

Smart and Skilled Subcontracting and Brokering Arrangements Policy

Insert Name of RTO acknowledges that we are accountable for all services delivered under our registration, regardless of where these are based.

We will ensure that any Subcontracting and Brokering arrangements (referred to as Third Party Arrangements) for training and assessment delivery, educational and support services and recruitment of learners are underpinned by a clearly articulated written agreement that fully expresses the roles and responsibilities of each party and that these arrangements are monitored.

Bodies that we may enter into a Third Party arrangement with include non-registered training providers, recruitment agents or brokers and employment/job services agencies.

We note that hiring trainers and/or assessors as contractors, arrangements for advertising our services, workplace supervisory arrangements, and ICT, counselling, mentoring or mediation services do not constitute a Third Party arrangement unless the contract is with a company and not an individual.

We understand that Brokering arrangements for recruitment, marketing, assisting students to enrol or complete assessments is unlikely to be approved under the Smart and Skilled Program unless they are passive intermediaries who are acting on their client's interests and not for financial gain.

Insert Name of RTO is aware of the obligation to inform ASQA and NSW Training Services when it enters into a written agreement for the delivery of services with a third party. The relevant authorities will also be informed when the agreement is concluded.

Procedure

- **Insert name of RTO** will inform ASQA of any Third Party arrangements within 30 days and of the commencement of the agreement or prior to agreement taking effect, whichever occurs first.
- We will apply to NSW Training Services for approval of the Third Party arrangement 28 days prior to their proposed commencement. We understand that any subcontractors and/or brokers must also complete an application.
- We will not deliver any training or enter into any Third Party arrangement for services funded by the NSW Government under Smart and Skilled unless we have received permission from NSW Training Services.
- We will make an application for Smart and Skilled approval by first [emailing the Department](#) and then filling in the Smart and Skilled Contracting Application
- ASQA will be informed within 30 calendar days of the agreement coming to an end.
- Written agreements with other organisations providing services on our behalf will include the following:
 - The name and address of both organisations.
 - The name of the CEO of both organisations.
 - The program offered, including the relevant training package qualification or accredited course and the units of competency.
 - The start and end date of the agreement.
 - The party responsible for supplying pre-enrolment information.

- The name and contact details of the primary contact at the other organisation.
 - Details of marketing arrangements.
 - Details of the resources to be used in delivery and assessment.
 - Time frames for the return of learner information, results and data.
 - Details of the physical resources and facilities and who is to provide them.
 - A list of services offered by the other organisation, e.g. Training and/or assessment.
 - Quality assurance mechanisms.
 - The nominated trainers and assessors and their verified qualifications and experience plus agreed guidelines for any replacement of trainers and assessors.
 - A statement acknowledging that the RTO is responsible for
 - the quality of training, assessment
 - the certificates issued in its name
 - administering the smart and skilled fees and additional costs (if applicable)
 - developing and issuing Training Plans
 - A verified copy of the RTO's certificate of registration and scope certificate.
 - Fees related to the agreement.
 - Conflict resolution, cancellation and review clauses.
 - Details regarding how the service provided by the Third Party will be monitored by the RTO
 - A statement acknowledging that the Third Party must cooperate with ASQA in the provision of information and in the conduct of audits and other monitoring activities
 - Any obligations of either party relating to VET Student Loans Program
 - The names and positions of staff members from both organisations responsible for implementing the service and ensuring active communication systems are maintained
 - The consequences if non-conformance with the written agreement or the National Standards for RTO's
 - The approval number for the Third Party arrangement provided by NSW Training Services for courses delivered under Smart and Skilled
 - A Statement outlining the responsibilities of both parties regarding provision of student support.
- The CEO will ensure the Third Party has a copy of the agreement and understands its responsibilities.
 - Monitoring of Third Parties providing services on our behalf will occur **insert frequency** (suggest monthly for marketing and six monthly for other services) as per the Monitoring Schedule and Checklist and will be conducted by **Insert Position Title**.
 - The Written Agreement will be reviewed annually.
 - If a non-compliance with the written agreement, the National Standards for RTOs or Smart and Skilled contractual requirements is identified the CEO will be informed immediately and given a copy of the Monitoring Checklist and details of the non-compliance in writing. The Third Party will be informed in writing of the non-compliance and given **a reasonable time frame** to implement rectifications. Failure to do so is cause for discontinuing the Third Party Arrangement.
 - Third Party Arrangements is a Standing Agenda Item at Management Meeting and any changes, issues or actions relating to these arrangements will be discussed and associated action recorded in the Management Meeting Minutes.

Evidence

The following will be retained as evidence of compliance with Standard 2, Clauses 2.3 -2.4 and Standard 8, Clause 8.2 and Smart and Skilled contractual requirements:

- Written Agreements signed by both parties
- Completed Third Party Monitoring Schedule and Checklist and any related correspondence
- Minutes of Management Meetings
- Relevant correspondence between parties

Related Policies

- Consumer Protection Policy
- Marketing Policy

Supporting Forms and Documents

Third Party Monitoring Schedule and Checklist

[Smart and Skilled Contracting/Brokering Application Form](#)

References

[ASQA: Fact sheet—Third-party arrangements](#)

[ASQA users Guide to Standard 2, clauses 2.3 and 2.4](#)

[Smart and Skilled Operating Guidelines 2018](#)

[Smart and Skilled Subcontracting and Brokering Arrangements Policy](#)