

Presentation to the VTA TVET Leadership and Capacity Building Program - Latin America

7 March 2016



Australian Government

Australian Skills Quality Authority

About ASQA

ASQA's three Commissioners comprise the National Vocational Education and Training Regulator and carry out the regulatory functions specified in the Act. Two Commissioners give the regulator legal force.

Mr Christopher Robinson

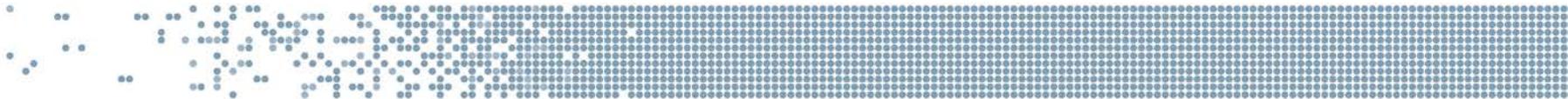
Chief Commissioner and Chief Executive Officer

The Honourable Michael Lavarch AO

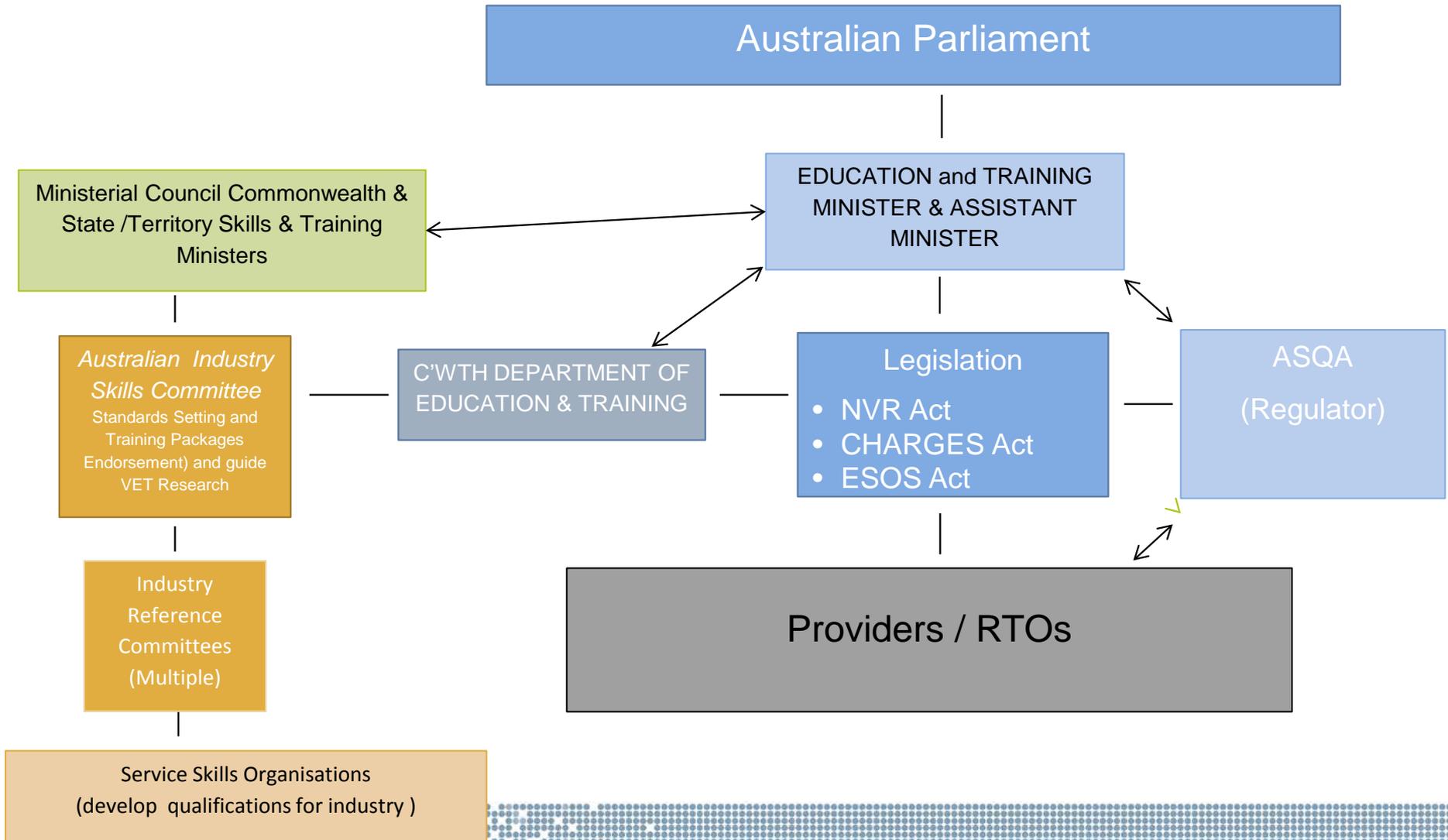
Deputy Chief Commissioner and Commissioner – Risk Intelligence and Regulatory Support

Vacant

Commissioner – Regulatory Operations



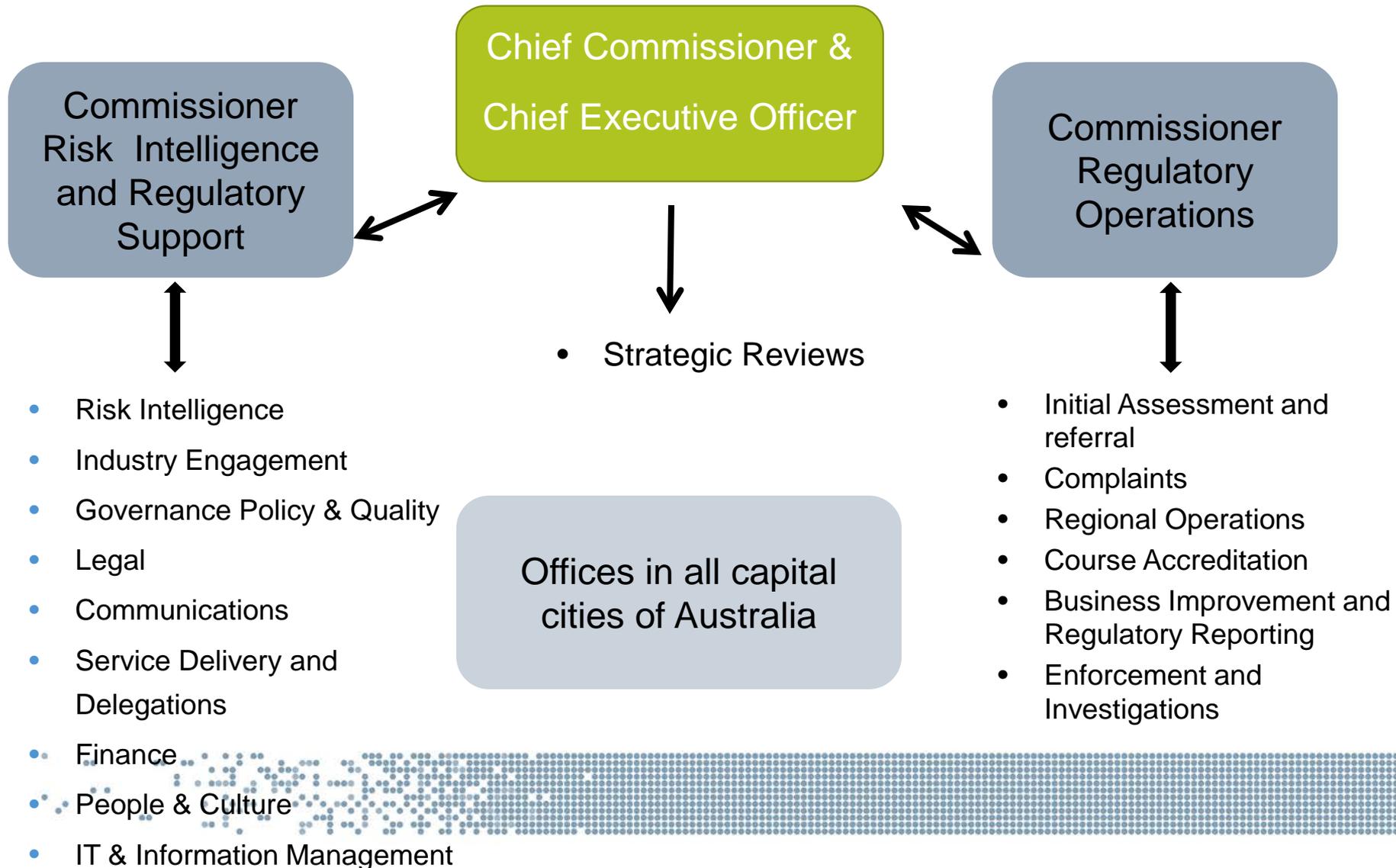
ASQA Governance



Australian Standards: for Vocational Education and Training (VET)

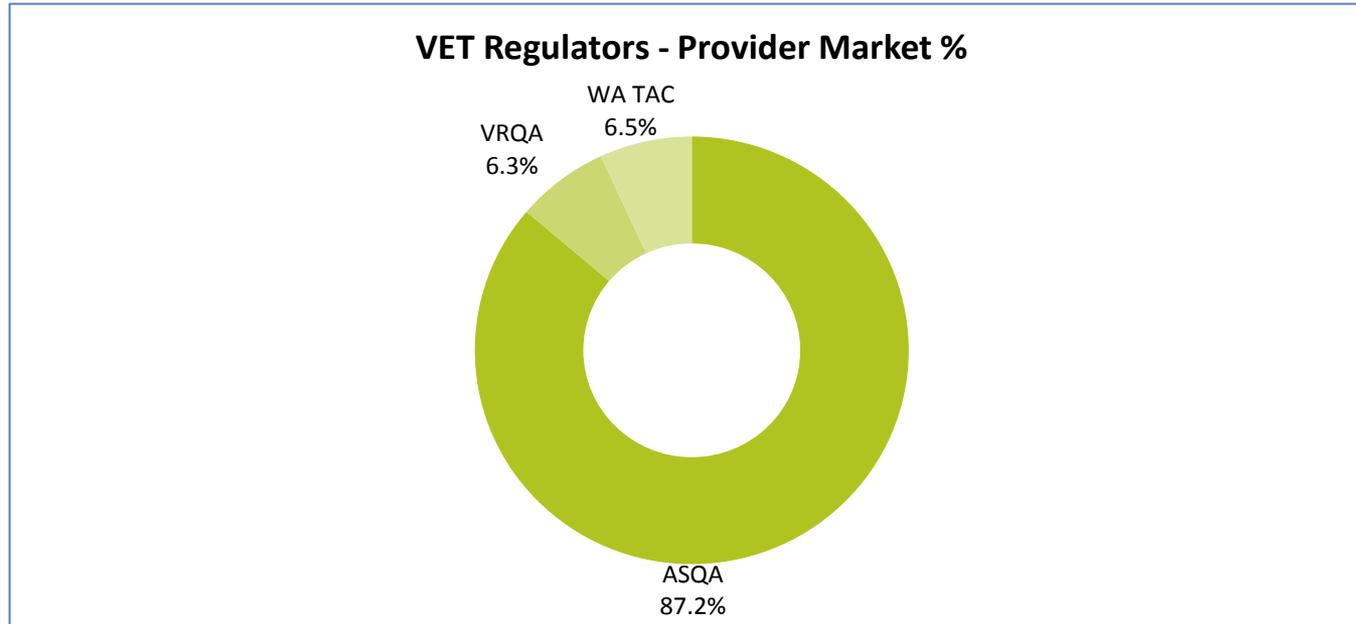
- Standards for Registered Training Organisations (2015)
 - The things RTOs must do in providing delivery & assessment programs
- Standards for Training Packages
 - The knowledge and skills that industry expects that a person will have in holding a qualification or unit in order to do a job
- Standards for VET Accredited Courses
 - The knowledge and skills that a person will hold for a specific outcome that is not covered by a national training package
- Standards for VET Regulators
 - The things a VET regulator must do in carrying out its work.

Australian Skills Quality Authority



Training regulators coverage across Australia

VET Regulators – provider market % at 31 December 2015



Two states continue to regulate training providers that provide training to domestic students within their state. This means that ASQA regulates just over 87% of all registered training providers.

ASQA offices

● Compliance operations



Risk Analysis
Industry Engagement
Risk Assessment
Course Accreditation

Risk Assessment
Legal & Investigations
Complaints

Enabling
Info line
Governance Policy & Quality

National panel of
compliance auditors



Provider and stakeholder engagement

Provider engagement

ASQA website

- ASQA's primary communication tool. It is updated several times per week. In the 12 months to 31 December 2015, the website had more than 376,418 unique visitors and had more than 2.6 million page views across the site.

Info Line

- provides RTOs with a facility to contact ASQA with questions, feedback and complaints. The Info Line received 42,292 calls and 15,115 email enquiries over the 12 months to 31 December 2015.

ASQA Update

- sent to more than 24,000 subscribers each month and includes VET sector news and other important information.

Information sessions

- 36 new sessions underway in 2 weeks with some 5500 people to attend via live and web cast (3 sessions)

Stakeholder engagement

Government

- States and Territories
 - Regular meetings & report
 - Memorandums of Understanding - information sharing

Industry

- Australian Chamber of Commerce and Industry (ACCI)
- Australian industry Group (AiG)
- Business Chamber of Australia (BCA); and
- Employee bodies as needed.

Provider Roundtables

- Peak Provider (VET) Bodies meet with ASQA quarterly

Regulator Provider Forum on CRICOS/ELICOS Issues

- Peak bodies meet regularly with ASQA & TEQSA

ASQA's progress to date

Applications received 1 July 2011 – 31 December 2015

Application type	National number	National %
Initial registration as a new provider	1,538	5.0
Renewal of registration as a provider	3,101	10.1
Change of scope of registration	25,168	82.3
Withdrawal registration as a provider	757	2.5
Total	30,564	

ASQA's progress to date

Regulatory decisions 1 July 2011 – 31 December 2015

Most finalised provider applications have been approved – 94.2%

- but 805 provider applications were refused
 - 198 decisions to refuse registration of a new provider (15.1% of completed initial applications)
 - 180 decisions to reject applications for re-registration of an existing provider (5.9% of completed re-registration applications)
 - 427 decisions to reject change of scope applications
- Since ASQA's inception 978 decisions have been made: to cancel/suspend (265) registration; give written notice of intention to cancel/suspend registration (533); or refuse the re-registration of an RTO (180). These 978 decisions have affected a total of 503 individual NVR RTOs (given an NVR RTO can have more than one decision made against it).



Legislative authority

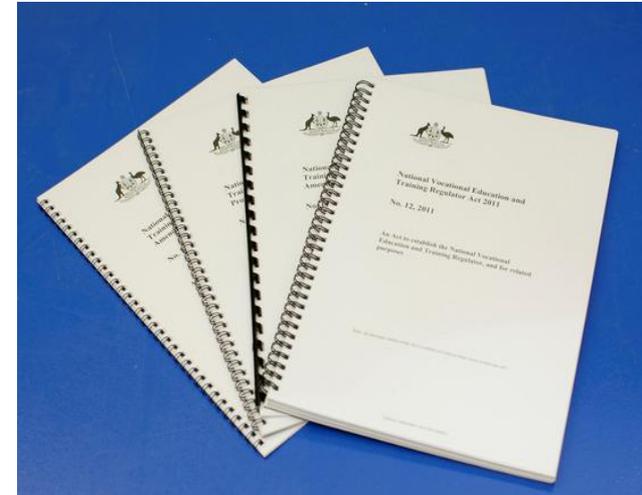
National Vocational Education and Training Regulator Act 2011

Objective

- to protect and enhance Australia's reputation for VET nationally and internationally

Constitutional basis

- the Act has extra territorial application
- the Act extends to things done outside Australia in relation to all or part of a VET qualification



ASQA Audits in China - 2015

- ASQA commenced work on off shore strategy in 2013 – identified key areas of delivery
- Formal relationships with Chinese Government - ASQA signed MOU with the China Education Association for International Exchange (CEAIE) in 2014
 - Chinese Ministry of Education tasked the China Education Association for International Exchange (CEAIE) with undertaking a “pilot” review of international education programs delivered by Chinese institutions with foreign partners.
- ASQA Deputy Chief Commissioner and two auditors travelled to China in early November 2015 to undertake audits
- 4 TAFE institutes were audited in a number of locations:
 - NSW-TAFE Northern Sydney Institute
 - Box Hill Institute of TAFE
 - Holmesglen Institute of TAFE
 - TAFE NSW – Western Sydney Institute

ASQA Audits

Audit Process Overview

- An ASQA auditor will contact the RTO to set a date for the audit. In most cases, the date will be set for between one and four months in advance. The auditor will then contact the RTO again 10-20 days before the audit.
- If non-compliance is found at audit, ASQA notifies the RTO in writing and provides a copy of the audit report. RTOs then have 20 working days to provide additional or amended evidence to demonstrate full compliance.
- RTOs unable to demonstrate compliance may have their application rejected or ASQA may take regulatory action in relation to the RTO's registration, for example, cancelling or suspending its registration.

After an ASQA audit

- RTOs that are not satisfied with a decision made by ASQA have a number of options:
 - Submit a new application
 - Request a reassessment of the decision
 - Request a reconsideration or review of the decision
 - Seek a review by the Administrative Appeals Tribunal (AAT)

ASQA's Regulatory Approach Under VET Reforms

In the VET context, the primary risk that a VET regulator must manage relates to the potential for adverse impact on students, employers, industry, governments, and the Australian community from the delivery of sub-standard training and assessment. In broad terms, this is the risk that an individual is certified by an RTO as possessing competencies that do not accurately reflect his/her true ability to apply the associated skills and knowledge.

Other risks to VET to be considered by a VET regulator include:

- reputational damage to the sector caused by sub-standard RTO performance or inappropriate behaviour; and
- ineffective social and economic planning by government due to an inability to access accurate information about VET or to supply industry with adequate, appropriately skilled, workers.

As part of the VET Regulatory Reforms ASQA has been progressively moving its regulatory approach to one with a stronger focus on risk and intelligence (rather than predominantly using registration applications as a trigger for regulatory review).

ASQA's model of cooperative compliance

Compliance posture

Deliberately “game” the system to maximise profit at the expense of quality training outcomes

Do not fully understand or accept their obligations and often fail to meet them

Prepared to run a good training business and strive to delivery quality education outcomes, but sometimes fail to meet their obligations in some areas

Willing and able to run a good training business delivering quality outcomes. Always meet their obligations.

Compliance strategies and response

Detect and bring to account

Deter by detection and taking appropriate action

- infringement notices
- enforceable undertakings
- remove privileges of registration (cancellation, suspension, amendment)

- Provide appropriate information and education
- Remove privileges of registration if compliance is trending in the wrong direction (amend scope, issue directions)

Make it easy to comply
Minimise compliance costs (e.g. approvals without audit, grant delegations)

High risk

Lowest risk

ASQA interactions with RTOs

Under ASQA's regulatory reforms, a greater focus will be placed on risk and intelligence:

- Scanning of the environment
- Data analytics – threshold tests
- Provider reports received



Initial Registration Audit

Proactive Regulation

- Regulatory Strategy – Prioritised risks for treatment – proactive, targeted regulatory work
- Strategic Industry Reviews
- Reviews of concerning providers

Reactive Regulation

- Application activity – post-initial audits; change to scope applications; registration renewal applications
- Regulatory response for serious and concerning provider reports

Provider Review
(may include audit)

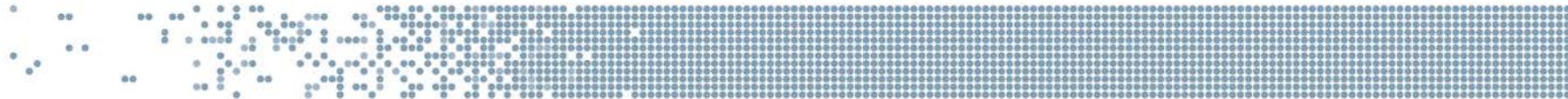
Provider Registration
(prompted by an application to establish a new RTO)



Provider Monitoring
(proactive and reactive)



Provider Registration Renewal



ASQA Strategic Reviews

- Reviews undertaken in 2013, 2014 & 2015:
 - Training and aged and community care in Australia
 - Marketing and advertising practices of Australia's RTOs
 - Training for the 'White Card' for Australia's construction industry
 - Training in early childhood care and education
 - Training for Australia's security industry
 - Equine training programs

- Many of the recommendations made have already been implemented. ASQA is working with VET sector stakeholders to finalise implementation of others.

- Key issue:
 - Assessment skills need strengthening – ASQA action

ASQA - Key Links

- User Guide to 2015 Standards for RTOs

<http://www.asqa.gov.au/users-guide-to-the-standards-for-registered-training-organisations-2015/users-guide-to-the-standards-for-registered-training-organisations-2015.html>

- Standards for Course Accreditation

<http://www.asqa.gov.au/course-accreditation/standards-for-vet-accredited-courses.html>

- Education Services for Overseas Students

<http://www.asqa.gov.au/cricos-registration/cricos-registration-overview/the-esos-framework.html>