

## **TERMS & CONDITIONS**

### **The College code of practice**

The College is committed to the delivery of fair, reasonable, and ethical dealings in all of its contact with students, member and others including:

- Client information
- Confidentiality
- Complaints and appeals
- Fee structure
- Guarantee Policy
- Corporate policy
- Training standards
- Access and equity
- Occupational Health & Safety

## **RECOGNITION**

All Qualifications, Courses, and Statements of Attainment gained through an AQTF accredited Registered Training Organisation have National Recognition and as such are recognised by the College

## **CONDITIONS OF ENROLMENT**

The agrees to provide access to available enrolment positions for all persons who have the relevant skills, experience, and ability to satisfactorily meet enrolment requirements for behaviour, safety, course/qualification pre-requisites, payment of fees, and the observance of the College policy. The College may seek to terminate the enrolment of a student if they:

- Consistently fail to complete assignments or training to the minimum level set for competence.
- Have not accurately or honestly disclosed all information relevant to their enrolment and participation in the training with the College including relevant matters relating to health, work history, skills and experience, criminal conviction (where appropriate) etc.
- Have provided false or misleading information.
- Commit an offence under the law while in the training environment or at a workplace, breaches safe work practice, or otherwise acts in a manner detrimental to the wellbeing of the College, other students or persons, or themselves.
- Do not respect the privacy and confidentiality rights of other persons.

## **PARTICIPANTS CHARTER**

All participants in the RTO's courses and programs have a right to:

- Be treated with respect and dignity
- Recognition of their particular needs and circumstances including: beliefs, ethnic background, cultural and religious practices
- Have access to their own records on request
- the opportunity for feedback on services provided

- Receive a copy of, and have access to, the complaints process

## **Participant Responsibility**

As a condition of entry into the RTO's programs, participants are expected to:

- Respect the rights of others
- Promote an effective learning environment through good personal behaviour
- Encourage equal opportunity

## **FLEXIBLE ASSESSMENT**

All assessments conducted by the RTO will conform to assessment guidelines for Nationally Endorsed Training Packages or the assessment criteria attached to specific courses. Assessment usually takes place by way of assignments and course exercises but are flexible and at the College's discretion in some courses as long as they meet AQTF guidelines and minimum requirements for competency in the specific course. Flexible courses allow students to learn at their own pace and under varying conditions, which best suit their individual situation. Students are required to be competent in all areas to receive an overall competency mark = C. Elements that may be included (depending on the course) in the assessment process are:

- Verbal and non-verbal communication.
- Problem solving. E.g. learning to learn, decision making, creative thinking.
- Positive helpful attitude towards other and the organisation.
- Respect for the understanding of all cultures and beliefs.
- Working with others in teams.
- Organise own schedules to achieve goals.

Generally, students will generally be given three (3) opportunities to be assessed for competency in a given course or program, however, the RTO may allow for further assessment opportunities where it feels there are special circumstances which are negatively affecting the outcome of assessment, or where the student presents a case that the RTO feels is valid. In such circumstances, the RTO may seek assistance from an outside source (counsellor, tutor, etc) and will record the process for reporting to the Registering Authority. Where a student has been assessed three times and is still Not Yet Competent (NYC) the RTO may refuse further assessment if it feels there is little chance of the student becoming Competent. The student may appeal this decision in writing to the RTO's Chief Executive Officer who will consider the matter and advise the client in writing of the outcome. This process is outlined in Complaints and Appeals.

A flexible assessment process will be undertaken to consider the needs of people with special needs or situations including:

- Cultural background.
- Handicap.
- LL&N difficulties.
- Other trauma or reasons.

In this case flexibility will not indicate that the overall value of a course program may be lessened, but should be seen as a willingness to take different avenues to reach results with the qualification retaining the same worth and value. The results and details of all assessments will be recorded and kept on file for the purpose of

auditing, and where applicable, will be forwarded to or included in reports to the Registering Authority. In line with the College policies, clients will have access to personal information and will be advised of all outcomes in writing.

## **FEE STRUCTURE**

All fees will be competitive when compared to others in the marketplace, and may be varied or discounted at the discretion of the RTO to assist individuals, secure corporate contracts or to comply with the requirements of Commonwealth or State/territory Government contracts. In programs funded by Government Authorities, client charges will be determined by the terms of the Government Contract.

## **FEES PAID IN ADVANCE**

The RTO will ensure that fees paid in advance of course delivery shall be protected by having such funds entered into the College's accounts as "Income in advance" which may not be drawn upon until such time as delivery has commenced. The College's refund policy will also add an extra level of protection and flexibility which allows for the return of proportional funds after delivery has commenced.

## **FEEDBACK AND COMMUNICATION**

The College embraces an ongoing policy of open communication and encourages feedback and dialogue with all students to assist with meeting student needs and concerns as well as for ongoing improvement of the College's services. The College would appreciate feedback in regard to student opinions, satisfaction, or other views about the College's operations, policies, procedures, and training delivery and assessment. The RTO will analyse and utilise this feedback and communication to:

- Review its policies and procedures, and
- Plan for improvement

Feedback can be supplied directly to facilitators, other College staff, or as written suggestions which may include the use of College feedback forms. All of these forms and/or information will be passed to the Chief Executive Officer or an authorised delegate who will facilitate a response to the feedback. Strategies to ensure compliance, fairness, and improvement of the College's policies, procedures, etc, will be developed and the College will advise appropriate stakeholders by the most appropriate method which may include but not be limited to:

- Verbal notification or announcement
- Newsletter
- Memo
- Written advice
- etc

## **DISCLOSURE**

Full disclosure of information relevant to the proposed placement is necessary for the safe and productive undertaking of duties. Failure to disclose such information may result in instant termination as an employee/consultant/contractor with the College

## **RECOGNITION OF PRIOR LEARNING (RPL)**

In some cases students may be able to apply for Recognition of Prior Learning if they have previously achieved the learning outcomes for an accredited unit/s through Nationally Recognised Training. The College will offer RPL for all units where there is evidence to support the RPL application. Evidence for RPL (certificates, transcripts, or other evidence) should be attached to an Application for RPL and submitted to the tutor of a course who will liaise with the RTO's administrative staff to confirm whether the RPL status is granted, denied, or whether further information/evidence is required. The availability of RPL will depend on the learner's experience, qualifications and evidence as well as relevant Training Package Guidelines. The RPL process shall be consistent with The RPL National Principles as defined by the AQTF. Students will be informed in writing with the result of the RPL application prior to the commencement of the relevant session.

## **EQUAL OPPORTUNITY**

All admissions to the College's courses shall be determined fairly without consideration for an applicant's gender, sexual orientation, ethnicity, religion, or personal beliefs, handicap, etc, unless such items pose a reasonable argument for non enrolment on the grounds of safety, capacity to undertake the role, or a position that is in opposition to the laws of the land:

Applicants will be assessed on their:

- Successfully meeting course pre-requisites including appropriate qualifications and experience,
- Demonstrating a capacity and willingness to adhere to the RTO's standards and code of conduct,
- Ability to undertake the course in a manner that encourages a fair, safe, and enjoyable learning environment.
- Other items as determined for specific courses on a time to time basis.

## **SPECIFIC NEEDS GROUPS**

The RTO will maintain a flexible and proactive attitude towards specific needs groups and where practical may cooperate with community or special needs organisations to allow their members access to accredited training.

Where appropriate and in line with the development of the RTO, it may provide specific courses or programs designed to assist groups of special needs or circumstances.

## **ANTI DISCRIMINATION**

The College policy does not allow for the discrimination of an individual by virtue of their sex, sexual orientation, religion, culture, political beliefs, handicaps, or personal background providing it has no direct, reasonable, and legal bearing on the performance of the position, safety, or the well being of the applicants or others.

All persons will be treated fairly and have their application considered on the basis of its merits.

## **LEGISLATION**

THE COLLEGE will ensure that it complies with all Commonwealth, State & Territory laws including legislation on:

- Occupational health & safety
- Workplace harassment, victimisation and bullying
- Anti-discrimination, including equal opportunity, racial vilification, disability discrimination
- Vocational education & training,

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The College will regularly check its policies and procedures against legislation at a minimum of every 12 months, but more often as practical and reasonable, or as advised by relevant authorities, advisors, or industry persons or organisations.

## **1 Responsibility**

The Chief Executive Officer or an authorised delegate shall ensure that staff are all made aware of and kept up to date in regard to the legal responsibilities of the College and its officers, and shall keep accurate record of updates and update methods.

THE COLLEGE will not disclose the personal details of its employees/students/contractors, or associates except as they expressly permit, or to meet legislative or compliance standards set by regulatory authorities or other persons empowered under the law.

Employees may have access at any reasonable time to any records pertaining to their personal details kept by the College at any reasonable time. Employees should not disclose information about the College, co-workers, students, contractors, or the College's associates to any unauthorised individual.

## **STORING OF RECORDS**

All non student records which are required by law or the request of the registering authority will be kept for seven years unless otherwise directed by the Registering Authority, after which time they will be destroyed in accordance with legal requirement for each type of record. These records will be made available to the registering authority or other relevant stakeholders as required by the terms of registration.

All hard copy of student records will be kept for a minimum of seven (7) years after which time the College may choose to input (scan or enter in data base/spreadsheet, etc) records which will be archived in secure storage for the remaining time needed to comply with the prescribed period of thirty (30) years unless otherwise directed by the Registering Authority.

A back up of electronic records will be kept at the College National Secretariat Unit 2, First Floor, 2 Geils Crt Deakin Canberra ACT 2600, or its new address should it

relocate at any time. A suitable alternate storage area may be used at some future time at the discretion of the Chief Executive Officer.

Should the College cease to trade, fail to renew its registration, etc, all relevant documents including student records will be transferred to the registering authority.

The storage of records by the College shall include:

- All student records including attendance, training delivered, assessment, results, issue of certificates and qualifications, other relevant data and correspondence with students unless such storage contravenes the Privacy Principles set by the Registering Authority or another Regulatory Authority such as the Australian Taxation Office, etc.
- Relevant correspondence with the Registering Authority, other authorities, RTO's, institutions, entities or individuals.
- Financial records.
- Complaint, incident, and safety registers.

The Registering Authority shall have access to all appropriate records. Prior to any information being stored elsewhere than the areas specified above permission will be sought from the Registering Authority. No such change will occur without the Registering Authority's prior approval. An example of records being kept off site would be that of financial records being held by the College's accountant, or legal records being held by the College's solicitor where such actions do not breach the Standards or other privacy and legal issues.

THE COLLEGE will maintain records needed to fulfil its obligations under the AQTF, legislative requirements, and to ensure it complies with corporate law including:

- Financial records
- Staff records (qualifications & experience)
- Enrolments
- Participation
- Safety/OHS records
- Student results records
- Audits
- Partnerships
- Industry arrangements
- Other

## **ACCESS TO PERSONAL RECORDS**

College Students will have access to all their personal information by request but will not be allowed to access any information that may breach the privacy of other persons. Where such a situation might occur, the details will be provided to the student requesting the information in a format (written, verbal, statistical) that meets their needs but ensures the privacy of other individuals is maintained. Other organisations may only have access to specific information where a client agrees to the release of their information. Information may be provided to statutory authorities such as the ATO where there is a legal obligation to provide it.

## **COMPLAINTS AND APPEALS**

STEP 1: The issue should be raised directly with the facilitator, or if preferred with College staff. If the complainant is unhappy with the result, they may then take action as per step 2.

STEP 2: The complainant may raise the issue in writing with the College, or have the College staff take notes regarding the complaint. After receiving the written/noted complaint, the College will receipt the complaint and will arrange for a confidential personal interview as soon as practically possible, preferably within 48 hours.

1. This interview will attempt to resolve the complaint either between the parties involved or between the complainant and the College
2. If the complaint cannot be resolved to the satisfaction of the complainant the grievance will be forwarded to the Chief Executive of the College
3. If the grievance concerns a College staff member, Step 2c will automatically follow step 1.

STEP 3 The complainant may at any point in this process action their grievance with:

- The Anti Discrimination Board

All issues, complaints and grievances are taken seriously by the staff and management of the College and will be investigated and acted upon as quickly as possible. The College may refer a complaint to an independent person or group where it feels this will be beneficial to stakeholders. Accurate records of complaints, actions, and outcomes will be kept on file. Complainants will be informed in writing about actions taken on their behalf and confidentiality will be maintained to ensure the rights of the complainant are upheld. Complainants will be advised in writing of the outcomes of complaints as soon as practically and reasonably possible.