

Audit and Compliance Policy for Registered Service Providers

Q-Ride Scheme

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Terms and abbreviations

Term, abbreviations and acronyms	Definition
Act	<i>Transport Operations (Road Use Management) Act 1995.</i>
appraisal	A written assessment performed by TMR or a senior trainer, of a rider trainer's ability to deliver the Q-Ride curricula.
Accreditation Regulation	<i>Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015.</i>
corrective action plan	Plan of action developed by the senior trainer to address non-conformities identified through audit or appraisal.
approval holder	The person/business/company that has been approved by TMR to deliver Q-Ride training as a RSP.
Business rules	Business rules for providing Q-Ride training.
TMR	Department of Transport and Main Roads.
rider trainer	Accredited rider trainer (as per the Accreditation Regulation).
RSP	Q-Ride Registered Service Provider, approval holder.
senior trainer	Rider trainer nominated by an approval holder to perform the role of senior trainer who has successfully completed the initial five day TMR curriculum workshop (no longer available) or a Q-Ride PAW to become a senior trainer.
the curriculum	The Q-Ride training curriculum (Pre-Learner Training Manual, Restricted RE Training Manual, Unrestricted R Rider Training Manual), as provided to approval holder by TMR.

1. Background

The Department of Transport and Main Roads (TMR) strives to provide an integrated, safe, efficient and reliable transport system. Compliance activity is an important component in achieving that goal and both contributes to, and is informed by, TMR's vision of a *'single integrated transport network accessible to everyone'*.

This document describes TMR's overall approach to assessing and monitoring compliance by RSPs with the Q-Ride scheme and responding to instances of non-compliance. Importantly, this document also acknowledges and promotes the need for a cooperative and collaborative approach to compliance to drive continual improvement.

2. Scope

It is the responsibility of RSPs to comply with the relevant Act, Regulations and administrative requirements that govern the Q-Ride scheme. TMR takes a risk-based approach to compliance management. Where compliance with the legislation or administrative requirements is not achieved, there is a range of options that TMR may use to respond. While RSPs are expected to comply with these requirements, if non-compliance is identified the likely consequence for the RSP are clearly identified and consistently applied.

The objective of this document is to promote:

- compliance with the legislative provisions of the Act, Accreditation Regulation and administrative requirements governing the Q-Ride scheme; and
- a risk-based approach to compliance through the adoption of a graduated and proportionate response to non-compliance.

This document has been developed to be read in conjunction with the business rules for providing Q-Ride training, Guideline for Q-Ride Senior Trainers, Q-Ride curricula, *Transport Operations (Road Use Management) Act 1995 (Act)*, *Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015*, *Transport Operations (Road Use Management - Driver Licensing) Regulation 2010 (Driver Licensing Regulation)*, and the *Transport Operations (Road Use Management - Vehicle Standards and Safety) Regulation 2010 (Vehicle Standards Regulation)*.

3. Monitoring and assessing compliance

3.1 Risk based approach

TMR takes a risk based approach to monitoring RSP compliance with the requirements as set out in the business rules, Guidelines for Q-Ride Senior Trainers and Q-Ride Curricula. This means TMR will concentrate on areas where there is an identified risk or high probability of risk. Non-compliance with TMR's requirements poses a risk, therefore RSP's can expect less regulatory intervention when they are compliant and more regulatory intervention when non-compliance has been identified.

The types of audits outlined below are designed to assess the performance of the RSP against the requirements stated in the business rules, Guidelines for Q-Ride Senior Trainers and Q-Ride Curricula.

3.2 Audits

An audit is a verification activity aimed at evaluating the conformance or non-conformance of the RSP against the requirements stated in the business rules, Guidelines for Q-Ride Senior Trainers and Q-Ride Curricula. To evaluate the conformance or non-conformance of the RSP, an auditor seeks objective evidence through interviews of RSPs, senior trainers, rider trainers and learner riders, observations of training delivery and examination of records and documents.

When examining records and documents, an auditor will not necessarily sight and review every record completed by the RSP or rider trainer. The auditor will select a representative sample of available records and examine this sample to verify compliance with the Q-Ride scheme requirements.

Non-conformance by an RSP means the RSP has failed to meet their conditions of approval.

A Corrective Action Plan (CAP) is issued by a TMR auditor following the detection of a non-conformance of the specified requirements. CAPs are issued to identify and record the non-conformance of an RSP, and (where applicable) the resultant corrective action and rectification. A non-conformity may be withdrawn if an RSP can demonstrate there was no non-conformance.

Serious or repeated non-conformances may lead to the suspension or cancellation of an RSP's approval or potential prosecution (see section 3.6).

3.2.1 Initial audits

Initial audits are announced and conducted on-site to assess whether an RSP meets the requirements stated in the business rules, Guidelines for Q-Ride Senior Trainers and Q-Ride Curricula.

A prospective RSP will be required to pass an initial audit to become eligible for approval as a RSP.

3.2.2 Periodic audits

Periodic audits are announced and will be scheduled to review and evaluate the ongoing delivery of the Q-Ride training curricula to ensure compliance with the business rules, Guidelines for Q-Ride Senior Trainers and Q-Ride Curriculum. TMR will make contact with the RSP and arrange a convenient time and date for these audits.

3.2.3 Follow up audits

Follow up audits are conducted following a detected non-conformance by TMR during a previous audit. Follow up audits are conducted to confirm that appropriate corrective action has been taken to rectify the non-conformance and to prevent re-occurrence.

Follow up audits have limited scope. For example, the scope of a follow up audit may be limited to the examination of records or the observation of a rider trainer delivering a particular module of the Q-Ride training curricula.

3.2.4 Random audits

Random audits are not scheduled and can be unannounced. Random audits may be full audits or may have a limited scope.

3.2.5 Triggered audits

Triggered audits are a result of internal or external intelligence received relating to a particular RSP or rider trainer. Triggered audits are carried out to confirm whether a non-conformance exists, and where appropriate, identify the cause. When undertaking a triggered audit, the aim of the audit is to obtain objective evidence to determine whether a non-conformance has occurred.

A triggered audit can be announced or unannounced. Triggered audits may be full audits of the curricula or may have a limited scope relating to the nature of the intelligence received. At the discretion of the auditor, the scope of the audit may be broadened during the triggered audit to examine all aspects of the conditions of approval.

3.3 Non-conformances

Evidence of non-conformance will normally be collected during the course of an audit, however evidence of a non-conformance may also be gathered through intelligence or through information provided by members of the public.

Any finding deemed to be a non-conformance must be supported by objective evidence such as a departure from approval conditions or failure to comply with approval conditions.

A Corrective Action Plan (CAP) is completed by TMR when a non-conformance is detected at audit and forwarded with the audit report to the RSP within seven (7) working days from the date of the audit. The CAP that accompanies the audit report will identify to the RSP the observed non-conformance(s) and completion date for corrective action(s). The timeframe for rectification and close out of non-conformances shall reflect the seriousness of the non-conformance.

Where a number of similar non-conformances are detected (for example, a record has been completed incorrectly in the same manner on a number of occasions), or where more than one non-conformance has occurred due to a single cause, the non-conformances will be grouped together on the CAP.

Corrective action to address the non-conformance and prevent recurrence can be undertaken by an RSP during the on-site audit or following the audit to close out the non-conformity and is at the discretion of the auditor. Should corrective action be taken during audit to address a non-conformance, those actions will be recorded in the CAP.

In the event that TMR identifies a non-conformance, the senior trainer must undertake corrective action to resolve the non-conformance (see TMR document – Guideline for Senior Trainers). TMR considers non-conformances to be potentially systemic across the RSP’s network of rider trainers. Therefore, a CAP must be developed and implemented to ensure all rider trainers employed by the RSP are competent in the relevant curricula or business rule requirement where the non-conformance was identified.

The CAP identifying corrective actions to be undertaken and the person responsible for completing those corrective actions must be forwarded for approval to TMR within seven (7) working days on receipt of the audit report. The CAP is to be signed by the RSP or Senior Trainer and forwarded to TMR once the corrective actions have been completed. (See 5. Flow Chart – Pass Audit Result, Fail/Review Audit Result)

TMR may commence compliance action against rider trainers, senior trainers or a RSP who displays a clear pattern of non-compliant behaviour (see section 3.6).

3.3.1 Non-conformity classification

There are three (3) levels of non-conformities:

Type	Description
<p>CRITICAL Non-conformance</p>	<p>A critical non-conformance is a non-conformance which significantly compromises the effectiveness of the accreditation and will mean Q-Ride training under the approval deviates significantly with the specified requirements.</p> <p>Examples of critical non-conformances include but are not limited to:</p> <ul style="list-style-type: none"> • failure to deliver Q-Ride training in accordance with the requirements of the ‘business rules’ or ‘Q-Ride training curriculum’ that seriously compromises the effectiveness of the training. • providing Q-Ride competency declaration when the accreditation is suspended or cancelled. • training is delivered by someone who is not an accredited rider trainer. • competency declarations are completed by someone other than the approval holder or their nominated person. • failure to permit an auditor entry to a premises for an audit or allowing the auditor to access records, documents equipment and so on. • intimidation, abuse or similar of an auditor. • conducting Q-Ride training on a non-approved training area.

<p>MAJOR Non conformance</p>	<p>A major non-conformance is a non-conformance where there is a breakdown in the Q-Ride training or other activity which compromises the assurance provided by the business's accreditation.</p> <p>Examples of major non-conformances include but are not limited to:</p> <ul style="list-style-type: none"> • failure to deliver training in accordance with the Q-Ride curricula. For example, an accredited rider trainer fails to meet the demonstration or competence assessment criteria in accordance with curricula requirements. • failure to ensure the senior trainer monitors rider trainer/s training skills. • failure to ensure a copy of the current version of the Q-Ride curricula is accessible at the training area. • failure to provide rider trainers with relevant information, communications and updates related to the delivery of Q-Ride training.
<p>MINOR Non conformance</p>	<p>A minor non-conformance is a non-conformance, which does not threaten the effectiveness or assurance provided by the accreditation but is a non-conformance with the requirements of the Q-Ride business rules, Guidelines for Q-Ride Senior Trainers and Q-Ride Curriculum. Minor non-conformances are essentially administrative or sometimes technical in nature.</p> <p>Examples of minor non-conformances include but are not limited to:</p> <ul style="list-style-type: none"> • failure to maintain a register of training areas; failure to maintain a register for motorbike maintenance; failure to maintain a register of rider trainers; failure to maintain a register of nominated persons; failure to maintain a register of attendees who have undertaken Rider Trainer Curriculum Training. • failure to notify TMR that a training area is no longer needed by the RSP. • failure to complete an unrestricted R course on the day the course commenced.

3.4 Audit Result

At the completion of an audit, an Interim Audit Advice is provided to the senior trainer present at the audit. The Interim Audit Advice provides an audit result (pass or fail) using the compliance matrix detailed in 3.5.

The audit findings are documented and provided to the RSP as a written audit report within seven (7) working days of the date of the audit. The audit report includes the audit result (pass or fail), details of evidence and associated findings of compliance and /or non-compliance. The audit result will be determined by the number and classification of non-conformities detected during the audit.

3.5 Compliance Matrix

At the end of each audit the result will be determined using Table 1 – Compliance Matrix. The audit result will be determined by the number and type (major and minor) of non-conformities detected during the audit including any non-conformities carried over or re-issued from previous audits (e.g. 4 minor and 0 major non-conformities generate a pass, whereas 4 minor and 1 major non-conformity generates a fail).

RSP's can expect less regulatory intervention (audits) when they have demonstrated that they are compliant and more regulatory intervention (audits) when repeated non-compliance has been identified.

Critical non-conformities may result in immediate show cause action.

Table 1 – Compliance Matrix

		MAJOR NON CONFORMANCES				
		0	1	2	3	4
MINOR NON CONFORMANCES	0	Pass	Pass	Pass	Pass	Pass
	1	Pass	Pass	Pass	Pass	Fail
	2	Pass	Pass	Pass	Fail	Fail
	3	Pass	Pass	Fail	Fail	Fail
	4	Pass	Fail	Fail	Fail	Fail
	5	Fail	Fail	Fail	Fail	Fail
	6	Fail	Fail	Fail	Fail	Fail
	7	Fail	Fail	Fail	Fail	Fail
	8	Fail	Fail	Fail	Fail	Fail

3.5.1 Pass Audit Result (no corrective actions raised)

A 'pass' audit result with no non-conformities identified at audit will result in the RSP receiving an audit report by email within seven (7) working days. There will be no further action required by the RSP relating to this audit. (See 5. Flow Chart – Pass Audit Result)

3.5.2 Pass Audit Result (corrective actions raised)

A 'pass' audit result with non-conformities identified at audit will result in the RSP receiving an audit report within seven (7) working days (of the audit) via email. The RSP must provide within seven (7) working days of receipt of the audit report a CAP to TMR on how the non-conformities will be addressed.

Following approval of the CAP by TMR, the RSP must provide evidence to address any non-conformities by the date agreed between the RSP and TMR on the CAP. When the non-conformities have been addressed by the RSP, the RSP must complete the CAP, sign and date it and return to the department with any supporting evidence. (See 5. Flow Chart – Pass Audit Result)

3.5.3 Fail Audit Result

A 'review/fail' audit will result in a review being undertaken by TMR. The outcome of the review will be forwarded to the nominated person in the RSP within seven (7) working days. There will be two probable outcomes of the review:

1. A Warning Letter with the audit report will be forwarded to the RSP. The Warning Letter will advise there is a likelihood of an increased audit frequency of the RSP until such time as TMR can determine the RSP can demonstrate compliance with the Business rules for providing Q-Ride training, the Q-Ride training curriculum and relevant legislation.

The RSP must provide within seven (7) working days of receipt of the audit report (that accompanies the Warning Letter) a Corrective Action Plan (CAP) to TMR on how the non-conformities will be addressed.

Following approval of the CAP by TMR, the RSP must provide evidence to address any non-conformities by the date agreed between the RSP and TMR on the CAP. When the non-conformities have been addressed by the RSP, the RSP must complete the CAP, sign and date it and return to the department with any supporting evidence.

2. Due to the serious nature of the audit findings, a Show Cause Letter may be forwarded to the RSP. The Show Cause Letter will provide advice on the action TMR is proposing to take. The action TMR may take includes suspending or cancelling the ART or RSP's approval. (See 5. Flow Chart – Fail/Review Audit Result)

3.5.4 Non conformity rectification

RSPs are subject to a range of requirements in accordance with the business rules, Guidelines for Q-Ride Senior Trainers and the Q-Ride Curricula. The RSP is required to comply with the requirements at all times. When the RSP fails to meet the requirements for approval they are deemed to be non-compliant and this non-compliance needs to be rectified. Failure to address non-compliance, or a history of non-compliance may result in the suspension or cancellation of the approval.

Non-conformities will specify a date by which the non-conformity must be rectified. Depending on the classification of non-conformity detected, the rectification timeframe will vary.

TMR may need to visit a RSP to witness performance of a specific activity to determine the nonconformity has been satisfactorily rectified. Alternatively, a non-conformities may be assessed by providing evidence to TMR (such as a photograph) to confirm the nonconformity has been satisfactorily rectified.

If the nonconformity has not been rectified by the deadline for rectification on the CAP, a new CAP will be issued. If three successive CAPs are issued for the same non-conformity, and the non-conformity has not been rectified, the RSP may be requested to show cause as to why their accreditation should not be suspended or cancelled.

3.5.5 Appealing non-conformities

Where the RSP believes that the result of an audit was incorrect, due to the auditor failing to take into account objective evidence or extenuating circumstances relating to the non-conformity, or due to misinterpretation, the RSP may appeal the finding to the Q-Ride Administrator in writing.

The obligation of responsibility to provide either objective evidence or proof of extenuating circumstances is on the RSP as to why they believe the result of the audit to be an error.

The RSP must appeal the finding in writing with 7 working days of receipt of the audit report. They should clearly set out their reasons for appealing the findings.

3.6 Administrative review (show cause) process

If serious non-compliant behaviour by a RSP comes to the attention of TMR through an audit or other means, TMR may by written notice, request the RSP to show cause as to why their accreditation should not be amended, suspended or cancelled. TMR will also provide in the notice, the grounds as to why the proposed action is being considered. The RSP will be given 28 days to provide a response to TMR as to why the proposed action should not be taken.

TMR may also immediately suspend a Q-Ride RSP's approval in the public interest if it is deemed that the public's or learner rider's safety is at risk.

Whilst the RSP is subject to a show-cause process, audits may be conducted by TMR to monitor other activities to assess the RSPs ongoing compliance with TMR's requirements.

Following consideration of the information provided by the RSP as to why TMR shouldn't take action against the accreditation or approval, TMR will provide a written notice of its decision to either:

- Take no action and continue the approval
- Issue a warning notice
- Amend the approval
- Suspend the approval for a specified period
- Cancel the approval

3.7 Compliance History

The continuation of the approval is dependent upon a RSP's history of compliance not only with the business rules and relevant legislation, but also the RSP's compliance with overriding public safety and the aims of the Q-Ride scheme.

TMR will keep a record of any compliance action taken. This is to be filed with other information about the RSP and may be taken into consideration when assessing the next accreditation period.

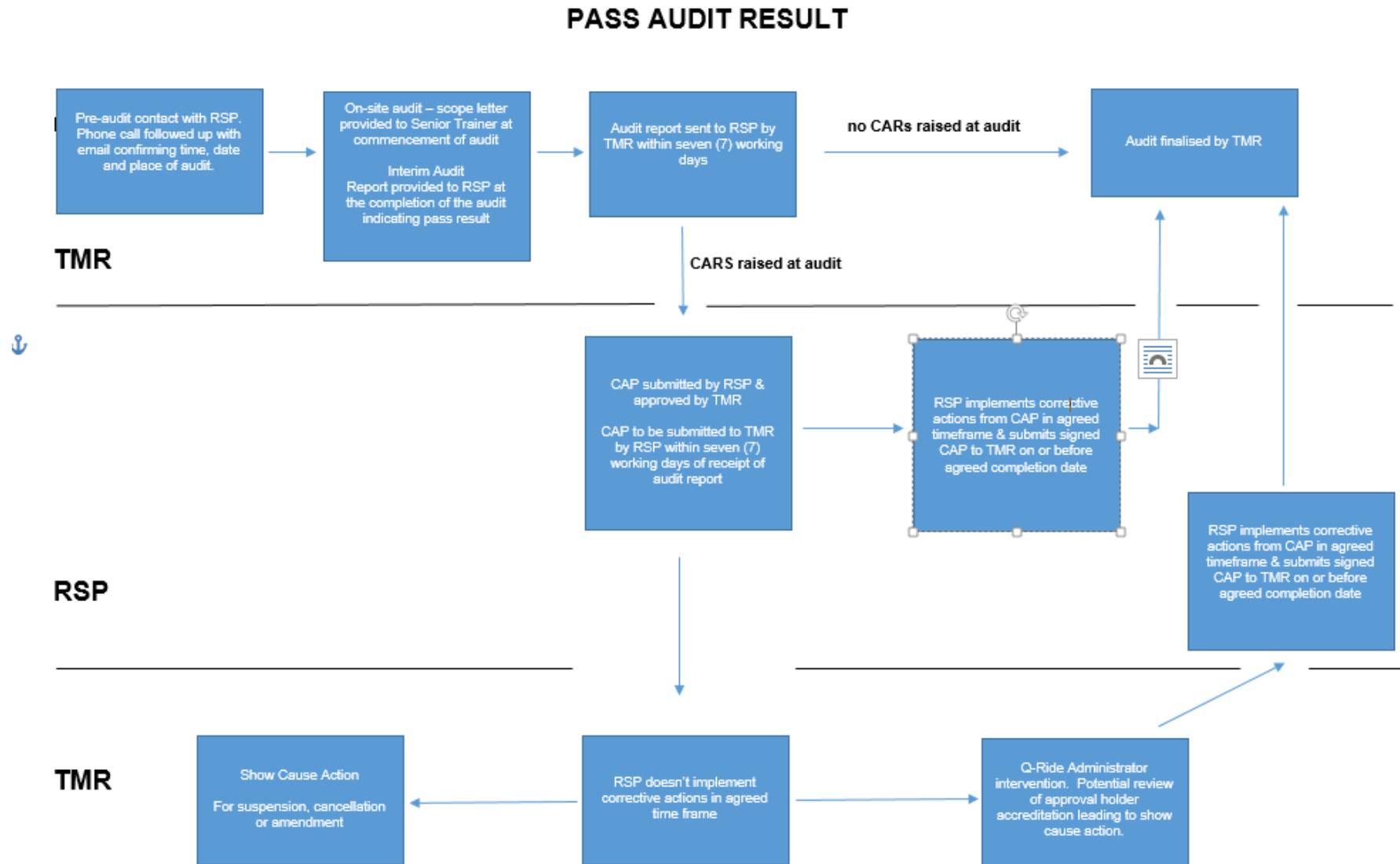
4. Additional materials to be read in conjunction with this document

- *Business Rules for providing Q-Ride training* (current version)
- *Guidelines for Q-Ride Senior Trainers* (current version)
- Q-Ride training curriculum (current version)
- *Procedure for conducting Q-Ride training area risk assessments* (current version)

5. Review of the Policy

This Policy will be periodically reviewed to ensure they remain relevant and effective.

6. Flow Charts



FAIL / REVIEW AUDIT RESULT

