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:

    Neil Fraser

3. Organisation (if applicable):

    Energy Safe Victoria

4. Please indicate your interest in this discussion paper:

    Regulator - Electricity and Gas Safety (Victoria)

    (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.

- 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:

RTOs should not be automatically restricted from issuing TAE qualifications to their own assessors, as this makes the assumption of poor or deceptive practices. The poor practices themselves should be addressed. A restriction such as this would unfairly disadvantage regional and rural RTOs and teachers in these areas requiring this qualification. If an RTO is not assessing the TAE appropriately, and providing their own assessors with an easy path, there is the risk that this may be the case across the board of all qualifications at the RTO, as that is the mindset of the organisation. They are also teaching their trainers that it is ok to assess in this way, and this will encourage these poor practices across the board.

RPL is relevant to the TAE if correctly applied. Many teachers applying for RPL due to TAE upgrades have many years of valid experience. However care must be taken to ensure currency with current or new practices is addressed. Time and quality need to be addressed in the application of RPL, not only quantity.

There is an opportunity to improve the assessment skills of the VET workforce through changes to the delivery and assessment of TAE qualifications and skills sets. There should be more emphasis on quality of assessment, and assessment practices in the TAE, rather than the development of

assessment tools (at the Cert IV level). Design of tools is best in the Diploma level TAE. The assessment practices demonstrated in the TAE, especially in the 'tick and flick' style that is sometimes used, does not set a good example, and gives the impression to new teachers that this is a sufficient or reasonable method of assessment.

In the delivery of the TAE overall, it would be reasonable to require a minimum volume of time for both the learning and the practice of skills.

In terms of a requirement for university or higher level VET qualifications for practitioners delivering and assessing TAE, theoretically this appears to be a good idea, but much is dependent on the relevant content of the higher level course degree. There are both degree and masters of education in adult learning and VET, and assessment practices are not necessarily part of these courses. Therefore completion of the higher level qualification does not automatically make for a more competent TAE trainer and assessor. The higher level courses would require specific units in regard to assessment practices to make this worthwhile.

Yes, the TAE CIV and Diploma should contain a practical component, but it needs to be genuine. Falsification of practicums is too easy to achieve. RTOs want their staff to gain their teaching qualificatios quickly, and do not want to pay for teacher supervision during practicums. The hours required can be onerous, and leads to the falsification. Practicums need to be targeted, and quality over quantity must be considered.

Entrants to the Dip TAE should be required to demonstrate employment history before being issued the qual, but this would not, in itself, automatically lead to an improvement in the relevance and validity of assessment. Twelve months would be appropriate, but this employment must also demonstrate supervised practice of assessment to be valid.

- 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:

The Certificate IV should focus more on the use and implementation of the tools, with the design and development becoming a Diploma level unit. It is pointless for new teachers to be attempting to design tools when they have never experienced using the tools, as it tends to lead to impractical outcomes. With the focus of the Cert IV TAE being on compliance rather than teaching and assessment good practice, the assessment design unit just tends to lead to an excess of paperwork which is not practical to implement.

It is possible to form judgements based on majority considerations, but not without due consideration. This should not be the blanket rule; majority decisions must be analysed for motivations and reasonings before being implemented. Other voices or arguments must not be ignored if their argument is valid. A classic example is the lack of psychology/classroom management skills training in the TAE. This is desperately wanted and needed by the teaching staff on the ground, and is evident when you speak to almost any group of teachers, but this has not been included in VET teacher training for many years. This may be due to the RTO 'voice' focusing on what the RTOs need, which is centred around compliance issues. This higher level need (valid though it may be), is overriding the needs of the teachers on-the-ground, whose voice is not being heard.

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:

Yes, a national association would be useful. Cost would be the main issue, and both the cost (if membership fees are charged to fund the association) and the usefulness of an association would be impacted by the high casualisation of the VET workforce. The association may be able to be the 'voice' for teachers as mentioned in the previous section, and would be able to assist in the professional development (PD) of teachers. However it is well documented that casual/sessional staff in VET are often not included in PD opportunities, and it is often these teachers, who are often realtively new to teaching, that are most in need of the PD.

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:

A national professional association could undertake all the above mentioned dot points, with the exception of 'interact with industry to respond to there emerging needs'. This is not relevant to the associations role in representing teaching staff, and there are a number of organisations who already deal with this aspect.

Branches of the teachers union could be considered to take up the role. Alternatively, the current teacher registration body used in schools could also be considered, however this does create a risk of VET being 'swallowed up' as they would be a minority group with very different needs and concerns.

The advantage in this being a national association is portability and consistency, but this may also create issues due to the variation in state requirements.

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:

Registration would be required to make membership compulsory, and this may be impacted by state regulations.

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:

Point 6 above asks about the capability frameworks which have been developed, or are currently being developed, but these capability frameworks were not published in this paper, so unable to comment.

However, if the frameworks are correct, they may be used to inform the TAE training.

- 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:

Validation of the assessment tools in an RTO is done regularly in many cases, but the validation of the application of the assessment tools is not done as well, or as regularly. The validation of the application of the tools is important and more emphasis should be placed on this.

For industry to be interested in becoming involved, there needs to be 'something in it for them'. This generally results in small business being unable to justify the time and cost of being involved, which results in the industry engagement being dominated by the larger employers.

The definition of validation on page 16 of the discussion paper is 'the quality review of the assessment process', involving checking if tools are fit for purpose, and reviewing a sample of the assessments. However at no point is the application of the assessment, i.e. the assessment process itself, checked. Then the discussion paper goes on to talk about validation in a different context. There appears to be major confusion as to the meaning and purpose of 'validation', both in industry and within the RTOs. Even the description given in this paper seemed to contradict itself at different points throughout the paper. If validation is taken to mean the checking of the assessment tools, then the fact that industry has supposedly endorsed the assessments should cover off the validation process. However this appears to be sporadic depending on industry and their involvement.

ESV strongly believes that industry endorsed, externally administered tests are a practical alternative to ensure that VET graduates are competent. This method is already used, under ESVs direction, for all Certificate III Electrotechnology graduates in Victoria, for the issuing of an electrical licence. ESV has deemed that this is required due to a lack of confidence in the training and assessment system, and the evidence obtained from these external tests proves the lack of confidence is justified. Statistical data shows that approximately 40-50% of graduates in this course fail the external

assessment, despite being recently deemed competent. This is of particular concern when considering that electrical work is a high risk area in terms of safety, and this is the reason ESV will continue to require external assessments. If this proven example of lack of competence is consistent across this qualification nationwide, or across other qualifications, the impact on the safety of high risk industries is potentially very large.

In terms of defining high risk areas, part of the risk issue is that many areas believe they are high risk, i.e. many people believe their particular area is more important than others. There must be guidelines put in place to define the risks. Public safety is a paramount area to be considered.

On this basis, external tests should be mandated when there are identified safety risks. In the case noted above, the Victorian Electrical Safety Regulator, ESV, takes responsibility for regulating the tests, but ESV understands that in different fields and jurisdictions the relevant technical and/or licensing regulators may not have the capacity or ability to do so. This should not be a barrier, and therefore a centrally controlled external testing regime would be required to allow every jurisdiction to be covered. However this would need to be sufficiently robust to the satisfaction of the individual regulators.

ESV was very pleased to read in the discussion paper that external assessment could be mandated as a mechanism to lift quality. An independent assessment of competencies over and above the initial assessment carried out by the original RTO is strongly supported. This is currently being carried out in Victoria in the electrical industry. Reassessment undertaken by an RTO specialising in the reassessments, as suggested, is best done by a different RTO to the original, or if by the same RTO, there must be a level of independence.

The statement in the discussion paper suggesting the type of training delivery is a risk factor acknowledges some delivery types are recognised as having a possibility of a high level of fraudulent activity. If this is the case, why are these permitted, and why is this not being addressed earlier, or in other ways, rather than at assessment stage?

If the tools can be endorsed nationally, then the process or application of the tools, the actual practices, can be checked locally.

The discussion paper acknowledges the current Standards addresses the systematic validation of assessments in and effort to address tick and flick concerns. The paper also states that specialist or regional areas do not have industry expertise readily available for validation. Making a rule in the Standards does not address the issue of the lack of specialists to carry out the validation. Rules put into the Standards need to be backed up with practical support, or the RTOs are being set up for failure to comply.

The tests should be a pass/fail dichotomy, with a fail being used to identify the gaps. It is not an either/or situation, there is a need to retrain and retest. However, a system of limits could be considered, that is, a certain number of attempts permitted and then a cut-off reached.

The concept of an externally administered test (required before receiving a qualification) is somewhat inconsistent with a competency based VET system, but only at a philosophical level. In practice, it is being proven time and again that competency based training is being carried out so poorly, that the philosophical argument becomes irrelevant. The existence of this paper is proof the

CBT and assessment is not working, so if external testing is the way to bring it up to the required standard, so be it.

Test results should be accessed by the relevant regulators and the RTO itself, to inform improvements.

Another area that should be addressed is the RTOs who are known to issue qualifications based on RPL only. In particular, when the candidates applying to these RTOs are specifically doing so to avoid industry agreed processes, such as the Trades Recognition Service (TRS) for the recognition of valid overseas qualifications. These areas should be flagged as high risk, particularly where they relate to licensed trades.

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:

'Industry' at the national level is dominated by the large employers and groups, and at the local validation level, the RTOs report that 'industry' it is generally 'whoever we can get to turn up'.

Generally, the majority of industry do not have the skills to validate assessments, but a good deal of the problem is the way in which the information is presented to them. Excess paperwork and 'RTO language' is pointless and intimidating for industry. There are effective ways to engage, interpret, and present the information for industry to understand, however it has been up to individuals at the RTOs to do this, and it is generally not done effectively. There is a need to build industry capability, but in reality, is industry interested in having this capability built, or do they see it as the RTO's job?

Engagement with industry for appropriate validation without undue burden is extrememly variable by industry. Many RTOs at department level know their local industry, and can approach for advice and discuss on a local industry level. However this appears to be much more effective and achievable in rural and regional area, and almost impossible to achieve in the larger metropolitan centres.

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:

The statement above, 'the mandatory requirement to lift quality in specific circumstances' implies that quality is not important in other instances that are not high risk, and may lead to assessors of lower risk qualifications not applying appropriate quality standards. But, yes, if there is going to be a focus on lifting quality, to begin the process in the high risk areas is a sensible approach.

Funding linked to independent validation is, in reality, the only way for it to be forced to occur. However, independent validation is already a requirement of registration, so why should extra funding be provided? If it is already a requirement, a regime to check it is occurring may be more relevant.

ESV believes that mandatory external assessment by industry is critical when there is concern for public safety. ESV particularly advocates the nationwide implementation of these assessments for

qualificatons with licenced outcomes. These may be done in conjunction and consultation with the relevant licencing and technical regulators within these industry areas.

Risk factors could be divided into two categories, one being based on safety, and the other on a more RTO administrative risk. The safety aspect should be the first and main priority. The second category would then capture RTO profile, student cohort, method of delivery and/or assessment etc.

If the high-risk cohorts or qualifications have a compulsory independent assessment to be issued the qualification, there should be no requirement for the abovementioned independent reassessment to an industry agreed set of competencies. If the risk is deemed to be safety based, the independent assessment shoud be carried out initially. If the risk is administratively based, then the independent reassessment as described could be used for all RTOs, with the risk assessment being course based. The high non-compliance RTOs should be dealt with separately and independently to this process. Independent reassessment could be used as a tool to identify these RTOs however.

In terms of burden, the whole student cohort should be independently assessed when the basis for the assessment is safety. One 'slipping through the net' is one too many, and could potentially be the one responsible for a fatality; it is not a risk worth taking. In the administratively based reassessment, e.g. for online assessment in a non-safety outcome course, then it would not be necessary to reassess all the cohort. However, if any major issue is identified with a particular assessment/RTO/cohort, then the need for reassessment could widen to the whole cohort on this basis.

In some cases the overseeing regulator or assessment-only organisation may be appropriate to oversee the reassessment. This may vary by industry, the cost and who will bear the cost, who has the expertise to carry out the assessment, and who has the confidence of the industry to do this in an appropriately trustworthy manner.

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:

There is a role for both Government and industry to develop these expectations, with government taking the lead and doing the legwork to 'translate' for industry, and for industry to provide the required information and relevant examples.

It is imperative that issues regarding terminology be resolved. Few outside the training sector understand the language, or interpret it correctly. In fact, many within the training sector struggle; as the sector is well known for having its own, often incomprehensible, language. Definitions and meanings are confused and interpreted differently by different persons within the training sector. However, clear definitions may be difficult to resolve. For example, both nationally and internationally, the differences in the definition of 'competence' are many and varied, and are often context dependent.

With this lack of understanding around competence, this creates significant variance between assessors as to what 'competent' actually looks like, which can only be partially addressed through the use of assessment tools. The issue of competence, competence based training and assessment must be readdressed with some consistency via the TAE and PD for staff.

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

- Should the Standards for RTOs be revised to include strengthened and more specific rules around the conduct of and evidence to support assessment? Which elements that have a clear link to quality of student outcomes need to be strengthened?

- Would a more prescriptive condition of registration, such as a requirement for RTOs to retain all assessment samples for a longer period, improve the quality of assessment?

- How could the focus of regulation move to evaluating assessment outputs, such as samples of students' assessment pieces, without incurring excessive costs or imposing excessive burden on RTOs?

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

- Are there other mechanisms that you would like to see added to the regulatory framework to prevent poor assessment? For example, should training-only RTOs be recognised as a formal part of the regulatory framework?

COMMENT:

One issue with apprentices is that so much of the competence depends on their employer, their scope of work, and the employers willingness to train (as distinct from using the apprentice as a source of cheap labour). In the electrical field, it has been observed that poor assessment practices are sometimes, but not always, individual RTOS. It can quite often come down to individual teachers and trainers, their knowledge, and more importantly, their attitude. This is sometimes influenced by the RTO, as the 'pass the student so we can get paid' attitude has a huge impact.

The proposed reforms must include real action items. If the proposed reforms results in just an increase in paperwork then there is no benefit.

The paper suggests the regulatory framework be amended to allow the regulator to seek external and independent retesting of graduates who have been deemed competent, and this could be triggered by student complaints. The concern is that students, however unhappy, will not complain if it means they must be retested, and may risk have their qualification removed. This may be better handled with the previously mentioned independent assessment prior to the candidate being deemed competent. There would need to be safeguards or safety nets in place to protect students if the reassessments are triggered by complaints.

In terms of the training-only RTOs, is there a demand for this? Have orgainsations expressed any desire to become one of these? There is a need to assess demand before spending time and money to develop and register these. Restricting RTOs to training only as a form of punishment may be feasible, but commercially it could mean a slow death rather than a quick and clean cut.

Yes, the standards for RTOs could be revised to strengthen the conduct for, and evidence to support, assessment. However if this is just to add to the paper trail of an already onerous system, there is no point. The changes need to be practical, not paper based. A requirement to keep the assessments for a longer time would have no impact on the quality of assessment. Instead, issues should be dealt with in a more timely manner.

In some fields there are other regulators who could oversee the evaluation of assessment outouts, and this could be combined with the reassessment process mentioned earlier to reduce burden and costs. If the role is carried out by ASQA then ASQA should make more effort to include and use the services of technical regulators and bodies when offered and/or available. As a technical regulator, we have an MOU with ASQA to assist, and were called in for assistance on one case in the early days of ASQA, but since then, nothing. This is despite there being a number of ASQA audits in our particular field and jurisdiction. This is disappointing, and has been mentioned to ASQA a number of times, with no response. If ASQA have the technical resources available and offered to them, and they purposely choose not to use them, it detracts from ASQAs credibility, and the industry loses confidence in them as a genuine regulator. ASQA themselves seem to have become a tick and flick organisation, despite the promises.

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:

A process of power to require an RTO to arrange and fund external reassessment is preferable to additional civil penalites. It has similar financial consequences to the RTO, and in addition the issue of the candidate been assessed incorrectly can been dealt with concurrently.

The size of the RTO or number of students involved should not influence the requirement for reassessment, as higher student numbers for reassessment may generally be equivalent to a larger RTO. The size of the RTO may be considered when considering the number of offences or repeat offences, as a function of relative student numbers, perhaps on a percentage basis. In the larger TAFEs, this could be considered by school or department.

More transparency would be appropriate. As a technical regulator who is ultimately responsible for the licences issued, it is important that ESV are made aware of non-compliant RTOs, as ESV is ultimately responsible for the licences issues based on these qualifications. In the past it has been difficult to have this information provided, even in cases when ESV had bought the issues to the attention of ASQA in the first instance. This lack of information/notification from ASQA adversely impacts on our ability as a regulator to carry out our own regulatory function.

- 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:

The power to cancel a qualification should be exercised more frequently, and this is likely to be the case if, through the results of this paper, ASQA turns its focus towards assessment outcomes. Safety risks on previously identified high risk courses should be the priority. For the sake of the student, reassessment and gap training as required should be the first course of action, prior to the removal of the qualification.

Removal of a qualification in a licensed area could result in the removal of the licence. As such, ASQA would need to work closely with the appropriate licensing body to balance the risk to public safety with the needs of the student. The legal and support channels must be in place to support all the affected entities.

Student fraud should not necessarily preclude reassessment, but this may need to be considered on an individual basis. More serious cases involving criminal acts may prevent reassessment, but lesser actions may result in the requirement for reassessment at a different assessment body, financial

cost born by the student, and/or restrictions placed on the timeframes in which they can be reassessed (e.g. not permitted to sit for 6 months).

There should be a timeframe on the ability to act to remove a qualification; 3 years would be an appropriate timeframe, as it would balance the time it may take to uncover the breach with the ability of the RTO and student to retain and recall relevant information.

If safety is the risk factor, the decision to remove the qualification should not be impacted by the persons employment status. However, if the removal occurs through no fault of the student, appropriate support measures must be in place, financial and otherwise. The regulator may need to commit to working with the student, their employer and RTO for the most successful outcome for the student while maintaining safety considerations. Liaision with appropriate industry bodies and safety regulators in these cases is vital.

If the RTO is found to be at fault, the RTO should bear the cost of retraining or assessment. The financial viability may be considered, and some form of insurance scheme may be appropriate here, so in the case of the RTO becoming unviable, the students are not disadvantaged.

Reassessment should be carried out by a separate RTO, or assessment only RTO. The original RTO should not be involved, unless the issue was student fraud, and even then, the RTO would need to prove their processes had improved sufficiently to detect any fraudulent student activity. The reassessing RTO would preferably already be delivering/assessing in the field, and have the appropriate staff. This could be an issue in niche or specialised markets, in which case the industry may need to become involved or assist.