

Carrots and Sticks: Impacts of Compliance on Student Support Services

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Why this session?

The new National Code 2018 has been in force for almost a year and its implementation has followed familiar processes. Because of these recent changes and our part in implementing the Code within institutions, it's timely to reflect on some milestone shifts in the National Code's development, and consider some of the impacts of the Code on professional practice.

This helps us to:

- Describe impacts and influences in policy and regulatory environments.
- Reflect on shifts in professional practice over time in relation to international student experience.
- Express what changes to the National Code regime we want to see in the future.

Limitations of this session

This session is limited in scope; it focuses on specific elements of the National Code/s rather than a more complete range of relevant State and National legislation, including parliamentary acts and local regulations, and does not analyse Institutional policies and procedures.

The process of Compliance is used in the context of implementation and management of ESOS obligations. The term International Student Support is used in relation to on-campus service delivery.

What is impact?

In this presentation, impact is seen in a framework of:

- Action-Reaction
- Progress of change
- Predicting the effects of future change

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Focus Questions

1. What is the relationship between compliance and international student support; historically and in professional practice?
2. How does the compliance regime affect professional workplaces?
3. What changes would you like to see in the compliance regime that would facilitate your role; how might you influence the impacts?

1. What is the relationship between compliance and international student support; historically and in professional practice?

National Code Developments

National Code	2001	2007	2018
Intention	<p>Preamble, 2...benefits depend on public confidence in its integrity and quality.</p> <p>Preamble, 9: The National Code's purpose is to provide nationally consistent standards for CRICOS-registered providers.</p>	<p>Objective.. to protect the interests of overseas students by: 'ensuring that appropriate consumer protection mechanisms exist.'</p> <p>(2007, Section A6.1)</p>	<p>Under the ESOS Act, the purpose of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) is to set nationally consistent standards and procedures for registered providers and for persons who deliver education services on behalf of registered providers.</p> <p>The legislation aims to protect and enhance Australia's reputation for quality education, to provide tuition protection and support the integrity of the student visa program.</p> <p>(Part A.2)</p>

National Code Developments

National Code	2001	2007	2018
Students as consumers	Preamble, 3: The export industry differs from domestic education in its involvement in migration control and in its consumer protection requirements.	Overseas students differ from domestic students in that they are subject to migration controls and face different needs for consumer protection..... Consumer protection must be appropriate for overseas students who usually cannot evaluate the quality of a course before purchase. (Part A 6.1)	For students, there are 2 specific provisions, 1) that their rights are explicitly addressed in the written agreement, and 2) the reference to Australian Consumer Law formalises the nature and detail of consumer protection. So, students are not only expected to understand their consumer rights through the agreement, they are explicitly connected to the protections of consumer law.

Note: Among a large range of topics investigating international student satisfaction survey, 2016 i-graduate included these responses (AIEC 2016, Melbourne):

“My course of study has been worth the investment of money.”

“I feel that my English language course offers value for money.”

National Code Developments

National Code	2001	2007	2018
Provider-student agreements	<p>Para 22: The provider must not accept payment of any fees for a course from and overseas student, or an intending overseas student, if the registered provider has not given to the student:</p> <p>22.1. A copy of the agreement, if the provider and the student have a written agreement.....</p> <p>22.2 If there is no such agreement, a written statement to that effect.</p>	<p>(the) agreement, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia’s consumer protection laws.</p> <p>(Standard 3.2d)</p>	<p>Providers must state: “This written agreement, and the right to make complaints and seek appeals of decisions and action under various processes, does not affect the rights of the student to take action under the Australian Consumer Law if the Australian Consumer Law applies.”</p> <p>(Standard 3.4.5)</p>

National Code Developments

National Code	2001	2007	2018
Student transfers/course variations		<p>Registered providers are restricted from enrolling transferring students prior to the student completing six months of his or her principal course of study except.....”</p> <p>(Standard 7 preamble)</p>	<p>Registered providers must not knowingly enrol an overseas student seeking to transfer from another registered provider’s course prior to the overseas student completing six months of his or her principal course (or for the school sector, until after the first six months of the first registered school sector course), except.....</p> <p>(Standard 7.1)</p>

National Code Developments

National Code	2001	2007	2018
Under 18 students	<p>Few specific requirements:</p> <p>Para 47: The registered provider must discharge their responsibility under DIMA requirements to approve accommodation/welfare arrangements for overseas student under 18 years of age.</p>	<p>Standards 3.1 (formalisation of enrolment)</p> <p>Standard 5</p>	<p>Standards 3.2 (agreements)</p> <p>Standard 5.</p>

National Code Developments

National Code	2001	2007	2018
Professional capacity	<p>Para 48: The registered provider must appoint a suitably qualified person as student contact officer, and ensure that the officer is aware of their responsibilities.</p>	<p>The registered provider must designate a member of staff or members of staff to be the official point of contact for students. The student contact officer or officers must have access to up-to-date details of the registered provider's support services. (Standard 6.5)</p> <p>The registered provider must ensure that its staff members who interact directly with students are aware of the registered provider's obligations under the ESOS framework and the potential implications for students arising from the exercise of these obligations. (Standard 6.7)</p> <p>The staff of registered providers are suitably qualified or experienced in relation to the functions they perform for students. (Standard 14)</p>	<p>The registered provider must designate a member or members of its staff to be the official point of contact for overseas students. The student contact officer or officers must have access to up-to-date details of the registered provider's support services. (Standard 6.5)</p> <p>The registered provider must ensure its staff members who interact directly with overseas students are aware of the registered provider's obligations under the ESOS framework and the potential implications for overseas students arising from the exercise of these obligations. (Standard 6.7)</p>

Comparative Elements

	COMPLIANCE (National Code)	STUDENT SUPPORT
Historical	<p>The National Code has developed from simple guidelines that brought migration control and consumer protection together.</p> <p>Versions were implemented in 2001, 2007, and 2018 that progressively defined, explained and detailed requirements relating to:</p> <ul style="list-style-type: none"> • Students as consumers • Requirements of written agreements • Education agent contracts • Under 18 students • Student management (transfers, study load, course variations) 	<p>Prior to 2001, institutions and representative bodies developed processes and agreed approaches to international student support.</p> <p>Codes of ethics (AVCC, MCEETYA, ISANA) strengthened the focus on students and professional obligations.</p> <p>Student support delivery depended on sharing professional practice.</p> <p>ISANA critical as a network.</p> <p>ISANA Critical Incident Kit developed in 2006 as a model for providers, before Critical incident Policy was formalised or legislated.</p> <p>ISANA was delivering professional development workshops on managing younger students in 2005.</p>

Comparative Elements

	COMPLIANCE (National Code)	STUDENT SUPPORT
Evolving	<p>Seems to be fixed and tangible but has developed in consultation with industry stakeholders Including reviews, stakeholder contributions.</p> <p>Preamble of National Code, 2018:</p> <p>“The Education Services for Overseas Students (ESOS) legislation is a robust framework that protects and enhances the experiences of overseas students in Australia.” (preamble, National Code 2018)</p>	<p>Organic, institutions feeling their way and responding to or anticipating change.</p> <p>Services and programs have developed that represent multifaceted and shifting dimensions in every international student cohort.</p> <p>Focus of evolving student services is to recognise the importance of student needs development (confidence, autonomy, identity, purpose).</p> <p>More dependence on guidance through policy and procedures.</p>

Comparative Elements

	COMPLIANCE (National Code)	STUDENT SUPPORT
Range of interpretation & Implementation	<p>Interpreted according to obligations – including external regulations, the provider’s customer service charter and other codes of practice.</p> <p>Applied in a range of contexts (sectors, nature of student cohort).</p>	<p>Interpreted in relation to student needs, cultural orientation or other affiliations, identity etc. Positive service culture adapts in line with these dimensions.</p> <p>Applied in a range of contexts (sectors, nature of student cohort), location).</p>

Comparative Elements

	COMPLIANCE (National Code)	STUDENT SUPPORT
Performance principles	<p>Audits of policies and procedures against ESOS requirements.</p> <p>Enrolment and visa outcomes such as education agent reports that include data on:</p> <ul style="list-style-type: none"> • Successfully completion • Visa application refusals or visa grants cancelled • Transfer to another provider • Early cessation of studies, or enrolment termination • course progress or course attendance • Deferred or suspended studies <p>Education Agent Data Project, May 2018, Department of Education and Training</p>	<p>Audits of services against ESOS requirements.</p> <p>Professional development and staff management.</p> <p>International student experience feedback sought to determine:</p> <ul style="list-style-type: none"> • Retention • Engagement • Satisfaction • Academic progress and outcomes.

Comparative Elements

	COMPLIANCE (National Code)	STUDENT SUPPORT
Specific issues & effects	<p>Compliance objectives: student support dimensions:</p> <ul style="list-style-type: none">• Consumer protection.• Provider obligations.• Standardised practice (ie. minimum standards).• Monitoring and control.• Documentation and reporting.	<p>Effects of the legislation on broader aspects of student experience:</p> <ul style="list-style-type: none">• Raising awareness of student issues (employment housing, U18 etc).• Protecting the brand, preserving Australia's reputation.• Professional development and training.• Engaging community and other stakeholders.

2. How does the compliance regime affect professional workplaces?

On the compliance regime in general

- “Some providers just tick the box - orientation, yes, policy, yes, etc. This does not increase quality.” (*Compliance Manager*)
- “Student support people are tied up processing intermissions, CoE advice and so on, rather than getting into helping in the complex issues.” (*International Student Adviser 1*)

On Releases

- “Compliance has not helped student support – has not improved student experience. With streamlined visas, the risk attached to the provider, the risk associated with students requesting release has increased. Release issues are still bad, - why shouldn't a student move by choice (in their best interest)?” (*International Student Adviser 2*)

On implementation

- “The compliance rules are very clear now and they protect the students. We often refer student cases to the ISA for advice, and they check with us too.” (*Compliance Officer*)

How does the compliance regime affect professional workplaces?

Observation, 2003

- At all levels of institutions, we are facing more complex responsibilities and an understanding of both legislative and cultural issues, particularly for younger students.
- Professional development must be seen as a major project to address this.

Dunstan, P (2003) *Towards Best Practice in International Education: Staff Training and Professional Development*. 17th IDP Australian International Education Conference, Melbourne, Australia.

How does the compliance regime affect professional workplaces?

UKCOSA Conference presentation, 2005

“Practitioners whose primary role is to teach and provide services to students must therefore keep a watchful eye on their obligations to comply with regulations, and to ensure a high quality of service. Such apparently **contradictory positions—to both educate and report visa non-compliance—can create tensions between educational and monitoring roles.**

...In 1993 with small student numbers and faculty-based international personnel, relationships were managed individually, and it was quite simple to intervene if there was a problem. Worth noting was the **capacity of international student advisers to make discretionary judgements about student issues**, as long as institutional policies and ethical guidelines were broadly followed.”

Paula Dunstan & Peter Spolc (2006). *International education in the Australian context: a narrative*. UKCOSA Annual Conference, University of Wales Swansea.

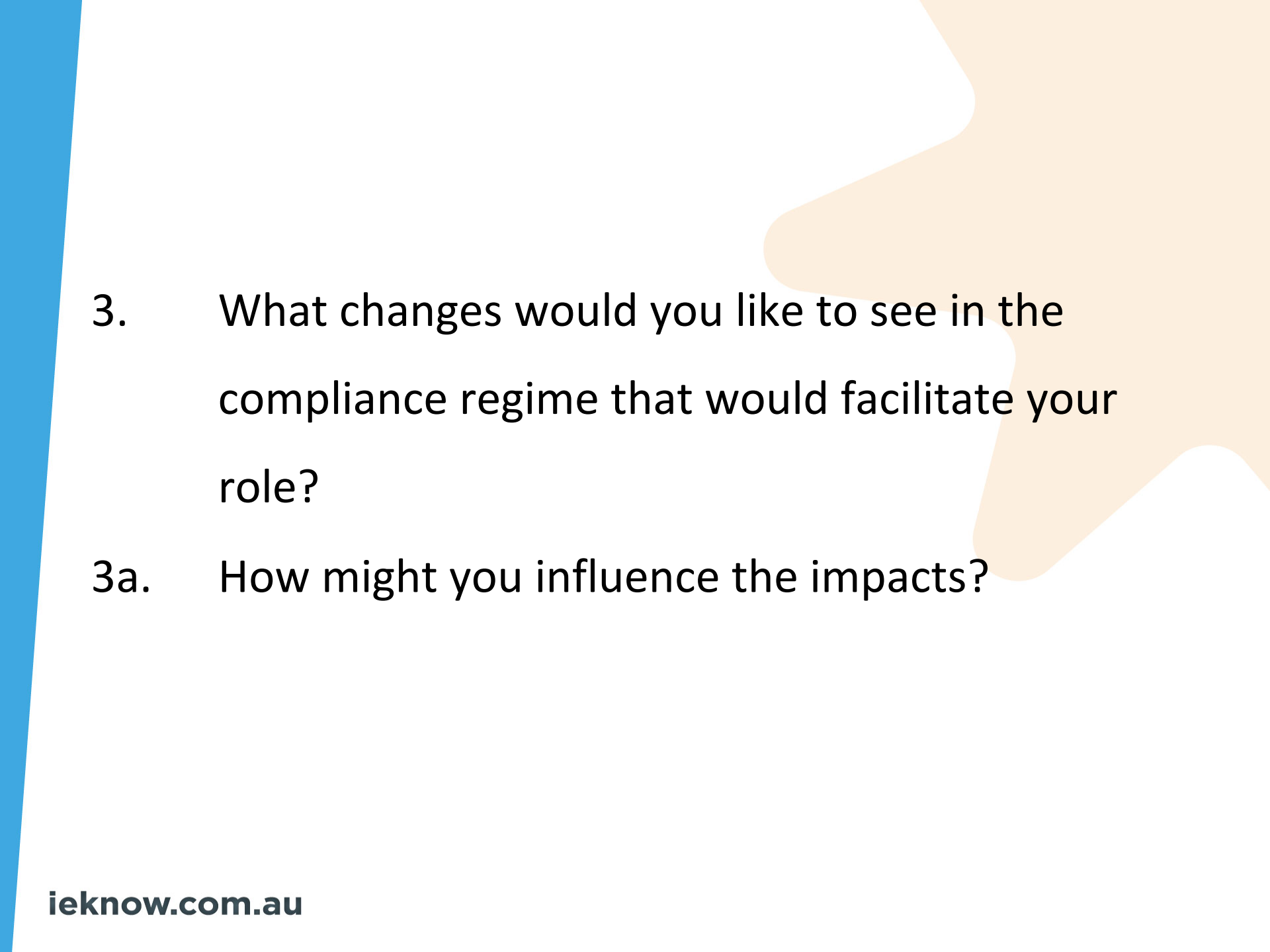
Scenarios

- Written agreements (Standard 3: Students, Standard 4: agents)
- Younger students (Standard 5)
- Intermission/course variations (Standard 9)
- Transfers/releases (Standard 7)
- Academic progress (Standard 8)

Scenarios

In each of the scenarios:

- What does the National Code require?
- What relationship does this have with student services and support, and academic faculties?
- What are the practical issues of implementing this requirement?
- What are the possible impacts on student support delivery?

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3. What changes would you like to see in the compliance regime that would facilitate your role?
 - 3a. How might you influence the impacts?



Thank you

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