



## Fact sheet—addressing non-compliances following an audit

### Introduction

As part of the student-centred audit approach, the Australian Skills Quality Authority (ASQA) is increasing its focus on the learner experience. The student-centred audit approach also focuses on providers' practices and behaviours as well as their systems and processes.

Under this approach, providers are accountable for identifying and correcting non-compliant practices and behaviours, particularly those that have had a negative impact on learners.

If non-compliances are identified, ASQA may require a provider to:

- address the non-compliance so that future learners will not be negatively affected, and
- identify the impact the non-compliance has had on past learners and carry out remedial action to address this impact.

This fact sheet explains your responsibilities for identifying and addressing non-compliances identified at audit.

### Addressing non-compliance for future learners

Addressing the non-compliance identified for future learners will usually involve:

- correcting the process or system that has led to the non-compliance, and
- implementing the revised process or system to ensure the non-compliance does not impact any future learners.

To demonstrate to ASQA that this has occurred, in most cases you would submit evidence of a new process or system to ASQA and how you have implemented it.

## Addressing non-compliance for current and past learners

Where a non-compliance may have had a negative impact on current or past learners, you may also be required to:

- identify the impact, and carry out remedial action to address this impact.

In these cases, your audit report will specify:

- the period of time this remedial action needs to cover, and
- whether the action needs to be carried across your provider's entire operations or for specific training products only

The covering letter to your audit report will specify the date your response is due to be provided to ASQA.

### Identifying the impact

Before addressing the impact on current and past learners, you must first identify the impact. This will involve your organisation analysing the non-compliance and identifying what impact or potential impact this may have caused to current and past learners.

- Refer to Examples of impact and remedial action on page 3.

### Carrying out remedial action

Once you have identified the impact (or potential impact) to current and past learners, you must then identify and carry out remedial action. In most cases, ASQA will not prescribe the actual remedial action.

However, the action your provider implements should be proportionate to the seriousness of the non-compliance.

- Refer to [Examples of impact and remedial action](#) on page 3.

### What should I submit to ASQA to demonstrate I have carried out remedial action?

To demonstrate your organisation has carried out remedial action, you can submit a detailed written report to ASQA that outlines:

- how your organisation determined the impact (or potential impact) the non-compliance has had on current and past learners,
- what remedial action you have carried out to address the impact
- the number of learners the remedial action was carried out for, and
- other relevant information.

## What if the remedial action cannot be completed by the response due date?

In some cases remedial action may require significant work that cannot be completed by the response due date. In some circumstances, ASQA may accept an action plan from the provider that outlines:

- how your organisation has determined the impact (or potential impact) the non-compliance has caused to current and past learners
- a plan to carry out remedial action to address the impact – which should include at a minimum: the number of learners the remedial action will be carried out for, action that will be taken and timeframes associated with the completion of the plan.

## Examples of impact and remedial action

ASQA's audit model is organised around five stages of the student experience:

- Marketing and recruitment
- Enrolment
- Support and progression
- Training and assessment
- Completion

This section provides examples of non-compliances against each of these stages and outlines the impact these non-compliance may had on your current and past learners. This section also sets out some examples of possible remedial action you might take.

- These are examples only—you may choose to take a different kind of remedial action.
- The action you take should be proportionate to the seriousness of the non-compliance.

### Marketing and recruitment

Non-compliance	Possible impact	Possible remedial action
<b>Clause 4.1</b> Marketing to prospective learners was inaccurate.	Learners may have enrolled in a training product on the basis of the inaccurate information.	<ul style="list-style-type: none"><li>• Email learners who received inaccurate marketing to provide correct information.</li><li>• Offer refunds to learners who received inaccurate marketing and would not have otherwise enrolled in the training program.</li></ul>

## Enrolment

Non-compliance	Possible impact	Possible remedial action
<p><b>Clause 5.1</b> Learners were not adequately informed about a training product that would meet their needs, taking into account the individual's existing skills.</p>	<p>Learners may have been enrolled in a training product that does not meet their needs.</p> <p>Learners may not be able to complete the training product considering their existing skills.</p>	<ul style="list-style-type: none"> <li>• Offer learner a refund</li> <li>• Offer learner alternative training products that are suited to the learner's needs and existing skills.</li> </ul>
<p><b>Clause 5.2</b> Learners were not provided with current and accurate information that would enable them to make an informed choice about their enrolment into the training product (but a review indicates they are enrolled in an appropriate training product)</p>	<p>Learners may not be adequately informed about the training product they are enrolled in.</p>	<ul style="list-style-type: none"> <li>• Email current learners missing information to ensure they are adequately informed about the training product they are enrolled in.</li> </ul>
<p><b>Clause 7.3</b> Fees have been accepted that are not protected in accordance with Clause 7.3</p>	<p>Learners may have paid more than they should at that point in time.</p> <p>Fees are not adequately protected and the learner may lose these in the event of provider closure.</p>	<ul style="list-style-type: none"> <li>• Review all fees paid by learners and ensure arrangements are made for these to be protected in accordance with Clause 7.3.</li> <li>• Refund the difference when payment above \$1500 has been accepted.</li> </ul>

## Support and progression

Non-compliance	Possible impact	Possible remedial action
<p><b>Clause 1.7</b> Support needs of individual learners were not determined.</p>	Learners may have support needs which are not identified and therefore are not being met.	<ul style="list-style-type: none"> <li>Determine the support needs of existing learners not yet assessed.</li> </ul>
<p><b>Clause 1.7</b> Access to educational and support services necessary for the individual learners to meet the requirements of the training product has not been provided.</p>	Learners may struggle to complete the training product they are enrolled in.	<ul style="list-style-type: none"> <li>Provide access to educational and support services to enrolled learners and advise learners how to access these services.</li> </ul>

## Training and assessment

Non-compliance	Possible impact	Possible remedial action
<p><b>Clause 1.3</b> The provider does not have sufficient trainers and assessors; educational or support services; learning resources, or facilities to support the number of learners undertaking training and assessment.</p>	<p>Learners may not have gained the skills required due to inadequate resources.</p> <p>Learners may not have received adequate training or support and may be unable to complete the training product.</p>	<ul style="list-style-type: none"> <li>Acquire sufficient resources and review the impact.</li> <li>Carry out remedial action, for example: <ul style="list-style-type: none"> <li>Provide re-training on correct equipment</li> <li>Provide catch-up classes</li> <li>Provide access to educational or support services.</li> </ul> </li> </ul>
<p><b>Clause 1.1 and 1.2</b> Training and assessment practices do not meet the requirements of the training product, including the amount of training provided.</p>	<p>Learners may have completed the training program without adequate skills due to the short duration of delivery.</p> <p>Learners may not have met the requirements of the training product.</p>	<ul style="list-style-type: none"> <li>Provide additional gap training and conduct further assessment for current learners</li> <li>Offer past students the opportunity for gap training and further assessment</li> </ul>

<p><b>Clause 1.8</b> The assessment system does not comply with the assessment requirements of the training product or was not conducted in accordance with the principles of assessment and rules of evidence.</p>	<p>Learners may not have the skills and knowledge required by the training product.</p>	<ul style="list-style-type: none"> <li>• Conduct reassessment or gap reassessment of current learners who were assessed incorrectly.</li> <li>• Offer past learners the opportunity of further assessment.</li> </ul>
<p><b>Clauses 1.13 to 1.20</b> Trainers or assessors do not have vocational competence or do not hold a formal training or assessment qualification.</p>	<p>If trainer/assessor had no vocational competence (experience) in the area they were teaching in or no formal training or assessment qualifications, training and assessment may have been inadequate and learner may not have the skills and knowledge required by the training product.</p>	<ul style="list-style-type: none"> <li>• Conduct gap training using trainers who have vocational competence</li> <li>• Conduct reassessment using assessors who have vocational competence and are qualified assessors</li> <li>• Use a qualified assessor to review completed assessments</li> <li>• Use a qualified trainer to check over lesson plans for completed lessons.</li> </ul>

## Completion

Non-compliance	Possible impact	Possible remedial action
<p><b>Clause 3.1</b> AQF certification documents were issued to learners who had not been assessed as meeting all requirements of the training product.</p>	<p>Learners hold certification that is not reflective of their skills and knowledge</p> <p>Learners may not be able to gain or retain employment in that industry area if they do not have adequate skills and knowledge</p>	<ul style="list-style-type: none"> <li>• Offer past learners full reassessment</li> <li>• Offer past learners reassessment of missing skill and knowledge items.</li> </ul>

## More information

For more information, email ASQA on [enquiries@asqa.gov.au](mailto:enquiries@asqa.gov.au)