



REPORT

Audit report: The Malka Group Pty Ltd

RTO number:	21694
CRICOS number:	03397E
Date/s of audit:	20 Aug 2019 - 22 August 2019
Date report created:	23 August 2019

Organisation details

Organisation's legal name:	The Malka Group Pty Ltd
Trading name/s:	The Malka Group - TMG Training and Consulting TMG College Australia
RTO number:	21694
CRICOS number:	03397E

Audit team

Lead auditor:	David Scott
Assistant/s:	Paige O'Riley

Audit details

Application number/s:	RENCRI0000779
Audit number/s:	AUDREC0009700
Audit reason/s:	Application - Renewal
Address of site/s visited:	400 Queen St MELBOURNE VIC 3000 Australia
Date/s of audit:	20 Aug 2019 - 22 August 2019
Organisation's contact for audit:	Jonathan Hampton Chief Executive Officer Jonathanh@tmg.edu.au 03 9006 4592

Original finding at time of audit

Audit finding: Serious non-compliance

Report completed by: David Scott

Practice	National Code	ELICOS Standards	Finding
Marketing/Recruitment Practices	1.1, 1.2, 1.3, 1.4		Compliant
Enrolment	2.2, 2.1, 3.1, 3.3, 8.5, 3.4	P3.1, P1.2	Compliant
Support and Progression	6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.9, 8.1, 8.3, 8.4, 8.9, 8.6, 8.7	P6.9, P7.2	Compliant

Training and Assessment	11.1*, 11.2*	P1.1, P5.1, P5.2, P7.3, P4.1*, P6.4*, P6.7, P6.8	Not compliant
Completion		P4.2	Compliant
Regulatory Compliance / Governance	4.1, 4.2, 4.3		Compliant

*Indicates a non-compliant clause

Background

Summary of the organisation and management structure:

- The Malka Group Pty Ltd became a registered training organisation in October 2005, which was established by Ms Lawrence. In 2014, The Malka Group Pty Ltd was granted CRICOS registration. In 2017, Mr Hampton was employed as the Deputy Chief Executive Officer, alongside the Chief Executive Officer, Ms Lawrence. In 2018, Ms Lawrence became the Chair Person for The Malka Group Pty Ltd, with Mr Hampton becoming the Chief Executive Officer. The Malka Group Pty Ltd have an established leadership team under the guidance of both Mr Hampton and Ms Lawrence.

Scope of organisation's registration:

- Refer to TGA scope of registration.

Suburb and state of all delivery sites:

- 400 Queen St Melbourne Victoria 3000.

Third party usage:

- The provider does not use any third parties.

Core clients/target groups:

- Approved Education Agents target International students across a diverse range of countries. The provider believes that by partnering with quality Education Agents they will gain quality students.

Training Revenue (Funded or fee for service):

- Fee for Service International.

Total number of current enrolments in the organisation as at audit date:

- There are 444 current student enrolments.

In preparing the audit report, consideration has been given and reference made, where relevant, to:

- Information provided by students as part of a student survey or interview.
- Information provided directly by The Malka Group Pty Ltd to ASQA.
- Existing information and records held by ASQA concerning The Malka Group Pty Ltd.
- Information provided to ASQA's auditors and documentation reviewed during the site audit of The Malka Group Pty Ltd conducted on 20 Aug 2019 - 22 August 2019.
- Other publicly available information - including but not limited to, information published on the organisation's and third-party websites.

Audit Sample

Training Products	Mode/s of delivery/assessment*	Current enrolments
<i>BSB52015 Diploma of Conveyancing</i>	Face to Face	8
<i>CHC33015 Certificate III in Individual Support</i>	Mixed – Face to Face and Workplace	25
<i>CHC43015 Certificate IV in Ageing Support</i>	Mixed – Face to Face and Workplace	31
<i>CHC50113 Diploma of Early Childhood Education and Care</i>	Mixed – Face to Face and Workplace	76
<i>CPC50210 Diploma of Building and Construction (Building)</i>	Mixed – Face to Face and Workplace	22
<i>SHB50216 Diploma of Salon Management</i>	Face to Face	2
<i>BSB51918 Diploma of Leadership and Management</i>	Face to Face	17
<i>COURSE0000528 General English (Beginner to Advanced)</i>	Face to Face	27

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

Interviewees

Name	Position	Training products
Jonathan Hampton	Chief Executive Officer	N/A
Debra Pekar	Quality and Assurance Manager	N/A
Stuart Palmer	IT Manager	N/A
Mohit Garg	Administration	N/A
Catherine Tan	Administration	N/A
Leonora Di Benedetto	Project / Office Manager	N/A
Felicity Irvine	People and Culture Manager	N/A
Stephanie Chua	General Manager – Finance	N/A
Lyndsey Hollington	People and Culture Officer	N/A
Tannaz Naseri	International Administration Officer / Student Welfare	N/A
Natasha Latin	Course Progress Domestic	N/A
Irina Tary	Course Progress Officer / Student Welfare	N/A

About this Report

This report details findings against the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code) and/or the *ELICOS Standards 2018* (ELICOS Standards). If non-compliance has been identified, this report describes evidence of the non-compliance.

Where non-compliance has been identified, the organisation is accountable for identifying and correcting non-compliant practices and behaviours, particularly those that have had a negative impact on learners.

Correcting non-compliance may require:

- correcting a process or system that has led to the non-compliance, and implementing a revised process or system
- identifying the impact on learners and carrying out remedial action for current and past learners.

Original action required by organisation

The Malka Group Pty Ltd did not meet the following requirements:

- *National Code 2018* – Standards 11.1 and 11.2
- *ELICOS Standards 2018* – Standards P4.1 and P6.4.

Remedial action is required for the following training products:

- *BSB51918 Diploma of Leadership and Management*
- *BSB52015 Diploma of Conveyancing*
- *099411G General English (Beginner to Advanced)*.

The organisation is required to provide evidence that demonstrates:

Training and assessment

- it has sufficient resources to comply with National Code 11.1 and 11.2, proportionate to the number of students enrolled at any time, the mode of delivery, location of delivery, and the strategies for training and assessment
- it has carried out remedial action to identify and address the impact the non-compliance may have caused to students in the training products sampled that were impacted by insufficient access to resources. Remedial action needs to cover current students and students who enrolled or completed with your organisation in the past six months
- it has a clearly outlined assessment policy and procedure for assessment of ELICOS students (ELICOS Standard P4.1)
- it has suitably qualified ELICOS specialist staff (ELICOS Standard P6.1).

Areas of non-compliance

Training and Assessment

Training Delivery and Assessment

National Code Standard 11.1

Original Finding: Not compliant

In applying to register a full-time course at a location, a provider must seek approval from the ESOS agency, including through the relevant designated State authority if the provider is a school, for the following:

- 11.1.1 the course duration, including holiday breaks
- 11.1.2 modes of study, including online, distance or work-based training
- 11.1.3 number of overseas students enrolled at the provider, within the limit or maximum number approved by the ESOS agency for each location
- 11.1.4 arrangements with other education providers, including partners, in delivering a course or courses to overseas students.

National Code Standard 11.2

Original Finding: Not compliant

In seeking approval under 11.1, the provider must demonstrate any matters requested by the ESOS agency, including through the designated State authority if the provider is a school, which may include but are not limited to the following:

- 11.2.1 the expected duration of the course does not exceed the time required to complete the course on the basis of full-time study – for VET courses, this is a minimum of 20 scheduled course contact hours per week unless specified by an accrediting authority
- 11.2.2 the expected duration of the course includes any holiday periods or any work-based training
- 11.2.3 any work-based training to be undertaken as part of the course is necessary for the student to gain the qualification and there are appropriate arrangements for the supervision and assessment of students
- 11.2.4 the course is not to be delivered entirely by online or distance learning
- 11.2.5 the provider and any partner they engage to deliver a course or courses to overseas students has adequate staff and education resources, including facilities, equipment, learning and library resources and premises as are needed to deliver the course to the overseas students enrolled with the provider
- 11.2.6 the maximum number of overseas students proposed by the provider for the location reflects the appropriateness of the staff, resources and facilities for the delivery of the course.

BSB52015 Diploma of Conveyancing
CHC33015 Certificate III in Individual Support
CHC43015 Certificate IV in Ageing Support
CHC50113 Diploma of Early Childhood Education and Care
CPC50210 Diploma of Building and Construction (Building)
SHB50216 Diploma of Salon Management
BSB51918 Diploma of Leadership and Management

- The following evidence was reviewed:
 - conversation with the CEO and auditors – at site audit on 20 to 22 August 2019, as well as via email on 26 August 2019 and 29 August 2019 to jonathanh@tmg.edu.au, requesting evidence that the organisation has facilities for number of overseas students enrolled at the provider, within the limit or maximum number approved by the ESOS agency for the location

- Trainer files:
 - David Barratt:
 - Resume
 - Teacher Personal Development Plan
 - TMG Employment Verification Checks
 - National Police Certificate – dated 4 April 2017
 - Working with Children Check – expires 2 May 2023
 - Employment Agreement
 - Professional Development Log – including statements of attendance for all professional development attended
 - Trainer/Assessor Matrix
 - Employment letter confirming part-time employment – dated 21 February 2018
 - *TAE40110 Certificate IV in Training and Assessment* – Chisholm, dated 21 January 2013, Certificate no: 13F359597
 - *TAEASS502 Design and develop assessment tools* – NIET, dated 3 July 2019, Certificate no: 19678
 - *TAELLN411 Address adult language, literacy and numeracy skills* – NIET, dated 18 May 2019, Certificate no: 19532
 - *CHC40108 Certificate IV in Aged Care* – ACC Victoria, dated 19 April 2012, Certificate no: 05975
 - *CHC30102 Certificate III in Aged Care Work* – Success Fast Track, dated 22 August 2008, Certificate no: MW000330
 - *HLTAID007 Provide advanced resuscitation* – St Johns, dated 3 August 2019, Certificate no: 1400230.
 - Wendy Burgayne:
 - Resume
 - Teacher Personal Development Plan
 - TMG Employment Verification Checks
 - National Police Certificate – dated 12 February 2019
 - Employment Agreement
 - Professional Development Log – including statements of attendance for all professional development attended
 - Trainer/Assessor Matrix
 - Employment letter confirming volunteer work – dated 15 July 2019
 - *TAE40116 Certificate IV in Training and Assessment* – Inspire Education, dated 16 July 2019, Certificate no: 30240
 - *CHC43015 Certificate IV in Ageing Support* – Care Training Institute, dated 2 January 2018, Certificate no: 05836
 - *CHC30208 Certificate III in Aged Care* – Skills Plus, dated 9 February 2010, Certificate no: 05777
 - *CHC20202 Certificate II in Community Services Work* – Skills Plus, dated 9 February 2010, Certificate no: 05778
 - *HLTAID003 Provide first aid* – Serve it up, dated 29 November 2018, Certificate no; 08763.
 - Angus Searle:
 - Resume
 - TMG Employment Verification Checks
 - National Police Certificate – dated 12 February 2019
 - Employment Agreement
 - Professional Development Log – including statements of attendance for all professional development attended
 - Trainer/Assessor Matrix
 - Master Builders employment confirmation letter – dated 16 March 2019
 - *TAE40116 Certificate IV in Training and Assessment* – tae Academy, dated 18 July 2019, Certificate no:Q000008626
 - *CPC50210 Diploma of Building and Construction (Building)* – Chisholm Institute, dated 3 April 2014, Certificate no: 14F374711.

- Craig Bissell:
 - Resume
 - TMG Employment Verification Checks
 - National Police Certificate – dated 29 May 2017
 - Employment Agreement
 - Professional Development Log – including statements of attendance for all professional development attended
 - Trainer/Assessor Matrix
 - *TAE40110 Certificate IV in Training and Assessment* – Djerriwarrh Community Education Services, dated 23 September 2016, Certificate no: 2692411
 - *TAEASS502 Design and develop assessment tools* – tae Academy, dated 13 May 2019, Certificate no: 4588
 - *HLTAID006 Provide advanced first aid* – Emergency First Aid, dated 19 October 2018, Certificate no: 2925996
 - *HLTAID007 Provide advanced resuscitation* – Emergency First Aid, dated 20 August 2018, Certificate no: 4591-84385.
- Lisa Dunn:
 - Resume
 - TMG Employment Verification Checks
 - National Police Certificate – dated 12 February 2019
 - Employment Agreement
 - Professional Development Log – including statements of attendance for all professional development attended
 - Trainer/Assessor Matrix
 - *TAE40116 Certificate IV in Training and Assessment* – Chisholm Institute, dated 3 October 2018, Certificate no: 18C427323
 - *HLTAID003 Provide first aid* – Allens Training, dated 3 December 2018, Certificate no: 1181634.
- John Romeo:
 - Resume
 - TMG Employment Verification Checks
 - National Police Certificate – dated 15 August 2019
 - Employment Agreement
 - Professional Development Log – including statements of attendance for all professional development attended
 - Trainer/Assessor Matrix
 - Employment letter confirming volunteer work – dated 15 July 2019
 - *TAE40116 Certificate IV in Training and Assessment* – Inspire Education, dated 15 August 2019
 - *WRH50106 Diploma of Hairdressing Salon Management* – Australian Education Academy, 16 June 2010, Certificate No: AUSTHD0025.
- Ross Valentine:
 - Resume
 - TMG Employment Verification Checks
 - National Police Certificate – dated 14 August 2019
 - Employment Agreement
 - Professional Development Log – including statements of attendance for all professional development attended
 - Trainer/Assessor Matrix
 - Letter confirming employment at Unihill Church – dated 2018
 - *TAE50111 Diploma of Vocational Education and Training* – TMG Training, dated 6 July 2016, Certificate No: 21770
 - *BSB61015 Advanced Diploma of Leadership and Management* – TMG College, dated 27 October 2017, Certificate no: 24351.
- Alfred Cheah:
 - Resume

- TMG Employment Verification Checks
- National Police Certificate – dated 22 July 2018
- Employment Agreement
- Professional Development Log – including statements of attendance for all professional development attended
- Trainer/Assessor Matrix
- Letter confirming employment at Recruitment Employment Solutions – dated 3 August 2019
- *TAE40110 Certificate IV in Training and Assessment* – TMG College, dated 30 April 2015, Certificate no: 18728
- Master of Business
- Bachelor of Business.
- Shelly Sehgal:
 - Resume
 - TMG Employment Verification Checks
 - National Police Certificate – dated 29 May 2017
 - Employment Agreement
 - Professional Development Log – including statements of attendance for all professional development attended
 - Trainer/Assessor Matrix
 - Letter confirming volunteer work at Kids Community Berwick Education Centre – dated 7 August 2019
 - *TAE40110 Certificate IV in Training and Assessment* – TMG College, dated 30 April 2015
 - *TAEASS502 Design and develop assessment tools* – iLearn eCollege, dated 24 May 2019, Certificate no: 2 26/5680
 - *CHC50113 Diploma of Early Childhood Education and Care* – TMG College, dated 7 November 2016, Certificate no: 22848.
- Aviva Greenberger:
 - Resume
 - TMG Employment Verification Checks
 - National Police Certificate – dated 16 August 2019
 - Employment Agreement
 - Professional Development Log – including statements of attendance for all professional development attended
 - Trainer/Assessor Matrix
 - Letter confirming employment at Land Transfer Company – dated 13 August 2019
 - *TAE40110 Certificate IV in Training and Assessment* – TMG College, dated 1 January 2012, Certificate no: 2692411
 - *TAEASS502 Design and develop assessment tools* – Inspire education, dated 13 May 2019, Certificate no: 4588
 - Bachelor of Jurisprudence – Monash University, dated 23 April 1980
 - Bachelor of Laws – Monash University, dated 24 April 1981.
- Student files:
 - AC (INT800507)
 - CK (INT800614)
 - EL (INT800135)
 - EP (INT800780)
 - HC (INT800255)
 - IV (INT800348)
 - JB (INT800516)
 - JP (INT800765)
 - JQ (INT800194)
 - JS (INT800859)
 - KH (INT800485)
 - LL (INT800357)
 - NB (INT800172)

- ND (INT800616)
 - NT (INT800525)
 - OD (INT800653)
 - OR (INT800149)
 - PB (INT800204)
 - PC (INT800518)
 - PS (INT800065)
 - SC (INT800203)
 - SN (INT800958).
- The organisation has not provided all required information in seeking approval from its ESOS agency to register the above full-time course at a location. Specifically:
 - The organisation was unable to provide evidence to demonstrate that it has facilities for number of overseas students enrolled at the provider, within the limit or maximum number approved by the ESOS agency for the location.

The organisation has not demonstrated that they have adequate staff and education resources when delivering a course to overseas students. For example, but not limited to:

- the organisation has not demonstrated that only persons who meet all requirements of the Standards deliver training and/or conduct assessment
- the organisation did not provide sufficient evidence to demonstrate that the teaching staff listed below possess qualifications appropriate to the role:
 - Alfred Cheah
 - Aviva Greenberger.

Specific examples of non-compliance include:

- the aforementioned trainers do not have the appropriate vocational education qualifications to deliver training and assessment; therefore, the provider does not have adequate staff to deliver the training and assessment to overseas students.
- the evidence provided outlines the resources required for delivery of the above training product. However, these do not align with the organisation's documented methods and/or strategy for training and assessment. For example:
 - trainers are marking student answers to questions which they have answered incorrectly as satisfactory; the trainers are deeming the student competent in the unit of competency; for example:
 - LL (INT800357): multiple choice questions from *CHCAGE005 Provide support to people living with dementia* have been marked as incorrect then the student has received a satisfactory assessment grade
 - trainers are assessing student answers to questions as correct; however, there is evidence that some questions have only been partially addressed
 - KH (INT800485): Assessment Task 1 Question 22 from *CHCCCS025 Support relationships with carers and families* requires the students answer to be 50 to 100 words in length; however, the students answer was only 35 words long and was deemed satisfactory. The student has not demonstrated the breadth and depth of knowledge in their response to the questions.
 - trainers are marking student answers to questions as correct; however, there is evidence to suggest the students were plagiarising and not providing references to materials
 - EL (INT800135): the students answer for Assessment Task 1 Question 10 from *CPCCBC5010B Manage construction work* is taken directly from https://www.designingbuildings.co.uk/wiki/Final_certificate_for_construction_contracts.
 - it was noted that students had translated some of the instructions in the 'student assessment materials' to another language. This raises concerns that students do not have the appropriate English requirements. This was noted in the completed student files for the Diploma level courses. At this level, students need to have an appropriate level of English in order to complete the studies as per their CoEs. Either students do not have the appropriate level of English or the course duration does not meet the students' needs to allow them to absorb and demonstrate the skills and knowledge need at this level.

Providers must clearly outline assessment policies and procedures, which must provide for:

- a) formative and summative assessment**
- b) clear identification of assessment outcomes as they relate to progress through the course**
- c) assessment that is valid, reliable, fair, flexible and clearly referenced to criteria, and
 - (i) includes appropriate oversight or moderation of assessment outcomes**
 - (ii) in the case of ELICOS courses which are provided under a direct entry arrangement to a tertiary education course, formal measures must be in place to ensure that assessment outcomes are comparable to other criteria used for admission to the tertiary education course of study, or for admission to other similar courses of study.****
- d) clear and regular reporting on assessment outcomes and progress through the course to the student and their parent or guardian, where a student is under the age of 18.**

099411G General English (Beginner to Advanced)

- The following evidence was reviewed:
 - Teaching and Assessment of ELICOS – Policy & Procedure
 - English File Advanced Student's Book
 - English File Advanced Tests 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A and 10B
 - English File Beginner Student's Book
 - English File Beginner Tests 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A and 10B
 - English File Elementary Student's Book
 - English File Elementary Tests 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A and 10B
 - English File Intermediate Student's Book
 - English File Intermediate Tests 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A and 10B
 - English File Pre-Intermediate Student's Book
 - English File Pre-Intermediate Tests 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A and 10B
 - English File Upper Intermediate Student's Book
 - English File Upper Intermediate Tests 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A and 10B
 - Student files:
 - EP (INT800780)
 - JP (INT800765)
 - JS (INT800859)
 - SN (INT800958).

The organisation was unable to demonstrate that they clearly outline assessment policies and procedures for ELICOS assessments. For example, but not limited to:

- the organisation's documented policies and procedures do not include the following requirements related to its assessment practices and as required by Standard P4.1:
 - opportunities for formative assessment, where a student received feedback, such as classroom observation and participation
 - opportunities for summative assessment, where a student received results, such as exams
 - assessment outcomes are measured throughout the duration of the course
 - confirmation that assessment is valid, reliable, flexible and fair and is mapped to criteria.
- the organisation has not demonstrated that it has actually implemented its documented policies and procedures in a manner which meets the requirements of Standard P4.1. For example:

- documented policy and procedure states that ‘teachers will be involved in the development of both formative and summative assessment tools’; however the learning resources only consist of purchased textbooks which did not require the teachers to develop
- it did not provide any other evidence to demonstrate that the teachers have developed any learning resources. Providing students with a textbook to complete does not demonstrate compliance with this standard.

Trainer and assessor competency

ELICOS Standard P6.4

*Original Finding: **Not compliant***

ELICOS teachers must have the following:

- a) a degree or diploma of at least three years full-time or equivalent (teaching or other)**
- b) a suitable TESOL qualification or qualification that contains TESOL as a method**
- c) appropriate TESOL teaching experience or are formally mentored by a senior staff member with this experience.**

099411G General English (Beginner to Advanced)

- The following evidence was reviewed:
 - Trainer files:
 - Stephen Cooke:
 - Resume
 - Teacher Personal Development Plan
 - TMG Employment Verification Checks
 - National Police Certificate – dated 16 October 2018
 - Employment Agreement
 - Professional Development Log – including statements of attendance for all professional development attended
 - Graduate Certificate in TESOL – Holmesglen, dated December 2003, Certificate no: 56901.
 - Deanne Cooke:
 - Resume
 - Teacher Personal Development Plan
 - TMG Employment Verification Checks
 - National Police Certificate – dated 15 December 2017
 - Employment Agreement
 - Master of TESOL – Deakin University, dated April 2007
 - Diploma of Teaching (Primary) – State College of Victoria, dated March 1980
 - *TAE40116 Certificate IV in Training and Assessment* – Chisholm Institute, dated January 2019, Certificate no: 19D428268.
 - Bona Man:
 - Resume
 - Teacher Personal Development Plan
 - TMG Employment Verification Checks
 - National Police Certificate – dated 15 December 2017
 - Employment Agreement
 - Professional Development Log – including statements of attendance for all professional development attended
 - Temporary Graduate Visa – issued 4 April 2018 and remains valid until 4 April 2020
 - Master of TESOL – Monash University, dated May 2018.

The organisation did not demonstrate that they have employed suitably qualified ELICOS specialist staff. For example, but not limited to:

- the organisation did not provide sufficient evidence to demonstrate that the teaching staff listed above possess qualifications appropriate to the role:
 - Bona Man.

Specific examples of non-compliance include:

- the trainer has not demonstrated that they have a degree or diploma of at least three years full-time or equivalent (teaching or other)
- there was no evidence provided that the trainer has the appropriate TESOL teaching experience or that they were formally mentored by a senior staff member with this experience.