



Submission to: Department of Education & Training

**“Quality of Assessment in Vocational Education and Training –
Discussion Paper”**

TDA RESPONSE TO THE QUALITY OF ASSESSMENT IN VOCATIONAL EDUCATION AND TRAINING

TAFE Directors Australia is strongly committed to improving the quality teaching and assessment in vocational education and training and makes the following recommendations:

TDA recommends that:

- The Minister makes such guidelines as required under Section 190 of the NVR Act 2011 to provide for a definable group of training providers including the nation's TAFE Institutes that deliver high quality teaching and assessment and should be invested with appropriate levels of trust and delegation.
- Increased regulatory actions, including any changed assessment requirements, should focus on high risk groups and not high quality, low risk provider groups.
- Improve the alignment of units of competency and qualifications in training packages to the requirements of the AQF.
- Only those RTOs that fit the high quality, low risk provider category should be able to deliver and assess TAE qualifications including to their own staff.
- The benefits of a VET professional association should be closely considered.
- The requirement for national mutual recognition be removed and in its place students be required to complete the majority of course units at the RTO awarding the qualification.
- The current regulatory settings that allow RTOs to be sold without prior regulatory approval be altered such that prospective new owners should go through the registration process themselves or at a minimum be assessed by the regulator as fit and proper persons prior to taking control.
- That measures be put in place through Tuition Assurance for non-TAFE students who, through no fault of their own, have their qualification withdrawn and such that they may undertake remedial training and re-assessment at no further cost to the student.

TAFE Directors Australia (TDA) welcomes the opportunity to respond to the Department of Education and Training Discussion Paper, “*Quality of Assessment in vocational education and training*”.

TDA is the peak body for Australia’s 57 TAFE institutes and also has, as tuition assurance members, some of the largest and most respected not-for-profit and for-profit training organisations in Australia. Additionally many TDA members operate in the Higher Education sector under TEQSA and enjoy a relationship with the regulator based on years of consistent high quality provision of higher education.

TDA members deliver the full range of Australian Qualifications Framework (AQF) vocational qualifications and as such have a strong interest in ensuring that students, employers and the community have confidence in the processes and outcomes of assessment.

First Principles

Experience has taught us that legislation cannot replace ethics in regulatory reform.

Resorting to uniformly increased rules and sanctions, in response to the lowest denominator in the training market, has a detrimental effect on high performing, trustworthy and credible organisations, results in a larger than necessary bureaucracy and adds deadweight costs to society.

As noted in the discussion paper, the outcomes of audits of the assessment practices in some industry sectors, for example Security, have raised serious concerns for the regulator, funders, employers and students. There is ample evidence, as a result of ASQA and VRQA investigations coupled with rorting of VET FEE-HELP funding, that the concept of ‘an RTO is an RTO’ is simply not true. There are very good RTOs and bad RTOs operating in the training market today. As such, regulatory responses should discriminate between high risk and low risk.

Adding additional layers of checks and controls to catch out the unethical or simply incompetent training providers that burden the good providers is both unfair and not sensible. Such actions ‘tar’ the reputations of the good providers with the bad. Imagine the outrage if controls required to remedy the behaviour of a small, poorly behaving, private higher education provider were uniformly applied to the Group of 8 Universities.

For a solution we need look no further than the successful system of regulation applied by TEQSA. As Professor Glenn Withers AO, Head of the Crawford Centre for Public Policy, ANU, noted in a paper prepared for TDA and submitted to Minister Macfarlane in September 2014, provider categories are beneficial to outcomes:

In higher education, large comprehensive service providers with strong internal checks and balances and major accountability mechanisms have worked successfully not only with

delegation but substantial self-accreditation and autonomy for many years. The Lee Dow Braithwaite Review found that such delegation indeed enhances education outcomes and wished to see such education imperatives facilitated as well as ensuring, where relevant, that stricter occupational licencing objectives can be met.

The notion of treating TAFE Institutes as just another player in the market has proved to be as detrimental to students, employers and society as it is unrealistic. TAFEs are recognised by the communities they serve as high quality, trustworthy, robust, reliable and enduring.

TDA recognises that some private providers have, since deregulation, established high level reputations based on sound educational practice and earned similar levels of regard with those they serve. Indeed, the TAFE Directors Australia tuition assurance scheme which was expanded for selected private colleges as well as TAFEs is indicative of a low risk category or grouping of major tertiary education providers. Educational mission and financial viability remain key issues in a mixed public—private tertiary education market.

TDA has consistently argued for the development of provider categories to distinguish between RTOs with a demonstrated track record of quality teaching and assessment that could be employed by regulatory and funding bodies.

Section 190 of the NVR Act 2011 provides that the Minister may, by writing, make guidelines for the National VET Regulator to use when assessing risk, as agreed by the Ministerial Council. Section 157-4 allows ASQA to use these guidelines as their risk assessment framework.

The time has passed for the regulator to attempt to be fair to a market that is not working properly. A definable group of training providers including the nation's TAFE network deliver high quality teaching and assessment and should be invested with appropriate levels of trust and delegation.

To suggest that TAFE Institutes with their levels of governance, both academic and fiduciary, and with ultimate accountability through Ministers and Parliaments, can be assessed as anything other than low risk is unreasonable.

Further, last year's House of Representatives Inquiry into technical and further education (TAFE) made a key recommendation that there was justification for TAFE to hold a special place in Australia's vocational education and training system, including a special place in all future federal agreements.

Training Packages

TDA argued for greater consistency across training packages in its submission to the VET Reform Taskforce in February 2015.

"A significant area for improvement lies in ensuring consistency in the way units of competency are written across all training packages, and within training products.

Greater consistency is required in:

- the use of language, of structure and of specification of content both within and across training packages;
- the use of AQF taxonomic terms of apply, analyse, evaluate, synthesise in ways that accord with the AQF;
- the relationship between assessment requirements, titles of units and of skills requirements;
- the use of common generic units such as Workplace Health and Safety, Communications etc.”

TDA still maintains that there is scope for considerable improvement in the alignment of units of competency and qualifications in training packages to the requirements of the AQF. It is of concern that the above review of training package development is ongoing as even a cursory analysis shows marked differences in the specification of performance criteria, knowledge and skill and assessment requirements and in the accepted volume of learning of qualifications, across and within training packages. Often the sheer volume and diversity of the assessment evidence required by a single unit of competency is beyond any individual student or RTO to manage in its entirety.

Foundation reforms

TDA supports the following statement from NCVET:

“Effective training and assessment practices are the key components of a well-functioning VET system. They underpin the quality and integrity of knowledge and skills acquisition, the qualifications issued by awarding bodies or providers and the reputations of institutions. Key to their development is having in place comprehensive programs for the preparation and induction of trainers and assessors as well as requirements for continuing professional education” NCVET, *Regulating and quality assuring VET; International Developments* September 2015.

TDA has consistently argued that the capability of vocational education and training staff is a fundamental enabler of quality assessment tools, quality assessment systems and quality graduate outcomes.

The fundamental qualification for VET staff is the TAE Certificate IV. This Certificate is the entry level qualification for VET teachers and assessors. As the Discussion Paper notes there have been a range of reviews of this qualification and a strengthening in the revised National Standards of the requirements for successful completion of the Certificate. Additionally under the Standards, RTOs are required to ensure that staff have access to ongoing professional development.

Nevertheless as the Paper states there are still concerns that the assessment units in the qualification may be underdone; that the TAE Diploma does not require students to have demonstrated VET experience; and the TAE is offered on too short a time frame for students to have gained the necessary skills.

TDA makes the following simple recommendations for improvement of the Certificate and the Diploma to facilitate quality assessment:

- Only those RTOs that fit the low risk, high quality provider category are able to deliver and assess all TAE qualifications including to their own staff.
- Restrict capacity to deliver and assess the Certificate IV TAE to individuals who possess at least the Diploma of TAE, or higher and who can provide evidence of experience as a practicing, fully qualified trainer assessor in a vocational area.

In other regards TDA maintains that adequate regulation of teacher qualifications is already in place.

“ A VET professional association could contribute to quality assessment outcomes by serving as a conduit for the professional development of assessment skills and a conduit for best practice in the development and use of assessment tools” (Quality of Assessment Discussion Paper p11).

TAFE Directors Australia is strongly committed to improving the quality of vocational education and training and student outcomes. In this regard the challenge of ensuring high standards of professional practice in vocational education and training has been an ongoing issue for many years.

Establishment of a professional association for VET would be a significant new strategy focused on improving quality in the training and skills sector.

By way of example, an association would provide a considered, balanced and effective voice for VET professionals in seeking policy focussed on best practice. An association would also play a valuable role in providing consistency and strengthening the capability, quality and professionalism of the VET workforce. It could play a pivotal role in encouraging consistency in relation to trainers and assessors maintaining their competency and currency through identifying and facilitating access to high quality professional learning activities.

In this regard, TDA is aware of previous research which indicates strong support for a national professional association for VET. Clayton & Guthrie (2011) reported that 91.4% of 817 survey respondents supported the establishment of some form of VET professional association. Ithaca Group (2010) also found overwhelming support for establishing some kind of professional body for VET – 89% of 226 respondents were in favour of a professional association.

TDA members are open to considering the benefits of a VET professional association. Equally, TDA as part of its strategic plan 2016-18 nominates the issue of VET practitioner standards as a key component of restoring integrity to the VET sector.

TDA does not wish to nominate a preference for how this were to be achieved, but rather future government-funded VET should be aligned with those RTOs in low risk category of educational performance and financial viability, AND, we would support a criterion that under this ‘low risk’ principle, there would be an equal obligation on those RTOs to demonstrate their professional teaching capacity.

Reforms to the assessment of VET students

The revised Standards for RTOs specify at length how RTOs should engage in independent validation of assessment (Standards 1.9 1.10 & 1.11).

The Quality Assessment Discussion Paper acknowledges that it is not possible to require every unit of competency to have independent validation, rather if introduced it should be based on risk to the student and the community.

High quality, low risk RTOs such as the nation's TAFE Institutes inherently partner with employers and work closely with trade and professional organisations to ensure the skills and knowledge of graduating students are fit for purpose. In the same way that university law or medical schools work with their respective professions, partnerships with industry underpins teaching and assessment by high quality RTOs.

The outcry from the public and employers over the practices of some, particularly some for-profit, RTOs has universally been accompanied by views that TAFE is the safe haven in respect of student and employer interests. High quality, low risk RTOs such as TAFE Institutes have a history of consistent assessment practices that meet the Standards and industry expectations. Indeed, TAFEs additionally fulfil state and territory delivery requirements and governance standards, which require recognition by the Commonwealth when forming quality and assessment frameworks. In March 2016, the Australian Standards and Quality Authority (ASQA) responded with an announcement on its intention to widen all delegations of scope to all TAFEs. Accordingly, this 'risk-based' approach should be extended to assessment risk frameworks.

Any further reform to assessment practices must, in TDA's view, be targeted at low quality, high risk RTOs.

In the interests of efficiency and outcomes, regulatory action should discriminate by investing trust and delegation to high quality, low risk providers and focus on high risk groups.

Reforms to the regulatory frame work

TDA argues that increased regulation of assessment is not likely to achieve any improvement in the quality of assessment.

Moreover increased regulation that is applied universally to high quality, low risk providers will suggest to students, employers and the community that the assessment practices of RTOs such as TAFE Institutes needs further regulation. Such action will further and unfairly erode confidence in such institutions, already damaged by the actions of others. Any increased regulation must be targeted at low quality, high risk providers.

The fact that the training market has evolved to date with some RTOs that, through poor practice, have severely damaged the confidence in VET of students, employers and the community points to the need for strong and timely regulatory action when standards are breached. The ability of RTOs to access the Administrative Appeals Tribunal to delay regulatory action, sometimes for an extended period, does not appear, in TDA's view, to

serve the best interests of the Vocational Education & Training sector. The AAT's important role of review should not be employed as a mechanism to delay the timely implementation of a decision of the regulator, for example to deregister an RTO.

In recognising the reality of disparate levels of quality in assessment across VET in Australia, TDA recommends the removal of mandatory 'national recognition'. High quality, low risk RTOs such as TAFE Institutes should be given the right to determine whether or not they recognise results for units of competency achieved at another RTO. This would be particularly the case when students move from one RTO to another prior to completing a qualification.

At the moment a student can complete all but one of the units of competency required for the award of a qualification and then change RTO's. The new RTO that provides only one of the units for the award is required to issue the qualification. This can have a significant impact on the reputation of the RTO in the industry. Unscrupulous students can 'game' the system by having units of competency awarded by one RTO and then have their qualification awarded by an RTO of higher standing. At the very least the system should be changed so as to require students to complete the majority of the required units at the RTO awarding the qualification.

The current regulatory settings that allow RTOs to be sold without prior regulatory approval is not, in TDA's view, in the best interests of students or employers. TDA asserts that operating an RTO is akin to operating an ethical business, in for example the healthcare industry, and as such prospective new owners should go through the registration process themselves or at a minimum be assessed by the regulator as fit and proper persons prior to taking control.

Consumer Protection

TDA agrees with the need to protect students of low quality, high risk providers who, through no fault of their own, are demonstrably not at the qualification standard. In such circumstances the integrity of the Australian Qualifications Framework and the reputation of VET with employers and society is a greater good and over-rides personal consequences to a student that may be put forward in support of inappropriately retaining the qualification.

Nevertheless every effort must be made to protect a student's training investment and support the student to be reassessed, including remedial training if necessary, at no cost to the student.

A method canvassed in the discussion paper to protect students is the use of the existing Tuition Assurance Schemes (TAS) regulated by ASQA as set up for the protection of advance fee payment of tuition fees. As operators of one of the two tuition assurance schemes approved by ASQA, TDA supports the concept and is happy to work with ASQA to obtain actuarial estimates of liabilities and costs of such an extension to the TAS.

TDA is of the view that industry based tuition assurance is capable of meeting the requirement to assure the cost of re-assessment and remedial training. Wide membership, for example by all non-TAFE RTOs, would likely provide an economy of scale that would significantly moderate costs to RTOs.