SUBMISSION TO THE NATIONAL SKILLS STANDARDS COUNCIL
REVIEW OF THE STANDARDS FOR THE REGULATION OF VOCATIONAL EDUCATION AND TRAINING
CONSULTATION PAPER

Response: 13 July 2012

Introduction

CCA members have a collective annual turnover of $200 million and currently deliver over 7 million accredited training hours annually. CCA welcomes this opportunity to provide input into the NSSC Review of Standards for the Regulation of VET Consultation Paper and has received considerable feedback from its members to do so. CCA and its members are willing to assist NSSC throughout the full review process timeline and, if beneficial, for the Council to hear directly from members to further elaborate the comments made in this submission.

The NSSC Consultation Paper recognises the support from the Federal, State and Territory Governments on the growing need for continued quality provision of VET throughout Australia. CCA acknowledges that workforce participation and workforce productivity must increase in the country and considers it helpful to the review that NSSC recognise the unique opportunities of the NFP sector in delivering VET to achieve this aim and the implications for the future of community-owned enterprises and their clients (including many SMEs). For this initial consultation paper we have answered those questions that are of most relevance to our membership.

A key aspect to the vocational learning undertaken and offered by community colleges is the focus on broad scopes due to our dual remits of social inclusion (learning opportunities for all) and location (regional training provision that requires diverse learning opportunities). CCA members 'walk the talk' with regard to ensuring that all members of a local community are offered an educational and training opportunity; an empathetic, flexible and responsive approach to an *individual* or *business* learning needs which has been defined and developed over many years of operations.

Background to Community Colleges Australia

Community Colleges Australia (CCA) is a member-funded peak body. It was formed in late 2006, recognising a need for an industry association at a national level to represent not-for-profit (NFP) community owned providers of adult and youth education, training and learning in a local environment. Membership comprises long established learning organisations located in metropolitan, regional and rural locations.

The 'community colleges' are strategically placed to provide a focus on student welfare with commitment to the employment outcomes for, and personal development of, the individual. Member businesses include independent schools and learning provision for re-engaging youth, non-accredited pathway learning including personal development courses and social inclusion activities, disability learning and caring, specific foundation skills programs such as LLNP and AMEP, VET courses up to Advanced Diplomas, apprenticeship training organisations and employment (job services) advice.

CCA is committed to assisting our members grow their business and thereby to enhance the learning opportunities for all Australians through all stages of their adult lives. Our vision is for Australia to achieve more dynamic and vibrant communities, informed and empowered through learning.

For further clarification of the statements made in this submission and for participation in further consultation of the VET Standards Review please contact:

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Executive Summary

At the outset, whilst acknowledging that industry bodies, employers and learners have all expressed some concerns at the current quality of VET, CCA would note that Australia has world-leading training organisations that create learning resources and deliver education and qualifications that are on a par with the rest of the world. The principle around VET standards should be one that ensures and enables the creation of effective and efficient training to allow the country's economic productivity to constantly reach higher levels and deliver a real return for individuals, employers and society through enhanced skills.

The review of the national standards is keenly considered by not-for-profit entities, many of whom are feeling at times "choked" by increasing levels of administration and regulation. Whilst CCA members fulfil their processing and reporting responsibilities, they are not fully convinced all new demands by different levels of government and a variety of agencies has led to significant changes in the quality of VET outcomes or better understanding of the VET system by employers and individuals.

During our consultation with members it became apparent that there was a concern that an inherent assumption in the review may be that better standards will equate to improved quality. This leads to questioning how much standards need to change to meet changing needs of the sector. CCA notes that the current standards are at times cumbersome. They do not always allow for quick adaption to market needs or trends. This can be because in managing changes of scope and thereby ensuring standards are complied with the RTO can be caught up in paperwork. This may take months to approve resulting in the original need not being met in a satisfactory timeframe or no longer being appropriate and ultimately not assisting quality.

Identifying the needs of the standards to assist in improving the overall quality of VET and providing outcomes that learners and employers are purported to require, has increased regulation that at times is having the opposite effect as resources are diverted from quality training and assessment services into compliance and regulation. CCA members feel this is the effect of the current system and are concerned that it may only get worse if regulation and standards are changed to become more onerous. It was also noted that recently there has been some initiatives from regulators and funding bodies that appear to be implementing "template training" – which is mandating how training is delivered and assessed under the guise of "quality" rather an RTO's servicing the needs of their community and industry according to their skills requirements. The standards should be more concerned with assessment services to ensure consistency against the training package and this may not necessarily require the templating of standards.

One potential issue to be cognisant of is the standards may at times appear constructed with the input of and through the eyes of large RTOs and larger employers or industry groups. Smaller training entities and employers of small numbers of staff also require the ability to be nimble, to be able to change business processes and learning skill sets quickly to achieve tangible and immediate results. This should be remembered in any review where processes include a desire to 'fill in forms' to satisfy the VET standards to the detriment of delivering quality outcomes to student and local industry needs.

CCA considers that a key outcome of the review of VET standards should be to ensure a greater focus be placed upon standards that will build skills that are 'fit for purpose'. That is, the primary outcomes of vocational education and training for all Australians must be to satisfy the learning needs of the individual and/or the employer and to offer everyone the option to have a skill that will ensure them a (better) job, which in turn will provide for their families and ensure they contribute positively within their own community. The priorities within any changes to the standards should be to ensure a strengthening of the professionalism of the Australian workforce and increasing the responsiveness of VET to the needs of individuals, employers and industry.

Finally, standards alone cannot ensure the achievement of current national goals pertaining to the VET sector. There are many macro and micro issues requiring careful consideration within each RTO, regulators and government agencies. The best drivers of policy may be those who interact on a daily basis with actual clients in all their humanity, diversity and complexity. Supporting and aiming for high-quality training and assessment should remain the domain of the professionals managing VET entities with the input of staff, students, industry, and community. Moreover, Governments may do well to reflect on how often regulatory policies should change as implementation and understanding is fraught with the limitations and expectations of human understanding, human performance and human interaction.

Q1. Overall, what is the scope of change required to meet the changing needs of the sector and preserve the reputation of the sector? Is it minimal, significant but within the key areas of the standards, or significant reform?

CCA members consider that minimal scope of change is needed; better clarity in the existing AQTF Essential Conditions and Standards for Continuing Registration may be a more appropriate way to improve quality in VET. It was noted that if any change happens it should be minimal as the standards were only changed two years ago and within the NFP community-based sector there is no strong empirical evidence being provided which shows that the current system of standards is not working.

In preserving the reputation of the sector, colleges noted that RTOs are currently obliged to submit to ASQA their annual Quality Indicator Reports based on their export of student data to NCVER. This requirement identifies commencement and successful completion. Those RTOs using the ACER survey processing option also receive a Benchmarking Report which compares their performance to that of comparable RTOs. These mechanisms identify major areas of concern for both the RTO and government accrediting stakeholders, which then allows CEO/Training Managers from the training entity to analyse these results and take action to make improvements within their capability and to the satisfaction of the existing standards.

Within key areas of the standards the NSSC may wish to consider:
- Move to outcomes/performance based standards
- Streamlining across jurisdictions to reduce confusion
- Consider the relationship between standards for VET and standards for higher education with regard to supporting interconnection of the tertiary sector and how the two sets of standards might work together to improve pathways for students

CCA members did acknowledge that one perceived problem with the standards is that it can be difficult to have a set of rules which govern such diverse groups of businesses and organisations that are using them. One consideration for the review may be to identify risk assessments for all organisations who are obligated to use the standards i.e. Schools, dual sector universities, enterprises, TAFEs, private RTOs and community RTOs and create mitigations only where proven valid.

Q2. Do the national standards (or their regulation) require an increased focus on assuring nationally consistent, high quality training and assessment services?

The diversity of RTOs:
- their infrastructure, staffing, facilities, reputation, the trainers they attract –
- their education/background/work and life experience/personal & social politics /individuality/ English literacy level -
- their ability to interpret and implement commercially-produced training materials and/or design class-specific learning materials aligning with the elements of the Unit of Competency they are teaching in –

all impact on the quality of the training they deliver. Similarly, the make-up of the group of students (their age/experience/education/background/personal motivation/ English literacy level) also plays a huge part in the quality of the outcomes. Outcomes assume there is an onus only on the part of the trainer/RTO but teaching and learning at any level including VET, requires dual/mutual engagement and shared responsibility on the part of teacher and learner.

No "national standards" can possibly monitor the diversity in all of the abovementioned factors, all of which play a role in the quality of training and quality of outcomes. Using Higher Education as an example, can a university graduate who achieves high distinctions in all subjects be compared to a graduate in the same faculty who barely scrapes through their course? The quality of the two graduates will vary tremendously as their

results are reflective of two different individuals with their own system of excellence, their own version of quality performance on any task as demonstrated by their commitment (or lack thereof) to their university work. Further, why are some universities in Australia rated in the Top 100 globally and others not? In an altruistic field like education, quality cannot only be measured through student data and completion rates. Ultimately if an employer (or learner) is satisfied with their competency level - as assessed and validated through a rigorous process and with the training organisation referencing the national standards then it could be assumed that the VET standards have fulfilled their intended requirement. Perhaps the challenge for the national standards is in people understanding competency based activities; ultimately the test for the learner is that you have 'achieved' when you have been defined as competent. Given the increasing merging of VET across school and higher education, the standards perhaps require competence to be defined at higher levels.

CCA members noted that the question relates not so much the standards as they currently exist, but the way in which the standards are applied, or not, as the case may be. Why are training organisations not delivering the outcomes expected by industry? How is it possible to arrive at a situation where 48.5% of RTO's were not able to demonstrate compliance with AQTF Standard 1.5 in the NQC industry audit of TAA40104? Is this the fault of the standards or more the lack of quality training and assessing? In one instance in our own sector, we are aware of another organisation that contacted TAA40104 graduates with an offer to 'sign a letter' and return it to the organisation in order to be issued with TAE40110. To meet mandatory recognition requirements, any members wanting to employ a trainer with TAE are bound to recognise this qualification with the same value as one that was obtained through a process of recognising currency, identifying gaps in knowledge and delivering/assessing knowledge and skills to meet those gaps. The graduate with the former qualification will not have anywhere near the expertise required to work effectively in a strengthened VET environment as the latter. If we face this issue as an employer in the industry that purports to deliver quality training and assessment services, then perhaps it is understandable that other industries show some lack of confidence in the VET system.

However, the above anecdote points not necessarily to an issue with the standards but rather the ability to effectively monitor them. Members are advising CCA that there appears a significant difference between the approaches taken by State and Federal regulators which are not assisting national consistency across States in assessing their compliance to the national VET standards. We are of the opinion that the answer to assuring nationally consistent, high quality training and assessment services lies in a consistent approach to the regulation, support and incentives rather than in the standards.

Q3. How can the standards ensure national consistency in qualification outcomes that are recognised by industry?

CCA members noted that whilst the sector is expected to respond to a broad range of student and employer needs, this question seems to miss the human aspect and their contribution to consistent outcomes. VET, like the second meaning of the word "vocational", involves the teaching and learning of millions of Australians of all ages, background literacy and perspectives and this reality needs to be acknowledged by government stakeholders. That is, these individuals' background involvement/commitment/capability to their VET training will impact on their learning and what their qualification actually enables them to do in the workplace. Does individual competency equate to national consistency in qualification outcomes?

In determining competency and assessment outcomes, some funding bodies also overlay additional criteria on top of the standards, and make them even more prescriptive than they already are. This causes a great deal of confusion for those providers who have multiple and diverse program offerings, funded through different mechanisms (particularly at State level). There needs to be some level of control over how the standards can be manipulated by third parties to overcome this problem. It leads to increased risk of errors occurring within and across program delivery and reporting, as providers struggle with differing requirements within what is meant to be a uniform system.

Wherever a provider has to overlay additional compliance requirements it becomes a complex and onerous process, sometimes leading to introducing that requirement across the organisation to reduce the risk of non-compliance with a specific standard. This has a follow on impact on costs through additional administration and reduces the organisation's flexibility.

In some cases, regulators require approaches that are inconsistent with the standards – for example, Work Cover mandates the assessment approach and tools to be used for the delivery of white card training, however the standards require that all assessment approaches and tools be customised at a local level to meet the needs of industry. Under audit, a provider is therefore unable to provide evidence of meeting that requirement.

Standards will never be able to ensure national consistency on their own – they set the framework for supporting this aim, however, there are many other issues that impact on the consistency debate:

- Quality and experience of trainers/assessors. In a highly casualised workforce, there is also a higher turnover rate, thus less depth of experience in teaching teams;
- Trainers who have gained their TAE/TAA qualifications through providers offering lesser quality programs have minimal experience, knowledge and skills. This is often the case when a trainer also works within their industry, and their training/assessing work is a secondary role. Trainers in this position sometimes look to the 'quick fix' qualification at the cheapest possible price and therefore they may enrol with a provider offering a lesser quality product than those who deliver over a sustained period of time;
- Misinterpretation of training package requirements - or not keeping up to date with newer versions – something that is increasingly difficult for providers who deliver across multiple industries;
- Trainers who don't keep their industry currency up to date, therefore deliver 'old' skills and knowledge.

The national standards should be recognised by industry provided the approach recognises, or indeed enables, some local variances at the State, Regional, Metropolitan, and Rural levels. There is huge variance in the student demographic across different RTOs and sometimes the journey of learning can be as important as the final assessed qualification. Standards will only ever guide or recommend and not 'ensure' consistency; it will be the regulators who must identify and overcome inconsistencies from the standards. CCA also notes that in improving consistency there could be an opportunity to clearly define what is competent in terms of each national qualification and as the qualifications are developed by industry, it could be industry that defined the appropriate outcomes.

Q4. What is the role of external validation or independent moderation of assessment outcomes in the standards?

CCA considers the role of external validation to be significant in ensuring nationally consistent outcomes for the VET sector. However, rather than incorporate this into another piece of regulation we would rather it be encouraged as good practice and a requirement during audit. By utilising external moderation and validation assessments more it should be possible to remove some of the differences between outcomes across providers. CCA would not wish to see external or independent activities placing additional costs onto RTOs; for example CCA members already undertake external validation between independent entities and such skills should be traded between RTOs rather than being an additional fee-paying business service or a regulator service.

CCA acknowledges that whilst being in favour of external validation, it recognises that no two RTOs are the same and therefore part of the challenges include processes to be evaluated in the independent moderation of assessment of training packages. In recommending external validation as a good idea we would note that if the review of standards dictates a requirement for external validation then there could be a similarity to the AQTF 2007 which was more proscriptive and more inputs driven. However, an outputs focused regime should not necessarily exclude some inputs requirements (which might also include a requirement to conduct internal audits against the standards at least annually).

CCA also notes that external validation with other RTOs in a competitive training market may be difficult. RTOs have strong ownership of training materials/assessment tasks and also of their markets. While community colleges and NFP community providers may willingly engage in validation between themselves, outside of this sector, the tension between achieving quality through validation in a competitive market is not easy to resolve.

Q5. What other mechanisms might be used, other than external validation of assessment, to improve consistency in outcomes?

As industry (in particular the ISCs) is already involved intimately in the development of training packages and consultation with RTOs on assessment services according to the current standards CCA would recommend that this remains as is. RTOs engage with local industry and therefore there is regular opportunity for feedback. Suggesting that a peak industry body should be a new mechanism for improving consistency would be, in our opinion, inappropriate.

However, there can be times when funding bodies may provide useful assessment mechanisms. For example, a number of community colleges were recently directed to participate in the *2012 APL RTO INTERNAL REVIEW* by the NSW Department of Education and Communities (DEC). Whilst completing the review was time-consuming (54 pages in length) it was useful in identifying issues of quality, areas where improvement was needed and aspects of minor non-compliance. The template allowed for RTOs to self-diagnose areas of non-compliance and gave the RTO the space to discuss their reasons for these and also the way forward within their own reality/context. When submitted, DEC could identify areas where standards/procedures etc. may be unrealistic and impractical for all RTOs to implement.

CCA members have also suggested that internal reviews, conducted by the RTO's staff should be a quality mechanism (already) in place. These reviews could include:

- Performance level descriptors
- Quality exemplars to guide assessment decision making

In addition, external audit consistency should improve overall consistency in national VET outcomes. Ideas to assist in this include:

- Increasing 'peer involvement' in audit
- Ensuring paid auditors are currently working in an educational environment and context to maintain audit good practice
- Using multiple auditors (in some context noting the current limitations on numbers) to avoid (unintentional) bias and average out the variances experienced in some auditors

Finally, many CCA members noted the need for considerable improvement in the quality in trainers and the need for significantly more professional development for trainers and assessors. Increasing the importance of Cert IV TAE as a highly valued component of good training and assessment practice would place it as an integral part of the VET sector. It currently doesn't appear to always have that role and in some providers is seen as just another source of income. Part of the professional development could include improved skill development in judging competence as part of trainer/assessor training. This would recognise that there are multi-level factors involved in the decision making process around competency (level of technical knowledge, ability to problem solve, business competence and ethics/personal behaviour).

Whilst acknowledging the quality of trainers is an important issue in improving consistency of outcomes CCA does not purport to offer any simple solutions to ensure that quality. Trainers might all have the TAE but there can be a wide variation in their quality. One suggestion was for a My Trainer website that trainers had to subscribe to with a description of their experience etc. NFP RTOs would ideally like a method of measuring best practice for trainers by industry; perhaps an approach of matching employment outcomes with the quality of trainers at individual RTOs? We are aware that employers seek out particular RTOs because they know that RTO provides quality trainers. Other suggestions for improving trainers' qualities and consistency included:

- Request a lesson plan and assessment task be submitted by the proposed trainer
- Commence initially on a casual basis so work can be terminated if quality is lacking
- Buddy the new trainer with an experienced trainer and pay both trainers to be on the job
- Have the experienced trainer assess (tick box checklist) the new trainer's performance

Q6. Should 'outcomes focused' remain a key feature of the standards?

CCA members were not consistent in their views on this question. Some colleges noted that there was some benefit to be achieved through the process of learning and not always a mandated focus on teaching to rigid outcomes. Through the process of learning the students' skills and knowledge of the content of the knowledge base of their intended qualification can be improved and ultimately their competency proved. This highlights the uniqueness of the VET sector; specifically that an RTO needs to remain flexible to respond to the ways their clients, both individuals and employers demand.

However, most colleges were of the opinion that "outcomes focussed" should remain a key feature of the standards. The current standards retain an emphasis on inputs and processes, and do not always demonstrate features consistent with an outcomes focussed approach. In order to achieve an outcomes focussed approach, the standards need to do more than just prescribe requirements; they need to describe what a regulatory body expects to see occurring in an organisation that is providing quality training and assessment services. They also need to set out clearly what is meant by 'outcomes focussed'. Once outcomes are set and described, organisations can then use their professional judgement and discretion to achieve those outcomes, recognising that approaches and processes need to remain flexible to meet the needs of differing environments, communities, industries and individuals. That is, it allows for the standards to be flexible enough to not restrict RTOs to rules and regulations and requirements that may not always suit their business model. For example, in the AQTF2007 the standards required that businesses had a certain number of policies, including some that were inappropriate for very small RTOs.

Prescriptive standards carry high administration and compliance costs and these costs can cause smaller providers to be less competitive in the marketplace. Costs are generally passed on to the consumer, or in the case of funded programs, less funding may be made available to support those in greatest need due to the costs required to meet compliance. Outcomes, or performance based standards, offer a lower cost structure for compliance and encourage continual improvement through innovation and flexibility in the way the outcome or performance is achieved.

Q7. How user-friendly are the standards in terms of interpretation and implementation and where and how could they be improved?

CCA members identified that having both standards and conditions to adhere to can be confusing. Our recommendation would be to prepare a set of standards and these should be reduced and simplified. In a similar approach, colleges were not confident on the need for both AQTF and NVR legislative instruments. The Standards for NVR RTO's are not at all 'user friendly' in their current form. If there is an unintended "doubling up" it does not serve any stakeholder well including regulators, RTO management or students. In noting that the meaning and intention of the standards is sometimes not clear, it was identified that The User Guide to the AQTF was a very useful document to support implementation. CCA suggests a similar document for any future standards.

Whilst the individual elements within the standards are reasonably clear concerns were raised in regard to interpretation as it was noted that this varies across individual auditors. Currently there is a degree of nervousness that an RTO will read the standards, implement appropriate processes, engage in what they consider to be correct continuous improvement but then be advised by an auditor that they have identified critical non conformity. If standards are to be considered conducive to implementing there needs to be some terms that will allow interpretation to be assessed prior to an external audit. This may include regulators providing more explicit guidance, or examples of best practice, in regard to the keeping assessments records and also in regard to financial viability.

One issue for smaller organisations is the view that the guides are possibly biased towards larger organisations. Although the AQTF Guide expresses that the standards could apply to a single person RTO it is difficult to see how! One example – in relation to compliance – is where a CCA member with a turnover of less than $1.5 million has had to complete 18 compulsory Audits/Reports/Requests for information in the first 6 months of 2012. This seems quite absurd and a significant impost on the infrastructure and time of a small business.

Q8. How could the standards framework be improved to make them more streamlined?

The simple concept of continuous improvement suggests that there could be improvements and that might be as simple as better user guides to accommodate the breadth and depth of RTOs in the VET system in Australia.

CCA suggested improvements to streamlining the framework include:

- Providing guidance resources that include items such as compliance descriptors as examples of how providers can demonstrate that they are meeting the requirements;
- Guides could include, for example, Codes of Conduct, examples of how regulatory requirements may be met, reflective questions for a provider to consider when working towards each Standard; suggestions for further reading; information sheets that assist with interpretation;
- Online resources that are continually updated and easily accessible for VET professionals;
- Removing the differences between the initial registration and continuing registration;
- One document for Fit and Proper Persons and Financial Viability with a flowchart showing how it all fits together including the AQF;
- a partnership approach to standards implementation.
- examples of best practice which would be relevant to small, medium and large RTOs

Q9. Is the purpose of the national standards for the regulation of VET most directly concerned with RTOs, or with the training and assessment services they provide, or with the outcomes that they achieve?

Ultimately the standards should be about producing a quality product/service to meet client expectations. That is, the standards should provide for a quality RTO system and with the standard of Training and Assessment services provided. By providing such standards, high quality outcomes should be achieved. These outcomes allow skills development within Australia which again supports the skilling needs of Australian industry, and the economy which in turn develops Australia's social capital.

It is noted by CCA that given the extensive Training Package requirements, it may be that the Standards should exist only to guide initial registration of an RTO. Once an RTO has a history of training delivery it could determine its own learning strategies/curriculum that best suits its own reality/context.

However, the concepts in this question are so interlinked that there is no simple way to choose between them. For example, if the RTO is not well managed and not financially viable there may be doubt on the training and assessment services they provide with similar questions on the outcomes. If any of the above concepts is singled out then there may be a reaction among some RTOs to focus on that to the detriment of the others. CCA members agree that there needs to be a balance between them. Many CCA members learning strategies and curriculum reflect the extensive requirements of the elements of the Unit of Competency and all learning materials and assessment have been designed in a way that is easy for all trainers to implement consistently. All trainers use the same learning materials, assessment strategies, tasks and assessment activities, in order to aim for consistency across a college.

CCA also notes that various legislation underpins behaviour and practice within RTOs and the standards should contextualise this legislation to the training environment, for example Anti-Discrimination Legislation.

Q10. How should the purpose of the national standards be expressed?

The purpose of the national standards must be to provide a framework for the continuous improvement of the national VET system and to improve the process of gaining skills to meet the needs of industry and the Australian economy.

Q11. What are the key characteristics of an effective regulatory model for the VET standards?

Standards need to be _effective_ – that is, focussed on the identified problem, and not cause unintended or excessive side effects that limited the providers' capacity to provide an efficient service to clients.

Flexibility will enable the standards to be applied across the variety of situations that present within the VET sector. The current 'one size fits all' approach does not work. An effective regulatory model needs to take account of advancing technology, and the social and business environments within which providers operate.

Transparent and accountable – promote the sharing of information within the system – currently it is challenging to find information that supports the standards – there is a lot of confusion for providers and it is very difficult for smaller providers to keep abreast of the continuous change.

Proportionality – the burden of regulatory compliance should be reasonable for providers to manage, and proportional to the problem that Government is trying to address. However, compliance should not just be a paper trail created to satisfy auditors; it is an actual systemic implementation within an RTO.

Consistency is a key factor. Any regulatory approach should be applied consistently across the regulated parties e.g. if self-regulation is available, it should be available to all, and not just to some. Consistency of measurement, both external and internal, that adds value to the VET system. The current mechanisms place possibly too much emphasis on the external and not enough on the internal, that is, less prescribed process and more ability for organisations to demonstrate how and why they do what they do to meet the standards.

To have a truly effective regulatory model for the VET standards, external audits will need to be identified as a current issue for RTOs. There are too many instances of poor behaviour which does not assist the overall professionalism of the sector. One example from a CCA member highlights the problem. Their experience was how the standards were applied to their first organisation, by comparison to the way the standards appear to have been applied, by the same auditor, to another organisation that was subsequently purchased. Having experienced the audit outcomes for both entities, it was surprising to see what the second entity had seemed to have been allowed to 'get away with', even though the same auditor was responsible for both audits.

Q12. Is there a place for self-assessment and/or self-regulation in VET and what role would the regulator, as the responsible registrar, have in such an arrangement?

There can, and should, be a place for self-assessment and/or self-regulation in VET. Competent, experienced providers are capable of self-assessing against the standards and self-regulating. The role for the regulator, in these arrangements might include:

- determining at what point an RTO is considered to be ready for a self-regulated approach;
- identifying risk factors that would highlight that the RTO self-regulation may need to be reviewed (such as change of ownership, increasing complaints, decreasing performance and outcomes levels, for example);
- monitoring RTO's working in this way (while not being routinely audited, might the RTO have a requirement to submit planning or reporting documentation); and
- continuing to work with those RTOs not yet ready for this phase of operation.

CCA would recommend that audit 'cycles' are identified with longer timeframes for 'good practice' providers (subject to providing updated desk reports for analysis) and 'poor practice' providers having reduced cycle times. In addition to agreeing to self-regulation, we would suggest that the standards be more prescriptive in terms of how often RTOs should undertake self-regulation. Some members believe an annual self-assessment report may actually assist the regulator in the audit process. If RTOs were obliged to submit their internal audit and self-assessment to the regulator, the responsible agency could provide feedback to the RTO as to where improvements may be made. This would also assist the regulator in identifying 'good practice' providers over time.

Q13. How can the standards support the availability of easily accessible, appropriate and high quality information that gives learners and employers greater confidence that the choices they make are the right ones for them?

CCA considers it appropriate for data to be transparent. Quality Indicator reporting is a good concept as it allows for continuous improvement and continuous monitoring of operations (both by the RTO and by the regulator) but the current QI surveys and reporting process have some problems. We therefore express some caution in suggesting that data (as currently collected) equates to appropriate information.

Members noted that the paragraph relevant to this question in the consultation paper starts by discussing greater transparency to support informed choice, but by the end it is talking about *data* to improve accountability of outcomes. How would RTOs prove outcomes or explain outcomes simply by quantitative data? The goals may be achievable if the standards include collecting an appropriate range of information that demonstrates an organisation's capacity to deliver quality training and assessment services. Data collection would need to therefore reflect the variety of training and assessment approaches, and not focus on one style alone (as the QI data had tended to do).

Specific suggestions for surveys by CCA include *The Learner Engagement Surveys* exploring the provision of innovative pedagogical approaches as well as confidence levels sensed by learners in their learning. *Employer Surveys*, if used, should ask only questions that employers can answer, such as, does the learner have the skills required by the job? Currently the employer survey asks a lot of questions the employer could not possibly know the answer to, such as the facilitation methods etc. There should also be guidelines on when it is appropriate to administer the employer survey, because not all RTOs work directly with employers. CCA also notes that currently the surveys are administered, recorded and reported by the RTO. It is possible for RTOs to enhance the results. Perhaps the Quality Indicator surveys could be externally administered and results reported to the RTO (subject to cost burdens for training organisations). IN addition to the current quality indicator surveys a very good measure of RTO performance may be employment outcomes however it is possibly beyond the scope of reasonable RTO responsibilities to collect such data and this may be superseded by the National Student ID program.

If such information is made available to consumers to assist with their informed choice, RTOs should then have the opportunity to augment the data with additional information that helps the reader to understand the data in the context of the RTO's operation, environment and general client base. Statistical data in isolation will not provide this information. The standards should require all RTOs to report outcomes data that is benchmarked to national average for comparable client groups/ demographics. The outcomes data cannot stand alone to be compared by anyone who does not recognise the difference between differing enterprises.
MY SKILLS should make it simple for an inexperienced person or employer to compare appropriately. For example, in reporting outcomes for Indigenous learners, My SKILLS should have the national average provided beside the data the RTO is reporting, allowing informed choices for employers and students.

The My Skills web site should have information available on all VET qualifications in simple language, including information that simply enrolling in a course (and paying for it) does not automatically entitle a student to a qualification. Information provided to the public, needs to be clear as to what is required for a learner to achieve competency in specific skills and certificates, for example, assessment tasks.

Q14. How can the standards support the achievement of current national goals and policy objectives?

A robust standards framework may encourage the different tertiary sectors (including schools who offer VET) to reconsider their positions, if it leads to an increase in the quality of training and assessment, however there is much work still to be done attitudinally, and this is not something that standards can on their own address.

In seeking to achieve the current national goals, CCA notes that Goals and policy are set by the Governments of the day. The standards can only support through ensuring the VET system is as efficient and effective as possible to respond to changes that are made in those goals and policy.

However, one of the challenges faced in the VET sector is how to move toward a more interconnected tertiary sector, when the different groups view each other as competition rather than alternative options for students and employers. In addition there seems to be different values placed on the graduates of different organisations. As an example, despite both the public provider and a community based organisation offering identical AQF qualifications, the local University provides twice the credit transfer into a degree program to a public provider graduate, than they will provide to a Community College graduate. The Community College program utilises University lecturers (from the same University) to deliver programs, to ensure academic rigor and to lessen the impact (build pathways) on graduates moving between the sectors, and yet it still does not qualify for improved credit pathways. CCA anticipates this tension will increase as Universities and TAFEs start to offer programs that are traditionally part of the other sector's market.

Q15. What, if any, is the appropriate level of student protection that the standards should provide in addition to the protection provided by consumer protection law?

Some CCA members believe that they shouldn't, that this is not their purpose. It was suggested that NSSC keep the standards for doing the important job they do, that is ensuring a good vet sector.

However, the majority of CCA member respondents stated that appropriately designed and implemented standards should minimise the risks of misinformation, poor quality provision and qualifications that have limited validity to industry. It should not be necessary to increase the existing financial requirements – and those need to be reviewed so that they don't continue to impact negatively on providers' business models. As far as CCA understands, there is still no approved tertiary assurance scheme available, and so colleges are forced into a situation where they cannot accept more than $1,000 from students for their programs. This creates further risk situations for the organisation where the student then fails to pay the balance – which can have nothing to do with the quality of delivery – leaving the organisation to pick up the cost of delivery to the remaining students in a class. In thin market areas, and for providers that run on small margins, this can have quite a negative impact. The additional cost of processing payments and time to administer payment systems adds further to the financial stresses. That the public provider is exempt from these conditions (as we understand) creates a situation where again, VET providers do not have a level playing field.

CCA notes that through a range of legislation (domestic) students are well protected in respect to consumer law. Therefore, we would argue that there is a need to raise the amount of upfront money associated with training and that the restrictions currently imposed at $1000.00 per course should be at least doubled. We would also argue that Government should be careful in reviewing mechanisms for the protection of international students' fees. Any mechanism created to ensure the protection of student fees should not be a blanket rule across all RTOs, many of which do not have CRICOS registration and do not issue student visas or deliver to international students.

Finally, in most cases, consumer law offers a sufficient degree of protection of student fees and our CCA members refund policies are fair.

Q16. How can the standards support industry being appropriately engaged to ensure high quality outcomes are achieved?

The standards currently require evidence of industry engagement and consultation (Standard2) which most CCA members consider satisfactory. However, we do note that ISO9000 – Quality Management – Principles 8 – highlights mutually beneficial supplier relationships. In line with this principle it might be possible to consider RTOs demonstrating that they are networked with industry rather than just consulting with industry. This could benefit industry consultation. Networks might also include community groups, funding bodies, local business, JSAs, ISCs etc. However, we note that from past experience by members this is one of the hardest things to do as industry is reactionary to market forces not necessarily government policy.

CCA advises that with industry engagement historically, many industry personnel are not interested in providing written feedback on the College's assessments and content as frequently as our members' desire as they do not believe they have sufficient knowledge of the Training Package requirements and/or just do not have the time to respond to requests for input. Even where members have simplified the way industry representatives are asked for feedback by internal evaluation pro forma templates there tends to be reluctance for industry to provide feedback. Most feedback is received through face-to-face contact through the workplaces providing work experience facilities for our students who are enrolled in a full qualification.

Many CCA members continue to use the ACER-produced Employer questionnaire but this tool is often unsuitable where students enrolling are doing so without their employer's support/sponsorship/knowledge. For many students attending a NFP community-based RTO, it is a personal decision to enrol in a VET course. This can result in a disconnect between government stakeholders' ideas of VET and, at times, the reality. One example of this is that some students enrol in a single Unit of Competency short course and not in an entire qualification. How can RTOs be expected to consult with relevant industry each time an enrolment is made by an individual in a six-hour course? What small RTO has the capacity and infrastructure to contact all students' employers and request feedback? And yet, the focus of policy makers appears to be an assumption that all students enrolling in VET are aiming towards completion of an entire qualification. The reality is, many adult students are unable or just not interested in completing an entire qualification.

Finally, Privacy legislation too prevents RTOs from contacting students' employers and asking for feedback if the student themselves have paid for their courses and may be doing training in short courses to up-skill in order to look for better work opportunities.