



# REPORT

## Audit report: Amy Boleszny Pty Ltd

This report has been annotated to note where audit errors were made.

In addition, the file has been redacted to protect the identify and reputation of organisations, trainers and students.

**The bottom line:** rectifications and corrections resulted in an overall judgment of **Compliant**.

RTO number:	30831
CRICOS number:	N/A
Date/s of audit:	25 July 2019
Date report created:	6 September 2019
Date report updated:	20/12/2019

## Organisation details

Organisation's legal name:	Amy Boleszny Pty Ltd
Trading name/s:	Healthy Business Training Academy
RTO number:	30831
CRICOS number:	N/A

## Audit team

Lead auditor:	Jen Adlington
Assistant/s:	N/A

## Audit details

Application number/s:	ADDVET0030999
Audit number/s:	AUDREC0009505
Audit reason/s:	Application - Change
Address of site/s visited:	17/18 Discovery Drive Helensvale QLD 4212 Australia
Date/s of audit:	25 July 2019
Organisation's contact for audit:	Amy Boleszny Proprietor ceo@hbta.edu.au 07 5502 6662

## Original finding at time of audit

**Audit finding: Serious non-compliance**

**Report completed by:** Jen Adlington

Practice	Standards for RTOs	Finding
Marketing/Recruitment Practices	4.1*	Not compliant
Enrolment	5.1, 5.2*, 5.3*, 7.3*	Not compliant
Training and Assessment	1.1*, 1.2*, 1.8*, 1.13*, 1.14*, 1.16*	Not compliant
Completion	3.1*	Not compliant
Regulatory Compliance / Governance	2.3*, 2.4*, 8.2*, 8.5*	Not compliant

\*Indicates a non-compliant clause

## Audit finding following analysis of additional evidence

**Audit finding following analysis of additional evidence provided on 28/11/2019: Compliant**  
**Report completed by: Jen Adlington**

Practice	Standards for RTOs	Finding
Marketing/Recruitment Practices	4.1	Compliant
Enrolment	5.2, 5.3, 7.3	Compliant
Training and Assessment	1.1, 1.2, 1.8, 1.13, 1.14, 1.16	Compliant
Completion	3.1	Compliant
Regulatory Compliance / Governance	2.3, 2.4, 8.2, 8.5	Compliant

\*Indicates a non-compliant clause

## Background

Summary of organisation and management structure:

- Amy Boleszny is the proprietor and chief executive officer of Amy Boleszny Pty Ltd trading as Healthy Business Training Academy. The organisational structure consists of Gabe Neal as administration coordinator, Tracey Regan as compliance officer, Tracy Davis as education manager and two data managers. There are currently 24 trainers/assessors contracted directly to Amy Boleszny Pty Ltd.

Scope of organisation's registration:

- BSB30415 Certificate III in Business Administration
- BSB30715 Certificate III in Work Health and Safety
- BSB31115 Certificate III in Business Administration (Medical)
- BSB41415 Certificate IV in Work Health and Safety
- BSB42015 Certificate IV in Leadership and Management
- BSB42618 Certificate IV in New Small Business
- BSB50215 Diploma of Business
- BSB50415 Diploma of Business Administration
- BSB51315 Diploma of Work Health and Safety
- BSB51415 Diploma of Project Management
- BSB51615 Diploma of Quality Auditing
- BSB51918 Diploma of Leadership and Management
- BSB60615 Advanced Diploma of Work Health and Safety
- TAE40116 Certificate IV in Training and Assessment
- TAE50116 Diploma of Vocational Education and Training
- TAE50216 Diploma of Training Design and Development
- CUAPYR401 Manage health and safety requirements at fireworks displays
- CUAPYR402 Operate outdoor fireworks displays
- CUAPYR403 Plan outdoor fireworks displays
- TAELLN411 Address adult language, literacy and numeracy skills

Suburb and state of all delivery sites:

- Corporate or hired venues

#### Third party usage:

- 35 Individual third parties engaged to provide services as at 29 August 2019 (refer end of report)
  - 32 third parties for delivery of training and assessment
  - 29 third parties for enrolment of learners (including fee receipting)
  - 6 third parties for provision of educational or support services
  - 10 third parties for recruitment of prospective learners

#### Core clients/target groups:

- Training and Assessment
  - industry experienced persons wishing to upgrade
  - individuals new to the industry
- Work Health and Safety
  - corporate clients who wish to train or retrain staff
  - industry experienced persons wishing to upgrade
  - individuals with no prior experience
  - existing workers
- Business Services
  - upskilling
  - existing workers
- Celebrancy
  - individuals with limited to no experience
  - individuals with experience affiliated to the industry

#### Training Revenue (Funded or fee for service):

- Fee for service

Total number of current enrolments in the organisation as at audit date: 1,102

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 Amy Boleszny Pty Ltd to ASQA.
- Existing information and records held by ASQA concerning Amy Boleszny Pty Ltd.
- Information provided to ASQA's auditors and documentation reviewed during the site audit of Amy Boleszny Pty Ltd conducted on 25 July 2019.
- Other publicly available information - including but not limited to, information published on the organisations and third-party websites.

## Audit Sample

<b>Training Products</b>	<b>Mode/s of delivery/assessment*</b>	<b>Current enrolments</b>
<i>BSB51915 Certificate IV in Leadership and Management</i>	Face to face, Online, RPL, Distance	0
<i>TAE40116 Certificate IV in Training and Assessment</i>	Face to face, Mixed, RPL	734
<i>TAE50216 Diploma of Training Design and Development</i>	Face to face, Mixed, RPL	46
<i>CHC41015 Certificate IV in Celebrancy</i>	Face to face, RPL, Distance	N/A
<i>CUAPYR402 Operate outdoor fireworks displays</i>	Face to face, RPL	0
<i>BSB51918 Diploma of Leadership and Management</i>	Face to face, Online, RPL, Distance	4
<i>BSB41415 Certificate IV in Work Health and Safety</i>	Face to face, RPL, Workplace, Distance	105

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

## Interviewees

<b>Name</b>	<b>Position</b>	<b>Training products</b>
Amy Boleszny	Chief Executive Officer	All
Tracey Davis	Education Manager	All
Dowlene Burdett	Trainer/Assessor	TAE

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## About this Report

This report details findings against the *Standards for Registered Training Organisations (RTOs) 2015* (Standards for RTOs). 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 a 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

## Original action required by Organisation

Amy Boleszny Pty Ltd did not meet all requirements for clauses:

Standards for RTOs: 1.1, 1.13, 1.14, 1.16, 1.2, 1.8, 2.3, 2.4, 3.1, 4.1, 5.2, 5.3, 7.3, 8.2, 8.5

Remedial action is required for the following training products:

### Application to add to scope

- **CHC41015 Certificate IV in Celebrancy**  
*CHCCEL007 Prepare for, present and evaluate marriage ceremonies*

### Existing practice

- **BSB41415 Certificate IV in Work Health and Safety**  
*BSBWHS407 Assist with claims management, rehabilitation and return-to-work programs*
- **BSB51915 Diploma of Leadership and Management**  
*BSBLDR501 Develop and use emotional intelligence*
- **BSB51918 Diploma of Leadership and Management**  
*BSBLDR511 Develop and use emotional intelligence*
- **TAE40116 Certificate IV in Training and Assessment**  
*TAEASS403 Participate in assessment validation*
- **TAE50216 Diploma of Training Design and Development**  
*TAEASS502 Design and develop assessment tools*  
*TAELLN501 Support the development of adult language, literacy and numeracy*
  - *CUAPYR402 Operate outdoor fireworks displays (explicit unit)*

The organisation is required to provide evidence that demonstrates:

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## Audit finding following analysis of additional evidence

Following analysis of additional evidence provided by Amy Boleszny Pty Ltd on 28/11/2019, the organisation:

- provided sufficient evidence to demonstrate compliance with:

Standards for RTOs: 1.1, 1.13, 1.14, 1.16, 1.2, 1.8, 2.3, 2.4, 3.1, 4.1, 5.2, 5.3, 7.3, 8.2, 8.5

Refer to analysis of additional evidence detailed under each clause in this report for further information.

## Areas of non-compliance

### Marketing/Recruitment Practices

#### Standards for RTOs Clause 4.1

*Original Finding: **Not compliant***

*Finding following additional evidence: **Compliant***

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.

Application to add to scope

#### **CHC41015 Certificate IV in Celebrancy**

This audit finding was irrelevant as the application for Addition to Scope was withdrawn at time of audit.

Existing practice

**TAE40116 Certificate IV in Training and Assessment**

**TAE50216 Diploma of Training Design and Development**

**BSB51915 Diploma of Leadership and Management**

**BSB51918 Diploma of Leadership and Management**

Third party: [REDACTED]

The following evidence was reviewed:

- Course webpages available at the organisations website domain:
  - <https://trainingforlearning.com/about-us/tlc-s-history>
  - <https://trainingforlearning.com/home/>
  - <https://trainingforlearning.com/about-us/2019-course-timetable>
  - **The entries on the web site were corrected and are now compliant**
- Third party arrangements are not clearly referenced and can only be found as a one line statement in [REDACTED] history page. *TLC now also delivers trainer education and business management on behalf of HBTA Qld (RTO 30831).*

**Note:**

Use of the term **Accredited** Training Organisation, in reference to [REDACTED] offering Australian industry recognised courses to provide qualifications and skills can be suggestive to the reader and imply the organisation is a registered training organisation.

**TAE40116 Certificate IV in Training and Assessment**

**TAE50216 Diploma of Training Design and Development**

Third party: [REDACTED]

The following evidence was reviewed:

- Course webpages available at the organisations website domain:
  - <http://www.workskillsinternational.com.au/our-services>
  - <http://www.workskillsinternational.com.au/our-partners>
- Third party arrangements are not clearly referenced and consist of the following information only:
  - Healthy Business Academy
  - Our TAE RTO

[REDACTED]

**Note:**

A general direction on third-party arrangements for delivery of training and assessment was published 9 August 2019 and may impact on responses in relation to third party arrangements and identified non-compliance in this audit report.

**Analysis of additional evidence**

The following additional evidence was reviewed:

- Rectification response
- Index of audit rectification

**TAE40116 Certificate IV in Training and Assessment**

**TAE50216 Diploma of Training Design and Development**

**BSB51915 Diploma of Leadership and Management**

**BSB51918 Diploma of Leadership and Management**

Third party: [REDACTED]



- Appendix 1 & 2 Website corrections
  - Email re removal of word accredited
  - Email re student notification
  - email RE\_ FW\_ Make it right strategy [REDACTED] website compliant

#### **TAE40116 Certificate IV in Training and Assessment**

#### **TAE50216 Diploma of Training Design and Development**

Third party: [REDACTED] (NON-RTO)

- Appendix 4 Emails re marketing and web site corrections
  - Confirmation of web site corrections
  - Email re ameliorating risk in marketing to students
  - Email re student notification
  - [REDACTED] webpage noncompliance 1
  - [REDACTED] webpage noncompliance 2
- The RTO states in its written response that the MoU with Work Skills International was cancelled on 10 October 2019.

The organisation has addressed the non-compliance for future students.

The organisation has planned and/or carried out sufficient remedial action to identify and address the impact the non-compliance may have caused students.

#### **CHC41015 Certificate IV in Celebrancy**

Application to add to scope

- Appendix 5
  - Email to [REDACTED] re cancellation of MoU
  - Request withdraw Addition to Scope for CHC41015
- The RTO states in its written response that the MoU was cancelled on 26 July 2019 and the third party, [REDACTED] advised accordingly.

The organisation has addressed the non-compliance for proposed future students.

## **Enrolment**

### **Standards for RTOs Clause 5.2**

*Original Finding: **Not compliant***

*Finding following additional evidence: **Compliant***

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.

Application to add to scope

#### **CHC41015 Certificate IV in Celebrancy**

The following evidence was reviewed:

- Information pack including course information and student handbook information

The organisation's proposed pre-enrolment documentation omits the following information which it is obligated to provide to prospective students regarding its courses:

- The amount of time a student will need to commit to the course for activities/study outside of scheduled face to face classroom delivery and online/distance delivery.

#### **Analysis of additional evidence**

The following additional evidence was reviewed:

- Rectification response
- Index of audit rectification

#### **CHC41015 Certificate IV in Celebrancy**

Application to add to scope

- Appendix 3
  - Email to [REDACTED] re cancellation of MoU
  - Request withdraw Addition to Scope for CHC41015
- The RTO states in its written response that the MoU was cancelled on 26 July 2019 and the third party, [REDACTED] advised accordingly.

The organisation has addressed the non-compliance for proposed future students.

### **Standards for RTOs Clause 5.3**

*Original Finding: **Not compliant***

*Finding following additional evidence: **Compliant***

Where the RTO collects fees from the individual learner, either directly or through a third party, the RTO provides or directs the learner to information prior to enrolment or the commencement of training and assessment, whichever comes first, specifying:

- a) all relevant fee information including:
  - i) fees that must be paid to the RTO; and
  - ii) payment terms and conditions including deposits and refunds;

- b) the learner's rights as a consumer, including but not limited to any statutory cooling-off period, if one applies;
- c) the learner's right to obtain a refund for services not provided by the RTO in the event the:
  - i) arrangement is terminated early; or
  - ii) the RTO fails to provide the agreed services.

Application to add to scope

#### CHC41015 Certificate IV in Celebrancy

██████████ (intended third party)

The following evidence was reviewed:

- Course information pack including:
  - fee structure
  - payment options

As noted above the audit findings were irrelevant as the addition to scope application was withdrawn.

Existing practice

#### BSB41415 Certificate IV in Work Health Safety

Third party: ██████████ )

The following evidence was reviewed:

- Course webpages available at provider website domain
  - <https://www.ifap.asn.au/course/certificate-iv-work-health-and-safety/>
  - <https://www.ifap.asn.au/participant-information/> ██████████
  - [https://www.ifap.asn.au/course-booking/?c=certificate-iv-work-health-and-safety&d=monday-14-october-2019&l=north-lake&\\_qa=2.23599290.1610714626.1566953841-1632343061.1565137368](https://www.ifap.asn.au/course-booking/?c=certificate-iv-work-health-and-safety&d=monday-14-october-2019&l=north-lake&_qa=2.23599290.1610714626.1566953841-1632343061.1565137368)

The third parties pre-enrolment information does not include information which it is obligated to provide to prospective learners regarding fees and payment terms and conditions such as: '*The organisation does not require a prospective learner to prepay fees in excess of a total of \$1500*'

- However, the online booking systems includes the option for an individual to enroll and make a full payment prior to enrolment and standard terms and conditions in the participant information states '*all bookings must be confirmed with payment in full and cleared, at least 10 working days prior to the commencement of the course*'.

#### **Analysis of additional evidence**

The following additional evidence was reviewed:

- Rectification response
- Index of audit rectification

#### BSB41415 Certificate IV in Work Health Safety

- Appendix 5 ██████████ web site corrections
  - Email re student notification
  - Pages from 2019-09-06 Audit Report (at time of audit) (Attach1)-██████████
  - Appendix 6 Student Enrolment Form Instructions
- The RTO has stated in its written response that the MoU with this third party has been cancelled.

The organisation has addressed the non-compliance for future students.

The organisation has planned and carried out sufficient remedial action to identify and address the impact the non-compliance may have caused students.

#### **CHC41015 Certificate IV in Celebrancy**

##### Application to add to scope

The following additional evidence was reviewed:

- Appendix 3
  - Email to ██████████ re cancellation of MoU
  - Request withdraw Addition to Scope for CHC41015
- The RTO states in its written response that the MoU was cancelled on 26 July 2019 and the third party, ██████████ advised accordingly.

The organisation has addressed the non-compliance for proposed future students.

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#### **Standards for RTOs Clause 7.3**

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*Original Finding: **Not compliant***

*Finding following additional evidence: **Compliant***

**Where the RTO requires, either directly or through a third party, a prospective or current learner to prepay fees in excess of a total of \$1500 (being the threshold prepaid fee amount), the RTO must meet the requirements set out in the Requirements for Fee Protection in Schedule 6.**

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##### Application to add to scope

#### **CHC41015 Certificate IV in Celebrancy**

The following evidence was reviewed:

- Course information pack including:
  - fee structure
  - payment of fees

The organisation's payment structure demonstrates that students will need to prepay fees in excess of a total of \$1500. However, the organisation does not meet one or more of the fee protection requirements set out in Schedule 6.

#### **Analysis of additional evidence**

The following additional evidence was reviewed:

- Rectification response
- Index of audit rectification

#### **CHC41015 Certificate IV in Celebrancy**

##### Application to add to scope

The following additional evidence was reviewed:

- Appendix 3
  - Email to ██████████ re cancellation of MoU
  - Request withdraw Addition to Scope for CHC41015
- The RTO states in its written response that the MoU was cancelled on 26 July 2019 and the third party, ██████████ advised accordingly.

The organisation has addressed the non-compliance for proposed future students.

## Training and Assessment

### Training Delivery and Assessment

#### Standards for RTOs Clause 1.1

**Original Finding: Not compliant**

**Finding following additional evidence: Compliant**

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.

**Original Finding: Not compliant**

**Finding following additional evidence: Compliant**

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.

#### CHC41015 Certificate IV in Celebrancy

*CUAPYR402 Operate outdoor fireworks displays (explicit unit)*

The following evidence was reviewed:

- CHC41015 TAS CEL V1.0 training and assessment strategy

#### CHC41015 Certificate IV in Celebrancy

- The organisation's documented training and assessment strategy contains unclear information regarding the amount of training to be provided to the target student cohort. For example, but not limited to:
  - There is no information in the strategy document that clearly identifies the amount time the student will need to commit to the course apart from the 5 days face to face or 650 hours over a duration of between 7 to 12 months.
- The organisation's documented training and assessment strategy does not separate training from assessment; therefore, it cannot be confirmed what the actual amount of training which meet the requirements of Clause 1.1 and 1.2.

**This was an auditor error because upon review it was found that the TAS contained a very detailed table which covered the above.**

*CUAPYR402 Operate outdoor fireworks displays (explicit unit)*

- The organisation did not provide evidence to demonstrate it has training and assessment strategies for *CUAPYR402 Operate outdoor fireworks displays* which meet the requirements of Clause 1.1 and 1.2.

#### **Analysis of additional evidence**

The following additional evidence was reviewed:

- Rectification response
- Index of audit rectification
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*CUAPYR402 Operate outdoor fireworks displays (explicit unit)*

- Appendix 7: Training and Assessment Strategy (TAS) – Outdoor Operator Course
- The RTO states in its written response that the validation of the revised TAS is underway and the revised assessment tools have schedules of course content and times will address any impact to the student.

The organisation has addressed the non-compliance for future students.

The organisation has planned and carried out sufficient remedial action to identify and address the impact the non-compliance may have caused students.

### **CHC41015 Certificate IV in Celebrancy**

#### Application to add to scope

The following additional evidence was reviewed:

- Appendix 3
  - Email to ██████████ re cancellation of MoU
  - Request withdraw Addition to Scope for CHC41015
- The RTO states in its written response that the MoU was cancelled on 26 July 2019 and the third party, ██████████ has been advised accordingly.

The organisation has addressed the non-compliance for proposed future students.

<b>Standards for RTOs Clause 1.8</b>	
	<b>Original Finding: <i>Not compliant</i></b>
	<b>Finding following additional evidence: <i>Compliant</i></b>
<b>The RTO implements an assessment system that ensures that assessment (including recognition of prior learning):</b>	
<b>a) complies with the assessment requirements of the relevant training package or VET accredited course; and</b>	
<b>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.</b>	
Table 1.8.1 Principles of Assessment	
Fairness	The individual learner's needs are considered in the assessment process. Where appropriate, reasonable adjustments are applied by the RTO to take into account the individual learner's needs. 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.
Flexibility	Assessment is flexible to the individual learner by: <ul style="list-style-type: none"><li>• reflecting the learner's needs;</li><li>• assessing competencies held by the learner no matter how or where they have been acquired; and</li><li>• 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.</li></ul>
Validity	Any assessment decision of the RTO is justified, based on the evidence of performance of the individual learner. Validity requires: <ul style="list-style-type: none"><li>• 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;</li><li>• assessment of knowledge and skills is integrated with their practical application;</li><li>• assessment to be based on evidence that demonstrates that a learner could demonstrate these skills and knowledge in other similar situations; and</li><li>• judgement of competence is based on evidence of learner performance that is aligned to the unit/s of competency and associated assessment requirements.</li></ul>

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.

### **CHC41015 Certificate IV in Celebrancy**

*CHCCEL007 Prepare for, present and evaluate marriage ceremonies*

### **BSB41415 Certificate IV in Work Health and Safety**

*BSBWHS407 Assist with claims management, rehabilitation and return-to-work programs*

### **BSB51915 Diploma of Leadership and Management**

*BSBLDR501 Develop and use emotional intelligence*

### **BSB51918 Diploma of Leadership and Management**

*BSBLDR511 Develop and use emotional intelligence*

### **TAE40116 Certificate IV in Training and Assessment**

*TAEASS403 Participate in assessment validation*

### **TAE50216 Diploma of Training Design and Development**

*TAEASS502 Design and develop assessment tools*

*CUAPYR402 Operate outdoor fireworks displays (explicit unit)*

#### Application to add to scope

### **CHC41015 Certificate IV in Celebrancy**

*CHCCEL007 Prepare for, present and evaluate marriage ceremonies*

The following evidence was reviewed:

- Trainer guide
- Learner workbook
- Workbook (with benchmarking)
- Assessment matrix
- Learner PPT
- RPL Application kit includes instructions for the candidate, self-assessment, and application form with evidence supplied by candidate/assessor information.

**The analysis and the non-compliances are irrelevant as the Addition to Scope application was withdrawn at time of audit.**

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Existing practice

Given that the course was not implemented, the finding re (non-existent) practice were not relevant.

**BSB41415 Certificate IV in Work Health and Safety**

*BSBWHS407 Assist with claims management, rehabilitation and return-to-work programs*

Third party: [REDACTED]

The following evidence was reviewed

- BSBWHS407 Rehabilitation and return-to-work\_AG\_V1.0
- BSBWHS407 Rehabilitation and return-to-work\_ATW\_V1.0
- BSBWHS407 Rehabilitation and return-to-work\_LG\_V1.0
- BSBWHS407 Rehabilitation and return-to-work\_PPT\_V1.0
- BSBWHS407\_RPL\_U\_AG\_V1.0
- BSBWHS407\_RPL\_U\_CG\_V1.0

Validity and Sufficiency - the assessment tools do not address all unit of competency requirements. For example, but not limited to:

- Foundation Skills
  - There is no evidence that demonstrates the foundation skills will be captured within the assessment tool that clearly identify the learner seeks or provides information about claims using language and features suitable for audience and context



- Performance Evidence:
  - There are no mechanisms in place in the master tools that ensures sufficient evidence will be collected that ensures all the performance evidence requirements are addressed. Additionally the Assessor comments / Feedback form lists a range of performance criteria and knowledge and performance evidence to be ticked where demonstrated. However this does method does not provide meaningful feedback to the student.

#### Completed student records

- Statement of Attainment issued by Amy Boleszny Pty Ltd on 21 March 2019
- [REDACTED] enrolment form
- Completed assessment task workbook including:
  - Assessment Activity 1 ACT-1
  - ATW V1.5 ACT2-8
- **Student PG 03965**
  - Statement of Attainment issued by Amy Boleszny Pty Ltd on 19 October 2018
  - [REDACTED] enrolment form
  - Completed assessment task workbook including:
    - ATW V1.5 ACT-1
    - ATW V1.5 ACT2-8
    - Assessor Guide and Observation checklist V1.0 Sept 2016 (Assessment task 2 & 8)
    - Assessment summary record 4/9/2018

The assessment practices for the following students do not confirm the organisation conducted adequate assessment of the students that ensured they were competent against all requirements of the training product and that the assessment was conducted in accordance with the Principles of Assessment and the Rules of Evidence. For example, but not limited to:

#### Student [REDACTED]

- It is not clear how the assessor has determined the student competent as there is no evidence demonstrating the student has completed all requirements of Assessment Task 2 and held a conversation as directed in the simulated workplace task.

**This was an error in uploading evidence in which the assessor failed to add the completed checklist to the file. Rectified.**

#### CUAPYR402 Operate outdoor fireworks displays

##### Third party

The following evidence was reviewed:

- CUAPYR401\_402 Fireworks Operator Assessor Guide (includes benchmarking) - Full Course
- CUAPYR401\_402 Fireworks Operator Assessor Guide (includes benchmarking) - Recertification

#### Completed student records

- **Student [REDACTED]**
  - Statement of Attainment issued by Amy Boleszny Pty Ltd 29 November 2018 for CUAPYR401, CUAPYR402
  - Enrolment form – Recertification (must provide statement of attainment issued within the previous 3 years with enrolment)
  - Verification of previous units' held-email trail regarding CUAPYR401, CUAPYR402 completed at TAFE 11 August 2015.
  - Outdoor Pyrotechnics Skillset – Fireworks Operator Recertification v180905-1333.
  - Completed assessment consists of multiple choice, short answer, practical exercises, observation (version 180712)

## Student [REDACTED]

- Statement of Attainment issued by Amy Boleszny Pty Ltd 4 April 2019 for CUAPYR401, CUAPYR402
- Enrolment form – Full Course
- Pyrotechnics and Fireworks Skillset Assessment Summary- CUAPYR402, CUAPYR403 and CUASS00028 all identified with a competent outcome
- Australian Safety and Learning Systems | Outdoor Pyrotechnics Skillset – Fireworks Operator Version 180202-1012
- Completed assessment consists of multiple choice, short answer, practical exercises, and observation.

Validity and Sufficiency - the assessment tools do not address all unit of competency requirements. For example, but not limited to:

- Performance Criteria:
  - The master observation checklists 1 & 2 (identical content) do not include assessment criteria for all the listed activities. For example but not limited to:
    - PC3.1 Safely initiate fireworks in line with current industry practice
    - PC4.1 Clean up and return display sites to owners in original condition
    - PC4.3 In consultation with relevant personnel, evaluate the effectiveness of operations and safety measures and note areas for improvement in future fireworks displays.
- Foundation Skills
  - There is no evidence that demonstrates the foundation skills have been captured within the assessment tools that clearly identify the learner has exhibited oral communication skills that include:
    - obtains information by listening and questioning, discusses ideas and solutions, uses clear language to contribute information and express requirements.
- Performance Evidence:
  - The observation checklists used for the practical activities do not ensure the sufficient collection of evidence that will address the performance evidence requirements. For example but not limited to:
    - identify fireworks that are faulty or not quality assured
    - manually initiate fireworks in a safe manner
    - select, test and ignite fireworks with electric initiation equipment
- Assessment conditions
  - It is not clear that the master assessment tools address all the assessment conditions and ensures the assessment environment must include access to: For example but not limited to:
    - a selection of electrical firing equipment
    - relevant display approvals from the administering authority
    - actual or simulated malfunctions that cause abnormal clean-up activities

### **A revision of the assessment tools was undertaken to address these QI issues.**

The assessment practices for the following students do not confirm the organisation conducted adequate assessment of the students that ensured they were competent against all requirements of the training product and that the assessment was conducted in accordance with the Principles of Assessment and the Rules of Evidence. For example, but not limited to:

## Student [REDACTED]

- The student has been deemed competent without all the evidence requirements for the recertification assessment having been analysed and assessed. Instructions in the assessor guide state the provision of an Operator's Logbook showing a minimum of 6 records for displays conducted within the past twelve (12) months must be included with the completed assessment.

### **It is not a requirement of the unit that this log book be submitted.**

## Student JR 06234

- The student has been deemed competent without sufficient evidence gathered and/or recorded by the assessor during the practical assessment tasks that verify competence has been demonstrated. **This has been rectified through a new Workplace Observation Checklist.**

## **BSB51915 Diploma of Leadership and Management**

*BSBLDR501 Develop and use emotional intelligence*

## **BSB51918 Diploma of Leadership and Management**

*BSBLDR511 Develop and use emotional intelligence*

The following evidence was reviewed:

- BSB51918 cover - Implementation status of BSB51918
- BSBLDR501 Develop Use Emotional Intelligence\_AG\_V1.0
- BSBLDR501 Develop Use Emotional Intelligence\_ATW\_V1.0 260516
- BSBLDR501 Develop Use Emotional Intelligence\_LG\_V1.0 260516
- BSBLDR501 Develop Use Emotional Intelligence\_PPT\_V1.0
- BSBLDR501 Develop Use Emotional Intelligence\_Templates\_V1.0
- Download - Multiple Intelligences Test
- BSBLDR511 Develop and use emotional intelligence
- BSBLDR511 Develop Use Emotional Intelligence\_AG\_V1.0
- BSBLDR511 Develop Use Emotional Intelligence\_ATW\_V1.0
- BSBLDR511 Develop Use Emotional Intelligence\_LG\_V1.0
- BSBLDR511 Develop Use Emotional Intelligence\_PPT\_V1.0
- BSBLDR511\_RPL\_U\_AG\_V1.0
- BSBLDR511\_RPL\_U\_CG\_V1.0
- Download - Multiple Intelligences Test

Completed student records

- **Student** [REDACTED]
  - Statement of Attainment issued by Amy Boleszny Pty Ltd 28/5/2019 includes unit BSBLDR511/BSB51918
  - Enrolment form (incorrectly titled BSBLDR51915 Diploma of Leadership and Management and undated) **This was the correct title at the time of enrolment.**
  - Summative assessment record for BSBLDR501 dated 22 August 2018
- **Student** [REDACTED]
  - Statement of Attainment issued by Amy Boleszny Pty Ltd 24/5/2019 includes unit BSBLDR511/BSB51918
  - Enrolment form (incorrectly titled BSBLDR51915 Diploma of Leadership and Management and undated) **This was the correct title at the time of enrolment.**
  - Completed assessment consists of 22 written activities (includes feedback from assessor)
  - Learning from coaching session Activity 21 BSBLDR501
  - Summative Assessment Essay BSBLDR501
  - Summary completed units including BSBLDR501
  - Summative assessment record for BSBLDR501 dated 7 April 2018

**Although the students were transitioned to the BSB51918, the auditor deemed this was non compliant because CT was given for a unit stated as equivalent on TGA. This judgment contradicted current ASQA protocols.**

Validity and Sufficiency - the assessment tools do not address all unit of competency requirements. For example, but not limited to:

- Performance Evidence:
  - There is no evidence that demonstrates all the performance evidence requirements for the current unit of competency BSBLDR511 have been addressed. For example but not limited to:
    - identify workplace situations and environments that may trigger an emotional response
    - recognise the impact that cultural behaviors and beliefs may have on workplace interactions**See notation above.**
  - Authenticity/Currency - the evidence provided does not confirm the authenticity of the student's own work or the currency of the student's competency. For example, but not limited to:
  - there is no provision for a student's name or date to verify the currency and authenticity of a completed assessment

The assessment practices for the following students do not confirm the organisation conducted adequate assessment of the students that ensured they were competent against all requirements of the training product and that the assessment was conducted in accordance with the Principles of Assessment and the Rules of Evidence. For example, but not limited to:

- Student [REDACTED]
- Student [REDACTED]
  - There is no justification provided as to how the organisation has determined that the completed assessment for unit BSBLDR501 addresses the performance evidence requirements in the unit BSBLDR511. **See notation above.**
  - The students were enrolled and assessed in unit BSBLDR501 however, the students were issued a Statement of Attainment for the later version of the unit BSBLDR511. Although the units are deemed to have equivalent outcomes the unit mapping information located in the TGA National Register that states there are updates to the elements, performance criteria and assessment requirements. Subsequently, there are additional requirements within the performance evidence that have not been identified in the students completed assessment and there is no evidence that the additional requirements have been taken into account.
  - There is no evidence presented in the completed assessment that verifies the authenticity of the learners completed work. Furthermore, there are no dates to verify when the assessment was undertaken.

## **TAE40116 Certificate IV in Training and Assessment**

### *TAEASS403 Participate in assessment validation*

The following evidence was reviewed:

Sandy Welton resources approved by Amy Boleszny Pty Ltd

- TAE40110-40116\_Upgrade\_AG\_V3.0
- TAE40110-40116\_Upgrade\_LG\_CG\_V1.0
- TAEASS401\_403 Upgrade\_PPT\_V1.0
- TAEASS401\_403\_Upgrade\_Knowledge Assessment\_AG\_V2.0
- TAEASS401\_403\_Upgrade\_Knowledge Assessment\_V2.0
- TAEASS401\_Competency Conversation Instrument\_V3.0

Rob Rowe resources approved by Amy Boleszny Pty Ltd

- Upgrade Learner Assessment Booklet TAE40116 V 2 (Footer file name is TAE40116 – Workplace Assessment upgrade from TAE40110 – Version 1.1)
- Competency Based Assessment manual revamped mk 18feb18 (Learner guide)
- Learner Experience Survey
- aqtflearnerquestionnaire 2pg 210317

The organisation demonstrated it has compliant master tools for the TAE40116 Certificate IV in Training and Assessment. However, the review of completed student assessment indicates the tools have not been used effectively and the implementation of the assessment process and behaviour of the organisation is non-compliant.

Note these were upgrade students holding TAEASS403B and assessed using the validation tools of their employing RTO.

#### Completed student records

- **Student** [REDACTED]
  - TAE40116 Certificate IV in Training and Assessment awarded by Amy Boleszny Pty Ltd on 1 September 2018
  - TAEASS401\_403 Upgrade RPL assessor report
  - Candidate summary for award of qualification
  - Validation report and supporting assessment material.
  - Assessment tools (4 observation checklists and knowledge questionnaire) developed by the student

The assessment practices for the following student does not confirm the organisation conducted adequate assessment of the student ensuring they were competent against all requirements of the training product and that the assessment was conducted in accordance with the Principles of Assessment and the Rules of Evidence. For example, but not limited to:

- clearly identifying the purpose for each validation, and the legal and ethical responsibilities of assessors
- recording their contribution to validation findings.

- **Student** [REDACTED]
  - It is not clear how the assessor has determined the student competent in the unit TAEASS403 as there is no evidence to demonstrate the student has been assessed against all the knowledge and performance evidence requirements.
  - It is not clear that the completed assessment is a validation report as there are references to trialling throughout the report.
  - Additionally, it is not clear that the principles of assessment and rules of evidence have been addressed. For example, in the students completed assessment evidence the lead validator is not identified and the observation checklists are copies of the performance criteria and do not include assessment criteria for reliability. The knowledge questions do not address small group dynamics of the unit PUACOM001C Communicate in the workplace used for the validation.

#### **TAE50216 Diploma of Training Design and Development**

##### *TAEASS502 Design and develop assessment tools*

The following evidence was reviewed:

Sandy Welton resources approved by Amy Boleszny Pty Ltd

- TAEASS502 Index of Instruments in the Tool\_V3.0
- TAEASS502 Develop Assessment Tools\_AG\_V3.0
- TAEASS502 Develop Assessment Tools\_ATW\_V3.0
- TAEASS502 Develop Assessment Tools\_LG\_V3.0
- TAEASS502 Develop Assessment Tools\_PPT\_V3.0
- TAEASS502\_Assessment 1B\_TEMPLATE\_V3.0
- TAEASS502\_Assessment 3B\_AG\_SOLUTIONS\_V3.0
- TAEASS502\_Assessment 3B\_AG\_TEMPLATE\_V3.0
- TAEASS502\_Assessment 3B\_ATW\_SOLUTIONS\_V3.0
- TAEASS502\_Assessment 3B\_ATW\_TEMPLATE\_V3.0

- TAEASS502\_Assessment 5\_AG\_RPL\_SOLUTIONS\_V3.0
- TAEASS502\_Assessment 5\_AG\_RPL\_TEMPLATE\_V3.0
- TAEASS502\_Assessment 5\_CG\_RPL\_SOLUTIONS\_V3.0
- TAEASS502\_Assessment 5\_CG\_RPL\_TEMPLATE\_V3.0

#### RPL

- TAE50116 Assessor Guide V3
- TAE50116 Candidate Guide V3.0
- TAE50216 Assessor Guide V3
- TAE50216 Candidate Guide V3.0
- TAEASS502\_RPL\_U\_AG\_V3.1
- TAEASS502\_RPL\_U\_CG\_V3.1

Amy Boleszny Pty Ltd assessment material

- RPL\_markers\_50116\_50216 V1 April 2016
- RPL Application templates\_50116\_50216 V1 April 2016
- RPL Application templates\_50216 V1 April 2016
- TAE50116 50216-RPLapplicant manual\_2018 V1 Jan 2018
- Candidate RPL Manual V1 Jan 2018 (pdf opened file name TAA40104)
- TAE50116\_50216 third party reports

The organisation demonstrated it has compliant master tools for the TAE50216 Diploma of Training Design and Development. However, the review of completed student assessment indicates the tools have not been used effectively and the implementation of the assessment process and behaviour of the organisation is non-compliant.

#### Completed student records

- **Student** [REDACTED]
  - TAE50116 Diploma of Vocational Education and Training awarded by Amy Boleszny Pty Ltd on 26 June 2019
  - TAE50216 Diploma of Training Design and Development awarded by Amy Boleszny Pty Ltd on 26 June 2019
  - HLTAID003 Provide first aid Assessor Guide, Assessment, Responses V1 July 2015
  - Dual Diploma Competency Form Amy Boleszny Pty Ltd 280218 start date 23/6/2018 final competency date 11/4/2019
  - RPL Application form signed by candidate 30/6/2018 includes self-assessment, identified supporting evidence. The evidence review summary sheet and verification of vocational education and training forms are completed and signed by student only, no assessor name/signature
  - RPL form for evidence provided and completed by student and recorded against elements and PC's
  - Trainer competency mapping dated 10/10/2017 - List of previous qualifications completed by student.
  - Trainer competency mapping dated 25/11/2018 – discrepancies in relation to previous 2017 version
  - Testamur/transcript for TAE40110 awarded by All Australian Training RTOID 22114 on 17/2/2016 (RTO Cancelled 2/8/2018)
  - Third party report for TAE50116 TAE50216 signed 13/12/2018 by person claiming to be CEO of Boston Technology (registration cancelled in June 2018).
  - Reference letter from Boston Institute of Technology RTOID 91595 (signed by CEO on 28/6/2018 after the RTO was cancelled on 25/5/2018)
  - Resume for student (undated)
  - Competency conversation – direct copy of performance evidence requirements. Recorded conversation include e.g. TAEASS502

- Candidate has developed a range of assessment tools, including tools used in formative, summative that support different assessment. Confirmed by third party for every unit.
- Last page signed by candidate signed 8/4/2019. No assessor signature (no provision)
- Candidate signed authorisation to verify qualifications. 8/4/2019.
- RPL evidence documents
  - Industry consultation completed for HLTAID001/003/004, no information or context for this information. (Authored by RTOID 45087 Australian Training Providers Pty Ltd)
  - Professional Development Plan signed by student 10/12/2018
  - Training and assessment strategy for CHC43015 (authored by RTOID 41491 National College of Trade (cancelled 3/5/2019) Signed off by student as CEO May 2018)
  - Training needs analysis pdf information sheet
  - Results of TNA staff at Ray White completed by student
  - Session plan
  - Learning program template (authored by RTOID 41491 National College of Trade) completed by student 10/12/2019
  - Assessment Booklet and Marking Guide BSBFIA402 Report on financial activity V1 August 2016, Assessment Booklet and Marking Guide BSBLED401 Develop teams and individuals V1 August 2016

The RPL assessment practices for the following student do not confirm the organisation conducted adequate assessment of the student that ensured they were competent against all requirements of the training product and that the assessment was conducted in accordance with the Principles of Assessment and the Rules of Evidence. For example, but not limited to:

- **Student** [REDACTED]
- The RPL Application form signed by candidate 30/6/2018 includes a self-assessment and student identified supporting evidence. The evidence review summary sheet and verification of the students' vocational education and training forms are completed and signed by student only. There is no evidence of the assessor's analysis and judgement suggesting that the qualification information provided by the student was not verified.
  - Discrepancies have been identified in the RPL application form completed and signed on 30 June 2018. The Diploma of Hospitality has been listed as a completed course relating to professional development in VET. By comparison the Trainer competency mapping dated 25/11/2018 lists the Diploma of Hospitality completed date, after the fact on 10 September 2018 Diploma of Hospitality.
  - Discrepancies in the name of the issuing RTO, dates of issuance and certificate numbers have been identified between the information in the Trainer competency mapping dated 10/10/2017 and information on the actual certificates provided.
  - A reference letter dated 20 June 2018 was written and signed by Anil Bathini, as General Manager of Boston Institute of Technology (legal entity Forking Essential P/L RTOID91595. However, this RTO was deregistered by ASQA seven months prior to the signed document.
  - The Skills verification by a Third Party/Third Party Report form was signed on 13 December 2018 by Anil Bhatini, as General Manager of Boston Institute of Technology (legal entity Forking Essential P/L RTOID91595. However, this RTO was deregistered by ASQA seven months prior to the signed document. Further to this
  - The student has been deemed competent without sufficient evidence gathered and analysed by the assessor from the third party report that verifies competence has been demonstrated.
  - The competency conversations noted in the Competency Conversation Applicant template appear to paraphrase the performance evidence requirements and does not provide evidence to support what the student has completed that contributes to and addresses the performance evidence requirements. The candidate has signed and dated the document 8 April 2019 however, there is no evidence that the assessor has signed the competency conversation document. That being said there are comments that appear to have been recorded by the Assessor such as 'Confirmed by third party" however there is no evidence provided to support the third party comments. For example but not limited to: Candidate has developed a range of assessment tools, including tools used in formative, summative

that support different assessment. Confirmed by third party

## **TAE50216 Diploma of Training Design and Development**

*TAELLN501 Support the development of adult language, literacy and numeracy*

The following evidence was reviewed:

Sandy Welton resources approved by Amy Boleszny Pty Ltd

- TAELLN501\_RPL\_U\_AG\_V3.0 (later version than the completed assessment version)
- TAELLN501\_RPL\_U\_CG\_V3.0

Completed student records

**Student** [REDACTED]

- Testamur for TAE50111 issued by Management Institute of Australia 30 June 2017
- Enrolment form
- License id
- Resume
- RTO verification of qualification (student driven and accepted at face value by RTO)
- Interview (competency conversation) TAELLN501 RPL Schedule V1 Sept 2016
- TAELLN411\_501 equivalence map
- TAELLN501 Third Party Report V1 April 2018
- TAELLN501 Third Party Report sign off (sign off excerpt by third party)
- TAE50116 and TAE50216 Dual Diploma Competency form Amy Boleszny Pty Ltd start date 30/6/2018 final competency date 15/10/2018

The assessment practices for the following students do not confirm the organisation conducted adequate assessment of the students that ensured they were competent against all requirements of the training product and that the assessment was conducted in accordance with the Principles of Assessment and the Rules of Evidence. For example, but not limited to:

- **Student** [REDACTED]
  - It is not clear how the assessor has determined the student competent in this unit of competency. There is no evidence of verifying/recording the observations made by the third party,
  - The Competency conversation comments recorded by the assessor appear to paraphrase the performance evidence requirements and does not provide clear information of what the student has completed that contributes to and addresses the performance evidence requirements.
  - The verification of qualifications held by the student has been completed by the student however the RTO has failed to verify the information. **This is not true as there was a verification report submitted in the evidence.**

### **Analysis of additional evidence**

The following additional evidence was reviewed:

- Rectification response
- Index of audit rectification



## **BSB41415 Certificate IV in Work Health and Safety**

### *BSBWHS407 Assist with claims management, rehabilitation and return-to-work programs*

- Appendix 13
  - BSBWHS407 Rehabilitation and return-to-work\_ATW\_V1.0 AMENDED 18 Nov 2019
  - BSBWHS407 WOC 19 Nov 2019
- Appendix 14 Correspondence Student IJ plus checklist
  - Email trail re observation checklist
  - Email with Workplace Observation Checklist sent to IJ
  - RRTWC Observation Checklist- completed assessment for IJ
- Appendix 15 email trail regarding rectifications required
  - Email to [REDACTED] from Sibby re MIR
  - Email to [REDACTED] re student IJ
  - Email to [REDACTED] re rectifications
- Appendix 16 Make it Right Strategy BSBWHS407 (vA3858665)
- The RTO states in its written response that its Make it Right Strategy has been developed and gap training and assessment to be provided as required. A further 11 [REDACTED] students have been emailed to explain to them that rectifications may be required and a further email is to be sent to obtain the revised Workplace Observation Checklist.

### **CUAPYR402 Operate outdoor fireworks displays (explicit unit)**

- Appendix 8 Assessment tools and Workplace Observation Checklist
  - New operator course
  - Fireworks Operator Assessment Nov 2019 AB\_LW
  - Fireworks Operator Assessor Guide Nov 2019 LW\_AB
- Email to [REDACTED] re validation
- Completed student Workplace Observation Checklists
- Correspondence to students
- Appendix 9 Emails and Workplace Observation Checklist
  - Email Fireworks website marketing; Festival of Fire non-compliant 20191028 actioned
  - Email to Mark Hayward re audit rectifications
- Appendix 11 Make it Right Strategy CUAPYR402 (vA3858581)
- Appendix 18 Log books for [REDACTED]
  - CG Qld Licence exp 10-12-2018
  - Email to CG re log books
  - Log Book [REDACTED]
- The RTO states in its written response that gap assessments to be prepared and conducted on all new operator students enrolled and completed in the past six months. All students are now working so Workplace Observation Checklists are to be sent to all first time Operator students and will cover gaps in practical observations. Files for recertification students to be checked to ensure that all required supporting documents are on file. Make it Right Strategy to be implemented for both initial certification and recertification students

## **BSB51915 Diploma of Leadership and Management**

*BSBLDR501 Develop and use emotional intelligence*

## **BSB51918 Diploma of Leadership and Management**

*BSBLDR511 Develop and use emotional intelligence*

- Appendix 19 Make it Right Strategy BSBLDR501\_511 (vA3857581)
- Appendix 20 Emails to from [REDACTED] + authority
  - Authority to deliver BSB51915 [REDACTED]
  - Email re authenticity evidence
  - Email to [REDACTED] re Code and Title revisions
- Appendix 22 Reissue of BSB51915 plus rectifications
  - ATW BSBLDR501 Title Page revision with student submission information
  - BSB51915 award report
  - BSB51915 reissue [REDACTED]
  - [REDACTED] reissue and stat dec assessment
  - [REDACTED] reissue and stat dec assessment

## **TAE40116 Certificate IV in Training and Assessment**

*TAEASS403 Participate in assessment validation*

- Appendix 23 Make it Right Strategy TAEASS403 [REDACTED]
  - Option 1 Make it Right - [REDACTED] on site RPL
    - Supplementary evidence for TAEASS403B upgrade
    - TAEASS403 Knowledge Reference [REDACTED]
    - TAEASS403 Learning and assessment matrix
    - TAEASS403\_TPR
    - WOC - TAEASS403 Participate in assessment validation
  - Option 2 Make it Right STA assessment
    - TAE40116 - UPGRADE-TAEASS401\_403 Gap Assessment Cluster - Ver1.5 NOV 19
- Appendix 24 TAEASS403 [REDACTED] emails
  - Email DB to [REDACTED] re rectifications
  - email trail re [REDACTED] validation tools
- Appendix 25 Progress verifications TAEASS403
- The RTO states in its written response that all students who have been found to have insufficient or invalid evidence will first be contacted to advise them that they might be required to submit additional evidence. This part of the Make it Right strategy will not be implemented until all the file checks are completed and rectification may be reassessed using the webinar based tools developed by Success Training Academy for both RPL and Training Pathway students.

## **TAE50216 Diploma of Training Design and Development**

*TAEASS502 Design and develop assessment tools*

- Appendix 26 Rectified file for [REDACTED]
- Appendix 27 RTO verification of qual 010618 (vA3858571)
- Appendix 28 Rectification emails TAEASS502 students (vA3858653)
- Emails re rectifications
  - Gmail - Assessment Tool Templates [REDACTED]
  - Gmail - TAEASS502 Rectification – [REDACTED]
  - Gmail - Audit Rectifications [REDACTED] TAEASS502 Student [REDACTED]
  - Gmail – TAE50216 Student [REDACTED]
  - Student [REDACTED] Contact Log Rose Training [REDACTED]

- Appendix 29 Compliant file for [REDACTED]
- Appendix 30 Make it Right Strategy TAEASS502 (vA3858647)
- Appendix 31 Progress report TAEASS502 check
  - TAE50216 issue 6 months
- The RTO states in its written response that there were 37 students who completed Jan to July 2019. All files were checked. Eight student files required rectification (inclusive of [REDACTED]). Evidence for Appendix 26 and 29 was not received however information in the RTO's written response indicates sufficient action has been undertaken. **The evidence was provided by Drop Box as the files were too large for upload into ASQAnet. The auditor had access to the Drop Box.**

The organisation has addressed the non-compliance for future students.

The organisation has planned and carried out sufficient remedial action to identify and address the impact the non-compliance may have caused students.

### CHC41015 Certificate IV in Celebrancy

#### Application to add to scope

The following additional evidence was reviewed:

- Appendix 3
  - Email to [REDACTED] re cancellation of MoU
- Request withdraw Addition to Scope for CHC41015e RTO states in its written response that the MoU was cancelled on 26 July 2019 and the third party, [REDACTED] has been advised accordingly.

**The organisation has addressed the non-compliance for proposed future students. There were no proposed future students as the course was not going to be implemented.**

## Trainer and assessor competency

### Standards for RTOs Clause 1.13

*Original Finding: Not compliant*

*Finding following additional evidence: Compliant*

In addition to the requirements specified in Clause 1.14 and Clause 1.15, the RTO's training and assessment is delivered only by persons who have:

- vocational competencies at least to the level being delivered and assessed;
- current industry skills directly relevant to the training and assessment being provided; and
- current knowledge and skills in vocational training and learning that informs their training and assessment.

Industry experts may also be involved in the assessment judgement, working alongside the trainer and/or assessor to conduct the assessment.

*Original Finding: Not compliant*

*Finding following additional evidence: Compliant*

The RTO's training and assessment is delivered only by persons who have the training and assessment credential specified in Item 2 or Item 3 of Schedule 1.

### Standards for RTOs Clause 1.16

*Original Finding: Not compliant*

*Finding following additional evidence: Compliant*

The RTO ensures that all trainers and assessors undertake professional development in the fields of the knowledge and practice of vocational training, learning and assessment including competency based training and assessment.

**BSB41415 Certificate IV in Work Health and Safety**  
**BSB51915 Diploma of Leadership and Management**  
**BSB51918 Diploma of Leadership and Management**  
**CHC41015 Certificate IV in Celebrancy**  
**TAE40116 Certificate IV in Training and Assessment**  
**TAE50216 Diploma of Training Design and Development**

The organisation did not provide sufficient evidence to demonstrate that the below listed trainers and assessors:

- possess vocational competencies to the level being delivered and assessed
- possess vocational competencies to the level required by the relevant units of competency from the training package
- possess current industry skills directly relevant to the training and assessment being provided
- possess knowledge and skills in vocational training and learning
- have the training and assessment credential specified in Item 1 or Item 2 or Item 3 of Schedule 1.
- have undertaken professional development relevant to the knowledge and/or practice of vocational training, learning and assessment.

Specific examples of non-compliance include:

**BSB41415 Certificate IV in Work Health Safety**

██████████ (third party trainer/assessor)

- insufficient evidence to demonstrate current industry skills directly relevant to the training and assessment being provided
- insufficient evidence to demonstrate knowledge and skills in vocational training and learning
- insufficient evidence to demonstrate having undertaken professional development relevant to the knowledge and/or practice of vocational training, learning and assessment.

**BSB51915 Diploma of Leadership and Management**

██████████ (third party trainer/assessor)

- insufficient evidence to demonstrate current industry skills directly relevant to the training and assessment being provided
- insufficient evidence to demonstrate knowledge and skills in vocational training and learning
- insufficient evidence to demonstrate having undertaken professional development relevant to the knowledge and/or practice of vocational training, learning and assessment.
- insufficient evidence to demonstrate training and assessment is delivered only by persons who have the training and assessment credential specified in Item 1 or Item 2 or Item 3 of Schedule 1.

**CHC41015 Certificate IV in Celebrancy**

- Irrelevant as Addition to Scope cancelled as per notations above.

**TAE40116 Certificate IV in Training and Assessment**

██████████ (third party trainer/assessor)

- insufficient evidence to demonstrate current industry skills directly relevant to the training and assessment being provided
- insufficient evidence to demonstrate knowledge and skills in vocational training and learning
- insufficient evidence to demonstrate having undertaken professional development relevant to the knowledge and/or practice of vocational training, learning and assessment.

[REDACTED] (third party trainer/assessor)

- insufficient evidence to demonstrate current industry skills directly relevant to the training and assessment being provided
- insufficient evidence to demonstrate knowledge and skills in vocational training and learning
- insufficient evidence to demonstrate having undertaken professional development relevant to the knowledge and/or practice of vocational training, learning and assessment.

[REDACTED] (third party trainer/assessor)

- insufficient evidence to demonstrate current industry skills directly relevant to the training and assessment being provided
- insufficient evidence to demonstrate knowledge and skills in vocational training and learning
- insufficient evidence to demonstrate having undertaken professional development relevant to the knowledge and/or practice of vocational training, learning and assessment.

[REDACTED] (Contract trainer/assessor)

- insufficient evidence to demonstrate current industry skills directly relevant to the training and assessment being provided
- insufficient evidence to demonstrate knowledge and skills in vocational training and learning
- insufficient evidence to demonstrate having undertaken professional development relevant to the knowledge and/or practice of vocational training, learning and assessment.

[REDACTED] (contract trainer/assessor)

- insufficient evidence to demonstrate current industry skills directly relevant to the training and assessment being provided
- insufficient evidence to demonstrate knowledge and skills in vocational training and learning
- insufficient evidence to demonstrate having undertaken professional development relevant to the knowledge and/or practice of vocational training, learning and assessment.

## **TAE50216 Diploma of Training Design and Development**

[REDACTED] (third party trainer/assessor)

- insufficient evidence to demonstrate current industry skills directly relevant to the training and assessment being provided
- insufficient evidence to demonstrate knowledge and skills in vocational training and learning
- insufficient evidence to demonstrate having undertaken professional development relevant to the knowledge and/or practice of vocational training, learning and assessment.

[REDACTED] (third party trainer/assessor)

- insufficient evidence to demonstrate current industry skills directly relevant to the training and assessment being provided
- insufficient evidence to demonstrate knowledge and skills in vocational training and learning
- insufficient evidence to demonstrate having undertaken professional development relevant to the knowledge and/or practice of vocational training, learning and assessment.

[REDACTED] (contract trainer/assessor)

- insufficient evidence to demonstrate current industry skills directly relevant to the training and assessment being provided
- insufficient evidence to demonstrate knowledge and skills in vocational training and learning
- insufficient evidence to demonstrate having undertaken professional development relevant to the knowledge and/or practice of vocational training, learning and assessment.

### **Analysis of additional evidence**

The following additional evidence was reviewed:

- Rectification response
- Index of audit rectification
- Appendix 54 HBTA Contract Trainer Register (vA3858660)
- Appendix 58 Third Party cancellation update (vA3857579)
- Appendix 59 HBTA Training Partners Register 2019 (vA3857582)
  - Appendix 60 New Trainer Induction Presentation(vA3858560)191029 HBTA Induction for RTO Trainers V1
  - 191029 HBTA induction handout
- Appendix 61 PD Marketing and recruitment (vA3858620)
  - aqf\_logo\_-\_conditions\_of\_use\_july\_2019
  - email Marketing & Pre-enrolment compliance - audit rectification direction for contract trainers due 04 Nov 2019
  - fact sheet marketing and advertising 28082019
  - HBTA Flyer example
  - HBTA Marketing Guide
- The RTO states in its written response that any assessor found not to be compliant in terms of holding TAE unit or demonstrated equivalency (BSB unit) must have their assessment decisions validated by a qualified senior assessor.

- **BSB41415 Certificate IV in Work Health Safety**

██████████ (third party trainer/assessor)

██

- Appendix 33 BSB41415\_TAE40116 ██████████ (vA3858654)
  - Certificates and qualifications
  - Trainer Matrix V1 2019
  - PD Activity V2
  - Resume

### **BSB51915 Diploma of Leadership and Management**

██████████ (third party trainer/assessor)

██

- Appendix ██████████ (vA3858597)
  - Trainer Matrix V1 2019
  - ██████████ TAE50111 from HBTA VETrak
  - ██████████ LinkedIn Profile
  - ██████████ Mapping Diploma Emotional Intelligence
  - Resume
  - Email ██████████ assessor and HBTA
  - Email ██████████ further information request

### **CHC41015 Certificate IV in Celebrancy**

██████████ (intended third party)

- Appendix 3 Cancellation CHC41015 Addition to Scope

## TAE40116 Certificate IV in Training and Assessment

██████████ (third party trainer/assessor)

████████████████████

- Appendix 35 ██████████
  - TAE50111 Dip VET
  - Trainer and Assessor Profile / signed profile
  - CV
  - TAE40110 Cert IV Training and Assessment
  - ██████████ website ██████████ profile 20191113
  - Email ██████████ delivery TAE
  - Email ██████████ before 15 Nov 2019

████████████████████

████████████████████

- Appendix 37 ██████████
  - Trainer Skills Matrix PD Plan 2019
  - Position descriptions
  - Email ██████████ PD Pre-enrolment and Marketing compliance
  - Webinar PD attendance August 2019

██████████ (Contract trainer/assessor)

- Appendix 38 ██████████
  - Certificates and Qualifications
  - PD profile PD 2
  - Profile Currency 2019
  - Webinar PD attendance 20190809 ██████████
  - Webinar PD attendance 20190913 ██████████

██████████ (contract trainer/assessor)

- Appendix 39 was not received however information in the RTO's written response indicates sufficient action has been undertaken. **Again, this was in the Drop Box that the auditor did not reference.**

## TAE40116 Certificate IV in Training and Assessment

### TAE50216 Diploma of Training Design and Development

██████████ (third party trainer/assessor)

Training for Learning Company (NON-RTO)

- Appendix 36 ██████████
  - Certificates and qualifications
  - Trainer Matrix V1 2019
  - Position descriptions
  - PD records
  - LinkedIn Profile
  - Resume

## TAE50216 Diploma of Training Design and Development

██████████ (third party trainer/assessor)

██████████

- Appendix 35 ██████████
  - Has never delivered TAE50216 and this third party is no longer delivery TAE qualifications

██████████ (contract trainer/assessor)

- Appendix 41 was not received however information in the RTO's written response indicates sufficient action has been undertaken. **Again, this was in the Drop Box that the auditor did not reference.**

The organisation has addressed the non-compliance for future students.

The organisation has planned and carried out sufficient remedial action to identify and address the impact the non-compliance may have caused students.

### Completion

#### Standards for RTOs Clause 3.1

*Original Finding: **Not compliant***

*Finding following additional evidence: **Compliant***

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.

**BSB41415 Certificate IV in Work Health and Safety**

**BSB51918 Diploma of Leadership and Management**

**TAE40116 Certificate IV in Training and Assessment**

**TAE50216 Diploma of Training Design and Development**

*CUAPYR402 Operate outdoor fireworks displays (explicit unit)*

- The organisation has not demonstrated that its assessment system complies with the Principles of Assessment and Rules of Evidence (refer to non-compliance identified with Clause 1.8) with respect to students who were assessed as meeting the requirements of the training product and were issued with AQF certification documentation.

#### **Systemic**

- The organisation has not demonstrated that it implements a process which confirms that students have met the requirements of the relevant training package prior to issuing AQF certification documentation.

#### **Analysis of additional evidence**

The following additional evidence was reviewed:

- Rectification response
- Index of audit rectification

**BSB41415 Certificate IV in Work Health and Safety**

**BSB51918 Diploma of Leadership and Management**

**TAE40116 Certificate IV in Training and Assessment**

**TAE50216 Diploma of Training Design and Development**

*CUAPYR402 Operate outdoor fireworks displays (explicit unit)*

- The organisation has demonstrated that its assessment system complies with the Principles of Assessment and Rules of Evidence (refer to non-compliance identified with Clause 1.8) with respect to students who were assessed as meeting the requirements of the training product and were issued with AQF certification documentation.



## Regulatory Compliance / Governance

### Third Parties (including education agents)

#### Standards for RTOs Clause 2.3

*Original Finding: **Not compliant***

*Finding following additional evidence: **Compliant***

The RTO ensures that where services are provided on its behalf by a third party the provision of those services is the subject of a written agreement.

*Original Finding: Not compliant*

*Finding following additional evidence: Compliant*

The RTO has sufficient strategies and resources to systematically monitor any services delivered on its behalf, and use these to ensure that the services delivered comply with these Standards at all times.

**BSB41415 Certificate IV in Work Health and Safety**  
**BSB51915 Diploma of Leadership and Management**  
**BSB51918 Diploma of Leadership and Management**  
**TAE40116 Certificate IV in Training and Assessment**  
**TAE50216 Diploma of Training Design and Development**  
*CUAPYR402 Operate outdoor fireworks displays (explicit unit)*

The following evidence was reviewed:

- BUS-DOC-007 Third Party Monitoring v2 April 2015
- BUS-MAN-002 Training Partner Manual\_v4 Nov 2016
- BUS-POL-010 Partnership policy and procedures v5 Nov 2016
- COU-FOR-001 Training Partner self-assessment or site audit template
- COU-FOR-008 Industry engagement summary (extract only 2018-2019)
- Complaints register 2018-2019 (formal complaints) does not include reference to CMLNT0010662 sent to Amy Boleszny Pty Ltd 7 March 2018 and subsequent evidence review and written direction issued by ASQA. **This was provided in the rectification file.**
- Governance Group - Terms of reference draft for discussion dated 12/6/2019 (The final document will be allocated a code and be part of the QA system under BUS function).
- IND-001 Master document list\_v2
- Amy Boleszny Pty Ltd Training Partners Register 2019
- Partner list v5 third party summary/review, dated 25 July 2019 (Training Partner List 2018-2019 V4).
- Partner List v6 third party summary/review updated 27 July 2019 (Training Partner List 2018-2019 V4).
- Auspicing Providers (as at 16/03/18) of TAE40116 (monitoring/status of third parties and web site and marketing audit in progress)
- Schedules of standards compliance (Managing/monitoring third parties by clause) authored date March 2018)
- Training partner trainers and assessors\_3 qualifications held matrix
- Monitoring third parties summary - conversations and Just In Time reviews approach authored August 2019. The RTO stated this is generally conducted on an ongoing basis with Just In Time rectifications. A provider might not have formal visits or meetings, although some contact is maintained on a weekly basis. Where the third party is an RTO, they are expected to follow the SRTO and conduct annual internal audits and make CQI adjustments within their remit. Where such activities flag an issue with the third party arrangement, they consult with Amy Boleszny Pty Ltd on the matter.

Examples of monitoring/correspondence with third parties

- Email dated 19 May 2019 Trainer and Training Partner Bulletin to all training partners (not identified) re quality improvement strategies
- Email dated 27 March 2018 to third party [REDACTED] regarding TAE marketing materials
- Email dated 23 Nov 2018 [REDACTED]
  - 3 June 2019 assessment completed as a result of moderation of completed student assessments for issuance of qualifications by Amy Boleszny Pty Ltd. Non-compliances

identified. [REDACTED] requested to address gaps before issuance of qualifications can occur. Email dated 4 July 2019 identifying rectification required.

- Email sent 5 July 2019 to all contract trainers with attachment - Training Partner and Trainer Manual Version 5: November 2016.
- Email dated 12 July 2019 from third party [REDACTED] re managing variances in marketing information and website approval processes updated with attached templates
  - BUS-FOR-002 Approval advertising v3 April 2008 (template)
  - Website marketing template for Amy Boleszny Pty Ltd training partners
- Email dated 14 July 2019 sent to [REDACTED] regarding data collection issues (enrolment form) with a range of students with missing enrolment data

[REDACTED]

Addendum dated 23 June 2019 signed by Amy Boleszny

- BSB30715 Certificate III in Work Health and Safety
- BSB42015 Certificate IV in Leadership and Management
- BSB41415 Certificate IV in Work Health and Safety
- BSB51315 Diploma of Work Health and Safety
- BSB60615 Advanced Diploma of Work Health and Safety
- TAE40116 Certificate IV in Training and Assessment
- TAE50116 Diploma of Vocational Education and Training
- TAE50216 Diploma of Training design and Development

Monitoring/correspondence:

- Email dated 9 March 2018 Approval of TAE40116 course and marketing documents
- Site audit conducted by Amy Boleszny Pty Ltd 8 September 2015: [REDACTED] Brendale location. Delivery and assessment of WHS qualifications (cancelled RTO [REDACTED]) **This third party has and has never been the cancelled RTO. They are a separate company and merely purchased the trading name and agreed to rent the property for the term of the lease. The auditor was in error.**
- Site audit conducted by Amy Boleszny Pty Ltd 21 June 2016: [REDACTED]
- Strathpine location. Delivery and assessment of TAE qualifications, discussion of compliance requirements for addition to scope of RII supervisor and other units related to WHS.
- Email dated 27 Feb 2019 between Amy Boleszny Pty Ltd and [REDACTED] regarding TAELLN411 Language Literacy and Numeracy and Sandy Welton resources
- Email dated 10 Feb 2019 to ALSL regarding Amy Boleszny Pty Ltd validation of non-compliant TAE40116 assessments
- Email dated 11 Feb 2019 to [REDACTED] regarding non-compliant TAE40116 assessments
- Email dated 30 Apr 2019 regarding TAE upgrade 19-21 Feb 2019
- Email dated 16 May 2019 to [REDACTED] review of review of 15 completed student files n/c
- Email dated 21/6/2019 to [REDACTED] re enrolment form information missing
- Instigation of full review of [REDACTED] 9/8/2019
- Undated email to [REDACTED] advising a full audit of all TAE40116 student submissions from [REDACTED]

[REDACTED]

Third party agreement dated and signed 27 July 2017 for training and assessment of:

- BSB41415 Certificate IV in Work Health Safety
- BSB42015 Certificate IV in Leadership and Management
- BSB51315 Diploma of Work Health and Safety
- TAE40110 Certificate IV in Training and Assessment

Updated third party agreement dated and signed 1 June 2018 for training and assessment of:

- BSB51915 Diploma of Leadership and Management
- TAE40116 Certificate IV in Training and Assessment

- TAE50116 Diploma of Vocational Education and Training
- TAE50216 Diploma of Training Design and Development
- BSB606015 Advanced Diploma of Work Health and Safety

Monitoring/correspondence:

- Email dated 19 March 2019 from Amy Boleszny Pty Ltd to third party - Auditing of student returns
- Email dated 29 June 2019 re issuance of TAE40116 qualification
- Email dated 26 June 2019 re rectification of BSBITU101
- Email dated 27 June 2019 non-compliant practices by third party/trainer/assessor
- Email dated 29 June 2019 RE TAEASS401-403 insufficient evidence
- Email dated 25 July 2019 to [REDACTED] regarding TAEASS502 upgrades conducted by the third party.
- Summary statement regarding monitoring of third party dated August 2019

No third party agreement sighted

- CUAPYR401 Manage health and safety requirements at fireworks displays
- CUAPYR402 Operate outdoor fireworks displays
- CUAPYR403 Plan outdoor fireworks displays

Correspondence between third party provider [REDACTED] Fireworks Displays Aust. Pty Ltd and Department of Natural Resources Mines and Energy (DNRME)

- Emails dated November 2017 and February 2018 regarding [REDACTED] application with the DNRME
- Email dated 12 February 2018 re Changes to - 30831 - Amy Boleszny Pty Ltd Plus Explosives Fireworks Licence Application
- Email dated 9 July 2018 seeking approval of proposed flier for course
- Email dated 23 June 2019 from Amy Boleszny Pty Ltd to [REDACTED] confirming that [REDACTED] is no longer working under the supervision of [REDACTED]

Third party agreement dated and signed in 2014 for delivery of training and assessment of:

- BSB40812 Certificate IV in Frontline Management
- BSB51107 Diploma of Management
- TAE40110 Certificate IV in Training and Assessment
- TAE50111 Diploma of Vocational Education and Training
- TAE50211 Diploma of Training Design and Development

Addendum to existing MOU 21 March 2018 for delivery of training and assessment of:

- TAE40116 Certificate IV in Training and Assessment
- TAE50116 Diploma of Vocational Education and Training
- TAE50216 Diploma of Training Design and Development

Monitoring/correspondence

- Site audit undertaken by Amy Boleszny Pty Ltd on 27 May 2013 to view training facilities and discuss training issues for TAE40110 and BSB qualifications.
- Email dated 15 January 2018 between Amy Boleszny Pty Ltd and [REDACTED] regarding TAE40116 training and delivery structure
- 9 July 2019 authored document 'BSB51918 cover' by Amy Boleszny Pty Ltd
  - Excerpt: *'This third party provider did deliver the program as BSB51915 to Adelaide University staff. When the outcomes were sent to HBTA, and executive decision was made by the director to issue the qualification and SoAs as BSB51918 on the basis of equivalency as a goodwill gesture to a repeat corporate client'*. (Refer to Clause 1.8 for more detail)
- Excerpt from the response provided by Amy Boleszny Pty Ltd to the request for evidence of third party monitoring between May 2018 to May 2019:

- *'During this period there have only been 5 upgrade students and the BSB51915 for Adelaide University. Mostly the communications are by phone or email although [REDACTED] did come to HBTA for a meeting in 2018. I have conducted site audits when I visit SA. Her student files were audited in the TAE50116 and TAE40116 addition to scope. She does not require extensive monitoring, just regular contact.'*
- Incorrect naming conventions used in assessment material by Training for Learning are not consistent with the TGA National Register.

[REDACTED]  
Dated and signed 15 June 2016 signature page only

Dated and signed 1 February 2018 signature page only (pertains to full agreement below)

Third party agreement for the delivery of training and assessment for:

- TAE40116 Certificate IV in Training and Assessment
- TAESS00015: Enterprise Trainer & Assessor skills set

Monitoring/correspondence:

- Email dated 2016 concerning course set up information
- Email dated 4 November 2018 Thailand [REDACTED] student files
- 9 August 2019 dated Monitoring of [REDACTED] summary statement
- October 2017 to August 2019 Monitoring schedule for Third Party arrangements [REDACTED] specific
- Excerpt from the response provided by Amy Boleszny Pty Ltd to the request for evidence of third party monitoring between May 2018 to May 2019:
  - *This provider is a member of the Governance Group and reviews of training activity are discussed regularly by telephone. Most of the communication is in emails between [REDACTED] and the administration rather than directly to me.*
- The organisations Training Partner List 2018-2019 identifies [REDACTED] as approved for delivery overseas to industry clients. However, ASQA does not hold any records for the delivery of TAE40116 and TAE50216 to overseas clients for Amy Boleszny Pty Ltd in partnership with [REDACTED]. Amy Boleszny Pty Ltd undertook monitoring of [REDACTED] between October 2017 and August 2019 however this issue was not identified. Refer Clause 8.5.

**Note that notification of overseas delivery does not require a notification of the third party or individual who is delivering the program. The auditor was in error. The information about delivery OS is on TGA.**

- The RTO was notified of a complaint ID CMLPNT0010662 relating to TAE40116 Certificate IV in Training and Assessment. However the RTO has failed to ensure the complaint has been recorded on its complaints register. **A file was maintained of all matters regarding this complaint and the administrative oversight has been corrected referencing all documents.**

Review of the organisation's operations confirmed that it has entered into third party arrangements without ensuring that each arrangement is subject to a written agreement. For example, but not limited to:

- There is no evidence to demonstrate Amy Boleszny Pty Ltd has a written agreement with Training for Learning Company for the training product BSB51915 Diploma of Leadership and Management. **There was and this was provided**
- There is no evidence to demonstrate Amy Boleszny Pty Ltd has a written agreement with KC's Fireworks Displays Aust. Pty Ltd. **There was and this was provided**

The organisation has not demonstrated that it has:

- developed and implemented strategies to systematically monitor third party arrangements to ensure services comply with the Standards at all times; and
- used sufficient resources to systematically monitor and ensure that all of its third party arrangements comply with the Standards at all times; and

Due to non-compliant practice identified with the delivery of services on its behalf, it could not be confirmed that the organisation ensures that all of its third party arrangements comply with the Standards at all times.

For example, but not limited to:

- Evidence reviewed identified non-compliant marketing practices for the following third parties (Refer Clause 4.1 for detail):
  - [REDACTED] (intended third party)
  - [REDACTED]
- Evidence reviewed identified non-compliant pre-enrolment practices for the following third parties (Refer Clause 5.2, 5.3 & 7.3 for detail):
  - [REDACTED]
  - [REDACTED]
- Evidence reviewed identified non-compliant training and assessment practices provided by the following third parties (Refer Clause 1.8 for detail):
  - [REDACTED] (intended third party)
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- Evidence reviewed identified non-compliant pre-enrolment training and assessment practices for the following third parties trainers and assessors (Refer Clause 1.13, 1.14 & 1.16 for detail):
  - [REDACTED] (intended third party)
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]

### **Systemic issues**

On 8 August 2019, the RTO was requested to provide evidence of monitoring of third parties for a 12 month period from May 2018 to May 2019.

The organisation provided a document - Schedules of Standards Compliance Document that states under the heading for Clause 2.4 Allowed variances and states '*Partners who are RTOs self-audit against the requirements of the TAE and report back to HBTA. Non-RTOs and new partners are regularly desk audited more frequently with the assistance of long time senior trainers who provide mentoring if required.*'

This approach along with the adhoc nature of evidence provided demonstrates the organisation does not have mechanisms that ensure the systematic monitoring of third parties it has arrangements with.

**This is because a number of the files were in other than the CEOs computer and the time allowed (2 hours) was not sufficient to check every individual staff Drop Box and Collate them. Also, the auditor deemed that we did not have a systematic monitoring of third parties because that evidence was not asked for.**

### **Analysis of additional evidence**

The following additional evidence was reviewed:

- Rectification response
- Index of audit rectification
- Appendix 42 Notification of change of provider details 2018 to add offshore delivery locations for the delivery of TAE40116 Certificate IV in Training and Assessment, signed 29 May 2018.
- Appendix 43 Authority to conduct training overseas for [REDACTED] – Addendum to MoU dated 30 June 2016 for TAE40110 Certificate IV in Training and Assessment and TAESS00003 Enterprise Trainer and Assessor skill set.
- Appendix 45 CMLNT0010662
  - COU-FOR-009 Complaints register\_241019
- Appendix 46 Governance Group Terms of Reference BUS-DOC-008 V1 October 2019
- Appendix 50 Monitoring report

- Monitoring review
- Program logic2
- Appendix 51 Transition arrangements
  - The RTO has stated in its written response that:
    - Safeguards are in place for transition for any third party with residual student's post 31-12-19.
    - Residual students from cancelled third parties are being serviced on a case by case basis. Every effort is being made to ensure that these are completed by 31-12-19.
- Appendix 53 Strategic plan 2020.
- Appendix 54 HBTA contract trainer register
- Appendix 60: Trainer induction program
- Appendix 61: PD Marketing and recruitment
  - The RTO has stated in its written response that:
    - All Third Parties delivering TAE qualifications to finalise teach out by 31 Dec 2019, noting that due to the Christmas vacation shutdowns, issue of some of these qualifications may not be effected until January 2020.
    - All Third Parties offering BSB qualifications may conduct business as usual.
    - Performance reviews to be applied to determine the PD requirements of HBTA trainers and assessors
    - Weekly webinars are currently in process with regard to trainer compliance obligations
    - PD sessions to be extended to professional development of skills in assessing and RPL
    - Trainers found to be in breach of their obligations will be counselled.
    - Continuing breaches may be subject to suspension of contract
    - Addressing the impact on residual students
    - Ensure that all students who fail to complete the full qualification are issued with SoAs for units attained
    - Transition arrangements are in place for any residual student to continue beyond cut-off date
- Appendix 57 MoU cancellations

**Supplemented post audit by the new facility to cancel agreements directly on ASQAnet.**

[REDACTED]

- Appendix 10 KC Fireworks Contracts and MoUs
  - 29171130 Fireworks supervision Addendum
  - Clive trainer contract Feb 2018
- MOU HBTA-KC signed

[REDACTED]

- Appendix 20 emails from [REDACTED] re amended cover and authenticity.
- Appendix 22 Reissue of BSB51915 plus rectifications
- Appendix 49 Authority to deliver BSB41915\_TLC.

[REDACTED]

- Appendix 42 Notification of change of provider details May 2018
- Appendix 43 Authorisation to provide training and assessment to overseas students.
- In its written response the RTO states third party [REDACTED] has only delivered the Enterprise Trainer Skill Set (Presenting) to overseas clients, not the full qualification prior to the audit.

**The organisation has addressed the non-compliance identified in Clause 2.3 and 2.4.**

#### Standards for RTOs Clause 8.2

*Original Finding: **Not compliant***

*Finding following additional evidence: **Compliant***

**The RTO ensures that any third party delivering services on its behalf is required under written agreement to cooperate with the VET Regulator:**

- a) by providing accurate and factual responses to information requests from the VET Regulator relevant to the delivery of services; and**
- b) in the conduct of audits and the monitoring of its operations.**

The following evidence was reviewed:

- The Third Party Agreements/Memorandum of Understanding listed below are a sampled selection of agreements and do not represent the entire number of third party agreements held by the organisation.

[REDACTED]



- Review of the organisation’s written agreement for services delivered on its behalf found that it does contain conditions which ensure that the third party meets all relevant obligations in the delivery of these services. For example, but not limited to:
  - The third party agreements contain references such as ‘*All parties shall be compliant with all legislative and regulatory standards, including ASQA directives and Standards for RTOs, 2016 (as amended July 2017) as published for compliance with the National Vocational Education and Training Regulation Act or as directed by their State Training Authority.*’
- However, the organisation has not demonstrated that it ensures its written agreements include a clause requiring that third parties co-operate with ASQA in:
  - Providing accurate and factual responses to information requests from ASQA
  - The conduct of audits and the monitoring of its operations.

### **Analysis of additional evidence**

The following additional evidence was reviewed:

- Rectification response
- Index of audit rectification
- Appendix 50 monitoring plan review report
- Appendix 55 Sample monitoring schedules
- Appendix 56 QA index document
- Appendix 59 HBTA Training Partner Register (with monitoring schedule)
- Appendix 52 Example: MoU for [REDACTED]
- The RTO has stated in its written response that:
  - The first MoU to be rectified is that for [REDACTED] who wish to apply for a third party permission to deliver TAE qualifications. An application was submitted but has to be resubmitted once the audit rectifications are satisfied.

**The organisation has addressed the non-compliance identified in Clause 8.2.**

## **Compliance with legislation**

### **Standards for RTOs Clause 8.5**

*Original Finding: **Not compliant***

*Finding following additional evidence: **Compliant***

**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 throughout this report

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:

- Failure to notify ASQA of a material change or event can constitute a breach of the [National Vocational Education and Training Regulator Act 2011](#). The RTO has not provided notification to ASQA of the commencement of offshore delivery as evidenced in the Training partner list 2018-2019 which makes reference to the approval of delivery overseas to industry clients in their home countries.

**There was no breach because ASQA had been notified of the material change in May 2018.**

**Analysis of additional evidence**

The RTOs practices are compliant with the requirements of Clause 8.5 of the *Standards for RTOs 2015* as it has complied with Commonwealth legislation and regulatory requirements relevant to its operations.

This was followed by a list of third parties which was not accurate and most subsequently cancelled due to the ASQA directive.

It has been erased as no longer relevant at the time this report was written.