

ACPET response

Addressing issues relating to unduly short courses - discussion paper

December 2017

Introduction

While acknowledging the great benefits of Australia's competency-based training system, ACPET acknowledges some issues around unduly short training and the need, in some very limited circumstances, for greater guidance to students, providers and industry to ensure quality outcomes.

The ASQA report, *A review of issues relating to unduly short training*, acknowledges there are a broad range of factors that influence the quality of training. In fact, short duration training is often a symptom of other systemic, regulatory and training and assessment shortcomings.

The imposition of minimum amounts of training for some courses cannot be seen as a panacea for these shortcomings. If implemented, it should be restricted to circumstances where there is clear evidence of a need based on a rigorous, evidence-based assessment against defined criteria and prompted by detailed advice from regulators. It should only be used in exceptional circumstances if the unravelling of Australia's competency-based system is to be avoided.

While the discussion paper gives emphasis to the potential benefits and mechanics of the proposal, there also needs to be consideration of the financial and other costs for students, industry and governments as the purchasers of this training. In an environment where the VET sector is under considerable stress with declining government-funded enrolments, mandating minimum hours may add to these challenges.

How does the proposal 'fit' with an environment where greater flexibility and innovation will be required to meet the rapidly changing skill needs driven by digital technology and demographics? How will it address the need for tailored packages of training to respond to emerging needs? It runs counter to the accepted need to address inflexibilities in current training product development and delivery arrangements.

There needs to be approaches that address some of the root causes of short duration training and other concerns with training and assessment.

Based on recent issues relating to the delivery of a number of government-funded programs, some providers should not have been approved. Some providers do not have the commitment, resources or expertise to deliver quality training and assessment. It's not surprising that without quality products these providers 'default' to other strategies that provide a competitive advantage, like unduly short training. It would seem the regulators have not had the capacity to identify and restrict this activity before significant 'damage' was done.

There needs to be a regulatory framework that focuses more on preventing high-risk providers from entering the market, rather than 'doubling-down' and increasing the regulatory burden for all providers. ACPET notes the recent changes to ASQA's regulatory approach are a step in the right direction and respond to the regulatory failures that have contributed to the issues with unduly short duration training.

It is also the case that a shrinking VET market, at least in respect to government-funded training, has put significant pressure on providers. The erratic funding decisions by the Commonwealth and some other jurisdictions has created an environment of uncertainty, undermined markets and fuelled the exodus of quality providers.

As the discussion paper notes, the development of training packages has limited input from training providers. Given their pivotal role as the link between business and industry and students, the inclusion of providers in all the Industry Reference Committees would assist the development of training packages that can more readily be 'translated' into quality training and assessment.

The need to provide better consumer information so that more informed decisions can be made is strongly supported. One of the 'tragedies' of the VET FEE-HELP experience was that prospective students and others did not have access to data held by governments and regulators on the performance of providers. The current national data policies that restrict the sharing and publication of performance data needs to be addressed. The outcomes of the recent review of these policies were inadequate.

For stakeholders, students and industry, there needs to be much greater transparency and consistency around the core elements of courses including enrolment requirements, delivery hours and modes and assessment strategies. The admissions transparency reforms being implemented in the higher education sector should be considered.

In summary, ACPET has significant concerns about the consequences, unintended or otherwise, of the introduction of minimum training durations. Its adoption should only be where there is broad-scale undermining of the skills development in an industry or key occupation and other strategies to address concerns have been considered.

The following responses are provided against this background of significant concerns with the proposal.

1. Response to Recommendation One

1.1 What are the important elements in a definition of amount of training in a competency-based training system? What is your suggestion for a definition of 'amount of training'?

If the amount of training is to be made up of only supervised learning and assessment activities, the definition of 'amount of training' must define what training is deemed as supervised learning.

Amount of training should include all parts of the training program, including pre-reading, learning activities, classroom or online hours engaged with content and assessment both summative and formative. It could be summarised as including training and assessment activities expressed in hours a new learner can expect to spend:

- being taught or given instructions by a trainer, supervisor or other appropriate provider of education (such as workplace supervisor), or
- participating in training and assessment under the immediate guidance or supervision of such a person either in physical or virtual environment (i.e. online).

The range of activities and their modes should be included. It must not be restricted to face-to-face hours or some translation based on standard classroom delivery.

The amount of training required needs to be reflective of AQF level, industry needs at that level and take into account the use of modern learning tools (interactive videos/LMS systems/webinars etc). The amount of training should not be overly prescriptive to the point where students are undertaking training to satisfy an amount of training required when competencies have already been met.

1.2 Where in the regulatory framework would this definition best sit to improve student outcomes?

Noting some issues with the volume of learning, the definition of the amount of training, if it is to be adopted, should be considered for inclusion in the AQF. It should be considered as part of the review of the AQF to be undertaken later in 2018.

The stipulation of minimum amount of training should be only made where a rigorous risk assessment indicates it is warranted. Accordingly, the criteria that give rise to the consideration of a minimum amount of training should also be clearly articulated.

1.3 If an amount of training is defined, how can industry ensure that innovation and flexibility in delivery of training is retained?

A key concern with the introduction of a minimum amount of training is that innovation and flexibility will be compromised. Industry will need to be vigilant to ensure this doesn't happen.

Industry should also ensure good 'up front' training product design that provides adequate flexibility and responsiveness. The widespread or default use of minimum amount of training cannot be seen as a panacea for the raft of issues that impact quality training delivery and certainly not poor training product design.

Training package development processes would benefit from greater input from providers in Industry Reference Groups given their intermediary role between industry and students and their need to 'translate' training package qualifications into quality training programs. Greater input of providers may help address the uncertainty and varying interpretations of delivery requirements cited in the ASQA report.

It is also important that industry support the delivery of training through closer relationships with providers to validate training and assessment strategies. Advice from ACPET members indicates they would welcome, and often fruitlessly seek, greater industry engagement but recognise the resource and time limitations faced by small business, in particular.

While there have been some calls for independent/industry assessment and validation of assessment, care needs to be taken that these don't impact on the innovation and flexibility necessary to meet the increasingly diverse needs of students and business and industry.

What criteria could be used to ensure the RTO has the scope in which to justify its rationale for short course duration?

A provider could have scope to justify its rationale for shorter courses by demonstrating:

- Employer satisfaction with the graduate competency
- External Industry validation of course content and curriculum
- External validation of assessments and assessment practices
- Graduates satisfaction, completion and employment outcomes
- Evidence of pre-training assessment of learner skills verifying learner is more advanced than a "new learner" – that is RPL that demonstrates competencies already held.

1.4 For qualifications that would have a prescribed duration, what are the implications for recognition of prior learning, credit transfer and transition of students when qualifications are updated?

A risk of the introduction of minimum durations is that providers, in an environment of greater regulatory scrutiny, will simply adopt the default hours. It will, unless tightly managed, undermine the scope for legitimate RPL.

The recent concerns with short courses seemingly revolve around the training of ill-prepared and screened new entrants that have no prior industry exposure, experience or training.

Where a student can demonstrate these attributes through RPL the minimum amount of training requirement should not apply. There need to be safeguards to ensure RPL is not compromised by the introduction of minimum training durations.

Any minimum duration of training requirement, if the proposal is adopted, should only be introduced after a rigorous assessment against well-defined criteria. This should be done in conjunction with the normal training product review processes/cycle. This should include specific advice from the regulators around specific short duration concerns.

As with current training package review processes, there should be the normal transition arrangements. In these circumstances existing students would not be 'new' and should not be captured by minimum training requirements.

1.5 What is your suggestion for a definition of ‘new learner’? What processes would an RTO need to establish to verify a student’s new learner status? What documentation would support audit processes?

A new learner could be one who has:

- been out of the formal learning environment for greater than 12 months
- no previous attainment of a qualification in the relevant industry
- no prior exposure/experience to the industry of qualification sought
- not eligible for RPL

Documentation to support this would be the evidence of a robust pre-training review process covering:

- LLN Assessment
- Evidence of prior knowledge/experience
- Career objective and employment aspiration
- RPL evidence

1.6 In establishing a definition of amount of training, what are the implications for current definitions of volume of learning in the AQF? How could the definition of an amount of training (which includes only supervised learning activities) best be aligned in order to inform the review of the AQF and volume of learning (which currently includes supervised and unsupervised learning activities)?

The volume of learning definitions and requirements reflect traditional delivery arrangements that increasingly do not reflect reality for students, industry or providers. The worth of retaining volume of learning should be included in the review of the AQF.

2. Response to Recommendation Two

2.1 How well are IRCs equipped to provide technical expertise on course delivery arrangements to be able to determine an appropriate amount of training?

As noted above, the IRCs need to include provider representatives so there is the delivery expertise and understanding to determine the appropriate amount of training. This engagement would also be important in helping to identify the other issues that may be contributing to the concerns about the quality of training and outcomes.

Who is best placed to provide the technical expertise to IRCs to assist in determining an appropriate amount of training?

Experienced industry RTOs and industry bodies.

How do RTOs provide input given they are largely excluded from IRC participation?

While RTOs are represented on some IRC's there is no consistent approach. This needs to be addressed if concerns about the misinterpretation of training requirements are to be addressed. It's hard to reconcile that training packages are developed in isolation of the providers that need to interpret and deliver them.

While the training package review processes often cite and have expert reference groups and consultations, there needs to be much more rigor and structure around engagement with providers.

2.2 ASQA has identified a range of factors that increase the risk for unduly short courses (page 11). Do you agree with these factors? Are there any other factors that should/could be considered in the context of unduly short courses?

Regulatory shortcomings have enabled poorly equipped providers to enter the market and deliver poor quality training (short duration, poor training and assessment and outcomes). Short duration training is, in part, a symptom of a flawed regulatory framework that gave priority to ensuring paperwork compliance rather than a risk-based approach to regulatory activities.

Clearly, some providers should not have been approved and, in the absence of a quality product, 'default' to other strategies that provide a competitive advantage, like shorter duration.

There needs to be a regulatory framework that focuses more on identifying high-risk providers rather than 'doubling-down' on regulation. The recent changes to ASQA's regulatory approach are a step in the right direction.

It is also the case that a shrinking VET market, at least in respect to government-funded training, has put significant pressure on providers. The erratic funding decisions by some jurisdictions has created an environment of uncertainty, undermined markets and fuelled the exodus of quality providers.

2.3 What other sectors, other than those identified by ASQA, would benefit from this risk-based approach to training package development? How did you identify these sectors (for example, what factors regarding this sector were relevant in making this opinion/decision?)

The identification of other sectors or qualifications (more appropriately) cannot be based on a 'straw poll' of stakeholders. It requires a rigorous, evidence-based assessment against clearly defined and validated criteria.

2.4 Do recent and proposed changes and reforms in the VET sector contribute to dealing with these issues, and are there alternative ways to achieve the same goal?

As noted above, there is a need for a new regulatory approach to identifying high-risk providers and qualifications. While the imposition of minimum training duration might respond to some legitimate concerns in particular circumstances it won't address the need to lift the quality of delivery 'across the board'.

Accordingly, ACPET welcomes the review of the National Vocational Education and Training Regulator Act 2011. This review needs to identify changes that prevent poor providers entering the market and support and reward high-quality training. The provider sector needs to be seen as ‘partners in regulation’, not adversaries or regulated objects.

While the introduction of the VET Student Loans will eliminate some poor training and providers and respond to the seriously flawed program design and implementation of VET FEE-HELP, the scale of the changes and funding availability will exacerbate the uncertainty and instability in the VET sector.

There needs to be greater stability in policy and funding so that good quality providers can plan, invest and deliver training with some certainty. As the Productivity Commission noted recently, the governance and funding of the sector is “a mess”.

The limitations imposed by existing national data reporting means students and other stakeholders do not have access to the information to support their choice of provider. Recent reforms are inadequate. There needs to be a cultural change in the approach to the reporting and publication of provider performance and outcomes.

3. Response to Recommendation Three

3.1 What impact and costs would a provider face in implementing ASQA’s proposal?

A Product Disclosure Statement (PDS) would require additional resources and labour costs to create a PDS for each course on offer by an RTO. For RTOs with a large scope this would require considerable human resources for what, in most cases, is an already stretched workforce to replicate information that for would already be created. Depending on the template, providers could also face design costs as well as printing costs, which for larger providers would be quite an impost.

To address some of these issues, to the extent possible, any PDS should seek to align with existing regulatory requirements.

If adopted, they would need to be phased in over a reasonable period to ensure providers have time to create PDSs that are accurate and to plan and allocate resources.

The recent work to enhance admissions transparency in the higher education sector should be referenced in any consideration of this proposal.

3.2 What impact would this have on the flexibility of RTOs to deliver training?

Based on a sensible scoping of the requirements/criteria for the use of minimum duration training and provided information contained in the PDS didn’t require some time-consuming approval processes, the impact could be minimised.

3.3 How could a PDS take into consideration the various flexible and innovative ways in which a single training product may be undertaken?

A PDS could provide a list and definition of delivery options that training providers offer.

A PDS could provide an opportunity for training providers to describe their unique delivery option (that is not defined in prescribed options.).

3.4 What would trigger an RTO to update each PDS?

A PDS would be updated to reflect changes in any of the required compulsory information in the PDS to ensure the information provided is accurate. This would usually be related to changes in training package requirements.

3.5 Are there alternative ways in which training product information could be provided to students to enhance consumer protections, and at which point in their enrolment/training should this be provided?

A PDS is only one way to allow students to fully understand course requirement and make comparison between products. It is important it is simple and general in nature and takes into consideration federal and state regulatory and other requirements to limit the amount of double-up and to ensure providers meet all regulatory disclosure information.

Students should have the ability to readily compare the program offerings of providers without having to 'plough through' provider web sites and PDSs. This capacity does not presently exist.

Initiatives like the Quality Indicators for Learning and Teaching implemented in the higher education sector provide an exemplar of what should be available. It needs to include the provider performance data that currently is not published, nor able to be accessed, and be available through platforms that support mobile phone access.