



Australian Government
Department of Education,
Skills and Employment

ESOS Agency for Schools

Regulatory Performance Framework

Annual Report 2019-20





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The document must be attributed as the (*ESOS Agency for Schools RPF Report 2019-20*).

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Abbreviations

AISWA	Association of Independent Schools of Western Australia
ARC	Annual Registration Charge
ASQA	Australian Skills Quality Authority
CoE	Confirmation of Enrolment
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students
DSA	Designated State Authority (for schools, including territory agencies)
ELICOS	English Language Intensive Courses for Overseas Students
EMC	Entry to Market Charge
ESOS Act	<i>Education Services for Overseas Students Act 2000</i>
ESOS Agencies	Secretary of the department (for school providers); ASQA (for VET and ELICOS providers); and TEQSA (for higher education and foundation program providers)
ESOS Regulations	<i>Education Services for Overseas Students Regulations 2019</i>
ESOS Charges Act	<i>Education Services for Overseas Students (Registration Charges) Act 1997</i>
Home Affairs	Australian Government Department of Home Affairs
KPI	Key Performance Indicator
National Code	<i>National Code of Practice for Providers of Education and Training to Overseas Students 2018</i>
PRISMS	Provider Registration and International Student Management System
Refund Specification	<i>Education Services for Overseas Students (Calculation of Refund) Specification 2014</i>
RPF	Regulator Performance Framework
SCV	Student Course Variation
State	State and Territory
TEQSA	Tertiary Education Quality and Standards Agency

The agency	The ESOS agency for approved school providers under the ESOS legislation, i.e. the Secretary, through the Quality Frameworks Branch, International Group
The department	Australian Government Department of Education, Skills and Employment
The Secretary	Secretary of the department
TPS	Tuition Protection Service
VET	Vocational Education and Training

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Regulator Performance Framework

Annual Report 2019-20

Introduction

The Education Services for Overseas Students Act 2000 (ESOS Act) sets out the legal framework governing delivery of education to international students on a student visa in Australia. The Australian Government, through the Department of Education, Skills and Employment (the department), administers the ESOS Act and its associated instruments. The ESOS legislative framework governs:

- the registration process for education providers wishing to be approved to provide courses to international students on a student visa;
- the obligations providers are required to meet;
- regulatory enforcement and compliance arrangements; and
- the operation of the Tuition Protection Service.

Under the ESOS Act, the Secretary of the department is the ESOS agency (the agency) for approved school providers that offer courses to international students.

The agency's responsibilities and powers under the ESOS Act are undertaken and exercised by the department's Quality Frameworks Branch of the International Division.

On 29 October 2014, the Government introduced the Regulator Performance Framework (the Framework) to assess regulators' performance while carrying out their regulatory functions and in their interactions with industry and the community.

The Framework aims to improve the way regulators operate, increase accountability and transparency while reducing the costs incurred by business from the administration of regulations.

The Framework does not prescribe an approach for how self-assessments should be conducted, outside of the specific requirements that they be conducted annually, externally validated through an approved stakeholder consultation mechanism and made publicly available.

The first reporting period against the Framework was the 2015-16 financial year and the agency published its annual self-assessment in November 2016.

This is the fifth annual self-assessment by the agency of its performance against the Regulator Performance Framework (RPF). This self-assessment reports on activities undertaken during the 2019-20 financial year and was informed by:

- evidence of good regulatory behaviour collected against the *ESOS Regulator (Schools) RPF Metrics* (see *Appendix 1*) and
- direct industry feedback received at consultative forums.

Provider Profile

As at 30 June 2020, 391 school providers were registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). These 391 school providers had in total around 1,342 locations and 1,009 courses with an overall student capacity of 75,692. Their distribution by state is given in the Table 1.

There were 8 school sector providers whose registration was cancelled in 2019-20. Seven providers requested voluntarily cancellation. The other was cancelled following a provider default and closure process undertaken by the Tuition Protection Service Team. In addition, four multi-sector providers moved out of the 'Schools' sector. That is, the providers are still CRICOS registered providers, but no longer have CRICOS registered schools courses.

Please note that school systems operated by education departments in each state and territory are systems providers – as a result, they have one registration but may include many schools.

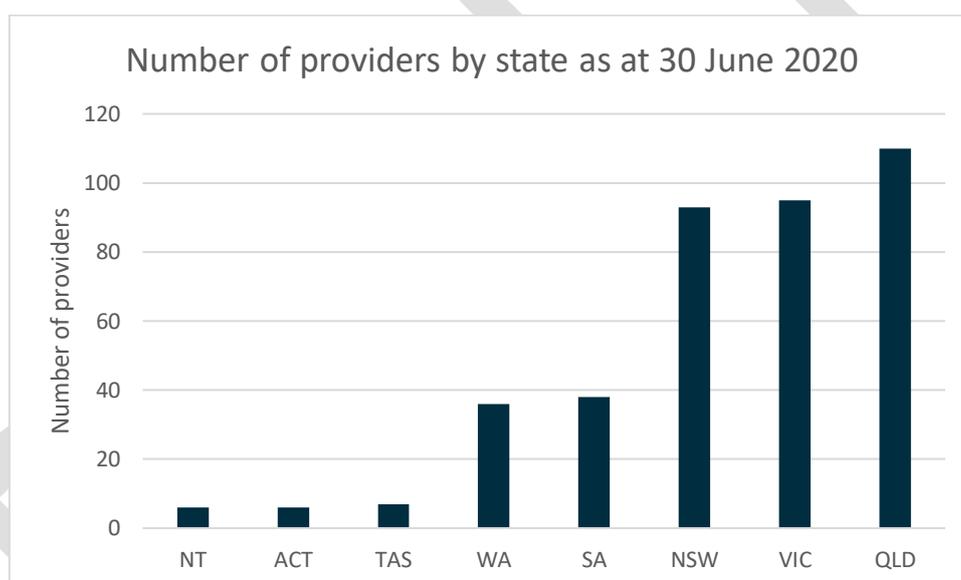


Figure 1 - Distribution of schools providers by State as at 30 June 2020

Note:

Of the total 391 providers, 12 also delivered courses in higher education and/or VET sectors. These 12 providers referred to as dual or multi sector providers, were also regulated by other ESOS agencies, i.e. the Tertiary Education Quality and Standards Agency (TEQSA) and/or the Australian Skills Quality Authority (ASQA).

This report is a formal self-assessment report by the agency against the *ESOS Regulator (Schools) RPF Metrics*, which is found at *Appendix 1*, it is also available at www.internationaleducation.gov.au.

Summary of Performance

In 2019-20, the agency met its objectives against the following *Regulator Performance Framework* key performance indicators:

1. Regulators do not unnecessarily impede the efficient operation of regulated entities
2. Communication with regulated entities is clear, targeted and effective
3. Actions undertaken by regulators are proportionate to the regulatory risk being managed
4. Compliance and monitoring approaches are streamlined and coordinated
5. Regulators are open and transparent in their dealings with regulated entities
6. Regulators actively contribute to the continuous improvement of regulatory frameworks.

This report acknowledges the 2017 streamlining of compliance and monitoring approaches which identified opportunities for improvement and resulted in the better targeting of resources for greater impact. As a matter of policy, the agency no longer undertakes face-to-face monitoring visits, nor the associated DSA meetings prior to, or after compliance monitoring visits.

Key activities performed by the agency included:

- Secretariat of six teleconferences with Designated State Authorities (DSAs) and two teleconferences with National Regulators;
- Two information (webinars and virtual presentations) sessions on COVID-19 impacts and policy changes and legislative and regulatory changes and requirements and.
- 124 CRICOS registration renewals and 4 new registrations.

Table 1 breaks down new provider registrations and renewals by state.

The agency also:

- consulted on, prepared and published (Dec 2019) its fourth annual self-assessment Report; *ESOS Agency for Schools 2018-19 RPF Report*;
- was the subject of a departmental internal audit, the *International Student Schooling Providers Risk Modelling – 2019 Internal Audit* (the audit), to review the appropriateness of current risk management approaches used in administering the *Education Services for Overseas Students (ESOS) Legislative Framework*;
- tabled the report at the department's 20 November 2019 *Audit and Assurance Committee meeting*;
- responded to and closed Recommendations 1, 2 and 3 of the audit report in line with agreed timelines;
- provided helpdesk services about ESOS compliance, CRICOS registration and renewal requirements and processes; and
- maintained responsive PRISMS and ESOS helpdesk functions, with a particular focus in the second half of the financial year on delivering responses on COVID-19 related issues impacting the Schools sector.

The agency also performed the following functions in relation to all registered CRICOS providers (not just the schools sector):

- collected Entry to Market Charges (EMC) from 281 providers and 69 initial TPS levies;

- managed debt collection processes for 37 providers who failed to pay the second or third EMCs by the due date;
- refunded EMCs collected from 281 providers as part of the Government’s COVID-19 support package; and
- maintained and updated CRICOS and relevant pages on: www.internationaleducation.gov.au

In relation to COVID-19 developments the agency:

- Coordinated and consulted with DSAs and other relevant international education stakeholders;
- Worked collaboratively with DSAs and across government to implement a flexible regulatory approach

As a result of the agency’s education and compliance activities, the overall level of compliance with ESOS by school sector providers has stabilised across the five risk factors historically used to determine provider risk (**Figure 2**).

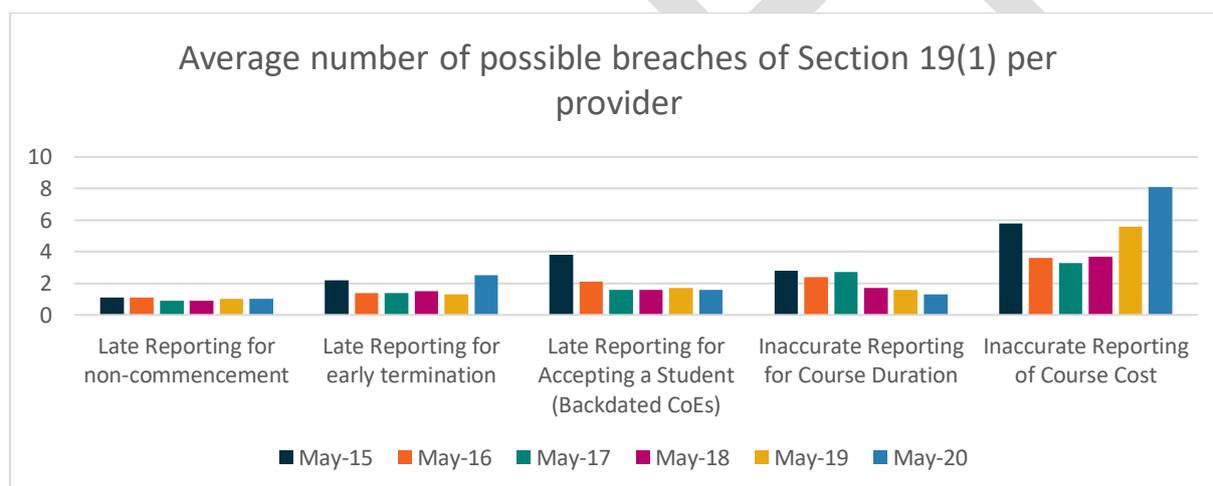


Figure 2: Average number of possible breaches of Section 19(1) per provider (May 2015 – May 2019)

Registrations and renewals by state 2019-2020

State	<i>New Registrations</i>	<i>Renewals</i>	<i>Desktop Audit</i>
ACT	0	1	1
NSW	4	25	25
NT	0	0	0
QLD	0	33	33
SA	0	0	0
TAS	0	0	0
VIC	0	59	59
WA	0	6	6
ALL	4	124	124

Table 1 - Number of new registrations and renewals of school providers - 2019-20

Detailed Report

Deliverables of the agency are self-assessed according to evidence collected against the *ESOS Regulator (Schools) RPF Metrics* (see *Appendix 1*) and described as follows.

KPI 1 - Regulators do not unnecessarily impede the efficient operation of regulated entities

The agency's mandate is to ensure all CRICOS registered school providers meet the standards as prescribed by Part B of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (the National Code) and fully comply with the requirements of the ESOS Act.

The agency responded swiftly to COVID developments, initially focussing on border restrictions impacting students from China in February 2020, then participating in the department's Taskforce to coordinate a whole of portfolio response to COVID-19 and its impacts on all education sectors.

The agency committed to a flexible approach to regulating the sector at this time. On 25 March 2020, the agency published advice for schools on flexibility of online delivery on the [PRISMS website](#). It stated that schools regulators will be flexible in order to support students to study online either in Australia or offshore for the duration of the current COVID-19 outbreak.

Both the agency and DSAs worked with providers to ensure that any planned online delivery met high quality standards and international students continued to receive a quality education experience, regardless of their location. The agency's information requests were tailored, and only made when necessary to secure regulatory objectives. For instance, schools choosing to offer online learning opportunities were encouraged to assure themselves that such arrangements met the requirements of their state's or territory's curriculum, assessment and certification agency, and were appropriately documented.

Additionally, the agency, in conjunction with ASQA, TEQSA and the department, implemented legislative changes to minimise unnecessary regulatory burden and provide financial relief to all sector providers through the amendment of the *Education Services for Overseas Students (Registration Charges) Regulations 2020* by:

- exempting all existing Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered education providers from the requirement to pay the Annual Registration Charge (ARC) under the Regulations from 1 January 2020 up until 30 June 2021;
- refunding \$10.9 million dollars of CRICOS registration fees (across all providers) previously collected for this period;
 - Over \$880,000 was refunded to schools providers.
- exempting existing providers who are liable to pay an EMC (second and third) between 1 January 2020 and 30 June 2021; and
- exempting all new CRICOS-registered providers from the requirement to pay the ARC and the Entry to Market Charge (EMC) under the Regulations from 1 January 2020 up until 30 June 2021.

KPI 2 – Communication with regulated entities is clear, targeted and effective

The agency considers the provision of targeted communication with providers and other stakeholders as a significant risk mitigation control. In 2019-20, the agency communicated with school providers on topics, such as the COVID-19 pandemic, CRICOS registration, renewals, fees, charges, PRISMS, ESOS compliance and legislative changes.

The agency took action to ensure effective communication with school providers to inform and educate providers of legislative changes which came into effect 1 October 2019. The agency considered clear, targeted and effective communication vital to the success of school providers in achieving full compliance with their obligations under the ESOS legislation.

The 2017 streamlining of compliance and monitoring activities also resulted in the cessation of activities such as state and territory visits and face-to-face workshops. That said, during the February – July 2020 period COVID-19 related travel restrictions did not allow for this type of activity to take place. Additionally, the opportunity to present in person at conferences and workshops was also limited.

The agency enhanced its communication with CRICOS registered school providers through the delivery of a number of webinars and virtual presentations explaining legislative and regulatory requirements. (see **Table 2** for details.)

Date	Activity	Topic
9 and 27 September 2019	PRISMS User Reference Group webinar	To outline the PRISMS system enhancements in support of ESOS Regulations changes.
26 September 2019	DSAs and National Regulators - webinar	To outline the PRISMS system enhancements in support of ESOS Regulations changes.
11 October 2019	Providers - webinar	Follow-up to support providers in implementation of ESOS Regulations changes.
November 2019	Independent Schools Qld presentation (joint workshop)	ESOS Regulation changes
May 2020	Independent Schools Qld presentation (joint workshop)	COVID-19 update

Table 2: Information sessions delivered in 2019-20

The agency consulted the hosts before each information session on presentation topics and the level of detail required and tailored presentations to ensure audiences' needs were met. The presentations were well received, according to feedback received from those present and achieved the expected outcomes.

The agency coordinated and consulted on the COVID-19 pandemic through the DESE DSA Stakeholder Group. Additional meetings were held 7 May and 4 June to ensure DSAs were regularly updated on the COVID situation and the developments in policy areas. (see **Table 3** for details.) Together the agency and DSAs considered the impacts on school providers prior to changing policies. Both the agency and DSA messaging and explanations of changes and support were delivered consistently. This collaboration informed the implementation of a flexible regulatory approach which included:

- Online education options – regulators are not enforcing limits;
- Allowing compassionate and compelling circumstances for deferrals and suspensions of study; and
- Extending timeframes for reporting obligations to support continued delivery

This ensured school providers were able to find out quickly what changes applied to them, what the requirements were and how best to comply at this time.

Meeting Date	Activity
23 January 2020	Quarterly meeting with DSAs
22 April 2020	Quarterly meeting with DSAs
7 May 2020	Additional meeting with DSAs
4 June 2020	Additional meeting with DSAs

Table 3: DSA meeting schedule 2019-20

Since the tightening of border controls in February 2020, the agency endeavoured to provide affected international students and international education providers with authoritative and up-to-date information. Information was updated regularly and based on each subsequent decision to extend restrictions. Topics covered:

- Regulatory information for state authorities and schools;
- General advice for international students;
- FAQs aimed at international students;
- Student wellbeing information; and
- In support of the decision to allow a limited exemption from travel restrictions for Year 11 and 12 students travelling from mainland China, additional fact sheets were developed for both impacted Chinese students and Australian schools.

During this period, 124 providers came up for registration renewal in 2019-20 compared with 57 in 2018-19. The majority of renewal requests were processed within the three week turn-around timeframe.

KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed

The agency took a risk-based and proportionate approach to regulation to ensure that it could direct limited resources to areas of higher risk and appropriately prioritise its regulatory focus, and in turn achieved the objects of the ESOS legislation.

To determine a targeted and proportionate level of action the agency conducted careful and thorough analyses of the following:

- risk matrix data available from PRISMS, including:
 - reporting volumes, timeliness and accuracy against section 19(1) of the ESOS Act
 - ARC or TPS levy payment details
 - composition and proportion of overseas students
- number of approved welfare arrangements for students under 18 years of age
- previous desktop analyses
- referrals from DSAs
- referrals from the Tuition Protection Service
- referrals from the Overseas Students Ombudsman
- media coverage
- serious complaints/allegations received by the agency.

As part of its response to Recommendation 2 of the 2019 audit, the agency undertook a significant review of current risk modelling activities related to the department's legislative functions for international student security, education experience and quality, and tuition cost from international schools, by reviewing current risk factors.

Ten possible additional risk factors were identified in Recommendation 2 of the Schools Audit. The agency, in consultation with DSAs, also considered the inclusion of these possible additional risk factors in the risk matrix. Of the ten, the following risk factors were considered suitable to include based on the availability of the data and as they were deemed as relevant to the Schools sector upon consultation with DSAs:

- Provider core business/sector;
- Percentage of international students from same country; and
- Ratio of international students versus domestic students.

The risk assessment took into account regulated activity, the specific nature of the school provider cohort, including compliance history, as well as other possible and known external factors. It is believed there is a limit to how effectively risk factors are able to accurately predict risk as the low-risk environment in which the sector is operating reduces the variability between providers. This risk will be mitigated in part by review of the risk factors informed by school cancellation events or regulatory actions.

The agency actions for Recommendation 4 will also help to address this residual risk by analysing the predictive value of each risk factor to inform how the department can mature its risk modelling activity. The outcomes of this analysis will be reported on in the 2020-21 Regulator Performance Framework Report.

Throughout the 2019-20 financial year, the agency continued to take actions proportionate to the regulatory risk being managed. Specifically, the agency considers the risk of non-compliance of the schools sector as relatively low, with any consequences of non-compliance being considered minor. In addition, the agency continued its exchange of information with DSAs regarding both providers of concern and providers with best practice.

ESOS compliance monitoring through desktop analysis over the last twelve months shows that the lead compliance issues for schools are:

- delays in reporting student course variations as required by section 19(1) of the ESOS Act
- delays in reporting early termination to the Secretary

The above is currently being addressed at renewal and as part of the planned release of non-compliance data to providers to self-manage risk. As a result, all identified issues were satisfactorily addressed by the relevant providers through voluntary undertakings and appropriate actions, including staff training or reviewing and revising relevant procedures.

It is the agency's policy to take enforcement action when providers are found to:

- have seriously breached the provisions of the ESOS Act that are regarded as offences
- have breached in a large scale (e.g. in breach of most of the 11 Standards of the National Code) and
- have systematic and on-going non-compliance issues (i.e. repeated failure to meet the obligations under the ESOS legislation and repeated failure to rectify breaches).

In 2019-20 no enforcement action was taken. There was no evidence showing that any school providers required enforcement action, such as imposing conditions on, suspending or cancelling CRICOS registration.

KPI 4 - Compliance and monitoring approaches are streamlined and coordinated

The agency is engaged in a collaborative approach to monitoring and compliance. The agency engaged with DSAs and other ESOS agencies including TEQSA and ASQA to ensure compliance activities were streamlined, consistent and coordinated. In June 2020, the agency met with representatives from ESOS agencies to discuss and review the current approach to administering dual and multi-sector provider registration renewals.

In addition, the agency consulted with ASQA and DSAs in its development and finalisation of guiding principles for delivery of Vocational Education and Training (VET) in schools to international students.

Importantly, the principles give providers specific guidance on the registration of the VET component on CRICOS, and obligations to comply with the ESOS legislation, such as the requirement to be delivered on a full-time basis. The principles also clarified schools' responsibility for meeting the requirements under the National Code of Practice for Providers of Education and Training to Overseas Students 2018, including monitoring and reporting on course attendance/progress, providing support services and ensuring compliance with requirements for younger students under Standard 5.

In 2019-20, the agency exercised their powers under the ESOS Act to monitor the level of compliance during renewal of CRICOS registration with the legislative requirements for 57 CRICOS registered school providers. This included a small number of providers who also provided higher education or VET sector courses.

KPI 5 – Regulators are open and transparent in their dealings with regulated entities

The agency made on-going efforts to ensure its processes in dealing with school providers were open and transparent. This included the review of the schools compliance website content for accuracy and currency, with some recommendations for inclusion of additional background to broaden public understanding of the purpose of the RPF and self-assessment requirement being made.

This is the fifth annual self-assessment by the agency of its performance against the Regulator Performance Framework (RPF). This self-assessment reports on activities undertaken during the 2019-20 financial year and will be published, on the internationaleducation.gov.au website in December 2020 to ensure the agency's ongoing accountability to the public.

Through the *International Student Schooling Providers Risk Modelling – 2019 Internal Audit* the agency reflected on its current risk modelling approach and whether enhancements to the current modelling approach, or development of a new modelling approach is appropriate for the continued effectiveness of ensuring only quality school sector providers are permitted to enrol international students. Regulated entities will be informed of any changes to the current risk-based framework and changes will be publicly available on the internationaleducation.gov.au website.

With regard to day-to-day compliance, non-compliance issues identified during desk audits at the time of renewal, continue to be brought to the attention of the provider and an opportunity given to address any potential or alleged breaches. In addition, advice and guidance is widely available to stakeholders, with feedback mechanisms in place to support and inform continuous improvement.

KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks

The agency's combined regulatory activity has positively contributed to the continuous improvement of the ESOS regulatory frameworks. As was previously articulated, circumstances of the COVID-19

pandemic robustly tested the continuous improvement cycle, demonstrating a regulatory framework with a high degree of flexibility allowing adjustments during a time of changing circumstances.

Evidence of this is found in the analysis of the five risk factors historically used to calculate a school’s overall risk score for the period May 2015 to May 2020. Table 6 shows the level of compliance of school providers remains relatively consistent for all years across four of the five individual risk factors. This longitudinal study contributes to a comprehensive risk assessment process, ensuring that resources are targeted to the areas requiring most attention.

Table 6: Average number of possible breaches of Section 19(1) per provider May 2015 – May 2020*

Report Date	Late Reporting for non-commencement	Late Reporting for early termination	Late Reporting for Accepting a Student (Backdated CoEs)	Inaccurate Reporting for Course Duration	Inaccurate Reporting of Course Cost
May 2015	1.1	2.2	3.8	2.8	5.8
May 2016	1.1	1.4	2.1	2.4	3.6
May 2017	0.9	1.4	1.6	2.7	3.3
May 2018	0.9	1.5	1.6	1.7	3.7
May 2019	1.0	1.3	1.7	1.6	5.6
May 2020	1.0	2.5	1.6	1.3	8.1

* Sourced from PRISMS data.

The agency strengthened communication between DSAs and the agency, particularly regarding matters relating to COVID-19 impacts on providers and DSAs alike. This led to improvements to the operation of the regulatory framework and administrative processes and resulted in timely, strong and consistent messaging to the schools sector.

The agency engaged with DSAs to draw out their views on enrolment trends and pressures affecting the school sector. In response to feedback from DSAs, the agency was able to strengthen its reporting on enrolments and provide DSAs with a more tailored and meaningful data and reporting.

It increased awareness among all stakeholders of changes to the *Education Services for Overseas Students Regulations 2019* (Regulations) through webinars, presentations and PRISMS news items.

Conclusion

As illustrated in *Appendix 2*, the agency delivered and achieved its stated objectives against the *ESOS Regulator (Schools) RPF Metrics*.

The agency will continue:

- strengthening education activities through producing quality compliance guidance, education materials and written materials at www.internationaleducation.gov.au;
- conducting targeted and focused compliance activities based on thorough analyses of risk data available to the agency, to ensure that school providers of concern are closely monitored within resource constraints;
- enhancing intergovernmental relations through stakeholder engagement to achieve a coordinated approach in compliance; and
- improving regulatory processes to meet the requirements of the Regulator Performance Framework, and ensure that its regulatory processes are fair, transparent, effective and efficient as per the *ESOS Regulator (Schools) RPF Metrics*.

Acknowledgement

This report was prepared by the agency which operates out of the Quality Frameworks Branch of the International Education Division in the Australian Government Department of Education, Skills and Employment.

The agency acknowledges the endorsements and/or input given by the following key stakeholders.

Enquiries about this report may be forwarded to esoscomplianceandregistration@dese.gov.au

Sources of data

Data used in this report came from PRISMS and analysis undertaken in association with the *International Student Schooling Providers Risk Modelling – 2019 Internal Audit*.

Key stakeholders

Before its release, this report was forwarded to the following organisations:

DSA - AUSTRALIAN CAPITAL TERRITORY

- Ms Lynda Tooth, Senior Director, Non-government Education, ACT Education Directorate

DSA - NEW SOUTH WALES

- Ms Anne Keenan, Director, School Registration and Accreditation, NSW Education Standards Authority

DSA - NORTHERN TERRITORY

- Ms Debra Liddiard-Taruminggi, Director, International Education & Non-Government Schools, NT Department of Education

DSA - QUEENSLAND

- Ms Vanessa Fensom, Manager, International Quality (Schools) Registration Services (International, Non-State and Home Education), QLD Department of Education and Training

DSA - SOUTH AUSTRALIA

- Ms Lynette Bellwood, Senior Advisor Schools Registration, Education Standards Board

DSA - TASMANIA

- Ms Katrina Beams, Executive Officer, Tasmanian Assessment, Standards and Certification

DSA - VICTORIA

- Mr Gary Bourton, Manager School Projects, Victorian Registration and Qualifications Authority

DSA - WESTERN AUSTRALIA

- Ms Lisa Rodgers, Director-General, Department of Education

THE INDEPENDENT SCHOOLS COUNCIL OF AUSTRALIA

- Ms Caroline Miller, Director Policy and Research

AUSTRALIAN GOVERNMENT SCHOOLS INTERNATIONAL

- Ms Elizabeth Webber, Chair

NATIONAL CATHOLIC EDUCATION COMMISSION

- Jacinta Collins, A/g Executive Director

Appendix 1: ESOS Regulator (Schools) RPF Metrics

KPI 1 – REGULATORS DO NOT UNNECESSARILY IMPEDE THE EFFICIENT OPERATION OF REGULATED ENTITIES		
Measure	Output/activity-based evidence	Self-assessment methodology (evidence to be collected)
1.1 ESOS Regulator (for Schools) demonstrates an understanding of the operating environment of the industry or organisation, or the circumstances of individuals and the current and emerging issues that affect the sector.	<p>1.1.1 Maintain a knowledge base of providers their environment and issues impacting them.</p> <p>1.1.2 Mechanisms are in place for regular communication with CRICOS-registered schools, designated state authorities (DSAs) and other relevant regulators to share knowledge and understanding of current and emerging issues.</p>	<ul style="list-style-type: none"> • Maintain and update providers’ profiles annually. • Undertake regular environmental scanning at least annually by staff (including review of international best practice.) • Regularly meet with State/Territory DSAs (before or after compliance monitoring visits) • Share information with all relevant stakeholders where possible (including meetings with the multi-sector working group)
1.2 ESOS Regulator (for Schools) takes actions to minimise the potential for unintended negative impacts of regulatory activities on regulated entities or affected supplier industries and supply chains.	<p>1.2.1 Conduct workshops with providers that give information on legislative requirements and opportunities for feedback from the sector on regulatory impacts.</p> <p>1.2.2 Apply a risk based scaled approach to non-compliance issues as appropriate to minimise potential for unintended negative impacts of regulatory activities.</p>	<ul style="list-style-type: none"> • Deliver workshops across all States and Territories every 2 years • Record feedback and address all issues identified • Look at providing workshop component online for providers in regional areas to access • Regularly examine approaches taken to identify and ensure rectification of non-compliance issues
1.3 ESOS Regulator (for Schools) implements continuous improvement strategies to reduce the costs of compliance for those they regulate.	<p>1.3.1 Implement streamlined registration processes, application forms and reporting requirements.</p> <p>1.3.2 Use feedback processes to identify and implement new areas for improvement.</p>	<ul style="list-style-type: none"> • Report on system/process improvements and reductions in time and costs for providers

KPI 2 – COMMUNICATION WITH REGULATED ENTITIES IS CLEAR, TARGETED AND EFFECTIVE

Measure	Output/activity-based evidence	Self-assessment methodology (evidence to be collected)
2.1 ESOS Regulator (for Schools) provides guidance and information that is up to date, clear, accessible and concise through media appropriate to the target audience.	<p>2.1.1 Guidance material and information is accessible to providers through a number of mechanisms including: website, mailbox, induction manual, national code compliance FAQs.</p> <p>2.1.2 Seek feedback from stakeholders on guidance and advice provided.</p>	<ul style="list-style-type: none"> • Seek feedback about information, guidance and advice given to the providers via <ul style="list-style-type: none"> - help desks (and Call Centre), - workshops, - internationaleducation.gov.au website, and - other educational materials on ESOS or CRICOS prepared by the ESOS Regulator (for Schools)
2.2 ESOS Regulator (for Schools) considers the impact on regulated entities and engages with industry groups and representatives of the affected stakeholders before changing policies, practices or service standards.	2.2.1 Consult peak bodies / providers about proposed changes to legislation, the National Code and reporting processes.	<ul style="list-style-type: none"> • Record consultation activities and outcomes
2.3 ESOS Regulator (for Schools)'s decisions and advice are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions.	<p>2.3.1 Finalise registration and renewal processes in a timely manner.</p> <p>2.3.2 Provide detailed explanations for rejections.</p>	<ul style="list-style-type: none"> • Complete registration/renewal process within an average timeframe of 3 weeks • Notify providers when a recommendation from a DSA is received by the department and provide detailed explanations for rejections
2.4 ESOS Regulators' (for Schools) advice is consistent and supports predictable outcomes.	2.4.1 Staff interacting with providers only use approved procedures	<ul style="list-style-type: none"> • Review and update Call Centre scripts and templates in a timely manner • All compliance case managers apply relevant procedures and templates consistently and correctly.

KPI 3 – ACTIONS UNDERTAKEN BY REGULATORS ARE PROPORTIONATE TO THE REGULATORY RISK BEING MANAGED

Measure	Output/activity-based evidence	Self-assessment methodology (evidence to be collected)
<p>3.1 ESOS Regulator (for Schools) applies a risk-based, proportionate approach to compliance obligations, engagement and regulatory enforcement actions.</p>	<p>3.1.1 Implement internal procedures for selecting providers for desktop audits and visits based on risk assessments.</p>	<ul style="list-style-type: none"> • Release bulk uploading functions in the past year and reduce costs as a result
<p>3.2 ESOS Regulator (for Schools)'s preferred approach to regulatory risk is regularly reassessed. Strategies, activities and enforcement actions are amended to reflect changing priorities that result from new and evolving regulatory threats, without diminishing regulatory certainty or impact.</p>	<p>3.2.1 Regularly review and update the PRISMS Risk Matrix.</p>	<ul style="list-style-type: none"> • Annually review of risk data (risk matrix). • Review internal process on a biannually.
<p>3.3 ESOS Regulator (for Schools) recognises the compliance record of CRICOS registered schools, including using earned autonomy where this is appropriate. All available and relevant data on compliance, including evidence of relevant external verification is considered.</p>	<p>3.3.1 Recognise the compliance record of providers and consider all available data/evidence when assessing risks.</p>	<ul style="list-style-type: none"> • Compare risk factors for a provider over a specified historical period • Exchange information with State/Territory DSAs regularly re providers of concern and providers with best practice

KPI 4 – COMPLIANCE AND MONITORING APPROACHES ARE STREAMLINED AND COORDINATED

Measure	Output/activity-based evidence	Self-assessment methodology (evidence to be collected)
4.1 ESOS Regulator (for Schools)'s information requests are tailored, and only made when necessary to secure regulatory objectives, and only in a way that minimises impact.	<p>4.1.1 Tailor requests for information and only make requests when necessary.</p> <p>4.1.2 Improve support to providers' compliance through education and discussion of identified issues</p>	<ul style="list-style-type: none"> • Only request for information in relation to high risk factors, and focus on providers with serious compliance issues • Share quarterly PRISMS Risk Matrix information with relevant regulators (i.e. DSAs) when it becomes available
4.2 ESOS Regulator (for Schools)'s frequency of information collection is minimised and coordinated with similar processes including those of other regulators so that, as far as possible, similar information is only requested once.	4.2.1 Conduct its compliance monitoring visits in conjunction with State DSAs, and also invite ASQA and/or TEQSA if the regulated entity is a dual or multi sector provider.	<ul style="list-style-type: none"> • Have meetings/teleconferences with DSAs and ASQA (and/or TEQSA for multi-sector providers) before any monitoring visits to ensure a streamlined approach • Share relevant information with Home Affairs where possible
4.3 ESOS Regulator (for Schools) base monitoring and inspection approaches on risk and, where possible, take into account the circumstance and operational needs of the regulated entity.	4.4.1 Only visit or desk top audit providers identified as having serious (or large number or proportion of) non-compliance issues; or in response to referrals received from other relevant regulators.	<ul style="list-style-type: none"> • Liaise with State/Territory DSAs and peak bodies on a regular basis • Have a multi-sector working group meeting at least once a year – to review multi-sector providers' compliance and monitoring approaches.

KPI 5 – REGULATORS ARE OPEN AND TRANSPARENT IN THEIR DEALINGS WITH REGULATED ENTITIES

Measure	Output/activity-based evidence	Self-assessment methodology (evidence to be collected)
5.1 ESOS Regulator (for Schools)'s riskbased framework is publicly available in a format which is current, clear and accessible.	5.1.1 Publish the risk-based framework on the Internet by 1 July 2015	<ul style="list-style-type: none"> Make the information available on the internationaleducation.gov.au website Update the information in a timely manner to reflect legislative or administrative changes Develop a streamlined information webpage relating to CRICOS registration, renewal, fees and compliance for schools
5.2 ESOS Regulators' (for Schools) performance measurement results are published in a timely manner to ensure accountability to the public.	5.2.1 Relevant measurement results against the KPIs for each financial year would be made publicly available as soon as practicable after each financial year	<ul style="list-style-type: none"> Publish the performance results on the internationaleducation.gov.au website annually and in a timely manner

KPI 6 – REGULATORS ACTIVELY CONTRIBUTE TO THE CONTINUOUS IMPROVEMENT OF REGULATORY FRAMEWORKS

Measure	Output/activity-based evidence	Self-assessment methodology (evidence to be collected)
6.1 ESOS Regulator (for Schools) establishes cooperative and collaborative relationships with stakeholders to promote trust and improve the efficiency and effectiveness of the regulatory framework.	6.1.1 Have an open, friendly and professional relationship and liaise with all relevant regulators on a regular basis. 6.1.2 Create a growth of awareness among providers regarding compliance with the ESOS legislative framework	<ul style="list-style-type: none"> • Have meetings/teleconferences with all relevant regulators prior to any visits • Increase the number of joint visits • The majority of schools have decreased risk scores compared to the previous year • Release relevant information on the Internet • Have joint workshops on ESOS compliance as planned
6.2 ESOS Regulator (for Schools) engages stakeholders in the development of options to reduce compliance costs (which could include industry self-regulation, changes to the overarching regulatory framework, or other strategies to streamline monitoring and compliance approaches).	6.2.1 Liaise with stakeholders to avoid duplication of RFIs (requests for information) and coordinate joint visits/workshops	<ul style="list-style-type: none"> • Visit all States and/or provide workshop presentations in all States within 2 years • Receive positive feedback from providers about the consultations and the compliance approaches • Aim to have a multi-sector regulators working group face-to-face meeting at least once a year
6.3 ESOS Regulator (for Schools) regularly shares feedback from stakeholders about consultations, legislative requirements and regulators' performance with policy departments to improve the operation of the regulatory framework and administrative processes.	6.3.1 Liaise regularly with the ESOS policy and legislation section of the department and provide feedback.	<ul style="list-style-type: none"> • Liaise with policy area on a regular basis regarding feedback from providers.

Appendix 2: Summary of deliverables against the ESOS Regulator (Schools) RPF Metrics

KPI 1 – REGULATORS DO NOT UNNECESSARILY IMPEDE THE EFFICIENT OPERATION OF REGULATED ENTITIES	Planned	Actual	EFFECTIVE KPI 2 – COMMUNICATION WITH REGULATED ENTITIES IS CLEAR, TARGETED AND	Planned	Actual		
	1	Maintain and update provider’s profiles annually		✓	1	Seek feedback about info, guidance & advice given to providers via helpdesk, workshops, website & educational materials	✓
	2	Undertake regular environmental scanning at least annually by staff (including review of international best practice)		✓	2	Record consultation activities and outcomes	✓
	3	Regularly meet with State/Territory DSAs (before or after compliance monitoring visits)		Ⓐ	3	Complete registration/renewal processes within an average timeframe of 3 weeks	Ⓐ
	4	Share info with all relevant stakeholders where possible (including meetings with the multi-sector working group)		✓	4	Notify providers when State DSAs recommendations are received, and provide detailed explanations for rejections	✓
	5	Deliver workshops across all States and Territories every 2 years		Ⓐ	5	Review and update Call Centre scripts and templates in a timely manner	✓
	6	Record feedback and address all issues identified		✓	6	All compliance case managers apply relevant procedures and templates consistently and correctly	✓
	7	Look at providing workshop component online for providers in regional areas to access		✗			
	8	Regularly examine approaches taken to identify and ensure rectification of non-compliance issues		✓			

	9	Report on system/process improvements and reductions in time and costs for providers	✓				
KPI 3 – ACTIONS UNDERTAKEN BY REGULATORS ARE PROPORTIONATE TO THE REGULATORY RISK BEING MANAGED		Planned		KPI 4 – COMPLIANCE AND MONITORING APPROACHES ARE STREAMLINED AND COORDINATED	Planned		
	1	Release bulk uploading functions in the past year and reduce costs as a result	✓		1	Only request info in relation to high risk factors and focus on providers with serious compliance issues	✓
	2	Annually review of risk data (risk matrix)	✓		2	Share quarterly PRISMS Risk Matrix info with relevant regulators (i.e. State DSAs) when it becomes available	✓
	3	Review internal processes on a biannual basis	✓		3	Have meetings/teleconferences with DSAs or ESOS Agencies before any monitoring visits to ensure a streamlined approach	Ⓐ
	4	Compare risk factors for a provider over a specified historical period	✓		4	Share relevant info with Home Affairs where possible	✓
	5	Exchange info with State DSAs regularly re providers of concern and providers with best practice	✓		5	Liaise with State DSAs and peak bodies on a regular basis	✓
					6	Have a multi-sector working group meeting at least once a year – to review multi-sector compliance monitoring approaches	✓

KPI 5 – REGULATORS ARE OPEN AND TRANSPARENT IN THEIR DEALINGS WITH REGULATED ENTITIES		Planned	Actual	KPI 6- REGULATORS ACTIVELY CONTRIBUTE TO THE CONTINUOUS IMPROVEMENT OF REGULATORY FRAMEWORKS		Planned	Actual
	1	Make info about CRICOS and ESOS available on the internationaleducation.gov.au website	✓		1	Liaise with policy area on a regular basis regarding feedback from providers	✓
	2	Update the info about CRICOS and ESOS in a timely manner to reflect legislative or administrative changes	✓		2	Have joint workshops on ESOS compliance as planned	Ⓐ
	3	Develop a streamlined info webpage relating to CRICOS registration, renewal, fees and compliance for schools	✓		3	Visit all states within 2 years	✗
	4	Publish performance results on the internationaleducation.gov.au website annually and in a timely manner	✓		4	Receive positive feedback from providers about the consultations and the compliance approaches	✓
					5	Increase the number of joint visits	✗
					6	The majority of schools have decreased risk scores compared to the previous year	✓

LEGEND	
✓	Fully Actioned
Ⓐ	Partially Actioned
✗	Not yet Actioned