

**GUIDELINES FOR REGISTERED TRAINING ORGANISATIONS  
REGISTERED TO DELIVER VOCATIONAL EDUCATION AND TRAINING  
UNDER PART 3 TRAINING AND SKILLS DEVELOPMENT ACT (2008)**

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These Guidelines have been developed by the Training and Skills Commission and approved by the Minister for Employment, Training and Further Education. They apply to all training providers registered to deliver vocational education and training under the *Training and Skills Development Act, 2008*. Under section 27(1)(c) of the Act it is a condition of registration that each training provider comply with Guidelines approved by the Minister. These Guidelines come into operation from 30 May 2011 (unless otherwise indicated in section 13 below) and supersede the Guidelines that are in force until that date.

**1) REPORTING TO THE REGISTERING BODY**

Providers registered under Part 3 must provide to the Commission:

- a. The following operational reports:
  - i. details of qualification parchments and Statements of Attainment as specified through the Department's online database within 30 days of issuance;
  - ii. AQTF Quality Indicator data by 30 June each year for the previous calendar year; and
  - iii. a Special Purpose Financial Report for the previous financial year's activities prepared and submitted in accordance with the form and timeline determined by the Commission.
- b. Information on changes to its organisation within 14 days including:
  - i. ownership and control of the legal entity;
  - ii. name of legal entity or trading name;
  - iii. Chief Executive or accountable officer;
  - iv. location of head office or campus; and
  - v. contact details for the organisation.
- c. Information on changes to its business operations that may impact on its ability to deliver training and assessment services in accordance with the AQTF or meet its contractual requirements to its clients including but not limited to:
  - i. information about the Chief Executive, Directors, substantial shareholders or senior officers relevant to their assessment as being fit and proper persons within the meaning of the Training and Skills Development Act (within 7 days);
  - ii. commencing or ceasing interstate operations (within 14 days);
  - iii. changes to its financial position and viability that may result in the organisation not being able to meet its contractual requirements to current clients (within 24 hours);
  - iv. changes to arrangements for safeguarding student fees including if relevant, the amendment, withdrawal or cancellation of its tuition assurance scheme arrangements or membership (within 7 days);

- v. commencing or ceasing agreements with an organisation in Australia that is not registered under Part 3 of the *Training and Skills Development Act* or a corresponding law (within 14 days); and
- vi. inaccurate data about its registration recorded on the state or national register (within 14 days).

## 2) RECORDS MANAGEMENT

In addition to requirements specified in the AQTF, each registered provider must adhere to the following requirements for the retention, archiving, retrieval and transfer of records:

- a. All records must be kept secure and confidential information must be safeguarded.
- b. The RTO must retain all relevant records to provide evidence of compliance with the AQTF throughout its registration period. In particular each provider must maintain records of:
  - i. the names of trainers and assessors engaged by the RTO and the units of competency they trained and assessed;
  - ii. the verified qualifications and evidence sighted to confirm the competency of trainers and assessors engaged by the RTO;
  - iii. assessment policies, tools and instruments;
  - iv. a sample of completed assessments for moderation and validation purposes;
  - v. recognition of Prior Learning (RPL) assessments detailing the evidence assessed for each student to determine competence;
  - vi. assessment validation and other industry engagement activities, the outcomes from these activities and the improvements made to training and assessment; and
  - vii. complaints, grievances and appeals.

For audit purposes there is no requirement for an RTO to retain either original or copies of student generated work such as projects, assignments, reports etc.

- c. Student results recorded by an RTO must include:
  - i. student identification (full name, address, date of birth and/or student identification number);
  - ii. units of competency/modules achieved - including title, code and date achieved;
  - iii. qualifications/Statements of Attainment issued including title, national code and date issued; and
  - iv. other information so that the qualification or Statement of Attainment may be reissued by the RTO.

- d. An RTO that voluntarily withdraws its registration, or whose registration either lapses or is not renewed, or is cancelled by the Commission must, prior to cessation of its registration:
- i. make arrangements for all current students to receive a copy of their student records including, if not previously provided to students:
    1. a parchment for each qualification completed;
    2. a Statement of Attainment for any units of competence/modules completed in partial fulfilment of a qualification within a Training Package or accredited course; and
    3. evidence of training and assessment activities undertaken at the time of registration expiry that were only in partial fulfilment of a unit of competence or module in nationally recognised training.
  - ii. forward to the Commission in an agreed electronic copy form the following information:
    1. details of students (full name, address, date of birth and/or student identification number) who have undertaken training with the organisation;
    2. units of competency/modules achieved by each student - including title, code and date achieved; and
    3. qualifications and Statements of Attainment issued to each student - including title, code and date issued.

The documentation is to be a complete, accurate and orderly copy of all student results/details since initial registration of the RTO. The records must be in the form of an electronic copy and must include software details.

### 3) CODE OF PRACTICE

Each RTO must develop and publish a Code of Practice that is to be made available to each client prior to enrolment. The Code of Practice will document from a client's perspective how the RTO's services meet AQTF requirements, in particular:

- a. how the RTO ensures clients' rights as a consumer are protected and they receive the services detailed in their agreement with the RTO;
- b. how the RTO adheres to principles of access and equity and meets its legal obligations and maximises outcomes for each client;
- c. how industry is engaged in the RTO's operations so that clients can be confident that the qualifications issued by the RTO are recognised by industry;
- d. how it assures the quality of training and assessment provided across all of its operations; and
- e. how it will meet the individual needs of learners by assessing their current skills and knowledge prior to the commencement of training.

#### 4) PARCHMENT REQUIREMENTS

Qualification parchments and Statements of Attainment issued by RTOs registered under the *Training and Skills Development Act, 2008* must comply with the requirements in the current Australian Qualifications Framework Handbook and also include the phrase on each parchment and Statement of Attainment: "Issued under authority of the *Training and Skills Development Act, 2008*".

Qualification parchments and Statements of Attainment issued to apprentices and trainees must include the phrase "Achieved through apprenticeship/traineeship arrangements."

RTOs are not authorised to use either the logo of the Training and Skills Commission or the State Government logo without permission.

#### 5) AGREEMENTS BETWEEN RTOs AND OTHER ORGANISATIONS INCLUDING OTHER RTOs

An RTO may enter into written arrangements with another RTO or an unregistered organisation to deliver training and assessment services on its behalf. These arrangements may cover delivery of:

- qualifications and units of competency on its scope of registration by other RTOs or unregistered organisations; or
- qualifications or units of competency not on its scope of registration that may contribute to the completion of qualifications on its scope of registration by another RTO registered to deliver the units of competency.

These arrangements must not be used as a systematic or long-term mechanism for an RTO to extend its scope of registration. This must be done by application to the Commission to vary scope of registration.

An RTO that is within the first 12 months of its initial period of registration may enter into arrangements with other RTOs to deliver qualifications or units of competency on its scope of registration, or that may contribute to the completion of qualifications on its scope of registration.

An RTO that is within the first 12 months of its initial period of registration must be assessed to have relevant prior history in vocational education and training<sup>1</sup> to be authorised by the Commission to enter into arrangements with *unregistered* organisations or with *other RTOs registered for less than 12 months*, to deliver training and assessment on its behalf.

An organisation delivering training and assessment on behalf of an RTO is considered to be a delivery site of the RTO and may be included within the scope of an audit of the RTO conducted by the Commission. The RTO is responsible for ensuring all relevant records of services delivered at these sites are available for audit purposes.

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<sup>1</sup> For matters considered in determining relevant prior history refer to Training and Skills Commission policies on assessing applications for initial registration.

If an RTO enters into an arrangement with an organisation, including another RTO or a registered school, to provide training and/or assessment on its behalf, the RTO must:

- have a written agreement with each organisation outlining the roles and responsibilities of each organisation; and
- maintain a register of all agreements.

If an RTO enters into an agreement with an organisation that is not registered under Part 3 of the *Training and Skills Development Act* or a corresponding law (note: in this context, unregistered organisations includes schools and offshore organisations not registered under Part 3) to provide training and/or assessment on behalf of the RTO, the RTO must:

- a. Report the following to the Commission within 14 days of the commencement and/or completion of an agreement:
  - i. the name of the other organisation;
  - ii. the person in the other organisation responsible for their organisation's compliance with the agreement and their contact details;
  - iii. the qualifications/units of competency to be provided by the other organisation;
  - iv. whether the unregistered organisation will be delivering training and assessment services to school students; and
  - v. the commencement date and completion and/or review date for the agreement.
- b. Ensure the written agreement between the RTO and the other organisation documents at a minimum the following arrangements:
  - i. marketing strategies;
  - ii. compliance with legislation relevant to the client group and scope of operations;
  - iii. information to be provided to clients prior to enrolment including the charging and receipt of student fees;
  - iv. learning and assessment strategies, resources, facilities and equipment;
  - v. recruitment, induction and professional development for trainers and assessors;
  - vi. verification of training and assessment competencies and vocational competencies of staff providing training and/or assessment;
  - vii. record keeping arrangements including retaining, archiving and retrieving student results;
  - viii. issuing qualifications and Statements of Attainment by the RTO and entering details of qualifications and Statements of Attainment as specified through the Department's online database within 30 days of issuance;
  - ix. grievance, appeal and complaint handling arrangements;
  - x. collection and analysis of client feedback;
  - xi. mechanisms for reviewing and evaluating effectiveness of the agreement including resolution of issues between the parties and termination; and
  - xii. quality assurance requirements.

## 6) PROVISION OF INFORMATION ABOUT FEES

*(Note: sections 6 and 7 below will lapse once Condition 5 - Financial management is approved by the Ministerial Council for Tertiary Education and Employment for full implementation – currently scheduled for 1 July 2011).*

An RTO must provide clients, prior to entering into a contract for the provision of a service, with clear and unambiguous documented information about the costs of the service, arrangements for payment and refund policies.

RTOs may consider requesting students to sign relevant documentation to acknowledge their understanding of the fee payment arrangements and refund policy arrangements prior to enrolment.

Fee information provided by the RTO to each client must detail:

- a. the total amount of all fees including course fees, administration fees, material fees and any other charges;
- b. payment terms, including the timing and amount of fees to be paid and any non-refundable deposit/administration fee;
- c. the nature of the guarantee given by the RTO to complete the training and/or assessment once the student has commenced study in their chosen qualification or course;
- d. any discounts, fee reductions or exemptions available for multiple family enrolments, concession card holders, continuing students, group bookings etc;
- e. the fees and charges for additional services, including such items as issuance of a replacement qualification parchment or statement of results and the options available to students who are deemed not yet competent on completion of training and assessment; and
- f. refund policies (see section 8 below).

## 7) ACCEPTABLE METHODS FOR SAFEGUARDING CLIENT FEES PAID IN ADVANCE

An RTO that collects fees paid in advance from individual students must have a documented system to protect these fees in accordance with one of the options below. Fees paid in advance from other clients (eg companies, incorporated bodies, government agencies) may be protected using one of the options below or by other systems documented and implemented by the RTO.

RTOs may put forward alternative financial safeguard measures of equal rigour for consideration and, if appropriate, approval by the Delegate.

### Option 1

The RTO is administered by a state, territory or commonwealth government agency.

### Option 2

The RTO holds current membership of an approved Tuition Assurance Scheme (TAS).

### Option 3

The RTO may accept payment of no more than \$500 from each individual student prior to the commencement of the course. Following course commencement, the RTO may require payment of additional fees in advance from the student but only such that at any given time, the total amount required to be paid which is attributable to costs yet to be incurred on behalf of the student for tuition or other services yet to be delivered to the student, does not exceed \$1,000.

## 8) REFUND POLICY

The RTOs refund policy must set out the terms and conditions under which clients will be eligible for a refund of fees. It must be fair to all parties, must be provided in writing in simple, clear language and effectively communicated to clients.

A refund policy adopted by an RTO must detail:

- a. the conditions under which a client is eligible for a refund of fees;
- b. the period of notice a client is required to give to receive a refund, when the client intends to withdraw from a course for which fees have been paid in advance;
- c. any formula for a refund that will be applied on a pro-rata basis for participants who are unable to complete a course once it has commenced;
- d. any special conditions under which a student would be ineligible to receive a refund of fees;
- e. the portion of fees not eligible for refund such as those retained for costs of administration, legitimate service charges, materials charges or application fees;
- f. the maximum time within which refund claims will be determined and paid by the RTO;
- g. a statement that in the event that the RTO is unable to fulfil its contract with a client, the RTO must refund the client the proportion of fees paid by the client for which services were not received. NOTE: If the RTO is protecting client fees through a Tuition Assurance Scheme (TAS) the obligation of fulfilling a contract is maintained via the TAS and therefore a refund may not apply in this case; and
- h. how student complaints/disputes about refunds will be handled and/or resolved.

## 9) INDUSTRY ENGAGEMENT BY RTOS

Each RTO must engage industry in its training and assessment arrangements to confirm that its graduates meet industry requirements.

Each RTO must:

- a. document how industry is engaged in its operations;
- b. conduct, at least annually, assessment moderation and validation activities with suitable industry personnel external to the RTO for each qualification delivered;
- c. maintain records of:
  - i. assessment moderation and validation and other industry engagement;
  - ii. outcomes from these activities; and
  - iii. improvements made to training and assessment;
- d. regularly gather evidence from the employer on the workplace performance of each apprentice or trainee for the purpose of determining their progress in applying skills and knowledge gained in formal learning and only issue an AQF qualification to an apprentice or trainee after gathering sufficient documented evidence from the employer that confirms the apprentice's or trainee's workplace performance is consistent with occupational requirements and the outcomes of the qualification.

## 10) DELIVERY TO SCHOOL STUDENTS

From 1 January 2012, an RTO must not offer or purport to offer training and assessment services to school students (other than through a school based traineeship or apprenticeship) without approval from the Commission.

The Commission may authorise an organisation to commence delivery to school students (other than through a school based traineeship or apprenticeship) if the Commission is satisfied that:

- a. the RTO has appointed a person with relevant experience and background in education and training to school students who has authority to ensure the organisation is aware of and responds to the particular educational, health and welfare needs of school students; and
- b. for each qualification to be offered in part or full to school students the RTO has:
  - i. accurate information for students on the employment and training pathways relevant to the qualification;
  - ii. an appropriate learning and assessment strategy, including the mode of delivery, the nominal duration and periods of structured work based training; and
  - iii. suitable arrangements for learning support for students who require it.

If an RTO enters into an agreement with a school or other organisation that is not registered under Part 3 of the *Training and Skills Development Act, 2008* or a corresponding law to provide training and/or assessment on its behalf, the RTO must comply with the requirements set out under section 5 of these Guidelines.

## 11) OFFSHORE DELIVERY

An RTO must not offer or purport to offer AQF qualifications or units of competency outside Australia without approval from the Commission. This restriction does not apply to training and assessment services offered on line or by distance learning modes unless the training and assessment services are delivered at offshore training sites and/or involve face to face delivery to offshore students by the RTO or its agents.

The Commission may authorise an RTO to deliver offshore if it is satisfied that for each qualification, the RTO's offshore operations in each country of delivery, comply with the *AQTF Essential Conditions and Standards for Continuing Registration*, taking into account:

- a. evidence that the RTO's delivery of vocational education and training in Australia has been in accordance with the AQTF, in particular for qualifications to be delivered offshore;
- b. if English is not the language of training and assessment, how the RTO will assure the quality of training and assessment in accordance with AQTF Standards and legislative requirements;
- c. evidence from relevant licensing bodies about the recognition given to offshore graduates seeking employment in Australia;
- d. approval to deliver training granted to the RTO by relevant regulatory bodies in the offshore country;

- e. the educational standing of any offshore partners that will provide training and assessment services on behalf of or in conjunction with the RTO including any certification issued to the partners by the host country; and
- f. the overall arrangements for quality assurance.

An RTO approved to deliver offshore may be audited at its offshore sites. Fees will be charged in accordance with the fees schedule approved by the Minister.

## **12) APPOINTMENT OF ACCOUNTABLE OFFICER**

An RTO must appoint a staff member with sufficient experience and background in vocational education and training relevant to its scope of registration to ensure the organisation's compliance with regulatory requirements and provide professional leadership and judgement for the organisation including:

- a. teaching and learning strategies;
- b. development of learning and assessment resources; and
- c. oversight of assessment practices.

## **13) TIMELINES**

RTOs are required to comply with the *Guidelines for Registered Training Organisations* from their date of implementation with specified transition dates for the following requirements:

- a. Section 3 Code of Practice - 30 September 2011;
- b. Section 9 Industry Engagement by RTOs - 30 September 2011;
- c. Section 10 Delivery to School Students - 1 January 2012
- d. Section 11 Offshore delivery;
  - i. commencing offshore delivery immediate effect;
  - ii. existing offshore delivery - 1 January 2012.
- e. Section 12 Appointment of an Accountable Officer - 30 September 2011