

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?

At the Tertiary Education Commission (TEC) our response framework guides how we manage performance where it needs to improve. Performance expectations and requirements are set out in various documents including Plan Guidance, funding conditions and technical guidance.

The response framework covers educational performance and delivery. Other types of performance such as financial viability and governance ability are covered by other frameworks, used hand-in-hand with this one. Our response framework also sits alongside our [investment framework](#), which describes how we make investment decisions. Where responses relate to funding (eg, reducing investment where performance is not improving), both frameworks are relevant.

This page describes the range of responses we use to support providers' delivery and performance. The list is not exhaustive. The next page describes how we make response decisions and what factors affect those decisions.

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.

What are the responses we might use?

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, may include requesting further information, or changing the frequency, intensity, method, attendees or content of engagements.

Dedicated and/or specialist engagement support 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 or support 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 other funding conditions
- impose a new condition on subsequent Plan funding approval.

Funding

In situations where performance is not improving even with support, TEC may:


- remove access to 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.

We generally use responses in a graduated manner (although not always).

In doing so, we consider many factors:

Context affects 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, 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.




Indicators are signs that performance may need to improve, to minimise potential risk to learner outcomes and/or to government investment. They increase the likelihood that we will use more or stronger responses. Indicators include:

- low or declining educational performance
- inequitable educational outcomes
- unfavourable quality assurance ratings
- unsatisfactory Plan quality (or components of a Plan)
- under- or over-delivery
- unsatisfactory learner success progress
- little progress following previous responses
- breach of funding conditions
- non-compliance with criteria for significant Plan amendments or replacement Plans
- adverse audit and investigation findings.

Funding

Requirements and/or conditions

Information, monitoring and engagement



Mitigations are factors that (where satisfactory) can lower risk and increase our confidence that expectations will be met. Satisfactory mitigations decrease the likelihood of further responses and/or the severity of those applied. Mitigations can include:

- proactive and effective communication about indicators
- improving educational performance
- increasingly equitable educational outcomes
- meeting the needs of underserved learners
- proactive actions taken (eg, collaboration with other providers)
- demonstrable outcomes other than educational (eg, community impact).

Key principles underpin every response decision:

Evidence-based

We make informed decisions based on the 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

Our methods and processes offer transparency for providers and build trust and confidence in the system for learners, industry, communities and government. They 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 support 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.