



Vertical Horizon Australia (RTO # 31160) Submission on the *Quality of assessment in vocational education and training – Discussion Paper* -10th March 2016

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
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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:

VHA are of the opinion that having a large number of RTOs, and different people from different backgrounds, being able to deliver TAE increases access to VET throughout the country, increases competition, the rate of innovation and the responsiveness of the qualification to meet needs. VHA do not believe that diversity excludes a standardised high-quality provision of the qualification. VHA do believe additional controls need to be placed on the diverse provision of this qualification to assure the quality of the TAE qualifications and skill sets. VHA request consideration of the following:

- TAE qualifications and skill sets should not be eligible for RPL. VHA argues that while equivalency can be evidenced emphasis cannot. VHA argues that all VET trainers and assessors need do a full approved programme of study, demonstrate competency and be regularly updated through a regular 'refresher' programme. VHA believe this process can be expected to ground a 'continuous improvement' of TAE qualified trainers and assessors in the market and the weeding out of poor practitioners.
- The award of TAE qualifications and skill sets, especially an award to an RTO's own trainers and assessors, should be validated by an appropriate external third party, an Adult Education and Training specialist, academic or a 'licencing' specialist consultant.

- RTOs found to have awarded 'invalid' TAE, or found to be unable to demonstrate sufficiency to support a judgement of competency and the award of their TAE qualifications, should be held accountable by their graduates through the cancellation of their student's award, or 'licence' to practice. VHA argue this will help drive the market back to seeking quality provision, better aligned to the 'volume of learning' requirements, rather than a simple cost driven provision currently evident in the market today.
- VHA argue that it is the RTO's responsibility to assure the academic resources and the relationships with the regulatory bodies and that much of the TAE programme, that dealing with training design and development, is supfliforous: i.e TAEASS502B Design and develop assessment tools. VHA would like the TAE to emphasise the practical delivery of training and assessment strategies, the sufficient collection of evidence and judgement. VHA do not allow its trainers and assessors to alter training and assessment packages without reference back to the RTOs academic managers and argues that training trainers and assessors to do so introduces uncontrolled variability and is contrary to standadised 'best practice'.
- VHA believe the practical demonstration of competency is essential to the TAE programme. Trainer and assessor demenour and behaviour can engage or disengage students and needs to be assessed. VHA currently also assures its award of TAE through an evaluation of graduate practice. This maintains the relationship between the trainer and assessors and the RTO and provides the oppportunity for ongoing coaching. It is a business decision as every VHA TAE graduate is also a prospective channel for VHA services. VHA believes that this action successfully 'closes the loop' on VHA's training and assessment of the TAE and gives the organisation confidence in its programme and award.

VHA TAE are awarded, most often, to industry based subject matter experts who require the qualification to train their trainees in context of their work, often high risk work. VHA argue that requiring these qualified trainers and assessors to also hold formal academic qualification in education and training would be inappropriate. The theoretical grounding they need should be provided within the TAE programme itself. A requirement to have these 'industry based trainers and assessors' to demonstrate a history in VET will result in a chicken and egg situation and a loss of national capacity: Industry based trainers and assessors will not be able train or assess without the qualification and therefore unable to demonstrate required experience. VHA argue that it would be more appropriate that these trainer's and assessor's TAE, or license to practice, be refreshed in a formal manner on a regular basis.

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:

VHA argue that it is the RTO's responsibility to assure the academic resources and the relationships with the regulatory bodies and that much of the TAE programme, that dealing with training design and development, and validation, for example, is suppliforous: i.e *TAEASS502B Design and develop assessment tools* and *TAEASS403B Participate in assessment validation*. VHA would like the TAE to emphasise the practical delivery of training and assessment strategies, the sufficient collection of evidence and judgement. VHA do not allow its trainers and assessors to alter training and assessment packages without reference back to the RTOs academic managers and argues that training trainers and assessors to do so introduces uncontrolled variability and is contrary to standadised 'best practice'. On this basis VHA agree that *TAEASS502B Design and develop assessment tools* unit of competency a specialist unit that should sit at a diploma-level. VHA argue that *TAEASS403B Participate in assessment validation* should also removed, the principles embedded into *TAEASS402B Assess competence* . It is part of the same activity.

VHA put the responsibility for judgements on any update to the TAE back on the DET. This is the purpose of DET, and is the role of the public sector in general, to sort through the different stakeholder priorities, special interests, and emotive commentary, for the good of the VET sector, and the country as a whole. On this basis VHA suggest that decisions should be based on evidence in a case by case basis. Decisions need to be evidence based not based on either a majority or special stakeholder opinion or point of view. VHA see a need for ongoing research to clarify the reality of situation. VHA make commitment to engage and contribute to any research on this matter as appropriate.

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:

VHA do believe that there is a need to establish a professional association for Australia's VET system and that such an association should be started by enrolling, licensing and classifying TAE instructors in the first instance: Into TAE Trainers, Evaluators and Licensing persons. VHA are concerned about the increased bureaucracy and costs such a system may bring. VHA recommend that the professional association be centered around a registration and licensing regime, with licences to train TAE requiring renewal every 5 years. Registered and licensed members should be required to maintain an online log of their activity as a continuous professional development (CPD). This should keep the costs of random and relicensing audits to a minimum, assure trainer professional development and currency, and provide the association some oversight of sector activity. The electronic CPD diary log could exist for each member on the professional association website under an individual members profile/log-on. Some of it could be made visible to the public and/or used to capture feedback on performance. This will introduce competition on the grounds of 'quality' and can be expected to improve sector performance in the medium to long term. VHA argue that licensing 'professional' trainers and maintaining and auditing an electronic CPD for 'professional' trainers to use to would be the most useful guiding purpose of a national professional association.

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:

VHA argue that a licensing national professional association may carry out all the suggested activities but focus on and maintain the 'barriers to entry' to TAE training, and later, other training as required, assuring trainer quality, currency and continuing relevance.

As a nationally distributed RTO VHA would prefer that the professional VET sector association be a national association rather than either state based or based around RTO clusters. This will help standardise quality benchmarks and VHA can continue to move trainers throughout the country without requalifying them through a number of different associations. A national association would assure that (continuous) professional development requirements are of consistent quality and quantity and ensure that competition between practitioners is based on 'quality' rather than on time and/or cost benchmarks.

VHA believe that while the professional association may report to the DET it needs to be a separate and autonomous body. There is risk, however, that such an organisation can create so many barriers to entry that almost everyone can be excluded. Controls will be needed to prevent this from happening i.e. oversight and/or control by an external third party / limited and/or cyclic board memberships / or multi party/RTO/industry representation etc.

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:

VHA prefer Model B a national, standardised, semi autonomous / independent professional body specifically established for the Australian VET Sector.

The value a professional organisation brings is the ability to set common standards, establish and maintain quality 'barriers to entry' against these standards, 'licence' trainers able to meet these standards and police the standards in a continuous way. VHA argue that, in the interests of equity and 'fairness', these standards be established at the current benchmark but be raised through a managed professional development programme (CPD) that should improve overall performance through a continuous improvement process, and weed out poor practitioners. Not to do so will create capacity gaps, higher costs to consumers and non compliance, enough non compliance perhaps to make this initiative meaningless (in our sector of VET we have to still educate our market that a Verification of Competency is meaningless unless trained against a standard, an awarded statement of attainment for example).

It should be expected that membership fees from members of a professional association should sustain it in the longer term. RTOs can pay these for their employees. There are tax rebates for professional memberships. This ensures that association members, and RTOs, have 'skin in the game', assures commitment and contribute to culling out the uncommitted and poor performers.

In order for a proposed professional association of VET practitioners to be truly effective it should be mandatory. Voluntary members would immediately find themselves competing on a cost basis with non members and variable quality will continue to pose a problem in the sector.

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 an excellent tool on which to build training packages and performance criteria but VHA believe they should remain just that: frameworks. VHA perceive a risk of Taylorism if the capability frameworks become too prescriptive limiting innovation, flexibility and change. VHA do believe every 'industry' needs to define its needs and that these needs be met through the training packages but enough flexibility must be left in the training and assessment requirements for innovation and emerging needs. VHA believe the capability frameworks should underpin the training packages not define them.

7. Discussion questions – increasing industry confidence:

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

COMMENT:

VHA's interaction with industry reflects the ANTA (2000) findings: VHA engage with industry rather than the other way around. Training in our sector of VET has perceived value for industry but is secondary, always in our experience, to the economic imperative. Evidence from the workplace can contribute to a volume of learning but still needs independent assessment. There are too many conflicts of interests to do otherwise. Given this observation VHA believe that mandated independent validation of assessment by 'professional validators' would lift the quality of assessment across the board. If a professional association were formed it is recommended that all trainers be required to maintain an electronic CPD. Highly experienced trainers, perhaps with industry, or ISC, endorsement, could provide 'licensing' and 'validating' services to the professional body funded by that body and/or the trainer members or their employing RTO. Costs would be passed on.

VHA do believe that standardised industry-endorsed assessments would be useful as long as they were open enough to be applied in different context. These could be developed from the capability frameworks and should allow enough flexibility for the different applications and/or innovative applications of core knowledge, skills and attitudes. These should be, in our opinion, administered by the RTOs and validated externally by industry, or ISC, endorsed members of the proposed professional association. VHA suggests something like this model provides the coverage, access and flexibility the VET sector needs while assuring accountability for quality.

In this case the proposed professional association would regulate the standardised industry-endorsed assessments.

All assessment identifies gaps: An achieved result means that a standard has been reached without evidence of gaps, while a 'not yet achieved' result suggests gaps exist. This question "Should such a test be a pass/fail dichotomy, or would it be more important to use the test to identify gap training?"

appears to be part of a different philosophical discussion. VHA currently provide opportunity for learners who get 'not yet achieved' results with an opportunity for a reassessment after some 'gap training'. VHA respectfully submit the question is moot.

VHA argue that the concept of an externally administered test to be inconsistent with the premise of a competency based VET system and dangerous to an agile industry player's ability to respond innovatively to new techniques and technologies and/or variable and changing market needs. VHA argue that a inflexible externally administered test would be constraining, serve only an established status quo and contrary to the best interests of a dynamic economy. It is a step back to a system that served a 'different' economy.

If such a externally administered test were applied then the role of RTOs would be to provide the gap filling required. Owing to this the results of such tests should then be made public at the RTO level.

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:

VHA learners are in work. Owing to VHA interpret 'industry' as its clients, the organisations who purchase its training services. In this way VHA may be atypical of many RTOs who are preparing learners for work. Despite this VHA have still found it difficult to find appropriate industry representatives to validate assessments. VHA use 'professional evaluators', who charge a fee, and its clients, who often have their own agendas and/or poor knowledge of the VET sector and the constraints on a compliant RTO. For this reason VHA see advantage in 'professionalising' validation possibly through the proposed VET Sector professional association. The proposed association can engage with and assure its validation services with 'industry' and the ISC. VHA argue this will make 'Industry' input less of a burden and more focused and meaningful.

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:

Despite difficulties VHA get value from validation. It is already mandatory under its QMS (and the Standards for RTOs). VHA do see risks to diversity and flexibility if a single validation process or tool was imposed on different RTOs serving different markets. VHA argue that DET may get the assurance it needs through a single central professional association providing a conduit between industry and a team of professional 'validators'. Validation should always be focussed on continuous improvement and trainers, and their employing RTOs made to make change and evidence this when required. To lift the quality of trainer and RTO performance validation should be mandatory and ongoing part of a trainers CPD process and required for maintaining a 'licence' to train.

Industry may maintain oversight (as would DET) through the professional association reports.

Poor trainers, and their RTOs, should be held accountable for poor training. The fact remains however that the link between training and assessment and performance in a workplace is not

direct. VHNZ (VHAs sister company in New Zealand) commissioned research evidenced training transfer was as much about the environment, the culture of a workplace and the engagement of workplace managers, as it was about the training and training resources. Industry do need to be involved in the validation of a final assessment of competence, and such a requirement may improve management engagement, but it should form only part of the review of training performance. Again, mandatory? Client/industry feedback on a trainer's CPD record, managed by a professional association of performance may provide this opportunity. Where performance of learners cannot be linked to an individual trainer the training organisation, RTOs, should receive this feedback and it be replicated onto the CPD of all trainers associated with that RTO. This will have the added benefit of removing RTOs with poor performance records from the market as 'professional trainers' would not want to be associated with them.

VHA argue that the DET should not want to limit the tools available to a trainer or training organisation as this decreases flexibility but make trainers and RTOs more accountable for the training. To this end, the failure of training that can be traced back to an inappropriate application of a tool, VoC, on-the-job, RPL etc., should then trigger a review of a trainers, or RTOs, past judgements, a reassessment of competency and, if necessary, a cancellation of awards. The trainer and RTOs would then be accountable to their learners. VHA argue all the systems for this exist but have been thwarted by the fact that poor performers have been allowed to re emerge under the umbrella of a new RTO. A professional association would prevent this by limiting licencing of poor performing trainers. ASQA enforcement of the 'fit and proper persons' testimonial can be used to limit poor performing RTOs.

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:

VHA believe both Government and Industry have a role in assuring outcome of VET training on the national scale. Government (DET) should fund and facilitate industry creation of capability frameworks, flexible standardised industry-endorsed assessments. This will give RTOs a more prescriptive frame work from which to operate and additional benchmarks a professional association may use to assure quality. The process may be managed by the proposed professional association but VHA argue it is a higher order, governmental, role.

VHA believe Education and Training is ongoing and any further attempt to define ‘competency’ and ‘work ready’ will open up a can of worms. VHA argue there is commons understanding within our sector of VET. Our sister company VHNZ uses: the ‘professional judgement’ a learner is ready to work effectively and safely under various degrees of supervision - as determined by the [level of the training](#). VHA is rewriting its QMS and is likely to set a similar standard. VHA argue anomalies within the market are more often the result of poor behaviour rather than poor understanding.

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

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

COMMENT:

VHA argue that the Standards for RTOs be better enforced rather than revised. We suggest everything that is required is included in the current standards they just need a more frequent visitation. The NZQA in NZ for example provide regional non auditing staff who's role is to assist PTEs in their compliance. Our sister company in New Zealand has leveraged off this free service to continuously improve, becoming a more effective, ISO Certificated training organisation in the process. VHA argue that such a service would benefit RTOs in Australia. More frequent visits from ASQA support staff would provide 'eyes and ears' for ASQA between audits, trigger random audits as required but also provide information and coaching on a as needs basis.

VHA recommend that while Trainers should be managed by a professional association, RTOs should be managed by ASQA. Funded organisations are required to retain their assessments for 7 years. There is no obvious link between retention of assessment and quality. It represents an ambulance at the bottom of the cliff serving only an investigation after the case of a breach. Instead more regular systematic verification by independent and licenced professional validators reporting back to a professional association on trainer quality provide a basis for association report back to ASQA on RTO quality. VHA argue that ASQA assistance on the ground (separate to its audit role) and pressure from trainers having to maintain a positive CPD profile would significantly improve RTO quality.

Third party provision is fraught with risk for RTOs. The RTO is accountable for the actions of its third party co-providers but have little power to enforce its requirements on that Third Party other than to discontinue the relationship. The RTO is left with the mess after the case. Given this VHG believe the approval process for third party relationships needs to be more rigorous, restricted to those RTOs with mature and demonstrated quality systems for example. This will make it less easy for co providers to switch RTOs when quality systems are applied.

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:

VHA's sister company in New Zealand participates in the NZQA mediated assessment 'moderation' process. It is a time consuming and expensive process. VHA believe the current requirement for validation in the VET sector could be better managed to do the same thing at less cost. VHG believe professional validation could be one of the revenue raising functions of the Professional Association selling validation services through licenced Subject Matter experts that have the experience and industry support to validate assessments reporting back to the association on trainer performance, contributing to a trainers CPD profile. The professional association would report to the ASQA recommending support or audit for the reporting RTO. It is expected that smaller RTOs will require more support than larger, which should be able to purchase the capability needed.

Inadequate training and assessment needs rectification. RTOs need to be accountable for this. Qualifications awarded through a demonstrably (*sic*) poor process need to be cancelled and the purchasing learners, employers or agencies empowered to seek rectification or recovery in the courts. It might be that ASQA (or a professional association for the VET sector) can find an underwriter to 'insure' approved RTOs for the costs of rectification. An issue lies in evidencing poor performance. Industry created capability frameworks and flexible standardised industry-endorsed assessments can be used to support training package requirements to better define training and assessment requirements and expectations. VHG and other compliant small providers would benefit from a levelling of the playing field.

VHA argue that trainers agreeing and signing up to a professional association CPD matrix, some of which may be made available to the public, their reporting RTO, validation results and client feedback for example, assuming controls can be put in place to avoid 'white anting' -such as an opportunity for review and reply, should start to identify poor performing trainers and their RTOs. Poorly performing RTOs should be supported to a point but closed if they are unable to improve. ASQA also need to manage the 'fit and proper' persons declaration process more intensely to avoid poor performers reappearing in another guise.

Procedural fairness simply requires agreement to an identified procedure. The power lies with the regulators to state what they need to assure a high quality VET sector and for RTOs to agree and comply or close.

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:

Inadequate training and assessment needs rectification. RTOs need to be accountable for this. Qualifications awarded through a demonstrably (*sic*) poor process need to be cancelled and the purchasing learners, employers or agencies empowered to seek rectification or recovery in the courts. It is appropriate that a statute of limitations be placed on this (i.e. 2 years, 7 years) simply for expedience. Rectification of inappropriately awarded qualifications need not require bringing affected learners back into training. RPL exists and assessments of current competency can be conducted to reduce a learners inconvenience. VHA argue it would be the responsibility of the awarding RTO to carry out the rectification. External validation overseen by the regulator would be required. Costs should be bourn by the RTOs unless they arose from student fraud.

It might be that ASQA (or a professional association for the VET sector) can find an underwriter to 'insure' approved RTOs for the costs of rectification.

VHA argue that an issue lies in evidencing poor performance. Industry created capability frameworks and flexible standardised industry-endorsed assessments can be used to support training package

requirements to better define training and assessment requirements and expectations. VHG and other compliant small providers would benefit from a levelling of the playing field.