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:

Helen Zimmerman

3. Organisation (if applicable):

Navitas Limited

4. Please indicate your interest in this discussion paper:

Multiple RTOs

    (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:
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?

Navitas has undertaken extensive consultation across its multiple RTO's. Navitas RTO's have diversity of purpose, industry linkages, size and, in a number of cases, industry or field of study specialisation. This is a similar pattern across the Australian vocational education and training (VET) landscape, and is a reflection of the different drivers of supply and demand for VET.

While good arguments can be advanced for targeting only high quality providers to deliver TAE qualifications or skills sets Navitas believes this is not the core issue that needs to be addressed and that identifying high quality providers *at the qualification level* is not the answer. How many other qualifications could and would this approach apply to? How would this be administered, monitored and reviewed over time?

The underlying issue is the systemic failure to implement risk-based regulation of RTOs[1]. We do not have a transparent and public, proportionate risk management system in regulation, consumer protection and quality assurance that identifies and supports high quality providers and systematically takes decisive, expeditious and targeted action against low quality providers. In its absence the community is left with a lack of confidence in **all** VET providers. Learners, the community, industry, employers and governments should have confidence that when an RTO is accredited to deliver the courses on its scope, it will deliver those courses and units of competence, to the standards required. To this end it is critical that ASQA has the legislative instruments, data, appropriate resources and capabilities to risk-assess providers against RTO and industry standards and then to enforce its powers with timely and proportionate actions.

Additionally, there are complexities in restricting the number of RTOs which can deliver the TAE. The context of the demand for TAE training and assessment differs for employer groups and by industries. A common request made by industry-based employers is for the TAE trainer to have specific industry experience and to understand the legislative framework within which training must be delivered to the industry. For example construction industry or creative industries employers require a TAE program that has been customised to fit the construction or creative industries contexts. TAFEs may favour a more generic TAE program that can be delivered consistently to their trainers and assessors, regardless of the industry sector the trainer comes from.

Customisation of the TAE for a specific industry is best undertaken by a provider whose scope shows that they deliver other qualifications into that industry. For example, a provider with construction industry qualifications on scope is likely to have already hired the trainers and assessors who can provide recent industry expertise to inform the customisation and delivery of the TAE qualification on scope.

Customisation is an expensive exercise. The quality of a customised TAE program can be negatively impacted by the price sensitivity of students who have to pay for their own courses however this issue can and should be addressed in an open market supported by evidence-based information on provider performance[2].

If supply and demand factors are not addressed, the move to concentrate delivery into the hands of fewer providers could result in:
- TAE delivered by existing large providers
- A stronger focus on "generic" TAE qualifications
- Reduction in the capability to provide customisation of the TAE to meet specific industry sector needs
- Loss of the flexibility required to meet the needs of industry based trainers and assessors.

Navitas believes that other measures, discussed later in this submission, will be more effective in improving the quality of TAE training and assessment outcomes.

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[1]   The provider categorisation system implemented in New Zealand by the NZ Qualifications Agency is worthy of consideration. http://www.nzqa.govt.nz/providers-partners/approval-accreditation-and-registration/provider-categories/provider-categories-eer/

[2]   For example, extension of QILT (https://www.qilt.edu.au/) to the VET system would provider learners with information on study experience and employment outcomes data from VET providers.

Further the consequence of restricting the number of RTOs that are approved to deliver TAE qualifications or skill sets will create artificial barriers for learners, resulting in issues of access and equity.

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

Navitas does not support this proposal.   High quality providers understand that the RTO benefits significantly from having the TAE on scope, particularly where the RTO's TAE trainers can model good practice, become involved in the professional development of trainers and assessors across the broader scope of the RTO and contribute to the internal validation activities undertaken. These benefits should be acknowledged and RTOs encouraged in the delivery of their own TAE to their staff because their TAE program is a flag-ship and driver of the RTO's commitment to quality.

Rather than restricting high quality providers from delivering TAE to their own trainers and assessors, the regulator could build greater transparency and accountability by:

- Establishing a register of qualified TAE trainers, assessors and validators, with registration based on qualifications identified in the 2015 Standards; and requiring registered assessors to provide a summary of their qualifications and industry experience for publication on the Register
- Requiring RTOs delivering the TAE to recruit only registered TAE trainers, assessors and external validators
- Requiring all RTOs to verify the TAE qualification of new hires and, where the TAE was issued by an applicant's previous employer, to ask for a copy of the Assessment Summary signed by the registered assessors
- Requiring RTOs delivering the TAE to their own staff to validate of a larger sample of completed assessments through an external validator

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?

Navitas does not support this proposal. It again goes to the heart of an effectively risk-regulated system. Recognition of Prior Learning (RPL) is a core and critical component of the VET system; it is an assessment method that allows experienced workers to demonstrate their skills without having to undertake unnecessary training. RPL should be available to all students for all qualifications, including TAE. RPL for any unit of competency should be rigorous and this process should be assured for any RTO that is registered in accordance with the standards.

Navitas notes that TAE is a qualification that underpins the entire VET system. It is therefore critical that the fundamental principles of the system are clearly demonstrated by TAE providers. If there are issues with RPL, this again is not a TAE matter but one which ASQA needs to address systemically. Making exceptions for the TAE alone undermines the principles of competency based assessment.

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?

The current TAE suffers from being seen as a 'one size fits all' qualification and for being difficult to customise to fit a specific industry context. Specialised and different assessment skills are needed to successfully assess skills in the building and construction as against the aged care industries. The skills required to assess English language, literacy and numeracy competencies require specific education, training and experience.

The TAE is more relevant to practitioners that are not necessarily qualified teachers but more likely competent or expert in their skill or trade e.g. pastry chefs, plumbers etc. TAE units would be more meaningful if they could be delivered within an 'industry stream' that reflected the context of assessment. For example, candidates being assessed for *TAEASS401B Plan assessment activities and processes* could develop a customised assessment plan for a specific industry context (e.g. building and construction), which would improve the standard of assessment for the construction industry and hence graduate skills.

In contrast, the Foundation Skills Training Package and accredited courses such as the Certificate in Spoken and Written English (CSWE) currently require the TAE qualification for assessors but the TAE adds little value in terms of professional expertise for qualified graduate teachers practicing in in the field of English as a Second Language (ESL), Literacy and Numeracy or for the outcomes for learners who require strong foundation skills to undertake and complete vocational education and training.

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?

This is a core element of a strong quality approach to VET. In principle, as in the higher education sector, educators and trainers should possess a higher award than that being taught. This would see a strong pool of Cert IV TAE trainers having a Diploma of TAE, (as well as a history of practice as a VET trainer and assessor). However, Navitas notes that it would not be practical to require higher level qualifications for all Cert IV TAE trainers and assessors, because the industry context of TAE delivery does not necessarily require higher level qualifications.

That said there is a case to require TAE validators to have a Diploma TAE or higher relevant qualification.

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

The current TAE qualifications already have a practical component, and candidates must provide evidence of the practical implementation of TAE skills.

This should be a focus of ASQA where there are concerns with the learning outcomes of particular providers. Of particular concern are the very low cost and/or 'quick' (1-week or less!) Certificate IV courses, where it is hard to understand how the competencies and practical component can be adequately taught and assessed.

While not directly relevant to this discussion, it is important that the higher education (HE) qualifications to be recognised as equivalent to the TAE under the 2015 RTO Standards have a practical VET component, i.e., have HE students had an opportunity to deliver VET skills training and undertake competency based assessment in an industry setting related to their vocational skills?

Should entrants to the TAE Diploma be required to demonstrate employment history in the VET industry before being issued with the qualification?

Navitas notes that it is the responsibility of an RTO to ensure that all trainers and assessors are suitably qualified before being placed in front of learners.

Learners entering the Diploma level TAE qualification will be required to design and develop VET course materials within an industry context. In order to have a reasonable expectation of success, they should have sufficient industry experience to support meaningful engagement with the relevant training package. Demonstrated industry experience, although not necessarily employment, should be part of the admission criteria to the TAE Diploma. For example, in the creative industries many entrants will have strong experience and engagement with the creative industries; they may be practitioners but not necessarily have been employed.

Would this condition help to improve the relevance and validity of assessment?

A history of demonstrated industry experience and/or employment in a particular VET industry sector would allow learners to focus their TAE Diploma assessment activities on the development of VET programs relating to that sector.

How long would this period of time be?

 1-3 years

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:

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?*

The design and development of assessment tools is an advanced skill that should be taught and assessed within a Diploma level qualification. Practitioners need to have a solid, hands-on understanding of the variables within an industry standard of performance; be able to consult broadly with industry and/or subject matter experts; incorporate relevant State and Federal regulatory and licensing requirements; understand the strengths and weaknesses of different assessment methodologies; understand the different approaches that can be taken to RPL assessment of individual units of competence (Uocs) vs holistic assessment of clustered UoCs; and be able to document the assessment strategies that will effectively mitigate RTO compliance risk in meeting the rigorous approach to assessment and assessment validation outlined in the 2015 RTO Standards.

The *VET Practitioner Capability Framework* developed by IBSA provides an excellent model within which to place the TAE qualifications. The Certificate IV TAE should align with 'First Level Practitioner' capabilities; the Diploma of TAE should align with 'Second Level Practitioner' capabilities; and an Advanced Diploma / Graduate Diploma TAE should align with 'Third Level Practitioner' capabilities.

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?

Navitas supports this position. The Certificate IV is an entry level qualification for VET practitioners; it is not realistic to expect entry-level practitioners to have the depth or breadth of experience needed to develop compliant, workable assessment tools that meet the Principles of Assessment.

The *VET Practitioner Capability Framework* developed by IBSA describes 'Second Level Practitioner' capabilities as including the ability to design, develop and evaluate assessment tools – this skill should remain aligned to Diploma level qualifications.

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?

It is unclear how the majority considerations are or would be arrived at. Navitas would expect priority to be given to key stakeholders who are suitably qualified, highly experienced and without bias, based on the merit of their argument.

Given that TAE qualifications form a key component of the VET system, it is appropriate that the regulator should have a voice on whether a proposed change to TAE qualifications would tend to strengthen or weaken the quality of professional practice across the VET sector.

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:

VET professional development requirements are the responsibility of the provider. If we are seeking to ensure a higher quality of teachers and trainers, this must be built in to the Standards and actively risk-monitored. For example, providers should have clearly defined policies and practices around professional development of faculty.

Navitas would support a national VET professional association in principle however believes, given the complexity of the VET sector, it would be difficult to establish a centralised national association that is relevant to all VET professionals across all industry sectors. We strongly support a role for industry in promoting and mandating professional development, good practice and a capability framework. There are already a number of professional associations that deliver an excellent service to members, for example the Vocational Education Learning Group (VELG).

Of the models proposed in the Discussion Paper **Model A** would be the most practical and allow for the diversity of professional contexts across industry groups. Model A would also provide the best opportunity to address the professional development needs of VET practitioners across the range of State and Federal regulatory contexts. That said, **Model B** would offer the advantage of benchmarking professional practice across the entire VET sector, although Navitas notes that provider benchmarking occurs already through industry peak bodies.

While Navitas believes it is the role of Australian governments to determine well-designed, long-term policies that enhance and grow the capabilities, reputation and professionalism of Australia's VET system we do not believe there is a clear role for government in funding a professional VET Association.

Government's focus should be on developing good public policy, fit for purpose regulation and overseeing an effective and efficient regulator. Government also has two other important roles. Firstly *'as a purchaser or payer on behalf of students, to assure provider and training system performance'*, and to provide a *'higher degree of fiscal stewardship'[3]* and secondly, in ensuring learners have evidence-based information about providers and the outcomes they deliver.

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[3] ACIL Allen Consulting, *Australia's Skills' Reform Journey*, A report to Australian Council for Private Higher Education and Training, September 2015, p2

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:

While a national TAE Professional Association would be able to offer all of the services identified in Question 4, Navitas refers to its response under Question 3.

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

- Which of the suggested models for a VET professional association would be considered most 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:

Please refer to the response to Questions 3 and 4 above:

Model C is not a preferred model. It is unclear how primary and secondary school teacher registration systems would have the capacity, capabilities, or in-depth experience to function as the relevant jurisdictional bodies for a tertiary sector registration system.

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:

Capability frameworks have provided a strong framework for the delivery of training across a wide range of industries.

For example, the *VET Practitioner Capability Framework* developed by IBSA is widely used and valued; it assists in driving continuous improvement within organisations, without being prescriptive.

The IBSA Framework could support the development of national standards of professional practice by providing the underpinning framework for a national TAE Professional Association and a national Register of TAE Professionals that target TAE delivery professionals. And, whether a professional association is developed or not, there is value in the wider promotion of IBSA's *VET Practitioner Capability Framework.*

There is a danger with any capability framework that in attempting to make it relevant for all industries, it loses relevance in a specific industry context. It is also important that any capability framework continues to be applicable to dual sector providers that deliver across the VET and HE sectors.

- 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:

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?

Assessment is an integral component of learning and teaching and should be validated by those who are qualified to do so. Industry should be engaged primarily with defining key outcomes required of qualifications and UoC.

A national system of competency based testing for specific skills could be considered, particularly where these are aligned to licensed or regulated outcomes (e.g. plumbing skills, driving skills test, forklift skills test, chainsaw skills test). However, these skills are already subject to state-based regulation and the implementation of a national system would offer its own challenges.

While industry endorsed, externally administered tests might be a feasible approach for some specialised or high risk skills in some industry contexts, these could not be applied consistently across the VET system without undermining the principles of competency based assessment, in particular the requirement to ensure that the assessment methodology is valid and sufficient and offer students every reasonable opportunity to demonstrate competency.

Navitas notes that externally developed assessments (not necessarily externally administered) are a good way to develop benchmarking and to engage industry leaders and experts in raising the standard of assessment.

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?

An externally administered knowledge test would generally work against the principal of competency based assessment, particularly where online exams might be the only feasible way to administer a national approach. However, Navitas refers to its response to Question 10.

Navitas notes that nationally administered skills-testing can be consistent with a competency based assessment system if properly administered and resourced. The high cost of resourcing would make it more practical to focus national testing on high-risk competencies.

- 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:

- ***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?***

The current VET system already provides ample opportunity for industry to participate in the development and validation of assessment. Industry consultation has been a requirement of the VET system for some time. The 2015 RTO Standards have a strong focus on industry consultation in the development of training and assessment strategies and involvement in the validation of assessments; the development of training packages and UoCs involves extensive industry consultation about the appropriate assessment methodologies and critical evidence that needs to be presented by candidates.

The role of training organisations is to deliver the learning and teaching that will graduate learners with the relevant skills, competencies and attributes that meet the needs of current and future industries and employers. Decisions regarding validation of assessment primarily fall to learning and teaching professionals, underpinned by robust consultation and connection to the relevant industries. However an increased focus on collaboration between industry and training organisations is strongly supported. Industries make necessary and valuable contributions that inform curriculum design and ensure relevance of content to employer needs.

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?

This is a complex area and can be difficult for non-enterprise-based RTOs or those without strong industry and employer relationships. In some sectors, industry groups (e.g. a former iteration of the Transport ISC) have facilitated validation sessions for multiple RTOs delivering to a single industry

sector. This is usually a positive approach if the industry body has been properly resourced to undertake the work of supporting assessment validation activities.

In the main, there is a pressing need for better engagement between industry, employers and learning and teaching professionals around validation of competency-based assessment practices. The establishment of a national Register of TAE Professionals could assist RTOs to find independent, qualified TAE validators who have an advanced understanding of the development of competency based assessment tools and who also have the industry skills that would allow them to participate in the validation of an RTO's assessment strategies for qualifications from a specific industry sector.

- 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:

Should independent validation of assessment be triggered by a principles based model and best practice guide to support the VET workforce in identifying the most appropriate technique to validate assessment?

Navitas notes that a principles-based model was the approach previously taken to moderation and validation by regulators under the AQTF Standards in support of a national VET culture of continuous improvement.

Mandatory requirement to lift quality in specific instances, for example, where a qualification is identified as high-risk. Increased role for external assessment by industry… For example, should it be mandatory for certain industries where there is a concern for public safety if a learner is incorrectly deemed competent

Learners, the community, industry, employers and governments should have confidence that when an RTO is accredited to deliver the courses on its scope, it will deliver those courses and units of competence, to the standards required. The public expects that the assessment of high-risk skills (e.g. in electrical work; working in confined spaces or on construction sites; nursing, aged or child care) will be closely monitored and validated for the competency of graduates, noting that in many cases these trades and professions are also covered by specific state-based or specialist accreditation bodies in addition to the RTO standards. This means the need for collaboration and information sharing between agencies and an integrated approach to auditing and risk-management. In situations of providers failing to perform their obligations, with the result that graduates are falsely or incorrectly deemed competent, there must be mechanisms in place to protect genuine students from further costs while providing an avenue for those learners to become competent. (Refer to response under Question 12)

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

Navitas agrees with the general intent of the above three questions however has concerns regarding the implementation of 'one-size fits all' responses to redress the underlying issues. Blunt instruments are contrary to proportionate, risk-based regulation and have not worked well in the past. Navitas notes that not every UoC in a qualification related to high risk occupations will address high-risk skills (e.g. operating a computer, writing a report) and would therefore not require independent validation.)

Every provider should be required to perform external reviews of assessment; however this process should be guided by effective, institutional academic governance. Where a provider's governance structure is of low risk, high trust and objectivity, then a provider should be allowed to validate assessment practices as they see fit.

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?

Public safety and/or the safety of learners should be the primary factors in the evaluation of risk. UoCs should be identified in the relevant training package as 'high risk' when injury, death or abuse could result if due diligence and competence is not exercised by an RTO in the development and assessment of skills. The student cohort should only be a factor when delivery is to under-18 year olds in high-risk industries where there is statistical evidence to support a high rate of death and injury amongst young apprentices and trainees.

Industry should be involved in identifying high-risk UoCs that might potentially cause injury or loss of life to students or the public if they are not properly trained and assessed. These UoCs should be flagged as 'high risk' in the relevant training package and subject to re-assessment if the RTO is

found to have a record of non-compliance in the area of assessment practice. The risk rating of the provider should be a primary factor in the assessment of risk.

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?

Please refer to the response to the question above.

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?

Where an RTO is found to have a high level of non-compliance in the area of assessment, the re-assessment of high-risk UoCs, rather than qualifications should be overseen by the regulator.

A sampling approach could also be taken by the regulator, with 'strategic audits' of the assessment of high risk UoCs (as identified in the relevant training package) that could include re-assessment by qualified validators.

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:

Higher issues must be resolved if we are to ensure that VET courses remain relevant to the job needs of future employees and employers.

There are numerous reports and a wealth of debate and discussion on the graduate attributes required for workforces now and into the future. In different forms and using different terminology, in addition to technical skills, these make up a bundle of soft, transferrable skills[4], which are now being considered an essential component of any graduate's abilities, irrespective of qualification level[5].

However, there needs to be greater clarity around what is required, who is accountable for what, and how these employer-demanded, transferable skills will be assessed within the current VET framework. The use of the term 'competent' becomes problematic when dealing with these transferable skills. There will be always be a place for competency based assessment in VET; however more holistic approaches to assessment will be required to make a determination as to whether someone is 'job ready'. A paradigm shift may be required. VET will need to extend its focus from competence and skill to knowledge and the application of knowledge in order to make a more effective, broad assessment of a graduate's capabilities.

The adoption of qualitative assessment models in VET (for anything other than very specific skills) may be the way forward in terms of providing potential employers with a better overview of a graduates capabilities.

Increased industry and employer involvement in outlining their expectations of VET graduates is essential to assist RTOs develop quality training and assessment programs that meet expectations around 'job ready'. Currently it is difficult for RTOs to unpack the term as the requirements can vary enormously across and between industry contexts and employers.

A definition of 'job ready' implies that graduates are able to meet the requirements of a specific role in a specific industry. However, the definition of 'job ready' may also need to incorporate the concept of 'workforce ready', particularly where migrants and overseas students, for example, may

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[4] *Employability skills, global citizenship, 21st Century skills, job* or *work ready* to name several terms in use. Sitting under these headings are bundles of skills and competencies, abilities and attributes such as criticall thinking, problem solving, team work, adaptability, communication skills, creativity, entrepreneurship, resilience, foundation and digital literacies, and intercultural competence.

[5] Oliver, B., *Better 21C Credentials – Evaluating the promise, perils and disruptive potential of digital credentials*, Deakin University, 2016. Professor Oliver's paper on the changing landscape of credentialing and the emerging disruption of micro credentials focuses strongly on 'highly authenticated and rich qualitative assessments' and her work has application to the VET sector as well as higher education.

have excellent technical and soft skills but may not have the opportunity to demonstrate these in current recruitment and interview processes.

In terms of 'work readiness', employers may have unrealistic expectations of graduates because they do not sufficiently understand the relationship between the AQF level of the awarded qualification and the time spent mastering practical skills vs theoretical knowledge. Individual employers may have a clear understanding of desired graduate attributes but do not know how to identify which AQF level qualification would best deliver the required balance of practical skills and theoretical knowledge.

Government has a collective role, with industry, employers, learners and training providers in addressing these issues.

- 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:
Should the Standards for RTOs be revised to include strengthened and more specific rules around the conduct of and evidence to support assessment?

The RTO Standards and assessment guidelines in the Training Package are already clear (and prescriptive) about the approach to assessment. It would be helpful for training package developers to produce model assessment tool templates to ensure better alignment between the range of assessment methods available to RTOs and the requirements of the training package. (Please refer to the response to Question 10, which raises issues regarding the assessment of 'soft, transferable' skills required by future workforces.)

It is also important for low risk providers, who have demonstrated through audit and evidence, the ability to make informed appraisals of policies and procedures relating to assessment and their application, to have the capacity to improve their assessment practices, for example where a provider chooses to use clustering to make more meaningful and authentic assessment for students.

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?

The current requirement for RTOs to retain assessment records for 6 months period is sufficient unless an RTO is being monitored by the regulator, in which case it would be appropriate for the regulator to impose conditions requiring assessment records to be retained for a longer period of time.

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?

This is not an area that should be managed by the regulator. Evidence of a provider's ability to demonstrate continuous improvement at the level of academic governance should be the regulator's focus. A provider is best placed to do this within their governance systems so long as the regulator can be assured of the quality and integrity of these systems.

An approach that enhances the connections with industry could be for industry bodies to develop graduate capability frameworks and support the use of e-portfolios, in which students themselves retain copies of their assessments as evidence of how they have developed professional capabilities during their course of study. Industry support for e-portfolios would quickly drive student expectations that assessment activities would support graduate capability development.

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?

The regulatory framework should adopt a continuous improvement approach such as that used by TEQSA, which works well.

The national VET system currently only recognises Registered Training Organisations (RTOs). Some RTOs register as assessment-only providers (usually offering RPL services to experienced industry practitioners). This suggests an alternative model in which Registered Assessment Organisations (RAOs) are incorporated into the national VET system.

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:
How could the focus of regulation move to evaluating assessment outputs?

Navitas suggests a number of options for discussion

- A greater use of workplace assessment of particular tasks through internships or other work-integrated learning activities.
- Assessment outcomes evaluated at the UoC level. Currently qualifications can be awarded by one RTO following credits for UoCs assessed by another RTO.
- Regulatory activity that is more focused on graduate outcomes and employer feedback
- Regulatory activity that utilises independent validation activities undertaken by both the RTO and the regulator.
- RTOs undertaking an annual risk evaluation to inform the development of a schedule of independent validation activities, submitted with the RTO's Annual Declaration of Compliance.
- The regulator enhancing it use of strategic independent audits of a sample of completed assessments based on the provider's risk profile and/or following survey feedback from employers and students

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?

Navitas is a strong advocate for a transparent, proportionate risk management approach in regulation, consumer protection and quality assurance. However it is important that legislation, while ensuring strong protections for learners, does not create unnecessary and duplicative administrative red-tape and burdens for high quality, low risk providers and their student cohorts.

Navitas would support the regulator having an explicit administrative power to require high risk RTOs to arrange and fund external reassessment, with or without additional civil penalties, if the regulator adopts a clear and transparent risk management framework. Navitas believes the regulator should be able to take swift and enforceable action against high risk providers that endanger the integrity of the system by their behaviours. This should include avenues to protect the rights of consumers. This could involve an assurance scheme similar to the Tuition Protection Service for international students, which amongst other things would cover the potential costs of Regulatory Reassessment.

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?

With regards to determining the characteristics of a provider, the model of data-driven risk assessment as used by TEQSA, has merit. If a provider were to be profiled based on these characteristics, it should inform ongoing interactions rather than just punitive actions. For example, where a provider has shown areas of risk in such profiling, a "high touch approach" would be warranted to ensure the best outcome for students at that organisation prior to any serious intervention.

We believe that a provider should have robust policies and procedures for the validation and moderation of assessment. There should be a reasonable expectation that providers have the mechanisms in place to facilitate accuracy and quality of results. It is our belief that these factors would manifest in reviews of a provider's academic governance arrangements. Further actions would then be determined based on whether a provider has made suitable efforts to redress concerns and what outcomes have been achieved. Where improvements cannot be measured and there is not enough evidence of a provider attempting to improve the outcome, then the regulator should take decisive action.

With regards to disclosing information about regulatory actions, it is vital that this process demonstrate procedural fairness and avenues to the right of appeal. It is also essential that the regulators processes are clearly defined and adhered to in making any determination.

Navitas would recommend that providers be identified in any reporting by the name that they use to recruit students as opposed to parent companies. This will assist in members of the public being able to find information about providers they are studying with or those they are interested in studying with.

- 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:

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? What factors should affect this decision (for example, potential impact on public safety) and how should they be balanced?

As a fundamental tenet learners should not be adversely impacted by a regulatory decision to cancel assessment, especially when it is a retrospective decision, beyond the control of the student.

However, inadequate assessment of UoCs should be addressed by the regulator where there is a potential risk to public and learner safety. As indicated earlier an assurance scheme similar to the Tuition Protection Service for international students, could provide avenues for the learners to undertake additional learning or reassessment without incurring additional costs.

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?

If a student has been found to have submitted fraudulent evidence of competency to an RTO, the RTO would normally have the right to revoke the award under terms of their agreement with the student (e.g. most student submissions of evidence of competency include a statement that the evidence is the result of the student's own work). The awarding RTO should determine whether they will offer the student a further chance to be reassessed through them.

However, a student should not be indefinitely denied access to reassessment. A student also has the right to access the RTO's complaints and appeal mechanisms and to lodge a complaint through the regulator.

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?

Given that the purpose of Regulatory Revocation is to protect public safety, three years would be a suitable cut-off point:

- Most employers will look for current skills to be demonstrated before hiring a new recruit into a potentially high-risk role

- Three years is an industry accepted period of time for acquired skills to remain "current", although this can vary according to the industry context (e.g. a mining industry employer may determine that high-risk dump-truck driving skills may need to be "refreshed" if they have not been used on-the-job for over twelve months)

- Most RTOs will seek supplementary evidence of currency before granting a credit transfer for a UoC that is more than three years old

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?

It is not be feasible for individual RTOs to chase a non-compliant RTO for Regulatory Reassessment costs. A government administered assurance scheme (similar to TPS) should be established so that, once a Regulatory Revocation has been implemented, students and RTOs can seek reimbursement for the cost of reassessment.

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

The public would generally expect a reassessment to be undertaken by a different RTO. However, the regulator could determine that the original RTO has addressed the identified deficiencies in their assessment practice and is now authorised to undertake a reassessment. In instances where the learner had lost confidence in the original RTO, they should have the right to approach another RTO for a 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

Reassessments initiated by the regulator could be undertaken by registered TAE validators with relevant industry experience and/or qualifications. Such a registered TAE validator would be required to have the TAE Diploma or higher and relevant industry experience / qualifications.

ASQA and other relevant parties should be involved in the evaluation of high-risk skills Regulatory Reassessment reports prior to making a decision about whether to revoke a UoC awarded by a non-compliant RTO. ASQA may implement a range of other monitoring activities where an RTO is deemed to be non-compliant in the assessment of UoCs that do not align with high-risk skills/activities. ASQA, industry and employer representatives could undertake a review of the outcomes of the reassessment of revoked UoCs following publication of AVETMISS data for the year.

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?

Navitas supports this proposal and recommends consideration of a similar, but fit for VET purpose, scheme to the Tuition Protection Service for all RTO's with premiums based on provider risk level. Navitas further proposes the government consider, as a component of the regulator's risk management framework, a phased 'right to operate' for new RTOs. The initial stage would be a probationary one. Those with Probationary (or Conditional status for existing RTOs) would go through a structured assessment and student competency validation exercise, including involvement from nominated industry representatives, before being given full RTO status. On-going RTO status could then be subject to regular completion of similar exercises with reports submitted to the regulator for risk-based review.

About Navitas Limited - Navitas Ltd is an Australian global education leader providing pre-university and university programs, English language courses, migrant education and settlement services, creative media education, professional development and corporate training services to more than 80,000 students across a network of over 120 colleges and campuses in 31 countries. *Navitas is an ASX Top 100 Company. Further information about Navitas is available at www.navitas.com*

Navitas is a strong advocate for a transparent, proportionate risk management approach in regulation, consumer protection and quality assurance. However it is important that legislation, while ensuring strong protections for learners, does not create unnecessary and duplicative administrative red-tape for high quality, low risk providers and their student cohorts. It is critical that Australia's high quality, low risk public and private tertiary education providers invest their focus, energies and resources into graduating learners with the right mix and quality of knowledge, skills and attributes needed to serve our changing economy and to compete and engage globally.