



Australian Government
Australian Skills Quality Authority

ASQA

Regulatory Risk Priorities 2023–24



Risk priorities

ASQA outlines risk priorities regularly to ensure we are responding to the most current issues in the sector.

We use a risk-based approach to determine the most significant risks to achieving our purpose, which is to ensure quality VET and the integrity of national qualifications issued by training providers.



Regulatory Risk Priorities 2023–24

Student work placement

Courses which mandate work placement present significant progression and completion challenges for some students, due to limited availability of places and access to provider support.

ASQA is focusing on provider behaviours that maximise student enrolment numbers without considering placement availability and their capacity to support students. Instances of providers falsifying student work placement records will not be tolerated. Our broad range of regulatory actions, including audits and compliance activities will include where indicated, provider responsibilities in relation to student support, securing and participating in work placements and work-based assessments.

Scan key points

- Students are at risk of non-completion or delayed progress if they have trouble finding work placement. Additionally, some students who handle their own placement report receiving limited support from their provider.
- Some students report their provider does not make clear during enrolment that they are required to secure their own work placement.
- Intelligence has identified that some providers are falsifying work placement records.
- Providers who focus on maximising student enrolment numbers may not be considering either placement availability or their capacity to support students in finding placement.

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Academic integrity

Academic cheating, including instances of provider enabled cheating, threatens the academic integrity of the VET sector. Open-source intelligence shows that students have growing opportunity to access sophisticated commercial cheating services.

ASQA is working with the sector to raise awareness and ensure providers safeguard the integrity of VET qualifications and sector reputation. ASQA will not tolerate provider behaviours that are complicit in enabling academic cheating or exploiting the vulnerabilities of student particular cohorts. We expect providers to have systems of governance for academic integrity and will respond to intelligence and complaints identified in this area, including through monitoring and compliance activities which focus on providers compliance with standards around assessment (including authenticity).

Scan key points

- Students who obtain qualifications via academic cheating don't possess the essential skills for the qualification they hold and may be a risk to themselves, others in the workplace, and the wider community.
- Academic cheating has likely become common in parallel to increased online delivery.
- Growth in demand for contract cheating services by students is a threat to Australia's VET reputation.

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Online delivery

Complaint data indicates that the shift to online delivery continues to be associated with risks to the quality and quantity of learning support, and students' mental welfare.

ASQA is applying a range of treatment strategies for providers who meet specific risk criteria. We have issued a sector alert to ESOS providers about the return to compliance and their obligations and are using multiple communication channels, including website, publications, social media to amplify regulatory messaging and ensure compliance with face-to-face requirements. Our monitoring and compliance activities include a focus on ESOS providers who are expected to have fully returned to compliance with face-to-face delivery requirements, and ensuring delivery locations are updated.

Scan key points

- Students who study online have reported increased difficulty accessing trainer and assessor support and may be vulnerable to cyber-attack, resulting in interruptions to service and access, as well as threatening the integrity and privacy of student records.
- Some students report experiencing significant IT difficulties, resulting in delays or prevention of course progression and completion. In some cases these delays result in additional costs due to extension fees.

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Shortened course duration

Shortened course duration in combination with online delivery and work placement risk forms a significant barrier to progression and completion for some students.

ASQA has low tolerance for providers who prioritise cost efficiency over training quality and student outcomes by reducing volume of learning or shortening training delivery timeframes particularly in higher risk occupations. We are scrutinising complaints and intelligence received about provider compliance including through our engagement with state and territory licensing authorities and using a range of compliance monitoring activities with targeted providers.

Scan key points

- Delivery of training which is accelerated (high intensity learning) or shortened (low volume of learning) at the expense of students' ability to gain the required competencies is an ongoing risk to the quality of VET.
- Delivery of insufficient volume of training for students to acquire the knowledge and skills required undermines the integrity of VET qualifications.
- Complaint data shows that marketing unrealistically short courses can mislead students in their choice of provider, and may result in additional extension costs for students who are unable to complete within the advertised duration.

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Recognition of prior learning

Students who lack competency or knowledge and gain qualifications via Recognition of Prior Learning (RPL) pose an increased risk to themselves and others in the workplace.

ASQA is concerned about non-rigorous RPL especially in health, transport and trades-based qualifications which have considerable workplace health and safety impacts if students do not have requisite skills and knowledge currency. Our monitoring activities are focusing on these industries and considering evidence of compliance with practices relating to assessment and credit transfer and applying a range of escalating actions including issuing sanctions in response to non-compliance.

Scan key points

- Data analysis indicates that some providers have issued RPL qualifications to students who do not possess the appropriate skills and competencies without gap training or assessment. This analysis is backed by reports from trade licencing bodies who hold concerns about the integrity of some qualifications issued by RPL. Licensing bodies have reported that some applicants have not been able to provide evidence to support competency granted through RPL.
- The industries most vulnerable to abuse of RPL rely on trade-based qualifications which have considerable workplace health and safety dimensions, meaning unskilled workers pose a threat to life and limb. Licencing bodies in these areas have reported that some applicants have presented with qualifications that do not meet training package requirements.

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VET workforce capability

Recruitment and retention of qualified trainers and assessors continues to be a problem for the sector. Enduring VET workforce shortages serve to compound most other risks.

ASQA has a continued focus on trainer and assessor capability. We understand the wide-spread trainer and assessor shortages and the need for providers to focus on strategies to ensure that they are equipped to meet the conditions of their registration. ASQA is expecting providers to be planning and implementing workforce practices and strategies to ensure training and assessment standards can be met within the scope of a provider's registration.

Scan key points

- VET workforce shortages impact the quality of training and assessment and providers' ability to meet compliance obligations.
- This workforce shortage has reduced the quality of education delivered, the availability of student learning support, and led to an increase in student-teacher ratios.

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International delivery

Unregulated education agents practicing unethically pose an enduring threat and undermine the reputation of the sector.

International students continue to be vulnerable to sharp practices carried out by some providers. Key amongst these practices are:

- written contracts that breach consumer law
- encouragement to start courses online offshore, and
- withholding refunds if visas are not granted.

Delivery to international students, including unethical practices of third-party education agents, continues to be a regulatory priority for ASQA and a focus across government, to protect and enhance Australia's reputation for quality education and training services; and to complement Australia's migration laws relating to student visas.

ASQA is focusing on obligations under the ESOS Act and National Code to not engage in misleading or deceptive conduct when recruiting students or providing courses and not provide false or misleading information or guarantee a migration outcome in any marketing activities. We will also hold providers to account to ensure that their marketing and promotion of courses and education services is not false or misleading. We have no tolerance for any behaviour by VET training providers registered with ASQA that is complicit or facilitating the exploitation of international students.

ESOS providers are expected to have fully returned to compliance with face-to-face delivery requirements, and ensured delivery locations are updated.

Scan key points

- Education agents operate in an unregulated market across international borders. There is evidence that some education agents and migration agents own and operate VET providers, representing a potential conflict of interest.
- There is evidence of lax pre-enrolment screening practices including language, literacy, numeracy and digital (LLND) assessment to increase student numbers. As a result, students may not be well suited to the courses in which they are enrolled, leading to course withdrawals, non-completions, and visa extensions.

Regulatory Risk Priorities 2023–24

Governance through change

The pace, scale and complexity of sector reform initiatives was identified by most stakeholders, both internal and external, as both a risk and benefit for the sector. This risk considers the impacts of changes in regulatory focus, provider uncertainty within the sector and best practice regulation principles.

Where providers have insufficient governance maturity, they may lack the agility to respond to sector changes and industry priorities or fail to assure compliance in a fast-evolving sector. This impacts on provider capacity for quality VET and increases the risk of inadvertent non-compliance.

ASQA has a focus on education, capacity building, engagement with governing bodies, and promotion of compliance. We will use our broad-based education and information for the sector to support and promote provider compliance through the actions they take to monitor evaluate and continuously improve outcomes.

Scan key points

- Sector Reform Risk Analysis has identified that there is a cohort who have not updated ASQA on significant organisational changes; examples include conflicts of interest and allegations of fraud against the Commonwealth. ASQA will focus on Fit and Proper Persons declarations and notifications of material change.
- Further challenges are on the near horizon as the sector experiences large-scale reform and change. The sector has remained resilient during the pandemic; however, stakeholders have also indicated that the pace of change is increasing uncertainty in the sector about providers' ability to comply and remain viable. ASQA will focus on timely payment of fees and charges, change of ownership and new market entrants.
- The e-scan has also identified that there is an emerging risk of increased opportunity for providers, who do not have genuine intent to deliver quality education, to exploit regulatory change and complexity. ASQA will leverage off intelligence partnerships with State/Territory and Federal Government stakeholders, as well as the development and deployment of intelligence strategies such as data-matching as a key control against fraud and non-compliance.