



Australian Government

Australian Skills Quality Authority

# REPORT

## Audit report: Flexible Training Solutions Pty Ltd

Date/s of audit: 18-20 March 2019

Date report created: 9 April 2019

## Organisation details

Organisation's legal name:	Flexible Training Solutions Pty Ltd
Trading name/s:	Flexible Training Solutions Pty Ltd
RTO number:	6333
CRICOS number:	N/A

## Audit team

Lead auditor:	David Love
Assistant/s:	N/A

## Audit details

Application number/s:	RENVET0004119	
Audit number:	AUDREC0009088	
Audit reason	Application - renewal	
Address of site/s visited:	13A Albert Street, PRESTON VIC 3072 43 Harrison Street, BOX HILL NORTH 3129	
Date/s of audit:		
Organisation's contact for audit:	Patricia Sincock patsincock@ftspl.com.au	Director 0413 599 269

## Original finding at time of audit

**Audit finding:** **Minor non-compliance**

**Report completed by:** David Love

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

## Background

Summary of organisation and management structure:

- Flexible Training Solutions Pty Ltd is a medium sized privately owned RTO.
- The RTO is owned and operated by Mrs Patricia Sincock (CEO) and Mr Charles Wurth (Director).

- The organisation employs 11 full time and three contract trainers and assessors. It also employs 14 administrative staff in various capacities and employment arrangements.
- Mrs Sincock and Mr Wurth also deliver training and assessment from time to time as the need arises.

#### Scope of registration

- Training Products from the:
  - BSB training package
  - FBP training package
  - MSM training package
  - SIR training package
  - TLI training package.

Full details of the RTO's scope can found at <https://training.gov.au/Organisation/Details/6333>.

#### Suburb and state of all delivery locations:

- Head office: 13A Albert Street, PRESTON VIC 3072
- Delivery location: Unit 1, 11 Holbeche Road, ARNDELL NSW 2148
- Third party delivery location: 43 Harrison Street BOX HILL NORTH 3129
- The RTO predominately delivers training and assessment in the workplace.

#### Third party usage:

- The RTO has a third-party agreement with Berengarra School Ltd for the delivery and assessment of Qualifications from the Retail Training Package.

#### Core clients/target groups:

- The organisation primarily concentrates on delivery of traineeships under contracts of training in all states and territories.
- Flexible Training Solutions is retained by each State and Territory (except Victoria) to provide training through user choice contract arrangements.
- Learners are generally those seeking employment opportunities or existing workers sponsored by their employers to complete qualifications through traineeship arrangements.

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

- It was reported that some 70% of the RTOs income is generated through these user choice arrangements while the remaining 30% is derived through fee for service delivery.

#### Total number of current enrolments as at audit date:

- It was reported that the RTO had almost 1,500 learners enrolled in training at the time of audit.

#### 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 Flexible Training Solutions Pty Ltd to ASQA
- existing information and records held by ASQA concerning Flexible Training Solutions Pty Ltd
- information provided to ASQA's auditors and documentation reviewed during the site audit of Flexible Training Solutions Pty Ltd conducted on 18, 19 and 20 March 2019
- other publicly available information - including but not limited to, information published on the organisation's and third-party websites.

## Audit Sample

Code	Training products	Mode/s of delivery / assessment*	Current enrolments
<b>BSB42015</b>	<i>Certificate IV in Leadership and Management</i>	Traineeship, Face to face	6
<b>SIR30216</b>	<i>Certificate III in Retail</i>	Traineeship, Face to face	39
<b>BSB30215</b>	<i>Certificate III in Customer Engagement</i>	Traineeship, Face to face	9
<b>TLI31216</b>	<i>Certificate III in Driving Operations</i>	Traineeship, Face to face	104
<b>TLI21616</b>	<i>Certificate II in Warehousing Operations</i>	Traineeship, Face to face	536
<b>TLI32416</b>	<i>Certificate III in Logistics</i>	Traineeship, Face to face	31
<b>MSM30116</b>	<i>Certificate III in Process Manufacturing</i>	Traineeship, Face to face	0
<b>FBP30117</b>	<i>Certificate III in Food Processing</i>	Traineeship, Face to face	0

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

## Interviewees

Name	Position	Training products
Patricia Sincock	CEO	All
Anne Marie Wurth	Quality Manager	All
Karl Sincock	Business Manager	All
Ashlea Wurth	Learning and Development Officer	All
Mathew Nevett	CAF ED Manager (third party)	SIR30216
Okan Husnu	Trainer – Berengarra (third party)	SIR30216
Charles Wurth	Director & trainer/assessor	All

## About this Report

This report details findings against the *Standards for Registered Training Organisations 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 organisation is accountable for identifying and correcting non-compliant practices and behaviours, particularly those that have had a negative impact on learners.

Correcting 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

## Action required by organisation

Flexible Training Solutions Pty Ltd did not meet all requirements for clauses 1.3, 2.4, 4.1, and 5.3.

The organisation is required to provide evidence that demonstrates:

### Clause 1.3

- for the *FBP30117 Certificate III Food Processing* that it has, consistent with its training and assessment strategies, sufficient learning resources to enable learners meet the requirements for each unit of competency, and that the resources are accessible to the learner regardless of location or mode of delivery.

### Clause 2.4

- it has sufficient strategies and resources to systematically monitor the services delivered on its behalf, and that it uses these strategies and resources to ensure that the services delivered comply with these Standards at all times.

### Clause 4.1

- information, whether disseminated directly by the RTO or on its behalf, is both accurate and factual, and that it includes its RTO Code; refers to another person or organisation in its marketing material only if the consent of that person or organisation has been obtained; and distinguishes where training and assessment is being delivered on its behalf by a third party.

### Clause 5.3

- it provides or directs the learner to information prior to enrolment or the commencement of training and assessment specifying all relevant fee information including refunds that is consistent with its own documented fees and refund policies.

## 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.

*BSB42015 Certificate IV in Leadership and Management*

*SIR30216 Certificate III in Retail*

*BSB30215 Certificate III in Customer Engagement*

*TLI31216 Certificate III in Driving Operations*

*TLI21616 Certificate II in Warehousing Operations*

*TLI32416 Certificate III in Logistics*

*MSM30116 Certificate III in Process Manufacturing*

*FBP30117 Certificate III in Food Processing*

The following was reviewed in relation to marketing:

- Marketing procedure 2018
- Brochure CIII-Customer-Engagement
- Brochure CIII-Driving-Operations
- Brochure CIII-Logistics
- Brochure CIII-Retail-Operations
- Brochure CII-Warehousing-Operations

- Brochure CIV-Leadership-Management
- RTO website
- Flyer (Merseylink) promoting the TLI31216 qualification to learners (employees)
- Berengarra Pathways Program Flyer (Third Party)
- Email – COPE Sensitive Freight (Joel Gutheri) approval to use the COPE logo on the RTO website
- Polar Fresh Cold Chain Services – Testimonial (approval to use)
- Student Handbook.

The organisation's marketing practices are not compliant with the requirements of Clause 4.1 of the Standards for RTOs as marketing is not accurate and factual in all cases.

Evidence of non-compliant marketing practice includes, but is not limited to:

- The Student Handbook did not contain the RTO registration code at the time of audit
- The RTO was unable to demonstrate it has consent to use the company logos of TOLL, COPE and API on its website
- The RTO was not able to demonstrate it has sought permission from all those concerned for the use of their testimonials on the RTO website
- The RTO website makes no mention of the third-party organisation “Berengarra” which provides training and assessment services for the SIR30216 Certificate III in Retail on behalf of the RTO.

## 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.**

*BSB42015 Certificate IV in Leadership and Management*

*SIR30216 Certificate III in Retail*

*BSB30215 Certificate III in Customer Engagement*

*TLI31216 Certificate III in Driving Operations*

*TLI21616 Certificate II in Warehousing Operations*

*TLI32416 Certificate III in Logistics*

*MSM30116 Certificate III in Process Manufacturing*

*FBP30117 Certificate III in Food Processing*

The following was reviewed in relation to fees and charges including refunds:

- Fees and Charges Policy and Procedure – includes refunds
- Schedule of fees – also on the website
- Marketing procedure 2018
- Brochures (6) see clause 4.1
- RTO website
- Student Handbook

- Enrolment Procedure.

The organisation's fees and charges including refunds practices are not compliant with the requirements of Clause 5.3 of the Standards for RTOs as the information provided to learners is not reflective of the RTOs policies and procedures.

Evidence of non-compliant fees and charges including refunds practice includes, but is not limited to:

- The information contained in the Student Handbook regarding refunds does not match that contained in the Fees and Charges Policy and Procedures
- The Student Handbook does not make mention of payment terms and conditions or advise the learner of a cooling off period.

## Training and Assessment

### Training Delivery and Assessment

#### Standards for RTOs Clause 1.3

**Original Finding: Not compliant**

**The RTO has, for all of its scope of registration, and consistent with its training and assessment strategies, sufficient:**

- a) trainers and assessors to deliver the training and assessment;**
- b) educational and support services to meet the needs of the learner cohort/s undertaking the training and assessment;**
- c) learning resources to enable learners to meet the requirements for each unit of competency, and which are accessible to the learner regardless of location or mode of delivery; and**
- d) facilities, whether physical or virtual, and equipment to accommodate and support the number of learners undertaking the training and assessment.**

*FBP30117 Certificate III Food Processing*

*FDFFS2001A Implement the food safety program and procedures (Superseded 17/Dec/2018)*

*FDFOP3002A Set up a production or packaging line for operation (Superseded 17/Dec/2018)*

The following was reviewed in relation to learning resources:

- Text "The Food Processing Manual" – being the learner guide which is a commercial product produced by "Orange Bird Resources"
- Trainer instructions in how to use the resources
- Example assessment resources per cluster of units of competency, (6 clusters) marking guides, model answers and references to the learner guide confirmed through mapping matrices
- The employer (workplace) checklist.

The organisation's practices related to learning resources are not compliant with the requirements of Clause 1.3 of the Standards for RTOs, because the learning resources do not enable learners to meet the requirements for each unit of competency, and are not accessible to the learner regardless of location or mode of delivery.

Evidence of non-compliant practice related to learning resources includes, but is not limited to:

- The learner guide for the *FBP30117 Certificate III Food Processing* qualification is a purchased text and it is very different to the resources the RTO has accessed or developed for all other training products. While there are trainer instructions for how to use the resource, it was found that there are no instructions contained in the guide for the learner in how to use the resources and there is no detail about how the content of the guide relates to any of the units of competency from the qualification.



## Regulatory Compliance / Governance

### Third parties (including education agents)

#### Standards for RTOs Clause 2.4

*Original Finding: **Not 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.**

*SIR30216 Certificate III in Retail*

The following was reviewed in relation to third party arrangements:

- Third-party agreement Berengarra School Ltd (signed by both parties).

The organisation's practices related to third party arrangements are not compliant with the requirements of Clause 2.4 of the Standards for RTOs, as the organisation has not established the means to systematically monitor the third-party arrangement with Berengarra School to ensure the services delivered comply with the standards at all times.

Evidence of non-compliant practice related to third party arrangements includes, but is not limited to:

- The agreement between the RTO and Berengarra School does not include any information about how the RTO is to systematically monitor the services to be provided by the school. The agreement is silent on this requirement.
- The RTO did not provide any evidence to demonstrate it has developed strategies and resources to systematically monitor the services delivered on its behalf, and it has used these to ensure the services delivered comply with these Standards at all times.