

# WORK HEALTH AND SAFETY ENTRY PERMIT HOLDER (WHS-EPH) TRAINING

## PROVIDER COMPLIANCE AUDIT TOOL

Monitoring conditions of approval of WHS-EPH training providers in the Commonwealth jurisdiction

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Australian Government

Comcare

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## DEFINITIONS

AOGP	Area of Good Practice—Identified best practice
Attachment 1	The application form in G1
Audit tool	<i>WHS-EPH training provider compliance audit tool</i>
Competent personnel	For the purposes of auditing WHS-EPH Training providers, competent personnel are defined as people with knowledge of the WHS Act and the conditions of approval and relevant experience. Relevant experience in this case would include both audit training and experience in workplace training and assessment.
Corporate governance	The process, by which organisations are directed, controlled and held to account. The term encompasses authority, accountability, stewardship, leadership, direction and control exercised in the organisation. It includes the transparency of corporate structures and operations, the implementation of effective risk management and internal control systems and the accountability of management to stakeholders.
Due diligence	Reasonable steps taken by a person in order to satisfy a legal requirement
Guidance 1 (G1)	How to become an approved provider of Work Health and Safety Entry Permit Holder (WHS-EPH) training for the Commonwealth jurisdiction—WHS-EPH training course guidance 1, 1 January 2012
Guidance 2 (G2)	WHS-EPH training course requirements—WHS-EPH training course guidance 2, 1 January 2012
Guidance 3 (G3)	WHS-EPH Training Courses—Post Approval Monitoring—WHS-EPH training course guidance 3, 12 September 2012
Natural Justice	Natural justice requires that Comcare adhere to fair decision making processes that involve procedural fairness when an administrative decision it makes might adversely affect the rights, interests or legitimate expectations of an individual or organisation.
OPI	Opportunity for Improvement—item does not meet conformance however improvement to align to best practice
Period of approval	Approval is granted for a period of up to five years.
TAE40110	Certificate IV in Training and Assessment
Training Provider	A training organisation, company or sole trader
WHS Act	<i>Work Health and Safety Act 2011 (Cth.)</i>
WHS-EPH	Work Health and Safety Entry Permit Holder

# INTRODUCTION

Work Health and Safety Entry Permit Holder (WHS-EPH) training material should be consistent with the underpinning principles and learning outcomes and will be approved subject to training providers meeting the conditions of approval. Providers must demonstrate ongoing compliance with these requirements throughout the duration of the approval period.

These requirements are outlined in:

- > *How to become an approved provider of Work Health and Safety Entry Permit Holder (WHS-EPH) training for the Commonwealth jurisdiction—WHS-EPH training course Guidance 1*, 1 January 2012
- > *WHS-EPH training course requirements—WHS-EPH training course Guidance 2*, 1 January 2012

These documents are generally referred to as Guidance 1 and 2 (or G1 and G2).

To ensure that WHS-EPHs are receiving quality training and providers are meeting their conditions of approval; approved WHS-EPH training providers are subject to monitoring by Comcare. The monitoring regime provides a framework for identification of areas to be improved and to recognise providers for good practice activities. This is set out in:

- > *WHS-EPH Training Courses—Post-Approval Monitoring outlines—Guidance 3*

Compliance audits cover the conditions of approval, learning outcomes and underpinning principles and are conducted during the term of approval. They may consist of an audit of training delivery, or administrative systems, or both, as determined by Comcare.

This *WHS-EPH training provider compliance audit tool* reflects the above requirements, expressed as audit criteria, and provides the means for assessing and reviewing compliance.

The *WHS-EPH training provider compliance audit workbook* provides an explanation for each of the audit criteria and examples of evidence that may assist in demonstrating conformance and compliance.

WHS-EPH training providers are free to use the audit tool and workbook as a means to self-assess.

## RELATED DOCUMENTATION

- > *WHS-EPH training provider compliance audit workbook*
- > *WHS-EPH training provider compliance audit report template*

## ADVICE AND ASSISTANCE

All enquiries about the WHS-EPH training provider audit tool and workbook should be directed to:

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# THE WHS-EPH TRAINING PROVIDER COMPLIANCE AUDIT TOOL

The tool is based on the requirements contained in Guidance 1 and 2.

The tool assesses WHS-EPH training providers' compliance against seven conditions of approval across 23 criteria:

1. Governance (six criteria)
2. Interaction with the Regulator (five criteria)
3. Record keeping (one criterion)
4. Accuracy and integrity of marketing (two criteria)
5. Strategies to provide quality WHS-EPH training (five criteria)
6. Strategies to adhere to the principles of access and equity and to maximise outcomes for WHS-EPHs (three criteria)
7. Audit and investigation (one criterion)

The audit looks at such things as:

- > the application of course administration procedures
- > the quality of training delivery
- > training facilities used for training delivery
- > application of adult learning principles
- > review of applicants' course evaluation forms
- > adherence with the approved course material
- > the provider's compliance with relevant work health and safety legislation.

## APPLYING THE AUDIT TOOL

### AUDIT PROCESS

The audit process involves a three stage process:

1. Preparation
  - > Notification of audit
  - > Audit scope
2. Audit
  - > Entry interview
  - > Documentation review, systems review and site visit
  - > Exit interview
3. Finalisation
  - > Report preparation
  - > Report finalisation

## 1. PREPARATION

### Notification of audit

The auditor will:

- > contact the training provider to advise that a compliance audit is to be undertaken
- > organise the timing of the audit process in consultation with the provider. > provide the training provider with a copy of the WHS-EPH training provider compliance audit tool and workbook.

### Familiarisation with approved course materials

The auditor will need to familiarise themselves with the approved course materials prior to undertaking the audit to verify compliance during training delivery observation.

### Audit scope

The scope of any compliance audit needs to be sufficient to produce reliable and robust findings and should be representative of the state of the training provider's overall training system.

If a training provider does not deliver training centrally then site selection of the training venue will be at the discretion of the auditor. The auditor will need to be satisfied that this site sufficiently represents the training venue locations usually used by the training provider and will produce reliable outcomes.

The administrative compliance review component of the audit involves examining a certain number of training records (see below table). It should be noted that these suggested timeframes are the minimum requirements. Where organisations are in the process of establishing their systems, the auditors may provide for more audit days.

Training participants in the previous 12 months	Suggested number of training records to be sampled	Approximate audit timeframe (excluding planning and report writing)
One-15	All	Up to two days
16-100	16	Two days
>100	30	Three days

The scope of the audit is confined to examining the current system to ensure the audit findings are timely and relevant. The audit sample should be confined to training provided in the 12 months prior to the audit date.

## 2. AUDIT

The audit tool contains 23 criteria grouped into seven elements. An auditor will judge whether each of these criteria has been met. This judgement is informed by the evidence provided to verify that the training provider's systems, procedures and policies exist and are appropriately and effectively implemented and administered. The types of evidence that the auditor may take into account include:

- > systems documentation such as policies, procedures, plans and contracts
- > training records
- > interviews with relevant personnel and/or training course participants
- > workplace observations

### Entry interview

The auditor will hold discussions with the training provider or their representatives to explain the purpose of the audit, the audit process and the scope of the audit.

### Documentation review

To assist the auditor with evaluating their performance against the audit criteria, the training provider will need to collate their relevant documentation. The workbook will assist training providers to identify and prepare relevant documentation for the auditor.

The auditor will usually spend the first day of the audit reviewing this documentation. However, the auditor has discretion to request that the evidence be provided at an earlier date and be assessed off-site.

The privacy and confidentiality of all information collected for the purposes of the audit is protected under the *Privacy Act 1988* (the Privacy Act).

### Records review

After considering the documentation provided, the auditor will review the selected training records.

### Training delivery observation

During training session observations, we recommend that the trainer refrain from involving the auditor in class discussion. However, we suggest that the trainer introduces the auditor to the class and briefly explains the reason for their attendance, together with an assurance of the confidentiality of any interactions. This will enable participants to feel at ease and allow for open discussion.

### Interviews

The training provider will need to arrange a time for the auditor to meet with and interview relevant personnel who may include:

- > senior management
- > training coordinator
- > trainers
- > training course participants

The workbook identifies questions that the auditor may ask relevant personnel during the audit process to assess the extent to which policies and procedures are being followed in practice. Any information collected through interviews is protected under the Privacy Act and respondent confidentiality will be respected. Individual responses will not be made available to the training provider.



### Exit interview

Once the auditor has completed their review of documentation and records at the site they will provide the training provider with a verbal overview of the key audit findings. At this time the auditor will broadly identify areas where the system is working well and areas where improvement and/or corrective action are required. The auditor will also provide a timeframe for completing a draft audit report.

### 3. FINALISATION

The auditor will consider the evidence reviewed during the audit and prepare a draft report identifying how the training provider performed against the audit criteria. The training provider will receive the draft audit report for comment within 15 working days of when the auditor completed the audit. The training provider will need to provide the auditor with comments on the report within 15 working days of receiving the draft. The auditor will consider these comments and finalise the audit report within 10 working days.

### CORRECTIVE ACTION PLANS

The training provider is required to develop, within established timeframes, action plans to address any identified areas requiring corrective action and forward these plans to Comcare. The training provider is required to monitor improvements and inform Comcare accordingly.

The auditor will consider evidence of how non-conformances have been addressed and acknowledge the corrective action taken, either by reviewing documentation submitted by the provider or by visiting the provider again.

### PROFESSIONAL STANDARDS REVIEW

If the training provider disputes the audit findings or is dissatisfied with the manner in which the audit was undertaken by Comcare, they may request a review. Comcare adopts an escalating model of review and seeks to resolve all matters internally as a first priority—in all cases providing natural justice and procedural fairness to parties affected by audit. Comcare will seek to resolve your concerns in a two-staged process:

#### Decision-maker review

For audit findings, this stage occurs when the auditor considers any submissions made in relation to the draft report, and prior to the report being issued as final.

Any concerns in relation to the manner in which the audit was undertaken should be directed to the Director of Authorisation and Audit, Comcare.

#### Independent review

If dissatisfied with the results of the above process, then the training provider may request a professional standards review that will be formal and independent. The training provider should put their reasons for seeking review in writing to the General Manager, Regulatory Operations Group, Comcare. Applications should be made within 30 days of receiving the final audit report.

Comcare may conduct an independent review and if so, inform the determining authority of its progress within seven days<sup>1</sup>.

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<sup>1</sup> Refer to Schedule 8 of the Comcare Regulation Policy for more information

# AUDIT CRITERIA

## ELEMENT 1: GOVERNANCE

### Qualified trainers

- 1.1 The approved training provider ensures that only trainers with the requisite qualifications, skills and knowledge are engaged to deliver the approved course.
- 1.2 The approved training provider does not subcontract or on sell their approved provider status to a third party.

### Administrative arrangements

- 1.3 The approved training provider gives a training evaluation form to each participant upon completion of the approved course of training.
- 1.4 The approved training provider issues a Certificate of Attendance to each participant who completes the approved WHS-EPH training, within 10 working days of completion.
- 1.5 Certificates of Attendance contain the prescribed information.
- 1.6 The approved training provider ensures that those who have completed the training are provided with a replacement certificate of attendance, if required, on request.

## ELEMENT 2: INTERACTION WITH THE REGULATOR

### Cooperation and reporting

- 2.1 The approved training provider cooperates with any reasonable requirements from Comcare.
- 2.2 The approved training provider notifies Comcare, in writing, within 14 days of any change in details.
- 2.3 The approved training provider provides Comcare with a written report by 31 July each year detailing prescribed information.
- 2.4 The approved training provider provides assistance when Comcare is conducting an investigation into any complaints received.
- 2.5 The approved training provider acts with due diligence and in a manner consistent with Comcare's requirements.

## ELEMENT 3: RECORD KEEPING

### Record keeping

- 3.1 The approved training provider maintains prescribed records for seven years.

## ELEMENT 4: ACCURACY AND INTEGRITY OF MARKETING

### Marketing

- 4.1 The approved training provider provides WHS-EPHs with information about their legislative entitlement to select an approved training course.
- 4.2 The approved training provider ensures that its marketing and advertising of approved WHS-EPH courses is accurate and consistent with its approval by Comcare.

## ELEMENT 5: STRATEGIES TO PROVIDE QUALITY APPROVED WHS-EPH TRAINING

### Delivery of training

- 5.1 The approved training provider ensures that all training is delivered face-to-face, covers all learning outcomes and runs for approximately one day.
- 5.2 The approved training provider ensures that the facilities, equipment and training materials are consistent with the delivery requirements contained in the approved course, and are compliant with current work health and safety requirements.

### Trainer development

- 5.3 The approved training provider ensures that trainers participate in continuing development of their work health and safety and trainer skills.

### Training materials

- 5.4 The approved training provider has defined processes that ensure course materials remain current and technically accurate for the duration of the approval period.
- 5.5 The approved training provider provides an official hard copy of the WHS Act to all course participants.

## ELEMENT 6: STRATEGIES TO ADHERE TO THE PRINCIPLES OF ACCESS AND EQUITY AND TO MAXIMISE OUTCOMES FOR WHS-EPH

### Access and equity

- 6.1 The approved training provider provides WHS-EPHs with training and support services that meet their individual needs in line with adult learning principles and provides a safe and inclusive learning environment.
- 6.2 The approved training provider has a transparent and accessible process available to address WHS-EPH concerns and ensures complaints about the administration and/or delivery of the approved course a WHS-EPH attended are addressed effectively and efficiently.
- 6.3 The approved training provider ensures that the maximum number of participants attending each training date does not exceed 20.

## ELEMENT 7: AUDIT AND INVESTIGATION

- 7.1 The approved training provider cooperates with and assists Comcare staff or agents in any systematic audit or review of the approved training provider's conduct to ensure compliance with the conditions of approval.

## APPENDIX 1: TRAINING DELIVERY CHECKLIST

TABLE 1—Training delivery			
	Criterion		Comments/notes
Training information		Date	
		Trainer name/s	
		Day of training	
		Location	
Training environment	5.3	Checklist completed	
WHS	6.1	Emergency and evacuation	
Participant information	6.3	Number of participants	
	2.3	Participants are union members	
	3.1	Trainer/participants complete attendance sheet	
	1.3	Evaluation forms completed (depending on day of training)	
Course duration G1: 4.5  approximately 1 day face-to-face	5.1	Training start time Morning tea Lunch Afternoon tea Finish Additional breaks?	
Learning Outcomes	5.3	Course material is in line with LOs	
Resources	5.6	Participants given official hard copy of the WHS Act	
Accuracy	5.5	Course material is accurate and current	
Underpinning Principles G1: 4.6	5.1	WHS-EPHs are not formally assessed Adult learning principles Context Inclusivity Activity-based Accommodates differences in learning styles Learner-centred Commitment to safety	
Comcare	2.5	No disparaging comments against Comcare	
Trainer questions	5.2	How does the trainer deal with absenteeism?	
	1.4	How are certificates issued?	
	5.4	Are they involved in the continuous improvement of the course? How?	
	5.4	How do they remain up to date in WHS and training?	

Notes:



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