

TEQSA REFORM AND CONTINUOUS IMPROVEMENT

University College London submission

About University College London (UCL); Australian context

UCL is the third oldest university in England (behind Oxford and Cambridge), established in 1826 and consistently ranked in the world's best five universities.

UCL is one of the largest universities in Britain, with an annual turnover of A\$1.5 billion, more than 27,000 students, more professorial staff than any other British university and 10 faculties, including:

1. Arts and Humanities
2. Bartlett Faculty of the Built Environment
3. Brain Sciences
4. Engineering Sciences
5. Laws
6. Life Sciences
7. Mathematical and Physical Sciences
8. Medical Sciences
9. Population Health Sciences
10. Social and Historical Sciences

UCL opened its first overseas campus, UCL Australia, in Adelaide, commencing teaching at the beginning of 2010. UCL Australia is a full department within the Faculty of Engineering Sciences (FES). UCL has since opened its second overseas campus, UCL Qatar, in Doha, which opened in 2012.

FES itself has an annual turnover of more than A\$140m and comprises 11 departments. UCL Australia comprises less than 4% of the total faculty operational cost. UCL Australia is not a separate legal entity from UCL. The Australian campus is simply a legal extension of the main campus. It operates in Australia as a non-resident foreign corporation registered with the Australian Securities and Investments Commission (ASIC).

Therefore, UCL Australia is subject to all the usual governance processes of the university, with one notable exception. In addition to other departments' standard governance arrangements, UCL Council created the UCL Australia Academic Board to oversee and ensure that Australian regulatory and UCL Council standards were met. This four-member board meets quarterly and comprises:

1. Emeritus Professor Alan Robson AM, Chair. Professor Robson is the former Vice Chancellor of the University of Western Australia.
2. Hon Dr Jane Lomax Smith AM. Dr Lomax Smith was born in London and is the former South Australian Minister for Education and a former Lord Mayor of Adelaide. She obtained her medical degree from London Hospital Medical College, her PhD at the University of Adelaide and is a pathologist.
3. Emeritus Laureate Professor John Ralston AO. Professor Ralston was the founding Director of the Ian Wark Institute at the University of South Australia. He is Emeritus Professor of Physical Chemistry and Minerals Processing.
4. Professor Chris J. Baker, Ohio State University. Professor Baker was previously the Dean of Engineering at ANU and prior to working in Australia held the Thales-Royal Academy of Engineering Chair of intelligent radar systems at UCL.

UCL supports substantial reform of higher education regulation in Australia

University College London (UCL) supports the current policy moves to substantially deregulate higher education in Australia. This particular submission deals with the principles of regulation as it pertains to the Tertiary Education Quality and Standards Agency (TEQSA), which was established in 2012.

However, UCL further supports broader Australian deregulation, increased policy making transparency, competition, policy equalisation and best practice models of higher education outcomes in teaching, research and organisational performance. UCL believes that deregulation can happen without compromising quality standards.

UCL notes on the surface there appears policy alignment of TEQSA's own Reform and Continuous Improvement process with the earlier *Review of Higher Education Regulation*¹ (2 August 2013), the current Government's adoption of these recommendations and the Education Minister's instruction to TEQSA to deregulate² (22 October 2013).

However, UCL is concerned about both the potential for underlying policy tension and the slow rate of progress on these important reforms and feels deregulation benefits should be felt more immediately. While the current period of sectoral consultation is understood, as it stands it will be at least 15 months from the commissioning of the *Review of Higher Education Regulation* before any meaningful reduction in red tape and bureaucracy is seen. If deregulation is not felt more immediately then TEQSA has an obligation to defer all proceedings until improvements are delivered.

As one would expect, UCL comes with a natural bias towards its first international campus, UCL Australia, particularly, as we understand, UCL is the only 'university' currently seeking reregistration in Australia. So while we are pleased to provide this submission in support of positive and lasting change we also encourage TEQSA to work within the flexible parameters of its legislation to proactively move more quickly on common sense reform.

UCL commends the *Basic Principles for Regulation* (Part 2 of the TEQSA Act) which says:

"TEQSA must comply with the following principles when exercising a power under this Act in relation to a regulated entity:

- a. the principle of regulatory necessity;*
- b. the principle of reflecting risk;*
- c. the principle of proportionate regulation".*

UCL feels these three principles should be the underpinning ethos of TEQSA, not just its guidelines and operational regulations. The principles must sit at the very heart of its culture and behaviour. This must be more broadly a part of an overall shift from a culture of regulation to one of quality assurance and quality improvement.

UCL believes these principles could be applied as a pyramid in all TEQSA processes, but particularly with respect to applications for:

- a. renewal of registration;
- b. course accreditation;
- c. CRICOS; and
- d. Registration as an Overseas University (including a move to self-accrediting status for current providers).

This submission deals specifically with consultation sought on the *'Future directions for TEQSA's regulatory processes (relating to: renewal of registration; course accreditation; and renewal of course*

¹ Professor Kwong Lee Dow AO and Professor Valerie

Braithwaite <http://www.innovation.gov.au/highereducation/Policy/HEAssuringQuality/Documents/FinalReviewReport.pdf>

² Hon Christopher Pyne MP <http://www.comlaw.gov.au/Details/F2013L01824>

accreditation)' however many of the suggestions can be translated to the *Future directions for TEQSA's Regulatory Risk Framework*.

UCL would be pleased to provide further detailed suggestions as required.

A handwritten signature in black ink, appearing to read 'D Travers', is centered on a light gray rectangular background.

David Travers
Chief Executive

4 December 2013

TEQSA's outline of reforms

TEQSA has proposed to “focus on substantially streamlining renewal of registration, course accreditation and renewal of course accreditation processes, giving full leverage to a risk-based and proportionate approach”. In its own words, it suggests it will do this by:

- *“reducing the scope of assessment for renewal of registration based on a provider’s risk assessment, regulatory history, and history of higher education delivery*
- *reducing the amount of evidence required at time of application by tailoring assessment processes and application requirements; using TEQSA’s accumulated experience and information gained from regulatory activities and data collection; and introducing a provider website portal to enable the transfer of secure information and electronic submission of applications to TEQSA*
- *providing clearer guidance about the amount and nature of information required to reduce the overall amount of information submitted, while maintaining an emphasis on provider choice as to the evidence most useful to submit to TEQSA, particularly in a renewal of registration application; and*
- *strengthening TEQSA’s case management model by supporting greater dialogue between providers and Case Managers in order to facilitate streamlining and tailoring of regulatory requirements on an individual provider basis and enhanced transparency of regulatory approaches and requirements”.*

TEQSA says its case management model is critical to being able to give full effect to these reforms.

TEQSA has sought specific feedback on particular consultation questions pertaining to renewal of registration. TEQSA sought responses on Parts A (renewal of registration), Part B (course accreditation) and Part C (renewal of course accreditation). UCL’s full response is at Attachment 1 and deals extensively with Part A.

General UCL suggestions:

1. UCL suggests if there is genuine engagement with the case manager then a more proactive approach needs to be made *prior* to any renewal of registration application processes commencing. There should be greater emphasis on the case manager understanding the provider’s business. Being proactive does not mean being more ‘friendly’ it means knowing the provider and being able to provide more detailed advice and greater certainty. UCL agrees that the case management model is critical to being able to give full effect therefore TEQSA must reform its own delegations framework and operating procedures to ensure case managers have real knowledge, formal delegated authority and the necessary communication skills in order to speed up the preparatory process to avoid limitless meetings and discussions. As part of this recommendation, UCL suggests that TEQSA needs to define what ‘case management’ means as this is likely to mean different things to different elements of the sector.

Suggested amendments to TEQSA application processes

2. APPLICATION: UCL proposes a single application process for all reregistration and reaccreditation matters. Providers should be able to use a simple overarching application form and then indicate, in matrix form or similar, the purpose of the information supplied, which could be used to support other applications, such as:
 - renewal of registration;
 - course accreditation;
 - CRICOS; and
 - Change in provider status (ie move to self-accrediting status pursuant to foreign universities).

3. Once a provider has lodged an application (and instead of having to complete all forms and provide all documentation for all applications, as is the current process [even if they are cross referenced with hyperlinks]) TEQSA should consider a simple three-staged assessment process, based on the legislative principles, which UCL believes more than adequately covers the statutory requirements:
 - a. **NECESSITY** (a preliminary assessment, such as the ‘core evidence’ requirements, as proposed by TEQSA in its reform process): Through the case management model, the provider and TEQSA should agree what is the necessary evidence required in order for TEQSA to form an opinion about a provider’s claim for reregistration. TEQSA then calculates the provider’s risk, using its own revised risk assessment process. [At Attachment 2, UCL has attached a model example for illustrative purposes.]
 - b. **RISK** (substantive assessment): Having completed the required risk assessment, TEQSA may request the provider submits additional information in order to develop a final risk assessment (or to calculate residual risk). This puts the emphasis on the provider to submit sufficient information in order to enable the complete picture to be formed.
 - c. **PROPORTIONALITY** (summary of findings): Having reviewed the residual risk rating, TEQSA completes its assessment, applying the principle of proportionate regulation. The proportional requirement can then be established by asking: ‘does the remaining area of residual risk warrant an audit, site visit etc. Is it proportionate to the scale of the provider?’ TEQSA could choose any number of additional actions if not satisfied with the information provided. At the completion of this stage, TEQSA releases a provisional summary of findings, giving the provider the opportunity to provide any further evidence or argument against the provisional findings.
4. Having produced a Summary of Findings and presented this to the provider, TEQSA then considers the provider’s response and makes a final decision.

Attachment 1 provides UCL specific comments against the consultation questions.

RENEWAL OF REGISTRATION – CORE EVIDENCE REQUIREMENTS (TEQSA proposals)		UCL VIEW
POLICIES AND PROCEDURES	- Any policies, procedures or guidelines relevant to the Provider Registration Standards (PRS) listed below are to be provided, such as through a link to central repository	-
GOVERNANCE PRS 3.4 – Risk Management PRS 3.7 – Corporate and Academic Governance	<ol style="list-style-type: none"> 1. Constitution (except for universities constituted by Acts of Parliament) 2. Governance chart or similar 3. Delegation instruments * 4. Terms of Reference and membership of governing body and academic board or similar * 5. Minutes of governing body for last 12 months 6. URL link and access to any central policies and procedures repository or key documents for governance 7. Risk Management Plan or similar 8. Risk Register and status reports on risk and risk management reported to Risk Committee or similar 9. Audit and Risk Committee minutes for the past 12 months 	<p>UCL does not support the provision of items 6, 7 or 8. These are good examples of 'how long is a piece of string'.</p> <p>There are unlimited central policies governing procedures around governance [6.]. In UCL's case these are easily accessible in the public domain. For example http://www.ucl.ac.uk/ras/acs/governance</p> <p>UCL supports evidence being provided based on TEQSA's identification of a material risk. UCL does not believe it is the provider's responsibility to nominate risk, in any category, or provide a Risk Management Plan [7.]. If TEQSA's risk assessment of a provider determines that the organisation's risk framework is in itself a risk, then it should seek further details. The principle of risk is 'likelihood' and 'impact' and the provider and the regulator are likely to have different views on the residual risk value and the mitigation strategies.</p> <p>UCL Heads of Department are required to manage risk as a fundamental part of their responsibilities, which UCL expects would be consistent across the Australian higher education sector. This is within the context of an organisational wide Risk Committee [8.] which oversees a Risk Register. However, it is felt there is already sufficient delegation and accountability which is reviewed through both internal and external processes. There is no real limit to the scope of what a regulator could consider risk where a register exists and much of it is superseded as</p>

RENEWAL OF REGISTRATION – CORE EVIDENCE REQUIREMENTS (TEQSA proposals)		UCL VIEW
		<p>quickly as it is identified.</p> <p>UCL supports item 9. The provision of Audit and Risk Committee minutes for the past 12 months is considered an appropriate level of detail to capture items 7-8.</p>
<p>PLANNING AND PERFORMANCE OUTCOMES</p> <p>PRS 3.6 – planning and review processes (focus on outcomes)</p> <p>PRS 5.6 – performance of teaching, student learning outcomes, graduate outcomes, and (as applicable) research</p>	<ol style="list-style-type: none"> 1. Current Strategic Plan 2. Latest report on the progress of the Strategic Plan, as presented to the Governing body 3. Research Plan (where relevant) and most recent outcomes against plan 4. Teaching and Learning Plan and most recent outcomes against plan 5. Summary of benchmarking activity and outcomes 6. Sample reports of internal and external faculty, program and/or school reviews and evidence of use for improvement 	<p>As a principle UCL supports the provision of this evidence, however it suggests where rigorous internal and external review has occurred within the final three years of the provider’s registration the result of these reviews could be submitted as evidence of the existence of these processes and procedures. This proposal assumes the provider is able to demonstrate the detail of the evidence required in items 1-6.</p> <p>An alternative could be an open and ‘in-good-faith’ discussion with the respective case manager prior to the submission of this evidence because scope creep risks a limitless potential list of requirements. This is particularly true for evidence against the Teaching and Learning Plan (4) and the Research Plan (6).</p>
<p>ACADEMIC QUALITY ASSURANCE</p> <p>PRS 3.8 – QA and academic development, review and improvement systems, maintenance of academic standards with appropriate mechanisms for external input</p>	<ol style="list-style-type: none"> 1. Evidence of approach to course development and of its effectiveness (for example through minutes of academic governance committees such as course advisory, academic board, quality assurance, and/or teaching & learning committee minutes) 2. Evidence of approach to course approval and of its effectiveness 3. Evidence of approach to course monitoring and review and of its effectiveness 4. Internal and external audit/review of academic processes, and review outcomes 5. Recent student outcome data reports, as submitted to 	<p>As a principle UCL supports the provision of this evidence, however UCL suggests where rigorous internal and external review has occurred within the final three years of the provider’s registration, final reports, recommendations and outcomes of these reviews could be submitted as evidence of the existence of these processes and procedures. This proposal assumes the provider is able to demonstrate the reviews considered at items 1-8.</p>

RENEWAL OF REGISTRATION – CORE EVIDENCE REQUIREMENTS (TEQSA proposals)		UCL VIEW
	<p>governance bodies, and evidence of consideration by those bodies</p> <ol style="list-style-type: none"> 6. Examples of stakeholder feedback and provider response/action 7. Examples of student evaluation of teaching and (where applicable) research training, and use of this feedback 8. Effectiveness of quality assurance arrangements for any third party provision of education services (e.g. audit reports, moderation outcomes) 	
<p>STUDENT EXPERIENCE AND SUPPORT</p> <p>PRS 6.4 – grievance processes</p> <p>PRS 6.5 – Transition, academic language and learning support</p>	<ol style="list-style-type: none"> 1. Evidence of provision of student support programs and take-up (for example students from an Aboriginal and Torres Strait Islander background, students with a disability, orientation programs, academic language and learning support for students ‘at risk’) 2. Approach to student evaluation of support services and overall experience and use of feedback 3. Institutional response to student achievement and outcomes data 4. Evidence of student grievance processes in place, including the number of complaints over the past 12 months and analysis of nature of complaints 5. Latest report to governing body on student complaints and grievances 	<p>As a principle UCL supports the provision of this evidence. While a rigorous internal and external review could be used as evidence, UCL feels the focus on the student experience and support is warranted.</p>

MODEL EXAMPLE OF MATRIX EVIDENCE (USING CURRENT REQUIREMENTS, FOR ILLUSTRATION)

ATTACHMENT 2

	Examples of documented evidence which could be considered	Evidence categories in current TEQSA processes			Notes	
		APPLICATION FOR RENEWAL OF REGISTRATION	APPLICATION FOR CRICOS REREGISTRATION	APPLICATION FOR REGISTRATION AS AN OVERSEAS UNIVERSITY		
	Name of institution, registration number, applications, contact officer	Part A	Section 1	A1.1, A1.2, A1.3, A1.4, A1.5, A1.6, A1.7, A1.8	One form for all applications	
NECESSITY	1	Summary statement	Part B	N/A	B1.1	
	2	Fit and proper person certification, organizational chart/s, declaration of compliance	B3.2	Section 2.2	A1.3	
	3	Constitution, Royal Charter, Council, Academic Board, UCL Regulations, ASIC, ATO registrations, staffing documents, banking, formal Powers of Attorney	B3.2	Section 4.1.2	A1.4	
	4	UCL audited accounts, UCL Australia audited accounts, letter of comfort, business plan, strategic plan, KPMG audit, Audit Committee minutes, audit implementation strategy	B3.2, B2.2, B2.3, B3.3	Section 4	B1.1, C1.1, E3.2	
	5	UCL Australia Academic Board ToR and membership	B3.2	Section 4.2.5	B1.1, E3.2	
	6	Internal Quality Review (IQR) and UCL Australia response and implementation	B3.2, B4.3	Section 4.2	B1.1	
	7	UCL Australia External Examiners, composition of Exam Board, minutes, decisions and actions (complete set/sample of minutes)	B6.2	Section 4.1.2, 4.2.5	D2.2, D9.2	Responsibilities to students
	8	Staff Student Consultative Committee constitution, composition and minutes (agendas/minutes as required);	B6.2	Section 4.2.6, 4.2.1	D5.2, D6, D7.2	

	9	Resources (physical, electronic and infrastructure). Property ownership and leases (if any)	B7.2	Section 4.2.4	E4.2	
	10	Course accreditation	See Application for Registration as an Overseas University	Section 4.2.1	E2.2	
	11	DFEEST External Audit of UCL Australia (2011) and response	C1.3, B4.3	Section 4.2.3	D9.2	
	12	Departmental Teaching and Learning Plan	B4.2, C1.2	Section 4.2.3	E3.2	
RISK	13	Evidence of compliance to ESOS National Code; (those items with a final risk assessment red code)				
	14	Executive Committee, composition, minutes and actions (agendas/minutes as required)				
	15	Departmental Research Committee terms of reference, composition and minutes (complete set/sample of minutes as required)				
	16	Departmental Teaching Committee terms of reference, composition and minutes (complete set/sample of minutes as required)				
	17	Compliance and performance against Department of Immigration and Border Protection streamlined visa processing requirements				
PROPORTIONATE	18	Copies of external funding				
	19	Copies of internal funding deeds				
	20	Academic standards				
	21	Research frameworks				