VET and CRICOS Regulation and Legislation Policy

Purpose

As an RTO and CRICOS provider registered with Australian Skills Quality Authority (ASQA), Institute of Management and Trade (IOMT) is required to comply with:

- VET Quality Framework, including the Standards for RTOs 2015
- The Education Services for Overseas Students Act 2000
- The National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Other relevant VET regulations and Commonwealth, State and Territory legislation.

This policy and procedure outlines Institute of Management and Trade's approach to ensuring compliance with the above regulations and legislation and contributes to compliance with Clauses 3.4, 5.4, 7.5, all of Standard 8 and Schedule of the Standards for RTOs 2015. It also ensures compliance with ESOS Act requirements, as well as Standard 11 of The National Code 2018.

Policy

1. Registration, ASQA and legal compliance

- Institute of Management and Trade:
  - Will ensure it cooperates with ASQA in line with Standard 8 by always providing truthful, accurate and timely information to ASQA as required. This includes cooperating during an audit, providing quality and performance data and informing ASQA of substantial and significant changes to the RTO within 90 days of the change occurring.
  - Conducts regular internal audits in line with its Compliance Management Schedule to ensure ongoing compliance with the Standards and other relevant legislation and regulations.
  - Will provide a truthful and accurate Annual Declaration of Compliance to ASQA in the format and by the date required by ASQA.
  - Maintains a *VET Legislation & Regulations Register* which outlines the Commonwealth, State and/or Territory legislation and regulatory requirements which are relevant to the RTO, how each is relevant and its impact on staff and clients. Relevant legislation is listed at part 5 of this policy.
  - Informs staff and clients of any changes in VET legislation and regulations which impact them.
  - Will submit Total VET Activity Data in line with the National VET Data Requirements unless it is exempt from doing so as stated in the national policy.
  - Use PRISMS to manage student enrolments and comply with ESOS requirements.
  - Ensures that where there are any changes to agreed services with a student including changes to third party arrangements or changes in ownership of the RTO, it will advise the

student as soon as practicable.

- Ensure it reports to the TPS Director and Secretary about provider and student defaults.

2. Third party agreements

- In relation to any third parties delivering Services on its behalf, Institute of Management and Trade will:
  - Ensure it has a written agreement in place with each third party in line with its *Third-Party Agreements Policy*, which outlines the third party's obligations to the RTO and ASQA under the Standards.
  - Inform ASQA within thirty (30) calendar days when agreements with third parties commence or come to an end.
  - Third party agreements include agreements with Education Agents as outlined in the *Education Agents Policy*.

3. Retention, archiving, retrieval and transfer of records

- Institute of Management and Trade abides by ASQA's General Direction for Retention Requirements for Completed Student Assessment Items (located at http://www.asqa.gov.au/news-and-publications/publications/general- directions/general-directions.html) by ensuring that student assessment evidence is retained for at least 6 months from the date the assessment decision was made.
- Should Institute of Management and Trade cease to operate or have its RTO registration expire, withdrawn or cancelled, Institute of Management and Trade will:
  - Transfer to ASQA, sufficient digital records so that ASQA is able to confirm what each student completed during the period of registration. This information will be sent in the form required by ASQA within 30 days of expiry or cessation of operations.
  - Return its certificate of registration to ASQA within 10 days of expiry.
- In accordance with Schedule 5 of the Standards, Institute of Management and Trade will retain records of AQF qualifications and statements of attainment issued for a period of 30 years on its student management system. Current and past students are able to access these records by contacting our office.

Procedures

1. Notifying ASQA of changes to the RTO

SRTOs: Clause 5.4, 8.1, 8.2 and 8.3.
National Code: Standard 11.1 and 11.3

Procedure	Responsibility
A. Material changes or significant events • The need to report material changes and significant events will be monitored during management meetings. • If there is a material change or significant event that may significantly affect the RTO's ability to comply with the VET Quality Framework, advise ASQA within 90 calendar days. This may be a change to one of the following: – Chief Executive Officer, Principal Executive Officer or High Managerial Agent – Fit and Proper Person Requirements – Financial Administration Status – Legal name or legal entity – Organisation type – Sale of business – Ownership and/or control – Significant or unexpected turnover of staff – Significant changes to the RTO's funding revenue source (e.g. Government funding contract), or – Another change not specified elsewhere • Use ASQA's Material Change or Event form to describe the changes. Additional attachments may be required as outlined on the form. • Send the completed form to ASQA within 90 calendar days of the change occurring. • Keep a record of the completed form on file. • Students should be advised in writing of any changes in ownership to the RTO.	Compliance Manager

Procedure	Responsibility
B. Changes to the RTO's details • If there is a change to any of following details of the RTO: – Trading name – Web address – Head office details – Contact details for the Chief Executive – Contact people to be listed on training.gov.au – Delivery sites – Delivery locations – Offshore delivery • Fill in ASQA's Notification of Change of Provider Details Form and sent it to ASQA within 90 calendar days of the change occurring. • Where the change is in relation to relocation, the Change of Provider Details Form must be submitted to ASQA at least 20 working days before the location. The application to change CRICOS registration must also be completed and submitted with the required documentation at the same time or preferably before in order to allow time for a site visit by ASQA to approve the new site. • Keep a copy of the completed form on file.	Compliance Manager
C. Change to CRICOS Scope of registration If there is a change to any of the following details for a course that appears on Institute of Management and Trade's CRICOS register, notify ASQA at least 30 days prior to the change taking effect. • the location/s at which the course is delivered • the course duration, including holiday breaks • modes of study (e.g. online, distance or work-based training) • an increase to capacity (maximum number of approved students at each location) • arrangements with other education providers, including partners, in delivering a course or courses to overseas students Ensure you have developed the course and information about proposed delivery in accordance with the Course Development & Review P&P and National Code 11.2.	Compliance Manager

Procedure	Responsibility
D. Notify students where relevant • Where changes include a change to ownership of the RTO or any other changes that may affect the provision of agreed services to students, notify students in writing as soon as practicable.	Compliance Manager

2. Agreements with third parties

Relevant to SRTOs: Clause 8.2 and 5.4

Procedure	Responsibility
A. Commencing or ending agreements with third parties • If the RTO either: – enters into an agreement with a third party to deliver Services on its behalf; – ends an existing agreement with a third party to deliver Services on its behalf. • Clarify whether this type of agreement constitutes a third-party arrangement, by referring to the ASQA Fact Sheet if required (provided in Links section below). • Ensure a written agreement is established or cancelled with the third party in accordance with the *Third-Party Agreements P&P*. • Where the third party is an Education Agent, ensure a written agreement is established or cancelled in accordance with the *Education Agents P&P*. • Notify ASQA within either of the following timelines, whichever is first and as relevant: – within 30 calendar days of the agreement being entered into – within 30 calendar days of the agreement ending – or prior to the obligations under the agreement taking effect • Ensure the Third-Party Service Arrangement Notification has been completed by the CEO and submitted to ASQA. Use *Third Party Service Arrangement notification form* (provided in Links section below). • Keep a copy of the declaration and form on file. • If the provision of agreed services with students will be effected by any changes to third party arrangements, notify them in writing as soon as practicable. **Links:**	Compliance Manager

• ASQA Fact Sheet: https://www.asqa.gov.au/sites/g/files/net2166/f/publications/201701/fact_sheet - third_party_arrangements.pdf?v=148489163 • Declaration for Third Party Service Arrangement Notification Printed Form: https://www.asqa.gov.au/sites/g/files/net2166/f/Declaration_for_Third_Party_Service_Arrangement_notification.pdf • Third Party Service Arrangement Notification – Online Form: https://asqanet.asqa.gov.au/	

3. Responding to requests from ASQA

Relevant to SRTO's: Clause 8.1

Procedure	Responsibility
A. Respond to requests from ASQA • ASQA may contact the RTO to request information about any of its operations. A due date for the information to be provided may be given by ASQA. • Cooperate with ASQA in providing this information and respond truthfully and on time. • Keep a copy of the information provided.	CEO/ Compliance Manager
B. Participating in ASQA audits • ASQA will audit the RTO's operations from time to time. Usually upon initial registration, 12 months (or close to) after initial registration and prior to re- registration. Audits may also occur to monitor compliance for other reasons such as in response to a complaint, because the RTO presents a risk, or because new courses have been requested to be added to scope. • Cooperate in the conduct of audits by providing ASQA auditors with access to the information and facilities required. ASQA audits may require access to delivery sites, equipment, staff, materials, student files and other records.	CEO/ All relevant staff.

4. Internal audits

Refer SRTOs: Clause 8.4 and 8.5

Procedure	Responsibility

A. Schedule audits • Schedule audits annually, by adding them to the *Compliance Management Schedule* and setting dates. The auditing schedule should include audits against: – The Standards for RTOs 2015 – Legislation impacting on the RTO – Staff files – Student files to ensure students receive the Services detailed in their agreement – Financial Viability Risk Assessment Requirements – The National Code 2018 – ESOS Act and the National Code – Funding contracts if applicable. • Ensure the internal audit against the standards is scheduled for a date prior to the due date of the Annual declaration of Compliance – refer to point 4 below. • Assign the responsibility of each internal audit and advise person accordingly.	Compliance Manager
B. Conduct and record audits • Conduct internal audits as scheduled on the Compliance Management Schedule. A qualified external consultant may conduct audits if required. • Complete the relevant internal audit report template. • Summarise findings and actions required to maintain compliance. • Ensure opportunities for improvement have been identified. • Ensure all internal audit reports are signed and dated by the person conducting the audit and kept on file. • Report findings to CEO.	Compliance Manager or other staff as assigned.
C. Act on outcomes of audits • Identify and agree on the rectifications and continuous improvement actions to be taken as an outcome of the audit. • Record all recommendations for improvement on the *Continuous Improvement Register*. • Assign responsibilities for implementing changes and improvements and ensure rectifications are implemented as soon as practicable. • Monitor action plans to ensure implementation in agreed timeframes and report outcomes at the management meetings.	Compliance Manager

5. Annual declaration on compliance

Relevant to SRTOs: Clause 8.4

Procedure	Responsibility
A. Prepare and submit declaration on compliance • Refer to ASQA's website to find out the due date for the Annual Declaration on Compliance each year. Mark these dates in your calendar. • Ensure your CEO's email address as listed on www.training.gov.au is current and accurate prior to the declaration period. • Review internal audit report to determine whether the RTO is compliant. • Follow the unique URL provided by ASQA to the online form provided in the email. • Ensure all answers are complete and finalised before clicking submit. • From the thank you page, download the completed declaration and save.	CEO
B. Finalising your declaration • ASQA will respond to your declaration at the end of the declaration period. • If your declaration has not been successfully completed and any follow-up steps are required ensure you follow all instructions or clarify using contact details provided if anything is unclear.	CEO

6. Compliance with legislation & VET regulations

Refer SRTOs: Clause 8.5 and 8.6

Procedure	Responsibility
A. Identify legislation and VET regulations • Institute of Management and Trade maintains a *Legislation & Regulations Register* that outlines legislation and regulations applicable to its operations and scope of registration. • This register is developed, maintained and updated by using online resources such as the ComLaw website at www.comlaw.gov.au and the legislation website relevant to each state and territory the RTO operates within. • The Register is to be reviewed annually to identify any changes and updated accordingly. • Regulation changes may be notified by ASQA or DET and these should	Compliance Manager

also be recorded on the Register.	

B. Comply with legislation and VET regulations • Review the *Legislation and Regulations Register* annually and record any changes and the impact of those changes on Institute of Management and Trade's students, staff or operations. • Changes in regulations and legislation may lead to changes being required in various documents. Identify changes required, which may be in the Student Handbook, other student documents and forms, staff documents and induction plan, and in policies and procedures. • Implement changes.	Compliance Manager
C. Inform staff and students of legislative requirements and changes • Ensure staff are informed of the legislative requirements that impact on their role with Institute of Management and Trade during their induction. • Where there are changes in legislative requirements, notify staff via email and at staff meetings. • Inform students of the legislative requirements that impact their participation in their training and assessment activities during their course induction and in the Student Handbook. • Where there are changes in legislative requirements, notify students through student newsletters or by written notice such as letter or email.	Compliance Manager

7. Notifying TPS of provider default

Refer: ESOS Act 2000 Part 5, Division 1, Subdivision A of the ESOS Act

Procedure	Responsibility

A. Notify TPS via PRISMS • Via PRISMS, notify the TPS Director and Secretary within 3 business days of the default occurring. • Provide the details of the circumstances of the default, the details of the students in relation to whom Institute of Management and Trade has defaulted and advice as to how Institute of Management and Trade intends to meet its obligations to students.	Compliance Manager

Procedure	Responsibility
B. Notify students • Notify affected students in writing within 3 business days of the default. • In the notice, describe the circumstances of the default and information for students on the options that they have which include arranging for the student to be offered in an alternative course (this will be at Institute of Management and Trade expense) or providing a refund as set out in Institute of Management and Trade Fees and Refunds Policy and Procedures, as well as details of the process to follow depending on which option the student chooses.	Compliance Manager
C. Discharge obligations to students • Where a student notifies in writing of the acceptance of an offer in an alternative course, ensure that the student is placed into the course within 14 days of the default day. • Where the student identifies in writing that they are seeking a refund, provide the refund within 14 days of the default day and in accordance with Institute of Management and Trade Fees and Refunds Policy and Procedures.	
D. Notify TPS via PRISMS of the outcome of discharge of obligations • Notify the Secretary and Director of the TPS via PRISMS within 7 days of either providing a refund to the student or offering an alternative place. • Include: – details of the students that Institute of Management and Trade provided alternative courses for, details of the courses arranged and evidence of each student's acceptance of a place in an alternative course; or – Details of the student, the provider provided refunds to and details of the amount of the refund.	

8. Notifying TPS of student default

Refer: ESOS Act 2000 Part 5, Division 2, Subdivision B of the ESOS Act

Procedure	Responsibility
A. Notify TPS via PRISMS • As per the legislative requirements, Institute of Management and Trade will notify the Secretary and the TPS Director on whether a refund has been provided in two cases of student default i.e. where a student's visa is refused, even if there is a compliant written agreement in place and where there is no compliant written agreement in place. • Search for CoE/Student and follow instructions in PRISMS user guide to record the default. • Follow Fees and Refunds Policy and Procedures for refunds in the case of student default.	Compliance Manager
B. Discharge of obligations • Notify the Director and Secretary of the TPS via PRISMS within 7 days of responding to the student default. • Provide details of whether a refund was provided, details of the student to whom the refund was provided and details of the amount of the refund.	Compliance Manager

9. Quality Indicator and Total VET Activity Reporting

Refer SRTOs: Clause 7.5; 8.1

Procedure	Responsibility
A. Learner Engagement and Employer Satisfaction data (Quality Indicators) • Collect Learner Engagement and Employer Satisfaction surveys in line with the RTO's Quality Management Procedures on Feedback. • Collate surveys, analyse findings and prepare a summary report for ASQA using *ASQA's Quality Indicator Annual Summary Report* which can be downloaded from here http://www.asqa.gov.au/forms.html. Submit it to ASQA by 30 June each year by emailing qidata@asqa.gov.au. • Keep a copy of the report/s and the date on which they were submitted to ASQA on file. • For further information refer to ASQA's website http://www.asqa.gov.au/vet-registration/meet-data-provision-requirements/quality-indicator-reporting.html	Compliance Manager

Procedure	Responsibility

B. Total VET Activity Data • AVETMISS-compliant records for all students are collected through the Enrolment Form. • Competency enrolments and outcomes are recorded in the RTO's AVETMISS-compliant student management system. • The RTO will report its *Total VET Activity Data* to NCVER by 28 February each year. • Keep a copy of the reports and the dates on which they were submitted on file. • For further information refer to ASQA's website https://www.asqa.gov.au/vet- registration/meet-data-provision-requirements/total-vet-activity-reporting	Compliance Manager

10. Retention, archiving and transfer of records

Relevant to SRTOs: Clauses 8.1f), 3.4 and Schedule 5

Procedure	Responsibility
A. Retention of student assessment items • In line with ASQA's requirements, completed assessment items relating to each unit or module will be securely retained in the students file for at least 6 months from the date of the assessment decision. Refer also to *TA2 Training and Assessment Policy & Procedures.*	Compliance Manager and Assessors
B. If withdrawing registration as an RTO • Apply to withdraw registration with ASQA. • Once application to withdraw registration has been approved by ASQA: – Return certificate of registration to ASQA within 10 days of the day of withdrawal – Provide copies of student records to ASQA within 30 days of the day of withdrawal (refer below). – Pay any outstanding ASQA fees within 30 days of invoice.	CEO

Procedure	Responsibility

C. Transferring student records to ASQA upon cessation • Institute of Management and Trade will meet the following obligations if the RTO's registration: – Is voluntarily withdrawn – Has lapsed – Is not renewed – Is cancelled by ASQA • Within 30 days of the RTO's expiry/cancellation/withdrawal, provide to ASQA an electronic copy of the records for each student who was enrolled in a Course during the period of registration. • As per the information at https://www.asqa.gov.au/vet-registration/withdraw- your-registration/provide-student-records-asqa student records must include the following for each student: – Family name, first name – Residential post code – Date of birth – Student ID number (if applicable) – Enrolment and commencement dates – Code and title of qualification, course or program student enrolled in – Codes and titles of units of competency completed and results (if applicable) – Date the certificate or Statement of Attainment was issued (if applicable) • Send this information to studentenquiries@asqa.gov.au within 30 days of registration expiring/ceasing.	CEO
D. Transferring records to another provider • In the event of closure records can be transferred to a new registered training provider with consent from the student. • If transferring a student's records to another provider, Institute of Management and Trade does not need to provide records to ASQA as per the point above.	CEO

Procedure	**Responsibility**

E. Records of statements of attainment and AQF qualifications • In line with ASQA's requirements, keep a register on the student management system of all AQF qualifications and statements of attainment Institute of Management and Trade is authorised to issue and those issued. • In line with requirements, retain AVETMISS data showing records of qualifications and statements of attainment issued for 30 years, such that a qualification or statement can be re-issued at any time during this 30-year period (while Institute of Management and Trade is still an RTO). • Ensure back up of AVETMISS data for each year by taking a copy of the AVETMISS data export from the student management system and storing it on the electronic filing system. • Report records of qualifications issued to ASQA in data reporting as required. • Ensure students can access their records according to our *Privacy Policy & Procedures.*	CEO

Version control and accountability table

Policy owner		Compliance Manager		
Responsible Officer		RTO Manager		
Approved by		CEO		
Version	**Authorised by**	**Brief description of change**	**Date approved**	**Effective date**
1.0	L Blefari	Policy development	4/1/2024	4/1/2024