



## 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.

**Please note:** The feedback in this paper has been prepared by Training Services Australia. A draft of this feedback was provided to the WA Community Services, Health and Education Training Council (CSHETC) prior to a meeting which we attended at the CSHETC offices on 26 February 2016. We understand that some of our feedback may appear in the paper that the CSHETC intends to submit.

## 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:

1.

The number of RTOs delivering TAE qualifications and skill sets appears to be too high (with over 15% of RTOs scoped to deliver TAE40110). Reducing the number of RTOs should make it easier for regulators to monitor and manage those scoped to deliver these qualifications and skill sets.

Measures that can be used to reduce the number of RTOs delivering TAE qualifications and skill sets include:

- Requiring those delivering the Certificate IV in Training and Assessment to hold a Diploma level VET qualification or higher (the Standards for RTOs require this to occur from 2017)
- Only permitting RTOs with demonstrated experience in the sector to deliver the TAE40110 (this has recently been introduced into the Standards for RTOs)
- More carefully reviewing RTOs' training and assessment strategies for TAE qualifications and skill sets before they are granted approval to deliver them
- More rigorously and more frequently auditing those delivering TAE qualifications and skill sets
- Requiring RTOs to have their assessment systems for TAE qualifications and skill sets independently validated (as is now required under the Standards for RTOs). However, at present, there is no control over the quality of the independent validators that may be used. We recommend that the existing requirement be amended to require RTOs to source the independent validator from a government appointed panel.

- Reducing the size of the market by creating qualifications and skill sets for those who work as trainers and assessors in industry but who do not train and assess within the formal VET sector

We don't believe it is appropriate to reduce the number of TAE providers through the use of a quota system, although we acknowledge the regulators may wish to have a target number of providers from the perspective of managing quality.

2.

Providing an RTO delivers TAE qualifications and skill sets correctly, and takes steps to avoid conflicts of interest, there is no reason why it should be restricted from issuing TAE qualifications or skill sets to its own trainers and assessors.

3.

Any RTO with TAE qualifications and skill sets in their scope should be permitted to assess them via RPL. To improve consistency, consideration could be given to providing a standard tool RPL tool for RTOs to use which would be 'deemed to comply' with Training Package requirements providing it was used in accordance with the instructions provided. RTOs could customise the tool to meet local needs, while still having the option to develop and use their own tool if they prefer.

On a separate but related matter, it is important that clear guidelines are provided to RTOs about how to manage 'transition issues' when TAE qualifications are updated, particularly the Certificate IV in Training and Assessment, and the assessor skill set.

Historically, each time the Certificate IV has been updated, there has been significant demand from trainers and assessors wishing to upgrade their qualifications in order to maintain the currency of their credentials and to comply with the latest standards for RTOs and / or requirements of their employer. The majority of these people are simply looking to upgrade their qualification, not their skills and knowledge, and many will seek out an RTO which can upgrade their qualification for minimal cost and minimal effort. This has led to inconsistent practices amongst RTOs offering TAE 'upgrades', with some providing the upgrade via a purely administrative process, while others have required candidates to provide varying amounts of evidence of current competency.

As an RTO which has been delivering the Certificate IV in Training and Assessment (and its predecessors) for many years, we have always found it challenging to determine how best to manage transition issues in a way which keeps both our clients and the regulator happy, and which maintains the integrity of the new qualification.

Providing clear guidance to all RTOs on how to manage transition issues should help to reduce inconsistencies. RTOs should also be required to explain the process they will use to manage transitions as part of their application to extend their scope, and they should be audited to ensure they are following the approved process.

4.

We believe that TAE qualifications and skill sets should only be delivered by VET practitioners who can demonstrate a specific period of training and/or assessing employment history in the VET sector in Australia and suggest a minimum period of six months.

We support the requirement that those delivering the Certificate IV in Training and Assessment hold the core units from the Diploma of VET plus *TAEASS503A Lead assessment validation processes* and *TAEDDES502A Design and develop learning resources*. They should be required to demonstrate competency in these units regardless of whether they hold higher (university level) qualifications.

We support the requirement for a practical component for the Diploma of VET. This is already built into some of the units which require a minimum number of hours of training delivery and a minimum number of assessments. Those entering the TAE Diploma should not be required to demonstrate employment history in the VET industry before they commence, but should be required to demonstrate this, by way of practicum, before they complete the qualification.

We note that the existing assessment requirements for the Certificate IV in Training and Assessment do imply a limited practical component, and we are uncertain whether an additional practical component should be added. We would be more supportive of this if the Certificate IV in Training and Assessment was only being used by RTO trainers and assessors (i.e., if an alternative qualification was developed for non-RTO trainers and assessors and gained acceptance by industry).

5.

The Certificate IV in Training and Assessment and the Assessor skill set have clearly been designed for trainers and assessors who work for Registered Training Organisations, particularly TAFE colleges and other RTOs who operate similarly to TAFE colleges.

However, in the absence of alternatives, the qualification and skill set are utilised by many other organisations that employ trainers and assessors, including non-RTOs. In many cases, the qualification is not suitable for these people because it does not reflect what they are actually expected to do in their job roles. Some of the consequences of this include:

- Students do not end up with the skills and knowledge they need to be good trainers and assessors in their industry, because too much of the training time is spent focusing on aspects of the TAE units of competency which must be addressed, but which the students won't use in their job roles as trainers and assessors
- Students are dissatisfied and disinterested in the TAE course because it does not reflect their job role
- Students struggle to complete assessments in the workplace because work practices do not align with the assessment requirements
- Some RTOs may water down their training and assessment to align more closely with client needs and less closely with Training Package requirements

These people, their employers and the RTOs which provide services to them also become stakeholders in consultations about qualifications such as the Certificate IV in Training and Assessment, making it more difficult to achieve consensus on how best to improve these qualifications.

We believe that providing fit-for-purpose qualifications and skill sets for those who do not operate in the formal VET sector will reduce the instances of inappropriate delivery of the Certificate IV in Training and Assessment and the associated downward pressure on the duration and quality of delivery of this 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:

1.

The Certificate IV in Training and Assessment should not include a core unit on the design and development of assessment tools. The skill to do this is above entry-level and many RTO trainers and assessors are not expected to design and develop assessment tools in their organisation.

We recommend that TAEASS502B should stay in the Diploma, with the option for more capable or experienced Certificate IV candidates to complete it as an elective unit.

To address issues of poor quality assessment tool design, consideration could be given to adding a requirement to the standards for RTOs that assessment tools are developed, or checked before use, by someone who holds TAEASS502B.

2.

In the case of making updates to the TAE, we believe that it is important for the views of all stakeholders to be sought and considered. We are concerned about the ability of certain stakeholders who are 'perceived' to be key stakeholders to have undue influence.

We strongly believe that work is needed to examine who is using the TAE40110 qualification and its fitness for purpose. We believe there are currently too many 'square pegs' trying to fit into a 'round hole'. Creating qualifications and skill sets which meet industry's needs for trainers and assessors (including industry which operates outside the formal VET sector), will reduce the number of stakeholders interested in changes to the TAE (particularly at the Cert IV level) and increase the consistency of opinion around what changes are needed.

### 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 for VET practitioners could be beneficial for helping to ensure that VET practitioners:

- a. maintain current knowledge and skills in vocational training and learning that informs their training and assessment (RTO Standard 1.13c); and
- b. undertake professional development in the fields of the knowledge and practice of vocational training, learning and assessment including competency based training and assessment (RTO Standard 1.16)

This could be done through a PD points program administered by the association.

If such an association was to be established, we believe that the Australian government should play a role in its development and funding.

The establishment of a VET professional association also has the capacity to raise the profile of training and assessment as a profession. However, this would rely on the association being joined by large numbers of VET practitioners.

Some VET practitioners may be reluctant to join the association, particularly:

- a. those who are already members of other associations relating to their area of vocational expertise; and / or
- b. those who train and assess in a part time or casual capacity

It may be necessary to offer different categories of membership for those who are not working as full time VET practitioners.

#### 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 main benefit of a national professional association would be to register VET practitioners and verify that they are keeping their VET knowledge and skills up-to-date (e.g., via a professional points program). To this end, it would also be important for the association to coordinate, approve or design professional development programs. This could be supported by their involvement in the development of VET practitioner capability frameworks.

The association could also play a role in:

- positively promoting the profession of VET trainers and assessors as an employment destination and career path to attract professionals; and
- acting as an advocate and voice for VET trainers and assessors

We are uncertain about how the association might interact with industry to respond to their emerging needs. This may be possible within the VET industry.

The advantage of conducting PD activities at a national level is that VET practitioners would have a single source of information to support their professional development. The association would not necessarily have to provide all of the PD activities itself, but could work with existing organisations to offer 'accredited PD'.

## 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:**

We believe that, of the suggested models for a VET professional association, Model B would be most preferable. The professional association could endorse or accredit PD activities offered by other organisations with specialist skills and expertise to offer support to VET professionals.

A VET professional association would help ensure that VET practitioners have opportunities to maintain their VET skills and knowledge. RTOs employing members of the association would also have greater confidence that those people have up-to-date skills and knowledge.

The professional association would need to be sustained by membership fees from individuals, although some RTOs may elect to pay the fees for their staff. The association may also be able to obtain funds through professional development activities and conferences. Publication of a quarterly e-magazine may also offer the opportunity to obtain funding from sponsors.

While membership of the professional association should be mandatory for full-time trainers and assessors that work for RTOs, some thought will need to be given about the arrangements for others. For example, some industry-based personnel conduct assessment as an adjunct to their principal job-role and may only assess a handful of people each year. It may not be reasonable to expect them to be full members of the association (and pay the associated fees). Furthermore, those who are members of professional associations relating to their area of vocational competence may be reluctant to also join a VET professional association, particularly if this requires the payment of fees.

Consideration should also be given to trainers and assessors who do not work in the formal VET sector. While it may not be possible to make membership mandatory for these people, the association should look at catering for them in some way.

## 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:

We are familiar with the VET Practitioner Capability Framework developed by IBSA and can see the potential for practical applications in:

- The recruitment of VET practitioners
- Professional development of VET practitioners
- Performance appraisal of VET practitioners

We also note that the Department of Training and Workforce Development (WA) has aligned its professional development program to this Framework (<http://www.vetinfonet.dtwd.wa.gov.au/ProfessionalDevelopment/Pages/ProfessionalDevelopment.aspx>). We envisage that a VET professional association may do something similar.

We believe that the current framework could be enhanced by considering its applicability to part time trainers and assessors who work in industry. There are significant numbers of people in these roles, and an additional level may need to be inserted in the framework (before Level 1) to reflect their roles. For example, many of the descriptors for a First Level Practitioner are beyond what would be expected from a good quality in-cab trainer who works on a mine site.

We are optimistic that by establishing a framework that truly reflects the roles played by all trainers and assessors (including those who operate outside formal VET), there is a better prospect of qualifications and PD activities being established to cater to the needs of all.

## 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:

Given the diverse nature of the sector, a one-size fits all approach to industry involvement in assessment validation is unlikely to work. Perhaps consideration could be given to including requirements for industry validation within Training Packages themselves, as this would allow those requirements to be tailored to different industries.

In response to the difficulties involved in engaging representatives from some industries in validation processes, there may be benefit in SSOs / IRCs developing 'industry endorsed' assessment tools for RTOs to use, particularly for high volume and high risk qualifications. RTOs could choose to use these if they wish, or to use them as a starting point for developing their own assessments. Providing high quality 'model tools' which have been developed in consultation with industry and are deemed to comply with Training Package requirements should help to improve the quality of assessment tools in use. RTO quality audits could then have a greater emphasis on how RTOs are applying the tools.

Industry-endorsed, externally administered tests may be a suitable approach for helping to ensure that VET graduates are competent, but only in limited cases. We can envisage them being used for checking students' technical knowledge in high risk industries, after the student has successfully completed a competency-based assessment.

The matter of who should regulate the tests would need to be decided at an industry level, with SSOs and IRCs involved in the process.

In response to the general issue of 'increasing industry confidence' it should be noted that while some industry representatives may express dissatisfaction with the quality of assessment, industry has also been known to put pressure on RTOs to deliver training in unrealistic timeframes and to 'dumb down' their assessments. There is also an expectation from some in industry that assessments can be completed entirely in the classroom, despite the fact that this is not appropriate for the units being delivered or consistent with the delivery timeframes. As an RTO that delivers

mostly fee-for-service training to organisations, we have experienced this type of pressure from very large companies and have lost significant work as a result of our refusal to compromise the standards. We believe there would be less instances of poor quality training and assessment if industry demanded longer delivery times and more thorough assessments from fee-for-service providers, rather than basing their decisions (as many do) around who can provide the training most quickly and most cheaply.

## 8. Discussion questions – the role of industry in assessment:

- What role should industry, for example, employers and industry organisations, play in validation of assessment? Does the varied interpretation of 'industry' inhibit a proper appreciation of the topic and should it be defined? If so, who would best define 'industry' when considering the practice of validating assessment?
- Do employers or industry groups have the skills required to fulfil this role in validating assessment? Is assessment such a specialised skill that industry and employers either do not want to get involved or should not get involved?
- Is there a need to build industry capacity and capability regarding involvement with training and assessment? If so, how might this be done?
- How can we ensure engagement with industry is appropriately targeted so it does not add undue burden and is targeted to those within industry with appropriate expertise required for validation of assessment?

### COMMENT:

As a Registered Training Organisation, we find it difficult determine firstly, who 'industry' is and secondly, how to involve industry in meaningful validation which is not overly burdensome. It is also hard to know how many industry people we need to involve. Given the diverse nature of the VET sector, there may be value in having separate definitions of industry within each Training Package.

Because of the challenges in engaging industry, we believe that there would be benefit in industry being engaged in the development and validation of assessment tools at a 'whole of industry' level (through SSO / IRC) and these tools made available for RTOs to use.

In our experience, many employers do not have people with the skills required to participate fully in assessment validation, and / or they are not prepared to commit the time needed to conduct thorough validation activities. In many cases, a more realistic expectation may be for representatives from employers or industry groups to validate the assessment strategies that an RTO has adopted, rather than being involved in a detailed review of assessment tools, mapping documents, etc.

## 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:

We believe there would be value in providing a principles-based model and best practice guide to support the VET workforce in identifying the most appropriate technique to validate assessment. This needs to take into account the diversity of the sector and the challenges faced by RTOs in engaging with industry, including lack of industry interest and capability.

We support the use of independent validation for high risk qualifications (e.g., Certificate IV TAE) but recommend that controls are put in place around who can be an independent validator. Industry, through the relevant IRCs, should have a say about which Training Package qualifications require independent validation. Where an RTO chooses to use an industry endorsed tool, independent validation of the tool should not be necessary and the validation process could focus on confirming that RTO assessors are using the tool correctly to collect evidence and are making correct assessment decisions.

Bearing in mind that independent validation introduces additional costs to the RTO, we support its use for RTOs seeking to access government funding, but only above a certain threshold.

External assessment by industry (via a test) may be appropriate for some situations and it should be up to each industry to decide whether such an assessment is needed.

Our initial thoughts about independent reassessment are that it would most likely be a time consuming and expensive process and should be avoided where possible. If done properly, it would also impose an additional burden on students. Further thought and debate is required about this concept before any decisions are made or actions taken.

## 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:

We believe there would be benefit in providing information for employers about qualification outcomes in plain English.

In addition to the examples given in the discussion paper, employers who are paying for fee-for-service training for their staff could use this information to ensure they are selecting the most appropriate qualification.

For example, a well written resource might help dissuade employers from enrolling their personnel on the Certificate IV in Training and Assessment in situations where the qualification does not align with workplace requirements. Similarly, a well written resource could be used to help convince an employer of the benefits of enrolling their supervisors and team leaders in the Certificate IV in Leadership and Management, rather than selecting the Diploma of Leadership and Management, a qualification which is more suited to mid-level managers.

We would recommend that any resources developed also provide industry with guidance about what to expect (or look for) in relation to delivery and assessment timeframes for qualifications.

We are not convinced of the need to introduce new terminology to distinguish between ‘competent’ and ‘job ready’ but are open to hearing further arguments about the merits of this idea.

## 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:

We do not believe that further work is needed at present to revise the Standards for RTOs to include strengthened and more specific rules around the conduct of and evidence to support assessment.

We do not believe that increasing the length of time for which RTOs are required to retain student assessments would improve the quality of RTO assessments. It would, however, increase storage costs for RTOs. In our experience, auditors only ever have time to review a small percentage of the retained assessments at audit, and we cannot see the benefit of giving them more to choose from.

Providing industry endorsed assessment tools for RTOs to use (or as a starting point for RTOs to develop their own tools) may allow the emphasis at audit to shift away from the tools and to focus on how they are being used, as well as the evidence collected and decisions made. Consideration could also be given to interviewing a sample of students during the audit process to ascertain their knowledge of core requirements of the qualification they are undertaking or have recently completed.

ASQA would be the appropriate regulator to oversee whether RTOs are assessing correctly, although they may need to engage industry experts to assist with the evaluation of evidence and decisions.

We do not see a formal role for training-only RTOs in the VET sector.

## 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:

Our exposure to the enforcement sphere has been limited, however based on the information provided in the discussion paper, it appears that ASQA believes its ability to swiftly shut down unscrupulous RTOs is severely compromised by the regulatory framework.

We are concerned that unscrupulous RTOs are operating in the VET sector and would like to see the system changed so that ASQA is able to take swift action to sanction them. We also believe that care needs to be taken to ensure that RTOs which are genuinely trying to deliver high-quality training and assessment are not inadvertently subjected to the same sanctions.

We believe that the response should be risk-based, with stronger action taken against RTOs that are delivering in high risk areas, or are delivering to large numbers of students.

Some additional measure that could be considered include:

- Have a 3-strikes policy to deal with RTOs that are repeatedly non-compliant with assessment requirements; and
- Require RTOs which are under investigation for critical non-compliances to include an 'Under investigation' notice on their marketing material, next to their RTO code.
- Linking fines to % of RTO turnover
- Seeking enforceable undertakings from RTOs found to be non-compliant with assessment requirements to have their assessment activities independently validated over a period of time, at their own cost

### 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:

As identified in the discussion paper, the decision to cancel qualifications brings with it a host of complications. We believe that the power to cancel qualifications should continue to be exercised sparingly, in cases where the assessment was non-existent or so woefully inadequate as to be practically non-existent. When making the decision to cancel qualifications, consideration should also be given to the risks associated with not cancelling the qualification (e.g., impact on public safety).

In cases where qualifications are cancelled due to the negligence of the RTO, the RTO should be required to refund the student's fees and retraining / reassessment should be undertaken by another RTO.

The decision about whether to set up a tuition assurance fund should depend on the frequency with which ASQA intends to cancel qualifications. While membership could be mandatory for all RTOs, an

alternative might be to use a risk-based approach – e.g., RTOs with a certain turnover or RTOs delivering high volume or high risk qualifications.

Qualifications should be cancelled in cases where a student has been found to have committed fraud, with no refund offered. The student should be offered the chance to be retrained and reassessed at their own cost.