



Australian Government

Australian Skills Quality Authority

REPORT

Audit report: Academies Australasia Polytechnic Pty Limited

Date/s of audit: 26/09/2018 27/9/18

Date report created: 5/10/2018

Organisation details

Organisation's legal name:	Academies Australasia Polytechnic Pty Limited
Trading name/s:	AAPoly, AMI Education, Academies Australasia Polytechnic, Benchmark College
RTO number:	21282
CRICOS number:	02439G

Audit team

Lead auditor:	Karen Kerr
Assistant/s:	Giselle Mawer

Audit details

Application number/s:	RENVET0003725, RENCRI0000637	
Audit number:	AUDREC0008590	
Audit reason	Application - renewal	
Address of site/s visited:	Level 7, 628 Bourke Street, Melbourne, VIC 3000	
Date/s of audit:	26/09/2018 27/9/18	
Organisation's contact for audit:	Esther Teo e.teo@aapoly.edu.au	Chief Executive Officer (03) 8610 4193

Original finding at time of audit

Audit finding: Serious non-compliance

Report completed by: Karen Kerr

Practice	Standards for RTOs 2015	National Code 2018	Finding
Marketing/ Recruitment	4.1	1.1, 1.4	Not compliant
		1.2, 1.3	Compliant
Enrolment	5.1, 5.2	2.1, 2.2	Not compliant
	5.3, 7.3	3.1, 3.3, 3.4, 8.5	Compliant
Support and Progression	1.7	8.2, 8.4, 8.13, 8.15, 8.16	Not compliant
		6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.9, 8.1, 8.3, 8.9, 8.10, 8.14, 8.17	Compliant
Training and Assessment	1.1, 1.2, 1.8		Not compliant
	1.3, 1.13-1.18, 1.20	8.18, 8.19, 8.20, 11.1, 11.2	Compliant
Completion	3.1		Not compliant
Regulatory Compliance / Governance	8.2	4.4, 4.5, 4.6	Compliant

2.3, 2.4, 8.5

4.1, 4.2, 4.3, 7.1, 7.2, 7.3,
7.4, 7.5, 7.6, 7.7

Not compliant

Background

Summary of organisation and management structure:

- Academies Australasia Polytechnic is one of 18 colleges within the Academies Australasia Group and is a pathway provider, enabling students to articulate to courses delivered by Federation University, which is also part of the Academies Australasia Group and co-located in Bourke St, Melbourne.
- The organisation has two active campuses: classrooms and offices at Levels G, 1, 7 and 8 of 628 Bourke Street, Melbourne and classrooms and commercial kitchen at 488 Swanston Street. There is no current VET delivery from the Sydney Campus.
- The organisational chart shows Esther Teo as CEO, Matthew Bagra as Compliance Manager, Eric Zhang as General Manager, Operations and Risk Management and Reece Thomas as VET Faculty Head.

Scope of registration:

Delivery location of VET and CRICOS scope is identified as follows:

- Bourke Street, Melbourne, VIC 3000 (B)
- Swanston Street, Melbourne, VIC 3000 (S)
- Kent Street, Sydney, NSW 2000 (K)

VET:

- CHC52015 Diploma of Community Services
- CHC33015 Certificate III in Individual Support
- SIT20316 Certificate II in Hospitality

VET and CRICOS:

- BSB20115 Certificate II in Business (B, S)
- BSB30115 Certificate III in Business (B, S)
- BSB42015 Certificate IV in Leadership and Management (B)
- BSB42415 Certificate IV in Marketing and Communication (B)
- BSB51415 Diploma of Project Management (B, K, S)
- BSB51915 Diploma of Leadership and Management (B)
- BSB52415 Diploma of Marketing and Communication (B)
- BSB61015 Advanced Diploma of Leadership and Management (B)
- BSB61215 Advanced Diploma of Program Management (B, K, S)
- BSB61315 Advanced Diploma of Marketing and Communication (B)
- CHC43015 Certificate IV in Ageing Support (B, S)
- FNS30315 Certificate III in Accounts Administration (B, S)
- FNS40615 Certificate IV in Accounting (B)
- FNS50215 Diploma of Accounting (B)
- FNS60215 Advanced Diploma of Accounting (B)
- ICT20115 Certificate II in Information, Digital Media and Technology (B, S)

- ICT30115 Certificate III in Information, Digital Media and Technology (B, S)
- ICT40115 Certificate IV in Information Technology (B, S)
- ICT50115 Diploma of Information Technology (B, S)
- ICT60115 Advanced Diploma of Information Technology (B, S)
- SIT30616 Certificate III in Hospitality (B, K, S)
- SIT30816 Certificate III in Commercial Cookery (B, K, S)
- SIT40116 Certificate IV in Travel and Tourism (B)
- SIT40516 Certificate IV in Commercial Cookery (B, K, S)
- SIT50116 Diploma of Travel and Tourism Management (B)
- SIT50416 Diploma of Hospitality Management (B, S)
- SIT60116 Advanced Diploma of Travel and Tourism Management (B)
- SIT60316 Advanced Diploma of Hospitality Management (B, S)

ELICOS:

- General English - Beginner to Advanced (5-50 weeks) (B)
- English for Academic Purposes 1 (Upper to Intermediate) (B)
- English for Academic Purposes 2 (Advanced) (B)
- IELTS Preparation Intermediate to Upper Intermediate (5-10 weeks) (B)

Prior to the audit, the CEO advised that they are withdrawing the CHC33015 Certificate III in Individual Support and CHC43015 Certificate IV in Ageing Support from the RTO's scope of registration as these qualifications were being delivered by one of the sister colleges.

The RTO also advised that no ELICOS delivery had been conducted and that the organisation had no immediate plans to deliver these qualifications. As a result, they were not audited.

Suburb and state of all delivery locations:

- Level G, 1, 7 & 8, 628 Bourke Street, Melbourne, VIC 3000
 - Spectra Training which specialises in workplace training operates from Level 7, 628 Bourke Street, Melbourne. They occupy 5% of the total AAPoly's leased space (2 large rooms)
- 488 Swanston Street, Melbourne, VIC 3000
- Level 6-7, Kent Street, Sydney, NSW 2000

Third party usage:

- 377 Current third parties listed in ASQAnet all for the recruitment of prospective students.
- PRISMS data identifies 373 education agents recorded against student CoEs in the last 12 months (Aug 2017- Aug 2018)
- S26 data identifies the following third parties are used:
 - Education agents:
 - SNS Global Pty Ltd T/a Education and Migration Corner (ASQA advised)
 - Western Enterprises (ASQA advised)
 - Work Based Training Agreement
 - Melbourne Marriot Hotel
 - Toga Hotel Management Holdings Pty Limited (TFE Hotels), T/a
 - Adina Apartment Hotels
 - Medina Serviced Apartments
 - Rendezvous Hotels
 - Vibe Hotels

- Travelodge Hotels
- TFE Hotels Collection

Core clients/target groups:

- International Students and a small proportion of domestic students.

Training Revenue (Funded or fee for service):

- The CEO advised that revenue was mainly fee for service from international students, with a small proportion of students funded under the Victorian Skills First program.

Total number of current enrolments as at audit date:

- The CEO advised that current enrolments were:
 - VET - 921
 - Higher Education- 404
 - Federation University - 60

In preparing the audit report, consideration has been given and reference made, where relevant, to:

- Information provided by students as part of a student survey or interview.
- Information provided directly by Academies Australasia Polytechnic Pty Limited to ASQA
- Existing information and records held by ASQA concerning Academies Australasia Polytechnic Pty Limited
- Information provided to ASQA's auditors and documentation reviewed during the site audit of Academies Australasia Polytechnic Pty Limited conducted on 26 and 27 September 2018.
- Other publicly available information - including but not limited to, information published on the organisation's and third party websites.

Audit Sample

Code	Training products	Mode/s of delivery / assessment*	Current enrolments
SIT30816	Certificate III in Commercial Cookery	Blended	50
SIT50416	Diploma of Hospitality Management	Blended	35
BSB51915	Diploma of Leadership and Management	Blended	45
CHC52015	Diploma of Community Services	Blended	5

*Apprenticeship, Traineeship, Face to face, Distance, Online, Workplace, Mixed, Other (specify)

Interviewees

Name	Position	Training products
Esther Teo	CEO	
Matthew Bagra	Compliance Manager	

Eric Zhang	General Manager, Operations and Risk Management	
Tahishq Oberoi	Marketing Manager	
Reece Thomas	Faculty Head, VET	
Elaine Paguio	Compliance Officer, Academies Australasia Group	
Conrad Chia	Trainer/assessor	BSB51915 Diploma of Leadership and Management; SIT50416 Diploma of Hospitality Management
Julie Cushion	Trainer/assessor	CHC52015 Diploma of Community Services

About this Report

This report details findings against the *Standards for Registered Training Organisations 2015 (RTOs)* (Standards for RTOs 2015) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code). If non-compliance has been identified, this report describes evidence of the non-compliance.

Where non-compliance has been identified, the Registered Training Organisation is accountable for identifying and correcting non-compliant practices and behaviours, particularly those that have had a negative impact on learners.

Correcting non-compliance may require:

- correcting a process or system that has led to the non-compliance, and implementing a revised process or system
- identifying the impact on learners and carrying out remedial action for current and past learners

Action required by RTO

Academies Australasia Polytechnic Pty Limited did not meet all requirements for Clauses 1.1, 1.2, 1.7, 1.8, 2.3, 2.4, 3.1, 4.1, 5.1 and 5.2 of the Standards for RTOs 2015.

It also did not meet the following National Code Standards: 1.1, 1.4, 2.1, 2.2, 4.4, 4.5, 4.6, 8.2, 8.4, 8.13, 8.15 and 8.16.

Remedial action is required for the following training products:

SIT30816 Certificate III in Commercial Cookery

SITHCCC020 Work effectively as a cook

SIT50416 Diploma of Hospitality Management

SITXHRM006 Monitor staff performance

SITHIND004 Work Effectively in Hospitality Service

BSB51915 Diploma of Leadership and Management

BSBMGT517 - Manage operational plan

BSBWHS501 - Ensure a safe workplace

CHC52015 Diploma of Community Services

CHCDIS010 Provide services to people with disability with complex needs

CHCDEV002 Analyse impacts of sociological factors

The RTO is required to provide evidence that demonstrates:

Marketing and Enrolment

Standards for RTOs Clauses 4.1, 5.1, 5.2, National Code Standards 1.1, 1.4

- the organisation provides accurate information in relation to:
 - its RTO code

- its CRICOS code
 - course code
 - requirements to enter and successfully complete the chosen training product.
- the organisation has documented processes and procedures in place and implements them to assess whether the student's qualifications, experience and English language proficiency are appropriate for the course for which enrolment is sought
- the organisation has carried out remedial action to identify and address the impact the non-compliance may have caused to students across all the organisation's scope of registration whose qualifications, experience and English language proficiency has not been assessed to ensure their appropriateness for the course in which they are enrolled. Remedial action needs to cover current students and students who enrolled with the training provider in the past 6 months.

Support and Progression

Standards for RTOs Clause 1.7, National Code Standards 8.2, 8.2, 8.4, 8.13, 8.15, 8.16

- the organisation determines the support needs of individual learners and provides access to the educational and support services necessary for the individual learner to meet the requirements of the training product as specified in training packages
- the organisation has reviewed its progress monitoring procedures and practices to ensure that international students are in a position to complete the course within the expected duration specified on their CoE, and that intervention is sufficiently timely.
- the organisation has carried out remedial action to identify and address the impact the non-compliance may have caused to students across all the organisation's scope of registration where students progress has not been monitored and action taken to ensure intervention strategies and reporting requirements have been implemented in a timely manner. Remedial action needs to cover current students and students who enrolled or completed with the training provider in the past 6 months.

Training and Assessment

- Standards for RTOs Clauses 1.1, 1.2, and 1.8 the organisation has reviewed its training and assessment strategies, tools, and practices to demonstrate that:
 - the simulated workplace place facilities and equipment meet the requirements of the training package
- the RTO has corrected its assessment system to comply with Clause 1.8 for future students and has systems in place to ensure that this system is applied. The evidence to be provided must:
 - include the full suite of assessment tools for non-compliant training products sampled
 - demonstrate the RTO will implement an assessment system that ensures assessment complies with the assessment requirements of the relevant training package and will be conducted in accordance with the Principles of Assessment and Rules of Evidence
- the RTO has identified and addressed the impact the non-compliance may have caused to students enrolled in the sampled training products. Remedial action needs to cover all current learners in the *BSB51915 Diploma of Leadership and Management* and the *SIT50416 Diploma of Hospitality Management* that enrolled with the RTO in the past 6 months.

Completion

Standards for RTOs Clause 3.1

- the organisation has corrected its processes for issuing AQF certification documentation to demonstrate that it issues AQF certification documentation only to a learner whom it has assessed as meeting the requirements of the training product as specified in the relevant training package.
- the RTO has identified and addressed the impact the non-compliance may have caused to students enrolled in the sampled training products. Remedial action needs to cover all current learners, as well

as all other learners that enrolled with the RTO in the past 6 months in the *BSB51915 Diploma of Leadership and Management* and the *SIT50416 Diploma of Hospitality Management*.

Regulatory Compliance / Governance

National Code Standards 4.4, 4.5, 4.6

- the organisation has corrected its processes to demonstrate that where it becomes aware, or has reason to believe, that the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices, it has taken immediate corrective action or immediately terminated its relationship with the education agent, required the education agent to terminate its relationship with the employee or subcontractor who engaged in those practices, or not accepted students from that agent.
- the organisation has carried out remedial action to identify and address the impact the non-compliance may have caused to students across all the organisation's scope of registration where it has become aware, or has reason to believe the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices. Remedial action needs to cover current students and students who enrolled or completed with the training provider in the past 6 months.

Standards for RTOs Clause 8.5

- The RTO/provider has taken action to rectify and remedy all of the non-compliance identified in the audit report to ensure compliance with the requirements of:
 - *Education Services for Overseas Students Act 2000*; and
 - *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018*.
- The provider has reviewed the ESOS breaches outlined in the report and provide a response to ASQA outlining how its systems allowed these breaches to occur. The provider has put system improvements in place to ensure breaches of this nature do not occur into the future.

Areas of non-compliance

Marketing/Recruitment Practices

Standards for RTOs Clause 4.1

*Original Finding: **Not compliant***

*Finding following additional evidence: **Not yet determined***

Information, whether disseminated directly by the RTO or on its behalf, is both accurate and factual, and:

- a) accurately represents the services it provides and the training products on its scope of registration;
- b) includes its RTO Code;
- c) refers to another person or organisation in its marketing material only if the consent of that person or organisation has been obtained;
- d) uses the NRT Logo only in accordance with the conditions of use specified in Schedule 4;
- e) makes clear where a third party is recruiting prospective learners for the RTO on its behalf;
- f) distinguishes where it is delivering training and assessment on behalf of another RTO or where training and assessment is being delivered on its behalf by a third party;
- g) distinguishes between nationally recognised training and assessment leading to the issuance of AQF certification documentation from any other training or assessment delivered by the RTO;
- h) includes the code and title of any training product, as published on the National Register, referred to in that information;
- i) only advertises or markets a non-current training product while it remains on the RTO's scope of registration;
- j) only advertises or markets that a training product it delivers will enable learners to obtain a licensed or regulated outcome where this has been confirmed by the industry regulator in the jurisdiction in which it is being advertised;
- k) includes details about any VET FEE-HELP, government funded subsidy or other financial support arrangements associated with the RTO's provision of training and assessment; and
- l) does not guarantee that:
 - i) a learner will successfully complete a training product on its scope of registration; or
 - ii) a training product can be completed in a manner which does not meet the requirements of Clause 1.1 and 1.2; or
 - iii) a learner will obtain a particular employment outcome where this is outside the control of the RTO.

National Code Standard 1.1

*Original Finding: **Not compliant***

*Finding following additional evidence: **Not yet determined***

The registered provider must ensure that the marketing and promotion of its courses and education services in connection with the recruitment of overseas students or intending overseas students, including through an education agent (in accordance with Standard 4), is not false or misleading, and is consistent with Australian Consumer Law.

National Code Standard 1.4

*Original Finding: **Not compliant***

*Finding following additional evidence: **Not yet determined***

The registered provider must include its CRICOS registered name and registration number in any written or online material that it disseminates or makes publicly available for the purposes of:

- 1.4.1 providing or offering to provide a course to an overseas student

- | | |
|-------|--|
| 1.4.2 | inviting a student to undertake or apply for a course, or |
| 1.4.3 | indicating it is able or willing to provide a course to overseas students. |

SIT30816 Certificate III in Commercial Cookery
SIT50416 Diploma of Hospitality Management
BSB51915 Diploma of Leadership and Management
CHC52015 Diploma of Community Services

The following evidence was reviewed in relation to marketing:

- Marketing Information and Practices Policy and Procedure
- Website
- Facebook page
- Student Handbook
- International Student Application Form
- Online Enrolment form
- Student Agreement- Letter of Offer and Acceptance

The RTO's marketing practices are not compliant with the requirements of Clause 4.1 of the Standards for RTOs 2015 or National Code Standards 1.4 as the marketing information disseminated is not accurate and factual in all cases.

Examples of non-compliant practice include:

- The RTO and CRICOS codes are not included on the facebook page:
https://www.facebook.com/pg/aapolymelbourne/about/?ref=page_internal
- The AAPoly International Student Application Form does not include TGA Course Codes (only CRICOS codes provided).

Enrolment

Standards for RTOs Clause 5.1

Original Finding: *Not compliant*

Finding following additional evidence: *Not yet determined*

Prior to enrolment or the commencement of training and assessment, whichever comes first, the RTO provides advice to the prospective learner about the training product appropriate to meeting the learner's needs, taking into account the individual's existing skills and competencies.

National Code Standard 2.2

Original Finding: *Not compliant*

Finding following additional evidence: *Not yet determined*

The registered provider must have and implement a documented policy and process for assessing whether the overseas student's English language proficiency, educational qualifications or work experience is sufficient to enable them to enter the course.

SIT30816 Certificate III in Commercial Cookery

SIT50416 Diploma of Hospitality Management
BSB51915 Diploma of Leadership and Management
CHC52015 Diploma of Community Services

The following evidence was reviewed in relation to marketing and recruitment:

- Marketing Information and Practices Policy and Procedure
- Student Enrolment Policy
- Student Selection and Admission Procedure
- Language, Literacy and Numeracy (VET) Procedure
- Pre-training review
- Website
- Facebook page
- Student Handbook
- International Student Application Form
- Online Enrolment form
- Student Agreement- Letter of Offer and Acceptance
- Term III 2018 Language, Literacy and Numeracy Results
- Sampled student records as noted under Clause 1.8 and National Code standard 8.

The evidence provided did not demonstrate that, prior to enrolment or the commencement of training and assessment, whichever comes first, the organisation has documented procedures for assessing applicants' appropriateness for the course for which enrolment is sought.

Evidence of non-compliant pre-enrolment/pre-commencement practice includes:

- All VET courses from Certificate II to Advanced Diploma have the same entry requirements for international students, which only mandate that students must have successfully completed Year 11 or equivalent and have 5.5 IELTS or equivalent. It is also noted that some qualifications such as the BSB51915 Diploma of Leadership and Management and the BSB61015 Advanced Diploma of Leadership and Management have the same duration of 12 months.

While the Marketing Manager stated that the different course demands were discussed with individual applicants during the pre-enrolment stage, there was no evidence to confirm what information was provided.

Student records sampled (refer to Clause 1.8) and the RTO's Term III 2018 Language, Literacy and Numeracy Results indicated that some students did not have the required language and literacy skills for the qualifications in which they were enrolled, particularly at Advanced Diploma level.

- The Language, Literacy and Numeracy (VET) Procedure requires assessment of all students before course commencement, but auditors were advised this was only implemented for domestic and off-shore international students.
- The CEO advised that the Pre-training review was only undertaken for domestic students, and no pre-enrolment assessment interview was undertaken for international onshore students.
- Records for Minh Ngoc Pham, enrolled in SIT30816 Certificate III in Commercial Cookery, indicated she was enrolled despite evidence of insufficient English (Intermediate 2 unsatisfactory level of English, Deakin College, 12/2/16).

Standards for RTOs Clause 5.2

Original Finding: *Not compliant*

Finding following additional evidence: *Not yet determined*

Prior to enrolment or the commencement of training and assessment, whichever comes first, the RTO provides, in print or through referral to an electronic copy, current and accurate information that enables the learner to make informed decisions about undertaking training with the RTO and at a minimum includes the following content:

- a) the code, title and currency of the training product to which the learner is to be enrolled, as published on the National Register;
- b) the training and assessment, and related educational and support services the RTO will provide to the learner including the:
 - i) estimated duration;
 - ii) expected locations at which it will be provided;
 - iii) expected modes of delivery;
 - iv) name and contact details of any third party that will provide training and/or assessment, and related educational and support services to the learner on the RTO's behalf; and
 - v) any work placement arrangements.
- c) the RTO's obligations to the learner, including that the RTO is responsible for the quality of the training and assessment in compliance with these Standards, and for the issuance of the AQF certification documentation.
- d) the learner's rights, including:
 - i) details of the RTO's complaints and appeals process required by Standard 6; and
 - ii) if the RTO, or a third party delivering training and assessment on its behalf, closes or ceases to deliver any part of the training product that the learner is enrolled in;
- e) the learner's obligations:
 - i) in relation to the repayment of any debt to be incurred under the VET FEE-HELP scheme arising from the provision of services;
 - ii) any requirements the RTO requires the learner to meet to enter and successfully complete their chosen training product; and
 - iii) any materials and equipment that the learner must provide; and
- f) information on the implications for the learner of government training entitlements and subsidy arrangements in relation to the delivery of the services.

National Code Standard 2.1

Original Finding: *Not compliant*

Finding following additional evidence: *Not yet determined*

Prior to accepting an overseas student or intending overseas student for enrolment in a course, the registered provider must make comprehensive, current and plain English information available to the overseas student or intending overseas student on:

- 2.1.1 the requirements for an overseas student's acceptance into a course, including the minimum level of English language proficiency, educational qualifications or work experience required, and course credit if applicable
- 2.1.2 the CRICOS course code, course content, modes of study for the course including compulsory online and/or work-based training, placements, other community-based learning and collaborative research training arrangements, and assessment methods
- 2.1.3 course duration and holiday breaks
- 2.1.4 the course qualification, award or other outcomes
- 2.1.5 campus locations and facilities, equipment and learning resources available to students
- 2.1.6 the details of any arrangements with another provider, person or business who will provide the course or part of the course

2.1.7	indicative tuition and non-tuition fees, including advice on the potential for changes to fees over the duration of a course, and the registered provider's cancellation and refund policies
2.1.8	the grounds on which the overseas student's enrolment may be deferred, suspended or cancelled
2.1.9	the ESOS framework, including official Australian Government material or links to this material online
2.1.10	where relevant, the policy and process the registered provider has in place for approving the accommodation, support and general welfare arrangements for younger overseas students (in accordance with Standard 5)
2.1.11	accommodation options and indicative costs of living in Australia.

SIT30816 Certificate III in Commercial Cookery

SIT50416 Diploma of Hospitality Management

BSB51915 Diploma of Leadership and Management

CHC52015 Diploma of Community Services

The following evidence was reviewed in relation to marketing and recruitment:

- Marketing Information and Practices Policy and Procedure
- Student Enrolment Policy
- Student Selection and Admission Procedure
- Student Enrolment Policy
- Language, Literacy and Numeracy (VET) Procedure
- Website
- Facebook page
- Student Handbook
- International Student Application Form
- Online Enrolment form
- Student Agreement- Letter of Offer and Acceptance
- Sampled student records as noted under Clause 1.8.

The evidence provided did not demonstrate that, prior to enrolment or the commencement of training and assessment, whichever comes first, the organisation provides advice to prospective students including clear and accurate information that enables them to make informed decisions about undertaking training with the organisation.

Evidence of non-compliant pre-enrolment/pre-commencement practice includes:

- The RTO and CRICOS codes are not included on the facebook page:
https://www.facebook.com/pg/aapolymelbourne/about/?ref=page_internal
- The AAPoly International Student Application Form does not include Course Codes (only CRICOS codes).
- As noted under Clause 5.1, there was insufficient evidence of information relating to the requirements the RTO requires the learner to meet to enter and successfully complete their chosen training product.

Support and Progression

Support

Standards for RTOs Clause 1.7

*Original Finding: **Not compliant***

*Finding following additional evidence: **Not yet determined***

The RTO determines the support needs of individual learners and provides access to the educational and support services necessary for the individual learner to meet the requirements of the training product as specified in training packages or VET accredited courses.

SIT30816 Certificate III in Commercial Cookery

SIT50416 Diploma of Hospitality Management

BSB51915 Diploma of Leadership and Management

CHC52015 Diploma of Community Services

The following was reviewed in relation to student support:

- Student Enrolment Policy
- Student Selection and Admission Procedure
- Language, Literacy and Numeracy (VET) Procedure
- Website
- Facebook page
- Student Handbook
- International Student Application Form
- Online Enrolment form
- Student Agreement- Letter of Offer and Acceptance
- Term III 2018 Language, Literacy and Numeracy Results
- Sampled student records as noted under Clause 1.8.

The organisation's practices are not compliant with the requirements of Clause 1.7 of the Standards for RTOs 2015 as it has not been able to demonstrate how it determines the support needs of individual learners.

Evidence of non-compliant practices includes:

- As noted under Clause 5.1, there was insufficient evidence of identification of learner needs at enrolment to determine their suitability for the course or any support needs.

Progression

National Code Standard 8.3

Original Finding: Not compliant

Finding following additional evidence: Not yet determined

The registered provider must monitor the progress of each overseas student to ensure the overseas student is in a position to complete the course within the expected duration specified on the overseas student's CoE.

National Code Standard 8.4

Original Finding: Not compliant

Finding following additional evidence: Not compliant

The registered provider must have and implement documented policies and processes to identify, notify and assist an overseas student at risk of not meeting course progress or attendance requirements where there is evidence from the overseas student's assessment tasks, participation in tuition activities or other indicators of academic progress that the overseas student is at risk of not meeting those requirements.

National Code Standard 8.9

Original Finding: Not compliant

Finding following additional evidence: Not yet determined

The registered provider of a VET course as defined in the NVETR Act must have and implement a documented policy and process for assessing course progress that includes:

- 8.9.1 requirements for achieving satisfactory course progress, including policies that promote and uphold the academic integrity of the registered course and meet the training package or accredited course requirements where applicable, and processes to address misconduct and allegations of misconduct
- 8.9.2 processes for recording and assessing course progress requirements
- 8.9.3 processes to identify overseas students at risk of unsatisfactory course progress
- 8.9.4 details of the registered provider's intervention strategy to assist overseas students at risk of not meeting course progress requirements in sufficient time for those overseas students to achieve satisfactory course progress
- 8.9.5 processes for determining the point at which the overseas student has failed to meet satisfactory course progress.

SIT30816 Certificate III in Commercial Cookery

SIT50416 Diploma of Hospitality Management

BSB42015 Certificate IV in Leadership and Management

BSB51915 Diploma of Leadership and Management

BSB51415 Diploma of Project Management

CHC52015 Diploma of Community Services

FNS50215 Diploma of Accounting

ICT50115 Diploma of Information Technology

The following was reviewed in relation to progression:

- Monitoring Student Course Progress Vocational Education and Training Policy and Procedure
- Deferment, Suspension or Cancellation of a Student's Enrolment Policy and Procedure
- Academic performance contract
- Enrolment and progress records for the following international students:

BSB42015 Certificate IV in Leadership and Management

- Minh Ngoc PHAM

BSB51915 Diploma of Leadership and Management

- Quang LE

- Eileen Elizabeth O'DOHERTY
- Edward James BACON
- Sukhjeet Singh BAJWA

BSB51415 Diploma of Project Management

- Hector Mauricio ARAQUE FERREIRA
- Bruna DE AMORIM FLORENCIO
- Javier Mauricio REALES MEJIA

SIT30816 Certificate III in Commercial Cookery

- Pavitra NAKKAMTHONG
- Bruno COSTA SILVA
- Yijie GUO
- Laura Eileen MINEHANE
- Taruna BISHNOI

SIT50416 Diploma of Hospitality Management

- Navneet Kaur ATWAL
- Augusto TRINETTI

FNS50215 Diploma of Accounting

- Rojit MAHARJAN
- Helena MONSALVE SILVA

ICT50115 Diploma of Information Technology

- Maria Eduarda DE ARRUDA LEME
- Pradip KARKI

The RTO's practices in relation to monitoring student progress are not compliant with Standards 8.3, 8.4 and 8.9 of the National Code as the documented procedures and practices for monitoring student progress did not ensure that overseas students are in a position to complete the course within the expected duration specified on their CoE, or that intervention was sufficiently timely.

Evidence of non-compliant practice includes:

- The Monitoring Student Course Progress Vocational Education and Training Policy and Procedure and Deferment, Suspension or Cancellation of a Student's Enrolment Policy and Procedure allow for three warnings for students who undertake a qualification of more than 4 terms.

Student records reviewed indicated that, while there was evidence of monitoring, the lack of timeliness in contacting students, the number of opportunities provided for late assessment submissions, extensions and changes of enrolment resulted in non-attendance and poor progression for some students to continue for long periods, and as a result, some students not completing their course within the expected duration specified on their CoE. For example:

- Quang LE - He was due to complete on 21/09/2018 and was issued two course progression warning letters on 5/4/18 & 27/6/18, no evidence of response. The VET Faculty Head advised that this student would be interviewed if/when he attended to enrol for the current term which started on 24/9/18.
- Edward James BACON – No evidence was sighted of the Supplementary Assessment programme implemented following the Course progression warning letter sent 29/6/18
- Laura Eileen MINEHANE – a series of absences recorded in 2017 due to compassionate circumstances, initial warning letter 8/8/17, agreement reached 9/4/18, warning letter 20/4/18, transfer to SIT50416 Diploma of Hospitality Management 12/6/18, poor progress and

attendance continue, cancelled and reported 25/9/18 'due to non- genuine student' after several attempts to contact her.

National Code Standard 8.13

Original Finding: *Not compliant*

Finding following additional evidence: *Not yet determined*

Where the registered provider has assessed the overseas student as not meeting course progress or attendance requirements, the registered provider must give the overseas student a written notice as soon as practicable which:

- 8.13.1 notifies the overseas student that the registered provider intends to report the overseas student for unsatisfactory course progress or unsatisfactory course attendance
- 8.13.2 informs the overseas student of the reasons for the intention to report
- 8.13.3 advises the overseas student of their right to access the registered provider's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

National Code Standard 8.15

Original Finding: *Not compliant*

Finding following additional evidence: *Not yet determined*

The registered provider may decide not to report the overseas student for breaching the attendance requirements if the overseas student is still attending at least 70 per cent of the scheduled course contact hours and:

- 8.15.1 for school, ELICOS and Foundation Program courses, the overseas student provides genuine evidence demonstrating that compassionate or compelling circumstances apply; or
- 8.15.2 for VET courses, the student is maintaining satisfactory course progress.

SIT30816 Certificate III in Commercial Cookery

SIT50416 Diploma of Hospitality Management

BSB42015 Certificate IV in Leadership and Management

BSB51915 Diploma of Leadership and Management

BSB51415 Diploma of Project Management

CHC52015 Diploma of Community Services

FNS50215 Diploma of Accounting

ICT50115 Diploma of Information Technology

The following was reviewed in relation to notifying and reporting students:

- Monitoring Student Course Progress Vocational Education and Training Policy and Procedure
- Deferral, Suspension or Cancellation of a Student's Enrolment Policy and Procedure
- Academic performance contract
- Enrolment and progress records for the following international students:

BSB42015 Certificate IV in Leadership and Management

- Minh Ngoc PHAM

BSB51915 Diploma of Leadership and Management

- Quang LE
- Eileen Elizabeth O'DOHERTY
- Edward James BACON
- Sukhjeet Singh BAJWA

BSB51415 Diploma of Project Management

- Hector Mauricio ARAQUE FERREIRA
- Bruna DE AMORIM FLORENCIO
- Javier Mauricio REALES MEJIA

SIT30816 Certificate III in Commercial Cookery

- Pavitra NAKKAMTHONG
- Bruno COSTA SILVA
- Yijie GUO
- Laura Eileen MINEHANE
- Taruna BISHNOI

SIT50416 Diploma of Hospitality Management

- Navneet Kaur ATWAL
- Augusto TRINETTI

FNS50215 Diploma of Accounting

- Rojit MAHARJAN
- Helena MONSALVE SILVA

ICT50115 Diploma of Information Technology

- Maria Eduarda DE ARRUDA LEME
- Pradip KARKI

The RTO's practices in relation to notifying and reporting are not compliant with Standards 8.13, and 8.15 of the National Code as the documented procedures and practices did not demonstrate that the RTO notified students as soon as practicable of their intention to report and did not report the students when poor attendance and progress continued.

Evidence of non-compliant practice includes:

- As noted under Standard 8.3, 8.4 and 8.9 above, the Monitoring Student Course Progress Vocational Education and Training Policy and Procedure and Deferment, Suspension or Cancellation of a Student's Enrolment Policy and Procedure allow for three warnings for students who undertake a qualification of more than 4 terms.

Student records reviewed indicated a lack of timeliness in notifying students, and little or no action taken when non-attendance and poor progression for some students continued subsequent to the initial intervention. For example:

- Quang LE - He was due to complete on 21/09/2018 and was issued two course progression warning letters on 5/4/18 & 27/6/18, no evidence of response or of progress. The VET Faculty Head advised that this student would be interviewed if/when he attended to enrol for the current term which started on 24/9/18.
- Laura Eileen MINEHANE – a series of absences recorded in 2017 due to compassionate circumstances, initial warning letter 8/8/17, agreement reached 9/4/18, warning letter 20/4/18, transfer to SIT50416 Diploma of Hospitality Management 12/6/18, poor progress and attendance continue, cancelled and reported 25/9/18 '*due to non- genuine student*' after several attempts to contact her.

- Yijie GUO – was identified as requiring English language support early into the course due to poor assessment. Was referred to Discovery English how then withdrew from the course but was not reported.

Managing visa requirements during progression

National Code Standard 8.2

*Original Finding: **Not compliant***

*Finding following additional evidence: **Not yet determined***

The expected duration of study specified in the overseas student's CoE must not exceed the CRICOS registered duration.

National Code Standard 8.16

*Original Finding: **Not compliant***

*Finding following additional evidence: **Not yet determined***

The registered provider must not extend the duration of the overseas student's enrolment if the overseas student is unable to complete the course within the expected duration, unless:

- 8.16.1 there are compassionate or compelling circumstances, as assessed by the registered provider on the basis of demonstrable evidence, or
- 8.16.2 the registered provider has implemented, or is in the process of implementing, an intervention strategy for the overseas student because the overseas student is at risk of not meeting course progress requirements, or
- 8.16.3 an approved deferral or suspension of the overseas student's enrolment has occurred under Standard 9 (Deferring, suspending or cancelling the overseas student's enrolment).

SIT30816 Certificate III in Commercial Cookery

SIT50416 Diploma of Hospitality Management

BSB42015 Certificate IV in Leadership and Management

BSB51915 Diploma of Leadership and Management

BSB51415 Diploma of Project Management

CHC52015 Diploma of Community Services

FNS50215 Diploma of Accounting

ICT50115 Diploma of Information Technology

The following was reviewed in relation to managing visa requirements:

- Monitoring Student Course Progress Vocational Education and Training Policy and Procedure
- Deferment, Suspension or Cancellation of a Student's Enrolment Policy and Procedure
- Academic performance contract
- PRISMS reports indicating:
 - Certificate II in Business 13 weeks duration – 5 CoEs 18 weeks, 1 21 weeks
 - Certificate III in Commercial Cookery 52 weeks duration – 78 CoEs between 57 and 74 weeks
 - Certificate IV in Travel and Tourism 45 weeks duration – 17 CoEs between 46 and 58 weeks
 - Diploma of Hospitality Management 48 weeks duration – 103 CoEs between 49 and 72 weeks
- Enrolment and progress records for the following international students:
 - BSB42015 Certificate IV in Leadership and Management**
 - Minh Ngoc PHAM
 - BSB51915 Diploma of Leadership and Management**
 - Quang LE
 - Eileen Elizabeth O'DOHERTY
 - Edward James BACON
 - Sukhjeet Singh BAJWA

BSB51415 Diploma of Project Management

- Hector Mauricio ARAQUE FERREIRA
- Bruna DE AMORIM FLORENCIO
- Javier Mauricio REALES MEJIA

SIT30816 Certificate III in Commercial Cookery

- Pavitra NAKKAMTHONG
- Bruno COSTA SILVA
- Yijie GUO
- Laura Eileen MINEHANE
- Taruna BISHNOI

SIT50416 Diploma of Hospitality Management

- Navneet Kaur ATWAL
- Augusto TRINETTI

FNS50215 Diploma of Accounting

- Rojit MAHARJAN
- Helena MONSALVE SILVA

ICT50115 Diploma of Information Technology

- Maria Eduarda DE ARRUDA LEME
- Pradip KARKI

The RTO's practices in relation managing visa requirements during progression are not compliant with Standards 8.2, and 8.16 of the National Code as the documented procedures and practices did not demonstrate that the duration of students' CoE did not exceed the CRICOS registered duration for the respective courses.

Evidence of non-compliant practice includes:

- As noted under Standard 8.3, 8.4 and 8.9 above, the Monitoring Student Course Progress Vocational Education and Training Policy and Procedure and Deferment, Suspension or Cancellation of a Student's Enrolment Policy and Procedure allow for three warnings for students who undertake a qualification of more than 4 terms.

Student records reviewed indicated that there was evidence of monitoring and applications for extensions or deferments based on compassionate and compelling reasons to explain some of the exceeded course durations. However, in other cases, the lack of timeliness in contacting students, the number of opportunities provided for late assessment submissions, extensions and changes of enrolment resulted in non-attendance and poor progression for some students to continue for long periods. As a result, some students did not complete their course within the expected duration specified on their CoE. For example:

- Quang LE - He was due to complete on 21/09/2018 and was issued two course progression warning letters on 5/4/18 & 27/6/18, no evidence of response. The VET Faculty Head advised that this student would be interviewed if/when he attended to enrol for the current term which started on 24/9/18.
- Edward James BACON – No evidence was sighted of the Supplementary Assessment programme implemented following the Course progression warning letter sent 29/6/18
- Laura Eileen MINEHANE – a series of absences recorded in 2017 due to compassionate circumstances, initial warning letter 8/8/17, agreement reached 9/4/18, warning letter 20/4/18, transfer to SIT50416 Diploma of Hospitality Management 12/6/18, poor progress and attendance continue, cancelled and reported 25/9/18 '*due to non- genuine student*' after several attempts to contact her.

Training and Assessment

Training Delivery and Assessment

Standards for RTOs Clause 1.1

Original Finding: Not compliant

Finding following additional evidence: Not yet determined

The RTO's training and assessment strategies and practices, including the amount of training they provide, are consistent with the requirements of training packages and VET accredited courses and enable each learner to meet the requirements for each unit of competency or module in which they are enrolled.

Standards for RTOs Clause 1.2

Original Finding: Not compliant

Finding following additional evidence: Not yet determined

For the purposes of Clause 1.1, the RTO determines the amount of training they provide to each learner with regard to:

- a) the existing skills, knowledge and the experience of the learner;
- b) the mode of delivery; and
- c) where a full qualification is not being delivered, the number of units and/or modules being delivered as a proportion of the full qualification.

SIT30816 Certificate III in Commercial Cookery

SIT50416 Diploma of Hospitality Management

BSB51915 Diploma of Leadership and Management

CHC52015 Diploma of Community Services

The following evidence was reviewed in relation to training and assessment strategies and practices:

- Work Integrated Learning or Internships Procedure
- Vocational Education and Training Assessments
- Training and Assessment Strategies for the above listed training products
- Student records as noted under Clause 1.8.

The evidence reviewed did not demonstrate that the training and assessment strategies are consistent with the requirements of the relevant training packages and enable each learner to meet the requirements for each unit of competency in which they are enrolled or that it has determined the amount of training they intend to provide to each learner with regard to the existing skills, knowledge and the experience of the learner; and the mode of delivery.

Evidence of non-compliant practice includes:

SIT30816 Certificate III in Commercial Cookery

SIT50416 Diploma of Hospitality Management

CHC52015 Diploma of Community Services

- It was unclear from the Training and Assessment Strategies provided when the work placement was scheduled to occur.

CHC52015 Diploma of Community Services

- The Training and Assessment Strategy and individual training plans sighted for sampled students (as noted under Clause 1.8) identified work samples as sources of evidence for all units, but this was not reflected in the assessment tools reviewed, with students determined competent in some units before they had undertaken work placements.

Standards for RTOs Clause 1.8

*Original Finding: **Not compliant***

*Finding following additional evidence: **Not yet determined***

The RTO implements an assessment system that ensures that assessment (including recognition of prior learning):

- a) complies with the assessment requirements of the relevant training package or VET accredited course; and**
- b) is conducted in accordance with the Principles of Assessment contained in Table 1.8-1 and the Rules of Evidence contained in Table 1.8-2.**

Table 1.8.1 Principles of Assessment

Fairness	<p>The individual learner's needs are considered in the assessment process.</p> <p>Where appropriate, reasonable adjustments are applied by the RTO to take into account the individual learner's needs.</p> <p>The RTO informs the learner about the assessment process, and provides the learner with the opportunity to challenge the result of the assessment and be reassessed if necessary.</p>
Flexibility	<p>Assessment is flexible to the individual learner by:</p> <ul style="list-style-type: none"> • reflecting the learner's needs; • assessing competencies held by the learner no matter how or where they have been acquired; and • drawing from a range of assessment methods and using those that are appropriate to the context, the unit of competency and associated assessment requirements, and the individual.
Validity	<p>Any assessment decision of the RTO is justified, based on the evidence of performance of the individual learner.</p> <p>Validity requires:</p> <ul style="list-style-type: none"> • assessment against the unit/s of competency and the associated assessment requirements covers the broad range of skills and knowledge that are essential to competent performance; • assessment of knowledge and skills is integrated with their practical application;

	<ul style="list-style-type: none"> • assessment to be based on evidence that demonstrates that a learner could demonstrate these skills and knowledge in other similar situations; and • judgement of competence is based on evidence of learner performance that is aligned to the unit/s of competency and associated assessment requirements.
Reliability	Evidence presented for assessment is consistently interpreted and assessment results are comparable irrespective of the assessor conducting the assessment.
Table 1.8.2 Rules of Evidence	
Validity	The assessor is assured that the learner has the skills, knowledge and attributes as described in the module or unit of competency and associated assessment requirements.
Sufficiency	The assessor is assured that the quality, quantity and relevance of the assessment evidence enables a judgement to be made of a learner's competency.
Authenticity	The assessor is assured that the evidence presented for assessment is the learner's own work.
Currency	The assessor is assured that the assessment evidence demonstrates current competency. This requires the assessment evidence to be from the present or the very recent past.

SIT30816 Certificate III in Commercial Cookery

SIT50416 Diploma of Hospitality Management

BSB51915 Diploma of Leadership and Management

CHC52015 Diploma of Community Services

The following was reviewed in relation to assessment:

- Training and Assessment Strategies and Practices Policy and Procedure
- Skills Recognition Tool Kits for sampled qualifications
- Student files as listed below
- Assessment tools for the following units:

SIT30816 Certificate III in Commercial Cookery

SITHCCC012 Prepare poultry dishes

Assessment tools consisted of:

1. 16 short answer questions and 10 true/false questions
2. Prepare and present 3 trade menus: Poultry and Precision Cutting: Bone Chicken Leg, includes 'Chicken Maryland', Grilled Turkey Steak, Saltimbocca Style Chicken Breast, Pumpkin Risotto Cake, Crispy prosciutto, Deep Fried Sage and Shiraz jus; Confit Duck leg with 'Du Puy Lentils' and Baby Vegetables with Red Wine Jus
3. Trade test

SITHCCC020 Work effectively as a cook

Assessment tools consisted of:

- Logbook documenting 48 service periods.

Student files for:

- Yijie GUO
- Pavitra NAKKAMTHONG
- Bruno COSTA SILVA
- Thi Kim Ngan Nguyen

- Prem Prasad Sapkota
- Simarjeet Singh Walic

SIT50416 Diploma of Hospitality Management

SITXHRM006 Monitor staff performance

Assessment tools consisted of:

1. Responses to 3 short Case Studies dealing with issues of productivity and punctuality; waste and cost minimisation and level of accuracy and customer service standards
2. 13 short answer questions, some based on short case study scenarios.

SITHIND004 Work Effectively in Hospitality Service

Assessment tools consisted of:

- Logbook documenting 36 service periods
- 14 short answer questions,

Student files for

- THi Hang Nguyen
- Thanh Sang Tran
- Thi Ngoc Khanh Pham
- Anh Khoa Le
- Mila Velichkovska

BSB51915 Diploma of Leadership and Management

BSBMGT517 - Manage operational plan

The assessment tasks provided in completed assessments were different to those initially provided as assessment tools. Assessment tools implemented for sampled students consisted of:

1. Project - group project to develop a new branch in a hospitality organisation – plan includes targets, budget, contingency plan, brainstorm and discuss acquisition strategies, policies and procedures required, Gantt chart, includes a presentation for class as colleagues to approve, 2500 word report
2. Project - group project to review an Operational variance report and Balance Scorecard for an unidentified business, and develop recommended solutions to address underperformance, 2500 word report.

BSBWHS501 - Ensure a safe workplace

Assessment tools consisted of:

1. Hazard Identification and Risk Analysis Tool – no instructions or context
2. 20 Short Answer Responses
3. Policy, Procedure and Provision Report – Task is titled Emergency Evacuation Procedures but task is a project as a newly-appointed WHS representative (at a workplace of own choosing that uses IT) to identify hazards, perform risk analysis, write a consultation guideline – template provided.

Student files for:

- Leydi PATRROYO MERCHAN
- Thi Khanh Linh TRAN

- Carlos Camacho Cueter
- Eileen Elizabeth O'DOHERTY

CHC52015 Diploma of Community Services

CHCDIS010 Provide services to people with disability with complex needs

Assessment tools consisted of:

1. 11 short answer questions
2. 2 Case studies, 10 short answer questions for each
3. Project – based on case study of John- develop a care plan and review 6 months later, role play case conference.

CHCDEV002 Analyse impacts of sociological factors

Assessment tools consisted of:

1. 14 Short Answer questions
2. 2 Case studies, 10 short answer questions and role play
3. Case study, short answer questions and role play

Placement Logbooks for two different placements.

Student files for

- Joann Smith
- Ingrid Koutsodontis

The RTOs assessment system and practices are not compliant with the requirements of Clause 1.8 of the Standards for RTOs 2015 as the evidence did not demonstrate the RTO implements an assessment system that ensures that assessment (including recognition of prior learning) complies with the assessment requirements of the relevant training and is conducted in accordance with the Principles of Assessment and the Rules of Evidence.

Evidence of non-compliant practices includes:

SIT30816 Certificate III in Commercial Cookery

SITHCCC020 Work effectively as a cook

- While the Faculty Head was able to provide some evidence of service periods covered for some of the sampled students, this evidence was not consistent for all students, e.g. Thi Kim Ngan Nguyen, Prem Prasad Sapkota and Simarjeet Singh Walic. The logbook did not provide sufficient evidence to indicate that the students had completed the required range of service periods and different menu styles.

As a result, the assessment tools did not provide sufficient evidence of the required performance or the Principles of validity, reliability and Rules of validity and sufficiency.

SIT50416 Diploma of Hospitality Management

SITXHRM006 Monitor staff performance

The assessment tools did not provide sufficient evidence of element 3. *Implement performance management systems*, or the required performance of:

- *conduct structured performance appraisals and formal counselling and training sessions for staff members, in line with established organisational procedures*
- *recognise outstanding performance according to organisational policies.*

They also did not provide sufficient evidence of the required foundation skills of writing skills, oral communication or teamwork skills.

The lack of *commercial procedures for conducting performance appraisals and formal counselling sessions; current performance appraisal and counselling documents and team members with whom the individual can interact* did not meet the assessment conditions of the unit.

The completed assessment records for Thi Hang Nguyen, Thanh Sang Tran, Thi Ngoc Khanh Pham and Anh Khoa Le did not identify how student individual contribution to the group project was assessed (validity, reliability, sufficiency, authenticity) and there was very little evidence of assessor marking and feedback (fairness).

SITHIND004 Work Effectively in Hospitality Service

The assessment tools did not provide sufficient evidence of the specified range of knowledge listed under *basic organisational information and information relevant to customers*.

One of the reviewed students, Mila Velichkovska, was deemed competent but there was no evidence that she had completed task 2, the knowledge questions. As a result, the Principles of validity, reliability and Rules of Evidence of validity and sufficiency were not demonstrated.

BSB51915 Diploma of Leadership and Management

BSBMGT517 - Manage operational plan

The assessment tools did not provide sufficient evidence of the required knowledge of

- *describe models and methods for operational plans*
- *explain the role of an operational plan in achieving the organisation's objectives*
- *explain budgeting processes*
- *list alternative approaches to developing key performance indicators to meet business objectives*
- *outline the legislative and regulatory context relevant to the operational plan of the organisation*
- *outline the organisation's policies, practices and procedures that directly relate to the operational plan.*

The assessment tools did not provide sufficient evidence of the required performance of:

- *implement an operational plan using a variety of information sources*
- *communicate effectively with relevant stakeholders to explain the plan and supporting information, seek approvals, negotiate variations and engage work teams*
- *develop and implement strategies to achieve the operational plan within the organisation's policies, practices and procedures including:*
 - *recruiting, inducting and developing personnel*
 - *acquiring physical resources and services*
 - *protecting intellectual property*
 - *making variations to the plan*
 - *monitoring and documenting performance.*

They also did not provide sufficient evidence of the required foundation skills of oral communication, interaction with others or getting the work done.

The lack of supporting case studies, workplace documentation and resources for project 2 did not meet the assessment conditions of the unit.

In addition to the gaps identified above, the completed assessments for the following students did not meet the following Principles of Assessment or Rules of Evidence

- No decision-making rules were provided to ensure validity, reliability and sufficiency of assessment
- Leydi PATRROYO MERCHAN: very little evidence of assessor marking and feedback (fairness)
- Thi Khanh Linh TRAN and Carlos Camacho Cueter: it was unclear how student's individual contribution to group project was assessed (validity, reliability, sufficiency, authenticity) and there was very little evidence of assessor marking and feedback (fairness).

BSBWHS501 - Ensure a safe workplace

The assessment tools did not provide sufficient evidence of the required performance of:

- *establish, implement, maintain and evaluate a work health and safety (WHS) management system for a work area of an organisation in accordance with WHS legislation including policies, procedures and record keeping*
- *ensure organisational WHS compliance*
- *establish, implement, maintain and evaluate effective and compliant participation arrangements for managing WHS including identifying duty holders, identifying and approving the required resources and developing and implementing a training program*
- *establish, implement, maintain and evaluate procedures for effectively identifying hazards, and assessing and controlling risks using the hierarchy of risk control*
- *provide information and complete documentation for a WHS management system*
- *identify requirements for and request expert WHS advice.*

They also did not provide sufficient evidence of the required foundation skills of writing, oral communication, interaction with others or getting the work done.

The lack of supporting case studies, workplace documentation, resources and interaction with others for task 2 did not meet the assessment conditions of the unit. It is unclear how international students and unemployed domestic students would be able to complete task 2 at the required level of depth and complexity without access to a workplace or more extensive supporting documentation.

None of the sampled students, other than Eileen Elizabeth O'DOHERTY had yet completed this unit, so no completed assessments were reviewed. Eileen had submitted a re-assessment document on 27/08/2018, which did not demonstrate how performance evidence had been assessed.

As a result, the assessment tools did not meet the Principles of Assessment of validity and reliability or Rules of Evidence of validity and sufficiency.

CHC52015 Diploma of Community Services

CHCDIS010 Provide services to people with disability with complex needs

The assessment tools did not provide sufficient performance evidence that the student had demonstrated they had:

- *evaluated and prioritised the needs of at least 3 people with complex support issues and developed individualised plans to meet their needs*
- *coordinated the delivery, monitoring, evaluation and review of at least 3 individualised plans.*

CHCDEV002 Analyse impacts of sociological factors

The assessment tools did not provide sufficient performance evidence that the student had demonstrated they had:

- *advised, referred or provided at least three clients with access to services based on socio-cultural information gathered*
- *monitored and reviewed effectiveness of work and/or services provided to clients*
- *revised work and/or services provided to clients to enhance client outcomes and better address their social and cultural issues.*

While the work placement logbooks provided evidence of activities undertaken and included a detailed observation/interview with the assessor, there were insufficient details provided to demonstrate that the students had met the related knowledge and performance requirements, and no information as to the duration or context of the observation. There was also insufficient details in the third party report to support the determination of competence.

As noted under Clauses 1.1 and 1.2, there were inconsistencies in assessment methods identified in the training and assessment strategy, training plan and work placement log in relation to the reliance on work placement evidence to determine competence. As a result, the completed assessments for the sampled students did not meet the following Principles of Assessment or Rules of Evidence:

Joann Smith: was deemed competent in *CHCDEV002 Analyse impacts of sociological factors* on 24/3/17, prior to completing the work placement which began on 21/3/18.

Ingrid Koutsodontis: was deemed competent in *CHCDEV002 Analyse impacts of sociological factors* on 7/9/18, prior to completing the work placement which has yet to be undertaken.

Completion

Standards for RTOs Clause 3.1

Original Finding: *Not compliant*

Finding following additional evidence: *Not yet determined*

The RTO issues AQF certification documentation only to a learner whom it has assessed as meeting the requirements of the training product as specified in the relevant training package or VET accredited course.

SIT30816 Certificate III in Commercial Cookery

SIT50416 Diploma of Hospitality Management

BSB51915 Diploma of Leadership and Management

CHC52015 Diploma of Community Services

The following was reviewed in AQF Certification evidence:

Australian Skills Quality Authority

Audit report - Academies Australasia Polytechnic Pty Limited

- Issuance of Certification Documentation for VET Qualifications
- Certificates issued for completed sampled students listed under Clause 1.8

The organisation's issuance of AQF certification documentation is not compliant with the requirements of Clause 3.1 of the Standards for RTOs 2015 as the RTO did not demonstrate that it issues AQF certification documentation only to a learner whom it has assessed as meeting the requirements of the training product as specified in the relevant training package.

Evidence of non-compliant practice includes:

As noted in Clause 1.8 above, assessment records for sampled students in *SIT50416 Diploma of Hospitality Management* and *BSB51915 Diploma of Leadership and Management* indicated that students were found competent and some have been issued with AQF certification documentation without sufficient, valid, reliable and authentic evidence of meeting training package requirements, Principles of Assessment and Rules of Evidence.

Regulatory Compliance / Governance

Third parties (including education agents)

National Code Standard 4.4

Original Finding: Not compliant

Finding following additional evidence: Not yet determined

Where the registered provider becomes aware that, or has reason to believe, the education agent or an employee or subcontractor of that education agent has not complied with the education agent's responsibilities under standards 4.2 and 4.3, the registered provider must take immediate corrective action.

National Code Standard 4.5

Original Finding: Not compliant

Finding following additional evidence: Not yet determined

Where the registered provider becomes aware, or has reason to believe, that the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices, the registered provider must immediately terminate its relationship with the education agent, or require the education agent to terminate its relationship with the employee or subcontractor who engaged in those practices.

National Code Standard 4.6

Original Finding: Not compliant

Finding following additional evidence: Not yet determined

The registered provider must not accept students from an education agent if it knows or reasonably suspects the education agent to be:

- 4.6.1 providing migration advice, unless that education agent is authorised to do so under the Migration Act
- 4.6.2 engaged in, or to have previously engaged in, dishonest recruitment practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Overseas student transfers)

4.6.3	facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa
4.6.4	using PRISMS to create CoEs for other than bona fide students.

The following was reviewed in relation to third party arrangements:

- Education Agent Policy and Procedure
- Agency agreement
- Evaluation of student surveys of agents
- Written agreements and evaluations in 2017 for the following agents
 - SNS Global Pty Ltd
 - Western Enterprises
 - AcmeOverseas
 - KLIC Consultants
 - Ryan Consultants

The RTO's practices in relation to third party arrangements are not compliant with Standards 4.4, 4.5 and 4.6 of the National Code as the organisation did not demonstrate that where it becomes aware, or has reason to believe, that the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices, it has taken immediate corrective action or immediately terminated its relationship with the education agent, required the education agent to terminate its relationship with the employee or subcontractor who engaged in those practices, or not accepted students from that agent.

Evidence of non-compliant practice includes:

- While the RTO acknowledged it was aware of high visa refusal rates with one of its agents, Ryan Consultants, it did not provide any evidence of actions taken in this matter to validate this issue or of any steps taken to terminate its relationship with the agent as required by the Standards

Compliance with legislation

Standards for RTOs Clause 8.5

Original Finding: *Not compliant*

Finding following additional evidence: *Not yet determined*

The RTO complies with Commonwealth, State and Territory legislation and regulatory requirements relevant to its operations.

The following was reviewed in relation to compliance with legislative and regulatory requirements relevant to the RTO's operations:

- Information and evidence as detailed in this report
- A thorough review by an ASQA officer of data held within PRISMS relevant to the provider

The RTOs practices are not compliant with the requirements of Clause 8.5 of the *Standards for RTOs 2015* as it has not complied with Commonwealth legislation and regulatory requirements relevant to its operations; specifically:

- *Education Services for Overseas Students Act 2000; and*
- *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018*

Evidence of non-compliance:

- Evidence of non-compliant practice with the *National Code 2018* are outlined in the relevant sections of this audit report.

A review of PRISMS data undertaken by an ASQA Officer has identified the following concerns with the *Education Services for Overseas Students Act 2000* for consideration, a response and action to be taken by the provider:

PART 1 Reporting under paragraph 19(1) of the ESOS Act

Giving information about accepted students

1.1 Paragraph 19(1) of the ESOS Act states:

- (1) *A registered provider must give the following information within the applicable number of days after the event specified below occurs:*
- a) *The name and any prescribed details of each person who becomes an accepted student of that provider; and*
 - b) *For each person who becomes an accepted student – the name, starting day and expected duration of the courses for which the student is accepted;*
 - c) *The prescribed information about an accepted student who does not begin his or her course when expected;*
 - d) *Any termination of an accepted student's studies (whether as a result of action by the student or the provider or otherwise);*
 - e) *Any change in the identity or duration of an accepted student's course;*
 - f) *Any other prescribed matter relating to accepted students.*

1.2 Paragraph 19(1A) states:

- (1A) *The **applicable number of days** is:*
- a) *If the accepted student is less than 18 years old and the information is of a kind referred to in paragraph (1)(c) or (d) – 14 days; or*
 - b) *Otherwise – 31 days.*

1.3 Under section 5 of the ESOS Act, the following definition states:

- Accepted student** of a registered provider means a student (whether within or outside Australia):
- a) *Who is accepted for enrolment, or enrolled, in a course provided by the provider; and*
 - b) *Who is, or will be, required to hold a student visa to undertake or continue the course*

Non commencement of studies

1.4 Paragraph 19(1)(c) of the ESOS Act, "Giving information about accepted students", states that:

- (1) *A registered provider must give the following information within the applicable number of days after the event specified below occurs:*
- ...
- c) *The prescribed information about an accepted student who does not begin his or her course when expected;*

- 1.5 Sub regulation 3.02 of the ESOS Regulations prescribes the information required to be kept for the purposes of paragraph 19(1)(c), which is extracted at Attachment A.
- 1.6 On 23 October 2018, ASQA interrogated student course variation data contained in PRISMS in respect of Academies Australasia Polytechnic Pty Limited ("AAP") between the dates of 23 October 2017 and 23 October 2018.
- 1.7 The data indicates that an Authorised user of PRISMS for and on behalf of AAP provided prescribed information about accepted students who did not begin their course on the agreed starting date. On at least 84 occasions, AAP provided the prescribed information after the applicable number of days after the student failed to commence. In these instances, the relevant accepted students were at least 18 years old, and the information was given more than 31 days after the event.
- 1.8 The longest delay between the date AAP was obliged to give the information, and the date when AAP gave the information, was 285 days.
- 1.9 A list of the 84 occasions is at Annexure A.
- 1.10 Annexure A is extracted from PRISMS data. It shows:
- the name and birth date of each accepted student;
 - the student's CoE code;
 - the SCV reason entered into PRISMS by the Institute;
 - the 'Proposed Start Date' (the date of the event);
 - the 'created date' (the date the Authorised User for AAP provided the prescribed information); and
 - the 'days late' (the number of days after the 31 days in which AAP was obliged to give the prescribed information).
- 1.11 On the basis of the information at paragraphs 1.4 to 1.9 (inclusive) and the information in Annexure A, ASQA is of the view that AAP has breached paragraph 19(1)(c) on **at least 84** occasions between 23 October 2017 and 23 October 2018.

Early termination of studies

- 1.12 Paragraph 19(1)(d) of the ESOS Act states that:
- (2) *A registered provider must give the following information within the applicable number of days after the event specified below occurs:*
- ...
- d) *any termination of an accepted student's studies (whether as a result of action by the student or the provider or otherwise) before the student's course is completed.*
- 1.13 PRISMS data reviewed by ASQA indicates that an Authorised User for and on behalf of AAP provided prescribed information about accepted students who terminated their study between 23 October 2017 and 23 October 2018. On at least 20 occasions, the prescribed information was given after the applicable number of days after the termination of studies.
- 1.14 The longest delay between the date AAP was obliged to give the information, and the date when AAP gave the information, was 60 days.
- 1.15 A list of the 20 occasions is at Annexure B.

1.16 Annexure B is extracted from PRISMS data. It shows:

- the name and birth date of each accepted student;
- the student's CoE code;
- the SCV reason entered into PRISMS by the Institute;
- the 'Student last day of study' (the date of the event);
- the 'created date' (the date the Authorised User for AAP provided the prescribed information); and
- the 'days late' (the number of days after the 31 days in which AAP was obliged to give the prescribed information).

1.17 On the basis of the information at paragraphs 1.12 to 1.15 (inclusive) and the information in Annexure B, ASQA is of the view that AAP has breached paragraph 19(1)(d) on **at least 20** occasions between 23 October 2017 and 23 October 2018.

Change to identity or duration of course

1.18 Paragraph 19(1)(e) of the ESOS Act states:

(1) *A registered provider must give the following information within the applicable number of days after the event specified below occurs:*

...

e) any change in the identity or duration of an accepted student's studies (whether as a result of action by the student or the provider or otherwise) before the student's course is completed.

1.19 PRISMS data reviewed by ASQA indicates that an Authorised User for and on behalf of AAP provided prescribed information about accepted students where the identity or duration of the student's course changed. On at least 14 occasions, the prescribed information was given after the applicable number of days after the termination of studies.

1.20 The longest delay between the date AAP was obliged to give the information, and the date when AAP gave the information, was 341 days.

1.21 A list of the 14 occasions is at Annexure C.

1.22 Annexure C is extracted from PRISMS data. It shows:

- the name and birth date of each accepted student;
- the student's CoE code;
- the SCV reason entered into PRISMS by the Institute;
- the 'Student last day of study' (the date of the event);
- the SCV 'comment' entered by AAP, where it indicates a change to the student's course;
- the 'created date' (the date the Authorised User for AAP provided the prescribed information); and
- the 'days late' (the number of days after the 31 days in which AAP was obliged to give the prescribed information).

1.23 On the basis of the information at paragraphs 1.18 to 1.21 (inclusive) and the information in Annexure C, ASQA is of the view that AAP has breached paragraph 19(1)(e) on **at least 14** occasions between 23 October 2017 and 23 October 2018.

Deferment or suspension of studies

1.24 Paragraph 19(1)(f) of the ESOS Act states:

(1) *A registered provider must give the following information within the applicable number of days after the event specified below occurs:*

...

f) any other prescribed matter relating to accepted students.

1.25 Sub Regulation 3.03(3) of the ESOS Regulations states:

(3) *For paragraph 19(1)(f) of the ESOS Act, the following are prescribed matters relating to an accepted student whose studies have been deferred or suspended:*

- a) The proposed duration of any deferment of studies;*
- b) The proposed duration of any suspension of studies;*

1.26 PRISMS data reviewed by ASQA indicates that an Authorised User for and on behalf of AAP provided prescribed information about accepted students who deferred or suspended their study between 23 October 2017 and 23 October 2018. On at least 49 occasions, the prescribed information was given after the applicable number of days after the deferment or suspension of studies.

1.27 The longest delay between the date AAP was obliged to give the information, and the date when AAP gave the information, was 125 days.

1.28 A list of the 49 occasions is at Annexure D.

1.29 Annexure D is extracted from PRISMS data. It shows:

- the name and birth date of each accepted student;
- the student's CoE code;
- the SCV reason entered into PRISMS by the Institute;
- the 'Student last day of study' (the date of the event);
- the 'created date' (the date the Authorised User for AAP provided the prescribed information); and
- the 'days late' (the number of days after the 31 days in which AAP was obliged to provide the prescribed information).

1.30 On the basis of the information at paragraphs 1.24 to 1.28 (inclusive) and the information in Annexure D, ASQA is of the view that AAP has breached paragraph 19(1)(f) on **at least 49** occasions between 23 October 2017 and 23 October 2018.

Part 2 – Reporting outcome of student default (visa refusal)

2.1 Section 47A of the ESOS Act "When a student defaults" sets out the circumstances that describe whether a student defaults in relation to a course at a location, which includes:

- a) the course starts at the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or*

- b) *the student withdraws from the course at the location (either before or after the agreed starting day)...*

...

2.2 A registered provider is obliged to discharge certain consumer protection obligations to a student in certain instances of student default – including refunding pre-paid fees of a student where the default occurred due to the student's failing to start a course due or withdrawal from the course because of visa refusal.

2.3 Section 9 of the *Education Services for Overseas Students (Calculation of Refund Specification 2014)* states that:

(1) *This section applies if:*

- a) *a registered provider is required to provide a refund under section 47E of the Act because:*
 - (i) *the student was refused a student visa; and*
 - (ii) *the refusal was a reason for the student's failure to start the course on, or withdrawal from the course on or before, the agreed starting day...*

(2) *For subsection 47E(2) of the Act, the amount of a refund is the amount of the course fees, minus the lesser of the following amounts:*

- a) *5% of the amount of course fees received by the provider in respect of the student before the default day;*
- b) *\$500*

(3) *For subsection (2), the course fees for a course is the sum of:*

- a) *the tuition fees received by the provider in respect of the student; and*
- b) *the non-tuition fees (if any) received by the provider in respect of the student.*

2.4 If a provider is required to pay a student a refund under the above circumstances, the provider is obliged to give this information to the ESOS Agency via PRISMS. The relevant section of the ESOS Act, 47H states that:

(1) *A registered provider must give a notice in accordance with this section if:*

- a) *an overseas student or intending overseas student defaults in relation to a course provided by the provider at a location; and*
- b) *the provider is required to provide a refund under section 47(E)*

(2) *The provider must give a notice to the ESOS agency for the provider and the TPS Director within 7 days after the end of the provider obligation period.*

(3) *The notice must include the following:*

- a) *whether the provider provided a refund under section 47E:*
- b) *details of the student the provider provided the refund to:*
- c) *details of the amount of the refund provided.*

- 2.5 On 23 October 2018, ASQA interrogated CoE data in PRISMS of enrolments created within the last 12 months which indicates that, between 23 October 2017 and 23 October 2018, an Authorised User of PRISMS for and on behalf of AAP created a CoE for an accepted student who:
- was located offshore, and would need to be granted a visa in order to enter Australia; and
 - had his or her enrolment cancelled after his or her Visa was refused; and
 - had prepaid course fees to AAP;
- on a total of 4 occasions.
- 2.6 For these 4 enrolments, AAP was obliged to refund course money to the overseas student pursuant to Section 9 of the *Education Services for Overseas Students (Calculation of Refund Specification 2014)*.
- 2.7 For these 4 enrolments, AAP was obliged to notify via PRISMS the discharge of its obligations in respect of each student pursuant to section 47H. Data from PRISMS indicates that AAP has not notified the discharge of its obligations in respect to the 4 enrolments.
- 2.8 Annexure E lists the 4 enrolments.
- 2.9 Annexure E is extracted from PRISMS data. It lists:
- the name and birth date of each accepted student;
 - the student's CoE code;
 - the SCV reason entered into PRISMS by the Institute;
 - the 'Proposed Start Date' of each student's course;
 - the date the visa was refused; and
 - the amount prepaid by the student for the course.
- 2.10 On the basis of the information at paragraphs 2.1 to 2.8 (inclusive) and the information in Annexure E, ASQA is of the view that AAP has breached section 47H of the ESOS Act on **at least 4** occasions between 23 October 2017 and 23 October 2018.