

# Victorian TAFE *Association*



<b>Name of organisation:</b> <b>Association</b>	<b>Victorian TAFE</b>
<b>Category of stakeholder:</b>	<b>Peak industry body</b>
<b>Participation in further consultation:</b>	<b>Yes</b>
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# **National Skills Standards Council's Position Paper – Review of the *Standards for the Regulation of Vocational Education and Training***

## **Victorian TAFE Association (VTA) response**

### **Background**

The Victorian TAFE Association (VTA) welcomes the initiative of Tertiary Education, Skills and Employment Ministers from all jurisdictions to commission the National Skills Standards Council (NSSC) to undertake a broad ranging review of the standards for the regulation of vocational education and training (VET), focussing on issues of quality. VTA contributed to the consultations in 2012 informing the Position Paper.

VTA's members include all Victorian TAFE institutes and the four Victorian multi-sector universities. The VTA is the peak employer body for Victoria's TAFE sector. This response is prepared following consultation with VTA members. VTA members may respond individually to the Position Paper highlighting areas of particular interest.

VTA looks forward to the achievement of the proposed outcome of a single national set of standards for the regulation of VET, including the characteristics described on page 15 of the Position Paper, that is appropriate for ensuring quality outcomes, clearly documented, capable of being consistently interpreted by registered training organisations (RTOs) and regulators, and effectively implemented through nationally consistent regulation.

This response is influenced by the fact that Victoria is one of the two non-referring states to the National VET Regulator. VTA has consistently held the position of support for the establishment of the National VET Regulator and has promoted the view that all States should refer powers to the Australian Skills Quality Authority. VTA is hopeful that the quality of the outcomes of proposed reform of the standards will be sufficiently compelling to persuade the two non-referring states to support a national approach.

VTA argues that while the current Standards must be improved, improvement of the Standards by itself will not guarantee national consistency and quality. The key is to look at quality outcomes through the *implementation* of the regulatory framework. What is required is 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 within Training Package standards and assessment principles.

VTA concurs that the three contributing factors described on page 10 of the Position Paper have contributed to damaging the reputation of Australian VET qualifications and that action must be taken to address current problems and build confidence in VET qualifications in the long-term.

VTA strongly supports further reducing regulatory burden on training organisations that consistently demonstrate high performance (page 25). However VTA is somewhat skeptical about the achievement of this goal. A risk assessment process has been offered by ASQA in the past but is yet to be realised in the manner expected by VTA. VTA requests the right to reserve full support for Option 3 until details of the process for risk assessment and mitigation are advised.

VTA supports the principles underpinning the development of standards (page 26) but lacks confidence the standards will achieve these without comprehensive accompanying guidelines. Without supportive guidelines the standards are still open to interpretations by auditors.

### **RESPONSES TO OPTION 3**

The following section provides a brief overview of VTA members' comments on the matters raised in the Position Paper Option 3. However, VTA reserves the right to make further comment in subsequent stages of the consultation process when more time has been available to synthesise member input.

1. Nomenclature in the proposed new standards framework is not unambiguous (eg use of 'actively', 'effective') and that despite the intent to address problems outlined on page 10, various interpretations will be made of the standards and the tensions between TAFEs and ASQA (auditors) will remain. TAFEs want a very high level of certainty about compliance requirements of the standards. In the absence of guidelines the standards will of necessity need to be highly detailed and unambiguous. Weaknesses in current standards (compliance still not outcomes based) and opportunities for regulators' auditors to apply different interpretations are not overcome in the proposed new standards framework. This issue should be the first priority of the Council in developing the full set of standards.
2. The choice of the term Australian Vocational Qualification System Quality Framework may be confused with the Australian Qualifications Framework. While a new system can be distinguished by a new name, the choice of AVQS Quality Framework is not sufficiently distinct from the AQF.
3. The introduction of formal registered partnering arrangements is an important change proposed in the position paper for the first time. References to the formal registered partnering arrangements are referenced in several places in the position paper and should be consolidated under a separate heading. Fuller details of the category of provider, the relationship to the regulator and to the LTO need to be articulated. VTA draws the Council's attention to the approach taken by TEQSA to document third party arrangements. In the Victorian context it will need to be undertaken by the Council and relevant State Government department to align requirements/expectations of the standards to state-based contractual Service Agreements (where partnership and co-provider arrangements are provided for).
4. Consideration in finalising the standards must also be cognisant of accountability requirements of other bodies (eg agencies with a stake in international education) with an interest in partnering arrangements. The Position Paper is silent on partnerships with offshore entities – these needs to be specifically considered.
5. LTO Standards Framework: Training and Assessment : 1
  - a. The choice of language *give effect to* lacks any clarity. Concerns that the new standards will go the way of the old standards through various interpretations and lack of consistently understood compliance expectations (by regulator

- representatives and RTOs). For example “LTOs **actively** ensure all trainer/teacher and assessor staff have relevant vocational competencies (at least to the level being delivered or assessed) and can demonstrate current industry skills directly relevant to the training or assessment being delivered’ or “...demonstrate it (consultation) occurs in an *active and formal manner*” (page 36).
- b. VTA strongly rejected that trainers/teachers and assessors will not have the opportunity, as they do now, for qualifications to be assessed for *equivalence* to the minimum qualifications as set by NSSC (current Cert IV TAE and assessor skill set). The integrity of the qualification for the delivery of VET qualifications (ie Certificate IV TAE) is paramount but the new LTO standards framework for minimum qualifications held currently requires all teachers to compulsorily upgrade regardless of currency of teaching and/or assessing experiences. This is the exception in the Australian VET system. In other Training Packages professional development and other evidence of currency of skills, knowledge and competence are sufficient to meet regulatory requirements. Teachers/assessors must not be required to upgrade their vocational qualifications each time the Training Package is revised/re-endorsed. VTA advocates that equivalent qualifications must be recognised.
  - c. Questions have been raised in the past about equivalence of international education qualifications. New standards need to resolve questions about the application of the standards in various scenarios including offshore delivery of Australian qualifications
  - d. The issues surrounding the inclusion of units from superseded training packages in the packing rules for current training packages needs to be resolved if RTOs are to be able to comply with transitioning arrangements for new training packages.
6. LTO Standards Framework: Training and Assessment : 2
- a. Language in the standards framework is unclear as to what constitutes *AQF certification documentation*. For example, if it refers to the testamur, the Council is requested to consult more fully with RTOs to get an appreciation of the timeframes for awards ceremonies. VTA requests details of the rationale for nominating 90 days.
  - b. The last point should also include reference to the learner satisfying the requirement to have a valid USI.
7. LTO Standards Framework: Training and Assessment : 3
- a. The creation of the Accountable Education Officer (AEO) generated considerable discussion among VTA members including the legal responsibility of the AEO and associated costs for public liability insurance. Full extent of the scope of responsibility and legal accountabilities are unclear. It seems impractical that one person in a large organisation like a TAFE provider can hold all the knowledge expected of the position. This responsibility needs to be clarified including where the LTO has registered formal partnering arrangements.
  - b. VTA is not convinced, on the basis of limited information, the role of AEO will contribute greatly to ensuring the integrity of VET qualifications. Fuller details are needed for an informed comment. For this role to lead to quality of teaching and assessment and lift quality, and not to be seen as tokenistic, demonstrated educational leadership is required.
  - c. While the intent of the quality benchmark is understood, the current descriptor lacks clarity. What are *appropriate* vocational education and training pedagogical expertise and experience?
  - d. Second point in the framework is poorly written and needs interpretation. “Registration of **AEO** may be withdrawn by the regulator where there is a

demonstrated failure of the LTO of quality training and assessment strategies and/or practice” is not a standard but a consequence of non-compliance. This sentence should be removed.

- e. It is proposed the AEO is responsible for all training and assessment delivered by an LTO or on its behalf, ensuring that it (d) “is relevant to the identified needs of industry, with employers and potential employers, enterprise clients, and/or industry representative bodies actively and formally engaged in educational decision making.” The Council’s expectations of stakeholders’ involvement in ‘educational decision-making’ is unclear, and the stakeholders capacity to participate in ‘educational decision-making’ questioned by VTA. Universal engagement of industry is impossible and on the whole industry and other stakeholders are not qualified to make educational decisions.
8. LTO Standards Framework: Training and Assessment : 7
- a. The Standards Framework will need to be more fully developed for clarity regarding a *self-initiated evaluation process*. Page 40 refers to self-assessment processes including ISO yet VTA members have been advised in the past by auditors of the regulator that ISO has no standing.

#### **ORGANISATIONAL COST/IMPACT.**

The costs and impact of proposed changes could not be assessed on the basis on available information. Some TAFE providers already invest heavily in student engagement/communication strategies such as individual learning plans, student mentoring programs, individual monitoring of progress/completions. Clearer understandings of regulators’ minimum expectations are required.

Some matters may have associated costs, for example:

1. If the standards to not make allowance for teachers/assessors holding *equivalent* qualifications, there will be very significant direct costs to TAFE providers to upskill staff.
2. The requirement to have a written agreement with every student will necessitate new processes that come at a cost.
3. Protecting the liability of AEO.
4. Changes to processes affecting international students that may not be required at present.
5. Strengthening processes and resources in the area of student awareness of rights and obligations.
6. Extensive professional development of all staff and clients.
7. Implementation of a *self-initiated evaluation process* if this is different to existing processes. (standards framework 7)
8. Extent of supplementation to evaluation outcomes. (standards framework 7)
9. Maintaining the currency of vocational competency of trainers/trainers and assessors where there is a requirement for *immersion in the field of practice*.

Due to potential scope of changes to business processes to move towards new standards, negotiated transition arrangements, including realistic sunset clauses, are required. VTA requests an opportunity to be involved in ongoing discussions on these matters.

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