



ASQA regulatory action – cancelling qualifications

Frequently Asked Questions

If you are impacted or believe you may be impacted by this matter you can call ASQA on 1300 701 801.

Background

What is happening with the qualifications

The Australian Skills Quality Authority (ASQA) is undertaking serious regulatory action in respect to a number of Registered Training Organisations (RTOs), following a series of compliance investigations.

To ensure the integrity of the Vocational Education and Training (VET) sector and to protect the public, ASQA is progressing regulatory actions to cancel the registration of some providers. Where these providers are found to have issued qualifications without the appropriate training or assessment ASQA is pursuing regulatory action to cancel the qualification or statements of attainment.

More information will be made available on the ASQA website as the situation progresses: www.asqa.gov.au.

Why are qualifications being cancelled?

ASQA undertakes the process to cancel qualifications where they have evidence that the qualification was issued without appropriate training or assessment taking place.

People working with qualifications that do not have the relevant skills and knowledge can pose a risk to the safety of themselves and the community and they undermine the reputation of the VET system.

Which providers, qualifications and students are affected?

There are a number of providers in scope for this regulatory action. For each provider in scope there may be specific date ranges and qualification categories which determine whether a specific student or qualification is affected. For more information refer to the information on the ASQA website:

www.asqa.gov.au.

Employers

How do I know if my employee's qualification has been cancelled?

In some cases ASQA and other relevant sector regulators will contact employers in the sectors where students may have been issued with a qualification in scope for cancellation.

You may want to review your records to identify if any of your current employees are affected.

If holding a qualification is a condition of employment or a requirement for a role, your organisation can request evidence of an employee's qualification at any time.

You may like to request that your employees share a full copy of their authenticated Unique Student Identifier VET transcript with you. VET transcripts can be shared by either emailing a PDF or providing a hard copy of the document. This transcript will include a clickable link and a QR code for accessing the online record to further validate the training listed in the transcript. More information is available here: www.usi.gov.au/transcripts%20info-for-employers.

You may wish to review the VET transcript of any impacted employees over time because the timing of the regulatory decision and any updates to the VET transcript may vary depending on the person's specific circumstances.

ASQA and DEWR are working with relevant Commonwealth agencies, Industry Regulators and State and Territory Governments to manage the impact on students, and on any workplaces affected.

Can I terminate the employment of my employee if they were employed on the basis of a cancelled qualification?

This will likely depend on the nature of the employment, whether the qualification is a mandatory requirement of the role and the terms of the person's employment which may be included in an award, enterprise agreement or contract.

Employers may like to seek legal advice on these matters, or speak to their industry peak body.

Am I liable if I continue to employ a person without the qualifications I thought they had?

Employers should seek their own legal advice as it may depend on the nature of the role and if there are any mandatory requirements of the role including any regulatory requirements. Employers can contact the relevant regulator for further advice.

Do I have to give any notice/pay out any entitlements if I terminate the employment of someone employed with a cancelled qualification?

Your obligations to your employee will depend on the relevant terms of employment. Your employee remains qualified until any cancellation decision by ASQA comes into effect. The loss of a qualification may be grounds for dismissal in some cases but is unlikely to affect the requirements around termination such as giving notice and paying out entitlements.

You may like to seek legal advice in relation to this matter, or speak to your industry peak body.

Do I have to pay someone if they were employed under a false or fraudulent qualification?

Your employee remains qualified until any cancellation decision by ASQA comes into effect.

Qualifications may be cancelled through this process, but that does not mean the student who was awarded the qualification engaged in any fraudulent activity.

While they are working for you as an employee they are entitled to their pay and entitlements – you cannot withhold a person's pay because of ASQA's regulatory actions.

My organisation is in a care or medical related sector. Do I have to tell my clients that someone was working without the required qualifications?

Your obligations to disclose this matter to clients will depend on the regulations governing your sector and the terms of any contract or agreement you hold with your clients.

If you do not have a legal obligation to disclose this matter to your clients, there may still be an advantage in being transparent. It is possible that your clients or their families are aware of this issue and have concerns about their care. Being transparent may help to manage these concerns.

My organisation is in a care or medical related sector. Do I have to tell my regulator if I was employing someone with a cancelled qualification?

Whether there is an obligation to tell your regulator will depend on the specific regulatory arrangements in your sector and the conditions of your registration.

ASQA has been working with state and territory governments and other regulatory bodies. Your regulator is aware of the issue and will be able to support your organisation as you manage this situation. Please contact them to discuss as needed.

What do I do if I don't know whether my employees have an affected qualification? I didn't keep a record of the name of their training provider?

If holding a qualification is a condition of employment or a requirement for a role you can request evidence of an employee's qualification at any time.

You may like to request that your employee share a full copy of their authenticated Unique Student Identifier VET transcript with you. VET transcripts can be shared by either emailing a PDF or providing a hard copy of the document. This transcript will include a clickable link and a QR code for accessing the online record to further validate the training listed in the transcript. More information is available here: www.usi.gov.au/transcripts%20info-for-employers.

You may wish to review the VET transcript of any impacted employees over time because the timing of the regulatory decision and any updates to the VET transcript may vary depending on the person's specific circumstances.

Can I force an ongoing employee to provide me with a training certificate now?

If holding a qualification is a condition of employment or a requirement for a role you can request evidence of an employee's qualification at any time.

If there is a decision by ASQA to cancel a qualification, the timing of when the former student will be required to return their certificate will depend on the timing of ASQA's decision. This may vary from case to case depending on the process, so you should monitor ASQA's website (www.asqa.gov.au) where more information on the process will be made available.

You may like to request that your employee share a full copy of their authenticated Unique Student Identifier (USI) VET transcript with you. VET transcripts can be shared by either emailing a PDF or providing a hard copy of the document. This transcript will include a clickable link and a QR code for accessing the online record to further validate the training listed in the transcript. More information is available here: www.usi.gov.au/transcripts%20info-for-employers.

If ASQA makes a decision to cancel a qualification this will be reflected in the USI VET transcript.

You may wish to review the VET transcript of any impacted employees over time because the timing of the regulatory decision and any updates to the VET transcript may vary depending on the person's specific circumstances.

Can ASQA check the names of my employees and tell me if any of them have had a qualification cancelled? If not, why not?

For privacy reasons ASQA is not able to report on the outcome of individual cases to employers. ASQA is working to provide as much information as possible to state and territory governments and to regulators to support employers to manage this situation.

I have received correspondence from ASQA advising that I may be an employer in one of the sectors where students may have been issued with an affected qualification. What does this mean? Did every provider get this letter?

ASQA has only sent this correspondence to organisations they have identified that may be an employer in one of the sectors where students may have been issued with a qualification that is in scope for cancellation.

If you have received this correspondence from ASQA you may want to review your records to identify if any of your current employees are affected.

If holding a qualification is a condition of employment or a requirement for a role, your organisation can request evidence of an employee's qualification at any time.

You may like to request that your employees share a full copy of their authenticated Unique Student Identifier VET transcript with you. VET transcripts can be shared by either emailing a PDF or providing a hard copy of the document. This transcript will include a clickable link and a QR code for accessing the

online record to further validate the training listed in the transcript. More information is available here: www.usi.gov.au/transcripts%20info-for-employers.

You may wish to review the VET transcript of any impacted employees over time because the timing of the regulatory decision and any updates to the VET transcript may vary depending on the person's specific circumstances.

ASQA and DEWR are working with relevant Commonwealth agencies, Industry Regulators and State and Territory Governments to manage the impact on students, and on any workplaces affected.

What should I do while we wait for ASQA's process?

There are a number of factors that will determine what you can do while the ASQA process is underway.

In making a decision about what to do while the process is underway you will need to consider:

- Is the qualification a mandatory requirement of the role for regulatory purposes?
- Is a qualification a mandatory requirement due to the nature of the role?
- What are the terms of the person's employment?
- What risk would an un-qualified person pose to the health and safety of your clients, other staff or the community?

The person continues to hold the qualification until any decision by ASQA takes effect, so any interim steps you take will need to ensure the person's legal rights are met while managing any potential risk. Possible actions could include:

- Moving the person to a role which does not require the qualification
- Increasing the supervision and oversight of the person's function
- Suspending the person with pay.

In taking action, you will need to comply with legal requirements and the terms of their employment. You may like to seek legal advice in relation to this matter, or speak to your industry peak body. If you are concerned about meeting regulatory requirements, contact your regulator for advice.

Can I suspend the employee while we wait for ASQA's process?

There are a number of factors that will determine what you can do while the ASQA process is underway.

The person continues to hold the qualification until any decision by ASQA takes effect, so any interim steps you take will need to ensure the person's legal rights are met. Whether you can suspend an employee will depend on the terms of their employment. In taking any action you will need to comply with legal requirements and the terms of their employment. You may like to seek legal advice in relation to this matter. If you are concerned about meeting regulatory requirements, contact your regulator for advice.

My employee is excellent at their job. Do I have to fire them if I don't want to?

It is important you continue to meet the regulatory requirements for your sector, including any mandatory qualifications or training required for employees. If ASQA decides to cancel the qualification of your employee, you should ensure that you continue to be compliant with these requirements. If you are concerned about meeting regulatory requirements, contact your regulator for advice.

Beyond that, your employment decisions are a matter for your organisation. You may determine that your employee does not need to hold the qualification to perform the role. You may be able to move an employee to a role that does not require mandatory qualifications. You may also choose to support the employee to undertake the required training at another provider.

What options do I have to help my staff member get appropriate qualifications?

You can search for a registered training provider or training course on [Your Career](#). Your Career is Australia's directory of training. It includes information on training in Australia for school leavers, students, apprentices, and employers.

When choosing a training or education provider, it is important to consider whether the provider and the course will meet your employee's needs and expectations. The [Choosing a course and provider](#) section includes a consumer checklist with important questions to ask a potential provider

Employees could undertake a Recognition of Prior Learning (RPL) assessment with a provider. RPL may be based on evidence collected through formal, non-formal and informal learning to determine the extent to which a person has achieved the required learning and/or competency outcomes to be awarded a unit of credit; this is often matched with 'gap' training, to meet the full competency requirements of a unit or course.

Formal learning, as the term relates to RPL, may mean units of credit which are related, but not equivalent to, the credit being sought, or credits which are no longer current.

Non-formal learning refers to learning, which is structured and focused, but which is delivered outside the Australian Qualifications Framework; for example, seminars, continuous professional development activities, and non-accredited training.

Informal learning refers to learning which is gained without syllabus or curriculum without any formal or non-formal direction – in the vocational sector this often relates to skills acquired through the workplace, which have not been directed by an instructor or structured to lead to a recognised outcome.

Your employee will need to provide a variety of documentation. This includes, but is not limited to:

- records of previously completed training
- assessment items
- assessment records and/or
- declarations from a student's employer.

I am worried about the risk to my business and clients from untrained or ill-equipped staff. What should I do?

ASQA and the Department of Employment and Workplace Relations cannot provide advice on the operations of your business. If you are concerned your regulatory body may be able to be of assistance. You should seek your own advice on how to manage risk to your business.

Please continue to monitor ASQA's and DEWR's websites for more information.

If you are experiencing distress help is available 24 hours a day, 7 days a week, anywhere in Australia. If you need help now, call:

- [Lifeline](#) – 13 11 14
- [Beyond Blue](#) – 1300 224 636.

General public

When will we know if affected qualifications have been cancelled?

There are a number of steps in the process before ASQA makes any decision to cancel a qualification. Details on the process can be found here: [Factsheet – ASQA cancellation process](#).

The timing for any specific case will depend on a number of factors. More information will be made available on the ASQA website as the situation progresses: www.asqa.gov.au.

ASQA and DEWR are working with relevant Commonwealth agencies, Industry Regulators and State and Territory Governments to manage the impact on students, and on any workplaces affected.

What happens while we wait for ASQA's final decision on the affected qualifications?

Affected former students continue to hold their qualifications until any decision by ASQA takes effect. In the interim steps employers will need to ensure that the affected people's legal rights are met while managing any potential risk. Possible actions could include:

- Moving the person to a role which does not require the qualification
- Increasing the supervision and oversight of the person's function
- Suspending the person with pay.

Employers of affected students will need to comply with their legal requirements and the individual terms of employment of their staff and may seek legal advice in relation to this matter.

How will employers know whether their staff have an affected qualification?

ASQA and DEWR are working with relevant Commonwealth agencies, Industry Regulators and State and Territory Governments to manage the impact on students, and on any workplaces affected.

If holding a qualification is a condition of employment or a requirement for a role employers can request evidence of an employee's qualification at any time.

Employers may like to request their employees share a full copy of their authenticated Unique Student Identifier (USI) VET transcript with them. If ASQA makes a decision to cancel a qualification this will be reflected in the USI VET transcript.

ASQA will keep publishing up to date information about where the process is up to on its website: www.asqa.gov.au.

If you require further assistance please contact ASQA on 1300 701 801.

Will people have their employment terminated if they were employed on the basis of a cancelled qualification?

This will likely depend on the nature of the employment, whether the qualification is a mandatory requirement of the role and the terms of the person's employment which may be included in an award, enterprise agreement or contract.

Employers will need to consider the individual employment arrangements of their staff and regulatory requirements and may like to seek legal advice on these matters.

I am concerned about the level of care or safety from staff who may have a qualification in scope for possible cancellation. Can I check the qualifications of staff at an organisation where I am a client or customer?

Due to privacy reasons the public cannot check the qualifications of individual staff. You may like to talk to the management of the organisation about this issue. They may be able to provide you with more information about whether they are affected by the potential cancellation of qualifications and the kinds of supervision and oversight arrangements they have in place to ensure all staff within the organisation are delivering appropriate care or services to clients. If you have any concern about the safety of clients receiving care, contact the relevant organisation or regulatory body to raise this concern.

I am concerned about a relative or friend in an impacted industry what should I do next?

ASQA and DEWR are working with relevant Commonwealth agencies, Industry Regulators and State and Territory Governments to manage the impact on students, and on any workplaces affected.

Please continue to monitor ASQA's and DEWR's websites for more information as this situation progresses.

If you are concerned that you or someone you know may be affected and are experiencing distress, help is available 24 hours a day, 7 days a week, anywhere in Australia. If you need help now, call:

- [Lifeline](tel:131114) – 13 11 14
- [Beyond Blue](tel:1300224636) – 1300 224 636.