



Higher Education Provider Amendment (Support for Students Policy) Guidelines 2023

I, Jason Clare, Minister for Education, make the following guidelines.

Dated 14 December 2023

Jason Clare
Minister for Education

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1 Name

This instrument is the *Higher Education Provider Amendment (Support for Students Policy) Guidelines 2023*.

2 Commencement

This instrument commences on 1 April 2024.

3 Authority

This instrument is made under section 238-10 of the *Higher Education Support Act 2003*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments to the *Higher Education Provider Guidelines 2023*

Higher Education Provider Guidelines 2023

1 Section 4

Insert:

de-identified has the same meaning as in the *Privacy Act 1988*.

Note: Section 6 of the *Privacy Act 1988* provides: personal information is *de-identified* if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

2 After Chapter 4

Insert:

Chapter 4A—Personal information

21A Personal information in relation to students

For the purposes of paragraph 19-60(3)(a) of the Act, a higher education provider must comply with the Australian Privacy Principles set out in Schedule 1 of the *Privacy Act 1988*, in respect of student personal information obtained for the purposes of section 19-43 of the Act.

3 After Chapter 10

Insert:

Chapter 10A—Support for students policy

49A Support for students policy requirements

- (1) For the purposes of paragraph 19-43(2)(b) of the Act, a higher education provider's support for students policy must include information describing:
- (a) how the provider assesses a student's suitability to continue to undertake a unit of study, in particular, information in relation to how the provider identifies students that are at risk of not successfully completing their units of study;
 - (b) in relation to students who have been identified as at risk of not successfully completing their units of study in paragraph (a), how the provider ensures that support from individuals or organisations with appropriate expertise is available to assist those students with overcoming issues that put them at risk of not successfully completing their units of study;
 - (c) the provider's available support services and how the provider ensures that students have access to support services, including how the provider communicates information to students about the existence of support services and how to access such services;

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- (d) how the provider communicates to students, who request access to support services before the census date for their unit of study, at the time they make that request, that the census date is the date they will incur a HECS-HELP or FEE-HELP debt, and how the provider will ensure the requested support is available to students in a timely manner;
 - (e) how the provider proactively offers students access to the support services referred to in paragraph (c) where a student has already been identified as at risk of not successfully completing their units of study, and the student demonstrates risk factors that include:
 - (i) the student has not previously engaged with the support services offered by the provider consistent with paragraphs (b) and (c);
 - (ii) the student has previously failed to successfully complete a unit of study in their course of study;
 - (iii) the student demonstrates low levels of student participation in the unit of study, such as where the student has not attended any classes or engaged with any of the unit content online;
 - (f) how the provider delivers, and how students are able to access, non-academic support, including but not limited to, mental health and well-being support and career planning and employability support;
 - (g) how the provider identifies students in need of academic support including, but not limited, to literacy and numeracy support and other academic supports and how the provider has organised for these supports to be delivered;
 - (h) how the provider ensures that students who engage the provider to report non-academic issues that may put them at risk of not successfully completing their units of study, are connected to academic and other supports referred to in paragraphs (f) and (g);
 - (i) the details of any other support services offered by the provider, such as peer support;
 - (j) how the provider's academic staff deliver support to students in relation to their units of study;
 - (k) the provider's crisis and critical harm response arrangements for students and instructions to students on how to report incidents;
 - (l) how the provider's academic and non-academic supports are culturally appropriate, and include information about the provider's specific arrangements for First Nations students and students with disability; and
 - (m) the provider's specific academic and non-academic supports for students who have experienced family and domestic violence, harassment, sexual harm, or other traumatic events.

Note: Under paragraph 19-43(2)(a) of the Act, a higher education provider's support for students policy must also include information on the provider's processes for identifying students that are at risk of not successfully completing their units of study and the supports available from or on behalf of the provider to assist students to successfully complete the units of study in which they are enrolled.

- (2) For the purposes of paragraph 19-43(2)(b) of the Act, a higher education provider's support for students policy must also meet the following requirements:

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- (a) the policy must be reviewed by the provider annually for quality assurance, to identify opportunities for improvement to the policy, and to ensure it remains fit for purpose and consistent with this Chapter;
 - (b) the contents of the policy must be publicly available on the provider's website; and
 - (c) if, as part of meeting the requirements in subsection (1), the provider references any of its other policies, or provides information about its support services or where to access those services, in its support for students policy, the provider must ensure that those other policies are, and any information provided about the provider's support services is, publicly available and communicated to each individual student.

Note: A higher education provider must have one support for students policy that satisfies the requirements in section 19-43 of the Act and this section 49A. However, that policy may be an overarching policy which attaches or refers to other policies, or provides information about its support services or where to access those services, that meet the requirements in this section 49A (provided the requirement in paragraph 49A(2)(c) is satisfied).

49B Requirements in relation to report given on support for students policy

- (1) For the purposes of paragraph 19-43(6)(a) of the Act, the report on the higher education provider's support for students policy must include qualitative de-identified information, in relation to the calendar year before the report is provided, on:
 - (a) where the policy could be found on the provider's website;
 - (b) whether the provider's support for students policy complied with the support for students policy requirements in section 19-43 of the Act and section 49A;
 - (c) how the provider is offered and delivered the support services described in its support for students policy;
 - (d) how the provider determined what support services should be available for their student cohort, consistent with the provider's support for students policy, and the efficacy of those support services;
 - (e) how the provider undertook assessment and assurance activities to determine that the available support services for students, as detailed in the provider's support for students policy, are appropriate and effective;
 - (f) any opportunities identified by the provider to improve the available support services detailed in the provider's support for students policy, and outcomes for students, including information on complaints received from students related to the provider's available support services or the support for students policy;
 - (g) examples of how the provider's available support services, as detailed in the provider's support for students policy, assisted students in undertaking the units of study in which they are enrolled; and
 - (h) how the provider determined that appropriate resourcing was available to deliver the support services described in the provider's support for students policy.
- (2) For the purposes of paragraph 19-43(6)(b) of the Act, the report must be provided annually on or before 1 March.

Note : While subsection 49B(1) requires that a higher education provider report on specific information in relation to the calendar year before the report is provided, in the first year that the report must be provided (i.e. 2025), Chapter 10A will not have applied for the entire calendar year (since Chapter 10A only commenced on 1 April 2024). As such, in the first year the report is due, a provider is only required to provide the information in the report that relates to its compliance with the requirements in Chapter 10A from 1 April 2024 to 31 December 2024.

However, if the information required by subsection 49B(1) does not relate to the provider's compliance with the requirements in Chapter 10A (e.g. where that information relates to the provider's compliance with the requirements found in paragraph 19-43(2)(a) of the Act), the provider will be required to report on that information in relation to the entire calendar year before the report is provided (i.e. from 1 January 2024 to 31 December 2024).