



## Template for submissions to the *Quality of assessment in vocational education and training – Discussion Paper*

### Key consultation areas

The Department of Education and Training (the department) seeks stakeholder input on the *Quality of assessment in vocational education and training – Discussion Paper* (the discussion paper). The paper covers the following broad themes to improve assessment in vocational education and training (VET):

#### Chapter 1: Foundation reforms

- ensuring the requirements for VET teachers and trainers provide the strongest platform for high-quality assessment
- ensuring those teaching VET skills are highly competent professionals with high-quality, contemporary skills in assessment.

#### Chapter 2: Reforms to the assessment of VET students

- assuring the quality of assessment through industry engagement with assessment review and control mechanisms as a gatekeeper before qualifications are issued
- ensuring employers have clear and realistic expectations of VET graduate capabilities which align with the assessment of students.

#### Chapter 3: Reforms to the regulatory framework

- improving the detection of poor quality assessment
- ensuring quick action can be taken against registered training organisations (RTOs) delivering inadequate assessment
- managing the consequences of inadequate assessment by removing invalid qualifications from the system where necessary and supporting students if this occurs.

### How to provide feedback

To support the Training and Assessment Working Group to provide the Australian Government Minister for Vocational Education and Skills with recommendations on how to improve assessment, stakeholder consultations will begin with the release of the discussion paper in January 2016 and continue through to Friday 11 March 2016.

Respondents may provide feedback on some or all of the discussion paper's themes. To assist with the compilation and analysis of the views of all stakeholders, respondents are encouraged to provide feedback via this preferred submission template, with attachments as required. Submissions in alternative formats will also be accepted.

All written submissions to the discussion paper and queries on the consultation process may be directed to the department via email at [trainingpackages&VETquality@education.gov.au](mailto:trainingpackages&VETquality@education.gov.au).

All written submissions will be made publicly available on the department's website, unless respondents direct otherwise. See the [terms and conditions for public submissions](#).

## Submission details

1. Submission made on behalf of:  Individual  Organisation
2. Full name:
3. Organisation (if applicable):
4. Please indicate your interest in this discussion paper:   
(i.e. as a student, VET practitioner, RTO, third-party provider, peak body, business, industry representative, regulator or other government agency or community member)
5. Do you want your submission to be published on the department's 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:

1. Is it appropriate for relatively large numbers of RTOs to deliver TAE qualifications or skill sets? Should the number be reduced to a targeted number of RTOs focusing on high-quality provision?
2. Should RTOs be restricted from issuing TAE qualifications or skill sets to their own trainers and assessors?
3. Are TAE qualifications and skill sets so significant that evidence of competence should not—or cannot—be appropriately demonstrated via recognition of prior learning?
  - a. 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?
4. 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?
  - a. 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?
  - b. 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?
  - c. Should the TAE Certificate IV and/or Diploma require a practical component? If so, how long should the practical component be?
  - d. 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:**

## **Introduction**

The discussion paper identifies a number of issues which could be applied to ANY VET qualification – not just the Cert IV TAE. This would equally apply to all the discussion questions.

## **Overview**

Practitioners have been wrongly told that they must continually update their TAE qualification from older versions. RPL has been offered as a way of getting a quick fix, generating cheap hours / income for departments short on income / hours, and reducing 'agro' about having to upgrade. It has not always been done at 'arm's length'. Ie mates have taken care of mates within large organisations. I also know of successful practitioners, even at arm's length, who have felt the whole process was a time wasting joke.

The 'upgrade' requirement has applied even though VET practitioners are not required to update their 'area of expertise' qualification. I pointed out to those promoting 'updating' that we were NOT required to update our trade or professional qualifications. Eg Degrees in Law, Accounting, Adult Education did not require updating, even if over 20 years old.

Note: Some of the competency requirements in the Cert IV TAE are impossible for most VET Practitioners to fulfil. Eg participate in curriculum review. This is done on a very restricted basis at national level. It's not local industry consultation and not the same as customising etc which is also in the course.

## **Questions specifically addressed**

1. Probably should be reduced. This could also reduce total auditing costs. Better to properly audit a few in detail rather than lots in a cursory fashion. Similar cost with better outcomes. Also, raising RTO auditing fees on a per course basis might assist in self-selection out as would minimum delivery requirements to keep registration of particular courses.
2. In a large organisation like TAFE, it should be possible to do at arm's length. Obviously not in smaller organisations. Note: Sometimes it has not been done at arm's length within TAFE.
3. If the principles of RPL are properly followed, then the RPL assessment should be no more and no less vigorous than normal assessment. So they should be able to be done by RPL. The fault is not in allowing RPL. The fault is in the way RPL is done in practice.

In my experience, the best way was to provide sample assessment to potential RPL candidates for free. If they were confident of success, then they paid their RPL fee and did an assessment the same as anyone else. This was actually fairer, quicker and cheaper for all parties, whilst maintain integrity. Done in this way there would be no need to restrict RPL for this or any other course.

Portfolio methods have distinct weaknesses. Eg Some employers will sign almost anything to get their employees RPL and licenses to operate.

4. There is already an overall requirement that whoever is delivering ANY VET course is competent to do so, both as a trainer and as a qualified person of whatever the qualification / trade is involved. So why the need to spell this out for this course?
  - a. On its own, experience is not a valid assessment of competency. It's easy to 'fly under the radar' and be totally experienced but totally incompetent. Note: I say

this with 35+ years of adult training and assessment experience, including 24 years under VET systems.

- b. Holding higher level qualifications may not make any difference whatsoever. I have a degree in Adult Teaching. The university kept reminding me their course was the study of the academia concerning adult education and not the practical experiences I would use. Ie Some university degrees, including those which at first glance might appear appropriate to the teaching of TAE, are actually far removed from the TAE competencies in both content and objectives. The usual theory vs practice issue is just one example.

Requiring the Dip TAE to deliver the Cert IV may not be of much value if the Cert IV was obtained through dubious assessments – whether RPL or otherwise.

When I last looked, there was limited relationship between the Cert IV content and the Dip TAE content. Ie it's not the same competencies at a higher level. It's mainly different competencies usually performed at a more senior level.

- c. The TAE already contains practical components. All VET course and assessments are supposed to have practical / job related competencies and assessments. It's the very principle of a VET / competency based training. Able to perform.

Best I can suggest is perhaps a probationary period like a Driver's licence with additional assessments at the end of the probationary period. (See notes re assessment of competence.) This could be said of, or applied to, any VET course.

- d. If you are referring to the Cert IV within the Diploma package – no. Catch 22. How is someone supposed to be able to do adult teaching to get their qualification when many employers are insisting upon the TAE before they get the teaching job? Note; It's not mandatory (ie can do under supervision etc) but that's what RTOs are doing.

If you are referring to only the Diploma itself – possibly.

However, you would then reintroduce the concept of 'time served' rather than the actual assessment of competence. Ie you risk replacing competence with time served / experience regardless of actual performance during that period.

Also, this is unlikely to stop unsuitable people getting the qualification. Those who want to circumvent the system will still do so, resulting in no effective change.

#### **Notes:**

'Competence' cannot be properly determined during a VET course. Competence can only be demonstrated over a period of time or multiple repetitions of a competence. Would you say a Doctor of Medicine is 'competent' when graduating from a University Medical School, no matter how many practicals it contained?

Once a single assessment is passed, then that is generally the end of that set of competencies, even when some sort of holistic assessment approach is used by an RTO.

It is not usual for someone to keep trying to pass an assessment until it is passed. They may never be able to replicate that 'pass' again.



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

1. 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?
  - a. 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?
  - b. 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?
2. 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:

#### Introduction

This looks like a simplistic solution which avoids the actual problem. Proper funding and auditing of VET training package outcomes.

#### Questions specifically addressed

1. No. I expect it is unlikely to improve outcomes. I expect it will lower outcomes. The idea that existing resources would be better concentrated into better delivery and assessment of one unit may be fundamentally flawed. I expect that one unit will provide far less revenue than a full certificate, so I would not expect any improvement in outcomes. I would expect less for less with little / no change in levels of competence and less competencies completed.
  - a. Refer above and below.
  - b. Depends. If done this way, then anyone with the basis trainer qualification should NOT be allowed to CREATE assessments. Delivering and assessing under courses and qualifications made by others has far less risk. Currently anyone with a Cert IV is deemed capable of designing their own assessments and using them. False assumption.
2. There has never been an answer to this question in the history of mankind. Is the majority always right? Are employers in a position to judge what consumers want rather than just voicing what the employer wants? Who determines the 'key stakeholders'?

Look at the PIP implant fiasco. Typical example of multiple processes that failed miserably. The key for that problem became the high product mark-up for surgeons. If Donald Trump gets elected as US President, will that be the 'right' outcome?

Note:

I've seen what this has done in other industries. They treat a single unit like a driver's license. It gives a false impression of what is required. In fact, in one particular industry, staff decided NOT to continue with further studies because they had completed the 'legal requirements' and saw no need to improve themselves. ie the level of qualifications in that industry fell.

*If assessments had to be designed, written and moderated by VET practitioners with higher qualifications and/or longer experience and/or more senior in house staff grading, then I would see no problem with adjusting the Cert IV appropriately. Lower qualified and less experienced people should be able to fairly and successfully deliver and assess as separate from creating assessments. This approach ALONE could address many of the issues in the discussion paper in an effective and economical way.*

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

1. Is there a need to establish a national professional association for Australia's VET system?
  - a. 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?
2. What are the barriers to establishing a national professional association? How could these be overcome?
3. What would be the most useful guiding purpose of a national professional association?

#### COMMENT:

##### Questions specifically addressed

1. Appropriate associations already exist. Eg The Australian Institute of Training & Development. Interestingly, that's how I found out about this review! I'm a Member, CTD and AP.
  - a. Once a government starts funding an association, there can be unresolvable conflicts of interests. The only way would be to provide the funding to an individual who chooses then a relevant association. Even that could have adverse effects such as 'branch stacking' and 'ugly / unfair' competition between associations.
2. As above. Can't see how you could overcome them. Once again, it could give the appearance of a 'license' and not make any improvement whatsoever.
3. Given above and below, perhaps the government could form an advisory association.

#### Note:

Associations have always worked on the principle that its members want to be part of the organisation and are genuinely interested in its objectives and improving themselves.

Any form of compulsory membership or 'free' government membership is unlikely to change the habits of current transgressors to quality assessment etc.

Would funding the RAA, NRMA etc by government improve driving skills?

From time to time other training associations have been developed and fallen by the wayside.

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

1. What activities would be most beneficial for a national professional association to undertake? For example, would it:
  - a. coordinate, approve or design professional development programs
  - b. develop capability frameworks
  - c. positively promote the profession of VET trainers and assessors as an employment destination and career path to attract professionals
  - d. act as an advocate and voice for VET trainers and assessors
  - e. interact with industry to respond to their emerging needs
  - f. register VET practitioners?
2. 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?
3. Are there any existing organisations that could fulfil this role?

#### COMMENT:

##### Questions specifically addressed

1. Refer AITD website etc
  - a. Yes. Already happens.
  - b. Not sure. Possible conflict with related issues like course curriculum development. If applicable for TAE, why not applicable for every industry?
  - c. Yes. Already happens.
  - d. Depends. Fine line between advocacy for members and political campaigns. Eg Funding of VET would be of interest to trainers and assessors but that can easily become political. Look at School Teacher Unions (eg AEU) and their campaigns. Eg campaign supporting Gonsky Report.
  - e. Private training organisations already do this for both nationally recognised and other courses. It's called Training Needs Analysis and market forces. Having an association interfering could create all sorts of problems, including the hijacking of an association by those with vested interests.
  - f. Registering / licensing is always a vexed issue in any industry. If it's done poorly, then it gives legitimacy to those who are not actually worthy.

Raises question of need for individual liability insurance, even if employed by, say, TAFE. Any such move should be at arm's length to the other functions. If licensing is the way to go, then it should be by a distinctly separate government department with no conflicts of interest.

Note: RTOs are required to be licenced and undertake virtually every role above as part of licensing. As previously stated, it's the weak / limited / cursory granting of RTO license and auditing which is at fault. Fix that properly and there should be no need for proposed alternatives / add-ons / band aids. See Summary for a concurrent suggestion.

2. This point presumes that there is need to create new structures and/or additional roles for associations and RTOs. If the granting of RTO licenses and auditing is strengthened etc, I see no advantages whatsoever for any of these proposals.

Many professional associations in many industries conduct professional development and many require a certain annual level to maintain membership or membership levels. After a while, it eventually becomes just another hoop to be jumped through and may not add any value whatsoever, especially to those with years / decades of formal and informal professional development.

3. AITD, but I doubt they would want the role for the reasons previously explained. Of course, I cannot talk on behalf of them.

Note: One organisation with all the proposed roles could easily develop conflicts of interests and be hijacked by those with vested interests. If there is a need\*, then I suggest some of these roles need to be in separate hands to avoid perceived or real conflicts of interests.

(\*I've suggested improved RTO registration and auditing instead, whether at state and/or federal level , would be far better. Ie Better to fund and improve what is already there and meant to serve the purposes rather than reinvent the wheel and add extra wheels.)

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

1. Which of the suggested models for a VET professional association would be considered most preferable and viable in the current VET environment? Model A,B or C?
2. What value would a VET professional association, or associations, add to the VET sector?
3. What mechanism would sustain a professional association, for example, membership fees from individuals or RTOs?
4. Should VET teacher and trainer membership with a professional association be mandatory or voluntary?

### COMMENT:

#### Overall

I do not support the development of a professional association to undertake all of the roles suggested. In particular I support the licensing functions being kept distinctly separate from the delivery and assessment functions and the professional development functions.

#### Questions specifically addressed

1. As above. None.
2. Significant, because they are not beholden to serve various masters, etc
3. For very good and obvious reasons, has always been and should still remain the individual paying. Note: Separate issue re any individual license fee.

Consider:

Arguments re University Student Associations and compulsory student association fees.  
The influence a large RTO, when paying fees for individuals, could wield over an association.  
The issue of freelance / part-timers working for more than one RTO.  
'Branch stacking' issues.

4. Voluntary. For all previous reasons. Of course that does not preclude the following possibilities:  
License separate from association membership  
Freedom of choice of an association (care re influence if RTO paying)  
Freedom of choice between a trade or training association (Why ignore keeping up to date with industry? Need that to maintain valid and up to date industry assessments.)  
Required at entry level (for development / support) but not for Dip / Uni level

## 6. Discussion questions – capability frameworks:

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

### **COMMENT:**

#### **Questions specifically addressed**

1. Nothing. Simply reinventing the wheel.
  - a. No. Why invent / reinvent more things when the root cause is the failure to properly run the existing systems? A new system does not ensure it will be executed any better than the old ones.

## 7. Discussion questions – increasing industry confidence:

1. 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?
2. 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?
  - a. 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?
  - b. Who should regulate the tests?
  - c. Should such a test be a pass/fail dichotomy, or would it be more important to use the test to identify gap training?
  - d. 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?
  - e. Should the results of tests be made public at the RTO level?

### COMMENT:

#### Introduction

This presupposes that the industry is the correct one to refer to with regards to assessment.

Simply look at what has been going on in CommInsure! Would you like their staff advising an RTO about how to do medical assessments for claims? Are they the right ones to say what the correct assessment and validation methods are for their industry?

History is littered with self-regulating industries which have failed to deliver proper expectations.

If considering increased industry involvement, should it just be those involved in the training industry? All employers are affected by the outcome of training and assessment, so does that make all industries stakeholders and not just those directly involved? How about those who have set up their own RTOs, especially those who deliver TAE? Conflict of interests? Foot in both camps?

#### Questions specifically addressed

1. No. To separate these two issues, and other related issues, fails to take a holistic approach.

In theory, there is ample room for industry to increase its engagement without new structures. Again it goes back to the granting of RTO licenses and auditing. In particular, a lot of auditing is 'paper based'. If an RTO answer the questions well and presents appropriate industry supporting letters, then no-one seems to check if the answers are correct or validate those letters, less alone check whether there are contrary opinions available but not presented.

2. For years there were complaints about the quality of candidates existing TAFE. Typically an employer would complain about competence or procedures taught\*. All sorts of things were blamed. No-one checked out the validity of these claims. They were accepted on face value.
3. (\*Eg An RTO might insist on the use of chains for crane lifting and the employer may say that sling straps are fine. Ask the families of those who have died when slings were used.)

The good stories were not so well promoted. Plenty of them.

The government answer was to provide VET funding to private providers. Let the market forces dictate. Years down the track and it's obvious that decision, on its own, did not deliver. Again refer to my comments re RTO licensing and auditing for one of the main reasons.

Requiring 'independent validation' via an 'industry-endorsed, externally administered test' could provide a solution. However, who will determine who is independent with the appropriate skills? Who will determine the assessment content? Will any of it matter if it is not run properly and audited properly?

- a. See above.
- b. Perhaps a panel of retirees? Less chance of vested interest and corruption.

Refer also to curriculum and assessment procedures practiced by state school assessment bodies. Eg SSABSA.

- c. The question arises for any VET course assessment. The same rules should apply to any external assessment for TAE as for any VET assessment. Otherwise a contradiction will be created. Using the same rules will also enforce how assessment is to be conducted. Ie Why assess the TAE contrary to its own teachings?

Under VET courses, a grading of 'not yet competent' already exists. There is also an existing requirement / student right for feedback to be provided on assessment, not just a result. A reassessment opportunity must be provided. This may be a full reassessment or a partial reassessment.

The ultimate result should be pass / fail. No grading, consistent with the concept of competency-based training and assessment. Either you can do what is required or you can't. Variations / allowances of accuracy or quality should be covered by the wording of any training package. (eg accuracy + or - X millimetres)

- d. Please refer to previous comments that a formal training organisation can never assess competence purely on the completion of training and assessment. Competence can only be assessed over time. Eg Is a newly graduated medical doctor competent?
- e. Not as a general list. By application with the permission of the person concerned. Ie Same as any other VET result should be handled. An RTO should be able to check the validity of a TAE qualification and/or any other relevant external test / licensing requirement. A person can authorise the disclosure of results and would do so in

their own interests. If a person declined, then the employer can draw their own conclusion. Bit like when a police clearance certificate is required.

le an employer should be able to verify legitimacy but this does not require uncontrolled accessing of results by the public at large. Providing such a public list can make forging of certificates etc very easy.

An employer might match an employee's claim to a public list and assume that is verification. However, The person has simply looked up the list and chosen a name random, creating what is required. Application as above significantly reduces the risk of fraud.

## 8. Discussion questions – the role of industry in assessment:

1. 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?
2. 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?
3. Is there a need to build industry capacity and capability regarding involvement with training and assessment? If so, how might this be done?
4. 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:

#### Questions specifically addressed

1. No different from any other VET course. All industries, not just the training industry, have a legitimate stake, in TAE.
2. Capability and willingness significantly varies across industries and within industries. My suggestion of using suitable retirees could address many concerns / issues / conflicts of interest.
3. This already happens in some industries and not in others. Would need an industry by industry approach rather than a one size fits all procedure. Ie needs assessment and customised solutions.

This does not address how to handle emerging industries, particularly in the IT areas. They would need a pro-active approach rather than a reactive imposition.

4. Conduct a TNA (Training Needs Analysis) on industry and employer levels. It can uncover both training and non-training issues. Only when the specific issues are identified can solutions be proposed.

Blanket requirements for all may impose unnecessary added expense to those who are already fine in these areas. Ie Penalise those who having been doing the right thing and getting it right.

#### Alternative approach

Universities sometimes provide credit / articulation from VET to University courses. They are not required to recognise nationally accredited VET awards on an equal basis. They can pick and choose RTO and VET courses as they see fit.

Before providing articulation or credit transfer, they will go through rigorous procedures to satisfy themselves that the particular course from a particular RTO does match up and, upon completion, that students do have the level and quality of skills they require.

For example, one university required a number of things, including copies of assessments and marking guides before providing credit transfer. They also monitor how those students perform. History now shows that those students, on average, outperform the average for all other students. In one particular instance, the top student in the course at the university was a past VET student who entered with VET credit transfer.

This is a classic case of how to focus on outcomes rather than inputs. The university's own rigorous evaluation, auditing and monitoring has resulted in excellent outcomes for VET students, the University and the industry.

## 9. Discussion questions – specific models:

1. 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:
  - a. 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
  - b. mandatory requirement to lift quality in specific instances, for example, where a qualification is identified as high-risk
  - c. funding requirement, for example, independent validation of assessment could become a requirement for RTOs seeking to access government funding.
2. 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?
3. 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?
4. Should high-risk student cohorts be required to undergo independent reassessment of industry-agreed sets of competencies before being issued with their qualifications?
  - a. 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.
5. 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?
6. Who would be most appropriate to oversee the reassessment of qualifications?
  - a. For example, could existing regulators or other organisations (such as firms that specialise in assessing students) take on this role?

### COMMENT:

#### Questions specifically addressed

1. Conduct a TNA. See item 8.
  - a. This is already happening. On its own, it may or may not work. Needs to be in conjunction with validation of outcomes, including whether the assessment has precluded those who were capable of competence and the type of assessment procedure unfairly precluded them.
  - b. If an RTO is not producing a valid result, then focus on them and not everyone.
  - c. Depends on who is funding and the definition of independent.

Note: If poorly set up and carried out, it will add another layer of compliance with no change in outcomes.

2. Possibly. The reduction in external assessment in schools has coincided with the reduction in school student capabilities. There may be a link between these two or there may be other unrelated factors making it a coincidence.
3. Not necessary if the focus is on auditing the performance of outcomes rather than the inputs.
4. Why just high-risk students? How do you assess who is high-risk? Who makes that call? If assessment is valid, and outcomes properly audited, then there is no such thing as a high-risk result.

Please refer to previous comments re an RTO being unable to assess competence. An RTO can assess the ability to perform at a particular point in time. Competence requires continual performance at a benchmark level for a sustained number of times and/or period of time.

5. If a simple solution is required, a moderation process (by sample) could be cheap and effective. Ideally this occurs during assessment and prior to the release of results.

Reassessment, in part or full, should then only be required when moderation raises concerns.

Sampling outcomes by external reassessment could be done as part of an audit process.

Note: The longer the period of time between initial assessment and reassessment, the more likely that reassessment will show failures. This is an inherent training / learning and assessment factor, especially for those who are not practicing their newly acquired skills.

Reassessment results may be affected by other than RTO factors. Eg those working in the industry tend to have reinforcement whilst full-time students not in the industry tend to have less reinforcement and consequently have shorter retention times.

My experience showed that many school leavers, even those of high capability, had difficulty retaining training beyond 6 weeks old. They came from a school environment of supposedly 'continual assessment'. They advised me that a lot of their learning was done in 6 week blocks, assessed and then not required again.

ie The question is not just if, but when, moderation and/or reassessment should take place.

There is also the question of what happens to student results when moderation and/or reassessment shows significant / fundamental flaws. Are results invalidated? Do students have to be retrained? At whose cost? Note: The student will be disadvantaged no matter what. Required to spend more time and possible delay in obtaining a qualification. (Addressed in a later item)

6. Will vary significantly from industry to industry. Again the use of retirees may provide a solution.

## 10. Discussion questions – industry expectations and graduate capabilities:

1. 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?
  - a. 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:

#### Questions specifically addressed

1. Technically this already exists within the documents and wording of Training Package. All stakeholders, including the government, are involved in their development.
  - a. These terminologies have been pretty well debated and settled over decades in countries all over the world.

There cannot be a common understanding of VET outcomes by the very reason of how training packages have been changed and are now written. They have been changed from tight wording (objective style) to flexible, customisable and every other ‘-able’ statements until they had lost significant meaning. Then guides, variables, range statements, explanations, samples, suggested assessment methods, etc were added to put back in what had been removed! All because clearly defined objectives were dropped in favour of flexibility.

Another example of reinventing the wheel to try and address criticisms, without validating those criticisms.

The problem of industry expectations, performance requirements and performance levels arose once the wordings of curricula were ‘hijacked’ by all and sundry. In particular, by those hired to perform reviews! (Sorry about that.)

In the late 1980s, a new system of Traineeships was introduced to Australia. Generally the wordings were clear and precise and met the requirements of training objectives (measurable, capable of performance, etc). Requirements and levels of performance were either included or implicit by the level of the course / traineeship. The type of assessment was easily interpreted from the training objectives. Some required performance. Some required knowledge.

#### Illustration

“Able to check and inflate a range of tyres to industry standards.”

Opinions of what is a correct tyre pressure vary within the industry. Some use manufacturer’s guide. Others say the guide is meant to wear out tyres quicker and make more sales, so use something else. Of course there is no mention of how large the range should be less alone what types.

#### Case Study

A major car manufacturer set up its own RTO and conducted Vehicle Body Building VET courses for its employees. Their National Training Manager told an AITD seminar that, despite VET certs being nationally recognised and supposedly transferrable, the same cert done at another manufacturer was not acceptable to them. So much so, employees coming from other manufacturers had to go through the entire course again with their new employer because they had to be trained in the X Brand way.

Clearly two car manufacturers were using the same training packages and coming up with totally different outcomes.

At the time, this was seen as desirable and part of the 'customisation' principle. This extended not just to flexibility in unit selection / packaging but within identical units of so called competency.

So how would you define industry expectations in that situation? No hope of any common ground.

### **Employer general expectation**

Most employers want their employee to do the job to the employer's expectation / satisfaction.

The employer expectation may or may not be in line with many laws and/or industry standards. Eg Claims assessments done by CommInsure. Deaths by scissor lifts in use at the RAH building site. Use of slings rather than chains to lift loads.

Also, the employer expectation may or may not be in line with moral or ethical considerations. Eg the car insurer which automatically sends out letter to third parties saying that the third party was at fault, no matter what the facts are. All first letters to third parties blame the third party and demand payment of money for repairs to their clients. Is that an industry standard / practice that should be included in VET training because it is an employer expectation?

The employer may require higher skills in one aspect and not in another. They may not want a generically trained person but one specific their particular niche, methodologies or technology. To address this someone came up with a partial qualifications certificate, where units, not making up a course, could be packaged by an RTO and given some sort of name.

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

1. 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?
2. 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?
3. 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?
  - a. Is ASQA the appropriate regulator to oversee this function, or are there better placed agencies such as firms that specialise in assessing students?
4. 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:

#### Questions specifically addressed

1. Go back 20+ years and they were. See elsewhere re 'hijacking' of wordings and why. Wrong move.

The government appoints a contractor to conduct Training Package reviews. I have been advised that during one national review that the contractor refused to accept the unanimous agreement of the RTOs and employers on certain aspects.

The matters were taken up outside the review and took months to get resolved. Then the convenor issued wordings contrary to the unanimous agreement anyway!

Unless that changes, there is no point in considering more industry involvement.

2. On its own, no. Whilst we have poor auditing, it won't matter how long assessment are retained for.
3. Shift the focus to assessing outcomes. 'Desk audits' are exactly that – an assessment of paperwork and procedures with no assurance they are valid or actually being complied with.

They are expense for an RTO to compile and produce. Refocusing on auditing outcomes should see costs move away from 'desk audits' and onto the real purpose of any training – performance. Likely to be cost neutral and possibly cost beneficial for those producing valid results.

4. See summary. Focus on auditing outcomes rather than procedures.

### Comment

Does anyone who follows a professional sport really care much about anything other than performance? Do they ask, "Oh, I wonder whether the coaches are following industry accepted training methods and procedures?" Vast majority take a very bottom line approach. Either they are improving or winning. More likely they hope the coach is doing something different to give their team an edge to win!

They only care about procedures if the result is not to their liking. If the team starts performing again, then they rarely care about what the procedures are, less alone whether they changed or not, so long as they are moral, ethical, legal and work!

## 12. Discussion questions – enforcement:

1. How could the focus of regulation move to evaluating assessment outputs?
2. 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?
3. 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?
4. 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?
5. 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:

#### Questions specifically addressed

1. Drop 'desk top' auditing. See summary. It puts the focus on procedures and tends to make them the objectives rather than outcomes as the objectives. Total waste of time and money for everyone.

Redirect time and money to continuous moderation and auditing of student performances.

Change funding conditions. Eg Paying only for passes encourages an RTO to pass those who should be failed, simply to get paid!

Numerous other methods. Many already covered by the review and/or my responses.

When problems are found and there is no fraudulent action involved, arrange a rescue plan rather than a punitive plan. More likely to get admissions of failing and immediate focus on remedies. Win, Win, Win.

2. The main problem is where the student sits in all of this. We've already seen RTOs collapse and students have lost time, money and qualifications. Students should be the first focus in the detection of any failing.

An RTO failing may, for example, be by fraud, indifference or an innocent mistake. Each of these requires a totally different approach.

Whilst penalties may be needed, they should also be used in conjunction with some pro-active / positive approach (the 'carrot' principle and it's better to get things right first time!) See item 4. And suggested pro-active approach.

Also, how do you extract any penalty from a bankrupt RTO? (see proposed solution in Summary)

3. Probably not. Level playing field probably best and fairest.

As above, there are other more important factors to consider.

If RTO characteristics become a factor, organisations can set themselves up accordingly. Eg a large RTO could split themselves into multiple RTOs or smaller ones set up in collaboration as a large RTO. In either case, to obtain more favourable and less onerous requirements.

4. As before, it depends on the reason behind the failure and the extent of the failure.

Perhaps a system similar to the driving point demerit system would be fair, transparent and work well. Major offences see immediate suspension. Multiple minor offences would also lead to suspension. Being near disqualification points level should put an RTO on high alert with a high incentive to comply.

### **Suggested pro-active approach**

There should be an opportunity for an RTO to voluntarily submit any auditable issues for audit with no risk. This could provide a pro-active approach to compliance. Much superior to after the event detection. Ie A risk free pre-audit would allow for the genuine to sort out anything they thought was OK and not be penalised for being pro-active.

### 13. Discussion questions – cancellation and reassessment:

1. 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?
2. Should a scheme for the reassessment of students be implemented? If so:
  - a. Are there any situations where a student should not be offered the chance to be reassessed, for example, student fraud?
  - b. 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?
  - c. 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?
  - d. Who should deliver the reassessment? Are there any circumstances in which it would be appropriate for the original RTO to undertake the reassessment?
  - e. 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?
3. 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?
4. What linkages with income support eligibility should apply for graduates impacted by any recall of qualifications?

#### COMMENT:

##### Questions specifically addressed

1. It's a lose/lose situation.

Obviously public safety is important and employers need to rely on the value of a certificate.

How do you cancel a qualification with any practical effectiveness? If a student has their certificate, how are you going to recall it? Hope for honesty and compliance? Will you chase them, all the way overseas to seize their certificate? Will you put out an alert like it is a fake currency note?

Why should a student be penalised for going to a government funded and government registered RTO? The government said they were Ok, provided government funding and maybe even VET fee help.

Except in extreme cases, the vast majority of students are unlikely to be able to judge whether the RTO is compliant or not.

So cancelling their qualification seems unfair, will definitely cost them time and depending upon this review and what happens, money.

I expect that it will need a case by case approach with common sense weighing up the actual risks etc of a particular situation.

On one occasion a TAFE workgroup was required to take on the students of a deregistered private provider, with no funding whatsoever.

On another occasion I was being pressured to provide credit transfer for units completed with that exact same deregistered private provider. I took pity on the student and offered free RPL instead.

There is no easy answer. Whatever is decided, please consider the innocent student. Whether it be by monetary compensation, free voucher to repeat, case management according to individual circumstances or whatever.

A free RPL assessment could be a good starting point, especially given that students may have gained valid and appropriate skills regardless of an RTO's failings.

2. As above an RPL assessment would be a good starting point.
  - a. Student fraud detected by audit should be treated the same as if detected by an RTO. Eg Determine the extent / effect of the fraud. Consider punitive measures for fraud regardless. Fail and pay again.
  - b. Time period is irrelevant. Either it is valid or it is not. RPL assessment would clarify. Eg If the student has since picked up skills despite an RTO failing, where is the future problem? If the student has not, then there is a future risk which needs to be addressed on a case management basis.
  - c. Chances of recovery from an RTO may be limited. Most go bust and may not have sufficient liability insurance. Industry insurance pools are suggested in situations like this, but like anything else, the complying end up paying for their undercutting non-compliant competitor.

Perhaps appropriate liability insurance\* and/or a deposit or surety bond/funds need to be lodged by RTOs and used in such circumstances? In all cases, it should not be the student, unless it can be proven they were knowingly involved in any deception / fraud.  
(\*Insurers assess risk. After assessing it, an organisation may not be able to get coverage and therefore are automatically precluded from applying for an RTO licence.)
  - d. Particular circumstances and a case by case assessment needs to be done. Eg In a large RTO with one solitary rogue or corrupt trainer / assessor, the RTO may be able to fairly and validly retrain and reassess, at its own expense.
  - e. No different to a student who fails and repeats. Any reassessment should require the assessor to have the same compliance as required for the original assessment.

3. See above.

Note any common fund will be a cost to the complying training industry or the taxpayer. A proposed bond / surety will put individual funds of those associated with the RTO at risk. There is then an incentive to protect those funds, resulting in better compliance.

Also, a claim on those funds could require replenishment before an RTO can continue.

4. See above.

5. Case by case situation. A person already working in the industry may not be significantly disadvantaged. A person who can pass by RPL may not be disadvantaged. Someone who needs the qualification to obtain or maintain employment may be significantly disadvantaged and, provided not complicit in any wrongdoing, should be supported.

## OVERALL SUMMARY

- A. Even if you can / do tighten up the TAE courses, there is still no guarantee that there will be any significant change in the validity of VET awards (TAE and others) and outcomes / performance skills for two main reasons:

- a. Doing so is only dealing with procedures and not with validating outcomes. Even the proposed 'once off' test before awarding the TAE is exactly that. It's a 'point in time' assessment. The true assessment of current competence requires continual multiple testing over time.

Analogy: The passing of a car driving test / assessment does not make a driver competent. The use of P plates still does not change that but is better than nothing.

- b. Even if a person completes a TAE qualification and demonstrates the ability to perform as required, there is absolutely no guarantee that they will actually apply what has been assessed. Human nature sees people accepting what they believe in and rejecting the rest. Some also succumb to corruption.

People can still demonstrate their competence against standards as and when required but may also, for whatever reason, rejected those standards and not use them.

There needs to be better and continuous auditing of student outcomes in all VET courses.

- c. It's the outcomes of students in VET courses which are the important part, not the procedures used to get there. In principle\*, it really does not matter what the processes / inputs are, if the outcomes are not properly audited.

(\*Exceptions: Legal, moral, ethical, etc)

- d. It would be better to redirect current auditing expenditure and any additional spending on auditing outcomes. Do this and everyone will work out what's needed to get there, whether it be TAE, changes in procedures or whatever.
  - e. I've seen RTO and course audits done by people who have no industry background / skills / qualifications whatsoever for the course they are auditing. They justify it by saying they are auditing procedural compliance and not the actual outcomes. What's the point of that?
- B. The 'paying for passes only' approach does not work.
- a. In theory, this funding policy sees funding going only to successful outcomes. This review itself is evidence that it does not work and only encourages invalid 'passing' results to get funding.
  - b. Analogy: In SA driving instructors provide instruction and do the log book assessment. What if they were only paid a fixed amount for each student and only if the student passes?
- C. Making the entry requirements, delivery and assessment of TAE different to other VET courses would make it a contradiction.
- a. We would be training people how to do VET delivery, assessment, etc via a TAE course and then not applying those principles to the TAE course itself! Not only contradictory but invalidating the content of the TAE course and every other VET course.
- D. This review proposes changes in procedures in order to change outcomes. Sadly I suspect that the new procedures will, once again, become the outcomes, and change nothing.
- a. Objectives / outcomes (what you want achieved) are determined first. Then procedures are written to SERVE to objective. Too many times the focus then becomes compliance with procedures. The objectives / outcomes / results are ignored and not monitored, less alone audited.
  - b. If the focus is on the objectives / results and outcomes, does it really matter how they are achieved\*? If not, then why focus on compliance with procedures/ the focus needs to be on valid outcomes and the rest will follow suit.
- \*There will be legal procedures which need to be complied with regardless. Eg equal opportunity and OHS&W. Many skill performances, particularly in TAE, include these in the course.
- E. There should be an opportunity for RTOs to submit issues for pre-auditing at no risk. This would encourage a pro-active compliance approach rather than an argument after the event confrontation.
- F. Many employers are already voting with their feet. They no longer accept a VET qualification as any form of competence. They only regard it as a person having undergone

training. Some employers, particularly in hospitality, set up practical tests, trial periods or probationary employment periods to determine whether the employee is capable and/or competent.

This employer practice is totally consistent with the need to audit outcomes rather than inputs. They are effectively doing post qualification audits.

## **MAIN RECOMMENDATION**

My main recommendation is to change, improve, expand and tighten the auditing of student outcomes / skills etc.

Appropriate procedures should then develop without regulation. Those who do not develop appropriate procedures and produce valid student outcomes will find themselves very quickly deregistered before much harm can be done.

The use of risk-free pre-audit option and a demerits point punitive approach to non-compliance should provide a fair and transparent system and positive pro-active approach to compliance.