



TWD/D24/0203216

# **VET (WA) MINISTERIAL CORPORATION**

## **PURCHASE OF TRAINING SERVICES**

### **BUSINESS RULES**

**JUNE 2022 (Version 1.4)** *Effective from 1 January 2025*

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# 1 ALL PROGRAMS

## 1.1 INTRODUCTION

These Business Rules describe the operational requirements and processes for the purchase of Training Services under the Department of Training and Workforce Development (the Corporation).

The Business Rules are part of the Contract and must be read in conjunction with the remainder of the Contract, including the:

- a) Award Letter;
- b) Offer (the Service Provider's Response);
- c) Request and any Addenda;
- d) Process Terms and Conditions June 2022 (Version 1.0); and
- e) General Provisions (Conditions of Contract) June 2022 (Version 1.0);

Other important documents relating to the Business Rules include:

- f) Text File Specifications;
- g) Manual for Payments and Reporting for Publicly Funded Registered Training Organisations;
- h) Western Australian VET Enrolment Data Standard;
- i) Variation Guidelines;
- j) The Fees and Charges Policy; and
- k) Any program specific business rules or policies developed by the Corporation.

These documents are available at <http://www.dtwd.wa.gov.au/vet-jswa>

Unless the context requires otherwise, terms which are defined in the General Provisions, Process Terms and Conditions and Request have the same meaning when used in these Business Rules.

The Business Rules may be amended, replaced and/or added to at the absolute discretion of the Corporation.

## 1.2 BUSINESS SYSTEMS

The Corporation's business systems operate within a Microsoft/Windows environment. Service Providers will need access to Microsoft Internet Explorer and the Microsoft Office Suite for the purposes of the implementation of the Contract.

## 1.3 CONTRACT VARIATIONS

Service Providers can request a variation to their existing panel arrangements and/or to seek placement to be on a new panel. All variations need to be made in accordance with the Variation Guidelines.

Training must not commence until the Corporation has approved the variation request and issued a Contracted Program of Study (CPS) for the qualification/skillset/region/target group.

*Note: The initial allocations for all Programs for existing Service Providers are listed in the Corporation's Letter of Offer.*

### 1.3.1 Variations to Existing Panel Arrangements

Service Providers may make **one** request for variation per calendar month with the ability to adjust prior to the closing date.

The program specific requirements for variations are provided, in the sections relating to each program.

Variation requests must be made on the latest Corporation's Variation Form downloadable from <https://tamsrportal.dtwd.wa.gov.au> (under TAMS RTO Portal Announcements on the front page).

Variations will not be considered where the Service Provider or related RTO or body corporate has:

- a) not submitted a valid lodgement against all Contracted Programs of Study (CPS) with active Students within the last 60 days; and/or
- b) not met all the Service Standards to the satisfaction of the Corporation; and/or
- c) not reported against at least 75% of existing training places; and/or
- d) been deemed non-compliant by the Regulator and such non-compliances have been deemed by the Corporation as placing the training at risk; and/or
- e) allowed insurances to lapse; and/or
- f) an open investigation by the Corporation.

Variations may be rejected or adjusted where:

- g) an oversupply in a qualification or skill set for a target group and/or region is identified as per clause 9.3(b) of the General Provisions;
- h) the Corporation deems the volume of Unit(s) of Competency (UoCs) currently reported as 'in-training' (Outcome Code 5) is a risk,
- i) the Service Provider or related RTO or body corporate is on an 'Action Plan' due to contractual performance issues; and/or
- j) under investigation by the Corporation or under sanction by the Regulator.

**Note:**

- *Variations that are incorrect, incomplete, invalid or submitted on the wrong Variation Form will not be considered and will be returned to the Service Provider.*
- *Commencement of large volume of UoC (more than 1/3 of the units required for a qualification) are considered a risk to the Corporation and the Student (notwithstanding the packaging rules). Students can become overwhelmed by the workload and then disengage from training. This also places a financial risk to the Corporation, as 70% of the cost of training is paid up front. The Corporation will monitor Service Providers engaging in this practice and training activity will be subject to audit.*
- *Variation approvals are at the Corporations' sole discretion.*

### 1.3.2 Variation Processing

- a) Variation rounds close on the 21<sup>st</sup> of each month (or the next business day if the 21<sup>st</sup> is on a weekend or Western Australian public holiday).
- b) Variations will be responded to by the 8<sup>th</sup> of the following month (or the next business day if the 8<sup>th</sup> is on a weekend or Western Australian public holiday).
- c) The first Variation round closes 21 January 2024.
- d) The final round of variations closes on 21 November 2025 unless otherwise notified by the Corporation.

Approved variations will be published on the Training Resource Allocation Management System (TAMS) and can be accessed by the Service Provider under the TAMS 'Contracts' tab by clicking on 'My Contracts'. The Service Provider will be advised in writing of any variation requests not approved.

### 1.3.3 Requesting Appointment to a New Panel

Any Service Provider on an existing Panel can apply to be placed on another panel. However, Service Providers will not be eligible to make application for appointment to a new panel where the Service Provider or related RTO or body corporate has:

- a) not submitted a valid lodgement against all CPS with active Students within the last 60 days; and/or
- b) not met all the Service Standards to the satisfaction of the Corporation; and/or
- c) been deemed non-compliant by the Regulator and such non-compliances have been deemed by the Corporation as placing the training at risk; and/or
- d) allowed insurances to lapse; and/or
- e) an investigation by the Corporation that is currently open; and/or
- f) notified the Corporation that the Service Provider is under a contract of sale and a decision is pending for Novation/Assignment.

The restrictions apply until all matters have been resolved to the Corporation's satisfaction.

An application for a new Panel must be made on the latest Corporation's Variation Form downloadable from <https://tamsrtoportal.dtwd.wa.gov.au> (under TAMS RTO Portal Announcements on the front page).

*Note: A login is required to access the TAMS RTO Portal. Service Providers can access the form to request a login account at <https://tamsrtoportal.dtwd.wa.gov.au> (click on Access and Exit Forms)*

### 1.3.4 Requesting Appointment to a New Target Group or Trade Category Panel

To make an application for an additional target group or trade category panel, the Service Provider will be required to submit a new request for variation that includes responses to the 'Target Group' tab in the form.

Service Providers will not be eligible to make application for a new target group or trade category within an existing panel where the Service Provider or related RTO or body corporate has:

- a) not submitted a valid lodgement against all CPS with active Students within the last 60 days; and/or
- b) not met all the Service Standards to the satisfaction of the Corporation; and/or
- c) been deemed non-compliant by the Regulator and such non-compliances have been deemed by the Corporation as placing the training at risk; and/or
- d) allowed insurances to lapse; and/or
- e) an investigation by the Corporation that is currently open; and/or
- f) notified the Corporation that the Service Provider is under a contract of sale and a decision is pending for Novation/Assignment.

The restrictions apply until all matters have been resolved to the Corporation's satisfaction.

*Note: In assessing applications from Service Providers for an additional target group or trade category the Corporation may at its discretion, take into account the number of training places not reported against by the Service Provider in other target groups or trade categories. Generally, it is expected that the Service Provider has reported against at least 75% of existing training places.*

### 1.3.5 New Panel Applications

Applications can be made at any time between 3 February 2025 to 21 August 2025 unless otherwise notified by the Corporation.

All applications received within a given month will be assessed at the end of the month.

Service Providers can expect a decision by the end of the following month.

Successful applications will result in the Service Provider being placed on the panel. The contract commencement date listed for any approved CPS resulting from the application will be the approved date of the application. This will appear as the 'Student commencing start date' in the CPS.

### 1.3.6 Student Eligibility (General)

Training will **only** be funded where it meets the criteria in the Contract.

Unless otherwise specified in writing by the Corporation, the following enrolment categories will **not** be funded:

- a) Persons whose primary place of residence is not in Western Australia, except for Apprentices or Trainees who may be eligible for funding Only if the following is met:
  - i. the training contract is registered in Western Australia; and
  - ii. the workplace is in Western Australia; and
  - iii. the training occurs in Western Australia unless the training is only available in another state or territory.
- b) Residents of Christmas Island or Cocos Island.
- c) Persons who are neither Australian citizens nor permanent residents of Australia unless they are holders of approved Visa subclasses described in the Fees and Charges Policy.
- d) Prisoners.
- e) Secondary school students.



- f) Persons under 15 years of age.
- g) Persons under 18 years of age in the year of enrolment unless under a DoE Notice of Arrangement (NOA)<sup>1</sup> (Full Time) or exempted from the School Education Act 1999. This does not include Students undertaking a school-based program such as an Apprenticeship, Traineeship, Pre-apprenticeship, Aboriginal School Based Training (ASBT) Program or the VET Delivered to Secondary Students Program.

*Note: A full time NOA or Exemption requires the Student to be engaged in training for a minimum of 20 hours per week unless otherwise approved by the Corporation.*

- h) Students who do not meet the eligibility criteria for the target group(s) specified in these Business Rules.
- i) Students that do not have a valid Unique Student Identifier (USI).
- j) Students who do not commence Training within the Student Commencing Start and End dates as defined in the CPS.
- k) Individuals recruited by a third party on behalf of the Service Provider for a fee.
- l) Students that are being charged fees in addition to those allowed under the VET Fees and Charges Policy for the same qualification/skill set.
- m) Activities where the Service Provider is providing assessment only.

*Note: Refer to the section relating to each Program for any additional Student eligibility requirements.*

### 1.3.7 Managing Notices of Arrangement/Exemptions

Service Providers are required to follow the business process and requirements detailed in Appendix A for Students under a NOA or Exemption undertaking publicly funded training.

### 1.4 QUALIFICATIONS/SKILL SETS

Service Providers can only apply to deliver qualifications/skill sets that are within their current scope and listed on the relevant Payment Table for the calendar year.

Unless otherwise stated in the Contract, where:

- a) a new or revised Training Package has been endorsed for public funding in Western Australia; and
- b) the Training Package covers one or more of the Qualifications listed in the Contract.

The Service Provider must enroll new Students in Qualifications from the new or revised Training Package within 12 months of the Training Package release date as noted on the training.gov.au (TGA) website.

*Note: Addition and removal of Payment Table qualifications occurs monthly on advice from the Corporation's Policy area. Apprenticeship and traineeship qualifications are not established or updated until they have been endorsed through the State Training Board.*

*New qualifications will only become available to deliver once they are listed on the relevant Payment Table(s). Once a replacement qualification is added to the Payment Table, the old qualification is removed. CPSs will not be issued for qualifications that have been removed from the Payment Table.*

<sup>1</sup> See Section Appendix A for further information regarding NOAs.  
Purchase of Training Services - Business Rules | June 2022 (Version 1.4)

### 1.4.1 Payment Tables

Payment Tables are generated based on the Funded Training List and detail the total hourly rate (Government subsidy and Student fee) that will be paid to the Service Provider for the qualification or skill set.

Payment Tables for the various programs are available at <https://tamsrtoportal.dtwd.wa.gov.au/>

Where a new or revised training package qualification or skill set is established or an existing qualification or skill set is replaced the Corporation undertakes a review of these qualifications or skill sets to determine whether they will be publicly funded.

A determination is also made as to whether the qualification will be linked to an apprenticeship or traineeship. The time taken to complete this process varies and could be up to six months.

As such Payment Tables are reviewed and updated periodically.

*Note: Until the new or revised training package is approved for funding and is listed in the Payment Table, the Corporation can only contract the Service Provider for the old qualification or skill set.*

### 1.4.2 Transitioning Students

Students who transition from a superseded qualification to the current qualification must be evaluated by the Service Provider to determine the reporting requirements for the transition.

Transitioning CPS places must be requested within a timeframe that allows the students to transition before the end of the transition period required by the Regulator.

The variation form will assist Service Providers with this process. Service Providers should contact their Case Manager to discuss transitioning requirements.

Transitioning CPS places are granted on the condition that each student undertakes training related to the replacement qualification within the agreed CPS Year.

Students cannot transition from superseded units of competence to the replacement units of competence under a skill set.

*Note: Where a Student(s) continues training in a superseded qualification past the transition date, the Corporation will not pay for that training activity.*

## 1.5 PAYMENTS

### 1.5.1 Funding Schedules

The specific details of individual CPS and their payment rates are described in the Funding Schedules available on TAMS under the Contracts Tab, click on the menu item titled My Contracts.

- a) Where a CPS allows delivery of training in all regions (traineeships only), the Training Services Schedule shows the payment rate (\$/SCH) as the “Contracted Perth Price per Hour” and the maximum price per place as the “Max Perth Price per Place”.
- b) Where a CPS is for delivery in one region, the Training Services Schedule shows the rate (\$/SCH) payable for delivery in that region as the “Contracted Price per Hour”.

### 1.5.2 Eligibility for Payment

- a) Service Providers must not commence training new Students unless there are places available on their existing CPS or within the traineeship trade category allocation under which the training will be conducted.
- b) Students must be reported against at least one Unit of Competency (UoC) that commences during the CPS Student Commencing Start and End dates within a lodgement accepted by TAMS.
- c) Payment will not be made for any Student commencement and/or completion not reported by 31 January in the following year. Training activity that appears in error within the Service Providers lodgement will not be accepted.

### 1.5.3 Calculation of Payments

The percentage payments shown in the Payment Ratios (Table 1) apply to the delivery for each CPS listed in the Contract unless otherwise specified.

- a) Payment is calculated on the number of Student Curriculum Hours (SCH) reported against each UoC up to, where applicable, the maximum amount payable.
- b) The payment will be based on the proportion of the \$/SCH rate payable for the Outcome Code achieved (specified in Table 1) for each UoC for each Student included in the lodgement less the required tuition fees as nominated in the Corporation's VET Fees and Charges Policy.
- c) The payment amount will be calculated by the Corporation's online Reporting system using the percentage payment for the Outcome Code achieved for each UoC as shown in Table 1, unless otherwise specified in the Request. The relevant tuition fee is deducted for each UoC before these calculations occur.

### 1.5.4 Adjustment to Payments

The Corporation may adjust the amount payable where:

- a) only part of the Service has been provided; or
- b) approval has been granted for the Service Provider to utilise additional sources of funding; or
- c) components of the training are occurring outside of the funded region; or
- d) more than 25% of all Students' UOCs within a CPS are reported as Withdrawn (Outcome Codes 10 and/or 11); or
- e) the Service Provider is holding UoCs open for an excessive length of time, or a significant number of units are commenced up front<sup>2</sup>; or
- f) it is identified that the Service provided is only recognising training and assessment undertaken by a third party and/or conducting assessments only; or
- g) the reported Student is registered with a Commonwealth program that funds training and/or other training related support services; or
- h) the Service Provider has gone into external administration or liquidation or has voluntarily withdrawn from the Contract.

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<sup>2</sup> Commencement of large volume of UoC (more than 1/3 of the units required for a qualification) are considered a risk to the Corporation and the Student (notwithstanding the packaging rules). Students can become overwhelmed by the workload and then disengage from training. This also places a financial risk to the Corporation, as 70% of the cost of training is paid up front. The Corporation will monitor Service Providers engaging in this practice and training activity will be subject to audit.

### 1.5.5 Processing of Payments

- a) Payment will be made within thirty (30) days of a valid lodgement being received.
- b) Payments will be made through Recipient Created Tax Invoices (RCTI) generated through the Corporation's online reporting system. The RCTI will identify the amount payable and any applicable GST component.
- c) The Service Provider agrees not to issue a tax invoice for services for which a RCTI has been issued.
- d) The Corporation will pay via electronic funds transfer to the account with a financial institution nominated by the Service Provider.

*Note: The Service Provider may change the nominated financial institution by completing the EFT form located available at <http://www.dtwd.wa.gov.au/vet-jswa>*

#### Table 1: Payment Ratios

The payment ratio relating to each assessed Outcome Code is listed in the table below.

OUTCOME CODE	DESCRIPTION	% PAYMENT <sup>3</sup>
1	Competent*	100%
2	Not competent*	100%
3	Non-assessable enrolment – withdrawn or not satisfactorily completed.	70%
4	Non-assessable enrolment - satisfactorily completed	100%
5	In training – with evidence***	70%
55	In training – without evidence	0%
61	Superseded	0%
6	Recognition of Prior Learning (RPL) granted*	50%
7	Recognition of Prior Learning (RPL) not granted*	50%
9	Credit transfer	0%
10	Withdrawn formally after some participation	70%
11	Discontinued – no formal withdrawal after some participation **	70%
100	Never commenced - no participation	0%
105	Not yet commenced	0%

<sup>3</sup> This percentage represents the funding provided to the Service Provider by the Corporation and does not include student fees and charges (refer section 1.5.3 for payment calculations)

**Note:**

- \* *Formal assessment has been undertaken and the outcome is deemed final.*
- \*\* *The student has abandoned their training and the Service Provider's attempts to re-engage the student has failed. The date of withdrawal/discontinuation reported in TAMS must reflect the date the Service Provider has determined that the Student has withdrawn from training and must not be backdated to the last day the Student engaged in training.*
- \*\*\* *Apprentices are funded at 85% on commencements and 15% on completion. If the student withdraws from training, funding reverts to 70%.*

**Course Fee Calculations**

The Corporation's reporting system manages course fee calculations for units reported for publicly funded Students as follows:

- a) Course fees will be deducted in accordance with the applicable years Fees and Charges Policy at the UoC commencing date unless otherwise specified in additional funding conditions (e.g. fee maintenance arrangements).
- b) Where the reported fee type is concession the system will calculate the concession rate as 30% of the non-concession fee rate.
- c) Where the reported fee type for a unit is code F (fee exempt) the system will not deduct fees for the unit.
- d) Where the reported fee type for a unit is code V (fees waived due to severe financial hardship), the system will deduct the non-concession fee rate applicable to the enrolment category for that unit.
- e) Non-assessable training Outcome Code 3 (non-assessable enrolment: withdrawn or not satisfactorily completed) or Outcome Code 4 (non-assessable enrolment: satisfactorily completed) can only be reported for pre-apprenticeship work placement modules (except for Outcome Code 3). These Outcomes are fee exempt.
- f) Where the reported training Outcome for the unit is 6 (RPL granted) or 7 (RPL not granted) the system will deduct the non-concession fee rate applicable to the enrolment category for that unit.
- g) The payment rate (\$/SCH) for delivery outside the Perth region for traineeships will be calculated automatically by the Corporation's online Reporting System using the Perth rate for the CPS as shown in the Contract multiplied by the relevant Regional Loading % from table 2 below.

### 1.5.6 Table 2: Regional Loadings

The table below outlines loadings applied to various regions with the effect of increasing the hourly payment rate by the listed percentage.

Region	% Loading against the Perth Price
Perth	0
Interstate <sup>4</sup>	0
Peel	10
South West	10
Wheatbelt	30
Mid West	30
Great Southern	30
Goldfields-Esperance	50
Gascoyne	70
Pilbara	105
Kimberley	115

Service Providers cannot claim regional loading for a publicly funded Student where the travel and accommodation costs associated with sending trainers to the region is paid by the employer or a third party.

### 1.6 PAYMENT RATE FOR ONLINE OR OTHER REMOTE MODE OF DELIVERY

- a) Where the majority of a training program is delivered online or through other remote modes of delivery and the \$/SCH rate for the CPS takes into consideration a Regional Loading, delivery will be funded at the \$/SCH rate applicable to the location of the Service Provider and not the rate applicable to the region in which the Student is training.
- b) For institutional based programs, delivery with an online component may be paid at the regional rate if it can be demonstrated that at least 50% of the total nominal hours reported for the selected units of competence (footprint) is delivered face-to-face in that region.
- c) For employment based programs, delivery with an online component may be paid at the regional rate if it can be demonstrated that there has been at least two site visits to the workplace within a 12 month period and the visits included training and/or assessment for the student in that region.

### 1.7 LODGEMENTS

*The Manual for Payments and Reporting for Publicly Funded Registered Training Organisations* document (Payment and Reporting Guide) provides a guide on making Lodgements. The current version of the manual can be downloaded from [Jobs & Skills WA: Management of the training contract](#)

<sup>4</sup> For apprenticeships only.

## 1.8 MEASURING PERFORMANCE

### 1.8.1 Surveys

- a) The Corporation may conduct surveys (whether directly or indirectly) of Students, employers of Students and other stakeholders where applicable.
- b) The Corporation is not required to inform the Service Provider of any survey it conducts.
- c) At the Corporation's request, the Service Provider must:
  - i. provide the information necessary to effectively conduct the survey; and/or
  - ii. actively promote and inform relevant stakeholders of any surveys that may be undertaken.

The Corporation may publish the results of surveys, provided the information disclosed does not identify individual stakeholders.

### 1.8.2 Performance Criteria

As specified in the Request, the Corporation will assess the Service Provider's performance against a number of performance criteria, which include but are not limited to the following:

- a) **Quality of Training** will be determined through a range of measures including:
  - i. outcomes achieved, measured against relevant training delivery outcome benchmarks established by the Corporation and the Regulator;
  - ii. testing to ensure that all training services are delivered in accordance with the relevant Training Plan or variation request;
  - iii. results of monitoring visits;
  - iv. results of audits undertaken by the Corporation, or Regulator (ASQA, TAC or VRQA);
  - v. feedback from Student surveys;
  - vi. compliance with the AQTF or NVR requirements;
  - vii. compliance with the relevant policies issued by the Corporation including and not limited to the current VET Fees and Charges Policy;
  - viii. complaints received from other parties including the Apprenticeship Office, employers, other RTOs and State and Federal organisations; and
  - ix. delivery undertaken in accordance with the approved variation request.
- b) **Achievement of Training Outcomes** against benchmarks including standards set by the Corporation and the Regulator. This may include the proportion of Students:
  - i. that successfully complete each qualification or skill set as specified in the Contract;
  - ii. that successfully complete each UoC of a qualification or skill set as specified in the Contract; and
  - iii. progressing to further studies or employment.

- c) **Timeliness, accuracy and integrity of data reporting**, this may include the proportion of:
- i. student data that does not contain demographic responses (where applicable);
  - ii. student eligibility issues identified;
  - iii. claims for payment with errors identified;
  - iv. invalid Enrolments identified;
  - v. records reported without a valid Unique Student Identifier (USI);
  - vi. instances where the Service Provider has failed to remove, add or alter data at the Corporations request;
  - vii. valid lodgements received within the calendar year;
  - viii. instances where the Service Provider has not rectified persistent data errors; and
  - ix. instances where units of competence in excess of those required to complete the qualification or skill set are being reported.

d) **Compliance with this Contract**

e) **Acting on issues defined in an Action Plan.**

*Note: An Action Plan is a formal notice issued by the Corporation detailing contract performance issues (i.e. irregular reporting and data quality, reporting training activity below benchmarks, significant audit non-compliances) relating to the Service Provider. While on an Action Plan the Service Provider is excluded from:*

- *Accessing a new panel*
- *Accessing a new target group*
- *Accessing a new trade category (Apprenticeship and Traineeship Panels)*
- *Accessing a new region (does not include the Traineeship Program)*

*Further restrictions may also be considered at the Corporations sole discretion, including but not limited to:*

- *Reducing the number of training places available; and*
- *Removing unused training places.*

## 1.9 INSURANCES

Unless otherwise specified by the Corporation, the Service Provider must have and maintain the following insurances:

### 1.9.1 Public and Product <sup>[\*]</sup> Liability insurance

Public and products liability insurance covering the legal liability of the Service Provider and the Service Provider's Personnel arising out of the Products and / or Services it provides for an amount of:

- a) not less than **\$20 million** for any one occurrence;
- b) unlimited in the number of occurrences happening in the period of insurance for public liability; and
- c) limited in the annual aggregate to **\$20 million** for products liability.

[\*] Product means anything (after it has ceased to be in the possession or control of the Insured) manufactured, constructed, erected, assembled, installed, grown, extracted, produced or processed, treated, altered, modified, repaired, serviced, bottled, labelled, handled, sold, supplied, distributed, imported, or exported by or on behalf of the Insured, including any packaging or containers thereof, including the design, formula or specification, direction markings, instructions, advice or warnings given or omitted to be given in connection with such products and anything which by law the insured is deemed to have manufactured in the course of the Business including discontinued products.



### 1.9.2 Workers' compensation insurance

Workers' compensation insurance in accordance with the provisions of the *Workers' Compensation and Injury Management Act 1981* (WA), including cover for common law liability for an amount of not less than **\$50 million** for any one occurrence in respect of workers of the Service Provider. The insurance policy must be extended to cover any claims and liability that may arise with an indemnity under section 175 (2) of the *Workers' Compensation and Injury Management Act 1981*.

### 1.9.3 Professional Indemnity insurance

Professional indemnity insurance covering the legal liability of the Service Provider and the Service Provider's Personnel and Associates under the Contract, arising out of any act, negligence, error or omission made or done by or on behalf of the Service Provider, or any subcontractor in connection with the Contract for a sum of **\$5 million** for any one claim and in the annual aggregate, with a provision of one automatic reinstatement of the full sum insured in any one period of insurance.

Professional indemnity insurance required under this clause must include:

- a. fraud and dishonesty;
- b. defamation;
- c. infringement of intellectual property rights;
- d. loss of or damage to documents and data; and
- e. breach of Australian Consumer Law.

*Note: Any policy of insurance taken out by the Service Provider must be with a reputable and solvent insurer acceptable to the Corporation who conducts insurance business in Australia and is authorised in Australia to operate as an insurance company.*

## 1.10 EVIDENCE OF PARTICIPATION

- a) Upon the Corporation's request, the Service Provider must provide Evidence of Participation to prove Student participation in any Unit of Competency (UoC) for which funding has been claimed.
- b) The Service Provider must retain both evidence of commencement and evidence of final assessment in any UoC for which funding has been claimed, for a period of five (5) years after the End.
- c) The evidence of Student participation retained by the Service Provider must align to the Delivery Mode/s reported through the Corporation's online reporting system.
- d) Proof of Student participation must meet the standards contained in Appendix B of this document.

## 1.11 INVALID ENROLMENT

- a) The Service Provider must return any funds received for any UoC deemed by the Corporation to be an Invalid Enrolment.
- b) The Corporation may take action against the Service Provider where the Service Provider cannot provide acceptable evidence of Student participation. These actions may include:
  - i. non-consideration for future contract variations or tender processes;
  - ii. reduction to the amount paid on commencements of UoCs;
  - iii. claim back any payments that have been made where contractual obligations have not been met;

- iv. suspension of payments; and/or
  - v. the Contract being terminated.
- c) Where Invalid Enrolments are identified the Corporation reserves the right to undertake a further assessment of more records to achieve a statistically valid record sample. Where this statistically valid sample results in an Invalid Enrolment rate greater than 3%, then the funding entitlement for all training reported for that Program will be reduced by that part of the percentage over and above 3% [i.e. the excess will be a debt owing from the Service Provider to the Corporation as per clause 12.2 of the General Provisions].
- d) The Service Provider will be required to change the Outcome Codes for all those UoCs assessed as an Invalid Enrolment and report this change in the following month's TAMS Lodgement. The Service Provider may be required to prepare a transition report as directed by the Corporation.<sup>5</sup>

### 1.12 ACQUITTAL OF CPS

- a) Where a CPS is due for acquittal, the Corporation may identify the CPS in the CPS Acquittal Report within TAMS, against the Service Providers TAMS Lodgement. If within four (4) weeks of that lodgement, the Service Provider does not advise the Corporation of any ongoing training activity on that CPS, the Corporation reserves the right to complete (close) the CPS.
- b) The Corporation reserves the right to complete (close) a CPS where no activity whatsoever has been reported against that CPS one (1) month after the relevant "Student Commencing End Date" as shown for the CPS in the Contract.
- c) Where, instead of providing a written Notice of Acquittal, the Service Provider lodges a notice claiming that the terms of Contract have not been met; the two parties will seek to resolve the dispute using all reasonable efforts.
- d) Service Providers can request acquittals on the Corporation's Variation Form, located on the TAMS RTO Portal announcements.

### 1.13 EXITING THE MARKET

There are times when Service Providers decide to discontinue their service delivery under the contract. Service Providers that are exiting the publicly funded market must:

- a) Formally notify the Corporation within 10 Business Days of this decision being taken.
- b) Submit a plan for approval by the Corporation that must include the following elements:
  - i. the date when all training services will cease;
  - ii. the process for Finalising any open UoCs for active Students;
  - iii. listing any new UoCs scheduled to commence for active Students prior to the nominated training services end date. (Note Any new UoC that is commenced and not completed will not be funded by the Corporation);
  - iv. how the Service Provider will assist the Corporation to find an alternative Service Provider for any continuing Students (where relevant);
  - v. the process for issuing Students with their statement of attainment or qualification;
  - vi. what support(s) will be provided to Students prior to training services ceasing; and
  - vii. a date for submitting a final TAMS lodgement.

<sup>5</sup> Any overpayment will be dealt with in accordance with section 12.3 of the General Provisions.

## 2 SERVICE STANDARDS

The Contracted Services include:

- a) recruitment, training, assessment and related educational/support services for eligible Students within the contracted region(s);
- b) collection of Student fees; and
- c) implementation/administration of the contracted arrangements to the level expected to ensure compliance with the business rules.

Service Providers must not allow another individual or organisation to deliver any part of the Contracted Services on their behalf, except where the Subcontracting arrangement is **approved** in writing by the Corporation. Subcontracting arrangements do not include a contract of employment between a Service Provider and its employee, individual trainers, student counselling, mediation or ICT services. Service Providers seeking approval for a Subcontracting arrangement must contact their Case Manager to discuss the process for seeking approval.

The Service Provider must not source additional funding to support the Contracted Services, except where the arrangement is approved by the Corporation.

The intent of the Contract is for the Service Provider to engage eligible Students in training under the relevant Program. Where the Service Provider does not recruit and report any eligible Students against a Program, the Corporation may remove the Service Provider from the Panel/Program.

The standards required of Service Providers are outlined in the section below.

### 2.1 SERVICE PROVIDER STAFF

The Service Provider must ensure that:

- a) The operational requirements of the contract and each of the relevant programs are understood and implemented.
- b) Contractual information is communicated to all relevant staff and integrated into operational policy where appropriate.
- c) Staff are skilled to the level required to carry out their role in relation to the contract.
- d) Written work instructions inform staff how to carry out any duties required to meet the obligations under the contract.
- e) Staff whose roles relate to the implementation of the funding contract have their own login account to access TAMS.

### 2.2 STUDENT RECRUITMENT AND SELECTION

- a) Student recruitment is the result of a genuine training need.
- b) Students are selected in a way that shows fair access to training to the level required within the:
  - i. WA Equal Opportunity Act 1984; and
  - ii. Disability Services Act 1993, including implementing to the extent possible, the Corporation's Disability Access and Inclusion Plan (DAIP).

*Note: Further information regarding the DAIP can be obtained from the following website:*  
[Public Sector Commission Disability Access and Inclusion Plan 2021-2026](#)

### 2.3 STUDENT PRIVACY NOTICE AND DECLARATION

- a) Service Provider must inform Students that their data may be used or disclosed for statistical, regulatory and research purposes.
- b) Students must be provided with the Privacy Notice. Details about the privacy notice and Student declaration can be found on the NCVER website at <https://ncver.edu.au/privacy>

### 2.4 ADVERTISING AND MARKETING

- a) Service Providers must take responsibility for their own marketing and recruitment of Students unless otherwise specified.
- b) Service Providers have the opportunity to advertise on the Jobs and Skills WA (JSWA) website.
- c) All requests for advertising on the JSWA website must be made through the variation form.
- d) All JSWA marketing must be clear, accurate and must not be misleading. This includes clearly differentiating between publicly funded and fee for service training.
- e) Service Providers must publish within 30 calendar days of being issued a CPS information relating to Jobs and Skills WA funded qualifications on their website which includes:<sup>6</sup>
  - i. the indicative fee/s for all publicly funded qualifications and skill sets; and
  - ii. the caveat “The Student tuition fees are indicative only and are subject to change given individual circumstances at enrolment. Additional fees may apply such as resource fees and other fees”. These must be charged in accordance with the Fees and Charges Policy.
- f) Promotional material used by the Service Provider for government subsidised training offered under the Contract must include:
  - i. the JSWA logo, and where relevant the Skills Ready logo, in accordance with the most current issue of the Jobs and Skills WA Style Guide for Contracted Private RTOs located on TAMS;<sup>7</sup>
  - ii. the indicative fee/s for all qualifications and skill sets; and
  - iii. the caveat “The Student tuition fees are indicative only and are subject to change given individual circumstances at enrolment. Additional fees may apply such as resource fees and other fees”. These must be charged in accordance with the Fees and Charges Policy.
- g) The Service Provider may not suggest, or allow there to be any misunderstanding, that subsidised training is discounted or subsidised by the Service Provider or any other third party.

<sup>6</sup> This does not apply to Enterprise RTOs where students are employees of the Service Provider

<sup>7</sup> Found at <https://tamsrtoportal.dtwd.wa.gov.au/> under the Resources tab once logged in (TAMS login required)

- h) The Service Provider may not market, publicise or otherwise communicate information about the training or engage in any other conduct that may have the effect of encouraging Students to choose a Provider based on price or other inducements (including any financial or other benefit).

*Note: Where identified that the Service Provider has falsely advertised i.e. fee free course; the Service Provider will be required to issue a formal retraction in whatever medium(s) they posted the original advertisement. In addition, the Service Provider will inform the Students of the error and record Students' receipt of this notification.*

## 2.5 TRAINING SERVICES

The Service Provider must ensure that:

- a) Clear and accurate information is provided to Students and stakeholders in relation to the program(s) being delivered and any related contractual obligations.
- b) Services are sufficiently tailored to meet the needs of WA's diverse community, including persons from Aboriginal and ethnic minority communities.
- c) The Service Provider initiates timely support to assist the Student to progress with the training.
- d) Facilities and equipment are maintained to a level that would reasonably be expected from a registered provider of training services.
- e) Evidence of a valid USI/or evidence of submission of an application for a USI is obtained before a Student commences training.
- f) The Service Provider expends a level of effort and resources on providing training that is proportionate to the funding provided.
- g) The Service Provider delivers the training in accordance with the requirements defined in the training package and the Standards for Registered Training Organisations (RTOs) 2015.
- h) Where the Training Package or course curriculum requires that a UoC be assessed in the workplace, the Service Provider must visit the Student's workplace in person in order to carry out that assessment.<sup>8</sup>
- i) The Service Provider is responsible for organising mandatory work placements required within a qualification and must generate a training plan that details workplace training activities and responsibilities for supervision, training and assessment.<sup>9</sup>
- j) UoCs reported as commenced are the result of an exchange of knowledge beyond an initial question and answer process.<sup>10</sup>
- k) Students not progressing satisfactorily are provided with a greater level of support until an outcome for the relevant UoC(s) is obtained.

<sup>8</sup> The Service Provider must submit a business case to the Corporation where this requirement cannot be met outlining the reasons why and the alternative arrangements that will be put into place including how the assessment(s) will be conducted and managed.

<sup>9</sup> Please note that this does not preclude a student from identifying a possible work placement. In such situations, the Service Provider must assess the work placement's suitability and capacity to meet the qualification requirements.

<sup>10</sup> For example, it is not sufficient to provide documents such as 'catch all' sets of questions as the only evidence of participation for a subject. These sets of questions are typically completed on the first day of client attendance, often all subjects within the cluster and the nature of the questions are simple with limited educational value.

## 2.6 CONTRACT IMPLEMENTATION

The Service Provider must:

- a) Retain evidence of the Students participation in training including evidence of the Students' eligibility under the Contract.
- b) Participate in mandatory workshops and meetings, as required by the Corporation.
- c) Manage the Student expectations by informing Students about the timeframes relating to requesting Student places and Panel membership.
- d) Advise the Department of Education (DoE) if Students under an Exemption or a Notice of Arrangement (NOA) complete, withdraw or disengage from the funded training program prior to turning 18 years of age.<sup>11</sup>
- e) Respond to structural and quality reform changes, such as changes to the funding arrangements, regulatory framework or implementation of training packages.
- f) Effectively manage the Student places for each upcoming reporting period, including:
  - i. matching Students that are scheduled to commence training in the coming months with existing CPS places;
  - ii. requesting variations in a timely manner; and
  - iii. reporting all training that commenced in the previous month within a valid TAMS lodgement.

*Note: Student places are not considered to be effectively managed if a Student cannot commence training because the Service Provider delayed making a Request for Variation/Request for Panel Membership.*

- g) Provide required insurances' certificates of currency to the Corporation at the commencement of the contract and on renewal of each policy.
- h) Report all UoCs for each qualification or skill set that a Student is undertaking (as determined within the training plan).
- i) Remove all reported UoCs and/or Students identified as ineligible for funding from future TAMS lodgements as directed by the Corporation.
- j) Transition existing Students enrolled in superseded qualifications to the new qualification in accordance with the requirements/timeframes specified by the Regulator.<sup>12</sup>
- k) Report Student details to the Corporation in the Student File. The details must include contact phone numbers and/or an email address. The email address for the student must be a personal email address, not an email address belonging to the Service Provider or the Service Providers Domain.
- l) Raise any funding complaints with the Case Manager.
- m) Raise any complaints relating to other stakeholders with that stakeholder.
- n) Review the CPS Training Activity End Dates regularly and request any required extensions at least a month before the current CPS Training Activity End Date.
- o) Ensure training and assessment demonstrates a Student's reasonable progression for UoCs commenced. The training delivery period must be commensurate with the nominal hours assigned to the UoC.

<sup>11</sup> A NOA student would be considered disengaged where they have not engaged in training or had contact with the Service Provider after a period of 3 months

<sup>12</sup> Refer to the Transitioning Students Section (1.4.2) within these business rules

## 2.7 FEES AND CHARGES

The Service Provider must under and in respect to the Contract and the Services:

- a) Only charge and collect the fees and charges for Students undertaking VET in accordance with the current<sup>13</sup> provisions of the Corporation's VET Fees and Charges Policy; any law and other legal requirements relevant to these Services or this Contract; and/or where appropriate, as specified in the contractual arrangements with the Service Provider.
- b) Collect the fees and charges from Students set by the VET Fees and Charges Policy applicable at the time the relevant UoC, to which the fee or charge applies, commences.
- c) Not charge or collect from the Student or anyone else fees in addition to or in excess of, those fees set out in or calculable from the Corporations VET Fees and Charges Policy, unless first approved in writing by the Corporation.
- d) Retain evidence of payment of fees and charges for all funded Students for a period of five (5) years following the end.
- e) Retain the evidence of the Students proof of eligibility of concession or fee waiver.
- f) Promptly provide copies of invoices and receipts identifying the fees and charges for any funded Student when requested.
- g) Promptly remit such fees, charges or other monies which, by virtue of this Contract or any law or government policy, it is not entitled to collect or keep, to the Corporation or any payer, upon request by the Corporation, and in accordance with such request.
- h) Provide publicly funded Students with an itemised enrolment statement of fees, invoice or receipt for any UoCs they have enrolled in, including students undertaking fee free training. Invoices must include:
  - i. Personal details - the first and last name of the Student;
  - ii. Course details – national or state identification and course name;
  - iii. Concession status (where appropriate);
  - iv. Jobs and Skills WA Category, for example:
    - Diploma and above qualifications.
    - Apprenticeships and Traineeships (up to Certificate IV).
    - Priority Industry Qualifications (up to Certificate IV).
    - General Industry Training (up to Certificate IV).
    - Foundation Skills and Equity courses.
    - Targeted fee relief courses
    - Fee free courses
    - Skill Sets.
  - v. Enrolment date
  - vi. A list of all enrolled UoCs, specifying for each UoC the:
    - withdrawal/census date;
    - nominal hours;

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<sup>13</sup> Fees and Charges relate to the UoCs that the Student enrolls in and commences within the calendar year.

- UoC fee;
- resource fee; and <sup>14</sup>
- fee for Recognition of Prior Learning (where applicable).

vii. Additional itemised fees; and

viii. Total invoice amount.

- i) Have a demonstrable procedure of monitoring and addressing invoice delinquency where invoice payment terms have expired without payment being made in full.

Where the employer takes responsibility for the payment of the invoice the Service Provider may provide a single enrolment invoice/receipt that provides aggregated information on their employees' enrolment details. Students **must** receive an individual copy of their enrolment invoice/receipt containing all of the relevant information for record keeping purposes where they leave their employment prior to completing the qualification or skill set.

Where employers choose to pay by a Payment Plan the Service Provider must have a written agreement with the employer outlining when and how the fees will be paid. The agreement must make it clear to the employer that:

- Payments need to align with the fees policy for the UoCs the student has commenced;
- The employer must continue to make payments against all UoCs that have been commenced, even if the student has left/withdrawn after the census date; and
- Payment must be finalised by the time the qualification or skill set is completed.

All records must be maintained in a manner that allows the Corporation to validate the payments relating to individual students.

## 2.8 REPORTING

- a) It is the Service Provider's responsibility that all reports, documents, and information provided to the Corporation under this Agreement are complete, accurate, comprehensive, up-to-date and in no way misleading or deceptive.
- b) Service Providers are required to report any changes in their details and the details of relevant staff to their Regulator within 15 days of changes occurring.
- c) Service Providers must maintain the information recorded on the Commonwealth's Australian Business Registry Service (ABRS) website of all their Directors and respective identification numbers. Any changes to the listed Directors must be reported to the Corporation within 15 days of changes occurring.
- d) The Service Provider must provide to the Corporation an annual report of the extent to which the Corporation's Disability Access and Inclusion Plan (DAIP) has been implemented. This report must be submitted to the Corporation by the date requested by the Corporation.
- e) The Service Provider is required to provide any other reports, documents or information relating or pertinent to this Contract within the stipulated timeframes.
- f) Reported data must not be removed from the Service Provider's reporting without the Corporation's written permission.

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<sup>14</sup> If the resource is not Unit specific (i.e. learning material that relates to a cluster of Units) the fee should be apportioned across the relevant Units.



- g) The total nominal hours reported for the selected units of competence (footprint) should not exceed the CPS hours listed on TAMS by 15%<sup>15</sup> without prior approval. Where exceeded hours have been identified without prior approval, the Corporation will contact the Service Provider for an explanation and may take corrective action.

## 2.9 LODGEMENTS

- a) Service Providers submit lodgements on the Corporation's online reporting system once training commences in any CPS, and then on a monthly<sup>16</sup> basis until the CPS is acquitted.
- b) Reported data is Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS) compliant.
- c) A lodgement will consist of electronic text files that are generated from the Service Provider's records system, and:
- i. be compliant with the text file specifications
  - ii. include an enrolment file for all reported Students
  - iii. include a Student file for all reported Students (except those under the apprenticeship and traineeship programs)
  - iv. are transmitted to the Corporation electronically through the Corporation's online reporting system, TAMS in accordance with the Manual for Payments and Reporting.
  - v. includes data related to every active CPS.
- d) Final Outcome Codes for completed or cancelled Students are reported in the following month's report, for all UoCs for which the Student was enrolled.
- e) The Training Location Suburb and Postcode for each UoC enrolment is reported as the postcode area where training actually takes place for that UoC enrolment.
- f) Where 50% or more of a UoC is delivered online or through another remote mode of delivery, the Service Provider reports the training location as the address of the facility that is hosting the training.<sup>17</sup>
- g) Evidence that supports the identification of the reported training location must be retained for audit purposes.
- h) All UoCs commenced in the calendar year, irrespective of outcome, must be reported by 31 January of the following year, unless otherwise notified by the Corporation.

## 2.10 APPRENTICESHIPS AND TRAINEESHIPS

In relation to apprenticeships and traineeships:

- a) Training for apprentices and trainees will be delivered in accordance with the requirements defined in the Vocational Education and Training (VET) Act 1996 and the VET Regulations 2009, and the current Apprenticeship and Traineeship Policy.
- b) Apprentices and trainees are to receive at least two site visits to the workplace within a 12 month period.

<sup>15</sup> The Department monitors the volume of total reported hours in comparison to the CPS hours to ensure that the selection of units of competence is both relevant to the cohort and demonstrates value for money for the State.

<sup>16</sup> Lodgements are due once every 30 days, not necessary at the end of the calendar month. Submissions made near the end of a month may take longer to process due to higher volume.

<sup>17</sup> For example, if the student is in the Pilbara but the online component is facilitated from a Perth site, the Service Provider will report the Training Provider Location as Perth.

- c) Any issues related to Student's progress must be communicated to the Apprenticeship Office in a timely manner.
- d) The Corporations Travel and Accommodation Allowance may not be claimed for the purposes of the Service Providers travel and accommodation costs, where a Regional Loading is also being claimed.
- e) Active trainees that are ineligible for funding on the Corporation's Western Australian Apprenticeship Management System (WAAMS) may not be transferred and claimed as a funded Student under the Priority Industry Training (PIT) Program\*.
- f) Traineeship delivery for Regional students must be reported as Metropolitan delivery, until the Service Provider has undertaken at least one of the site visits to the student within the Region. Then any commenced units can be reported with the Regional location in order to access the Regional Loading.

*\*Note: Service Providers identified as taking the above action will be in breach of the Contract.*

### **2.11 PRIORITY INDUSTRY TRAINING – EXISTING WORKER<sup>18</sup>**

- a) Training provided to Students equates to the amount of training specified under Section 6.3 unless otherwise agreed in writing by the Corporation.
- b) The Service Provider delivers the training contact hours and support detailed in their approved variation request.

### **2.12 PARTICIPATION - WORK READINESS**

- a) Training provided to Students equates to the amount of training specified under Section 7.2.6 unless otherwise agreed in writing by the Corporation.
- b) The Service Provider delivers the training contact hours and support detailed in their approved variation request.
- c) The Service Provider keeps records of the Student's eligibility.

### **2.13 PARTICIPATION - EQUITY**

- a) Training provided to Students equates to the amount of training specified under Section 7.3.6 unless otherwise agreed in writing by the Corporation.
- b) The Service Provider delivers the training contact hours and support detailed in their approved variation request.
- c) The Service Provider keeps records of the Student's eligibility.
- d) The Service Provider maintains a register of student's barriers.

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<sup>18</sup> Existing Worker is defined as an individual working 20 hours or more a week with a single or multiple employer.  
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### 3 APPRENTICESHIPS

#### 3.1 STUDENT ELIGIBILITY

The Service Provider can only report Apprentices that are listed on WAAMS.

#### 3.2 ELIGIBLE QUALIFICATIONS

Service Providers can only apply for apprenticeship qualifications where the qualification is listed on the Apprenticeship Payment Table. This Payment Table is available at <https://tamsrtoportal.dtwd.wa.gov.au>

#### 3.3 APPLYING FOR ADDITIONAL PLACES

Service Providers can request additional Apprenticeship training places by making a variation request as outlined in Section 1.3.1. Unless otherwise agreed in writing, requests must relate to actual training contracts already registered with the Apprenticeship Office, where the Service Provider has agreed to provide the training.

#### 3.4 APPLYING FOR A NEW QUALIFICATION/TRADE CATEGORY

Service providers may request a new qualification, within an existing Trade Category or within a new trade category. Requests are made using the variations process outlined in Section 1.3.1.

#### 3.5 APPLYING FOR A NEW REGION

Service Providers can apply for a new region for a qualification that they are already funded to deliver through the request for variation form.

### 4 PRE-APPRENTICESHIPS

Only Service Providers invited to deliver pre-apprenticeships for 2023 are eligible to participate in the program for 2023.

#### 4.1 STUDENT ELIGIBILITY

Student eligibility requirements are outlined in the Pre-Apprenticeship Program Business Rules.

*Note: the Pre-Apprenticeship Program Business Rules are available at [Jobs & Skills WA: Contractual requirements for registered training organisations](#)*

#### 4.2 ELIGIBLE QUALIFICATIONS

Service Providers can only apply for Pre-Apprenticeship qualifications where the qualification is listed on the Pre-Apprenticeship Payment Table. The Payment Table is available at <https://tamsrtoportal.dtwd.wa.gov.au>

#### 4.3 MANAGING ALLOCATED PLACES

Overall places for each provider are capped at the levels outlined in the Service Provider's initial allocation. Additional places cannot be requested unless otherwise advised by the Corporation.

School based pre-apprenticeship places can only be moved between school based CPSs and general CPSs.

Non-school based (general) pre-apprenticeship places may be moved between general pre-apprenticeship CPSs. General pre-apprenticeship places cannot be moved to school based CPSs without the expressed permission of the Corporation.

Service Providers may request the movement of places by emailing [training.markets@dtwd.wa.gov.au](mailto:training.markets@dtwd.wa.gov.au).

#### **4.4 APPLYING FOR A NEW QUALIFICATION OR REGION**

Service Providers may request an additional pre-apprenticeship or an existing pre-apprenticeship in a new region where they are contracted for the equivalent apprenticeship, by emailing: [training.markets@dtwd.wa.gov.au](mailto:training.markets@dtwd.wa.gov.au) for consideration.

## **5 TRAINEESHIPS**

### **5.1 STUDENT ELIGIBILITY**

The Service Provider can only report Trainees that are listed on WAAMS.

### **5.2 ELIGIBLE QUALIFICATIONS**

Service Providers can only apply for Traineeship qualifications where the qualification is listed on the Traineeship Payment Table. The Payment Table is available at <https://tamsrtoportal.dtwd.wa.gov.au>

### **5.3 APPLYING FOR ADDITIONAL PLACES**

Service providers can request additional Traineeship training places. by making a variation request as outlined in Section 1.3.1. Unless otherwise agreed in writing, requests must relate to actual training contracts already registered with the Apprenticeship Office, where the Service Provider has agreed to provide the training.

### **5.4 APPLYING FOR A NEW QUALIFICATION/TRADE CATEGORY**

Service providers may request a new qualification, within an existing Trade Category or within a new trade category. Requests are made using the variations process outlined in Section 1.3.1. Traineeship CPSs are not region specific.

## **6 PRIORITY INDUSTRY TRAINING (PIT) PROGRAM**

### **6.1 STUDENT ELIGIBILITY**

Students must not have an active apprenticeship/traineeship training contract registered on WAAMS.

Service Providers must have prior approval from the Corporation to provide training on behalf of Government Departments who are seeking to train their existing staff under this program.

## 6.2 ELIGIBLE QUALIFICATIONS

Service Providers can only apply for Priority Industry Training (PIT) qualifications or skill sets that are listed on the PIT Payment Table. This Payment Table is available at <https://tamsrtoportal.dtwd.wa.gov.au>

## 6.3 AMOUNT OF TRAINING

Training provided to Students equates to face-to-face<sup>19</sup>, training of at least 30% of the contracted nominal hours unless otherwise agreed in writing by the Corporation.

## 6.4 APPLYING FOR ADDITIONAL PLACES

Service Providers can request additional training places under the PIT program using the variations process outlined in Section 1.3.1. The maximum number of places available each month are outlined in the Variation Guidelines.

Places available each month may change at the Corporation's sole discretion and in accordance with clause 9.3 of the General Provisions.

## 6.5 APPLYING FOR A NEW QUALIFICATION OR REGION

Service providers may request a new qualification, skill set or region. Requests are made using the variations to existing Panel arrangements process outlined in Section 1.3.1.

# 7 PARTICIPATION PROGRAMS

The Participation program aims to assist people to become job ready so they can participate fully in the workforce. The Program is divided into two sub-programs:

- Participation – Work Readiness which provides training to unemployed or under-employed<sup>20</sup> people who are ready to work, but who are seeking relevant skills and experience to access meaningful work (see Section 7.2).
- Participation – Equity provides assistance and training to unemployed people who have barriers accessing mainstream training to become job ready, so they can participate fully in the workforce (see Section 7.3).

## 7.1 PARTICIPATION REFERRAL AGENTS

The Participation Program has a targeted approach to recruiting Students from the eligible target groups by using input from selected organisations that have a case-based management role with one or more of the groups. "Participation Referral Agents" are only those organisations listed on the Participation Referral Agent List published on [Jobs & Skills WA: Management of the training contract](#) at the time of recruitment.

Participation Referral Agents are bound by the following rules:

- i. Participation Referral Agents refer clients by sending an email to the Service Provider that indicates by its email address that it is from a Participation Referral Agent, containing as a minimum, the Student's name and target group.
- ii. Participation Referral Agents may only refer their own clients.

<sup>19</sup> Face-to-face training means instruction provided to a student by the Service Provider's trainer in a traditional classroom, virtual classroom (including remote video conferencing), or in the workplace.

<sup>20</sup> Under employed is an individual working less than 20 hours a week with one or across multiple employers.  
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- iii. Service Providers may not request referrals for Students they have recruited.
- iv. Approaching Participation Referral Agents with Student names is grounds for removal from the Preferred Provider Panel.

## 7.2 PARTICIPATION - WORK READINESS

### 7.2.1 Student Eligibility

To be eligible for the program, students must be unemployed or under-employed and able to access mainstream training. Students must:

- i. have a written referral from a Participation Referral Agent for Job Seekers<sup>21</sup>; or
- ii. be referred by themselves; another agency or recruited by the Service Provider. Refer Section 7.1 for more information regarding Participation Referral Agents.

*Note: Service Providers must retain documented evidence of students' eligibility for audit purposes. Service Providers are reminded that failure to ensure Students are eligible under the business rules or failure to keep evidence may result in:*

- *The loss of funding for those Students; and/or*
- *Suspension or termination of Preferred Provider Panel membership.*

### 7.2.2 Eligible Qualifications

Service Providers can only apply for Participation - Work Readiness qualifications where the qualification or skill set is listed on the Participation - Work Readiness Payment Table. This Payment Table is available at <https://tamsrtoportal.dtwd.wa.gov.au>

### 7.2.3 Applying for Additional Places

Service Providers can request additional training places under the Participation - Work Readiness program using the variations process outlined in Section 1.3.1. The maximum number of places available each month are outlined in the Variation Guidelines.

Places available each month may change at the Corporation's sole discretion and in accordance with clause 9.3 of the General Provisions.

### 7.2.4 Applying for a New Qualification or Region

Service providers may request a variation for a new region or qualification as outlined in Section 1.3.1.

### 7.2.5 Number of Eligible qualifications

There are no restrictions on the number of qualifications that an individual student can undertake. However, approval must be sought for students engaging in more than one qualification/course at the same time prior to training taking place.

### 7.2.6 Amount of Training

Training provided to Students equates to face-to-face<sup>22</sup> training of at least 50% of the contracted nominal hours unless otherwise agreed in writing by the Corporation.

<sup>21</sup> Jobseeker is an individual that is currently unemployed or under employed (working less than 20 hours a week with one or across multiple employers).

<sup>22</sup> Face-to-face training means instruction provided to a student by the Service Provider's trainer in a traditional classroom, virtual classroom (including remote video conferencing), or in the workplace.

## 7.3 PARTICIPATION – EQUITY

### 7.3.1 Student Eligibility

To be eligible, all Students must be unemployed and seeking to participate in the workforce and **must** experience barriers to accessing main stream training and need greater support in training. These are in addition to the requirements outlined for each target group.

In addition to the requirements for eligibility for funded training in Section 1.3.6 the following target groups are eligible.

- a) **Aboriginal and Torres Strait Islander People (ATSI)** target group must be:
- i. unemployed and have a written referral from a Participation Referral Agent for the ATSI target group; or
  - ii. unemployed and, if self-referred or referred by another agency or recruited by the Service Provider, are able to show they are of Aboriginal Descent and have community acceptance as an Aboriginal person. Evidence can include letters from an Aboriginal Corporation or from members of the Aboriginal Community.
- b) **Culturally and Linguistically Diverse (CALD)** target group are Students who are:
- i. unemployed and have a written referral from a Participation Referral Agent for the CALD cohort; or
  - ii. unemployed and, if self-referred or referred by another agency or recruited by the Service Provider, they must not be of:
    - Anglo-Saxon<sup>23</sup>, Anglo-Celtic, or Aboriginal or Torres Strait Islander ancestry; and
    - must have documentation that may include but is not limited to humanitarian visas, passports or travel documents or birth certificates or other documentation showing they were born in a country defined as CALD.
- c) **People with Disabilities (PWD)** target group are:
- i. unemployed\* and have a written referral from a Participation Referral Agent for the PWD cohort; or
  - ii. unemployed and if self-referred or referred by another agency or recruited by the Service Provider, must have evidence of being in receipt of a disability support pension or sickness allowance from Centrelink.
- \*Disabled students who are employed through a Supported Wage Arrangement are eligible.*
- d) **Youth at Risk (YAR)** may only be referred by a Participation Referral Agent for the YAR cohort and must be:
- i. unemployed and have a written referral from a Participation Referral Agent for the Youth at Risk cohort; and
  - ii. aged between 15 – 24 years old.

<sup>23</sup> Anglo-Saxon and Anglo-Celtic includes people whose ancestry is from a main English speaking country including England, Scotland, Wales, Ireland, Canada, South Africa, and the United States of America  
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**Note:**

1. *Service Providers must retain documented evidence of students' eligibility for audit purposes.*
2. *Must record the associated barriers to mainstream training when undertaking training in Participation - Equity.*
3. *Refer to Section 7.1 for more information regarding Participation Referral Agents.*
4. *Service Providers are reminded that failure to ensure Students are eligible under the business rules or failure to keep evidence may result in:*
  - *The loss of funding for those Students; and/or*
  - *The loss of 40% of the Student support loading across the whole CPS; and/or*
  - *Suspension or termination of Preferred Provider Panel membership.*
5. *Individuals referred from a Commonwealth 'Transition to work' program provider to undertake training must be reported under the Participation – Work Readiness Program*

**7.3.2 Eligible Qualifications**

Service Providers can only apply for Participation - Equity qualifications where the qualification or skill set is listed on the Participation - Equity Payment Table. This Payment Table is available at <https://tamsrportal.dtwd.wa.gov.au>

**7.3.3 Applying for Additional Places**

Service Providers can request additional training places under the Participation - Equity program using the variations process outlined in Section 1.3.1. The maximum number of places available each month are outlined in the Variation Guidelines.

Places available each month may change at the Corporation's sole discretion and in accordance with clause 9.3 of the General Provisions.

**7.3.4 Applying for a New Qualification/Region/Target Group**

Training Providers can request new qualifications, regions and target groups by submitting a variation request detailing the relevant support services as outlined in Section 1.3.1.

**7.3.5 Number of Eligible Qualifications**

Students from an equity cohort that have completed 2 or more qualifications in the past 3 years are not eligible for 40% loading unless requested and approved by the Corporation. Students that fall into this category will be reported against a CPS without the 40% loading.

**7.3.6 Amount of Training**

Training provided to Students equates to face-to-face<sup>24</sup> training of at least 70% of the contracted nominal hours unless otherwise agreed in writing by the Corporation.

**7.3.7 Reporting and Record Keeping**

Service Providers allocated training places in the Participation - Equity Program will be required to report on the source of the Students for all commencements reported on TAMS, when requested by the Corporation. The information must indicate the referral process i.e.

<sup>24</sup> Face-to-face training means instruction provided to a student by the Service Provider's trainer in a traditional classroom, virtual classroom (including remote video conferencing), or in the workplace.



- i. through a Participation Referral Agent; or
- ii. through another agency recommendation, or
- iii. Recruited or self-referred

Students from an equity cohort must have their barriers to training recorded at enrolment on their Student file. The Service Provider must retain evidence of referral, for audit purposes.

### 7.3.8 Aboriginal School Based Training (ASBT)

Participants for the ASBT program are Aboriginal School Students selected by their schools for places approved by the School Sector Committee which comprises of Department of Education, Catholic Education of WA and Independent Schools of WA.

Service Providers cannot make an application for the Aboriginal School Based Training Target Group. Access to this target group is by invitation from the Corporation and conditional on the Service Provider being appointed to the Participation – Equity ATSI Preferred Provider Panel.

This varies from other target groups in that:

- a) The ASBT training aims to get the participants ready to enter into traineeships or apprenticeships.
- b) The school sectors determine which schools and which Students can participate in the training.
- c) Service Providers may market their services to schools prior to the program being offered, but may not enter into any Agreements.
- d) Service Providers on the Panel for ASBT may not enter into discussions with the School Sector Committee or the Corporation on the allocation of places.
- e) Service Providers on the Panel for ASBT must also comply with the ASBT (Institutional) Business Rules.
- f) ASBT places where offered to a Service Provider are in addition to places requested under the Participation - Equity Program.
- g) Some qualifications may require the school to pay for the students' Personal Protective Equipment (PPE). The Service Provider should check with the school where PPE is required.

*Note: the Business Rules for the Aboriginal School Based Training Program (Institutional) and factsheets are located at [Jobs & Skills WA: Contractual requirements for registered training organisations](#)*

## END OF BUSINESS RULES

## Appendix A – NOTICE OF ARRANGEMENTS AND EXEMPTIONS

Outlined below are the business process & requirements for compulsory school age students in programs funded by the Corporation under a Notice of Arrangement (NOA) or an Exemption

### 1. Requirements

Young people of compulsory school age<sup>25</sup> **must have a NOA or Exemption approved by an authorised representative from Department of Education (DoE)** to be eligible for publicly funded training under one of the Corporation's non-school based programs.

### 2. Student Enrolment and Submitting Forms

#### 2.1 Enrolling Eligible School Aged Students

The procedures below must be followed:

- (a) All students of compulsory school age who are seeking enrolment in a Participation Program need a referral from a Participation referral agent.  
A list of participation referral agents can be found at [Jobs & Skills WA: Management of the training contract](#)
- (b) A full time NOA or Exemption requires the Student to be engaged in training for a minimum of 20 hours per week unless otherwise supported and approved by the Corporation.
- (c) The process in Section 2.2 for obtaining an approved NOA or Exemption must be followed.

#### 2.2 Obtaining Completed NOA Forms

*NOAs are for students in the final two years of the compulsory education period (i.e. in the birth date range of the typical Year 11 and 12 student).*

For students that require a **NOA**:

- (a) The Service Provider can enrol the student and commence training prior to securing the parent/guardian signature on the NOA form.
- (b) The Service Provider should aim to secure the student's parent /legal guardian signature on the NOA form either before or at the time of enrolment. If this is not possible, the Service Provider must obtain the signature as soon as possible after course commencement.
- (c) The NOA form is available from DoE's website [Alternatives to full-time schooling - Department of Education](#)
- (d) Service Providers must ensure all fields on these forms are complete and correct, including the parent/guardian signature.
- (e) Service Providers must promptly send the completed NOA form to the DoE's Participation Unit via e-mail [participation.co@education.wa.edu.au](mailto:participation.co@education.wa.edu.au) and then the original mailed to:

Department of Education, 151 Royal Street, EAST PERTH WA 6004

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<sup>25</sup> The compulsory education period for a child is determined in the *School Education Act (1999)* as either (i) the end of the year in which the child reaches the age of 17 years and 6 months; (ii) the child reaches the age of 18; or (iii) the child has achieved the minimum requirements for graduation from secondary school as determined under the *School Curriculum and Standards Authority Act 1997* – whichever happens first

## 2.3 Obtaining Completed Exemption Forms

*An exemption is only available for students in (or about to begin) Year 10 or above or who will reach the age of 15 years 6 months or more in the year for which an exemption is sought.*

*An exemption permits a student to pursue an alternative option to full-time schooling.*

For students who require an **Exemption**:

- (a) The Exemption must be obtained before the student starts training with the Service Provider.
- (b) If a student is enrolled at a public school, advice should be sought from the School Principal or the Education Regional Office.
- (c) If a student is enrolled in a non-government school, advice and approval must be sought from the School Principal. Then an exemption form completed and signed by both the parent/guardian and School Principal before being forwarded to the Department of Education, PO Box 1766, OSBORNE PARK WA 6916 or email to [NGSRegulation@education.wa.edu.au](mailto:NGSRegulation@education.wa.edu.au)
- (d) The Service Provider must obtain from the student's school, parent or legal guardian a copy of the Certificate of Approval letter signed by an authorised DoE representative indicating that the Exemption has been approved.
- (e) The Certificate of Approval must be on a School or Regional Office Letterhead and have the following details:
  - Student's full name and date of birth
  - Details of Service Provider delivering training
  - Course details
  - Period of Exemption
- (f) The Service Provider can then start training.

### Note for NOAs and Exemptions:

- The Service Provider must retain evidence of an approved NOA or Exemption. Where a NOA or Exemption has not been processed, the Service Provider must retain evidence to confirm they have attempted to meet the requirements.
- The legal guardian is to sign as the parent if the student is in State care.
- For students who are full-time home schooled, parents/legal guardians will need to contact the DoE Engagement and Transition Manager for their region.
- Advice and assistance to obtain parent/guardian signatures is available from:
  - DoE Engagement and Transition Manager
  - Schools
  - DoE's Participation Unit: [det.wa.edu.au/participation](http://det.wa.edu.au/participation) or 1800 245 485
- If after numerous attempts, the Service Provider is unable to secure the required parent/guardian signature for the NOA, contact the Participation Unit by email at [participation.co@education.wa.edu.au](mailto:participation.co@education.wa.edu.au)

- NOAs cannot be approved by the DoE's Participation Unit:
  - if the form is incomplete;
  - if the student has already withdrawn from or completed the course by the time the NOA form is received;
  - if the student's participation in the course is not confirmed;
  - if the student is too young (refer to Exemptions) or no longer of compulsory school age.
- Further information about the roles and responsibilities of Service Providers is available on the DoE's website.
- Further information about NOAs and Exemptions is available on the DoE's website.

### **3. Fees And Charges**

Service Providers must refer to the current Fees and Charges Policy for concession requirements and fee conditions for secondary school-aged persons not enrolled at school.

## Appendix B – AUDIT GUIDELINES FOR EVIDENCE OF PARTICIPATION

The Corporation conducts various contractual audits to ascertain contracted training providers level of compliance with identified clauses of the General Provisions, Business Rules and the related standards and policies.

Service Providers are required to promptly supply copies of documentation to substantiate Student commencement and where applicable completion of assessment activities in UoCs where funding has been claimed. Evidence of Student participation will be required for non-assessable enrolments.

Audit evidence must demonstrate student participation in training activity at the unit level. Evidence must be an authentic record of participation and must not have been changed or edited for audit purposes.

### **Commencement evidence (reported enrolment Outcome Codes 1, 2, 5, 10 and 11)**

Commencement evidence must clearly demonstrate that the Student has received training in the learning components of the selected UoC. It must be clear that there has been a transfer of knowledge to the Student by the Service Provider.

An example of commencement evidence for classroom training is an attendance roll and accompanying session plan that outlines what training activities relevant to the UoC were delivered to the Student at the session. Commencement evidence for a workplace visit may consist of a Relevant Tuition-Related Contact (i.e. training contact sheet) which includes notes of what training was delivered at the visit relevant to the curriculum of the UoC. Please note that assessment documents cannot be used as commencement evidence.

Evidence of commencement must confirm an exchange of knowledge beyond an initial question and answer process. Documents such as 'catch all' sets of questions will not be accepted where this is the only evidence of participation for a UoC/module (i.e. questions completed on the first day of Student attendance, covering all UoC's within the cluster and the nature of the questions are simple with limited educational use).

### **Completion evidence including RPL (reported enrolment Outcome Codes 1, 2, 6 and 7)**

Completion evidence must be the document used to award the final grade for the selected UoC. It must be clear that the final assessment has taken place.

An example of completion evidence is an Assessment Summary document that includes a final grade of Competent or Not Competent for the UoC.

## **Evidence Guide**

A guide to the various types of documentation accepted as proof of participation is provided below. In addition to the evidence requirements, all evidence types must include the Student's name, date and Unit code for the relevant unit of competency (UoC).

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### **1. Attendance - single Unit roll and group roll/clustered delivery**

For delivery modes such as classroom based training the evidence must clearly demonstrate that the Student attended training in the correct UoC. Attendance rolls must be accompanied by a linked session plan that outlines the training activities delivered at the session relevant to the curriculum of the relevant Unit.

#### **Example:**

Classroom attendance roll and accompanying session plan which demonstrates the Student was present for training in which learning activities were delivered relevant to the UoC.

Attendance rolls, both paper based and electronic must include signatures of students, collected on each day that the attendance occurred. Where attendance is collected through a portal, the records must be able to show that it was the student themselves who initiated the record. Records must also show that the account relating to the record is based on a personal email address for the student, and not an email address relating to the Service Provider.

#### **Note:**

Attendance in 'orientation' or similar type programs is not regarded as participation in any specific UoC/module for the purpose of the audit.

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### **2. Relevant tuition-related contact**

Evidence of relevant tuition related Student contact with academic staff, clearly demonstrating the Student's participation in learning components within the curriculum framework of the UoC/module under audit consideration.

#### **Example:**

Record of Student - academic staff discussions on a provider endorsed form. Notes must clearly indicate that the discussion centred on delivery/learning of the UoC/module competencies.

#### **Note:**

Discussion of general administrative matters, such as that conducted at 'induction' or 'orientation' sessions, is not accepted as proof of participation.

Discussion in relation to other UoC/module is not accepted as evidence for the UoC/module under audit consideration.

Dispatch or provision of assessment/assignment material by the provider to the Student is not accepted as evidence that participation has occurred in the associated training.

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### 3. Submission of work

Clearly demonstrated submission of work by the Student in the correct module/unit of competency enrolment.

**Example:**

Workbook demonstrating Student participation in learning activities (not assessment activities) related to the correct unit of competence.

**Note:**

Submission of work should be used in support of the evidence types outlined in points 1 and 2. Further evidence may be required in addition to Student work.

Dispatch or provision of assessment/assignment material by the provider to the Student is not accepted as evidence that participation has occurred in the associated training.

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### 4. Online learning

Verified records of online interaction through a secure login clearly demonstrating the Student's participation in learning components of the UoC/module under audit/consideration.

**Example:**

Records of on-line interaction establishing date, time, reasonable duration and extent of learning material covered.

**Note:**

Record of a single interaction that does not indicate reasonable interaction, or only demonstrates download of course material will not be accepted as evidence of participation.

Online learning should be used in support of the evidence types outlined in points 1 and 2. Further evidence may be required in addition to online learning.

In many cases, on-line learners are under the control of a tutor and there may be considerable contact with the tutor. The tutor will record this contact to assist in managing the Student's learning in the event of the tutor's unexpected departure. Records such as those described in point 2 above would also suffice.

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### 5. On-the-Job Training

Evidence of Student participation in on-the-job training, clearly demonstrating the Student's participation in learning components within elements of the subject under audit consideration.

**Example:**

Record of Student - academic staff discussions that clearly indicate the discussions centred on delivery/learning of the subject competencies.

**Note:**

Evidence merely confirming that the Student is attending the workplace is not accepted as evidence that learning has occurred in the On-the-job environment.

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## 6. Final grade

Final grades are to be submitted as evidence of completion. This evidence must be the document used to award the final grade to the Student in the selected UoC.

### **Example:**

Assessment Summary document including a final grade of Competent or Not Competent for the UoC.

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## **Verifiable Enrolment**

In the event that circumstances prevent the provision of any of the primary recording documentation as detailed above, staff directly associated with the delivery that are authorised by the provider may be prepared to attest participation in the UoC/module enrolment in question. In all such cases, the staff member is required to submit and sign a statement affirming their evidence.

To result in a verifiable enrolment the national auditors are required to record two elements, certified by an appropriate staff member:

- a. A full explanation of the reasons why primary recording documentation is not available.
- b. A signed and dated statement containing a full explanation of the evidence being provided and affirmed. The auditors will determine if the evidence provided is sufficient to substantiate the claim that the Student participated and thereby verify the enrolment.

It should be noted that a signed document merely stating that participation within the enrolment has occurred would not meet verification requirements.

**Example:** Fire/flood/natural disaster has destroyed the records.

Processes and documentation put in place solely to satisfy audit requirements and documentation completed after the event are not accepted as evidence of training and/or assessment. Documentation completed at the time and of use to the training provider in managing the Student's learning is required.

Notwithstanding the specific examples given, each case will be considered on its merits. The auditors will always base decisions on the overall spirit and purpose of the audit. Additional evidence may be requested and if requested will have to be provided by the Service Provider if further clarity on what training was delivered to Students or who delivered the training is required (i.e. Service Provider, employer or third party).