

2018 FOOD SAFETY SUPERVISOR COMPLIANCE REPORT

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Executive summary

The NSW Food Authority (The Food Authority) monitors approved Registered Training Organisations' (RTOs) performance and conduct delivering NSW Food Safety Supervisor (FSS) training using three monitoring strategies:

1. An annual audit program
2. Complaints investigation and compliance assistance
3. National Register of VET profile reviews, including current approvals, restrictions and training package scope.

Notable actions

Compliance issues are addressed through the RTO Management System, providing the means for Food Authority staff to action appropriate responses for incidents of non-compliance.

During the period 1 October 2017 to 31 December 2018 one RTO was suspended for failing to comply with instructions for audit. No other notable compliance issues occurred.

Audit results

The 2018 audit focused on assessing recently approved RTOs for adoption of the required supplementary training materials issued by the Food Authority. RTOs demonstrated high compliance with administration and adopting training materials, but there was an overall lack of integration of recent updates. Five RTOs received non-compliance notices, but all have demonstrated compliance since.

Recommendations

The Food Authority maintains a policy of continuous improvement in the Food Safety Supervisor program. The audit program provides an opportunity to adjust the program based on trends in compliance actions. Based on the results of the audit, the following recommendations have been developed:

1. Publish implementation document

The Food Authority is to write and publish an implementation document to be added to the RTO resource library (whether Dropbox or browser) that clearly describes how each supplementary resource is required to be adopted to achieve compliance with the conditions of approval.

2. Review and update approval documents

The supplementary materials required by RTOs has been amended and added to since the initial roll out in 2015. These materials are more complex to integrate than the first three focus areas so it is timely to review the instructions provided to RTOs upon approval into the NSW FSS program

Introduction

The Food Safety Supervisor (FSS) program delivers food safety training for retail and food service businesses in New South Wales. The program is delivered by training organisations approved by Australian Skills Quality Authority (ASQA) and the Food Authority.

Registered Training Organisations (RTOs) teaching the NSW Food Safety Supervisor are required to comply with the Conditions of Approval using the RTO management system (RTO system). The RTO system incorporates a framework for managing RTO non-compliance with requirements outlined in the *Food Act 2003* and the Food Regulation 2015. The Conditions of Approval ensure RTOs deliver quality training to food handlers, including NSW-specific training modules.

The Food Authority monitors RTOs compliance with the Conditions of Approval through approval processes, complaints investigation, and monitoring RTO's ASQA registration data. The Food Authority also conducts an annual audit project, reviewing the training, assessment, and administration materials of a sample of approved RTOs. The objective of these tools is to protect the integrity of the NSW FSS program and ensure RTOs act in accordance with the Authority's FSS program approval criteria and approval conditions (Appendix A).

The *2018 Food Safety Supervisor Compliance Report* (the Report) provides an overview for RTO performance, including the 2018 audit project and compliance incidents for the period 1 October 2017 to 31 December 2018.

Compliance Activities

The 2017-2018 compliance period revealed a continued reduction in non-compliances.

2018 Audit

The Food Authority samples several RTOs each year for the audit project as part of its program management. The 2018 sample was determined using the following criteria:

- Initial approval issued within the last 12 months (August 2017 to July 2018), and
- Where possible, avoid auditing RTOs audited in the last 12 months.

Eleven RTOs were chosen based on these criteria. The full list is can be found at Attachment 2.

Methodology

Since mid-2017 there has been higher than usual turnover with approved RTOs delivering the NSW FSS. At the same time, the Food Authority also rolled out updates to the *Allergen Management* module and implemented a fourth module; *Food Act Offences*.

Between these two events, it was identified that newer RTOs may not be receiving adequate instructions about the requirements for the key focus areas upon approval. This was of particular concern because the *Food Act Offences* module is not assessable for students but provides essential information about their legal obligations.

All eleven RTOs in the 2018 sample had been approved for less than 12 months at the commencement of the audit.

All selected RTOs were required to provide all training and assessment materials used to deliver FSS training within two weeks of receipt of their audit notice. Following delivery of training materials either via post, email, or online access, RTOs were also required to complete a compliance survey with a submission turnaround of 3 hours. One RTO failed to respond to required instructions.

Key Findings

One RTO voluntarily cancelled its approval before the audit was completed. This audit did not proceed due to the very low number of certificates issued during its approval.

One RTO was suspended for failing to comply with repeated directions to submit materials. The suspension is ongoing until the materials are received or the RTO nominates to cancel its approval.

Four RTOs achieved compliant notices, with only minor requirements to amend administrative processes or content.

Five RTOs received non-compliance notices because they did not have the required content included in their training materials. The content in question was the *Food Act Offences* module and mandatory Case Study assessment tasks. No breach for missing content was assessed as poor enough to warrant an intent to suspend.

All RTOs that completed the audit have successfully implemented all required corrections to their programs. The information provided by the RTO that cancelled its approval during the audit will be used as a training exercise to expand the Food Authority's FSS audit capacity.

Emerging Trends

The Food Authority is pleased to note administrative non-compliances reached a low of four instances across nine RTOs, a significant drop compared to all previous audits.

However, there were substantial inconsistencies over implementation of the supplementary Food Authority resources. This indicates the level of implementation advice is not adequate for newly approved RTOs. Updates to the Food Authority's resources have been delivered through email notification and upload to the secure Dropbox available to RTOs.

The *Food Act Offences* module was the least likely module to be included. This may be because it is the most recently released material, is non-assessable, and without receiving the introductory email, RTOs would not have advice on where the content should be taught.

Audited RTOs were also unlikely to have adopted the Case Studies as assessment tasks. This is another recent addition to the supplementary material that was rolled out as an update to the Key Focus Areas following audits identifying a lack of enough assessment material for the Key Focus Areas.

These issues will be addressed by reviewing the full range of information provided to RTOs upon approval into the program. It is anticipated an Implementation document will be developed to complement a general refresh of materials provided to approved RTOs.

Complaints and incidents

The Food Authority received two complaints between 1 September 2017 and 31 December 2018. These concerned RTOs failing to provide certificates to students within the required timeframe (10 working days). These were resolved by direct communication with the RTO in question. Neither complaint required further action.

The RTO Administrator, Licensing and Accreditation Services team and the Helpline continue to receive enquiries concerning options for recertification, RTOs updating their training delivery options, and administrative requirements and permissions from prospective RTOs.

Discussion

Current and Emerging Issues

The Food Authority is finalising roll out of a new RTO interface to replace the soon-to-be-obsolete *Smartform* system. The interface will digitise most FSS interactions with the Food Authority into a single browser-based portal. For compliance purposes this does not affect the existing management system.

It is intended that the new interface will provide an integrated library of resources for RTOs, which will streamline existing processes for providing these resources to RTO's.

2018 Audit

The 2018 audit demonstrated the key focus areas have widely adopted, but more recent additions to the supplementary material require clarification around their use. A general review of all implementation resources provided to RTO's is required, as is an implementation document for new RTOs.

The results also warrant a further review of approval letters and resources distributed to newly approved RTOs by the Licensing team, to ensure expectations about the additional resources are clear.

Recommendations

The results of the audit provide the Food Authority with only two, related recommendations this year.

Publish implementation document

The Food Authority is to write and publish an implementation document to be added to the RTO resource library that clearly describes how each supplementary resource is required to be adopted to achieve compliance with the conditions of approval.

Review and update approval documents

The supplementary materials required by RTOs has been amended and added to since the initial roll out in 2015. These materials are more complex to integrate than the first three focus areas so it is timely to review the instructions provided to RTOs upon approval.

Conclusion

Day to day compliance for the FSS program is high. There are few complaints from students about alleged misconduct and RTOs respond to Food Authority instructions and investigative enquiries in a timely manner. Non-compliances identified during the audit reflect the complexity of more recent additions to the key focus areas requirements. RTOs continue to demonstrate high co-operation when addressing non-compliance remediation instructions.

Appendix A

RTO Conditions of approval

The approved RTO must:

- a) comply with the requirements of the *Food Act 2003* and Food Regulation 2015 as they apply to the Food Safety Supervisor program
- b) comply with the RTO approval criteria as it applies to the Food Safety Supervisor program
- c) conduct Food Safety Supervisor training for the purposes of issuing Food Safety Supervisor certificates only with trainers agreed to by the Food Authority in writing
- d) notify the Food Authority in writing of any change to
 - i. contact details
 - ii. ownership of your registered training organisation
 - iii. the scope of registration as a training organisation (for FSS related units)
 - iv. trainers (including proposals to add new trainers and/or removal of current trainers)
 - v. method of delivery of the required units of competency
- e) not use recognition of prior learning (RPL) for the purposes of issuing a Food Safety Supervisor certificate, unless it is applied for the purposes of re-certifying a person that currently holds a Food Safety Supervisor certificate within the immediately preceding period of five years. not issue a Food Safety Supervisor certificate for circumstances under which the Food Authority will issue a Food Safety Supervisor certificate (as published on the Food Authority's website)
- f) use the Food Authority's SmartForm system to issue Food Safety Supervisor certificates to competent students
- g) issue the Food Safety Supervisor certificate within ten working days of assessing the student as competent for the prescribed Food Safety Supervisor units
- h) not subcontract any training conducted for the purposes of issuing an Food Safety Supervisor certificate to any non-approved RTO, or to a trainer that has not been accepted for your RTO by the Food Authority
- i) in compliance with privacy laws, notify enrolling students that personal information will be provided to the Food Authority
- j) limit class sizes to 30 students where face to face delivery of training for the purposes of issuing a Food Safety Supervisor certificate is conducted
- k) store blank Food Safety Supervisor certificate stationery in a secure location
- l) pay any amount due to the Food Authority under the *Food Act 2003* by the specified time
- m) not produce training or advertising material that inaccurately represents the requirements of the *Food Act 2003* and Food Regulation 2015
- n) use any resource / material / information required by the Food Authority, in training conducted for the purposes of issuing a Food Safety Supervisor certificate. This includes compliance with any prescribed focus areas identified by the Food Authority as prerequisites to the issue of a Food Safety Supervisor certificate.

- o) the Food Authority may conduct evaluations of RTO performance for quality assurance purposes. This may include 1) attendance of Food Authority staff at one or more training sessions conducted by your organisation and/or 2) request training and assessment materials
- p) the Food Authority may refer complaints, information and related material to the Australian Skills Quality Authority or any other person or body the Food Authority considers having a legitimate interest in receiving it.

If approved, the RTOs approval will remain in force for 12 months from the date of approval.

Approved RTOs will be published on the Food Authority's website.

RTO approval criteria

The approval criteria that Registered training Organisations (RTOs) must meet to be considered for approval under the Food Safety Supervisor program fall into three categories:

3. RTO criteria
4. RTO trainer criteria
5. Fees

1. RTO criteria

RTOs must:

- be registered with the Australian Skills Quality Authority (ASQA).
- offer the units of competency specified by the NSW Food Authority (the Authority) and published on the Authority's website (i.e. 2 x hospitality units or 1 x retail unit),
- not have restrictions placed on them by ASQA, or an equivalent national, State or Territory registering and course accrediting body, that impacts their ability to offer the specified units of competency.
- not have had their registration withdrawn or suspended in the last three years
- have been operating as an RTO continuously for at least one year prior to the submission of their application
- offer one or more delivery options (e.g. face-to-face, online, workplace based, correspondence, or a combination of these)
- issue NSW Food Safety Supervisor certificates on behalf of the Food Authority, in addition to the Statement of Attainment

2. RTO trainer criteria

Trainers and assessors must:

- a) meet appropriate requirements of the *National Standards for Registered Training Organisations (RTOs) 2015* made under the *National Vocational Education and Training Regulator Act 2011*.
- b) appropriate conditions for assessors provided in the required units of competency.

3. Fees

- The annual approval fee payable by RTOs to the Food Authority is \$1200 per year.
- An additional one-off initial processing fee of \$100 will also apply (non-refundable if application is not approved).
- Purchase the Food Safety Supervisor certificates from the Food Authority at a fee of \$30 per certificate.



