



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:

Kerri Buttery, John Dwyer, Carol Hunter, John Price, Suzanne Puzaras, Marc Ratcliffe, Tracey Silcox, Ed Spink, Michelle Weaver.
3. Organisation (if applicable):

Velg Training
4. Please indicate your interest in this discussion paper:

Peak body

(i.e. as a student, VET practitioner, RTO, third-party provider, peak body, business, industry representative, regulator or other government agency or community member)
5. Do you want your submission to be published on the department's website or otherwise be made publicly available? Yes No
 - a. If yes, do you want your name and organisation (if applicable) to be published alongside your submission, 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:

Currently the number of RTOs with TAE training products on scope is quite large. TGA returns a result of 2052 records when searching RTOs with the training component TAE10 on their scope. There are a total of 4629 RTOs listed on TGA (as current), this means 44% of RTOs are registered to deliver TAE training products. Given this large percentage, not all RTOs are able to be closely monitored to ensure quality delivery and assessment of TAE training products, and this has resulted in issues surrounding areas such as the quality of assessment across all industry areas.

We believe that the sector would benefit from the number of providers for TAE qualifications/skill sets to be significantly reduced. This should not be to a set target number of RTOs as **if** the number is set to, say, 200 and the maximum number of RTOs are already registered this does not allow for a new RTO to enter the market who may deliver a high quality service in an innovative manner, simply because they have to wait for another RTO to cease delivering the qualification. There still needs to be some level of competition within the marketplace.

A suitable approach would be to require RTOs to apply for the new TAE training products (when released) and for all RTOs to go through a rigorous audit process, ensuring that only the best quality RTOs are granted registration for the new training products. It is very timely that this consultation is

occurring in line with the review and upcoming endorsement of the new TAE training package as this is an opportunity to reduce the number of RTOs based on TAE10 history and track records. Given that this is such a high risk qualification it could be subjected to a different level of scrutiny in the audit process (high risk as it impacts on training across all industry areas). It may be that more compliance (monitoring) audits are conducted on RTOs with the TAE on scope with a more intensive focus just on that training package. It would also be beneficial to engage auditors who are specialists in the area of TAE, or reintroduce the notion of TAE technical advisors to accompany an auditor. It is also viewed that the use of external independent validators of TAE outcomes also reduces the risk of poor quality assessment and judgements.

Our group also recommends increasing reporting requirements for RTOs with TAE training products on scope. This may include areas such as notification to the regulator of when key trainers move on from the organisation (as the quality of training and assessment and subsequent audit results may be based on the knowledge and skill of the trainer).

One concern about reducing the number of RTOs in this area is less RTOs in rural communities. It should be ensured that learners in remote areas are not disadvantaged and still have suitable access to RTOs offering these qualifications/skill sets.

If regulatory rigour is increased and actions taken to ensure quality practices are employed by RTOs registered to deliver TAE, then there should be no cause for concern that these RTOs may be issuing TAE qualifications to their own staff. Fewer RTOs with TAE on scope would also mean fewer RTOs to send staff to, so some RTOs in rural areas may need to be able to issue certification to their own staff. It would also be unfeasible for some very large providers (ie TAFE) to send their trainers to other RTOs to complete these qualifications.

Some trainers are very experienced and history has shown us that we all, as trainers/assessors, need to continually upgrade our qualifications to remain compliant (ie 1st January 2016 equivalence is no longer accepted). Therefore RPL plays an important role in recognising the skills and expertise of highly experienced trainers and assessors who need to upgrade and maintain qualifications for compliance. It would be unfair for these trainers/assessors to complete full assessments on TAE qualifications if they are able to provide such evidence through RPL.

In order to deliver quality training to people who are entering the training and assessment field, the person delivering a TAE qualification/skill set needs to have well developed skills and knowledge in this field. They need to be able to demonstrate, model, guide and develop such skills in the people they are helping to become trainers. Therefore they should have an extensive range of experience as trainers/assessors prior to undertaking this role as a TAE trainer/assessor in order to consolidate their own knowledge and to be able to draw upon a range of experiences in the area.

The TAE units of competency (current and draft) already require trainers to deliver practical training sessions, show that they can conduct assessment, etc. These are all practical components required by the training package. The questions put forward for this consultation are asking 'should the TAE Certificate IV and/or Diploma require a practical component?'. These qualifications already do have practical components, however it could be beneficial to reintroduce the concept of 'working under supervision' for a period of anywhere **up to** two years (which aligns with the Volume of Learning) while undertaking the full TAE qualification. This would ensure the trainer under supervision is

developing the required skills and knowledge under the guidance of an experienced trainer (who holds the TAE qualification and suitable experience). This could also be undertaken as a 'practicum' similar to what is undertaken by student teachers in the education industry where students go on placement. Given that the Certificate IV is an entry level qualification to become a trainer/assessor, it should be ensured that the qualification does not require the person to be already working in an RTO in order to complete the qualification (ie completing on the job training sessions, etc in an RTO). There should be opportunities available to be able to go on placement if necessary and this would be a new mindset within the training industry. *(Note that the intent of this question does require further clarification.)*

For students undertaking a Diploma qualification, any activities that are authentic and involve development of 'real' assessments that can be trialled, evaluated, revised, etc would assist in improving the validity of assessment.

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:

Extensive consultation has occurred on this issue already and based on the draft materials presented by IBSA, it is clear that the feedback shows that it would be better to either develop a new unit on this or extend the existing units to include more detail on basic assessment development. It is essential that anyone undertaking a Certificate IV in Training and **Assessment** understand how an assessment tool is put together and how it 'works' in order to apply this and understand the tools when conducting assessment. This could be achieved without utilising this Diploma level unit.

The unit TAEASS502B (or its successor) should still be included as an elective in the Certificate IV as some trainers/assessor are responsible for assessment development in their RTO – it depends on the size and scope of the individual RTO as to the responsibilities of that person. It is best to keep this as an option. One option may be to require RTOs to have a 'qualified' person to oversee and approve all assessment items that are to be used (or in the case of large RTOs, a number of people who meet some set qualification requirements as assessors). This may be that the person in the RTO who approves assessment has a Diploma level qualification and is capable of evaluating the quality of the assessment tools developed, and lead activities such as moderation. In small RTOs, it would be necessary to have someone who is proficient in developing/adapting quality assessment in their everyday operations regardless so this should not be too onerous for smaller operators. It should also be noted that at the time of undertaking a TAE qualification not everyone knows what their employment circumstance will be and therefore as the entry level qualification (and the only ongoing requirement for employment) there must be some level of knowledge of assessment evaluation/development in the Certificate IV qualification.

In relation to making decisions based on majority considerations or key stakeholders, this would depend on the individual situation and area that requires updating. In some instances it may be acceptable to 'go with' a majority vote, however, in other circumstances this may be detrimental to the VET system overall and it may be more useful to give more weight to the quality of the arguments put forward by key stakeholders (based on the issue at hand and the evidence presented).

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:

There is definitely a place for a national (or a number of state based) body/ies for VET. Sufficient authority must be given to this body to ensure it has enough ‘clout’ to make a difference.

Having an organisation to conduct registration and tracking of qualified trainers and assessors and provide recommendations for ongoing professional development would provide a range of benefits for the system and bring accountability to the profession. Such an organisation may be able to be self-sufficient in the long term but it would be essential to have initial seed funding from federal government for it to be successful.

Possible barriers to establishing such an organisation could include:

- Agreement of a consistent system across all states
- This issue of compulsory/mandatory registration – would this be a requirement?
- How would trainers be **made** to register?
- Would it be the employer’s choice as to whether they require trainers to be registered?
- If there are multiple organisations (associations or registering bodies), would it be the employer’s choice as to which association to align themselves with? (example of accountants and their institutions)
- Also, there may need to be different levels of registration for part time or volunteer trainers – they may be working under supervision and might have a provisional level of registration
- Some trainers and assessors work across a number of RTOs as sessional staff and it would possibly be unfair to expect these sessional staff to belong, and pay fees, to a number of associations or registering bodies

4. Discussion questions – potential activities of a VET professional association:

- What activities would be most beneficial for a national professional association to undertake? For example, would it:

- coordinate, approve or design professional development programs
 - develop capability frameworks
 - positively promote the profession of VET trainers and assessors as an employment destination and career path to attract professionals
 - act as an advocate and voice for VET trainers and assessors
 - interact with industry to respond to their emerging needs
 - register VET practitioners?
- What advantages would there be to conducting these activities at a national level rather than through existing professional development undertaken through membership of existing groups, or that which is currently organised by RTOs?
 - Are there any existing organisations that could fulfil this role?

COMMENT:

All of the activities listed in Discussion Question 4 would be useful for a professional association to undertake and these would also be the advantages of having a professional association/body in place. In some instances this may be in more of a coordination role rather than a delivery role (ie workshops, webinars, etc – it may be allocating points to services offered by other organisations that trainers can participate in as it is unlikely that one organisation would be able to cater for this for all trainers/assessors across the country). Therefore an important component of the role may be in approving and coordinating and tendering out for niche areas. Also, in order to provide accreditation to trainers and evaluate the quality of the professional development provided and conduct registration activities, this organisation should maintain a level of independence.

There are a number of organisations already in place that can undertake the role of a professional association. Given the unique role of registering VET practitioners and applying some quality control to the process (ie monitoring hours of professional development, renewing accreditation/registration based on experience and ongoing PD against a framework/professional standards etc) then each state already has an organisation in place for this purpose with teachers. These organisations could extend their practices to registration of VET trainers/assessors using their existing knowledge and extensive work in this area already. The Queensland College of Teachers has already undertaken extensive work in developing a professional standards framework and encouraging the use of these with VET trainers in Queensland.

Further to this, the current system of professional development undertaken through membership of existing groups (such as Velg Training, ACPET, etc) provides quality programmes to their individual members and meets the needs of these members. Members can make their own choice/s as to the professional development activities they wish to participate in depending on their needs at the time. It would be beneficial for a registering body to recognise the high quality PD programs offered by these organisations within a framework and provide credit for these to trainers as part of their registration/accreditation process.

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:

Our group would prefer a 'C+' model – this is based on model C with existing teacher registration organisations but extending on this by having multiple organisations offering services to fulfil the roles of the professional associations to ensure a variety of options are provided to trainers in order to meet their needs.

If compulsory to join and with sufficient resourcing by the government, a professional association or registering body may be able to improve the standard of trainers/assessors if they were given the power to approve/not approve based on the experience and quality of work shown. This may mean introducing a process whereby third party reports are provided for a 'provisional' trainer in order for them to move to full registration. Therefore, this goes back to the earlier point made in Question 1 about a mentorship type model where a new trainer is supervised by an experienced trainer who can then provide that feedback for the registration process. Most industries require a time of provisional registration with feedback from an employer or supervisor before moving on to a full registration for the purpose of ensuring a higher quality of professional practice.

This would need to be initially funded by the government for a reasonable period of time, working up to a point where the organisation can be maintained by income from membership fees and activities. If this was done on a state by state basis utilising the existing teacher registration boards, then consideration would need to be given to ensuring a nationally consistent approach is taken and that mutual recognition is provided across borders (ie some trainers deliver training in multiple states).

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 IBSA VET Practitioner Capability framework has a good combination of task and people related skills and levels of achievement that can act as motivators for improvement for trainers and assessors, as does the framework developed by the Queensland College of Teachers (with key development work by John Dwyer).

A framework such as this has to also be developed or extended to ensure the other professionals that work in an RTO (in administration, design and development of learning materials, compliance, management, etc) are not 'side-lined' in this approach to a focus on trainers and assessors only – the improvement of quality practitioners in the VET sector needs to extend across the whole industry.

There are quite a number of frameworks that have been developed across the country and Velg Training have encouraged RTOs to use these in enhancing the skills of their practitioners and planning for future professional development opportunities. If these are to be adopted consistently across the country it would need to be a framework that has been set as the 'benchmark' by a registering body (or professional association), much like a set of professional standards, and used for ongoing trainer registration. If not, these may be left by the wayside as it is up to the individual RTO or trainer to decide whether to use them in a hectic and ever-changing VET environment.

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:

Initial industry engagement in the consultation of the TAS should involve industry in talking with trainers and assessors about the 'products' that will be outcomes of the training as opposed to the 'units' and other related esoteric terminology.

One suggestion for ensuring rigour within assessments of existing RTOs could be to take a statistically random sample from RTOs in selected risk categories, or based on an AVETMISS data draw (or after the Annual Declaration on Compliance) to conduct reviews or validation of assessment.

In utilising any industry standardised/endorsed tests or assessments, these would have to be carefully validated against the Principles of Assessment and subjected to a robust security process to minimise risks of cheating. The concern is that there are already examples of standardised (mandatory) industry tests in place which were developed in consultation with industry, however a number of these assessments have had errors in them and are in need of improvement. Also, there is the question of who would be responsible for writing, developing and maintaining these assessments to ensure they are of the highest quality.

If 'tests' are used to determine gap training, after the gap training further assessment would then need to take place. It would need to be decided then if the further assessment is developed and undertaken by the RTO or if it is passed back to a central 'testing' organisation to complete. Therefore the result of the actual 'testing' would either be Competent or Not Yet Competent, the same as the current system.

Such standardised testing is inconsistent with a competency based system because it is not demonstrating what a learner can 'do' in the workplace but what they can remember in a test situation. What is important is the level of support provided to students in order to achieve success,

and this might not always be reflected in a test situation. However, if a model is adopted that included practical testing of skills as well then this may be worth exploring.

Results of students should not be published as not all students will be working towards a 'C' result. Some will be there for other reasons and achieve an enormous amount of 'growth' in their time with the RTO, regardless of the outcome they receive for the unit.

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:

RTOs invariably develop training and assessment to meet an industry context and generally at a local level (but not always). How would this approach effect Enterprise RTOs as they represent a segment of 'industry'.

The VET sector often makes it difficult for industry to understand their role in validation activities as we use specialised language, and industry representatives don't fully understand the role of training packages and the regulatory environment we work within. While industry representatives may have their own idea of what an employee needs for a particular role, this may be in conflict with the training package requirements and can't be 'squeezed in' to the overall course. Also, engagement may need to be quite extensive to get a viewpoint of the industry overall. The views of a few may not represent the wider industry.

The current model of using industry for engagement and discussion is much more useful than having them validate assessment given a lack of understanding of the points mentioned above (unless the person from industry also has a training background, in which case their feedback can be quite useful).

There is a strong need to build industry capacity and capability in providing input into the training and development of future and existing workers and to entice them to take part in this, there would need to be something tangible in return (ie a funded arrangement). This would be more of an engagement focus rather than a validation focus.

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:

Validation of assessment by industry can often complicate the process as industry are not always aware of the specific requirements within the validation process. The move towards industry engagement as a separate process to validation of training and assessment strategies and practices is a positive move, as it shows that validation requires an understanding of the Principles of Assessment, Rules of Evidence, Training Package requirements, etc. The introduction of minimum qualifications to undertake validation in the Standards for RTOs 2015 is a positive move.

Within the validation process there needs to be a balance between accountability, independence and practicality. Therefore not all qualifications should have a requirement of independent (external) validation, however those qualifications that are deemed as high risk should definitely require independent validation.

One of the main premises within the current standards is to protect the learner. Also, to be fair to the learner. Therefore a learner should not be disadvantaged because they chose RTO XYZ to undertake their training with and have to undergo a second set of assessment (which could possibly delay their employment opportunities). The issues should be rectified prior to the student completing their assessment with the RTO, with the focus on ensuring the RTO has the assessment process (and rigour) at the right level before getting to the stage of assessing learners.

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:

NCVER has undertaken quite extensive studies already regarding employer expectations, etc. If any further work needs to be undertaken, NCVER would most probably be an appropriate organisation to undertake this.

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

- Should the Standards for RTOs be revised to include strengthened and more specific rules around the conduct of and evidence to support assessment? Which elements that have a clear link to quality of student outcomes need to be strengthened?
- Would a more prescriptive condition of registration, such as a requirement for RTOs to retain all assessment samples for a longer period, improve the quality of assessment?
- How could the focus of regulation move to evaluating assessment outputs, such as samples of students' assessment pieces, without incurring excessive costs or imposing excessive burden on RTOs?
 - Is ASQA the appropriate regulator to oversee this function, or are there better placed agencies such as firms that specialise in assessing students?
- Are there other mechanisms that you would like to see added to the regulatory framework to prevent poor assessment? For example, should training-only RTOs be recognised as a formal part of the regulatory framework?

COMMENT:

The Standards for RTOs 2015 are a comprehensive set of standards with clear rules regarding assessment (Principles of Assessment and Rules of Evidence) along with the processes for ensuring quality assessment systems are in place and revising these standards is not necessarily the answer to improving the VET sector. Standards have been revised every few years for quite some time now and the same issues remain.

Within the audit process itself, it may be useful to reintroduce the concept of Subject Matter Experts (or Technical Advisors) to assist the qualified auditor in interpreting the requirements of specific industries. With a massive range of training areas to audit it is difficult for an auditor to be able to understand the intricacies of every single industry and then translate these to the audit situation. At audit, RTOs should be able to produce student work for examination by the auditor. However, often the auditor won't necessarily have the understanding of the requirements of the particular industry and for this reason it would be better to have a technical advisor present to interpret the evidence that is presented. ASQA would then be able to make judgements regarding the compliance of the RTO after being advised by the Technical Advisor if the evidence presented was appropriate/acceptable.

With regards to the retention of student work for a period longer than 6 months – this would depend on the individual RTOs and the length of courses on offer. For some RTOs who have lengthy courses and set start dates, a six month retention period may mean that there is a period of time that no records are retained for a complete student portfolio. For example, maybe only two year courses are offered with a start date at the beginning of the year. This means that from July – December each year the RTO does not have a complete set of student work on file to present at audit. However, RTOs that have shorter delivery periods or flexible starting dates may always have a range of student folios on hand. This may need further exploration to ensure all RTOs have complete portfolios available.

This group does not believe that 'training-only' RTOs would improve quality as these RTOs would then have no accountability to the assessment processes.

12. Discussion questions – enforcement:

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

COMMENT:

The regulatory focus needs to remain on making sure the assessment process (and other processes) within RTOs are of a high standard to promote quality outcomes. There should be an immediate change to the QI surveys so the data can be used in audit, audit should sample interview student and employers as a matter of course (not by exception) and there could be some process for observation by technical experts of practical/training episodes (unannounced) in high risk providers.

The existing Standards and associated sanctions and penalties should be sufficient when dealing with RTOs who have not ensured adequate training and assessment. Also, the size and scope of an RTO should not matter when it comes to regulatory sanctions as all students deserve to receive quality training and assessment regardless of the size of the RTO they attend (therefore the standards should be the same).

RTOs that have shown they are repeatedly non-compliant need to have the relevant sanctions and penalties from the standards imposed.

Two years ago the review of ASQA recommended that a Risk Framework be developed, however this has not yet been published. In cases where an RTO is defined as critical the regulator should have in place business rules to return to monitor the RTO within a defined period eg 6 months. Failure to achieve a lower risk rating within two cycles (ie twelve months) should be a case for the RTO to be removed from the system or have their activity strictly curtailed to the areas of compliant activity. Similarly the RTO with a significant level of non-compliance should be monitored every two years with no capacity to increase scope, failure to reduce the rating after two cycles or any increase in non-compliance should result in sanctions to limit their activity to only the compliant scope.

ASQA has provided a range of effective communication mediums in recent years with the introduction of a Users' Guide, Fact Sheets, reporting on strategic audits, the ability to phone or email enquiries, workshops, webinars and presenting at a range of events. RTOs have access to a

range of information to help them interpret the requirements of the Standards and this has been effective.

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:

Again, the focus of the Standards is to ensure that the learner is protected and is not disadvantaged. The learner tries to make an informed decision regarding the RTO they choose to undertake their training with (or is directed to an RTO by their employer) and they should not be disadvantaged by their choice of RTO. Therefore the focus should be on ensuring RTOs are 'getting it right' before the student completes their training and assessment. Cancelling a student's qualification is not fair to the student who believes they have done everything that has been asked of them. Given that some qualifications may also be used as credit transfer or towards RPL for future qualifications, it is important to ensure the training is sufficient in the first instance.

However, there are cases where students are knowing participants in the fraud and/or it could reasonably be assumed that they knew that the documentation was achieved without the required effort. In those cases where it can be proven that the student /RTO would and should have been reasonably aware that the certification should not have been issued, documents should be recalled, because it is fraud.

If the student is unaware and the fraud is fully on the RTO, then a scheme of protection could be made available to ensure students in regulatory areas receive the training and assessment to have certification reissued. Other documentation is more likely to be left "lie".

The main issue is the time period for discovery. Unless notified, usually by complaint or another source (an industry regulator or police etc,) ASQA will not usually find these issues in a timely manner.

One way forward may be to require more independent validation of assessment (as mentioned earlier) to ensure the quality of the assessment and associated processes. Perhaps the validation cycle should be reduced to three years rather than 5 years (especially considering 5 years is longer than the life cycle of some qualifications in recent years).