

Submission details

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Preamble

I have had over thirty years' experience working with competency-based assessment, initially as a senior lecturer in education at Murdoch University. In the mid 1980's I developed the original concepts of competency, competency-based training and competency-based assessment for WA's New Apprentice Training and Assessment Scheme (1986), which became the model for the newly introduced national traineeship system and subsequent VET arrangements under the NTB. With the national introduction of competency-based assessment I was recruited to conduct numerous professional development workshops on competency-based assessment for private organisations and government agencies in all states and territories, and I was commissioned to undertake research and write publications for the NTB, ANTA, NCVER, IBSA and State training departments in Victoria, Tasmania and Western Australia. Later editions of my publications on competency-based assessment are still in press, and recently I was commissioned to write seven Fact Sheets for the WA Training Accreditation Council (TAC). I led the team developing the original Public Sector Training Package and have contributed to the development of others, notably the BSZ/TAA/TAE. I have been an RTO auditor and an accreditation reviewer for the TAC for fifteen years, and continue to provide professional development courses, write guides for RTOs, and provide consultancy services to RTOs on compliance and competency-based training and assessment.

I welcome the current review of competency-based assessment, as there remain many quality concerns. The comments and responses that follow reflect my long involvement with this field and my earnest desire to see it continue to evolve and to improve. I would be very happy to personally address the Training and Assessment Working Group on any of these issues should the opportunity arise.

Before I respond to the specific issues raised in the Discussion Paper of January 2016 I feel it is important to share a few observations. The first is that with all its shortcomings, the quality of VET training and assessment is vastly better than existed prior to the adoption of a competency-based approach in the 1980s. Indeed, up to that point there was no basis at all for making judgments about quality in VET, for improving quality or for taking action where quality was lacking. This is still the case in higher education where there are no enforceable standards for quality assessment, and where all the perils of invalid and unsafe assessment are evident in the practices of assessors and assessment systems.

The second comment is that many of the problems with competency-based assessment are conceptual rather than structural. Although competency-based assessment has always been defined as a judgement based on evidence, almost all the documentation has been focussed on the gathering of evidence and there has been very little attention given to the process of judgement. This was remedied to some extent about a decade ago, but protocols for assessment judgement remains a blind-spot in the literature, in the TAE standards and in VET assessor training. It has not been helped by confusion in the various RTO standards and glossaries, and would be helped considerably by formally recognising that while the rules of evidence are quality standards for the evidence-gathering process the principles of assessment are quality standards for the assessment judgement process. In particular, the acknowledgement of this fact would clarify the difference between the validity of evidence and the validity of judgement within those standards.

Many of the concerns raised in the discussion paper would be resolved by revisiting and clarifying the concept of competency-based assessment, rather than relying entirely on the imposition of stricter surveillance and penalties applied to a confused and unsupported body of VET assessors trying to work with an incomplete concept of competency-based assessment.

That having been said, there is still the risk of incompetent and unscrupulous RTOs and VET assessors, and I am supportive of many of the suggestions made in the discussion paper. One suggestion, however, that I do not support is the suggestion of external assessments (not to be confused with external validation, which I do support). I am confident that with appropriate training, professional development, internal and external validation, effective audit processes and penalties for wayward RTOs and assessors there would be no need for an expensive and cumbersome external assessment process. Indeed, such a process is likely to worsen invalidity as those components of competency that can be externally assessed are rarely those that matter most to industry and will become the prime focus of training, thus undermining the validity of both the VET training and the judgements that underpin VET certification.

1. Discussion questions – RTO limitations:

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

COMMENT:

The introduction of the BSZ qualifications was an important component of the conversion of VET to a competency-based system, but the BSZ (and since then the TAA and the TAE) have suffered from a lack of focus and imprecision both in the standards and in their delivery. Before we consider strategies to limit RTOs, we need to review the TAE units of competency so that they are specifically VET oriented (particularly focussed on competency-based training and assessment) rather than their current 'universal' approach, and they need to be revised to reflect best practice in competency-based training and assessment.

It would be appropriate to restrict the number of RTOs delivering TAE qualifications, and to restrict RTOs from delivering TAE qualifications to their own staff. The plethora of TAE RTOs has undermined quality and there have always been risks associated with self-certification. However, there needs to be some thought given to servicing the needs of remotely located clients, so it may be necessary for the approved TAE RTOs to outsource delivery (but not to offer on-line or by correspondence).

It is also reasonable to restrict RPL as a mode of delivery of TAE qualifications. It is unlikely that an RPL applicant has delivered competency-based training and assessment outside the VET sector, and if they have it is likely to be in an outmoded form. This is not a reflection on the validity of RPL, rather it is an expression of the importance to have current VET skills and knowledge (1.13c), and not to confuse the VET learning environment with any other. In particular, it is dangerous to presume that experience as an educator in a school or university has any relevance to the VET sector ... indeed experience shows this to be a disadvantage.

There would be a significant benefit in requiring those who deliver TAE qualifications to have had at least two years' experience of training and assessment experience in the VET sector.

There would also be a significant benefit in requiring those who deliver TAE qualifications to have higher level VET qualifications, but this would not necessarily extend to higher level university qualifications (as in Schedule 1). The experience of this writer in both sectors shows that higher level university qualifications are unlikely to be relevant to the VET sector. One of the significant weaknesses in the current standards for RTOs is the tacit acceptance of university qualifications in Schedule 1 as relevant to the VET sector.

The TAE qualifications would be improved by a mandatory practical component, although it is hard to imagine how they could be delivered without a practical demonstration of the skills.

Finally, it would be a benefit to require entrants to the TAE Diploma to have at least two years' employment experience within the VET sector prior to the award of the qualification.

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

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

COMMENT:

The TAE Certificate IV has always been in need of a unit of competency relating to the design and development of competency-based assessment tools as this is a responsibility of almost all VET trainers and assessors. This core unit should be TAEASS502B as suggested, but with its focus firmly on the competency-based process.

In the updating of the TAE it is important to base changes on an analysis of VET trainer and assessor responsibilities, informed by practicing VET trainers and assessors and experts in competency-based training and assessment. In the past the chief players appear to have been representatives of government and regulatory bodies rather than of the VET industry itself. As has been mentioned before, the TAE courses need to unashamedly be focussed on competency-based training and assessment and not attempt to be relevant outside 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:

A professional association for VET trainers and assessors would be a valuable addition to the quality, status and credibility of VET trainers and assessors. Those coming into the VET sector as trainers and assessors need to see that they are entering a new profession, rather than just disseminating their trade.

The VET professional association could be self-funded through membership fees.

The VET professional association could support professional development activities, monitor professional standards (including interfacing with regulatory authorities), and 'licence' VET trainers and assessors to deliver training and assessment services and coach or supervise 'probationary' trainers and assessors, promote VET research and publications and contribute to revisions of the TAE standards.

One of the issues addressed later in the discussion paper is penalties for RTOs that fail to maintain assessment standards. The requirement to meet assessment standards is primarily the responsibility of the individual assessor (supported of course by the RTO's validation, professional development and quality assurance processes), so membership of a professional association could be withdrawn from a VET assessor as a consequence of unprofessional performance. If that membership is a condition of employment in the VET sector, then such an action would not only be protective, it would also have a personal impact and discourage poor assessment practices.

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:

All of the activities listed above would be appropriate at a national level for a new VET professional organisation, but to it we could add 'withdraw or suspend registration for VET practitioners who do not meet professional standards'.

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:

Model B is preferred by this writer as the VET professional association needs to be distinct from and independent of the VET regulatory authorities. In particular, the regulatory authorities focus on the RTOs, and the professional association focusses on the staff within the RTOs.

The VET professional association would have the potential to add quality, status, self-respect and a collegial sense to the VET practitioner.

It is suggested that membership fees be the primary bases for funding the association.

Membership should be mandatory, with a range of levels for: entry (probation), supervision, part-time, affiliate, assessment-only and full membership.

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:

There is a need for continuing work on capability frameworks. The need for a common language is evident in the confusing language of the units of competency in the TAE qualifications, the errors and gaps in the various glossaries associated with standards and frameworks. In particular, the definitions are at times misleading and have the potential to corrupt the very concept of competency-based training and assessment. For example, the normative definitions of validity have at times been unattainable in a competency-based assessment process, and would if adhered to pervert the principles of competency-based assessment. It is vitally important that these frameworks are developed and revised by VET practitioners and VET experts, not by educators from higher education as the VET paradigms are so foreign to them (and at times not respected by them).

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:

Industry engagement is a challenge, as industry representatives are not likely to be VET professionals who understand the VET context. The usual strategy adopted by RTOs is to ask industry representatives to approve or endorse their training products, but this is largely a waste of time and gives a false sense of credibility because industry is not generally knowledgeable about training and assessment practices and just 'tick and flick' the documents.

What is more important is for VET practitioners to spend time observing industry practices both to enhance their personal understanding of the range and scope of industry activities so that they can incorporate those observations in their training and assessment activities, but also to validate the training and assessment resources they use (1.5, 1.6, 1.13b, 1.18b).

This process will also enhance their industry skills, so that they can understand how the competencies they teach are actually used within the workplace, how these competencies interact and relate to other competencies of the worker, and how they interface and interact with the competencies of other workers and of clients.

Industry confidence can be increased by the close engagement of VET trainers and assessors in workplaces, learning from industry and sharing their observations and training/assessment intentions with industry.

Industry might get a sense of confidence from the use of externally administered tests, but this would be an entirely false sense of confidence. It would be false because the qualities which can be assessed by an external assessment will not be the qualities that industry values. In particular, external written assessments will only assess the knowledge component of competency, and practical performance external assessments will be prohibitively expensive. Furthermore, in a short time trainers will begin to 'teach to the test' and the focus of the whole training program will shrink.

The problems of the mandated assessment tools developed for the high risk 'Licence to' units of competency provide a salutary lesson. Despite years of trial and revision by a national panel of experts, many of these assessments are still not a valid reflection of the requirements of the unit of competency. It is dangerous to assume that a nationally written external assessments would necessarily be better than ones designed by an RTO assessor. Indeed, it is important to observe that the RTO assessors are identifying the shortfall of these assessments and creating supplementary assessments to achieve validity ... we should not underrate the ability of RTO assessors to be able to do the right thing.

Is an external test inconsistent with the premise of a competency-based system? No, there is no reason why the entire assessment process (knowledge and skills) could not be delivered externally, it's just not economically feasible. Is it needed in a competency-based assessment system? No, and that is because the competency-based VET assessment system has a number of quality assurance and protective devices that make it unnecessary (1.13, 1.14, 1.15, 1.18). None of these devices are found in the school or higher education contexts. They are:

- Trained assessors (including industry skills, VET skills and knowledge, TAE training and vocational competence) (1.14, 1.15)
- Rules of evidence (validity, authenticity, sufficiency and currency) (1.8)
- Principles of assessment judgement (validity, flexibility, fairness and reliability) (1.8)
- Prescribed competency standards (units of competency and their requirements) (1.4)
- Internal validation processes (1.9, 1.10, 1.11)
- External validation and audit processes (8)
- In-house VET quality management (2)

The need is for these devices to be implemented effectively, thoroughly, professionally and honestly. They fall short because there are standards that are not clearly worded, confusing and inaccurate glossary terms, poor quality TAE training and a continuing lack of VET professional development.

One final point ... the idea of a 'capstone' unit within each qualification might engender greater industry confidence. Such a unit would have many useful functions, including:

- Close industry engagement and relevance of the unit
- Encouraging long-term retention of units of competency
- Encouraging linking and articulation of discrete units of competency
- Providing a final gateway check for all students, particularly those seeking RPL

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:

Before embarking on this topic, it is important to reflect upon a problem that has arisen in the interpretation of Clauses 1.9 – 1.11 in the Standards for RTOs 2015.

These standards relate to the assessment validation of training products, and the requirement is that all 'training products' are validated within a five-year period. The problem arises when qualifications and skill sets are seen as the training products to be validated. These training products do not have assessments, and therefore cannot be assessment validated. The training products that must be assessment validated are units of competency or modules, and these quite reasonably should all be validated in a five-year period. If the RTO has the resources to design and deliver a unit, it must have the resources to validate that unit's assessment processes. A sample of units from all qualifications will not be adequate to support confidence of industry or the VET sector. All units must be validated.

The standards need not be changed, all that is required is that it be made clear that the 'training products' to validate in 1.9 are units of competency and modules.

It would not seem to be meaningful to involve industry in this process unless the RTO is seeking independent vocational expertise as suggested in Clause 1.11. Industry has spoken through the specification of the competency standard, and industry engagement with the assessor (1.5 & 1.6) should provide a strong basis for industry involvement.

In general industry does not have the expertise to play a more active role ... that is at least until such time as industry embraces a competency-based approach in its own processes of recruitment, performance management, succession planning, training and team management. This idea, competency-based human resource management, has yet to take hold ... until then industry does not have the skills to play a more active and direct role in assessment validation.

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:

It is critically important to avoid the 'one size fits all' approach to delivery or assessment, but there must be convergence on the competency standards. For this reason, the use of external assessment is not to be encouraged as it suggests that there is only one legitimate approach to gathering evidence of competence. Instead, the three strategies suggested in the discussion paper would be effective, viz: best practice guides, mandatory requirements for high risk units (as is already required for TAE qualifications), and additional requirements where government funding is involved.

External assessment should not be used where there are industry concerns, however there does need to be a strong monitoring process to follow-up on the effectiveness of graduates, linked back to the VET provider, and with some form of penalties where graduate shortcomings are linked to RTO shortcomings.

Where independent assessment validation is suggested, this should be limited to the TAE, high risk units, and RTOs with a marginal record of compliance.

It would be worth repeating the suggestion that all qualifications would benefit from the creation of a 'keystone' unit of competency, characteristic of the qualification, that would involve both a link to previous competencies (to demonstrate integration and retention), and to future deployment of competencies within industry.

Should independent assessment validation be mandated, the process should reflect the fact that the function of the validation is to establish the credibility of the RTO, not to reappraise each and every assessment. For this reason, only a sample of assessments would need to be validated.

(While on the subject of sampling, there has been a proliferation of sampling techniques suggested to RTOs that are not relevant to a binary distribution such as competence. The advice given to RTOs on sampling needs to avoid normative and continuous data models, and focus on a sample small enough to be functional and large enough to provide assurance.)

Reassessment would best be managed under the auspices of the regulatory authorities in conjunction with industry.

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:

Regulatory authorities should publicise information for employers to assist them with understanding qualifications and AQF levels. There have been numerous examples of over-expectation by employers that have led to complaints that ultimately revealed that employers often expect too much from a given qualification. The long forgotten ASF expressed standards in workplace terms before being replaced by the AQF which expresses levels in academic terms ... and this change was unhelpful in engendering industry understanding.

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 Rules of Evidence provide a strong basis for quality evidence-gathering (1.8b), but there is a need for standards for assessment judgement. The principles of assessment could be co-opted for this purpose by ensuring that the principle of 'validity' is clearly expressed in terms of the use of the specific characteristics of the units of competency (each element of competency, each item of knowledge evidence and each item of performance evidence) as the basis not only for gathering evidence (rule of evidence) but also for making the assessment judgement. The standards have drifted from this understanding on a number of occasions, particularly when the glossary lost sight of the competency-based paradigm and slipped dangerously back to the normative paradigm. The writers of the standards and the associated glossary have been appallingly misinformed about competency-based assessment, and the ensuing confusion has done a great deal of harm.

RTOs should keep all assessments while there is the possibility of appeal, complaint or audit, and retain a sample of assessments while there is the potential for litigation. In particular, RTOs should keep a copy of: the unit of competency; the assessment plan or matrix; the evidence-gathering tools; the judgement tool, and the basis for each individual judgement. The keeping of these documents is needed not only to protect the RTO, but also to protect any assessor making assessment judgements.

The processes currently in use for audit would provide an adequate basis, but this writer is concerned that there may be a lack of clarity in the understanding of competency-based assessments across all auditors of all three authorities. These misunderstandings are clearly present amongst auditors of all authorities, and it cannot be said that one authority has avoided or settled these confusions.

This writer is confident that assessments can be well delivered once clarity relating to competency-based assessment has been achieved across all authorities, the TAE qualifications, the RTO standards and within professional development courses offered for VET trainers and assessors.

12. Discussion questions – enforcement:

- How could the focus of regulation move to evaluating assessment outputs?
- Which additional regulatory enforcement options should be considered in dealing with RTOs providing inadequate assessment? For example, should the regulator have an explicit administrative power to require a RTO to arrange and fund external reassessment, or should additional civil penalty provisions be created?
- To what extent should the characteristics of the RTO influence the response? Should the size of the RTO or the number of students involved matter?
- Given the need to balance procedural fairness with swift and effective enforcement action, what methods should be available to the regulator to manage RTOs that are repeatedly non-compliant with assessment requirements? How could such repeat offenders be defined?
- What role should regulators have in communicating their activities and findings? Does current regulatory practice provide adequate transparency and disclosure, or are there other approaches that should be taken?

COMMENT:

The current powers of the VET authorities are more than sufficient to achieve quality if consistency in understanding and promulgating competency-based assessment can be achieved. However, more attention needs to be given to following-up graduates to monitor future workplace performance.

Where inadequate assessments are observed, VET regulatory authorities should be able to:

- Rescind all assessments made by the relevant assessor(s) and all qualifications based on those assessments;
- Require the RTO to conduct re-assessments (or to fund independent re-assessments);
- Require the suspension and/or retraining of the relevant assessor(s); and
- Require the review of the RTO's internal validation processes.

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:

It makes sense to cancel qualifications and inadequately assessed units of competency where this is observed through audit, validation or future workplace performance. This is a critical issue for the credibility of VET training and certification. It is also important that there be ramifications for the miscreant assessors also.

The students affected by inadequate assessment should be offered re-assessment at the RTO's expense unless the student was a participant in the fraud.

The cancellation of qualifications and relevant units would not be time limited, but given that the student may since have undertaken further training or employment it is possible that an RPL process would be suitable for the re-assessment of the unit(s) and the re-issuance of the qualification(s).

Gap training and re-assessment should be funded by the RTO, but it should be possible for the RTO to take civil action against the assessor to recover costs.

The re-assessment would be offered by the RTO under close scrutiny by the regulatory VET authority. If the RTO no longer has the area on scope, then the RTO should fund the process with another RTO.

The re-assessments would be undertaken by assessors who meet the requirements of the Standards for RTOs 2015.