

**Quality of Assessment in Vocational Education and Training  
– Discussion Paper**

Submission from the South Australian Government

March 2016



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

### Key consultation areas

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

#### Chapter 1: Foundation reforms

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

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

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

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

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

### How to provide feedback

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

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

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

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

## Submission details

1. Submission made on behalf of:  Individual  Organisation
2. Full name:
3. Organisation (if applicable):
4. Please indicate your interest in this discussion paper:   
(i.e. as a student, VET practitioner, RTO, third-party provider, peak body, business, industry representative, regulator or other government agency or community member)
5. Do you want your submission to be published on the department's 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?

### COMMENT:

This submission is provided in the context that the Government of South Australia believes that the States should have responsibility for education from birth to secondary school while the Commonwealth should manage higher education and Vocational Education and Training (VET). Fundamentally, quality in training delivery and assessment flows from the competency of the trainer. All future VET practitioners should receive the highest standard of delivery from the TAE Training Package, from experienced and dedicated TAE trainers who can model best practice for their learners.

#### Delivery of TAE qualifications by Registered Training Organisations (RTO)

Rather than imposing a restriction on the number of RTOs who can deliver the TAE qualifications, there should be additional criteria that imposes a high level of expectation on RTOs seeking to add the TAE qualifications and skill sets to their scope of registration, and these expectations will limit the number of RTOs able to deliver them.

The South Australian Government supports a restriction on RTOs issuing qualifications and skill sets to their own trainers and assessors, as the opportunity for less rigorous assessment of their own employees is too great a risk to the VET sector. This could be mitigated through independent assessment or through a moderation process.

#### Recognition of Prior Learning (RPL)

RPL is a relevant and appropriate assessment process, and should be retained for the TAE qualifications. However, assessors need to be highly qualified and experienced in assessment and apply sufficient rigour in the RPL assessment process to ensure it meets the Principles of Assessment in VET and the Rules of Evidence Gathering in the National Standards.

## Changes to the TAE Training Package

The South Australian Government recognises that there are many highly competent TAE trainers who may not hold higher education qualifications, and have a commitment to ongoing professional development. The requirement that TAE trainers should be university trained may be perceived as contributing to the persistent underlying disrespect for VET as being inferior to higher education. The key contributing factor to quality training and assessment lies in the trainer's commitment to best practice delivery, experience in providing training to a range of learners, and the RTO's commitment to the professional development of their workforce.

The South Australian Government supports the inclusion of a substantial practical work placement component into the Certificate IV in Training and Assessment, and a pre-requisite employment history of delivering training in the VET sector for enrolment in the Diploma. This approach will ensure that those holding the qualification have practical experience in delivering high quality training and assessment services, and are able to provide advice and mentoring to new trainers and assessors.

A commitment to ongoing professional development should also be incorporated in order to maintain contemporary teaching practices. An individual who holds the TAE qualification and has been undertaking ongoing work and professional development, is perhaps of more value than a new graduate or someone who hasn't used their current qualification for some time.

It is important to note, as advised by stakeholders, that an RTO's recruitment processes are more rigorous than simply checking that an applicant has the Certificate IV. An applicant that obtained the qualification online, or with a poor quality 'tick and flick' provider, would be unlikely to obtain employment as a trainer. In addition, a quality RTO will provide a period of mentoring for new trainers in the early stages of their employment, and provide ongoing professional development

There may be value in a national VET professional association taking a leadership role in making recommendations about or monitoring delivery and assessment of TAE qualifications.

## 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 South Australian Government supports the *TAEASS502B Design and develop assessment tools* as a core unit in the Certificate IV in Training and Assessment.

An understanding of how quality assessment tools are designed and developed allows VET practitioners to develop or adjust assessment tools to meet requirements of Training Packages and Accredited Courses in response to industry and learner needs.

In addition, the inclusion of additional units into the Certificate IV in Training and Assessment specific to assessment would be supported, as would enhancement of existing units within the core specific to the development of assessment skill.

However, stakeholders have advised that there may be significant costs to RTOs in making this unit a retrospective core requirement. Therefore, consideration should be given to the unit becoming a core requirement from the date the revised qualification is added to the national register, or there should be allowances made for phasing the core requirement in over time.

The South Australian Government considers that it would be imprudent to form decisions about changes to the TAE based on the majority viewpoint, particularly as the majority of stakeholders in the VET system are private RTOs who may prioritise the minimisation of their operational costs over genuine reforms to strengthen the TAE. For example, increasing the nominal hours or adding a work placement component would add to the cost of delivery and therefore may not be adopted, irrespective of the need for that reform.

State governments, in consultation with quality RTOs and industry representatives, are best placed to provide balanced recommendations that will benefit the VET sector overall.

### 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 South Australian Government supports the establishment of a national professional association for the Australian VET system.

The quality and respect for the VET system is of critical importance to meeting industry's skill needs and lifting the skill level in the workforce, and therefore it would be appropriate for State and Federal Governments to support a professional body that is responsible for determining and encouraging quality standards of VET practitioners.

Financial sustainability and determining scope are the two main challenges in establishing a professional association. Another barrier could be around the difference between considerations at the national level that may not address priorities at the local level. A governance structure that has representation from each jurisdiction may mitigate this barrier, and would be expected if the association is to be supported by State government funding.

The most useful guiding purpose of a national professional association would be to provide a quality-assured registration certification for VET practitioners, so that consumers have a means for identifying quality practitioners.

It would then be in an RTO's commercial interest to support their trainers to hold individual membership with a professional association, particularly if the professional association membership were appropriately publicised as being the ideal.

## 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:

The South Australian Government considers the most beneficial activities for a national professional association in the short to medium-term are to:

- provide a quality-assured registration certification for individual VET practitioners, perhaps using a tiered system for different experience levels, as a means of providing consumers with informed choice of quality practitioner. This could be modelled on teacher registration or industry-based registration certification bodies;
- establish a professional capability framework, potentially based on the VET Practitioner Capability Framework that was developed by Innovation & Business Skills Australia; and
- Design, facilitation and/or accreditation of professional learning and development opportunities, allowing members to move upward through a tiered registration system. This could also assist RTOs in meeting and maintaining the requirements under the ASQA Standards for RTOs.

Other activities in the longer term might include:

- promotion of the profession as a positive career path;
- validation and moderation of assessment tools; and
- being an advocate for VET practitioners in public discourse.

There are a number of existing professional associations to which RTOs and trainers can be a member, which may provide a platform or model to build on. For example, the Australian Council for Private Education and Training (ACPET) has an existing national presence which can support members at a local level, if requested.

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

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

### COMMENT:

The South Australian Government supports Model B, whereby a single VET Professional Association undertakes a range of functions including development of professional standards, capability framework, advocacy design and promotion of professional learning development and practice.

The VET sector would benefit from a professional association by providing a quality certification system for individual trainers, so that consumers of training can make more informed choices, which is an essential factor in a sound and healthy market. Certification also provides VET trainers with an official acknowledgement of their professionalism and value to the community.

As many trainers are sub-contracted sole business operators, it is important that individual membership is encouraged. An RTO may support their employees in funding their individual membership as part of their salary package, and this may become a marketing tool for the RTO.

In any market based system, voluntary membership in a quality certification scheme that is promoted widely as such, would be sufficient incentive to encourage consumer behaviour to favour those certified members. However, with the unfavourable media attention on the VET system recently, consumer confidence is low and a phased-in mandatory system may be one way to improve the reputation of the VET system.

A professional association that is promoted properly to consumers as being a sign of quality, would enhance the desirability of paid membership, although voluntary membership may present financial sustainability challenges in the short-term if uptake is slow. Whether voluntary or mandatory, there may need to be a tiered system that takes account of the reasonable membership costs for casual employees vs full time employees.

## 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 South Australian Department of State Development contributed to the development of the VET Practitioner Capability Framework that was developed by Innovation and Business Skills Australia (IBSA). This Framework can assist in determining gaps in trainers' and assessors' skill and knowledge, and provide a basis for the development of professional development activity.

A shortfall of the framework developed by IBSA is that the capabilities identified in the domains and skill areas are not able to be fully developed within the current TAE Training Package. While it is recognised that the framework is to be interpreted as a matrix of capabilities, not a set of mandatory requirements at a specific level, RTOs should be provided with an opportunity to develop the capacity of their workforce in alignment with a nationally agreed framework.

The Australian Professional Standards for Teachers, developed by the Australian Institute for Teaching and School Leadership (AITSL) may also provide a reference point for ongoing development of the IBSA framework, and may provide an opportunity for a connection between registered teachers (including those who deliver VET to school enrolled students) and VET practitioners who are not registered school teachers.

The introduction of a national framework to support the capability of the VET workforce should be done irrespective of the proposal to develop a professional association, but would have far greater impact and benefit to the VET sector if it were supported by a professional association.

## 7. Discussion questions – increasing industry confidence:

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

### COMMENT:

The South Australian Government considers that increasing industry confidence is reliant on training organisations establishing and maintaining relationships with employers (i.e. clients), and for the VET workforce to maintain the currency of their industry knowledge and skills.

South Australian stakeholders have advised that their training organisations' standard practice is to design course content and assessment processes to meet an employer's skill needs. This allows them to negotiate with the employer a shared expectation regarding the skill levels of graduates.

The recently implemented process for Training Package development is designed to engage industry in aligning training products to the needs of employers. Acknowledging that Skills Service Organisations and Industry Reference Committees are still in their establishment phase, it is anticipated that they intend to establish and maintain adequate industry engagement processes.

The Training Contract model, whereby the competence of an apprentice or trainee is validated by both their trainer and their employer, is the ideal model for engaging industry in the assessment process. Greater encouragement of the use of Training Contracts in the VET system would be more effective in aligning skill needs to an employer's expectation.

Where Training Contracts may not be suitable, an employer can be encouraged to invest in hosting a student in a work placement arrangement. This will develop the relationship between the student, training organisation and employer, provide confidence in the training and assessment delivered as well as share knowledge of the requirements of the industry.

The National Standards for RTOs 2015 are explicit in the requirement for internal and external validation of assessment tools, processes and outcomes, however the practice of moderation has not been fully examined.

Externally administered tests and their moderation across jurisdictions, as occurs in the school system, is a strong and valued model.

External tests may be too generic to improve individual employer confidence in the determination of competency as it applies to their business. However, external tests already exist for occupations where licensing and regulations apply.

There are key benefits of having individuals undertake moderation activity between different organisations when conducted in a professional and transparent manner. Educators are exposed to a variety of assessment tools, and results in consistent outcomes that will improve industry confidence. There is a high cost to this activity, however this should not deter from further evaluation on the impact moderation across providers may have. A professional association could support the undertaking of such activity.

Moderation of training and assessment resources, both internally and externally to the organisation, on a routine basis may be of more value and enhance the skills and knowledge of practitioners involved in this process.

## 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 South Australian Government has taken advice from stakeholders on this matter, and was also involved in the Independent Validation of Assessment Pilot and Independent Validation of Assessment activity undertaken in association with the introduction of a contestable market for VET in South Australia.

The conclusion drawn from these activities is that employers and industry groups require extensive education in understanding and appreciation in the Training Package system, Certificate levels, and Units of Competency. Employers are a diverse group with differing skill needs, over different time frames, operating in different regional labour markets, and with a differing capacity to articulate their needs to policy makers. Therefore, employer involvement in validation of assessment would present significant challenges in ensuring fair and unbiased assessment to graduates from a wide range of circumstances and student backgrounds.

The questions posed by this paper assume that employers will want to be involved in assessment, yet stakeholders have advised that small and medium enterprises (which comprise 97% of the economy) are not enthusiastic about committing their time and resources in an activity that is not their core business. Thus, 'industry' is often represented by a few large organisations or peak bodies who do not always represent the diverse needs of employers, and there will always be some disconnect in employers' expectations of graduates.

A student's competence is a matter of expert judgement and realistic expectation, and is best determined by trainers with the skill and experience to assess and make appropriate judgement.

The responsibility for identifying the needs of employers lies with the training provider, who then develops appropriate training courses and assessment strategies that also meet the needs of the training package and learners. It is then reliant on the competence of the trainer to implement training and assessment to a high quality standard. Further and continual development of the VET workforce must be at the forefront to ensure quality training and assessment occurs in a rapidly shifting education and training market.

Surveys of South Australian graduates of publicly funded training have indicated a high level of satisfaction with their training, which is not necessarily matched by employers. This is more an indication of the weak relationship that some RTOs have with their industry and employers, rather than an indication of trainer competence.

Australia's Training Contract model is effective in aligning skill needs to an employer's expectation, as the competence of an apprentice or trainee is validated by both their trainer and their employer. The addition of independent validation into this model would be of little benefit, and indeed may be a burden to all parties involved.

Outside of Training Contracts, a potential way to facilitate greater industry engagement would be to add work placement and/or practical components to a greater number of qualifications, and for a review of nominal hours versus delivery hours.

The involvement of industry in the design of training products, and in a training providers' assessment validation activity, is considered as leading towards positive impacts on the quality of assessment outcomes. However, the impost on industry beyond current requirements should be considered carefully. Where there are discrepancies between training provider and employer expectations of graduates, Skills Service Organisations should encourage industry to propose appropriate changes to the training package.

## 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 South Australian Government supported the Independent Validation of Assessment Pilot undertaken under the National Partnership Agreement on Skills Reform 2012, and other subsequent Independent Validation of Assessment activity. There have been various approaches undertaken in this work that confirm that a 'one size fits all' approach to validation of assessment is not desirable in the VET system.

The national Standards for RTOs 2012 outline the validation of assessment expectations for RTOs, and the South Australian Government will continue to support this activity.

Where independent validation of assessment occurs, it is critical that providers are appropriately informed of the outcome and be expected to make changes to training and assessment strategies to meet any identified shortfalls. Bodies such as the national regulator need to be informed of poor assessment practice and act appropriately, and industry expectations need to be forwarded to the Skills Service Organisation to inform training product development.

Stakeholders have advised that they prioritise work placement over assessment validation, as this allows a more immediate validation of a student's competence in the workplace. For high-risk industries, such as community services and health, licencing and registration measures are seen as a priority.

A specific issue raised by stakeholders was the link between independent validation of assessment and access to government funding. Stakeholders were concerned that, if an independent validator had a bias against an RTO, then this would impact on their financial stability.

### Reassessment

Reassessment of students that graduated from a non-compliant RTO is a complex matter that raises legal and financial issues, as well as concerns for a recent graduate's confidence and mental health.

Stakeholders advise that there are a range of indicators of poor quality training and assessment whereby the national regulator could take pre-emptive action, rather than allowing matters to arrive at a crisis point. Further advice indicated that moderation is considered a good model, in addition to building the capability and competence of the VET workforce, and these activities could be facilitated by a professional association.

## 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:

The South Australian Government supports a collaborative approach to developing resources for employers regarding reasonable expectations of VET graduates, acknowledging that employer expectations will always vary depending on the expertise of the employer, their understanding of what the qualification provides and the needs and context of their business.

The development of these resources should form part of Training Package development processes, which are designed to be collaborative across industry and government jurisdictions.

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## 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:

Fundamentally, the South Australian Government considers that focused and coordinated effort should be directed to the reform areas covered by the previous two chapters. Improvements in trainer competence and quality certification, and ensuring industry engagement in the learning process and aspects of the assessment process, will mitigate many of the issues with RTO non-compliance and quality in assessment that are currently prevalent.

All training packages developed under the Training Package Standards 2012 clearly specify the evidence and required conditions for assessment. However, as many revised training packages are yet to be endorsed and others are in the transition stage, the impact of the Standards on quality of assessment is yet to be determined.

It would be reasonable to strengthen the Standards for RTOs to include quality of assessment, but a trainer certification system overseen by a professional association would likely be seen by consumers to be of more benefit and improve their confidence in the system.

RTOs should be expected to have fully operational assessment systems that comply with assessment requirements of each training package, and RTOs must be able to clearly demonstrate to either the national regulator and/or funding body that a robust assessment process has been undertaken. Requiring RTOs to retain more evidence for longer periods is a time and cost burden that is unlikely to improve the quality of assessment practices.

The national regulator moving to an outcomes focus is a complex matter due to the flexible nature of training packages. ASQA auditors may not currently have the capacity or capability to judge assessment quality or outputs, and may need upskilling if this were to become part of their function.

## 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:

Given that governments across Australia spend some \$7 billion on supporting the VET sector, the South Australian Government considers that it is reasonable to communicate the non-compliance of an RTO to consumers, provided that a fair and robust process has been properly completed. ASQA should be given greater powers in this regard, particularly for repeat offenders.

Public identification of non-compliant training providers will assist students and employers to avoid undertaking training with those poor quality providers. This should result in poor quality providers lifting their performance or leaving the market.

Small RTOs can create as much dysfunction in the sector as larger ones, and compliance with the Standards should be the same for all irrespective of size, as should the response of the regulator for non-compliance.

### 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:

The South Australian Government supports the establishment of a mandatory tuition assurance fund to further protect students in Australia's VET sector, particularly in the context of reassessment or cancellation of qualifications.

Models that could assist in the establishment of a mandatory tuition assurance fund include:

- The Australian Council for Private Education and Training (ACPET) Tuition Assurance Scheme, available to all private training providers, with a discount on premiums available to their members.
- TAFE Directors Tuition Assurance Scheme.
- Tuition Protection Service Levy that operates under the national *Education Services for Overseas Students Act 2000*.