Submission to the Quality of Assessment in Vocational Education and Training – Discussion paper

Joint submission: Safety Institute of Australia and Australian OHS Education Accreditation Board

1. Submission made on behalf of: ☐ Individual ☒ Organisation

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3. Organisation (if applicable):

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4. Please indicate your interest in this discussion paper:

   Professional Peak body

   (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, ☒ Published ☐ Anonymous

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Safety Institute of Australia

The Safety Institute of Australia (SIA) is the peak body for the health and safety profession in Australia. The SIA has a vision for healthy, safe and productive workplaces throughout Australia, and contributes to this vision by harnessing the resources of the OHS profession to provide the highest quality health and safety advice to industry. Their focus is on building industry capability, conducting and supporting the development of effective policy and research, and engaging with key stakeholders.

The Safety Institute of Australia has implemented national certification of OHS Professionals and OHS Practitioners. Assessment for certification is based on a combination of qualifications, experience and capability. The qualification requirement for Certified OHS Practitioner is the Diploma in WHS with the Advanced Diploma in WHS being the route for increased skills for Certified OHS Practitioners. Thus the Safety Institute of Australia is a stakeholder in the quality of delivery of Certificate IV in Work Health and Safety (which includes pre-requisites for the Diploma in Work Health and Safety), the Diploma in Work Health and Safety and the Advanced Diploma in Work Health and Safety.

Australian OHS Education Accreditation Board

The purpose of the Australian OHS Education Accreditation Board is to contribute to work health and safety by facilitating the education of university level graduates equipped with the knowledge and skills to enter the workplace as effective entry-level OHS professionals. The core activity of the Board is through accreditation to recognise those programs that meet standards established by the Board.

The Australian OHS Education Accreditation Board is created under the By Laws of the Safety Institute of Australia. It has broad representation from OHS professionals, OHS academics, OHS professional bodies including the Safety Institute of Australia (SIA), Australian Institute of Occupational Hygiene (AIOH), Human Factors and Ergonomics Society of Australia (HFESA), Australian New Zealand Society for Occupational Medicine (ANZSOM) and the Australian Faculty of Occupational and Environmental Medicine (AFOEM). It also has representation from the Australian Council of Trade Unions (ACTU), employers and regulators. The Board also benefits from the membership of an education academic. The vision of the Accreditation Board is that OHS professional education is based on strong scientific and technical concepts, evidenced-informed, delivered by suitably competent persons and so recognised by the profession, government, industry and the community.

The Australian OHS Education Accreditation Board is a stakeholder in the quality of the Diploma in Work Health and Safety and the Advanced Diploma in Work Health and Safety as the AQF allows for articulation pathways with university level programs which are the subject of professional accreditation by the Australian OHS Education Accreditation Board.[1]

Issues

While university level OHS qualifications are increasingly required for OHS professional roles, the VET Diploma in WHS, and its precursors, is the key qualification for OHS practitioner roles. However,

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[1] In Australia work, health and safety (WHS), occupational health and safety (OHS) and occupational safety and health (OSH) are used synonymously. This document uses occupational health and safety (OHS) except when referring to specific qualifications titled Work Health and Safety (WHS).

lack of confidence in the quality of both the qualification specification and the delivery of the training and assessment threatens the professional recognition of those holding a Diploma in WHS, the credibility of the Certified OHS Practitioner designation and the quality of OHS advice to Australian workplaces. It also reflects negatively on the OHS profession overall.

The Safety Institute of Australia has prepared an issues paper detailing the deficiencies of the specification and delivery of the Diploma in WHS (attached). The issues pertinent to this consultation paper are: duration of learning; online delivery, qualifications of trainers and assessors; and quality of training materials and support for learners. The scope of these issues are summarised below.

Duration of learning

Duration of learning is seen as one of the major issues impacting on quality of delivery of the Diploma in WHS. The *myskills.gov.au* web site lists 222 RTOs with the Diploma of WHS in their scope of registration. While a detailed review of the offering of each of these RTOs is beyond the scope of this paper a 5 minute google search identified 6 providers offering 5-day delivery options with other offerings ranging from 6 weeks to 12 months. This can be compared with the 'my skills' statement of an average duration of 12 months and the AQF volume of learning for Level 5 qualifications of 1-2 years. The Australian OHS Education Accreditation Board has published a position paper on the duration of VET OHS qualifications highlighting this issue of duration of learning for WHS qualifications.[2]

One impact of the short course and online formats is that the financial viability of providers offering programs of longer duration and higher levels of student engagement is being threated. Thus, there is a risk that the availability of quality training options will become more limited.[3]

Online delivery

Another delivery issue was identified in a study conducted by Innovation and Business Skills Australia which found that of 5779 people who completed a Diploma in WHS 2012[4] 58% were with the Open Training and Education Network and their qualification was studied fully online. The proportion of people studying fully online is likely to have increased significantly since 2012.

While universities effectively deliver online OHS programs they have significant investment in online learning management systems to facilitate student- educator and student- student engagement. There is no evidence of similar investment by VET private providers.

Qualifications and experience of trainers/assessors

The Standards for RTOs effective from 2015 require that in addition to specified training and assessment qualifications that The RTO's training and assessment is delivered only by persons who have:

- Vocational competencies to at least the level being delivered and assessed;
- Current industry skills directly relevant to the training and assessment being provided; and

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[2] Available at http://www.ohseducationaccreditation.org.au/students/future/

[3] For example, the TAFE section of RMIT University has consistently been running 3 courses per year of 20 students per course. Their total student intake for 2015 was 20 students and they are not delivering the Diploma in 2016. This reduction in student numbers and the unviability of the course is directly attributed the competition from short course formats. Chisholm Institute has recently expressed similar concerns regarding competition from private provers offering short course, low cost formats.

[4] Most recent data available.

- Current knowledge and skills in vocational training and learning that informs their training and assessment. (Standards 1.13 and 1.22)

Thus, those delivering and assessing OHS competencies are only required to have the competency at which they are training/assessing. This is considered highly inappropriate for an area such as occupational health and safety/risk management where the context and complexity of the activity can vary considerably and where the implications of inadequate training or assessment can result in fatality, serious injury or ill-health.

While industry experts may also be involved in the assessment judgement, working alongside the trainer and/or assessor to conduct the assessment (Standards 1.13 and 1.22) there is little evidence of this occurring.

Trainers and assessors are required to undertake professional development in the fields of the knowledge and practice of vocational training, learning and assessment including competency based training and assessment. (Standard 1.16). However this requirement does not appear to extend to ongoing professional development in their technical field (ie: OHS).

Quality of training materials and support services

The development of good quality, up-to-date learning materials requires expertise and resources. Many RTOs do not have the level of expertise, nor are they prepared to make the investment to develop and maintain such materials. A number of RTOs delivering the Diploma in WHS use the learning materials available on the WorkSafe Western Australia SafetyLine Institute website. While these are quality materials, effective learning requires more extensive input by the trainers.

Two other issues relating to materials and support service apply to the training and assessment of the Diploma in WHS:

- Achievement of skills, especially in an online environment, requires a greater level and variety in the approach to learning
- A social environment and equipment is required to develop and assess skills related to communication and consultation and use of OHS risk management tools.

The Standards for RTOs (1.3) require:

- Educational and support services to meet the needs of the learner cohort/s undertaking the training and assessment;
- Learning resources to enable learners to meet the requirements for each unit of competency, and which are accessible to the learner regardless of location or mode of delivery; and
- Facilities, whether physical or virtual, and equipment to accommodate and support the number of learners undertaking the training and assessment.

However, with limited resources and little or no subject expertise, ASQA and the state training bodies audit processes are unlikely to address these issues.

At a national level the Australian Work Health and Safety Strategy 2012-22 has as one of its strategic outcome that those providing work health and safety education, training and advice will have

appropriate capabilities.[5] The issues identified above will impact on the achievement of these strategic national objectives.

[5] See http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/australian-work-health-and-safety-strategy-2012-2022

1.	Discussion questions – RTO limitations:

- Is it appropriate for relatively large numbers of RTOs to deliver TAE qualifications or skill sets? Should the number be reduced to a targeted number of RTOs focusing on high-quality provision?

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

- Are TAE qualifications and skill sets so significant that evidence of competence should not—or cannot—be appropriately demonstrated via recognition of prior learning?

  – Is recognition of prior learning for TAE qualifications or skill sets granted with sufficient rigour to ensure the quality of student assessment? Should the practice be restricted?

- Are there opportunities to improve the assessment skills of the VET workforce through changes to the delivery and assessment of TAE qualifications and skill sets?

  – Should TAE qualifications and skill sets only be delivered by VET practitioners who can demonstrate a specific period of training and/or assessing employment history in the VET sector?

  – What circumstances would support a change requiring some VET trainers and assessors to hold university-level or higher-level VET qualifications, for example, practitioners delivering and assessing TAE qualifications and skill sets?

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

  – Should entrants to the TAE Diploma be required to demonstrate employment history in the VET industry before being issued with the qualification? Would this condition help to improve the relevance and validity of assessment? How long would this period of time be?

COMMENT:

Quality assessment not only requires knowledge and skills in the TAE area but also requires knowledge of the discipline in which the assessment is occurring. In focusing on TAE this proposal does not go far enough. A number of the proposals above should apply to trainers and assessors of any discipline. Specifically:

- As a general principle, RTOs should be restricted from issuing qualifications, skill sets or individual competencies to their own trainers and assessors in any discipline, not just TAE.

- Trainers and assessors should not be able to train or assess in a competency or skill set for which they have received RPL.

- A practical component should be an integral part of the training and assessment. This should relate to the various options and modes for delivery of assessment.

- Merely being considered competent in the particular competency being assessed does not give insight to the complexities of the context and application of a skill, especially in a discipline such as occupational health and safety. The assessor should also understand the

broader application of the competency, an appreciation which can only be gained by holding the overall qualification. As a minimum, trainers and assessors should hold the qualification one AQF level higher than that which includes the competency being assessed.

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:

AQF level 4 learning descriptors indicate that graduates at this level will be able to "select and apply a range of methods, tools, materials and information to: complete routine and non-routine activities and provide solutions to a variety of predictable and sometimes unpredictable problems". This description does not address the analytical skills required to 'design and develop assessment tools'. The Certificate IV TAE should focus on conduct of assessment within clearly defined parameters using already developed assessment tools. The design and development of assessment tools should be a TAE Diploma or higher skill.

In deciding the update to the TAE, the over-riding criterion should be the quality of the outcome. Should majority opinion be the deciding factor the vested interests of the RTO s will over-ride other interests. An example of RTO vested interests over-riding that of industry and the profession occurred in the recent changes to the WHS Practitioner qualifications. In this case an important unit was removed at the urging of RTOs because the unit required equipment in which the RTOs did not want to invest, and the unit required practical activities and assessment which impacted on the RTOs online model of delivery. This resulted in an overall loss for industry and the professional skills of learners.

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

- Is there a need to establish a national professional association for Australia's VET system?

  - Specifically, is there a clear role for Australian governments in assisting the development of professional skills of the VET workforce by funding a professional association?

- What are the barriers to establishing a national professional association? How could these be overcome?

- What would be the most useful guiding purpose of a national professional association?

COMMENT:

The Safety Institute of Australia has no comment on a professional association for the VET system except that a professional association cannot address areas which are rightly the role of the VET regulator. Thus the scope of the professional association should be clearly defined and differentiated from that of the regulator.

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 previous comment.

Our concern in that while skills in training and assessment and other VET matters are important, this should not over-ride the discipline-related knowledge and skills requirements of those undertaking training and assessment. It must be recognised that trainers and assessors require capability in two areas: delivery of VET training and assessment AND the discipline in which they are training / assessing.

Where there is a professional body or professional certification or registration applicable to the discipline in which the VET practitioner is training/assessing then they should be a member of that professional body and hold the relevant certification or registration. This does not preclude membership of any VET based professional association.

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

- Which of the suggested models for a VET professional association would be considered most preferrable and viable in the current VET environment? Model A,B or C?

- What value would a VET professional association, or associations, add to the VET sector?

- What mechanism would sustain a professional association, for example, membership fees from individuals or RTOs?

- Should VET teacher and trainer membership with a professional association be mandatory or voluntary?

COMMENT:

See previous comments.

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:

A capability framework is important to any profession. The challenge is how to support and facilitate its broad scale adoption. Will RTOs be prepared to/required to invest in people so that they have trainers and assessors who meet the capability requirements?

- 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:

While there are some quality providers of the suite of Work Health and Safety qualifications there is overall a lack of confidence in the quality of both the qualification specification and the delivery of the training and assessment that threatens the professional recognition of those holding a Diploma in WHS, the credibility of the Certified OHS Practitioner designation, and the quality of OHS advice to Australian workplaces. It also reflects negatively on the OHS profession overall. This lack of confidence arises from a range of factors including the qualification packaging by the RTO, duration of learning, online delivery mode, qualifications and experience of trainers and assessors, and the quality of training materials and learner support.

The SIA has examined a number of options for increasing the quality of outcomes for WHS VET qualifications including engagement with the government, the VET regulator and the ITAB and now the Skills Service Organisation. While the SIA continues to work with these bodies, further action is required to improve the quality of the outcomes of the WHS VET qualifications.

While potentially an independently assessed capstone project might be useful, the SIA has also considered additional testing of VET gradates, but this has been rejected as the required OHS knowledge and skills do not lend themselves to an examination and any such assessment would require a considerable cost impost on the VET graduate.

The Safety Institute is currently considering implementation of a variation of the Third Party Validation for the Diploma in WHS. The SIA is working towards establishing "SIA Recognised Diplomas" where the qualification is delivered to standards specified by the SIA. These standards operate within the current qualification packaging rules and, with some interpretation, current

Standards for RTOs. RTOs would make a written application demonstrating how they meet the criteria with the assessment against the criteria being undertaken as a desktop audit. The option of a site visit and more in-depth review may be undertaken as indicated by risk factors. RTOs would be charged a fee for the assessment. Recognition arrangements would apply for those RTOs that meet the criteria.

The SIA considers that under the current VET structural arrangements this is the only way that they can ensure the capability of the Certified OHS Practitioners and avoid vested interest relationships between providers and assessors.

The SIA is prepared to consider other models for third party validation should they be demonstrated to be effective and practical to implement.

As the professional body for OHS generalists, including practitioners who have studied in the VET system, the Safety Institute of Australia has a role in ensuring these issues are addressed. There may be an additional cost for strategies such as third party validation but the current quality issues are resulting in a huge waste of resources without gaining the benefits of suitably skilled trainees.

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:

The current Standards refer to 'industry experts' in relation to validation. While the Standards do not define industry experts, 'industry' is defined as "the bodies that have a stake in the services provided by RTOs. These can include, but are not limited to:

a) enterprise/industry clients, e.g. employers;

b) group training organisations;

c) industry organisations;

d) industry regulators;

e) industry skills councils or similar bodies;

f) industry training advisory bodies; and

g) unions.

The exclusion of professional associations from this list and the tendency for RTOs to refer to an individual as 'an industry representative' results in a very narrow view informing the RTO. As an example, the Safety Institute of Australia has participated in reviews of the WHS Practitioner qualifications where it was one voice on a committee of 14, and the views of the professional body who were concerned about the quality of the outcomes were subjugated to other interests. While the SIA respects the interest of these stakeholders the outcome tends to be training designed and delivered based on past and present needs rather than looking to the future.

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 SIA considers that the requirement for Third Party Validation should be risk based. This risk should be determined at a qualification as well at an RTO level. The risk factors may be different for different training packages/qualifications. As an example the suite of WHS Practitioner qualifications is considered a high risk set of qualifications. This is based on the number of people undertaking the qualification and the public impact of poor/inappropriate OHS advice. Thus there should be a requirement for an element of Third Party Validation applying to all RTOs offering these qualifications. Risk factors at an RTO level are the duration of learning, online delivery mode and extent of RPL offered. Where these risk factors apply then there should be a higher level of review via Third Party Validation.

The introduction of Third Party Validation should not be an excuse to set up yet another VET related business activity, but there should be a guarantee of informed /expert assessment from both the specific discipline as well as VET perspective. In the case of the WHS qualification suite which has implications for professional certification, the SIA as the professional body is well positioned for this role. This may apply to other qualification suites and industry training packages.

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:

One way of ensuring some consistency in the training outcomes is to have a common set of learning materials and guidelines for assessment. While the availability of such materials can improve the offering of the lower quality training, the imposition of mandated training materials can lead to stilted and robotic delivery and possibly disengagement of learners.

In the case of the WHS qualifications, WorkSafe Western Australia through their SafetyLine Institute have a number of online learning guides and assessment guidelines. While these materials deliver good information they are in the traditional distance education style of printed material placed online. Any learning material developed for broad use by RTOs should employ modern approaches to learning and assessment including materials suitable for online modes of delivery.

The question of mandated use is also an issue as a number of RTOs resist using commonly available learning materials as they want a point of differentiation in their training offering.

The issue of a common understanding of the required outcomes is also important. This has been an issue for the work health and safety suite of qualifications and is likely to apply in other disciplines. The competency statements do not clearly define the required standard and, in many cases, are open to broad interpretation. The issue then is who should set/define the standard and how should they be defined without devolving down to the minutia.

Consistent interpretation of the required standard for the WHS qualifications has been made more difficult by a lack of detail in the required knowledge evidence and essential assessment requirements which has tended to result in a lowering of the acceptable standard. The lack of a clear definition of the role of the OHS Practitioner has also contributed to the variation in interpretation. Australia, through the SIA, is a member of an international working party developing such a role statement which is due for release in September 2016. Such role clarification issues may apply in other disciplines and impact on the interpretation of the required standard.

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

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

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

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

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

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

COMMENT:

The SIA considers that as professional training bodies, all RTOs should be required to demonstrate the relevance and strength of their assessment activities and that all their assessment meet the evidence rules: validity; reliability; sufficiency; authenticity; and currency.

RTOs should be required to keep learner assessment records for a minimum of 12 months after the completion of the qualification.

ASQA may be the appropriate body to audit/monitor assessment activities of RTOs but they are not currently resourced, in numbers or skill range, to fulfill this role. While ASQA may call on industry experts this does not in reality address the skill mix requirement. One model to consider is the, as yet immature, model being developed in TEQSA, where TEQSA has Memorandums of Understanding with professional bodies that undertake accreditation of university level professional education. For example, the SIA could enter an MOU with ASQA; the SIA has a process for reviewing the WHS qualifications delivered by RTOs, where the RTO is assessed and recognised by the SIA they are exempt from an ASQA audit and/or considered low risk. Alternatively, should there be a high level of concern the SIA could refer the RTO for ASQA follow up.

While not mentioned here, the awarding of Recognition of Prior Learning is an assessment issue. RTO standards should be amended to strengthen the evidence requirements and limit the proportion of a qualification which can be awarded for RPL.

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:

Better data should enable more effective scrutiny. For example, as a professional body the SIA is not able to determine the number of people who commence with an RTO, the people who complete the qualification and the proportion that study fully on line compared with face to face.

While the regulatory processes should be risk-based the size of the RTO should not influence the level of scrutiny or the response. Other factors that impact risk include qualifications and experience (both in education and the relevant discipline) of the trainers and assessors.

The regulator responses should be cascaded depending on the seriousness of any breach, but the first priority must always be to make good, whether that is done voluntarily by the RTO or through a notice or enforceable undertaking.

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:

Confidence in the VET sector requires timely and appropriate response by the VET regulator. This should allow and support identification and intervention before the situation deteriorates to the level where qualification cancellation is required.

Where re-assessment is required, that assessment should be by an independent body. Discipline professional bodies can play a role here as they do not have the vested interests of an RTO.

Should the situation require cancellation then the cancellation should be timely, equitable and transparent and offer support to the learners. Appropriate penalties should be applied to the RTO as a business and the responsible officer as an individual.