

Subcontracting of Training and Assessment Services Procedure

1.0 Purpose

To ensure that Bendigo Kangan Institute's (BKI's) arrangements for subcontracting training and assessment services (including brokering) with another entity are transparent, streamlined, effectively managed and meet its legal and regulatory requirements for all subcontracting arrangements in all Teaching Departments across the Institute.

2.0 Scope

This Procedure applies to all programs and departments across the Institute. It includes VETiS, workplace delivery and International/transnational activities and brokering services.

3.0 Policy Reference

Subcontracting and Partnering of Training and Assessment Services Policy

4.0 Procedural Steps

| No. | Phases and steps | Name of role who actions |
|------------|--|--|
| 4.0 | Due Diligence | |
| 4.1 | <p>Before entering into any contract or negotiations for a contract, Conduct Due Diligence checks on any prospective subcontractor or third party to ensure they are of good standing, ethical, financially viable and check references.</p> <p>BKI must ensure that if a third party is delivering training and or assessment services on its behalf it "must" have the qualification or units of competency included in its scope of registration.</p> | Teaching Department Director or Executive Director |
| 4.2 | Obtain execution of a Fit and Proper Person Declaration using the ASQA Template for each director or owner of the subcontracting party and ascertain that no persons involved in the arrangement will be a Disallowed Person as defined by HESG in the VET funding contract | Teaching Department Director or Executive Director |

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| 4.3 | <p>Prior to subcontracting training and assessment services, review and approve the following:</p> <ul style="list-style-type: none"> • The Training and Assessment Strategy (TAS) proposed • Any external delivery site is safe and suitable for delivery of training • Complete a resource checklist to confirm that all required resources and equipment are available for training • Sight and approve trainer qualifications and retain copies • Approve the trainer competency and currency matrix and retain copies • All learning and assessment resources must meet the requirements of the training package and the TAS | Teaching Department Director |
| 4.4 | <p>Prepare submission for approval by Business Board and include all above mentioned documents together with a business plan for approval. All records of any searches or assessments undertaken in relation to third party agreements must be maintained in the Teaching Department and must be made available in the event of an ASQA or HESG audit/information request.</p> | Teaching Dept Director or Executive Director |
| 4.5 | <p>Once approval granted to continue with third party agreement the Teaching Department must review and ensure that any agreement meets the terms of the HESG TAFE VET Funding agreement if the services are to be funded by HESG.</p> | Teaching Dept Director and Manager |
| 4.6 | <p>Request review by Legal Services and AG&Q to ensure compliance with the Standards for RTO's, TAFE VET Funding Contract (if necessary) and any other legislative requirements.</p> | AG&Q, Legal Services |
| 4.7 | <p>Once review undertaken by AG&Q and Legal, organize the signing of the contract by the relevant delegate for the Teaching Department and ensure that the nominated director/manager of the third party has also signed each page of the agreement and has provided all contact details for the person tasked with the day to day running of the contracted services.</p> | Teaching Dept |

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| 4.8 | Provide copy of the signed contract to Legal and Risk Manager and Manager, Academic Governance and Quality. Copies of the signed agreement must be retained by Teaching Department as well as in the third party register. | Teaching Dept Director or Executive Director |
| 4.9 | <p>Updates must be made to the register of third parties and notification or application made to ASQA/HESG as appropriate for the type of agreement entered into with the third party.</p> <p>A Third party provider Form must be completed by BKI and submitted via SVTS to the DET- using the category "Skills First VET Funding Contract- Third Party Provider Services"</p> <p>BKI must provide the details of third party provider services to the DET within 30 days of the contract commencement date.</p> <p>This applies if the third party is providing services such as brokerage or services that do not fall within the definition of training and assessment.</p> | Manager, Academic Governance and Quality |
| 4.10 | <p>A 2020 DET Subcontracting Application Form is to be completed by BKI and a DET Subcontractor Declaration Form (training and assessment) to be completed by the Third Party Provider and forms submitted to DET if the third party is providing Training and Assessment Services.</p> <p>(This application is required if a Third Party Provider is providing Training and Assessment services.)</p> <p><i>BKI may only subcontract training and assessment services with the prior written approval of the Department</i></p> | Manager Academic Governance and Quality, Legal Services, Teaching Dept Director |
| 4.11 | Ensure that the third party agreement list is updated on Kangan Institute and Bendigo Tafe Website | Manager Academic Governance and Quality |

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| 6.2 | Ensure that the terms of the contract are explicit in terms of what monitoring will be undertaken as well as any instances where noncompliance can result in termination of the agreement. | Teaching Department Legal Services |
| 6.3 | Establish calendar for monitoring visits and communicate to subcontractor. | Teaching Dept |
| 6.4 | Provide learning resources, assessment tools and any learning resources required to the Subcontractor OR Validate all Assessment materials that are not BKI Assessment materials to ensure they adhere to the Rules of Evidence and Principles of Assessment before allowing them to be used | Teaching Dept |
| 6.5 | Ensure monitoring visits are conducted and evidence of compliance with the contract is collected. | Teaching Dept Director |
| 6.6 | Ensure that any non-compliances identified are dealt with immediately. Enforce terms of the contract if non compliances continue and the quality of the qualification, recruitment is impacted upon by the non -compliance/s. Communicate any instances of noncompliance to the Manager AG&Q and seek direction of what rectifications should be undertaken. | Teaching Department , Manager AG&Q |
| 6.7 | Seek feedback from students and other relevant stakeholders on the progress of the program. | Teaching Department |
| 6.8 | Ensure that all evidence of assessments are received in a timely manner and stored for three years in accordance with VET Funding contract requirements and BKI Recordkeeping procedures | Teaching Department |
| 6.9 | Upon completion of the course, conduct a file audit to ensure that all records are stored and all results entered correctly | Teaching Department |

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| 6.10 | Complete a request for issue of Certificate or Statement of Attainment for all students depending on their completed units | Teaching Department |
| 6.11 | Issue Certificate to student at their designated address if by post, or by hand at a Graduation ceremony. Certificates must be issued from BKI personnel to the student directly and not through a third party. | Teaching Department and Student Administration |
| 6.12 | Conduct a formal review of the program to ensure that it was conducted in accordance with the agreement and planned budget and return on investment. Report to Business Board. | Executive Director |
| 6.13 | Upon cessation of the contract notify Manager Academic Governance and Quality and Manager Legal and Risk | Teaching Department Director or Executive Director |
| 6.14 | Update Contract Register to note cessation of contract | Manager Legal and Risk |
| 6.15 | Notify ASQA/HESG of cessation of Agreement within 30 days of the agreement ceasing to be in force. | Manager Academic Governance and Quality |
| 6.16 | Update listing of subcontracted parties on the Website | Marketing |
| 7.0 | Third Party Agreements for VET courses of Concern | |
| 7.1 | When entering into subcontracting agreements for the delivery of what has been termed a “high risk qualification” by ASQA there are additional due diligence requirements that must be met by BKI. | Teaching Department Director, Manager AG&Q |
| 7.2 | Where BKI seeks to enter into an agreement with a third party to deliver, advertise or issue a VET qualification or statement of attainment for a VET course of concern they must first seek approval in writing from ASQA – <i>prior</i> to entry into any agreement. | Manager Academic Governance and Quality |

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| 7.3 | <p>Once approval has been received in writing from ASQA BKI must ensure that the third party only provides the services in the name of BKI and that students are aware of who will be the provider of their certificate or qualification when engaging in the course of study.</p> <p>BKI is ultimately responsible for ensuring that the services delivered by the third party comply with the Standards for RTO's at all times.</p> | Teaching Department Director, Manager AG&Q |

8.0 Roles and Responsibilities

| Role | Responsibilities |
|--|---|
| Executive Director/ Director of Teaching Department | The Teaching Department Director or Executive Director carries responsibility for ensuring the subcontracting arrangement is in the best interest of the institute considering compliance, integrity and reputation |
| Teaching Department | Teaching Department is required to ensure that the training and assessment activities carried out on their behalf meet the standards required of BKI through consistent monitoring and evaluation activities. |
| Business Board | Business Board evaluates opportunities for subcontracting of proposed programs to ensure that they are in alignment with BKI strategies and risk appetite |
| Manager Legal and Risk | Reviews and records contracts, seeking formal legal advice where required and evaluating the risk to the institute's business and reputation |
| Manager Academic Governance and Quality | Sits on Business Board and will advise on compliance requirements. Receives the contracts when completed and notifies the relevant regulatory bodies of the existence and cessation of the arrangement. |

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9.0 Definitions

| Word/Term | Definition |
|-----------------------------|--|
| HESG | Higher Education and Skills Group (formerly Skills Victoria) |
| RPL | Recognition of Prior Learning |
| RTO | Registered Training Organisation |
| SNR | Standards for National VET Regulated RTOs |
| Subcontracting arrangements | The arrangements between Bendigo Kangan Institute and another organisation, including other RTOs, for the provision of training and assessment services. These arrangements are also known as auspicing, partnering , outsourcing or third party arrangements |
| Brokering services | Brokering Services means the recruitment of individuals to participate in training that is to be subsidised under this VET Funding Contract, by an individual or organisation in exchange for payment from the Training Provider or the student, but excludes activities carried out by salaried individuals who are employees of the Training Provider whose role includes the identification and recruitment of potential students. |
| Subcontractor | A subcontractor must be a Company, Trust, Partnership or Sole trader that is carrying on an enterprise in Australia and is registered for the ABN. They may be a school, enterprise, industry body, professional association or another RTO |
| Training Services Agreement | A legally binding agreement between Bendigo Kangan Institute and an approved subcontractor for the provision of training and/or assessment services |
| VET Funding Contract | The Institute's contract with HESG for provision of subsidised training and assessment services, including the Schedules, Guidelines, contract notifications or variations and the Skills First Quality Charter. This contract is updated regularly |

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10.0 Related Documents and Records Management

| Title |
|--|
| Subcontracting Agreement |
| Fit and Proper Person Declaration |
| Training and Assessment Strategy (TAS) |
| Due Diligence Third Party Checklist |

11.0 Version Control and Change History

| Ver. | Issue Date | Document Custodian | Description of Change | Approval Authority |
|------|-------------|-------------------------------|--|--|
| 1.0 | 28 Sep 2018 | - | New procedure | BOS |
| 1.1 | 17 Jul 2020 | - | Addition of ASQA requirements for TAE provision and due diligence – updated name of policy | BOS |
| 1.2 | 30 Mar 2022 | Head of Quality and Assurance | Minor changes to template and alignment of review date to match policy. | Head of Legal, Governance, Risk and Compliance |

12.0 Document Owner and Approval Body

| Document Custodian | Approval Authority | Approval Date | Issue Date | Scheduled Review Date |
|-------------------------------|--|---------------|-------------|-----------------------|
| Head of Quality and Assurance | Head of Legal, Governance, Risk and Compliance | 30 Mar 2022 | 30 Mar 2022 | 01 Jun 2023 |

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