SUBMISSION

Department of Employment and Workplace Relations

REVISED
RTO STANDARDS

January 2023

About TAFE Directors Australia

TAFE Directors Australia (TDA) is the national peak body that represents Australia's network of state and territory publicly owned Technical and Further Education (TAFE) institutes and university TAFE divisions. All TAFE institutes and TAFE divisions of dual sector universities across Australia are members of TDA. TDA members range from the largest registered training provider in Australia, TAFE NSW to regional TAFEs with significant geographical coverage such as North Regional TAFE (WA). The primary business of TDA members is vocational education and training focusing on nationally accredited qualifications and skill sets, non-accredited training for bespoke employer purposes, and foundation skills. Over half of TDA members also deliver higher education.

TAFE Directors Australia (TDA) appreciates the opportunity to provide feedback on the revised draft Standards for RTOs (draft Standards) and notes the extensive consultation conducted with stakeholders to date. TDA provides the following commentary on the structure, content, application, and impact on quality of the draft Standards.

Changed structure of the draft Standards

TDA is supportive of the aim to simplify and streamline the current RTO Standards, including the more administrative/compliance-based requirements being made into conditions of registration. TDA also welcomes the increased focus on making the draft Standards more outcomes focused.

TDA's main comment is that the promise of flexibility and outcomes focus has not been sufficiently achieved. It is TDA's position that when the draft Standards are taken in full, including the 'Guidelines' and 'Requirements', the structure does not appear to have been changed or streamlined significantly.

This is evident when comparing the current RTO Standards to the proposed draft Standards. The consultation paper notes that the current RTO Standards consist of eight standards; 59 clauses across the eight standards; six Schedules and the Glossary. The structure of the draft Standards includes five quality areas; 14 focus areas/outcome statements across the five quality areas; 38 'Requirements' across the five quality areas; Guidelines and the Glossary. There are still 52 clauses under the five quality areas plus the separate 'Guidelines' which contain compulsory requirements and the Glossary.

The multitude of documents are not sufficiently differentiated. The difference between the 'Guidelines', the 'Requirements' listed under the outcome statements and the 'compliance-based requirements' which have been removed from the draft Standards to become conditions of registration are not always clear (notwithstanding the clarification that some are more strongly linked to student outcomes than others). They are all essentially requirements of some sort. There may be scope for some of the 'Requirements' in the draft Standards to be included as conditions of registration in order to further streamline the draft Standards.

Recommendation 1

Simplify the draft Standards further by strengthening the conditions of registration requirements and reducing the number of documents that make up the draft Standards.

In terms of details within the structure the draft standards could be more succinct. Repetition exists and below are examples.

A number of the 'Requirements' under the five quality areas are a repetition or combination of the focus area outcome statements above and are essentially superfluous. For example, clause 1.1.1 is essentially a repetition and combination of clause 1 and 1.1 and is therefore not needed; the additional words on online resources in clause 1.3.1 could be included in the outcome statement for 1.3 and then 1.3.1 is not needed; clauses 2.4.1, 2.4.2, 2.4.3, and 2.4.4 could be combined and re-drafted more succinctly.

Recommendation 2

Edit the draft Standards to remove repetition.

The five quality areas identified (Training and assessment; Learner support; Workforce; Engagement and Governance) differ slightly from the four areas identified in ASQA's self-assurance model (Leadership/good governance; Staff capability and ongoing development; Ongoing industry and/or community engagement; Student engagement and support). Further alignment of terminology between the draft Standards, regulatory models and any other related documents may be helpful.

Recommendation 3

Consider whether better alignment between ASQA's self-assurance model and the draft Standards would create greater clarity.

Content of the draft Standards

TDA advocates for the draft Standards to promote flexibility and responsiveness for RTOs. The standards should be flexible enough to allow RTOs to respond to changing industry and workforce needs, while still maintaining the quality and integrity of training and assessment. The draft Standards should also be easy to understand and should not impose unnecessary administrative burdens on RTOs.

TDA encourages further reflection on whether the draft Standards in their current form will incentivise RTOs towards innovation or towards compliance. Many of the 'Requirements' listed under outcomes are still essentially compliance-driven in nature. Similarly, while quality continues to be directly linked to training products/packages (see, for example, Focus Area 1.1), there is a risk that RTOs will still be constrained rather than enabled in terms of their pursuit of excellence and innovation.

Given the broad range of reforms which are progressing simultaneously in the VET system, some future proofing of the terminology used in the draft Standards may also be useful. For example, the draft Standards still essentially define training product as training packages in the Glossary whereas in future, we will be moving towards 'skills standards' and 'training and assessment requirements'. It is assumed that the Glossary could be updated relatively easily to reflect such changes in the future without having to undergo another full review of the RTO Standards. It is important that in the context of the ongoing reforms, that the draft Standards will align with any revised approach to training packages while also supporting ASQA's reformed regulatory approach.

TDA is broadly supportive of the changes that have been proposed to the content of the draft Standards in response to stakeholder feedback. However, many requirements under the outcome statements are still essentially compliance driven requirements so conceptually, the draft Standards have not changed significantly from the current Standards. In particular, the revised Standards still assume that quality will be achieved if RTOs deliver training which is consistent with training product/packages.

Requirement 1.1.1 states that '*Training design and practice is consistent with the training product, relevant to the needs of industry and appropriate to enable learners to achieve training outcomes*'. Requirement 1.2.1 states that '*The assessment system and practices are*

consistent with the training product'. The Glossary defines training product as a qualification, skill set or unit of competency of a training package. The quality of training and assessment in RTOs therefore still relies on the quality of the training package being delivered. Stakeholder feedback has indicated that the quality of training packages varies significantly and, in many cases, no longer meet the needs of employers.

Requirement 1.1.1 also potentially contains some contradictions. It states that the training design and practice has to be consistent with the training product but also relevant to the needs of industry. In the current system, RTOs have very little input into the content of training packages. And despite having highly skilled and experienced educators in their workforce who have current industry skills and knowledge and continuously build both industry relevant skills and training and assessment skills (as per quality area 3 of the draft Standards), they are still essentially constrained by the training product which they must deliver, as per the draft Standards.

Recommendation 5

Review the draft Standards to remove contradictions.

TAFEs, regardless of their organisational construct, are local. They work with local employers, and they develop local intelligence about what employers need. They look for solutions for the employer who has a future skill need now. That local intelligence and responsiveness must be enabled, especially in transitioning sectors and regions.

An industry partner may advise a TAFE of its needs, but in the current prescriptive training packages, a TAFE is limited by what it can do (in the accredited training space) to respond to these needs while they are required to deliver training and assessment that is consistent with the relevant training package. This has resulted in the perception that TAFEs are not flexible and responsive in meeting industry needs. The draft Standards in their current form do not resolve this issue.

TDA notes the ongoing qualifications reform which aims to address the already well-known issues with training packages in Australia. Until those reforms are complete, TAFEs must continue to deliver the existing training packages. In addition, if training and assessment requirements in future qualification models are still prescribed by industry, and RTOs are required to deliver training and assessment that is consistent with those requirements, then very little will change in terms of fostering quality, excellence and innovation. Nor will TAFEs be enabled to provide tailored outcomes education and training for their local industries and employers.

Recommendation 6

Elevate the importance of local employer advice to allow for modifications of a training product, or as qualification reform is enacted, assessment that meets the skills standards.

Recommendation 7

Align the draft Standards with the proposed qualification reforms.

It should also be noted that quality is not just about meeting the needs of industry, it is also about the student journey, and the quality of the education experience for the student.

In terms of the content, another area in the draft Standards which could be strengthened is the outcome statements. TDA appreciates that the requirements have now been linked with the outcomes being sought for learners. However, TDA suggests re-phrasing some of the outcome statements to give a clearer focus on the actual outcome that is sought. The outcome is the end state, rather than the process of getting there.

Some examples are provided below.

Focus area 1.1: Training

Training is consistent with the training product, reflects industry needs, and supports learners to achieve training outcomes.

That '*Training is consistent with the training product*' is not the outcome sought per se, it is a means to achieving a nationally consistent training system with portable qualifications. Unfortunately, this construct has stifled excellence and innovation in Australian VET and does not allow for regional and local solutions to prevail. This also links to previous comments about the risks in assuming quality will be achieved by all RTOs delivering training and assessment which is consistent with training packages.

The outcome that we are seeking from high quality training is more around the student successfully acquiring the relevant industry-standard skills and knowledge necessary for them to perform their chosen occupation competently and safely and to be able to apply portable skills to other industries and occupations. Our industry partners are also telling us that in addition to the industry relevant technical skills, they are seeking graduates who can, for example, think critically, communicate effectively, work collaboratively with others, and adapt to the changing needs of the industry.

Focus Area 1.4 Recognition of Prior Learning (RPL) and credit transfer

Learners are supported to progress through the training product where they have existing skills, knowledge, and competencies

In terms of RPL, while supporting learners to progress through the training product is important, the actual outcome (end state) sought could be strengthened. The outcome sought is more around learners being able to have their prior knowledge, skills and experience effectively assessed, acknowledged and credited towards a VET qualification, skill set or unit of competency which allows for a more efficient and flexible learning experience, and ultimately leads to better job opportunities and career progress for the learner.

Recommendation 8

Revisit all outcome statements, and where necessary strengthen them to ensure that they reflect the actual outcome that is being sought rather than a process which is required to achieve the outcome. In this process include a student lens on the review.

Application of draft Standards for TAFEs

TDA welcomes the improved capacity to engage industry experts to deliver training and assessment under direction. This will improve the learning outcomes for students and will also provide more flexibility for TAFEs in managing their workforce. TAFEs and all quality RTOs have always used industry experts to inform learning. This may be during student work

placements or a part of delivery. However, there have been challenges for RTOs in recruiting qualified staff in many industries. The draft Standards will allow experts, be they from industry or with some other area of subject expertise, to work hand-in-hand with professional educators to deliver learning and assessment. This is a positive development in that it will help to address the recruitment issues, but it may also foster innovation through mixed teams of experts.

TDA welcomes the strengthened requirements relating to continuous improvement which align well to the cultural shift towards self-assurance led by ASQA. TAFEs, as public institutions already have extensive continuous improvement and self-assurance mechanisms in place, so these requirements are already being applied by TDA's TAFE members.

As previously noted, in terms of the application of the draft Standards for TAFEs, the key concern is the assumption that quality training and assessment will be achieved if it is consistent with the training product/package requirements. RTOs themselves will remain constrained if they are not given sufficient flexibility to continuously improve and innovate in their training and assessment practices. Requirements 4.1.1 (b) and (c) require RTOs to seek meaningful advice and feedback from industry representatives and adjust their training and assessment practices accordingly – this is only possible within the constraints of whatever is prescribed in the training package.

One challenge when considering the application of the draft Standards to RTOs is that they may not be flexible enough to accommodate the diverse range of RTOs operating in Australia. The one-size-fits-all approach does not consider the specific profiles of different RTOs and does not allow for a more tailored approach to compliance.

In the current national training system, TAFEs have limited autonomy. However, self-accreditation for TAFEs (similar to universities which create their own curriculum) would go a long way in providing better responsiveness and relevance of vocational education and training to Australian industry. TAFEs as public institutions could work with industry and unions directly to create contemporary course content and design and produce job ready graduates at scale. A strong and autonomous TAFE sector can help meet Australia's short-term skills shortages, boost productivity of the workforce and better prepare Australians for the jobs of the future.

Recommendation 9

Set a pathway towards self-accreditation for TAFEs and quality RTOs that will enable Australia's vocational education and training system to be more industry responsive, flexible and innovative.

TDA has already communicated extensively with DEWR and ASQA on the impact of arbitrary transition dates for superseded, deleted or expired training packages on large and complex institutions like TAFEs which have a high number of qualifications on scope.

TDA's position on transition times is that this is an operational issue and TAFEs themselves should be able to manage the transition timeframe themselves to minimise any negative impact on students and to reduce unnecessary administrative burden on TAFE operations. It is preferred that transition end dates should align with semesters to allow for students to complete a semester and for the RTO to complete any associated administration on completion i.e. 31 January or 31 July are preferred.

TDA notes that there will be further consultation with the sector on training package transitions and TDA would like to be actively engaged in that consultation.

Recommendation 10

Include in the draft Standards that training product developers set guidelines for training product transition only and allow TAFEs and quality RTOs to determine what transition dates are appropriate for enrolled learners.

TDA notes the intention to pilot the draft Standards with a small number of RTOs to ensure they can be effectively regulated against. TDA is supportive of this pilot and would like to ensure that one or more of our TAFE members are involved in this pilot given the unique profile of TAFEs in the Australian VET system.

It is important to note that it is the responsibility of RTOs to translate the Standards into their internal policies and practices. The pilots will be important in checking whether there are any unintended consequences or administrative burden placed on RTOs in complying with the draft Standards as is the case with the current RTO Standards.

Impact of draft Standards on the quality of training delivery and outcomes

TDA believes that the increased focus on learner wellbeing and outcomes, good governance and leadership, continuous improvement and self-assurance will have a positive impact on quality in the VET sector. Greater flexibility to engage industry experts to work under direction will also support quality training delivery and outcomes.

TDA agrees that the legislative landscape is complex and onerous for RTOs so any attempts to co-locate and/or streamline requirements and legislative frameworks to make it clearer and easier for RTOs to navigate is supported as a longer-term objective.

TDA acknowledges the challenges of revising the RTO Standards to improve quality at a time when the entire system is in a state of flux including changes to qualification design and the overall VET system architecture. There is an inherent tension between the desire to raise the quality of the sector through flexibility in the standards with the concern that more flexibility may lead to loopholes which can be exploited by poor performing RTOs. TDA's position is that the draft Standards should be ambitious, outcomes focused, provide for flexibility, and incentivise innovation and excellence in the Australian training system.

Given the unknowns around the outcomes of the qualifications reform process, the construct of future training product, the establishment of the Jobs and Skills Councils and so on, it is a challenging task to future proof the draft Standards. TDA believes the issues with the current standards have been effectively identified through stakeholder consultation, however, TDA is not convinced that the revised draft standards go far enough in actually addressing all of those concerns.

Recommendation 11

Review ASQA's legislation to ensure it can monitor RTO quality performance and compliance as opposed to creating restrictive detail in the draft Standards and thus removing flexibility, outcomes focus and innovation from all RTOs.