



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:
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:

- 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?
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COMMENT:

General comments regarding TAE

The Victorian Plumbing and Fire Protection Industry, as represented through the industry stakeholders, owners and operators of the Plumbing Industry Climate Action Centre (PICAC – www.picac.com.au) strongly agrees with the premise of the Discussion Paper – that the focus of VET sector reforms should be on high-quality provision of skills based training. Further, the Victorian Industry supports the intent to strengthen the rigour around the undertaking and assessing of Training and Education qualifications (TAE Certificate IV and Diploma).

In a competency based model of learning like the Australian VET sector, the integrity of the entire system depends, amongst other things, upon the competency of Assessors to assess the performance and skills attainment of others. A TAE Certificate IV or Diploma qualification is currently relied upon as the measure of that necessary assessor of competence.

TAE is both a qualification in itself and a key part of the VET sector machinery. It is both a 'foundation' qualification for individuals and a catalyst for the qualification of others. It is in itself a key "check and balance" intended to act as a gateway and quality control measure in the operation of the broader competency based system.

It is imperative that those individuals who attain TAE Certificate IV or Diploma qualifications are not only competent teachers/communicators but also that they have sufficient knowledge in assessment per se and skills and experience and knowledge of the specific subject area under assessment.

It is for these reasons that it is appropriate that TAE be treated as a special case amongst all the competency based training modules for the purposes of the issues and potential treatments discussed in this policy development process.

Clearly, as outlined this Paper, and canvassed in several other reviews cited within it, there is significant scope to improve the level of dependability and reliability currently attached to the TAE qualification. In short, there is an effective market failure in the VET sector in that the quality of the TAE qualification has been and is being compromised which in turn compromises the integrity of the overall VET system.

We agree with the identified shortcomings of the current system as outlined in the Discussion Paper, including the lack of scrutiny and rigour around some 'RPL'ing" of students; the lack of minimum time requirements or a requirement to have direct classroom experience and coaching; and the fact that the current arrangements allow for trainers and assessors to be delivering units of competency, or recognition of prior learning assessment, or the design of assessment tools, who have not previously applied this knowledge in practice.

Reflecting the importance of TAE to the sector overall, Discussion Question 1 raises a mix of specific input and output controls that could potentially be applied to the TAE qualification. The Victorian Plumbing and Fire Industry's views on these are set out below.

A further overarching point to note up front though – and a common view amongst many Victorian Industry stakeholders – is that an output focus should mean a focus on output control measures, and that third party evaluation is one such measure that could be utilised to resolve many of the issues throughout the system. That is, the introduction of a mandatory level of genuinely independent assessment of a TAE student's *teaching* competency as well as their *subject matter* competence ahead of the awarding of Certificate IV/Diploma qualifications in TAE would potentially address many of the quality issues.

The introduction of independent third party assessment will bring with it additional costs to the system as a whole, and how those costs are met or distributed amongst industry stakeholders and students would need to be carefully considered. However, it could be argued that given the current low credibility/reliability levels associated with TAE and therefore parts of the overall VET sector, the additional costs associated with restoring those levels is both necessary and unavoidable.

A further consideration relating to the mandating of third party evaluations is the development of criteria for determining the appropriateness/eligibility of third party assessors in terms of the skill and experience of individual potential assessors. It is the view of the Victorian Plumbing and fire protection Industry that the development of such criteria, as well as the question of costs distribution mentioned above and access and availability of assessors be the subject of further and focussed consultation with VET sector stakeholders.

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?**

Imposing limits on the supply side of the market for the provision of TAE training and assessment could potentially have benefits in terms of regulatory and policy oversight, and, by concentrating the skills and knowledge base of the sector, in terms of increased capacity to focus on quality provision.

However such supply side restrictions potentially conflict with the broader Competition Policy objectives of both State and Federal levels of government and their impact would need to be considered carefully and balanced against the potential costs of such a policy on the market, in terms of present levels of access and availability, as well as potential levels of diversification and innovation foregone.

Potentially, consideration could be given to applying some temporary supply side restrictions on new entrants to the TAE market to allow time for some of the quality improvements referred to in the Paper to be embedded, and for the sector to be to some extent “corralled” for the purposes of transitioning the sector to the new arrangements.

In our view such market restrictions should be adopted only when there is evidence to indicate that the perceived market failure cannot be addressed by the adoption of a less restrictive measure. Given that we believe the adoption of third party evaluation measures will significantly impact the perceived market failure (ie: lack of integrity/confidence in the quality of TAE) we consider that pursuing such a restrictive market measure at this time would be premature especially when the impacts on the VET sector more broadly of such a structural change to the market could give rise to have not, to our knowledge, yet been modelled or evaluated.

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

Based on the rationale outlined above, it is the Victorian Plumbing and Fire Protection Industry’s view that there are means of addressing the quality issues – namely robust third party assessments – that are likely to significantly alleviate the identified market failure, eliminating the need to impose the proposed restrictions the operations of RTO’s.

- **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?**

There is no doubt that TAE qualifications are extremely significant to the fabric of the overall VET system, however we are not aware of evidence to support the corollary point that that level of importance translates to no RPL's for TAE. Under current arrangements many units in the TAE qualification can be obtained by RPL alone because they don't relate to an assessment of the student's actual teaching capacity.

Drawing again on the point made above, the focus of discussions should be on ensuring the required output (ie: a competent teacher with sufficient subject matter knowledge) is delivered by the system. A third party evaluation of a student's teaching and assessment capability should be the active quality control with respect to student competence, rather than the means by which the competence was acquired. The point is the key determiner of whether a TAE qualification is awarded should be the student's teaching and subject matter competence, not whether or not they received RPL's, or did the course in a particular time frame or received their training through a particular "select" RTO.

- **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?**

Ideally, all those teaching in the VET sector would have qualifications based on their competency in the classroom and with the relevant subject matter, as opposed to competency demonstrated by compliance with a training and evaluation process. Better still, if that relevant subject matter knowledge included a component of direct lived experience of/within the relevant sector.

As with the other proposed input controls, we believe they may have some benefits in terms of the signals they send to the sector and to potential students and to industry about the intrinsic importance and value of the TAE qualification. The perception that there is a "raising of the bar" going on in terms of who is qualified to deliver TAE – to train and assess – in various fields is a good message to send and one the Victorian Industry supports. However, we are not aware of any compelling evidence base on which a decision to create and impose a new hurdle (ie: mandatory specified period of industry/employment/training experience) will impact positively on the quality shortcomings seeking to be addressed.

Further, there may be significant downstream impacts of such a requirement which would merit further analysis, in particular impacts on the ability of the sector to supply the teachers to meet increasing demand levels. This challenge could be particularly acute in regional and rural Australia. This is a point which needs to be kept in mind, in our view, when considering adopting any market access restrictions.

Moreover, as discussed above, any input controls would be potentially made practically redundant by the effective operation of a mandatory third party evaluation system, or output control. Notwithstanding the potential perils of adopting market access restrictions as discussed above, in order to increase the focus on the teaching and communication skills component of the TAE qualification, a mandatory practical teaching component should be pursued. The ability of an individual to teach – to communicate often complex material to an often diverse (in terms of

learning abilities and styles, language and literacy skills, culture, age and experience) student body – is, in the view of the Victorian Plumbing and Fire Protection Industry – an under recognised, underappreciated and under evaluated and assessed component of the TAE qualification. In our view only a practical component that assesses an individual’s subject matter expertise, combined with an independent assessment of that individual’s ability to teach, will deliver that requisite focus on teaching skills.

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:

No comments on Discussion Question 2.

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:

It is the view of the Victorian Plumbing and Fire Protection Industry that there is merit in pursuing initiatives aimed at increasing the level of professionalism within the VET sector training ranks. We note however that in our experience, Professional Associations are only as useful and productive as the people who join them, and that most of the people who do join them are the people that are doing the right thing anyway. There is a view within this industry that a Professional Association would essentially be “preaching to the converted” because poor performing trainers are unlikely to join the Association and unlikely to undertake Professional Development through the Association even if they did.

Whether or not a national Professional Association of VET teachers will be effective in driving that desired level of professionalism is not yet apparent and would largely be determined by the scope, objectives and function(s) of the Association. When the parameters of the potential Association’s roles and responsibilities are established, it would be appropriate to consider the costs and benefits of the Association undertaking those roles. This would take the less tangible benefits around information sharing and additional standard setting and measure them against the real costs of added bureaucracy, costs to industry (notwithstanding the suggestion that the Federal Government could make a resource contribution, in full or part), and costs to Government (*vis a vis* alternative uses of those funds towards raising quality in the VET sector). It is this analysis which should inform the decision making process around the development of a national Professional Association for VET teachers.

Further, in line with our previous comments about the measures likely to have the greatest impact on addressing the problem at hand – ie: a lack of confidence in the TAE qualification infecting the system as a whole – we make the point that the requisite increase in confidence levels is likely most effectively and efficiently achieved by the comprehensive, TAE wide, regime of third party independent evaluations of TAE students’ competency prior to the awarding of the Cert IV or Diploma in TAE. To pick up the previous point here too, the government funds earmarked to assist with the implementation of a Professional Association might better be expended on assisting with the implementation of third party evaluations.

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

- What activities would be most beneficial for a national professional association to undertake?
For example, would it:
 - coordinate, approve or design professional development programs
 - develop capability frameworks
 - positively promote the profession of VET trainers and assessors as an employment destination and career path to attract professionals
 - act as an advocate and voice for VET trainers and assessors
 - interact with industry to respond to their emerging needs
 - register VET practitioners?
- What advantages would there be to conducting these activities at a national level rather than through existing professional development undertaken through membership of existing groups, or that which is currently organised by RTOs?
- Are there any existing organisations that could fulfil this role?

COMMENT:

See comments in response to Discussion Point 3 above.

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:

See comments in response to Discussion Point 3 above.

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 Victorian Plumbing and Fire Protection Industry is of the view that Capability Frameworks can play a role in assisting RTO's to review organisational strategy and prioritise the skills that they need across the workforce to achieve identified goals. Managers of trainers and assessors can use the Framework to identify the capabilities they require of their staff, at different levels and things like the development of Selection Criteria and interview questions when recruiting, help clarify the behaviours that are expected of people in their job roles and assist with career planning, mentoring and coaching. Similarly, trainers and assessors with different levels of experience and expertise can use the Framework to confirm what is expected of them in their current role, and the capabilities that are required of them if they want to progress to the next level in their career; to self assess and recognise their strengths and expertise and to assist the processes of gathering evidence for RPL applications.

To the extent that Capability Frameworks assist in determining the level of alignment that exists between individual or RTO's training skills base and that individual's or RTO's skills requirements they are of value. In and of themselves however, Capability Frameworks are simply a guide, intended to facilitate structured thought and analysis to drive strategic actions. They do not have, in our view, a significant role to play in addressing the lack of confidence in the integrity of the VET sector and the TAE in particular.

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:

Any reforms made to the VET sector as part of this review and reform work should, in our view, be flexible enough to accommodate a range of industry specific circumstances. This is particularly important in the context of the broad VET sector goal of finding the appropriate intersection points between dynamic industry sectors (like water and energy) and the often, less nimble, training sector.

As a principle, reforms to the sector around the role(s) of industry in assessment/quality assurance, should make room for as much industry input – at whatever points on the training/assessment continuum – as is necessary to ensure the training sector is delivering a useful product to industry. The sector should make room for as much direct input from industry training such that industry demand and training sector supply can best be aligned.

In some sectors, such as welding, complex commercial gas fitting and other plumbing and fire protection disciplines and streams, direct industry input into course design and assessment frameworks has been regular and crucial to the success of those VET training streams.

However, there is significant scope for improvement in terms of aligning industry demands with training outputs in a whole range of sectors, including our own. The data from the Victorian Building Authority – the regulatory and licencing/registration body for the Victorian building and plumbing industries – helps illustrate this scope for improvement. As a licencing body, the VBA conducts its own testing regime ahead of licencing or registering a tradesperson. In broad numbers, about 50

per cent of the candidates for those tests fail them. That means that having completed their Apprenticeships – and been put forward by RTO's as having completed their training – are not trained to a standard industry requires.

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:

As expressed at several points throughout this response to the Discussion Paper, the Victorian Plumbing and Fire industry is strongly of the view that the integrity of the overall VET sector operations would be enhanced if there was in place a robust mechanism through which the competence of individual TAE students could be independently assessed before being deemed qualified at Cert IV or Diploma level. ASQA’s current regulatory process reviews the RTO’s assessment processes, tools, materials and a sample of completed assessments, rather than independently testing whether an individual student holds the competencies as declared by the issued qualification or statement of attainment.

A risk based approach to industry assessment may be appropriate from some competency based modules or units, and adopting such an approach would allow effort to be targeted to where the gap between training outcomes and industry requirements is identified as most limiting for industry/economic development.

We agree that generally, a “one size fits all” approach is limiting and that whatever quality improvement measures regarding assessments are adopted should retain a level of flexibility in their application so as to allow for industry and region specific solutions to be developed. It is important to engage with industry about the relevance of content and the quality of student outcomes. It is the level of engagement and co-operation between the training side of industry and the employment side of industry that will drive better outcomes, not necessarily when or how that engagement is facilitated.

Given the availability of employer or industry representatives will be variable across the myriad of sectors which rely on VET sector skills, it makes sense to consider the integration of industry and

training through a continuous improvement lens. Mandating industry assessments across the VET sector would be unlikely to succeed given that different sectors are at different points along what is a continuum of industry/training co-operation. Some industries, such as the Victorian Plumbing and Fire Industry, are at the far right hand end of that continuum, where there is a highly functioning information exchange at the nexus point between industry and training, and training is specifically tailored to meet changing industry demands or demand for specialised skills. In other sectors, where that nexus is not as strong and where communication between industry and training is less well organised and effective, there is clear scope to progress along the continuum of co-operation. In that context, it is our view that the most appropriate way forward is to support and encourage all sectors to build those links – including using Federal Government resources to facilitate co-operation and engagement – and to make room in the policy and regulatory architecture to accommodate differences in levels of organisation, sophistication, and resource availability across sectors.

In the case of TAE however, we do not support a risk based approach or the selective application of third party scrutiny. Given the foundation and catalytic nature of the TAE qualification discussed earlier in this response it makes sense that quality control measures be applied uniformly to the TAE qualification. All TAE students should have their classroom competence and relevant subject matter knowledge assessed by an independent third party before being qualified to teach and assess others.

Mentoring of trainers and assessors, potentially in conjunction with third party evaluations, is also a means by which industry could help “close the gap” between training outcomes and industry demands. It is by developing better trainers - more effective communicators – that will drive better training outcomes, and mentoring of trainers in the early parts of their training careers would be potentially one way to achieve that requisite improvement. A strategy to attract and retain mentors would need to be developed in further consultation with the VET sector. Such a strategy could be built around a Needs Assessment which explores and prioritises needs on a sector by sector basis and include a means of incentivising experienced trainers to act as mentors.

9. Discussion questions – specific models:

- How can independent validation be best applied to avoid a 'one size fits all' approach? For example should independent validation of assessment be triggered by:
 - improving RTO practice, for example, through a principles based model and best practice guide to support the VET workforce in identifying the most appropriate technique to validate assessment
 - mandatory requirement to lift quality in specific instances, for example, where a qualification is identified as high-risk
 - funding requirement, for example, independent validation of assessment could become a requirement for RTOs seeking to access government funding.
- Should there be an increased role for external assessment by industry, and in which situations? For example, should it be mandatory for certain industries where there is a concern for public safety if a learner is incorrectly deemed competent?
- If independent validation of assessment is to be risk-based, then what factors should be considered in the assessment of risk, for example, public safety, RTO profile, student cohort?
- Should high-risk student cohorts be required to undergo independent reassessment of industry-agreed sets of competencies before being issued with their qualifications?
 - For example, particular qualifications; students undertaking qualifications with RTOs with high levels of non-compliance; or that conduct assessment wholly online or on-the-job; or in areas of public safety.
- Would the burden be too great if independent reassessments were required for an entire student cohort, and should independent reassessment apply to a sample of students instead? If so, how could such a sample be chosen?
- Who would be most appropriate to oversee the reassessment of qualifications?
 - For example, could existing regulators or other organisations (such as firms that specialise in assessing students) take on this role?

COMMENT:

The issues relating to the "one size fits all" approach are outlined in response to Discussion Question 8.

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:

No comments on this Discussion Question.

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:

Under current arrangements, ASQA's process reviews the RTO's assessment processes, tools, materials and a sample of completed assessments, rather than independently testing whether an individual student holds the competencies as declared by the issued qualification or statement of attainment. In other words, it assesses the accuracy and completeness of the paperwork as opposed to the competency of the student – the output.

This Discussion Question as well as the two following canvass various options to facilitate that shift of assessment focus towards outputs. The Victorian Plumbing and Fire Protection Industry does not have strong views at this stage of the policy development process on exactly what the right (most effective and efficient) mix of regulatory or administrative changes / changes to ASQA's or State regulator powers / changes to RTO operations (Training only RTO's) etc that should be adopted to bring this about. Our concern is to see that, for TAE qualifications at minimum, a system of comprehensive third party independent competence assessment be implemented.

We note that the Discussion Paper focuses on the achievement of this reform at the least cost (in compliance burden and resources) to RTO's. Compliance burden is always a relevant consideration, and should be carefully considered when detailed proposals for the embedding of output assessment are developed and regulatory changes proposed. That said, in the case of the achievement of the immediate goal – restoring the integrity of the VET system by bolstering the integrity of the TAE qualification – short term costs to RTO's should not in and of themselves be allowed to become an obstacle to sector reform progress.

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:

With respect to enforcement of additional quality measures such as external assessment requirements; and in the broader context of a sector experiencing something of a credibility crisis following the financial governance issues associated with VET Fee Help Scheme; ensuring the new measures are supported by a well-designed and adequately resourced enforcement regime is very important. If, as we have argued in this Paper, it is accepted that there is a direct link between the integrity of the TAE and the integrity of the overall VET system, then it follows that proposed penalties for non-compliance are sufficient to act as a genuine deterrent to RTO non-compliance. In this context demonstrably recalcitrant RTO's in terms of repeated and cumulative non-compliance should be identified and excluded from the sector.

That said, the regulatory approach should be such that every opportunity is afforded to the sector to meet the new requirements. This might involve both a carefully phased implementation of the new assessment requirements, supported by a Stakeholder Engagement/Communications plan, as well as some capability analysis to determine which parts of the industry are at greatest risk of non-compliance, and helping those RTO's to establish the processes and source the industry assessors necessary to become compliant.

The need to balance adequate regulatory "teeth" - and the perception of same - against the variability within the sector in terms of its capacity/readiness to comply with a regime of third party assessments (and the issues of procedural fairness associated with how to address current levels of non-compliance), gives rise to the need for an enforcement regime that includes the necessary powers for ASQA but which also recognises the need for tailored regulatory responses. In other words, the regime needs to have the power to effectively shut down the operations of recalcitrant repeat offenders but also needs to allow flexibility and scope for, especially smaller and regional

RTO's, to adjust to the new requirements and develop a model of industry engagement that is effective in terms of the relevant local industry requirements.

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:

Picking up the theme of the response to Discussion Point 12 above, attempting to apply hard and fast "one size fits all" type solutions to enforcement would be to utilise a blunt regulatory tool when there are more nuanced regulatory/administrative instruments available. An approach which adopted a compliance first approach, and adopted a diagnose and remedy approach, local and tailored solutions could be identified.

In terms of the issues raised regarding timeframes in which ASQA revocation of qualifications would be appropriate, like many of the points covered in this response it is the Victorian Plumbing and Fire Protection Industry's view that this should be considered on a case by case basis. Should a compliance failing be so significant as to warrant such action it is our view that the determiner of whether or not a qualification be maintained is the competence of the qualification holder, rather than the time since completion.

Just because a person no longer has the necessary competence of a skill some time after their qualification was issued doesn't necessarily mean that they were inappropriately trained or assessed. Some analysis of the evidence of a person's assessment that led to the issuing of the qualification would be required in order to determine if the assessment process was correct in the first place.

As the Discussion Paper points out, there are many considerations around public safety and individual economic viability attached to many of the relevant qualifications. However, the primary goal in redressing past shortcomings and building a sustainably robust sector going forward is ensuring that individuals holding VET qualifications are actually competent, and short term economic interests of individuals or industries should inhibit the pursuit of that goal.

In circumstances where re-assessments and/or gap training is required, where it can be clearly established that the need for the re-assessment or re-training is attributable to a failing of the original RTO then it is reasonable to expect the RTO to undertake and absorb the costs of that re-assessment or re-training. Clearly this is not always possible or appropriate, and alternative assessment and training providers would need to be identified.

In the view of the Victorian Plumbing and Fire Protection industry there is merit in exploring further the potential for the establishment of a "tuition assurance fund" or similar for the protection of students in Australia's VET sector who may be, through no fault of their own (but due to poor RTO practices/financial governance/compliance – be required to re-train and re-qualify. Our view is that all RTO's should contribute to such a fund based on an agreed, transparent, and equitable formula.