Australian Government
Australian Skills Quality Authority

ASQA
Corporate Plan 2018-19

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Introduction

Message from the Chief Commissioner and Chief Executive Officer

I, Mark Paterson, as the accountable authority of the Australian Skills Quality Authority (ASQA), present the *ASQA Corporate Plan 2018–19*, which covers the period 1 July 2018 to 30 June 2022, as required under paragraph 35(1) (b) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and the *National Vocational Education and Training Regulator Act 2011* (NVR Act).

This plan details the activities ASQA will undertake to achieve its purposes, which are to:

- protect the quality and reputation of the vocational education and training (VET) sector[1]
- regulate the VET sector utilising a contemporary risk- and standards-based regulatory approach
- facilitate access to accurate information about VET.

Further, the plan sets out measures that will be used to gauge ASQA's performance in achieving its purposes.

Finally, the plan provides commentary on the environment in which ASQA operates, and its capability, risk oversight and management.

Mark Paterson AO
Chief Commissioner and Chief Executive Officer
June 2018

1 Encompassing the regulation of:
- registered training organisations (providers that deliver Australian Qualification Framework qualifications, skill sets, units of competency, accredited short courses and modules)
- providers that deliver VET to overseas students
- accreditation of VET accredited courses.

Purpose 1: To protect the quality and reputation of the VET sector

To protect the quality and reputation of the VET sector, ASQA:

- controls entry into the sector
- aims to ensure that registered providers in the sector are compliant with all conditions of registration at all times
- takes decisive action where non-compliance with conditions of registration are identified.

Activities

In achieving Purpose 1, ASQA's primary focus will be the efficient functioning of its core regulatory activities, which are to:

- manage provider registration
- respond proportionately to providers of concern
- take decisive action against those providers which consistently fail to fulfil their regulatory obligations.

ASQA works to ensure that only providers that are fit to operate in the market are registered to do so, and that growth and/or diversification of provider offerings is effectively managed to protect the quality and reputation of the sector. Good providers are allowed to diversify with minimal regulatory intervention, while those with poor compliance histories (or no history) are required to demonstrate their readiness and capacity before being approved to expand their operations.

Managing provider registration and change applications

ASQA's Initial Assessment and Referral (IAR) Team conducts triage assessment to determine what level of regulatory scrutiny is required to decide:

- whether to grant a provider a licence to enter the VET and/or overseas student education market (initial registration)
- whether to renew a provider's licence, thus enabling it to stay in the VET and/or overseas student education market (renewal of registration)
- whether to grant a provider's request to alter the course offerings covered under its licence to operate in the VET and/or overseas student education market (change of scope of registration)
- the actions needed to manage the risk of a change of material nature to the ownership of a licensed provider's business operations (material change notification).

Using a risk-based methodology, the IAR Team determines which applications and notifications can be approved and/or processed without additional regulatory scrutiny, and which require closer examination.

Tightening scrutiny on new entrants

In 2018–19, ASQA will implement a range of measures to increase scrutiny on new entrants to the VET market. Changes to regulatory processes that were made in the 2017–18 financial year will apply to new applicants from 1 July 2018. The changes will ensure registration for new entrants is only granted to organisations that are adequately resourced and have a genuine interest in providing quality training and assessment. These new regulatory processes will impact the work of ASQA's IAR Team and Regulatory Operations (RO) Team.

Implementation involves changes to:

- the application process—including the Financial Viability Risk Assessment (FVRA) tool, the Fit and Proper Person (FPP) declaration, and a new self-assessment tool
- the assessment process conducted by the IAR and RO teams—including the removal of rectification from the initial audit process
- the post-registration period—including additional scrutiny on new registered training organisations (RTOs) during their first two years of registration.

Responding to concerns about providers

ASQA responds proportionately to risks presented by:

- identified cases of provider non-compliance
- reports of alleged provider non-compliance (commonly referred to as complaints about providers).

ASQA has a range of escalating regulatory responses it can apply to test whether a provider is meeting all conditions of registration. The response ASQA selects is proportionate to the nature of the concern identified, the individual provider's risk profile, and the circumstances of the case. In more serious cases, ASQA's response may involve an audit or investigation.

In broad terms, audits are triggered by either:

- the receipt by ASQA of an application, for example an application for initial registration, that ASQA decides requires close scrutiny (this is an 'application-based audit')
- some other risk factor or event, such as the receipt of a complaint about a provider, or information found as part of an evidence review (this is a 'compliance-based audit').

ASQA's Legal, Enforcement and Investigations Team provides additional skills to extend the range of available responses arising from the audit and compliance monitoring function. Through this team ASQA is able to apply strategies (such as formal investigations and the use of warrants) to collect evidence in further support of provider non-compliance. The Legal, Enforcement and Investigations Team also broadens the scope of regulatory action ASQA can take in response to non-compliance, to include, for example, the issuance of infringement notices or commencement of legal proceedings for contraventions of civil penalty and criminal offence provisions under the NVR Act and related legislation.

Taking decisive action

ASQA has a range of escalating actions it can apply to either:

- encourage providers to meet their obligations
- direct providers to take corrective or preventative action to address non-compliance, or
- remove providers from the market where they fail to demonstrate their suitability to remain registered.

The regulatory actions ASQA can take range from providing written directions through to prosecution. The severity of the regulatory action ASQA takes is determined by the nature of the breach, the risk profile of the provider, and the circumstances of the case.

Performance

Table 1 shows how ASQA's effectiveness in undertaking activities to achieve Purpose 1 will be measured.

Table 1. Measurement of activities to achieve Purpose 1

Activity	Key performance indicator	Metric and the periods in which it will be reported			
		2018-19	2019-20	2020-21	2021-22
Managing provider registration and change applications	ASQA protects the quality of VET by refusing entry to the sector to new providers, or rejecting renewal and change applications from existing providers, that do not meet the requirements for registration	Number of initial, renewal and change applications completed and percentage rejected (trend over time)			
Responding to concerns about providers	ASQA undertakes audits of providers	Number of audits completed each year (trend over time)			
	Trends in provider compliance	Percentage of providers compliant / non-compliant at audit and following rectification (trend over time)			
Taking decisive action	ASQA uses a range of appropriate regulatory tools, proportionate to the seriousness of breaches: • cancellations • suspensions • written directions • civil penalty actions and infringement notices	Number of times regulatory tools are used (trend over time)			
	ASQA's response times in relation to applications and audits are within targeted timeframes*	Percentage of applications and audits completed within timeframes specified in ASQA service standards (trend over time)*			
	ASQA applies appropriate and proportional sanctions on non-compliant organisations	70 percent positive feedback ('excellent' or 'good') in annual survey of providers			
Global metric—ASQA's contribution to quality	Providers indicate they believe ASQA is improving the quality of VET outcomes in Australia	70 percent positive feedback ('excellent' or 'good') in annual survey of providers			

* This consolidates what were formerly two separate key performance indicators. The *ASQA Corporate Plan 2017-18* had one indicator for application response times, and one for audit response times.

Purpose 2:
To regulate the VET sector utilising a contemporary risk- and standards-based regulatory approach

ASQA adopts a contemporary risk- and standards-based approach to regulation. This approach allows ASQA to direct resources towards areas that pose the greatest threat to high-quality VET outcomes, while also minimising the regulatory burden on high-quality providers with a history of compliance. A risk-based approach enables ASQA to respond decisively to emerging issues.

Using data and intelligence to inform judgements about appropriate interventions is central to ASQA's regulatory approach. Interventions aim to promote compliance and improve confidence in the sector.

The risk-based approach is underpinned by a Regulatory Risk Framework that helps ASQA to:

- respond in a proportionate and effective way to risks posed
- invest time and effort in treating priority risks according to available resources.

The function of ASQA's Regulatory Risk Framework is to identify and evaluate risks to the quality of VET in Australia. There are two levels of risk it seeks to manage: systemic risk, and provider risk.

Systemic risk is defined as any risk likely to exist across the sector or in a specific cohort of providers. If left untreated, significant risks of this type can have a detrimental effect on the quality of training and assessment—impacting individuals, industry and the wider community, and possibly leading to loss of confidence in the sector. The drivers of systemic risks are often outside of ASQA's legislative jurisdiction.

Provider risk continues to be a key focus of ASQA's regulation. ASQA addresses this type of risk by using data and intelligence to identify and intervene with individual providers. ASQA focuses regulatory scrutiny on those providers that are exhibiting behaviours and practices that pose significant risk to quality training and assessment.

Activities

In achieving Purpose 2, ASQA's primary activities will be:

- conducting an environmental scan (e-scan) to identify systemic risks
- announcing priority risk areas in its regulatory strategy document
- undertaking systemic risk projects, including strategic reviews, to address high-priority risks.

ASQA will continue to be vigilant in identifying providers that consistently fail to meet their regulatory obligations. ASQA will take decisive, proportionate action to address concerning behaviour and practices.

Identifying risks in the sector

ASQA conducts an annual e-scan to identify the systemic risks it will prioritise and target.

ASQA also conducts ongoing monitoring of the sector to identify new and emerging systemic risks that occur outside the scope of the e-scan process.

At the provider level, ASQA uses a range of indicators to identify providers that are unlikely to be meeting their regulatory obligations. These indicators include reports about providers that are submitted to ASQA by external stakeholders; data collected by ASQA; and data provided to ASQA by other agencies.

Priority risks announced in an annual regulatory strategy

ASQA publishes an annual regulatory strategy document that communicates to the sector the priority risks ASQA will seek to address in the forward year. ASQA's regulatory strategy is underpinned by systemic risks identified by the e-scan process.

Because there may be several issues competing for ASQA's regulatory resources at any one time, ASQA prioritises allocation of regulatory effort to the areas of highest risk. Targeting risks in this way maximises the positive impact of ASQA's regulatory resources. Outlining clear priorities in this way is integral to the operation of an effective risk-based regulator.

On occasion ASQA may decide not to publicly announce a priority risk if doing so could undermine regulatory objectives.

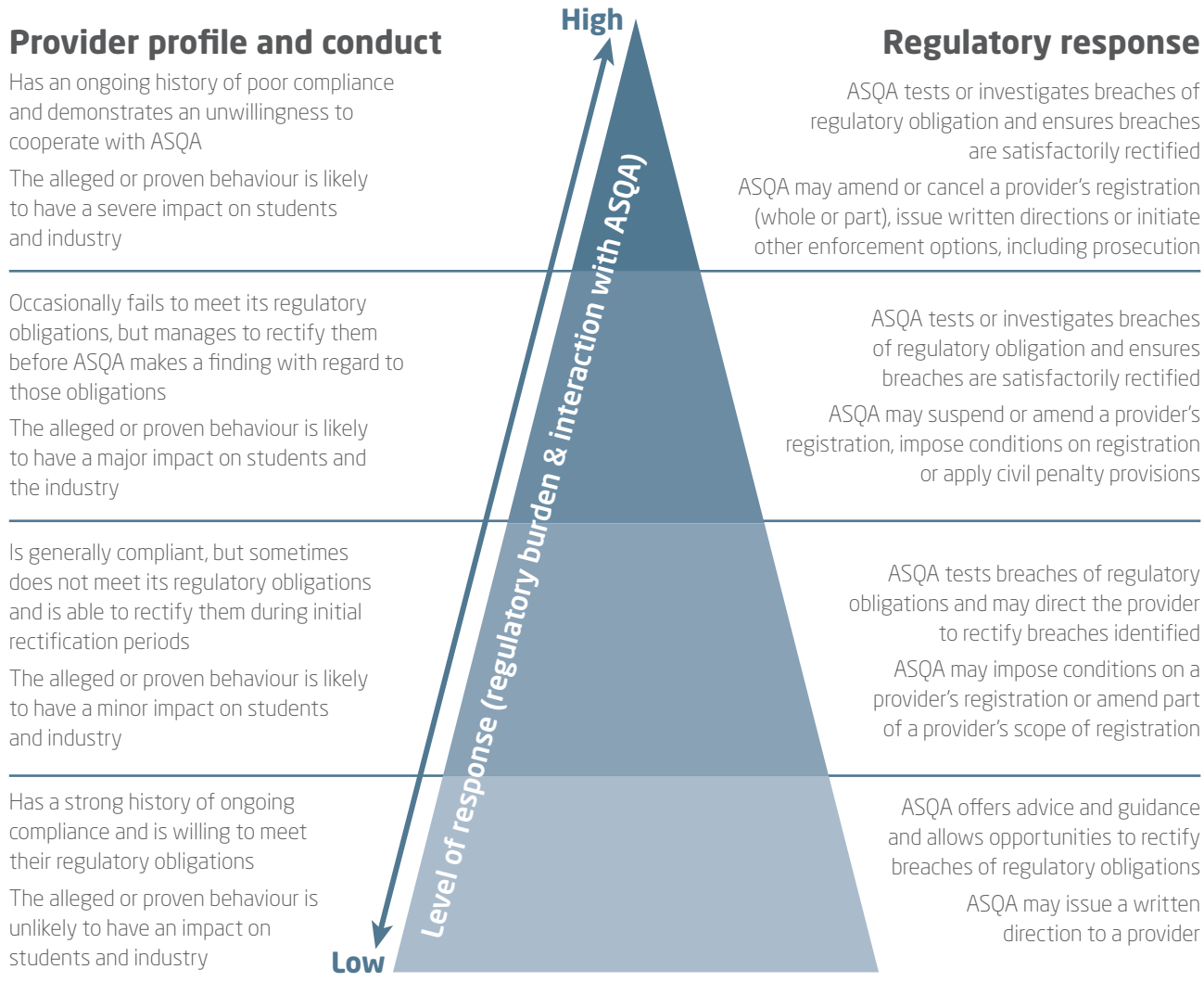
Addressing priority risks

ASQA implements coordinated activities aimed at each priority systemic risk identified in the annual regulatory strategy. This can involve collaboration with other agencies and stakeholder groups.

Risk projects involving targeted regulatory work are managed by ASQA's RO Team or through ASQA's strategic review program.

In addressing provider risk, ASQA applies a consistent and proportionate response relative to the provider's compliance posture and the circumstances of the case. This includes an escalating range of regulatory responses that aim to encourage ongoing compliance.

Figure 1. ASQA's regulatory response to provider risk



Strategic reviews

ASQA undertakes strategic reviews of key elements of the VET sector where serious risks have been identified. Strategic reviews examine systemic poor practice, and identify appropriate actions to address poor practice across the sector—rather than just resolving issues with individual RTOs.

In 2018–19 ASQA will finalise its International Education Strategic Review. This is a strategic review of international VET and English language education services delivered by ASQA-regulated providers under the NVR Act.

International education is Australia's third-largest export, generating $30.3 billion in export earnings annually[2]. The Australian Government's *National Strategy for International Education 2025* (the National Strategy) seeks to foster this industry by capitalising on increasing global demand for education services.

Given the vital role that this sector plays in Australia's national economic and social prosperity, it is crucial that the regulatory framework is robust and able to protect the reputation of the sector. The National Strategy recognises this imperative and includes a commitment to a robust quality-assurance and regulatory environment with a focus on continual improvement.

ASQA's International Education Strategic Review will contribute to the National Strategy's goals of maintaining strong quality-assurance systems and ensure effective student protection.

The purpose of the International Education Strategic Review is to ensure that the quality of international VET and English language education services delivered by ASQA-regulated providers remains at a high standard, students are protected, and Australia's reputation as a destination of choice for international students is enhanced.

The International Education Strategic Review will:

- document the full range of international VET and English language education services delivered by ASQA-regulated providers
- document and analyse available data on activity levels and trends in delivery types
- document the regulatory arrangements and agency responsibilities for each delivery type across the student lifecycle
- document ASQA's regulatory approach and recent regulatory activity
- identify a sample of ASQA-regulated providers (based on risk indicators and relevant data held by government agencies) to be the subject of regulatory scrutiny
- document examples of provider best practice
- research the regulatory approaches of comparable international jurisdictions, to identify world-best regulatory practice
- enhance communication with the regulated community to improve their compliance with legislative requirements, including student protection requirements
- document the findings and recommendations in a report.

The undertaking of future strategic reviews will be informed by e-scans and consultation with the Australian Government.

2 Australian Bureau of Statistics, 2018

Performance

Table 2 shows how ASQA's effectiveness in undertaking activities to achieve Purpose 2 will be measured.

Table 2. Measurement of activities to achieve Purpose 2

Activity	Key performance indicator	Metric and periods in which it will be reported			
		2018-19	2019-20	2020-21	2021-22
Identifying risks in the sector	The development of ASQA's regulatory strategy is informed by e-scans and priority risks are identified*	Summary of development of regulatory strategy and action taken to address priority risks* is published			
Priority risks announced in an annual regulatory strategy					
Addressing priority risks					
Strategic reviews	ASQA undertakes strategic reviews of identified risk areas	A summary of strategic reviews and their outcomes is reported			
Global metric—risk-based regulation	ASQA utilises a risk-based regulatory model	Trend over time of compliance-based audits undertaken compared to application-based audits			

* This consolidates what were formerly three separate key performance indicators. The *ASQA Corporate Plan 2017–18* listed separate indicators and metrics for these three activities.

Note: The *ASQA Corporate Plan 2017–18* listed 'Regulatory Risk Framework' as an activity to achieve Purpose 2. This has been removed for the *ASQA Corporate Plan 2018–19* as it is no longer considered an activity.

Purpose 3: To facilitate access to accurate information about VET

ASQA recognises that the efficient and effective exchange of information can have profound effects on quality across the VET sector by:

- informing and enhancing regulatory interventions and outcomes
- helping providers to achieve compliance and provide quality training
- facilitating informed decision making by students.

Activities

In achieving Purpose 3, ASQA's primary focus will be undertaking provider information sessions, maintaining a high-quality Info Line service, and a user-friendly and up-to-date website.

Provider information sessions

ASQA undertakes provider information sessions to:

- help providers to meet their regulatory obligations
- inform providers about issues in the VET sector.

The information sessions are conducted in different states and territories and online. They provide an interactive forum in which ASQA can build a constructive rapport with providers, with the expectation that this will ultimately lead to improved levels of compliance. The content of the sessions is driven by current and emerging issues in the VET sector.

Info Line

The ASQA Info Line responds to calls and emails from students, providers and other stakeholders. The Info Line provides these groups with a single source of information. The Info Line also provides ASQA with valuable intelligence regarding emerging trends in enquiry subject matter, which assists ASQA in developing informational material.

The Info Line Team works to continually refine and improve the service it provides. This includes reviewing Info Line information resources, formal staff training and mentoring, and a call quality monitoring program.

ASQA website

ASQA's website (asqa.gov.au) is one of ASQA's primary communication tools. Its functions include providing information on:

- ASQA's role, functions, and legislation
- registration and course accreditation processes
- providers that have been the subject of an adverse regulatory decision
- how to lodge a complaint about a provider or about ASQA itself
- key topics and frequently asked questions, in the form of fact sheets and guides
- ASQA's service charter, corporate plans and annual reports.

The ASQA website also includes a news and publications section that is updated regularly to communicate ASQA and VET sector developments.

ASQA maintains its website on an ongoing basis to ensure its content is current, accurate and useful. The site will be frequently refined, introducing new content, features and improved functionality.

Performance

Table 3 shows how ASQA's effectiveness in undertaking activities to achieve Purpose 3 will be measured.

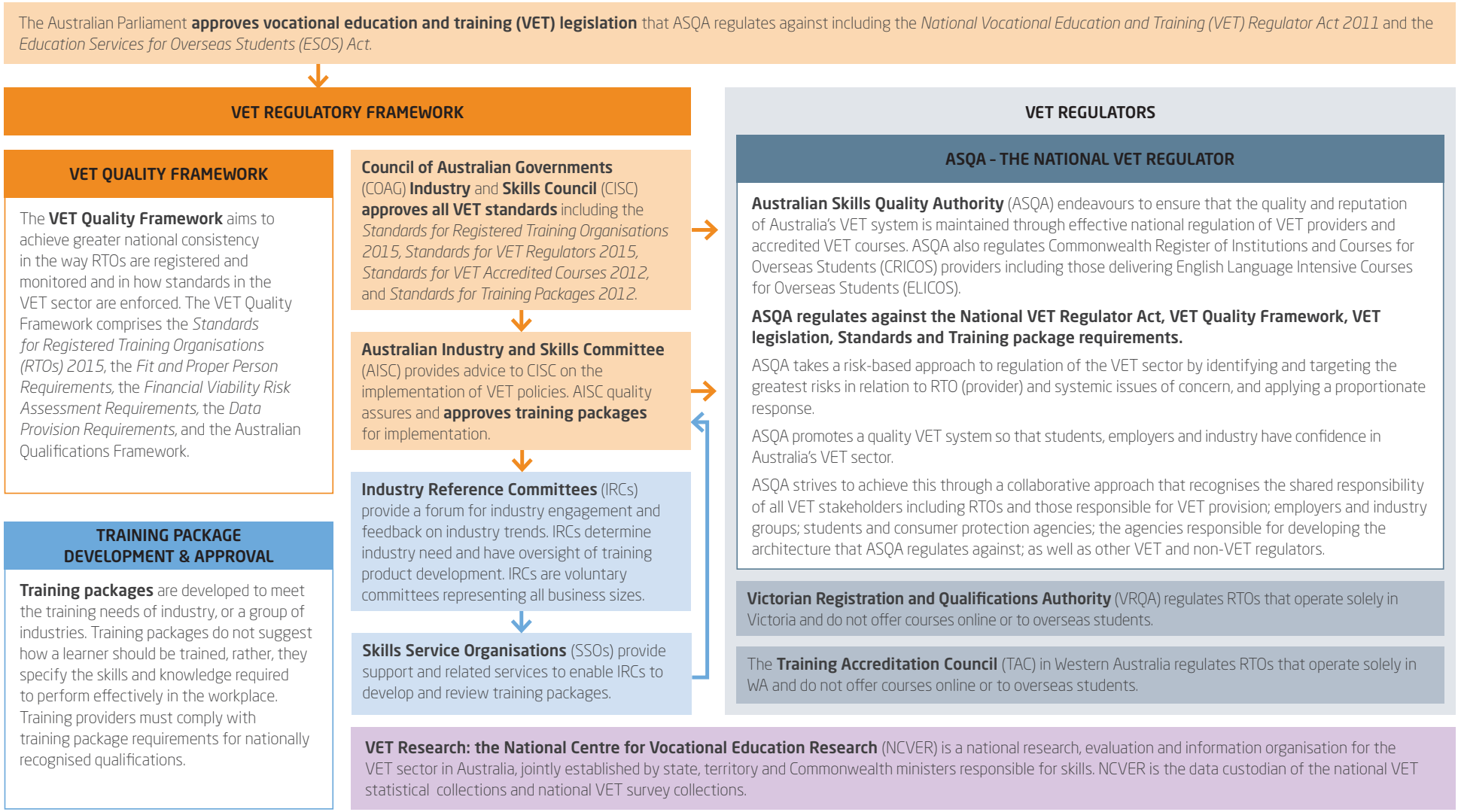
Table 3. Measurement of activities to achieve Purpose 3

Activity	Key performance indicator	Metric and periods in which it will be reported			
		2018-19	2019-20	2020-21	2021-22
Provider information sessions	Providers are satisfied with the following elements of ASQA's information sessions: • range of topics covered • timeliness of information • usefulness of information • accuracy and clarity of information • knowledge of presenters	70 percent positive feedback ('excellent' or 'good') in annual survey of providers			
Info Line	Providers are satisfied with the following aspects of ASQA's Info Line phone call service: • speed of answering calls • completeness of answers provided • knowledge of staff answering • courtesy of staff answering	70 percent positive feedback ('excellent' or 'good') in annual survey of providers			
	Providers are satisfied with the following aspects of ASQA's Info Line email service: • speed of answering emails • completeness of answers provided • knowledge of staff answering • courtesy of staff answering	70 percent positive feedback ('excellent' or 'good') in annual survey of providers			
ASQA website	Providers are satisfied with the following aspects of ASQA's website: • navigation • search function • information/content • clarity of information • accuracy of information • currency of information	70 percent positive feedback ('excellent' or 'good') in annual survey of providers			
Global metric—ASQA engagement	Providers indicate they are satisfied with ASQA's engagement with the regulated community	70 percent positive feedback ('excellent' or 'good') in annual survey of providers			

Environment

ASQA's regulatory activities are planned and delivered to respond to the VET sector's complex structural, policy, economic and stakeholder environment. This environment is summarised in Figure 2.

Figure 2. Understanding the VET regulatory architecture



Features of this environment include:

- Multiple government entities that contribute to different aspects of the VET sector's architecture, governance and administration. ASQA works cooperatively with these entities, enabling ASQA to inform and be informed about policy and administrative changes. To do this ASQA relies on a variety of formal and informal methods of communication and engagement, such as:
  - joint operations
  - information sharing
  - regular meetings
  - formal written submissions
  - issue-based liaison.
- A dynamic market with hundreds of providers entering and exiting the sector each year. Learner demand is volatile, strongly influenced by funding changes and sentiment towards certain training. Training delivery and assessment takes place via different modes (face-to-face, online, etc) and in diverse geographic locations and settings.
- Changing community and stakeholder expectations in relation to the VET sector, and ASQA's regulation of it. These expectations are shaped by a number of factors, including:
  - reporting in the media
  - government policy and funding decisions
  - attitudes toward the provision of training (public/private)
  - crises or major unexpected events.

Figure 3 shows ASQA's level of control (influence) over different factors that contribute to the complexity of the VET sector. These factors have the potential to significantly affect ASQA's performance and ASQA's ability to achieve its purposes.

Figure 3. ASQA's control over contributing factors to VET sector complexity

Full control	Control	No control
Regulatory approach and priorities	VET sector architecture, governance and administrative arrangements	Actions of international governments
Making regulatory decisions	VET sector funding arrangements	Macro-level economic developments
Approach to provider / stakeholder engagement	Reporting on ASQA in the media	Technological developments
Organisational structure and internal resourcing decisions	Perceptions of the VET sector	Changes to machinery of government
ASQA's compliance with *Standards for VET Regulators 2015*	Community and stakeholder expectations	Lobbying of government
Reporting to government	Provider compliance with the *Standards for RTOs 2015*	Volume of application inflows

Review of the NVR Act

The Australian Government commissioned Professor Valerie Braithwaite, of the Australian National University's School of Regulation and Global Governance, to undertake a review of the NVR Act.

The outcome of this review of ASQA's enabling legislation represents a critical element in ASQA's current operating environment, given that this may have a significant impact on the nature and focus of ASQA's regulatory operations moving forward.

The review assessed the suitability of the NVR legislative framework and its capacity to support a responsive, effective and efficient approach to regulation to ensure the quality of the national VET sector into the future.

ASQA made a formal submission to the review. The submission proposed a number of reforms that relate to ASQA's regulatory approach as well as suggestions about the operation of the VET system more broadly, which in some respects require, or would be enhanced by, changes to the NVR Act and its supporting instruments.

On 22 June 2018 the Australian Government published its response to the review.

Implementation of review recommendations may have a significant impact on the nature and focus of ASQA's regulatory operations over the period of the *ASQA Corporate Plan 2018–19*.

Capability and enabling activities

The function of the activities discussed in this section is to enable ASQA to successfully fulfil its purposes.

Workforce planning

Workforce planning is an essential undertaking for a high-performing and 'healthy' government agency. ASQA's Workforce Plan 2016–18, which outlines ASQA's ongoing approach to proactively shaping and structuring its workforce, covers a period up to June 2018. This plan has ensured that ASQA has had sufficient and sustainable capability to deliver its organisational objectives. The plan has also facilitated the monitoring of ASQA's structure and assessment of resourcing requirements against its budget.

A review of the Workforce Plan 2016–18 and preparation for development of ASQA's Workforce Plan 2018–2022 has commenced.

The Workforce Plan 2018–2022 will detail the workforce supply-and-demand initiatives needed to meet ASQA's future needs.

Information and communication technology (ICT)

ASQA has undertaken a number of projects designed to bring ASQA's ICT systems into a single managed-services environment. ASQA will continue to review and enhance its ICT environments and services through the following two initiatives.

ICT Strategic Plan 2018–22

ASQA's Senior Management Group has approved the target state and principles set out in the ICT Strategic Plan 2018–22. The plan will guide ASQA's IT solutions, business process streamlining, and work to increase staff capabilities. Implementation of the plan has commenced. Further work to complete a program and investment roadmap will be undertaken in 2018–19.

ASQA seeks the following outcomes/benefits from the plan:

- increased satisfaction with ASQA's advice and functions
- improved timeliness in processing submissions and making decisions on applications
- improved consistency in determining proportionate regulatory responses and making adverse decisions
- increased use and visibility of ASQA's Regulatory Risk Framework and associated tools
- improved information-sharing and data-sharing capability
- improved stability and quality of ASQA's ICT systems, platforms and support services
- increased use of digital services for regulatory and corporate processes and decision making
- increased staff capabilities and efficiency.

ICT services roadmap

ASQA has developed a roadmap aimed at prioritising and addressing system change requests over the 2018–19 and 2019–20 financial years.

The roadmap provides a whole-of-agency perspective to change requests to ensure better business participation and integration, and to ensure that the solutions provided are of high quality and fit for purpose.

The roadmap will see a range of improvements made to several of ASQA's key ICT systems—including asqanet (ASQA's online registration portal), ASQA's internal document management system, and ASQA's business improvement and data analytics capabilities.

Organisational risk oversight and management

Effective risk management is integral to good corporate governance and management practice, and ensures understanding of which risks are acceptable and which are not.

Risk appetite and tolerance

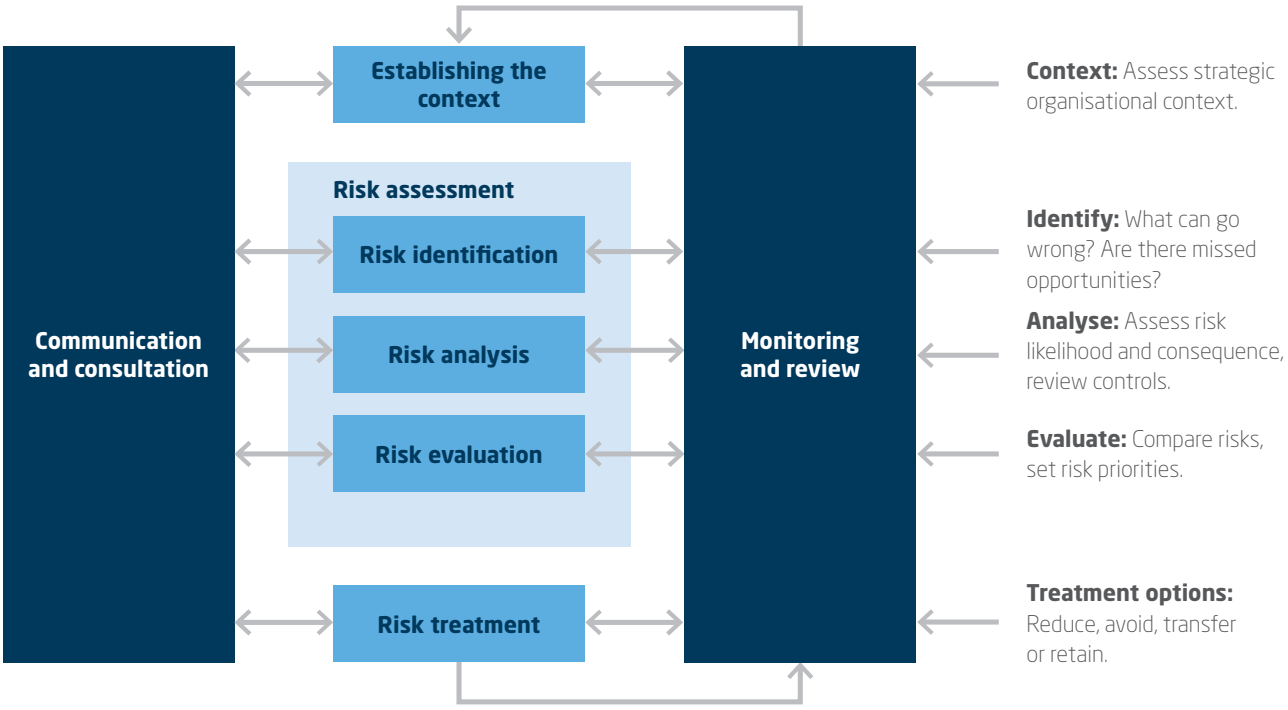
ASQA must engage with and manage risk to achieve its objectives. Engaging with risk means that some risks will be acceptable to ASQA and some will not.

The accountable authority (ASQA's Chief Commissioner) is responsible for determining how much risk ASQA is prepared to accept—this is referred to as ASQA's **risk appetite**.

ASQA's **risk tolerance** is the level of risk-taking that is acceptable in order to manage a category of risk. Risk tolerance defines the limits that support ASQA's risk appetite.

The accountable authority uses the process described in Figure 4 to determine whether a given risk is within ASQA's risk appetite. By determining the likelihood and consequences of the risk, one can determine the risk's severity and acceptability.

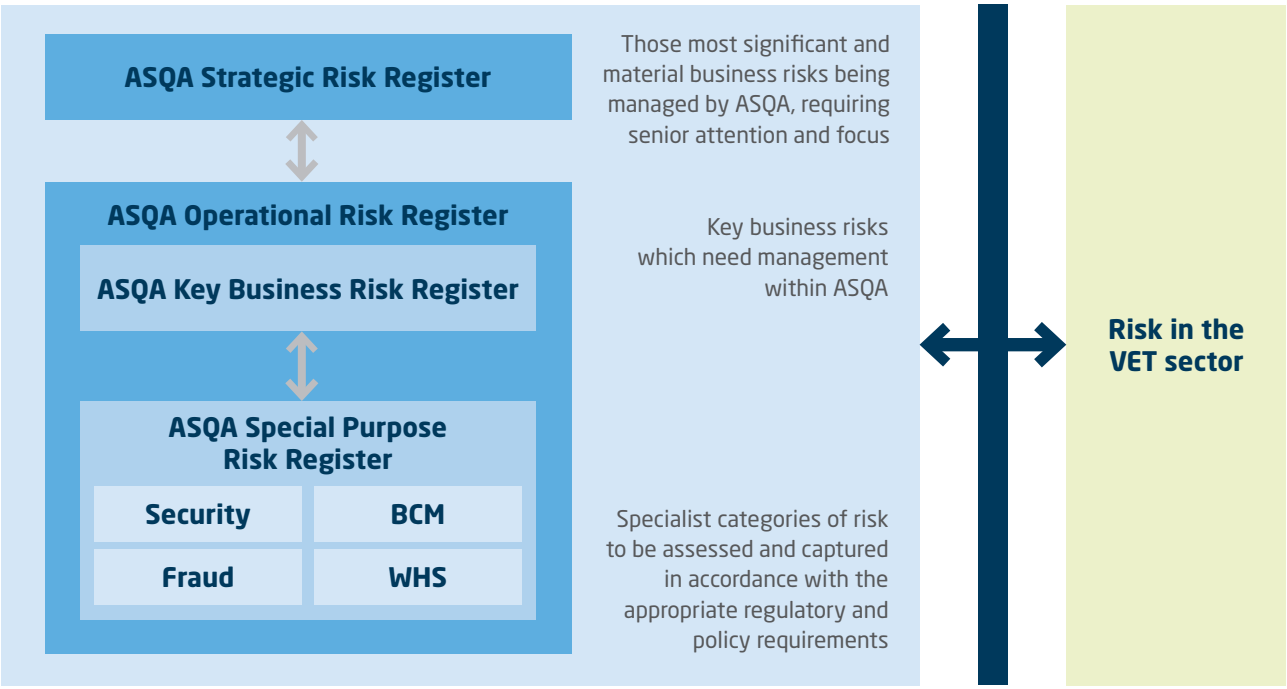
Figure 4. Process for determining whether a risk is within ASQA's risk appetite



Risk hierarchy and strategic risks

ASQA's structured approach to managing risk is based on the broad hierarchy of plans and activities described in Figure 5.

Figure 5. ASQA's approach to managing risk—hierarchy of plans and activities



WHS = workplace health and safety
BCM = business continuity management

Of most relevance to this plan is the ASQA Strategic Risk Register, through which ASQA manages the risks most directly related to ASQA achieving its purposes.

The identification and management of strategic risk is an integral part of ASQA's corporate planning cycle. The Strategic Risk Register is discussed by senior managers, used as a tool to help communicate ASQA's strategic priorities into the organisation, and updated as required. Activity related to the Strategic Risk Register is reported to the ASQA Audit Committee and the Senior Management Group on a quarterly basis.

ASQA conducts strategic risk assessments annually, or more frequently where significant change has occurred. The primary purpose of a risk assessment is to identify risks to ASQA's strategic objectives and priorities. The outcome of a risk assessment is provided to the ASQA Audit Committee for review.

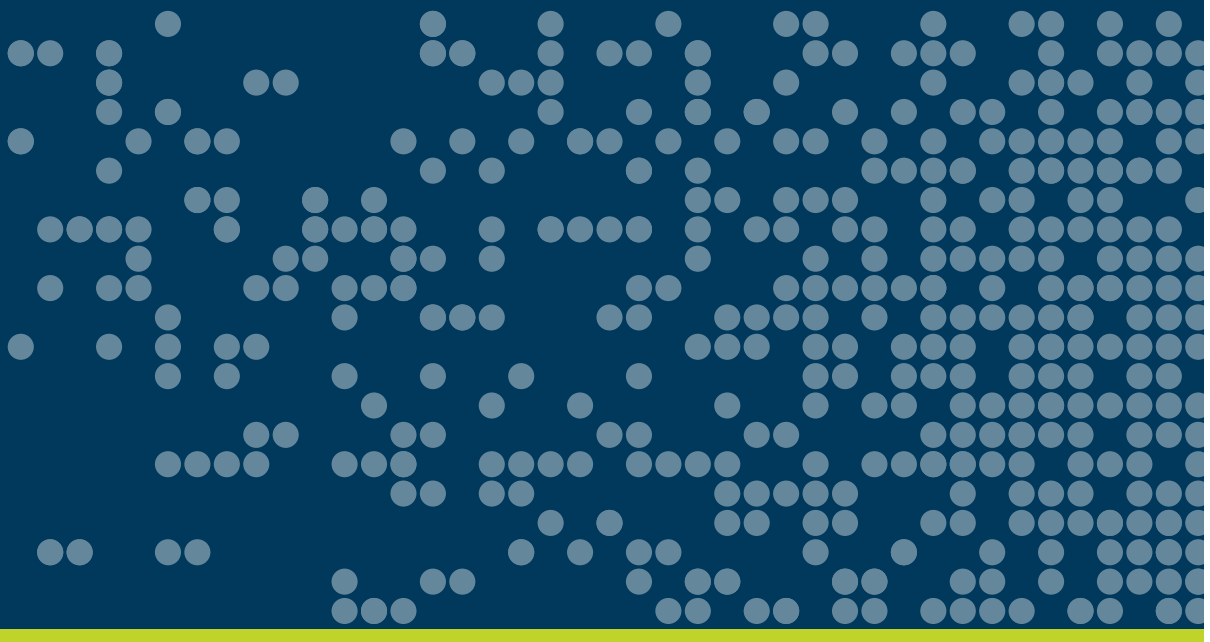
ASQA's Strategic Risk Register underwent a substantive review in 2017–18 that resulted in a number of improvements being made to the register.

Fraud

In line with the Commonwealth Fraud Control Framework under the PGPA Act, ASQA has a Fraud Control Plan and a Fraud Control Policy.

To manage its fraud control environment, ASQA has implemented a range of policies and procedures, under the umbrella of ASQA's Accountable Authority Instructions. These policies and procedures include ASQA's compliance with the Commonwealth Procurement Rules and other Commonwealth policies to ensure ASQA's purchases are efficient, effective, economic and ethical.

Privacy

In accordance with the *Privacy (Australian Government Agencies – Governance) APP Code 2017* developed under the *Privacy Act 1988*, ASQA has developed a privacy management plan to facilitate effective privacy governance.

ASQA's privacy management plan sits within ASQA's overarching privacy policy and identifies a number of specific, measurable privacy goals and targets that set out how ASQA will meet its privacy obligations.