

# Review of Training at SafeWork NSW

Independent Review of SafeWork NSW

5 December 2023

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# Executive Summary

SafeWork NSW is responsible for preparing, and in some cases delivering, various training programs. This includes:

- the New Inspector Training Program (NITP) delivered to new inspectors at SafeWork NSW
- Health and Safety Representative (HSR) and Entry Permit Holder (EPH) training delivered to HSRs and EPHs by third party training providers
- Triage training provided to members of staff at SafeWork NSW involved in triaging the notifiable events and requests for service received by SafeWork NSW as part of its regulatory role.

In 2023, the NSW Government commissioned an organisation-wide 'Independent Review' of SafeWork NSW. This is the first whole-of-organisation review conducted since SafeWork NSW was established in 2015.

The Hon. Robert McDougall KC (supported by junior counsel and other team members) is conducting the Independent Review into SafeWork NSW (the Review). The Review aims to examine SafeWork NSW's performance of its regulatory functions under the WHS Act in accordance with Terms of Reference set by the NSW Government.

This report is prepared in support of the Review. It seeks to answer the following key questions related to SafeWork NSW's preparation and delivery of training:

*"Is the training for the New Inspector Training Program, Health and Safety Representative Training, Entry Permit Holder Training and staff performing triage functions well designed and effective in building capability? In what ways can they be enhanced?"*

## **Each type of training was tested against a good practice framework**

SafeWork NSW plays a different role in each of the types of training considered in this report:

- The NITP is delivered by SafeWork NSW to its staff, drawing on an externally regulated Diploma program, as well as internally developed content.
- SafeWork NSW creates the content for HSR training, while its peer organisation SafeWork Australia creates the content for EPH training. However, SafeWork NSW is responsible for approving third party organisations to deliver both EPH and HSR training, and for providing oversight over this delivery.
- Triage training is developed and delivered entirely in-house by SafeWork NSW. However, this training is largely informal and focused onboarding new staff into the organisation.

To effectively review three distinct types of training program – each of which sees SafeWork NSW play a different role – a good practice framework has been created. This framework draws on insights from training theory, and examples of effective work by other organisations, to establish what 'good' looks like in terms of training design, content, delivery and oversight.

Conclusions relating to the strengths and weaknesses of each of the three types of training have been established through research, consultations and analysis conducted by reference to this framework.

### **The New Inspector Training Program is an appropriate program that produces the right outcomes for SafeWork NSW and its inspectors**

The NITP represents a significant investment in the development of the capabilities of new inspectors. Over the course of a 12 month program, it provides inspectors joining SafeWork NSW with an appropriate suite of skills training and practical learning opportunities. The NITP has been developed in line with good practice and appears fit for purpose for SafeWork NSW's needs.

The NITP equips prospective inspectors with the right set of skills and capabilities to perform their role. It does so efficiently and effectively. The delivery of the program is also highly responsive to feedback and input from the prospective inspectors that undergo the training. In addition, staff undertaking the NITP are appropriately assessed on their learning from the program.

The NITP is also grounded in appropriate content and training material. The program is centred around the delivery of a 'Diploma of Government (Workplace Inspection)' qualification. This diploma is the most appropriate qualification of its type available. It is also appropriately augmented by tailored information directly related to SafeWork NSW's work.

A key improvement opportunity for the NITP relates to SafeWork NSW's ability to test the practical uplift in skills it delivers. Currently there is no formal evaluation of whether the program has an impact on the performance of inspectors in practice. Enhancing the data collection and analysis undertaken in respect of the NITP and inspector capabilities would allow SafeWork NSW to best iterate the content and delivery of the NITP over time.

### **The content and structure of HSR training is broadly right, while the content of EPH training could be improved**

The training available to HSRs is appropriate for their learning and development needs. The training for HSRs is also closely aligned to good training practice. SafeWork NSW is responsible for the development of this training material. It recently engaged with relevant groups (including training providers) to collect insights on the strengths and weaknesses of the program. It then engaged in an extensive redesign of training to ensure that it aligns to good practice.

The training available to EPHs is created outside of SafeWork NSW. The coursework is accurate to relevant laws and is appropriate from a content perspective. However, it is only a one day course and the course materials have not been subject to redesign since 2012. This means that the training for EPHs does not closely align to good learning and development practice. This training should be updated, following engagement with relevant stakeholders. However, this is likely a matter for SafeWork Australia.

### **Approval of providers of HSR and EPH training is appropriate, however oversight of these providers should be strengthened**

The mechanisms applied by SafeWork NSW to determine if providers of HSR and EPH training should be approved are appropriate. SafeWork NSW has a clear assessment framework and it applies this framework consistently to test prospective providers. Providers of HSR and EPH training are not approved unless they have the ability and capacity to appropriately understand and deliver the relevant training materials.

However, SafeWork NSW does not exercise sufficient oversight over these providers once they have been approved. SafeWork NSW has only limited resources available to provide oversight of providers. Further, this effort is focused on ensuring the organisations remain appropriate to be approved training providers. SafeWork NSW does not focus sufficiently on ensuring that the delivery of HSR and EPH coursework drives meaningful learning outcomes for HSRs or EPHs, or that it helps them work in practice.

**Training for triage staff drives appropriate outcomes, however it is not sufficiently formalised or able to be scaled**

Training of staff involved in triage at SafeWork NSW should become more formalised and rigorous over time. Formal training for staff involved in the triage process is limited to the 'induction' training they receive upon joining SafeWork NSW. On-the-job learning is the primary way most staff involved in Triage build competency. While this approach has worked to-date, it is difficult to scale and does not provide the right level of consistency between staff involved in triage processes. Training approaches should therefore be formalised and subject to greater oversight.

# Summary of improvement suggestions

## Draft improvement opportunities for New Inspector Training Program (NITP)

Improvement opportunity	Details
<b>1 Seek to achieve greater consistency in mentoring and field work opportunities</b>	<p>Inconsistent delivery of the field work component and variability in mentor supports detracts from the effectiveness of this training and has the potential to perpetuate poor practices. Into the future, SafeWork NSW should work to ensure that:</p> <ul style="list-style-type: none"> <li>NITP mentors are selected based on their capability to effectively support mentees, as well as their willingness to engage actively and extensively to support the success of the NITP,</li> <li>NITP mentors are selected based on their demonstrated history of embodying the ethics, values, attitudes, capabilities and adherence to procedure expected of inspectors at SafeWork NSW,</li> <li>New inspectors are assigned to teams that have both the capacity to support the training elements required by the NITP and have sufficient work, of the right type, to support the development required by the NITP candidate at that stage of their training, and</li> <li>New inspectors are supervised by sufficiently experienced staff with a history of delivering in line with the expected ethics, values, attitudes, capabilities and adherence to procedure expected of inspectors at SafeWork NSW.</li> </ul>
<b>2 Continue to focus on the workforce planning required to enable the best possible teaching and learning experience.</b>	<p>SafeWork NSW should continue to focus effort on workforce planning to enable the best possible teaching and learning outcomes. Capacity planning should be considered to reduce risks associated with increasingly high workload of inspectors and ensuring students receive active engagement from their mentors and assessors. Although staff are managing workloads currently, there are risks associated with the current operating structure as the program has expanded considerably in recent years. SafeWork NSW RTO should consider alternate models of delivering training, such as receiving external support to facilitate components of the program to manage the workload of existing Inspectors involved in delivering the NITP.</p>
<b>3 SafeWork NSW RTO should review its assessment attempt approach to ensure it continues to meet good practice.</b>	<p>Insights from previous and current NITP participants suggests an opportunity for rebalancing the assessment approach where there is a good mix of academic rigour, adult learning principles, and not being overly burdensome for either assessors or participants is achieved. The current assessment approach introduces the risk of participants relying on multiple resubmissions to complete assessments without initially investing adequate time for tasks. This potentially could reduce the ability of SafeWork NSW to understand if participants are meeting desired learning outcomes.</p> <p>SafeWork NSW should review the level of detail applied in providing feedback. This approach should have an emphasis on balancing opportunities to implement assessor feedback and academic rigour, while minimising excessive burden on assessors and participants. This will ultimately support more accurate critical assessments of participants against learning outcomes, aligning with good practice.</p>
<b>4 Fully implement a framework to assess the impact and outcomes the NITP is delivering and for sustaining organisational capability over time.</b>	<p>Conducting an ongoing assessment of staff capabilities against the areas the NITP develops helps to:</p> <ul style="list-style-type: none"> <li>Validate the impact and effect of the program</li> <li>Ensure it continues to represent a valuable investment of resources</li> <li>Drive consistency in organisational practice across SafeWork NSW by ensuring inspectors are regularly re-assessed in terms of their competency against the good practice standards of the NITP</li> </ul>



Improvement opportunity	Details
	<ul style="list-style-type: none"> <li>Identify requirements for remedial or refresher training when gaps in staff knowledge are identified.</li> </ul> <p>SafeWork NSW has developed a 'Health Check' program that assesses the performance of inspectors following the completion of the NITP. This program is designed to inform refresher training for inspectors as part of ongoing professional development through the Inspector Continuing Professional Development (ICPD) program.</p> <p>The 'Health Check' program does not yet amount to an ongoing evaluation and assessment of the performance of the NITP. Nor is it yet a full assessment of the capabilities and training requirements of inspectors – or of how effective the NITP was in building their initial capability.</p> <p>SafeWork should continue to develop and implement the Health Check program, and similar evaluation tools and approaches, to measure the impact, outcomes and efficacy of the NITP program more fully. This process should include the capture insights on the performance of the NITP, the knowledge and capability of recent graduates, and identify areas of further learning for Inspectors.</p> <p>Lessons from this assessment process should be used to inform the design of the NITP as it evolves over time. They should also be used to design and to target remedial and refresher training to ensure consistent standards are maintained by staff across the organisation.</p>

#### Draft improvement opportunity for Health and Safety Representative Training (HSR)

Improvement opportunity	Details
<b>5 Institute formal assessment for HSR training participants</b>	<p>A core part of the value of the HSR training program is the nature and extent of the skills and knowledge it provides to current and prospective health and safety representatives. At present, SafeWork NSW has no practical ability to test whether the HSR training program is meaningfully increasing the knowledge and capability of participants. Instituting a formal assessment task for the program, with appropriately anonymised results reported back to SafeWork NSW would help to address this gap. It would also enable a cycle of continuous improvement, where future changes to the program could be driven by trends in assessment data.</p>

#### Draft improvement opportunity for Entry Permit Holder Training (EPH)

Improvement opportunity	Details
<b>6 EPH training should be updated to reflect more contemporary training practices, however this may not be the responsibility of SafeWork NSW</b>	<p>Current Entry Permit Holder training is adequate, but could be better aligned to good practice for contemporary training design. It should be expanded in scope and timeframes to enable a more comprehensive suite of information to be provided to prospective entry permit holders. In addition, formal assessment should be built into the training to ensure that prospective entry permit holders are assessed on the knowledge they acquire from the training.</p> <p>However, it is noted that the current suite of EPH training materials was developed by SafeWork Australia. Updates to these materials may be the responsibility of SafeWork Australia. It is also noted that SafeWork NSW is not currently resourced to make updates to the EPH training materials.</p>

## Draft improvement opportunities for HSR and EPH Training

Improvement opportunity	Details
<b>7 SafeWork NSW's approval process for providers of EPH and HSR training should continue to be more focused review and continuous improvement process.</b>	<p>SafeWork NSW's decisions to approve providers of EPH and HSR training are made in isolation from one another and are not subject to sufficient external oversight. SafeWork NSW should continue to implement a formal process of selecting a percentage of these decisions for review by a team or manager separate to the TACS team.</p> <p>In parallel, SafeWork NSW should also seek to continue to capture insights through collecting longitudinal data about the performance of providers approved to deliver training over time. Insights collected from multiple providers over time should be used to inform changes to the framework and criteria used by SafeWork NSW to approve providers, to ensure that lessons from actual experience are continually used to inform approval decisions.</p>
<b>8 Increase current oversight resources and consider an expansion to supervising student outcomes over time</b>	<p>Maintaining appropriate oversight over the delivery of HSR and EPH training programs will require additional resources for SafeWork NSW. If it is determined by the independent review that greater or closer oversight over HSR and EPH training provision is required, SafeWork NSW would either have to deprioritise its supervision of other training programs or seek additional resources from government. As its supervision of other training programs is also important, additional resources are likely to be required. An expansion of the TPV Unit would allow for more EPH and HSR training providers to be reviewed each year.</p>

## Draft improvement opportunities for Triage Training

Improvement opportunity	Details
<b>9 Formal triage training materials should be prepared and then regularly refreshed</b>	<p>Training materials should be prepared to support new starters when they join either the SWAS Contact Centre or Triage advisor teams. These materials should contain a summary of relevant triage procedures and standards. They should also be formatted in a way to support self-directed learning by either new starters or existing staff. These materials should be supported by designs for training sessions and coaching to be delivered to new starters by existing staff.</p> <p>All of this material should be revisited and (where necessary) revised at least once every two years. Procedures should also exist to ensure that training materials always contain a current version of any triaging standards or frameworks that are updated on an annual basis (e.g., a list of high-profile focus areas for triage). These training materials can then be used to form the basis of a potential formal training program for new members of either the SWAS or Triage advisor teams.</p>
<b>10 Simple triage skills assessments should be administered for new starters post training and for existing staff before they deliver training</b>	<p>A simple assessment tool should be developed to test the triage related skills and capabilities of staff at SafeWork NSW. This tool should be designed to present staff with relevant scenarios and problems that leverage their triage skills. It should then use multiple choice answers (or other similar, objective, tests) to establish their level of competency. A minimum score threshold should be established below which a staff member may be required to engage in refresher training for their triage skills.</p> <p>This assessment tool should be used to assess all new starters in the SWAS, Triage advisor and RCEU teams at a designated point in their first six months in the organisation. Further, the assessment tool should be used to test experienced staff prior to their delivery of triage training or coaching support to new starters. The assessment tool should also be used for inspectors moving into roles with supervisory responsibility over triaging decisions.</p>



# 1 Background to this report

SafeWork NSW is the statutory body responsible for regulating workplace health and safety within New South Wales. It administers and enforces functions primarily under the Work Health and Safety Act 2011 (NSW) (WHS Act) and offers the following services: <sup>1</sup>

- Advice on improving work health and safety,
- Provides licences and registration for potentially dangerous work, and
- Investigates workplace incidents and enforce work health and safety laws in NSW.

In 2023, the NSW Government commissioned an organisation-wide 'Independent Review' of SafeWork NSW. This is the first whole-of-organisation review conducted since SafeWork NSW was established in 2015.

The Hon. Robert McDougall KC (supported by junior counsel and other staff) is conducting the Independent Review into SafeWork NSW (the Review). The Review aims to examine SafeWork NSW's performance of its regulatory functions under the WHS Act in accordance with Terms of Reference set by the NSW Government. An Interim Report was provided to the Minister in May 2023 and the Final Report will be provided in November 2023.

This document is designed to support the Review. It considers and responds to the review focusses on three discrete areas of training within SafeWork NSW's education function. It directly responds to the scope of the Review within point (2) of the Terms of Reference<sup>2</sup>. It is one of three documents prepared by Nous Group to support the Final Report for the Review. The second document reviews current triage and Investigation and Decision Making Panel (IDMP) processes in SafeWork NSW and responds to point (1) in the Terms of Reference for the Review.

This report answers the key review question:

*"Is the training for the New Inspector Training Program, Health and Safety Representative Training, Entry Permit Holder Training and staff performing triage functions well designed and effective in building capability? In what ways can they be enhanced?"*

In addressing this question to assess the design and effectiveness of the training programs, this report asked:

- **What does good practice look like for training programs in this context?** This includes research into the design, deliver and oversight of training to form an understanding of what good practice is for training programs in a regulatory environment.
- **To what extent do the select training programs align to good practice?** This includes an assessment of the training programs against relevant good practice principles.

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<sup>1</sup> SafeWork NSW, 'What we do', <https://www.safework.nsw.gov.au/about-us/what-we-do>

<sup>2</sup> Terms of Reference – Independent Review of SafeWork NSW, <https://www.nsw.gov.au/departments-and-agencies/department-of-customer-service/publications-and-reports/terms-of-reference-independent-review-of-safework-nsw>

- **What happens in practice in these training programs at SafeWork NSW?** This includes assessing how the training is delivered in practice, what the experiences of staff and training participants are, and an assessment of the impact delivered by the training programs.
- **What are the areas for improvement?** This includes understanding the strengths and difficulties of the current approach as well as opportunities for improvement.

## 1.1 This report critically assesses the performance of three types of training provided or supported by SafeWork NSW

SafeWork NSW develops and delivers a range of internal and external training programs on work health and safety, following their obligations under the Workplace Health and Safety Act of 2011 (WHS Act). This report focusses on three areas of training within SafeWork NSW's education function.

- **The New Inspector Training Program (NITP)** is a 12-month internal training program preparing new inspectors employed by SafeWork NSW with the skills and knowledge to perform duties of a SafeWork NSW Inspector.
- **Health and Safety Representative (HSR) & Entry Permit Holder Training Program (EPH) Training** provides participants with the skills to represent workers on health and safety matters within industry per their functions under the WHS Act.
- **Triage Training** educates SafeWork NSW's Triage Advisors and staff in the Response Coordination and Enforceable Undertakings (RCEU) on triage principles.

The scope of SafeWork NSW's involvement in training varies by training area. Figure 1 provides an overview of SafeWork NSW's role across the three training areas and intersections with other entities. For NITP, SafeWork NSW designs, delivers and oversees overall training, however, ASQA has oversight over the formal qualification component of the training. HSR and EPH training design is developed by SafeWork NSW and SafeWork Australia, respectively. Delivery is done externally, with SafeWork NSW responsible for reviewing, approving and overseeing Approved Training Providers (ATPs) to deliver this training. Triage training is largely informal and conducted internally with training design, delivery and oversight provided SafeWork NSW.

Figure 1 | Overview of SafeWork NSW's role across three training areas

TRAINING AREAS AND RESPONSIBLE ENTITIES				
TRAINING DIMENSIONS	NEW INSPECTOR TRAINING PROGRAM		HEALTH AND SAFETY REPRESENTATIVE AND ENTRY PERMIT TRAINING	TRIAGE TRAINING
	DESIGN	SafeWork NSW	HSR: SafeWork NSW EPH: SafeWork Australia	SafeWork NSW
	DELIVERY		Approved Training Providers	
	OVERSIGHT	SafeWork NSW with accreditation oversight from ASQA	SafeWork NSW	

This report focusses on assessing aspects of the selected training program that SafeWork NSW is accountable for. These areas of focus across six training domains are summarised in Figure 2. Further details on the six training domains are provided in Section 1.2.

Figure 2 | Key focus areas on this review across training programs

	DESIGN	CONTENT	DELIVERY	ASSESSMENT	IMPACT	EVALUATION
NITP	✓	✓	✓	✓	✓	✓
HSR & EPH	✓	✓				✓
TRIAGE TRAINING	✓	✓	✓	✓	✓	✓

For the NITP, our report is focused on:

- High level observations on training and assessment materials with a particular focus on how effectively training materials are tailored to the support foster capabilities specific to the role of an Inspector at SafeWork NSW, and
- Detailed insights on the delivery, impact, and evaluation of the NITP.

Therefore, our analysis of SafeWork NSW's education function is focused on all six training domains (refer to Figure 3).

For the HSR & EPH training programs, our report is focused on:

- Detailed observations and insights on the content produced for ATPs,
- Detailed insights on the process for approving training providers to deliver training and processes for assessing the ongoing suitability of ATP's,
- Insights on evaluation processes for adjusting training materials, and
- Insights related to the delivery and impact of the training programs are out of scope as they are not the responsibility of Safe Works education function. However, this report reviews processes conducted by the Third Party Verification Team within SafeWork NSW to verify the delivery of training programs.

For training provided to staff involved in Triaging, our report is focused on:

- Detailed observations on the design and content of training materials provided,
- Insights related to the processes involved in supporting Inspectors and Triage staff involved in triaging processes, and
- Insights related to mechanisms for supports triaging staff on an ongoing basis in a formal and informal capacity.

## 1.2 SafeWork NSW's performance has been tested against a good practice framework

The delivery of training to staff, and the preparation of training packages for external providers, are well established areas of practice. Nous has deep experience in working in each of these areas across multiple government and private sector organisations. As part of this work, we have established features of good practice for each of the six 'Domains of Training' set out in Figure 3<sup>3</sup>.

Figure 3 | Six domains of training



These good practice features have been developed drawing on:

- **The Four Es of learning model to design a learning experience** - A conceptual framework that encompasses different elements that form formal and informal learning experiences<sup>4</sup>
- **Nous' Approach to design a learning experience** - Internally developed approach that articulates principles and requirements for designing a learning experience<sup>5</sup>
- **Academic research of factors in effective learning** – Review of research articulating components that help learning programs succeed<sup>6</sup>
- **Nous' learning evaluation model** – Internally developed model that relies on academic evaluation models of learning and development<sup>7</sup>

A summary of good practice features for each of the six 'Domains of Training' is set out in Table 1.

Table 1 | Good practice features across six training domains

Domain	Features of good practice	Indicators that good practice is being met
Design of training	Good design requires a targeted and structured approach to develop the skills and knowledge required for a particular role with deep consideration in how formal and informal learning experiences interact to uplift capability.	<ul style="list-style-type: none"><li>• <b>Obligation Alignment</b> - Training is aligned to legislative and regulatory obligations</li><li>• <b>Adult learning principles</b> - Coursework is delivered using principles and requirements that empathise with the audience and their unique learning needs</li><li>• <b>Clear definitions</b> - Design is centred around learning objectives that are clearly defined, measurable and achievable</li></ul>

<sup>3</sup> Nous' six domains of training for regulators

<sup>4</sup> Research adapted from Bersin's research and continuous learning model 2016, <https://action.deloitte.com/insight/1559/get-to-know-our-continuous-learning-model>

<sup>5</sup> Nous Learning & Development Intellectual Property

<sup>6</sup> Thalheimer, Will. "The decisive dozen: research background abridged." (2013).

<sup>7</sup> Nous L&D Intellectual Property – Primary sources: Kirkpatrick, D.L., & Kirkpatrick, J.D. (1994). *Evaluating Training Programs*, Berrett-Koehler Publishers, Phillips, J. (1996). *How much is the training worth?* *Training and Development*, 50(4),20-24

Domain	Features of good practice	Indicators that good practice is being met
Training content	Good practice content is high quality, engaging and detailed. Emphasis is put on key content which is logically sequenced and intuitive to support navigation.	<ul style="list-style-type: none"> <li>• <b>Comprehensive Content</b> - Training content comprehensively and accurately covers all key content in a sequential manner in units/modules</li> <li>• <b>Well-structured content</b> - Training materials emphasise importance of key concepts, correct conceptions and application of key issues</li> <li>• <b>Clear language</b> - Language used in training materials is concise and clear for participant literacy levels</li> <li>• <b>Tailored content</b> - Training content presentation is tailored to the role's context and supports practical teaching approaches</li> </ul>
Training delivery	Good practice training delivery focuses on a structured approach to facilitating learning sessions. This also includes how classroom delivery supports and enhances practical learning experiences.	<ul style="list-style-type: none"> <li>• <b>Appropriate facilitators</b> - Delivery should be done by individuals with relevant technical knowledge, industry experience and facilitation skills</li> <li>• <b>Interactive delivery</b> - Delivery should be in an interactive manner, emphasising active reflection and consolidation of knowledge.</li> <li>• <b>Supporting diverse learners</b> - Delivery should set up learners to perform duties to a high standard with consideration for unique learning styles and accessibility</li> </ul>
Assessment and reinforcement	Good practice assessment and reinforcement provides a strong understanding of learning objectives, performance and is essential for understanding whether the training program is meeting desired outcomes	<ul style="list-style-type: none"> <li>• <b>Diverse assessments</b> - An assessment strategy that clearly articulates a diverse range of assessment techniques for each unit of competency</li> <li>• <b>Practical assessments</b> - Assessments should be skills-based in practical environments that tests theoretical knowledge and application</li> <li>• <b>Learning reinforcement</b> - Assessments should assess capability over time to ensure learning is consolidated with a focus of reinforcement (e.g., social learning)</li> </ul>
Impact of learning programs	A good practice approach requires objective measurement of outcomes which may be supported by less tangible measures that indicate training is achieving desired outcomes	<ul style="list-style-type: none"> <li>• <b>Clear impact</b> - Effective training programs influence participant behaviour sustainability and contributes to organisational and regulatory outcomes</li> <li>• <b>Comprehensive impact</b> - Training impact should be assessed qualitatively and quantitatively to ensure outcomes are met immediately and over time after the program</li> <li>• <b>Relevant learning outcomes</b> - Engage training participants to ensure program is relevant and developed their capabilities in their role through multiple feedback channels</li> </ul>

Domain	Features of good practice	Indicators that good practice is being met
Evaluation and assessment	Good practice involves enabling a positive learning culture by proactively and reactively assessing the program across key dimensions. These assessments should encourage feedback in a safe manner	<ul style="list-style-type: none"> <li>• <b>Comprehensive evaluation</b> - Evaluation should cover the key areas of learner reaction, knowledge and skills of employees, application of skills, business impact and ROI</li> <li>• <b>Conducive feedback environment</b> - Measurement of training program should be done in a safe environment through multiple methods</li> <li>• <b>Review of training providers</b> - Evaluation should include a comprehensive review of training providers</li> <li>• <b>Review of trainer capability</b> - Trainer capability is actively reviewed based on proactive and reactive assessment processes</li> </ul>



## **Part 1 – The New Inspector Training Program**

## 2 The NITP represents an appropriate training program for inspectors

In line with the good practice framework outlined above, the New Inspector Training Program (NITP) is fit for purpose and aligns to good practice. This is because the NITP:

- Equips prospective inspectors with the right skills required to perform their role, including providing them with the most appropriate available diploma qualification.
- Delivers these skills efficiently and effectively to prospective inspectors.
- Evaluates the skills of prospective inspectors appropriately.
- Has been updated in response to staff and manager feedback.

However, SafeWork NSW's oversight and knowledge of the skills the NITP actually equips inspectors with could be improved.

### 2.1 Background to the NITP

SafeWork NSW is reliant on the skills and capabilities of its inspectors to ensure it can effectively perform its regulatory functions. Maintaining a 300+ person, highly specialised, inspectorate requires SafeWork NSW to regularly hire new staff as inspectors.<sup>8</sup> Changing demographics in recruitment mean that at least some new inspectors will join the organisation with only a very limited background in workplace safety and inspection techniques.<sup>9</sup> Therefore, an effective 'New Inspector Training Program' (NITP) represents a critical tool for ensuring that all inspectors at SafeWork NSW have the skills and capabilities to perform effectively.

SafeWork NSW's NITP is a 12-month compulsory training program provided to all new inspectors recruited by SafeWork NSW. This program is administered by SafeWork NSW's registered training organisation (RTO), situated within the Business Capability team of the Regulatory Engagement directorate.<sup>10</sup> The program's purpose is to:

- Outline the role of a NSW public servant,
- Onboard new Inspectors into the role of an inspector,
- Provide training of relevant legislation frameworks, policies, specialist technical services and their application to the inspector role,
- Develop the participant's capability to safely discharge the responsibilities of the inspector role to a high standard, and
- Provide support and guidance to new inspectors as they progress through the NITP.
- Deliver the Diploma of Government (Workplace Inspection) as per the Inspector Industrial Award

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<sup>8</sup> Consultations with SafeWork NSW

<sup>9</sup> Consultations with SafeWork NSW RTO staff

<sup>10</sup> New Inspector Training Program 2023 Handbook

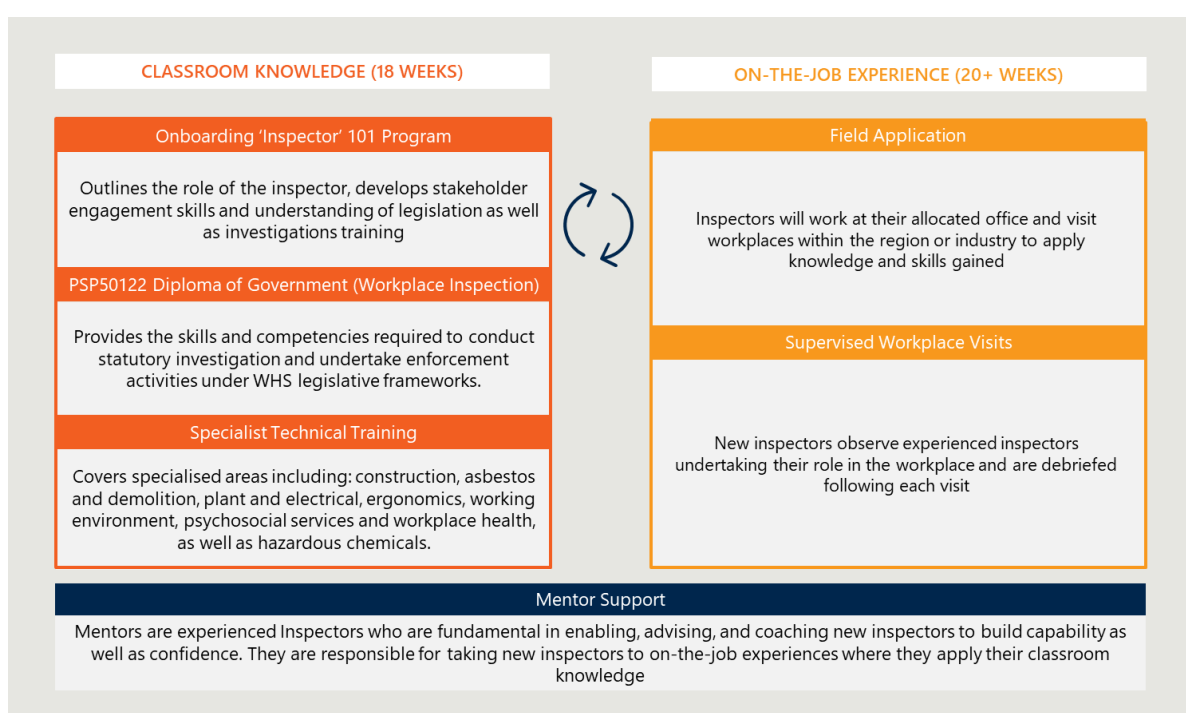
## Structure of the NITP

The program includes a mixture of formal and on-the-job training. This is generally delivered in alternating two-week training blocks of formal classroom-based training followed by on-the-job field training. There are approximately 18 weeks of classroom learning and at least 20 weeks of on-the-job development. This learning consists of six key components, as described in Figure 4.

Staff participating in this program are assigned Mentors – these are senior staff with experience as inspectors who provide advice to students as they progress through the program. These Mentors are key to facilitating on-the-job field training and application of classroom knowledge by students. They do so by assisting to arrange field activities/experiences for students and by providing students with feedback.<sup>11</sup>

Formal classroom training may be delivered face-to-face, virtually or in a blended learning environment. While on-the-job training, including field work, is always delivered in person.

Figure 4 | Key components of the NITP<sup>12</sup>



### NITP participants are onboarded through the Inspector 101 component.

The program begins with 'Inspector 101', a formal classroom-based training which serves to 'onboard' new inspectors.<sup>13</sup> This component covers the foundations of the inspector role, building a participant's understanding of their roles and responsibilities as an inspector. It also covers the role SafeWork NSW plays in the industry more broadly.

This is followed by an introduction to SafeWork NSW's working environment including an overview of internal systems, policies, and procedures. This part of the program covers the critical elements of work health and safety, workers compensation and injury management legislation and investigations training that inspectors are required to apply as part of their role. This component also covers the development of customer service and stakeholder engagement skills necessary for inspectors to succeed in the role.

<sup>11</sup> New Inspector Training Program 2023 Handbook

<sup>12</sup> New Inspector Training Program FAQs | May 2023

<sup>13</sup> New Inspector Training Handbook 2023

### **Completion of the Diploma of Government (Workplace Inspection) is required under the Inspector Industrial Award.**

The primary classroom based component of the NITP training program involves the delivery of the Diploma of Government (Workplace Inspection). The Diploma is tailored specifically to roles which require investigation and enforcement work to be carried out subject to work health and safety, workers compensation and injury management legislation. The qualification is part of a broader Diploma of Government,<sup>14</sup> with certain units required for specialisation and award under the Diploma of Government (Workplace Inspection). To complete the qualification at SafeWork NSW RTO, participants must successfully undertake 12 units of competency, comprising of five core units and seven elective units.

The core and elective units that can form part of the Diploma of Government are listed in Table 1 of Appendix B.

To achieve the Workplace Inspection specialisation, a student must complete four electives within the Workplace Inspection unit group, an elective within the Work Health and Safety unit group, and the remaining two from generic or other specialisation unit groups. SafeWork NSW specifies which of the 42 available electives students must complete. This is done to ensure that students gain the skills most relevant to their work at SafeWork NSW.

Obtaining the 'Diploma of Government (Workplace Inspection)' qualification is mandatory for all new inspectors under the Inspector Industrial Award. However, the actual Instrument of Appointment for inspectors is awarded under the WHS Act, based a broader determination by SafeWork NSW that a new inspector has appropriate knowledge and capability. The Diploma itself is a nationally recognised qualification that forms part of the broader Public Sector Training Package,<sup>15</sup> regulated by the Australian Skills Quality Authority (ASQA).

### **Specialist Technical Training supports inspectors working in the field.**

NITP participants spend five weeks of formal classroom learning in Specialist Technical Training.<sup>16</sup> This training covers specific industry knowledge that support inspectors in the field including:

- Construction and Asbestos and Demolition,
- Plant and Electrical,
- Ergonomics, Working Environment, Psychosocial Services, Respect at Work and Workplace Health
- Hazardous Chemicals and Explosives
- Workers Compensation and Return to Work

These units are more in depth and scenario based than diploma units, providing inspectors a closer experience of what they can expect in the field. Furthermore, these topics focus on priority development areas for inspectors to meet the evolving nature of workplace health and safety.

### **Field work provides on-the-job application of training content.**

Formal classroom training alternates with more practical on-the-job development. This includes field application where new inspectors apply their program-acquired knowledge and skills gained at their allocated offices and during workplace visits.

The field application component of the NITP is underpinned by the Field Activities program, comprising of pre-training and post-training activities. These activities serve to prepare participants for upcoming classes, strengthen their learning and offer opportunities to practice newly acquired skills in the workplace.

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<sup>14</sup> Diploma of Government found here: <https://training.gov.au/Training/Details/PSP50122>

<sup>15</sup> Training package found here: <https://training.gov.au/training/details/psp>

<sup>16</sup> New Inspector Training Handbook 2023

### **Supervised workplace visits provide participants with practical field experience.**

In addition to Field Activities, supervised workplace visits enable participants to apply their skills in a supportive environment. These visits involve participants being accompanied by experienced Authorised Inspectors who provide guidance throughout the process. Each visit follows a standard process:

- **Pre-visit briefing** – Prior to the site visit, participants receive a briefing covering the purpose of the visit, relevant protocols to be followed and any necessary preliminary research that may be needed.
- **Post-visit debrief** – Following the site visit, the Authorised Inspector discusses the rationale behind any actions taken during the visit and the outcomes that were achieved.

Participants will first serve as observers during these visits, with the Authorised Inspector conducting all actions within the visit. With more experience, participants will play an increasing role on these visits, however, the Authorised Inspector still assumes all responsibility.

### **The program provides 12-month mentor support.**

Throughout the 12-month program, every NITP participant is assigned a mentor. Mentors are experienced inspectors who play a critical role in enabling, advising, clarifying expectations and coaching new inspectors as they undertake the program. Their aim is to support build the capability and confidence of new inspectors, while connecting them to a broader network within SafeWork NSW.

### **The ability of NITP candidates is assessed appropriately.**

SafeWork NSW currently applies an assessment process that involves collecting evidence and making informed judgement about whether a student has achieved competency in a range of job-relevant domains. A pre-determined set of criteria and benchmarks are developed for each Unit of competency that are aligned to the roles and responsibilities of an Inspector at SafeWork NSW.<sup>17</sup>

The approach for assessment is underpinned by adult learning principles of fairness, flexibility, validity, and reliability.<sup>18</sup> These principles guide assessment processes to enable comprehensive assessment that provides participants with the opportunity to demonstrate capability.

Assessment approach for each unit of competency within the Diploma is articulated through a Training and Assessment Strategy for the Diploma of Government (Workplace Inspection).<sup>19</sup> The strategy outlines a variety of diverse range of assessment techniques, used across all required units which is designed to enable assessment over time with a focus on reinforcement. Each unit of competency has a range of assessments which includes assessment of knowledge, skills, and application of key content as per clause 1.8 to 1.12 of ASQA standards. Figure 5 provides overview of the assessment methods used to determine competency.

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<sup>17</sup> Review of Unit of Competency Matrices, SafeWork NSW

<sup>18</sup> New Inspector Training Program Handbook 2023

<sup>19</sup> Training and Assessment Strategy, SafeWork NSW RTO, 16 February 2023

Figure 5 | Assessment Methods

Case Study / Scenario	Report / Portfolio of Evidence	Presentation	Short Answer Questions / Learner guide activities	Simulation	Field Observation
Presenting a specific situation to evaluate an understanding, decision-making skills, and ability to apply knowledge in a practical context.	Participants are presented with a scenario and must fill out inspector reports in response	Students communicate information on specific content to demonstrate communication skills and knowledge	Written responses to questions that assess participant knowledge of key concepts and theory	Participants must navigate activities that closely replicate real-world tasks to measure how they respond and apply their skills in practical situations	Participants must retrieve and record information, communicate with clients, negotiate outcomes, and apply legislation appropriately

Students are permitted a total of three attempts for each assessment task within a Unit of Competency. This provides the opportunity for students to actively reflect and take corrective action based on feedback provided by instructors.

### **The progression of NITP participants is actively monitored through the Gateway Framework**

The Gateways approach, introduced by the RTO in 2023 aims to ensure better participant outcomes from the NITP. It seeks to ensure this by establishing continual oversight of progress by participants in the NITP. The primary tool applied to provide this oversight are a set of 'Gateways' that participants must satisfy and pass to progress in the program.

The Gateways are a mechanism for the SafeWork NSW RTO to monitor and report on a participant's overall progress through the NITP. Each gateway requires participants to complete a range of activities across four distinct elements – Knowledge, Capability, Experience and Behaviours. These elements are outlined in detail at Table 2. Students are required to demonstrate accomplishments for each Gateway through successful completion of assessments, demonstrating appropriate practical skills and classroom behaviours. Observing participants in a range of settings in the classroom and in fieldwork provides mentors and managers a comprehensive understanding of the progress of participants.

This mechanism is designed to proactively support participants and supplement the overall learning experience of participants as required. When issues are identified in the review of a participant, remedial action is taken to address specific areas of concern and better support the participant. This process has been developed to enable early intervention to support student progress rather than to delay the progression of participants through the training.

The Gateway Framework also comprehensively tests the capabilities inspectors are required to demonstrate to be awarded their Instrument of Appointment. The process of systematically collecting evidence through the classroom and field activities enables managers to have an in-depth understanding of strengths and weaknesses of participants. Based on this information, the decision to issue authorities is based on tangible and chronological evidence that demonstrates the required capability. Participants must demonstrate a set level of competency in field and classroom behaviours to be awarded their authorities. Active monitoring in this way ensures that corrective action is taken when required to ensure participants have the appropriate capabilities prior to being awarded their authorities allows for timely support to be provided to Inspectors to ensure they are at an appropriate standard when issued with their legal 'authorities'.



Table 2 | Gateway Framework Elements

Knowledge	Capability	Experience	Behaviours
Assesses the successful transfer of knowledge through quizzes and written assessments	Assesses whether participants can use the knowledge gained to produce work products (e.g., notices, case study, reports)	A range of progressive field activities demonstrating greater complexity are used to assess participants under observation	A range of behaviours demonstrated both in the field and in class.

### Note: Delivery of the NITP is subject to external regulatory oversight

Delivery of the NITP includes the provision of diploma level coursework. All participants in the NITP program receive training and assessment as part of the 'Diploma of Government – Workplace Inspection.' Satisfactory completion of that Diploma is a condition of the completion of the NITP.

The Inspector Industrial Award mandates that inspectors complete the Diploma of Government – Workplace Inspection as part of the NITP. This is because SafeWork NSW delivers a tailored version of the program, using serving inspectors as instructors. Limited exceptions may be made for staff who have already completed this course previously and have relevant experience.

To ensure that the Diploma of Government – Workplace Inspection can be delivered in-house by SafeWork NSW, the organisation must be a Registered Training Organisation (RTO). SafeWork NSW is currently registered as an RTO by the Australian Skills Quality Authority (ASQA).<sup>20</sup> SafeWork NSW must also maintain appropriate standards of practice and capability to retain its registration. These standards are set out in the 'Standards for RTOs 2015',<sup>21</sup> the 'VET Quality Framework' from the *National Vocational Education and Training Regulator Act 2011*<sup>22</sup> and a range of other ASQA requirements.<sup>23</sup>

SafeWork NSW leaders have indicated that the organisation currently meets required standards. The organisation must self-report its compliance to ASQA using the ASQA self-assessment tool and submit a corrective action plan where opportunities for improvement arise. The last submission of the self-assessment tool to ASQA was completed in April 2023 and reports that SafeWork NSW is compliant. A review of this document does not reveal any obvious gaps in SafeWork NSW's performance or capabilities in complying as an RTO. As at the date of publication of this report, ASQA has not engaged in any oversight or other regulatory activity as a result of SafeWork NSW's self-report.

## 2.2 The NITP program equips learners with the knowledge they require for their role

Effective inspector training must provide a solid foundation for the practical work of the role, while also enabling candidates to meet statutory and other standards. The role of SafeWork NSW Inspector is prescribed under the WHS Act. The WHS Act indicates that the functions of an inspector are to:<sup>24</sup>

- Provide information and advice about compliance with the WHS Act,

<sup>20</sup> Registration current as at the date of publication of this report: <https://training.gov.au/Organisation/Details/90500>

<sup>21</sup> Requirement for ASQA RTOs found here: <https://www.asqa.gov.au/about-us/asqa-overview/key-legislation/standards-rtos-2015>

<sup>22</sup> RTO requirements found here: <https://www.asqa.gov.au/rto/responsibilities>

<sup>23</sup> ASQA compliance requirements found here: <https://www.asqa.gov.au/rto/responsibilities/complying-asqa-requirements>

<sup>24</sup> WHS Act, Division 2, Section 160

- Assist in the resolution of work health and safety issues at workplaces, issues related to access to workplaces by health and safety representatives, and issues related to the exercise of entry rights,
- Support compliance with the act through the issuing of notices,
- Review disputes relating to improvement notices,
- Investigate contraventions of the WHS Act,
- Assist in the prosecution of offences under the WHS Act, and
- Examine witnesses as part of their attendance at coronial inquests in relation to work related deaths.

An inspector's exercise of these powers under the WHS Act is contingent on them being appointed as an inspector. This appointment is subject to certain conditions – including the completion of a Diploma of Government (Workplace Inspection), through the SafeWork NSW RTO.

Therefore, to be most effective, the NITP program must provide prospective inspectors with the knowledge they require to effectively perform in that role.

### 2.2.1 The Diploma of Government (Workplace Inspection) component of the NITP provides relevant training for inspectors

The Diploma of Government, Workplace Inspection specialisation forms the core of the NITP. This diploma contains material that aligns to the core training requirements of SafeWork NSW Inspectors. This material has then been appropriately tailored by SafeWork NSW to suit the individual circumstances of staff. As such, the Diploma of Government (Workplace Inspection) component of the NITP represents a good practice option for meeting the learning needs of new inspectors.

This diploma provides specific training on workplace inspection, with a focus on monitoring and managing compliance in accordance with the WHS Act. SafeWork NSW appropriately tailors the delivery of the content outlined in the diploma to suit its own context. Materials ensure that training is provided through the lens of the WHS Act and specific SafeWork NSW requirements. Training is developed by engaging subject matter experts to incorporate relevant workplace examples in response to the unique powers and requirements of the role of SafeWork NSW Inspector.

Table 2 in Appendix B considers the alignment between the legislated learning requirements for inspectors and the units of the diploma as delivered under the NITP. This analysis demonstrates the close links between the required inspector knowledge under the WHS Act, and the content covered in the Diploma.

### 2.2.2 The Diploma of Government (Workplace Inspection) is the most appropriate VET qualification for inspectors

The Diploma of Government (Workplace Inspection) represents the right qualification to be offered to staff undergoing the NITP. It represents the most relevant qualification content that compared to similar qualifications within Vocational Education Training (VET). It also provides a formal qualification to staff, granted after a robust assessment of the technical work conducted by SafeWork NSW Inspectors.

**Of the public sector focused qualifications available, the Diploma of Government (Workplace Inspection) is the most aligned to the role and requirements of a SafeWork NSW Inspector.**

The Diploma of Government (Workplace Inspection) is a specialisation of the more generic Diploma of Government. The Diploma of Government is offered in one of three specialisations: Workplace Inspection Injury Management, and Policy.

Within the broader Diploma of Government, 'Workplace Inspection' is the specialisation most aligns to the role of an inspector. It includes units that are specifically focused on developing an understanding of WHS law, as well as on investigating and pursuing breaches of that law. This contrasts with the other specialisations offered within the Diploma of Government. Units within the Injury Management specialty covers areas such as working with legal teams to resolve complex insurance claims and developing return to work strategies. Policy units comprise of policy implementation and advice on organisation policy.

The Diploma of Government is a sub-specialisation within the broader Public Sector Training Package accredited by ASQA.<sup>25</sup> This training package is designed to offer a range of Diploma and Advanced Diploma level qualifications for various public service occupations. It includes other qualifications that support government work including the Diploma of Court Operations or Diploma of Government Security.

**A review of non-public sector qualifications did not identify an obvious alternative to the Diploma of Government (Workplace Inspection) for the training of SafeWork NSW Inspectors.**

The Public Sector Training Package includes ten diploma level qualifications. The qualification likely closest to Diploma of Government (Workplace Inspection) is the Diploma of Government Investigations. Units within this diploma focus on coordinating and conducting investigations with two relevant compulsory units on work health and safety and legislation compliance in the public sector. Other qualifications are focused on providing specific skills for identified occupations (e.g., Court Staff and Registrars as part of the Diploma of Court Operations). This suggests that of the public sector focused diplomas available, the Diploma of Government (Workplace Inspection) is the most relevant to the role of a SafeWork NSW Inspector.

ASQA accredits many other training packages for skills beyond the public service. These cover areas from business services, police training and retail services. Outside of the Public Sector Training Package, the closest qualification on inspection or work health and safety includes the Diploma of Work Health and Safety under the Business Services Training Package.<sup>26</sup>

This qualification shares the same "Contribute to WHS risk management" unit as the Diploma of Government (Workplace Inspection). However, the Diploma of Work Health and Safety focusses on direct workplace work health and safety management. For example, "Contribute to managing a WHS information system" and "Manage WHS hazards associated with maintenance and use of plant." This suggests that it is focused on the in-house staff an organisation engages to proactively manage WHS risks. It does not include investigations components.

Conversely, the Diploma of Government (Workplace Inspection) places a greater emphasis on evaluating and investigating legislative compliance under the WHS Act. It also focuses on supporting organisations to respond to investigations and the results that come from them. This provides further support for the contention that the Diploma of Government (Workplace Inspection) represents the most appropriate of currently accredited qualifications for SafeWork NSW inspectors to undertake.

### **2.2.3 The content of non-diploma aspects of the NITP is also tailored and appropriate**

Non-accredited training activities within the NITP are clearly distinguished from training provided under the Diploma of Government (Workplace Inspection). Separate training materials and training sessions occur to provide non-Diploma content, and these are clearly distinguished from Diploma related training. Non-diploma material in the NITP includes training on the 'notebooks' used by inspectors in practice, notices issued by inspectors, and commonly used software. This material is delivered as part of the

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<sup>25</sup> Public Sector Training Package found here: <https://training.gov.au/training/details/psp>

<sup>26</sup> Business Services Training Package found here: <https://training.gov.au/training/details/bsb>

Inspector 101 component of the program. It is also delivered as part of specialist training sessions scheduled throughout the classroom training components of the NITP.

The content for this training contains relevant scenarios, sample documents for students to complete, and examples of reports that participants may have to complete as part of their inspectorial duties. During our consultations, experienced inspectors particularly noted the utility of notices, notebooks and software in their daily duties. We also identified that these modules were comprehensive in their detail, and used language that was clear and straightforward. These qualities aligned this content with our good practice framework.

SafeWork NSW has processes to ensure that content is kept relevant. SafeWork NSW RTO facilitates a consultation group consisting of representatives from SafeWork NSW management, NITP participants, mentors, and the Diploma of Government as well as the SafeWork NSW RTO senior advisor. The RTO is also a member of VELG, a training provider for RTO assessors and trainers. SafeWork NSW uses this membership to stay current with changes to the industry through VELG provided training sessions, resources and tools. These methods support SafeWork NSW to tailor the training to the role's context, aligning with good practice.

## 2.3 Delivery of the NITP is effective and provides practical skills to participants

The NITP is delivered primarily by active-duty inspectors, who provide training to new starters in addition to their normal role. This approach is highly engaging for NITP participants and ensures that the RTO is compliant with ASQA's standard set<sup>27</sup>. It provides a constructive, tailored, learning environment. It also ensures delivery focuses sufficiently on the practical elements of the role that program graduates will work in. However, it places a significant burden on the inspectors working as trainers. This burden is sustainable for smaller, less frequent, NITP cohorts. It is likely to be less sustainable if more participants or cohorts are required into the future.

Good practice delivery engages experienced trainers with relevant knowledge and facilitation skills. It should also be interactive and supportive of a variety of different learning styles. Delivery should set up learners to perform duties to a high standard. Hence, delivery should include hands-on components in addition to structured formal learning to support the practical nature of the inspector role.

As such, the current delivery approach taken for the NITP is considered to be both fit for purpose and representative of good practice. However, it is unclear if this approach is sustainable into the future.

### 2.3.1 Training materials are logically sequenced and tailored to participants

Training materials for the NITP are logically sequenced appropriate for program participants. A review of training materials highlights that they are appropriately structured and formatted for participants. They are also drafted in a way that is easy for participants to use and understand.

Engagement with senior leaders and managers at SafeWork NSW highlighted a targeted and structured approach has been adopted for developing training content. Content has been actively reviewed by current inspectors to ensure it is suited to the needs of the audience through accurate up to date content with relevant examples.

All Diploma training content is mapped to the specific performance criteria, knowledge evidence, and performance evidence prescribed by the units of competency. These requirements are then contextualised to the business needs without compromising the integrity of these regulatory requirements. The application component within each Unit of Competency specifically details the context within which each unit must be trained and assessed

An extensive range of learning resources are provided to participants to enable classroom and practical learning. Customised learning resources are provided that consist of:

- Learner workbooks,
- Guides, handouts, and presentations,
- Assessment tools, and
- Learning checklists.

Participants can access resources through an online learning management system that enables easy access and use of content. Initial review of course content highlighted training materials detailed and aligned to role of an inspector at SafeWork NSW through guided examples. Perceptions regarding the quality and

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<sup>27</sup> <https://www.asqa.gov.au/rtos/users-guide-standards-rtos-2015/chapter-4-training-and-assessment/clauses-113-116-employ-skilled-trainers-and-assessors>

detail of the content were reinforced by existing participants who highlighted content to be presented appropriately with an emphasis on application of knowledge.

Training materials reviewed for the NITP are formatted in an appropriate manner that is aligned to the level of educational attainment of current cohorts. Materials provided to participants are at an appropriate level of details and use simple language. Key concepts are emphasised, and content is organised in a sequential manner. While current training materials and approach of iterating it is aligned to good practice and ASQA regulatory compliance for the units of competency, the RTO should continue to ensure that training materials support a broad range of literacy levels as the diversity of the NITP cohort increases.

### 2.3.2 Training design closely aligns with good practice, but there are issues with assessment frequency

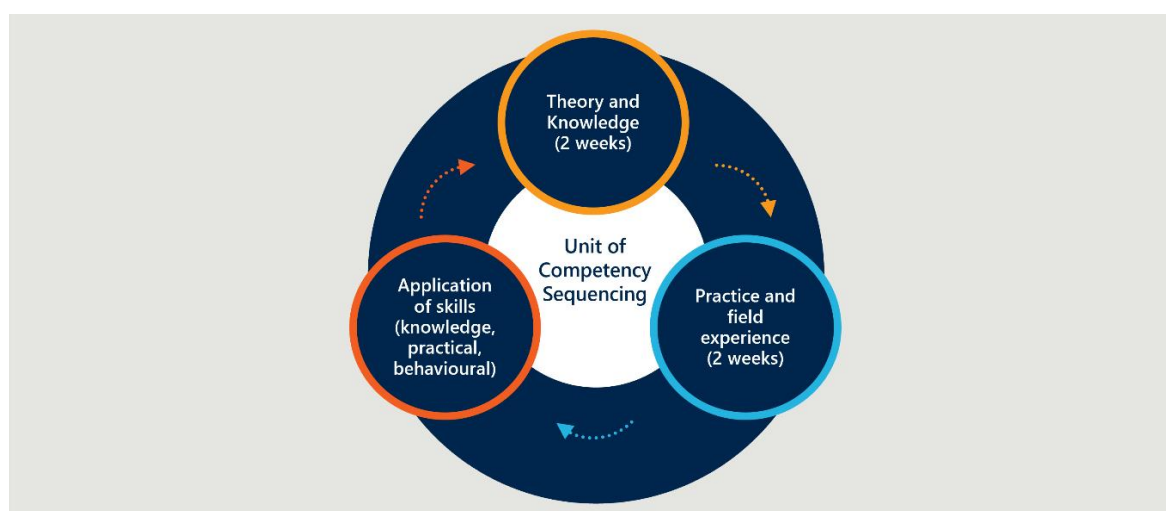
Good practice for training design requires a targeted and structured approach to develop skills and knowledge. This structure should be closely aligned to the requirements of the role for which a staff member is being trained. It should also balance classroom learning and formal assessment, with practical learning opportunities. Further, the training should be tailored to the specific learning needs of the audience – including any formal qualifications they require, and the skills and approaches that will be relevant ‘on-the-job.’

The current iteration of the NITP aligns closely to good practice for training. The current program contains an appropriate mix of theoretical, classroom-based learning and practical learning opportunities designed to enable participants to apply key skills and behaviours<sup>28</sup>. The program provides general training for an inspector, including the formal ‘Diploma of Government – Workplace Inspection’ qualification. It also includes a specialist training in specific domains relevant to the nature of work at SafeWork NSW.

**Learning and assessment is effectively sequenced and balanced.**

The NITP is paced and structured in line with good practice. As noted in Section 2.1, the program alternates two field training weeks for every two weeks of classroom-based training to ensure key theoretical concepts are applied and consolidated. This aligns to good practice requirements for learning to be balanced between theoretical and practical elements. Current and past participants in the NITP provided feedback that this balance of class and fieldwork was valuable, highlighting that it enriched classroom learning and guided and reinforced classroom learning. This structure is captured in Figure 6.

Figure 6 | Sequencing of learning in the NITP



<sup>28</sup> New Inspector Training Handbook 2023



### 2.3.3 Classroom-based delivery effectively leverages expertise of current inspectors

Current delivery of the NITP appropriately applies the hands-on expertise of trainers to build the capability of program participants. The approach described by both trainers and students frames and delivers content through the lens of practical experiences as an inspector. This approach appears to be engaging for students. It also aligns with good practice for training delivery.

All delivery of classroom content is provided by senior, active-duty, SafeWork NSW inspectors. These facilitators draw on their own experiences in tailoring content and examples to the specific requirements of the role of inspectors. Participants highlighted that the facilitators delivered the classroom program in a practical and a highly interactive way, which supported them to apply skills in practice.

### 2.3.4 The practical field-based component of the training program builds on classroom learning, but could be more structured

Dedicated periods for fieldwork are a core requirement of good practice training. It provides students with opportunities to consolidate and apply core concepts from the classroom to the practical field examples. The NITP incorporates practical learning in the field, in addition to classroom content, in line with good practice. The recent introduction of the Principal Inspector role within the RTO in 2021/2022 was introduced to support the business with the Mentor program. This role oversees the field week activity program, collects data on field week activities, and generally supports the operational managers with mentor governance. However, remarks from consultations highlight the challenges and inconsistencies with field work as a participant's experience largely relies on the type of 'live' workplace opportunity available.

Current and recent graduates of the NITP expressed positive remarks about the program's field work components including:

- The component provides them with a supportive learning environment to actively engage with key aspects of the inspector role, and
- It is beneficial having this fieldwork occur in relation to 'live' workplace opportunities, to enable them to apply their knowledge on real work but in a supported environment.

Participants also highlighted the importance of mentors assigned to new inspectors during field work. Mentors serve as role models for what a 'good' inspector looks like, and play a crucial role in representing the values of SafeWork NSW and upholding a strong work ethic.

However, current participants, recent graduates and trainers also highlighted challenges with fieldwork. These include:

- The lack of clear mechanisms to allocate trainees across, live' workplace opportunities,
- Variability in the quality and breadth of field work experience across participants, and
- Variability in the behaviour and attitudes of mentors that may not exemplify a 'good' inspector.

The nature of field work training participants engage in is largely dictated by the current demands on SafeWork NSW as an organisation. When suitable a workplace opportunity is in progress during a field-week, a participant will be assigned to it, providing them with valuable hands-on experience. However, if no relevant matters or work is ongoing in the area that the trainee is based in during this time, they may only be able to observe office-based elements of the role of inspectors. This is less useful for their learning and development.

Participants highlighted the importance of high quality mentoring relationships. They expressed receiving far more benefit when inspectors invested effort in them and less when their mentors were too busy to provide appropriate support. Experiences were considered the best where mentors were selected based on their capacity and ability to provide support in a given period.

**Improvement opportunity 1: Seek to achieve greater consistency in mentoring and field work opportunities.**

Mentoring and field work are core components of the training experience provided by the NITP. Effective mentoring helps staff to contextualise and understand knowledge provided as part of the formal training in the program. While sufficient and appropriate field work helps participants to apply classroom learning in practice, and to gain a broad understanding of the role and responsibilities of an inspector in a supported environment. Inconsistent delivery of the field work component and variability in mentor supports detracts from the effectiveness of this training and has the potential to perpetuate substandard practices.

Into the future, SafeWork NSW should work to ensure that:

- NITP mentors are selected based on their capacity to effectively support mentees, as well as their willingness to engage actively and extensively to support the success of the NITP,
- NITP mentors are selected based on their demonstrated history of embodying the ethics, values, attitudes, capabilities and adherence to procedure expected of inspectors at SafeWork NSW,
- New inspectors are assigned to teams that have both the capacity to support the training elements required by the NITP and have sufficient work, of the right type, to support the development required by the NITP candidate at that stage of their training, and
- New inspectors are supervised by sufficiently experienced staff with a history of delivering in line with the expected ethics, values, attitudes, capabilities and adherence to procedure expected of inspectors at SafeWork NSW.

### **2.3.5 There is significant workload pressure for existing inspectors involved in the delivery of the program**

Delivery of the NITP is a demanding role as it involves developing, delivering, and assessing content. Facilitators, mentors, and assessors expressed that they play an active role in not only delivering classes, but also regularly updating the program based on participant responses, and the demands of SafeWork NSW RTO to ensure ongoing compliance with ASQA standards

Facilitators fulfil these responsibilities alongside their role as inspectors. Consultation with inspectors currently involved in the delivery of program highlighted that it is challenging to balance their extensive duties as facilitators with their demanding inspectorial roles. Although facilitators expressed their unwavering commitment to their teaching duties, they also commented on having to actively work around their teaching commitments when urgent inspectorial duties arise.

Input from past and current NITP participants, and feedback received in submissions made to the Independent review support this. Many staff and leaders at SafeWork NSW highlighted that workload pressures on the inspectors providing training were negatively affecting the education experience provided to participants.

Whilst there is no explicit evidence to suggest workload pressures are significantly detracting from participant experience, the current delivery model has the potential to reduce overall teaching quality.

With increased time pressures, facilitators have less time to prepare of classes, comprehensively answer student questions outside of the classroom and may less time to provide and listen to feedback.

**Improvement opportunity 2: Continue to focus on the workforce planning required to enable the best possible teaching and learning experience.**

SafeWork NSW should continue to focus effort on workforce planning to enable the best possible teaching and learning outcomes. Capacity planning should be considered to reduce risks associated with increasingly high workload of inspectors and ensuring students receive active engagement from their mentors and assessors. Although staff are managing workloads currently, there are risks associated with the current operating structure as the program has expanded considerably in recent years. SafeWork NSW should consider alternate models of delivering training, such as receiving external support to facilitate components of the program to manage the workload of existing Inspectors involved in delivering the NITP.

## 2.4 Assessment materials extensively evaluate key skills and knowledge of participants in line with diploma requirements

Effective assessment for new inspectors must test both their theoretical and practical knowledge. Assessment methods should confirm the depth of a new inspector's technical knowledge, analytical abilities, critical thinking, and ability to act in unfamiliar situations. A well-structured assessment should test their ability to think on their feet and make informed decisions when confronted with unexpected challenges.

The assessment program for the NITP does this by requiring students to demonstrate and apply the knowledge and skills they have gained in a range of settings. However, greater rigour is required around assessments and the number of 'attempts' students have in completing them.

**Assessment is extensive and aligned to Diploma requirements**

NITP participants are assessed through a range of assessment methods through accredited and non-accredited assessment activities. There are varying levels of compliance required for assessments depending on whether it is as accredited or non-accredited component of the program. Assessment activities associated the Diploma of Government have higher levels of compliance requirements and are aligned to ensure requirements for the training package are met.

A participant is assessed based on: performance in assessments; feedback received; and, reflections by assessors on behaviours displayed for during assessment activities e. The outcome of each unit of competency is either 'competent' or 'not yet competent'. Participants must satisfy all assessment tasks to be considered competent in that unit.

Participants are also provided with the opportunity to re-attempt assessments tests twice more after an initial failure. If the third attempt results is not satisfactory, a participant's progress is escalated with leadership to determine continuation in the training program and potential next steps.

The Gateway approach also involve review meetings that discuss performance and ensure areas of concern are addressed as a participant progresses through the program.

**The approach for assessment is comprehensive and aligned with good practice, however this must be balanced with academic rigour.**

The diverse range of assessment strategies enables participants to develop and demonstrate the skills, knowledge, and application of key concepts in familiar and unfamiliar contexts. This process is aligned to

good practice and ASQA's principles for RTO's conducting effective assessment<sup>29</sup>. The range of assessment methods allows participants to demonstrate the competency required when conducting duties as an Inspector. Assessors actively provide feedback, enabling participants to take corrective action that allow learning outcomes to be developed and consolidated in a constructive environment over time.

Under current the approach, multiple attempts for the same assessment supports the consolidation of learning. This commitment to providing opportunities to learn from mistakes aligns with good practice as there is a clear process of developing and consolidating the knowledge required for performing duties of an Inspector.

However, as each unsatisfactory attempt results in feedback, consultations suggest that at times, this feedback allows participants to understand how to pass assessments rather than ensuring they have learned sufficient content. This led previous graduates to raise concerns on the competency of some graduates and how this practice promotes a culture of indifference towards the NITP. Participants noted that this culture of indifference was reinforced through concerns of plagiarism in submitting assignments for the program. Reflections from previous graduates indicate the need for completing assessments individually with assessor guidance/feedback that promotes learning rather than incentivise meeting minimum requirements.

**Improvement opportunity 3: SafeWork NSW RTO should review its assessment attempt approach to ensure it continues to meet good practice.**

Insights from previous and current NITP participants suggests an opportunity for rebalancing the assessment approach where there is a good mix of academic rigour, adult learning principles, and not being overly burdensome for either assessors or participants is achieved. The current assessment approach introduces the risk of participants relying on multiple resubmissions to complete assessments without initially investing adequate time for tasks. This potentially could reduce the ability of SafeWork NSW to understand if participants are meeting desired learning outcomes.

SafeWork NSW should review the level of detail applied in providing feedback. This approach should have an emphasis on balancing opportunities to implement assessor feedback and academic rigour, while minimising excessive burden on assessors and participants. This will ultimately support more accurate critical assessments of participants against learning outcomes, aligning with good practice.

## 2.5 The NITP program has been revised based on continuous feedback

The NITP is designed in a way that aligns to good practice. The NITP is also subject to a continuous improvement process that has resulted in its iterative refinement over time. This approach has allowed the NITP to remain aligned to good practice. However, there are opportunities of improvement in the program. Some of which are currently subject to implementation by SafeWork NSW.

**Current coursework has responded to feedback on previous program design challenges.**

The NITP program as delivered in 2023 – and as subject to review in this paper – was substantially reviewed and revised prior ahead of its delivery in 2023 to better align with good practice. This revision occurred in response to feedback on issues with the intensity and structure of the program highlighted in

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<sup>29</sup>User's guide to standards for RTOs 2015, Clauses 1.8-1.12 – Conducting effective assessment: <https://www.asqa.gov.au/rtos/users-guide-standards-rtos-2015/chapter-4-training-and-assessment/courses-18-112-conduct-effective-assessment>

feedback from its delivery in 2020 and 2021. A review of the current program suggests that it effectively responds to past challenges.

The redesign of the NITP in 2022 was triggered due to concerns raised about the structure of the program. Over the preceding five years, the delivery of the NITP had been subject to various changes in delivery. Program structure had been changed to 'front load' training elements required for inspector authorities. Delivery modes had also become more intense - and moved increasingly online - in response to the COVID-19 pandemic and its aftermath. These changes had resulted in learners, and facilitators, raising significant concerns about the intensity of the program, and whether it was providing learners with the right knowledge and experience. This also resulted in limited opportunities for field application and experiences as businesses were shut down.

**Feedback is encouraged and provided, however anonymity could be improved.**

The NITP has been designed with strong feedback loops where there is a proactive approach to addressing concerns regarding the learning experience. SafeWork NSW regularly evaluates the learning experience with surveys at the conclusion of each unit and the NITP program as a whole.

Recent staff feedback has resulted in changes to the curriculum program to:

- Revise the sequencing of training activities to focus on foundational knowledge, prior to a focus on requirements for 'qualification' as an inspector.
- Ensure adequate time is spent 'in the field,' with dedicated field weeks, and a rebalancing of learning effort to ensure field time is effectively used by staff.
- Deliver a balanced approach to online learning, blending classroom delivery with online training. As well as a focus on ensuring rural-based students can limit travel time and the impact on their life.

The current iteration of the NITP incorporates these features into the delivery of training to students.<sup>30</sup>

NITP participants – both current and former – highlight that that program facilitators are open and responsive to feedback. However, staff are concerned that feedback is difficult to provide in an anonymous way. With some staff indicating this has limited the candour of the feedback they have provided in the past.

## 2.6 Oversight over the NITP could be improved

Ensuring the NITP is fit for purpose is a critical part of ensuring that the training program meets good practice standards. To date, SafeWork NSW has invested in monitoring student experience and ensuring that the program effectively contributes to driving learning by new inspectors. However, SafeWork NSW has not focused sufficiently on ensuring the NITP delivers the outcomes it is set up to achieve. A greater focus on ensuring that the program effectively sets inspectors up for success is required.

### 2.6.1 Learning experiences of students are monitored and evaluated to drive continuous improvement of learning outcomes

Good practice for evaluation of training programs requires the ongoing collection and analysis of feedback and data. It also requires proactive responses to challenges and issues identified based on that information. SafeWork NSW demonstrates good practice in its evaluation of the NITP.

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<sup>30</sup> New Inspector Training Handbook 2023, Evaluation of accelerated Authorities approach applied to 2022 New Inspector Training Program

## SafeWork NSW engages in ongoing data collection and analysis in respect of the NITP

SafeWork NSW RTO proactively monitors teaching and student experience under the NITP. This includes both formal data collection relating to the program – as required by ASQA for the Diploma component. It also includes active collection of insights from program participants to improve the NITP into the future. This data collection and analysis – and the generation of improvement opportunities – aligns to good practice.

Student and teaching experience for the Diploma component of the NITP is monitored on an ongoing basis. This is done to align monitoring and reporting requirements set by ASQA for the delivery of training packages by RTOs. Data collection occurs using questionnaires developed in line with the Australian Quality Training Framework, and which align to ASQA requirements<sup>31</sup>. These collect feedback regarding the overall experience of students in a format that is reported back to ASQA.

SafeWork NSW RTO also collects similar information about the whole NITP. It provides NITP participants with experience surveys and evaluation forms for each aspect of the NITP. These seek to capture data on the overall experience of students against measures which align to good practice standards.<sup>32</sup> SafeWork NSW RTO also convenes meetings (both individually and in groups) with selected NITP participants, trainers and other staff (e.g., Mentors) to seek feedback on the delivery of the program.

SafeWork NSW RTO proactively analyses all the information it collects about the performance of the NITP. Formal reporting documents for ASQA are prepared based on this analysis. In addition, SafeWork NSW RTO draws on the conclusions in these formal documents, as well as its analysis of other data collected, to generate insights into the performance of the NITP. These inform discussions within the team responsible for the design of the NITP about how its performance can be improved into the future. Staff report regular meetings on improvement opportunities, and to shape the work necessary to drive improvements. **This feedback system has driven changes to the NITP and its evolution.**

Consultations have highlighted that feedback for the NITP is responded to quickly. For example, a reduction in face-to-face training as a result of the COVID-19 pandemic resulted in poor feedback for the 2020 NITP program. This feedback was responded to rapidly, with iterations occurring in 2021 and 2022. By 2023, program participants reported that the balance between online and in-person training was broadly appropriate.<sup>33</sup> This

In 2022, the entire NITP was evaluated using 92 survey responses, engagement with the SafeWork NSW Consultative Group, and senior members of the RTO<sup>34</sup>. This evaluation recommended modification to the program timetable and assessment approach. In response, an improvement plan was developed and rapidly delivered. This resulted in significant changes to program content sequencing, as well as the introduction of the gateways framework, the 2023 NITP cohort.<sup>35</sup> SafeWork NSW has recently introduced a 'Health Check' process that is designed to assess participant skills some months after the program concludes. This process was introduced as a result of the NSW Ombudsman review and is managed externally to the RTO through an Operational practice team. The 'Health Check' conducts an audit of practice against policy to make an assessment on the capability of existing Inspectors. In this process, specific inspector practice areas are evaluated through taking of sample of operational data. This is used to identify skills gaps for Inspectors and develop remedial training accordingly.

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<sup>31</sup> AQTF Summary 2023

<sup>32</sup> Appendix: Table 8

<sup>33</sup> Consultations with SafeWork NSW Staff

<sup>34</sup> Evaluation Report, Accelerated Authorities Approach applied to 2022 New Inspector Training Program

<sup>35</sup> SafeWork NSW RTO Timeline



## 2.6.2 Although this process is relatively new, it is focused on driving continued professional development for Inspectors.

Outcomes from the ‘Health Check’ process largely inform content and priority areas for ongoing professional development. This is provided to Inspectors through a formalised Inspector Continuing Professional Development (ICPD) program. The effect of the NITP is not adequately tested or assessed

The actual impact that the NITP provides in ensuring SafeWork NSW Inspectors are skilled in their work is unclear. To date, SafeWork NSW has not conducted significant assessment or evaluation work to understand the value of the NITP. Anecdotal evidence from participants suggests it is valuable. However, no clear evaluation data exists to establish the effect of the program.

Good practice for training programs suggests that their actual impact on driving outcomes should be assessed. The value of a training program like the NITP is in large part the effect it has on boosting staff capability and the effectiveness of an organisation in practice. Understanding the impact that a program like the NITP has on ensuring relevant standards and approaches are followed in practice, and in boosting the performance of an organisation, is critical to understanding its value.

SafeWork NSW does not conduct a long-term evaluation of the performance uplift for recent graduates of the NITP. Nor does it currently seek to understand the impact that the program has on the work or performance of Inspectors in practice. The emerging ‘Health Check’ process to assess participant skills some months after the program concludes. However, this is a relatively new process and does not appear to be used as part of an evaluation of the strengths or weaknesses of the NITP.

Measuring the tangible effect of the NITP program is a complex process as it requires consistent monitoring and evaluation of participants after completion of the program. SafeWork NSW conducts ongoing monitoring of recent NITP graduates through performance management programs as part of the ‘Health Check process’. However, it is critical that insights are used to assess and iterate the NITP program to strengthen its impact.

Anecdotal evidence from trainers, current and former NITP participants indicates that the program delivers the right content and experience. Inspectors responsible for training NITP participants indicate that the program provides students with the right mix of skills. These inspector-trainers highlighted that they regularly observe skills taught as part of the NITP displayed by their colleagues as part of their day-to-day work as inspectors. Recent graduates of the NITP also highlighted that the program had provided them with skills that they apply in the workplace.

However, current and former students pointed to improvement opportunities for the program:

All NITP participants and graduates engaged highlighted the relatively low barriers to passing assessments as a potential limitation – they observed that passing an assignment was not always a clear indication of competency in a particular area.

Both current and former cohorts of students also observed inconsistencies in the practical training components of the NITP – they disclosed variable experiences and highlighted that the NITP does not build capability to the same level for each participant. Each past and current student engaged also acknowledged that some greater form of standardised assessment of staff capability may be required to ensure that students and existing inspectors have a similar set of skills and capabilities following the NITP. They also highlighted the value of ongoing assessment and re-training to encourage ongoing competency over time.

Other staff and leaders at SafeWork NSW highlighted the value of an ongoing assessment of the effect of the NITP. Senior leaders at SafeWork NSW highlight the significant investment made in training of new inspectors by SafeWork NSW. These leaders indicate that this is only appropriate so long as the program delivers value for the organisation. Summaries of submissions and feedback provided to the Independent

Review and provided in summary form to Nous, highlight the need for an ongoing assessment of the impact of the NITP. Particularly as a driver for ongoing learning and development to address gaps in staff capability (either following the NITP or which emerge over time).

**Improvement suggestion 4: Fully implement a framework to assess the impact and outcomes the NITP is delivering and for sustaining organisational capability over time.**

Conducting an ongoing assessment of staff capabilities against the areas the NITP develops will help to:

- Validate the impact and effect of the program
- Ensure it continues to represent a valuable investment of resources
- Drive consistency in organisational practice across SafeWork NSW by ensuring inspectors are regularly re-assessed in terms of their competency against the good practice standards of the NITP
- Identify requirements for remedial or refresher training when gaps in staff knowledge are identified.

SafeWork NSW has developed a 'Health Check' program that assess the performance of inspectors following the completion of the NITP. This program is designed to inform refresher training for inspectors as part of ongoing professional development through the Inspector Continuing Professional Development (ICPD) program.

The 'Health Check' program does not yet amount to an ongoing evaluation and assessment of the performance of the NITP. Nor is it yet a full assessment of the capabilities and training requirements of inspectors – or of how effective the NITP was in building their initial capability.

SafeWork should continue to develop and implement the Health Check program, and similar evaluation tools and approaches, to measure the impact, outcomes and efficacy of the NITP program more fully. This process should include the capture insights on the performance of the NITP, the knowledge and capability of recent graduates, and identify areas of further learning for Inspectors.

Lessons from this assessment process should be used to inform the design of the NITP as it evolves over time. They should also be used to design and to target remedial and refresher training to ensure consistent standards are maintained by staff across the organisation.

## **Part 2: HSR and EPH Training**

### 3 The HSR training program is appropriate, with some improvements required to EPH training

Health and Safety Representatives (HSRs) and Entry Permit Holders (EPHs) play an important role in supporting the function of the WHS Act. HSRs have the right to access training to support their work. EPHs are required to complete training before they are allowed to receive permission to exercise powers granted to them under the WHS Act. The delivery of training programs for HSRs and EPHs in NSW is conducted by third party training providers. These providers can only deliver training if they are approved by SafeWork NSW.

The training available to HSRs and to EPHs must be appropriate to meet their development needs. It must also closely align to the requirements of the WHS Act. The training program used to train HSRs is appropriate and aligns to good practice. It includes relevant information and has recently been refreshed to ensure it incorporates principles of contemporary learning design. The Training program used to train EPHs contains the right content. However, it could better adhere to principles of contemporary learning design.

The oversight of training providers by SafeWork NSW must be sufficient to ensure that they provide correct support to HSRs and EPHs. At present, the program that SafeWork NSW uses to approve training providers is fit for purpose. However, SafeWork NSW could provide better oversight of those providers in their delivery of training to HSRs and EPHs.

#### 3.1 Background to SafeWork NSW's HSR and EPH Training

HSRs and EPHs provide oversight on work health and safety procedures within their workplaces or as external representatives of worker safety. Both roles perform their duties under the WHS Act which grants them certain powers including the ability to direct a worker to stop unsafe work or to enter worksite premises to investigate a suspected work health and safety breach.

HSRs are entitled to receive training to carry out their duties under the WHS Act. For EPH's, training is required to obtain a WHS Entry Permit.

SafeWork NSW is responsible for approving third party providers, enabling them to deliver training to HSRs and EPHs. In addition, for HSR training, SafeWork NSW designs and supplies the training content used by third party providers. While for EPH training, SafeWork Australia – the national regulator – provides training design and content.

**HSR training provides participants with the skills to manage work health and safety at their own workplace.**

HSRs are individuals who are elected by their 'work group' within their organisation to manage work health and safety concerns. They act as the health and safety voice for the work group, consulting with Person(s) Conducting a Business or Undertaking (PCBU) (e.g., a manager or supervisor) within their organisation to address and resolve work health and safety issues. According to the WHS Act, HSRs have several key responsibilities, including representing workers on matters related to WHS, addressing workplace complaints, investigating risk-related issues regarding WHS, and monitoring a business's response to WHS concerns.

HSRs are not required to obtain this training to exercise their powers and functions. However, under Section 72(1) of the WHS Act, HSRs have the right to request that their employer permit them to undergo

work health and safety training approved by the regulator. In the NSW context, SafeWork NSW is responsible for approving this training that enables HSRs to perform their duties to the full extent of the role.

SafeWork NSW designs and provides content for HSR training. Table 3, in Appendix B provides an overview of the learning objectives and the curriculum for each day of the HSR program. The table also includes key activities that have been devised to deliver these learning objectives in an engaging manner.

#### **EPH training supports the effective work of entry permit holders.**

EPHs are individuals who are either union members or employees of an organisation that serve as advocates for worker safety. They play a supplementary role in addressing suspected violations of the WHS Act. Upon obtaining a WHS Entry Permit and entering a workplace, EPHs consult with relevant stakeholders (e.g. business, unions, etc.) to facilitate the resolution of concerns related to suspected breaches of the WHS Act.

The responsibilities of EPHs encompass inspecting work systems, equipment, substances, structures, or other relevant elements associated with suspected contraventions, as well as requesting copies of relevant documentation.

These individuals require approved EPH training to obtain a WHS Entry Permit. EPH training seeks to provide baseline knowledge for prospective entry permit holders. Table 4, Appendix B provides an overview of the learning content for each session of the EPH program. The table also includes key activities that have been devised to deliver this content in an engaging manner.

## **3.2 HSR and EPH training broadly covers key legislative requirements**

Both the HSR and EPH training programs provide effective information on the legislative requirements set out in the WHS Act. Each program effectively educates participants on the legislative and regulatory requirements set out for their respective roles. The programs bolster participant understanding of these requirements through discussions and activities. Training materials for both participants and facilitators of the program have been analysed against legislative and regulatory requirements below.

#### **HSR training broadly aligns to legislative and regulatory requirements.**

As described in Section 3.1, HSRs are entitled to undertake approved HSR training under Section 72(1) of the WHS Act. SafeWork NSW approves the delivery of this training and, in addition, develops the design and content for this program.

HSR training equips HSRs with the skills and knowledge to perform their role. To achieve this and align with good practice, training content should comprehensively detail the roles and responsibilities HSRs perform under the WHS Act and WHS Regulations. As highlighted in Table 5, Appendix B, HSR training content broadly cover all relevant areas of the WHS Act and WHS Regulations relevant to the role of HSRs.

This demonstrates a close alignment between the required knowledge for HSRs under the WHS Act, and the content covered in the training program.

### **EPH training materials aligns to legislative requirements.**

EPH training design aligns with the legislative and regulatory obligations of each role as specified by the WHS Act and 2017 WHS Regulations. These instruments outline the functions, powers and expectations of the EPH role. Under Regulation 25 of the WHS Regulations 2017, SafeWork NSW should only approve EPH training where it includes information on:

- (1)(a) the right of entry requirements under Part 7 of the Act,*
- (1)(b) the issue resolution requirements under the Act and this Regulation,*
- (1)(c) the duties under, and the framework of, the Act and this Regulation,*
- (1)(d) the requirements for the management of risks under section 17 of the Act,*
- (1)(e) the meaning of reasonably practicable as set out in section 18 of the Act,*
- (1)(f) the relationship between the Act and this Regulation and the Fair Work Act and the Industrial Relations Act 1996.*
- (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 this Regulation.*

The EPH training materials available broadly align to these requirements. This analysis is set out in Table 6, Appendix B.

## **3.3 HSR training broadly aligns with good practice, while EPH training could be improved**

Good practice training content should be organised sequentially to enable participants to build a foundation prior to delving into application. There should be an emphasis on concise language and clear synthesis of information to enable reinforcement of core learning content. Materials should be clear, concise and easy to understand to cater for a range of participant literacy levels. Finally, content should be tailored to the role's context and support practical teaching approaches.

### **3.3.1 HSR training design and content aligns with good practice**

HSR training aligns to good practice for training design. The program was comprehensively refreshed between 2022 and 2023, based on user feedback. It includes material that responds to good practice training design and is amenable to effective delivery by trainers. It also assesses the performance of participants in the training program. A continued focus on iterating this program in response to staff and manager feedback will ensure it remains fit for purpose into the future.

### **Health and safety representative training is developed by SafeWork NSW.**

SafeWork NSW developed the first iteration of the HSR training program in 2012. SafeWork NSW designed the original HSR training program to respond to the requirements of the WHS Act for training for HSRs. The program was tailored to the NSW context and was designed to meet the needs of NSW workplaces.

SafeWork NSW has invested resources in maintaining the HSR training program over time. SafeWork NSW regularly collects feedback from participants receiving the training, as ATPs are provided feedback forms which they must collect from every participant at the end of their program.<sup>36</sup>

SafeWork NSW staff collate and analyse this feedback on a periodic basis, making recommendations to the business about potential changes to the HSR training program. From time-to-time SafeWork NSW will determine that the HSR training program needs to be refreshed.

The most recent refresh of the HSR training program occurred in FY 2022/23. As part of this review the full suite of coursework and learning materials of the program were reviewed and revised. This review was conducted with input from an external training expert. This review was conducted by reference to contemporary good practice for learning and development, as well as of training design.

### **The findings of this review relate to the most recent version of the HSR training program.**

The revised iteration of the HSR training program was made available to training providers in October 2022. Approved training providers were required to deliver new training from 1 January 2023. Findings in this report relate to that version of the HSR training program. No review was conducted of previous iterations of the HSR training program, its materials or its delivery. No conclusions have been drawn regarding the adequacy (or otherwise) of previous iterations of the HSR training program.

To the extent that the summaries available to us highlighted that feedback was provided by training providers or students on previous iterations of the HSR training program, this feedback has been excluded. This is not intended to diminish the value of feedback provided to the Independent Review of SafeWork NSW regarding past flaws in the HSR training program. Rather, it is a recognition that this feedback appears to have largely been incorporated into the revised version of the HSR training program now available. It is also a recognition that feedback on the previous iteration of the HSR training program is feedback in relation to a set of materials and an approach that is no longer in use.

### **The HSR training materials embed good practice and are appropriate for the development of current and prospective health and safety representatives.**

Good practice suggests that the key requirements for training of the nature that the HSR training materials support are that it:

- Aligns to the relevant legislation and regulations that it seeks to train HSRs to interact with and respond to.
- Is clear, simple, and easily understood by both trainers and recipients alike.
- Is comprehensive, accurate and well structured.
- Offers a mix of learning tools, activities and materials to suit a wide range of learners.
- Provides structured assessment tasks that provide a clear sense of whether a participant understands the content being delivered.

The HSR training materials reviewed as part of the preparation of this report closely align to that articulation of good practice. They are:

- Closely aligned to relevant legislation and the core technical concepts that underpin the role of a health and safety representative.
- Reasonably comprehensive given the duration of the program.
- Very well structured to ensure the effective and efficient transfer of knowledge to participants.

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<sup>36</sup> SafeWork NSW Training Evaluation Form; EPH: [https://www.safework.nsw.gov.au/\\_data/assets/pdf\\_file/0016/50353/SW08090-training-evaluation-form.pdf](https://www.safework.nsw.gov.au/_data/assets/pdf_file/0016/50353/SW08090-training-evaluation-form.pdf); HSR: [https://www.safework.nsw.gov.au/\\_data/assets/pdf\\_file/0016/50371/SW08092-1017-392017.pdf](https://www.safework.nsw.gov.au/_data/assets/pdf_file/0016/50371/SW08092-1017-392017.pdf)

- Capable of accommodating a wide range of learner styles and approaches.

However, they depart from good learning design in two ways:

- There is no formal assessment of the skills gained as part of the program. Limiting the ability of SafeWork NSW to be assured that participants in the HSR training program have increased their skillset in a way that is relevant to the role of health and safety representative.
- The content of the program is still technical, and may not be easily understood by all participants.

This analysis is detailed in Table 1. This table assesses the HSR training materials against good practice criteria. It indicates whether the level of alignment between these materials and good practice is: **Low** (indicating remedial work is required to meet good practice); **Moderate** (indicating that some work will be needed over time to ensure better alignment with good practice); or, **High** (indicating strong alignment with principles of good practice).

**Table 3 | Analysis of HSR training against good practice**

Good practice criteria	Alignment of HSR training materials to good practice
Aligned to legislation and regulations	<b>High</b> – As outlined above, the content of the HSR training materials accurately aligns to relevant legislative provisions and regulations.
Simple and easy to understand	<p><b>Moderate</b> – The HSR training program provides a significant volume of complex, technical, content over a relatively short period of time (5 days). However, despite the complexity of the content, the structure of the HSR training program is set out in a format that is relatively easy to understand.</p> <p>Materials provide clear guidance, summaries and explanations of key concepts. The language used is as simple as is possible depending on the concept being explored. Definitions of key terms and jargon are provided, and ‘explainers’ of critical content are included in handouts and learner materials.</p> <p>Presentation slides and facilitator guides are intricately linked to handouts and learner workbooks. They are designed to build on one another to ensure that learners can progress in a simple, logical, sequence through to conclusions.</p> <p>Materials are also designed to support self-directed learning and an independent exploration of the material under consideration.</p>
Is comprehensive and accurate	<b>Moderate to High</b> – The material is accurate, having been prepared drawing on the technical expertise and resources of SafeWork NSW. However, given the duration of the training program, the material covered is not as comprehensive as may be desirable. Rather the program seeks to balance the most critical elements of a Health and Safety Representative’s role and to provide detail (and simulated experiences) related to those areas. A learner participating in the program would gain a reasonable, but not a comprehensive, understanding of the role, powers and responsibilities of a health and safety representative from this training. They would also gain a moderate understanding of how to use those powers, but would have no practical experience of their exercise (e.g., no ‘field learning’). Further, self-directed, learning – along with practical experience – would be required to supplement the training provided.



Good practice criteria	Alignment of HSR training materials to good practice
Is well structured	<p><b>High</b> – The overall structure of the HSR training program has been sequenced in a logical manner. The program begins by detailing the broader context of the regulator, the role and key groups HSRs are required to interact with. It then delves deeper to specific functions and powers of the role. After providing a foundational understanding of the role and context, the training program is focused on developing key soft skills required for the role related to engaging with the key stakeholder groups they will encounter as part of their role. The program ends with a more technical focus, guiding participants through practical skills for managing workplace hazards.</p> <p>Content for the HSR training program is divided into sections with distinct outcomes for each the session. There are discrete objectives for each session for every day of the program to ensure activities and worksheets are measuring a key objective. The sequencing of activities allows learners to build upon concepts in a manner that enables reinforcement.</p>
Provides a mix of learning tools to suit a range of styles	<p><b>High</b> – The 5-day HSR training caters to diverse learner styles and experiences through training design and content. A range of training mediums including visual aids and group discussions are used to engage and consolidate learning for participants with different learning preferences. In addition, clear and simple language, supported by key definitions caters for participants of varying experiences and education levels.</p> <p>Training material supports lecture-style teaching through presentation slides with concise summaries of content and visual aids to highlight key components. Presentation slides are complemented by a learner workbook which details training content and concepts covered across the 5-day program that support learners engaged through reading.</p> <p>The design also includes a mixture of training mediums including individual and group activities to consolidate learning. Individual activities such as review questions and exercises support solitary learners, while open-ended discussion questions e.g., ‘discuss the impact of workplace injuries’ support those that learn more effectively through explaining concepts to others.</p>
Provides structured assessments tailored to the content	<p><b>Low to Moderate</b> – The 5-day HSR training program defines clear learning objectives for each day. The content of each day builds upon the previous, with a summary of training outcomes provided at the conclusion of the program to support continuous learning.</p> <p>The facilitator workbook includes a guide to cover the objectives during discussion activities to direct and reinforce objectives. For example, when discussing health and safety committees, the guide provides instructions to initiate the activity with a series of open-ended questions. This is followed by individual reflections that participants are prompted to share in a group discussion. The guide emphasises key points that should be clarified and discussed to ensure that learning objectives for an activity are achieved.</p> <p>However, no formal assessments are completed as part of the HSR training program. This substantially limits the ability of the program to provide assurance that participants have developed valuable knowledge</p>

#### **Improvement opportunity 5: Institute formal assessment for HSR training participants.**

A core part of the value of the HSR training program is the nature and extent of the skills and knowledge it provides to current and prospective health and safety representatives. At present, SafeWork NSW has no practical ability to test whether the HSR training program is meaningfully increasing the knowledge and capability of participants. Instituting a formal assessment task for the program, with appropriately anonymised results reported back to SafeWork NSW would help to address this gap. It would also enable a cycle of continuous improvement, where future changes to the program could be driven by trends in assessment data.

### **3.3.2 EPH training could be improved, but this may require consultation with SafeWork Australia**

Entry permit holder training materials are of an acceptable quality, but could incorporate a more contemporary training design. EPH training materials have not been substantially refreshed since they were created in 2012. They provide a clear foundation for the delivery of appropriate, practical, well structured, training by a training provider. However, they could be improved through expanding the duration of the program, adopting more contemporary training practices, and adding formal assessments.

#### **EPH training materials are produced at the National Level and substantial changes require consultation with SafeWork Australia**

Entry Permit Holder materials are not developed in-house by SafeWork NSW. Training design and content is provided on a national level by SafeWork Australia. SafeWork NSW has, to date, approved training providers who propose to deliver training that leverages the content developed by SafeWork Australia. Staff involved in training design and oversight at SafeWork NSW indicate that this has been done for two reasons:

- It is the understanding of SafeWork NSW that the development and maintenance of appropriate EPH training materials is the responsibility of SafeWork Australia under the harmonised national work health and safety system. As part of the implementation of harmonised national work health and safety system, the training package was endorsed by a SafeWork Australia advisory body including WHS regulators, union and employer representatives.<sup>37</sup>
- SafeWork NSW has reviewed the content of the EPH training provided by SafeWork Australia and is satisfied that it adequately and appropriately addresses the training requirements for EPHs specified in Section 71 of the WHS Act and in Regulation 25 of the *Work Health and Safety Regulation 2017*.

Staff involved in training design and oversight at SafeWork NSW note that SafeWork NSW revisits the EPH training materials on a periodic basis. To date, this – largely informal – process has not caused SafeWork NSW to conclude that the EPH training materials must be substantially revised. SafeWork NSW also collects feedback from recipients of EPH training and, where relevant, passes this material on to SafeWork Australia. Again, staff involved in training design and oversight at SafeWork NSW have not assessed feedback received to date as demonstrating a need for the substantial revision of the EPH training.

SafeWork Australia has not substantially revised the content of the EPH training materials since their creation in 2012. There were revisions made in 2016, but our review has shown that they were not significant. Minor changes were made to delivery approaches in response to the COVID-19 pandemic and its aftermath. There do not appear to be any publicly available statements made by SafeWork Australia

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<sup>37</sup> WHS-EPH Training Course Requirements, Australian Government Comcare, 2017

indicating why materials have not been substantially revised since their creation. SafeWork Australia was not, however, contacted for comment in the preparation of this report.

**The EPH training materials provide an acceptable foundation for training, but could be revised to be more engaging and easier to understand for training recipients.**

As noted above, good practice suggests that the key requirements for training of the nature that the EPH training materials support are that it:

- Aligns to the relevant legislation and regulations that it seeks to train EPHs to interact with and respond to.
- Is clear, simple, and easily understood by both trainers and recipients alike.
- Is comprehensive, accurate and well structured.
- Offers a mix of learning tools, activities and materials to suit a wide range of learners.
- Provides structured assessment tasks that provide a clear sense of whether a participant understands the content being delivered.

The EPH training materials reviewed as part of the preparation of this report somewhat align to that articulation of good practice. They are clear, concise, and well structured. They convey the right information and present it in a logical way. They also offer learners a wide range of ways to engage with the information being presented.

However, they depart from good learning design in two ways:

- The content is complex, and the timeframes provided for the training (one day) do not enable the powers, responsibilities, and role of a EPH to be fully explored.
- They do not provide meaningful tests of a learner's understanding of the content being presented to them.

This analysis is built out further in Table 1. This table assesses the EPH training materials against good practice criteria. It indicates whether the level of alignment between these materials and good practice is: **Low** (indicating remedial work is required to meet good practice); **Moderate** (indicating that some work will be needed over time to ensure better alignment with good practice); or, **High** (indicating strong alignment with principles of good practice).

**Table 4 | Analysis of EPH training against good practice**

Good practice criteria	Alignment of EPH training materials to good practice
Aligned to legislation and regulations	<b>High</b> – As outlined above, the content of the EPH training materials accurately aligns to relevant legislative provisions and regulations.
Simple and easy to understand	<b>Low</b> – The EPH training materials seek to convey a significant volume of technical content as part of a one-day training program. The training is complex to understand for facilitators and requires them to have a significant degree of grounding in the subject matter. The content is also presented in a ‘dry,’ ‘text heavy’ way, with limited use of visual aids and other teaching tools. The content is far less engaging than more contemporary training programs – for example, the recently redesigned HSR training program, noted above.
Is comprehensive and accurate	<b>Moderate</b> – The material is accurate, drawing on the technical expertise and resources of SafeWork Australia. However, given the duration of the training program, the material covered is not comprehensive. A learner would gain an emerging, but not a comprehensive, understanding of the role, powers and responsibilities of an EPH from this training. Further, self-directed, learning would be required to supplement the training provided.
Is well structured	<b>High</b> – The material is clearly sequenced and structured, both for prospective teachers and for prospective students. The program of training outlined represents a logical way to take a learner on a journey from limited to greater understanding of the role of an EPH over the course of a day.
Provides a mix of learning tools to suit a range of styles	<b>Moderate</b> – The training materials contain a range of tasks and activities that a trainer could use to engage learners and ensure that a range of learning styles are engaged. In addition, the language used is relatively simple and easy to understand for people from a wide range of backgrounds. However, more contemporary training programs would contain a wider range of teaching tools and techniques, including role-plays and other more interactive approaches.
Provides structured assessments tailored to the content	<b>Low</b> – Assessment is mostly based on ‘attendance.’ There is no formal assessment of the learning delivered by the program, and only limited informal assessments built into the program of training for the day.

**Improvement opportunity 6: EPH training should be updated to reflect more contemporary training practices, however this may require consultation with SafeWork Australia**

Current Entry Permit Holder training is adequate, but could be better aligned to good practice for contemporary training design. It should be expanded in scope and timeframes to enable a more comprehensive suite of information to be provided to prospective entry permit holders. In addition, formal assessment should be built into the training to ensure that prospective entry permit holders are tested on the knowledge they acquire from the training.

However, it is noted that the current suite of EPH training materials were developed by SafeWork Australia. Updates to these materials may be the responsibility of SafeWork Australia. It is also noted that SafeWork NSW is not currently resourced to make updates to the EPH training materials.

### 3.4 SafeWork NSW appropriately assesses and approves HSR and EPH training providers

SafeWork NSW has responsibility for assessing and approving the provision of HSR and EPH training in NSW. SafeWork NSW has established a good practice assessment framework for providers of HSR and EPH training. This framework is applied effectively in practice, however only limited analysis into the consistency or appropriateness of decisions to approve providers are ever undertaken.

#### 3.4.1 SafeWork NSW has responsibility for assessing and approving providers

The WHS Act establishes that HSRs are entitled to health and safety related training. The WHS Act and relevant regulations also establish that EPHs require specific training before they are entitled to receive WHS entry permits from SafeWork NSW. In both cases, training will only meet legislative or regulatory requirements where it is approved by SafeWork NSW.

##### **SafeWork NSW is responsible for assessing and approving providers of HSR training.**

Under section 72(1) of the WHS Act, Health and Safety Representatives are entitled to request that their employer allow them to undertake a course of training in work health and safety. Section 72(1)(a) specifies that such a course must be 'approved by the regulator', which in the case of that section refers to SafeWork NSW. This gives SafeWork NSW the responsibility for approving training for Health and Safety Representatives.

In determining whether to approve a training course in work health and safety for the purposes of Section 72(1), SafeWork NSW may have regard to:

- The content and quality of the curriculum, including its relevance to the powers and functions of a health and safety representative; and
- The qualifications, knowledge and experience of the person who is to provide the training.

SafeWork NSW can approve the delivery of training subject to conditions. It may also vary those conditions or revoke approval, at any time.

##### **SafeWork NSW is responsible for assessing and approving providers of EPH training.**

Under Section 131 of the WHS Act, a union may apply to SafeWork NSW to the issue of a WHS entry permit for a person who is an official of the union, has completed satisfactory training, and holds an entry permit. Section 133 of the WHS Act indicates that SafeWork NSW must not issue a WHS entry permit to a person unless they have completed the prescribed training.

Section 25 of the *Work Health and Safety Regulation 2017* (2017 Regulations), made pursuant to the WHS Act, indicates that for the purpose of those sections, the relevant training is training approved by SafeWork NSW. For SafeWork NSW to approve an instance of the provision of the training, it must include detail on the following:

- Right of Entry requirements
- Issue Resolution requirements
- Entry permit holder duties
- Risk management requirements
- Definitions of certain terms under the WHS Act

- The relationship between the WHS Act and relevant industrial relations legislation
- Information on the availability of guidance material published by SafeWork NSW in relation to entry permits.

In determining whether to approve a particular instance of the provision of training, SafeWork NSW may have regard to any relevant matters including:

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

SafeWork NSW can approve the delivery of training subject to conditions. It may also vary those conditions or revoke approval, at any time.

**SafeWork NSW has responded to its training approval powers by establishing an assessment and oversight function.**

The WHS Act does not mandate that SafeWork NSW establish a function to assess the provision of HSR training or of EPH training. Nor does the WHS Act mandate that SafeWork NSW establish a mechanism to approve particular providers that meet relevant standards. However, in the absence of SafeWork NSW doing so, employers, HSRs and EPHs would not be able to comply with relevant sections of the WHS Act. Similarly, SafeWork NSW would not be able to grant WHS entry permits.

It is on this basis that SafeWork NSW has established a function for assessing the provision of HSR and EPH training by different organisations. SafeWork NSW receives applications from organisations wishing to provide HSR and/or EPH training. It then reviews their proposed provision of the training and approves that provision where appropriate. SafeWork NSW then monitors those organisations to ensure that their provision of HSR and/or EPH training is appropriate. SafeWork NSW may impose additional conditions on the provision or revoke approval from the provider.

### **3.4.2 SafeWork NSW has established an effective approach for the assessment and approval of EPH and HSR providers**

Good practice assessment of training providers considers a range of factors. This includes the capability of the organisation and its staff to engage with and appropriately deliver coursework. It also includes the capacity of the organisation to manage the training of students, in the volumes expected, to an appropriate standard. In the case of training with statutory or other technical requirements, it would also include testing the quality and appropriateness of the materials used for training – including their alignment to required standards of competency.

## SafeWork NSW has established a good practice assessment framework.

In the case of both EPH and HSR training, SafeWork NSW has already approved or endorsed training materials for use by providers. As such, an appropriate assessment of a provider would be limited to testing the capabilities and capacity as a training provider.<sup>38</sup>

SafeWork NSW has established a consistent framework for assessing the suitability of providers of both EPH and HSR training. This framework, and the relevant verification criteria and standards that relate to it, are set out in process guide documents prepared for HSR and EPH provider applications. The criteria and standards outlined in these documents align to relevant standards set in the WHS Act and 2017 Regulations.<sup>39</sup> They also align to the material published by SafeWork NSW as a guide for organisations applying for approval.<sup>40</sup>

The assessment framework used by SafeWork NSW includes sets of assessment criteria that relate to:

**Figure 7 | Assessment framework for approval of training providers**



Each of these elements relate to one or more of the features of good practice learning and development highlighted in Section 1 above. These elements appear to be appropriate for the assessment of the suitability of a provider and for the suitability of the course design they have in place. As such, this framework, if followed, would likely provide a robust assessment of the suitability of an organisation for approval as a provider of EPH or HSR training.

## Information is collected from prospective providers in a consistent way which aligns to the assessment framework.

Approval of providers is managed by SafeWork NSW's Training Accreditation and Compliance Services (TACS) team. The TACS team collects information about prospective providers. It then assesses them against the framework set out above. The TACS team then makes a decision regarding whether approval should be provided.

Information collection is consistent and transparent. Each organisation seeking to be approved as a provider of EPH or HSR training is asked to complete an application in a similar format.<sup>41</sup> Prospective

<sup>38</sup> Conditions for Approved Training Providers Delivering Entry Permit Holder Training in NSW under the Work Health and Safety Act 2011, September 2022, SafeWork NSW

<sup>39</sup> See Sections 72, 131 and 132 of the WHS Act, and Regs 21 and 25 of the 2017 Regulations.

<sup>40</sup> Guidance material includes: Entry Permit Holder Training Approval Details and Application Form:

[https://www.safework.nsw.gov.au/\\_data/assets/pdf\\_file/0007/49885/approved-provider-entry-permit-holder-training-SW08459.pdf](https://www.safework.nsw.gov.au/_data/assets/pdf_file/0007/49885/approved-provider-entry-permit-holder-training-SW08459.pdf)  
Health and Safety Representative Training Approval Details and Application Form:

[https://www.safework.nsw.gov.au/\\_data/assets/pdf\\_file/0018/50139/How-to-become-an-approved-provider.pdf](https://www.safework.nsw.gov.au/_data/assets/pdf_file/0018/50139/How-to-become-an-approved-provider.pdf)

<sup>41</sup> Entry Permit Holder Training Approval Details and Application Form:

[https://www.safework.nsw.gov.au/\\_data/assets/pdf\\_file/0007/49885/approved-provider-entry-permit-holder-training-SW08459.pdf](https://www.safework.nsw.gov.au/_data/assets/pdf_file/0007/49885/approved-provider-entry-permit-holder-training-SW08459.pdf)



providers are provided with an application form that asks them to complete details on their organisation and its suitability for delivering either EPH and or HSR training.

The form also requires the organisation to attach additional documentation to substantiate the claims of an organisation about its competence. This may include documentation that:

- Verifies the accreditation of qualifications of the organisation or members of its staff providing training.
- Outlines the processes and procedures that the organisation proposes to use to undertake training activities.
- Confirms the nature of the coursework to be used (i.e., that the approved coursework will be followed).
- Outlines the marketing and enrolment material that will be provided to students (particularly where that references SafeWork NSW or legislation relevant to HSR or EPH training).

The forms, and the attachments required, have been developed to align to the assessment framework specified above. They seek information that can be used by the TACS team to make a comprehensive assessment of the suitability of the proposed provider to provide either EPH or HSR training.

Once the form is received by the TACS team, the form and its attachments are reviewed in detail. To the extent that there are any gaps in the information provided to SafeWork NSW by the prospective provider, additional information may be requested. SafeWork NSW may also request additional information on the prospective provider or its proposed approach to delivery. This will generally be done to ensure that SafeWork NSW has as clear as possible an understanding of the proposed provider, its proposed approach to delivery and its suitability to be approved as a provider.

#### **SafeWork NSW assesses applications consistently and in a way that affords procedural fairness.**

The TACS team assesses all applications received in a consistent way, in line with published standards, and in a manner that affords applicants procedural fairness. The same pool of staff within TACS review each application received by SafeWork NSW in respect of the provision of EPH or HSR training. The standards against which they assess these applications are defined in legislation and regulations or otherwise published in the manuals available to prospective applicants. Reasons for any adverse decision are provided to applicants and a previously failed application will not preclude a future successful one.

Consultations with staff within the TACS team highlight that assessments of applications are conducted in a fair and consistent way:

- Staff highlighted that detailed Process Guide documents for the approval of training providers for EPH and HSR have been prepared by SafeWork NSW. They outlined that these documents contain details of the verification standards for when a provider should be approved to provide training. They also highlighted that these documents are used as part of the assessment of every application for approval received. These documents have been sighted as part of the preparation of this report and appear to provide a clear framework for assessing applications.<sup>42</sup>
- Consultations with TACS team staff highlighted that the same staff members in those teams are responsible for the assessment of all applications for the provision of EPH and HSR training. This is designed to ensure that there is consistency in the assessment of these applications by ensuring that the same staff see all relevant applications.
- Consultations with staff and directors responsible for assessing providers of EPH and HSR training indicate that detailed reasons are prepared for any decision relating to approving or not approving a

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Health and Safety Representative Training Approval Details and Application Form:

[https://www.safework.nsw.gov.au/data/assets/pdf\\_file/0018/50139/How-to-become-an-approved-provider.pdf](https://www.safework.nsw.gov.au/data/assets/pdf_file/0018/50139/How-to-become-an-approved-provider.pdf)

<sup>42</sup> Process Guide documents: Application to register a new EPH, New RTO application HSR – July 2023

provider. These are tested internally at level, and then approved by a manager. With this process seeking to ensure decisions are consistent.

A review of correspondence between SafeWork NSW and a sample of current ATPs has validated that this process is consistently followed in practice.

Once a decision has been made, it is then communicated to the relevant training provider. In the case of a decision to approve a provider, that decision – along with any conditions attached to the provision of training by that provider – is communicated to the provider in writing.

In the case of a decision not to approve a provider, that decision – along with high level reasons for the decision – is communicated in writing. The provider is then given the opportunity to provide further information in support of SafeWork NSW making a decision to approve them as a provider. SafeWork NSW will generally specify what information is required. In reviewing sample documents, it was observed that this may include information on how the provider will ensure that procedural requirements are met, as well as how the provider will respond if participants do not meet attendance requirements. In response to that further information, SafeWork NSW may change its decision.

If SafeWork NSW chooses to continue to not approve a provider following the provision of additional information, that decision is final. There is no formal appeal process provided for under the WHS Act. However, SafeWork NSW will conduct an internal review of the decision on request.

In all cases, the provider is able to contact staff in the TACS team to discuss the outcome of their application. In addition, a decision by SafeWork NSW in respect of one application does not limit a provider making a subsequent application – for example, once they have remedied flaws highlighted in a decision by SafeWork NSW not to grant them approval.

In combination with a consistent assessment process, this transparency post-decision can be seen to afford procedural fairness to all applicants.

### 3.4.3 This approach is delivered effectively in practice, however the overall impact of provider assessments is unclear

Individual decision making appears to be sound, however no comparative analysis of decision making is undertaken. SafeWork NSW staff highlight that the assessment process produces appropriate results in the case of individual providers. Documentation supports this conclusion. However, no comparative analysis of providers is conducted. Neither does SafeWork NSW seek to test past approval decisions against subsequent review decisions (including those to cancel an approval). This suggests better oversight over decision making is required.

#### **Approval decisions appear to be appropriate.**

The TACS team staff highlight that individual decisions are appropriate. Staff, managers and directors in these areas have independently commented on the robustness and appropriateness of decision-making procedures. This conclusion is supported by an analysis of the detailed guidance materials available to staff to support decision making. It is also supported by an analysis of sample approvals. This analysis has shown that where SafeWork NSW is unsure about a provider's preparedness, they will request additional information. SafeWork NSW will only approve the provider if the provider's response demonstrates compliance with SafeWork NSW's conditions.

A review of the list of approved EPH training providers suggests they are appropriate – based on the review framework and criteria applied by SafeWork NSW. Only four providers have been approved and both are large and well-resourced unions.<sup>43</sup> A review of each of their websites suggests they provide extensive training to members and with significant expertise in delivering similar training.

A review of the of the list of approved HSR training providers is less conclusive. More than 50 individual entities are listed as being SafeWork NSW approved providers of Health and Safety Representative Training.<sup>44</sup> These providers include large unions and training providers, as well as small training consultancies and 'sole provider' trainers. A review of a sample of the websites of larger organisations that have received approval indicates that they would be likely to meet the standards set under SafeWork NSW's review framework and criteria. However, it was not possible to perform this assessment for many of the organisations listed as having received approval.

#### **Ongoing assessment of decision making does not occur.**

SafeWork NSW does not appear to have established robust 'feedback loops' to assess whether its decision making for the approval of EPH and HSR training providers is appropriate. The primary source of data collected is based on verifications conducted by Inspectors attending a training event to monitor the delivery of training. However, it is unclear how this data is used to inform subsequent decision-making in regard to the approval process and decisions. Although SafeWork NSW staff involved in the verification process expressed the outcomes of verifications may inform approval conditions, there is opportunity to further strengthen the process of using verifications data to inform decisions.

Decision making by SafeWork NSW is not subject to formal quality assurance. Further, data does not appear to be collected on the long-term performance of organisations that receive approval in delivering training outcomes. Finally, data relating to the semi-annual reviews of providers conducted by SafeWork NSW does not appear to be used to inform subsequent decision making.

Decisions to approve or not approve providers are not subject to formal quality assurance. Managers review all decisions, with a particular focus on decisions where approval is not provided. However, this is a form of 'internal' review conducted by the teams making the relevant decision. No material suggesting

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<sup>43</sup> <https://www.safework.nsw.gov.au/resource-library/entry-permit-holder-eph-approved-training-providers>

<sup>44</sup> Search of the Service NSW Public Register using the search term 'Health and Safety Representative': <https://www.onegov.nsw.gov.au/PublicRegister/#/publicregister/search/RTO>

that a formal review process or quality assurance process exists was provided by SafeWork NSW. Neither was such an approach referenced by SafeWork NSW RTO or TACS team staff during consultations.

Data collection and analysis does not appear to inform decision making. Decisions to either approve or not approve a provider of EPH or HSR training are 'individual' decisions made on the individual facts of an application. The framework used to make this decision is also relatively static. Data relating to the outcomes of individual decisions – including the circumstances or behaviour of providers who were approved and subsequently had their approval cancelled – is not collected or used in decision making. Other sources of 'longitudinal' data does not appear to inform changes consistently and reliably to the assessment framework used by SafeWork NSW. These 'longitudinal sources' could include information on the performance of providers as assessed at their semi-annual reviews, or student complaints data.

**Improvement opportunity 7: SafeWork NSW's approval process for providers of EPH and HSR training should continue to be more focused review and continuous improvement process.**

SafeWork NSW's decisions to approve providers of EPH and HSR training are made in isolation from one another and are not subject to sufficient external oversight. SafeWork NSW should continue to implement formal process of selecting a percentage of these decisions for review by a team or manager separate to the TACS team.

In parallel, SafeWork NSW should also seek to continue to capture insights through collecting longitudinal data about the performance of providers approved to deliver training over time. Insights collected from multiple providers over time should be used to inform changes to the framework and criteria used by SafeWork NSW to approve providers, to ensure that lessons from actual experience are continually used to inform approval decisions.

### 3.5 SafeWork NSW provides limited oversight over delivery by providers

SafeWork NSW has appropriate tools and powers to provide oversight over EPH and HSR training providers. However, it is not currently sufficiently well-resourced to provide detailed supervision of the delivery of EPH and HSR training by more than a handful of providers each year. Extending this supervision – either to more providers or to the outcomes obtained by students – may be desirable. However, it will require additional resources.

#### 3.5.1 SafeWork NSW has the ability to provide a limited degree of oversight of providers of EPH and HSR training

SafeWork NSW has the ability to exercise oversight over all providers of HSR and EPH training. It has the legislative and regulatory ability to revoke approval for any instance in which training is provided. It also has the ability to set conditions on approvals for training. SafeWork NSW has imposed conditions on each instance in which approvals have been given for HSR and EPH training. These conditions allow it to exercise oversight of providers.

In respect of the training for Entry Permit Holders, the 2017 Regulations at 25(4) allow SafeWork NSW to revoke approval for training. This can be done for reasons relating to the content or quality of the curriculum, the qualifications, knowledge and experience of the provider, or a range of other factors. If approval is revoked, the training will no longer be 'prescribed training' for the purposes of Sections 131

and 133 of the WHS Act. This will mean that any training offered by that provider will no longer support a prospective entry permit holder to obtain WHS entry permits from SafeWork NSW.

Regulation 21 of the 2017 Regulations provides for an almost identical ability for approvals for HSR training. If this training is revoked, it has a similar impact on legislative entitlements for HSRs to receive training set out in Section 71 of the WHS Act.

SafeWork NSW can impose conditions on any approval for training. This is done under Regulation 21 of the 2017 Regulations for HSR training and Regulation 25 of the 2017 Regulations for EPH training. The 'Conditions for Approved Training Providers' for both HSR training and EPH training impose a condition on each instance of approved training. One condition that is always imposed allows SafeWork NSW to conduct 'verification and investigation processes' to ensure that any training provided is appropriate.<sup>45</sup> These conditions also create a set of penalties for non-compliance and establish a process for reviewing any adverse findings as a result of a review.<sup>46</sup>

These sets of provisions allow SafeWork NSW to provide a limited degree of oversight over the providers of EPH and HSR training. This includes an ability to request and review documents from an approved provider. It also includes the ability to observe the delivery of EPH or HSR training by an approved provider. On the basis of its review and observations, SafeWork NSW has the ability to make an assessment to continue, suspend or cancel an approval (or to perform a range of other oversight actions).

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<sup>45</sup> For example, Section 4.1 of the *Conditions for Approved Training Providers Delivering Entry Permit Holder Training in NSW under the Work Health And Safety Act 2011* ('Conditions for EPH ATPs'), published in September of 2022, which states: "**4.1. Verification and investigation processes** - To ensure the integrity and quality of the training, SafeWork NSW staff may observe and monitor any SafeWork NSW approved training course delivered by an ATP. SafeWork NSW has a systematic auditing process that reviews the conduct of ATPs in the delivery of training to ensure compliance with these conditions, the facilitator guides and course materials, and the SafeWork NSW advertising specifications. SafeWork NSW will investigate any allegation made or complaint received against an ATP, including: a. inappropriate, discriminatory or corrupt behaviour b. inappropriate or discriminatory comments c. the quality of the delivery of training d. the suitability of venue or learning environment. As a result of an audit or investigation, SafeWork NSW may contact the ATP requesting further information or assistance. ATPs are required to cooperate with any such request – refusal or hindrance may result in the suspension of the ATP's approval."

<sup>46</sup> *Supra*, Sections 4.2 and 4.3 in Conditions for EPH ATPs. Section 4.2 states: "**Penalties for non-compliance** - SafeWork NSW may impose penalties on an ATP for not complying with these conditions. The level of penalty will be determined by the type, frequency and severity of the breach. Penalties may include: a. educative advice b. corrective action – for example formal caution letters, interviews c. suspension of approval d. cancellation of approval e. prosecution. Prior to any suspension or cancellation, SafeWork NSW will issue the ATP with written advice of the proposed suspension or cancellation. The ATP will be given the opportunity to make written representation to SafeWork NSW within 28 days, addressing the issues for the proposed suspension or cancellation. SafeWork NSW will consider the response when making a determination on the original decision. If an ATP has had their approval suspended or cancelled, it may also result in the suspension or cancellation of other approvals or approval held by the ATP as a SafeWork NSW service provider. New applications for approval as a work health and safety ATP may not be considered for a person who has had any relevant approval or approval suspended or cancelled in any state or territory within the previous five years. ". Section 4.3 states: "**Review process** - If the ATP does not agree with the decision to suspend or cancel their approval, they can request an internal review. If the ATP wishes to apply for an interval review, the appropriate form including any additional information must be submitted within 28 days of being notified of the decision to suspend or cancel the ATP's agreement. The application needs to be completed in writing and include an Australian address for the application using the online form on the SafeWork NSW website: <https://www.safework.nsw.gov.au/resource-library/list-of-all-forms/html-forms/application-for-internal-review> The ATP will be advised of the outcome of the review in writing."

### 3.5.2 SafeWork NSW has established a mechanism for providing this oversight, however it is subject to resourcing challenges

SafeWork NSW engages in ongoing oversight of the quality of delivery by EPH and HSR training providers. However, due to resourcing constraints, this oversight is limited in scope. It is also unlikely that SafeWork NSW would have the resources necessary to provide oversight of the outcomes delivered to students by the EPH and HSR training providers it approves.

#### **A clear process exists for oversight of EPH and HSR training providers.**

SafeWork NSW has established a team focused on providing oversight of the quality of work health and safety related training in NSW. This team is called Third-Party Verification (TPV) . . TPV is responsible for oversight over the provision of EPH and HSR training. It is also responsible for oversight of a wide range of other training programs and training providers.

TPV has established a consistent process for oversight which is applied across the full range of training providers the Unit is responsible for supervising. Based on review of available information and review of documentation, this process involves SafeWork NSW completing various steps that result in:

- A request for information being sent to a training provider,
- The review of material received as a result of that request,
- Decision making including a determination to conduct on-site inspection and to observe the delivery of coursework by the training provider,
- Site visit to collect information and observe delivery,
- The preparation of a verification report,
- Communication with the training provider about findings, including requests for further information and input if findings may be adverse, then
- A final decision, along with the management of a feedback in partnership with the training provider (and if required a formal review process).

Elements of this process are documented in the EPH and HSR audit history document that was received as part of this review.<sup>47</sup> Staff engaged highlighted that this process is consistently followed in practice.

#### **The process is resource intensive and can only oversight a limited number of providers per year.**

This process is resource intensive. Documents highlight a complex, multi-step, process. The process involves collecting and analysing documentation, as well as site visits to observe several days of coursework delivery. It may also involve the management of a review, triggered by the training provider in the case of adverse findings being made against them. Staff involved in this process highlight that it is resource intensive.

The TPV Unit appears to be capable and hard working. However, its small size limits the number of reviews that it can conduct in any given year. Further, it is required to provide oversight over not just providers of EPH and HSR training, but also providers of many other training programs as well.

As a result, the team is often unable to meet its targets of four HSR and two EPH ATP reviews per quarter. Staff in the TPV Unit indicate prioritising effort based on provider risk factors and the time since a review was last conducted. However, they acknowledge that their current resourcing does not allow them to provide effective oversight over all EPH and HSR training providers. They also note that it may be more

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<sup>47</sup> SafeWork NSW EPH and HSR audit history. 2023

than five years between the time an EPH or HSR training provider is subject to oversight and the next time that the TPV Unit will be able to focus on them again.

**Resourcing limits the nature of the oversight that SafeWork NSW can provide over the quality of the student experience and capability uplift delivered by HSR and EPH training providers.**

SafeWork NSW could expand its oversight approach to have a greater focus on the training outcomes delivered to students. Existing conditions on training approvals allow for the TPV Unit to collect a wide range of information on training delivery. Changes to these conditions could – in theory – expand data collection to capture the actual outcomes delivered by HSR and EPH training providers to their students.

However, driving toward deeper insights on student outcomes would require changes in resourcing or focus. The TPV Unit is not fully utilising its current tools given the range of providers it needs to provide oversight of. Additional resources, or a narrowing of focus for the TPV Unit, could improve its capacity to collect and analyse information on student experience and outcomes.

Currently, SafeWork NSW collects insights on candidate experience and outcomes using passive tools. SafeWork NSW has made each approval of training subject to a condition that EPH and HSR training providers must provide students with surveys and other insight collection tools. The results and other insights collected using these tools must be passed through to SafeWork NSW. SafeWork NSW draws on these insights to make changes to its coursework. For example, the 2023 revisions to the HSR training program were driven as a result of this feedback.

However, SafeWork NSW does not collect or analyse sufficient data to make whole-of-system observations about training quality. Neither does it collect or analyse insights into the best ways to work with HSR or EPH training providers to improve student outcomes. Ultimately, instituting that level of oversight would require more resources than are currently available to SafeWork NSW. In addition, engagement with staff in the TPV Unit and in other parts of SafeWork NSW highlight that the organisation does not currently see ensuring HSR or EPH training programs deliver particular outcomes for candidates as SafeWork NSW's responsibility. Rather, SafeWork NSW staff see this as the responsibility of the individual training providers.

**Improvement opportunity 8: Increase current oversight resources and consider an expansion to supervising student outcomes over time.**

Maintaining appropriate oversight over the delivery of HSR and EPH training programs will require additional resources for SafeWork NSW. If it is determined by the independent review that greater or closer oversight over HSR and EPH training provision is required, SafeWork NSW would either have to deprioritise its supervision of other training programs or seek additional resources from government. As its supervision of other training programs is also important, additional resources are likely to be required. An expansion of the TPV Unit would allow for more EPH and HSR training providers to be reviewed each year.

**Note:** This report is not supported by a detailed consideration of the resourcing position of SafeWork NSW. However, based on interviews conducted and documents sighted during the preparation of this paper, SafeWork NSW does not appear to have the resources necessary to provide detailed oversight of student outcomes delivered by EPH or HSR training in NSW.

If resources from other areas of SafeWork NSW were reprioritised to undertake this work, it is reasonable to assume that it could compromise SafeWork NSW's statutory mandate to provide effective oversight of work health and safety issues in NSW. Therefore, if the independent review finds that SafeWork NSW should exercise oversight over the learning or other outcomes obtained by EPH and/or HSR training participants, we suggest that this finding should be accompanied by a recommendation that this oversight be supported by appropriate additional resources for SafeWork NSW.



## Part 3: Triage Training

## 4 Training for Staff involved in triaging should be formalised

Training of staff involved in triage at SafeWork NSW should become more formalised and rigorous over time. Formal training for staff involved in the triage process is limited to the 'induction' training they receive upon joining SafeWork NSW. On-the-job learning is the primary way most staff involved in Triage build competency. While this approach has worked to-date, it is difficult to scale and does not provide the right level of consistency between staff involved in triage processes. Training approaches should therefore be formalised and subject to greater oversight.

### 4.1.1 Staff in two teams contribute to an established triage process

The triage function at SafeWork NSW supports the organisation to make decisions regarding the exercise of its statutory powers. Three teams are involved in this process:

- **SafeWork Advisory Services Contact Centre** – This team operates the 'intake' function that receives information about 'Notifiable Events' from employers and others. Staff within the SafeWork Advisory Services (SWAS) Contact Centre team complete tasks related to the initial capture of information and insight about a Notifiable Event. They then log notifications and information about them in the WSMS platform used by SafeWork NSW to manage triage decision making. Formal triage decisions are then made by Inspectors in the RCEU.
- **Triage Advisors** – This sub-team within SWAS is responsible for the decision-making process and triaging related to 'Requests for Service.' These are matters raised by the public or non-business groups that may or may not require an inspector response. Triage Advisors apply their judgement, along with relevant frameworks and decision-making tools, to determine the right response for each request for service received by SafeWork NSW. As part of this work, they engage with the broader SWAS team to obtain additional insights, and with inspectors in various parts of SafeWork NSW to obtain refer matters as required.

**Response Coordination and Enforceable Undertakings** – This team, constituted primarily of inspectors, provides oversight and escalation support for the SWAS and the Triage Advisors. The Response Coordination and Enforceable Undertakings (RCEU) team engages with contact centre team members in respect of notifiable events and makes formal triage decisions in respect of those events. The RCEU team also provides guidance on an ongoing basis to the triage advisor team about their decision making in respect of Requests for Service. In broad terms, the triage process followed by these teams involves:

- An initial report of a Notifiable Event or a Request for Service is made to SafeWork NSW.
- The SWAS contact centre team collects initial insights and information to determine if the matter is within the jurisdiction of SafeWork NSW and what the critical elements of the event are.
- If the matter is a Notifiable Event, received from an employer, the contact centre team member collects and prepares information that inspectors use to make a decision
- If the matter is a Request for Service, the contact centre team member will pass the matter on to a Triage Advisor.
- A Triage Advisor receives information on a request for service from the contact centre team (or an application made through a SafeWork NSW app) via the WSMS platform.

- The Triage Advisor makes an assessment of the nature, impact and urgency of the Request for Service in question and assigns it a triage rating.
- From time to time the RCEU team may seek to review a triaging decision either to increase or decrease its triage rating. This is done on an informal base, drawing on input from inspectors and other staff.

Detailed analysis on the Triage function at SafeWork NSW is outlined in the companion report to this paper, which focuses on the Triage and Investigation Decision Making Panel process at SafeWork NSW.

#### 4.1.2 Triage training for SWAS Contact Centre and Triage Advisors should be formalised

The training available to SWAS Contact Centre team and Triage Advisor staff should be formalised and supported by appropriate documentation. This process begins through a formal induction training program developed in 2022-23. Following this short program, skills development for triage occurs through a time consuming, hands on, training program that cannot easily be scaled

##### **Triage training for staff in the SWAS Contact Centre and Triage Advisor teams is relatively informal.**

Staff in the SWAS Contact Centre and Triage Advisor teams receive only limited formal training. Staff are provided with general guidance as part of 'induction' training. Staff then rely on a system of coaching and mentoring from peers to gain confidence in the role. Staff are not formally assessed against the training they receive. However, staff are subject to ongoing quality assurance processes (including sampling and review of their work). This provides insight into the degree of capability staff have against an established framework for their role.

Staff in both teams undertake 'onboarding' training upon commencing with each team. This training generally takes two weeks to complete. It includes team managers and senior staff taking new starters through the role of their team and the job they will perform within that team. It also includes guidance on the purpose and object of the team and of SafeWork NSW as an organisation. Existing materials and documentation (including triaging guides and frameworks) are provided to staff as part of this training.

In addition, staff receive direct coaching on how to perform each aspect of their role. This coaching is provided by peers and team leaders in their team. It generally includes showing the staff member how the process works in practice and refereeing them to relevant guidance materials. An example of this is new starters to the triage team being shown how to use the WSMS software system to analyse information relating to a triage decision and record findings.

Ongoing learning and development of new staff is provided via 'buddying' arrangements. Following their 'onboarding' training and initial coaching, staff are generally trained through partnerships with peers. New starters are assigned to more experienced staff. At first new starters will 'shadow' experienced staff as they perform their work. Over time they will progress to completing aspects of the job under supervision. Staff are subject to periodic calibration sessions with senior staff. These occur monthly within SWAS and on a six weekly basis with RCEU senior staff. Eventually, staff will progress to working solo. Timeframes for this progression are largely dependent on the individual learner.

##### **Training materials for the SWAS Contact Centre and Triage Advisor teams are limited in nature, with a reliance on existing triage materials to convey information.**

Good practice for training design suggests that tailored materials should be developed to support learning. This is because new starters to a role generally lack the full context necessary to understand it. Concepts should generally be introduced gradually and in a format that is designed to be easily understood and applied.

The materials used for training are not tailored to the purpose of instructing new staff. Formal training materials specifically tailored to triage training do not appear to have been created by SafeWork NSW.<sup>48</sup> Induction of new starters is supported by reference to existing triage guidance materials. As part of training, staff are provided with extracts from these documents and artefacts. Staff providing training may also use these materials as part of 'case studies' and simulations of work. However, these materials have not been tailored or designed to effectively support learning.

As noted in the companion report, focused on Triage and IDPM processes, existing triage guidance materials do not contain concise summaries of the process or 'quick reference guides.' Staff and leaders report that utilising existing triage materials requires a detailed understanding of more than 200 pages of documentation. This factor compounds the challenge presented by a reliance on existing guidance materials. No materials exist that can provide new starters with a simple introduction to what 'success' looks like for their role.

In addition, as noted in the companion report, while Triage processes are currently static, they should be subject to continuous improvement based on outcomes data. If this change were to occur, existing staff would need to be retrained. Staff would also require regular refresher training on an ongoing basis. This would require triage training materials that were concise enough to support development of staff in parallel to their existing work. It would also require these materials to be regularly updated to reflect evolving triage practice.

**On the job training is the primary driver of successful triage outcomes for the SWAS Contact Centre and Triage teams.**

Ensuring staff are supported to succeed through the initial stages of their work is a key aspect of good practice training and development. This will generally involve system of formal mentoring for all new starters. It also usually requires a collegiate culture where staff are supported to learn.

Onboarding practices in the SWAS Contact Centre and triage advisor teams provide appropriate on-the-job training and development. Senior leaders responsible for supporting these teams highlight that all new starters are assigned mentors, tasked with supporting new starters for up to a year as they learn the requirements of their job. They also highlight that strong, informal, support networks exist within the SWAS and triage teams to support learning.

Inspectors who engage with the SWAS Contact Centre and triage advisor teams also comment that staff receive ongoing 'on the job' learning and support from within their teams. These inspectors also comment that they offer this support directly, in response to gaps they observe in team practice or when requested of them by staff. An example would be the close collaboration between triage advisors and the RCEU team, where it is quite common for the triage advisor team to discuss potential decision making with RCEU inspectors. Staff emphasised that RCEU inspectors and managers are readily available and actively engage with them to confirm complex triage decisions

Based on this feedback and these examples, ongoing coaching and development within the SWAS and triage teams appears to be appropriate. However, it should be noted that training approaches of this design can vary significantly based on the staff member providing the mentoring or support. As such, they may not always produce consistent training outcomes.

**Current training approaches prevent high volumes of triage staff being trained simultaneously.**

While current on-the-job training approaches provide staff with appropriate support, they are labour intensive and difficult to scale. Training requires extensive one-to-one support between trainers and new starters. It also takes multiple months to build staff capability. Senior staff highlight that current

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<sup>48</sup> Review of Triage training and reference materials produced by SafeWork NSW

approaches are only effective because staff turnover is low and there are relatively small numbers of new starters.

This training approach is highly dependent on the availability of experienced staff within the SWAS and Triage advisor teams. The capacity of experience staff in these teams is limited, and a focus on training new starters reduces their availability to perform other functions. In addition, staff providing this training have often held roles within SafeWork NSW for five or more years. This creates the risk that they may be required to assume higher duties or be moved to take on work elsewhere in the organisation during the period in which they are managing the training and development of new starters.

**Improvement opportunity 9: Formal triage training materials should be prepared and then regularly refreshed.**

Training materials should be prepared to support new starters when they join either the SWAS Contact Centre or Triage advisor teams. These materials should contain a summary of relevant triage procedures and standards. They should also be formatted in a way to support self-directed learning by either new starters or existing staff. These materials should be supported by designs for training sessions and coaching to be delivered to new starters by existing staff.

All of this material should be revisited and (where necessary) revised at least once every two years. Procedures should also exist to ensure that training materials always contain a current version of any triaging standards or frameworks that are updated on an annual basis (e.g., a list of high-profile focus areas for triage). These training materials can then be used to form the basis of a potential formal training program for new members of either the SWAS Contact Centre or Triage advisor teams.

**SafeWork NSW does not have clear oversight over the depth or quality of staff knowledge.**

Good practice training programs maintain oversight of the learning outcomes of participants. Measuring student performance against objective standards, as well as assessing the actual delivery of content by the training program, are features of this oversight. Good practice all requires an ongoing assurance that the capability of the staff delivering training meets an appropriate standard.

SafeWork NSW does not engage in any formal oversight over the delivery or outcomes of triage training for staff in the SWAS, triage advisor or RCEU teams. Staff skills and capabilities are regarded as matter for team leaders and are not subject to any oversight other than general feedback and performance management. The capabilities and capacity of the staff engaged in induction training, or mentoring and 'buddying,' new starters are also not formally assessed. Nor are the approaches they use to develop staff.

Leaders within SafeWork NSW, including directors, highlight that their staff are capable and perform their jobs to appropriate standards. This aligns with the findings of the review paper on triage and IDMP practice – prepared in parallel to this report – which highlighted that triage procedure is consistently followed in practice. Triage advisors expressed confidence in being equipped with adequate training and support to perform triage functions. They highlighted that documentation provides clear guidance and there are clear communication channels to seek advice from managers when there is uncertainty.

However, there is no way for SafeWork NSW to be certain that all staff providing training or coaching to new starters, consistently work in line with required triage practice. Neither is there any assurance that staff are performing in line with required triage once trained. This represents a significant gap in SafeWork NSW's ability to ensure triage processes are consistently followed. It also creates the risk that training could perpetuate errors in triage practice – if a current staff member does not provide correct instruction to a new starter, that practice may be replicated in the new starter's work.

**Improvement opportunity 10: Simple triage skills assessments should be administered for new starters post training and for existing staff before they deliver training.**

A simple assessment tool should be developed to evaluate the triage related skills and capabilities of staff at SafeWork NSW. This tool should be designed to present staff with relevant scenarios and problems that leverage their triage skills. It should then use multiple choice answers (or other similar, objective, tests) to establish their level of competency. A minimum score threshold should be established below which a staff member may be required to engage in refresher training for their triage skills.

This assessment tool should be used to assess all new starters in the SWAS, Triage advisor and RCEU teams at a designated point in their first six months in the organisation. Further, the assessment tool should be used to test experienced staff prior to their delivery of triage training or coaching support to new starters. The assessment tool should also be used for inspectors moving into roles with supervisory responsibility over triaging decisions.

### **4.1.3 Inspectors generally receive appropriate triage training but could benefit from refresher materials**

Inspectors joining SafeWork NSW generally receive appropriate triage training through the NITP. As outlined above, the NITP includes a formal component on triage practice. If an inspector later joins the RCEU team, they will receive informal 'refresher' training and will be supported as they settle into that role. RCEU staff indicate that this process is broadly suitable and provides staff with relevant knowledge. However, inspectors would likely benefit from summary materials outlining triage practice in straightforward terms.

The NITP includes content on triage. This training exceeds the level of formal instruction provided to new starters joining the SWAS and Triage teams. It is also designed to equip inspectors to use the full suite of materials that guide practice at SafeWork NSW, including detailed triage documentation. This suggests that new inspectors, have access to the foundational knowledge that is required for performing triage roles.

Inspectors are sometimes transferred into the RCEU team to undertake formal triaging work. After starting in the RCEU team they receive mentoring support in performing triage activities. They also receive mentoring and on-the-job learning in how to support the contact centre and triage advisors as they complete triage related tasks. This support continues until the inspector feels comfortable supervising triage decision making independently. However, there is no formal assessment concerning whether the new inspectors are ready to support triaging work.

Inspectors would benefit from the guidance materials described above. The creation and regular update of guidance materials, specified at Improvement suggestion 9, would also be of benefit to inspectors. These materials, once created, should be used by inspectors to support them to make the most effective triage decisions, more efficiently, in practice.

## Appendix A Methodology

This section outlines the methodology adopted for this review. Nous' methodology was based on an agreed review approach and analytical framework. Nous tested and confirmed a methodology with the Review Team at the start of this project. This methodology specified that Nous would follow five key steps in preparing the report. These are set out in Table 5.

Table 5 | Nous' methodology

Step	Activities by Nous
1. Agree on review approach and understand training programs	<ul style="list-style-type: none"><li>• Worked with the Review Team to agree on the key questions that this report will answer.</li><li>• Requested data from both SafeWork NSW and the Review Team.</li><li>• Reviewed extensive documentation of training materials provided by SafeWork NSW against the agreed key questions for this report to understand each training program.</li></ul>
2. Develop analytical frameworks and assess the intended training programs	<ul style="list-style-type: none"><li>• Generated insights on training programs as they are articulated within the documentation.</li><li>• Researched and developed good practice frameworks for training in regulatory environment.</li></ul>
3. Develop understanding of the impact and outcomes of the training programs in practice.	<ul style="list-style-type: none"><li>• Consulted with stakeholders to reflect on their experience with relevant training programs.</li><li>• Reviewed submissions made to the Independent Reviewer related to the experiences of training programs provided by SafeWork NSW.</li><li>• Generated insights on all training programs in practice on the basis of stakeholder consultations, review of submissions, and review of training materials and legislation.</li></ul>
4. Assess against the analytical framework and socialised findings.	<ul style="list-style-type: none"><li>• Assessed training programs as documented and in practice against the good practice framework.</li><li>• Socialised recommendations with the Review team and SafeWork NSW.</li></ul>
5. Draft and finalise the report.	<ul style="list-style-type: none"><li>• Consolidated findings in a draft report and test factual matters with SafeWork NSW.</li><li>• Finalised the report and provide to the Review Team.</li></ul>

## **Nous collected insight from a broad range of sources in preparing this report.**

The review of the selected training programs has been based on a wide range of inputs including extensive review of training materials and associated procedural documents. A range of staff involved in the educational functions of SafeWork NSW have been involved in this review. Additionally, this has been supported by the perspectives of current and previous participants in training programs.

Key sources of input for this review are highlighted in further detail below:

### **1. Document review**

To develop insights and make this assessment, this report has involved the review of:

- **80+ documents related to the NITP** - Review of program handbooks, a sample of forms, activities, previous feedback evaluation documents, sample assessment reports of student results
- **60+ documents related to HSR and EPH** - Review of participant learning materials, facilitator notes, accreditation forms for authorised training providers (ATP's), conditions of approval for ATP, previous audit history of verification of ATP's, and sample approvals decisions of assessment of ATPs
- **35+ documents related to training materials for staff involved in triage functions** – Review of workbooks, presentations, references materials and user guides, and organisational structure of SafeWork NSW Advisory Services and the RCEU team

### **2. Stakeholder Consultations**

To test emerging insights and further explore findings, stakeholders from SafeWork NSW involved in training design, delivery and recipients of training were engaged.

Stakeholder across the training programs have included:

*NITP - 13 staff members at SafeWork NSW involved in training design and delivery, and 7 training participants*

- Facilitators and Unit of Competency Coordinators
- NITP Mentors
- The RTO leadership team
- Current and recent NITP graduates from 2021 and 2022

*HSR and EPH – 2 staff members from the Training, Accreditation & Compliance Services (TACs)*

- Director of Registry and Accreditation
- Manager in Training and Compliance Services

Staff involved in Triage training – 2 Managers involved in the design and delivery of triage training and 4 triage advisors

- Manager of SafeWork NSW Advisory Services
- Manager of the Response Coordination and enforceable undertaking (RCEU)

### **3. Summary insights from summaries of submissions provided by the Independent review team**

the Independent Review prepared a summary of key themes synthesised from submissions and interviews conducted. This was provided to us and used as a source of insight for all training programs.



## Approach for analysis

### Formation of initial insights

The review commenced with an in-depth examination of documents provided by SafeWork NSW, guided by key lines of enquiry as defined in Figure 8. Appendix B provides a comprehensive overview of these lines of enquiry. The initial review of these documents served as the basis for developing preliminary insights on the design and content of training programs.

In addition, submission materials from the Independent Reviewer were analysed to incorporate a wider array of external viewpoints, specifically to gain insights on the training experiences of key stakeholders.

**Figure 8 | Conceptual approach for document review**

Is the training for the New Inspector Training Program, Health and Safety Representative Training, Entry Permit Holder Training and staff performing triage functions well designed and effective in building capability? In what ways can they be enhanced?							
What is the nature of current training programs?		What does good practice training look like?					
Legislation	Standards	Design	Content	Delivery	Assessment	Impact	Evaluation

### Engagement with key stakeholders

Insights were further developed through consultations. Initial consultations were with training staff involved in the design and delivery of training, to validate and build upon emerging insights. Further engagements with training participants followed to gain perspectives on the delivery and outcomes of training programs.

### Assessment against good practice

These insights were then triangulated, tested, and iterated with additional document requests. Following this, further consultations were conducted with participants of the NITP and Triage Advisors to gain a holistic understanding of the impact and outcomes achieved training. The good practice framework served as a critical benchmark against which the insights were measured. Insights for each training program were systematically assessed to form conclusions for relevant domains of training. This process of validating against a set framework facilitated the identification of improvement suggestions made in this report.

## Appendix B Analysis of Training materials

This section outlines training materials and analysis conducted for the select training programs. This includes review of the design and content of training programs against relevant legislation and regulation.

**Table 1 | Core and elective units within SafeWork NSW's delivery of the Diploma of Government**

Unit Type	Unit Code	Unit Name
Core Units	PSPETH008	Promote the values and ethos of public service
	PSPLEG007	Promote compliance with legislation in the public sector
	PSPGEN115	Uphold and support inclusive workplace practices
	PSPGEN101	Use complex workplace communication strategies
	BSBWRT411	Write complex documents
Elective Units	BSBWHS414	Contribute to WHS risk management (part of Work Health and Safety unit group)
	PSPWPI008	Evaluate and report on workplace legislative compliance (part of Workplace Inspection unit group)
	PSPWPI009	Facilitate improvement in workplace legislative performance (part of Workplace Inspection unit group)
	PSPWPI010	Investigate possible breaches of workplace legislation (part of Workplace Inspection unit group)
	PSPWPI015	Advise on work health and safety legislative frameworks (part of Workplace Inspection unit group)
	PSPGEN091	Develop client services
	PSPGEN106	Conduct research and analysis

**Table 2 | Alignment between inspector training requirements and the content of the Diploma**

Learning requirement for inspectors	Unit of competency training included in Diploma	Overview of content covered
<ul style="list-style-type: none"> <li>Provision of information and advice about WHS legislation</li> <li>Resolution of WHS representative access issues</li> <li>Resolution of entry issues</li> <li>WHS Education/Training</li> <li>Resolution of WHS issues in the workplace</li> </ul>	Evaluate and report on workplace legislative compliance	This unit describes the performance outcomes, skills and knowledge required to identify work health and safety (WHS) issues, assess workplaces for compliance, advise on control measures and report on compliance activities.
	Promote the values and ethos of public service	This unit describes the performance outcomes, skills and knowledge required to promote ethical standards to assist staff avoid conflicts of interest and to model and foster integrity.
	Promote compliance with legislation in the public sector	This unit describes the performance outcomes, skills and knowledge required to promote compliance with legislation in the public sector, with a focus on assisting other to comply with public sector guidelines
	Advise on work health and safety legislative frameworks	This unit describes the performance outcomes, skills and knowledge required to provide written and verbal advice about the legislative duties, rights and obligations of individuals and parties prescribed in WHS and other relevant legislation.
	Contribute to WHS risk management	This unit describes the skills and knowledge required to contribute to WHS risk management, which includes the processes for identifying work health and safety (WHS) hazards and assessing and controlling the risk relating to those identified hazards.
	Facilitate improvement in workplace legislative performance	This unit describes the performance outcomes, skills and knowledge required to facilitate the development and implementation of workplace improvement strategies related to work, health and safety (WHS) legislation.
<ul style="list-style-type: none"> <li>Investigation of breaches of WHS legislation</li> </ul>	Investigate possible breaches of workplace legislation	This unit describes the performance outcomes, skills and knowledge required to conduct investigations into a range of workplace contexts specifically relating to work health and safety (WHS) legislation.
<ul style="list-style-type: none"> <li>Relationship building</li> </ul>	Uphold and support inclusive workplace practice	This unit describes the performance outcomes, skills and knowledge required to value diversity and inclusion in the workplace.

Learning requirement for inspectors	Unit of competency training included in Diploma	Overview of content covered
<ul style="list-style-type: none"> <li>Examination of witnesses</li> </ul>	Develop client services	This unit describes the performance outcomes, skills and knowledge required to develop client services to support develop skills associated with independently, performing complex tasks in a range of familiar and unfamiliar contexts.
	Use complex workplace communication strategies	This unit describes the performance outcomes, skills and knowledge required to use complex workplace communication for working with internal and external clients, colleagues, and other staff.
<ul style="list-style-type: none"> <li>Issue of Notices</li> </ul>	Write complex documents	This unit describes the skills and knowledge required to plan, draft, and finalise complex documents.
<ul style="list-style-type: none"> <li>Support for prosecutions</li> </ul>	Conduct research and analysis	This unit describes the performance outcomes, skills and knowledge required to undertake research and analysis.

**Table 3 | Overview of the HSR Training Program**

Day	Key training content and objectives	Key activities
1	<p>Provide an overview of the WHS legislative framework, duties of various parties and key terminology</p> <p>Introduce the role of SafeWork NSW and penalties for non-compliance</p>	<ul style="list-style-type: none"> <li>• Discuss the benefits of consultation in managing WHS and the role the HSR can play in facilitating WHS consultation in the workplace</li> <li>• Discuss the Role and Functions of an HSR</li> <li>• Discuss the Role and Function of SWNSW</li> <li>• Discuss the impact of Workplace Injuries and the role Workplace culture in improving safety outcomes</li> <li>• Discuss the duties and obligations of a PCBU</li> <li>• Review case study scenarios to identify workplace offences and penalties</li> <li>• Complete workbook activities and review questions associated with the WHS legislative framework and WHS terminology</li> </ul>
2	<p>Introduce the requirements for consultation in the workplace on work health and safety issues and the mechanisms available.</p> <p>Introduce the role of HSRs and Health and Safety Committees (HSCs) and other available mechanisms are discussed as well as entitlements and protections.</p>	<ul style="list-style-type: none"> <li>• Discuss legal obligations of PCBU's</li> <li>• Discuss factors for forming a Work Group</li> <li>• Discuss the purpose and tasks carried out by Health and Safety Committees as well other consultation arrangements</li> <li>• Complete review questions and case studies associated with consultation in the workplace on work health and safety issues</li> </ul>
3	<p>Examine and introduce the consultative approach required to resolve workplace Health and Safety</p> <p>Discuss the skills and knowledge require to identify hazards and ways to eliminate and minimise</p>	<ul style="list-style-type: none"> <li>• Discuss processes for taking a systematic approach for risk management</li> <li>• Discuss the role of HSRs to help build management commitment to risk management and safety consultation</li> <li>• Complete workbook activities to identify hazards and potential harm</li> <li>• Discuss processes associated with risk assessment and management</li> <li>• Complete workbook review questions and case studies that practice identifying and minimising risks</li> </ul>
4	<p>Build upon content from Day 3 through practical exercises</p> <p>Demonstrate how HSRs can contribute to incident investigation</p>	<ul style="list-style-type: none"> <li>• Discuss the role of HSRs in workplace inspections</li> <li>• Discuss the causes of workplace incidents</li> <li>• Discuss assistance and support available for HSRs to carry out investigations</li> <li>• Discuss the impact of serious injuries and illnesses in the workplace</li> <li>• Complete review questions associated with incident investigation processes</li> </ul>

Day	Key training content and objectives	Key activities
5	<p>Provide learners with the information and skills HSRs require regarding the issuing of Provisional Improvement Notices (PINs)</p> <p>Discuss processes for directing unsafe work to cease where negotiation and issue resolution has been unsuccessful or immediate action is required</p> <p>Summary and review of learning outcomes</p>	<ul style="list-style-type: none"> <li>• Discuss information requirements for a PIN</li> <li>• Discuss the power of HSRs to direct workers to stop unsafe work</li> <li>• Complete review questions and case studies associated with directing unsafe work to cease</li> <li>• Complete case studies that reflect the content of the entire course</li> </ul>

**Table 4 | Overview of EPH Training Program**

1 day Course Outline	Key activities
<b>Session 1: Introduction and overview of the Work Health and Safety (WHS) Act</b> <ul style="list-style-type: none"> <li>• Welcome and introduction to course</li> <li>• Work Health and Safety Framework</li> <li>• Duties of parties</li> <li>• Reasonably practicable</li> </ul>	<ul style="list-style-type: none"> <li>• Group introductions</li> <li>• Activity: Who has a duty when dealing with hazardous substances at work?</li> </ul>
<b>Session 2: Consultation and managing risk</b> <ul style="list-style-type: none"> <li>• Consultation – Duty to consult workers</li> <li>• Issue Resolution Procedure</li> <li>• Discrimination, workers and HSR rights under the WHS Act</li> <li>• Role of the regulator in consultation</li> <li>• Managing risk – A preventative approach to workplace hazards</li> </ul>	<ul style="list-style-type: none"> <li>• Activity: Who should the PCBU consult with and how should the PCBU consult for the purchase of new machinery?</li> <li>• Group discussion – Issue resolution procedures</li> <li>• Group discussion – Functions and powers of the regulator and inspectors in the Guide to Work Health and Safety Act 2011</li> </ul>
<b>Session 3: Obtaining and using a WHS Entry Permit</b> <ul style="list-style-type: none"> <li>• Right of Entry under industrial and work health and safety legislation</li> <li>• Entry to consult and advise relevant workers on Work, Health and Safety</li> </ul>	<ul style="list-style-type: none"> <li>• Activity: Providing notice of entry to consult and advise workers?</li> <li>• Exercise: Completion of a notice of entry form for entry into a workplace to consult or advise relevant workers under section 121 of the WHS Act</li> </ul>
<b>Session 4: Right of Entry to inquire into suspected contraventions of the WHS Act, assessment and course evaluation</b> <ul style="list-style-type: none"> <li>• Right of entry to inquire into a suspected contravention</li> <li>• Information when inquiring into a suspected contravention</li> <li>• Completing a written notice</li> <li>• Prohibitions under the WHS Act</li> <li>• Course Evaluation</li> </ul>	<ul style="list-style-type: none"> <li>• Activity: Providing notice of entry to consult and advise workers?</li> <li>• Exercise: Entry to inquire into a suspected contravention under s 117</li> </ul>

Table 5 | Alignment between relevant HSR legislative requirements and HSR training content

Legislative Obligations	Section	Section Description	Component of HSR that aligns
WHS Act 2011 (NSW)	<i>Section 3 - Object</i>	Purpose of the act to create a consistent framework across WHS workers	Day 1 training materials contain information on the objectives and principles of the WHS Act. Participants are introduced to key WHS terminology and the Model WHS Framework.
	<i>Section 68 – Powers and functions of health and safety representatives</i>	The powers and functions of a health and safety representative, and the processes involved in exercising these powers and functions	<p>Day 1 training materials of the program briefly delve into function of HSRs. This includes a discussion activity on participants' perceptions of the functions of HSRs.</p> <p>Day 2 training material, Section 2 of the program references s68, noting powers and functions of HSRs under the WHS Act. This section also notes that it is not imperative for HSRs to exercise these functions.</p>
	<i>Section 69 – Powers and functions generally limited to the particular work group</i>	Limiting application of powers and functions of the health and safety representative to specific work groups	Day 2, Section 2 of the program also references s69. It does this alongside s68 to explain the limitations that come with the functions and powers. However, it does not provide an implication of this legislation.
	<i>Section 72 – Obligation to train health and safety representatives</i>	The obligation of person conducting the business or undertaking to ensure that the health and safety representative has received appropriate training	The program contains information on the duties and responsibilities of PCBUs but does not make direct reference to their obligation to train HSRs. For example, Day 2, Section 1 contains a discussion activity on understanding the PCBU's legal obligations.
	<i>Section 47 – Consultation, representation, participation</i>	Duties and expectations surrounding consultation, representation and participation	<p>Day 1 of the program introduces the concept of consultation and why it is important to the HSR role.</p> <p>Day 2 of the program focuses on effective consultation, the stakeholder groups involved in the process and when consultation should take place.</p> <p>Day 3 of the program considers consultation and risk management. It also educates participants on effective communication.</p> <p>Consultation is covered through discussion activities, videos, and reflection activities. For example Day 3, Section 3 contains a</p>



Legislative Obligations	Section	Section Description	Component of HSR that aligns
			reflection activity on what is effective communication.
WHS Regulation 2017 (NSW)	<i>Section 18 – Representation for Health and Safety Representatives</i>	Procedural requirements for the election, removal and training of health and safety representatives	Day 1 of the program informs participants on how HSRs are elected, but there could be greater emphasis on the details of election or removal procedures.

**Table 6 | Alignment between relevant EPH regulatory requirements and EPH training content**

Regulation	Section summary incl. noted sections of the WHS Act	Component of EPH that aligns
<i>Reg 25(1)(a) – the right of entry requirements under Part 7 of the Act</i>	Entry Permit Holder duties: Requirements pertaining to entry, including prior to entry and during the course of entry into different premises	<p>Session 3 of the program provides participants information on when they are to obtain a permit. It also contains activities, for example, one activity explains how EPHs should complete notice of entry forms.</p> <p>Session 4 of the program delves into right of entry where there has been suspected contraventions of the WHS Act. It informs EPHs on their rights if such a scenario occurs.</p>
<i>Reg 25(1)(b) – the issue resolution requirements under the Act and this Regulation</i>	Issue Resolution requirements: Duties and expectations surrounding consultation, representation and participation	Session 2 of the program speaks to consultation arrangements, the types of issue resolution procedures that EPHs can implement, and navigating discrimination. Throughout modules on this topic, there are various activities. For example, the program contains a discussion activity on issue resolution procedures.
<i>Reg 25(1)(c) – the duties under, and the framework of, the Act and this Regulation</i>	Right of Entry requirements: Requirements pertaining to entry, including prior to entry and during the course of entry into different premises	<p>Session 3 of the program provides participants information on when they are to obtain a permit. It also contains activities, for example, one activity explains how EPHs should complete notice of entry forms.</p> <p>Session 4 of the program delves into right of entry where there has been suspected contraventions of the WHS Act. It informs EPHs on their rights</p>
<i>Reg 25(1)(d) – the requirements for the management of risks under section 17 of the Act</i>	Duties imposed on a person to eliminate or minimise risks where reasonably practicable and defining 'reasonably practicable'	Session 2 of the program discusses management of risk and the tools a EPH can use for this. For example, the 'Hierarchy of Control' is a tool EPHs can adopt to minimise risk to the lowest possible level.
<i>Reg 25(1)(e) – the meaning of reasonably practicable as set out in section 18 of the Act</i>	Defining 'reasonably practicable'	Session 2 explains what it means to be 'reasonably practicable'. The section also explains what the elements of 'reasonably practicable' are.
<i>Reg 25(1)(f) – the relationship between the Act and this Regulation and the Fair Work Act and the</i>	Defining the relationship between the WHS Act and relevant industrial relations legislation.	<p>Session 3 of the program contains an exercise on the comparison between right of entry in the Fair Work Act compared to the WHS Act</p> <p>Session 3 also contains information on the similarities of rights and responsibilities of the</p>

Regulation	Section summary incl. noted sections of the WHS Act	Component of EPH that aligns
<i>Industrial Relations Act 1996</i>		entry permit compared to the industrial entry permit.
<i>Reg 25(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 this Regulation.</i>	Providing information on the availability of guidance material published by SafeWork NSW in relation to entry permits.	Session 1 of the program informs participants on the guidance material they can utilise if they require further information on how to comply with WHS Act and WHS regulations

**Table 7 | Alignment between NITP evaluation metrics and best practice evaluation areas**

L&D metric	Best practice evaluation areas
Trainer Quality	Learner Reaction
Effective Assessment	Application of Skills
Clear Expectations	Learner Reaction
Learning Stimulation	Learner Reaction
Training Relevance	Business Impact
Competency Development	Knowledge and Skills of Employees
Training Resources	Learner Reaction
Effective Support	Learner Reaction
Active Learning	Application of Skills
Overall Satisfaction	Learner Reaction

Figure 8 | NITP Gateway 1 Competencies

Element	Accomplishments
Knowledge Gained / Reinforced	<ul style="list-style-type: none"> <li>• Awareness of NITP program and expectations</li> <li>• Awareness of key sections of legislation relevant to the regulator and inspector entry powers</li> <li>• Awareness of how to utilise and find relevant clauses within regulation</li> <li>• How inspectors engage with common stakeholders</li> <li>• Understanding reasons why the mentor/inspector took a particular course of action</li> </ul>
Experiences/Activities	<ul style="list-style-type: none"> <li>• Completed induction with manager and/or mentor</li> <li>• Accompanying mentor/inspectors through field observations</li> <li>• Attended all training in Class Weeks 1-2</li> <li>• Completed pre course work for Class Weeks 3-5</li> </ul>
Capabilities/Skills	<ul style="list-style-type: none"> <li>• Able to articulate reason/s for attending</li> <li>• Awareness of actions undertaken by the inspector prior to entry</li> <li>• Able to articulate the importance of assessing the site prior to entry</li> </ul>
Behavioural Attributes	<ul style="list-style-type: none"> <li>• Acknowledging your own limitations and opportunities for behavioural growth.</li> <li>• Overall behaviours are in line with code of conduct</li> <li>• Demonstrates a level of confidence in use and purpose of inspectors notebook</li> <li>• Demonstrates curiosity through asking questions relevant to the tasks</li> <li>• Constructively discusses course content and is actively working / talking with peers</li> </ul>

## Appendix C Key Lines of Enquiry

This section outlines key lines of enquiry developed across specific domains of training. This framework guided the review of training materials.

Table 1 | Key Lines of Enquiry

Key Line of Enquiry	Specific Questions
1. Goal of the training program?	What is the goal of the training program?
	Is this the right goal?
	Can the goals be measured objectively?
	Are participants supported to meet the goals with the right resources and support systems?
	How are the learnings reinforced?
	How are the programs evaluated and improved?
2. Legislative and regulatory requirements	What is SafeWork Accountable for (i.e., training, delivery, oversight)?
	Are there legal standards that apply? Are there legislative or policy requirements?
	Are there ASQA (or other) standards for goals/development/delivery that need to be met?
3. Good practice (Benchmarking)	What does Nous think good looks like?
	What happens elsewhere?
	Practical requirements/other good things (e.g., field experience)?
4. Delivery against material / good practice	What delivery responsibilities does SW have (e.g., goals, good practice, requirements)?
	To what extent have these been met?
	How well have these been met?
	To what extent have these been met?
	How well have these been met?
	What outcomes were delivered?
	What is the process for engaging with external training providers?
5. Assessment and oversight	What oversight responsibilities does SW have (e.g., goals, good practice, requirements)?
	What are the processes and procedures for approval of ATP's?

Key Line of Enquiry	Specific Questions
	What are the processes and procedures for approval of training materials?
	How does SafeWork ensure ATPs are delivering materials appropriately?
	How does SafeWork NSW provide oversight and adjust training materials to ensure content is fit for purpose?
	What can SW currently influence in the content/delivery/assessment measures of external training providers?
7. Impact against goal / good practice	How do external training providers perceive, influence/potential influence from SW on their training program?
	Are these the right outcomes (e.g., against good practice, goals, standards)?
	Are there opportunities to actively provide and incorporate feedback from participants?
8. Opportunities for improvement	What opportunities are there to improve the content?
	What opportunities are there to improve delivery?
	Opportunities for improving monitoring and evaluating the programs?
	What are the challenges associated with improvement?