

Australian Skills Quality Authority Regulator Performance Framework Reporting: 2019 & 2020

Commonwealth regulators that administer, monitor or enforce regulation are required to implement the Australian Government Regulator Performance Framework (RPF).

The RPF consists of six outcomes-based key performance indicators (KPI) covering reducing regulatory burden, communications, risk-based and proportionate approaches, efficient and coordinated monitoring, transparency, and continuous improvement. The RPF KPIs are provided in Table 1.

Table 1

RPF Key Performance Indicators
KPI 1 – Regulators do not unnecessarily impede the efficient operation of regulated entities
KPI 2 – Communication with regulated entities is clear, targeted and effective
KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed
KPI 4 – Compliance and monitoring approaches are streamlined and coordinated
KPI 5 – Regulators are open and transparent in their dealings with regulated entities
KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks

A key purpose of the RPF is to increase the transparency and accountability of Commonwealth regulators. The primary mechanism to achieve this is the review and reporting mechanism prescribed in the Framework. This mechanism requires regulators to produce annual “self-assessment” reports of their performance against the RPF KPIs via approved performance metrics. This assessment report is then validated by an approved stakeholder group before being certified by the regulator’s Accountable Authority and being made publicly available.

ASQA has completed three self-assessment reports against the RPF. These reports were produced utilising performance metrics developed and approved in 2015. With the progression of time, these approved metrics have become dated, and no longer align with ASQA’s regulatory / business practice. During 2019, ASQA adopted a new performance framework detailed in its 2019-20 Corporate Plan, so it is now opportune to align ASQA’s RPF reporting obligations with its new framework, that is reflective of contemporary regulatory practice. ASQA’s new Performance Reporting Framework 2019-20 is provided in Table 2.

Table 2

ASQA Performance Reporting Framework 2019-20		
Our approach	Performance criteria	Evidence of performance/measures
1. Risk-based approach	Identify and develop understanding of the risks to VET and take regulatory action to address the most serious identified risks.	Qualitative information on the strategies/strategic reviews undertaken, with supporting statistics on the related regulatory outcomes achieved. Production of regulatory strategy to address key risks. Publication of regulatory risk framework.

<p>2. Risk-based regulation — supporting quality</p>	<p>Effectively manage risk-based registration of quality RTOs and accreditation of courses that meet Australia's vocational education needs.</p>	<p>Qualitative information on use of risk-based approach to assessing applications.</p> <p>Quantitative information on regulatory management of:</p> <ul style="list-style-type: none"> • initial registration application • renewal of registration applications • change of scope application • course accreditation/amendment applications. <p>Qualitative information on other initiatives we undertake to support quality in VET.</p> <p>Service standards:</p> <ul style="list-style-type: none"> — Initial registration applications finalised within 130 working days (six months). — Renewal of registration applications finalised prior to expiry date. — Change of scope applications finalised within 130 working days (six months). — Course accreditation applications finalised within 130 working days (six months). — Course amendment applications finalised within 20 working days.
<p>3. Risk-based regulation — compliance and enforcement</p>	<p>Deliver standards-based auditing, based on risk and appropriate and proportionate regulatory decisions.</p>	<p>Qualitative information about adjustments made to our regulatory approach based on our understanding of risks.</p> <p>Quantitative information on our risk-based audit activities (trends over time) and levels of compliance detected, with qualitative information on the risk context.</p> <p>Quantitative and qualitative information on regulatory processes,[1]sanctions, enforcement activities, conditions applied and outcomes of contested sanctions.</p> <p>Provider survey results on our proportionate application of sanctions (more than 70 per cent satisfaction),</p> <p>Service standards:</p> <ul style="list-style-type: none"> — Audit reports provided within 20 working days of last day of audit. — When we have accepted additional evidence from a provider after an audit we will provide the decision within 30 working days. — Reconsideration applications finalised within 65 working days (three months).
<p>4. Stakeholder engagement about risks</p>	<p>Effectively seek information to inform our understanding of risks in the VET sector.</p>	<p>Qualitative information on our engagement with stakeholders to gather information on regulatory risks.</p> <p>Quantitative information on complaints/reports that allege provider non-compliance.</p> <p>Service standard:</p> <ul style="list-style-type: none"> — Complaints about training providers are finalised/referred for regulatory activity within 85 working days (four months).
<p>5. Engagement supporting stakeholders' understanding of VET sector compliance.</p>	<p>Provide clear, targeted and effective information and support to stakeholders about the VET sector and compliance with standards.</p>	<p>Qualitative and quantitative information on our efforts to provide clear and accurate information about VET sector compliance to stakeholders.</p> <p>Qualitative and quantitative information about the support provided to the regulated community to improve compliance with standards and quality VET provision.</p> <p>Quantitative information about the support provided to the sector to collect and manage student records when RTOs close down.</p> <p>Provider survey results (more than 70 per cent satisfaction) with:</p> <ul style="list-style-type: none"> • our engagement activities • provider information sessions • ASQA web usability • Info Line assistance <p>Service standards:</p> <ul style="list-style-type: none"> — Simple procedural email queries responded to within two working days. — Complex telephone queries escalated within two working days (with likely resolution time, if applicable). — Complex email queries responded to within 10 working days.
<p>6. Engagement to strengthen regulation and VET.</p>	<p>Provide input and advice on strategies to improve VET regulation and the VET sector.</p>	<p>Qualitative instances of providing input and advice to initiatives/reviews to strengthen VET regulation and improve the VET sector.</p> <p>Stakeholder survey results about our performance in this area (more than 70 per cent satisfaction).</p>

As ASQA will not commence reporting against its new performance framework until the second half of 2020 (i.e. the full suite of new and enriched performance information will not be available until this time) the Authority did not see the value in producing a 2019 report against outdated (and largely superseded) metrics.

Instead, ASQA will align its RPF reporting with its new reporting framework and consolidate its 2020 RPF reporting with its other mandatory reporting obligations, specifically the production of its Annual Performance Statement for its Annual Report. This approach will work to update, improve and streamline ASQA’s reporting and remove unnecessary duplication. Further, this approach also aligns with advice from the Department of Prime Minister and Cabinet in relation to aligning RPF reporting with *Public Governance, Performance and Accountability Act 2013* related reporting.

To achieve this ASQA has mapped to elements of its new performance framework that it will utilise to report against the six RPF KPIs. This mapping is provided in Table 3.

Table 3

Regulator Performance Framework (RPF) Key Performance Indicators (KPI)	ASQA Reporting Framework 2019-20 elements that link to RPF KPI			
KPI 1 – Regulators do not unnecessarily impede the efficient operation of regulated entities	1	2	5	6
KPI 2 – Communication with regulated entities is clear, targeted and effective	4	5		
KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed	1	2	3	
KPI 4 – Compliance and monitoring approaches are streamlined and coordinated	3	4		
KPI 5 – Regulators are open and transparent in their dealings with regulated entities	1	4		
KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks	1	6		

ASQA liaised with its approved stakeholders under the RPF on adopting this approach, no objections were raised.

ASQA’s approved RPF stakeholders are:

- i. Independent Tertiary Education Council Australia
- ii. TAFE Directors Australia
- iii. Community Colleges Australia
- iv. Enterprise RTO Association
- v. Australian Industry Group
- vi. Australian Chamber of Commerce and Industry