



Australian Government

Comcare

WHS ENTRY PERMIT HOLDER (WHS-EPH) TRAINING COURSES— POST-APPROVAL MONITORING

Guidance 3

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MONITORING COMPLIANCE WITH THE CONDITIONS OF APPROVAL—APPROVED PROVIDERS OF WHS ENTRY PERMIT HOLDER (WHS-EPH) TRAINING

INTRODUCTION

WHS-EPH training is approved subject to the course material being consistent with the Underpinning Principles and Learning Outcomes, and providers meeting the Conditions of Approval. Providers must demonstrate ongoing compliance with these requirements throughout the duration of the approval period.

These requirements are contained in:

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

These documents are generally referred to as Guidance 1 and 2.

PART 1—POST-APPROVAL MONITORING (AUDITS)

To ensure training is delivered in accordance with the Underpinning Principles and Learning Outcomes, and that providers continue to demonstrate compliance with the Conditions of Approval, a post-approval monitoring regime will be implemented by the Comcare Authorisations and Audit (A&A) team—the regulator of approved training courses.

The monitoring regime provides a framework for identification of areas to be improved, and to recognise providers for good practice activities.

1.1 TYPES OF AUDIT

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.

The audit may include:

- > observation of a training day
- > examining course materials for consistency with approved course materials
- > audit of administrative management systems including policies, procedures and records
- > examining participants' feedback.

Corrective action audits are undertaken where a previous audit has identified significant non-conformances. This audit is undertaken to verify that corrective actions identified and agreed through the compliance audit have been completed and are effective.

Investigation audits may be undertaken following receipt of a complaint.

1.2 FREQUENCY OF AUDITS

Compliance audits may be conducted at any time during the term of the course approval period to verify that the provider continues to comply with the Conditions of Approval and has maintained the systems and practices that were presented at the time of becoming an approved provider.

A provider can expect to be audited at least once during an approval period, depending on factors such as number of courses delivered, geographical representation, previous audit results, participant cohorts and number of complaints.

Corrective action and investigation audits will be undertaken on an 'as needs' basis.

1.3 AUDIT METHODOLOGY

The audit will be conducted in accordance with the five principles outlined in *AS/NZS ISO 19011:2003 Guidelines for quality and/or environmental management systems auditing*.

The principles are:

- a. ethical conduct
- b. fair presentation
- c. due professional care
- d. independence
- e. evidence-based approach.

Audits will be conducted using the audit tool and evidence guide for Comcare-approved WHS-EPH training courses. They will assess compliance with the Conditions of Approval, Learning Outcomes and Underpinning Principles, including:

- > 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.

Timing

We will work collaboratively with approved providers to ensure the audit process runs smoothly. Approved providers may be asked to provide copies of their training schedules in order for audits to be scheduled¹. We will ensure providers receive advance notification of any compliance audit.

The actual duration of a full compliance audit will depend on the nature and complexity of the audit. The auditor may visit both the provider's administration offices and training delivery sites.

¹ See condition of approval 4.2 in Guidance 1

The audit process

We will provide information and assistance so that providers can prepare for the audit. The provider will usually prepare by gathering evidence prior to the audit commencing, which ensures the audit runs smoothly and on time.

Once onsite the auditor will conduct an opening meeting to clarify expectations for the audit. The auditor will then begin collecting evidence to satisfy the audit criteria. Common types of audit evidence collected are:

- > systems documentation (policies, procedures, plans, contracts)
- > training records
- > interviews with key personnel
- > workplace observations.

At the conclusion of the audit, the auditor will conduct a closing meeting to deliver preliminary findings where applicable, and to advise the provider of the post-audit activities.

Course documentation and records

When the administration element of the audit commences at the provider's office, it is expected that the provider will have available all relevant course documentation and records to demonstrate compliance with requirements. The auditor will view and verify a range of documents and records, and may take copies as evidence of conformance or non-conformance.

Interviews

The auditor may conduct interviews with relevant personnel, including the training coordinator.

Facilities for conduct of audit

To minimise disruption to a provider's workplace during an administration audit, a quiet room with a table, chairs and access to power is requested.

During a training delivery audit, the auditors will need seats in the training room in order to observe the training. The auditors will try and minimise disruption to the class and it is recommended 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.

Audit findings and reporting

At the conclusion of the audit, the auditor will conduct a closing meeting to deliver preliminary findings where applicable, and to advise the provider of the post-audit activities.

The product of an audit is an audit report, which clearly identifies any deficiencies raised.

Dealing with non-conformances

In most cases the provider will develop a corrective action plan that addresses the deficiencies identified in the report, and we will continue to assist and monitor the provider during the implementation of the plan and completion of actions.

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.

PART 2—COMPLAINTS AND INVESTIGATIONS

If we receive a complaint from a WHS-EPH or person conducting a business or undertaking (PCBU) regarding an approved training provider, an investigation to gather evidence to verify the complaint may be undertaken. The scope of this investigation will depend on the nature of the complaint, and will be communicated to the provider. The provider will be given an opportunity to respond to the complaint prior to any response being issued.

Complaints should be made in the first instance by contacting:

WHS-EPH Course Approvals

1300 366 979

HSR.course.approval@comcare.gov.au

For more information on our complaints policy, please see our Complaints FAQ webpage at:

http://www.comcare.gov.au/about_us/contact_us/compliments_and_complaints/frequently_asked_questions_-_complaints

The investigation of a complaint may lead to a full or partial audit.

PART 3—SHARING INFORMATION ACROSS JURISDICTIONS

In line with harmonisation principles, we reserve the right to share information with other jurisdictions where a training provider has been approved or revoked.

PART 4—POWER TO REVOKE OR VARY A PROVIDER'S APPROVAL

Failure to rectify non-conformances may result in the provider being found to be in breach of the Conditions of Approval. This may result in the suspension or cancellation of the provider's approval status, or the approved course of training, or both.²

² See Part 6 of Guidance 1

PART 5—COMCARE’S REVIEW PROCESS

We will send any notice of intention to suspend or cancel a training provider’s approval status to the provider in writing at least seven business days before the decision is final.

The provider will be offered the opportunity to provide us with further information in that seven days before the approval status is suspended or cancelled.

The requirements for the prescribed WHS-EPH training can be found in Part 2.4 of the *Work Health and Safety Regulations 2011* (WHS Regulations).

Regulation 25 states:

“(2) The training must include providing the participant with information about the availability of any guidance material published by the regulator in relation to the Act and these Regulations.

(3) For the purpose of approving training, the regulator must have regard to all relevant matters, including:

- (a) the content and quality of the curriculum, including its relevance to the powers and functions of a WHS permit holder;
- (b) the qualifications, knowledge and experience of the person who is to provide the training.

Note Under section 33 of the *Acts Interpretation Act 1901*, the power to approve training includes a power to revoke or vary the approval.”

However, under clause 1.4 of Guidance 1, we will undertake an internal review of the decision, if requested.

We may advise other relevant jurisdictions of our decision and make information available to other jurisdictions under harmonisation principles.

PART 6—REINSTATEMENT OF APPROVED TRAINING PROVIDER STATUS

Following a period of cancellation, an organisation can apply to Comcare for re-approval.

We will assess the application in accordance with the approval process outlined in Guidance 1.

MORE INFORMATION

For more information about this policy, or about the WHS-EPH training course approval process, please contact:

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Authorisation & Audit Team

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