

5 February 2020



Australian Government
Australian Skills Quality Authority

Mr Eric Ripps
Chief Executive Officer
Training Unlimited Pty Ltd
Level 7 428 George St
SYDNEY NSW 2000

By email to: eric@trainingunlimited.com.au

RTO ID: 20891
Audit No: AUDREC0009997

Dear Mr Ripps

Re: Direction to rectify breach/es of conditions

I refer to the audit of Training Unlimited Pty Ltd conducted on 29 January 2020. The audit focused on the qualifications or units of competency listed in your organisation's application or scope of registration.

ASQA has determined your organisation is **not compliant** with the requirements of the *Standards for Registered Training Organisations 2015* (Standards for RTOs) which is a breach of Section 22 of the *National Vocational Education and Training Regulator Act 2011* (NVR Act). A copy of the final audit report is attached for your reference.

The Australian Skills Quality Authority (**ASQA**), as the national VET regulator, has made the decision to give a written direction, under section 35A(1) of the *National Vocational Education and Training Regulator Act 2011* (NVR Act), requiring your organisation to:

- rectify this breach by addressing each non-compliance outlined in the attached audit report within 20 working days of the date of this notice; and
- retain evidence this written direction has been complied with for examination at a future regulatory activity, by retaining evidence that you have addressed each non-compliance outlined in the attached audit report.

You are not required to submit evidence that you have addressed the non-compliances in response to this notice. ASQA will review evidence that you have complied with this notice at a future regulatory activity.

ASQA considers that issuing a direction to rectify a breach of condition is a proportionate response to the level of non-compliance identified. The direction to rectify a breach of condition has been issued as an alternative to requiring rectification evidence or proposing a sanction be imposed on your organisation.

Reviewable Decision

You can seek a review of this decision as it is a reviewable decision under section 199 of the NVR Act.



Reconsideration by ASQA

As a delegate made this decision, you may apply to ASQA for a reconsideration of the decision. This option must be exercised within 30 days from the date of this notice using the *Application for reconsideration of reviewable decision*. Your application must include the reasons for the application and requires payment of an application fee. Please refer to the ASQA website at www.asqa.gov.au to obtain the application form and further information about reviewable decisions. ASQA will inform you of the result of its reconsideration of the decision within 90 days of receiving your application.

Review by the AAT following reconsideration by ASQA

If, upon the reconsideration, ASQA either affirms or varies its decision, you may seek a further review by the Administrative Appeals Tribunal (**the AAT**) under section 203(1) of the NVR Act.

The AAT is an independent review authority that has the power to affirm, vary or set aside ASQA's decisions. The AAT aims to provide fair, impartial, high quality and prompt review with as little formality and technicality as possible.

Under section 41(2) of the *Administrative Appeals Tribunal Act 1975*, you also have the right to apply to the AAT for a stay of the enforcement or implementation of ASQA's decision until such time as the AAT determines its review of the decision.

An application to the AAT for a review of the decision must be submitted within 28 days of receiving notification of ASQA's decision and will usually require the payment of an application fee. Your application to the AAT must be submitted in writing using the AAT forms available from the AAT Registry in your capital city, or from the AAT website www.aat.gov.au. Review applications may also be lodged at the Administrative Appeals Tribunal, GPO Box 9955 in your capital city. You may contact the AAT directly by telephone at 1300 366 700.

Review by the AAT without reconsideration by ASQA

You may also apply to the AAT for review of ASQA's decision under section 203(2) of the NVR Act, without first applying to ASQA for a reconsideration of the decision.

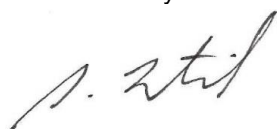
Access Documents

Your organisation may also have the right of access to further documents under the *Freedom of Information Act 1982*. More information about Freedom of Information (FOI), including how to make an FOI application, is available via <https://www.asqa.gov.au/about/accountability-and-reporting/freedom-information>.

Further information

If you require further information in relation to this matter, please contact Stephanie Trestrail by email: CompliancePerth@asqa.gov.au

Yours sincerely



Stephanie Trestrail
Manager Regulatory Operations, Perth



REPORT

Audit report: Training Unlimited Pty Ltd

RTO number:	20891
CRICOS number:	N/A
Date/s of audit:	29 January 2020
Date report created:	3 February 2020

Organisation details

Organisation's legal name:	Training Unlimited Pty Ltd
Trading name/s:	TRAINING UNLIMITED
RTO number:	20891
CRICOS number:	N/A

Audit team

Lead auditor:	Rebecca Caine
Auditor/s:	James Gett

Audit details

Application number/s:	N/A
Audit number/s:	AUDREC0009997
Audit reason/s:	Compliance Monitoring
Address of site/s visited:	Unit 3-4/21 Port Kembla Drive Bibra Lake WA 6163
Date/s of audit:	29 Jan 2020
Organisation's contact for audit:	Eric Conrad Ripps CEO eric@trainingunlimited.com.au (02) 9232 1010

Original finding at time of audit

Audit finding: Concerning non-compliance

Report completed by: Rebecca Caine

Practice	Standards for RTOs	Finding
Marketing/Recruitment Practices	4.1*	Not compliant
Enrolment	5.1, 5.2, 5.3*, 7.3	Not compliant
Support and Progression	1.7	Compliant
Training and Assessment	1.1, 1.2, 1.3, 1.8*, 1.13, 1.14, 1.15, 1.16, 1.17, 1.18, 1.20	Not compliant
Completion	3.1*	Not compliant
Regulatory Compliance / Governance	2.3, 2.4, 8.2	Compliant

*Indicates a non-compliant clause

Background

Summary of organisation and management structure:

- The RTO was initially registered by VRQA in 2005 and the registration was transferred to ASQA in 2014.
- The current owner purchased the RTO in April 2017.
- The organisation has locations in NSW and Western Australia.
- The organisational structure currently consists of :
 - CEO - Eric Ripps is the CEO and owner (NSW based)
 - Compliance Influencer (contracted for one day per week) – Maria-Jane Satterthwaite (WA Based)
 - Learning and Development Manager (NSW based)
 - 2 State Managers (WA & QLD)
 - Student Support (WA based)
 - 6 Trainers and Assessors (across QLD, WA and SA)

Scope of organisation's registration:

- *BSB30115 Certificate III in Business*
- *BSB30215 Certificate III in Customer Engagement***
- *BSB42015 Certificate IV in Leadership and Management*
- *BSB51918 Diploma of Leadership and Management***
- *CHC30113 Certificate III in Early Childhood Education and Care*
- *CHC33015 Certificate III in Individual Support*
- *CHC43015 Certificate IV in Ageing Support*
- *CHC50113 Diploma of Early Childhood Education and Care*
- *SIR30216 Certificate III in Retail*
- *SIT30616 Certificate III in Hospitality*
- *SIT40416 Certificate IV in Hospitality*
- *HLTAID001 Provide cardiopulmonary resuscitation***
- *HLTAID002 Provide basic emergency life support***
- *HLTAID003 Provide first aid***
- *HLTAID004 Provide an emergency first aid response in an education and care setting***
- *HLTAID005 Provide first aid in remote situations***
- *HLTAID006 Provide advanced first aid***
- *HLTAID007 Provide advanced resuscitation ***
- *UETTDRRF10 Provide first aid in an ESI environment***

**At audit the organisation advised it has submitted an application to remove these items from scope.

Third party usage:

- The organisation advised it has one third party agreement for the delivery of training and/or assessment.

Core clients/target groups:

- Hungry Jacks employees for traineeships (nationally)
- Job seekers for early childhood and aged care qualifications

Training Revenue (Funded or fee for service):

- Government Funding - Priority Industry Training (WA only)
- Government Funding – Traineeships (National for one employer only)

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

- 616 current enrolments

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 Training Unlimited Pty Ltd to ASQA.
- Existing information and records held by ASQA concerning Training Unlimited Pty Ltd.
- Information provided to ASQA's auditors and documentation reviewed during the site audit of Training Unlimited Pty Ltd conducted on 29 Jan 2020.
- Other publicly available information - including but not limited to, information published on the organisation's and third-party websites.

Audit Sample

Training Products	Mode/s of delivery/assessment*	Current enrolments
<i>CHC50113 Diploma of Early Childhood Education and Care</i>	Face to face/Workplace	14
<i>SIT30616 Certificate III in Hospitality</i>	Traineeship	317

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

Interviewees

Name	Position	Training products
Eric Ripps	CEO	-
Maria-Jane Satterthwaite	Compliance Influencer	All
Cathy Sequbiense	WA State Manager	-
Dylan Campbell	QLD State Manager	<i>SIT30616</i>
Kristy Walsh-Parker	Trainer/Assessor	<i>CHC50113</i>

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

Training Unlimited Pty Ltd did not meet all requirements for clauses Standards for RTOs: 1.8, 3.1, 4.1 and 5.3

Remedial action is required for the following training products:

- *SIT30616 Certificate III in Hospitality*

The organisation is required to retain evidence that demonstrates:

Marketing and recruitment

Standards for RTOs Clause 4.1

- all information, whether disseminated directly by the organisation or on its behalf by third parties is now accurate and factual and addresses all of the requirements specified in Standards for RTOs Clause 4.1

Training and assessment

Standards for RTOs Clause 1.8

- the organisation has corrected its assessment system (to comply with Clause 1.8) for future students and has systems in place to ensure it is this system that is applied. The evidence to be retained must:
 - include the full suite of assessment tools (including RPL) for each unit of competency identified as non-compliant
 - demonstrate the organisation will implement an assessment system that ensures assessment:
 - complies with the assessment requirements of the relevant training product(s)
 - will be conducted in accordance with the Principles of Assessment and Rules of evidence.
- the organisation has carried out remedial action to identify and address the impact the non-compliance may have caused to students in the training product sampled that were assessed in a manner that did not meet the requirements of Clause 1.8. Remedial action needs to cover current students and students who were assessed by your organisation in the past one month.

Completion

Standards for RTOs Clause 3.1

- the organisation now has appropriate systems that are followed to ensure AQF certification documentation is only issued to a learner whom it has assessed as meeting the requirements of the training product as specified in the relevant training or VET accredited course
- the organisation has carried out remedial action to identify and address the impact the non-compliance may have caused to students in the training product sampled that were issued with AQF certification documentation and were not assessed as meeting the requirements of the training product as specified in the relevant training or VET accredited course. Remedial action needs to cover students issued with AQF certification in the past one month.

Areas of non-compliance

Marketing/Recruitment Practices

Standards for RTOs Clause 4.1

Original Finding: Not 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.

SIT30616 Certificate III in Hospitality

- The following evidence was reviewed:
 - RTO website - <http://www.trainingunlimited.com.au>
 - Course brochures for:
 - CHC50113 Diploma of Early Childhood Education and Care
 - SIT30616 Certificate III in Hospitality
 - Information and enrolment session PowerPoint slides
 - SIT30616 Certificate III in Hospitality online expression of interest form
 - Emails to prospective students regarding training programs
- The organisation's marketing material does not contain the required codes and/or title information relevant to the training products being promoted and in accordance with the requirements of Clause 4.1. For example, but not limited to:
 - The online 'Expression of Interest' form does not correctly reference the required codes and/or title information relevant to the SIT30616 Certificate III in Hospitality program.

- Emails to prospective students disseminating information about the organisation's training programs did not contain the organisation's RTO code.

Enrolment

Standards for RTOs Clause 5.3

Original Finding: *Not 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.

CHC50113 Diploma of Early Childhood Education and Care

- The following evidence was reviewed:
 - RTO website - <http://www.trainingunlimited.com.au>
 - Course brochures for:
 - *CHC50113 Diploma of Early Childhood Education and Care*
 - *SIT30616 Certificate III in Hospitality*
 - Information and enrolment session PowerPoint slides
 - Student handbook
- The organisation's pre-enrolment documentation omits the following information which it is obligated to provide to prospective learners regarding fees and/or payment terms and conditions:
 - The student handbook stated "for funded training, refunds will be made in accordance with relevant State and Territory legislation." and did not provide specific refund information to prospective students.

Additional evidence provided at audit prior to issuance of the audit report

The following additional evidence was provided and reviewed:

- Revised website information - <http://www.trainingunlimited.com.au>
- Revised student handbook detailing specific refund information for WA government funded courses

The additional evidence provided addressed the non-compliance identified with Clause 5.3. No further evidence is required.

Training and Assessment

Training Delivery and Assessment

Standards for RTOs Clause 1.8

Original Finding: *Not compliant*

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

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

Table 1.8.1 Principles of Assessment

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

Table 1.8.2 Rules of Evidence

Validity	<p>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.</p>
Sufficiency	<p>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.</p>
Authenticity	<p>The assessor is assured that the evidence presented for assessment is the learner's own work.</p>
Currency	<p>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.</p>

SIT30616 Certificate III in Hospitality

- The following evidence was reviewed:
 - Assessment tools including RPL for:
 - CHCECE020 Establish and implement plans for developing cooperative behaviour*
 - Commencement of learning answer guide
 - Session overview

- Competency and performance mapping tool
- Student assessment workbook consisting of:
 - Assessment task A – written questions
 - Assessment task B – project 1
 - Assessment task C – project 2
 - Assessment task D – project 3
 - Assessment Task E – portfolio of evidence
 - Assessment Task F – third party supervisor reports and Trainer clarification
 - Overall assessment summary
- Marking guide (assessor)
- Completed student assessment example
- RPL application kit
- RPL assessor kit
- RPL mapping guide
- RPL question bank
- RPL referee report
- Evidence gathering table for *CHCECE020*

CHCECE023 Analyse information to inform learning

- Commencement of learning answer guide
- Session overview
- Competency and performance mapping tool
- Student assessment workbook consisting of:
 - Assessment task A – written questions
 - Assessment task B – project 1
 - Assessment task C – observation demonstration checklist
 - Assessment task D – Third party supervisor reports
 - The education program documentation
 - Overall assessment summary
- Marking guide for all assessments and education program
- Completed student assessment example
- RPL application kit
- RPL assessor kit
- RPL mapping guide
- RPL question bank
- RPL referee report
- Evidence gathering table for *CHCECE023*

SITXFSA001 Use hygienic practices for food safety

SITHIND004 Work effectively in hospitality service

- Blank Assessments
- Mapping Guides
- Marking Guides
- RPL Kits
- Session Plans
- Service Log
- Learner Guides
- Visit Form
- Training Plan
- Learning Quizzes
- RPL application kit
- RPL assessor kit
- RPL mapping guide
- RPL Practical application tool
- RPL question bank
- RPL referee report
- Evidence gathering table for *SITXFSA001*
- Evidence gathering table for *SITHIND004*

- o Completed student assessment items (and the assessment tools used):
 - CHCECE020 Establish and implement plans for developing cooperative behaviour*
 - Learners DW, MV, AK and KG

- Assessment task A – written questions
- Assessment task B – project 1
- Assessment task C – project 2
- Assessment task D – project 3
- Assessment Task E – portfolio of evidence
- Assessment Task F – third party supervisor reports and Trainer clarification
- Overall assessment summary

CHCECE023 Analyse information to inform learning

- Learners EP, AB and JB
 - Assessment task A – written questions
 - Assessment task B – project 1
 - Assessment task C – observation demonstration checklist
 - Assessment task D – Third party supervisor reports
 - The education program documentation
 - Overall assessment summary

SITXFSA001 Use hygienic practices for food safety

- Learners RC, KJ, CL and HP
 - Knowledge questions
 - Observations x 2
 - Case study
 - Workplace documents
 - Project

SITHIND004 Work effectively in hospitality service

- Learners XL, SM, HP and AP
 - Knowledge questions
 - Observation
 - Case study
 - Workplace documents
 - Project

- The following analysis provides guidance on the areas of non-compliance. Examples of non-compliances are provided however, this is not an exhaustive list. It is the organisation's responsibility to review the assessment system and/or implementation of the assessment system for each unit of competency for all non-compliances identified below and provide evidence:
 - of a revised assessment system for each unit of competency listed above that addresses all requirements of Clause 1.8.
 - that confirms students were assessed as meeting all the requirements of the training product(s) in which they were enrolled.
- Validity and Sufficiency - the assessment tools do not address all unit of competency requirements. For example, but not limited to:
 - Performance Criteria:
 - SITXFSA001 Use hygienic practices for food safety*
 - Performance criteria 2.3 (*Cease participation in food handling activities where own health issue may cause food contamination*) - The organisation's assessment system does not require assessor's to observe students ceasing food handling activities in response to an own health issue.
- 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:
 - *Learners RC, KJ, CL, HP*
 - *SITXFSA001 Use hygienic practices for food safety* - Not all the observation checklist assessment items for the above mentioned students were completed. Across several observation checklists for each student, assessment items were left blank where the assessor was required to either list examples of the students' performance or record

details of the students' performance in a comment section. Without this detail, it was not able to be determined that the student had demonstrated the required knowledge and skills as required by the training package.

- *Learners HP, AP, SM and XL*
 - *SITHIND004 Work effectively in hospitality service* - The service logs for all students have been completed in a manner which indicates that the documents are not an accurate representation of the students' work placement activities. For example, service logs for all four students across 36 service periods each have been completed in an almost identical manner, irrespective of the length of shift or the number of customers served. While it is not disputed that students have completed the 36 service periods as required, the organisation has not ensured that during these service periods, students integrated technical skills and provided hospitality service to customers as required by the training package.

Completion

Standards for RTOs Clause 3.1

*Original Finding: **Not 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.

SIT30616 Certificate III in Hospitality

- The following evidence was reviewed:
 - Assessment materials and judgement tools reviewed at Clause 1.8
- 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.