



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

Key consultation areas

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

Chapter 1: Foundation reforms

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

Chapter 2: Reforms to the assessment of VET students

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

Chapter 3: Reforms to the regulatory framework

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

How to provide feedback

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

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

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

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

Submission details

1. Submission made on behalf of: Individual Organisation
2. Full name:
3. Organisation (if applicable):
4. Please indicate your interest in this discussion paper:
(i.e. as a student, VET practitioner, RTO, third-party provider, peak body, business, industry representative, regulator or other government agency or community member)
5. Do you want your submission to be published on the department's Yes No website or otherwise be made publicly available?
 - 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 concern about the poor quality of qualified assessors is itself an indicator of poor assessment, and so should be addressed by improving assessment within TAE. Simply restricting the number of RTOs who can deliver and assess TAE does not address this fundamental problem. There is a conflict of interest for RTOs delivering TAE to say that other RTOs should not be able to do so, so restricting access to the market.

If the assessment is well defined, and there is clear evidence that this standard has been met, then there is no reason for RTOs to be restricted from issuing TAE qualifications.

RPL is just another approach to assessment, one that occurs without prior formal training. RPL should not be regarded as separate from assessment, just another assessment approach and as such should have evidence of meeting the same assessment standards. Therefore the practice should not be restricted.

Requiring a minimum period of experience/training confuses someone with 12 months experience with someone who has one month's experience repeated 12 times. It also flies in the face of what competency is about. Competency is about being able to meet the standard. If that is not occurring,

then better define the standard, don't impose additional rules which of themselves may not address the problem anyway.

There is no argument for the need for a university qualification, which typically are not competency based. There may be a case to argue that to assess the TAE Certificate IV you need the TAE Diploma, but that case has not been made.

One would imagine that to develop and demonstrate competency that practical experience would be required. But again to set a period confuses practice with competency as above. It may be appropriate to specify practical activities (eg develop an assessment tool, or conduct an assessment) but not a time period.

Specifying entry requirements shows a lack of understanding of competency. Competency says you can meet the specified standard. It may make achieving that standard easier if there is previous, relevant experience, but to require it as an entry specification denies the fundamentals of competency. If they meet the assessment standard, and the assessment standard is correct, then this should be all that matters.

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:

Ensuring that people are competent to design an assessment tool does not mean they will be competent to conduct an assessment. If the problem we are trying to solve is that there is a lack of confidence in the conduct of assessment, then that is the unit that needs addressing. We could require that any tool used has been designed and developed by someone holding this unit, which would make sense. Many assessors use tools developed by others, for them the required competency is to undertake that assessment well.

Taking a simple majority approach is always fraught in the development of any competency or qualification. Input and feedback should always be evaluated. Not all stakeholder input is equal, some have an axe to grind, others an interest to protect.

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 national professional association of VET practitioners, with an appropriate charter, should help move VET practitioners towards best practice. While developing VET teaching standards may be useful, in the context of this discussion paper, its main focus should be on assessment, not teaching.

My experience of an industry sector based assessor network indicates that regular, face-to-face workshops examining and discussing actual assessment examples and acceptable evidence is of great benefit.

The main barrier is funding. Some small group needs to be funded to communicate with the members and organise the regular workshops. It would also need some seed funding to subsidise the regular meetings (venue, catering, time for the organisers) until such time there was sufficient active membership to reasonably meet these costs from subscriptions.

The most useful guiding purpose would be to assist members move towards best practice assessment. It needs to be 'move towards' because as we get closer, our vision of best practice continues to lift.

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 above would be appropriate. What is missing is the emphasis on assessment in general, assessment of competency in particular and the adoption of a continuous improvement philosophy seeing us all move towards best practice.

There is an advantage in doing this nationally as it leads to greater consistency. Also as much of our industry (our customers) are national, we need a national approach so that the same approach is taken and the same standards applied nationally.

I am not aware of an existing body of this breadth, but there is an existing group which could serve as a model – the Hydrocarbon Assessor Network which has been in operation for 10 years.

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:

I prefer Model B as it will lead to greater consistency.

Extending the concept of teacher registration from schools into VET may have some advantages, but it would need to be reconceptualised to cover the breadth covered by VET in terms of qualifications and industry sectors and to cover competency in general and competency assessment in particular. It would also need to apply to both institutional settings and non-institutional (eg industry based) settings.

A national VET professional association would provide the infrastructure for VET professionals to learn from each other and to see a wide range of good practice, so enabling them to improve their own practice.

Membership fees from individuals, which hopefully will be paid by their employer, is preferable as it should be for the individuals. Also RTOs are not the only players in the VET space. In technically complex areas the best assessors are those still working in the industry, and the best assessment scenarios are set within the operating organisations of the industry. It needs to be open to these individuals also.

Voluntary membership is preferable as it is then approached on the basis of the benefit to be obtained whereas mandatory becomes just another compliance requirement.

6. Discussion questions – capability frameworks:

- What can be learnt or applied from the capability frameworks that have been developed or are currently being developed?
 - Is there an opportunity to make better use of these frameworks, irrespective of proposals to develop a professional association?

COMMENT:

Capability frameworks are always useful inputs, and perhaps greater emphasis could be given to them.

The capability frameworks should be one of the inputs into the TAE competencies and qualifications.

It is interesting that IBSA have chosen to use the term capability rather than competency. Does this reflect some feeling that perhaps the competencies do not cover the requirements for VET professionals?

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 can increase engagement in the conduct of assessment by providing personnel with the technical skills, to be qualified as assessors and then to conduct assessments under the auspices of a RTO. Industry can also increase engagement by requesting that assessments be contextualised to their particular workplace, and where appropriate, occur in their workplace.

Industry's confidence is increased if they are involved in the design and development of the assessment tool, and if they see consistent results with people assessed as being competent actually able to perform in the workplace. In this regard evidence of actually performing in the workplace is useful.

External to whom? The RTO? If so another RTO? Why should they be any better? How would this work in areas where there are few RTOs qualified to deliver a qualification?

Units of competency in the new template allow for this type of detail to be specified in the unit. It should be left to that and where appropriate specified within the unit, not imposed from the outside regardless of whether it fits or not.

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:

I think there is a need to build industry capability with regard to assessment, and one mechanism for doing this would be to qualify industry individuals as assessors

Employer groups and industry associations frequently do not have sufficient grasp of the technical detail to be able to provide useful input into a validation exercise. However, they may well know of appropriate industry individuals who would have a good grasp of the technical details.

RTOs should engage with industry as part of their development of assessment tools, and where practical require workplace evidence as part of their assessment decision.

Industry should not be required to be involved in every validation as they do not have sufficient personnel for this, although validation should be open for them to participate should they choose.

RTOs could take a risk management approach whereby competencies which are high risk for the industry (ie someone not competent is likely to have a large, adverse impact) and this analysis could be part of their audit requirements. High risk competencies then should be able to demonstrate a greater industry involvement in design and development of assessment as well as validation of the tools and the assessment process.

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:

This should not be based on funding, even though that may give the government some comfort. An assessment of competent should mean that the person does meet the defined standard, regardless of who is paying for it.

Independent validation should be undertaken in high risk areas or as a basis for continuous improvement.

Risk should not be restricted. For a business organisation risk arises in many areas (compliance, WHS, environment, social licence, business/commercial risk) and any area where lack of competence could lead to a failure in any of these is a high risk competency.

Where there is evidence of 'RTOs with high levels of non-compliance' then those RTOs should be dealt with directly (eg deregistered, issued with improvement notices etc) rather than make rules which add to the burden of RTOs which are conducting assessments adequately and consistently.

Reassessment should only be applied when a RTO has failed in its duty and the validity of any assessments they have issued is being examined. In this situation it should be the regulator overseeing this.

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:

Yes. The language and style of Training Packages and units of competency has become consistently more foggy as we have progressed. There is a case for a ‘plain English’ version. The obvious people to develop these would be those who developed the Training Package/units of competency.

Having said this, one of the better ways of having industry understand VET is to get them involved directly in the development, bypassing RTOs, or restricting RTO input so that industry feels they get the main say.

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:

RTOs should be able to demonstrate a clear link between the unit of competency being assessed, the assessment processes and tools used, the evidence gathered and the competency judgement. This should also be the case where the RTO chooses, in liaison with the industry customer, to assess a cluster on units together. Clusters of units frequently reflect the actual workplace more closely than individual units and so are easier to align with workplace outcomes, so helping industry. This is what the Standards should require.

As for 'quality of student outcomes', if we take the definition of 'quality' as being 'fit for purpose' then this can only be decided by the customer as to whether the person is fit for purpose. They may well not be fit for purpose but still be competent in terms of meeting the units' standards. There are two approaches here, the RTO should consult with the client before delivery to determine 'enhancements' which will make the person fit for purpose. The second is a feedback link to the owner of the unit of competency to make sure, as far as is practical, that the unit is consistent with industry view as to what is fit for purpose. When industry is not central to the development of units, this tends not to occur.

Retaining evidence for longer does not improve the quality of the evidence. It does however make a larger pool of evidence available for validation and moderation, and so from this perspective is desirable. However, it should be clear that evidence may (should?) be retained in electronic format, both for convenience in storage and retrieval and also so that it is potentially more easily searchable. Requiring RTOs to retain original assessment materials breaches the need of providing rapid feedback and returning to the person their own material.

ASQA's role should be ensuring that validation and moderation has occurred at an appropriate frequency and using an appropriate methodology (ie relevant to the risk, the unit and the industry sector/organisation). Firms specialising in the assessment of students would only have a limited

range of expertise would be quite inappropriate to use in many circumstances. Also using such firms means they become the *de facto* holder of the standards. This is inappropriate.

I have no objection to training only RTOs *per se* but fail to see how their creation will improve assessment, or indeed why they are needed, unless it is to acquire government funding. If it is simply to acquire government funding, might not these scarce resources be better spent on increasing workforce competency and so economic productivity? There are many organisations who are successful training deliverers who are not RTOs.

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:

Inevitably such a system will tend to focus on complaints, which is too late in some respects. The effort needs to go into making sure RTOs get it right (see above). But what of the scammers?

If there is a complaint, and the RTO involved can't give a reasonable explanation AND take remedial action within a short period, then perhaps by definition they become a repeat offender – ie don't wait for the next complaint, the repeat offence is not rectifying the cause of the initial complaint.

I think communicating details of adverse audit findings and regulatory actions promptly will cause RTOs to review their actions so that they are not next. I think the initial publication should not name the RTO (to allow for the progress of a fair process), however once they become categorised as a repeat offender (as above) then their name should be published.

Further, for repeat offenders, those gaming the system or other scammers, it should be open for ASQA to take direct action against the directors of the RTO resulting in significant financial penalties. The possible penalty should outweigh the likely benefit.

A defence of an honest mistake, and of taking appropriate action to remedy identified situations should be allowed.

Risk management would tend to make this more severe on larger RTOs as they will have an adverse impact on a larger number of people and industry.

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:

Where there is evidence that a qualification has been fraudulently issued, it should be cancelled forthwith.

Where a qualification has been wrongly issued due to inadequate/wrong assessment, AND this assessment gap is significant to the competency, then the individual should be required to have this gap assessed (say within six months) to prevent the qualification being cancelled. Generally it would be appropriate for the RTO to bear the cost of this, and also to conduct the reassessment, using corrected tools and processes.

Reassessment should be by people qualified to undertake the assessment. A reassessment should not be to a different standard than the original assessment should have been to. However, due to the likely increase in emotion accompanying a reassessment, it is recommended that they be undertaken by experienced assessors, and where practical by two or more assessors. It could be that

the original assessor is still the best person to undertake the reassessment (eg if the tool was wrong but the process OK).

If the assessee's involvement was fraudulent, then they deserve no special income support.

If the assessee is an 'innocent party', and are able to retain their job (as they still have the qualification) while undergoing reassessment, then no support should be necessary.

If the assessee is an 'innocent party', but does lose their job immediately, then income support should be available until they have been reassessed and been reissued with the qualification. Should their original job no longer be available, then they should also have support to find a similar position.

Having a formal TAS is desirable but should not be compulsory for all RTOs:

- Some may be confident in their assessments and so such a scheme is of no relevance to them
- Some deliver training and assessment services funded by the employer, and so this is not relevant