

# **POLICY AND PROCEDURE FOR THE CANCELLATION OF A QUALIFICATION**

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## 1. PURPOSE

The Training Accreditation Council (the Council) acknowledges that Western Australian Registered Training Organisations (RTOs) have made a significant commitment to establishing and maintaining their obligations under the *Vocational Education and Training Act 1996* (VET Act). However, from time to time the Council may be required to cancel a qualification if it is satisfied that an RTO has by mistake or on the basis of false or misleading information or in contravention of the Act issued a qualification.

This policy outlines the grounds on which a qualification can be cancelled.

## 2. SCOPE

This policy is applicable to all RTOs registered by the Council.

In referring to qualifications this policy applies to *Australian Qualifications Framework* (AQF) certification documents: qualifications and statements of attainment.

An RTO is able to correct any administrative errors on certification that it has issued and re-issue a corrected certificate. (eg correcting a spelling mistake, an incorrect student name, code or course title). However, from time to time an RTO may identify, or it may be identified at audit, that a qualification has incorrectly been issued by mistake or on the basis of false or misleading information or in contravention of the Act and the qualification should be cancelled.

In such cases the Council may cancel a qualification under section 58E of the VET Act.

## 3. DEFINITIONS

<b>AQF</b>	<i>Australian Qualifications Framework</i>
<b>Policy</b>	A documented statement of a definite course of action that is to be adopted and implemented.
<b>Registered Training Organisation</b>	A training organisation registered by a state or territory registering body in accordance with the <i>Standards for RTOs</i> within a defined scope of registration.
<b>Standards for RTOs</b>	<i>Standards for Registered Training Organisations (RTOs) 2015</i>
<b>TAC</b>	Training Accreditation Council of Western Australia
<b>The Council</b>	Training Accreditation Council of Western Australia
<b>VET</b>	Vocational Education and Training
<b>VET Act</b>	<i>Vocational Education and Training Act 1996</i>

## 4. POLICY

### GROUNDINGS FOR CANCELLING A QUALIFICATION

Section 58E of the VET Act states:

The Council may cancel an approved VET qualification or a prescribed VET qualification conferred by a registered training provider if the Council is satisfied that it was conferred —

- (a) by mistake or on the basis of false or misleading information; or
- (b) in contravention of this Act.

## COUNCIL DECISIONS

Decisions by the Council in relation to the cancellation of a qualification will be determined on a case by case basis and will depend on a range of factors, including:

- The specific nature of the need to cancel the qualification;
- Evidence presented to the Council; and
- Impact on the RTO and the person.

A decision of the Council takes effect –

- if no appeal is commenced under section 58G of the VET Act, when the time for commencing an appeal has passed; or
- if an appeal is commenced under section 58G of the VET Act, when that appeal is determined or is withdrawn; or
- any later day the Council may specify.

## PROCEDURE FOR CANCELLING A QUALIFICATION

The Council will adhere to the following procedure to cancel a qualification:

Step 1	<p>Requirement to cancel a qualification identified at audit or request received from RTO.</p> <p>If received from an RTO the request should outline:</p> <ul style="list-style-type: none"> <li>• the person's details;</li> <li>• qualification to be cancelled;</li> <li>• the reason for the cancellation;</li> <li>• relevant student records (eg enrolment details, training and assessment strategy, judgement sheet);</li> <li>• an overview of the situation;</li> <li>• the actions/investigation undertaken by the RTO; and</li> <li>• any other evidence that the RTO may deem relevant.</li> </ul>
Step 2	<p>Investigation is conducted by either of the following depending on the complexity of the situation and amount of evidence that is received:</p> <ul style="list-style-type: none"> <li>• TAC Officer; or</li> <li>• External Reviewer.</li> </ul> <p>Further information may be requested from the RTO.</p>
Step 3	<p>The investigation is presented to the Council.</p> <p>The Council will consider whether grounds may exist to propose the cancellation of the qualification on the grounds that the qualification was issued:</p> <ol style="list-style-type: none"> <li>a) by mistake or on the basis of false or misleading information; or</li> <li>b) in contravention of the VET Act.</li> </ol> <p>The Council may find that there are no grounds to cancel the qualification.</p>

Step 4	<p>If the Council determines that grounds do exist to cancel the qualification the Council will propose the cancellation of the qualification. The RTO and the person will be advised in writing of the Council's intent to cancel the qualification and provide the person with an opportunity to respond.</p> <p>The person is provided with an opportunity to make representation to the Council about the proposed cancellation of the qualification. The person's representation to the Council should outline the reasons as to why the qualification should not be cancelled and can include supporting evidence.</p>
Step 5	<p>The Council considers the person's representation. If the person requests a meeting with the Council, the Council will meet with the person.</p>
Step 6	<p>The Council decides, based on the information provided, to cancel or not cancel the qualification.</p>
Step 7	<p>The Council gives written notice to the person and the RTO. The Council will advise in writing:</p> <ul style="list-style-type: none"> <li>• The decision;</li> <li>• Reasons for the decision; and</li> <li>• Avenues of appeal against the Council's decision.</li> </ul>

#### APPEALING DECISIONS

Should the RTO or person be dissatisfied with the decision of the Council, they may appeal in writing to the State Training Board as outlined in the VET Act. Appeals must be lodged within 21 days of receipt of notification of the Council's decision.

## 5. RELATED POLICIES, LEGISLATION AND OTHER RELEVANT DOCUMENTS

*Australian Qualifications Framework*

*Standards for Registered Training Organisations (RTOs) 2015*

*Standards for VET Regulators 2015*

*Vocational Education and Training Act 1996*

*Vocational Education and Training (General) Regulations 2009*

## 6. POLICY REVIEW DATE

This policy was submitted to the Training Accreditation Council for endorsement and is due for review annually.

## 7. CONTACT INFORMATION

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