

Third Party Delivery of VET Training and Assessment Procedure

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Purpose

This procedure provides a framework for third party delivery of VET training and assessment in the event that the University is not able to provide the training and assessment through its existing structures. Internal resources should always be considered first, followed by the direct employment of sessional staff. Third party delivery is an alternative option in circumstances where the above options are not possible. A number of factors must be addressed before a third party delivery arrangement can be implemented for the provision of training and assessment.

Scope

This procedure applies to all proposed arrangements where the University engages a third party to provide VET training and/or assessment services (including auspiced VETDSS programs).

Legislative Context

- National Vocational Education and Training Regulator Act 2011 (Cth)
- Standards for Registered Training Organisations (RTOs) 2015 (Cth)
- Education and Training Reform Act 2006 (Vic)
- Education and Training Reform Regulations 2017 (Vic)

- VET Funding Contract

Definitions

A list of definitions **specifically** relevant to this procedure is included below:

Term	Definition
Approved Vendor list:	Means the list of external organisations and individuals who have been approved for the provision of goods and services to the University, as held by the University's Chief Operating Office.
AQF:	Means the Australian Qualifications Framework: http://www.aqf.edu.au/
ASQA:	Means the Australian Skills Quality Authority: http://www.asqa.gov.au/
Assessment:	Means the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a Training Package or VET accredited program and is conducted in accordance with the principles of assessment and the rules of evidence.
Conflict of interest:	A conflict of interest arises where there is a divergence between the individual interests of a person and their professional responsibilities such that an independent observer might reasonably conclude that the professional actions of that person may be unduly influenced by their own interests. This can include actual, perceived or potential conflicts of interest.
DET:	Means the Victorian Department of Education and Training: http://www.education.vic.gov.au
Disallowed Persons:	<p>Is an individual (natural person) or an 'entity' (including a body corporate, partnership, association, governmental or local governmental authority or agency).</p> <p>The term Disallowed Person applies where the registered training organisation has been subject to any of the following actions for performance reasons:</p> <ul style="list-style-type: none"> • A VET Funding Contract termination • Termination of an 'Other VET Funding Arrangement' • Registration cancellation, revocation or suspension (whether by the VRQA or ASQA) • Restrictions imposed on registration (whether by the BRQA or ASQA)
Eligible Individual:	Means an individual who is eligible for Victorian government subsidised training in accordance with the eligibility requirements set out in the VET Funding Contract.
Funded Scope:	Means the specific list of programs and qualifications with a status of "Approved" for which funding will be paid to the University by the Victorian government under the VET Funding Contract.

HESG:	Means the Higher Education and Skills Group within DET: http://www.education.vic.gov.au
Pre-training review:	Means the review of a student's current competencies including literacy and numeracy skills prior to training commencement.
Initiating Officer:	The member of University Staff (usually the Education Manager) who is liaising with the third party and seeking to develop the third party arrangement.
Program Marketing Checklist:	Means the form available from the University website which must be completed for all VET qualifications listed on the University's Scope of Registration - http://training.gov.au/Home/Tga .
Relevant Person:	Is an individual who has been an Executive Officer or High Managerial Agent, or at a sufficiently high level within an organisation to have exercised a material degree of control or influence over the management or direction of the organisation in relation to training delivery.
RTO:	Means a Registered Training Organisation registered by ASQA (or, in some cases, a state regulator) to deliver VET services.
Scope of registration:	Means the training products for which an RTO is registered to issue AQF certification documentation. It allows the RTO to: a) both provide training delivery and assessment resulting in the issuance of AQF certification documentation by the RTO; or b) provide assessment resulting in the issuance of AQF certification documentation by the RTO.
Standards:	Means the Australian Standards for Registered Training Organisations 2015: http://www.asqa.gov.au/about/australias-vet-sector/standards-for-registered-training-organisations-(rtos)-2015.html
Third party delivery:	Any arrangement where the University does not have direct line of management over the person or organisation providing training and/or assessment services on the University's behalf.
Training and Assessment Strategy (TAS):	Means the approach of, and method adapted by, an RTO with respect to training and assessment designed to enable learners to meet the requirements of the training package and accredited course. They include the amount of training provided, which will be consistent with the requirements of Training Packages and VET accredited courses and the assessment practices that enable each learner to meet the requirements for each unit of competency or module in which they are enrolled.
VET Funding Contract:	Means the VET Funding Contract between the Victorian Government and the University.
VET course or program:	Means Vocational Education Training programs defined as post-compulsory education and training, excluding degree and higher level programs delivered by further education institutions that provide people with occupational or work-related knowledge and skills.
VETDSS:	Means VET Delivered in Secondary Schools, which is a program that allows secondary students to combine vocational studies with their general

	education curriculum. Auspiced VETDSS is where the school delivers the program under the auspices of the University's scope of registration and is considered to be third party delivery for the purposes of this procedure.
VRQA:	Victorian Registration and Qualifications Authority

Actions

	ACTIVITY	RESPONSIBILITY	STEPS
A.	Check scope of registration	Initiating Officer	Ensure the course or program is listed as current on the University's Scope of Registration, if not, the third party provision must not proceed any further until such time as it is listed.
B.	Conduct due-diligence	Initiating Officer	<ul style="list-style-type: none"> Seek independent, credible information to determine the third party's financial viability, compliance risk status, facilities and other pertinent information to assess the quality and reputation of the third party. Obtain confirmation from the third party as to whether Executive Officers, directors or managers have: <ol style="list-style-type: none"> Been approved to deliver government funded training. Ever had their approval to deliver government funded training terminated prior to expiration its date on the basis of performance. Had registration revoked, suspended, cancelled or restricted in relation to services similar to those proposed. Has been responsible for either of the above happening to another person or entity. Conflicts of interest should the proposal proceed. <p>If the third party has answered yes to any of points 2, 3 or 4 above, the proposal should not proceed any further. In accordance with the VET Funding</p>

			<p>Contract the University cannot contract with a person or entity which has had a VET funding contract terminated or had a regulatory decision or other restriction placed on it for performance reasons.</p> <p>If the third party has answered yes to point 5 above the proposal should not proceed any further without the approval of the Deputy Vice-Chancellor (VET) and International Education Committee (International Delivery).</p>
C.	Obtain adequate assurance that all proposed trainers and assessors are suitably qualified	Initiating Officer	<p>Obtain assurances from Directors or manager of the Third Party that all proposed trainers and assessors meet the requirements of the University's VET Teacher Qualifications and Competency Policy, which can be demonstrated and documented in the Trainer Skills Matrix. If a Trainer Skills Matrix exists for the qualification proposed, a copy of the TSM and supporting documentation should be obtained.</p> <p>Again, if the third party is unable to provide satisfactory evidence regarding trainer and assessor qualifications the proposal should not proceed until such time as such evidence can be provided.</p>
D.	Create documents for approval	Initiating Officer	<p>Create a formal proposal for third party delivery of training and assessment. This must include the following documents:</p> <ul style="list-style-type: none"> • Business case • Third party delivery checklist • Trainer Skills Matrix and supporting documentation detailing the qualification and currency of all proposed trainers and assessors. • A complete Training and Assessment Strategy (TAS) for the proposed qualification,

			including delivery mode, assessment methods and site/s.
E.	Obtain quality assurance of proposal documentation	Initiating Officer	All documents created under (D) above must be submitted to the TAFE Executive Team for review and confirmation prior to the submission for business approval in order to determine that they have been completed correctly and to determine if HESG approval is required (See (H) below).
F.	Create documents for final internal approval	Initiating Officer	<p>Create a formal proposal for third party delivery of training and assessment. This must include the following documents:</p> <ul style="list-style-type: none"> • Business case • Update the University Partnership checklist • Trainer skills matrix detailing the qualification of all proposed trainers and assessors. • Program Marketing Checklist for the qualification and delivery site • Training and assessment strategy for qualification and delivery mode and site
G.	Obtain program approval	Director Skills and Education Delivery	<ul style="list-style-type: none"> • Obtain approval of the program from the TAFE Board • Submit to Quality Assurance Services to complete a compliance review of the documentation • Submit to the Course Approval Committee for approval.
H.	Obtain final approval to proceed to agreement, subject to HESG approval (if required)	Director Skills and Education Delivery	Obtain approval from International Education Committee (International Delivery) and the Deputy-Vice Chancellor (VET) to proceed to agreement by submitting the documents created under step (F).
I.	Notify Data and Reporting of internal approval to proceed	Director Skills and Education Delivery	Once approval has been obtained to submit as above, the Director Skills and Education Delivery will liaise with Data and Reporting the

			intent to submit to HESG via the SVTS portal.
J.	Obtain HESG Approval (if required)	Director Skills and Education Delivery	<p>Subcontracting of training and / or assessment must not be undertaken without written approval from HESG, which will only be granted through a process determined by HESG.</p> <p>The above should also be completed and submitted where the proposed third party is:</p> <ul style="list-style-type: none"> • Not an RTO with a current Victorian based VET Funding Contract • The course or program is not listed as current on the third party's scope of registration • The responses from the proposed third party obtained under 2 above indicate a conflict that necessitates the seeking of approval. <p>The third party is to engage in assessment related to Recognition of Prior Learning (RPL) or Foundation Skills and the provider is not listed on the RPL Approved and/or Foundation Skills Approved List.</p>
K.	Arrange written agreement	Initiating Officer	Provide all relevant documentation with a Request for Legal Services to the Legal Office to arrange for preparation of a written agreement.
L.	Complete University VET/ VETDSS Partnership Checklist	Initiating Officer	<p>An agreement with a third party that delivers VET/VETDSS services on behalf of the University should document which partner is responsible for ensuring compliance with each of the requirements of the Standards and should be incorporated into the formal legal agreement as an appendix.</p> <p>The checklist clearly documents who is responsible for developing, delivering or maintaining each of</p>

			these resources, services, processes and records.
M.	Prepare agreement	Legal Office	<p>Draft written agreement, ensuring VET/VETDSS checklist is attached where applicable and arrange for signing by all parties in accordance with the Delegations - Contract, Financial, Staffing and Tender Policy.</p> <p>Quality Assurance Services' Third Party Arrangements Fact Sheet summary should be referred to when completing the Partnership Checklist to ensure that all services being provided by the third party are compliant with regulatory requirements.</p>
N.	Retain original signed agreement and provide copies to stakeholders	Legal Office	<p>Copies of the written agreement should be provided to:</p> <ul style="list-style-type: none"> • Finance • Student HQ Services • Quality Assurance Services • Director Skills and Education Delivery • Manager, Data Reporting and Compliance • Executive Officer, International & Partners Committee (International Delivery)(if applicable)
O.	Notify HESG	Data Reporting and Compliance	Manager Data Reporting and Compliance must notify HESG within 30 days of the commencement of any agreement.
P.	Notify ASQA of commencement	Quality Assurance Services	Quality Services must notify ASQA within 30 days of the commencement of any agreement involving the provision of training and assessment by a third party.
Q.	Confirm Trainer and Assessor Skills	Program Manager	Obtain details from the third party of the number and qualifications of trainers and assessors employed or engaged in the delivery arrangement in order to facilitate reporting.

R.	Implement the Training and Assessment Strategy	Program Manager	<p>Ensure all students undertake a Pre-training Review, which includes LLN, to ascertain the most suitable qualification for that student to enrol in is based on the individual's existing educational attainment, capabilities, aspirations and interests and with due consideration of the likely job outcomes from the development of new competencies and skills.</p> <p>The University is prohibited from subcontracting out any aspect of the Pre-training Review for Victorian Government funded training; this must be undertaken by the University.</p>
S.	Monitor arrangement	Program Manager	<p>Ensure that the arrangement complies with all terms of the Agreement, legislative requirements and University policies and procedures (including Information Privacy Policy, Child Safe Policy and Procedure and all existing University Policies and Procedures governing VET Training & Assessment where applicable).</p> <p>Where there are any changes to agreed services, advise students as soon as practicable, including in relation to any new third party arrangements or a change in ownership or changes to existing third party arrangements.</p> <p>Quality Assurance Services' Third Party Arrangements Fact Sheet summary should be referred to when completing the Partnership Checklist to ensure that all services being provided by the third party are compliant with regulatory requirements.</p>
T.	Notify Quality Assurance Services within 14 days (to allow notification to regulators within the required timeframe)	Program Manager / Legal Services	<p>Notify Quality Assurance Services within 14 days of the completion / cessation of any agreement of completions or terminations of agreements (Regardless of the circumstances) within 14 days (to</p>

			allow notification to regulators within the required timeframe).
U.	Notify ASQA of completion / cessation or termination	Quality Assurance Services	Quality Assurance Services must notify ASQA of the completion / cessation or termination of any agreement within 30 days. (Regardless of the circumstances).
V.	Complete Annual Compliance Confirmation	Director Learner Experience and Excellence	<p>The Director Learner Experience and Excellence is responsible for completing and signing an annual statement of compliance, confirming that all aspects of the agreement and legislative compliance has been adhered to.</p> <p>Any third-party arrangement entered into must include the terms that the University may immediately terminate an arrangement with a relevant subcontracted RTO if the subcontracted RTO's VET Funding Contract is suspended or terminated. The terms of the agreement must also include that any third-party assist, if requested, with a regulatory body's audit or review of the University.</p>
W.	Notification of Students	Program Managers	Students must be aware that they are receiving training and assessment through a third-party arrangement.

Supporting Documents

- [ASQA Third-Party Arrangements Fact Sheet](#)
- [CN 2018 – 07 – Subcontracting Fact Sheet HESG](#)
- [Request for Legal Services](#)
- [Program Marketing Checklist](#)
- [Trainer Skills Matrix](#)
- [TAS - Part A](#)
- [TAS - Part B](#)
- [Assessment Tool Templates](#)

Forms.

- [Federation University Third-Party Arrangement Fact Sheet Summary](#) (DOCX 215.7kb)

- [Federation University VET Partnership Checklist](#) (DOCX 216.1kb)
- [HESG Request for Approval Form](#) (XLSX 120.0kb)
- [HESG Subcontractor Declaration Form](#) (DOCX 77.2kb)

Responsibility

- As the Approval Authority, the Provost is responsible for monitoring the implementation, outcomes and scheduled review of this procedure.
- As the Document Owner, the Deputy CEO, TAFE is responsible for maintaining the content of this procedure as delegated by the Provost.

Promulgation

The [Third Party Delivery of VET Training and Assessment Procedure](#) will be communicated throughout the University via:

1. an Announcement Notice via FedNews website and on the 'Recently Approved Documents' page on the 'Policies, Procedures and Forms @ the University' website to alert the University-wide community of the approved Procedure;
2. distribution of e-mails to Head of School / Head of Department / University staff;
3. documentation distribution, eg posters, brochures: and/or
4. Notification to Schools.

Implementation

The [Third Party Delivery of VET Training and Assessment Procedure](#) will be implemented throughout the University via:

1. an Announcement Notice via FedNews website and on the 'Recently Approved Documents' page on the 'Policies, Procedures and Forms @ the University' website to alert the University-wide community of the approved Procedure;
2. Staff induction sessions;
3. Training sessions.

Records Management

Document Title	Location	Responsible Officer	Minimum Retention Period
Written agreement	Legal database	Legal	7 years after contract has expired. If legal proceedings arise, record to be kept permanently
VET Training and Assessment Checklist	Federation TAFE	Program Manager	2 years after completion of course
Trainer Skills Matrix	Federation TAFE	Program Manager	A current copy must be maintained

Program Marketing Checklist	Federation TAFE	Program Manager	A current copy must be maintained
Training and Assessment Strategy (TAS)	Federation TAFE	Program Manager	A current copy must be maintained