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.

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: Christopher Robinson, Chief Commissioner and Chief Executive Officer

3. Organisation (if applicable):   Australian Skills Quality Authority

4. Please indicate your interest in this discussion paper: as the National Regulator for Vocational Education and Training

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

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

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

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

1. Discussion questions – RTO limitations:

- Is it appropriate for relatively large numbers of RTOs to deliver TAE qualifications or skill sets? Should the number be reduced to a targeted number of RTOs focusing on high-quality provision?

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

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

  - Is recognition of prior learning for TAE qualifications or skill sets granted with sufficient rigour to ensure the quality of student assessment? Should the practice be restricted?

- Are there opportunities to improve the assessment skills of the VET workforce through changes to the delivery and assessment of TAE qualifications and skill sets?

  - Should TAE qualifications and skill sets only be delivered by VET practitioners who can demonstrate a specific period of training and/or assessing employment history in the VET sector?

  - What circumstances would support a change requiring some VET trainers and assessors to hold university-level or higher-level VET qualifications, for example, practitioners delivering and assessing TAE qualifications and skill sets?

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

  - Should entrants to the TAE Diploma be required to demonstrate employment history in the VET industry before being issued with the qualification? Would this condition help to improve the relevance and validity of assessment? How long would this period of time be?

COMMENT:

ASQA is strongly of the view that the qualifications and skill sets contained in the Training and Education (TAE) training package, and the practitioners who deliver those training products, are absolutely critical to the VET system. TAE training products, particularly the Certificate IV, are too important to be regarded or treated as 'just another qualification' because of the key role they play in underpinning the quality of the entire VET system and, accordingly, the quality of every other VET qualification.

ASQA is concerned about the high number of RTOs currently registered to deliver the Certificate IV in Training and Assessment, particularly those RTOs which only deliver the qualification to their own staff. ASQA supports greater regulatory scrutiny being applied to RTOs seeking to deliver TAE training products, via the application of a rigorous application assessment process. ASQA is currently considering a strengthened process for RTOs seeking registration for the new TAE Certificate IV (subsequent to approval of the new TAE training package). While ASQA does not have a desire to exclude an RTO from delivering training to its own staff, and accordingly will not seek to apply a blanket prohibition to such training, ASQA believes is it critical to ensure that RTOs seeking to offer this training are subject to a strengthened registration process (as mentioned above). That process will innovatively lead to a reduction in the number of RTOs delivering the Certificate IV in TAE, with

the remaining RTOs being those assessed by ASQA as capable of delivering this qualification to the highest standard.

Through its Strategic Reviews and routine regulatory work, ASQA has consistently highlighted weaknesses in the capabilities of trainers and assessors, particularly in relation to conducting assessment. The necessary rigour of assessment is not currently adequately demonstrated across the VET sector and ASQA welcomes consideration around restricting the practice of RPL (particularly with regard to the RTO's own staff).

ASQA believes that there is a case to be made that TAE training products are so significant to the VET sector as a whole that, while RPL remains a valid mechanism, restrictions could reasonably be considered in the use of RPL for these particular training products. For example, requiring RTOs to retain complete RPL evidence (for an extended period) for all TAE graduates for possible examination by ASQA at audit.

ASQA supports ongoing discussion of ways in which delivery and assessment of TAE training products could be improved.

ASQA notes the requirement in the *Standards for Registered Training Organisations 2015* (the RTO Standards), whereby trainers and assessors delivering certain training products from the TAE training package will be required, from 1 January 2017, to hold the Diploma of Vocational Education and Training or its successor; or the Diploma of Training Design and Development or its successor; or hold a higher level qualification in adult education (or to work under supervision of a person that meets that requirement).

ASQA believes that additional, employment based criteria, are not required. ASQA notes that the important issue is that training and assessment is undertaken by people with the requisite skills and capacity – 'time served' is not a substitute for properly trained trainers and assessors.

While ASQA believes that trainers and assessors should have a sound understanding of andragogy and the theory of how to train and assess in the VET sector, ASQA is not supportive of requiring trainers and assessors to undertake a university-level qualification. ASQA does believe, however, that consideration could be given to requiring RTOs to engage the services of a university trained VET teaching professional to oversee the RTOs training and assessment (along the lines of what was proposed by Professor Erica Smith).

While ASQA notes the question related to requiring a 'practical component' as part of the Certificate IV / Diploma TAE product, ASQA believes that while implementation of such a requirement would be difficult, it would have merit.

ASQA is not supportive of mandating employment history in the VET industry as a requirement to be awarded a TAE Diploma (also see the response to the first dot point above).

Of greater concern to ASQA in relation to these training products is the issue of them being delivered in a very short timeframe - where the number of hours the student studies is vastly inappropriate to fully developing the required skills. Volume of learning that meets the minimum specification of the AQF is relevant to ensuring students graduate equipped with the necessary skills to work as a VET trainer and assessor. The appropriate amount of training represents a critical concern for ASQA, and is a strategic initiative and target area ASQA will prioritise in 2016–17. Increasingly, courses are being delivered in shorter timeframes than those reasonably required to ensure learner competence, with contributory factors being funding models, employer demand for short courses and a lack of clarity about the amount of training required. This is an issue with TAE training products (amongst other training products), and in respect of the development of a skilled and competent training workforce, represents a threat to the overall quality of the sector. It is with this in mind that ASQA intends to apply additional regulatory scrutiny to RTOs seeking to deliver these training products.

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

- Should the TAE Certificate IV be changed to a core unit on the design and development of assessment tools? How would this improve assessment outcomes for students?

  – Should the core unit be the existing *TAEASS502B Design and develop assessment tools* unit of competency? Are there alternative approaches, such as developing a new unit on the design and development of assessment tools?

  – Is the *TAEASS502B Design and develop assessment tools* unit of competency a specialist unit that should only sit at the diploma-level on the basis the Certificate IV is currently designed for delivery to new entrants seeking to be trainers and assessors?

- In the case of making any updates to the TAE, is it appropriate to form judgements based on majority considerations? Or is it too risky to do so? Is it a better basis for decision makers to give strong weight to key stakeholders and the nature of the argument put forward?

COMMENT:

- ASQA strongly supports the need to set higher standards for the skills and qualifications of trainers and assessors, and has argued that the unit of competency *TAEASS502B Design and develop assessment tools* be included as a core unit in the TAE Certificate IV.

  ASQA notes the recently approved TAE Certificate IV includes this unit as a core unit.

  ASQA supports, over the longer term, ongoing review of these training products and, in particular, the above mentioned unit, together with three units of the Certificate IV

qualification that constitute the current Assessor Skill Set – TAESS00001, to improve their quality, coverage and required depth of knowledge. These three other units are:

- o TAEASS401B *Plan assessment activities and processes*;
- o TAEASS402B *Assess competence;* and
- o TAEASS403B *Participate in assessment validation.*

It is important that all trainers and assessors have sound training and assessment skills so that they can fully and properly assess learner competence. Many trainers and assessors work for multiple employers and so the only way to holistically build a sector's skills is to strengthen assessment requirements for those providing the training. It is ASQA's strong view that a better ability from trainers and assessors to consistently provide rigour in assessment will strengthen the validity of student assessments, and consequently better equip students with the necessary competencies and skills for their trade or profession.

- ASQA believes that care needs to be taken when updating TAE training products. It does appear to ASQA that the process previously applied, where a wide range of views were considered and carried weight in decision making, did not lead to optimal outcomes. On that basis, ASQA does not agree that judgements about training products should be based on majority considerations – such judgements should be informed by a thorough examination of the issues and appropriate responses developed.

Additional ASQA comment:

While ASQA notes the existing specification in the RTO Standards whereby all trainers and assessors (unless working under supervision) must now, as a minimum, hold the TAE40110 (Certificate IV in Training and Assessment) qualification, ASQA believes there is a strong argument to, over time, require all trainers and assessors to update their qualifications to the new TAE Certificate IV (as a minimum).

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

- Is there a need to establish a national professional association for Australia's VET system?
  - Specifically, is there a clear role for Australian governments in assisting the development of professional skills of the VET workforce by funding a professional association?

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

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

COMMENT:

While ASQA does not have a position in regard to establishment of a professional association for Australia's VET system, it does note that general, sector wide, professional associations (as opposed to organisations with a focus on a particular professional / technical area or industry / occupational / area of learning) do not have a history of achieving much support from education and training practitioners. Should a decision be taken to establish such a body, ASQA would, of course, work with the organisation in the interests of strengthening the quality of VET in Australia.

ASQA is aware of work that has been undertaken by various bodies to establish mechanisms to recognise additional profession development undertaken by VET trainers and assessors (for example, by Innovation and Business Skills Australian (IBSA) and the Queensland State Government (through its College of Teachers) and recommends that if work is to be undertaken in this area, that contact be made with those bodies.

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

- What activities would be most beneficial for a national professional association to undertake? For example, would it:

    – coordinate, approve or design professional development programs
    – develop capability frameworks
    – positively promote the profession of VET trainers and assessors as an employment destination and career path to attract professionals
    – act as an advocate and voice for VET trainers and assessors
    – interact with industry to respond to their emerging needs
    – register VET practitioners?

- What advantages would there be to conducting these activities at a national level rather than through existing professional development undertaken through membership of existing groups, or that which is currently organised by RTOs?

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

COMMENT:
See response to question 3.

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

- Which of the suggested models for a VET professional association would be considered most preferrable 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:
See response to question 3.

6.	**Discussion questions – capability frameworks:**

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

COMMENT:

While ASQA has no specific position concerning capability frameworks, ASQA does not support the mandate of commercial products that have been developed to market to RTOs as part of a quality improvement strategy - this is a matter for each RTO.

ASQA would, however, support a requirement (as specified in the training package) for a particular resource or approach if it were to be endorsed by the Australian Industry and Skills Committee (AISC).

7.	**Discussion questions – increasing industry confidence:**

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

COMMENT:

ASQA believes that particular assessment approaches, such as a Capstone test, needs to be industry endorsed or required by an occupational licensing authority and should be specified in the training package. Such measures would have the benefit of increasing confidence in the assessment process (particularly by industry).

ASQA notes the commentary in the Discussion Paper about the difficulty in meaningfully engaging 'industry' in validation of assessment. ASQA also notes the issue around assessment being undertaken by bodies other than the RTO itself (for example, the cost and inconvenience of external assessment). It is also not certain that such a strategy would actually improve the quality and consistency of assessment.

While there would be a considerable burden placed on the VET system by requiring external assessment or reassessment, there may be limited cases where such a mechanism would be appropriate.

While ASQA supports exploration of ways to increase industry confidence in VET graduates, ASQA does not believe that industry is well placed to be directly involved in assessment or validation of assessment.

If there were to be a policy change related to assessment, careful consideration would need to be given as to the regulatory mechanisms to be applied. With question such as: What would be the standing of the external assessment body? Would they be RTOs or registered and regulated in some other way?

Such an approach would represent a significant change to the regulatory landscape and require appropriate legislative change (the capacity of ASQA to regulate such arrangements would need review). In addition, consideration would need to be given as to how the extra cost would be funded.

8. Discussion questions – the role of industry in assessment:
• What role should industry, for example, employers and industry organisations, play in validation of assessment? Does the varied interpretation of 'industry' inhibit a proper appreciation of the topic and should it be defined? If so, who would best define 'industry' when considering the practice of validating assessment?
• Do employers or industry groups have the skills required to fulfil this role in validating assessment? Is assessment such a specialised skill that industry and employers either do not want to get involved or should not get involved?

- Is there a need to build industry capacity and capability regarding involvement with training and assessment? If so, how might this be done?

- How can we ensure engagement with industry is appropriately targeted so it does not add undue burden and is targeted to those within industry with appropriate expertise required for validation of assessment?

COMMENT:

ASQA notes that it is important to unpack what is meant by the term 'industry' (for example, is it meant to mean associations or employers?).

ASQA does not believe that industry associations or employers are well placed to be the key arbiters in any validation of assessment process. They can make a valuable contribution, providing the key part of the validation is undertaken by people who are qualified to be able to check that the assessment process has led to valid assessment outcomes in accordance with the RTO Standards.

ASQA is strongly of the view that the most critical role for industry (i.e. employers) is involvement in the proper identification of the skills needed for today's jobs so that training packages can be designed (or redesigned) to fulfil their core purpose. Other strategies, such as employer surveys, are needed to ascertain whether employers think that the VET system is producing well skilled graduates (with skills relevant to the workplace).

9.   Discussion questions – specific models:

- How can independent validation be best applied to avoid a 'one size fits all' approach? For example should independent validation of assessment be triggered by:

    – improving RTO practice, for example, through a principles based model and best practice guide to support the VET workforce in identifying the most appropriate technique to validate assessment

    – mandatory requirement to lift quality in specific instances, for example, where a qualification is identified as high-risk

    – funding requirement, for example, independent validation of assessment could become a requirement for RTOs seeking to access government funding.

- Should there be an increased role for external assessment by industry, and in which situations? For example, should it be mandatory for certain industries where there is a concern for public safety if a learner is incorrectly deemed competent?

- If independent validation of assessment is to be risk-based, then what factors should be considered in the assessment of risk, for example, public safety, RTO profile, student cohort?

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

- For example, particular qualifications; students undertaking qualifications with RTOs with high levels of non-compliance; or that conduct assessment wholly online or on-the-job; or in areas of public safety.

- Would the burden be too great if independent reassessments were required for an entire student cohort, and should independent reassessment apply to a sample of students instead? If so, how could such a sample be chosen?

- Who would be most appropriate to oversee the reassessment of qualifications?

    - For example, could existing regulators or other organisations (such as firms that specialise in assessing students) take on this role?

COMMENT:

Any system involving assessment outside of the RTO will add considerable cost and all things considered, ASQA believes that assessment being undertaken by the RTO produces the most cost effective results (providing poor performing RTOs are dealt with).

It must be noted that the RTO Standards clearly prescribe the requirements for RTOs to undertake systematic validation of assessment practices and judgements.

Care will need to be taken if significant changes are to be implemented in this area, given the current RTO Standards only came fully into force on 1 April 2015 (less than one year ago).

ASQA does not believe that industry itself is well placed to be directly involved in assessment or validation of assessment.

ASQA's regulatory strategy focusses on the identification and targeting of significant risk and areas of critical concern. This process of intelligence gathering and monitoring is guided by a recognition that many VET sector risks are dynamic, and require ongoing monitoring and review. While this model doesn't specifically target invalid assessment, if models were developed to engage industry, or specific industries, in a program of independent validation of assessment, there may be opportunities for ASQA to share information to inform such a program.

ASQA does not have the mandate or the capacity to oversee the reassessment of students.

10. Discussion questions – industry expectations and graduate capabilities:

- Is there a role for Government or industry to develop resources outlining VET graduate expectations for particular training products? If so, who should take this work forward?

– Do higher order issues need to be resolved regarding terminology such as 'competent' (as assessed against the training product) and 'job ready' (ready to undertake all aspects of a particular job)? Is there a common understanding of VET system outcomes?

COMMENT:

ASQA is of the view that training package designers need to clearly state the occupation(s) that each training package program is designed cover – and to specify the skills and capabilities that learners will have when they complete the program. This clear information will be useful to consumers in the VET market – students and employers – and assist them to make informed choices about which training program suits their needs and aspirations.

- 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:

As noted in the Discussion Paper, ASQA has powers to issue General Directions to RTOs, and has done so requiring RTOs to securely retain completed student assessment items for each student for a period of six months. It is this Direction that provides ASQA with the mechanism to review RTOs learner assessments (rather than focussing regulatory attention solely on the administration and methodology of assessment).

In addition, ASQA has the capacity to impose a condition(s) on a provider that can lengthen this retention period for specific monitoring of the conduct and outputs of assessment (ASQA has recently done this in response to issues identified with a small number of RTOs delivering training under the VET FEE HELP program and has also done this in other cases where it is considered appropriate for future compliance activities to have access to a broader range of assessment outcome evidence). It must be noted that requiring RTOs to retain learner assessments for long periods imposes a direct cost on RTOs.

While ASQA is able, and does, examine learner assessments as a routine activity during audits, it does not have the capacity or mandate to actually conduct assessments / reassessments of individuals. Such a function (where ASQA might be directly involved in reassessment), could also confuse ASQA's primary role of regulating RTOs (not students).

ASQA also notes the discussion around a potential new category of RTO, specifically, 'training only' RTOs. While ASQA understands the policy argument, it suspects the VET market will have difficulty in accepting such a concept, with learners choosing to be trained by RTOs which are able to both train

and assess. The viability of such organisations is also questionable when competing with 'full-service' RTOs.

ASQA also has some concerns about the operation of 'assessment-only' RTOs, particularly if they do not have specific agreements with other RTOs to provide any required gap training when the assessment reveals that the leaner doesn't have the skills and knowledge to be awarded a qualification (such RTOs have a business model which is based on people they are assessing having all the competencies required by the qualification, without having to undertake further training).

This introduces an incentive for 'assessment only' RTOs to make decisions that a person is competent where they otherwise may not, as to do otherwise would mean redirecting clients to a competitor RTO to undertake any gap training required.

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

COMMENT:
ASQA's regulatory model has already significantly shifted its focus from an 'application based' audit model to a targeted strategy focussing more strongly on regulatory risks identified through ASQA's work in scanning the VET environment.

Maintaining and improving the quality of the VET system requires a total systems approach, that is, all facets of the system should receive attention, including examining the current fitness for purpose of training packages themselves, the capability of trainers & assessors, training methodologies (for example, whether on-line learning is suitable in particular circumstances), assessment strategies, validation of assessment and testing overall VET sector outcomes.

The quality of assessment, and the capabilities of trainers and assessors – particularly in relation to assessment and industry / vocational competence, are one of ASQA's current strategic target areas. This is complemented by the current development of a more dynamic audit model which may employ investigation methodologies in concert with a more general audit of compliance. Assessment records, if necessary, can be a specific focus of such a targeted audits or investigations.

ASQA currently has strategies in place to identify, and place under heightened regulatory scrutiny, those RTOs with a track record of non-compliance (but which subsequently achieve compliance through review processes). ASQA is also currently re-examining the powers potentially available to it under the *National Vocational Education and Training Regulator Act 2011*, for example, powers to take civil action where an RTO breaches a condition of its registration.

ASQA does not base its regulatory approach on the size of the RTO – all RTOs must meet the RTO Standards, whether they are large or small. However, the number of students that may be impacted is a factor that is considered in development of regulatory strategies, commencing regulatory activities relating to a specific RTO and in the process of making decisions as to the type of sanction that may be imposed on an RTO.

ASQA is in the process of reviewing its current level and timing of public communication of its regulatory decisions. Earlier publication of regulatory decisions would more quickly inform stakeholders about RTO non-compliance with the RTO Standards as well as alerting other RTOs of ASQA's capacity to take regulatory action where poor performance is identified. ASQA is mindful of the public interest in such disclosure and also the natural justice considerations where an adverse regulatory decision is potentially subject to an application by the RTO to have the decision reviewed.

For the reasons outlined in the Discussion Paper (and expanded in ASQA's response to question 13), ASQA recommends caution in progressing any policy which examines a person's competence some time after being determined as competent by the issuing RTO.

13. Discussion questions – cancellation and reassessment:

- Where inadequate assessment has occurred, should the power to cancel qualifications be exercised more frequently than it has in the past? What factors should affect this decision (for example, potential impact on public safety) and how should they be balanced?

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

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

- Should there be a time period after which ASQA should not move to cancel an individual's qualification? Noting potential public and other safety issues, should a decision to cancel consider whether or not the person involved is reliant on the qualification for their current employment?

- Who should bear the cost of reassessment and any gap training found to be necessary? If the cost is to be recovered from the RTO, should this be pursued regardless of the RTOs financial viability?

- Who should deliver the reassessment? Are there any circumstances in which it would be appropriate for the original RTO to undertake the reassessment?

- What should the qualifications be for those doing the reassessment, and what industry experience and currency would they need? To what extent should ASQA, industry or employers be directly involved in the reassessment process?

- Should a tuition assurance fund be set up to further protect students in Australia's VET sector, particularly in the context of any scheme of reassessment or cancellation of qualifications? Should membership be mandatory for all RTOs? Who should operate such a fund, and who should bear the cost of its operation?

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

COMMENT:

ASQA believes any process that requires significant reassessment or recall of qualifications issued by RTOs where the RTO is subsequently found to have flaws in its assessment processes is problematic.

ASQA is of this view based on the following:

- Under its legislation, ASQA has a broad power to cancel qualifications where it is satisfied of certain matters, including where it is satisfied that an RTO did not provide the assessment necessary for a student to achieve the relevant learning outcomes. ASQA has exercised this power sparingly as ASQA is conscious that former students who are in the workforce may well be competent in their work even though there may have been some deficiencies in the assessment they undertook.
- Regulatory scrutiny undertaken by ASQA identifies flaws at the time of the actrivity, but there is no legally enforceable mechanism to determine whether those flaws existed at an earlier point in time.
- In a legal sense, retrospecitity is a very difficult concept to operationalise (i.e. to enable such action to be legally enforced).
- Any student reassessment process may need to have a voluntary nature and would need to be funded by Comonwealth / State authorities if action were to be taken beyond the

parameters ASQA currently uses when ancelling qualifications (ASQA notes the policy discussion around a national scheme to fund reassessment – such a scheme would place an additional cost directly on RTO (and consequently VET consumers), particularly if required to be self-funded i.e. inclusive of staffing / administrative costs).

As already noted, ASQA currently does not have the capacity to reassess graduates.