

10 March 2016

Mr Shane Thomas
Chair, Training and Assessment Working Group
Department of Education and Training
GPO Box 9880
Canberra ACT 2601

By email: trainingpackages&VETquality@education.gov.au

Dear Mr Thomas

Thank you for the opportunity to comment on the *Quality of assessment in vocational education and training – Discussion Paper, January 2016*.

The Australian Children's Education and Care Quality Authority (ACECQA) is the independent national authority established under the *Education and Care Services National Law* to lead the implementation of the National Quality Framework (NQF).

The NQF is the national system for regulating education and care services, setting levels of safety and quality to ensure all children who attend long day care, preschool/kindergarten, outside school hours care and family day care have the best start in life. The NQF is jointly governed by the Australian Government and all state and territory governments as a means of driving continuous improvement in the quality of these services, and realising the efficiency benefits and cost effectiveness of a unified national system.

ACECQA has two legislated functions related to the formal qualifications that are generally mandated across the education and care workforce. These functions are to approve and publish lists of complying vocational and higher education level qualifications, and to determine equivalence of individual qualifications that are not on these approved lists – typically these are qualifications gained outside Australia.

Please find attached to this letter ACECQA's responses to four discussion questions that we consider most relevant to assessment in vocational education and training (VET) within the NQF context (see **Attachment A**). These are:

- Discussion question 8: the role of industry in assessment
- Discussion question 9: specific models
- Discussion question 10: industry expectations and graduate capabilities
- Discussion question 13: cancellation and reassessment.

Further information about the policy context for ACECQA's qualification assessment functions is included at **Attachment B**.

Consistently high quality assessment and training is essential to ensure graduates with VET qualifications have the appropriate knowledge and experience, and elevate the reputation of the VET sector as a whole.

An issue that does not appear to be directly addressed by this discussion paper is poor quality or fraudulent Registered Training Organisations (RTOs) entering the market, potentially driven by the incentive of accessing subsidies rather than with the aim of producing well trained graduates. ACECQA suggests there may be an opportunity to more closely examine processes around RTO approval to ensure new RTOs are able to operate at the standard expected by government, industry and consumers.

ACECQA agrees that our attached responses may be made publically available and attributable to ACECQA.

If you would like to discuss our responses to the discussion paper, or would like further information, please contact

Yours sincerely

Karen Curtis
Chief Executive Officer

Attachment A: ACECQA responses to discussion questions

Discussion Question 8: The role of industry in assessment

ACECQA regularly engages with major employers in the education and care sector. Most of their employees are required to hold VET level qualifications, typically certificate III and diploma level qualifications. In 2013, some 65 per cent of people working in the sector held a vocational qualification, with the remainder broadly split between those with a degree level qualification, and those involved in gaining a formal qualification.¹

Feedback from these large education and care providers is that they would like to have strengthened links with registered training organisations (RTOs), for example through a greater role in validating assessment. The Australian Skills Quality Authority (ASQA)'s *Strategic Review into Training for Early Childhood Education and Care* (2015) ('Strategic Review') found that around a third of RTOs audited for the Review had not validated units of competency related to the qualifications under review, or had undertaken validation that was ineffective and/or inadequate to ensure that assessment met the Standard.² Examples of good practice seen through the audit process included RTO assessors working alongside students in the workplace.³

Collaboration between RTOs and employers could focus on effective and adequate assessment methods for meeting the Standard, with an emphasis on workplace assessment. This could be a means of bridging the gap between industry expectations and graduate capabilities (see response to discussion question 10 below), and increasing employer confidence in the quality of graduates who hold VET qualifications in early childhood education and care.

This aligns with the Community Services & Health Industry Skills Council 2015 Environmental Scan: *Building a Healthy Future*, which emphasises the importance of collaboration between VET regulators and RTOs to 'deliver training and workforce development activities that are informed by evidence-based approaches to learning and assessment and by local employer needs.'⁴

¹ *National Early Childhood Education and Care Workforce Census* (2013). Australian Government Department of Education and Training Table 3.3.1, p12

² Australian Skills Quality Authority (2015) *ASQA Strategic Review into Training for Early Childhood Education and Care*, p 75

³ *Ibid*, p 76

⁴ Community Services & Health Industry Skills Council (2015) *Environmental Scan: Building a Healthy Future*, p 22

Discussion Question 9: Specific industry models

Under the National Quality Framework (NQF) legislation, at least one educator (or a staff member if on a school site) in a centre-based service⁵ must be in attendance and immediately available in an emergency, having completed:

- a current approved first aid qualification; and
- current approved anaphylaxis management training; and
- current approved emergency asthma management training.⁶

The above qualifications must also be held by family day care educators and family day care educator assistants.⁷

A situation where an educator has completed one of the above qualifications / training and is incorrectly deemed competent could present a serious and significant risk to children being educated and cared for. This concern was recently expressed to ACECQA by the state and territory regulatory authorities that cover the early education and care sector. Proper assessment of 'high risk' qualifications such as those listed above is therefore essential in ensuring public safety.

ACECQA supports a risk based approach to independent validation of assessment. Suggested 'risk factors' to indicate whether independent validation of student assessment should be undertaken include:

- *'High risk' qualifications:* Public safety risk if a student is incorrectly deemed competent (such as in the above example) – qualifications that are 'high risk' are often mandatory legislative requirements. This risk factor should be prioritised due to the gravity of the potential consequences.
- *Courses that have been flagged as having substandard assessment,* such as through ASQA's intelligence gathering in the case of the early childhood education and care sector.
- *RTOs that have been identified as higher risk* through ASQA's intelligence gathering. For example, recent feedback from early education and care sector regulators indicated concern about the potential for fraud linked to potential conflict of interest among some small RTOs that are set up to provide vocational education and care qualifications to staff who work, or intend to work, within their own education and care services.

The NQF also sets minimum qualification requirements for employees working in children's education and care services. The requirements are a result of extensive sector and expert consultation and regulatory impact assessment, and reflect established evidence of the strong association between higher educator qualifications and improved child outcomes.⁸ These qualifications, though 'lower risk', reflect a public expectation that children in services regulated by the NQF will be given education and care in accordance with the agreed standard.

⁵ 'Centre-based service' is the term to describe long day care, outside school hours care and preschool/kindergarten that is regulated under the NQF. The legislated definition, which excludes family day care, can be found in the Education and Care Services National Regulations (2011) Regulation 4 and in Section 5 of the Education and Care Services National Law Act (2010)

⁶ *Education and Care Services National Regulations*, regulation 136.

⁷ *Ibid.*

⁸ OECD (2012) *Starting Strong III: Early Childhood Education and Care*.

ASQA's Strategic Review confirmed concerns about non-compliance with the national standards in the early education and care sector, with the greatest rate of non-compliance recorded against the training and assessment standards.⁹ These results were found to be consistent with the broader VET sector results.¹⁰ Other qualifications should also be randomly validated to ensure graduate competencies are aligned with industry and public expectations.

⁹ Australian Skills Quality Authority (2015) *ASQA Strategic Review into Training for Early Childhood Education and Care*, p 61.

¹⁰ *Ibid*, p 3.

Discussion Question 10: Industry expectations and graduate capabilities

ACECQA has received feedback from employers in the education and care sector that the competency of VET-sector graduates often falls short of employer expectations of staff. This view is echoed in the Community Services & Health Industry Skills Council 2015 Environmental Scan: *Building a Healthy Future*.¹¹

As outlined in our response to Question 9, this discord between industry expectations and graduate capabilities is particularly concerning with regard to those graduates who hold 'high risk' qualifications, such as first aid qualifications and those who have completed emergency asthma and anaphylaxis management training. A potential failure of graduates to properly administer appropriate first aid to children in their care in times of emergency carries a high risk to children and could have life threatening consequences.

English language proficiency and literacy

Under Standard 3, clause 3.2 of the *Standards for Registered Training Organisations 2015*,¹² VET qualifications may be delivered in a language other than English, provided this is noted on the testamur and statement of attainment.

The ASQA Strategic Review into Training for Early Childhood Education and Care (2015) noted employer feedback about low English language proficiency amongst students.¹³

This feedback raises broad concerns for ACECQA in a number of areas. Domestic students who go on to work in the early childhood education sector in Australia will be expected to contribute to each child's educational development in a way that helps them transition to school. Participation in education programs that are delivered across NQF regulated early childhood services is typically the first formal step in a child's educational development. Building children's strong foundation in English language development in the early years helps children maximise their learning in Australian schools where English proficiency is expected of them.

ACECQA recognises the role of courses delivered in languages other than English in supporting current and prospective educators, families, and children from non-English speaking backgrounds. A number of large providers of education and care have also emphasised the importance of diversity and the benefits for family engagement where there are educators with multiple languages, particularly in multicultural areas.¹⁴

A lack of English language proficiency may impact on the quality of education and care, in particular language development to support children's readiness for school. Neuroscience confirms that children are born ready to learn.¹⁵ As brain architecture and function develops rapidly during early

¹¹ Community Services & Health Industry Skills Council (2015) *Environmental Scan: Building a Healthy Future*, p 23.

¹² *National Vocational Education and Training Regulator Act 2011 – Standards for Registered Training Organisations 2015*.

¹³ Australian Skills Quality Authority (2015) *ASQA Strategic Review into Training for Early Childhood Education and Care*, pp 48, 53, 80.

¹⁴ As noted above, ACECQA regularly engages with major employers in the education and care sector. This feedback was provided in late 2015.

¹⁵ Ministerial Council for Education, Early Childhood Development and Youth Affairs, *Engaging families in the early childhood development story*, (South Australia: 2010), p 15-23.

childhood, this time is critical for establishing self-esteem, resilience, and the capacity to learn, all of which are vital to a child's long-term outcomes.¹⁶

A recent study for Save the Children in the United Kingdom found that 21 per cent of pupils who struggled with language as they began school, failed to meet the expected standards in national tests when they left.¹⁷ Similarly, a longitudinal study into preschool provision in the United Kingdom found that continued support with English as an additional language is one of the most important background predictors of English and mathematics attainment and self-regulation in year 6.¹⁸ This illustrates how the benefits of early childhood education may be diminished where vocationally trained educators lack the capability to read with children in English, and support children's confidence in English literacy prior to school entry.¹⁹

There is a public expectation that these education related outcomes will be delivered under the NQF, as reflected by the significant public consultation that informed the legislated qualification requirements that apply to the workforce.²⁰

Both ACECQA and the Australian Institute for Teaching and School Leadership (AITSL) require proof of English language proficiency when assessing the formal qualifications of individuals seeking to work in the sector. As noted above, this is not required under the general Standards for RTOs. ACECQA does not have data on the scope of this issue as it relates to vocational qualifications.

Feedback from providers has also emphasised that English language difficulties can impact on day to day communication and create administrative challenges and potential risks to children. For example, sector workers must be able to communicate and perform duties relating to child safety and well-being accurately and effectively. In practice this ranges from responding to medical conditions (including understanding and following medical management plans) and record keeping, to handling serious incidents and emergencies. Some of this communication will be with families and so familiarity with the child's home language can be an advantage. However, employees are involved in assisting their employer to meet child safety and well-being obligations, including through communications with regulatory agencies, other child and family service providers, schools and government bodies. In these cases, English language proficiency is generally assumed.

Assessment and validation of English language proficiency, balanced against equity issues, should be considered for qualifications where governments stated regulatory intent relies upon English proficiency as an input to those outcomes.

In addition to issues with English language proficiency, employers have also reported to ACECQA that some VET-qualified educators whose first language is English do not possess the basic literacy skills expected of them. Scope exists to closer align training outcomes with employer expectations, by emphasising the importance of strong English literacy skills in education and care qualifications during both training and assessment.

¹⁶ Ibid; Elliott A. Australian Council for Educational Research, *Early Childhood Education, Pathways to quality and equity for all children*, Australian Education Review, Volume 50, 2006.

¹⁷ The Save the Children Fund (2015). *Ready to Read – Closing the gap in early language skills so that every child in England can read well*.

¹⁸ Sylva, K., Melhuish, E., Sammons, P., Siraj-Blatchford, I., and Taggart, B. (2004). *Technical Paper 12, The Final Report: Effective Pre-school Education*. London: Institute of Education.

¹⁹ Ministerial Council for Education, Early Childhood Development and Youth Affairs, *Engaging families in the early childhood development story*, (South Australia: 2010), p 12.

²⁰ Council of Australian Governments (2009). *Regulation Impact Statement for Early Childhood Quality Reforms*.

Discussion Question 13: Cancellation and reassessment

As mentioned in ACECQA's response to discussion question 9, regulatory stakeholders in the early education and care sector have expressed particular concern regarding the assessment of 'high risk' qualifications or training, where public safety (in this case, the safety of children being educated and cared for under the NQF) could be at risk if an employee is incorrectly deemed competent.

The power to cancel qualifications should be considered more frequently in the case of 'high risk' qualifications or training. ACECQA acknowledges the natural justice and reassessment issues associated with cancelling sub-standard qualifications. However, these issues may be outweighed by the severity of the potential consequences for public safety. Greater use of the power to cancel qualifications would also send a strong signal to the VET sector as a whole.

Attachment B: Context for ACECQA’s qualification assessment functions

Education and Care Services National Law and Regulations

Section 169(7) of the National Law states that ACECQA “may, on application, determine qualifications, including foreign qualifications, to be equivalent to the qualifications required by the national regulations”.

Section 225(1)(p) of the National Law lists one of ACECQA’s functions as determining “the qualifications required to be held by educators, including the assessment of equivalent qualifications”.

Regulations 137-143 of the National Regulations provide detail regarding ACECQA’s responsibilities to publish lists of approved qualifications, as well as the application process for individuals applying to ACECQA to have their qualification(s) assessed.

Published lists

ACECQA maintains [published lists](#) of:

- approved and former approved qualifications (Early Childhood Teacher (ECT) degree; diploma; certificate III)
- approved first aid, anaphylaxis and asthma training
- state and territory specific approved outside school hours care qualifications.

Most of the qualifications published on the approved qualifications list were approved prior to 1 January 2012 based on the advice of state and territory governments. Since then, ACECQA has assessed and approved 90 qualifications (as at the end of February 2016) using the ACECQA Board approved guidelines.

Qualifications are published on the qualifications list for five years. This is consistent with the national approach to the accreditation of initial teacher education programs published by the Australian Institute for Teaching and School Leadership (AITSL), as well as the Australian Skills Quality Authority (ASQA) accreditation requirements for VET courses. It is generally expected that higher education institutions and RTOs review and update their courses regularly to keep them current.

Any student enrolled in the qualification prior to the expiry of the approval period will be approved upon completion of the qualification.

Former law recognition

In addition to maintaining published lists of approved qualifications, and undertaking the assessment of individual qualifications, ACECQA also helps administer ongoing recognition of educators via former state and territory laws. ACECQA has gathered information from all states and territories to help determine whether an individual is recognised under the National Law and Regulations by virtue of having been recognised under a previous state and territory law. In complex and/or particularly historic cases, ACECQA will liaise with the relevant jurisdiction before providing advice to an individual.

ECT guidelines and linkages with partner bodies

The ACECQA guidelines for ECT degree level qualification assessment are modelled on the Standards and Procedures for Accreditation of Initial Teacher Education. State and territory teacher regulatory authorities use these standards to accredit teacher education qualifications for primary and secondary school teachers.

The skilled migration criteria for school teacher occupations (including Early Childhood Pre-Primary School Teachers) are also modelled on AITSL’s nationally consistent teacher education requirements.

Guidelines for diploma level and certificate III level qualifications

The ACECQA guidelines for diploma level and certificate III level qualifications are modelled on the national training package qualifications (the Certificate III in Early Childhood Education and Care and the Diploma of Early Childhood Education and Care).