

MANAGEMENT OF CRITICAL NON-COMPLIANCE (RISK OF INJURY OR DEATH) POLICY

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Purpose

In extreme situations, evidence from an audit of a WA Registered Provider (registered provider) may indicate there is a risk of injury or death to people in the training environment or the learners' current (or future) workplace. This policy outlines the Training Accreditation Council's (the Council) management of critical non-compliance (risk of injury or death) when applied to a registered provider.

Where there is a critical and extreme risk to the safety of students or the workplace, this policy recognises the need for immediate Council assessment and the authority for the Director Training Regulation to decide immediate rectification or reduced timeframes for rectification for the registered provider depending on the risk and the likelihood of the risk occurring.

Scope

This policy is applied to all providers registered with the Council.

Definitions

Term	Definition
Audit	A planned, systematic and documented process used to assess an applicant/registered provider's compliance with the Registration Standards 2025 (2025 Standards). Audits on registered providers conducted by TAC are undertaken in line with the [WA] <i>Vocational Education and Training (General) Regulations 2009</i> (VET Regulations)
Compliance	The requirements of the 2025 Standards and VET Regulations have been met, based on the evidence reviewed.
Critical non-compliance (risk of injury or death)	Evidence from an audit indicates there is a risk of injury or death to people in the training environment or the current (or future) workplace is occurring or has occurred. In such instances, the level of risk and potential impact on students and/or other consumers of goods and services produced in the training environment or the current (or future) workplace warrants immediate rectification.
Critical non-compliance	The requirements of the 2025 Standards and VET Regulations have not been met based on the evidence reviewed, and a critical adverse impact on students and/or consumers of goods and services produced in the training environment or the current (or future) workplace is occurring or has occurred.

Term	Definition
Minor non-compliance	The requirements of the 2025 Standards and VET Regulations have not been met based on the evidence reviewed but there is no or minor adverse impact on students and/or other consumers of goods and services produced in the training environment or the current (or future) workplace.
Registration	A provider must be registered by a VET regulator to deliver and assess nationally recognised training and issue certification for nationally recognised training products. A registered provider is required to continue to meet the 2025 Standards and VET Regulations during its registration (the mandatory conditions of registration).
Scope of Registration	A registered provider's scope of registration consists of: - the list of training package qualifications, units of competency and/or accredited courses which a provider is registered to provide; - the services offered: either training and assessment, or assessment only.
Significant non-compliance	The requirements of the 2025 Standards and VET Regulations have not been met based on the evidence reviewed and there are indications of a significant adverse impact on students and/or other consumers of goods and services produced in the training environment or the current (or future) workplace.
WA registered provider	Means a provider that is registered by the Council under Part 7 A of the <i>Vocational Education and Training Act 1996</i> (VET Act).

Policy Principles

Responsibilities

TAC Auditors conduct audits and ensure non-compliance is detailed in the audit report evidence analysis, findings and rectification requirements. If a critical risk has been observed, the Auditor must contact the Manager Regulation immediately. Depending on the issues identified at audit, it may be determined that the audit should not continue.

The Director Training Regulation, under delegated authority, considers the risk level and can impose reduced rectification timeframes, where warranted.

The Council considers the provider's registration if the RTO fails to rectify the non-compliance/s within the given timeframe.

Identifying Non-Compliance

The Council is responsible for ensuring all applications for registration and registered providers meet the requirements of the 2025 Standards and VET Regulations.

The Council engages auditors to undertake audits on their behalf, to ascertain an applicant's/registered provider's compliance.

Where an applicant/registered provider has not demonstrated compliance with the requirements of the 2025 Standards and/or VET Regulations, the auditor will assign an overall level of non-compliance. The level of non-compliance is recorded in the audit report as minor, significant, critical, or critical (risk of injury or death) depending on the scope, extent and impact of the non-compliances on students and/or other consumers of goods and services produced in the training environment or the current (or future) workplace.

Management of Critical Non-Compliance with Risk of Injury or Death

Where an applicant/registered provider is found to be non-compliant critical with risk of injury or death to students and/or staff in the training environment or the current (or future) workplace, auditors will also assign the likelihood of the risk occurring as outlined in the TAC Critical Non-Compliance (with risk of injury or death) Risk Rating Guideline in Attachment 1.

The Director Training Regulation, under the delegated authority of the Council, will decide the rectification timeframe in relation to the level of risk to RTO staff, students and the public. The timeframe for rectification will be guided by the TAC Critical Non-Compliance (with a risk of injury or death) Risk Rating Guideline (Attachment 1).

Should an applicant/registered provider fail to address a critical non-compliance within the set timeframe, the matter will be referred to Council for consideration.

Legislation, Policies and Other Relevant Documents

- *Vocational Education and Training Act 1996*
- *Vocational Education and Training (General) Regulations 2009*
- *Standards for VET Regulators 2015*
- Registration Standards 2025
- Application of Sanctions Policy
- Application of Sanctions Procedure

Policy Review and Approval

Council approval is required for this policy.

The policy will be reviewed annually from the date of endorsement or as required.

ATTACHMENT 1

Critical Non-Compliance (risk of injury or death) - Risk Rating Guideline

LIKELIHOOD OF RISK OCCURRING	Almost Certain	- Current practices may lead to risk of injury or death to students and/or staff in the training environment or the current (or future) workplace. - Evidence that training/assessment practices may lead to risk of injury or death to students in the training environment or the current (or future) workplace. - Evidence that the training/assessment practices may lead to risk of injury or death to consumers of goods and services produced in the training environment or the current (or future) workplace. Rectification Timeframe: 24 Hours
	Likely	- Current practices may lead to risk of injury or death to students and/or staff in the training environment or the current (or future) workplace. - Evidence that training/assessment practices may lead to risk of injury or death to students in the training environment or the current (or future) workplace. - Evidence that the training/assessment practices may lead to risk of injury or death to consumers of goods and services produced in the training environment or the current (or future) workplace. Rectification Timeframe: Up to 3 Days
	Possible	- Current practices may lead to risk of injury or death to students and/or staff in the training environment or the current (or future) workplace. - Evidence that training/assessment practices may lead to risk of injury or death to students in the training environment or the current (or future) workplace. - Evidence that the training/assessment practices may lead to risk of injury or death to consumers of goods and services produced in the training environment or the current (or future) workplace. Rectification Timeframe: Up to 10 Days
	Unlikely	- Current practices may lead to risk of injury or death to students and/or staff in the training environment or the current (or future) workplace. - Evidence that training/assessment practices may lead to risk of injury or death to students in the training environment or the current (or future) workplace. - Evidence that the training/assessment practices may lead to risk of injury or death to consumers of goods and services produced in the training environment or the current (or future) workplace. Rectification Timeframe: Up to 20 Days
	Rare	- Current practices may lead to risk of injury or death to students and/or staff in the training environment or the current (or future) workplace. - Evidence that training/assessment practices may lead to risk of injury or death to students in the training environment or the current (or future) workplace. - Evidence that the training/assessment practices may lead to risk of injury or death to consumers of goods and services produced in the training environment or the current (or future) workplace. For example: No current enrolments in the training product. Rectification Timeframe: Up to 20 Days