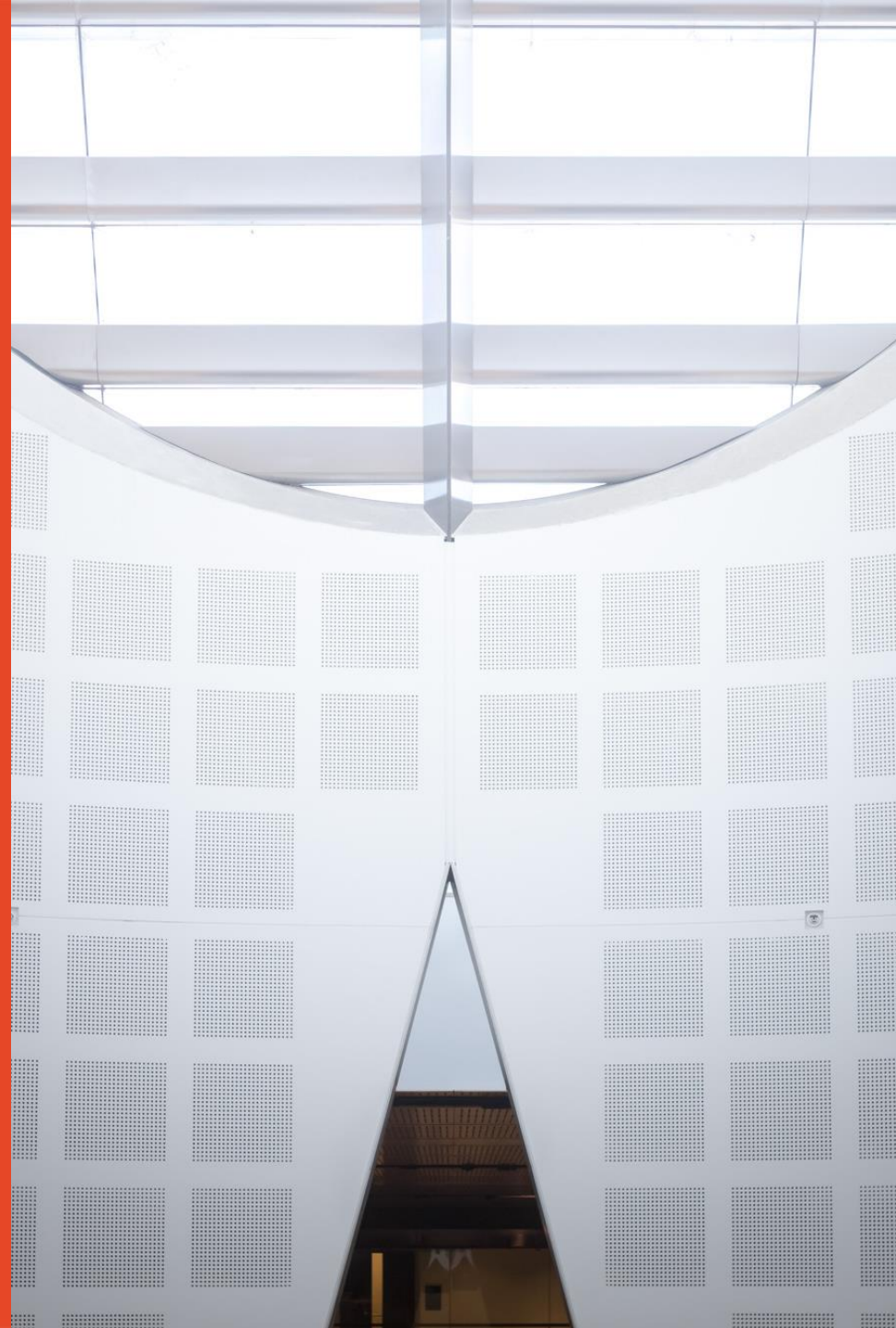


ESOS Compliance & Managing Risks

Presented by
Mandy Baric
Director, Compliance & Student Affairs



THE UNIVERSITY OF
SYDNEY



Overview

- Governance and engagement efforts
- Under 18 management models
- Risk & Accountability Matrix (RAM)
- Audits
- Collecting breach information
- Communicating with stakeholders
- Q&A

Governance and engagement – who cares?

- Senior management/executive oversight.
- How frequently do they know about risks in your ESOS or student visa holder space.
- Write formal papers to reference the status quo and highlight key risks for ‘noting’ or for ‘action’.
- Set up an institutional committee for regulatory compliance and/or quality with a senior stakeholder chairing.
- Establish working groups or committees (e.g. agent compliance, admissions & compliance, recruitment & compliance, under-18 stakeholder compliance) to demonstrate ESOS ‘monitoring’.
- Offer tailored training/information services.
- Offer mid-year and end of year training and feedback sessions (piggy back with other units to provide info e.g. admissions data, integrity breaches etc)

Under 18 students

- Various models for under-18 management
- Consider your university's risk appetite for u-18's (e.g. how young is too young?)
- University of Sydney Model = delegates functions to external organisations with some degree of internal management.
- Develop policies and procedures

Under 18 International Students Policy 2016 & Under 18 International Students Procedures 2016

- Establish service level agreements with your stakeholders
- The value of university level contacts
- Conduct annual audits
- Report findings annually to senior executive

Risk and Accountability Matrix

National Code of Practice for Provide)									
University Responsibility and Accountab								Review cycle - appropriate review form and c	
Standard	Sub-standard	Standard clause	Responsibility	Reporting office and contacts	Legislation	University Rules, Resolutions, Policies, Procedures and Guidelines	Areas for Improvement	Review name	Review frequency/sch
7	7.2	7.2.2.5	Registrar and Academic Director (Education) - Peter McCallum	Director (Compliance and Student Affairs) - Mandy Baric	<ul style="list-style-type: none"> •Competition and Consumer Act 2010 •Education Services for Overseas Students Act 2000 	<ul style="list-style-type: none"> •ESOS Compliance Manual •International Student Change of Provider Policy 2016 •Under 18 International Students Policy 2016 	As above		
7	7.2	7.2.2.6	Registrar and Academic Director (Education) - Peter McCallum	Director (Compliance and Student Affairs) - Mandy Baric	<ul style="list-style-type: none"> •Competition and Consumer Act 2010 •Education Services for Overseas Students Act 2000 	<ul style="list-style-type: none"> •ESOS Compliance Manual •International Student Change of Provider Policy 2016 •Under 18 International Students Policy 2016 	As above		
7	7.2	7.2.3	Registrar and Academic Director (Education) - Peter McCallum	Director (Compliance and Student Affairs) - Mandy Baric	<ul style="list-style-type: none"> •Competition and Consumer Act 2010 •Education Services for Overseas Students Act 2000 	<ul style="list-style-type: none"> •ESOS Compliance Manual •International Student Change of Provider Policy 2016 •Under 18 International Students Policy 2016 	As above		
7	7.2	7.2.4	Registrar and Academic Director (Education) - Peter McCallum	Director (Compliance and Student Affairs) - Mandy Baric	<ul style="list-style-type: none"> •Competition and Consumer Act 2010 •Education Services for Overseas Students Act 2000 	<ul style="list-style-type: none"> •ESOS Compliance Manual •International Student Change of Provider Policy 2016 •Under 18 International Students Policy 2016 	As above		

Audits and risk reporting – ‘friend’ not ‘foe’

- Consider having them regularly e.g. annually, bi-annually rather than every 5 years.
- If funds permit, pay an external auditor to conduct the internal audits.
- No surprises for the re-registration audit.
- Audits and risk reporting may support stakeholder engagement.
- Day to day risk management strategies.

Examples of breaches or 'reportable' incidents

Examples of reportable incidents/matters may include (but not limited to):

- *Marketing of a course to international students that have not received CRICOS approval by TEQSA or where elements no longer meet CRICOS eligibility;*
- *Processing of course transfers in circumstances where a student has not accepted entry/terms and conditions into the new course code;*
- *the issuing of an eCoE where are course has subsequently been cancelled;*
- *failure to issue appropriate documentation necessary for the cancellation of an eCoE and/or within the appropriate timeframe;*
- *approving suspensions without a valid ESOS reason;*
- *the issuing of an eCoE to an incorrect campus location;*
- *Failure to refund fees in prescribed time frames;*
- *Failure to report to the Tuition Protection Service within prescribed time frames;*
- *Transitioning a student visa holder to a non-CRICOS registered degree for exit/graduation purposes;*
- *The issuance of refunds inconsistent with the University's Refund Policy;*
- *Failure to accredit courses consistent with AQF requirements*

Brief summary of incident or matter (including issue/student details/course details/timeframes etc	Corrective action taken/ or outstanding (if outstanding, please confirm the date matter is likely to be remediated)

Daily risk management & communication efforts

- Check visa refusals and cancellations daily.
- Consider an institutional mechanism to review agent complaints or agent performance.
- Review your CRICOS capacity limits regularly.
- GTE discussions with compliance, admissions and recruitment staff.
- Annual compliance re-cap.
- Compliance reports to stakeholders (quarterly and biennially).
'Communication' is key to a successful compliance presence!

Example of Compliance Report for pathway provider

2023 Q2 - Quarterly Compliance Report

Contents

Visa Refusal	2
Quarterly Visa Refusal Report:	2
Visa Cancellation	3
Quarterly Visa Cancellation Report:.....	3
Release Requests	4
Release request status:	4
Release request chart:.....	4
Release request outcomes status:.....	5
Release request outcomes chart:.....	5
Release request outcomes breakdown by quarter:	5
Reasons for release requests breakdown by outcome:.....	6
Release requests breakdown by countries:	7
Reasons for release requests:	8
Common reasons for release requests chart:	8
Break of Package (BoP) Requests	9
BoP requests status:.....	9
BoP requests chart:	9
BoP requests breakdown by quarter:.....	10
BoP reasons:	11
Common BoP reasons chart:	12
Reported due to unsatisfactory attendance or/and course progression breakdown by countries:	12

Example of a biennial institutional Compliance Risk Report

2022 Biennial Evidence Level & Visa Refusal Report

Contents

Evidence Level Report	2
Evidence Level Index	2
Index 1: The number of Active Student Visas.....	3
Index 2: Number of student visa applications granted or refused (where the client is in or outside Australia)	4
Index 4: The number of student visas that were cancelled	5
Index 6: Number of student visa applications that have been refused because of a fraud reason (where the client is in or outside Australia)	6
Index 8: Number of student visa applications that have been refused (excluding fraud) (where the client is in or outside Australia)	6
Index 10: Number of student visa holders who are unlawful non-citizens	7
Index 12: Evidence Level Index (excluding Protection visa applications)	8
Index 13: Number of Protection visa applications where the previous visa held was a student visa	9
High Evidence Level Country or Regions.....	10
Visa Refusal Report	10
1. Numbers of Visa Refusals breakdown by Year	10
2. Refusal numbers by Admissions Types	11
3. Visa refusal breakdown by course levels.....	11
4. Commencing students' visa refusal top reasons	11
5. Numbers of refusals attached to inactive eCoEs	11

Questions

Email: mandy.baric@sydney.edu.au