



REDCATED

Submission to the Quality of assessment in vocational education and training – Discussion Paper

Key consultation areas

The Department of Education and Training (the department) seeks stakeholder input on the *Quality of assessment in vocational education and training – Discussion Paper* (the discussion paper). The paper covers the following broad themes to improve assessment in vocational education and training (VET):

Chapter 1: Foundation reforms

- ensuring the requirements for VET teachers and trainers provide the strongest platform for high-quality assessment
- ensuring those teaching VET skills are highly competent professionals with high-quality, contemporary skills in assessment.

Chapter 2: Reforms to the assessment of VET students

- assuring the quality of assessment through industry engagement with assessment review and control mechanisms as a gatekeeper before qualifications are issued
- ensuring employers have clear and realistic expectations of VET graduate capabilities which align with the assessment of students.

Chapter 3: Reforms to the regulatory framework

- improving the detection of poor quality assessment
- ensuring quick action can be taken against registered training organisations (RTOs) delivering inadequate assessment
- managing the consequences of inadequate assessment by removing invalid qualifications from the system where necessary and supporting students if this occurs.

How to provide feedback

To support the Training and Assessment Working Group to provide the Australian Government Minister for Vocational Education and Skills with recommendations on how to improve assessment, stakeholder consultations will begin with the release of the discussion paper in January 2016 and continue through to Friday 11 March 2016.

Respondents may provide feedback on some or all of the discussion paper's themes. To assist with the compilation and analysis of the views of all stakeholders, respondents are encouraged to provide feedback via this preferred submission template, with attachments as required. Submissions in

alternative formats will also be accepted.

All written submissions to the discussion paper and queries on the consultation process may be directed to the department via email at trainingpackages&VETquality@education.gov.au.

All written submissions will be made publicly available on the department's website, unless respondents direct otherwise. See the [terms and conditions for public submissions](#).

Submission details

1. Submission made on behalf of: Individual Organisation

2. Full name:

REDACTED

3. Organisation (if applicable):

REDACTED

4. Please indicate your interest in this discussion paper:

Peak Industry Body

(i.e. as a student, VET practitioner, RTO, third-party provider, peak body, business, industry representative, regulator or other government agency or community member)

5. Do you want your submission to be published on the department's website or otherwise be made publicly available? Yes No

a. If yes, do you want your name and organisation (if applicable) to be published alongside your submission, OR would you like for only your submission to be available and your details kept anonymous? Published Anonymous

b. If no, please advise the department upon submission that you do not want your submission to be published or otherwise be made publicly available.

From the Executive Summary;

'An incompetent graduate that is deemed competent could have a negative impact on employers and the workplace or seriously affect public safety', The 'Tick and Flick' mentality has been driven by deregulation of the training market and in part by also linking payments to specific training milestones and completions rather than direct funding for an enrolment. Either funding model is difficult to regulate to get the required outcome as both payment methods have disadvantages and opportunity for exploitation.

Some students/graduates have no intention of passing or working in that vocational industry and use VET as a means of avoiding job hunting. While this has been addressed somewhat with recent changes to VET funding the issue still occurs where many students/graduates lack genuine interest in working within the vocation they are being trained for, such students are often disruptive or simply do not complete assessment tasks. However the training organisation has made every attempt to deliver the content and assessment as required yet receive no payment for that delivery due to a lack of completion.

'concerns about assessment, and to ensure high-quality within the system, the Council of Australian Governments' The real concern is genuine industry currency and the probity of appointments of certain management positions and trainers and the resultant lack of confidence in the training outcomes and or delivery content.

There is a legitimate need to look at the recruitment and hierarchy structure of institute bureaucracy and ensure that all appointments have probity. Competition for funding has become so competitive that different sections in large Registered Training Organisation (RTOs) act autonomously rather than collaboratively resulting in further fragmentation and degradation of the broader training capability.

'Graduates have the required competencies for the job role and there is consistency across RTOs in the quality of assessment' Trainer industry currency is critical and it is obvious that some sectors do not have this and the hierarchy is also reluctant to address or change this. It has become too institutionalised. Recent verbal communication with some industry members indicate high VET staff turnover in some private sector RTO's. This high turnover has led to poor communication of training and assessment delivering a lack of knowledge regarding progress and completions indicating poor records management and induction procedures for new VET staff at such RTOs.

'Trainers and assessors have the capability to assess appropriately' Observations in primary industry sectors at several RTOs has identified that there may be some questionable assessments and coupled with the lack of currency or real industry experience destroys credibility of graduates in those sectors. Trainers may also attain roles by stealth having started as assistants or in other sections and get moved sideways or up the ladder due to restructuring with no real currency in that industry.

'Assessment meets the standard set by industry', there is seemingly poor industry engagement except at a national level with the Agrifoods Australia VET Horticulture Technical Reference Group regarding expected standards set by industry and as there is an apparent lack or parity with the composition of this panel and it may be unlikely to address specific requirements of the Production or Retail Nursery qualifications. This was evidenced in the recent Production Nursery qualification review of 2015 where few of the structural changes proposed by industry (which NGINA made a submission to) were accepted.

'The regulator has the capacity to effectively regulate assessment practices and outcomes and take appropriate action.' Does the regulator have the capability to determine this requirement in

financial or physical resources considering the number of RTOs and qualifications delivered? The documentation may also be an issue as it is no measure of the quality of the training or assessment delivered. Sometimes the better the assessment documentation the less effective the training and assessment has been and excellent paperwork could be a misleading indicator.

Broadly existing reforms can address ongoing concerns over RTO compliance and assessment, while it is important to ensure documentation is correctly prepared and maintained there also needs to be significant focus on the quality of the training and assessment delivered to ensure qualifications meet requirements.

Introduction of proposed reform options

'strengthen assessment in vocational education and training are to raise the level of confidence in the VET system' On the job training in some cases is poorly or not adequately delivered and yet a trainer must have a minimum Tertiary Advanced Education (TAE) qualification to deliver training and assessment outcomes in face to face environments. Employers rarely have TAE and sometimes not even the relevant qualifications. There is a genuine lack of probity and impartiality between the two modes of training face to face versus on the job which needs to be addressed so that graduates from either stream receive adequate training and assessment and are genuinely comparable in the qualification achieved.

'Government intends to pursue this by ensuring that assessment—the gatekeeper to valid graduate competencies' NGINA seek clarification in who will vet these packages and unless they are validated by a genuinely well trained and experienced panel they will still be fundamentally flawed.

Some of the units of competency are not well aligned for the skill level of the qualification or the employers' expectation of performance. In many cases content has become overly academic or pitched at a higher level rather than addressing key practical skillsets critical to the performance expected in the everyday role at that graduates' level. This misalignment issue needs to be resolved prior to the pursuit of any such validation undertakings, not in a specific sense but broadly for that industry qualification.

Briefly in overview

'ensuring the requirements for VET teachers and trainers provide the strongest platform for high-quality assessment' peer review may have some probity issues with observations that occasionally there is a generational succession of 'in-house' trained graduates with a lack of genuine currency or more importantly diverse industry experience that can perpetuate outdated or flawed practices.

'ensuring those teaching VET skills are highly competent professionals', who would oversee such an undertaking? This is a situation where a peak industry body or peak group may have some input into the formulation of requirements for appointments or continued currency validation. Competence is critical in this process and needs particular attention as it should underwrite this assessment validation process.

Chapter 2

'assuring the quality of assessment through industry engagement with assessment review' While a requirement, does this regularly happen and what mechanism is there to ensure that this is completed satisfactorily?

'ensuring employers have clear and realistic expectations of VET graduate capabilities' There appears to be a disparity between the expectations of employers and the content delivered and assessed. This is a primary reason why so few employers are enrolling students in training as they see most of it as irrelevant. We have forgotten fundamentals in the pursuit of ideals that are not necessarily shared or required by industry.

Chapter 3

'improving the detection of poor quality assessment' NGINA ask what mechanism is proposed to support this?

'ensuring quick action can be taken against RTOs delivering inadequate assessment' This is a positive step but is restricted by the ability to identify the non-compliance and who will assess and decide on such matters as this is equivalent to completely re-assessing all students and may not be practically feasible.

Figure 1

'Independent Evaluation of Assessment' NGINA question the independent validation to be undertaken and if it is to be selected by the individual, then there is question regarding the probity of that process. There is a need to set a framework to ensure that the validation is undertaken by a professional, competent and independent party.

1. Discussion questions – RTO limitations:

- Is it appropriate for relatively large numbers of RTOs to deliver TAE qualifications or skill sets? Should the number be reduced to a targeted number of RTOs focusing on high-quality provision?
- Should RTOs be restricted from issuing TAE qualifications or skill sets to their own trainers and assessors?
- Are TAE qualifications and skill sets so significant that evidence of competence should not—or cannot—be appropriately demonstrated via recognition of prior learning?
 - Is recognition of prior learning for TAE qualifications or skill sets granted with sufficient rigour to ensure the quality of student assessment? Should the practice be restricted?
- Are there opportunities to improve the assessment skills of the VET workforce through changes to the delivery and assessment of TAE qualifications and skill sets?
 - Should TAE qualifications and skill sets only be delivered by VET practitioners who can demonstrate a specific period of training and/or assessing employment history in the VET sector?
 - What circumstances would support a change requiring some VET trainers and assessors to hold university-level or higher-level VET qualifications, for example, practitioners delivering and assessing TAE qualifications and skill sets?
 - Should the TAE Certificate IV and/or Diploma require a practical component? If so, how long should the practical component be?
 - Should entrants to the TAE Diploma be required to demonstrate employment history in the VET industry before being issued with the qualification? Would this condition help to improve the relevance and validity of assessment? How long would this period of time be?

COMMENT:

Currency is always the issue and considering workload and employment conditions are trainers able to keep up with real industry changes? Is there a way to embed trainers in industry to maintain currency? There has been a move to greater utilisation of a flexible workforce; however there is still a strong need for permanent staff to provide direction and stability to the VET process.

Training and assessment in the delivery of a cert IV - is a skill that some trainers and assessors may have and others may not. The ability to teach is difficult to address within a qualification framework that doesn't recognise emotional intelligence or the skill or ability to teach; which is the engagement of a student by the trainer to convey information and achieve education outcomes

Why would the system not recognise a Bachelors of Education (B Ed.) as sufficient but a TAE Cert IV is? This is a real case scenario from TAFE North Coast Institute Wollongbar where a degree qualified horticulturist with industry experience also obtained B. Ed, but was then forced to also hold Cert IV in Training and Assessment and then upgrade to a TAE IV to maintain their teaching role.

'Where trainers have not previously applied knowledge in a practical situation but are in the VET system' This is a significant problem and should be addressed by the currency requirement but it seems to be that the currency requirement can be easily overlooked in some instances.

Regarding judgements and finalisation of packages, A good example is the current Agrifoods Australia VET Horticulture Technical Reference Group (HTRG) representation consisting of 1 nursery, 8 landscape / turf, 1 citrus, 1 forestry, 1 irrigation and 1 Pistachio representative. The NGINA question is if this group is likely to give accurate assessment of changes required to the production nursery packages? While it is a good review panel of industry experts, it would be better to go back to the PIB and seek clarification. NGINA has a Training Review Committee made up of industry, training and PIB representatives that spent considerable time on the Production Nursery packages during the last review round in 2015. Unless the members of the HTRG have the specific skillsets and experience then it will experience difficulty assessing the structural changes as recommended or required by a broad sector such as the horticultural industry.

'RTO limitations - Issue of TAE' This shouldn't be an issue as long as there is probity in the process and due process is followed, unfortunately this may not always be the case and is indicative of both the private and public sector RTOs. However in remote or thin areas it would be difficult for individuals to enter the training profession otherwise.

'TAE RPL', The volume of validation material and documentation required often impedes RPL as it must demonstrate all the capability of an assessed qualification.

'TAE RPL rigor', If an individual displays a higher capability or qualification then it should be easily recognised, it is just down to the competence of the assessor to recognise this.

'TAE training only by experienced trainers', There has been too much emphasis placed on validation rather than setting up a system to ensure trainers are current and competent in their chosen field of expertise. This focus has caused a collapse in the system where the documentation and validation has overtaken the importance of training delivery or industry currency.

'VET trainers holding higher qualifications', as stated above trainers with a bachelor degree in education have been forced to attain lower Cert IV TAE qualifications to continue teaching, the system needs to acknowledge higher teaching qualifications and the capability of such an individual to deliver training and assessment requirements.

'TAE Diploma level and VET industry participation', This should be a pre-requisite of all TAE as it is critical trainers understand the industry they're training in or the industry of training. That trainers can teach in a field that they have no experience in completely undermines the whole VET system. Unfortunately the drive for efficiency and flexible delivery solutions is turning the training into a more theoretical base rather than the intended application of learning.

2. Discussion questions – skills and qualifications of trainers and assessors:

- Should the TAE Certificate IV be changed to a core unit on the design and development of assessment tools? How would this improve assessment outcomes for students?
 - Should the core unit be the existing *TAEASS502B Design and develop assessment tools* unit of competency? Are there alternative approaches, such as developing a new unit on the design and development of assessment tools?
 - Is the *TAEASS502B Design and develop assessment tools* unit of competency a specialist unit that should only sit at the diploma-level on the basis the Certificate IV is currently designed for delivery to new entrants seeking to be trainers and assessors?
- In the case of making any updates to the TAE, is it appropriate to form judgements based on majority considerations? Or is it too risky to do so? Is it a better basis for decision makers to give strong weight to key stakeholders and the nature of the argument put forward?

COMMENT:

'TAEASS502B Design and develop assessment tools' Being at Diploma level this unit is possibly too much for entry level IV trainers and while it is an important skill initially it would be a difficult unit to complete for inexperienced trainers.

Regarding the above qualification only at Diploma level, yes and unfortunately like many of the qualifications the TAE has lost the focus of being able to competently deliver training and assessment of units of competency (UoC) at a certain level.

NGINA survey indicates there is a disparity between industry sectors as to how they attract trainers which needs to be addressed as many sectors are light on with quality current trainers. Many business owners can't afford to leave their businesses to deliver training and while it 'pays' well for a person on wages, in a business that isn't the case and isn't that attractive, coupled with preparation time being in your own time it is difficult for business owners to justify participation in the training environment.

3. Discussion questions – benefits and purpose of a VET professional association:

- Is there a need to establish a national professional association for Australia's VET system?
 - Specifically, is there a clear role for Australian governments in assisting the development of professional skills of the VET workforce by funding a professional association?
- What are the barriers to establishing a national professional association? How could these be overcome?
- What would be the most useful guiding purpose of a national professional association?

COMMENT:

'VET professional associations' – Unfortunately financial cutbacks have eroded the capability of many trainers to service such an organisation and there already seems to be a top heavy management structure requiring some rationalisation before any such advances are made. It appears that the 'training business' has lost sight of their core business which: is training, who the customer is, students and the income stream. That is many RTOs have become an institution and bureaucracy where the administration is more important than the delivery of the core business, which is a continuum of advancing training services

A VET Professional Association is definitely needed

Background

'VET professional need to be at the forefront of a rapidly shifting training market.' industry still has similar training requirements and expectations so emphasis needs to be on quality delivery as employers still need the same or more skills delivered to graduates. It's the 'efficiency' drive, such as flexible delivery that has changed the VET environment mostly for the worse particularly in practical UoC.

'Regarding the productivity commission report on trainer quantity and quality' The recent upgrades of the TAE were seen as a chance to offer professional development but were instead used by many RTOs to coerce part time trainers and added another level of cost to many who were already facing delivery / income cutbacks. Broadly this process could have been conducted better across the training industry.

The peer review component is a good idea theoretically, however it's a difficult concept to enact particularly when dealing with institutionalised staff broadly, probity issues may arise.

'Australian Government assisting development of professional VET skills' Looking at the cutbacks and deregulation of the training market; though while well intended these actions have resulted in significant disruption of the training industry which the government may need to address to re-engage the VET profession. The training agenda has been for many years to simplify qualifications to the point where now some are not considered relevant and/or respected by industry.

4. Discussion questions – potential activities of a VET professional association:

- What activities would be most beneficial for a national professional association to undertake?
For example, would it:
 - coordinate, approve or design professional development programs
 - develop capability frameworks
 - positively promote the profession of VET trainers and assessors as an employment destination and career path to attract professionals
 - act as an advocate and voice for VET trainers and assessors
 - interact with industry to respond to their emerging needs
 - register VET practitioners?
- What advantages would there be to conducting these activities at a national level rather than through existing professional development undertaken through membership of existing groups, or that which is currently organised by RTOs?
- Are there any existing organisations that could fulfil this role?

COMMENT:

'VET professional Association', It is unclear what groups exist and certainly there appears to be no promotion or support to participate in such activities from a management level if they do exist. The core business of delivering quality training and assessment must be the overarching focus of the RTO.

5. Discussion questions – models for a VET professional association:

- Which of the suggested models for a VET professional association would be considered most preferable and viable in the current VET environment? Model A,B or C?
- What value would a VET professional association, or associations, add to the VET sector?
- What mechanism would sustain a professional association, for example, membership fees from individuals or RTOs?
- Should VET teacher and trainer membership with a professional association be mandatory or voluntary?

COMMENT:

Are there any tertiary professional associations as there are greater similarities to the issues faced as opposed to the primary and secondary education sector? It would be better to utilise an existing framework rather than develop a new structure with the associated costs and overheads.

'which model A,B or C,' As above, a professional association for tertiary trainers would be better unless there was academic resistance to allowing others professional training levels in, either way the better option is to consolidate training professionals not fragment.

'what value an association would add,' That would remain to be seen considering which structure was adopted, how well it was received by the VET community and how much participation there was by members. 'Legislating' an association may not actually deliver any benefits as it will not be seen as impartial or driven by grass roots demand for the training outcomes of graduates.

'should membership be mandatory?' NGINA ask if membership were mandatory what mechanisms would there be to deliver improvements in skills, conditions or security for the members? 'The what's in it for the members' is critical to making it relevant and successful and this sort of association needs to come from grass roots not the top down. There is considerable distrust of government handling of the VET training environment irrespective of political persuasion, so any mandatory association may not be that successful at engaging at the trainer level.

6. Discussion questions – capability frameworks:

- What can be learnt or applied from the capability frameworks that have been developed or are currently being developed?
 - Is there an opportunity to make better use of these frameworks, irrespective of proposals to develop a professional association?

COMMENT:

'A capability framework could enhance the quality of assessment by providing a common language for the knowledge, skills, behaviours and attitudes for professional practice as a VET trainer and assessor.' This should already occur with industry currency and independent assessment of training packages by capable industry professionals. It is critical to ensure there is true rigor in this process!

'Innovation and Business Skills Australia industry skills council, From the 2011 Productivity Report The National Advisory for Tertiary Education, Skills and Employment (NATESE) provided policy and secretariat support for a number of committees and advisory

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5.9 groups (SCOTESE, NSOC, NSSC, NVEAC and FLAG).

Policy and secretariat services for the AQFC were provided on a shared platform of support with NATESE.' This highlights why VET appears to be in a state of disarray as there seem to be too many participants in the structural processes.

7. Discussion questions – increasing industry confidence:

- Are there alternative approaches not covered in this discussion paper on how industry can increase engagement with the conduct of assessment, but not specifically the validation?
- Are there other ways to ensure industry confidence in assessment without requiring independent validation of assessment? For example, are industry-endorsed, externally administered tests a practical alternative to ensure that VET graduates are competent?
 - What would be the benefits and drawbacks in requiring such tests? Under what circumstances would they be mandated, for example, for particular student cohorts? Should these be specified in training products?
 - Who should regulate the tests?
 - Should such a test be a pass/fail dichotomy, or would it be more important to use the test to identify gap training?
 - Is the concept of an externally administered test, such as a test required before receiving a qualification, inconsistent with the premise of a competency based VET system?
 - Should the results of tests be made public at the RTO level?

COMMENT:

'systematically validate assessment practices and judgements,' That is great in theory but rarely occurs in practice, and if it does is there genuine impartiality of the 3rd party assessment and does that person hold any qualification or skills in 3rd party auditing?

'Reduces this danger and ensures that fresh expert viewpoints are consistently available,' From industry feedback, many TAFE and private trainers are institutionalised and not current and many may be extremely change averse and or incapable of changing as they have minimal to no actual experience so have no capability to assess or adopt new ideas with any rigor. Feedback of instances where trainers have been 'peer assessed' into their roles or have by stealth gained higher job roles often starting as technical assistants and eventually working their way into teaching positions without real industry experience or qualifications. There are definitely governance related issues in the VET system.

Opportunities for Industry Involvement

'Principles based model and best practice approach,' Due to a variety of skills and experience within the training community and their managers the development and implementation of an industry vetted best practice approach would be ideal and well received by industry.

'Industry external assessment,' Industry confidence in much of the training or the UoC is low in some sectors and will take significant changes and consultation with industry to improve this situation

'Re-assessment of qualifications in certain situations,' While this may be required in certain situations there is a greater need to ensure that all staff positions in the TAFE / private RTO VET system, top to bottom are merit based to ensure currency and reduce the risk of institutionally

protected under-performers in the system. Only then will you truly get full industry commitment and have any opportunity to improve VET outcomes. From recent conversations with industry, some private RTO's may also suffer from serious issues with high staff turnovers and poor training or assessment outcomes.

'Increasing Industry validation in assessment' This needs to go one step further and ensure the UoC are at the level of expected outcomes for the qualification achieved and that they deliver what the employers and industry expects from that qualification.

Many qualifications have become top heavy and deliver content above the expectation or capability of individuals employed at that level. Cert II & III are work under supervision and work as directed, whereas Cert IV is acknowledged as the requirement for making some decisions within a workplace. However many of the UoC's at lower levels also assume that employees are able to or are allowed to make business and technical decisions and this isn't and definitely should never be the case. A tradesman qualification / apprenticeship could be considered to start at Cert IV, not Cert III as is commonly recognised.

There should be much more emphasis on technical application / hands on training than is currently delivered and that the VET system is about applied technical and not just theoretical knowledge. Unfortunately this hands-on component has been diluted or completely lost in many qualifications.

'To improve RTO practice a best practice guide,' Yes this definitely needs to be developed so it is clear what the validation expectations are. Experience with validation has been audit of the documentation rather than actual ability to deliver and assess or the delivery materials. This is a situation where Industry groups could definitely be engaged to deliver positive outcomes in assessment of current and accurate content

'A risk based framework supporting RTOs', Unfortunately in larger RTO's the administrative hierarchy is so far removed from the VET coal-face that sub-optimal decisions may be made based on poor understanding or information. There is a definite need for clearer and more prescriptive guidelines.

'Determining significant levels of non-compliance', How do you determine this i.e. what feedback or audit mechanisms are in place or could be put in place to expediently identify the need of this action or pre-empt this action. Preventative rather than curative approaches should be adopted to not have to address non-compliance beyond rectification.

'Re-assessment using some industry agreed competencies where the qualification is questioned', NGINA concur re-assessment occurs with agreed competencies, and preferably retest the trainers to ensure they are competent and current.

'A specialist re-assessing RTO' NGINA seek clarification in who determines the specialist capability and who would decide on the assessors, ensuring for example, industry currency?

'Background only look at high risk i.e. type of training and the industry involved', NGINA see this statement implies it doesn't matter if it is perceived / assessed to be a no or low risk industry qualification? Business whether large private or public organisations focus on risk mitigation / shedding by deferring responsibility down the ladder. This is exemplified by the development of safe work and standard operating procedures. All training should be to a minimum standard irrespective of the perceived 'risk' determined by a 3rd party risk assessment as industry knowledge isn't just critical for trainers and assessors!

'RTOs with specialist training field or in remote areas will have difficulty doing this', There should be industry professionals as there should be an industry there to use graduates i.e. I would expect some expertise in an industry locally if there was demand for those graduates!

'Increasing Industry confidence', It looks as though some industry sectors have been disengaged in the training requirements and or the qualifications have been watered down, or have become tick and flick. The drive for completion based payments can severely undermine the validity of training in many industry sectors.

'External tests in the VET system and competency', A lot of on-the-job training content is poor to non-existent without the correct training supplied or ability of the employer to teach as there is no TAE requirement so how does this align with the over-arching principle of validation? Many on the job assessors must surely use latitude in the assessment process because of the lack of thorough training provided, assessment completion as per the UoC outcomes and what would be expected in a traditional class based training and assessment environment.

8. Discussion questions – the role of industry in assessment:

- What role should industry, for example, employers and industry organisations, play in validation of assessment? Does the varied interpretation of 'industry' inhibit a proper appreciation of the topic and should it be defined? If so, who would best define 'industry' when considering the practice of validating assessment?
- Do employers or industry groups have the skills required to fulfil this role in validating assessment? Is assessment such a specialised skill that industry and employers either do not want to get involved or should not get involved?
- Is there a need to build industry capacity and capability regarding involvement with training and assessment? If so, how might this be done?
- How can we ensure engagement with industry is appropriately targeted so it does not add undue burden and is targeted to those within industry with appropriate expertise required for validation of assessment?

COMMENT:

If 'Industry' is trained then they should be capable of understanding the requirements of the training and what industry requires of the training.

It is critical to get industry engagement in the validation process to ensure that it satisfies industry requirements not just what is assumed industry requires. NGINA has a Training and Education committee to allow such engagement between industry and the training community to ensure delivery matches industry requirements and expectations to support positive outcomes.

Broadly in the case of validation skills all industries should have that capability, the issue is accessing the right people to deliver that capability. Peak industry bodies (PIB) such as NGINA would be a good start as they are usually aware of a broad range of industry participants and skillsets.

Unfortunately however some industries have lost that drive or understanding of training and focus on the 'cost' of labour instead. There is a definite need to ensure all relevant industries participate in this process as the NGINA does. By approaching a PIB at least you can tap into a member base and there is a structure there to support or identify members that may have capability and be able to deliver or direct the validation capacity.

9. Discussion questions – specific models:

- How can independent validation be best applied to avoid a 'one size fits all' approach? For example should independent validation of assessment be triggered by:
 - improving RTO practice, for example, through a principles based model and best practice guide to support the VET workforce in identifying the most appropriate technique to validate assessment
 - mandatory requirement to lift quality in specific instances, for example, where a qualification is identified as high-risk
 - funding requirement, for example, independent validation of assessment could become a requirement for RTOs seeking to access government funding.
- Should there be an increased role for external assessment by industry, and in which situations? For example, should it be mandatory for certain industries where there is a concern for public safety if a learner is incorrectly deemed competent?
- If independent validation of assessment is to be risk-based, then what factors should be considered in the assessment of risk, for example, public safety, RTO profile, student cohort?
- Should high-risk student cohorts be required to undergo independent reassessment of industry-agreed sets of competencies before being issued with their qualifications?
 - For example, particular qualifications; students undertaking qualifications with RTOs with high levels of non-compliance; or that conduct assessment wholly online or on-the-job; or in areas of public safety.
- Would the burden be too great if independent reassessments were required for an entire student cohort, and should independent reassessment apply to a sample of students instead? If so, how could such a sample be chosen?
- Who would be most appropriate to oversee the reassessment of qualifications?
 - For example, could existing regulators or other organisations (such as firms that specialise in assessing students) take on this role?

COMMENT:

'External assessment', This can be both direct and indirect, for example in horticulture, staff use machinery around other staff and the public, and for food safety in production facilities as highlighted by recent food poisonings relating to contaminated, pre-packed ready to eat salad greens or are we just recognising this where direct health or child care is concerned. Given the complex interactions and downstream effects that occur in modern workplaces and industries it is difficult to delineate a high risk service or activity Either way the competence and capability of the trainer / assessor is critical and the validation of their experience is the critical risk factor.

'online and on-the-job training with few exceptions', Both of these delivery methods need to be stopped completely in all but a few specific instances as they don't represent true learning or teaching in a vocational sense and often result in poor outcomes or graduates with restricted exposure to practical processes.

'oversight of reassessment', Clearly there is a massive failure in the quality system and needs to be addressed in the first instance instead of retrospective measures suggested such as this, the system needs to 'fix' the faulty trainers and RTOs even though this is also a difficult process. It is easier to assess one trainer than re-assess 30, 50 or 100 graduates depending on the duration of the non-compliance event.

10. Discussion questions – industry expectations and graduate capabilities:

- Is there a role for Government or industry to develop resources outlining VET graduate expectations for particular training products? If so, who should take this work forward?
 - Do higher order issues need to be resolved regarding terminology such as ‘competent’ (as assessed against the training product) and ‘job ready’ (ready to undertake all aspects of a particular job)? Is there a common understanding of VET system outcomes?

COMMENT:

‘due to a mismatch between industry expectations and the outcomes outlined in the relevant training product’, This opening paragraph is relevant for production nursery qualifications and there is a real need to align outcomes with industry needs and expectations for each level of qualification.

‘Communicating graduate expectations to employers’, Broadly the packages deliver a number of UoC that are above industry requirements for that level of qualification. That is, they are not synchronised with the level at which the graduate will be employed and the duties they will be expected to have responsibility for, once in the industry. Many graduates at Level II or III believe or are lead to believe that now they are qualified they “know it all” and can run a business and this just isn’t the case. Similarly some employers do not allow graduates to participate in the decision making process even though clear advantage could be gained from such interactions. Addressing such issues is beyond the scope of this review, but is also a critical point that needs addressing.

11. Discussion questions – evidence of assessment and graduate competency:

- Should the Standards for RTOs be revised to include strengthened and more specific rules around the conduct of and evidence to support assessment? Which elements that have a clear link to quality of student outcomes need to be strengthened?
- Would a more prescriptive condition of registration, such as a requirement for RTOs to retain all assessment samples for a longer period, improve the quality of assessment?
- How could the focus of regulation move to evaluating assessment outputs, such as samples of students' assessment pieces, without incurring excessive costs or imposing excessive burden on RTOs?
 - Is ASQA the appropriate regulator to oversee this function, or are there better placed agencies such as firms that specialise in assessing students?
- Are there other mechanisms that you would like to see added to the regulatory framework to prevent poor assessment? For example, should training-only RTOs be recognised as a formal part of the regulatory framework?

COMMENT:

'RTO may have documented a sound process but may have (intentionally or otherwise) failed to implement it', This is a major issue where often impeccable documentation is inversely proportional to the quality of training delivered or level of skills and currency of the trainers involved in the training and assessment.

'formal registration of training-only RTOs' How is it possible to deliver training only and how then do you verify alignment with assessment targets, will the training be effective and to a standard? What are their outputs in the case of a training only RTO, statement of attendance?

Generally *'Evidence of assessment and graduate competency'*, The revision of assessment evidence is also flawed as we don't know the probity of the assessment event and rather it is critical to focus on the skills and knowledge of the trainer and their currency to deliver appropriate content rather than an assessment event which may not have been conducted with probity, such as open book or supplied answers.

'additions to the regulatory framework, Verify trainers currency and suitability to deliver and set realistic currency targets not just memberships to professional associations' Currency verification is a inestimable in some sectors and from observation the participation and content that some trainers undertake to remain current in such situations is highly questionable.

'action, and the RTO has typically been given 20 working days to provide a response which must be considered by ASQA. With external review often taking many months' Basically it's a no win situation an RTO can have a serious breach and then by the time that breach is heard the issue is remediated so they can operate as normal and are likely to continue in that regard once the action is completed. The system is seemingly almost set up to encourage or at least passively facilitate fraud.

12. Discussion questions – enforcement:

- How could the focus of regulation move to evaluating assessment outputs?
- Which additional regulatory enforcement options should be considered in dealing with RTOs providing inadequate assessment? For example, should the regulator have an explicit administrative power to require a RTO to arrange and fund external reassessment, or should additional civil penalty provisions be created?
- To what extent should the characteristics of the RTO influence the response? Should the size of the RTO or the number of students involved matter?
- Given the need to balance procedural fairness with swift and effective enforcement action, what methods should be available to the regulator to manage RTOs that are repeatedly non-compliant with assessment requirements? How could such repeat offenders be defined?
- What role should regulators have in communicating their activities and findings? Does current regulatory practice provide adequate transparency and disclosure, or are there other approaches that should be taken?

COMMENT:

'it deals poorly with repeat offenders and unscrupulous RTOs' of which there appears to be many and such activity may not be restricted to the private sector.

'This is likely the strongest of the enforcement options available to ASQA' Is ASQA likely to pursue such legal action as generally even successful legal actions attract significant expense that is often not recouped by the claimant? This is also linked to thorough and legal documentation and collection of evidence and subsequent proof of offence so is really unlikely to happen except under extreme circumstances, because the process of developing up a case is extremely time consuming and expensive.

'The court has a broad discretion as to the appropriate order if a breach is proven.' Unfortunately courts rarely have adequate visibility on offences outside of criminal or indictable offences so often such offences don't get the hearing or gravity they require to adequately punish the offender. The other issue is that legal process is about due process and not what is right or wrong so offences can easily be countered by good defence.

'create more targeted regulatory enforcement options' First step is to genuinely identify the currency of the trainers and their immediate managers and if the VET practitioners are generational in-house with no industry experience then it can be deliberated as to whether that trainer is truly qualified for the role. Similarly if a VET manager has held a position for a significant period of time their currency may also be in question so is compounded by the use of generationally trained subordinates.

'require an RTO to provide independent external reassessments, and gap training if required' Unfortunately the majority of the focus of this report is seemingly on student qualification outputs and capability rather than looking at the real problem which is the broad currency and capability of

staff and their ability to deliver adequate training and assessment objectives. While this action could be used to remediate certain situations it is critical to address the underlying cause thereby developing a more robust VET environment.

'a fair and objective definition of a 'repeat offender' can be found' On any second such occasion where an RTO has been found to breach provisions previously warranting of disciplinary or legal action and were determined to be guilty of such actions in that instance. The second offence would indicate an inability to satisfy obligations due to a structural flaw in the organisation or a deliberate attempt to defraud the system typically for financial gain, even if it relates to reduced workload and a reduction of costs.

'a RTO to arrange and fund external reassessment' Allowing an RTO to arrange an external reassessment lacks probity, particularly when there is a question regarding the validity of the initial assessment event, it may be better to offer a list of vetted regionally based providers.

'should the characteristics of the RTO influence the response' Size shouldn't dictate the response as a larger RTO or more students. The issue is still the lack of correct evaluation or due process. Penalties are not strict enough considering the amount of public money spent in both the private and public VET sector and the lack of diligence regarding its acquittal. Where the RTO is found to be fraudulently obtaining funds / issuing qualifications then the offence is not evaluated by the size of the RTO, rather the commission of the specific offence / s and the scale of the offence.

'RTOs that are repeatedly non-compliant with assessment requirements?' Shows a lack of diligence and procedural compliance and are unlikely to improve things as Training is obviously not such an organisations core business, it is more likely to be for financial gain. Such organisations have no place in the training environment!

13. Discussion questions – cancellation and reassessment:

- Where inadequate assessment has occurred, should the power to cancel qualifications be exercised more frequently than it has in the past? What factors should affect this decision (for example, potential impact on public safety) and how should they be balanced?
- Should a scheme for the reassessment of students be implemented? If so:
 - Are there any situations where a student should not be offered the chance to be reassessed, for example, student fraud?
 - Should there be a time period after which ASQA should not move to cancel an individual's qualification? Noting potential public and other safety issues, should a decision to cancel consider whether or not the person involved is reliant on the qualification for their current employment?
 - Who should bear the cost of reassessment and any gap training found to be necessary? If the cost is to be recovered from the RTO, should this be pursued regardless of the RTOs financial viability?
 - Who should deliver the reassessment? Are there any circumstances in which it would be appropriate for the original RTO to undertake the reassessment?
 - What should the qualifications be for those doing the reassessment, and what industry experience and currency would they need? To what extent should ASQA, industry or employers be directly involved in the reassessment process?
- Should a tuition assurance fund be set up to further protect students in Australia's VET sector, particularly in the context of any scheme of reassessment or cancellation of qualifications? Should membership be mandatory for all RTOs? Who should operate such a fund, and who should bear the cost of its operation?
- What linkages with income support eligibility should apply for graduates impacted by any recall of qualifications?

COMMENT:

'Employers' confidence in the system is based on the expectation' many employers appear to be sceptical about the rigour in training institutions and this is a reason why many are choosing to train on the job or not at all.

'proof of competency beyond that evidenced by the training qualification'. What's the point of the qualification if it's going to be second guessed?

'In some fields, the possibility that an improperly-assessed graduate.....pose unacceptable public safety risks' Field isn't conditional as training standards need to be maintained and while yes some fields are 'riskier' ultimately all industries impact on triple bottom line and carry a risk of some sort. The issue is delivery of Nationally Recognised uniform skills and competencies.

'coroners' reports into deaths involving security personnel at licensed venues' could also be associated with the personalities of the people drawn to undertake such work.

'potentially significant consequences for the individual involved or their employer' It depends on how complicit all parties have been in the 'attainment' of the qualification.

'qualifications issued under flawed assessment methods should be managed' Once again it depends on the parties involved and how well 'informed' they were. If employer and trainer were aware then fines and penalties should apply as this constitutes fraud, otherwise they have a right to be reassessed.

'RTO did not provide the assessment necessary' How does this work with the customers' expectations, is the RTO not then duty bound to ensure that they do receive adequate training and assessment for their qualification as it was a service paid for? Whether it was externally funded or otherwise.

'student fraud or collusion between the student and the RTO' This is fraud and a criminal offence against the Commonwealth or State and should be treated as such.

'power to conduct or direct reassessment is not within the current remit of the regulator' This is a critical requirement otherwise what value is a powerless regulator and from the report above it has very soft regulatory powers at best often giving the offender adequate time to patch or remit long before a case is heard in which case the initial evidence is seemingly inadmissible / invalid.

'through specified training organisations (such as well-established assessment-only RTOs)' in which case who determines such organisations capabilities within the given skill set to determine an adequate assessment regime?

'While that cost should self-evidently fall on the RTO at fault, there may be a question as to whether this should continue to be the case even where the cost would threaten the financial viability of what might otherwise be a high-quality RTO' A failure to undertake core business should never be a term used when referring to an otherwise "high quality RTO". What determines a quality RTO, ie is it perceived reputation or outputs of quality and capable graduates?

'reassessment takes place a significant time after the original assessment' All the more reason to ensure trainers are adequately qualified and industry current to ensure quality training and assessment. Being that learning difficulties now allow for some additional support for students is it not also an additional complication in such cases as to a statement of attainment / participation as opposed to a pass and grant of qualification.

'right to challenge a cancellation decision, or should such rights rest with the qualification holder alone?' This depends on the individual but if it was issued to a non-worthy recipient and that recipient followed all the required assessment tasks is it not then the responsibility of the RTO to make good on the provision of adequate training and assessment, through consumer protection laws and delivery of services as paid for. All stakeholders have a right to challenge cancellation decisions if appropriate as it needs to be determined where the breach occurred or who was at fault and associated remedial action.

'Where inadequate assessment has occurred' Yes definitely and risk to health and public shouldn't be the only trigger for a cancellation of qualification. Wherever there has been a failure to deliver either adequate training or assessment then it should be enacted otherwise it dilutes the value of all other comparable qualifications reducing public perception and confidence in the provider network and

the overall quality of graduates.

'student fraud?' Fraud is an offence and shows impropriety by the student but where the student undertakes all the activities in good faith believing they have satisfied their obligations but have been let down by the provider committing the fraud then the student has consumer rights.

'Should there be a time period after which ASQA should not move to cancel an individual's qualification?' This depends on the situation, but basically no, if the student completed all tasks as required they are not at fault, as you can't expect them to be experts in that field to acknowledge what quality of training they received, hence why they are there for training. In such cases, yes provide additional training and assessment or if proven fraudulent or colluded for gain the qualification, either way then cancel the qualification with no remedial action.

'bear the cost of reassessment' Guilty party, every time irrespective of the situation or hardship, any abuse of the system must show equity to other successful graduates locally or nationally otherwise all qualifications suffer.

'original RTO to undertake the reassessment' If it can be shown that a particular trainer was at fault or complicit and that has been remediated in some way that is acceptable otherwise how can you let the offender re-test their own errors, no probity in this.

'qualifications be for those doing the reassessment' They should be higher than the reassessment task and definitely have industry currency as that is the gauge of suitability of training.

'tuition assurance fund be set up to further protect students in Australia's VET sector' Yes definitely and it is critical that consumer protection is in place where in good faith the students conduct all tasks as required by the RTO, but the RTO has been shown to not satisfy its' VET obligations.

'linkages with income support eligibility' Where this effects pay grade or certification to conduct various tasks where the graduate has conducted all assessments in good faith it is up to the RTO or any consumer support fund to underwrite the re-training and assessment and where RTO is found negligent it should be covered by their insurance or otherwise.