A NATIONAL PROTOCOL FOR THE ACCREDITATION BY MUTUAL RECOGNITION OF HIGHER EDUCATION COURSES OFFERED BY NON SELF-ACCREDITING PROVIDERS

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1. Introduction
All Australian States and Territories have laws, criteria and processes for the approval and regulation of the provision and delivery of higher education courses by non self-accrediting institutions. This is both to ensure that students are protected and to contribute to the maintenance and enhancement of Australia’s excellent national and international reputation for higher education.

Under our federal system these areas are the responsibility of each jurisdiction within which students undertake the courses. Across all of the jurisdictions the criteria for the accreditation of courses follow the National Protocols for Higher Education Approval Processes (the National Protocols), as agreed to by the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA), and the Australian Qualifications Framework (AQF) that provides a national framework for all post compulsory education and training awards.

Within the approval systems of each State there are broadly two processes, or sets of criteria, that applicants are required to undergo: the first relates to the registration or authorisation of a provider to deliver courses, and the second to accreditation of the courses. Registration related criteria are mainly concerned with aspects of delivery, resources, finance, management, governance and probity of the provider in the State or Territory in which its courses are given.

In the National Protocols accreditation and registration are defined as follows:
The term “course accreditation” includes the assessment, approval, accreditation or authorisation of courses of study that lead to higher education awards, and must include consideration of a provider’s capacity to deliver the course, where provider registration or approval to operate is not a separate requirement.

The term “provider registration” includes the registration, authorisation or approval of a provider to deliver one or more courses of study leading to a higher education award.

In addition to the requirements for registration of a provider, course accreditation usually involves some examination of local course-specific aspects of delivery such as facilities and staff. Across the jurisdictions the breakdown between the processes used for registration and accreditation varies significantly. Some jurisdictions include them in a single process and others handle them separately or in parallel. However the intent and the effective elements of the various approval processes are the same.

All jurisdictions have now implemented the National Protocols and have consistent course accreditation procedures. When the application is for operation in a single jurisdiction a ‘full process’ of accreditation is carried out by that jurisdiction. Courses submitted for offering in more than one jurisdiction have been considered for accreditation by a series of full processes, by a process of concurrent accreditation (as outlined in the protocol document on concurrent accreditation), or in a few cases by a process whereby one jurisdiction recognises the accreditation of a course by another jurisdiction together with the addition of an investigation of some locally relevant issues. The latter process is termed mutual recognition.

With the increasing number of providers seeking to become approved as higher education providers and offer a greater number of accredited higher education courses, the costs and time involved for both providers and accrediting authorities is becoming significant.

An Australia-wide consultation process has concluded that an accepted process of mutual recognition of course accreditation, where applicable, would be of benefit to both providers and accrediting authorities.

This document therefore sets out a revised and agreed Mutual Recognition Protocol for the accreditation of courses to be offered by non self-accrediting providers in more than one jurisdiction.

**Protocol Summary**

Under the Protocol the preferred, and usual, approach to multi-jurisdiction applications from non self-accrediting providers is a procedure of mutual recognition, including a short investigation of local issues by the relevant jurisdictions.

The other approach, that of a full process of accreditation by each jurisdiction in which the provider applies to operate, should only be used in exceptional circumstances where the local authority has good reason to do so.
2. Criteria for accreditation
The criteria for course accreditation that are followed in all jurisdictions, are in accord with National Protocol 3 “The Accreditation of Higher Education Courses to be Offered by Non-Self Accrediting Providers” that specifies:

- The course design and content should satisfy the requirements set out in the Australian Qualifications Framework for the award level;
- The course design and content should be comparable in requirements and learning outcomes to a course at the same level in a similar field at an Australian university;
- The delivery arrangements, including matters of institutional governance, facilities, staffing and student services are appropriate to higher education and enable successful delivery of the course at the level proposed;
- The provider has appropriate financial and other arrangements to permit the successful delivery of the course, and is a fit and proper person to accept responsibility for the course.

3. Authority
In each jurisdiction there is a statutory decision maker who has responsibility for accreditation of higher education awards. In some this responsibility, or components of it, are delegated to a body established under legislation.

4. Full process
Following an application to a single authority for the accreditation of a higher education course the authority, according to the legislation, will arrange for assessment of the application by an expert panel. Fees are payable according to a schedule based on partial cost recovery. The criteria are based on National Protocol 3. Each jurisdiction has in place legislation and most have guidelines for this process.

5. Concurrent accreditation
In 1995 MCEETYA approved a set of principles whereby a course to be offered in more than one jurisdiction could be accredited in a single process termed ‘concurrent accreditation’. Concurrent accreditation, involving examination of the application by a single panel agreed to by all of the relevant jurisdictions, has been applied to many cases of multi-jurisdiction accreditation. It has often required very large panels with consequent high costs and lengthy delays; also, individual authorities have often found it necessary to also hold their own detailed investigation of an application.

Following wide consultation, it has been agreed that this Protocol will replace concurrent accreditation with a process of mutual recognition.

6. Mutual Recognition
The term ‘mutual recognition’ has been used in a number of areas within the Australian federal system and generally refers an agreement by all jurisdictions to recognise the decisions of one another in a particular area.
In the context of higher education course accreditation, mutual recognition refers to the accreditation by one jurisdiction (the ‘secondary jurisdiction’) of a course on the basis of accreditation of the course by another jurisdiction (the ‘primary jurisdiction’) together with an assessment of some local issues (the ‘local investigation’).

In some cases a provider will apply to both a primary jurisdiction (termed the ‘receiving jurisdiction’) and to one or more secondary jurisdictions for the accreditation of a course. In others, following accreditation in one jurisdiction, the provider will later apply to one or more other jurisdictions for accreditation of the same course.

7. Determination of the receiving authority
Where a new course is submitted to more than one authority the decision on which authority is the ‘receiving authority’ will be decided between the authorities in the light of the following factors, and with particular emphasis on the location of the applicant’s educational facilities and students:

- If a company, the location of the registered office of the company as advised to the Australian Securities and Investments Commission (ASIC)
- The location of the principal place of business shown on the business name registration provided by the Department/Office of Consumer Affairs/Fair Trading in any States where the business is registered
- If the applicant is an association, institution or any other entity, as shown on a register of incorporated associations in States and Territories where the applicant is incorporated
- The actual location(s) from which the applicant is conducting business
- The specific location(s) at which the applicant is delivering its educational programs
- The distribution of the applicant’s student load across different States and Territories.

It shall be the receiving authority’s responsibility to notify the applicant of the decision made by the authorities involved.

8. The local investigation
The local investigation by an expert panel established by the secondary jurisdiction should cover all areas of delivery and content that might require local consideration in addition to the matters considered in the accreditation by the primary jurisdiction.

Areas considered in a local investigation would include, but not be restricted to, staff, resources, premises and facilities.

In cases where there are differences between the two jurisdictions in the requirements for professional practice, including legislation and the registration of graduates of a course, the local investigation would also consider these to ensure that the course met the needs of the secondary jurisdiction.
Normally the course to be considered by a secondary jurisdiction under mutual recognition would be identical to that accredited by the primary jurisdiction. However some variations in content and/or delivery may be needed where areas of professional difference apply, there have been any changes to the course resulting from curriculum review since accreditation was granted by the primary jurisdiction, or there are planned variations in delivery of the course.

The course provider would be required to provide each secondary authority with a copy of the original submission considered by the primary authority. It would also be required to provide a submission based on a list of relevant local issues determined by the secondary authority and a report on any changes that have occurred since accreditation by the primary jurisdiction.

Where areas of professional difference apply it would also be required to outline any changes in content and/or delivery to meet these.

9. Period of accreditation
Unless not permitted by legislation, the period of accreditation in each secondary jurisdiction should be such that it has the same end date as in the primary authority.

10. Monitoring
Where a course has been accredited in more than one jurisdiction through mutual recognition, the authorities involved should aim to coordinate their monitoring of the course and, if annual reports are required, the provider should produce a single report with a separate section on specific issues required by each jurisdiction.

11. Right to not apply Mutual Recognition
Mutual recognition should be the preferred approach in processing applications from non self-accrediting providers. A full process should be carried out only in exceptional circumstances where a secondary authority has a sound reason to not use mutual recognition.

Possible reasons for such a decision might be a view that the differences in the requirements for professional practice are too great or that there are different interpretations on the classification of a course between higher education and vocational education and training. A secondary jurisdiction might also decide not to apply mutual recognition in a case where the accreditation by the primary jurisdiction occurred before the implementation of the National Protocols by the primary jurisdiction; now that all jurisdictions have implemented the National Protocols such cases will finally disappear.

Reasons for such a decision should be required to be given by the Minister or responsible authority to the provider but there should be no right of appeal to this decision.

12. Appeals
Where any of the authorities in a case of multi-jurisdiction accreditation does not grant accreditation of a course the processes for informing the applicant and for appeal by the
applicant should be the same as for those processes for single jurisdiction accreditation and as required by legislation.

13. Agency arrangements
In the case of an agency arrangement, whereby a provider seeks accreditation of a course in a secondary jurisdiction on the basis of the prior accreditation of the course in another jurisdiction given by another provider, mutual recognition may be applied with a full investigation of the secondary provider, and any differences in the course or its delivery, included in the local investigation.

14. Distance education
Where a course given purely in distance mode has been accredited in one jurisdiction it should be accepted as accredited in all other jurisdictions. Where there is any face-to-face component the course should be accredited in secondary jurisdictions by mutual recognition including a local investigation of delivery.

15. Fees
The fees will be based on the principle of partial cost recovery.

16. Reaccreditation
All jurisdictions have legislative requirements specifying the processes for reaccreditation in order to give each provider the opportunity to apply for its courses to maintain continuity of their accreditation at the end of their current period of accreditation. The processes for reaccreditation should follow the same principles as for accreditation with the same roles for the receiving and secondary jurisdictions.