

# THE 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 The ESOS Regulator (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"> <li>• Maintain and update providers' profiles annually.</li> <li>• Undertake regular environmental scanning at least annually by staff (including review of international best practice.)</li> <li>• Regularly meet with DSAs (before or after compliance monitoring visits)</li> <li>• Share information with all relevant stakeholders where possible (including meetings with the multi-sector working group)</li> </ul>
1.2 The ESOS Regulator (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"> <li>• Deliver workshops across all States and Territories every 2 years</li> <li>• Record feedback and address all issues identified</li> <li>• Look at providing workshop component online for providers in regional areas to access</li> <li>• Regularly examine approaches taken to identify and ensure rectification of non-compliance issues</li> </ul>
1.3 The ESOS Regulator (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"> <li>• Report on system/process improvements and reductions in time and costs for providers</li> </ul>

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## 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 The ESOS Regulator (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"> <li>Seek feedback about information, guidance and advice given to the providers via               <ul style="list-style-type: none"> <li>help desks (and Call Centre),</li> <li>workshops,</li> <li>internationaleducation.gov.au website, and</li> <li>other educational materials on ESOS or CRICOS prepared by the ESOS Regulator (Schools)</li> </ul> </li> </ul>
2.2 The ESOS Regulator (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"> <li>Record consultation activities and outcomes</li> </ul>
2.3 The ESOS Regulator (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"> <li>Complete registration/renewal process within an average timeframe of 3 weeks</li> <li>Notify providers when a recommendation from a DA is received by the department and provide detailed explanations for rejections</li> </ul>
2.4 The ESOS Regulator (Schools)'s advice is consistent and supports predictable outcomes.	2.4.1 Staff interacting with providers only use approved procedures.	<ul style="list-style-type: none"> <li>Review and update Call Centre scripts and templates in a timely manner</li> <li>All compliance case managers apply relevant procedures and templates consistently and correctly</li> </ul>

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### 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)
3.1 The ESOS Regulator (Schools) applies a risk-based, proportionate approach to compliance obligations, engagement and regulatory enforcement actions.	3.1.1 Implement internal procedures for selecting providers for desktop audits and visits based on risk assessments.	<ul style="list-style-type: none"> <li>Continually improve the processes and systems</li> </ul>
3.2 The ESOS Regulator (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.	3.2.1 Regularly review and update the PRISMS Risk Matrix.	<ul style="list-style-type: none"> <li>Annually review risk data (risk matrix) and relevant processes</li> </ul>
3.3 The ESOS Regulator (Schools) recognises the compliance record of CRICOS-registered schools. All available and relevant data on compliance, including evidence of relevant external verification is considered.	3.3.1 Recognise the compliance record of providers and consider all available data/evidence when assessing risks.	<ul style="list-style-type: none"> <li>Compare risk factors for a provider over a specified historical period</li> <li>Exchange information with State/Territory DSAs regularly re providers of concern and providers with best practice</li> </ul>

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## KPI 4 – COMPLIANCE AND MONITORING APPROACHES ARE STREAMLINED AND COORDINATED

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4.1 The ESOS Regulator (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"> <li>• Only request for information in relation to high risk factors, and focus on providers with serious compliance issues</li> <li>• Share quarterly PRISMS Risk Matrix information with relevant regulators (i.e. DSAs) when it becomes available</li> </ul>
4.2 The ESOS Regulator (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 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"> <li>• Have meetings/teleconferences with DSAs and ASQA (and/or TEQSA for multi-sector providers) before any monitoring visits to ensure a streamlined approach</li> <li>• Share relevant information with DIBP where possible</li> </ul>
4.3 The ESOS Regulator (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"> <li>• Liaise with DSAs and peak bodies on a regular basis</li> <li>• Have a multi-sector working group meeting at least once a year – to review multi-sector providers' compliance and monitoring approaches</li> </ul>

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## 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 The ESOS Regulator (Schools)'s risk-based framework is publicly available in a format which is current, clear and accessible.	5.1.1 Publish the risk-based framework (to be incorporated in the RPF report) on the Internet annually.	<ul style="list-style-type: none"> <li>• Make the information available on the <a href="http://internationaleducation.gov.au">internationaleducation.gov.au</a> website</li> <li>• Update the information in a timely manner to reflect legislative or administrative changes</li> <li>• Develop a streamlined information webpage relating to CRICOS registration, renewal, fees and compliance for schools</li> </ul>
5.2 The ESOS Regulators' (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"> <li>• Publish the performance results on the <a href="http://internationaleducation.gov.au">internationaleducation.gov.au</a> website annually and in a timely manner</li> </ul>

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## PI 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 The ESOS Regulator (Schools) establishes cooperative and collaborative relationships with stakeholders to promote trust and improve the efficiency and effectiveness of the regulatory framework.	<p>6.1.1 Have an open, friendly and professional relationship and liaise with all relevant regulators on a regular basis.</p> <p>6.1.2 Create a growth of awareness among providers regarding compliance with the ESOS legislative framework.</p>	<ul style="list-style-type: none"> <li>• Have meetings/teleconferences with all relevant regulators prior to any visits</li> <li>• Increase the number of joint visits</li> <li>• The majority of schools have decreased risk scores compared to the previous year</li> <li>• Release relevant information on the Internet</li> <li>• Have joint workshops on ESOS compliance as planned</li> </ul>
6.2 The ESOS Regulator (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"> <li>• Visit all States and/or provide workshop presentations in all States within 2 years</li> <li>• Receive positive feedback from providers about the consultations and the compliance approaches</li> <li>• Aim to have a multi-sector regulators working group face-to-face meeting at least once a year</li> </ul>
6.3 The ESOS Regulator (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"> <li>• Liaise with policy area on a regular basis regarding feedback from providers</li> </ul>