

TA5: Third Party Agreements Policy & Procedure

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Purpose

This Third Party Agreements Policy and related procedures are designed to assist Australian Employment & Training Services in establishing mutually beneficial partnerships with, and monitoring the performance of, third party organisations which provide training, assessment, marketing, brokering or other Services on its behalf.

This policy and related procedure complies with Clause 2.3, 2.4 and 8.3 of the Standards.

Definitions

ASQA means Australian Skills Quality Authority which is the national VET regulator and the RTO's registering body

Broker means an individual or organisation that markets the courses of the RTO and/or recruits prospective students

Partner means an individual or organisation that delivers training and assessment on behalf of the RTO.

Partnership means the agreement between a partner and an RTO for the partner to conduct services on the RTO's behalf (sometimes referred to as an auspicing arrangement)

RTO means Registered Training Organisation

Services means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as student counselling, mediation or ICT support

SRTOs means the Standards for RTOs 2015 – refer definition of 'Standards'

Standards means the Standards for Registered Training Organisations (RTOs) 2015 of the VET Quality Framework which can be accessed from www.asqa.gov.au

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Policy

1. Third party agreements

- As an RTO, Australian Employment & Training Services is responsible for ensuring the quality and compliance of all Services delivered under its registration regardless of where and by whom these are provided. For this reason, Australian Employment & Training Services has in place a written agreement with any third party that provides Services on its behalf including individuals and organisations that:
 - Provide training and assessment on the RTO's behalf
 - Provide educational and support services to the RTO's students
 - Market the RTO's courses
 - Recruit prospective students.
- No third party will deliver any services on behalf of the RTO where there is no written agreement in place.
- Written agreements will detail what the expectations of each party in relation to the Services being provided and ensure each party is aware of their obligations to comply with the Standards for RTOs 2015.
- Written agreements will ensure:
 - That the third party is obligated to fully cooperate with ASQA in the provision of information and the conduct of audits as required.
 - Advertising and marketing materials to be used must be approved by Australian Employment & Training Services prior to their use.
 - Australian Employment & Training Services is responsible for issuing all qualifications and certification documents.
 - Australian Employment & Training Services must verify and hold on file all information relating to trainer and assessor competence and experience.
 - All records relating to training and assessment must be kept as evidence by Australian Employment & Training Services.
 - The third party abides by the policies and procedures of Australian Employment & Training Services.
- Organisations or individuals wishing to become a partner or broker providing services on behalf of Australian Employment & Training Services will be required to complete a *Broker or Partner Application Form* so that the suitability of the arrangement can be assessed.

2. Due diligence

- When an application for a third-party arrangement has been received, it must first be assessed to ensure the arrangement will be beneficial for the students, and mutually beneficial for Australian Employment & Training Services and the third party. A beneficial arrangement may mean that the third party:
 - Is able to provide experienced trainers and assessors who are held in high regard by the relevant industry.
 - Is able to provide access to facilities and equipment that would enhance the training and assessment experience for students that would otherwise not be available without the arrangement in place.

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- Is able to provide high quality training and assessment and has demonstrated their capacity to do so in the past.
- Where it is determined that the third-party arrangement will be beneficial, Australian Employment & Training Services will conduct due diligence and background checks on the Third Party prior to developing an agreement. Such checks will include, as relevant:
 - ASIC searches of the owners, senior management and legal entities associated with the agreement.
 - Conducting online searches about the information that is currently available about the third party.
 - Review of available resources to be made available during the agreement including trainers and assessors, facilities, equipment, training material and any other relevant resources.
 - Ensuring sufficient administration and support services are available to the third party to sufficiently service the agreement.
 - Requiring police checks of relevant people where applicable.
 - Other such checks as may be determined necessary by Australian Employment & Training Services.

3. Advising ASQA

- Australian Employment & Training Services will advise ASQA of the third-party arrangements in place:
 - Within thirty days of an agreement commencing.
 - Within thirty days of an agreement coming to an end.

4. Commencement and review

- All third parties will be required to participate in an induction session about Australian Employment & Training Services' policies and procedures and the processes to be followed during the agreement to ensure all parties are clear of expectations.
- Australian Employment & Training Services will monitor all third parties delivering any Services on its behalf to ensure compliance with the Standards and the Contract at all times.
- Reviews will be conducted at least bi-annually and will be an opportunity to review that each party is continuing to fulfil their obligations under the agreement and that the arrangement is still beneficial for all parties, including students. The review will include, as relevant:
 - Student file audits
 - Marketing/ advertising audit – to ensure all marketing and advertising used by the third party has been approved
 - Trainer/assessor file audits