



Australian Government
Australian Skills Quality Authority

REPORT

Audit report: Xamerg Pty Ltd

Date/s of audit: 27 & 28 March 2018

Date report created: 3/05/2017



Organisation details

Organisation's legal name:	Xamerg Pty Ltd
Trading name/s:	The Eagle Academy
RTO number:	30895
CRICOS number:	02480G

Audit team

Lead auditor:	Judith Keller
Assistant/s:	Mark Shrubshall (28 March 2018)

Audit details

Application number/s:	RENVET0003520 / RENCRI0000569	
Audit number:	AUDREC0007937	
Audit reason	Application - renewal	
Address of site/s visited:	360 St Pauls Terrace, Fortitude Valley, Queensland - 27 March 56 Nerang Street, Southport, Queensland - 28 March	
Date/s of audit:	28/03/2018	
Organisation's contact for audit:	Mr Gregory Knitter greg@eagleacademy.com.au	Director 0409 020 322

Original finding at time of audit

Audit finding: Concerning non-compliance

Report completed by: Judith Keller

Practice	Standards for RTOs 2015	National Code 2017	Finding
Marketing/Recruitment	4.1	D1.2	Compliant
Enrolment	5.1, 5.2, 5.3, 7.3	D2.1, D2.2, D3.1, D3.2	Compliant
Support and Progression	1.7	D6.1, D6.2, D6.3, D6.5, D6.6, D9.1, D10.1, D10.2, D10.5, D10.6, D11.1-11.5, D13.2	Compliant
Support and Progression		D9.2, D11.6, D11.8, D11.9	Not audited
Training and Assessment	1.1, 1.2, 1.3, 1.13, 1.14, 1.16	D14.1, D14.2	Compliant
Training and Assessment	1.8		Not compliant
Training and Assessment	1.15, 1.17, 1.18, 1.20		Not audited
Completion	3.1		Compliant
Regulatory Compliance / Governance	2.3, 2.4, 8.1, 8.2	D4.1, D4.3, D4.4, D4.5	Compliant

Background

Summary of organisation and management structure:

- Mr Gregory Knitter is the Director of Xamerg Pty Ltd, trading as the Eagle Academy.
- Jasmyn Cross is the Operations Manager for the Fortitude Valley and Carina campuses.
- Jai Newnham is the Manager of Gold Coast campuses.
- Elena Bowden is the provider's Head Trainer based at the Southport campus.
- The provider employs approximately 18 – 20 trainers and assessors.
- The provider attained initial registration as a registered training organisation on 21 March 2003, and registration on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) on 6 May 2013.
- International students are currently the main clients of the organisation, representing approximately 96%-98% of enrolments. The provider anticipates that international students will continue to be its main clients.
- The provider has five campuses - four in Queensland and one in Victoria. As at 27 March 2018, there were no enrolments at the Victoria campus.
- The provider has third party agreements in place with a number of agents. The provider advised during the site audit that approximately 80% of enrolled students have an agent.
- The provider's website and agents were identified by the organisation as its primary marketing channels, with occasional publication marketing.

Scope of registration:

- Qualifications:
 - BSB10115 Certificate I in Business
 - BSB20115 Certificate II in Business
 - BSB30115 Certificate III in Business
 - BSB40215 Certificate IV in Business
 - BSB50215 Diploma of Business
 - BSB61015 Advanced Diploma of Leadership and Management
 - BSB60215 Advanced Diploma of Business
 - SIS10115 Certificate I in Sport and Recreation
 - SIS20115 Certificate II in Sport and Recreation
 - SIS20213 Certificate II in Outdoor Recreation
 - SIS30115 Certificate III in Sport and Recreation
 - SIS30315 Certificate III in Fitness
 - SIS30413 Certificate III in Outdoor Recreation
 - SIS40215 Certificate IV in Fitness
 - SIS40313 Certificate IV in Outdoor Recreation
 - SIS50612 Diploma of Sport Development.
- Explicit scope units of competency:
 - FNSFLT203 Develop knowledge of debt and consumer credit
 - FSKLRG03 Use basic strategies for career planning
 - FSKLRG06 Participate in work placement
 - FSKLRG14 Manage strategies for career progression
 - SISOSRF201A Demonstrate surf survival and self rescue skills
 - SITTSL003 Provide advice on international destinations.
- Accredited Courses:
 - 10361NAT Course in Preliminary Spoken and Written English
 - 10362NAT Certificate I in Spoken and Written English
 - 10363NAT Certificate II in Spoken and Written English
 - 10364NAT Certificate III in Spoken and Written English
 - 10365NAT Certificate IV in Spoken and Written English - Further Studies

- 10366NAT Certificate IV in Spoken and Written English - Employment.
- ELICOS Courses (Non AQF Award):
 - Intensive Spoken and Written English Course (Beginner – Advanced)
 - Intensive General English (Elementary – Advanced)
 - English for Academic Purposes (with IELTS Prep)
 - IELTS Preparation Course.
- Other (Non AQF Award)
 - Course in Preliminary Spoken and Written English

Suburb and state of all delivery locations:

- Delivery sites registered on CRICOS:
 - 360 St Pauls Terrace, Fortitude Valley, Queensland
 - 56 Nerang Street, Southport, Queensland
 - 56 Zahel Street, Carina, Queensland
 - Suite 10-12, 70 Griffith Street, Coolangatta, Queensland
 - Level 2, Sports House & MSC, 375 Albert Road, Albert Park, Victoria.

Third party usage:

- The RTO has notified ASQA of multiple third party agreements. Services as notified include:
 - Recruitment of prospective learners
 - Enrolment of learners
 - Delivery of training and/or assessment
 - Provision of educational and support services.

Core clients/target groups:

- International student visa holders
- Domestic students.

Training Revenue (Funded or fee for service):

- Fee for service - international and domestic students
- The RTO has Pre-qualified Supplier status - Certificate III Guarantee and Higher Level Skills funding in Queensland.

Total number of current enrolments as at audit date:

- 625 (as at 27 March 2018)

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 Xamerg Pty Ltd to ASQA
- Existing information and records held by ASQA concerning Xamerg Pty Ltd
- Information provided to ASQA's auditors and documentation reviewed during the site audit of Xamerg Pty Ltd conducted on 27 & 28 March 2018.
- Other publically 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
BSB50215	Diploma of Business	Face to Face / Distance	29
BSB61015	Advanced Diploma of Leadership and Management	Face to Face / Distance	24
SIS20115	Certificate II in Sport and Recreation	Face to Face / Distance	30
SIS30315	Certificate III in Fitness	Face to Face	62
10364NAT	Certificate III in Spoken and Written English	Face to face / Distance	64
10366NAT	Certificate IV in Spoken and Written English – Employment	Face to face / Distance	23

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

Interviewees

Name	Position	Training products
Gregory Knitter	Director	N/A
Jasmyn Cross	Operations Manager	N/A
Elaina Bowden	Head Trainer	N/A
Jai Newnham	Gold Coast Manager	N/A

About this Report

This report details findings against the *Standards for Registered Training Organisations 2015* (Standards for RTOs 2015) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2017* (National Code). If non-compliance has been identified, this report describes evidence of the non-compliance.

Where non-compliance has been identified, the Registered Training 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 RTO

Xamerg Pty Ltd did not meet all requirements for clause 1.8.

Remedial action is required for the following training products:

- 10366NAT Certificate IV in Spoken and Written English - Employment
- BSB50215 Diploma of Business
- BSB61015 Advanced Diploma of Leadership and Management.

The RTO is required to provide evidence that demonstrates:

Clause 1.8

- The RTO has put in place measures to ensure that in future, and at all times, its assessment system is implemented consistently, so as to ensure reliability in the conduct of assessment activities (ref: principles of assessment) and that sufficient evidence is collected and retained to support assessment judgements (ref: rules of evidence).

Areas of non-compliance

Training and Assessment

Standards for RTOs Clause 1.8

Original Finding: *Not compliant*

Finding following additional evidence: *Not yet determined*

The RTO implements an assessment system that ensures that assessment (including recognition of prior learning):

- a) complies with the assessment requirements of the relevant training package or VET accredited course; and
- b) is conducted in accordance with the Principles of Assessment contained in Table 1.8-1 and the Rules of Evidence contained in Table 1.8-2.

Table 1.8.1 Principles of Assessment

Fairness	The individual learner's needs are considered in the assessment process. Where appropriate, reasonable adjustments are applied by the RTO to take into account the individual learner's needs. The RTO informs the learner about the assessment process, and provides the learner with the opportunity to challenge the result of the assessment and be reassessed if necessary.
Flexibility	Assessment is flexible to the individual learner by: reflecting the learner's needs; assessing competencies held by the learner no matter how or where they have been acquired; and drawing from a range of assessment methods and using those that are appropriate to the context, the unit of competency and associated assessment requirements, and the individual.
Validity	Any assessment decision of the RTO is justified, based on the evidence of performance of the individual learner. Validity requires: assessment against the unit/s of competency and the associated assessment requirements covers the broad range of skills and knowledge that are essential to competent performance; assessment of knowledge and skills is integrated with their practical application; assessment to be based on evidence that demonstrates that a learner could demonstrate these skills and knowledge in other similar situations; and judgement of competence is based on evidence of learner performance that is aligned to the unit/s of competency and associated assessment requirements.
Reliability	Evidence presented for assessment is consistently interpreted and assessment results are comparable irrespective of the assessor conducting the assessment.

Table 1.8.2 Rules of Evidence

Validity	The assessor is assured that the learner has the skills, knowledge and attributes as described in the module or unit of competency and associated assessment requirements.
Sufficiency	The assessor is assured that the quality, quantity and relevance of the assessment evidence enables a judgement to be made of a learner's competency.
Authenticity	The assessor is assured that the evidence presented for assessment is the learner's own work.

Currency	The assessor is assured that the assessment evidence demonstrates current competency. This requires the assessment evidence to be from the present or the very recent past.
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Findings

10364NAT Certificate III in Spoken and Written English

The following was reviewed in relation to assessment:

- Training and assessment strategy – 10364NAT Certificate III in Spoken and Written English (delivery period 01.01.2016 – 30.09.2018)
- Audit related Courses Staff Matrix – 180309.xlsx
- Copies of qualifications and other documents related to vocational experience for assessors who had assessed learners included in the audit sample
- Completed assessments for three sampled learners for the following units:
 - *SWEEXC303A Comprehending and negotiating complex exchanges*
 - *SWENAR309A Comprehending and composing narrative texts.*

10366NAT Certificate IV in Spoken and Written English – Employment

The following was reviewed in relation to assessment:

- Training and assessment strategy – 10366NAT Certificate IV in Spoken and Written English (Employment) (delivery period 01.10.2013 – 30.09.2018)
- Audit related Courses Staff Matrix – 180309.xlsx
- Copies of qualifications and other documents related to vocational experience for assessors who had assessed learners included in the audit sample
- Completed assessments for five sampled learners for the following units:
 - *SWEWSJ404A Writing skills for jobseeking documents*
 - *FSKOCM08 Use oral communication skills to facilitate workplace negotiations.*

For *10364NAT Certificate III in Spoken and Written English* and *10366NAT Certificate IV in Spoken and Written English – Employment* there was insufficient evidence provided at audit to support that the RTO has consistently implemented an assessment system that ensured that all assessment has complied with all of the assessment requirements of the relevant accredited course

Evidence of non-compliance:

- It could not be confirmed from the evidence provided at the site audit that all of the organisation’s assessors who had assessed sampled learners, possessed all of the assessor competencies’ specified in the relevant accredited course. For both *10364NAT* and *10366NAT*, the courses specify that ‘assessors must be trained teachers with the following teaching qualifications:
 - a *A recognised bachelor degree – a formal qualification awarded by an Australian University or tertiary institution, or its onshore or overseas equivalent, that is at least three years full-time in length or its part-time equivalent and a recognised postgraduate TESOL qualification - resulting from a course of study in which course content has no less than 100 contact hours (or distance learning equivalent) covers the grammar of the English language, language learning and TESOL methodology and includes a practicum*
 - or**
 - A Bachelor of Education with a TESOL major or equivalent that includes a practicum*
 - and**
 - b *All assessment must be undertaken by assessors who meet the requirements stated to apply under the Standards for NVR Registered Training Organisations or the*

Australian Quality Training Framework (AQTF) in effect at the time at which assessment is conducted. This includes the necessary assessment competencies determined by the National Skills Standards Council (NSSC) or its successors in effect at the time of assessment.

NOTE: *The practicum must be at least 60 hours, which includes, for example, supervised teaching, observation, field visits, resources evaluation, team teaching, volunteer tutoring etc.*

If a course undertaken has less than 60 hours practicum, teachers must demonstrate teaching experience equivalent to 60 hours, or must make up the difference in duration by individually organising a supervised practicum. Appropriate documentation of such a practicum should be kept'.

Whilst the evidence provided supported that all assessors met the requirements applying under the *Standards for RTOs 2015* (b above), there was insufficient evidence available at audit to support that the RTO had confirmed that all of its assessors who had assessed learners in the audit sample for 10364NAT and 10366NAT had the competencies specified. For example:

- For one assessor the RTO provided a copy of the assessor's Bachelor of Arts, a record of studies undertaken as part of an incomplete Masters in Educational Studies and a copy of 10317NAT Certificate IV in Teaching English to Speakers of Other Languages. When asked to identify the "postgraduate TESOL qualification", the RTO's representative claimed that it 'had been determined that 10317NAT Certificate IV in TESOL is a postgraduate qualification as it was undertaken after her Bachelor level and on the basis that it is equivalent to any other course with TESOL in the title'.

Additional evidence provided on 3 May 2018 prior to the issuance of the audit report:

10364NAT Certificate III in Spoken and Written English

10366NAT Certificate IV in Spoken and Written English - Employment

- VET English trainers 180503 - Written response provided by RTO CEO, including web links to additional information
- Copies of qualifications and related documents for two assessors who had assessed learners included in the audit sample
- Copy of email and course information from TAFE Queensland confirming number of practicum hours for 39200QLD Vocational Graduate Certificate in TESOL.

In the written response, the RTO's CEO advised that one of the assessors who had assessed learners sampled at audit for the above courses, ceased teaching the courses 6 months ago.

The evidence provided has addressed the outstanding non-compliance. No further evidence is required.

BSB50215 Diploma of Business

The following was reviewed in relation to assessment:

- Training and assessment strategy – Training (sic) and Assessment Strategy (delivery period 27.01.2016 – 30.09.2018)
- Completed assessments for five sampled learners for the following units:
 - *BSBADM502 Manage meetings*
 - *BSBHRM501 Manage human resources*

BSB61015 Advanced Diploma of Leadership and Management

The following was reviewed in relation to assessment:

- Training and assessment strategy – Training (sic) and Assessment Strategy (delivery period 01.01.2015 – 30.09.2018)
- Completed assessments for five sampled learners for the following units:
 - *SWEWSJ404A Writing skills for jobseeking documents*

- *FSKOCM08 Use oral communication skills to facilitate workplace negotiation.*

10366NAT Certificate IV in Spoken and Written English – Employment

The following was reviewed in relation to assessment:

- As listed above.

For *BSB50215 Diploma of Business*, *BSB61015 Advanced Diploma of Leadership and Management* and *10366NAT Certificate IV in Spoken and Written English – Employment* the RTO's assessment practices are not compliant with the requirements of Clause 1.8 of *Standards for RTOs 2015* as the evidence did not support that the RTO has consistently implemented an assessment system that ensured that all assessment has been conducted in accordance with the principles of assessment and rules of evidence.

Evidence of non-compliant assessment practice includes:

- Review of completed student assessment for the above training products found some minor omissions, indicating the collection and recording of evidence and conduct of assessment activities have not always been undertaken consistently, thereby potentially compromising reliability in the conduct of assessment and collection of sufficient evidence to support assessment decisions. For example, the student declarations on some assessment items had not been signed, and for at least three learners assessment items were missing from the student's file.
- It is noted that the RTO representatives were proactive in undertaking action to commence remedying and rectifying the above matters when they were pointed out by the auditors during the site audit.