

REDACTED

# Response to *Quality of assessment in vocational education and training*

March 2016

## Submission Details

1. This submission is made on behalf of an organisation.
2. The submission is made by REDACTED
3. The organisation is REDACTED
4. Our interest in this discussion paper is because the competence and work readiness of graduates is fundamental to our representation of industry enterprise and employee interests and therefore the quality of assessment is of critical importance.

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5. We are open to the department using information from our submission in published materials but request our identity not be published but remain anonymous.

This is not because we lack conviction in our response but because we do not appreciate the unwanted spam that has resulted from our identity being published in some other government department forums.

The balance of this document provides responses to the Discussion Questions in the *Quality of assessment in vocational education and training* discussion paper with, in some cases, an explanation of the context of the answer having regard to the role and operations of REDACTED.

## Responses to Question 1

### 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?

**REDACTED** advocates that delivery of TAE should be restricted to a limited number of RTOs with specialist capability that is assessed regularly for the quality of their graduates.

This view arises from the following well demonstrated shortcomings of the current arrangements of the current system.

- RTOs that qualify their own staff primarily as a means of getting around VET Regulation requirements.
- Price based competition that sacrifices rigour for expediency. This forces otherwise high quality RTOs to cut corners to compete (through inappropriate use of RPL and inadequate volume of learning) such that few graduates are work ready for quality VET training and assessment positions.

#### Should RTOs be restricted from issuing TAE qualifications or skill sets to their own trainers and assessors?

**REDACTED** has already suggested the delivery of TAE be restricted to a limited number of RTOs with specialist capability that are regularly audited for graduate quality. If this is implemented it should negate concerns about favouring their own trainers.

If the proposal to restrict TAE to limited specialist RTOs, or if those RTOs are not subject to rigorous audit of quality, then a prohibition on RTOs issuing TAE qualifications or skill sets to their own trainers and assessors would be warranted.

#### Are TAE qualifications and skill sets so significant that evidence of competence should not—or cannot—be appropriately demonstrated via recognition of prior learning?

**REDACTED** contends that recognition of prior learning (RPL) is not fundamentally wrong for TAE qualifications or units but is concerned about the quality of RPL processes. This is especially the case when reliance is placed on an earlier training and assessment qualification (such as TAA or BSZ) given that the quality of assessments of training and assessment is suspect in too many cases.

#### *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?*

Based on the personal experience of this writer (who achieved TAE40110 through 100% RPL from BSZ40198) and from discussion with other trainers, the rigour applied is too often insufficient.

RPL for TAE should be restricted to candidates who:

- Can demonstrate significant and current (within two years) experience in training delivery and assessment within the VET system, or
- Can demonstrate significant and current (within two years) experience in training delivery and assessment outside of the VET system provided the RPL is supplemented by direct assessment of the candidate's competence to assess to VET system requirements.

The endorsed Assessment Requirements of TAE units (under the latest NSSC templates) should specify the limitations to RPL in the assessment conditions section.

### **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?**

The latest NSSC templates for units within training packages introduced far more explicit means to define requirements for deeming competency through endorsed assessment requirement documents.

These documents require:

- Performance Evidence specifications to dictate the breadth and detail of evidence of a candidate's performance required to support a grade of Competency Achieved,
- Knowledge Evidence specifications to dictate the breadth and detail of evidence of a candidate's knowledge required to support a grade of Competency Achieved,
- Assessment Conditions that specify how assessments may be conducted and which, among other things, could limit use of inappropriate RPL and simulation.

The evidence specifications could be used to implement a minimum volume of learning requirement. For example, Performance Evidence requirement to demonstrate a minimum of 500 hours of direct training and assessment experience (possibly with mandated splits between different training delivery and assessment processes) before being eligible for final assessment. (Note that this requires a variation to the VET Standards for RTOs – 2015 to permit people in training for their TAE qualification to work under appropriate supervision.)

The discussion paper mentions (on page 10) that the current TAE qualifications may not be appropriate in all circumstances and that strengthening the qualifications has been inhibited by "particular interests". REDACTED agrees with this statement. Our industries require training that is technically complex. The current TAE40110 minimum requirement for trainers and assessors does nothing to prepare trainers to deliver technical training content. It is a lowest common denominator approach to training "competence". This potentially impacts on student dropout rates where trainers are ill prepared to assist students who struggle with technical content.

We advocate the inclusion of skill sets on top of the TAE40110 Cert IV with a pathway to a Diploma (or higher) qualification in technical teaching, and that such qualifications be mandated for trainers and assessors in specific circumstances guided by industry needs.

### ***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?***

REDACTED is strongly of the view that trainers and assessors delivering and assessing TAE qualifications and units must be experienced in the VET sector. A demonstrated industry currency (in a VET discipline other than TAE) and five years VET experience would be appropriate.

The inclusion of industry currency in a VET discipline other than TAE is included to ensure the trainer/assessor is properly aware of industry expectations of competence. It mitigates educators migrating from secondary or higher education backgrounds (that do not have an understanding of industry competence) diluting the quality of TAE outcomes.

***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?***

People delivering TAE qualifications and skill sets should arguably hold a VET qualification at a higher AQF level than that which they deliver and assess. This infers a diploma to enable to deliver Certificate IV and a Graduate Certificate or higher to deliver the Diploma. There should also be a requirement for a minimum of five years' experience as a VET trainer/Assessor for people to deliver TAE qualifications.

It may be that for AQF level 5 and above a Bachelor degree with relevance to adult education may be considered sufficient provided the experience requirements are also met.

***Should the TAE Certificate IV and/or Diploma require a practical component? If so, how long should the practical component be?***

A practical component to TAE qualifications is essential if the qualification is to have any value. RTOs that employ this practice tend to do it with simulated students (generally being the rest of the TAE class group). This is insufficient in terms of realism and insufficient in terms of quantity of practical experience. The solution is to require TAE candidates to work under supervision in real RTO environments. This would require a change to VET Standards for RTOs – 2015 CI 1.13 to 1.20 which would limit opportunities for TAE trainees.

With respect to a period of practical exposure, 500 hours direct experience proven by verified work logs (on-line profiling) is suggested.

Completion of this practical experience should be a prerequisite to final assessment of certain TAE units within the TAE Cert IV and Diploma qualifications.

***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?***

Refer to response to preceding sub-question.

## Discussion question 2 – 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?**

The current Cert IV (TAE40110) includes 3 core units on assessment and provides for two assessment electives. One of those electives is TAEASS502B Design and develop assessment tools.

While designing and developing assessment tools would make an assessor more acutely aware of the use of assessment tools, and that can only help lift assessment quality, the same result could be achieved by ensuring the existing core units were diligently assessed.

Therefore, it is argued that the existing core units relating to planning assessments, assessing competence, and participating in assessment validation be reviewed and have their assessment requirements strengthened rather than include a separate unit on assessment design.

#### *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?*

As stated above, the suggestion is to review and strengthen existing core units rather than adding an extra core unit.

#### *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?*

TAEASS502B is a specialist unit and suited to the diploma or as an elective in the Cert IV where trainers have a specific need or interest. It is not an entry level unit suited to relatively inexperienced trainers.

### **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?**

Making decisions on the future of the TAE qualifications based on majority inputs is flawed. For every voice seeking to raise the standard of training and assessment there are too many seeking to reduce barriers to entry. This has led to the current lowest common denominator position which is even further eroded by short cutting the volume of learning and inadequate assessment.

Reviews of TAE should be conducted by external specialists with high level knowledge and skill relative to competency based training who can take on board broad stakeholder concerns and lead new TAE qualification development. Their guidelines must give priority to industry (users of VET qualifications) issues and avoid over valuing the input from training providers (RTOs). Such external specialists need to be selected so as to avoid conflicts of interest, that is to say they would not be affiliated with any RTO or like body.

### **Discussion question 3 – benefits and purpose of a VET professional association**

#### **Is there a need to establish a national professional association for Australia's VET system?**

A professional association for VET practitioners would be a positive step. It is noted that there have been and currently are VET practitioner networks in a number of jurisdictions which operate with varying degrees of success. This is often linked to funding difficulties linked to low penetration and varying and inconsistent support from governments.

Where such local networks work well the professional development of participants is positively impacted and this supports the need for a professional association with the critical mass to endure. That in turn would be aided by a national body supporting state and territory activities.

#### ***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?***

Seed funding to establish a national body and attract in existing state or territory bodies, or new local groups, would be necessary to create a unified approach.

It is important that government does not interfere or impose bureaucratic conditions. The suggested approach is to identify all existing networks and encourage them to create a national collaboration with a view to mergers that maximise resource sharing and minimise duplication of resources or efforts.

#### **What are the barriers to establishing a national professional association? How could these be overcome?**

Barriers include:

- Funding – membership fees need to be low to encourage member participation and will need government support, at least until a critical mass is created.
- Partisan differences – existing bodies may be reluctant to join because of real or perceived issues that might include loss of control of funds among other things. This might lead to consideration of a national umbrella organisation covering and supporting a variety of local member organisations.
- Low member penetration – requiring a clear value proposition or some coercing factors, possibly relating to requirements for VET currency or trainer registration.
- Inappropriate influence from RTOs – requiring clear guidelines on participation by organisations (as opposed to individuals) and guidelines on association activities that are desirable (such as ongoing trainer PD) or undesirable (such as industrial relations matters).

#### **What would be the most useful guiding purpose of a national professional association?**

To assist VET practitioners continuing professional development and, through that, the raising of quality of VET practice nationally.

#### **Discussion question 4 – 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?

The activities indicated in this question appear appropriate to a point although they raise some concerns. For example, providing advocacy and a voice for VET practitioners needs to be in the context of promoting best practice and not defending poor practice. Likewise responding to industry emerging needs should not conflict with the roles of Industry Reference Committees and Skills Service Organisations although there may be a place for complementary activities.

Another activity for such an association may be to benchmark VET practitioner standards and operate a program to continuously improve those standards over time.

**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?**

Working at a national level to coordinate and develop programs and resources gives economy of scale although local delivery will always have its place. It may be an opportunity for such an association to provide services to RTOs to assist them with their obligations under Standards for RTOs CI 1.16 providing a revenue stream for the association.

**Are there any existing organisations that could fulfil this role?**

None known.

## **Discussion question 5 – 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?**

Model A is attractive in that it lends itself to maximising the involvement of existing organisations that support VET practitioners but does not necessarily support the sharing of practices and resources that a national association should facilitate.

Model B potentially maximises national efficiency but may tend to marginalise smaller jurisdictions and regions.

Model C is entirely unattractive in that there is a fundamental disconnection between schools and competency based VET. Anything that risks moving VET towards the models used in primary and secondary schools must be opposed.

**REDACTED** would advocate for a compromise between models A and B where national economies of scale and program leadership can work through state and territory associations (or chapters) to ensure impact across all jurisdictions and regions.

### **What value would a VET professional association, or associations, add to the VET sector?**

VET professional associations can add value by facilitating programs to raise the quality of VET practice. This includes, where necessary, challenging other stakeholders in VET to remove barriers and adopt better practice. Such other stakeholders may include RTOs, State Training Authorities, the AISC and the Commonwealth Department responsible for VET, IRCs and SSOs. This requires the association to maintain independence from those stakeholders.

### **What mechanism would sustain a professional association, for example, membership fees from individuals or RTOs?**

Membership fees are desirable but will be a significant obstacle if membership is voluntary. It is anticipated that membership would comprise practitioners only as there is a conflict of interest with having RTOs as members. There is too much evidence of RTO management subverting quality training to pursue business objectives. Widely publicised problems in public and private sector RTOs include inefficient overhead intensive structures that prevent delivery of high quality cost effective training and dubious marketing of training to people when the industry need for the specific skills is not well justified. If RTOs are allowed to be members of the association it makes it harder for the association to work against such bad practice.

While membership fees may be the major source of revenue over time, and service provision to RTOs may provide further funding, the initial costs of setting up the association will need government support.

### **Should VET teacher and trainer membership with a professional association be mandatory or voluntary?**

To create a worthwhile impact, the association must have significant membership. Given that VET training is a regulated activity, the option of mandatory registration and accompanying association membership is attractive. It will ensure high numbers and work toward keeping the cost per member to a minimum.

## **Discussion question 6 – capability frameworks**

### **What can be learnt or applied from the capability frameworks that have been developed or are currently being developed?**

The VET Practitioner Capability Framework developed by IBSA provides a good starting point although there is a concern that the issues raised in response to discussion questions 2 may not be supported by the existing form of this framework given that IBSA has long argued against the concerns over the inadequacy of the current Certificate IV for more complex disciplines covered by VET. IBSA has/had a vested interest in supporting its own products which include the existing TAE qualifications.

### **Is there an opportunity to make better use of these frameworks, irrespective of proposals to develop a professional association?**

Refer to preceding paragraph.

## Discussion question 7 – 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?**

Involving industry specialists in assessment activities, whether the conduct of the assessments or the validation of assessment tools and processes, is extremely difficult because few in industry have the time to commit to the process or the knowledge of the VET system and its application to add significant value. By adding the requirement for independent validation of assessments to the standards for RTOs another hurdle is presented for the RTO to cross but, in practice, it is mostly met by another form of “tick and flick”.

Indeed a larger problem exists in the way some practitioners undertake assessments outside of the validated processes defeating the whole purpose of validation. In some cases this may be because the practitioner is incompetent but it is known that it can often result from pressure by RTO management to progress students regardless of competence in order to optimise cash flow and profit.

The only conclusion that can be reached, where the qualification is industry critical or high risk, is for industry endorsed assessments external to and independent of the RTO.

### **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?**

Industry endorsed assessments external to and independent of the RTO are seen as the only practical way for controlling the quality of assessments within RTOs. To make this work the RTO needs a financial penalty for under-preparing their students. Possibly this could involve the RTO paying for the external assessments (and resits if required) and for the RTO income being contingent on successful completion of the external assessment/s.

*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?*

The benefit of external assessments is the return of industry confidence, currently significantly lacking. The drawback may be cost if the assessment is additional to the current practice (as opposed to simply having a third party administer an existing assessment).

External assessments should not be mandated for all qualifications but be applied where industry stakeholders deem necessary (presumably through consultation and decision of the relevant Industry Reference Committee). They might also be mandated where concerns are raised concerning particular RTOs reasonably accused of substandard quality outcomes.

Assessments suitable for external application exist in some qualifications. A good example is the so called “Capstone” assessment that concludes the Cert III electrician qualification (UEE30811). Where external assessments are to be considered it is essential that they be defined (through industry input) in the training package as assessment only units.

The tests should be regulated by an industry body. The most logical body would be state Industry Training Advisory Boards who have the connections with industry and independence from RTOs.

***Should such a test be a pass/fail dichotomy, or would it be more important to use the test to identify gap training?***

The result of external assessments has to be pass/fail although they should be administered in such a way as to facilitate feedback on performance to assist the RTO with 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?***

Externally administered tests are totally consistent with competency based training provided they are to standards defined in the training package. They are the ultimate measure of work ready competence.

The most common complaint against this approach is that it challenges the authority of an RTO to make the decision on competence in isolation. In a perfect world such an external check should not be necessary but the evidence points to an overwhelming under performance by RTOs such that there is no practical alternative to ensuring competency for industry critical or high risk qualifications.

***Should the results of tests be made public at the RTO level?***

Results of external assessments should definitely be made public at RTO level in order to provide the RTO with further incentive to perform.

## **Discussion question 8 – 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?**

Industry is rarely homogenous. There are usually many differentiating features to enterprises or groups of enterprises. In some cases there may be industry associations, often multiple associations covering the same or similar groups of enterprises. With few exceptions, training is not a specialist focus of industry enterprises.

The state based network of Industry Training Advisory Boards (ITABs) are arguably the most appropriate focus for the various enterprises and associations in their jurisdiction and best placed to retain the expertise necessary to support validation of assessments. This does raise the issue of funding since many ITABs have little or no funding support. Given this is a service to the RTOs in meeting their obligations it may be reasonable for the RTOs to pay for these services. While Standard 1.11 allows for industry involvement in validation it does not mandate it and therefore it is unlikely that most RTOs would be inclined to pay for support services.

**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?**

VET assessment is a specialised skill and not commonly found in enterprises or even most industry associations. This is a further reason for favouring ITABs who are connected to industry, independent of RTOs, and either have or can acquire the necessary skills.

**Is there a need to build industry capacity and capability regarding involvement with training and assessment?**

**If so, how might this be done?**

Industry capacity and capability needs to be built and, again, the state based ITABs are the logical place to build it. Some ITABs may already have the capacity and capability, some do not. Indeed in some cases the withdrawal of funding for ITABS has seen some cease to exist.

A restoration of funding to ITABs, whether from Commonwealth or State should be a priority to support the quality initiatives that this discussion paper addresses. The investment need not be huge as some of the activities of the ITAB, such as external assessments and possibly validation, could be fee for service.

**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?**

In relation to undue burden, industry needs are defined through the appropriate Industry Reference Committee which provides industry engagement and consideration of undue burden.

In relation to appropriate expertise, the comments above concerning ITABs apply.

## Discussion question 9 – 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:

The following sub points are all relevant. While validation competence is addressed in the core of the Cert IV in training and assessment a person completing the Cert IV will not be expert at validation. Clearly different approaches can be taken and having models and best practice guides to assist this would be a good step. They should take into account the risk represented in different qualifications.

The linking of external validation to government funding would strengthen assessment quality by going beyond the relatively insular approach used by many RTOs currently. It also supports quality given infrequent and variable quality audits by ASQA.

*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?

**REDACTED** strongly supports external assessment where outcomes are critical. Critical could involve public or personal safety but may also include areas where industry determines the outcome is critical to industry. Examples of non-safety critical areas may include global competitiveness and productivity.

#### 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?

The same criteria for risk assessment process as described for external assessments could be applied for independent validation. Where the risk is judged significant but not critical enough to warrant external assessment then industry led external validation might be mandated.

#### Should high-risk student cohorts be required to undergo independent reassessment of industry agreed sets of competencies before being issued with their qualifications?

In the industries **REDACTED** represents, this scenario is more or less in place for the electrician trade in Victoria where an active regulator does not trust RTOs. Currently the student completes their qualification within the RTO but the regulator requires the final “Capstone” unit to be reassessed externally before giving a license to work. The first attempt pass rate is very low which only supports the view that the RTOs are not doing a good job.

If external assessments were to be brought inside the qualification then there is some saving because it is not a reassessment but a part of the qualification – just administered in a different way.

There is no reason to think that Victorian RTOs are significantly worse than their interstate peers. This is the most compelling argument for external assessment.

*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.*

The external approach should be considered for high risk qualifications as described above.

RTOs conducting assessments that are wholly on-line should be considered for external reassessment unless:

- there is assured and appropriate invigilation procedures in place, and
- there are additional assessments to cover performance evidence requirements (since physical skills cannot be demonstrated in an on-line environment).

**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?**

If the assessment requirement is risk based then 100% of students should be externally assessed. To select a sub set of students is potentially discriminatory. If the question arises out of any particular quality concern for a qualification not considered high risk, then an audit of assessments may be more appropriate. That audit may include overseeing actual assessments as they are conducted by the RTO.

**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?*

As has been stated in responses to earlier questions, the State ITABs may be the best placed organisations for this purpose given their connections to industry and independence from training delivery.

## **Discussion question 10 – 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?**

There is certainly a problem with the understanding and expectations of many industry people with respect to the expected capabilities of graduates. This is less of an issue in relation to the classical trades but is significant at lower and higher AQF levels and in industry areas that do not have a strong training culture.

This is not helped by the training industry (RTOs) where there are widely divergent interpretations of the meaning of competency. Even after so many years of competency based VET there are still too many pockets of belief that the RTO role is only to impart knowledge and denial of responsibility to ensure the graduate is competent to do the work of the qualification in industry. Many RTOs, including large public providers corrupt qualifications designed for work integrated training by delivering them as institutional based programs and industry is rightly confused as to the outcomes they should expect.

The current NSSC qualification template requires a Qualification Description field in which the qualification outcomes are to be described. By ensuring these are written in language that is relevant to industry the situation would be significantly improved. Further improvements might be made by making the information included in the Australian Qualifications Framework AQF level descriptors more readily available and contextualising it in the qualification descriptions.

As this is work with the training products themselves it arguably falls under the responsibilities of SSOs as directed by their IRCs.

## **Discussion question 11 – 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?**

There may be scope for strengthening the standards for RTOs but a more significant problem would appear to be non-compliance with the existing standards. It appears that, with few exceptions, audits of RTOs tend to avoid auditing assessments and assessment quality. This is understandable in that ASQA auditors are rarely subject matter experts in the fields in which the RTO trains. They may audit assessment process but a process is only as good as the way it is used and there is little to stop a compliant process from delivering substandard outcomes.

The solution is to require subject matter experts to support auditors such that the quality of assessments compared to the training package outcome can be properly examined.

**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?**

This would possibly help in auditing quality of assessments.

**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?**

The solution is to require subject matter experts to support auditors such that the quality of assessments compared to the training package outcome can be properly examined. The burden on the RTO need not be excessive provided they are following good process using properly validated assessment tools in the manner they were designed for use.

*Is ASQA the appropriate regulator to oversee this function, or are there better placed agencies such as firms that specialise in assessing students?*

ASQA may be the best regulator provided it takes on board the need to utilise subject matter experts and provided it acts fearlessly in the face of non-compliance. Anecdotal evidence suggests that it is reluctant to prosecute large public RTOs where, sadly, some of the worst practices abound.

**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?**

Training only RTOs may be appropriate in some circumstances where the risk is low and the nature of the qualifications makes relatively few periodic assessments practical. However, when the qualification involves multiple units with prerequisite requirements, utilising a training only RTO and an assessment RTO would be cumbersome and impractical.

## **Discussion question 12 – enforcement**

### **How could the focus of regulation move to evaluating assessment outputs?**

By requiring ASQA to specifically audit for assessment outputs using subject matter experts in the process.

### **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?**

The concept of an RTO providing warranty on its training and making good for demonstrated failures has merit.

### **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?**

RTO size is immaterial. There appears to be a perception that large RTOs are necessarily good performers. Likewise that public providers are better than private. When it comes to detecting and acting on poor quality training outcomes all should be considered equally.

### **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?**

There seems no alternative to strong action to correct problems with penalties applied. Penalties should be proportional to the transgression and potentially scaled to RTO size (in case of financial penalty) escalating where correction deadlines are missed such that suspension or cancellation of scope is imposed for blatant breaches or failure to act reasonably in response.

A demerit points scheme might be considered to determine repeat offender status.

### **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?**

There is minimal transparency at the moment. Regulators should report issues with RTOs to State Training Authorities and to industry impacted by the problems. Industry includes IRCs, State ITABs, industry associations and should be available on the public record.

## Discussion question 13 – 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?**

Cancellation of a qualification is a significant penalty for the graduate. This measure should be used sparingly if the reason for cancellation is not the fault of the student but cancellation is unavoidable if the qualification is deemed high risk.

If the qualification relates to licences or registrations to practice in an occupation then the licensing authority must be notified.

If the reason for cancellation is the fault of the RTO then the RTO should incur penalties and compensate the student for their losses which could, in some circumstances, include loss of employment.

**Should a scheme for the reassessment of students be implemented? If so:**

Yes.

*Are there any situations where a student should not be offered the chance to be reassessed, for example, student fraud?*

If the student has committed fraud in gaining their qualification their qualification should be cancelled. They may still be eligible for re-assessment but it should not be fast tracked or made less onerous than the original assessment/s that the student fraud covered.

*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?*

Cancellation would be in response to a failure to ensure competency in the first place. If the issue was student fraud, there should be no time limit.

If the issue was an RTO failure then consideration should be given to the fact the person may have acquired the required competency in the workplace over time. Depending on the nature of the qualification and the person's work history, and considering whether the qualification is high risk or not, cancellation of a qualification well after it has been granted may be unreasonable on the grounds of natural justice for the student.

*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?*

The person or organisation at fault (necessitating the cancellation) should bear the full cost of reassessment and gap training. If this is the RTO it should pay regardless of 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?*

Assuming the reassessment is due to a systemic failure by an RTO, it would be inappropriate for them to do the reassessment as their credibility is diminished.

There may be mitigating circumstances where this is not so, for example if the RTO itself discovered the problem and initiated the corrective action leading to the need for 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?*

Reassessments should be done under the normal requirements for the units and qualifications in question.

The involvement of ASQA, industry or employers seems unnecessary although employer evidence of competence (or otherwise) would contribute to assessment evidence.

**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?**

Given the potential for RTOs that do not have significant financial backing to fail in the event of significant qualification recalls such a fund may be advisable. This could be funded by levies on all VET training through all RTOs. It could also be supplemented by any financial penalties paid by RTOs who breach requirements. This ensures that the cost is minimal for good performers and biased toward a cost on poor performers.

**What linkages with income support eligibility should apply for graduates impacted by any recall of qualifications?**

This is not a VET issue but, to minimise harm to innocent victims of VET abuse, arrangements should be considered with Centrelink.

It might be sensible to consider legal support to victims of serious RTO misbehaviour in regard to civil damages. Alternatively RTOs should contribute to a national compensation fund to protect students harmed by RTO failures.