

TRAINING ACCREDITATION COUNCIL

POLICY AND PROCEDURE FOR THE DISPUTE OF AUDIT FINDINGS

EFFECTIVE: 24 SEPTEMBER 2019

VERSION 1.0

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1 PURPOSE

This policy explains the circumstances under which applicants/Registered Training Organisations (RTOs) may dispute the findings of an audit against the *Standards for Registered Training Organisations (RTOs) 2015* and how disputes are handled. The policy reflects the Council's commitment to the principles of fairness and transparency.

2 SCOPE

This policy applies to applicants seeking initial registration and RTOs registered with the Training Accreditation Council (the Council).

3 DEFINITIONS

Audit	A planned, systematic and documented process to assess an applicant or an RTO's compliance with the Standards for RTOs.
Compliance	The requirements of the Standards for RTOs have been met, based on the evidence reviewed for the audit.
Non-compliance	<p>The requirements of the Standards for RTOs have <u>not</u> been met based on the evidence reviewed for the audit. There are three categories of non-compliance:</p> <p><i>Minor Non-Compliance</i></p> <p>The requirements of the Standards for RTOs have not been met, based on the evidence reviewed, but there is no (or minor adverse) impact on learners and/or other consumers of goods and services produced in the training environment or the current (or future) workplace.</p> <p><i>Significant Non-Compliance</i></p> <p>The requirements of the Standards for RTOs have not been met, based on the evidence reviewed, and there are indications of significant adverse impacts on learners and/or other consumers of goods and services produced in the training environment or the current (or future) workplace.</p> <p><i>Critical Non-Compliance</i></p> <p>The requirements of the Standards for RTOs have not been met, based on the evidence reviewed, and there are critical adverse impacts on learners and/or other consumers of goods and services produced in the training environment or the current (or future) workplace.</p>
Registered Training Organisation	A training organisation registered by a state or territory registering body in accordance with the Standards for RTOs within a defined scope of registration.
Registering body	The authority responsible for RTOs, under the VET legislation and decision-making framework, and in accordance with the <i>Standards for VET Regulators 2015</i> , including all processes relating to registration and imposing of sanctions on RTOs.
Standards for RTOs	<i>Standards for Registered Training Organisations (RTOs) 2015</i>
TAC	Training Accreditation Council of Western Australia.
The Council	Training Accreditation Council of Western Australia.
VET	Vocational Education and Training
VET Act	<i>Vocational Education and Training Act 1996</i>

4 POLICY

The Training Accreditation Council Secretariat (the TAC Secretariat) undertakes a range of audits on behalf of the Council to ascertain compliance with the Standards for RTOs. Audits may be conducted for initial/renewal of registration, post-initial monitoring, amendments, complaints investigations, compliance monitoring and in areas of identified risk.

Following an audit, an applicant/RTO will receive an audit report detailing findings of compliance with the Standards for RTOs. The audit report specifies the evidence on which the findings are based and, where non-compliances are identified, the findings are assigned an overall category of minor, significant or critical non-compliance.

An applicant/RTO can dispute an audit finding if it believes that an audit finding does not accurately reflect the evidence presented for the audit. The dispute must relate specifically to the findings as specified in the audit report and must be based on the evidence provided for the audit. Evidence submitted by the applicant/RTO in justification of the dispute must also clearly demonstrate the inaccuracy of the audit finding.

Disputes based on evidence that was not presented for the audit, or evidence that was subsequently amended after the audit, are deemed unreasonable and will be disallowed.

Applicants/RTOs have an opportunity to submit additional or new evidence to demonstrate compliance with the Standards for RTOs during approved evidence review periods in the course of the audit process. Information about TAC's audit process is available on the website at www.tac.wa.gov.au.

4.1 LODGING A DISPUTE

Sometimes disputes arise from a misunderstanding or misinterpretation of the audit report. Applicants/RTOs are encouraged to first discuss their audit report with the lead auditor and the Manager Regulation to seek clarification before considering lodging a dispute.

An applicant/RTO has **five working days** from issuance of an audit report to dispute the audit findings. A dispute cannot be lodged after that time.

Applicants/RTOs must ensure that evidence provided in support of a dispute of audit findings is well organised and clearly referenced to the clauses of the Standards for RTOs to which the audit findings relate. A well-presented argument, supported by relevant and accurate evidence, will assist the TAC Secretariat to address the dispute in a timely and efficient manner.

To lodge a dispute, complete the [TAC Dispute of Audit Findings form](#) and forward by email to tac@dtwd.wa.gov.au, Attention: Manager Regulation.

4.2 PROCESS FOR HANDLING A DISPUTE

The process outlined below is aimed at ensuring a fair, transparent and timely review of disputes of audit findings.

The Manager Regulation will acknowledge receipt of the dispute by email within **two working days** and will review the dispute submission and determine whether there is a case for investigation of the disputed audit finding(s).

If there is a case for investigation, the Manager Regulation may consult any person or organisation deemed appropriate in the conduct of the investigation. This may include (but not limited to) the auditor contract panel, industry regulators and industry training councils.

Within **five working days** of receipt of the dispute the Manager will inform the applicant/RTO in writing of whether there is a case for an investigation of the disputed audit finding(s) and how the investigation will be handled.

The TAC Secretariat aims to resolve disputes of audit findings as quickly and efficiently as practicable, however the nature and complexity of a dispute will influence how long it takes for a dispute to be resolved.

4.3 DISPUTE OUTCOME

On completion of the investigation, the Manager Regulation will submit a report with recommendations to the Director Training Regulation for consideration. The Director Training Regulation considers the recommendations and makes a decision regarding the dispute. That decision is final.

The applicant/RTO will be advised in writing of the outcome and final decision of the dispute investigation within **two working days** of the decision.

4.4 EFFECT OF A DISPUTE ON THE EVIDENCE REVIEW PERIOD

As part of TAC's audit process (and depending on the stage of the audit process) an applicant/RTO is given the opportunity to submit a response addressing non-compliances identified in an audit report. More information about TAC's audit process is available on the website at www.tac.wa.gov.au.

The impact of a dispute on the evidence review period will vary, depending on the nature of the dispute. Disputes of a large or complex nature may affect the established evidence review timeframe. Should this occur, the Manager Regulation will determine a new evidence review timeframe and inform the applicant/RTO in writing.

5 RELATED POLICIES, LEGISLATION AND OTHER RELEVANT DOCUMENTS

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
TAC Service Standards

6 POLICY REVIEW DATE

The review date will be 12 months from the date that the policy is endorsed by the Council, unless an earlier review date is required.

7 CONTACT INFORMATION

Manager, Regulation

Telephone: (08) 9224 6510

General Enquires: tac@dtwd.wa.gov.au

8 FLOWCHART - DISPUTE OF AUDIT FINDINGS PROCEDURE

