

Tertiary Education Commission's Response Framework for Educational Delivery and Performance

How we respond to performance of TEC-funded providers

What is our response framework?

The Response Framework describes how we manage educational delivery and performance where it needs to improve. It provides an overview of the types of responses TEC uses to manage delivery and performance, and broad factors that affect whether and what type of response is taken.

The framework is designed to endure over time, so it focuses on responses and factors that are stable over multiple funding rounds. It does not include specific expectations of delivery and performance (e.g. specific levels or measures of these factors, rankings of their importance, or mappings between factors and responses) because these vary over time and in different contexts. Instead, specific expectations are laid out in a range of regularly published sources including Plan Guidance, funding conditions, funding mechanisms and technical guidance. TEOs should refer to these sources to understand what specific levels and/or circumstances are likely to invoke a response.

We use three broad types of responses. This list is not exhaustive.

Information, monitoring and engagement

Our business-as-usual methods for understanding provider performance include regular data reporting and communicating expectations through Plan Guidance, other publications and engagement.

Our first choice of response, when there is a potential indicator of a need for support to improve outcomes. It may include requesting further information, or changing the frequency, intensity, method, attendees or content of engagements.

Dedicated and/or specialist engagement (eg. a Relationship Manager) is likely when there is more risk (eg. total funding envelope >\$5m), or delivery or performance needs to improve.

Requirements and conditions

When more structure is required than engagement alone, TEC may:

- require a full investment Plan
- change Plan length
- require a significant Plan amendment
- require an improvement plan
- apply organisation-specific funding conditions
- impose a new condition on subsequent Plan funding approval.

Funding

In situations where performance is not improving even with requirements or conditions, TEC may:

- remove access to in-year additional funding
- revoke approval for a qualification to be accessible for student loans and allowances
- amend, revoke and/or recover existing funding
- reduce further investment or part-fund only (including signalling this through indicative allocations)
- cease investment.

Proposed funding decisions made as part of annual Plan rounds are always subject to a Right of Response process.

Decisions about responses to delivery and performance result from on-balance assessments, not bright-line tests. They involve many factors and depend on us having as much information as possible. For this reason, we rely on engagement as the first response when an indicator occurs and to enable a 'no surprises' approach if a further response is required. We aim to understand what reasons might be underlying the indicator and what is already happening to address it.

The Response Framework covers how we respond to educational delivery and/or performance that needs to improve. It does not cover:

- responses to delivery or performance that exceeds expectations
- other types of assessments we make such as TEI risk and PTE financial viability
- other types of decisions we make, such as those about investment (although both our investment and response frameworks are relevant where responses relate to funding, such as reducing investment when performance is not improving).

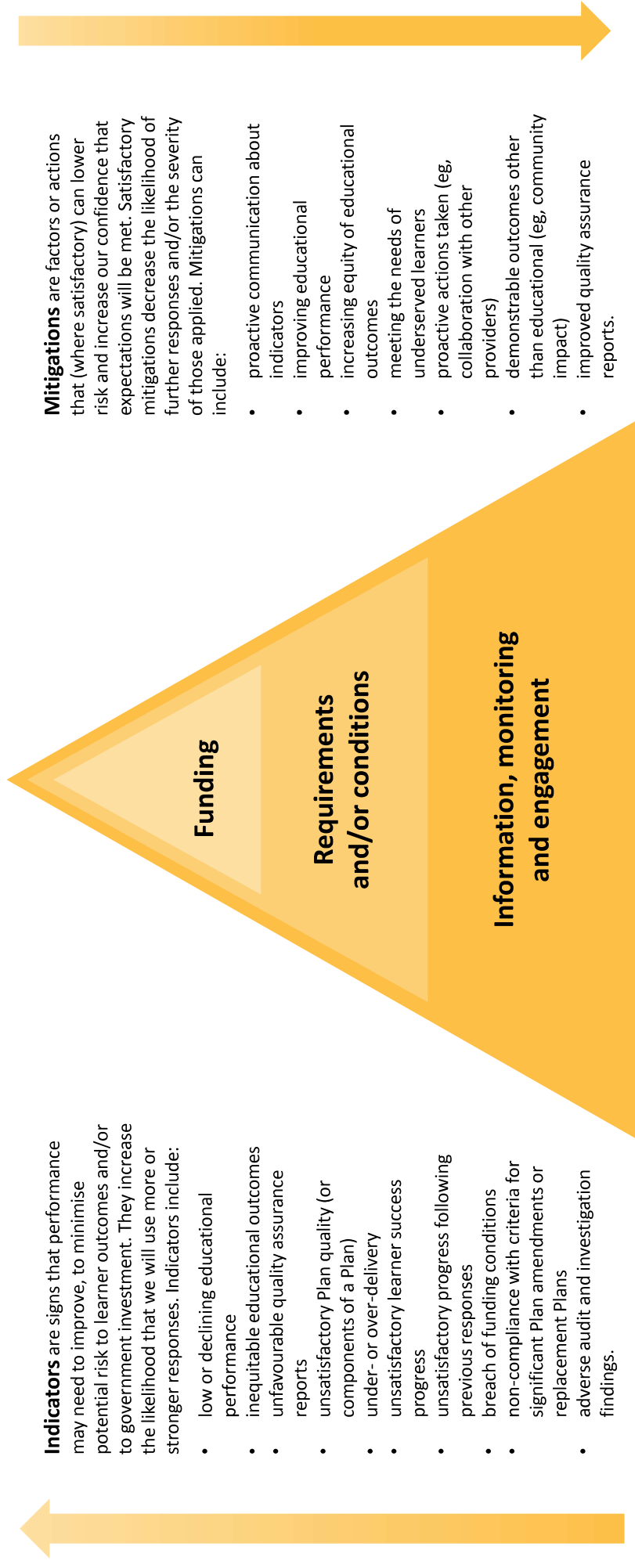
Fundamental to our decision-making are our legislative functions and obligations under the Education and Training Act 2020, including giving effect to the Tertiary Education Strategy. Our ongoing focus on learner success is embedded throughout the framework: as a potential indicator that improvement is necessary, a way to improve outcomes, a contextual factor considered in decisions, and a principle underpinning all decisions.

We consider many factors in making a response decision.

We generally (although not always) use responses in a graduated manner, with engagement continuing throughout.

Context is crucial to which responses we use, how quickly we do so, and the importance of various indicators and mitigations at different points in time. For example:

- at a **system level**: fiscal environment, overall availability of funding and government risk appetite can affect how quickly we strengthen responses or which ones we apply
- at a **sub-sector level**: the type of provider, including size, legislated autonomy, business model, and alternatives in the network of provision, affects what responses we use
- at a **provider level**: specific concerns (eg, inequitable learner outcomes) can have specific associated responses, or responses might only be applied to pockets of provision or to provision with outcomes that are not improving. We also consider a provider's existing compliance requirements.



Key principles underpin every response decision:

Evidence-based

We make informed decisions based on best available data, information and intelligence. We understand and apply knowledge of the sector, learner demand, stakeholder needs, and best practice.

Fair, transparent and consistent

We use engagement to maintain transparency with providers and understand the context that makes our decisions fair. Our methods and processes build trust and confidence in the system for learners, industry, communities and government. We balance costs and risks in proportion to outcomes.

Learners at the centre

We incentivise, promote and enable equitable educational outcomes for all learners by making providers accountable for how they deliver education and the outcomes they achieve. We expect providers to recognise learner diversity and meet learners' needs and aspirations.

Continuously improving the system

We improve the system's effectiveness through reviewing and updating internal processes for deciding and applying responses, as necessary. We improve the system through the tools and guidance we provide to the sector and the network of provision we invest in.