

Third Party Arrangements

Last updated :

30 October 2017

CEO Approval:

Lisa Materano (original signed)

Reference: Standards 2.3, Standard 2.4

[Also refer Clauses 2.4, 4.1, 5.1, 5.2, 5.3, 5.4, 6.1, 6.2, 7.3, 8.2, 8.3]

Standard 2.3. "The RTO ensures that where services are provided on its behalf by a third party the provision of those services is the subject of a written agreement."

2.4. "The RTO has sufficient strategies and resources to systematically monitor any services delivered on its behalf, and uses these to ensure that the services delivered comply with these Standards at all times" *Standards for Registered Training Organisations (RTOs) 2015*

This policy commences from Version 1.0 from 30 October 2017.

Purpose:

The purpose of this document is to specify policy regarding the requirement to have in place a written agreement with third parties, to monitor their services and to advise ASQA whenever BLI starts or ends a third-party agreement, via the ASQA [Third Party Service Arrangement notification form](#).

Definitions:

Reference: ASQA Fact Sheet, <https://www.asqa.gov.au/news-publications/publications/fact-sheets/third-party-arrangements>

Third Party: The *Standards for Registered Training Organisations 2015* define a 'third party' as any party that provides **services** on behalf of the RTO. The Standards definition does not include a contract of employment between an RTO and an employee.

Services means training, assessment, related educational and support services and/or any activities related to the recruitment of prospective learners. It does not include services such as student counselling, mediation or information and communications technology (ICT) support.

Educational and support services may include:

- pre-enrolment materials
- study support and study skills programs
- language, literacy and numeracy (LLN) programs or referrals to these programs
- equipment, resources and/or programs to increase access for learners with disabilities and other learners
- learning resource centres
- flexible scheduling and delivery of training and assessment
- learning materials in alternative formats, for example, in large print
- learning and assessment programs contextualised to the workplace, and
- any other services that the RTO considers necessary to support learners to achieve competency.

Scope:

- BLI Students
- BLI Clients

Policy

A. BLI ensures that where services are to be provided on its behalf by a third party, this provision of service is the subject of a written agreement.

The definition of third parties does not include:

- contract arrangements with trainers and/or assessors,
- a workplace supervisor who contributes to evidence collection or training, or government-appointed intermediaries

BLI's written agreement with a third party providing **training and assessment services** on our behalf will include:

1. the name of our RTO and the third party.
2. the start and end date of the agreement.
3. details of BLI's operations, including all delivery locations
4. clauses detailing BLI's obligations under the agreement—for example, setting out which party will issue qualifications and statements of attainment; which party will provide pre-enrolment information; and which party will collect learner fees and enrolment information
5. clauses detailing the obligations of the third party—for example, setting out which party will provide the training and assessment materials, resources and facilities
6. the mechanisms through which BLI will systematically monitor the third party (e.g. if the third party is providing the training and assessment materials, resources and facilities and developing marketing initiatives, BLI will detail how to review these prior to use for delivery sites as applicable. BLI will also ensure that trainers and assessors provided by the third party meet the requirements of the Standards)
7. record-keeping procedures for student enrolment information and completed student assessments.
8. clauses relating to which party will validate completed student assessments
9. any of your BLI's obligations, or the third party's obligations, relating to government-funded subsidies or other financial support as may be applicable, and
10. clauses requiring the third party to cooperate with ASQA and to provide accurate responses to requests about delivery of services.

BLI's written agreement with a third party providing **recruitment services** on our behalf will include:

1. the name of our RTO and the third party.
2. the start and end date of the agreement.
3. clauses detailing your BLI's obligations under the agreement—for example, BLI may stipulate that we will review all marketing initiatives, provide current and accurate pre-enrolment information, and ensure that all information provided to a learner meets the requirements specified in Clauses 4.1, 5.1, 5.2, 5.3, and 5.4 of the Standards.
4. as applicable, BLI will ensure that all materials in languages other than English will be translated by BLI to ensure it meets the requirements.
5. clauses detailing the obligations of the third party—for example, BLI may stipulate that the third party will provide BLI with all marketing material before publishing, provide learner enrolment information and learner fees to BLI, and that BLI will train the third party's staff to be able to assist with training package and enrolment enquiries.
6. any of BLI's obligations, or the third party's obligations, relating to government-funded subsidies or other financial support as may be applicable.
7. detail of arrangements for commission or fees to be retained by the third party
8. the mechanisms through which BLI will systematically monitor the third party, and
9. clauses requiring the third party to cooperate with ASQA and to provide accurate responses to requests about provision of services.

B. BLI ensures strategies and resources to systematically monitor any services delivered on its behalf. BLI uses these strategies and resources to ensure that the services delivered comply with the Standards at all times.

When developing a strategy to monitor BLI third party agreements, the BLI GM in consultation with the BLI CEO ensures the following details are included:

1. Timeframes for monitoring—when and how often?
2. Procedures for monitoring—who will conduct the review and how will outcomes of the review be acted upon?
3. How BLI will monitor student assessments, pre-enrolment information given to students, training and assessment resources, facilities and equipment, trainer/assessor competencies and qualifications, marketing/advertising information, issuance of qualifications/statements of attainment and records management practices, and
4. How BLI will implement strategies for two-way feedback between BLI and the third party.

C. BLI ensures that information, whether disseminated directly by BLI or on its behalf, is both accurate and factual, and:

1. accurately represents the services it provides and the training products on its scope of registration;
2. includes its RTO Code;
3. refers to another person or organisation in its marketing material only if the consent of that person or organisation has been obtained;
4. uses the NRT Logo only in accordance with the conditions of use. Please see https://www.asqa.gov.au/sites/g/files/net3521/f/NRT_logo_specifications_NEW.pdf
5. makes clear where a third party is recruiting prospective learners for BLI on its behalf; distinguishes where it is delivering training and assessment on behalf of another RTO or where training and assessment is being delivered on its behalf by a third party;
6. distinguishes between nationally recognised training and assessment leading to the issuance of AQF certification documentation from any other training or assessment delivered by BLI;
7. includes the code and title of any training product, as published on the National Register, referred to in that information;
8. only advertises or markets a non-current training product while it remains on the BLI's scope of registration;
9. only advertises or markets that a training product it delivers will enable learners to obtain a licensed or regulated outcome where this has been confirmed by the industry regulator in the jurisdiction in which it is being advertised;
10. includes details about any government funded subsidy or other financial support arrangements associated with BLI's provision of training and assessment; and does not guarantee that a learner will successfully complete a training product on its scope of registration, or a learner will obtain a particular employment outcome where this is outside the control of BLI.

D. BLI ensures that all recruitment activities comply with the Standards and that any advertising representing or providing a BLI VET training product will include the name (Blended Learning International) and registration code (110068) of BLI.

Activities related to **third-party recruitment** involve direct two-way communication with a prospective learner and are therefore considered third-party recruitment. These activities may include:

- making direct approaches to individuals to encourage them to enrol in specific training and/or assessment, (e.g. door to door sales)
- having conversations with individuals to encourage them to enrol in specific training and assessment (e.g. manning a booth at a trade show)
- responding to direct enquiries from individual prospective learners about enrolling in specific training and assessment (e.g. responding to enquiry forms on a website)
- receiving enrolment information from learners which is then passed onto an RTO, and
- receiving submissions as part of a process involving analysis of evidence intended to lead a prospective learner enrolling with BLI for an RPL process.

Activities not related to **third-party recruitment** involve one-way communication with a prospective learner—where responses are directly back to BLI — and are therefore not considered to be third-party recruitment. These activities may include:

- advertising, e.g. newspaper, radio, television, Yellow Pages
- mass email messages to prospective learners where any responses are submitted directly to BLI, and
- website advertising that provides a link to BLI's website for enquiries and enrolment.