THE FUTURE OF ADVOCACY – SCOPING THE ISSUES

Ambitiously idealistic experiments often collapse under the weight of their internal contradictions.


Introduction

On 21 March 2018, the Alliance of Defence Service Organisations (ADSO) tabled at the ESO Round Table (ESORT) ‘The Future of Advocacy – Scoping the Issues’ as ESORT’s first strategic topic for 2018. This submission to the Scoping Study into Veterans Advocacy and Support Services arises from the ESORT paper.

The Scoping Study Terms of Reference indicate that a Discussion Paper will be issued shortly and that public submissions will be accepted until mid-2018. ADSO Members are looking forward to the meeting Mr Cornall and his study team in due course. In the interim, we believe that the ideas in the paper we tabled at ESORT merit a submission while the Study is preparing its Discussion Paper.

While this submission develops only one option, our intention is not to be definitive. Rather, it is to outline some of the issues the Scoping Study may wish to consider. In part, the paper introduces our thinking on ToR 4 ‘models for professional advocacy’. Our later submission will address this and the other ToR in more detail in the context of the Discussion Paper.

Context

By way of context, ADSO strongly supports the advent of ATDP and accredited advocacy. We are also aware that the small team of volunteers which is progressing ATDP sees its current achievements as just the start of a process of progressive professionalisation of Military Advocacy. ADSO’s Future of Advocacy looks forward beyond the current scope of ATDP to what may come next.

ADSO

ADSO comprises a network of 19 traditional ESO and younger veterans’ organisations, and represents the interests of around 90,000 ex-ADF personnel.

Scope of Submission

The paper considers three framing questions:

- How necessary is change to, and in particular, professionalisation of veterans’ advocacy?
- If change is necessary, how should veterans’ advocacy change?
- What are some of the considerations that might guide change?

Rationale

This paper is grounded in the view that ESO National, State and Sub-Branch/Branch Presidents, Advocates and ATDP – along with the wider veteran community, Veteran Support Centres (VSC) and Younger Veterans’ Organisations (YVO) – have a choice. These stakeholders may decide not to anticipate the future of Military Advocacy and be subjected to change imposed externally. Or, they may thoroughly prepare their position and be the architects of the future.

Setting the Scene

Advocacy is now over 100-years old. The imperative that drove advocacy services quickly coalesced into ex-service organisations. ‘Mates’ saw an urgent need to ‘help their mates’ or ‘their mate’s widow and orphaned children’. That imperative is unchanged; but, a century later, it is more than a motivation. It is now a value embedded so deeply in veterans’ culture that it is a ‘tradition’. Crucially, the same imperative is now mobilising the support organisations that younger veterans are creating.

Until recently, traditional ESOs were the sole stewards of veterans’ advocacy. Veterans and their dependents’ entitlements were established – either well or inadequately – by predecessors’ views
and activities. The benefits to which Korea-Malaya-Vietnam era veterans are entitled are no better and no worse than their predecessors’ advocacy of veterans’ legislation.

The current cohort of ESO Leaders, Members and Advocates may be agitated about the adequacy of their entitlements. The Senate Inquiry indicates where younger veterans and their dependents are dissatisfied with the entitlements and advocacy services they are receiving. But, future generations of veterans and their families will castigate us all for having been self-serving if we focus solely on our needs.

ESOs, VSCs, and YVOs’ advocacy, contemporary societal perceptions, government priorities, and budgetary constraints are shaping, now, future veterans’ entitlements. Traditional ESOs and YVOs must strive now to ensure that the benefits for which future veterans and families are eligible are no less beneficial than those our predecessors’ advocacy bequeathed to us.

Whether the century-old tradition of ‘Mates helping Mates’ survives the present generations vests in us. To do so, the tradition itself must adapt. An example and related conclusions follow:

- No longer can the tradition conjure up a male-specific response:
  - In 2015-16 the Chiefs of Service Committee set the 2023 targets for female participation at 25% for Navy, 15% for Army and 25% for Air Force.
  - In June 2016, the actual percentages were around 19% for Navy, 12% for Army and 20% for Air Force.
- One of the Senate Inquiry recommendations was greater support for the partners of veterans. The Veterans’ Affairs Legislation Amendment (Veteran-Centric Reforms No.1) Bill 2018, Schedule 1 appears to cover this need and to go well beyond it.
- ATDP is responding to younger veterans and their families’ needs. Compensation is now recognised as being episodic in a life-long continuum of wellbeing support. As a result, advocacy has been refocused on the ‘wellbeing of the veteran and the family’. The result is the addition to the learning pathway of significant new content supported by hands-on workplace experience and continuing professional development (CPD).
- Traditional ESOs and YVOs’ advocacy now must therefore:
  - encompass all those potential beneficiaries identified in MRCA 2004 s15(2);
  - deliver services to female veterans and attract female advocates; and
  - ensure that the vectors in younger veterans’ needs are heard and projected into understandings of future veterans’ needs.

To adapt ESOs’ founding traditions to these and future realities is one of the greatest challenges ESO and YVO leaders face. The Scoping Study (and the ANAO audit and PC Inquiry) reinforce how critical is the challenge.

Resolution

ADSO Presidents, ESO/VSC/YVO Executives, practicing Advocates and Members understandings of need are the product of individual and shared experience. Their perceived needs manifest as preconceptions that shape behaviours. To meet imminent challenges, those seeking change must set aside their habitual thinking, identify and analyse emergent influences, resolve the vectors inherent in those influences, and project critically into the future. They will then need to ensure that:

- advocates’ learning and development:
  - trains them to meet clients’ needs as they evolve, and
  - prepares them to mentor the next generation of advocates; and
- our institutions are committed to the delivery of high quality advocacy services.

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1 The advocacy model is entitled: ‘Healthy Veteran. Healthy Family’.
What Marks Professionalism?

To identify how to progress and what to adapt, ESOs, VSCs and YVOs need a ‘vision’ – a mental model of what the future system for delivering advocacy services needs to look like. Current Advocates are either volunteers or salaried. Both ‘DVA Towards 2020’ and the ‘ATDP Blueprint’ mandate the delivery of high quality advocacy services. Whether an advocate is salaried or volunteer is thus immaterial.

Said another way, the same professional standards apply to both cohorts. A volunteer may provide only a few hours advocacy per week and may take several weeks to research a matter and deliver services to a client. On the other hand, a salaried compensation advocate may be working full-time and complete several claims per week or support many welfare clients concurrently. None-the-less, the standard against which each cohort works is identical. Nor does ATDP’s training differentiate. All advocates complete the same RPL (recognition of prior learning) or learning pathway and are assessed for competency against the same national VET standards.

Critically for traditional ESOs, ‘mates helping mates’ remains the benchmark on which their reputations rest and by which their performance continues to be judged. An accelerating demand for professionalism is the only change. As the Scoping Study gathers evidence, ADSO expects that the current performance of the advocacy service delivery system will be the ‘given’ – the point of departure for future change. Inexorably, improvement therefore means further professionalisation.

So, what are the measures of professionalism that will apply? The accepted norms for all professions are as follows:

- honesty and integrity,
- specialised knowledge,
- advocacy skills,
- national standards of competency,
- self-motivated continuing learning and skills development,
- self-regulated performance grounded in critical self-analysis, and
- accountability.

The needed outcome from the advocacy services delivery system is clear. Irrespective of role within the system, whether APS officer or ESO/VSC/YVO leader, salaried or volunteer advocate, or advocacy discipline, the system must deliver high quality advocacy services to veterans and their dependents. All members are therefore stakeholders. All must focus their full knowledge and skill within their role, legislation and policy to achieve the best possible outcome for the veteran and family. A robust partnership is essential.

Grounding Perceptions

By their evidence to the Senate Inquiry, few respondents were informed of advances in advocacy training and development and advocacy service delivery over the last three years. Key findings are based on incomplete and untested information. Many complaints evidence pre- VCR (Veteran-Centric Reform) service delivery, TIP-trained advocacy, and pre-ATDP Blueprint thinking.

As the Senate Inquiry did not receive submissions from the volunteers deeply engaged in developing and implementing ATDP, or the Advocates that have been accredited under the ASQA-accredited 10620NAT Course in Military Advocacy, none of the complaints was tested against progress made by

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2 Indicatively, around 45-50 practicing advocates Australia-wide are salaried.
3 What a past DVA legal officer said at a Level 4 TIP course remains the norm: ‘Make no mistake. We are here for the same reason: to ensure that every DVA client receives their full entitlements. Not one bit more. But (said with emphasis), not one bit less.’
those effecting change. Stakeholders must therefore inform the Scoping Study of the gap between the Senate Inquiry’s findings and the current reality.

Stakeholders should, however, presume that, until improvements benefit the majority and the complainants are satisfied that advocacy service delivery has been advanced, ADSO understands that the Scoping Study will view assurances of improvement sceptically. Stakeholders must therefore provide quantitative and qualitative evidence of improvements.

Change Vectors

To meet the Inquiry's challenges, ESO/VSC/YVO leaders and their Advocates must become even closer partners with DVA in VCR. In this respect, ATDP trains the ESO/VSC/YVO members that deliver advocacy services to DVA clients. It is effectively the advocacy learning and development stream within VCR. The relationship is even tighter: ATDP uses DVA’s e-learning modules to train advocates.

ESO/VSC/YVO leaders and Advocates are substantive stakeholders in VCR and ATDP for additional reasons:

- **VITA Indemnification:**
  - Advocates are authorised by their ESO/VSC/YVO to practice;
  - typically, a claim for professional negligence would be made against the authorising ESO/VSC/YVO with the advocate joined in the litigation; and
  - if advocates do not deliver high quality advocacy services, it is the ESO/VSC/YVO’s members that suffer.

- **The National Collaboration Project (NCP),** chaired by Sir Angus Houston AK AFC, is seeking to enhance the standard of support services to veterans and veterans’ transition from Defence service to civilian life and work.

- **At their November 2017 meeting,** the Federal and State Ministers for Veterans Affairs resolved to investigate creation of an accreditation system for ESOs and VSCs as service providers.

- **The NCP and Ministers focuses underscore again the concern governments share about perceived inadequacies in ESO advocates’ support of veterans and their dependents.**

To continue to professionalise advocacy, ESO/VSC/YVO leaders and Advocates must share a vision of veterans’ advocacy. However, as Tom Vanderbilt (epigram) cautions, that vision must be realistic. It must build upon VCR, ATDP and ESO/VSC/YVOs’ current levels of advocacy service delivery. The new vision must be supported by an implementation plan with actions, resources and timelines.

Foundations for Change

ATDP is the product of critical analyses of advocacy training and ESO advocacy services over the period 2004 to late 2014. Subsequently, between June 2015 and December 2017, TIP and ATDP worked with younger veterans to determine their advocacy needs. The latter work led to the next evolution in Advocates' core knowledge and advocacy skills – the 'Healthy Veteran. Healthy Family' model and Military Advocacy refocused on 'wellbeing'. These developments have been embedded in advocates' training. Figure 1 (overleaf).

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4 The prospect of accreditation as service provider need not alarm ESO Executives. It is not an uncommon regulatory measure to assure the quality of services delivered. Where the agency is government-funded, typically, funding is tied to performance. Indeed, eligibility for BEST funding has quantitative performance criteria (number of claims and welfare services delivered). The proposal is therefore best viewed as another limb of professionalisation.

5 The ATDP would be able to provide to the Inquiry the papers that record the rationale for and progression of these advances.
Figure 1. ATDP Learning and Development Pathways
Systemic Foundations

Figure 1 (above) depicts the elements, activities and links in the refined ATDP learning and development pathway. The new core knowledge has been added to the aged-care content that dominated TIP-trained advocacy. The additional units of learning (UoL) are to be rolled-out in the Course in Military Advocacy from 1 July 2018.

Qualitative Foundations

Younger veterans' needs have fundamentally changed the structure of advocacy. Whereas:

- compensation advocacy was the focus of advocacy, it was always episodic; and
- TIP-trained welfare officers only 'pointed the way'.

Younger veterans have made clear that compensation advocacy is merely an intervention in a lifelong continuum of support for the 'Defence Family'. And, they have stipulated that Wellbeing Advocates must 'walk beside' them. To meet younger veterans’ needs, ATDP is introducing UoL about wellbeing into compensation advocacy, and vice versa. Future advocates will be far better versed in the other discipline’s field of expertise. They will be well prepared to work as a team.

The measure of success of Wellbeing Advocacy is clear in the objective of ‘rehabilitation’ (MRCA 2004, s38). Effectiveness will be judged by the health, social integration, economic productivity, financial wellbeing, self-sufficiency and resilience that members of the ‘Defence Family’ achieve through the support they receive. ESO/VSC/YVO leaders and Advocate will therefore be open to opprobrium if, in the face of identified needs, this legislated measure, and incontestable change vectors, they fail to:

- support ATDP’s implementation of these changes to advocates’ training, and
- fully support their trainee-advocates’ on-the-job learning and development.

Quantitative Foundations

From another perspective, a number of submissions to the Senate Inquiry expressed concern about the dwindling numbers of advocates and, in particular, the low number transitioning to accredited advocacy. ATDP data are the counterpoint for these concerns. At the time of writing, around:

- 420 TIP-trained compensation and welfare officers have completed Recognition of Prior Learning (RPL) and are now accredited Level 2 Advocates;
- 25 TIP-trained VRB advocates have completed RPL and are accredited as Level 3 Compensation Advocates; and
- 535 candidates are enrolled on the ATDP compensation or wellbeing learning pathways.

Straightforward calculations put complaints to the Inquiry into perspective. If the annual average number of primary claims and appeals to the VRB and AAT veterans’ jurisdiction is divided by the number of cases or appeals an advocate can reasonably complete in a year, demand analysis suggests significantly fewer advocates are needed than ESOs have in the past demanded be trained by TIP.

The indicative demand analysis is calculated at Annex A suggests that the number of Full-time Equivalent (FTE) Wellbeing and Compensation Advocates to meet demand would be around:

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6 Veterans and their dependents as defined in MRCA 2004 s15(2)
7 MRCA 2004, s38, defines the purpose of rehabilitation as being: ‘to maximise the potential to restore a person who has an impairment or an incapacity … to at least the same physical and psychological state, and at least the same social, vocational and educational status, as he or she had before the injury or disease.'
Level 1 or 2 Wellbeing Advocates: 700
Level 1 or 2 Compensation Advocates: 200
Level 3 Compensation Advocates: 200
Level 4 Compensation Advocates: 25

At the level of gross comparison, after eighteen months of ATDP operations the aggregate number of candidates under-training and accredited Level 2 and 3 advocates is encouragingly close to the number calculated through demand analysis.

**Cost Effectiveness**

Finally, as a Publicly-funded program, ATDP must be able to sustain scrutiny during Budget deliberations in competition with bids from other programs. To be funded, it must demonstrate cost-effectiveness. Typical metrics can be expected to include:

- the number of candidates trained;
- the number of wellbeing cases supported, or primary claims submitted per practicing advocate;
- the ratio of appeals to the VRB versus primary claims lodged; and
- the ratio of AAT appeals versus the number decided by ADR or heard by the VRB.

**Directions for Change**

Reasonably, the preceding and other considerations will affect advocacy training and practice. For example:

- The VITA Chair has advised the following dates on which indemnification of TIP-trained will cease:
  - Levels 1 and 2: 30 June 2019.
  - Levels 3 and 4: 31 December 2021.
- Without a comprehensive caseload of primary claims, advocates will not have the experience they need to address an increasing number of complex, naively-prepared primary claims.
- The growing complexity of younger veterans and their families' needs, fundamentally change advocacy practice, suggesting the following ramifications:
  - cross-training of all advocates in the other advocacy discipline (starting 01 July 2018),
  - a greater number of wellbeing advocates (see Annex A),
  - refocused mentoring and on-the-job training (OJT) for candidates,
  - accredited training of mentors to assure their competency, and
  - increased support for Communities of Practice (CoP).

ATDP is already implementing the critical changes to advocacy training identified in past reviews. The recommendations of the 29 July 2013 ‘Report of the ESORT Working Party on TIP Accreditation’ (Annex B) are, however, not as well advanced – many ESO/VSC/YVO still struggle to:

- assess candidates’ suitability for advocacy training,
- find mentors and supervise on-the-job performance,
- administer and financially support their candidates and advocates,
- understand the risk implications of authorisation, and
- **not** see CoP as a challenge to their ‘sovereignty’.

ATDP’s mentoring and on-the-job training (OJT) and continuing professional development (CPD) offer partial remedies. But, they also increase ESO/VSC/YVOs’ responsibility to support these activities. These responsibilities can be expected to have financial, administrative and professional indemnification limbs. Few ESO/VSC/YVOs are currently able to meet their commitments. Helping
them get ready – or finding a resolution to their challenges – is a critical task that has yet to be addressed.

Prudent governance should anticipate that recent investigations, the current review of the ACNC legislation and appointment of a new Commissioner will result in ACNC scrutiny across the wider ESO/VSC/YYV community. In the emergent regulatory environment, reappraisal of cultural values, strategic objectives, fiduciary practices and financial administration are essential due diligence. If reappraisal discovers a gap between regulatory requirements and governance practices, change is essential. And, if reappraisal discovers a gap between traditional values and current advocacy practices, the need for increased professionalism is again underscored.

Professionalism must therefore be the driving ethos of veteran’s advocacy. Stakeholders (ESOs, VSCs, YYVOs, ATDP, DVA, VRB and AAT) share responsibility for assuring progressively increasing professionalism. Success necessitates a robustly collegial approach, rather than (in too many instances) the antagonisms and ‘silo-ed’ relationships of the past. Joint adoption of a ‘learning organisation’ approach is overdue.

The preceding issues are, however, probably the tip of an iceberg of potential change. As Donald Rumsfeld quipped: ‘Then, there are unknown unknowns’. The foundations that VCR and ATDP have in place (or have planned) are necessary; but stakeholders should expect that, over time, will prove not to be sufficient. They must therefore be vigilant, flexible, and quick to respond to emergent influences. Again, the need for adoption of a learning organisation model is emphasised.

Options - Some Underpinning Considerations

The Senate Inquiry recommended investigation of a Bureau of Veterans Advocacy, ‘institutionally modelled’ on Veterans Affairs Canada (VAC)’s Bureau of Pensions Advocates (BPA). Government has agreed this recommendation be progressed. It is therefore an option for the future of advocacy with which stakeholders need to be familiar. The BPA is discussed next.

Option No 1 - Bureau of Veterans Advocates

VAC’s website describes the ‘Bureau of Pensions Advocates [as being] a unique, nation-wide organization of lawyers within Veterans Affairs Canada’ (emphasis added). BPA provides free legal services for 90% - 95% of clients that are not satisfied with VAC decisions about claims for disability benefits, and supports those claimants that decide to proceed to the Veterans Review and Appeals Board (VRAB). BPA staff:

- research the condition to be reviewed or appealed,
- determine if supportive evidence (eg. medical reports or other documentation) is needed, and
- recommend either proceeding or not proceeding to review or appeal.

The following appeal pathways are open to VAC clients. BPA lawyers provide support at no charge.

- **Departmental Review**: A BPA lawyer presents new evidence by written submission to VAC.
- **Review Hearing**: A BPA lawyer represents the client at a Review Panel of (usually) two members of the Veterans Review and Appeal Board (VRAB). The client is permitted to attend the Review Hearing.
- **Appeal Hearings**: When clients are not satisfied with the VRAB Review Panel decision, they have the right of appeal to, and cost-free representation by, a BPA lawyer at the Appeal level of the VRAB. The client is **not** permitted to attend an Appeal Hearing.

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8 This discussion is extracted from the Veterans Affairs Canada website: [http://www.veterans.gc.ca/](http://www.veterans.gc.ca/)
• **Reconsideration by VRAB**: While VRAB Appeal decisions are normally final and binding, the Veterans Review and Appeal Board Act provides for Board reconsideration of the matter if there has been an error of fact, error of law, or if significant new evidence is brought forward.

• **Judicial Review**: In very rare cases (e.g., where the Board has made an error in law or in fact, or has overlooked significant facts that may have far-reaching effects for a class of veterans), a client may be able to refer the matter to the Federal Court of Canada. If the Federal Court determines that the Board has erred, it can refer the matter back to the Board for re-hearing.

BPA’s scale of effort is a relevant benchmark:

- Full-time Staff: TBA
- Number of Reviews: TBA
- Number of Appeals: TBA
- Number of Reconsiderations: TBA
- Expenditure (includes staff overheads): TBA
- Average cost per staff member: TBA

BPA also conducts out-reach programs for potential clients, and participates in VAC seminars for active and retired members of the Canadian Forces, Royal Canadian Mounted Police, and veterans’ organisations. It also advises departmental committees, and Members of Parliament on behalf of constituents.

In conclusion, BPA lawyers:

- are embedded in Veterans’ Affairs Canada;
- do not provide support with clients’ primary claims;
- provide free-legal support at all review and appeals levels, including judicial review by the Canadian Federal Court; and
- represent clients with the client in attendance only at the Review Hearing (viz, Australian VRB equivalent) level.

Interpretation of the term ‘institutionally modelled’ notwithstanding, the BPA model appears to have fundamental downsides. The following features of BPA support are contrary to the beneficial intent of Australian veterans’ legislation, cultural norms, ex-service traditions, and veterans’ expectations:

- no support for primary claims,
- no wellbeing advocacy support,
- the denial of client attendance at higher levels of appeal, and
- perceived conflict of interest.

**Alternative Option - Institute of Professional Military Advocates**

This submission next discusses a second option – creation of an ‘institute of professional military advocates’. It collates issues under the characteristics that would accommodate ESO/VSC/YVOs’ challenges and, where practicable, includes remedies for identified weaknesses. The intention is not to be definitive, but to outline some of the issues to be addressed to further professionalise Military Advocacy.

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9 At the time of writing, VAC had been invited to forward the identified statistics. Less disaggregated data is accessible on: [http://www.veterans.gc.ca/eng/about-us/statistics](http://www.veterans.gc.ca/eng/about-us/statistics)
**Purpose**

The broad purpose of an ‘institute’ would be to assure the delivery of high quality advocacy services to members of the ‘Defence Family’ that are eligible under veterans’ legislation.

**Caveat**

To put the title into context. The term ‘Institute’ is illustrative. This section does not argue that creation of an institute of professional military advocates is the only, or the preferred, option. The section discusses some of the key issues that would need to be considered irrespective of option.

**Scope of Option**

If the Senate Inquiry’s ‘institutional modelling’ extends no further than the BPA features that were seen as desirable, at least the following must be addressed:

- ‘veterans’ representation’,
- ‘commissioning legal representation (where appropriate)’,
- ‘training veterans’ advocates’, and
- ‘being responsible for advocate insurance issues.’

To be acceptable to the ‘Defence Family’, the preceding features are necessary, but not sufficient. To them must be added:

- the values and traditions deeply embedded in the Australian veteran community,
- the operational realities confronting ESO/VSC/YVO Executives and Advocates, and
- the concerns given in evidence by respondents to the Senate Inquiry.

In more detail, essential features include:

- the 100-year old founding tradition of ‘mates helping mates’;
- broad cynicism about government decisions, which (from the Senate Inquiry findings) surfaces as distrust of DVA and the VRB;
- the various influences on volunteering by ex-service personnel including:
  - motivation by intrinsic reward,
  - freedom to contribute when and as able,
  - release from hierarchical command and control;
- probable scrutiny by ACNC of ESO, VSC and YVOs’ purpose, governance, fiduciary controls and financial management;
- many ESO/VSC/YVOs’ ill-preparedness to:
  - assess the suitability of candidates for ATDP enrolment,
  - administratively and professionally support candidate mentoring and OJT,
  - assure the delivery of high quality advocacy services, and
  - contain the increasing risk resulting from the preceding challenges.

**Other Institutional Models**

A preliminary survey of stakeholders indicates that a professional institute is a viable option. Viability depends, however, on its being independent of, but responsive to, stakeholders’ varying needs and its appropriateness to Australian veteran culture. This prompts the question:

‘What Australian professional institutes might be relevant models?’

Even the most cursory web-search identifies:

- Australian Veterans' Children Assistance Trust (AVCAT),
- Australian Medical Association,
- Australian Veterinary Association,
- State’s Law Societies or Legal Practice Board,
- Police Federation of Australia, and
- the Institute of Public Accountants or CPA Australia.
Functions
A brief overview of these models indicates that, to achieve its purpose, an institute of professional military advocates would need to:

- embed an ethos of self-directed professionalism;
- incorporate the objectives of VCR;
- continue the tradition of ‘mates helping mates’;
- assure the delivery of high quality advocacy services to clients;
- ameliorate ESOs and VSCs’ challenges in managing advocacy service delivery;
- contain the risk for those delivering professional advocacy services;
- be demonstrably well governed, managed and administered;
- be appropriately funded to ensure its independence; and
- be structured legally, organisationally, managerially and administratively to:
  - meet current legislative and regulatory requirements,
  - respond as seamlessly as practicable to emerging legislative and regulatory requirements,
  - nurture the intrinsic rewards of helping others in crisis or need, and
  - not impose counter-cultural constraints on those delivering advocacy services.

Professional Standards
10620NAT Course in Military Advocacy has been developed together with ATDP volunteers by a Registered Training Organisation (RTO), is accredited by the Australian Skills Quality Authority (ASQA), and being implemented by volunteer Learning Facilitators and Assessors under the RTO’s Registration.

Although ATDP Facilitators have been accredited in Training and Assessment, the RTO is accepting significant commercial risk in delegating training and assessment to ATDP volunteers. The RTO’s business model rests on the preparedness of ATDP learning facilitators to perform to the high professional standards its registration by ASQA demands. As the contracting body, DVA is probably open to vicarious risk should an ASQA audit discover failings in ATDP Facilitators’ delivery of training and assessment and de-register the RTO.

Together, these are strong incentives for assurance of high professional standards. Assuming the institute incorporates the training function recommended by the Senate Inquiry, it cannot expose itself to any more risk than the current DVA-ATDP-RTO arrangement. This suggests that the institute would either enter into a contractual arrangement with an RTO on a similar basis to the existing DVA-RTO arrangement, or register with ASQA as an RTO in its own right. In either option, the institute will be subject – either directly or vicariously – to:

- Vocational Education and Training (VET) legislation;
- ASQA accreditation regulations and audit; and
- commercial and reputational risk.

Quality Assurance
A number of the reviews that preceded ATDP were critical of TIP’s lack of quality assurance (QA). The ATDP Blueprint corrected this failing. ATDP is well-advanced in developing a comprehensive quality assurance program. Figure 2 depicts the key stakeholders and their interactions in a quality assurance system that would be an institute function.

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10 Major Training Services Pty Ltd.
Quality-assured delivery of advocacy services necessitates adoption of a systems approach. To be effective, collaboration by all stakeholders – ESO/VSC/YVOs Executives, Mentors, OJT supervisors, Communities of Practice (CoP), Advocates, ATDP, various DVA business units, and the Commissions’ Delegates, VRB and AAT Registrars and Members – will be essential.

Professional Indemnification

The Senate Inquiry recommends that the BVA be ‘responsible for advocate insurance issues’. VITA (the Veterans’ Indemnity and Training Association Inc) negotiates professional indemnification insurance (PI), and promulgates protocols with which advocates must comply to meet the insurer’s risk assessment. VITA also insures ATDP Facilitators and Assessors for accidental personal injury while on authorised learning-facilitation duties. The VITA Chair has been engaged in ATDP during its development, and VITA actively supports ATDP’s professionalisation of veterans’ advocacy.

Most ESOs and several incorporated VSCs are members of VITA, and their advocates are therefore covered for inadvertent professional negligence. Members pay a $200 annual contribution to VITA, with the balance of the premium being paid by DVA. With an established indemnification insurance scheme in place, *prima facie*, negotiation of a replacement scheme appears unnecessary.  

Never-the-less, creation of a professional institute may be an opportunity for the various insurers that, prudently, ESOs, VSCs and YVOs have in place to be amalgamated into a comprehensive package of insurance cover. Currently, ESOs, VSCs and YVOs applying for BEST funding must maintain public liability insurance that covers advocates while on duty. Presumably, they also hold Contents Insurance to cover loss or damage to equipment used by advocates on duty. Ideally, this cover should extend to use of IT equipment when advocates are on duty away from the office. ESOs, VSCs and YVOs should also have taken out ‘volunteer insurance’ to cover personal injury during travel to and from, and when on, duty.

Progression of consolidated cover would necessitate negotiations between the institute, VITA, VITA Members and DVA of, at least the following:

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11 Reasonably, the wider insurance industry is aware of ASQA-accredited advocates. With a legislated benchmark available, non-VITA insurers can be expected reasonably to assess their risk as higher if they are covering unaccredited advocates. Increased risk implies higher premiums. This is a pro-accreditation incentive.
• terms of association;
• insurance cover to be provided;
• vesting culpability for infractions of risk in the institute (rather than the ESO); and
• payment of premiums.

**Legal Structure**

Given that its purpose is to provide advocacy services through ESO/VSC/YVOs as not-for-profit (NFP) entities, it is appropriate – and presentationally sensible – to register the institute with the Australian Charities and Not-for-profits Commission (ACNC) and to apply for Deductable Gift Recipient (DGR) status with the ATO. Reasonably, these measures would be attractive to donors.

The NFP regulatory environment necessitates due diligence on the legal structure that best meets fiduciary responsibilities and contains governance risk. Demonstrably, the relatively un-demanding governance responsibilities of an Incorporated Association are not adequate. They also fail to inculcate the corporate culture and promote the probity that are appropriate to an organisation which would manage significant Public funds and assets.

The regulatory environment and governance requirements necessitate legal structuring as, at least, a Corporation Limited by Guarantee (CLG). Incorporation as a CLG would lead to creation of a Board, in turn necessitating the identification of Directors with the knowledge and skills needed to drive a professional institute. Directors would be subject to the *Corporation’s Act 2001*, with their liability limited by guarantee.

The demand analysis (Annex A) suggests that the institute’s professional membership would comprise not more than 1200 (salaried and volunteer) accredited advocates, learning facilitators and mentors. Assuming the current BEST allocation ($3.8m in FY2018-19) were received by the institute to fund volunteer advocates’ activities, a further ($2.0m) were required to cover salaries and on-costs for salaried advocates and management, and a 25% contingency were added to these sums, the indicative annual budget would be around $7.25m.

This ‘back-of-an-envelope’ calculation helps identify the number of directors required. Regulatory requirements and the institute’s role identify the combined knowledge and skills that the Board would need. Indicatively, it would comprise no more than the following directors and skills:

- Chair: experienced Board-level in the Not-for-Profit sector.
- Professional Standards: experience in (preferably) a professional legal institute.
- Ex-Service Member: elected by ESORT, Young Veterans, and Female Veteran and Families Forums.
- Commission Member: appointed by the Minister of Veterans Affairs.
- Company Secretary: experience in corporate law and financial accounting.

To these members may be added:

- RTO Member: filled if the institute enters into a strategic alliance with an RTO.
- VITA Member: Chair of VITA if the institute enters into a strategic alliance with VITA.

**Advisory Structure**

The CLG’s constitution would provide that the Board be empowered to create and define the powers of advisory groups. These groups may be standing or ‘ad hoc’ depending on need. Standing advisory groups would probably include:

- Training and Development including mentoring and continuing professional development.
- Advocacy Practice.
- Quality Assurance.
Management and Administration

Expensive management and administrative overheads must be avoided. Ongoing constraints in the Federal Budget should be anticipated, as should careful management of ESO/VSC/YVOs’ funds and assets in the wake of future ACNC scrutiny.

ATDP is creating, with support from a DVA-contracted IT consultant, a comprehensive On-line Management System (OMS). The OMS will provide automated support for:

- enrolment on ATDP;
- access to on-line learning modules;
- candidates and mentors’ data entry into the Workplace Experience Logbook (WEL - required as evidence for assessment);
- CPD on-line activities and administration;
- quality assurance administration;
- client contact with an advocate (the Advocate Register); and

In other words, the OMS would facilitate institute management and administration with minimum staffing overheads. Indicatively, the governance structure would therefore be supported by no more than the following salaried management and administration staff:

- Manager: permanent, full-time; responsible for:
  - implementing Board directions,
  - day-to-day operational effectiveness of the institute, and
  - communicating Board policy directions to, and liaison with, stakeholders.

- Two Administration Officers: permanent, full-time; responsible for:
  - administration of enrolment, training and CPD,
  - office administration, and
  - day-to-day administration.

- Accountant-Auditor: contracted.

- Book-Keeper: contracted one-half day per week.

- IT Contractor: contracted for routine system management and remediation.

Complex Systems Approach

The institute’s operational environment displays all the elements and interrelationships described by complex systems science. It must be fully effective in that environment. To channel Donald Rumsfeld again, it will not be sufficient to adapt solely to ‘known knowns’ and ‘known unknowns’. The institute must also adapt to ‘unknown unknowns’ – the unheralded change vectors that emerge in future. It must therefore be operationally nimble. But, it must be so without prejudicing good governance.

Interrelationship with ESO/VSC/YVOs

A question that ESORT will need to face squarely is:

‘Doesn’t creation of a professional institute for military advocates remove advocacy from ESO/VSC/YVOs’ suite of services to their members?’

As Figure 3 (overleaf) depicts, the putative response is that:

- advocates will continue to deliver advocacy services in the same place they always have;
- the institute will be akin to a National CoP;
- it will link advocates professionally and assure delivery of nationally-consistent advocacy services;
• the primary benefits accrue for ESOs, VSCs and YVOs, and include release from:
  o the risk of litigation for negligence, and
  o the following responsibilities that they have long been ill-equipped to perform:
    ▪ assessment of potential candidates’ suitability for advocacy;
    ▪ administration of candidates’ candidature;
    ▪ provision of mentoring and OJT;
    ▪ authorisation of advocates to practice;
    ▪ monitoring of advocates’ performance;
    ▪ assuring the quality of advocacy services;
    ▪ insuring their advocates and their equipment.

Figure 3. Conceptual ESO-Institute-Advocacy Inter-Relationships

Residual Responsibilities

If ESOs, VSCs and, increasingly in future, YVOs take full advantage of the institute’s services, their residual responsibilities will be largely supervisory. In this respect, accredited advocates that are subject to the institute’s membership and professional obligations significantly ameliorates ESO/VSC/YVOs’ supervisory and administrative risk. ESO/VSC/YVO Executives will need only to ensure that:

• their administrative and client confidentiality policies and advocate management procedures are adhered to; and
• policy and procedures guidelines prepared by the institute are appropriate to their Branch/Sub-Branch.

Membership Flexibility

 Needless-to-say, some ESO/VSC/YVOs would already be able to satisfy the institute’s (probable) standards, policy/procedures/practices, and the insurer’s risk model. They may therefore not need to use all, or some, of the institute’s services. On the other hand, some others may believe they meet those requirements, but do not.
These considerations suggest that, while its membership rules need to be flexible, the institute must protect its reputational and PI risk. Its rules will therefore place the onus on the ESO/VSC/YVO to satisfy the institute and insurer that the institute’s administrative support is not needed.

In such cases, the ESO/VSC/YVO’s advocates would have full membership of the institute, subject to the ongoing quality of their organisation’s administration of their advocacy services.

**Future Professional Development**

Prudently, stakeholders should anticipate that the current level of professionalisation, while necessary, will not be adequate – at least into the future. Reasonably, the current level of professionalisation must be regarded as the start point for further professionalisation. Fortunately, development of the vision that will drive further professionalisation has already begun.

ATDP’s recent series of Wellbeing Workshops has identified younger veterans and their families’ advocacy needs. These provide guidelines for the future. Importantly, the interests that younger veterans articulated in those workshops are consistent with many of the submissions to the Senate Inquiry.

**Wellbeing Advocacy Development**

Younger veterans have long expressed concern that their interests would best be served if their advocates were professionally qualified. ATDP is well advanced in satisfying that requirement. During the Workshops younger veterans identified the additional knowledge and skills that ATDP is now incorporating into its learning and development pathways.

The additional Units of Learning and higher levels of competency that are needed have led to a third Unit of Competency (UoC) in Wellbeing Advocacy. Importantly, the new UoL have been added to the aged care knowledge and skills that have been the focus of TIP courses since the early 1990s. Whole of life, whole of family needs are assured.

**Career in Military Advocacy**

Younger veterans also expressed the wish that ATDP create opportunities for a professional career in military advocacy. Notably, this is consistent with the Prime Minister’s Veterans Employment Initiative, and findings elsewhere about employment opportunities for the spouses of serving ADF personnel.

ATDP found that many of the UoC in CHC42015 Certificate IV of Community Services were relevant to 10620NAT, Course in Military Advocacy. There is also growing awareness that other courses may prove to be relevant, one being 10382NAT Certificate IV in Life Coaching.

Integration of appropriate CHC42015 (or other) UoC into the ATDP pathway is an incentive for younger veterans to engage in military advocacy. DVA is understood to have contracted the RTO to, where possible, link CHC42015 and 10620NAT UoC. To the extent that this is possible, Advocates who wish to continue to full certification will be able to transfer credit to CHC42015 (or other course) the UoC they completed in 10620NAT.

**Compensation Advocacy Development**

By analogy, linking 10620NAT and CHC42015 raises a possible remedy for concerns heard by the Senate Inquiry about representation at the VRB and AAT.

Incontestably, a thorough understanding of legislation and the ability to reason legally at the VRB is an advantage for any Level 3 Compensation Advocate. It is even more advantageous at the AAT, where arguments tendered by volunteer Level 4 Advocates encounter those submitted by the Respondent’s barrister.
Accordingly, DVA’s model litigant obligations and the recent policy change notwithstanding, several TIP-trained volunteer Level 4 Advocates have expressed concern about the Respondent being represented by barristers. This is not, however, to suggest that volunteer Level 4 Advocates must qualify in law.

Already, the Legal Aid Commission’s Veteran’s Advocacy Service can, in certain circumstances, provide legal representation for veterans. Alternatively, veteran-appellants may engage a lawyer to represent them at AAT at their own expense – with costs awarded in some circumstances. In this respect, a small number of lawyers have established a sound reputation for their expertise in veteran’s representation before the AAT.

Prudently, how Level 3 and 4 compensation advocacy might be further professionalised, must be addressed. At least three options are available:

- Completion of LAW10069 - Veterans Law 1, a unit of learning that is offered from time-to-time by Southern Cross University is one option. Its utility is enhanced by the unit’s mandatory pre-requisite: either LAW101157 – Australian Legal System, or LAW00051 – Legal Research and Writing.
- Completion of the Brisbane TAFE, Diploma in Legal Services.12
- Alternatively, the institute could engage experts in veterans’ law and advocacy such as Robin Creyke, Peter Sutherland, Hugh Selby and Bruce Topperwein to increase the academic rigour and advocacy skills in the units of competency for Levels 3 and 4.

Professionalisation and development of career paths in compensation advocacy by the addition of para-legal studies in veterans’ advocacy has not yet been started. Prudently, ESOs, VSCs, and YVOs should champion this work as an element of further professionalisation.

Mentoring

With competency-based training relying for 90% of learning and development through mentoring and OJT, professionalisation of mentoring is axiomatic. Currently, those TIP-trained practitioners who undertake RPL also complete a one-day introduction to mentoring. The evidence is already that a competency-based approach to mentor training is required. Again, this work has not yet been started. Prudently, ESOs, VSCs and YVOs should champion this work as an element of further professionalisation.

Ethos and Culture

Although the ATDP Blueprint includes culture change, the focus of effort to date has been on accrediting and implementing the Course in Military Advocacy. Despite the significant number of TIP-trained practitioners that have undertaken RPL and the number enrolled on learning pathways, the evidence is that inculcation of a professional ethos is far from complete. A comprehensive culture change program is critical to the success of the institute and, through it, the delivery of professional advocacy services.

Inevitably, a small number of ATDP volunteers has done most of the development. These members are aware of the critical need to ‘bring their colleagues along with them’. Information dissemination and nurturing of professionalism vests in all ATDP members. The challenge is, however, wider than ATDP. It is systemic. Ultimately, practicing Advocates must be convinced that an ethos of professionalism is necessary, irrespective of whether they are volunteer or salaried.

Other culture change projects provide incontestable evidence that, unless leaders champion and actively engage in culture change, it will either not happen or be severely impeded. An elementary first step is to improve the flow of information within, and to, ESO/VSC/YVOs.

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12 See: http://tafebrisbane.edu.au/course/16358/diploma-legal-services-online
The institute may design a national culture change program and develop culture change materials; but, success will require information dissemination and leadership across the entire veterans’ community – from national to grass-roots level. Leaders have a crucial – and demanding – task ahead of them.

Progression
Following its acceptance of the Rolfe Review, ESORT nominated representatives to Working Parties that developed the ATDP Blueprint. A number were TIP-trained pension officers. A small core went on to work voluntarily with DVA officers and other volunteers to implement ATDP.

ATDP has already significantly professionalised advocacy training and development, and has further development under way. From 01 July 2018 it roll out:

- a program of continuing professional development (CPD) and self-directed learning, and
- a QA system covering ATDP training and ESO service-delivery.

Should, as presumed, VCR and ATDP achievements to date be regarded as the point of departure for change, ESO/VSC/YVOs will need to consider how further professionalisation might be achieved. A working party approach is proposed.

Working Party
The Blueprint Working Party model served advocacy training and development well. It provided a means for all interests to be identified and combined into a solution that met stakeholders’ needs. The creation of a Working Party by the Scoping Study would again provide a means for stakeholders to identify the vision that should drive training for, further professionalisation of, and delivery of advocacy services beyond the current VCR-ATDP benchmarks.

The stakeholders that constitute, and the objectives of, the Working Party should not simply replicate the previous one. Careful consideration is needed. Factors that will shape the Working Party include:

- external scrutiny:
  - of DVA and ESO/VSC/YVOs’ delivery of advocacy services and support, and
  - of ESO governance (by ACNC);
- the National Collaboration Project and its interaction with traditional ESOs, VSCs and younger veterans’ organisations;
- ESO National Presidents’ increasing collaboration;
- the advent of strategic planning as a key ESORT activity;
- DVA’s progress with VCR;
- ATDP’s progress with implementation of the 2015 Blueprint;
- the emergence of the ‘Healthy Veteran. Healthy Family’ Model with its:
  - overwhelming importance of wellbeing advocacy; and
  - embedding of episodic compensation advocacy in a wellbeing continuum.

The composition of the Working Party would need to be balanced quantitatively and qualitatively. It cannot have so many participants that it is unwieldy. On the other hand, it must comprise enough knowledgeable members to represent stakeholders’ interests. The participants must also have the authority to commit their organisation to a course of action.

The following composition is suggested:

- As ESOs and VSCs will continue to, and increasingly YVOs will, deliver advocacy services, their interests must be represented by:
three Presidents of national young-veteran organisations that are providing wellbeing and compensation services;
representatives of the National Presidents of RSL and Legacy, and the ADSO Spokesman;
three very experienced and ATDP-accredited wellbeing and compensation advocates.

- The Chairs of ATDP’s Strategic Governance Board and Capability Framework Management Group and National Training Manager - as they are the principal holders of information on progress made and planned against the Blueprint vision.
- DVA represented by Assistant Secretaries or Directors of:
  - VCR, because of its extensive community consultations and its driving of change to meet the outcomes of those consultations; and
  - other appropriate business units identified by the Department.
- Three uniformed ADF personnel engaged in transition policy, administration and support service provision.
- A small number of participants invited because of their specialist knowledge and ability to contribute authoritatively to decision-making on the future of advocacy.

The Working Party may also constitute Consultation Panels to provide advice on matters that are critical to developing a new Blueprint, but do not warrant full-time membership.

**Workshop Process**
As with the ATDP Blueprint Working Party, a series of workshops would be convened over a period of time, to ensure all relevant issues were identified, wider stakeholder constituencies engaged, and then discussed to consensus.

**Funding**
As the Working Party will ‘set the scene’ for further professionalisation, a submission to the Minister seeking approval to fund the Workshop is proposed.

**Working Party Outcome**
The intended outcome is a ‘Blueprint II’ – a document that:

- focuses on:
  - the training for, and
  - delivery by, and
  - quality assurance of, Wellbeing and Compensation Advocacy services to the future ‘Defence Family’; and
- represents:
  - the veteran community consensus on the future of advocacy service-delivery,
  - the means by which stakeholders ensure the future is throughly grounded in reality,
  - an agreed ‘social licence’ for change.

**Conclusion**
This submission has scoped a range of the issues that ADSO would like the Scoping Study to consider. A complex systems approach is envisaged. Close collaboration by all stakeholders in the delivery of high quality advocacy services is essential.

Complaints heard by the Senate Inquiry will inevitably arise again during the Scoping Study. Fundamental progress has, however, already been made in professionalising advocacy. Much of the progress made by VCR, ATDP and practicing advocates has not yet been recognised. Amongst other things, this submission has sought to inform about that progress.

While necessary, progress to date is not sufficient. A thoroughly well considered vision of the future of advocacy is the essential start-point. Convening of a Working Party to develop a stakeholder-wide consensus on that vision is proposed.
This submission discusses one option. Without seeking to be definitive, it has addressed some key considerations that underpin an ‘institute of professional military advocates’. The option builds on Canada’s Bureau of Pension Advocate; but situates it in Australian veterans’ traditions, social values, veterans’ legislation, regulatory environment, and budgetary constraints. The ‘institute’ would:

- manage and administer veterans’ advocacy;
- set and ensure standards of training, accreditation and performance;
- authorise practice of professional military advocates;
- monitor advocates’ ongoing competency, currency and CPD;
- provide professional indemnification; and
- quality assure delivery of advocacy services.

Importantly, it would be the foundation for ongoing professionalisation of advocacy over and above VCR and ATDP’s current achievements and plans. Equally importantly, it would be the foundation for younger veterans’ careers in professional military advocacy. Finally, the ‘institute’ would ameliorate the challenges historically and currently facing ESOs, VSCs and YVOs, including being ill-prepared to:

- administer veterans’ advocates;
- support younger veterans;
- meet regulators’ governance requirements, and
- respond satisfactorily to the questions the imminent reviews are likely to ask.

The institute would relieve those ESO/VSC/YVOs that needed the institute’s services of responsibility for these functions. It would do so, however, in a way that maintained ESO/VSC/YVOs’ profiles as the providers of advocacy services. Indeed, the assured quality of advocacy services has the potential to enhance the ESO/VSC/YVO’s reputation. Adoption of the institute model (or another similar option) would remain true to ESOs’ 100-year old tradition. It would, however, ensure that when ‘mates help mates’, they are doing it better!

**Alliance of Defence Service Organisations**

**Annex: A. Indicative Demand Analysis**
INDICATIVE DEMAND ANALYSIS

Straightforward calculations put complaints to the Inquiry into perspective. If the annual average number of primary claims (10,500) and appeals to the VRB (2,800) and AAT veterans’ jurisdiction (350) is divided by number of cases or appeals an advocate can reasonably complete in a year, the resulting demand analysis suggests that significantly fewer advocates are needed than TIP typically trained each year.

Indicatively, the number of Full-time Equivalent (FTE) compensation advocates works out to be around:\(^\text{13}\)

- Level 1 and 2 (Primary Claims): 153
- Level 3 (VRB): 78
- Level 4 (AAT): 19

Note specifically that these are calculations of FTE. They must be moderated for part-time advocacy, advocate retirement, location, and contingencies. To these numbers must be added the number of wellbeing advocates needed to meet the greater workloads resulting from support of younger veterans and their families. Other moderation factors include the following:

- the evidence that younger veterans favour the option of self-lodgement of primary claims through MyAccount and, increasingly, MyService;
- increasing on-line lodgement of primary claims without an advocate’s support, will change the focus of casework:
  - the total caseload of primary claims will decrease, and
  - the number of applications for reconsideration or appeals will increase; and
- the increasingly complex interaction between clients’ physical and psychological conditions will compound the advocates’ task, lengthening the time to resolve cases.

Assuming that:

- 1½ Level 1 or 2 wellbeing advocates are required for each Level 1, 2 and 3 compensation advocate; and
- 3/4 of Level 1 and 2 advocates are part-time and work only 1/3 FTE;
- 1/2 of Level 3 advocates are part-time and work only 1/3 FTE;
- 1/3 of Level 4 advocates are fulltime and work only ½ FTE; and
- emerging trends in claims by younger veterans:
  - reduce Level 1 and 2 compensation workload by 50%;
  - increase Level 3 compensation workload by 25%; and
  - increase Level 4 compensation workload by around 25%.

the indicative number of salaried plus fulltime advocates to meet future demand would be:

- Level 1 or 2 Wellbeing Advocates: 700
- Level 1 or 2 Compensation Advocates: 198
- Level 3 Compensation Advocates: 213
- Level 4 Compensation Advocates: 25

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\(^{13}\) The following data are derived from face-to-face survey of ATDP-accredited volunteer and paid advocates. Time taken to research, prepare and lodge:

- Primary Claims: 25 hours
- DR Submission/VRB Appeal: 50 hours
- AAT Appeal: 100 hours
REPORT OF THE
ESORT WORKING PARTY ON TIP ACCREDITATION

Introduction

1. This report arises from a finding of the December 2010 “Report of the Review of DVA-Funded ESO Advocacy and Welfare Services” (the Review). At the March 2013 ESO Round Table (ESORT) meeting the Secretary, Department of Veterans’ Affairs, invited a Working Party (WP) to help the ESORT identify a preferred position on TIP accreditation.

2. The Working Party met by teleconference on 7 May, 28 June and 29 July with the support of a DVA Secretariat. Members first developed the Terms of Reference at Enclosure 1, conducted research between teleconferences, and deliberated on the relevance of its research findings. The recommendations in this report are a Working Party consensus. Terms used in are defined below. 1

3. To facilitate ESORT consideration of its position, the WP believed it essential to identify the policy and practical context before integrating relevant issues and making recommendations. This report therefore:

a. summarises the key issues from the “Review”;  
b. outlines the legislative context and preferred approach to learning;  
c. integrates the research findings into a proposed rationale; and  
d. applies the rationale to propose learning pathways that would lead to accreditation of TIP courses and competencies that warrant certification of TIP presenters, and ESO participants, practitioners and assessors.

1 Definition of terms:

a. Accreditation [is the outcome of gaining] national recognition of a course so that an RTO (see Note 3) can issue a nationally-recognised qualification or statement of attainment followings its completion.

b. Certification is the outcome of being competent at the required level when a VET-accredited course is completed.

c. A Registered Training Organisation (RTO) is a VET organisation that trains students to the level required to award a qualification or a statement of attainment that is recognised Australia-wide.

d. Australian Qualifications Framework (AQF) was introduced in 1995, replacing the Australian Training Quality Framework (ATQF).

e. The current TIP term “participant” = the Review term “trainee” and “presenter” = “trainer”.

f. Under VITA, a practitioner is a fully TIP-trained and ESO-authorised Welfare or Pension Officer or Advocate.
Caveat

4. The title, *TIP Accreditation*, is misleading. It diverts attention from the most important issue:

   *How training is provided so that competent practitioners result.*

5. The WP’s research suggests that if training assures competency, automatically:
   a. TIP courses will be accredited, and
   b. participants’ competencies will be certified.

Research Findings

6. The principal research findings are summarised next.

*Summary of the Review*

7. The Review made the following observations:
   a. Accreditation/Certification:
      i. some level of accreditation is needed, and DVA and TIP should develop an implementation timetable;
      ii. *competency-based* training should be adopted and the *structure of training* should align with practitioners’ *level of practice*; and
      iii. certification should be *merit-based*, should address *attendance and competency*, and should include:
         a. *e-Learning*,
         b. *exercise-based learning*, and
         c. *assessment*.
   b. Training Process:
      i. Participants. Participant completion of TIP courses is to be followed by on-the-job training (OJT) and mentoring by their ESOs.

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2 Summarised from sections 8.2 - 8.4 and 8.6 - 8.7 (pages 22-29 and 30-33) of the Review report.

3 The ADF adopted competency-based training (CBT) in the 1980s, and most ADF courses now lead to an AQF certificate. The core concepts of the AQF are:
   a. *competency-based training* assists the acquisition of *skills and knowledge to perform a specific task to a certain standard*; and
   b. *outcomes are clearly stated so that trainees know what they have to do, trainers know what training needs to be provided, and ESOs know the skill levels required*.

Routine in-Service certification is understood to be driving contemporary veterans’ expectations that *practitioners* must be accredited (see DVA Discussion Paper: “The Future of Veterans’ Advocacy”, para 12).
(ii) Practitioners. ESOs’ OJT and mentoring should develop participant competency to merit VITA authorisation as a practitioner.

(iii) Presenters. The minimum [qualification] for remunerated trainers is Certificate IV in Training and Assessment\(^4\), but should not be imposed on volunteer presenters.

c. Learning Functions.

(i) Training Program and Structure:

(a) the structure of training should align with practitioners level of practice;

(b) brief introductory training should be used to gauge possible participants’ longer-term interest, intentions and capability;

(c) all Practitioners should complete the Welfare Level 1 course;

(d) ESOs should be consulted during regular National core knowledge package updates; and

(e) DVA considered National TIP training design, development and certification processes to be sufficient.

(ii) e-Learning. There is genuine enthusiasm for e-learning and its benefits include its being a:

(a) portable, consistent knowledge base,

(b) means for self-paced distance learning, and

(c) complement to face-to-face, case study, and post-training activity and support.

d. Mentoring:

(i) ESOs should mentor all practitioners irrespective of their level of training, and mentoring should be related to practitioners’ level of practice; however,

(ii) there are too few suitably qualified mentors, and a mentoring policy framework involving ESOs, TIP and DVA is needed.

e. Quality Assurance (QA):

(i) DVA considered all stakeholders have a role in feedback, but consultation is required to determine the appropriate processes and tools;

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\(^4\) The Certificate IV in Training and Assessment is now replaced by the TAE40110 qualification. A small number of TIP presenters hold a Certificate IV in Training and Evaluation. All they need do to have the current qualification is to upgrade to TAE40110. Because they are currently training, they should receive Recognition for Current Competency (see para 36). In FY2012-13 DVA authorised the expenditure of TIP funds to allow the National Training Manager to acquire certification under TAE40110. Some State TIP Consultative Groups are also making allowance for Certificate IV Training and Evaluation holders to upgrade to TAE40110.
(ii) DVA should review VRB and AAT decisions to identify trends, and
(iii) DVA’s existing QA system should provide feedback to ESOs about practitioners’ that consistently meet or fail to meet required standards and to TIP to inform training development and needs.

8. TIP Responses. The Review notes the following responses from TIP:

a. TIP is moving towards competency-based training;
b. TIP develops courses consultatively with ESOs, practitioners, DVA policy and legal staff, with guidance from external training and development expertise;
c. an introductory training program to gauge participant interest and capability would result in duplication and would be poor value or money
d. ESOs select must select their participants, provide on-the-job training (OJT) and mentoring, and authorise their practitioners;
e. TIP only advises ESOs on how best to undertake mentoring;
f. QA is a matter between DVA and the ESO responsible for a practitioner; and
g. TIP’s responsibility is to ensure that QA feedback:
   (i) from ESOs and DVA is included in refresher courses, and
   (ii) is provided through newsletters and emails or the post.

Adult-Learning

9. Australia’s adoption of competency-based training (CBT) was preceded by the offshore development of a distinct philosophy of adult learning twenty years earlier. In the 1960s, educators realised that adults learn differently to children. While the extent of the difference is debated, adult learning practice has replaced the didactic approach that had been used since the 5th Century.

10. Adult education involves, first, imparting basic knowledge, then the practical application of learning followed by self-directed inquiry to continuously expand knowledge. It encourages learners to be responsible for their own learning, and is most effective when individuals:

a. learn from their accumulated experiences,
b. apply knowledge immediately (rather than delayed), and
c. focus on their performance (rather than subject material).

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5 A principal difference is the transition from the classroom-based ‘passivity” of traditional teaching (pedagogy) to the “active engagement” of adult learning (andragogy). For more detail, see: “Moving from Pedagogy to Andragogy” <http://www-distance.syr.edu/andragogy.html>
The AQF identifies the three outcomes (knowledge, skills and application) and four types of skill (basic, thinking, personal and inter-personal) a person must have to be competent on completion of a training level. Expanded descriptions of the outcomes and skills types follow:

(a) the three outcomes a practitioner must achieve are:
   (i) Knowledge: what must be understood and/or known, and
   (ii) Skills: what must be able to be done;
   (iii) Application: how knowledge and skills must be applied in terms of:
      (a) autonomy, responsibility and accountability; and
      (b) the nature of the situations that will be encountered (e.g., predictable to unpredictable, known to unknown, and routine to non-routine); and

(b) the four generic skills common to all learning outcomes are:
   (i) Fundamental skills: literacy and numeracy.
   (ii) People skills: communication and working with others.
   (iii) Thinking skills: learning to learn, problem-solving and decision-making.
   (iv) Personal skills: self-direction and acting with integrity.

As AQF levels increases from Level 1, the person’s knowledge is greater, the person is more skilled, and is increasingly able to apply higher levels of knowledge and skills in progressively more demanding situations that require increasing levels of autonomy and responsibility. The competency levels and descriptors relevant to each Certificate are summarised next (emphasis added):

(a) Certificate 1:
   (i) Learning Outcome: The practitioner has basic knowledge and skills, and is qualified to work.
   (ii) Knowledge. The practitioner has basic fundamental knowledge and understanding in a narrow field of work.
   (iii) Skills. The practitioner:
      (a) has the basic skills to continue learning;
      (b) is able to receive, pass on and recall information in a narrow range; and
      (c) can use appropriate tools and basic technologies.

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(iv) Application. The practitioner has the knowledge and skills to:
(a) operate with some autonomy within defined contexts and established parameters; and
(b) participate in various initial routine and predictable work activities, including as a team member.

b. Certificate 2:
(i) Learning Outcome. The practitioner has the knowledge and skills to undertake mainly routine work.
(ii) Knowledge. The practitioner has basic factual, technical and procedural knowledge in a defined area.
(iii) Skills. The practitioner is able to:
(a) access, record and act on a range of information from a range of sources;
(b) apply and communicate known solutions to a limited range of predictable problems; and
(c) complete tasks involving known routines and procedures with a limited range of options.
(iv) Application. The practitioner has the knowledge and skills to operate with:
(a) some accountability and responsibility for the quality of his/her own work outputs;
(b) limited autonomy and judgement in completing own defined, routine tasks in known and stable contexts; and
(c) limited autonomy and judgement to complete routine but variable tasks in collaboration with others in a team environment.

c. Certificate 3:
(i) Learning Outcome. The practitioner can apply a broad range of knowledge and skills, and is qualified to undertake skilled work in varied contexts
(ii) Knowledge. The practitioner has factual, technical, procedural and theoretical knowledge in an area of work.
(iii) Skills: The practitioner is able to:
(a) interpret and act autonomously upon available information;
(b) apply and communicate known solutions to various, predictable problems and to deal with unforeseen contingencies using known solutions;
(c) provide technical information to specialist and non-specialist audiences; and
(d) undertake **routine and non-routine** tasks in a **range of skilled operations**.

(iv) Application: Practitioner is able to apply knowledge and skills:

(a) with **discretion and judgement** in a selection of services and measures;

(b) to **adapt and transfer** skills and knowledge within **known** routines, methods, procedures and time constraints; and

(c) to **take responsibility** for own learning and work outputs, including in a team environment, and accept limited responsibility for **other’s output** within **established** parameters.

d. Certificate 4:

(i) Learning Outcome. The practitioner has a **broad** range of **specialised** knowledge and skills, and is qualified to undertake **skilled** work in varied contexts

(ii) Knowledge. The practitioner has **broad** factual, technical and theoretical knowledge in a **specialised field**.

(iii) Skills. The practitioner is able to:

(a) identify, analyse, compare and take action on information from various sources;

(b) communicate **non-routine** technical solutions to a defined range of **predictable and unpredictable** problems;

(c) complete **routine** and **non-routine** tasks; and

(d) **guide activities** and provide advice in the area of work and learning.

(iv) Application. The practitioner has the knowledge and skills to:

(a) undertake **specialised** tasks in **known and unknown** contexts;

(b) be **responsible** for his/her own outputs and have limited responsibility for **organising others**; and

(c) have **limited responsibility** for the **output of a team** within **limited parameters**.

13. Comment. Although AQF criteria appear to focus on the certificate awarded, this is misleading. Rather, the knowledge and skill levels that assure a level of competence relate to AQF categories and descriptors. In other words, it is the level of competence a person demonstrates at various points in a training pathway that is recognised by the award of a certificate.
14. National Vocational Education and Training (VET) policy identifies the following key considerations:7

a. Ownership. A course may be government owned or owned privately by an individual or an organisation (which does not have to be an RTO).

b. Course Accreditation. To be accredited (amongst other things) a course must:
   (i) meet an identified community need;
   (ii) be consistent with the requirements of an AQF qualification or certificate of attainment;
   (iii) not duplicate the title or coverage of an already-endorsed training package;
   (iv) be based on either:
       (a) nationally-endorsed units of competency, or
       (b) units of competency developed as part of the course or module; and
   (v) apply units of competency developed in consultation with and validated by the relevant community group.

c. Certification. Only an RTO can deliver, assess competency, and confer a qualification or certificate of attainment. A non-RTO course owner must engage an RTO for recognition of competency with an AQF qualification.

d. Certificate of Attainment. A course may be accredited that is not of the breadth and depth required for award of a qualification, but does result in a level of competency that merits conferral of a certificate of attainment.

e. Control of Intellectual Property (IP). IP is protected legislatively by accreditation - only the owner has the right to offer the course. Once a course has been accredited, it cannot be registered by any other body. A course will not be accredited if it duplicates the title, coverage, or outcome in terms of skill set, unit of competency or qualification of a course that has already been endorsed.

f. Ubiquity. Once a course has been accredited and registered it is recognised by all states and territories.

15. Comment. Accreditation does not drive the learning process. As with the attainment of any objective, the process leads to the desired outcome, not vice versa.

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versa. In this respect, competency is the outcome, the learning process is how competency is attained, and accreditation is the assurance that necessary competency has been attained.

**Systems Approach**

16. Although not specifically identified in any of the preceding sources, systems thinking is fundamental to this report. It is the frame within which competency development must be progressed, irrespective of whether or not a course is accredited and leads to a qualification.

17. The inputs, processing, outputs and feedback that occur (or should occur) in the TIP-DVA-ESO partnership underscore that it is (or should be) a system. More correctly, the partners are stakeholders within a “system of systems”.  
   a. in one sub-system, an ESO’s selection of a participant, the participant’s learning in TIP training, the ESO’s on the job training (OJT), mentoring and feedback to TIP by the ESO;  
   b. affect in another sub-system, a practitioner’s actions, claim processing in DVA, the delegate’s determination, and DVA’s feedback on practitioner performance.

18. The complexity of the veterans’ affairs system suggests that a fully competent practitioner will need to be competent in a complex and often unpredictable environment. The environment will therefore strongly influence the level of competency needed by practitioners and the training pathways.

19. Comment. Although critical, OJT mentoring and feedback, are not universal in the existing training process. Continuous improvement and quality assurance are therefore largely unrealised. Consequently, the current training process is not a system and cannot ensure that, after TIP training, OJT and mentoring by their ESO, practitioners are competent.

**Integration of Research Findings**

20. Limitations of TIP Position. The TIP position at para 8 above has the following limitations:  
   a. Feedback. To maximise its effectiveness, feedback from ESOs and DVA (including VRB and AAT) must influence every TIP course, not just refresher training.  
   b. Mentoring. The Working Party understands that, despite National TIP having encouraged ESOs to request development of a training course for mentors, no formal request has eventuated. TIP is understood to remain

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8 Figure 2, a model of the ESO-DVA-TIP partnership as a learning system, illustrates the complexity of the whole system.
ready to assist. Inclusion of training for mentors in the TIP 10 Year Rolling Program would advance the rationale for TIP funding.\(^9\)

21. Partnership. Currently, the partnership that DVA is promoting between itself, ESOs, and TIP is in an early stage of formation. Anachronistic attitudes and suspicion still affect interaction and information exchange is not free-flowing. The extant *partnership* is therefore best described as an assembly of potential partners. Figure 1 depicts the current stakeholders and their interactions. Once mature, with embedded continuous improvement and quality assurance processes, the partnership has the potential to be a comprehensive learning system. This outcome would materially advance competency development.

![Figure 1. Current Assembly of Stakeholders and Interactions](image)

22. Fit with VET and AQF. Already, TIP courses are broadly consistent with VET and AQF criteria.\(^10\) Training meets an *identified community need*, is *developed and validated in consultation with ESOs*, is aligned with participants and practitioners level of practice, is evaluated by participants, and shortcomings are rectified by a National amendment process. The lack of universal OJT and mentoring by ESOs does, however, leave the learning pathways incomplete.

23. Fit with Adult Learning. The increasing number of e-learning modules within the suite of TIP courses opens the way to training that advances competency-

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\(^9\) Effectively, the original objective is as now recorded in the BEST Guidelines: *better informed ESO practitioners who can ensure [that] claims lodged with the Department are of a high standard.*

\(^10\) Under TIP’s 10 Year Rolling Program all courses have a training objective, develop competency, involve some type of assessment, include an allowance for current competencies (see para 29), and align outcomes with a competency level. Competency is assessed at three levels on the Advocacy Levels 3 and 4 courses: “participant has demonstrated competency”, or “needs further OJT and mentoring”, or “is unlikely to reach the required competency with OJT and mentoring”.

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development by applying adult-learning principles. TIP e-learning can transfer knowledge,\textsuperscript{11} and face-to-face courses can develop competency by applying knowledge through case studies. In more detail:

a. E-learning has a particularly important place in the future learning system because it:
   
   (i) is undertaken in each participant’s own location, at his/her own pace and in his/her own time,\textsuperscript{12} and
   
   (ii) includes knowledge check-points that refer the participant:
       
       (a) back to the content which is not correctly understood, and
       
       (b) on-line to a mentor to discuss by phone any unresolved knowledge shortfalls.\textsuperscript{13}

b. Face-to-face courses can be:
   
   (i) scheduled to maximise participants’ need for immediate application of knowledge, and
   
   (ii) structured to focus on the application of knowledge through increasingly complex case studies that include competency assessment and conferral of a certificate of attainment; and

c. When the parent ESO assesses that a participant has the competency to start practicing, it will:
   
   (i) as it currently does, issue the practitioner with a letter of authorisation to trigger VITA indemnification; and
   
   (ii) consistent with the descriptors for a level of competency, seek conferral of the relevant certificate.

24. Course Ownership. TIP volunteers developed face-to-face courses in their own time without remuneration and are the owners of TIP IP. E-learning involves conversion of IP into modules under DVA contract. The Commonwealth is the owner of the e-learning modules but not the embedded IP.

25. Advantages of Endorsement. DVA, ESOs and TIP have an equal interest in an agreement with an RTO as its AQF endorsement:

\textsuperscript{11} This training approach satisfies the Review’s concern that certification include e-learning, exercise-based learning and assessment.

\textsuperscript{12} In essence, the Review’s concern that brief introductory training precede TIP training is satisfied by practitioners’ engagement in a Level 1 e-learning module before attending a face-to-face course. Should a prospective participant find that they do not have the motivation, interest or intent to continue, he/she is free to decide to go no further. Attractively, there is no real resource or cost penalty to TIP should a prospective participant withdraw at this stage.

\textsuperscript{13} Each module remains accessible to the participant for as long as he/she maintains an e-learning account with TIP, and the embedded program enables the TIP IT Administrator to confirm the participant’s progress and stores the participant’s answers at each knowledge check point so that he/she is able to compare the immediate past level of knowledge with the new.
a. protects ownership of IP and course materials;  
b. allows TIP to confer a certificate of attainment\(^\text{14}\) on satisfactory completion of an e-learning module and face-to-face course, and  
c. authorisation of its practitioners under VITA allows ESOs to trigger certification under the AQF.

26. Learning System Model. Figure 2 is a model of the mature partnership as a learning system. Comparison with Figure 1\(^\text{15}\) shows substantial development of responsibilities or activities and feedback. The Working Group notes that:

a. development of such a complex network will take time; but, if not achieved will stymie competency enhancement; and  
b. satisfies the Review concern that “all” stakeholders have a role in feedback.

![Figure 2. Partnership as Learning System](image)

27. Additional QA Elements. How a comprehensive and effective training system might be created is discussed next.

\(^{14}\) A certificate of attainment satisfies the Review’s concern that both attendance and competency be certified on the basis of merit.

\(^{15}\) The current situation is contrary to systems practice and inimical to continuous improvement and quality assurance. The Working Group understands that:

a. feedback on practitioner performance from DVA to ESOs and State TIP Chairs is routine in some States but non-existent in others; and  
b. there is no arrangement in place for the AAT feedback to the VRB or the VRB to DVA.
a. Adult Learning. Two benefits arise if adult learning principles are adopted to build learning pathways grounded in e-learning modules. Participants can consolidate basic knowledge by re-accessing modules undertaken previously, and the content of modules can be upgraded regularly to ensure basic knowledge remains current. With additional resourcing, e-learning courses could be developed for OJT and refresher training and included in the relevant learning pathway.

b. Learning Pathways. Each TIP course rolled out under the National Training Consistency Project includes a competency objective and a “competency level”. Were courses VET-accredited, successful completion would result in conferral of a certificate of attainment by TIP. If ESOs provided OJT and mentoring, they could concurrently assess competency for authorisation under VITA and AQF certification.

c. ESO Response. Given that most ESOs do not currently conduct OJT and mentoring, an additional responsibility to assess AQF competence seems problematic. It is unlikely ESOs will have executives qualified to train and assess to AQF standards. Two alternatives are suggested. Either an ESO executive be trained to TAE40110, or a body external to the ESO provide the service. Logically, this would be the RTO contracted by DVA and/or TIP. Either resolution is, however, likely to meet reluctance, at least, and probably resistance. A culture-change process will be an essential part of implementation.

d. DVA Resourcing. DVA’s capacity to implement suggestions that it review VRB and AAT decisions and provide feedback through its existing QA system must be considered. The Working Party understands DVA determined some time ago that its resources did not leave it with any reserve capacity. Additional resources will be essential to participation in a comprehensive and effective learning system. The ESORT therefore has a responsibility to advise Government that DVA’s resource constraints put at risk the effectiveness of the Commonwealth’s veterans’ affairs program.

28. Fit with Need. A systems approach is fundamental to transition existing TIP training to one acceptable to next generation veterans, ex-ADF personnel and dependents. The new learning system must:
   a. be defined by DVA (VRB and AAT) quality requirements;
   b. be responsive to ESOs’ operational needs;
   c. demonstrate development of identified competencies;
   d. involve VET accreditation;
   e. lead to AQF certification of practitioners and presenters, and
f. strengthen the DVA-ESO-TIP partnership.  

29. Active Engagement. If they are to be implemented, the partners must engage this report’s recommendations actively. Therefore, the views expressed by TIP (para 8 above) about certifying volunteers and stakeholder engagement must be considered.

a. Recognition of Current Competencies (RCC). RCC was previously known as Recognition of Prior Learning (RPL). While volunteers cannot be forced to undertake certification, they can be encouraged to do so. As presenters already have skills and knowledge relevant to TAE40110, most should qualify without undertaking a full training program.

b. Quality Assurance. To hold that TIP has no role in quality assurance is tantamount to suggesting that its training program needs no further improvement. This is inconsistent with its advice that it incorporates ESO and DVA feedback into its refresher training courses. A systems approach engages all stakeholders in all relevant activities.

30. Implementation Timeframe. To be achievable, the implementation timeframe will have to engage with (at least) the following considerations:

a. TIP 10 Year Rolling Program. The Rolling Program provides a framework and rolling timeframe for the partners’ transition towards a learning system that will assure competencies and lead to accreditation and certification. TIP’s capacity to implement will, however, be a significant determinant. Two alternatives could expedite transition:

(i) TIP seek wider involvement of its volunteer workforce in training development, and/or

(ii) DVA contract an RTO to work with TIP to develop training pathways and materials.

b. ESOs. Currently, many ESOs have a low level of awareness of the most basic of welfare, pension and advocacy operational and management issues. It, therefore, appears inevitable that their ability to acquire the competencies to train and assess their participants will strongly influence the implementation timetable. Given that TIP’s training development workforce is working to capacity, how ESO manager-assessors’ training needs can be met is a key implementation issue. Currently, TIP eschews a role any such ESO. This suggests that DVA engage a contractor to, with TIP input, train ESO manager-assessors.

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16 A comprehensive and active partnership is essential to satisfying the Review’s observation that a mentoring policy framework involving ESOs, TIP and DVA is needed.

17 RCC was previously known as Recognition of Prior Learning (RPL).

18 Together with DVA, TIP Chairs agreed in 2008 a 10 Year Rolling Program for TIP development. Continuous improvement and National Training Consistency are central in the Program.
c. DVA. DVA’s contractual issues that caused TIP to withdraw its e-learning programs, the inability of its QA system to give feedback on practitioners’ performance, and the time in excess of the benchmark taken to determine claims all seem to suggest that DVA’s staff are over-extended. While selective, these observations raise the question of DVA’s capacity to enter into the development program that this report envisages. The ESORT again has an interest in ensuring DVA is funded adequately. This interest must be translated into advocacy of increased funding for DVA.

31. Welfare Training. ESOs proposed to the Review that all practitioners should complete Welfare Level 1. The Working Party does not support this proposal. Welfare is an increasingly demanding specialisation and will become more so as the range of age groups widens and needs of people seeking welfare support accelerate.\(^{19}\) The correct action is for a compensation practitioner to refer a welfare client to an authorised welfare practitioner. Indeed, advice on the basis of incomplete knowledge would infringe the VITA insurer’s policy stipulations, leaving the practitioner and ESO open to litigation and award of damages.

32. Training Package Update. The Review proposed that TIP should consult ESOs when updating national core knowledge packages. TCG meetings are an opportunity to do so, but meeting cycles are not conducive to a responsive amendment. Delaying implementation of an amended package until ratified by the TCG would be contrary to timeliness and current knowledge. Preferably, the fastest possible dissemination of information should be used (eg., email), but ESOs must also be pro-active in distributing information internally.

Conclusions

33. The Working Party’s research suggests that:
   a. there is a widespread misperception that the desired outcome (TIP accreditation and certification) is driving or should drive change;
   b. training must not be driven by accreditation and certification, but by learning-system-wide continuous improvement that assures quality, so competencies are attained that satisfy the rationale for DVA funding of TIP;
   c. the principal challenge facing competency development is to transition the three loosely linked partners into a comprehensive and effective learning system;
   d. to the limit of its volunteer resources, TIP’s objective must be to satisfy DVA (VRB and AAT) quality requirements and ESO’s operational needs;
   e. the significant detriments to accreditation and certification are:

\(^{19}\) See ESORT Meeting No 20, Agenda Item No 4, “The Face of DVA Post-Afghanistan”.

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f. the envisaged learning system must:

(i) be defined by DVA (VRB and AAT) quality requirements,
(ii) be responsive to ESOs’ operational needs,
(iii) demonstrably develop the required competencies,
(iv) involve VET accreditation,
(v) lead to AQF certification, and
(vi) strengthen the DVA-ESO-TIP partnership;\(^{20}\)

g. progression of the proposed learning system will therefore necessitate:

(i) an agreed transition plan embedded into TIP’s 10 Year Rolling Plan,
(ii) a joint culture-change process,
(iii) a mature partnership with a fully embedded continuous improvement and quality assurance system,
(iv) all partners being resourced adequately,
(v) DVA contracting an RTO,\(^{21}\) and
(vi) the RTO offering generous RCC to facilitate early certification across the partnership;

h. training packages already developed under TIP’s 10 Year Rolling Plan:

(i) are consistent with the philosophies underpinning adult learning principles, and
(ii) should require only engagement of, and review by an RTO to gain VET accreditation;

\(^{20}\) A comprehensive and active partnership is essential to satisfying the Review’s observation that a mentoring policy framework involving ESOs, TIP and DVA is needed.

\(^{21}\) Logically, the RTO would be the entity that translates TIP IP into e-learning modules so that course materials are accredited as produced, and TIP’s IP is protected.
progressive addition of e-learning modules in TIP’s offerings enables transition of the learning pathways so that:

(i) e-learning modules transfer knowledge,
(ii) face-to-face courses apply knowledge by case study analysis,
(iii) e-learning/face-to-face refresher courses focus on:
   (a) a sequence of increasingly more complex case studies,
   (b) enhancing practitioner’s competencies towards the next level;

when the ESO-DVA-TIP partnership and continuous improvement are fully mature, a robust learning framework will result within which competencies will automatically lead to AQF certification; and

the major differences between the current training process and the desired outcome are mainly issues of perception and emphasis.

Recommendations

34. The Working Party recommends that the ESORT:

a. advise the Secretary it expects the DVA-ESO-TIP partnership to develop and implement a competency development transition project leading to VET accreditation and AQF certification within an agreed timeframe;

b. jointly with DVA, request TIP to integrate the transition project into the 10-Year Rolling Program;

c. commit ESORT members down to the Branch level to full participation in the new training system;

d. monitor and support member ESOs’ performance and adherence to the project objectives and timetable throughout the transition;

e. ensure the transition project includes a joint culture change process; and

f. formally advocate to Government an increase in DVA budget provisions so that:
   (i) DVA can contract an RTO and implement the transition project;
   (ii) DVA, VRB and AAT can provide feedback on practitioner performance;
   (iii) TIP can supplement volunteer effort with contracted experts working under the National Chair’s direction; and
   (iv) ESOs can fully engage in OJT, mentoring, assessment, VITA authorisation and AQF certification.
Signed:

Ms Diane Thomas, BScSc.

Mr Russell Pettis, FAIM.

Lieutenant Colonel David Christie, OAM (Retd).

Group Captain Richard Kelloway, OBE, MID (Retd).

Dated: 29 July 2013

Enclosure 1: Working Party Terms of Reference
Introduction

1. The Secretary, in response to a query by the RSL Representative at the March 2013 ESO Round Table, invited formation of a Working Party to identify the Round Table’s preferred position regarding possible future accreditation arrangements for:
   a. TIP Trainers;
   b. TIP Training Programs; and
   c. TIP Trainees.

Members

2. The ESORT agreed that the working party comprise the following members (a brief resume for each member is found at Attachment 1):
   a. Ms Diane Thomas, BSoCSc.
   b. Mr Russell Pettis, MApSc, FAIM.
   c. Lieutenant Colonel David Christie, OAM (Retd).
   d. Group Captain Richard Kelloway, OBE, MID, BA, MPoSc, MBA (Retd).

3. The Department of Veterans’ Affairs appointed the following officers to the Working Party Secretariat:
   a. Ms Danielle Cunningham, Director, Grants, TIP and Bursaries.
   b. Mr Bill Bowe, Assistant Director, Grants, TIP and Bursaries.

Reporting

4. The Working Party is to report in writing to the ESO Round Table in August 2013. The DVA Representative will give progress briefings to the ESORT and the TIP Chairs’ Conference as required. ICT will be used to facilitate progress.

Working Party’s Starting Position

6. At its initial meeting on 7 May 2013, the Representatives noted that:
a. contemporary veterans, ADF and ex-ADF members, and their dependents expect ESO practitioners and TIP presenters to be well-trained and professionally competent; and

b. with respect to the findings of the December 2010 Review of DVA-Funded ESO Advocacy and Welfare Services at section 8.2 that:
   (i) the (then) predominant ESO view that “it was unnecessary to move to a formal accreditation system for TIP” has been superseded; and
   (ii) it is time to progress the “competency-based training framework” that was the Review Team’s suggestion, the TIP Chairs’ path, and the DVA-endorsed position.

Terms of Reference

7. The Working Party will recommend to the ESORT:
   a. the ultimate outcome the TIP training system is to achieve;
   b. the competency standards that might be applied;
   c. how stakeholders’ rights, expectations, responsibilities, objectives, and activities might be linked in a competency-based training framework;
   d. what are the stakeholders’ individual and combined roles in a competency-based training system;
   e. how the existing TIP training elements might be adapted and new elements introduced to transform the current process into a fully competency-based training system; and
   f. how implementation of a competency-based TIP training system might be engaged to strengthen the ESO-DVA-TIP partnership.

Attachment A: Working Party Members’ Resumes
Dianne Thomas has been employed within the field of Community Work since 1993 and has a Bachelor of Social Science. Her area of employment within the welfare sector commenced as a ‘front end’ community worker advocate, initially for those who were over 65 years of age who required: information to empower the person to make their own choices and options on service access; assist where requested to link to services; interface with other service providers and other ESO’s; to work with and assist volunteers; to advocate for those who are unable to access or link to required services and to work with volunteers. A further three and half years’ experience assisting people with disabilities both as carer then as a manager of staff and running a Life Skill Centre for people with disabilities. This required train-the-trainer programs, enhancement and or maintenance of skills to enable the person to enter the work force or to become an active participant in their local community with equal access and rights. At this time assisted with the service gaining its standard for ISO and other funded compliance and quality assurance systems. Diane is currently employed (since 2000) by Sydney Legacy as the Manager Family Welfare with the following brief view of role: continual reviewing of external policy changes that may impact on the client, volunteers, staff and governance issues and note changes and making recommendations as to how to adjust the welfare organisations policy to consider those changes; keep informed of and compliant with other Commonwealth and State legislative changes and any implications are passed to CEO; to keep knowledge and awareness of industrial awards and industrial relations legislation up to date for herself, the organisation and staff; manage and mentor staff and raise awareness of the veterans’ community; to draft internal welfare policy and department staff policy; assist and work with the Legatees (volunteers); responsible for the Family Welfare Department and the staff included in that Department which consists of administrative support, Juniors and Education staff support, Intake Manager/Community Service Worker Team Leader, 8 community service workers; to manage a departments budget; to provide operational plans etc.

Russell Pettis is currently the National President of the Naval Association of Australia. His naval service was with the Royal Australian Navy Reserve. He was a Seaman Officer operationally serving with Patrol Boats and later in mine warfare. He served in 1990 for a brief period with the Royal Navy after winning the Prince of Wales Award for Reserve Officers. Whilst serving in the Reserve, he also pursued a civilian career in Materials Science and later Manufacturing Management, initially
with the Defence Science and Technology Organisation, subsequently with the Commonwealth Aircraft Corporation and finally as Director and later CEO of DENSO Automotive Systems Australia (Toyota Group Company). During his extensive career, he was engaged in company based training and development for all employees, particularly focusing on workplace learning and skills enhancement for unskilled workers. His most satisfying achievement was the development, accreditation and introduction of the Vehicle Industry Certificate, later Certificate in Automotive Manufacturing, into DENSO Australia to provide a structured learning approach for unskilled workers to up skill and gain accredited recognition for their efforts in their workplace. Russell is was recognised for his efforts in management and staff training by being admitted as a Fellow of the Australian Institute of Management. He holds a Master of Applied Science from Swinburne Institute of Technology and is a Board Member of the Victorian Curriculum Assessment Authority.

David Christie has been involved in the training and development field in both his ADF and civilian careers. Within the ADF he was responsible as the Training Advisor for all diving activities in the ADF and as the Individual Training Staff Officer responsible for the co-ordination of all Individual Training activities in the then Field Force element of the Army. Following his 23 year career in the ADF, David was the Manager responsible for the co-ordination of all training and development within the International Division of the ANZ Banking Group, with particular responsibility for the Bank Schools in the USA, UK, Zimbabwe, India Fiji and Hong Kong. He has been a practicing Level 4 Advocate, authorised by the Australian SAS Association and the RSL (NSW) for the past 10 years. His TIP training has been in the VEA and SRCA as well as Refresher courses conducted under TIP auspices and Veterans Law courses developed and conducted by Staff of the Southern Cross University. He has represented clients at the Primary Claims Level for VEA, SRCA and MRCA; at the Veterans’ Review Board for VEA and MRCA clients, and at the Administrative Appeals Tribunal for VEA and SRCA clients. He holds a Post Graduate Degree in Human Resources Management.

Richard Kelloway has been engaged formally as a trainer and educator since 1971 while a pilot and staff officer in the RAAF. He has now accrued six years’ experience as an Advocate, is TIP-trained in VEA, SRCA and MRCA, has undertaken the Welfare and War/Defence Widows courses, and is authorised by the RAAFA, RSL(NSW) and APPVA to practice up to Level 4. During his 27 years’ service in the RAAF he was dux of his flying instructor course, instructed on three different aircraft types, completed RAAF Staff College, commanded the RAAF basic flying training school, was dux of USAF Air War College, and served as Director of Studies/Deputy Commandant at the Joint Services Staff College. His ADF service was followed by 8 years in the Australian
Public Service at Director-level in policy and project development and program management positions. On resignation from the APS, he completed a Masters degree in Business Administration in 1995 followed by twelve years’ experience as a Certified Management Consultant with a specific focus on strategic planning and implementation, change facilitation, and organisation and human resource development. Richard is committed to continuous learning and cumulative competency enhancement.