



# Victoria Government Gazette

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## **Education and Training Reform Act 2006**

### **NOTICE OF REVISED GUIDELINES, CONDITIONS AND APPLICATION FORMS FOR THE APPROVAL OF OVERSEAS SECONDARY STUDENT EXCHANGE ORGANISATIONS**

Section 4.5A.1(3) of the **Education and Training Reform Act 2006** (the Act) authorises the Victorian Registration and Qualifications Authority (the Authority) to issue guidelines for the purposes of determining whether a person, organisation or registered school is suitable to operate a student exchange program.

Section 4.5A.1(4) of the Act requires that any guidelines issued under subsection 4.5A.1(3) be published as soon as practicable in the Government Gazette.

The revised guidelines will apply to all applicants seeking the Authority's approval to operate a student exchange program and all VRQA approved organisations from 1 January 2016.

Dated 14 December 2015

LYNN GLOVER

Director

Victorian Registration and Qualifications Authority

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**SPECIAL**

GUIDELINES, CONDITIONS AND APPLICATION FORMS FOR THE APPROVAL OF  
OVERSEAS SECONDARY STUDENT EXCHANGE ORGANISATIONS

**1 Background**

- 1.1 A student exchange program (SEP) is a reciprocal program whereby Victorian students attend secondary school and enroll in a full-time school program in another country for a minimum period of 29 days to a maximum period of 12 months in duration. Under similar conditions, students from overseas undertake study in Victoria.
- 1.2 The principal purpose of a SEP is to provide a broad educational experience for students and to further international/intercultural understanding.
- 1.3 Sections 4.5A.1 to 4.5A.6 of the **Education and Training Reform Act 2006** (ETR Act):
- a authorise the Victorian Registration and Qualifications Authority (VRQA) to approve a person, organisation or registered school to operate a SEP
  - b enable the VRQA when considering applications for approval to operate a SEP to have regard to:
    - i. the person's or body's suitability to operate the program
    - ii. guidelines issued by the VRQA
    - iii. the management or operations of the person or body proposing to operate the program
  - c enable the VRQA to impose conditions on any approval
  - d require an application seeking approval to operate a SEP to be:
    - i. in a form approved by the VRQA
    - ii. accompanied by a fee (if any) fixed by the Minister.
- 1.4 Paragraph 4 of this document contains the guidelines for the purposes of section 4.5.A.1 of the ETR Act and referred to in paragraph 1.3(b)(ii) above. These guidelines are consistent with the National Guidelines.
- 1.5 Paragraph 5 contains conditions that approved student exchange organisations (SEO) must comply with.
- Note that section 4.5A.6 of the ETR Act authorises the VRQA to suspend or cancel an approval if the approved SEO breaches a condition of its approval.
- 1.6 Schedule 1 is the form referred to in paragraph 1.3(d)(i) above for seeking:
- a approval to operate a SEP
  - b renewal of an existing approval.

**2 Definitions and explanations**

- 2.1 'Applicant' means a person who, or the organisation or registered school on behalf of which a person, applies to the VRQA for approval to operate a SEP.
- 'Approved SEO' means a person or an organisation (including an education or training organisation) or a registered school that is approved by the VRQA to operate a SEP.
- 'ETR Act' means the **Education and Training Reform Act 2006** (Vic.).
- 'Inbound', when used in relation to students, means a student coming to Victoria from overseas.
- 'National Guidelines' means the *National Guidelines for the Operation of International Secondary Student Exchange Programs in Australia*.
- 'Outbound', when used in relation to students, means a student going overseas from Victoria.
- 'Reciprocity' has the meaning given to it in paragraph 5.3.
- 'School' means a school registered in Victoria under the ETR Act.
- 'SEO' means a student exchange organisation.

‘SEP’ means a student exchange program.

‘VCAT’ means the Victorian Civil and Administrative Tribunal.

‘VRQA’ means the Victorian Registration and Qualifications Authority established under Chapter 4 of the ETR Act.

2.2 Difference between a SEP and a cultural visit.

***Student exchange programs – student visa***

A SEP may range from a minimum of 29 days to a maximum of 12 months in duration.

Students enter Australia on Subclass 571 Student Visas issued via Acceptance Advice for Secondary Student Exchange (AASES) forms, for which reciprocity must be maintained. The student is enrolled within the school, studying formal subjects at age appropriate levels. At the completion of the exchange a statement of achievement is provided by the school.

In order to obtain a student visa to study in Victoria the student must enter Australia under the auspices of an approved SEO. SEOs need to apply to the VRQA for AASES forms, using an official AASES request form.

AASES forms will be issued on consideration of the SEO’s reciprocity balance and will not be issued to SEOs that have not provided a National Standard *Annual Monitoring Form*.

The timetable of key dates is as follows.

By 1 September in any year, the VRQA dispatches *National Standard Annual Monitoring Forms* to SEOs.

By 1 October in any year, SEOs correctly complete and return the National Standard Annual Monitoring Forms to the VRQA.

During November in any year, the National Coordinating Committee for International Secondary Student Exchange meets for the annual national review.

***Cultural visits – tourist visa***

Students on cultural visits (maximum three months) enter Australia on a tourist visa.

Cultural visits may involve the exchange of students on a school-to-school basis or may be organised by a commercial operator. Students are visitors in the school and school study is not the major focus. Students on these visas do not attend school on a regular basis and are not enrolled in schools.

The Department of Immigration and Border Protection (DIBP) imposes a number of conditions on a tourist visa. SEOs can view these conditions on the DIBP website at [www.border.gov.au](http://www.border.gov.au).

Schools hosting students on a cultural visit do not need to be an approved SEO.

**3 Applications for approval or renewal of approval to operate a student exchange program**

3.1 An application for approval or renewal of approval to operate a SEP must be made in the form of Schedule 1 to these guidelines.

3.2 An application must provide all the particulars and information listed in the relevant schedule and be accompanied by any documentation required by the relevant schedule. Information provided by an applicant for approval or renewal of approval, or information otherwise provided by an SEO, will be treated confidentially, except that an applicant or an SEO acknowledges and consents to the VRQA releasing to a department of the Commonwealth, or to another state/territory approval/registration authority responsible for SEO’s, information the VRQA has about or arising from:

- an application for approval or re-approval
- the approval or re-approval of an SEO
- a compliance audit or review of an SEO undertaken by the VRQA
- action taken by the VRQA in relation to an SEO.

**4 Guidelines for the approval of all applicants (schools and non-schools)**

4.1 Schedule 1 contains the form to be used in applying for approval or renewal of approval to operate a SEP and lists the information and criteria that applicants should address when completing that schedule.

4.2 The guidelines in this paragraph 4.2:

- a expand on the contents of Schedule 1 and will be applied by the VRQA in assessing whether the applicant (both schools and non-schools) is suitable to operate a SEP
- b unless expressly stated otherwise, will be applied in respect to students coming to Victoria as well as those going overseas, and in respect of host families and schools in Victoria and those overseas.

***Schedule 1 clause 3: Background history and structure of the applicant***

Non-school applicants must provide an outline of the background, history, management and structure of the applicant, including relationships with other agencies in relation to student exchanges and other related programs, in sufficient detail to demonstrate the applicant's suitability to operate a SEP and to act in the best interests of students undertaking the SEP.

School applicants must provide a brief outline of the background, history and structure of the school including any sister school relationships or relationships with other agencies.

In determining whether to approve or reapprove an applicant, the VRQA may have regard to whether the applicant or any person involved in its management or co-ordination:

- has ever had their approval/registration suspended/cancelled by a state/territory authority responsible for approving/registering applicants as SEOs in Australia
- has ever had conditions imposed on their approval/registration by a state/territory authority responsible for approving/registering applicants as SEOs in Australia
- has ever been convicted of an indictable offence
- has ever become bankrupt
- has ever been disqualified from managing corporations under the Corporations Act
- was involved in the management of, or provision of a SEP at the time that any of the above events occurred.
- Applicants and approved SEOs must notify the VRQA of any change in ownership, control, management or operation of the organisation as soon as practical and, in any event, within 28 days of such change occurring.

***Schedule 1 clause 4: Purpose of student exchange***

All applicants must demonstrate that the principal purpose of their SEP is to provide a broad educational experience for students and to further international/intercultural understanding.

***Schedule 1 clause 5: Administration and decision making***

Non-school applicants must provide evidence that:

- the applicant has an organisational structure in Victoria and overseas that is effective and appropriate for the size of the SEP and has access to communication with parents, schools, students and officers of the VRQA
- the organisational structure referred to above includes:
  - demonstrated local support structures for students and families in Victoria
  - demonstrated system of policies and procedures for handling issues that arise
  - demonstrated package of training and resource materials for volunteers
  - demonstrated availability of 24-hour, 7-days-a-week phone accessibility.

Where an SEO organisational structure includes local SEO coordinators, the SEO must:

- provide registration authorities with the name, residential address and contact telephone numbers for all local SEO coordinators in Victoria
- provide each exchange student with a local SEO coordinator residing within 200 km of the student's host family residence.

School applicants are required to show evidence of an organisational structure within Victoria and overseas that can provide support for a SEP and that has access to communication with parents, students and officers of the VRQA.

All applicants must demonstrate that they provide training for local SEO coordinators and SEO support staff that specifically includes, as a minimum, instruction in:

- conflict resolution
- procedures for handling and reporting emergency situations
- awareness or knowledge of child safety standards
- information on sexual conduct codes
- procedures for handling and reporting allegations of sexual misconduct or any other allegations of abuse or neglect
- the criteria to be used to screen potential host families and exercise good judgement when identifying what constitutes suitable host family placements; and
- the NCCISSE Guidelines and any relevant state/territory requirements.

All applicants must ensure that, as a minimum, a satisfactory assessment notice under the **Working with Children Act 2005** has been issued in the past 5 years for all its officers, employees or volunteers in direct personal contact with students or with access to students' personal records or information (unless that person holds current registration with the Victorian Institute of Teaching).

All applicants must ensure all their in-bound students entering Australia on programs advertised as 'student exchange' enter on Subclass 571 Student Visas issued via AASES forms.

Exchange organisations providing other visit or cultural programs for young people where participants enter Australia on visitor visas must:

- not promote or refer to such programs as 'student exchange' programs in any way, or
- make explicitly clear to participants and parents that any such programs are not 'student exchange programs provided under the National or VRQA Guidelines for Student Exchange' and are not quality assured by the VRQA.

***Schedule 1 clause 6: Not-for-profit status and financial viability***

Non-school applicants must provide evidence of:

- not-for-profit status (as explained at the Australian Taxation Office (ATO) website at [www.ato.gov.au](http://www.ato.gov.au))
- a letter from a chartered accountant, member of the National Institute of Accountants or certified practising accountant stating that the applicant is financially viable, or a copy of the most recent auditor's report in the case of companies limited by guarantee.

This documentation must also demonstrate that students' costs are reasonable and show revenue is expended entirely for the benefit of the SEP. Details of what is included in the participation fee and what is optional must also be provided.

School applicants must provide evidence that exchange programs are not run for profit (and continue to be not for profit) and provide documentation of financial and other resources they are prepared to commit to the SEP. This documentation must also demonstrate that student costs are reasonable and that revenue is expended entirely for the benefit of the SEP. Details of what is included in the participation fee and what is optional must also be provided.

The ATO website contains examples of not-for-profit and dissolution clauses which not-for-profit organisations should have in their constituting documents and notes that a not-for-profit organisation is one that is not operating for the profit or gain of its individual members while it is operating and when it winds up. A not-for-profit organisation can make a profit provided it is used to carry out its purposes but the profit must not be distributed to owners, members or other people.

Applicants are required to demonstrate to the VRQA that they are financially viable and have sufficient financial resources to fulfill their objectives and responsibilities at initial approval, re-approval and throughout their period of approval. An SEO may be required to undertake a financial health assessment by the VRQA.

Other documentation required by the VRQA may include:

- a certificate of incorporation
- memorandum or articles of association
- certificate of insurance/public liability cover
- audited annual financial statements
- standard invoices.

**Schedule 1 clause 7: Privacy**

All applicants must provide evidence that they have in place appropriate policies and procedures to ensure the privacy rights of all parties are met.

Policies must comply with the obligations placed on applicants under the following Acts in respect to the collection, use, disclosure, storage and other matters concerning information on individuals:

- the **Privacy and Data Protection Act 2014** (applies to government schools)
- the **Privacy Amendment (Private Sector) Act 2000** (applies to non-government schools and non-school organisations)
- section 13 of the **Charter of Human Rights and Responsibilities Act 2006**.

SEOs should ensure, as a minimum, that they:

- obtain appropriate written consent for the publication or use of student images or information in any advertising or promotional material and clearly outline the intended use of the material
- in the recruitment of host families, do not provide personal information or photographs or images including likenesses of individual exchange students in any public or 'open' recruitment through advertising, websites, publications or displays accessible to the general public that would allow the student to be identified by social media
- provide only a photograph, first name and basic information about student interests (ie no surname, address or contact details) to prospective host families who have provided genuine identification in person, and have registered with the SEO or who have commenced the relevant SEO screening process including verifying identity with photo identification
- appropriately safeguard the access, use, storage and archiving of electronic and hard copies of all exchange student applications, files and documents containing student personal information
- retain and securely store details of host families and student placements
- provide exchange students and host families with information about the need for students to protect their personal privacy and the privacy of members of the host family, while participating in an exchange program, including advice regarding the appropriate use and the risks of the internet, social media such as Facebook and Twitter, internet chat rooms, Youtube diaries and weblogs.

**Schedule 1 clause 8: Insurance**

All applicants must provide evidence that they have insurance/s in place that will provide at least \$10 million cover per event for the applicant against liability for or arising from an injury to a person or damage to property during the period the applicant is approved to operate a SEP.

**Schedule 1 clause 9: Duty of care**

All applicants must provide evidence that they understand and have in place procedures and policies to meet their legal duty of care to both inbound and outbound students. The duty requires that they take reasonable measures to protect students against reasonably foreseeable risks and provide support for the social, emotional and physical wellbeing of the exchange student at all times during the period of exchange. The VRQA does not accept any responsibility for students while overseas on exchange or for overseas students enrolled in Victoria.

An SEO must immediately report any incident or allegation of actual or alleged sexual or physical abuse of an exchange student to both the relevant law enforcement agency and the VRQA. Failure to report such incidents to both the law enforcement agency and the VRQA shall be grounds for suspension or cancellation of an SEO's approval to provide an SEP.

An SEO must make a report under section 183 of the **Children, Youth and Families Act 2005** if they have reasonable grounds to believe that one of their students in Victoria (under 16 years of age) is in need of protection.

That section states: 'Any person who believes on reasonable grounds that a child is in need of protection may report to a protective intervener that belief and the reasonable grounds for it'.

An SEO must also ensure that, as a minimum, criminal record checks are undertaken for all its officers, employees or volunteers in direct personal contact with students, in accordance with statutory requirements overseas and in Victoria (where such checks are to be conducted under the **Working With Children Act 2005**).

SEOs will protect outbound exchange students through ensuring that they:

- notify the VRQA of the details of all outbound students prior to their departure from Australia, including as a minimum:
  - the student's full name
  - home address
  - date of birth
  - home school
  - destination country
  - destination school
  - destination host family address
  - departure and return dates
- register students with the Australian Department of Foreign Affairs and Trade Smart Traveller website prior to departure
- require outbound exchange students en route to the destination country to only travel with international airlines that provide full transfer facilities and have appropriate procedures in the event of flight delays or interruptions
- have up-to-date emergency contact information for airlines, Australian Embassies or High Commissions and other relevant agencies for all destination and transit countries
- arrange for parents of all inbound exchange students to receive confirmation of the student's safe arrival at the host family as soon as practicable
- arrange for all inbound exchange students to have a card, provided in advance of home country departure or immediately upon entry to Australia, which lists:
  - the exchange student's name
  - the host family's address, home telephone number and relevant mobile number
  - emergency contact details for the relevant SEO coordinator or SEO office
  - the VRQA's name and email address with a statement as follows:  
'[Name of SEO] is a student exchange organisation approved and quality assured in Victoria by the Victorian Registration and Qualification Authority (VRQA). Students can contact the VRQA at [vrqa.student.exchange@edumail.vic.gov.au](mailto:vrqa.student.exchange@edumail.vic.gov.au)'

- arrange for all outbound students to receive appropriate contact information regarding their host family and relevant SEO coordinator or contact person and that all students and their parents or legal guardians are advised in writing before departure from Australia:
  - that the organisation providing the exchange program is an approved SEO
  - the name of the VRQA
  - that students, or their parents or legal guardians, can contact the VRQA regarding the SEO at the VRQA's email address. (For example: 'ABC is a Student Exchange Organisation approved in Victoria by the Victorian Registration and Qualifications Authority (VRQA). Students or their parents or legal guardians can contact the VRQA at vrqa.student.exchange@edumail.vic.gov.au')

***Schedule 1 clause 10: Support for students and host families***

All applicants must demonstrate that local assistance is available to exchange students and host families. Such support must cover appropriate reception, orientation, accommodation, transport and emergency arrangements as well as providing support and counselling networks for exchange students, and must be independent of the host family. The VRQA requires that it be notified by schools if there is a concern with an SEO about any of these matters, either before a student commences, or during a placement.

***Schedule 1 clause 11: Selection of students***

All applicants must demonstrate that an appropriate screening process for the selection of inbound and outbound students occurs and that only students of appropriate maturity and with the potential to benefit from the experience are selected. All students must be of an age compatible with secondary schooling.

***Schedule 1 clause 12: Selection of host families***

All applicants must demonstrate that the following matters will be satisfied:

- an appropriate and thorough screening, selection and matching process for the selection of host families (including by conducting an in-person interview with all host family members over 18 residing in the home) and students. The matching process should have regard to: dietary requirements, smoking habits, allergies, medical conditions, accommodation, pets, alcohol consumption, religion, socio-economic status of the student and host family, the accommodation and study facilities available to the student, whether the student will be required to share a bedroom and, if so, with whom
- an appropriate monitoring process for the placement of students and selection of host families. The monitoring process should incorporate attention to and support for the social, emotional and physical wellbeing of the student and ensure and verify that the host family is capable of providing a safe, comfortable and nurturing home environment and understands and agrees to meet the financial obligations of hosting
- a satisfactory assessment notice under the **Working With Children Act 2005** has been issued in the past five years, or will be undertaken or issued before the SEP commences, of all members of the host family of or over 18 years for all inbound students
- a satisfactory criminal records check has been undertaken of all members of the host family of or over 18 years for all outbound students in those countries where criminal record checks are available

Note: Parents of the student and the student are to be informed as to whether a criminal record check has or will be undertaken, and whether the results of that check are satisfactory, or if no criminal record check is to be undertaken then the reasons why none is undertaken. In circumstances where criminal record checks are not available, an SEO must implement alternative vetting procedures approved by the VRQA



- a potential single adult host parent without a child in the home undergoes a secondary level review by an SEO representative other than the individual who recruited and screened the applicant. Such a secondary review should include demonstrated evidence of the individual's friends or family who can provide an additional support network for the exchange student and evidence of the individual's ties to his/her community. Both the exchange student and his or her parents/legal guardians must agree in writing of the student's placement with a single adult host parent without a child in the home.
- the parents of the student are informed in writing prior to the acceptance of the student in the SEP of the child protection laws operating in the host country for outbound students and in Victoria for inbound students
- the selection of host families will not involve any payment at all including board or a subsidy to the host family or to any other party as a condition of the student's placement. (For some special programs, some SEOs may provide a subsidy to host families with the approval of the VRQA. SEOs may provide a program discount to the family of an outbound exchange student if they undertake to host an inbound student, provided that:
  - family members of the outbound exchange student meet the National Guidelines and the SEO's requirements for host families;
  - the discount is a maximum of 10% of the cost of an outbound student program; and
  - the discount is paid as a rebate at the end of the inbound student's exchange program)
- the hosting of the student is voluntary and no contract binds a host family to continue hosting an exchange student in the event of difficulties arising
- prior to applying for AASES forms, sufficient numbers of host families are in place to accommodate inbound students (the VRQA may approve a request from an SEO for the placement of more than one inbound student to be accommodated with the same host family)
- prior to the student applying for his or her visa, sufficient numbers of host families are in place to accommodate outbound students
- SEOs must maintain, as a minimum, a monthly schedule of personal contact, face-to-face or by telephone, with all exchange students and host families
- no representative of the applicant will act both as a host family, coordinator or supervisor for a student, except in emergencies and with the approval of the VRQA.

***Schedule 1 clause 13: Resolution of problems***

All applicants must demonstrate that they have in place appropriate and adequate grievance procedures and resources within their own means to resolve potential problems and emergency situations, surrounding exchange students and their parents/guardians, host families and schools during the exchange. Grievance procedures must be publicly accessible either through the internet, or offered and made available to participants and parents or legal guardians.

The grievance procedures should provide for the movement of, or offer to move a student to another school or host family should the original school or host family placement not be satisfactory on reasonable grounds to the student or other party. When the original school is the SEO for the student, an unsuccessful placement would normally be resolved by the student returning home early.

SEOs may transfer students interstate only in exceptional circumstances. They must apply to the receiving state/ territory registration/approval authority for a new AASES form and not assume automatic approval. Reciprocity is to be calculated for the time the student spent in each state/ territory and the relevant duration is to be included in each respective state/territory's annual reciprocity report. The VRQA should be advised of any changes to a student's school or host family placement as soon as practicable.

**Schedule 1 clause 14: Orientation for students and host families**

All applicants must demonstrate that an orientation and preparation program, both prior to departure from the home country and after arrival in the host country, will be provided for exchange students and that there will be a corresponding program for host families. All applicants must ensure that outbound students understand the visa conditions of the host country.

**Schedule 1 clause 15: School liaison**

All applicants must demonstrate they will regularly monitor that:

- they can provide effective liaison with schools through an identified liaison officer and, for inbound students, this includes providing the school with host family and organisation contact details and providing information about the student, including copies of school and other reports as requested
- the student is attending secondary school full time and is not undertaking other significant studies
- the student abides by the conditions of his or her visa, including employment conditions
- the student's school attendance, performance, progress and behaviour are in accordance with the school's requirements and policy.

**Schedule 1 clause 16: Travel**

All applicants must demonstrate that they can provide appropriate support for students en route between their parent/guardian and host families, including all transport connection arrangements (whether by air, train, bus, taxi, car, etc).

Applicants must advise and recommend that both inbound and outbound exchange students consider taking out travel insurance to cover the following matters:

- non-medical cover:
  - lost luggage
  - theft of goods, money
  - cancelled flights
- disability cover:
  - loss of income due to injury or illness
  - death and disability lump sums.

**Schedule 1 clause 17: Health insurance**

All applicants must demonstrate that they will ensure that all outbound exchange students have adequate health insurance prior to departing from Victoria.

It is compulsory for all inbound exchange students to take out Overseas Student Health Cover (OSHC) as a condition of holding a student visa. OSHC must be paid for prior to the visa being issued and entitles the student to health services.

**Schedule 1 clause 18: Documentation**

Applicants must provide the VRQA with the current documentation used in promoting their exchange programs and in advising students, host families and program representatives of their exchange operations.

**Schedule 1 clause 19: Emergency management plan**

Applicants must provide the VRQA with an emergency management plan that covers procedures for the host family, the approved SEO and parents/guardians. This plan must include procedures that include all parties being alerted to, responded to and provided with support to inbound and outbound students:

- being arrested or detained by the police or other authorities, or having any criminal charges laid against him or her, or engaging in any criminal behaviour

- being informed of the death of a member of the immediate family such as a parent or sibling, or becoming seriously ill or pregnant
- threatening to harm him or herself or others, or being threatened with violence
- experiencing any other health, criminal or personal issue during the course of the exchange, or engaging in any behaviour or experiencing anything that may warrant medical assistance or personal or social support.

**Schedule 1 clause 20: Third party arrangements**

All applicants must provide the VRQA with the names of, and the following information of, all third party organisations used to support and deliver elements of their exchange program. Third party organisations are those that are not employees of the SEO, but are engaged directly by the SEO either under contract or under other less formal arrangements to provide any element of the exchange program, for example contractors employed by the SEO to meet students at airports. The information to be provided should include the type of arrangement made between the parties, a copy of the contracts, if any, information about the monitoring process and a periodic (annual or ongoing) evaluation of service delivery for both inbound and outbound students, which is to include post-program feedback on their services from students, parents and host families and implementing improvements in response to the evaluation outcomes.

Applicants must maintain up-to-date records of the above matters.

**5 Conditions applying to all approvals to operate a student exchange program**

5.1 Section 4.5A.2 of the ETR Act authorises the VRQA to impose conditions on an approval of a person, organisation or registered school to operate a SEP, and section 4.5A.6 authorises the VRQA to suspend or cancel an approval if the person, organisation or registered school breaches a condition.

5.2 All approvals to operate a SEP are subject to the following conditions:

- a the approved SEO complying with paragraphs 5.3 to 5.13 of these guidelines
- b the approved SEO complying with the information it provided in its application for approval (or any amendment thereto approved by the VRQA) in response to the following guidelines in paragraph 4.2:
  - Schedule 1 clause 5 – its organisational structure
  - Schedule 1 clause 6 – its revenue and expenditure, and financial viability and, in respect of non-school approved SEOs, also maintaining its not-for-profit status
  - Schedule 1 clause 7 – privacy obligations
  - Schedule 1 clause 8 – insurance/s
  - Schedule 1 clause 9 – duty of care to students
  - Schedule 1 clause 10 – level of support to students and host families
  - Schedule 1 clause 11 – screening process
  - Schedule 1 clause 12 – selection of host families
  - Schedule 1 clause 13 – resolution of problems
  - Schedule 1 clause 14 – orientation of students and host families
  - Schedule 1 clause 15 – school liaison
  - Schedule 1 clause 16 – support for students en route
  - Schedule 1 clause 17 – health insurance for students
  - Schedule 1 clause 19 – emergency management plan
  - Schedule 1 clause 20 – third party arrangements

- 5.3 Approved SEOs must send at least as many students from Victoria overseas as they host in Victoria, in full-year equivalent terms, on a rolling two-year basis. 'Reciprocity' is the term used herein to refer to this requirement.

The total length of time in months or part thereof that overseas students spend in Victoria must equal the total length of time in months or part thereof that Victorian students spend overseas over a two year period.

- 5.4 Each year, approved SEOs must submit to the VRQA information and statistics showing the number of overseas students that came into Victoria and the number of Victorian students that departed from Victoria under arrangements organised by the approved SEO:

- in respect of the previous two years or
- if the SEO has been approved for less than two years, then in respect of the period since the date of the approval.

- 5.5 The information required under paragraph 5.4 must be provided to the VRQA by 1 October of each year in which the SEO is approved or such later date in each such year, as approved by the VRQA.

- 5.6 The system of counting to assess reciprocity is based on the allocation of one point for each month of exchange, to be calculated from and including the beginning of the month of cessation of enrolment at the school until the end of the month of cessation of enrolment. For example:

Exchange organisation	Cumulative balance 2007	2008 sending (+)	2008 hosting (-)	2008 balance	Cumulative balance
A	-75 (deficiency in sending)	500	450	+50 (surplus in sending in 2008)	-25
B	+50 (surplus in sending).	500	450	+50 (surplus in sending in 2008)	+100
C	-50 (deficiency in sending)	450	500	-50 (deficiency in sending in 2008)	-100

- 5.7 An SEP must be for a minimum of 29 school days, during which students must attend school, for the period of the SEP to be included in any reciprocity calculations.

- 5.8 The sending of students overseas must occur prior to the commencement of hosting of students in Victoria, on an equivalent number of months basis.

- 5.9 Students who have completed school and will not be returning to school in Victoria and who undertake a student exchange are not eligible to be counted for reciprocity purposes.

- 5.10 For counting purposes:

- a students are counted from the beginning of the month of enrolment at the school until the end of the month of cessation of enrolment at the school
- b every month in the program will be counted as one, for example 5 June to 3 August will be counted as three months and earns three points (however an exchange that commences in a month of one year and concludes in the corresponding month in the next year will count as 12 points)
- c the total points for hosting and sending programs shall be compared without concern for the mix of short and long term programs.

- 5.11 Section 4.5A.4 of the ETR Act states that an approval continues in force for a period not exceeding six years as specified by the VRQA. This section applies to all bodies seeking the VRQA's approval.

Although SEOs will normally need to seek the VRQA's approval every six years, SEOs will also be required to cooperate with the VRQA in reviewing the SEO's documentation and performance at the end of three years.

- 5.12 An approved SEO must:
- a cooperate fully with the VRQA in investigating any complaint by an exchange student, his or her parent or guardian, the host family or other person concerning the approved SEO, or any matter which the VRQA decides to enquire into
  - b advise the VRQA within 14 days of any change to the particulars provided in Schedule 1
  - c ensure that any changes to the particulars provided in Schedule 1 comply with the requirements of the guidelines in paragraph 4.2
  - d advise the VRQA if it is placed under administration or goes into liquidation, or if he or she executes a personal insolvency agreement or deed of arrangement under Part X of the **Bankruptcy Act 1966**, or becomes a person whose creditors accept a composition under Part X of the **Bankruptcy Act 1966**, or becomes a person for whom a debt agreement is made under Part IX of the **Bankruptcy Act 1966**, or becomes a bankrupt within the meaning of the **Bankruptcy Act 1966**, or otherwise becomes insolvent
  - e arrange at least one student exchange every continuous three-year period.
- Note: Approved SEOs that have not arranged any student exchanges for a continuous period of three years or more may have their approval cancelled and may be required to reapply for registration in order to operate a SEP.
- 5.13 Approved SEOs must meet the requirements of the Victorian Child Safe Standards, and any other relevant Commonwealth or Victorian laws or regulations regarding child safety applicable to the provision of secondary student exchange programs.

## **6 Suspension and cancellation procedures**

- 6.1 Section 4.5A.6 of the ETR Act authorises the VRQA to suspend or cancel an SEO's approval, or to impose conditions on an approval, if the SEO breaches a condition of its approval.
- 6.2 Paragraph 5 contains the conditions of approval.
- 6.3 Apart from where an SEO requests that its approval be cancelled or suspended, or it fails to renew its approval, the VRQA would normally undertake the following procedures before exercising its powers under section 4.5A.6:
- a The SEO would be given notice in writing of the allegation, concern or other issue which the VRQA is investigating and given a reasonable opportunity to reply in writing to the matter. For serious matters, the SEO would normally be informed at this early stage that the VRQA has the powers referred to in paragraph 6.1 above.
  - b The time within which a response is requested will vary depending on whether enquiries need to be made overseas and the urgency of the matter.
  - c Further enquiries may need to be undertaken with the SEO and others. The SEO will be given the opportunity to comment on the results of any additional enquiries.
  - d After the enquiries have been completed, the SEO will be informed in writing whether the matter has been proved.
  - e If the VRQA considers the proved matter is of sufficient importance to consider suspending or cancelling the SEO's approval, or imposing conditions on its approval, the SEO will be given an opportunity to reply in writing whether its approval should be suspended or cancelled, or conditions imposed on its approval.

**7 Reviews by VCAT**

Section 4.8.1 of the ETR Act provides that unsuccessful applicants may apply to VCAT for a review of a decision not to approve or a decision to suspend or cancel an approval.

All enquiries regarding matters pertaining to overseas exchange students in Victorian schools should be addressed to:

Victorian Registration and Qualifications Authority

Address: GPO Box 2317 Phone: (03) 9637 2806

Email: [vrqa.student.exchange@edumail.vic.gov.au](mailto:vrqa.student.exchange@edumail.vic.gov.au)

Dated and signed on 2 December 2015 by Mike Perry, Acting Chair, VRQA Board

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**SCHEDULE 1**

Section 4.5A.3

**Education and Training Reform Act 2006**

**APPLICATION FOR APPROVAL OR RENEWAL OF APPROVAL TO OPERATE A STUDENT EXCHANGE PROGRAM**

(Persons completing this schedule should read paragraph 4.2 of the guidelines for further guidance).

Application for approval or renewal of approval must provide documents to demonstrate that the school or organisation meets all of the relevant guideline standards set out in 4.2 and restated in the application form of Schedule 1.

Documents provided to VRQA as evidence of compliance with a particular guideline standard can be either:

1. a link or reference to the relevant section of a detailed application or submission, or
2. an attached document or policy specific to that standard.

**1. Applicant details**

Insert the following details of the person, organisation or registered school for whom or which approval is being sought to operate a SEP. This person, organisation or registered school is referred to in this schedule as the applicant.

Legal Entity Name	
Trading Name	
ABN	
ACN	

**Principal or Principal Executive Officer (PEO)**

Please identify the person who has legal responsibility for the organisation or school:

Full Name of Principal/PEO	
Position	
Phone Number	
Email Address	

**Contact Person:**

Please identify the person nominated by the Principal or PEO, with direct access to the Principal or PEO, who is authorised to act on behalf of the organisation or school. This person will be the contact person for matters relating to this application for approval.

Full Name	
Position	
Phone Number	
Email Address	

**Address of Organisation or School:**

Street Address		
Suburb		
State		Post Code

Please tick if Postal Address is the same as the Street Address

**Postal Address:**

Postal Address		
Suburb		
State		Post Code
Primary Phone Number		
Other Phone Number		
Email Address		
Website		

**Names of Directors, National, Victorian Regional and Local Coordinators (non-school applicants)**

Please identify the persons involved in management of, or the national, Victorian regional or local coordination of the exchange organisation.

Full Name	
Position	
Phone Number	
Email Address	

Full Name	
Position	
Phone Number	
Email Address	

Full Name	
Position	
Phone Number	
Email Address	



*Please attach a separate list if additional fields are required.*

**Persons authorised to request AASES forms:**

Please identify the persons within your organisation authorised to request AASES forms.

Full Name	
Position	
Phone Number	
Email Address	

Full Name	
Position	
Phone Number	
Email Address	



*Please attach a separate list if additional fields are required.*

**Partner Organisations or Schools:**


Please provide details of the overseas partners or schools involved in the outbound provision of your programs:

Name of Organisation/School	
Contact Person	
Email Address	
Website	



Name of Organisation/School	
Contact Person	
Email Address	
Website	

Name of Organisation/School	
Contact Person	
Email Address	
Website	

 Please attach a separate list if additional fields are required.

## 2. Signatory's details

Insert the following details of the person signing this application:

Full name	
Address	
Phone	
Email	


## 3. Background history and structure of the applicant

Non-school applicants must provide an outline of the background, history, management and structure of the applicant, including relationships with other agencies in relation to student exchanges and other related programs, in sufficient detail to demonstrate the applicant's suitability to operate a SEP and to act in the best interests of students undertaking the SEP.

School applicants must provide a brief outline of the background, history and structure of the school including any sister school relationships or relationships with other agencies.

In determining whether to approve or reapprove an applicant, the VRQA may have regard to whether the applicant or any person involved in its management or co-ordination:

- has ever had their approval/registration suspended/ cancelled by a state/territory authority responsible for approving/registering applicants as SEOs in Australia
- has ever had conditions imposed on their approval/ registration by a state/territory authority responsible for approving/registering applicants as SEOs in Australia
- has ever been convicted of an indictable offence
- has ever become bankrupt
- has ever been disqualified from managing corporations under the Corporations Act
- was involved in the management of, or provision of a SEP at the time that any of the above events occurred.
- Applicants and approved SEOs must notify the VRQA of any change in ownership, control, management or operation of the organisation as soon as practical and, in any event, within 28 days of such change occurring.

 Attach relevant documents to demonstrate compliance with this standard

#### 4. Purpose of student exchange

All applicants must demonstrate that the principal purpose of their SEP is to provide a broad educational experience for students and to further international/ intercultural understanding.



*Attach relevant documents to demonstrate compliance with this standard*

#### 5. Administration and decision making

Non-school applicants must provide evidence that:

- the applicant has an organisational structure in Victoria and overseas that is effective and appropriate for the size of the SEP and has access to communication with parents, schools, students and officers of the VRQA
- the organisational structure referred to above includes:
  - demonstrated local support structures for students and families in Victoria
  - demonstrated system of policies and procedures for handling issues that arise
  - demonstrated package of training and resource materials for volunteers
  - demonstrated availability of 24-hour, 7-days-a-week phone accessibility.

Where an SEO organisational structure includes local SEO coordinators, the SEO must:

- provide registration authorities with the name, residential address and contact telephone numbers for all local SEO coordinators in Victoria
- provide each exchange student with a local SEO coordinator residing within 200km of the student's host family residence.

School applicants are required to show evidence of an organisational structure within Victoria and overseas that can provide support for a SEP and that has access to communication with parents, students and officers of the VRQA.

All applicants must demonstrate that they provide training for local SEO coordinators and SEO support staff that specifically includes, as a minimum, instruction in:

- conflict resolution
- procedures for handling and reporting emergency situations
- awareness or knowledge of child safety standards
- information on sexual conduct codes
- procedures for handling and reporting allegations of sexual misconduct or any other allegations of abuse or neglect
- the criteria to be used to screen potential host families and exercise good judgement when identifying what constitutes suitable host family placements; and
- the NCCISSE Guidelines and any relevant state/territory requirements.

All applicants must ensure that, as a minimum, a satisfactory assessment notice under the **Working with Children Act 2005** has been issued in the past 5 years for all its officers, employees or volunteers in direct personal contact with students or with access to students' personal records or information (unless that person holds current registration with the Victorian Institute of Teaching).

All applicants must ensure all their in-bound students entering Australia on programs advertised as 'student exchange' enter on Subclass 571 Student Visas issued via AASES forms.

Exchange organisations providing other visit or cultural programs for young people where participants enter Australia on visitor visas must:

- not promote or refer to such programs as 'student exchange' programs in any way, or
- make explicitly clear to participants and parents that any such programs are not 'student exchange programs provided under the National or VRQA Guidelines for Student Exchange' and are not quality assured by the VRQA.



*Attach relevant documents to demonstrate compliance with this standard*

## 6. Not-for-profit status and financial viability

Non-school applicants must provide evidence of:

- not-for-profit status (as explained at the Australian Taxation Office (ATO) website at [www.ato.gov.au](http://www.ato.gov.au))
- a letter from a chartered accountant, member of the National Institute of Accountants or certified practising accountant stating that the applicant is financially viable, or a copy of the most recent auditor's report in the case of companies limited by guarantee.

This documentation must also demonstrate that students' costs are reasonable and show revenue is expended entirely for the benefit of the SEP. Details of what is included in the participation fee and what is optional must also be provided.

School applicants must provide evidence that exchange programs are not run for profit (and continue to be not for profit) and provide documentation of financial and other resources they are prepared to commit to the SEP. This documentation must also demonstrate that student costs are reasonable and that revenue is expended entirely for the benefit of the SEP. Details of what is included in the participation fee and what is optional must also be provided.

The ATO website contains examples of not-for-profit and dissolution clauses which not-for-profit organisations should have in their constituting documents and notes that a not-for-profit organisation is one that is not operating for the profit or gain of its individual members while it is operating and when it winds up. A not-for-profit organisation can make a profit provided it is used to carry out its purposes but the profit must not be distributed to owners, members or other people.

Applicants are required to demonstrate to the VRQA that they are financially viable and have sufficient financial resources to fulfill their objectives and responsibilities at initial approval, re-approval and throughout their period of approval. An SEO may be required to undertake a financial health assessment by the VRQA.

Other documentation required by the VRQA may include:

- a certificate of incorporation
- memorandum or articles of association
- certificate of insurance/public liability cover
- audited annual financial statements
- standard invoices.



*Attach relevant documents to demonstrate compliance with this standard*

## 7. Privacy

All applicants must provide evidence that they have in place appropriate policies and procedures to ensure the privacy rights of all parties are met.

Policies must comply with the obligations placed on applicants under the following Acts in respect to the collection, use, disclosure, storage and other matters concerning information on individuals:

- the **Privacy and Data Protection Act 2014** (applies to government schools)
- the **Privacy Amendment (Private Sector) Act 2000** (applies to non-government schools and non-school organisations)
- section 13 of the **Charter of Human Rights and Responsibilities Act 2006**.

SEOs should ensure, as a minimum, that they:

- obtain appropriate written consent for the publication or use of student images or information in any advertising or promotional material and clearly outline the intended use of the material
- in the recruitment of host families, do not provide personal information or photographs or images including likenesses of individual exchange students in any public or 'open' recruitment through advertising, websites, publications or displays accessible to the general public that would allow the student to be identified by social media

- provide only a photograph, first name and basic information about student interests (ie no surname, address or contact details) to prospective host families who have provided genuine identification in person, and have registered with the SEO or who have commenced the relevant SEO screening process including verifying identity with photo identification
- appropriately safeguard the access, use, storage and archiving of electronic and hard copies of all exchange student applications, files and documents containing student personal information
- retain and securely store details of host families and student placements
- provide exchange students and host families with information about the need for students to protect their personal privacy and the privacy of members of the host family, while participating in an exchange program, including advice regarding the appropriate use and the risks of the internet, social media such as Facebook and Twitter, internet chat rooms, Youtube diaries and weblogs.



*Attach relevant documents to demonstrate compliance with this standard*

### 8. Insurance

All applicants must provide evidence that they have insurance/s in place that will provide at least \$10 million cover per event for the applicant against liability for or arising from an injury to a person or damage to property during the period the applicant is approved to operate a SEP.



*Attach relevant documents to demonstrate compliance with this standard*

### 9. Duty of care

All applicants must provide evidence that they understand and have in place procedures and policies to meet their legal duty of care to both inbound and outbound students. The duty requires that they take reasonable measures to protect students against reasonably foreseeable risks and provide support for the social, emotional and physical wellbeing of the exchange student at all times during the period of exchange. The VRQA does not accept any responsibility for students while overseas on exchange or for overseas students enrolled in Victoria.

An SEO must immediately report any incident or allegation of actual or alleged sexual or physical abuse of an exchange student to both the relevant law enforcement agency and the VRQA. Failure to report such incidents to both the law enforcement agency and the VRQA shall be grounds for suspension or cancellation of an SEO's approval to provide an SEP.

An SEO must make a report under section 183 of the **Children, Youth and Families Act 2005** if they have reasonable grounds to believe that one of their students in Victoria (under 16 years of age) is in need of protection.

That section states: 'Any person who believes on reasonable grounds that a child is in need of protection may report to a protective intervener that belief and the reasonable grounds for it'.

An SEO must also ensure that, as a minimum, criminal record checks are undertaken for all its officers, employees or volunteers in direct personal contact with students, in accordance with statutory requirements overseas and in Victoria (where such checks are to be conducted under the **Working With Children Act 2005**).

SEOs will protect outbound exchange students through ensuring that they:

- notify the VRQA of the details of all outbound students prior to their departure from Australia, including as a minimum:
  - the student's full name
  - home address
  - date of birth
  - home school
  - destination country

- destination school
- destination host family address
- departure and return dates
- register students with the Australian Department of Foreign Affairs and Trade Smart Traveller website prior to departure
- require outbound exchange students en route to the destination country to only travel with international airlines that provide full transfer facilities and have appropriate procedures in the event of flight delays or interruptions
- have up-to-date emergency contact information for airlines, Australian Embassies or High Commissions and other relevant agencies for all destination and transit countries
- arrange for parents of all inbound exchange students to receive confirmation of the student's safe arrival at the host family as soon as practicable
- arrange for all inbound exchange students to have a card, provided in advance of home country departure or immediately upon entry to Australia, which lists:
  - the exchange student's name
  - the host family's address, home telephone number and relevant mobile number
  - emergency contact details for the relevant SEO coordinator or SEO office
  - the VRQA's name and email address with a statement as follows:
  - '[Name of SEO] is a student exchange organisation approved and quality assured in Victoria by the Victorian Registration and Qualification Authority (VRQA). Students can contact the VRQA at [vrqa.student.exchange@edumail.vic.gov.au](mailto:vrqa.student.exchange@edumail.vic.gov.au)'
- arrange for all outbound students to receive appropriate contact information regarding their host family and relevant SEO coordinator or contact person and that all students and their parents or legal guardians are advised in writing before departure from Australia:
  - that the organisation providing the exchange program is an approved SEO
  - the name of the VRQA
  - that students, or their parents or legal guardians, can contact the VRQA regarding the SEO at the VRQA's email address. (For example: 'ABC is a Student Exchange Organisation approved in Victoria by the Victorian Registration and Qualifications Authority (VRQA). Students or their parents or legal guardians can contact the VRQA at [vrqa.student.exchange@edumail.vic.gov.au](mailto:vrqa.student.exchange@edumail.vic.gov.au)').



*Attach relevant documents to demonstrate compliance with this standard*

#### **10. Support for students and families**

All applicants must demonstrate that local assistance is available to exchange students and host families. Such support must cover appropriate reception, orientation, accommodation, transport and emergency arrangements as well as providing support and counselling networks for exchange students, and must be independent of the host family. The VRQA requires that it be notified by schools if there is a concern with an SEO about any of these matters, either before a student commences, or during a placement.



*Attach relevant documents to demonstrate compliance with this standard*

#### **11. Selection of students — inbound and outbound**

All applicants must demonstrate that an appropriate screening process for the selection of inbound and outbound students occurs and that only students of appropriate maturity and with the potential to benefit from the experience are selected. All students must be of an age compatible with secondary schooling.



*Attach relevant documents to demonstrate compliance with this standard*

## 12. Selection of host families

All applicants must demonstrate that the following matters will be satisfied:

- an appropriate and thorough screening, selection and matching process for the selection of host families (including by conducting an in-person interview with all host family members over 18 residing in the home) and students. The matching process should have regard to: dietary requirements, smoking habits, allergies, medical conditions, accommodation, pets, alcohol consumption, religion, socio-economic status of the student and host family, the accommodation and study facilities available to the student, whether the student will be required to share a bedroom and, if so, with whom
- an appropriate monitoring process for the placement of students and selection of host families. The monitoring process should incorporate attention to and support for the social, emotional and physical wellbeing of the student and ensure and verify that the host family is capable of providing a safe, comfortable and nurturing home environment and understands and agrees to meet the financial obligations of hosting
- a satisfactory assessment notice under the **Working With Children Act 2005** has been issued in the past five years, or will be undertaken or issued before the SEP commences, of all members of the host family of or over 18 years for all inbound students
- a satisfactory criminal records check has been undertaken of all members of the host family of or over 18 years for all outbound students in those countries where criminal record checks are available

Note: Parents of the student and the student are to be informed as to whether a criminal record check has or will be undertaken, and whether the results of that check are satisfactory, or if no criminal record check is to be undertaken then the reasons why none is undertaken. In circumstances where criminal record checks are not available, an SEO must implement alternative vetting procedures approved by the VRQA

- a potential single adult host parent without a child in the home undergoes a secondary level review by an SEO representative other than the individual who recruited and screened the applicant. Such a secondary review should include demonstrated evidence of the individual's friends or family who can provide an additional support network for the exchange student and evidence of the individual's ties to his/her community. Both the exchange student and his or her parents/legal guardians must agree in writing of the student's placement with a single adult host parent without a child in the home.
- the parents of the student are informed in writing prior to the acceptance of the student in the SEP of the child protection laws operating in the host country for outbound students and in Victoria for inbound students
- the selection of host families will not involve any payment at all including board or a subsidy to the host family or to any other party as a condition of the student's placement. (For some special programs, some SEOs may provide a subsidy to host families with the approval of the VRQA. SEOs may provide a program discount to the family of an outbound exchange student if they undertake to host an inbound student, provided that:
  - family members of the outbound exchange student meet the National Guidelines and the SEO's requirements for host families;
  - the discount is a maximum of 10% of the cost of an outbound student program; and
  - the discount is paid as a rebate at the end of the inbound student's exchange program)
- the hosting of the student is voluntary and no contract binds a host family to continue hosting an exchange student in the event of difficulties arising
- prior to applying for AASES forms, sufficient numbers of host families are in place to accommodate inbound students (the VRQA may approve a request from an SEO for the placement of more than one inbound student to be accommodated with the same host family)

- prior to the student applying for his or her visa, sufficient numbers of host families are in place to accommodate outbound students
- SEOs must maintain, as a minimum, a monthly schedule of personal contact, face-to-face or by telephone, with all exchange students and host families
- no representative of the applicant will act both as a host family, coordinator or supervisor for a student, except in emergencies and with the approval of the VRQA.



*Attach relevant documents to demonstrate compliance with this standard*

### **13. Resolution of problems**

All applicants must demonstrate that they have in place appropriate and adequate grievance procedures and resources within their own means to resolve potential problems and emergency situations, surrounding exchange students and their parents/guardians, host families and schools during the exchange. Grievance procedures must be publicly accessible either through the internet, or offered and made available to participants and parents or legal guardians.

The grievance procedures should provide for the movement of, or offer to move a student to another school or host family should the original school or host family placement not be satisfactory on reasonable grounds to the student or other party. When the original school is the SEO for the student, an unsuccessful placement would normally be resolved by the student returning home early.

SEOs may transfer students interstate only in exceptional circumstances. They must apply to the receiving state/ territory registration/approval authority for a new AASES form and not assume automatic approval. Reciprocity is to be calculated for the time the student spent in each state/ territory and the relevant duration is to be included in each respective state/territory's annual reciprocity report. The VRQA should be advised of any changes to a student's school or host family placement as soon as practicable.



*Attach relevant documents to demonstrate compliance with this standard*

### **14. Orientation for students and host families**

All applicants must demonstrate that an orientation and preparation program, both prior to departure from the home country and after arrival in the host country, will be provided for exchange students and that there will be a corresponding program for host families. All applicants must ensure that outbound students understand the visa conditions of the host country.



*Attach relevant documents to demonstrate compliance with this standard*

### **15. School liaison**

All applicants must demonstrate they will regularly monitor that:

- they can provide effective liaison with schools through an identified liaison officer and, for inbound students, this includes providing the school with host family and organisation contact details and providing information about the student, including copies of school and other reports as requested
- the student is attending secondary school full time and is not undertaking other significant studies
- the student abides by the conditions of his or her visa, including employment conditions
- the student's school attendance, performance, progress and behaviour are in accordance with the school's requirements and policy.



*Attach relevant documents to demonstrate compliance with this standard*

### **16. Travel**

All applicants must demonstrate that they can provide appropriate support for students en route between their parent/guardian and host families, including all transport connection arrangements (whether by air, train, bus, taxi, car, etc).

Applicants must advise and recommend that both inbound and outbound exchange students consider taking out travel insurance to cover the following matters:

- non-medical cover:
  - lost luggage
  - theft of goods, money
  - cancelled flights
- disability cover:
  - loss of income due to injury or illness
  - death and disability lump sums.



*Attach relevant documents to demonstrate compliance with this standard*

### **17. Health insurance**

All applicants must demonstrate that they will ensure that all outbound exchange students have adequate health insurance prior to departing from Victoria.

It is compulsory for all inbound exchange students to take out Overseas Student Health Cover (OSHC) as a condition of holding a student visa. OSHC must be paid for prior to the visa being issued and entitles the student to health services.



*Attach relevant documents to demonstrate compliance with this standard*

### **18. Documentation**

Applicants must provide the VRQA with the current documentation used in promoting their exchange programs and in advising students, host families and program representatives of their exchange operations.



*Attach relevant documents to demonstrate compliance with this standard*

### **19. Emergency management plan**

Applicants must provide the VRQA with an emergency management plan that covers procedures for the host family, the approved SEO and parents/guardians. This plan must include procedures that include all parties being alerted to, responded to and provided with support to inbound and outbound students:

- being arrested or detained by the police or other authorities, or having any criminal charges laid against him or her, or engaging in any criminal behaviour
- being informed of the death of a member of the immediate family such as a parent or sibling, or becoming seriously ill or pregnant
- threatening to harm him or herself or others, or being threatened with violence
- experiencing any other health, criminal or personal issue during the course of the exchange, or engaging in any behaviour or experiencing anything that may warrant medical assistance or personal or social support.



*Attach relevant documents to demonstrate compliance with this standard*

### **20. Third party arrangements**

All applicants must provide the VRQA with the names of, and the following information of, all third party organisations used to support and deliver elements of their exchange program. Third party organisations are those that are not employees of the SEO, but are engaged directly by the SEO either under contract or under other less formal arrangements to provide any element of the exchange program, for example contractors employed by the SEO to meet students at airports. The information to be provided should include the type of arrangement made between the parties, a copy of the contracts, if any, information about the monitoring process and a periodic (annual or ongoing) evaluation of service delivery for both inbound and outbound students, which is to include



post-program feedback on their services from students, parents and host families and implementing improvements in response to the evaluation outcomes.

Applicants must maintain up-to-date records of the above matters.



*Attach relevant documents to demonstrate compliance with this standard*

**21. Signatory's authority**



*If the person named in section 2 of this application form is applying for approval on behalf of an organisation or registered school, state how, or attach a statement showing that you have been authorised to apply on behalf of the school or organisation.*

Signed by the person named in section 2

*Signature:*

Witnessed by (a person of or over 18 years of age)

*Signature:*

*Print name:*

*Date:*

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**Education and Training Reform Act 2006**

**NOTICE OF GUIDELINE FOR THE ASSESSMENT OF THE FINANCIAL CAPABILITIES  
OF REGISTERED NON-GOVERNMENT SCHOOLS**

Section 4.3.1A of the Act authorises the Authority to monitor, or conduct an assessment of, the financial capabilities of a non-Government school registered under Division 1 of Part 4.3 of the Act.

Subsection 4.3.8A(1)(b) of the Act authorises the Authority to issue guidelines relating to the monitoring and conducting of assessments of the financial capabilities of non-Government schools registered under Division 1 of Part 4.3 of the Act.

Section 4.3.8A(5) of the Act provides that the Authority must publish any guidelines issued under this section as soon as practicable in the Government Gazette.

This guideline applies to all non-Government schools which are not the subject of a Memorandum of Understanding with a School Review Body containing existing arrangements to ensure compliance with the prescribed Minimum Standards and Other Requirements for School Registration.

The guideline is effective from 2 December 2015.

Dated 14 December 2015

LYNN GLOVER  
Director

Victorian Registration and Qualifications Authority

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## VRQA GUIDELINE – SCHOOL FINANCIAL CAPABILITY ASSESSMENT

**Commencement**

This Guideline is effective from 2 December 2015.

**Who does it apply to?**

This guideline applies to all non-Government schools which are not the subject of a Memorandum of Understanding (MoU) with a School Review Body containing existing arrangements to ensure compliance with the prescribed Minimum Standards and Other Requirements for School Registration.

**Authority**

This Guideline is issued pursuant to section 4.3.8A(1) of the **Education and Training Reform Act 2006**.

**Summary of relevant legislation**

The relevant provisions of the **Education and Training Reform Amendment (Miscellaneous) Act 2015** (the Amending Act) received Royal Assent on 8 September 2015 and commenced on 1 December 2015.

The Amending Act provides for strengthened regulation of registered schools by empowering the VRQA to monitor and assess the financial capabilities of non-Government schools and to take action to protect the interests of students as consumers if financial viability issues arise. These provisions do not apply to Government schools as they have to comply with reporting and governance requirements imposed by the Department of Education and Training. Specifically, the Amending Act empowers the VRQA to –

- conduct periodic financial capability assessments of non-Government schools and take action to protect the interests of students attending at risk schools;
- suspend or cancel the registration of schools which close or cease to operate, or in circumstances where the school's proprietor becomes bankrupt or insolvent; and
- conduct a targeted review of the financial capability of a non-Government school where the VRQA has concerns about the school's financial viability.

Additional powers include being able to:

- report to parents of students attending at-risk schools; and
- impose registration conditions with respect to establishing protection schemes for student fees either in accordance with a Ministerial Order or by agreement through an enforceable undertaking.

The Amending Act outlines the requirements for the VRQA to provide notice to an affected registered school about any proposed action and provides the school with an opportunity to make written submissions as to why proposed action should not be taken.

**Relationship to legislation and Minimum Standards and Other Requirements for School Registration**

The applicable legislation for school registration is the **Education and Training Reform Act 2006** (the Principal Act) and the Education and Training Reform Regulations 2007 (the Regulations). The Principal Act provides principles on which school education in Victoria is to be based, including requirements regarding the governance of a school. In particular, the governance of a school must be structured to enable the effective development of the strategic direction of the school, effective management of the school's finances and fulfilment of its legal obligations (Minimum standards for registration of schools, Regulations, Schedule 2).

The provisions in relation to school financial capability assessment strengthen these requirements and provide greater protection of the interests of students as consumers. In practice, the VRQA has in place a number of regulatory tools to monitor the financial capability of schools.

Further details about the minimum standards and other requirements can be found in the VRQA *Guide to the minimum standards and other requirements for school registration*, published on the VRQA website ([www.vrqa.vic.gov.au](http://www.vrqa.vic.gov.au)).

### **The VRQA's approach to regulation**

The VRQA adopts a risk-based approach to regulation. Consistent with this approach, the VRQA will:

- assess the risks of non-compliance with minimum standards;
- improve its capability to anticipate and detect early warning signs that a provider's performance is declining or failing to improve;
- intervene consistently, using graduated responses to address non-performance, preferably through early interventions; and
- reduce the compliance burden for particular standards and providers where they demonstrate ongoing and consistent high-quality performance.

The VRQA has also adopted the following principles of good regulatory practice to ensure that its processes and decisions are:

*transparent* – relevant information, other than private and commercial-in-confidence information, is available to providers

*proportional* – processes, incentives and penalties are proportional to the consequences of a particular risk

*consistent and predictable* – processes and decisions about any particular matter should be sufficiently consistent as to be predictable to providers

*sector neutral* – all providers should be held to the same standards, within and across sectors, while respecting the diversity of providers and not taking a one-size-fits-all approach

*efficient and agile* – processes deliver maximum public benefit for minimum resources, allow for flexible, case-specific responses, and result in prompt decisions.

### **Information sharing arrangements**

Under section 4.9.4 of the Principal Act, the VRQA may disclose information with a range of organisations, including the Victorian Department of Education and Training and the Commonwealth Department of Education and Training. The VRQA can also ask for information from these organisations to assist the VRQA in determining whether or not a school complies with the Minimum Standards and Other Requirements for School Registration.

The VRQA has engaged a panel contract of providers to undertake financial assessments on its behalf. Information shared under these arrangements is governed by confidentiality agreements.

The VRQA and the recipient entities are subject to the **Privacy and Data Protection Act 2014** (Vic.) or the **Privacy Act 1988** (Cwth).

### **Policy intent**

The intent of the relevant legislation is to strengthen school governance and financial management, and reduce adverse outcomes for school communities by enhancing the powers of the VRQA to protect the interests of students and parents as consumers.

### **Evidence guide**

Consumer protection is strengthened when a school has in place strong governance and financial management, underpinned by arrangements where the governing body prepares and updates its business plan and annual budget, and monitors its financial position. Such monitoring should cover income and expenditure, balance sheet, cash flow and debtors and creditors, to be considered at each meeting of the governing body or relevant school subcommittee.

### **Not all schools will need to provide information about their financial capabilities**

The VRQA will contact a school individually and will request information in writing. The following is an indicative list of information which might be requested. Wherever possible, the VRQA will ask for information that is, or should be, readily available in a school.

*Requirements for existing registered schools*

Schools scheduled for a school review in any year will be asked to complete a Self-assessment Tool. This Tool is available on the VRQA website ([www.vrqa.vic.gov.au](http://www.vrqa.vic.gov.au)). The Tool includes an opportunity for schools to provide responses regarding their financial management.

If the VRQA requires further information about a school's financial capabilities and a review is not already open, the VRQA will open a specific or general review of the school, consistent with the VRQA's Provider Risk Framework (available via <http://www.vrqa.vic.gov.au>). More details about these processes are set out below.

*Staged approach*

Depending on the level of perceived risk, the VRQA will adopt a graduated approach as described below:

**Stage 1** – Examples of financial information requested at this stage could include: the most recent audited financial statements (income and expenditure, balance sheet, changes in equity and cash flows), details of any related party transactions, the most recent unaudited financial statements (if these are available for a more recent financial year period) and most recent month end financial position. The actual evidence sought will depend on the issues identified by the VRQA as requiring further clarification at the individual school.

*Note:* the VRQA may ask the Commonwealth Department of Education and Training for a copy of the school's most recent Financial Questionnaire analysis report.

**Stage 2** – Examples of the more detailed financial information requested at this stage could include: monthly cash flows and income and expenditure statements for the preceding 12 months and projections for each of the next 12 months. Minutes of governing body/finance subcommittee meetings for the preceding 12 months and annual enrolment and cash flow projections for each of the next 5 years might also be requested. The actual evidence sought will depend on the issues identified by the VRQA as requiring further clarification at the individual school.

**Stage 3** – Involves requiring a school at high risk of financial failure to complete a more detailed financial questionnaire (Schedule). The Schedule is available on the VRQA website. Completing this Schedule involves compiling existing documents, completing associated paperwork, and obtaining internal review and approval (sign-off by the Chair of the governing body). The VRQA then asks one of its panel contractors to prepare a draft financial viability assessment report. This may involve either a desktop review or a more detailed investigative review with a site visit, depending on the identified risks. The VRQA will notify the school in writing whether a desktop review or site visit will take place. The school then has an opportunity to provide 'management' comments before the report is finalised and provided by the panel contractor to the VRQA for review.

**Administrative arrangements**

The VRQA may become aware of concerns about the financial capability of a school as a result of information provided by either the Victorian or Commonwealth Department of Education and Training, a parent or staff member, or through an open review.

Before seeking information from a school about its financial capability, the VRQA is required to open either a specific or a general review, if one is not already open. A review typically involves the following steps:

1. The VRQA notifies the school that it is opening a review and provides details of the reason, whether there will be a site visit, timelines for submitting information and other procedural information.
2. The VRQA reviews the submitted information and/or the report of the site visit and provides the school with advice as to the proposed action, the grounds for the proposed action, an opportunity to make a submission and the proposed next steps in the process, including timelines. The school is also invited to meet with the VRQA to discuss the finding of the review. In some situations the school may also make a submission to the Minister for Education.

3. The VRQA reviews the school's submission and provides the school with a notice of decision, the reasons for the decision and the next steps in the process, including timelines. Again, the school is invited to meet with the VRQA to discuss the decision. The school is also advised of its right to apply to the Victorian Civil and Administrative Tribunal for a review of the decision.

The VRQA may take any of the following actions following a review:

- Impose conditions on the registration of a school for the whole or any part of the period of registration
- Impose interim conditions on a school prior to a review being completed
- Prohibit the school from enrolling any new students
- Require the school to report any non-compliance to parents
- If a school is assessed by the VRQA as being financially unviable or at risk of becoming financially unviable, the VRQA may:
  - report to parents of students at the school on the result of the financial assessment, including the areas in which the school is no longer financially viable; and/or
  - in accordance with any Ministerial Order, impose a condition of registration on the school to put in place a protection scheme for fees that have been paid or are to be paid to the school
- Accept an enforceable undertaking from a school that is the subject of a review, which might include setting up a trust fund for the protection of prepaid student fees (see the VRQA Enforceable Undertaking Policy on the VRQA website for more information)
- Suspend or cancel the school's registration.

The VRQA may substitute an action (other than the cancellation of registration) with another action that is less onerous if it considers that the school has partially complied with the requirements of the original action and the substituted action is sufficient to ensure that the school will comply with the prescribed Minimum Standards and Other Requirements for School Registration.

#### **Information and capacity building**

The VRQA provides information about school financial management on its website ([www.vrqa.vic.gov.au](http://www.vrqa.vic.gov.au)). A copy of the Financial Management for Independent Schools booklet for independent schools operating in Victoria can also be downloaded from the website.

Each year, the VRQA also conducts information sessions for independent schools scheduled for a school review and a separate briefing session specifically on school financial management. Information about these sessions is available through VRQA e-news and on the VRQA website.

Independent school principals and governing bodies are also encouraged to participate in relevant professional development programs conducted by Independent Schools Victoria.

#### **Program evaluation**

It is anticipated that a formal evaluation of the arrangements for financial capability assessments will be undertaken after two years of operation.

#### **Further information**

Further information about the operation of this Guideline is available on the VRQA website. If you have any questions, you can email or telephone the VRQA.

Dated and signed 2 December 2015 by Mike Perry, Acting Chair, VRQA Board

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**Education and Training Reform Act 2006**  
NOTICE OF GUIDELINES FOR PROVIDERS OF  
VOCATIONAL EDUCATION AND TRAINING

On 19 November 2015, the Minister for Training and Skills directed the Authority to issue these guidelines implementing the requirements described in the *Standards for Registered Training Organisations 2015* and the *Standards for VET Regulators 2015* made under the **National Vocational Education and Training Regulator Act 2011** (Cth) (the national standards). The purpose of this Ministerial Direction – Standards for Registered Training Organisations (Instrument No. MD146) was to ensure that all providers of vocational education and training (VET) in Australia meet substantially the same regulatory standards by supplementing the requirements of the Australian Quality Training Framework with the national standards.

Section 4.3.18A(1) of the Act authorises the Authority to issue guidelines relating to the criteria for registration of vocational education and training (VET) organisations under Division 4 of Part 4.3 of the Act.

The guidelines will apply to all VET organisations applying for registration from 1 January 2016 and to all VET organisations registered before 1 January 2016, from 1 April 2016.

Dated 14 December 2015

LYNN GLOVER  
Director

Victorian Registration and Qualifications Authority

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## VRQA GUIDELINES FOR VET PROVIDERS

**Authority**

The VRQA Guidelines for VET Providers (the Guidelines) are issued under section 4.3.18A of the **Education and Training Reform Act 2006** (the Act) in response to the Ministerial Direction – Standards for Registered Training Organisations (Instrument No. MD146).

**Commencement**

A person or organisation applying to register as a new RTO will be required to comply with these Guidelines from 1 January 2016.

All RTOs registered before 1 January 2016, will be required to comply with these guidelines from 1 April 2016.

**Purpose**

The purpose of the Guidelines is to provide all providers of vocational education and training (VET) regulated by the VRQA with one document that outlines key requirements for registration with the VRQA.

The Guidelines align Victoria's regulatory settings to the national *Standards for Registered Training Organisations 2015*, to ensure quality of training and assessment services and provide for a nationally consistent approach to VET regulation.

The Guidelines supersede all previous VRQA guidelines for VET providers and have been developed with reference to the relevant regulatory standards for Registered Training Organisations (RTOs) in Victoria, set out in the following documents:

- Australian Quality Training Framework (including both the AQTF Essential Conditions and Standards for Initial and Continuing Registration)
- Standards for Registered Training Organisations 2015
- Standards for VET Regulators 2015

The Guidelines are divided into the following five parts:

- Guideline 1: Governance, financial viability and management systems
- Guideline 2: Transparency and oversight of third parties
- Guideline 3: Trainer and assessor qualifications
- Guideline 4: Delivery of training and assessment services
- Guideline 5: Annual declaration of compliance

**GUIDELINE 1: GOVERNANCE, FINANCIAL VIABILITY AND MANAGEMENT SYSTEMS**

This Guideline has been designed to ensure that students can be confident that only VET providers that have appropriate educational governance arrangements and demonstrated management capacity have been registered to provide VET services.

- 1.1 An RTO must ensure that it has a current strategic plan and a detailed business plan which have been approved by its governing body.
- a) The strategic plan must detail the overall vision, mission, board of directors and strategic directions of the RTO and clearly indicate that provision of vocational education is a primary purpose of the RTO.
  - b) The business plan must detail the operational and workforce development arrangements for a three year period that incorporates:
    - i. description of the business including an organisation chart, courses, location(s) and facilities
    - ii. a continuous improvement plan or risk management strategy
    - iii. a work force development plan



- iv. strategic alliances with other education or service providers or third party arrangements
  - v. training and assessment delivery including proposed facilities and delivery hours
- 1.2 An RTO must demonstrate its financial viability and its capacity to sustain quality VET operations into the future by ensuring it has a three year financial plan that includes:
  - a) projected student enrolments by qualifications
  - b) a range of financial indicators, including
    - i. cash flow
    - ii. current ratio of total current assets versus total current liabilities (equal to or greater than 1)
    - iii. debt ratio Total Liabilities/Total Assets (equal to or less than 1)
  - c) the VET provider shows that it has a financial guarantor with the capacity to service the guarantee and/or to demonstrate sufficient working capital to operate for at least 6 months without tuition fees.
  - d) details about whether any person involved in the management or provision of courses by the RTO meets any of the descriptions listed in section 4.3.11(2) of the Act.
- 1.3 An RTO must ensure that it has management systems that include:
  - a) management information including:
    - i. details of company incorporation in Australia (alternatively evidence of being an incorporated body in receipt of government funds)
    - ii. a physical address of the company in Victoria for the purposes of serving notices
    - iii. details of the directors, CEO/PEO and senior management members with associated police checks and Working With Children Checks if students are under 18 years of age
    - iv. confirmation that at least one Director or CEO/PEO has his/her principal residence in Victoria
    - v. contact arrangements for the CEO/PEO including during holidays and other closure periods
    - vi. a physical addresses for the location of financial, student and staff records including archives and computer back up storage
  - b) a financial management system including a system for managing student fee payments and student refunds
  - c) a student records management system that includes the capacity to provide the VRQA with AVETMISS compliant data and to ensure that copies of student records are
    - i. not able to be withheld from the RTO; and
    - ii. able to be provided in electronic and print versions, at no cost to the VRQA in the event that the VET provider ceases operations
  - d) a staff records management system including arrangements which ensure that for each staff member involved in training and assessment, the RTO holds verified documentation indicating each staff member's qualification and skills.
- 1.4 An RTO must ensure that it has appropriate governance structures that include:
  - a) transparent governance and ownership arrangements, such as a Board of Directors, governing council, executive management and academic management

- b) a governance structure that includes appropriate appointments of persons for oversight of academic/educational integrity and quality assurance, such that:
  - i. for an RTO with anticipated ongoing operation of less than 150 equivalent full time students or an annual student fee turnover of less than \$1.5m per annum, persons are appointed with suitable qualifications and experience; and
  - ii. for all other RTOs, a governance committee is established that includes individuals who are independent of the RTO's ownership and are employed with suitable qualifications and experience
- c) a CEO/PEO and members of the RTO's senior management team with appropriate qualifications and educational experience.

## **GUIDELINE 2: TRANSPARENCY AND OVERSIGHT OF THIRD PARTIES**

This Guideline has been designed to ensure that students are aware of and can be confident that VET providers have appropriate arrangements with third parties.

- 2.1 An RTO must ensure that where services are provided on its behalf by a third party, the provision of those services is the subject of a written agreement.
  - A third party means any party that provides services on behalf of the RTO but does not include a party to a contract of employment with the RTO.
  - Services mean training, assessment, related educational or support services and/or any activities related to the recruitment of prospective students, but does not include student counselling, mediation or ICT support services.
- 2.2 An RTO must ensure that any third party delivering services on its behalf is required, under a written agreement, to cooperate with the VRQA:
  - a) by providing accurate and factual responses to information requests from the VET Regulator relevant to the delivery of services; and
  - b) for the purposes of the conduct of any audit or monitoring of its operations.
- 2.3 An RTO must notify the VRQA of any written agreement entered into under Guideline 2.2 for the delivery of services on its behalf:
  - a) within 30 calendar days of the agreement being entered into or prior to the obligations under the agreement taking effect, whichever occurs first; and
  - b) within 30 calendar days of the agreement coming to an end.
- 2.4 An RTO must ensure that information, whether disseminated directly by an RTO or by another party on its behalf, is both accurate and factual, including by:
  - a) clarifying whether a third party is recruiting prospective students for an RTO on its behalf; and
  - b) distinguishing where it is delivering training and assessment on behalf of another RTO or where training and assessment is being delivered on its behalf by a third party.
- 2.5 Prior to the enrolment of students or the commencement of training and assessment, whichever comes first, an RTO must provide, in print or through referral to an electronic copy, current and accurate information that:
  - a) enables the student to make informed decisions about undertaking training with the RTO and
  - b) (at a minimum) includes the name and contact details of any third party that will provide training and/or assessment, and related educational and support services to the student on an RTO's behalf
- 2.6 Where there are any changes to agreed services, an RTO must advise the student of those changes as soon as practicable, including in relation to any relevant changes to existing or new third party arrangements or changes in ownership.

- 2.7 An RTO must have a complaints policy to manage and respond to allegations involving the conduct of:
- the RTO, its trainers, assessors or other staff;
  - a third party providing services on the RTO's behalf, its trainers, assessors or other staff; or
  - a student of the RTO.
- 2.8 An RTO must have an appeals policy to manage a request for the review of a decision, including an assessment decision, made by an RTO or a third party providing services on the RTO's behalf.

### **GUIDELINE 3: TRAINER AND ASSESSOR QUALIFICATION (INCLUDING INDIVIDUALS WORKING UNDER THE SUPERVISION OF A TRAINER)**

This Guideline has been designed to ensure that students are aware of and can be confident that VET providers have appropriate trainers and assessors and there is high quality delivery of training and assessment courses.

#### **Trainer and assessor requirements**

- 3.1 In addition to the requirements specified in Guidelines 3.2 and 3.3, an RTO's training and assessment must be delivered only by persons who have:
- vocational competencies at least to the level being delivered and assessed;
  - current industry skills directly relevant to the training and assessment being provided; and
  - current knowledge and skills in vocational training and learning that informs their training and assessment.

Industry experts may also be involved in the assessment judgement, working alongside the trainer and/or assessor to conduct the assessment.

- 3.2 An RTO's training and assessment must be delivered only by persons who have the qualifications specified in Item 1 or Item 2 of Schedule 1 of these Guidelines.
- 3.3 Where a person conducts assessment only, an RTO must ensure that the person has the qualification specified in Item 1 or Item 2 or Item 3 of Schedule 1 of these Guidelines.

#### **Individuals working under the supervision of a trainer**

- 3.4 Where the RTO, in delivering training and assessment, engages an individual who is not a qualified trainer and/or assessor, the individual must work under the supervision of a qualified trainer and/or assessor and must not determine assessment outcomes.
- 3.5 An RTO must ensure that any individual working under the supervision of a trainer:
- holds the skill set defined in Item 4 of Schedule 1 of these Guidelines;
  - has vocational competencies at least to the level being delivered and assessed; and
  - has current industry skills directly relevant to the training and assessment being provided.

#### **Guideline 4: Delivery of training and assessment services**

This Guideline has been designed to ensure that students are aware of and can be confident of the quality of VET providers that deliver quality training and assessment services.

#### **Amount of Training**

- 4.1 An RTO's training and assessment strategies and practices, including the amount of training it provides, must be consistent with the requirements of the training packages and VET accredited courses and enable each student to meet the requirements for each unit of competency or module in which the student is enrolled.

- 4.2 For the purposes of Guideline 4.1, an RTO must determine the amount of training it provides to each student with regard to:
- the existing skills, knowledge and the experience of the student;
  - the mode of delivery; and
  - where a full qualification is not being delivered, the number of units and/or modules being delivered as a proportion of the full qualification.

#### **Training and Assessment courses**

- 4.3 From 1 January 2016, to deliver any AQF qualification or assessor skill set from the Training and Education Training Package (or its successor), an RTO must have undergone an independent validation of its assessment system, tools, processes and outcomes in accordance with the requirements contained in Schedule 2 (and the definitions of independent validation and validation) of these Guidelines.
- 4.4 From 1 January 2016, to deliver any AQF qualification or skill set from the Training and Education Training Package (or its successor), an RTO must ensure that all trainers and assessors delivering the training and assessment hold the training and assessment qualification at least to the level being delivered.
- 4.5 From 1 January 2017, to deliver the training and assessment qualification specified in Item 1 of Schedule 1 of these Guidelines, or any assessor skill set from the Training and Education Training Package (or its successor), an RTO must ensure all trainers and assessors delivering the training and assessment:
- hold the qualification specified in Item 5 of Schedule 1 of these Guidelines; or
  - work under the supervision of a trainer that holds the qualification specified in Item 5 of Schedule 1 of these Guidelines.
- 4.6 An RTO must ensure that any individual working under supervision holds the qualification specified in Item 1 of Schedule 1 of these Guidelines and does not determine assessment outcomes.
- 4.7 An application to add any AQF qualification or assessor skill set from the Training and Education Training Package (or its successor) to an RTO's scope of registration will only be granted if an RTO has:
- held registration for at least two years continuously at the time of adding the qualification and/or skill set to scope; and
  - from 1 January 2016, undergone an independent validation of its assessment system, tools, processes and outcomes in accordance with Guideline 4.3.

#### **Guideline 5: Annual Declaration of Compliance**

This Guideline has been designed to ensure that VET providers undertake an annual self-compliance check of existing regulatory requirements. It includes reference to the Australian Quality Training Framework which includes conditions and standards that Victorian RTOs are required to comply with under the **Education and Training Reform Act 2006** (available on the VRQA website).

- 5.1 An RTO registered with the VRQA must provide an annual declaration of compliance with the AQTF Essential Conditions and Standards for Continuing Registration (the AQTF Standards) and these Guidelines, and in particular whether it:
- currently meets the requirements of the AQTF Standards and these Guidelines across all of its existing scope of registration; and
  - has met the requirements of the AQTF Standards for all AQF certification documentation which it has issued in the previous 12 months; and
  - has training and assessment strategies and practices in place that ensure that all current and prospective students are or will be trained and assessed in accordance with the requirements of the AQTF Standards and these Guidelines.

Dated and signed 2 December 2015 by Mike Perry, Acting Chair, VRQA Board

**SCHEDULE 1**

<b>Item</b>	<b>Relevant Guideline</b>	<b>AQF Qualification or Unit of Competency</b>
1	3.2 3.3	TAE40110 Certificate IV in Training and Assessment or its successor.
2	3.2 3.3	A diploma or higher level qualification in adult education.
3	3.3	TAESS00001 Assessor Skill Set or its successor.
4	3.5	TAESS00007 Enterprise Trainer – Presenting Skill Set or its successor; or TAESS00008 Enterprise Trainer – Mentoring Skill Set or its successor; or TAESS00003 - Enterprise Trainer and Assessor Skill Set or its successor.
5	3.7	TAE50111 Diploma of Vocational Education and Training or its successor; or TAE50211 Diploma of Training Design and Development or its successor; or A higher level qualification in adult education.

**SCHEDULE 2**

Independent validation requirements for an RTO delivering training and assessment qualifications or assessor skill sets from the Training and Education Training Package (or its successor).

For the purposes of Guideline 4.3, the requirements for independent validation will apply as follows:

- a) For an RTO applying to extend its scope of registration to include the delivery and assessment of an AQF qualification or assessor skill set from the Training and Education Training Package (or its successor), validation is of:
  - i) the RTO's assessment tools, processes and outcomes in relation to other AQF qualifications and/or units of competency on its scope of registration, as directed by the VET Regulator; and
  - ii) the assessment system to be adopted in the delivery of the training and assessment qualification or assessor skill set.
- b) For an RTO where its scope of registration includes the delivery and assessment of an AQF qualification or assessor skill set from the Training and Education Training Package (or its successor), validation is of:
  - i) the assessment system for delivery of the training and assessment qualification or assessor skill set; and
  - ii) the RTO's assessment tools, processes and outcomes in relation to the training and assessment qualification or assessor skill set.

For the purposes of Guideline 4.3, independent validation of AQF qualifications or the assessor skill set from the Training and Education Training Package (or its successor) must be conducted by one or more persons who collectively have:

- a) current knowledge and skills in vocational teaching and learning; and
- b) the training and assessment qualification or assessor skill set at least to the level being validated.

**SCHEDULE 3: MAPPING OF THE PROPOSED NATIONAL STANDARDS FOR REGISTERED TRAINING ORGANISATIONS 2015 TO THE GUIDELINES**

	<b>National Standard</b>	<b>VRQA Guideline Reference</b>
Governance, Financial viability and Management systems	Standards for RTOs 2015 Standard 7.2	Guideline 1.1-1.4
Trainer and assessor qualifications	Standards for RTOs 2015 Standard 1.13 Standard 1.14 Standard 1.15	Guideline 3.1 Guideline 3.2 Guideline 3.3
Individuals working under the supervision of a trainer	Standards for RTOs 2015 Standard 1.17 Standard 1.18	Guideline 3.4 Guideline 3.5
Transparency and oversight of third party arrangements	Standards for RTOs 2015 Standard 2.3 Standard 4.1(e) and (f) Standard 5.2(b)(iv) Standard 5.4 Standard 6.1 Standard 6.2 Standard 8.2 Standard 8.3	Guideline 2.1 Guideline 2.4 Guideline 2.5 Guideline 2.6 Guideline 2.7 Guideline 2.8 Guideline 2.2 Guideline 2.3
Amount of training	Standards for RTOs 2015 Standard 1.1 Standard 1.2	Guideline 4.1 Guideline 4.2
Independent validation of training and assessment qualifications	Standards for RTOs 2015 Standard 1.25	Guideline 4.3
Approval for TAE qualifications	Standards for VET Regulators 2015 Standard 1.5	Guideline 4.7
Trainer and assessor qualifications for delivering training and assessment qualifications	Standards for RTOs 2015 Standard 1.21 Standard 1.23 Standard 1.24	Guideline 4.4 Guideline 4.5 Guideline 4.6
Annual declaration of compliance	Standards for RTOs 2015 Standard 8.4	Guideline 5.1

**SCHEDULE 4: GLOSSARY OF KEY TERMS**

**AQF certification documentation** is the set of official documents that confirms that an AQF qualification or statement of attainment has been issued to an individual

**AQF qualification** means an AQF qualification type endorsed in a training package or accredited in a VET accredited course.

**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 course.

**Assessment system** is a coordinated set of documented policies and procedures (including assessment materials and tools) that ensure assessments are consistent and are based on the Principles of Assessment and the Rules of Evidence.

**Australian Qualifications Framework (AQF)** means the framework for regulated qualifications in the Australian education and training system, as agreed by the Commonwealth, State and Territory ministerial council with responsibility for higher education.

**Current industry skills** are the knowledge, skills and experience required by VET trainers and assessors and those who provide training and assessment under supervision to ensure that their training and assessment is based on current industry practices and meets the needs of industry.

Current industry skills may be informed by consultations with industry and may include, but is not limited to:

- a) having knowledge of and/or experience using the latest techniques and processes;
- b) possessing a high level of product knowledge;
- c) understanding and knowledge of legislation relevant to the industry and to employment and workplaces;
- d) being customer/client-oriented;
- e) possessing formal industry and training qualifications; and
- f) training content that reflects current industry practice.

**Educational and support services** may include, but are not limited to:

- a) pre-enrolment materials;
- b) study support and study skills programs;
- c) language, literacy and numeracy (LLN) programs or referrals to these programs;
- d) equipment, resources and/or programs to increase access for students with disabilities and other students in accordance with access and equity;
- e) learning resource centres;
- f) mediation services or referrals to these services;
- g) flexible scheduling and delivery of training and assessment;
- h) counselling services or referrals to these services;
- i) information and communications technology (ICT) support;
- j) learning materials in alternative formats, for example, in large print;
- k) learning and assessment programs contextualised to the workplace; and
- l) any other services that an RTO considers necessary to support students to achieve competency.

**Independent validation** means that the validation is carried out by a validator or validators who:

- a) are not employed or subcontracted by an RTO to provide training and assessment; and
- b) have no other involvement or interest in the operations of an RTO.



**Industry** means the bodies that have a stake in the services provided by an RTO. These can include, but are not limited to:

- a) enterprise/industry clients, e.g. employers;
- b) group training organisations;
- c) industry organisations;
- d) industry regulators;
- e) industry skills councils or similar bodies;
- f) industry training advisory bodies; and
- g) unions.

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

**Student** means a person being trained and/or assessed by an RTO for the purpose of issuing AQF certification documentation.

**Third party** means any party that provides services on behalf of an RTO but does not include a contract of employment between an RTO and its employee.

**Training and assessment strategies and practices** are the approach of, and method adopted by, an RTO with respect to training and assessment designed to enable students to meet the requirements of the training package or accredited course.

**Training package** means the components of a training package endorsed by the Industry and Skills Council or its successor, to meet the needs of an industry or a group of industries, in accordance with the Standards for Training Packages. The endorsed components of a training package are: units of competency; assessment requirements (associated with each unit of competency); qualifications; and credit arrangements. The endorsed components form part of the requirements than an RTO must meet under these Guidelines. A training package also consists of a non-endorsed, quality assured companion volume/s which contains industry advice to RTOs on different aspects of implementation.

**Training and Education Training Package** means the training package that contains the TAE qualifications (AQF qualifications) as listed on the national register of information on training packages found at [www.training.gov.au](http://www.training.gov.au)

**Unit of competency** means the specification of the standards of performance required in the workplace as defined in a training package.

**Validation** is the quality review of the assessment process. Validation involves checking that the assessment tool/s produce/s valid, reliable, sufficient, current and authentic evidence to enable reasonable judgements to be made as to whether the requirements of the training package or VET accredited courses are met. It includes reviewing a statistically valid sample of the assessments and making recommendations for future improvements to the assessment tool, process and/or outcomes and acting upon such recommendations.

**VET accredited course** means a course accredited by the VRQA or the Australian Skills Quality Authority (ASQA) or the Training Accreditation Council Western Australia (TACWA).

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## **bluestar** \* **PRINT**

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