



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

### Key consultation areas

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

#### Chapter 1: Foundation reforms

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

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

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

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

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

### How to provide feedback

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

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

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

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

### Submission details

1. Submission made on behalf of:  Individual  Organisation
2. Full name:
3. Organisation (if applicable):
4. Please indicate your interest in this discussion paper:   
(i.e. as a student, VET practitioner, RTO, third-party provider, peak body, business, industry representative, regulator or other government agency or community member)
5. Do you want your submission to be published on the department's  Yes  No website or otherwise be made publicly available?
  - a. If yes, do you want your name and organisation (if applicable) to be published alongside your submission, OR would you like for only your submission to be available and your details kept anonymous?  Published  Anonymous
  - b. If no, please advise the department upon submission that you do not want your submission to be published or otherwise be made publicly available.

## 1. Discussion questions – RTO limitations:

- Is it appropriate for relatively large numbers of RTOs to deliver TAE qualifications or skill sets? Should the number be reduced to a targeted number of RTOs focusing on high-quality provision?
- Should RTOs be restricted from issuing TAE qualifications or skill sets to their own trainers and assessors?
- Are TAE qualifications and skill sets so significant that evidence of competence should not—or cannot—be appropriately demonstrated via recognition of prior learning?
  - Is recognition of prior learning for TAE qualifications or skill sets granted with sufficient rigour to ensure the quality of student assessment? Should the practice be restricted?
- Are there opportunities to improve the assessment skills of the VET workforce through changes to the delivery and assessment of TAE qualifications and skill sets?
  - Should TAE qualifications and skill sets only be delivered by VET practitioners who can demonstrate a specific period of training and/or assessing employment history in the VET sector?
  - What circumstances would support a change requiring some VET trainers and assessors to hold university-level or higher-level VET qualifications, for example, practitioners delivering and assessing TAE qualifications and skill sets?
  - Should the TAE Certificate IV and/or Diploma require a practical component? If so, how long should the practical component be?
  - Should entrants to the TAE Diploma be required to demonstrate employment history in the VET industry before being issued with the qualification? Would this condition help to improve the relevance and validity of assessment? How long would this period of time be?

### COMMENT:

The MTA submits that RTO TAE providers should leverage economies of scale to increase the quality and consistency of training providers. This would require a consolidation of the number of smaller RTO TAEs.

RTOs should not train assessors nor issue TAE qualifications to their own staff. It would be advantageous to lifting the quality of training for RTO TAE to have prior VET sector employment history of no less than 6 months and to include practical components of no less than three months as a mandatory requirement of TAE Certificate IV and/or Diploma.

The MTA also submits that RPL should be recognised provided there is a rigorous assessment process.

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

- Should the TAE Certificate IV be changed to a core unit on the design and development of assessment tools? How would this improve assessment outcomes for students?
  - Should the core unit be the existing *TAEASS502B Design and develop assessment tools* unit of competency? Are there alternative approaches, such as developing a new unit on the design and development of assessment tools?
  - Is the *TAEASS502B Design and develop assessment tools* unit of competency a specialist unit that should only sit at the diploma-level on the basis the Certificate IV is currently designed for delivery to new entrants seeking to be trainers and assessors?
- In the case of making any updates to the TAE, is it appropriate to form judgements based on majority considerations? Or is it too risky to do so? Is it a better basis for decision makers to give strong weight to key stakeholders and the nature of the argument put forward?

### COMMENT:

The MTA submits that the TAEASS502B unit is the most appropriate module for the design and development of assessment tools and it considers that it should be a core unit of the TAE Cert IV.

To allow for product differentiation, increased rigour and innovative in the VET sector, minimum standards should be mandated but add on standards should be permitted after an approval process.

These add on standards should not form a substitute for minimum standards.

Given the volume of TAE providers is identified as a matter of concern for government, the MTA considers it would be most appropriate that advice from key industry stakeholders, particularly those who have industry linkages as well as training linkages be given greater weighting over simple 'majority' considerations.

### 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:**

The MTA is of the view that there is a need for a Professional Association. Such an association could form both a advocacy and regulatory compliance role, similar to how some public health agencies are both government funded service providers as well as public policy advocates.

Funding reductions for key programs such as MAAP and a linked fall in enrolment numbers have threatened the viability of a number of RTOs, both small and large.

Further funding inequities for public training providers and private providers have further exacerbated this situation.

Any professional organisation should not impose an additional cost burden upon VET providers but should be government funded.

#### 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:**

In addition to role outlined in Question 3, there could be a role for the independent validation of assessment models, but in a way that protects the intellectual property of private providers and ensures competitive neutrality with government providers.

The body could then ensure that assessment models better align to national economic objectives.

A key piece of work for the new body\agency would be to investigate the efficacy and suitability of the Australian Apprenticeships Advisers and Mentoring Program, or a similarly structured program for inclusion into departmental base funding rather than the lapsing funding model which has seen the end of the program and a fall in enrolments. It has also seen a contraction in the number of quality staff available to provide training.

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

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

### **COMMENT:**

The MTA supports Model B as listed in the discussion papers with amendment as this offers the clearest and flattest structure for industry engagement.

MTA Amendments.

For the reason listed previously, including the end of lapsing programs the the fall in enrolment numbers, it is unsustainable to ask for membership fees.

Should the VET professional organisation take on an independent validation of assessment approval/registration role and a level of regulatory compliance it would also most appropriate for that body to receive government funding to carry out those functions and to ensure objectivity.

## 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:**

The MTA considers that current capability frameworks and essential element of VET are currently sufficient with appropriate review mechanisms.

The issue with the frameworks is the application, compliance and enforcement of such frameworks.

The MTA considers that enforcement and compliance with capability frameworks is currently inadequate and that resources and funding should be increased in this regard rather than in the development of new frameworks.

## 7. Discussion questions – increasing industry confidence:

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

### COMMENT:

The MTA submits that its proposals for independent validation of assessment through a national VET association will assist in increasing industry confidence in VET.

It also considers that a High School Certificate style randomised verification of assessments by that association would further improve industry confidence as would publication of results.

The MTA considers that a pass/fail threshold is a crucial VET principle, provided there is the opportunity for retraining and retesting.

Having underqualified trainees and apprentices entering the workforce, particularly in what are occupations that can be considered skilled and therefore incurring a higher level of both financial and physical risk would be a retrograde step and would undermine confidence in the system.

## 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 peak bodies have expert knowledge in the skills shortages and the training deficiencies affecting their respective trades.

The national peak body should consist of an industry consultative committee to formulate assessment guidelines and standards that can then be independently applied by the association's validators.

If peak bodies are to undertake assessment validation then there should be government funding made available with appropriate conditions to ensure consistency and quality.

There is also a substantial risk that should peak bodies, who may also be RTOs, undertake a validation role then they will potentially be subject to malicious validation assessment by competitors. A similar competitive neutrality concern exists if these validations were to occur by government owned RTO's.

That is why the MTA considers that an independent VET industry association should undertake validation, provided there is an ongoing consultative mechanism for industry peak bodies.

## 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:

Validation standards and requirements could be industry specific and determined through the aforementioned consultative process.

A code of practice should be a requirement for membership of the VET association and for access to government funding.

Deregistration of the entity providing training and possible repayment for poor assessment models or repeated incorrect assessment should be enough to deter poor performance. However, there are examples where entities do not quite meet the requirements for deregistration yet still cause significant damage to students and the reputation of the industry.

A system of graduated warnings, cost recovery and punitive financial sanction should be considered for repeat offenders.

## 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:**

A VET Dictionary which defines terms and provides for a national common language should be developed and disseminated by government, in consultation with industry.

Should a National VET association be formed in the short term, it would be the appropriate vehicle to develop such a document.

## 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:**

The MTA considers there is a role for both ASQA and the VET national association to undertake assessment sample inspections to improve standards and outcomes. These should include inspection of assessment accuracy, reassessment outcomes, assessment trends, measures against national, state and industry averages.

A requirement to retain assessment samples should be mandated for a period of 3 years.

All training organisations should be recognised and subject to regulatory framework, regardless of structure and ownership.

## 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:**

The critical element in response to this question is that students should not be penalised for the failures or misconduct of their training providers.

Size and students numbers should have no bearing on the applicability of enforcement or remedial action taken.

The introduction of a system of substantial financial sanctions could be used to fund the retraining costs, through a government managed compensation fund, of students who are disadvantaged through the actions of rogue training providers.

ACCC like publication of findings of successful actions should be undertaken and the name of any deregistered business entity and the name of its directors should be made public. Such persons should not be able to register as another business entity for the purpose of VET for a period of 7 years.

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

- Where inadequate assessment has occurred, should the power to cancel qualifications be exercised more frequently than it has in the past? What factors should affect this decision (for example, potential impact on public safety) and how should they be balanced?
- Should a scheme for the reassessment of students be implemented? If so:
  - Are there any situations where a student should not be offered the chance to be reassessed, for example, student fraud?
  - Should there be a time period after which ASQA should not move to cancel an individual's qualification? Noting potential public and other safety issues, should a decision to cancel consider whether or not the person involved is reliant on the qualification for their current employment?
  - Who should bear the cost of reassessment and any gap training found to be necessary? If the cost is to be recovered from the RTO, should this be pursued regardless of the RTOs financial viability?
  - Who should deliver the reassessment? Are there any circumstances in which it would be appropriate for the original RTO to undertake the reassessment?
  - What should the qualifications be for those doing the reassessment, and what industry experience and currency would they need? To what extent should ASQA, industry or employers be directly involved in the reassessment process?
- Should a tuition assurance fund be set up to further protect students in Australia's VET sector, particularly in the context of any scheme of reassessment or cancellation of qualifications? Should membership be mandatory for all RTOs? Who should operate such a fund, and who should bear the cost of its operation?
- What linkages with income support eligibility should apply for graduates impacted by any recall of qualifications?

#### **COMMENT:**

In addition to the comments in response to Question 12, the MTA would emphasize that individual student should not be punished for the actions of the training provider.

Students whose qualifications are suspected of being invalid should be given the opportunity to be reassessed and retrained if required, with funding to be drawn from the aforementioned dedicated compensation fund.

Income support should be unaffected during this period with no requirement to repay.

Where a student has undertaken a fraud, penalties would have to be contingent on the nature of the fraud. For example, incidents of bribery should be more heavily penalised than instances of incidental plagiarism.

Additionally, there is an onus on training providers to ensure there are rigorous checks and balances to detect and deter instances of student fraud.