NSSC Review of the Standards for the Regulation of Vocational Education and Training

FEEDBACK ON THE NSSC POSITION PAPER- MARCH 2013

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<th>Name of organisation</th>
<th>TAFE Directors Australia</th>
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<tr>
<td>Category of stakeholder (RTO, Union etc)</td>
<td>Peak body representing 61 technical and further education providers</td>
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<td>Participation (Choose one)</td>
<td>I am happy to participate in further consultation</td>
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TDA’s response to NSSC Position Paper
NSSC Review of the Standards for the regulation of vocational education and training

TAFE Directors Australia (TDA) welcomes the opportunity to provide a response to National Skills Standards Council (NSSC) Position Paper, *Improving Vocational Education and Training The case for a new system*.

TDA is the peak body for 61 technical further and education providers delivering training and assessment across all states and territories. Our members deliver nationally accredited training to a significant majority of vocational education and training students across Australia. As such TDA has a strong interest in the quality of the outcomes of the vocational education and training system and the confidence of individuals, employers and the community in the integrity of the qualifications issued by all providers.

TDA is committed to the achievement of the highest standards of performance. TDA supports the NSSC’s resolve to lift the performance bar for vocational education and training providers and to counteract reputational damage done to the system by poor quality providers.

TDA was a respondent to the consultation initiated by the NSSC throughout 2012 and 2013. In its submission to the 2012 NSSC Consultation Paper (June 2012), TDA argued that “Standards for VET (AQTF/SNR) are critical to the integrity of the sector and yet they are clearly inadequate, both in content and enforcement”.

Our 2012 submission defined the key characteristics of an effective regulatory model for the VET standards as "national consistency of regulatory activities, risk-based assessment, efficient processes, elimination of ineffective complexity, sustained and consistent quality outcomes, effective sanctions for non-compliance, public disclosure, capacity for the independent regulator to act on emerging issues arising from regulatory activities”.

TDA’s position was that while the current Standards must be improved, improvement of the Standards by itself will not guarantee national consistency and quality. The key was to look at quality outcomes through the *implementation* of the regulatory framework. What is required is transparent, consistent and expert interpretation of the Standards by the Regulator (and the auditors) and by a capable and confident VET workforce who can make judgements consistent with Training Package standards and assessment principles. TDA reaffirms this earlier position.
The NSSC Position Paper

The ultimate purpose of the standards is to ensure that qualifications issued by RTOs are consistent with the requirements outlined in Training Packages and accredited courses and the AQF, and have integrity for employment and/or further study. Standards are also established to ensure that RTOs operate ethically with due consideration of learner, employer and community needs; and that the regulation applied to the RTO is nationally consistent, proportionate, responsive, and risk based.

The purpose of the changes to the regulation of vocational education and training standards as identified in option 3 of the NSSC Position Paper is to raise the delivery and assessment standards in the vocational education and training sector and to ensure the integrity of qualifications issued by all registered training organisations (RTOs). The changes to the standards are designed to shift the vocational education and training regulatory system towards a more responsive model which allows for market mechanism to influence RTO behaviour by comparative information for training organisations, as well as regulation.

TDA’s response to the Position Paper

The Board of TDA makes the following response, mindful that a number of members will make responses from an institutional, or jurisdictional perspective.

The Board of TDA supports the NSSC argument for significant change to the current standards for the regulation of vocational education and training development of new standards (Option 3).

TDA endorses the development of one set of standards.

The Board of TDA endorses the principles which will guide the development of standards – quality, transparency, responsiveness, clarity, consistency and coherence (p26).

Board members consequently support the notion of reduced regulatory burden on providers that consistently demonstrate high performance (p25). The Board of TDA would argue that all of our members have a strong track record of quality delivery and assessment and strong administrative and academic governance arrangements and consequently present minimal, if any risk to the vocational education and training system.

Consequently TDA members as technical and further education providers with strong track records of high performance should benefit from a risk managed approach that features
reduced regulation and greater scope to manage delivery in recognised areas of industry expertise. The delegation of self-managed scope is particularly important in supporting a quicker response to industry.

The Board of TDA supports the concept of self declaration for its members on matters of delegations in relation to scope of registration changes and course accreditation arrangements. This would enable proportionality of risk criteria to be better reflected in regulatory requirements and in cost recovery schedules.

The proposed regulatory arrangements in the NSSC position Paper however are not underpinned by a risk framework that would allow the regulators to differentiate between the 5,000+ providers, consistent with a risk profile of providers.

As a consequence TDA Board members are not convinced that the current iteration of the AVQS standards as presented in Option 3 of the Position Paper will substantially improve the clarity of the standards, nor promote national consistency in interpretation and implementation of the standards.

Specifically the concerns of TDA can be illustrated in part by the following examples

- The proposed standards are contradictory and the language often imprecise. Since the intention of the NSSC is for there not to be accompanying guidelines it is even more important for the standards to be clear. As they are currently proposed they would be open to a wide range of interpretation by providers, regulators and auditors. The end result would be increased litigation, without a material improvement in the quality of training and assessment.

- The imprecise use of language in the proposed standards framework including adverbs and adjectives such as “clear” information, “accurate” information (Standard 6) “actively and formally” engage with industry (Standard 3) and many more.

- Use of the term ‘LTO’ and the tone of the discussion do not reflect the breadth of operation of TDA members and as such may limit perceptions of our role to that of licensed trades.

- TDA agrees that the role of the Accountable Education Officer (AEO) specified in the Standard 3 is notionally a good strategy for lifting the quality of teaching and assessment. However the description of the role and duties in this framework lack clarity particularly in the relationship between the responsibilities of the CEO and the AEO. It is important that these issues are clarified and delineated.

- TDA recognises the importance of industry currency of training and assessing staff, but would stress that maintaining industry currency solely by spending periods of time in industry is too limited an interpretation and massively expensive to TDA members.
• The formal engagement of industry in “educational decision making” required by Standard 3 while encouraging of industry participation in the provision of quality education and training needs greater clarity to ensure that there is balance of educational and industry perspectives. Additionally if all 5000+ providers are required to formally engage with industry, the impost on industry would be unsustainable.

• The requirements for compliance with all AQF requirements is problematic as the AQF is a framework not a set of standards.

• Student Agreement requirements specified in Standard 5 do not indicate the content of the agreement. Just to say for “training and assessment “, leaves wide scope for interpretation. Other parts of proposed Standard 5 could well be met by information on a website or even at a post enrolment induction or orientation program as there is no requirement for any of this information to be provided prior to enrolment.

• The Standards require registration of partnership arrangements with non ‘LTOs’. It is unclear as to what is intended by this Standard. There is a shift of words from partnering arrangements in the Standard to partnership delivery arrangements in the key changes/rationale in Appendix A. Is the NSSC implying that there will be an assessment and approval process of the documents lodged for registration? This will have significant impact on costs and business arrangements of TDA members, particularly in offshore and remote and regional operations.

Members of the Board maintain that the impact of implementation of a new regulatory framework would have a range of resourcing consequences on a wide range of matters such as communicating the new standards; in requiring staff training; in introducing new student management systems etc.

TDA requests an opportunity to be involved in ongoing discussions on these matters.