



## Template for submissions 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](mailto: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:
3. Organisation (if applicable):
4. Please indicate your interest in this discussion paper:   
(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  Yes  No website or otherwise be made publicly available?
  - 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.

## 1. General Points

The Australian Chamber recognises assessment as being the most critical element of effective vocational education. Assessment is the crux of VET, in that it is the culminating point between the training process and then vocational outcome. Effective assessment that tests and captures evidence of true work based standard is critical to build and maintain the confidence of employers and the broader community in the VET sector.

The Australian Chamber would also take this opportunity to highlight the overlap between these consultations and those undertaken around training packages and accredited courses. We acknowledge that there has been significant consultation and analysis on VET structures, governance and processes recently and the outcomes of these are still being discussed and/or implemented. The response to this discussion paper and the previous consultation on Training packages and Accredited Courses should not be taken in isolation and should form part of an open dialogue on how best to improve the quality of training package products and the training and assessment process.

## 2. 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:**

The Australian Chamber believes that there should be no limitation on the number of providers with scope to deliver TAE qualifications provided that there is an effective compliance and monitoring regime in place to ensure the quality of outcomes from those RTOs delivering TAE qualifications.

The TAE qualifications are widely used, with application not only in RTOs but also in many industry settings with supervisors, workplace based trainers and human resource staff making use of the skills contained in the TAE suite of qualification to deliver non-accredited work based training on the job. Given its wide use and broad application, restricting delivery and limiting the types of RTOs able to have the qualifications on scope will reduce access to the qualification, decrease competition and potentially push up prices.

Whilst not an ideal situation, there are some circumstances where an RTO may be best placed to deliver TAE qualification to their own staff. Larger public and private providers with high volumes of learners from within their workforce and providers in thin markets and regional areas may not be able to access other RTOs to deliver the qualification. It may be possible for some RTOs in regional areas to have auspicing arrangements in place that could see the training completed by the employing RTO and the assessment completed by a second RTO.

RPL is an integral part of the Australian VET system and recognises that skills can be developed in a variety of contexts. It is entirely appropriate for learners to be able to complete all or part of a qualification or skills set from the TAE suite of qualifications where they can sufficiently demonstrate their current skills against the performance criteria outlined in the units of competency and the veracity of the evidence has been confirmed by the RTO.

Over prescribing training and assessment practices can stifle innovation in teaching and learning and could lead to more “learning by rote” approach instead of recognising that learning can occur through a variety of means and approaches. There should be detailed performance criteria that clearly outline the expectations of the level of skill and the variety of contexts in which that skill should be able to be shown. Additionally, there should be clear advice as to what constitutes the critical aspects of the evidence of competency included in the training package to ensure that trainers have a clear understanding of what level of skill is expected from learners. This is the basic premise of Vocational Education and Training in Australia and should be seen as the base standard of professional practice in delivery of all qualifications, not just the TAE suite of qualifications.

Accredited TAE courses should be delivered by experienced trainers holding a higher qualification such as the Diploma in TAE.

### 3. 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:

While many RTOs rely on centrally developed or commercially purchased training and assessment tools, it is a basic expectations that all VET trainers will be able to effectively develop assessment tools that clearly meet the required aspects of evidence against the performance criteria outlines in each unit of competency. Thus a core unit on the development of assessment tools and strategies should be a fundamental component of the Certificate IV qualification. Furthermore, any TAE unit of competency on the development of assessment tools and strategies should emphasise the importance of co-assessment of units of competency where the skills being taught in a number of units of competency are considered to co-exist in the workplace and are best delivered and assessed in a cohesive assessment process.

In any training package update or development process, it is important to give an opportunity to all stakeholders to express their views on the content, approaches and overall validity of the training package products. However, recognition and weighting should be given to key stakeholders who have greater exposure, greater experiences or bring a broader view to the table than some narrowly focussed stakeholders.

#### 4. 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:

It is not Government's role to set up a professional body for VET practitioners. It would be appropriate, however, to encourage the use of funded research to highlight good and poor assessment practice. If there is demand, on a fee for service basis, for a professional body for VET practitioners, it will be established. Instead, it is suggested that the Government make it a priority for NCVET to fund research in the area of assessment.

Various attempts have been made to establish a professional body, and IBSA has invested both time and resources in the past. Governments should play a more active role in facilitating and legitimising a suitable body but ongoing funding for the body itself is not appropriate. Instead, Governments can assist by supporting projects and activities that will help to underpin a body which is attempting to establish.

The Australian Chamber saw considerable value in the *Framing the Future* and *Reframing the Future* initiatives that sought to improve professional practice in VET. The *Framing the Future* and *Reframing the Future* initiatives provided a strong research and sharing platform for VET professionals to stay abreast of developments that were shaping modern VET in Australia in its formative years of the late 1990's and early 2000's. While the *Framing the Future* and *Reframing the Future* initiatives were not a professional association, the research conducted and access to the broad array of Communities of Practice that were established were readily available to all VET professionals. The Australian Chamber sees considerable value in establishing a body similar to the *Reframing the Future* to promote change and improvement in professional practice in VET in Australia.

The guiding objectives of such a body would be to:

- Driving cultural change and professional practice in VET
- Commissioning, conducting and applying research on best practice in VET
- Developing professional development programs for VET staff, including going beyond pedagogical practices and looking at internal compliance and governance for RTOS.



## 5. 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:

The Australian Chamber sees considerable value in establishing a body similar to the

*Reframing the Future* to promote change and improvement in professional practice in VET in Australia. This body would not serve as a professional association as such, but act more as a clearing house for knowledge and learnings about best practice in VET and provide opportunities for VET teachers to learn from others in the system.

The Australian Chamber would not support a registration or accreditation body for VET teachers which requires any compulsion. It must be recognised that VET is not solely the realm of institutional providers and “VET professionals” who deliver classroom based programs or occasionally visit worksites for training. Considerable amounts of learning happens in the workplace under the guidance and tutelage of work based trainers and assessors who, unlike the majority of their VET professional colleagues, have regular and often complete immersion in industry and industry practice. For many of these work based trainers, the training component of their role is secondary to their main vocation and they often don’t consider themselves to be VET professionals. Having a compulsory accreditation system for VET trainers would isolate such work based trainers and create a two tiered system of VET professions who are in most cases full time, classroom based trainers, and those who are actually in the workplace imparting vocational skills to learners. A voluntary accreditation scheme that encourages continuous professional development for full time professionals will have significant benefits but the core network or association needs to be established in the first instance.

## 6. 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:**

These are questions of considerable detail for a Government based discussion paper, so our comments below are prefaced by an overall comment that the core group of trainers establishing such a body should take ownership of structural issues.

Of the three models presented, model B, a single professional entity, would be the preferred option for the Australian Chamber. The Australian Chamber believes that cultural change to improve professional practice in VET should be centrally driven and based around the core promise that industry will have a highly skilled workforce and employers will be at the centre of the VET system in Australia; and that the role of VET is to facilitate skills development to meet the skills and labour needs of industry.

Having multiple associations or agencies with coverage of professional development in VET could lead to duplication of offerings, unnecessary bureaucracy, and some VET professionals could feel compelled to have membership of each body depending on their service offerings or locations. That said, there is no pathway for a monopoly and an association stays responsive if it always faces the prospect of competition or alternatives.

Where a VET professional association is in place, membership should be voluntary.

## 7. 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:**

The VET Practitioner Capability Framework developed by IBSA describes the broad capabilities required for a range of job roles in the VET sector. The Australian Chamber considers that the capability framework is a good step in recognising the breadth of knowledge and experience that is needed in a good VET teaching professional. The framework provides an opportunity to use the four domains of skill, being systems and compliance, teaching, assessment and industry and community collaboration, along with the six generic skills areas of teamwork and communication, leadership, cultural competence, ethics, innovation and evidence based practice and research to develop a suite of professional development programs aimed at improving professional practice in VET.

## 8. 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:

The new Standards for Registered Training Organisations (RTOs) 2015 requires that RTO's training and assessment strategies and practices are responsive to industry and learner needs and meet the requirements of training packages and VET accredited courses.

Furthermore, the standards stipulate that:

The RTO's training and assessment practices are relevant to the needs of industry and informed by industry engagement; and

The RTO implements a range of strategies for industry engagement and systematically uses the outcome of that industry engagement to ensure the industry relevance of:

- a) its training and assessment strategies, practices and resources; and
- b) the current industry skills of its trainers and assessors.

While this is a requirement of the new standards, employers are generally not convinced that all RTOs meet this standard to the level of expectation of industry or that the regulator is well placed audit against these elements of the standard. The Australian Chamber sees a particular importance in RTOs establishing industry credentials and in maintaining industry currency. Industry currency is an important issue for employers who do not want outdated or obsolete techniques taught to employees. An understanding of modern equipment and techniques is essential for business

competitiveness. Active engagement with industry is the only way to ensure teachers are aware of and are master of current and emerging trends and practices.

Apart from the requirement to develop strategies for training and assessment in consultation with industry stakeholders, there is a broader question of the type of relationship built up between and RTO and employers, the engagement and connectivity of staff with relevant industry groups in order to keep abreast of current industry requirements and the quality of the engagement between them. This broader relationship provides the essential foundation for “relevant” consultation with industry stakeholders for training and assessment purposes.

The lack of engagement does not always rest with the RTO, even though it is a legal requirement of them. There is a lack of awareness amongst some industry players of the importance that such a relationship can play in actively establishing and maintaining industry standards, especially small and medium enterprises where resources are sparse and time is limited. The best will of some individuals is thwarted where the mechanisms for engagement do not exist, are not visible or are not understood.

Models of best practice often involve a more formalised relationship between the RTO and the industry group for whom the training is undertaken. Successful models are built around a culture of training within a business, where training is seen as a business function and is treated as such. Examples of where industry groups have a hands on involvement in training for their industry provide good models for quality assessment. For example, in some industries, employers are up-skilling themselves and/or supervisors to gain assessor qualifications so they might directly contribute to the assessment process. In this way, by working in conjunction with RTOs delivering training, assessment may be conducted on-the-job and in a more meaningful way that suits business requirements.

The medium to long term road for improving standards should also include great industry involvement in the accreditation/award continuum. If we consider the VET provider standards as the minimum standard, then the winners of the training awards for VET providers is best practice. In between is an improvement continuum where there should be a greater role for industry in recognised the better providers and informing the market. The Australian Chamber remains the supporter of an industry recognition “star rating” system for providers, which requires examination now that the new VET provider standards have been adopted. Such a system requires government support in its establishment but could be substantial self-sufficient in the long run. More information about the star rating approach is contained below.

An informed market generally is a critical element of quality. Available data and a review of what else could be beneficial should be presented to students, parents and employers in a way that helps them understand job prospects generally, and the performance of providers more specifically. Although such information has greater challenges than for higher education, the ambition of an informed market should be realised as a priority.

## 9. 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:**

Training Packages have the ability to mandate expectations of assessment practice based on industry expectations of training outcomes and certain given contexts for the demonstration of vocational skills. The Australian Chamber would welcome the ability for employers to identify a mandated training and assessment strategies to be included in companion volumes to industry standards frameworks, where it meets the needs of that industry. Such strategies would need to allow for a certain degree of flexibility, to reflect learner needs and the differing contexts in which the application of skills can occur.

It is critical when using a competency based approach to learning, that assessment is rigorous and that there is comparability between the skills acquired by students undertaking the same course in different institutions. This can be achieved through a number of means.

Some industry sectors have developed external assessment processes that allow employers or regulatory and licensing bodies to set a clear occupational benchmark for graduating students. Again, the application of external assessment practices and the benchmarking tools themselves should be determined by employers within that industry sector.

Some industry associations, local employer groups and individual employers offer advice and services to RTOs on good assessment strategies and provide input and feedback on assessment strategies developed by RTOs.

There are many contributing factors to achieving a workplace specific outcome. Industry can play a significant role in endorsement of vocational outcomes related to collecting evidence and judgements about whether competency has been achieved. In the context of an apprenticeship or other training program where the learner is either employed or placed with an employer, a real life demonstration of skills in the workplace can be achieved and with appropriate engagement with the employer, the veracity of claims against the performance criteria can be easily demonstrated. This can, however, sometimes limit the ability to assess skills in different contexts or provide a an opportunity to demonstrate a more generic skills base in the case of employers having highly specific work practices or processes that may differ from others within an industry sector.

In some industries sectors, industry associations have managed programs that saw employers up-skilling themselves and/or supervisors to gain TAE based training and assessor qualifications so they might directly contribute to the assessment process. This is often linked to the creatio0n of communities of practice that link these work based vocational skills specialists with RTOs and provide a means of assessment moderation and advice on teaching and learning practices relevant to the vocational skills outcome.

## 10. 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:

Independent validation across all of VET for every learner would be costly and difficult to manage. As a baseline, there should be confidence that RTOs are delivering training and assessment that meets industry standards and complies with the national regulatory standards. Where a qualification links to a high risk occupation or a regulated or licensed occupation, there is often already an external assessment process in place OR a professional program that sees the learner working in a supervised environment until there is confidence that the learner has demonstrated the range of skills required by the occupation effectively.

The Australian Chamber supports both of the above models, where the industry sectors and the relevant regulator work together to ensure the quality of outcomes.

Some qualifications, through consultation with industry, have included a single unit of competency that acts as a capstone assessment that is it effectively tests the full range of skills required across the rest of the qualification. Other qualifications, mainly those in licenced occupations, have mandated assessment tools or external assessment or validation processes in place.

The Australian Chamber has given nominal support to prescriptive assessment processes as a means to ensure the quality of graduates against a national standard. However, there must be sufficient flexibility in any process to recognise existing competency and fast track assessment for those who can readily display competency outside of a prescriptive process.

Where there is a capstone unit in place, there is a good opportunity for the appropriate industry association or employer to play a role in overseeing the quality of output from RTOs. It is often cost and time prohibitive for an employer or industry association to have input into all aspects of the assessment process for each learner, however, with a capstone assessment unit in place, RTOs could draw on expertise with an employer or industry association to provide additional advice or oversight on the final assessment and an industry signoff on the competence of the learner.

Given the resourcing requirements needed to have skilled assessors with current vocational skills within an industry association or employer, it would be necessary for the RTO or perhaps government or the regulator to provide funding to the employer or industry association to support to assessment process.

The Australian Chamber believes that there is also an opportunity to provide an external assessment option to students from RTOs, where that RTO has received a closure order from ASQA or there have been serious questions raised regarding the standard of training and assessment within that RTO. ASQA has, in some cases recommended the revoking of qualifications issued by some RTOs or has closed RTOs after serious non-compliance while the qualifications issued by that RTO deemed to be still valid. An external validation could show that a learner who faces having a qualification revoked can demonstrate competence against the performance criteria of each unit of competency. An external validation could also show that a learner who graduated from an RTO where the quality of outcomes are questionable either can or cannot demonstrate competence and a recommendation can be made to either revoke the qualification or undergo additional training.

## 11. 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:

The Australian Chamber believes that the expectations of skill from a VET graduate are reflected in the performance criteria of a unit of competency and the foundation skills requirements for that unit. There is no need to create additional burden for stakeholders where that expectations of skill for a graduate are sufficiently outlined in the unit of competency.

There does need to be education for both employers and RTOs on what competency actually means.

The Australian Chamber considers that competency as defined in VET is the *consistent application of knowledge, skill and attitude to the standard of performance required in the workplace*. To be deemed competent in VET, the assessed individual must be able to demonstrate an ability to perform the required occupational tasks with a level of skill commensurate to that required in industry at an entry level into that occupation.

Some employers and individuals expect proficiency rather than competency as an outcome of training, and it is important that expectations of outcomes are not inflated by RTOs in either promoting courses to potential students or in promoting the skills level of graduates to employers.

## 12. 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:

The new Standards for Registered Training Organisations (RTOs) 2015 have considerably strengthened the teaching and assessment standards compared to the previous 2012 regulatory standards. Given that the new standards have only recently been introduced, the Australian Chamber believes that ASQA should be given sufficient time for the new standards to take effect before changes is made.

The Australian Chamber would support the establishment of a system of industry focussed moderation that would be overseen or administered by ASQA and support ASQA auditors in making value based judgements on assessment outcomes and the veracity of evidence presented by RTOs.

Under this model, ASQA would establish a Panel of Expert Assessors, based on the advice of industry and working in conjunction with them. This panel of experts could be drawn on by ASQA to support the audit process and provide expert industry advice on the teaching and learning practices of the RTO and whether they meet the expectations of industry.

The Australian Chamber would additionally suggest a number of strategies for improving the consistency of outcomes, these are:

- Increased training and moderation for auditors;
- Ensuring regulators have sufficient resources to do more in-field audits

- Increasing ASQA and industry based opportunities for professional development of trainers and RTO administrators; and

The Australian Chamber supports the development and implementation of an industry owned and led Star Rating System of grading for RTOs. A Star rating System would effectively promote excellence in learning and assessment strategies and encourage RTOs to put a greater emphasis on engagement with industry.

A Star Rating System model needs to capture information on practices that are of benefit to both nominating training organisations and employers. A ratings system that recognises progress towards excellence is considered the best way to do this and would be a useful promotional tool for RTOs and would detail relevant information for employers.

The proposed model would consist of three levels of recognition, supported by a capability statement against the criteria. The levels would represent an excellence continuum and be consistent with other globally recognised excellence models. The levels are:

- Level 1     Committed to excellence
- Level 2     Advancing towards excellence
- Level 3     Excellence award.

The Star Rating System could support the MySkills website and would assist employers and individuals in making informed decisions about training offerings.

The Star Rating System would be used to apply a grade against criteria such as:

- Degree of customisation of training programs and qualifications.
- Standard and quality of on and off the job training delivery.
- Extent of on-the-job training
- Level of service provided.
- Extent service delivered utilising outside premises, including employer facilities.
- Innovation in product and delivery.
- Action taken to address issues identified by employers.
- Articulation arrangements with other employment and training providers.
- Customer experience and feedback and history of service.
- Quality of facilities, and utilisation of industry relevant equipment.

Initially, RTOs would conduct self-assessment against the criteria and put in place strategies meet any gaps before nominating for audit against the criteria.

### 13. 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:**

The development and implementation of an expert panel of industry assessors to support the audit process as detailed in Section 11 above would serve to shift the focus of audit from a compliance based input driven process to a more outcomes driven model of assessment against the regulatory standards.

The Australian Chamber believes that there is merit in requiring an RTO that have faced serious questions regarding the standard of training and assessment provided to fund an external validation of assessment. An external validation could also show that a learner who graduated from an RTO where the quality of outcomes are questionable either can or cannot demonstrate competence and a recommendation can be made to either revoke the qualification or undergo additional training. This could also give an opportunity to learners who face having a qualification revoked the opportunity to demonstrate their skills against the performance criteria of each unit of competency and possibly prevent them from losing their qualification and having to redo to qualification or walk away from VET disillusioned with the system.

Such a model of requiring an external validation where there are serious questions regarding the standard of training and assessment should not be influenced by the size of the RTO or whether it is private or publicly funded. Questions of quality and confidence in VET as a whole should be dealt with evenly across the sector.

The regulator does possess means manage RTOs that are repeatedly non-compliant with assessment requirements where ASQA may:

- amend or shorten registration or accreditation
- impose conditions on a registration or an accreditation
- issue directions under the legislation for an organisation to take specific steps or refrain from doing certain things
- suspend or cancel registration or accreditation
- issue infringement notices as an alternative to prosecution
- Prosecute organisations that breach the legislation.

The Australian Chamber believes that these sanctions are sufficient to ensure most RTOs seek to comply with the standards. Serial offenders or those who seek to “phoenix” RTOs that have previously had issues with non-compliance under a new name or new management should be dealt with in accordance to existing sanctions.

#### 14. 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:**

Notwithstanding comments in sections 11 and 12 above regarding the use of external validation in instances, there should be a greater exercising or power to revoke qualifications that fail to meet the requirements of the training package. In such cases, it would be expected that the RTO refund the cost of training delivery to the student, employer or funding body and pay for any reassessment and gap training to bring the learner up to the required standard. This should be universally applied, regardless of whether there are any public safety concerns, as the prevalence of graduates with issued qualifications but not being able to demonstrate the expected skill harms the reputation of VET in Australia and can impact on employer confidence in the VET sector. An even approach to revoking qualifications and requiring a refund of the costs of training would also send a strong message to all RTOs that questionable training and assessment practices will have serious impact on the RTO as a business entity.

There may be situations where the original RTO may be well placed to deliver the reassessment. If, for example, a single trainer had used sub-standard assessment tools and signed off a student as

competent, that RTO may have identified issues with the assessment through moderation and sought to remedy the situation using a different trainer/assessor and assessment tools that meet the expectations of competence.

Where the learner was in receipt of an income contingent loan, such as VET FF HELP, to fund their study, it would be expected that the original RTO would repay the students debt to the commonwealth.

There are currently two recognised tuition assurance schemes operating in the VET sector and both are well regarded within the VET sector. The Australian Chamber supports mandatory membership of a tuition assurance scheme as a means of student protection. Such schemes should extend to coverage of the costs of reassessment or retraining where the original issuing RTO has ceased to trade.