

Smart and Skilled Student Eligibility Policy

Version 2.0
For the 2023-24 contract period

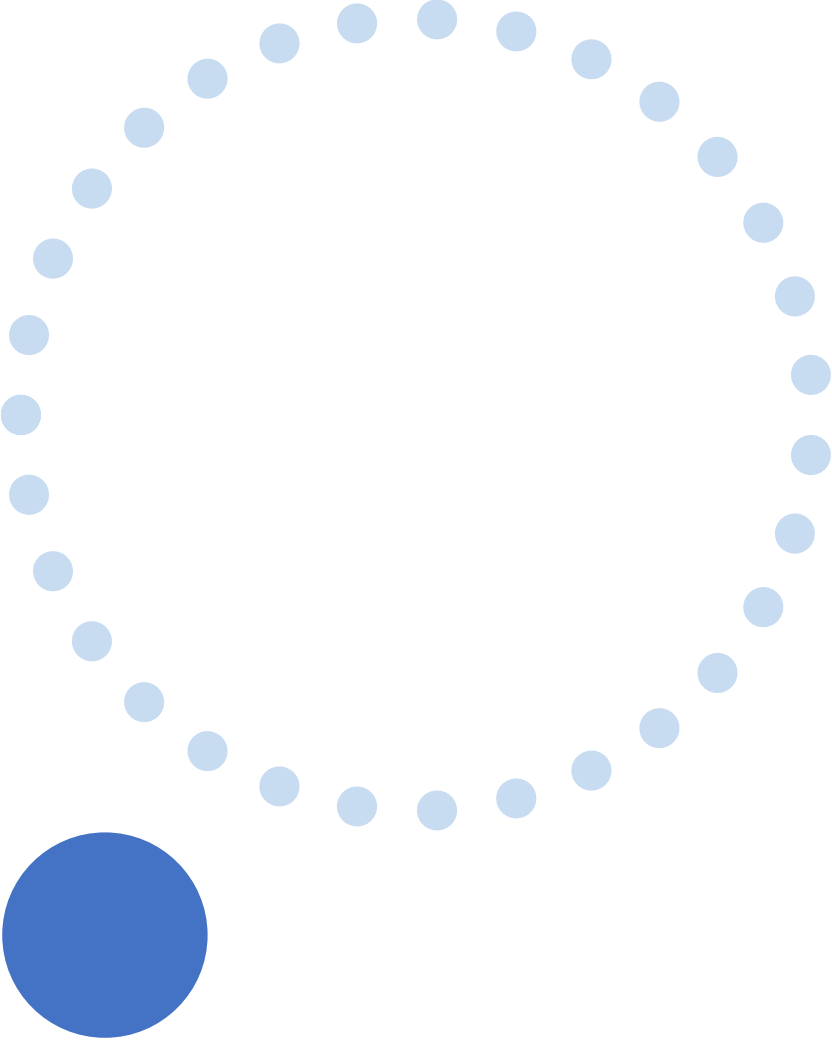
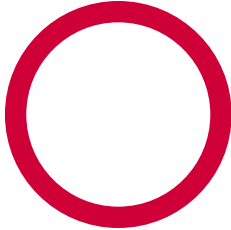


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Section 1: Introduction

This policy sets out the student eligibility and evidence requirements under Smart and Skilled which covers the following programs:

- Smart and Skilled Entitlement Foundation Skills (EFS)*
- Smart and Skilled Entitlement Full Qualifications (EFQ)
- Smart and Skilled Entitlement Apprenticeships and Traineeships (EAT)
- Smart and Skilled Targeted Priorities Full Qualifications (TPFQ)
- Smart and Skilled Targeted Priorities Prevocational and Part Qualifications (TPPPQ).

***Note:** from 1 July 2023, new commencements in foundation skills qualifications will be funded under the Entitlement Full Qualifications (EFQ) program.

This policy should be read in conjunction with the following documents:

- Smart and Skilled Contract Terms and Conditions
- Smart and Skilled Operating Guidelines
- The NSW Skills List
- The Schedule of Prices, Fees and Subsidies
- Smart and Skilled Fee Administration Policy
- Any other relevant Smart and Skilled policy documents.

1.2 School Based Apprenticeships and Traineeships Program

The eligibility and evidence requirements for the School Based Apprenticeships and Traineeships Program are set out in the ***School Based Apprenticeships and Traineeships Student Eligibility Policy***.

1.3 Overview of Smart and Skilled

Smart and Skilled provides eligible students with access to Government subsidised training in NSW. This includes an entitlement for all NSW citizens to undertake Apprenticeship and Traineeship training.

The NSW Skills List provides the nationally accredited qualifications and courses that eligible students may undertake. Eligible students may also undertake a short course (either a nationally accredited skills set or a bespoke skills set made up of nationally accredited units of competency and/or modules) through the Targeted Priorities Prevocational and Part Qualifications Program.

Under Smart and Skilled, a student contributes towards the cost of training through the payment of a student fee.

There are different categories of student fees, based on the program, the qualification and the characteristics of the student. The schedule of fees for each qualification on the NSW Skills List can be accessed at: <https://www.nsw.gov.au/education-and-training/resources/qualification-prices-fees>.

Some students may be eligible for fee-free training or a concession fee.

The **Smart and Skilled Fee Administration Policy** provides detailed guidance on fee arrangements and eligibility requirements for fee-free training or fee concessions.

Section 2: Smart and Skilled student eligibility criteria

2.1 Eligibility criteria for all Smart and Skilled Programs

(except Smart and Skilled Entitlement Apprenticeships and Traineeships Program)

A person who is eligible to receive subsidised training in all Smart and Skilled Programs (except Smart and Skilled Entitlement Apprenticeships and Traineeships Program) is a person who, at the time of enrolment in a qualification or course on the NSW Skills List or a “short course” with a Smart and Skilled provider:

- (a) lives or works in NSW (determined by postcode of the usual place of residence or place of work); **or**
- (b) an Aboriginal or Torres Strait Islander student who does not live or work in NSW but lives in specific defined interstate NSW border areas (see **Appendix 2: Defined interstate NSW border areas**) is eligible for government-subsidised training under Smart and Skilled; **and**
- (c) is:
 - (i) an Australian citizen; or
 - (ii) a permanent Australian resident; or
 - (iii) a New Zealand citizen; or
 - (iv) a humanitarian visa holder or a partner visa holder whose sponsor is a humanitarian visa holder (see **Appendix 1: Refugees and asylum seekers** for more information); **and**
- (d) is aged 15 years or older; **and**
- (e) is no longer in secondary education - except for registered home school students (See relevant sections below for further information).

A student must declare that the information they provide with regards to eligibility is true, accurate, complete and not misleading.

The Provider must sight or maintain acceptable evidence as detailed in **Section 3: Accepted evidence**.

Permanent residency

A person holding any visa that grants permanent residency in Australia satisfies Section 2.1 (c)(ii) of this policy, including Partner visas. Please visit the Department of Home Affairs website for information on visa classes that grant permanent residency.

No longer in secondary school

To be eligible for Smart and Skilled, a student must have left school. A student who is still at school and completing an apprenticeship or traineeship outside of their school studies is ineligible for Smart and Skilled.

Note:

The eligibility requirement for a student to have left school includes having left by school education or an alternative pathway in adherence with the NSW School Leaving Age Policy and the *Education Act 1990* (NSW) (www.austlii.edu.au/au/legis/nsw/consol_act/ea1990104/s21b.html) and the *Educational Amendment (School Leaving Age) Regulation 2009* (NSW).

Home Schooled Students

Home schooled students who are registered by the NSW Education Standards Authority are eligible for Smart and skilled.

2.2 Eligibility criteria for Smart and Skilled Entitlement Apprenticeships and Traineeships Program

A person who is eligible to receive Subsidised Training in the Smart and Skilled Entitlement Apprenticeships and Traineeships Program is a person who:

- (a) at the time of Commencement is a NSW Apprentice or New Entrant Trainee and has an approved Training Contract in NSW; **and**
- (b) the qualification that is being undertaken is on the NSW Skills List; **and**
- (c) the qualification that is being undertaken is shown on their Training Contract.

Note:

For a NSW New Entrant Trainee to be eligible, the qualification undertaken must be listed on the NSW Skills List. All NSW apprenticeship qualifications are on the NSW Skills List.

2.3 Exceptions

The following exceptions apply to **sections 2.2** of this Policy:

- (a) if a person is approved or registered as an Existing Worker Trainee, they will not be eligible to receive Subsidised Training in a Smart and Skilled Qualification that is associated with the Training Contract for their existing worker traineeship, in relation to any Smart and Skilled Program.

The following exception applies to **sections 2.1 and 2.2** of this Policy:

- (b) the Department may allow a Smart and Skilled Provider to treat a person, who does not fit any of the above eligibility criteria, as being eligible to receive Subsidised Training under Smart and Skilled.

Section 3: Proof of eligibility - Acceptable evidence

3.1 Evidence of eligibility

The Provider must maintain acceptable evidence of student eligibility as detailed in **Section 3.2 – Evidence Requirements**.

At enrolment, a student declaration is acceptable where a form of evidence is required to be sighted or collected by the Provider. However, the required evidence outlined in the below table, must be sighted or collected by the Provider prior to submitting Training Activity Data for an enrolled student who has commenced.

All evidence must be able to be verified by the Provider. At the Department's discretion, the Department may request that the Provider produce records for verification (i.e. either a copy of the evidence or proof that the evidence has been sighted).

Where evidence is sighted but not kept, the Provider must maintain a record that confirms sighting of the evidence and a description of the evidence. The record must:

- be dated and signed by the person who sighted the evidence and is authorised by the Provider.
- capture the name of the signatory and their job title.
- contain a description of the type of evidence sighted (e.g. "Department of Veterans' Affairs (DVA) White Card that names Jane Doe", "letter from Centrelink confirming John Smith is a recipient of a Commonwealth Government benefit" etc).
- capture either the issue date or expiry date of the evidence sighted (if applicable).

The description is NOT required to capture sensitive information from the document (e.g. the Centrelink Reference Number (CRN) or Department of Veterans' Affairs (DVA) White Card number).

Note: For each enrolment, the Provider is expected to check that the student is eligible for the relevant fee category at the time of enrolment.

3.2 Evidence requirements

The following table outlines the proof of eligibility requirements to access Smart and Skilled. The **Smart and Skilled Fee Administration Policy** outlines the proof of eligibility requirements for fee-free training or fee concessions.

Requirement	Evidence	Evidence requirements	
Proof of Identity:			
1.	Proof of identity	<ul style="list-style-type: none"> • USI. <p>The Provider must ensure validity of the USI. The Department will also check validity with the USI Registry.</p>	Valid USI at enrolment
Smart and skilled eligibility:			
2.	Living or working in NSW	<p>Living in NSW:</p> <ul style="list-style-type: none"> • any Commonwealth or NSW Government issued document providing evidence of living location, or <p>Working in NSW (if the student does not live in NSW):</p> <ul style="list-style-type: none"> • employer-issued document confirming employment in NSW. 	Evidence sighted or collected by Providers
3.	Citizenship: Australian citizen, New Zealand citizen and permanent Australian resident	<p>Australian citizen:</p> <ul style="list-style-type: none"> • Australian birth certificate; or • Australian Passport; or • Certificate of Australian Citizenship (Naturalisation Certificate); or • Green Medicare Card. <p>New Zealand citizen:</p> <ul style="list-style-type: none"> • New Zealand birth certificate; or • New Zealand Passport; or • Green Medicare Card. <p>Permanent Australian resident:</p> <ul style="list-style-type: none"> • a Certificate of Evidence of Resident Status (CERS), which confirms status as an Australian permanent resident; or • use the Department of Immigration and Border Protection's Visa Entitlement Verification Online (VEVO) facility to confirm status as Australian permanent resident and check passport; or • Green Medicare Card. 	Evidence sighted or collected by Provider
4.	Humanitarian visa holder and Partner visa holder (Refugee or asylum seeker)	<ul style="list-style-type: none"> • Relevant visa documentation; or • ImmiCard (where appropriate) <p>If the student holds a Bridging Visa, the student must provide a document from the Department of Immigration and Border Protection acknowledging that the bridging visa is linked to an application for a humanitarian visa. For additional information, refer to Appendix 1: Refugees and asylum seekers.</p>	Evidence sighted or collected by Provider
5.	Home schooled students	<ul style="list-style-type: none"> • Copy of current certificate of home schooling registration, which clearly indicates the period of time for which the student will be home schooled 	Evidence sighted or collected by Provider
6.	Date of birth	<ul style="list-style-type: none"> • USI data 	USI checks date of birth
7.	Registration as NSW apprentice or new entrant trainee	<ul style="list-style-type: none"> • Training Contract identifier (TCID) number 	Department system check against details of approved or registered Training Contract stored in the Department's database

Requirement	Evidence	Evidence requirements
8. Year 10 completion or equivalent (if under 17)	<ul style="list-style-type: none"> Evidence that student has met school leaving age requirement 	Student declaration/signature at enrolment
9. Postcode for an Aboriginal or Torres Strait Islander Person who lives in specific defined interstate NSW border areas	<ul style="list-style-type: none"> Any Commonwealth, NSW Government or local council issued document providing evidence of living location 	Student declaration/signature at enrolment

NOTE:

- Where the evidence provided by the student is a copy of the original, the copy must be certified by a person who is on the list of approved witnesses who can verify documents. A list of which is available at the Commonwealth Attorney General's Department website at: www.ag.gov.au/Publications/Pages/Statutorydeclarationsignatorylist.aspx

Students who are inmates with NSW Corrective Services

Students who are inmates in NSW correctional facilities do not have access to many of the documents required to allow the Provider to assess eligibility for Smart and Skilled.

NSW Corrective Services records information in the Offender Integrated Management System (OIMS) which can verify:

- Smart and skilled Eligibility:
 - Living or working in NSW
 - Citizenship: Australian citizen, New Zealand citizen and permanent Australian resident
 - Humanitarian visa holder (Refugee or asylum seeker)

Providers must make arrangements with the correctional facility on how information to support eligibility will be accessed/sighted. The sighting of information recorded on OIMS is deemed as sufficient evidence, however must be recorded by the Provider as per note 2 above.

Appendix 1: Refugees and asylum seekers

1. Refugees and asylum seekers who hold particular visas are eligible for Smart and Skilled. A student who holds one of the below humanitarian visas are eligible for Smart and Skilled.

Permanent visas
Emergency rescue visa (Subclass 203)
Global special humanitarian programme visa (Subclass 202)
In-country special humanitarian programme visa (Subclass 201)
Protection visa (Subclass 866)
Refugee visa (Subclass 200)
Woman at Risk visa (Subclass 204)
Temporary visas
Bridging Visa A (BVA)
Bridging Visa B (BVB)
Bridging Visa C (BVC)
Bridging Visa D (BVD)
Bridging Visa E (BVE)
Safe Haven Enterprise visa (Subclass 790)
Temporary Humanitarian Concern visa (Subclass 786)
Temporary Humanitarian Stay visa (Subclass 449)
Temporary Protection visa (Subclass 785)
Partner Visa
Partner (Provisional and Migrant) visa (subclass 309 100) – (Refer to point 3 below)
Partner visa (subclass 820 801) – (Refer point 3 below)

2. For a person who holds a Bridging Visa to be eligible under Smart and Skilled, the bridging visa must be attached to an application for a humanitarian visa eligible for Smart and Skilled as listed above. The student must provide a document from the Department of Immigration and Border Protection acknowledging application for a humanitarian visa.
3. A person who holds a Partner (Provisional and Migrant) visa (subclass 309 100) or Partner visa (subclass 820 801) must also provide evidence that their *sponsor holds or held* one of the humanitarian visas outlined above.

Note:

As visa types and categories are subject to change, Providers are encouraged to refer to additional materials produced by the Department on this matter.

Appendix 2: Defined interstate border areas

Defined interstate border areas	
One of the towns in the postcode area:	
Australian Capital Territory:	
	2600 - 2612
	2614 - 2617
	2900 - 2906
	2911 - 2914
Jervis Bay Territory: Wreck Bay	2540
Queensland:	
Elanora	4221
Currumbin	4223
Tugun	4224
Coolangatta	4225
Tallebudgera	4228
Texas	4385
Goondiwindi	4390
Hebel	4486
Bollon	4488
Bungunya	4494
Talwood	4496
Thallon	4497
Kioma	4498

Defined interstate border areas

Victoria:	
Nangiloc	3494
Red Cliffs	3496
Irymple	3498
Mildura	3500
Hattah	3501
Cabarita	3505
Echuca	3564
Koondrook	3580
Shepparton	3630
Yalca	3637
Kotupna	3638
Barmah	3639
Katunga	3640
Ulupna	3641
Cobram	3644
Chiltern	3683
Rutherglen	3685
Barnawartha	3688
Wodonga	3690
Bonegilla	3691
Bandiana	3694

School Based Apprenticeships and Traineeships Student Eligibility Policy

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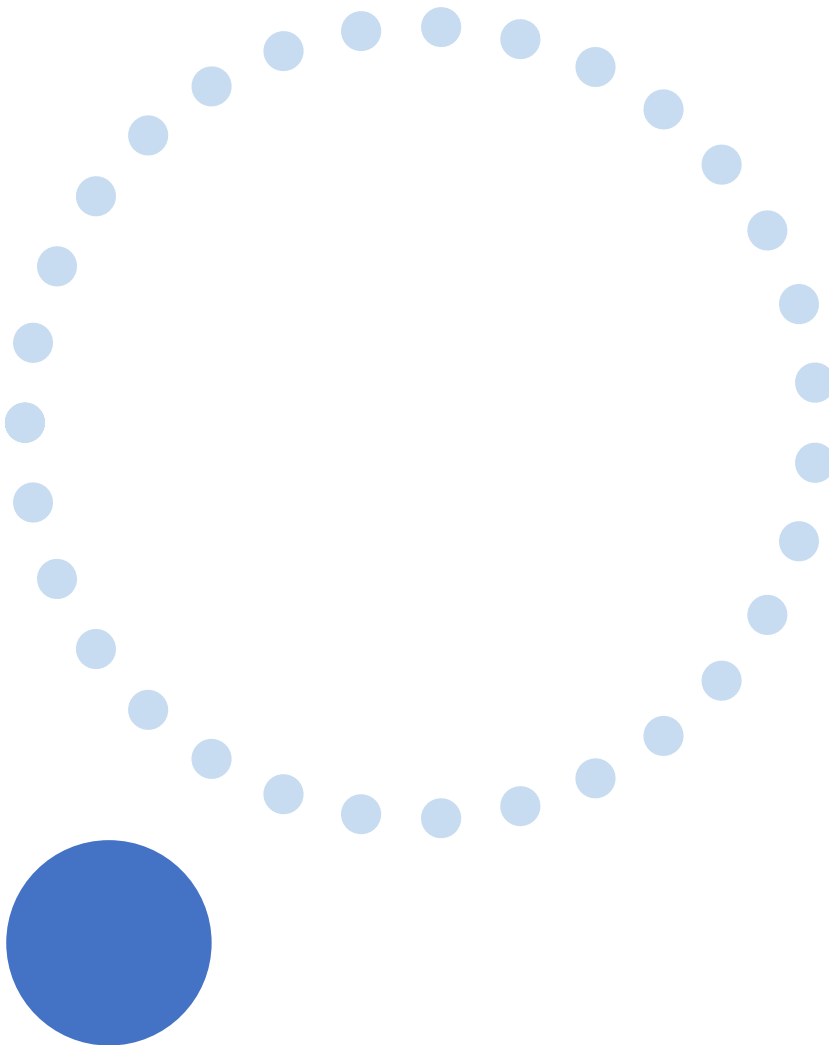
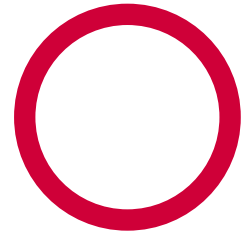


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Section 1: Introduction

This policy sets out the student eligibility and evidence requirements for the Smart and Skilled School Based Apprenticeships and Traineeships (SBAT) program.

This policy should be read in conjunction with the following documents:

- Smart and Skilled Contract Terms and Conditions
- Smart and Skilled Operating Guidelines
- The NSW Skills List
- The Schedule of Prices, Fees and Subsidies
- The School Based Apprenticeships and Traineeships Fee Administration Policy
- Any other relevant Smart and Skilled policy documents.

In this document, a reference to a student means a NSW school based apprentice or NSW school based trainee.

Other Smart and Skilled Programs

The student eligibility requirements and the requirements for the application and management of student fees under all other Smart and Skilled Programs are set out in the **Smart and Skilled Student Eligibility Policy** and **Smart and Skilled Fee Administration Policy**.

1.1 Overview of School Based Apprenticeships and Traineeships

School Based Apprenticeships and Traineeships (SBATs) are available to all Year 10, 11 and 12 high school students in NSW. They allow students to commence an apprenticeship or commence and complete a traineeship while at school.

A school-based apprenticeship or traineeship combines paid work, training and school; and as well as an industry recognised national qualification you will gain credit towards the HSC.

Some apprenticeships and traineeships can contribute towards the ATAR.

Details of fee arrangements and student entitlements are outlined in the **School Based Apprenticeships and Traineeships Fee Administration Policy**.

Section 2: School Based Apprenticeships and Traineeships Eligibility Criteria

To be eligible to be subsidised to undertake a qualification under the SBAT Program a student must:

- (a) be undertaking a qualification listed on the NSW Skills List as an apprenticeship or traineeship qualification, **and**
- (b) an approved or registered School Based Apprentice or School Based Trainee in NSW at the time of commencing the qualification, **and**
- (c) have the qualification shown on their Training Contract.

A student must declare that the information they provide with regards to eligibility is true, accurate, complete and not misleading.

Section 3: Proof of eligibility - Acceptable evidence

The Provider must maintain acceptable evidence of student eligibility as detailed in the table below.

At enrolment, a student declaration is acceptable where a form of evidence is required to be sighted or collected by the Provider. However, the required evidence outlined in the below table, must be sighted or collected by the Provider prior to submitting Training Activity Data for an enrolled student who has commenced.

All evidence must be able to be verified by the Provider. At the Department's discretion, the Department may request that the Provider produce records for verification (i.e. either a copy of the evidence or proof that the evidence has been sighted).

Where evidence is sighted but not kept, the Provider must maintain a record that confirms sighting of the evidence and a description of the evidence. The record must:

- be dated and signed by the person who sighted the evidence and is authorised by the Provider.
- capture the name of the signatory and their job title.
- contain a description of the type of evidence sighted (e.g. "Department of Veterans' Affairs (DVA) White Card that names Jane Doe", "letter from Centrelink confirming John Smith is a recipient of a Commonwealth Government benefit" etc).
- capture either the issue date or expiry date of the evidence sighted (if applicable).

The description is NOT required to capture sensitive information from the document (e.g. the Centrelink Reference Number (CRN) or Department of Veterans' Affairs (DVA) White Card number).

Requirement	Evidence	Evidence requirements
Proof of Identity:		
1. Proof of identity	<ul style="list-style-type: none"> • School enrolment. 	Evidence sighted or collected by Provider
Program eligibility:		
2. Registration as a NSW School based apprentice or NSW School based trainee	<ul style="list-style-type: none"> • Training Contract identifier (TCID) number 	Department system check against details of approved or registered Training Contract stored in the Department's database

Note:

1. For each enrolment, the Provider is expected to check that the student is eligible for the relevant fee category at the time of enrolment.

2. Where the evidence provided by the student is a copy of the original, the copy must be certified by a person who is on the list of approved witnesses who can verify documents. A list of which is available at the Commonwealth Attorney General's Department website at: www.ag.gov.au/Publications/Pages/Statutorydeclarationsignatorylist.aspx

Smart and Skilled Fee Administration Policy

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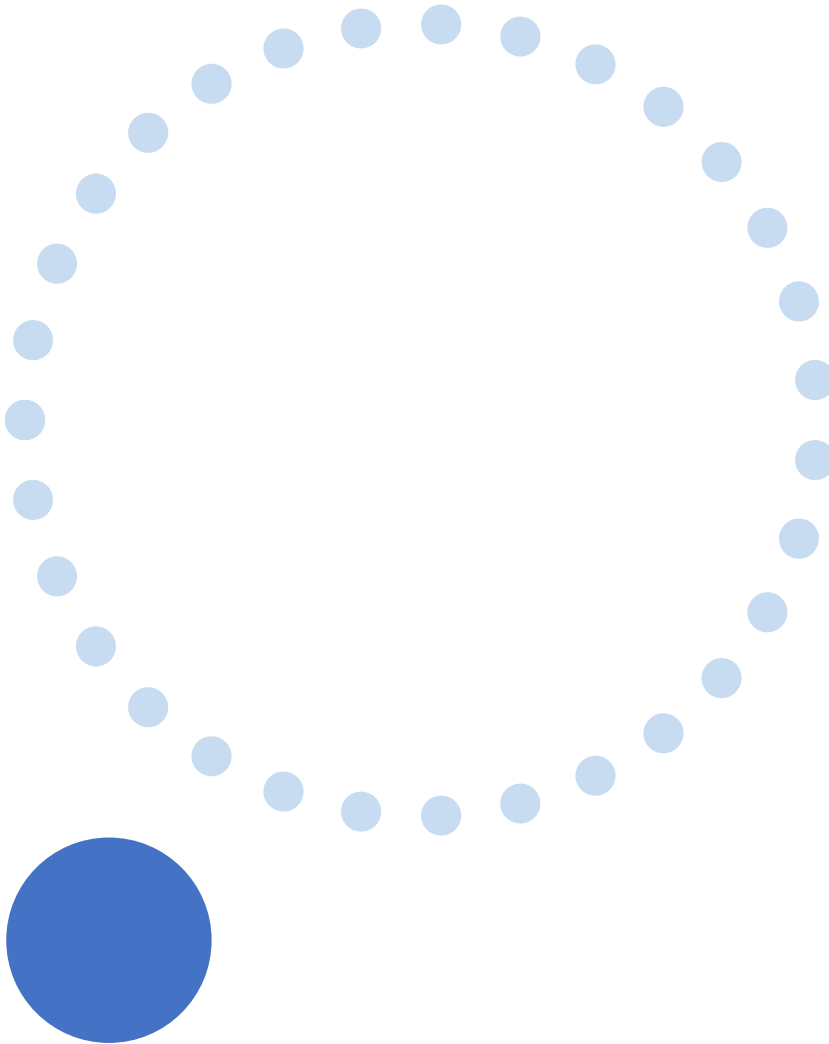
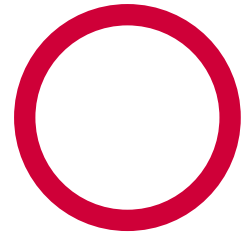


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Section 1: Introduction

This policy sets out the requirements for the application and management of student fees for qualifications and part qualifications under the following Smart and Skilled programs:

- Smart and Skilled Entitlement Foundation Skills (EFS)*
- Smart and Skilled Entitlement Full Qualifications (EFQ)
- Smart and Skilled Entitlement Apprenticeships and Traineeships (EAT)
- Smart and Skilled Targeted Priorities Full Qualifications (TPFQ)
- Smart and Skilled Targeted Priorities Prevocational and Part Qualifications (TPPPQ).

*Note: from 1 July 2023, new commencements in foundation skills qualifications will be funded under the Entitlement Full Qualifications (EFQ) program.

This policy should be read in conjunction with the following documents:

- Smart and Skilled Contract Terms and Conditions
- Smart and Skilled Operating Guidelines
- The Smart and Skilled Eligibility Policy
- The NSW Skills List
- The Schedule of Prices, Fees and Subsidies
- The Declaring Student Status after Enrolment Policy
- Any other relevant Smart and Skilled policy documents.

The NSW Skills List indicates the full qualifications funded under Smart and Skilled.

1.1 Smart and Skilled eligibility

To be eligible for subsidised training under Smart and skilled, a student must meet the relevant eligibility criteria for the Smart and Skilled program that funds their enrolment.

The Smart and Skilled eligibility criteria are described in the ***Smart and Skilled Eligibility Policy***.

1.2 School Based Apprenticeships and Traineeships Program

The requirements for the application and management of student fees under the School Based Apprenticeships and Traineeships Program are set out in the ***School Based Apprenticeships and Traineeships Program Fee Administration Policy***.

Section 2: Smart and Skilled student fees

Under Smart and Skilled, a student contributes towards the cost of training through the payment of a student fee. The student fee and the subsidy from the government make up the qualification price.

Student fees are:

- set for the whole qualification (they are not annual or semester fees).
- lower for a student doing their first post-school qualification.
- set for the student and the qualification, and will be the same regardless of choice of Provider.

2.1 Charging fees

There are different categories of student fees, based on the program, the qualification and the characteristics of the student. The schedule of fees for each qualification on the NSW Skills List can be accessed at: <https://www.nsw.gov.au/education-and-training/resources/qualification-prices-fees>.

The different categories of student fees are also explained in detail in **Section 3: Fee categories and eligibility**

The Provider must only charge the student the relevant fee set by the NSW Government for the subsidised training the student is undertaking. The student fee to be charged will be confirmed when the Provider enters the student data into the Smart and Skilled Provider Calculator.

The fees applicable under the TPPPQ Program are set out in the relevant Activity Schedule.

The Provider must not charge the student any additional fees, except for allowable additional costs outlined in **Section 5: Additional fees**.

Note: All references in this policy to charging a student a fee, and to make the student aware of fees and costs, encompass anyone who may pay the fee on behalf of the student. This includes, but is not limited to:

- * the student.
- * the student's parent or guardian.
- * the student's employer.
- * any other organisation or entity.

2.2 Fees for continuing students

The student fee is for the whole qualification and should be determined at enrolment. It therefore applies for the duration of training for a particular enrolment (i.e. Commencement ID) even where the student is undertaking training over more than one contract period.

2.3 Student fees if a part qualification(s) has been achieved

Achievement of a part qualification is not deemed to be a post-school qualification for the purposes of **Section 3.1 – Standard Student Fees**.

If a student has previously achieved a part qualification (including nationally accredited skill sets), and the student subsequently undertakes a full qualification under the EFQ or TPFQ Programs, and they are required to pay a student fee, then the student must pay either the Standard Student – First Qualification Fee or the concession fee.

In some instances, a student may undertake two or more part qualifications, and as a result, they are awarded a full qualification. If the student subsequently undertakes a full qualification under the EFQ or TPFQ Programs, and they are required to pay a student fee, then the student must pay either the Standard Student – Subsequent Qualification Fee or the concession fee. The student must indicate at enrolment that they have previously achieved a full qualification.

2.4 Enrolling students in multiple part qualifications

A student undertaking a part qualification under the TPPPQ Program will not be charged a fee. See **Section 3.6 – Fee-free courses and programs.**

A student seeking to achieve a full qualification should not be enrolled in multiple part qualifications that make them eligible for the issue of the full qualification. The student must be enrolled in the full qualification under the relevant Smart and Skilled full qualification program and will be required to pay the relevant fee.

Completing a part qualification under the TPPPQ Program does not affect the fee eligibility of a student undertaking a full qualification under Smart and Skilled. See **Section 6.6 – Co-enrolments.**

2.5 Student fees outside Smart and Skilled

Where training is part of fee for service arrangements made between a student or an organisation and a Training Provider, student fees would be covered through these arrangements. These arrangements are outside Smart and Skilled.

A student who subsequently wishes to apply for Smart and Skilled subsidised training will be subject to Smart and Skilled general and fee eligibility requirements.

Section 3: Fee categories and eligibility

The student fee categories are:

1. Standard Student
 - First Qualification
 - Subsequent Qualification
2. Apprenticeship
3. Traineeship
4. Concession
5. Exemptions and fee-free scholarships for eligible student cohorts
6. Fee-free training (for specific programs)

Evidence requirements for each of the fee categories is at **Appendix 1: Acceptable evidence for fee categories and loadings**.

3.1 Standard student fees

The Standard Student fee applies to a student who is not doing an apprenticeship or traineeship or who does not qualify for a concession fee or one of the fee-free categories.

The student is required to declare any qualifications to assess eligibility for a First or Subsequent Qualification Standard Student fee.

Smart and Skilled data and data from the USI may also be used as evidence of a previous post-school qualification achieved by the student to assess the appropriate Standard Student fee.

Standard Student—First Qualification fee

Applies to a student who does not already hold a post-school qualification from any tertiary sector. Qualifications include vocational and higher education qualifications achieved in Australia or overseas at any time previously.

The First Qualification fee also applies to a student who is 15-17 years old at commencement of training regardless of any previous qualification.

Standard Student—Subsequent Qualification fee

Applies to a student who already holds a previous post-school qualification from any tertiary sector. This category includes vocational and higher education qualifications achieved in Australia or overseas at any time previously.

Qualifications achieved overseas that are not formally recognised in Australia are considered to be a previous post-school qualification.

The Standard Student—Subsequent Qualification fee is the higher of the two Standard Student fees because a student undertaking a second or subsequent post-school qualification has already benefitted from training.

Where a student completes a Smart and Skilled qualification and enrolls in another Smart and Skilled qualification (except an apprenticeship or traineeship), the student will be charged the Standard Student—Subsequent Qualification fee for the subsequent qualification.

Note: There is no limit to the number of previous post-school qualifications a student can hold.

Qualifications not deemed to be post-school qualifications

The following qualifications are not deemed to be post-school qualifications, and as a result, a student who holds only these post-school qualifications will pay the First Qualification Fee:

- qualifications achieved while at school as part of a student's secondary education.
- qualifications achieved prior to turning 17.
- Certificate I qualifications.
- Certificate IV in Tertiary Preparation.
- Smart and Skilled Entitlement Foundation Skills qualifications.
- any other foundation skills qualification that is aimed at developing foundation skills as identified in the "[National Foundation Skills Strategy](#)" (up to and including Certificate III), including:
 - English language, literacy, numeracy and digital skills (such as listening, speaking, reading, writing, digital literacy and use of mathematical ideas).
 - Employability skills (such as collaboration, problem solving, self-management, learning and information and communication technology skills required for participation in modern workplaces and contemporary life).

3.2 Apprenticeship fees

Apprenticeship fees apply to NSW Apprentices undertaking training in a qualification offered on the NSW Skills List as part of an apprenticeship pathway that supports their apprenticeship.

Under the NSW Government's **Fee-free Apprenticeship Initiative**, NSW apprentices who are funded under Smart and Skilled, and who commence subsidised training on or after 1 July 2018, are eligible for free training.

An apprentice eligible under this initiative will be exempt from fees for their apprenticeship qualification. Please see **Appendix 4: Fee-free Apprenticeships** for further information and eligibility requirements.

For apprentices who are not eligible, the fee for a qualification delivered to an apprentice under an apprenticeship pathway is capped at \$2,000 and may be lower than for a non-apprenticeship pathway.

3.3 Traineeship fees

Traineeship fees apply to NSW New Entrant Trainees undertaking training in a qualification offered on the NSW Skills List as part of a traineeship pathway that supports their traineeship.

Under the NSW Government's **Fee-free Traineeship Initiative**, NSW trainees who are funded under Smart and Skilled, and commence subsidised training on or after 1 January 2020, are eligible for free training.

A trainee eligible under this initiative will be exempt from fees for their traineeship qualification. Please see **Appendix 5: Fee-free Traineeships** for further information and eligibility requirements.

For trainees who are not eligible, the fee for a qualification delivered to a trainee under a traineeship pathway is capped at \$1,000 and may be lower than for a non-traineeship pathway.

3.4 Concession fees

A concession fee is a discounted fee for a student who meets the criteria outlined below. A concessions fee is a flat fee based on the qualification level.

A student who receives a specified Commonwealth Government benefit or allowance, as listed at **Appendix 2: Specified Commonwealth Government benefits and allowances for concession fees**, is eligible for a concession fee for a qualification up to and including Certificate IV. The student must be in receipt of the specified benefit or allowance at the time of enrolment to be eligible.

The concession fee is also available to a student who is a dependant of a person receiving a specified Commonwealth Government benefit or allowance. To be eligible for the concession the student must be a dependant of a person receiving the benefit or allowance at the time of enrolment.

There are no concessions for a student enrolling in a Diploma or Advanced Diploma.

3.5 Exemptions and fee-free scholarships for eligible student cohorts

A student who falls into one of the following categories will qualify for fee-free training:

- (i) an Aboriginal or Torres Strait Islander person.
- (ii) a student with a disability.
- (iii) dependant child, spouse or partner of a recipient of a Disability Support Pension.
- (iv) Refugee or Asylum seeker (and eligible partners) – for training up to and including Certificate IV.
- (v) recipient of a Fee-Free Scholarship – for training up to and including Certificate IV.

(i) Fee exemption for an Aboriginal or Torres Strait Islander student

An Aboriginal or Torres Strait Islander student will be eligible for a fee exemption.

Descent, self-identification or community identification is accepted as evidence of eligibility.

(ii) Fee exemption for a student with a disability

A student will be eligible for a fee exemption on the basis of disability if the student is:

- in receipt of the Commonwealth Government Disability Support Pension, or
- documentary evidence that is assessed by the Provider and demonstrates a clear additional need as a result of the student's disability.

(iii) Fee exemption for a student who is a dependant of a person with disability

A student who is a dependent of a person with disability will be eligible for a fee exemption on the basis of this category. These students will need to provide documentary evidence to show they are a dependant child, spouse or partner of someone who is receiving a Commonwealth Government Disability Support Pension.

(iv) Fee-free training for Refugees and Asylum seekers (and eligible partners)

A refugee or asylum seeker (and their eligible partners) will be eligible for a fee exemption for Smart and Skilled training up to and including Certificate IV provided they hold or held one of the visas listed in *Appendix 1: Refugees and asylum seekers* of the **Smart and Skilled Eligibility Policy**.

These students will need to provide evidence of their visa documentation, or documentation such as an ImmiCard where appropriate.

(v) Fee-free Scholarships

A student undertaking a full qualification up to and including Certificate IV may be eligible for a Smart and Skilled Fee-free Scholarship if they are:

- aged between 15 and 30 (inclusive) at the start date for training and eligible for a concession fee (i.e. a Commonwealth Government benefit recipient); or
- meet the Out-of-Home Care definition at the time of enrolment and are:
 - aged 15-17 years and currently in out-of-home care; or
 - aged 18-30 years and previously in out-of-home care; or
- aged 15 and over, and be able to disclose (self-declare) at enrolment that they meet the domestic and family violence definition in **Appendix 1 - Acceptable evidence for fee categories and loadings**.

3.6 Fee-free courses and programs

In addition to fee free training arrangements for apprentices and trainees through the Fee Free Apprenticeship and Fee Free Traineeship Initiatives (see sections 3.2 and 3.3), fee free training is also available at the course and program level for:

- (i) the Targeted Priorities Pre-Vocational and Part Qualifications (TPPPQ) program.
- (ii) identified foundation skills full qualifications on the NSW Skills List.
- (iii) identified full qualifications on the NSW Skills list that are funded under the NSW Fee Free initiative.

(i) TPPPQ program

A student undertaking a part qualification under the TPPPQ Program will not be charged a fee.

(ii) Foundation skills full qualifications

A student that meets the standard Smart and Skilled eligibility criteria will not be charged a fee for training under the EFS program.

From 1 July 2023 - A student will not be charged a fee for training in an identified foundation skills full qualification on the NSW Skills List – which includes FSK Training Package and other accredited qualifications.

(iii) NSW Fee Free initiative

All students that meet the standard Smart and Skilled eligibility criteria are eligible for the NSW fee free initiative. NSW fee free will apply to training that meets the following requirements:

- Enrolment is in a NSW Fee Free priority qualification identified on the NSW Skills List.
- Enrolment date is on or after 1 December 2022.
- Commencement date is from 1 January 2023 to 31 December 2023.

Note: The “NSW Fee Free” waiver should not be applied to a student that is entitled to a fee exemption or fee-free scholarship as detailed under **Section 3.5**, or the **Fee Free Apprenticeship Initiative** or the **Fee Free Traineeship Initiative**.

Note: Providers are required to use the appropriate fee waiver code if the student is a Veteran or a Recognised Partner of a Veteran. Refer to **Appendix 1 - Acceptable evidence for fee categories and loadings**.

Clause 1.3 of the *Smart and Skilled Operating Guidelines* prevents Smart and Skilled providers from promoting Smart and Skilled subsidised training as being “free of charge”. For the purposes of NSW Fee Free priority qualification identified on the NSW Skills List, this section of Clause 1.3 will not apply in its entirety. The rest of Clause 1.3 will continue to apply to providers’ promotion and marketing.

This means that in providers’ marketing and information materials, providers will be allowed to advertise that these qualifications are fee-free.

However, if providers choose to advertise that these qualifications are fee-free, then any provider websites, flyers, emails and other promotional materials must use the following statement:

‘Training in priority qualifications is fee-free and fully funded by the NSW and Commonwealth governments’.

Provider campaigns such as bulk emails to employers/industry and potential learners promoting ‘free training- sign up here’ or similar promotions are deemed inappropriate by the Department. If providers are found to have engaged in such practices, the Department may investigate these practices to determine if a breach of this policy and/or the Smart and Skilled Contract has occurred.

Section 4: Determining the applicable student fee

4.1 Validation of student eligibility and fee

The Provider must use the Provider Calculator to confirm the student's Smart and Skilled eligibility for a qualification and the student fee (or no fee) to be charged.

The Provider cannot charge a student a fee other than what is calculated by the NSW Government through the Provider Calculator. This means the Provider cannot discount the fee, charge a higher fee or exempt a student from paying the fee. See **Section 5: Additional fees**.

Circumstances may arise where the fee quoted by the NSW Government must be adjusted (such as where the student obtains CT or RPL after enrolment or after commencement). See **Section 4.4 Credit transfer (CT) and recognition of prior learning (RPL)** for more information.

A Student Fee Estimator is available on the Skills Compare website at the link: <https://education.nsw.gov.au/skills-nsw>. Students can use it to check their eligibility and estimate their fee for NSW Skills List qualifications. This will be an estimate only, and the student fee to be charged will be confirmed when student enrolment information is entered via the Notification of Enrolment in the Provider Calculator.

4.2 Evidence of eligibility

A student must declare that the information they provide with regards to eligibility for some fee types is true, accurate, complete and not misleading. A student may be required to provide evidence to support their eligibility for the Smart and Skilled fee type.

The Provider must maintain acceptable evidence as detailed in **Appendix 1 - Acceptable evidence for fee categories and loadings**.

All evidence must be able to be verified by the Provider. At the Department's discretion, the Department may request that the Provider produce records for verification (i.e. either a copy of the evidence or proof that the evidence has been sighted).

Where evidence is sighted but not kept, the Provider must maintain a record that confirms sighting of the evidence and a description of the evidence. The record must:

- be dated and signed by the person who sighted the evidence and is authorised by the Provider.
- capture the name of the signatory and their job title.
- contain a description of the type of evidence sighted (e.g. "Department of Veterans' Affairs (DVA) White Card that names Jane Doe", "letter from Centrelink confirming John Smith is a recipient of a Commonwealth Government benefit" etc).
- capture either the issue date or expiry date of the evidence sighted (if applicable).

The description is NOT required to capture sensitive information from the document (e.g. the Centrelink Reference Number (CRN) or Department of Veterans' Affairs (DVA) White Card number).

Note: For each enrolment, the Provider is expected to check that the student is eligible for the relevant fee category at the time of enrolment.

4.3 Updating student eligibility for fee exemption or concession after enrolment

If a student declares their status in relation to a disability, concession or long-term unemployment or identifies them self as an Aboriginal or Torres Strait Islander person at a point in time **after** enrolment (therefore making them eligible for a fee exemption or concession), the Provider must:

- sight or collect the relevant evidence within 28 days of being notified by the student, and
- abide by the **Declaring Student Status after Enrolment Policy (Version 2.0)**, located in the Support Documents section of STS Online.

4.4 Credit transfer (CT) and recognition of prior learning (RPL)

Where an eligible student is granted credit transfer (CT) or recognition of prior learning (RPL) for one or more units of competency (UoC), the qualification price will be adjusted and a new student fee determined. The qualification price is based on both fixed and variable costs and adjustments will be made to both of these cost components.

Credit transfer (CT)

The Provider must comply with the *Australian Skills Quality Authority (ASQA)* guidelines in connection with granting Credit Transfer.

CT means that a student gains credit in the qualification they are undertaking because they have previously completed UoCs or modules in another qualification or other formal learning. Being granted CT for a UoC or module means the student does not have to undertake the UoC/module again. It reduces the amount of learning to be undertaken and may reduce the student fee.

Providers must inform a student of CT opportunities and advise them to check their academic transcripts for any previous qualifications achieved to identify any potential opportunities for CT.

Providers can also advise a student to visit the Unique Student Identifier (USI) Registry at <https://portal.usi.gov.au/student/> to check if any information is stored by the Registry on previous training they have undertaken, to help identify any previously achieved UoC/modules that can be granted CT.

This information should be given to the Provider and may entitle the student to a reduced fee.

The Provider must grant CT for any UoCs/modules already achieved, where the evidence to support this is provided.

Where CT is granted, student fees are calculated as follows:

- The fixed cost of the qualification will be reduced by the proportion of UoCs given CT.
- The variable cost will be reduced by the total cost of each UoC granted CT.

Once the adjusted qualification price is calculated the new student fee will be determined at the same percentage of the price as the original student fee for that course.

Example of CT:

A Certificate III has a qualification price of \$8,000 with a fixed cost of \$3,000 and a variable cost of \$5,000. The qualification consists of 25 UoCs at \$200 each.

The student fee is 25% of the qualification price (\$2,000). Student A has no CT. Student B has CT for five (5) UoCs (i.e. 20% of the qualification).

Field	Student A	Student B
Student fee prior to CT	\$2,000	\$2,000
Fixed Cost	\$3,000 No reduction	\$2,400 This is reduced by the proportion of units with CT. In this case, the reduction is 20% x \$3,000 = \$600
Variable Cost	\$5,000 No reduction	\$4,000 This is reduced by the total cost of each UoC with CT. In this case, the reduction is 5 x \$200 = \$1,000
New Qualification Price	\$8,000	\$6,400
New Student Fee (25% of new price)	\$2,000	\$1,600

Recognition of Prior Learning (RPL)

The Provider must ensure that its Recognition Process aligns with the **NSW Recognition Framework** as published from time to time. Recognition of Prior Learning for Apprenticeships and Traineeships must comply with all applicable laws, including the *Apprenticeship and Traineeship Act 2001*.

RPL involves a student demonstrating they already have the skills and experience to complete the qualification (in whole or part) without needing to attend classes or participate in learning.

Providers must inform the student of RPL opportunities and the process for applying.

Where RPL is granted, student fees are calculated as follows:

- The fixed cost of the qualification will be reduced by 50 per cent of the proportion of UoCs granted RPL.
- The variable cost will be reduced by 50 per cent of the total cost of each UoC granted RPL.

Once the adjusted qualification price is calculated the new student fee will be determined at the same percentage of the price as the original student fee for that course.

Example of RPL:

A Certificate III has a qualification price of \$8,000 with a fixed cost of \$3,000 and a variable cost of \$5,000. The qualification consists of 25 UoCs at \$200 each.

The student fee is 25% of the qualification price (\$2,000). Student A has no RPL. Student B has RPL for five (5) UoCs (i.e. 20% of the qualification).

Field	Student A	Student B
Student fee prior to CT	\$2,000	\$2,000
Fixed Cost	\$3,000 No reduction	\$2,700 This is reduced by 50% for the proportion of units with RPL. In this case, the reduction is 50% x 20% x \$3,000 = \$300
Variable Cost	\$5,000 No reduction	\$4,500 This is reduced by 50% of the total cost of each UoC with RPL. In this case, the reduction is 50% x 5 x \$200 = \$500
New Qualification Price	\$8,000	\$7,200
New Student Fee (25% of new price)	\$2,000	\$1,800

Where RPL for a UoC(s) is assessed by the Provider and only partially granted and some training delivery is still required, there is no reduction in the student fee and should not be entered in the Provider Calculator or reported as RPL granted.

Note: Where a student is granted a mix of RPL and CT, the combination of the above two methodologies will be used to calculate the new student fee

4.5 Calculating and adjusting fees for CT and RPL

Where CT and/or RPL are granted at enrolment, the Provider will need to use the Smart and Skilled Provider Calculator to determine the applicable student fee.

Where CT and/or RPL is granted after enrolment, or after a student commences a qualification, the Provider must report the outcome for the relevant UoC(s) in their next Smart and Skilled training activity data file submitted to the Department. The Department will adjust the subsidy payment and advise the Provider of the new student fee. The Provider must take all necessary steps to advise the affected student of the adjusted fee and to amend the fee levied to the student, including changing future fee payment schedules.

The Provider must sight appropriate evidence, such as a testamur, or a transcript of academic record/achievement or a USI transcript to grant CT.

Fee for a concession student where CT and/or RPL has been awarded.

Where a student is eligible for a concession and has been awarded CT and/or RPL, if the relevant adjusted Standard Student fee (First or Subsequent) is lower than the concession fee, the student will pay the lower fee i.e. the adjusted Standard Student fee.

Section 5: Additional fees

The price of a qualification, which is made up of the government subsidy and student fee, covers the total costs incurred by the Provider to deliver the training, including training materials, learning resources and assessment.

A Provider must not charge the student any additional fees for the subsidised training, except where specified in the following subsections.

For each qualification, the Provider must publish on its website any additional costs that will be or may be incurred, and ensure that the student is aware of these costs prior to enrolment.

The Provider must issue receipts for any monies collected by the Provider for additional charges. The Provider must retain copies of any receipts issued.

The following is applicable for both full and part qualifications (including single UoC or module delivery) undertaken under Smart and Skilled.

Note: All references in this policy to charging a student a fee, and to make the student aware of fees and costs, encompass anyone who may pay the fee on behalf of the student. This includes, but is not limited to:

- * the student.
- * the student's parent or guardian.
- * the student's employer.
- * any other organisation or entity.

5.1 Customisation of training

The Provider cannot charge an additional fee for customisation of the training where the customisation is within training package rules, except in the specific instances outlined in **Section 5.2 Incidental Expenses**.

If the customisation results in training delivery in excess of the training package rules, see **Section 5.3 Additional training** for details on allowable charges.

Note:

The Department suggests that providers **request advice prior to engaging in discussions** with an employer/student about additional fees where there is doubt as to whether the criteria in sections 5.2 – 5.4 below apply.

5.2 Incidental expenses

There may be some instances where the Provider can charge over and above the student fee.

These costs include:

- essential equipment and other items that the student has the choice of acquiring from the Provider, or from a supplier other than the Provider, that become the physical property of the student, are retained by the student on completion of training, and are not consumed during the training;

Example

Chef knives, makeup kit, tool kit.

- published learning resources that are non-essential to training delivery, become the physical property of the student and are retained by the student on completion of training;

Example

Published textbook.

Note: The Provider cannot charge for:

* learning resources such as workbooks or learner guides, that are essential to the delivery of training.

* a hard copy text book where an online version is available for the student free of charge (unless the student is informed of the additional charges for the hard copy text book and agrees to purchase it).

* learning resources that have been replicated by the Provider (e.g. photocopies, or computer printouts whether they have been bound or not).

* learning resources that have been developed “in house” by the Provider.

- an optional charge for an item that is not essential for the student to complete the training;

Example

A Provider makes available standard flowers to a student for a floristry qualification to create a flower arrangement, but the student would like to use more expensive exotic flowers. The student would be required to purchase the more expensive flowers from the Provider or another supplier.

- field trips and food, transport and accommodation costs associated with the provision of field trips that form part of the training; and
- an optional charge for an alternative form of access to an item or service that is an essential component of the training, but is otherwise made readily available at no additional fee by the Provider.

Examples

1. The textbook for a qualification is an online resource but a student would like a hardcopy. In this instance, the Provider may charge the student for the textbook. The textbook would become the personal property of the student.

2. The Provider may charge an employer if it requests the development of alternative bespoke forms of materials/resources which are for use in training delivered exclusively to employees of the employer.

3. A Provider uses a particular brand of heavy vehicle engine for training and assessment. The Provider may arrange to deliver training to a group of employees and the employer requests that the training be delivered on a different brand of heavy vehicle engine used in its workplace. The Provider must reasonably explore options to provide access to the requested brand of equipment without an additional charge, such as use of the employer’s equipment for on-site training and assessment, or to rent the equipment. If the request cannot be fulfilled within the Smart and Skilled funding for the qualification, the Provider and employer may make an agreement for an additional fee to cover the cost.

Note:

1.The cost of developing “bespoke” forms of materials/resources outlined in Example 2 is not intended to cover the costs involved of designing and delivering training that is already in line with existing training package rules. For example, where the employer requests a Provider to deliver an elective unit of competency that the Provider does not currently offer.

2.The Provider cannot charge an additional fee to maintain or upgrade their equipment in order to fulfil a request outlined in Example 3.

5.3 Additional training

The student may request additional UoCs to be delivered in conjunction with their Smart and Skilled subsidised qualification. This would be UoCs that are over and above what is required under the training package rules to achieve the qualification.

The Provider must attempt to cover the costs of delivering the requested additional UoCs within the Smart and Skilled funding for the qualification.

If this is not possible, the Provider must make all reasonable attempts to source alternative subsidised funding for the additional training prior to entering into fee-for-service arrangements with the student.

Where subsidised funding is not available, the student must agree to any fee-for-service charges prior to enrolment.

At the successful completion of training, the student will be issued with the qualification plus a statement of attainment for the additional UoCs delivered.

Example

A student is undertaking subsidised training that requires 15 UoCs to achieve the full qualification. The student, or their employer, requests an additional 5 UoCs to be delivered, either from this or another qualification. The cost of the additional UoCs cannot be absorbed by the funding received by the Training Provider for the full qualification. The Provider accesses alternate funding for the delivery of the 5 additional UoCs.

5.4 Charges for issuing embedded qualifications

In some cases, a qualification may include all the UoCs required to complete a lower level qualification (an ‘embedded’ qualification). The student may wish to be issued with a testamur for the lower level qualification in addition to the higher one they enrolled in. The Provider may charge an administrative fee to produce the additional testamur but the student will not be required to pay additional student fees for the lower level qualification.

Section 6: Paying fees

6.1 Levying of student fees

The Provider can determine the payment arrangements for student fees, but the Provider must publish information and inform each student of these arrangements before the student enrolls.

The Provider must collect all fees to be paid by the student by the time they complete their subsidised training. A Provider, or a related entity or organisation, must not pay the student fee on behalf of a student unless the Provider is also:

- the employer of the student; or
- is a provider of government-funded employment services (Jobactive) and the student is a client.

There are no other circumstances whereby a Provider may pay a fee on behalf of a student.

The Provider must collect student fees or retain evidence that either of the two conditions above were met.

Where a student has applied for a VET Student Loan (or a loan from any other Commonwealth Government loan program) the amount will be paid directly to the Provider by the Commonwealth Government.

6.2 Subcontracting

Where the Provider has a subcontracting arrangement, the subcontractor is not to charge the student a fee or any additional costs. All fees and any additional costs must be levied by the Provider in accordance with this Policy.

6.3 Discontinuing students

Withdrawal without penalty

The Provider must advise the student, prior to any fees being paid, of the 'withdrawal with no penalty' cut-off date, i.e. the date by which the student can withdraw and be refunded any fees paid at enrolment. This date is determined by the Provider.

Withdrawal after the without penalty cut-off date

Where a student withdraws from training after the cut-off date, the Provider must:

- give the exiting student a statement of fees that includes all fees applied and any fees refunded, if applicable.
- comply with requirements relating to "Discontinuing Students" in the **Smart and Skilled Operating Guidelines**.

6.4 Fees for student repeat attempts to complete units of competency

The Provider will not be paid additional subsidy for repeat attempts by a student to complete a UoC. The Provider must have a policy on the number of times a student can attempt to complete a UoC for their student fee. The Provider must make the student aware of the policy prior to or at enrolment.

6.5 Fee refunds

The Provider must have a refund policy.

The policy must include but is not limited to:

- the 'withdrawal with no penalty' cut-off date (as determined by the Provider in accordance with **Section 6.3 Discontinuing Students**).
- a process for refunding a student who withdraws from training not of their own accord. For example, where the Provider closes or where the Provider is no longer approved to deliver Smart and Skilled training.
- a process for partial refund of fees (when necessary) where CT and/or RPL has been granted.
- information on whether the student will get a refund if they withdraw from a qualification but have completed all the requirements for a lower level qualification, which attracted a lower student fee.

For VET Student Loans (or any other Commonwealth Government loan program) approved qualifications, the Provider must comply with the Commonwealth's VET Student Loans (or any other Commonwealth Government loan program's) Refund policy.

The Provider must publish and make the student aware of the fee refund policy before enrolment.

6.6 Co-enrolments

The Provider must charge a fee for each Smart and Skilled qualification that a student enrolls in. For example, if a student enrolls in both an EFQ qualification and a TPFQ qualification, the student must pay the student fee applicable for both qualifications.

6.7 Recovery of outstanding student fees

The Provider must have a process for the recovery of outstanding fees from a student. The Provider must publish and make the student aware of this policy.

6.8 Changes to Student Fees

The student will pay the fee for the qualification that applies at the time that they are to commence training. The student will not be affected by any subsequent changes to Smart and Skilled fees.

6.9 Transferring students

A student undertaking a Smart and Skilled qualification may withdraw from a qualification with a Smart and Skilled Provider and transfer to another Smart and Skilled Provider to complete their qualification because:

- they chose to of their own accord, or
- their Provider has closed, or has had their contract terminated, or the Provider cannot continue to deliver training to the student in the delivery mode chosen by the student and it is not possible for the student to continue training in an alternative delivery mode.

A student who transfers of their own accord

Where a student transfers of their own accord from their initial Smart and Skilled Provider to another Smart and Skilled Provider to complete their training, standard CT rules will apply when calculating the student fee. To do this, the subsequent Provider of the student must obtain a statement of attainment from the student (issued by the initial Provider) to determine what CT should be granted. The subsequent Provider must use the Smart and Skilled Provider Calculator to determine the student fee.

In this situation, the student may end up contributing more towards the cost of their training.

A student who transfers due to Provider closure or contract termination or change in delivery mode

As mentioned, a student may be forced to transfer from their initial Smart and Skilled Provider to another Smart and Skilled Provider to complete their training because:

- their Provider has closed.
- their Provider has had its contract terminated.
- their Provider cannot continue to deliver training to the student in the delivery mode chosen by the student and it is not possible for the student to continue training in an alternative delivery mode.

Students in these situations will be supported to complete their training in a replacement course with a subsequent provider.

The following rules apply in these circumstances:

- The fees charged in total by the two Smart and Skilled Providers cannot exceed the student fee quoted by the initial Provider.
- Where the combined fee exceeds the original fee quoted, the subsequent Provider must contact the Department to confirm fee to be charged, before enrolling the student and charging any fees. Any fee gap will be paid to the Provider by the Department.

The subsequent Provider must obtain the following documentation from the student:

- a statement of attainment issued by the previous Smart and Skilled Provider.
- an up-to-date training plan (issued by the initial Smart and Skilled Provider) that lists all UoCs achieved, commenced but not completed, and/or not started.
- a statement of fees and a receipt of payment issued by the previous Smart and Skilled Provider.

The subsequent Provider must then enter the details into the Smart and Skilled Provider Calculator to determine the fee to be charged to the student.

Obtaining the above documentation may not be possible where the initial Provider closes. In these instances, the Provider should seek assistance from the Department to determine the fee to be charged to the student.

6.10 Students transitioning from superseded qualifications

Where a student is enrolled in a qualification that is superseded and the student is required to transition to the new qualification to continue and complete the training, and the price of the new qualification is different to that of the superseded qualification:

- the Provider will continue to be paid the applicable subsidy for the superseded qualification.
- the student fee will remain the same.

6.11 Fee protection mechanisms

The Provider must comply with Clause 7.3 of the *ASQA Users' Guide: Standards for Registered Training Organisations (RTOs) 2015* relating to a Provider's responsibility to protect prepaid fees by learners.

Clause 7.3 states that where the RTO requires, either directly or through a third party, a prospective or current learner to prepay fees in excess of a total of \$1,500 (being the threshold prepaid fee amount), the RTO must meet the requirements set out in the Requirements for Fee Protection in Schedule 6 of the Users' Guide.

The requirements set out in Schedule 6 are summarised below:

- Government entities and Australian Universities must implement a policy addressing learner fee protection arrangements.
- All other RTOs must implement one or more of the following arrangements:
 - The RTO holds an unconditional financial guarantee from a bank operating in Australia; or
 - The RTO is a member of an approved Tuition Assurance Scheme approved by ASQA; or
 - The RTO has any other fee protection measure approved by ASQA.

RTOs may collect up to \$1,500 in prepaid fees from a learner without needing to take any action to protect these fees.

The Users' Guide can be found on the ASQA website.

Where any changes are made to ASQA's requirements for the protection of student fees, these override fee protection obligations set out in this Smart and Skilled Fee Administration Policy.

Section 7: Student Loans

Where a student obtains a Commonwealth Government student loan through the Provider, the Provider must comply with all the requirements of the Commonwealth Government loan program.

Information for students on the current Commonwealth Government VET loan program, VET Student Loans, is available from the Commonwealth Government's Study Assist website at: www.studyassist.gov.au/vet-student-loans .

Provider information on VET Student Loans is available from: www.education.gov.au/vet-information-providers.

Section 8: Student access to fee policies

8.1 Smart and Skilled Fee Administration Policy

The Provider must give each student access to this Smart and Skilled Fee Administration Policy before or at the time of enrolment.

8.2 Provider's policies

As listed throughout this document, the Provider must also make the student aware of its policies or processes on:

- evidence required for student eligibility for Smart and Skilled, Smart and Skilled programs and fee exemptions and concessions where relevant.
- withdrawal without penalty.
- repeat attempts to complete a UoC.
- fee refunds.
- recovery of outstanding fees.
- levying of student fees

Appendix 1: Acceptable evidence for fee categories and loadings

(Should be read in conjunction with [Section 3: Fee categories and eligibility](#))

Note:

The **Smart and Skilled Eligibility Policy** outlines the acceptable evidence for Smart and Skilled eligibility.

At enrolment, a student declaration is acceptable where a form of evidence is required to be sighted or collected by the Provider. The required evidence, however, must be sighted or collected by the Provider prior to submitting Training Activity Data for an enrolled student who has commenced to ensure the student is charged the appropriate fee.

Requirement	Evidence	Evidence requirements	
Previous qualification vs first qualification fee			
1.	Previous qualification	<ul style="list-style-type: none"> Department's system may check against Smart and Skilled records and/or USI academic transcript records. 	Student declaration/signature at enrolment
Concession fee eligibility:			
2.	Concession Fee: Commonwealth Government Benefit Recipient	<ul style="list-style-type: none"> a letter from the Department of Human Services (Centrelink) confirming receipt of the benefit. The letter should clearly show the Centrelink Reference Number (CRN) and the benefit or allowance category; or a current concession card that shows the CRN and clearly shows the benefit or allowance category; or a current Centrelink income statement that clearly shows the CRN and the benefit or allowance category; or any other evidence that clearly shows the CRN and the benefit or allowance category; or documentary evidence from the Department of Veterans' Affairs stating their pension/benefits status; or for people applying for Austudy or Youth Allowance, an approval letter from Centrelink that shows the CRN and indicates that commencement date of their benefit is within two weeks of their enrolment or two weeks within the date of the first class attendance or participation in training 	Evidence sighted or collected by Provider
3.	Concession Fee: Dependant of Commonwealth Government Benefit Recipient	<ul style="list-style-type: none"> A dependant child, spouse or partner of someone who is receiving a specified Commonwealth Government benefit or allowance, must provide documentary evidence that Centrelink recognises the student as the dependant <p>The evidence must clearly show the CRN of the benefit or Commonwealth Government benefit recipient.</p>	Evidence sighted or collected by Provider
Exemptions, waivers and fee-free training eligibility:			
4.	Fee Exemption: Aboriginal person or Torres Strait Islander person	N/A	Student declaration/signature

Requirement	Evidence	Evidence requirements
5.	Fee Exemption: Person with Disability	Evidence sighted or collected by Provider
6.	Fee Exemption: Dependant of a person with a disability	Evidence sighted or collected by Provider
7.	Fee Waiver: Refugee or Asylum Seeker (and their Partners)	Evidence sighted or collected by Provider
8.	Fee-free training - Fee-free Scholarship (Concession eligible)	Student declaration/signature at enrolment

Requirement	Evidence	Evidence requirements
9. Fee-free training - Fee-Free Scholarship (Out-of-Home Care eligible)	<p>For a student currently in out-of-home care:</p> <ul style="list-style-type: none"> • A copy of the Children's Court Care Order, or • A copy of the 'Confirmation of Placement' letter, or • A letter from Family and Community Services or the Out-of-Home Care Designated Agency verifying that the student is in statutory or supported care, or • Any other evidence which clearly shows that the student is in out-of-home care. <p>For a student previously in out-of-home care:</p> <ul style="list-style-type: none"> • A copy of the expired Children's Court Care Order, or • A copy of the 'leaving care' letter from the Minister for Family and Community Services, or • A letter from Family and Community Services verifying the student was previously in statutory or supported care, or • Any other evidence which clearly shows that the student was previously in out-of-home care. 	Evidence sighted or collected by Provider
10. Fee-free training - Fee-Free Scholarship (Domestic and Family Violence eligible)	<p>A letter of recommendation is required from a domestic and family violence service, refuge or other support agency such as:</p> <ul style="list-style-type: none"> • Legal Aid NSW through their Women's Domestic Violence Court Advocacy Services, or • Organisations who provide Integrated Domestic Family Violence Services, or • Organisations who provide <i>Staying Home, Leaving Violence</i> services, or • Organisations who deliver Specialist Homelessness Services (i.e. refuges and crisis accommodation), or • Domestic Violence NSW, or • Any other organisation which clearly shows that the student is or has been previously receiving support services for domestic and family violence (for example a non-government organisation or charity that is self-funded). 	Evidence sighted or collected by Provider
11. Fee-free training - Fee-free Apprenticeships	<ul style="list-style-type: none"> • Date of commencement of Smart and Skilled training must be 1 July 2018 or later <p>For additional information, refer to Appendix 4: Fee-free Apprenticeships</p>	Student declaration/signature at enrolment
12. Fee-free training – Fee-free Traineeships	<ul style="list-style-type: none"> • Date of commencement of Smart and Skilled training must be 1 January 2020 or later <p>For additional information, refer to Appendix 5: Fee-free Traineeships</p>	Student declaration/signature at enrolment
13. NSW Fee Free	N/A	Smart and Skilled eligible student enrolled in a NSW Fee Free qualification
14. NSW Fee Free – Veteran	<ul style="list-style-type: none"> • DVA White Card. 	Evidence sighted or collected by Provider
15. NSW Fee Free – Veteran's Recognised Partner (includes Spouse, Recognised Defacto or Ex-Spouse/Recognised Defacto)	<ul style="list-style-type: none"> • Statutory Declaration 	Evidence sighted or collected by Provider

Requirement	Evidence	Evidence requirements
Loading to Provider: Evidence Requirements		
16.	Needs Loading: Aboriginal person or Torres Strait Islander person	<ul style="list-style-type: none"> A student that meets eligibility/evidence requirements for a fee exemption based on being Aboriginal or Torres Strait Islander person will automatically attract a loading (as per requirement 4)
17.	Needs Loading: Person with Disability	<ul style="list-style-type: none"> A student that meets eligibility/evidence requirements for a fee exemption based on disability will automatically attract a loading (as per requirement 5). <p>Dependants of a recipient of a Disability Support Pension do not attract a loading.</p>
18.	Needs: Long-term unemployed person – over 12 months	<ul style="list-style-type: none"> A letter from Employment Service Provider is required.
20.	Location Loading: Residential address – regional or remote	Evidence sighted or collected of any Commonwealth, NSW Government or local council issued document providing evidence of living location

NOTE:

- Where the evidence provided by the student is a copy of the original, the copy must be certified by a person who is on the list of approved witnesses who can verify documents. A list of which is available at the Commonwealth Attorney General's Department website at: www.ag.gov.au/Publications/Pages/Statutorydeclarationsignatorylist.aspx

Students who are inmates with NSW Corrective Services

Students who are inmates in NSW correctional facilities do not have access to many of the documents required to allow the Provider to assess program or fee eligibility.

NSW Corrective Services records information in the Offender Integrated Management System (OIMS) which can verify:

- Smart and skilled Eligibility:
 - Living or working in NSW
 - Citizenship: Australian citizen, New Zealand citizen and permanent Australian resident
 - Refugee or Asylum seeker
- Concession, exemptions, fee-free scholarship and other fee-free training eligibility:
 - Commonwealth benefit status
 - Disability status
 - Domestic and Family Violence status
 - Refugee or Asylum seeker – as above

Providers must make arrangements with the correctional facility on how information to support eligibility will be accessed/sighted. The sighting of information recorded on OIMS is deemed as sufficient evidence, however must be recorded by the Provider as per note 2 above.

Appendix 2: Specified Commonwealth Government benefits and allowances for concession fees

Commonwealth Government benefits and allowances	
Age Pension	Austudy
Carer Payment (see comment below)	Disability Support Pension
Farm Household Allowance	Family Tax Benefit Part A (maximum rate)
JobSeeker Payment	Parenting Payment (Single)
Special Benefit	Veterans' Affairs Pensions
Veterans' Children Education Scheme	Widow Allowance
Youth Allowance	

Comments:

- A NSW Apprentice on a JobSeeker Payment or a NSW Apprentice who is the dependant of a person receiving a JobSeeker Payment is not eligible for a concession fee.
- A NSW New Entrant Trainee on a JobSeeker Payment or a NSW New Entrant who is the dependant of a person receiving a JobSeeker Payment is not eligible for a concession fee.
- The Carer Payment is a specific benefit paid by the Commonwealth Government; this category does not include the Carer Allowance or Carer Adjustment Payment.

Changes to Commonwealth benefits and allowances affecting Smart and Skilled concession fees - JobSeeker Payment

From 20 March 2020, the Commonwealth Government introduced a new JobSeeker Payment as the main working age payment for people between 22 years old to Age Pension age. As a result, five current working age payments eligible for a concession fee under Smart and Skilled will be progressively consolidated or ceased.

Four payments which have ceased from 20 March 2020 and have been replaced by the new JobSeeker Payment are:

- Newstart Allowance.
- Wife Pension.
- Sickness Allowance.
- Widow B Pension.

The Widow Allowance, which also attracts a concession fee, will transition in 2022 as recipients reach Age Pension age.

Appendix 3: Eligibility for Smart and Skilled Fee-Free Scholarships

To be eligible for a Smart and Skilled Fee-Free Scholarship, a student must first meet the rules for the relevant program. A Smart and Skilled eligible student undertaking a full qualification up to and including Certificate IV may be eligible for a Smart and Skilled Fee-Free Scholarship if they are:

- aged between 15 and 30 (inclusive) at the start date for training and eligible for a concession fee (i.e. a Commonwealth Government benefit recipient); or
- meet the Out-of-Home Care definition at the time of enrolment and are:
 - aged 15-17 years and currently in out-of-home care, or
 - aged 18-30 years and previously in out-of-home care; or
- aged 15 and over, and be able to disclose (self-declare) at enrolment that they meet the domestic and family violence definition below.

A student is eligible for one scholarship per financial year and a maximum of two scholarships over four financial years. There is a limit of 50,000 Smart and Skilled Fee-Free Scholarships per financial year. This limit does not apply to a student who meets the fee-free criteria who are living in social housing in NSW or on the NSW Housing Register (waiting list); or a student who meets the out-of-home care criteria for a fee-free scholarship.

Social Housing definition

For the purposes of the Smart and Skilled Fee-Free Scholarship scheme, “NSW Social Housing” includes tenants of:

- public housing (owned and managed by the NSW Government or managed by a community housing provider)
- community housing (owned and/or managed by community housing providers)
- Aboriginal housing (owned and/or managed by the Aboriginal Housing Office (AHO) and Aboriginal Community Housing Providers)
- clients receiving crisis accommodation/supported accommodation (Specialist Homelessness Services)
- clients receiving private rental assistance funded by Department of Communities and Justice (for example: private rental subsidy, rental bond loans, tenancy guarantees)

Out-of-Home Care definition

The term ‘out-of-home care’ is defined in section 135 of the *Children and Young Persons (Care and Protection) Act 1985* and refers to children or young people who are cared for by a person other than their parent, in a place that is not their usual home. Children and young people enter out-of-home care because they are in need of care and protection. There are two main types of out-of-home care:

- **Statutory care** - where the Children’s Court has made a Care Order placing the child or young person in the parental responsibility of the Minister for Families and Communities
- **Supported care** - where the Secretary of the Department of Communities and Justice forms the opinion that the child or young person is in need of care and protection.

Children and young people in out-of-home care usually reside with relative/kinship carers, foster carers or in residential care services. It is up to Training Providers to ensure the student understands what is meant by the terms “social housing” and “out-of-home care”.

Domestic and family violence definition

For the purposes of the Smart and Skilled Fee-Free Scholarship scheme, people who have experienced or are experiencing domestic and family violence or their dependants must have a letter of recommendation from a domestic and family violence service, refuge or other support agency.

Appendix 4: Fee-free Apprenticeships

Apprentice eligibility

NSW apprentices, including school based apprentices, who are funded under Smart and Skilled and NSW apprentices funded through the Cross Border Contract, and who commence subsidised training on or after 1 July 2018 are eligible. This includes:

1. Apprentices who commence subsidised training for the first time on or after 1 July 2018; and
2. Apprentices whose apprenticeship is cancelled and subsequently recommence an apprenticeship in the same vocation with a different employer, and recommence subsidised training on or after 1 July 2018
3. Apprentices whose apprenticeship is cancelled and subsequently commence a new apprenticeship in a new vocation with a same/different employer, and commence in subsidised training on or after 1 July 2018
4. An apprentice who has completed an apprenticeship and is undertaking a subsequent apprenticeship and is commencing the subsidised training in the subsequent apprenticeship on or after 1 July 2018

For 2 and 3 above, this means that the apprentice must be awarded CT and/or RPL (where relevant). This must be reflected in the Notification of Enrolment through the Provider Calculator and reported in training activity data through eReporting.

Where this occurs, only the proportion of training that is undertaken after 1 July 2018 for the new apprenticeship qualification is fee-free.

The Provider can validate the apprentice's eligibility with the employer and may also use any other information available to assist in assessing eligibility.

Specific apprentice exclusions from eligibility

A NSW apprentice who commenced subsidised training prior to 1 July 2018 and subsequently, on or after 1 July 2018 recommences their subsidised training:

- a) with the same Provider, and is employed by the same employer and in the same vocation, or
- b) changes Provider and remains party to a training contract with the same employer and in the same vocation,

is not eligible for fee-free training. The apprentice must be granted CT and/or RPL and be subject to reduced fees due to CT and/or RPL.

A student who commenced subsidised training under a School Based Apprenticeship prior to 1 July 2018 and then transitions to a full apprenticeship on or after 1 July 2018 are not eligible for fee-free training for their full apprenticeship.

Legislative requirement

Under the Apprenticeship and Traineeship Act 2011 (NSW), a Provider must develop an apprentice's training plan in conjunction with the employer to ensure their capacity to support the proposed training arrangement. Providers must also report to the Department certain issues in relation to employer performance if identified.

Contractual compliance

The provider must comply with the policy and act in good faith. In particular, a Provider must not withdraw an apprentice who has started training prior to 1 July 2018 and re-enrol them with a start date of 1 July 2018 or later of their own volition or at the request of the employer and or apprentice for the financial gain of one or more parties.

Provider communication about fee free apprenticeships

Clause 1.3 of the Smart and Skilled Operating Guidelines states that the *'The Provider cannot suggest, or allow there to be any misunderstanding, that the Subsidised Training is 'free of charge', discounted or subsidised by the Provider or any other third party'* in relation to any communications about Smart and Skilled.

In communications related to apprenticeship training offered under Smart and Skilled, the Provider should use the following: *You may be eligible for fee free apprenticeship training. [Provider to insert instructions to check eligibility with their organisation.]*

The Department will monitor compliance with this policy, in accordance with clause 13 of the Smart and Skilled Contract Terms and Conditions.

Where the Department identifies a failure to comply with the Smart and Skilled Contract (including policies and operating guidelines), this will be considered an Event of Default which may lead to suspension or termination of a Provider's Smart and Skilled Contract.

Appendix 5: Fee-free Traineeships

Trainee eligibility

NSW trainees, including school based trainees, whose traineeship qualification is funded under Smart and Skilled and who commence subsidised training on or after 1 January 2020 are eligible. This includes:

1. Trainees who commence subsidised training for the first time on or after 1 January 2020.
2. Trainees whose traineeship is cancelled and subsequently recommence a traineeship in the same vocation with a different employer, and recommence subsidised training on or after 1 January 2020.
3. Trainees whose traineeship is cancelled and subsequently commence a new traineeship in a new vocation with the same/different employer, and commence in subsidised training on or after 1 January 2020.
4. A trainee who has completed a traineeship and is undertaking a subsequent traineeship and is commencing the subsidised training in the subsequent traineeship on or after 1 January 2020.

Trainees who fit eligibility category 2 and 3 above, and in some scenarios 4, must be awarded CT and/or RPL (where relevant). This must be reflected in the Notification of Enrolment through the Provider Calculator and reported in training activity data through eReporting.

Where this occurs, only the proportion of training that is commenced and undertaken after 1 January 2020 in the new traineeship qualification is fee-free.

The Provider can validate the trainee's eligibility with the employer and may also use any other information available to assist in assessing eligibility.

Students are eligible for a maximum of three fee-free traineeships under the initiative.

Specific trainee exclusions from eligibility

A NSW trainee who commenced subsidised training prior to 1 January 2020 and subsequently, on or after 1 January 2020 recommences their subsidised training:

- a) with the same provider, and is employed by the same employer and in the same vocation, or
- b) changes provider and remains party to a training contract with the same employer and in the same vocation,

is not eligible for fee-free training. The trainee must be granted CT and/or RPL and be subject to reduced fees due to CT and/or RPL.

Legislative compliance

Under the Apprenticeship and Traineeship Act 2011 (NSW), a Provider must develop a trainee's training plan in conjunction with the employer to ensure their capacity to support the proposed training arrangement. Providers must also report to the Department certain issues in relation to employer performance if identified.

Contractual compliance

The Provider must comply with this policy and act in good faith. In particular, a Provider must not withdraw a trainee who has started training prior to 1 January 2020 and re-enrol them with a start date of 1 January 2020 or later of their own volition or at the request of the employer and/or trainee for the financial gain of one or more parties.

Providers must also not delay commencing students with a planned start date in 2019 until 1 January 2020 or later in order to make them fee free. The Department will monitor compliance with this policy, in accordance with clause 13 of the Smart and Skilled Contract Terms and Conditions.

Where the Department identifies a failure to comply with the Smart and Skilled Contract (including policies and operating guidelines), this will be considered an Event of Default which may lead to suspension or termination of a Provider's Smart and Skilled contract.

Provider communication about fee free traineeships

Clause 1.3 of the Smart and Skilled Operating Guidelines states that the *'The Provider cannot suggest, or allow there to be any misunderstanding, that the Subsidised Training is 'free of charge', discounted or subsidised by the Provider or any other third party'* in relation to any communications about Smart and Skilled.

In communications related to apprenticeship training offered under Smart and Skilled, the Provider should use the following: *You may be eligible for fee free apprenticeship training. [Provider to insert instructions to check eligibility with their organisation.]*

The Department will monitor compliance with this policy, in accordance with clause 1.3 of the Smart and Skilled Contract Terms and Conditions.

Where the Department identifies a failure to comply with the Smart and Skilled Contract (including policies and operating guidelines), this will be considered an Event of Default which may lead to suspension or termination of a Provider's Smart and Skilled Contract.

School Based Apprenticeships and Traineeships Program Fee Administration Policy

Version 3.0

For the 2023-24 contract period

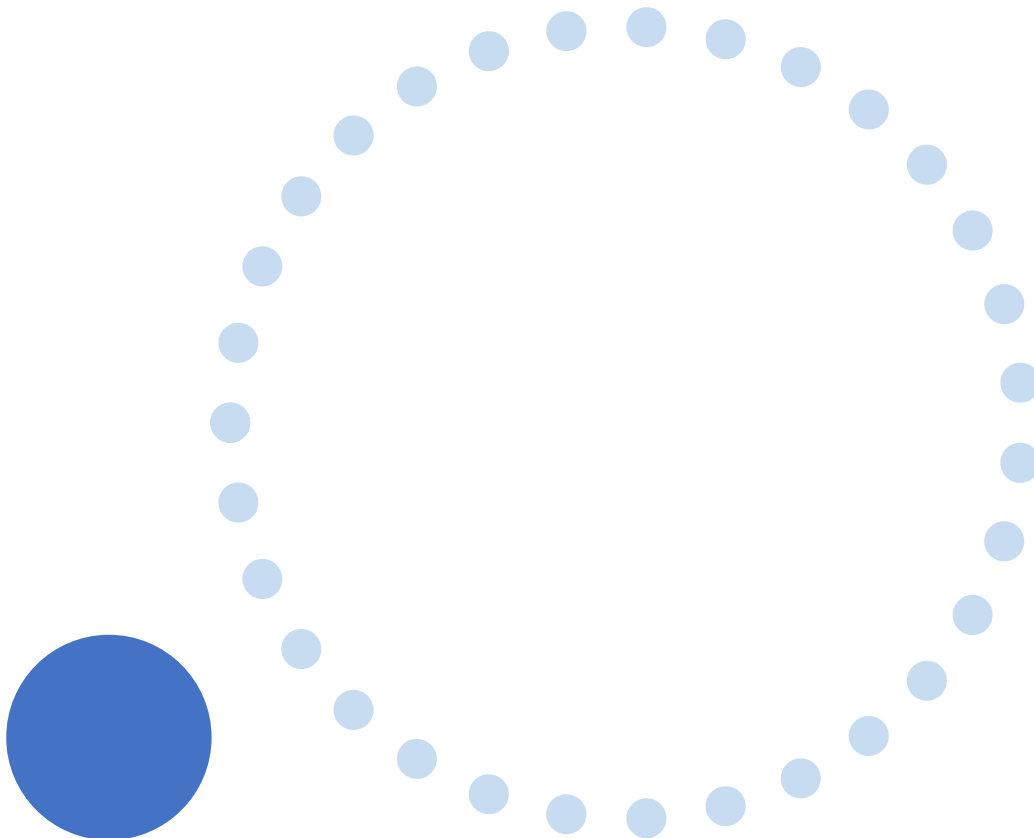
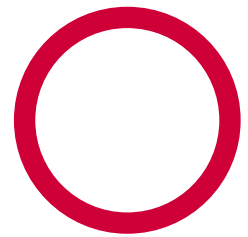


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Section 1: Introduction

This policy should be read in conjunction with the following documents:

- Smart and Skilled Contract Terms and Conditions
- Smart and Skilled Operating Guidelines
- The Smart and Skilled Eligibility Policy
- The NSW Skills List
- The Schedule of Prices, Fees and Subsidies
- The School Based Apprenticeship and Traineeship Eligibility Policy.
- Any other relevant Smart and Skilled policy documents.

In this document, a reference to a student means a NSW school based apprentice or NSW school based trainee.

Other Smart and Skilled Programs

The requirements for the application and management of student fees under all other Smart and Skilled Programs are set out in the **Smart and Skilled Fee Administration Policy**.

1.1 Student eligibility

Refer to the **School Based Apprenticeship and Traineeship Eligibility Policy**.

Section 2: Student fees

Under the School Based Apprenticeships and Traineeships (SBAT) Program, the payment to the Provider is made up of the student fee and the subsidy from the government.

Student fees are:

- set for the whole qualification (they are not annual or semester fees)
- set for the student and the qualification, and will be the same regardless of choice of Provider.

2.1 Charging fees

The Provider must only charge the student the relevant fee set by the NSW Government for the subsidised training the student is undertaking. The student fee to be charged will be confirmed when the Provider enters the student data into the School Based Apprenticeship and Traineeship Enrolment facility on STS Online and a SID is issued.

The Provider must not charge the student any additional fees, except for allowable additional costs outlined in **Section 4: Additional fees**.

Note: All references in this policy to charging a student a fee, and to make the student aware of fees and costs, encompass anyone who may pay the fee on behalf of the student. This includes, but is not limited to:

- * the student.
- * the student's parent or guardian.
- * the student's employer.
- * any other organisation or entity..

Examples:

1. The Provider cannot charge additional fees to recover costs for lost income resulting from the student withdrawing from training.
2. The Provider cannot charge for customisation of the qualification where the customisation is within training package rules.

2.2 Credit transfer and recognition of prior learning

Where an eligible student is granted credit transfer (CT) or recognition of prior learning (RPL) or for one or more units of competency (UoC), the qualification price will be adjusted and a new student fee determined. The qualification price is based on both fixed and variable costs and adjustments will be made to both these cost components.

Credit transfer (CT)

The Provider must comply with the *Australian Skills Quality Authority (ASQA)* guidelines in connection with granting CT.

CT provides a means that a student gains credit in the qualification they are undertaking because they have previously completed UoCs or modules in another qualification or other formal learning. Being granted CT for a UoC or module means the student does not have to undertake the UoC/module again. It reduces the amount of learning to be undertaken and may reduce the student fee.

Providers must inform a student of CT opportunities and advise them to check their academic transcripts for any previous qualifications achieved to identify any potential opportunities for CT.

Providers can also advise a student to visit the Unique Student Identifier (USI) Registry at <https://portal.usi.gov.au/student/> to check if any information is stored by the Registry on previous training they have undertaken, to help identify any previously achieved UoC/modules that can be granted CT.

This information should be given to the Provider and may entitle the student to a reduced fee.

The Provider must grant CT for any UoCs/modules already achieved, where the evidence to support this is provided.

Where CT is granted, student fees are calculated as follows:

- The fixed cost of the qualification will be reduced by the proportion of UoCs given CT.
- The variable cost will be reduced by the total cost of each UoC granted CT.

Once the adjusted qualification price is calculated the new student fee will be determined at the same percentage of the price as the original student fee for that course.

Example of CT:

A Certificate III has a qualification price of \$8,000 with a fixed cost of \$3,000 and a variable cost of \$5,000. The qualification consists of 25 UoCs at \$200 each.

The student fee is 25% of the qualification price (\$2,000). Student A has no CT. Student B has CT for five (5) UoCs (i.e. 20% of the qualification).

Field	Student A	Student B
Student fee prior to CT	\$2,000	\$2,000
Fixed Cost	\$3,000 No reduction	\$2,400 This is reduced by the proportion of units with CT. In this case, the reduction is $20\% \times \$3,000 = \600
Variable Cost	\$5,000 No reduction	\$4,000 This is reduced by the total cost of each UoC with CT. In this case, the reduction is $5 \times \$200 = \$1,000$
New Qualification Price	\$8,000	\$6,400
New Student Fee (25% of new price)	\$2,000	\$1,600

Recognition of prior learning (RPL)

The Provider must ensure that its Recognition Process aligns with **the NSW Recognition Framework** as published from time to time. Recognition of Prior Learning for Apprenticeships and Traineeships must comply with all applicable laws, including *the Apprenticeship and Traineeship Act 2001*.

RPL involves a student demonstrating they already have the skills and experience to complete the qualification (in whole or part) without needing to attend classes or participate in learning.

Providers must inform the student of RPL opportunities and the process for applying.

Where RPL is granted, student fees are calculated as follows:

- The fixed cost of the qualification will be reduced by 50 per cent of the proportion of UoCs granted RPL.
- The variable cost will be reduced by 50 per cent of the total cost of each UoC granted RPL.

Once the adjusted qualification price is calculated the new student fee will be determined at the same percentage of the price as the original student fee for that course.

Example of RPL:

A Certificate III has a qualification price of \$8,000 with a fixed cost of \$3,000 and a variable cost of \$5,000. The qualification consists of 25 UoCs at \$200 each.

The student fee is 25% of the qualification price (\$2,000). Student A has no RPL. Student B has RPL for five (5) UoCs (i.e. 20% of the qualification).

Field	Student A	Student B
Student fee prior to CT	\$2,000	\$2,000
Fixed Cost	\$3,000 No reduction	\$2,700 This is reduced by 50% for the proportion of units with RPL. In this case, the reduction is $50\% \times 20\% \times \$3,000 = \$300$
Variable Cost	\$5,000 No reduction	\$4,500 This is reduced by 50% of the total cost of each UoC with RPL. In this case, the reduction is $50\% \times 5 \times \$200 = \500
New Qualification Price	\$8,000	\$7,200
New Student Fee (25% of new price)	\$2,000	\$1,800

Where RPL for a UoC(s) is assessed by the Provider and only partially granted and some training delivery is still required, there is no reduction in the student fee and should not be entered in the Provider Calculator or reported as RPL granted.

Note: Where a student is granted a mix of RPL and CT, the combination of the above two methodologies will be used to calculate the new student fee

2.3 Calculating and adjusting fees for CT and RPL

Where CT and/or RPL are granted at enrolment, the Provider will need to use the Smart and Skilled Provider Calculator to determine the applicable student fee.

Where CT and/or RPL is granted after enrolment, or after a student commences a qualification, the Provider must report the outcome for the relevant UoCs in their next Smart and Skilled training activity data file submitted to the Department. The Department will adjust the subsidy payment and advise the Provider of the new student fee. The Provider must take all necessary steps to advise the affected student of the adjusted fee and to amend the fee levied to the student, including changing future fee payment schedules.

The Provider must sight appropriate evidence, such as a testamur, or a transcript of academic record/achievement or a USI transcript to grant CT.

Fee for a concession student where CT and/or RPL has been awarded.

Where a student is eligible for a concession and has been awarded RPL and/or CT, if relevant the adjusted Standard Student fee (First or Subsequent) is lower than the concession fee, the student will pay the lower fee i.e. the adjusted Standard Student fee.

2.4 Fees for Continuing Students

The student fee is for the whole qualification and should be determined at enrolment. It therefore applies for the duration of training for a particular enrolment (i.e. Commencement ID) even where the student is undertaking training over more than one contract period.

Section 3: Fee categories and eligibility

There are different categories of student fees, based on the qualification and the characteristics of the student.

The student fee categories are:

1. Apprenticeship
2. Traineeship
3. Concession
4. Exemptions and fee-free training

Evidence requirements for each of the fee categories is at **Appendix 1: Acceptable evidence for fee categories and loadings**.

3.1 Apprenticeship fees

Under the NSW Government's **Fee-Free Apprenticeship Initiative**, NSW School Based Apprentices who are funded under Smart and Skilled, and who commence subsidised training on or after 1 July 2018, are eligible for free training.

A school based apprentice eligible under this initiative will be exempt from fees for their apprenticeship qualification.

The apprentice eligibility requirements for this Initiative can be found in the **Smart and Skilled Eligibility Policy** and the **Smart and Skilled Fee Administration Policy**.

An apprentice who commenced a School Based Apprenticeship prior to 1 July 2018 and then transition to a full apprenticeship after 1 July 2018, are not eligible under the Fee-Free Apprenticeships Initiative, for a fee exemption for the remainder of their apprenticeship qualification

For students who are not eligible, the fee for a qualification delivered to a school based apprentice under an apprenticeship pathway is capped at \$2,000 and may be lower than for a non-apprenticeship pathway.

3.2 Traineeship fees

Under the NSW Government's **Fee-Free Traineeship Initiative**, NSW School Based Trainees who are funded under Smart and Skilled, and commence subsidised training on or after 1 January 2020, are eligible for free training.

A school based trainee eligible under this initiative will be exempt from fees for their traineeship qualification.

The trainee eligibility requirements for this Initiative can be found in the **Smart and Skilled Eligibility Policy** and the **Smart and Skilled Fee Administration Policy**. For trainees who are not eligible, the fee for a qualification delivered to a trainee under a traineeship pathway is capped at \$1,000 and may be lower than for a non-traineeship pathway.

3.3 Concession fees

Concession fees are discounted fees for a disadvantaged student. Concessions fees are a flat fee for the qualification level.

A student who receives a specified Commonwealth Government benefit or allowance, as listed at **Appendix 2: Specified Commonwealth Government benefits and allowances for concession fees**, is eligible for a concession fee for a qualification up to and including Certificate IV. The student must be in receipt of the specified benefit or allowance at the time of enrolment to be eligible.

The concession fee is also available to a student who is a dependant of a person receiving a specified Commonwealth Government benefit or allowance. To be eligible for the concession the person who the student is a dependant of must be receiving the benefit or allowance at the time of enrolment.

3.4 Exemptions and fee-free training

A student who falls into one of the following categories will qualify for fee-free training:

- an Aboriginal or Torres Strait Islander person
- A student with disability
- dependant child, spouse or partner of a recipient of a Disability Support Pension
- most school based apprentices and trainees.

Fee exemption for an Aboriginal or Torres Strait Islander student

An Aboriginal or Torres Strait Islander student can prove their status and eligibility for a fee exemption through descent, self-identification and community identification.

Fee exemption for a student with a disability

A student will be eligible for a fee exemption on the basis of disability if the student is:

- in receipt of the Commonwealth Government Disability Support Pension, or
- documentary evidence that is assessed by the provider and demonstrates a clear additional need as a result of the student's disability.

Fee exemption for a student who is a dependant of a person with a disability

A student who is a dependent of a person with disability will be eligible for a fee exemption on the basis of this category. These students will need to provide documentary evidence to show they are a dependant child, spouse or partner of someone who is receiving a Commonwealth Government Disability Support Pension.

3.5 Evidence of eligibility

A student must declare that the information they provide with regards to eligibility is true, accurate, complete and not misleading.

Additionally, for some fee types, a student may be required to provide evidence to support their eligibility for the Smart and Skilled fee type. The Provider must sight or maintain acceptable evidence as detailed in **Appendix 1 - Acceptable evidence for fee categories and loadings**.

Section 4: Additional fees

The price of a qualification, which is made up of the government subsidy and student fee, covers the total costs incurred by the Provider to deliver the training, including training materials, learning resources and assessment.

A Provider must not charge the student any additional fees for the subsidised training, except where specified in the following subsections.

For each qualification, the Provider must publish on its website any additional costs that will or may be incurred, and ensure that the student is aware of these costs prior to enrolment.

The Provider must issue receipts for any monies collected by the Provider for additional charges. The Provider must retain copies of any receipts issued.

The following is applicable for both full and part qualifications (including single UoC or module delivery) undertaken under Smart and Skilled.

Note: All references in this policy to charging a student a fee, and to make the student aware of fees and costs, encompass anyone who may pay the fee on behalf of the student. This includes, but is not limited to:

- * the student
- * the student's parent or guardian
- * the student's employer
- * any other organisation or entity

4.1 Customisation of training

The Provider cannot charge an additional fee for customisation of the training where the customisation is within training package rules, except in the specific instances outlined in **section 4.2 Incidental Expenses**.

If the customisation results in training delivery in excess of the training package rules, see **section 4.3 Additional training** for details on allowable charges.

4.2 Incidental expenses

There may be some instances where the Provider can charge over and above the student fee. These costs include:

- essential equipment and other items that the student has the choice of acquiring from the Provider, or from a supplier other than the Provider, that become the physical property of the student, are retained by the student on completion of training, and are not consumed during the training;

Example

Chef knives, makeup kit, tool kit.

- published learning resources that are non-essential to training delivery, become the physical property of the student and are retained by the student on completion of training;

Example

Published textbook

Note: The Provider cannot charge for:

- * learning resources such as workbooks or learner guides, that are essential to the delivery of training,
- * a hard copy text book where an online version is available for the student free of charge (unless the student is informed of the additional charges for the hard copy text book and agrees to purchase it).
- * learning resources that have been replicated by the Provider (e.g photocopies, or computer printouts whether they have been bound or not).
- * learning resources that have been developed “in house” by the Provider.

- an optional charge for an item that is not essential for the student to complete the training;

Example

A Provider makes available standard flowers to a student for a floristry qualification to create a flower arrangement, but the student would like to use more expensive exotic flowers. The student would be required to purchase the more expensive flowers from the Provider or another supplier.

- field trips and food, transport and accommodation costs associated with the provision of field trips that form part of the training; and
- an optional charge for an alternative form of access to an item or service that is an essential component of the training, but is otherwise made readily available at no additional fee by the Provider.

Examples

1. The textbook for a qualification is an online resource but a student would like a hardcopy. In this instance, the Provider may charge the student for the textbook. The textbook would become the personal property of the student.
2. The Provider may charge an employer if it requests the development of alternative bespoke forms of materials/resources which are for use in training delivered exclusively to employees of the employer.
3. A Provider uses a particular brand of heavy vehicle engine for training and assessment. The Provider may arrange to deliver training to a group of employees and the employer requests that the training be delivered on a different brand of heavy vehicle engine used in its workplace. The Provider must reasonably explore options to provide access to the requested brand of equipment without an additional charge, such as use of the employer’s equipment for on-site training and assessment, or to rent the equipment. If the request cannot be fulfilled within the Smart and Skilled funding for the qualification, the Provider and employer may make an agreement for an additional fee to cover the cost.

Note:

1.The cost of developing “bespoke” forms of materials/resources outlined in Example 2 is not intended to cover the costs involved of designing and delivering training that is already in line with existing training package rules. For example, where the employer requests a Provider to deliver an elective unit of competency that the Provider does not currently offer.

2.The Provider cannot charge an additional fee to maintain or upgrade their equipment in order to fulfil a request outlined in Example 3.

4.3 Additional training

The student may request additional UoCs to be delivered in conjunction with their Smart and Skilled subsidised qualification. This would be UoCs that are over and above what is required under the training package rules to achieve the qualification.

The Provider must attempt to cover the costs of delivering the requested additional UoCs within the Smart and Skilled funding for the qualification.

If this is not possible, the Provider must make all reasonable attempts to source alternative subsidised funding for the additional training prior to entering into fee-for-service arrangements with the student.

Where subsidised funding is not available, the student must agree to any fee-for-service charges prior to enrolment.

At the successful completion of training, the student will be issued with the qualification plus a statement of attainment for the additional UoCs delivered.

Example

A student is undertaking subsidised training that requires 15 units of competency to achieve the full qualification. The student, or their employer, requests an additional 5 UoCs to be delivered, either from this or another qualification. The cost of the additional units cannot be absorbed by the funding received by the Training Provider for the full qualification. The Provider accesses alternate funding for the delivery of the 5 additional UoCs.

Section 5: Paying fees

5.1 Levying of student fees

School based apprentices or trainees must not be levied the student fee or any additional costs directly. The payment of student fees and any additional costs, if applicable, is managed by the student's school sector.

The Provider can determine the payment arrangements for student fees, but the Provider must publish information and inform each student of these arrangements before the student enrolls.

Where a student does not complete the qualification while at school, for example a student undertaking a school based traineeship, the Provider must only levy the proportion of the student fee, via the school sector, for the proportion of the qualification undertaken whilst at school.

After finishing Year 12, the student can be directly levied the proportion of student fee for the remaining portion of the qualification that will be undertaken

The Provider must collect all fees to be paid by the time they complete their subsidised training. A Provider, or a related entity or organisation, must not pay the student fee on behalf of a student unless the Provider is also:

- the employer of the student; or
- is a provider of government-funded employment services (Jobactive) and the student is a client.

There are no other circumstances whereby a Provider may pay a fee on behalf of a student.

The Provider must retain student fees that it collects or evidence that either of the two conditions above were met.

Note:

The SID issued by the SBAT Enrolment facility will be retained for the duration of the students training. Specifically, where a school based apprentice continues in the apprenticeship after finishing Year 12.

5.2 Subcontracting

Where the Provider has a subcontracting arrangement, the subcontractor is not to charge the student a fee or any additional costs. All fees and any additional costs must be levied by the Provider in accordance with this Policy.

5.3 Discontinuing students

Withdrawal without penalty

The Provider must advise the student, prior to any fees being paid, of the 'withdrawal with no penalty' cut-off date, i.e. the date by which the student can withdraw and be refunded any fees paid at enrolment. This date is determined by the Provider.

Withdrawal after the without penalty cut-off date

Where a student withdraws from training after the cut-off date, the Provider must:

- give the exiting student a statement of fees that includes all fees applied and any fees refunded, if applicable
- comply with Paragraph 9 (“Discontinuing Students”) of the **Smart and Skilled Operating Guidelines**.

5.4 Fees for student repeat attempts to complete units of competency

The Provider will not be paid additional subsidy for repeat attempts by a student to complete a UoC. The Provider must have a policy on the number of times a student can attempt to complete a UoC for their student fee. The Provider must make the student aware of the policy prior to or at enrolment.

5.5 Fee refunds

The Provider must have a refund policy.

The policy must include but is not limited to:

- the ‘withdrawal with no penalty’ cut-off date (as determined by the Provider in accordance with section **5.3: Discontinuing students**)
- a process for refunding a student who withdraws from training not of their own accord. For example, where the Provider closes or where the Provider is no longer approved to deliver Smart and Skilled training
- a process for partial refund of fees (when necessary) where CT and/or RPL has been granted
- information on whether the student will get a refund if they withdraw from a qualification but have completed all the requirements for a lower level qualification, which attracted a lower student fee.

The Provider must publish and make the student aware of the fee refund policy before enrolment.

5.6 Recovery of outstanding student fees

The Provider must have a process for the recovery of outstanding fees from a student. The Provider must publish and make the student aware of this policy.

5.7 Changes to Student Fees

The student will pay the fee for the qualification that applies at the time that they are to commence training. The student will not be affected by any subsequent changes to Smart and Skilled fees.

5.8 Transferring students

A student undertaking a Smart and Skilled qualification may withdraw from a qualification with a Smart and Skilled Provider and transfer to another Smart and Skilled Provider to complete their qualification because:

- they chose to of their own accord, or
- their Provider has closed, or has had their contract terminated, or the Provider cannot continue to deliver training to the student in the delivery mode chosen by the student and it is not possible for the student to continue training in an alternative delivery mode.

A student who transfers of their own accord

Where a student transfers of their own accord from their initial Smart and Skilled Provider to another Smart and Skilled Provider to complete their training, standard CT rules will apply when calculating the student fee. To do this, the subsequent Provider of the student must obtain a statement of attainment from the student (issued by the initial Provider) to determine what CT should be granted. The subsequent Provider must use the Smart and Skilled Provider Calculator to determine the student fee.

In this situation, the student may end up contributing more towards the cost of their training.

A student who transfers due to Provider closure or contract termination or change in delivery mode

As mentioned, a student may be forced to transfer from their initial Smart and Skilled Provider to another Smart and Skilled Provider to complete their training because:

- their Provider has closed,
- their Provider has had its contract terminated, or
- their Provider cannot continue to deliver training to the student in the delivery mode chosen by the student and it is not possible for the student to continue training in an alternative delivery mode.

Students in these situations will be supported to complete their training in a replacement course with a subsequent provider.

The following rules apply in these circumstances

- The fees charged in total by the two Smart and Skilled Providers cannot exceed the student fee quoted by the initial Provider.
- Where the combined fee exceeds the original fee quoted, the subsequent Provider must contact the Department to confirm fee to be charged, before enrolling the student and charging any fees. Any fee gap will be paid to the Provider by the Department.

The subsequent Provider must obtain the following documentation from the student:

- a statement of attainment issued by the previous Smart and Skilled Provider
- an up-to-date training plan (issued by the initial Smart and Skilled Provider) that lists all UoCs achieved, commenced but not completed, and/or not started
- a statement of fees and a receipt of payment issued by the previous Smart and Skilled Provider.

The subsequent Provider can then enter the details into the Smart and Skilled Provider Calculator to determine the fee to be charged to the student.

Obtaining the above documentation may not be possible where the initial Provider closes. In these instances, the Provider should seek assistance from the Department to determine the fee to be charged to the student.

5.9 Students transitioning from superseded qualifications

Where a student is enrolled in a qualification that is superseded and the student is required to transition to the new qualification to continue and complete the training, and the price of the new qualification is different to that of the superseded qualification:

- the Provider will continue to be paid the applicable subsidy for the superseded qualification
- the student fee will remain the same.

5.10 Fee protection mechanisms

The Provider must comply with Clause 7.3 of the *ASQA Users' Guide: Standards for Registered Training Organisations (RTOs) 2015* relating to a Provider's responsibility to protect prepaid fees by learners.

Clause 7.3 states that where the RTO requires, either directly or through a third party, a prospective or current learner to prepay fees in excess of a total of \$1,500 (being the threshold prepaid fee amount), the RTO must meet the requirements set out in the Requirements for Fee Protection in Schedule 6 of the Users' Guide.

The requirements set out in Schedule 6 are summarised below:

- Government entities and Australian Universities must implement a policy addressing learner fee protection arrangements.
- All other RTOs must implement one or more of the following arrangements:
 - The RTO holds an unconditional financial guarantee from a bank operating in Australia; or
 - The RTO is a member of an approved Tuition Assurance Scheme approved by its VET Regulator; or
 - The RTO has any other fee protection measure approved by the VET Regulator.

RTOs may collect up to \$1,500 in prepaid fees from a learner without needing to take any action to protect these fees.

The Users' Guide can be found on the ASQA website.

Where any changes are made to ASQA's requirements for the protection of student fees, these override fee protection obligations set out in the Smart and Skilled Fee Administration Policy.

Section 6: Student access to fee policies

6.1 School Based Apprenticeship and Traineeship Program Fee Administration Policy

The Provider must give each student access to this School Based Apprenticeship and Traineeship Program Fee Administration Policy before or at the time of enrolment.

6.2 Provider's policies

As listed throughout this document, the Provider must also make the student aware of its policies or processes on:

- evidence required for student eligibility for Smart and Skilled, Smart and Skilled programs and fee exemptions and concessions where relevant
- withdrawal without penalty
- repeat attempts to complete a UoC
- fee refunds
- recovery of outstanding fees
- levying of student fees.

Appendix 1: Acceptable evidence for fee categories and loadings

(Should be read in conjunction with [Section 3: Fee Category eligibility](#))

At enrolment, a student declaration is acceptable where a form of evidence is required to be sighted or collected by the Provider. The required evidence, however, must be sighted or collected by the Provider prior to submitting Training Activity Data for an enrolled student who has Commenced to ensure the student is charged the appropriate fee.

Requirement	Evidence	Evidence requirements
Concession fee eligibility:		
1. Concession Fee: Dependant of Commonwealth Government Benefit Recipient	<ul style="list-style-type: none"> A dependant child, spouse or partner of someone who is receiving a specified Commonwealth Government benefit or allowance, must provide documentary evidence that Centrelink recognises the student as the dependant <p>The evidence must clearly show the CRN of the benefit or Commonwealth Government benefit recipient.</p>	Evidence sighted or collected by Provider
Exemptions, waivers and fee-free training eligibility:		
2. Fee Exemption: Australian Aboriginal or Torres Strait Islander	N/A	Student declaration/signature
3. Fee Exemption: Disability	<ul style="list-style-type: none"> a letter from Centrelink confirming receipt of the Disability Support Pension. The letter should clearly show the Centrelink Reference Number (CRN); or a current Disability Pensioner Concession Card that shows the CRN; or a current Centrelink income statement for the Disability Support Pension, which clearly shows that income is for the disability pension and also shows the CRN; or a completed NSW School Leaver Individual Transition Plan that clearly identifies the student's disability; or any other evidence that clearly shows the CRN and confirms receipt of the Disability Support Pension; or documentary evidence of support demonstrating a clear additional need as a result of the student's disability. This evidence must be a letter or statement from: <ul style="list-style-type: none"> a medical practitioner; or an appropriate government agency such as Veteran's Affairs or a TAFE NSW teacher consultant (for a student with a disability), a school counsellor or special education coordinator, Centrelink, a Disability Service Provider, or a Job Capacity Assessor; or a specialist allied health professional (including a rehabilitation counsellor, psychologist, speech pathologist, or occupational therapist). 	Evidence sighted or collected by Provider
4. Fee Exemption: Dependant of a person with a disability	<ul style="list-style-type: none"> Documentary evidence that Centrelink recognises the student as a dependant child, spouse or partner of someone who is receiving a Commonwealth Government Disability Support Pension. <p>The evidence should clearly show the Centrelink Reference Number (CRN) of the Disability Support Pension recipient.</p>	Evidence sighted or collected by Provider

Requirement		Evidence	Evidence requirements
5.	Fee-free training - Fee-free Apprenticeships	<ul style="list-style-type: none"> Date of commencement of Smart and Skilled training must be 1 July 2018 or later <p>For additional information, refer to Smart and Skilled Eligibility Policy and the Smart and Skilled Fee Administration Policy</p>	Student declaration/signature at enrolment
6.	Fee-free training – Fee-free Traineeships	<ul style="list-style-type: none"> Date of commencement of Smart and Skilled training must be 1 January 2020 or later <p>For additional information, refer to Smart and Skilled Eligibility Policy and the Smart and Skilled Fee Administration Policy</p>	Student declaration/signature at enrolment
7.	Fee-free training – Skilling for Recovery Initiative	For evidence requirements, refer to the Smart and Skilled Policy for the Skilling for Recovery Initiative.	Student declaration/signature at enrolment

Loading to Provider: Evidence Requirements

8.	Needs Loading: an Aboriginal or Torres Strait Islander person	<ul style="list-style-type: none"> A student that meets eligibility/evidence requirements for a fee exemption based on being an Aboriginal or Torres Strait Islander person will automatically attract a loading (as per requirement 2)
9.	Needs Loading: A student with disability	<ul style="list-style-type: none"> A student that meets eligibility/evidence requirements for a fee exemption based on disability will automatically attract a loading (as per requirement 3). <p>Dependants of a recipient of a Disability Support Pension do not attract a loading.</p>
10.	Location Loading: Residential address – regional or remote	<ul style="list-style-type: none"> Evidence sighted or collected of any Commonwealth, NSW Government or local council issued document providing evidence of living location

NOTE:

- Where the evidence provided by the student is a copy of the original, the copy must be certified by a person who is on the list of approved witnesses who can verify documents. A list of which is available at the Commonwealth Attorney General's Department website at: www.ag.gov.au/Publications/Pages/Statutorydeclarationsignatorylist.aspx

Students who are inmates with NSW Corrective Services

Students who are inmates in NSW correctional facilities do not have access to many of the documents required to allow the Provider to assess program or fee eligibility.

NSW Corrective Services records information in the Offender Integrated Management System (OIMS) which can verify:

- Smart and Skilled Eligibility:
 - Living or working in NSW
 - Citizenship: Australian citizen, New Zealand citizen and permanent Australian resident
 - Refugee or asylum seekers
- Concession, exemptions, fee-free scholarship and other fee-free training eligibility:
 - Commonwealth benefit status
 - Disability status
 - Domestic and Family Violence status
 - Refugee or asylum seekers

Providers must make arrangements with the correctional facility on how information to support eligibility will be accessed/sighted. The sighting of information recorded on OIMS is deemed as sufficient evidence, however must be recorded by the Provider as per note 2 above.

Appendix 2: Specified Commonwealth Government benefits and allowances for concession fees

Commonwealth Government benefits and allowances	
Age Pension	Austudy
Carer Payment (see comment below)	Disability Support Pension
Farm Household Allowance	Family Tax Benefit Part A (maximum rate)
JobSeeker Payment	Parenting Payment (Single)
Special Benefit	Veterans' Affairs Pensions
Veterans' Children Education Scheme	Widow Allowance
Youth Allowance	

Comments:

- A NSW Apprentice on a JobSeeker Payment or a NSW Apprentice who is the dependant of a person receiving a JobSeeker Payment is not eligible for a concession fee.
- A NSW New Entrant Trainee on a JobSeeker Payment or a NSW New Entrant who is the dependant of a person receiving a JobSeeker Payment is not eligible for a concession fee.
- The Carer Payment is a specific benefit paid by the Commonwealth Government; this category does not include the Carer Allowance or Carer Adjustment Payment.

Changes to Commonwealth benefits and allowances affecting Smart and Skilled concession fees - JobSeeker Payment

From 20 March 2020, the Commonwealth Government introduced a new JobSeeker Payment as the main working age payment for people between 22 years old to Age Pension age. As a result, five current working age payments eligible for a concession fee under Smart and Skilled will be progressively consolidated or ceased.

Four payments which have ceased from 20 March 2020 and have be replaced by the new JobSeeker Payment are:

- Newstart Allowance
- Wife Pension
- Sickness Allowance
- Widow B Pension

The Widow Allowance, which also attracts a concession fee, will transition in 2022 as recipients reach Age Pension age.



| NSW Department of Education

Smart & Skilled: Consumer Protection Strategy

November 2020

www.nsw.gov.au/education-and-training/vocational



About the strategy

All Smart and Skilled students and potential students (consumers) have the right to expect that the training they receive is consistent with the national VET regulator's requirements (the Australian Skills Quality Authority) and the requirements of the Smart and Skilled contract.

The Consumer Protection Strategy:

- defines the rights and obligations of students and consumers with respect to their training under Smart and Skilled
- defines the consumer protection obligations of a training provider with a Smart and Skilled contract
- explains the measures the NSW Department of Education (the Department) has implemented to protect the rights of students receiving training under Smart and Skilled
- describes the Smart and Skilled complaints handling and dispute resolution process
- lists other agencies that may assist in the complaints handling process.

Rights and obligations

The Consumer Protection Strategy is based on a set of principles regarding the rights and obligations of consumers and the obligations of Smart and Skilled training providers to protect the rights of consumers.

Consumer rights and obligations

A Consumer has a right to:

- expect that the education and training they receive will be of a quality consistent with the national VET regulator's requirements (the Australian Skills Quality Authority) and the requirements of the Smart and Skilled contract (available on www.nsw.gov.au/education-and-training/vocational)
- be informed about personal information that is collected about them and the right to review and correct that information
- have access to a training provider's consumer protection complaints system.

A consumer has obligations that include but are not limited to:

- providing accurate information to their training provider
- behaving in a responsible and ethical manner.

Training Provider obligations

A Smart and Skilled training provider has obligations that include but are not limited to:

- providing the training and support necessary to allow a consumer to achieve competency
- providing a quality training and assessment experience for all consumers
- ensuring their organisation, staff and agents meet public expectations of ethical behaviour at all times
- conducting marketing activities with integrity, accuracy and transparency and without financial incentives or other inducements to consumers
- ensuring prospective consumers are properly informed about their subsidised training entitlements, their fees and their responsibilities and obligations
- providing a clear and accessible feedback and consumer protection system including an identified consumer protection officer
- maintaining procedures for protecting a consumer's personal information.

Training provider responsibilities

A Smart and Skilled training provider must implement a consumer protection and complaints handling system in line with the Australian Skills Quality Authority's requirements (available on www.asqa.gov.au), the NSW Quality Framework and the Smart and Skilled contract.

The Smart and Skilled contract (available on www.nsw.gov.au/education-and-training/vocational) requires a training provider to:

- have established, documented and accessible consumer feedback and complaints handling policies and procedures
- identify a dedicated consumer protection officer and list their contact details
- provide consumers with details of the pathways for resolving or escalating complaints.

A Smart and Skilled training provider is also required to include the Smart and Skilled website details and **1300 772 104** on all public information, enrolment forms and student induction material so that all consumers are aware of their rights and options for making a complaint or providing feedback about their training.

A Smart and Skilled training provider will also be expected to obtain a signed declaration from each student to confirm receipt of this information.

Training Provider obligations

The following publications are available on www.nsw.gov.au/education-and-training/vocational

- Smart and Skilled NSW Quality Framework
Includes measures to ensure consumers are well informed of their rights and given a clear avenue for complaint.
- Smart and Skilled Contract Terms and Conditions
Outlines the consumer protection measures required of Smart and Skilled training providers.
- Smart and Skilled Operating Guidelines
Provides further directions for Smart and skilled training providers to ensure they implement measures to protect consumer rights.

Consumer protection measures

The Department, through Training Services NSW, will assist with complaints relating to training under Smart and Skilled. For complaints outside the scope of Smart and Skilled, Training Services NSW will direct a consumer to the relevant agency.

Smart and Skilled's consumer protection measures give a consumer a central place to seek assistance with a complaint relating to a Smart and Skilled training provider.

The measures include:

- provide information and advice on consumer rights
- facilitate discussions between the consumer and their training provider with a view to resolving complaints
- provide suggestions to parties about referrals to other government agencies.

Training Services NSW administers these measures.

Information and advice for consumers

The Smart and Skilled website (www.education.nsw.gov.au/skills-nsw) provides information on:

- consumer protection
- training provider obligations, minimum standards and grievance procedures
- the escalation of complaints and Smart and Skilled's dispute resolution process

And also includes a link to an online form for making an enquiry or complaint, or giving feedback.

Consumer protection measures

The complaints process

Step 1: Consumer discusses complaint with training provider

A consumer must first make their complaint to their training provider. This is their first port of call for all complaints.

Where Training Services NSW receives a complaint, we will ask the consumer if they have complained to their training provider and if their training provider responded.

Step 2: Consumer contacts Training Services NSW

If a consumer cannot resolve their complaint with their training provider then they contact Training Services NSW by:

- applying online

www.nsw.gov.au/nsw-government/departments-and-agencies/departments-of-education/contact-training-services-nsw#toc-submit-an-online-inquiry-or-feedback

- phone on **1300 772 104**
- in person at a Training Services NSW regional office
www.education.nsw.gov.au/skills-nsw/contact-us

Step 3: Training Services NSW offers dispute assistance

Training Services NSW will ask a consumer a series of questions to understand their complaint.

A Training Services NSW officer will investigate the complaint and will attempt to resolve the matter through information and mediation. They may also provide the consumer with options about which other government agencies may be able to assist with their complaint.

The officer will contact the consumer's training provider and the consumer to help them to resolve the matter. They will try to get each party to understand and respect each other's different points of view, negotiate differences and discuss possible solutions. These discussions and communications may take place through letters, emails, telephone conferences, video conferences or in-person meetings. The officer will decide what is most appropriate.

A resolution of any complaint or dispute is not guaranteed. The officer will inform the consumer and provider when they believe Training Services NSW has done all it can to assist the parties. Then it is up to the parties to seek a more formal process to resolve their dispute.

Consumer protection measures

Information obtained through dispute assistance process

The Department may use any information that Training Services NSW receives, including through its involvement in any dispute assistance process, in any actions against any individual, including a training provider.

The Department may also provide that information to any third party including another state or Australian Government agency.

Involvement in dispute assistance process

Training Services NSW involvement in any dispute assistance process does not affect the Department's rights or ability to enforce any rights under the Smart and Skilled contract or at law.



| NSW Department of Education

NSW Recognition Framework

October 2021



About the framework

Under the national standards for training providers (the VET Quality Framework) and Smart and Skilled's NSW Quality Framework the principles a training provider uses for developing a recognition process must be clear, concise and able to be implemented in a wide range of contexts.

The NSW Recognition Framework is designed to help training providers operating in NSW to develop a recognition process.

The framework includes:

- which standards a training provider must adhere to
- the six stages of recognition
- record keeping and reporting
- where to find further information.

Find the right approach

While the NSW Recognition Framework establishes a common structure for thinking about and implementing a recognition process, there is no single correct approach. Each training provider and assessor will create procedures and documents for recognition which:

- suit the qualifications offered to the candidates
- meet its own needs
- suit the context in which the recognition is being provided (i.e. at a worksite or at a training provider's premises).

A training provider, however, may apply the NSW Recognition Framework when developing its own recognition process.

Definitions

A training provider registered to operate in NSW must comply with the *Standards for Registered Training Organisations (RTOs) 2015* (available on www.legislation.gov.au) as part of its obligation to deliver quality training and assessment.

The NSW Recognition Framework uses definitions from the *Standards for Registered Training Organisations (RTOs) 2015* for 'assessment' and 'recognition of prior learning'.

Assessment

'Assessment' is the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a training package or vocational education and training (VET) accredited course.

Recognition of prior learning

'Recognition of prior learning' (RPL) is an assessment process that assesses the competency/s of an individual that may have been acquired through formal, non-formal and informal learning to determine the extent to which that individual meets the requirements specified in the training package or VET accredited courses.

Standards to adhere to

A training provider's recognition process must comply with national standards and should align with the unit of competency TAEASS504. A Smart and Skilled training provider must also comply with the NSW Quality Framework.

The NSW Quality Framework recognises that assessment practices can impact on quality and confidence in training outcomes. Recognition is an important part of the assessment process, and gives industry and others confidence in the training provider's training and assessment methods. A training provider's trainers and assessors must remain current in their professional development and in their knowledge and understanding of issues related to recognition.

Comply with national standards

Under the Australian Quality Training Framework's 'Essential Conditions and Standards for Initial Registration' and 'Essential Conditions and Standards for Continuing Registration', a training provider must comply with the *Standards for Registered Training Organisations (RTOs) 2015*.

A training provider must meet these national standards which include assessment. However, this should not be the only reason to have a recognition process. For quality assurance purposes, and to meet the principles that underpin assessment, a training provider should develop and implement a workable recognition process as part of its assessment and continuous improvement systems.

Comply with the NSW Quality Framework

A Smart and Skilled training provider must adhere to its Smart and Skilled contract (available on www.nsw.gov.au/education-and-training/vocational) which includes terms and conditions that cover training and assessment, including RPL.

A Smart and Skilled training provider's training and assessment must reflect the principles unpinning the NSW Quality Framework (available under www.nsw.gov.au/education-and-training/vocational).

Align to TAEASS504

A training provider's recognition process should align the unit of competency: *TAEASS504 – Develop and Implement Recognition Strategies* (available on www.training.gov.au), part of the Diploma of Training Design and Development TAE50216, released with the TAE Training and Education Training Package.

The unit describes the performance outcomes, skills and knowledge required to develop and implement a recognition process. It requires the ability to:

- prepare information and advice on recognition
- identify evidence gathering opportunities
- evaluate a recognition-based assessment process
- have a continuously improving recognition process.

The unit is designed for individuals developing procedures and documentation for recognition-based assessment for an organisation.

Stages of recognition

Stage 1: Establish the context

A training provider's assessor must establish a candidate's context, which means:

- what industry they work in
- the level of qualification or units of competency relevant to them
- the location of their training (i.e. at a workplace or at a training provider's premises)
- the level of support from their employer.



Stage 2: Provide information

Everyone involved in assessment is informed about the process of recognition in a consistent way. A candidate must understand the assessment process.

The assessor provides information to the candidate which is tailored to suit the candidate and their context.

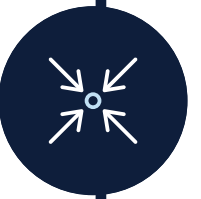


Stage 3: Gather evidence

The assessor must agree with the candidate on the forms of evidence in the assessment process

(e.g. How will the candidate demonstrate their competence? What rules apply to this evidence?)

A candidate's evidence must be relevant, sufficient, current and authentic.



Stage 4: Assess the evidence

An assessor reviews the evidence a candidate submits and then documents their assessment of the evidence. The assessor must measure the evidence against the standards of performance required using the training provider's assessment process and tools.



Stage 5: Make an assessment decision

The assessor makes a decision on the candidate's competence and then tells the candidate of their decision.

This usually involves interviewing the candidate to provide and receive feedback. This interview does not have to be face-to-face, but could occur via telephone, video link or other suitable methods. The process should ensure that an assessor gives the candidate appropriate feedback, as well as the candidate having the opportunity to provide feedback to the assessor on the assessment process.



Stage 6: Issue credentials or plan the next step

The assessor issues the candidate with credentials or helps them to decide, 'Where to next?'

The later may include gap training to complete a qualification, advice about the next level of qualification available, career advice for the newly qualified, or developing an action plan for the candidate to become competent.

As part of the training provider's continuous improvement process, an assessor should ask a candidate to provide feedback to the training provider on the recognition process.



Further information

The following publications are available on www.nsw.gov.au/education-and-training/vocational.

- *Skills Recognition – A Guide for Registered Training Organisations*
Explains how a training provider can achieve a quality recognition process, as well as develop or improve its capacity to engage and assist an RPL candidate and their employer during the recognition process.
- *Assessor Guide to Recognition of Prior Learning*
Explains how an assessor can offer a streamlined recognition process and information to a candidate and their employer.
- *Candidate Guide to Skills Recognition*
Explains how an individual can be recognised for their experience, skills and knowledge for which they do not hold a vocational qualification. The guide also explains the recognition process.
- *Skills Recognition – A Guide for Employers*
Explains the recognition process for employers.

Record keeping and reporting

All training providers must meet the mandatory rules for record keeping and reporting under Standards for Registered Training Organisations (RTOs) 2015 and Smart and Skilled training providers have additional requirements under their Smart and Skilled contract.

Requirements of the national standards

The *Standards for Registered Training Organisations (RTOs) 2015* (the Standards) require a training provider to provide high quality training and assessment practices (including recognition of prior learning) that:

- meet the requirements of training packages and VET accredited courses
- follows the Standard's assessment principles and rules of evidence
- is responsive to industry and learner needs
- is delivered by appropriately qualified trainers and assessors with the right support services, facilities and equipment.

A training provider must develop a plan that ensures thorough and rigorous assessment practices and results. The plan must use a risk-based approach and consider risk indicators such as the potential safety concerns to clients from an assessment outcome that is not valid, the mode of delivery, changes to training packages and/or licensing requirements. Trainers and assessors may participate in the plan.

There are differences in the operating characteristics and business objectives of training providers and the evidence they use to demonstrate compliance with the Standards must reflect those differences.

Audit and retention requirements

Each year, a training provider must demonstrate to the VET regulator that it has complied with the Standards during the year and currently.

To be compliant with the Standards a training provider must cooperate with the VET regulator:

- in the conduct of audits and monitoring of its operations
- in the retention, archiving, retrieval and transfer of records
- to ensure that any third party delivering services on its behalf is required under written agreement to cooperate with the VET regulator.

Requirements of the Smart and Skilled contract

A Smart and Skilled training provider is required to maintain records for all government-funded training and for all training participants, including apprentices and trainees, as evidence of:

- the delivery of training
- the assessment of training delivered
- credit transfer or of recognition granted
- exemptions granted
- certificates and qualifications issued.

The Department, through Training Services NSW, must be able to access and verify evidence as authentic.

Further information

See:

- Training Services NSW <https://www.nsw.gov.au/education-and-training/vocational>
- Australian Skills Quality Authority www.asqa.gov.au

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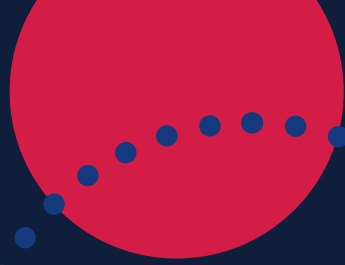


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| NSW Department of Education

Smart and Skilled: Teaching and Leadership Policy

July 2016



About the policy

Strong capability in teaching and leadership is critical to quality training under Smart and Skilled. A training provider is expected to build the capabilities of trainers, assessors and administrators to maintain and improve its standard of training.

A training provider, under a Smart and Skilled contract (available on www.nsw.gov.au/education-and-training/vocational), must ensure staff, across all operations, receive professional development to maintain currency of relevant their qualifications. This includes developing and implementing a continuing professional development (CPD) policy.

Smart and Skilled's Teaching and Leadership Policy gives direction on:

- the essential areas a Smart and Skilled training provider must include in its CPD policy
- professional development requirements arising from the NSW Department of Education's (the Department) performance review of a Smart and Skilled training provider
- the Department providing feedback on professional development needs.

How the policy fits with the NSW Quality Framework

Under Smart and Skilled teaching and leadership is the cornerstone of quality training and assessment. The NSW Quality Framework (available on www.nsw.gov.au/education-and-training/vocational) includes professional development requirements for a Smart and Skilled training provider to ensure its students receive quality training.

Validation of assessment

The NSW Quality Framework recognises that assessment practices can impact on quality and confidence in training outcomes. Independent validation of assessment is key to gaining the confidence industry and others in training outcomes. Smart and Skilled training providers and independent assessors must keep up-to-date with current validation of assessment practices.

What professional development activities must staff undertake?

The table below shows the areas in which a training provider must demonstrate to the Department that its staff have undertaken CPD activities.

Teaching and leadership area	Includes...
Teaching/training	Aspects of learning theories, design, facilitation and evaluation
Assessment	Assessment theories, products, processes and validation of assessment
Smart and Skilled contract compliance/continuous improvement	Smart and Skilled contract compliance activities Continuous improvement activities under the Smart and Skilled contract
Industry collaboration	Activities to improve overall quality or compliance, and industry engagement

In identifying the areas prescribed for professional development, the Department has referred to the domains in Innovation and Business Skills Australia's 'Vocational Education and Training Practitioner Capability Framework' (available at www.ibsa.org.au/vet-practitioner-capability-framework).

Professional development requirements from performance reviews

Where the Department undertakes a performance review of a training provider for any reason and where it identifies opportunities for improvement, the Department may direct the training provider to undertake training to meet its Smart and Skilled contract's requirements.

Feedback on professional development needs

The Department, through Training Services NSW, receives feedback from a number of avenues on the professional development needs of training providers, in particular, training providers under a Smart and Skilled contract. For example, we seek advice from industry and training provider peak bodies. We then let Smart and Skilled training providers know the essentials of this feedback.

We also analyse the outcomes of our performance reviews of training providers under a Smart and Skilled contract and any complaints to determine if there are any broader professional development opportunities to improve the quality of training under Smart and Skilled.

Continuing professional development

A Smart and Skilled training provider must develop and implement a CPD policy that reflects the needs of their business but also includes, as a minimum, key staff and management.

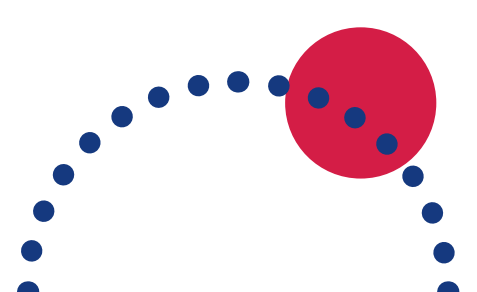
A Smart and Skilled training provider must be able to demonstrate that all staff from each category have participated in CPD activities or have undertaken one or more units of competency from a qualification in an area relevant to their role.

The Department also encourages training providers to establish ways to share the learning attained through professional development activities throughout their organisations.

Which staff must undertake professional development?

Staff that fall under the following categories must participate in professional development activities:

- trainer
- assessor
- administration officer
- individual in a management role.



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Smart and Skilled Third Party (Brokering Arrangement) Policy

Released 12 May 2023

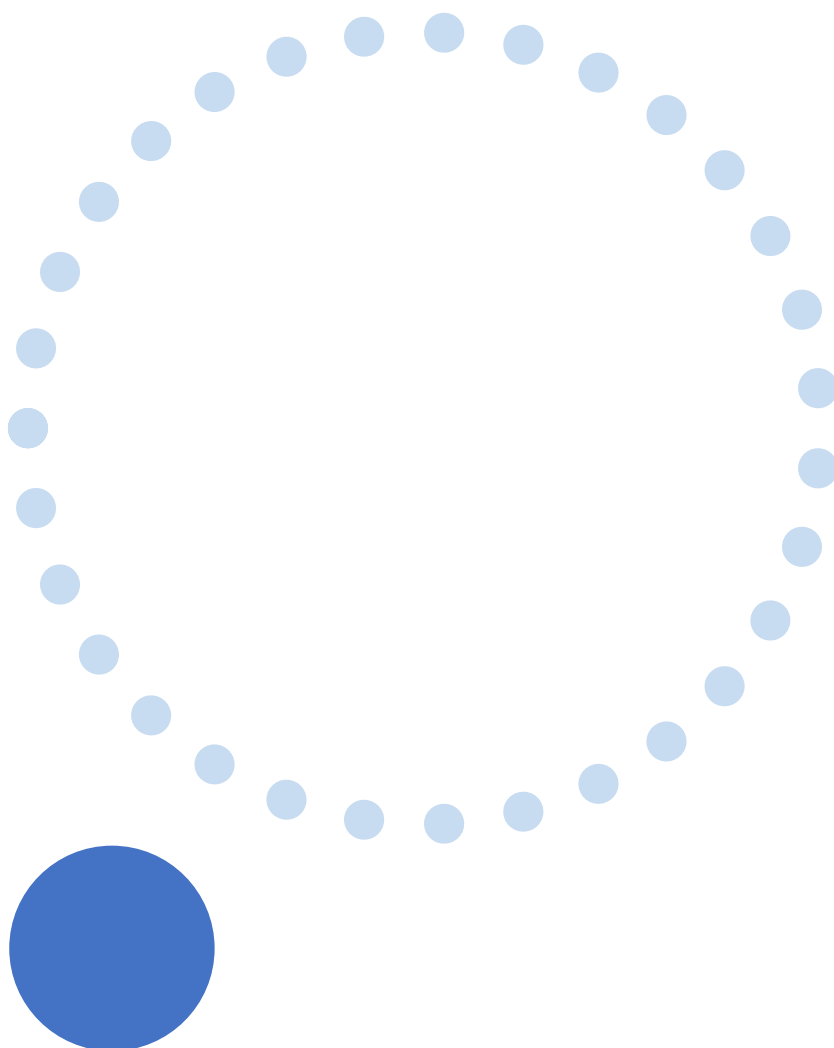
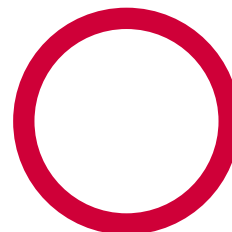


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This policy must be read in conjunction with all Smart and Skilled Terms and Conditions and Smart and Skilled Operating Guidelines. Particular attention should be given to the Third Party Arrangement clauses of the Contract and the Third Party Arrangement paragraphs in the Smart and Skilled Operating Guidelines.

This policy sets out how a Provider applies for the Department's approval of a Brokering Arrangement under the Smart and Skilled Contract.

The Provider must not enter into any Brokering Arrangement in relation to the Smart and Skilled Contract without the Department's written consent. The Department may, in its absolute discretion, reject or approve any proposed Brokering Arrangement. It is an Event of Default if a Provider does not comply with ASQA's [General Direction](#) and seek the Department's approval for any Third Party Brokering Arrangement(s).

The Provider must maintain all its obligations to ensure that all activities conducted under a Third Party Arrangement including a Brokering Arrangement comply with the Smart and Skilled Contract.

For all approved Brokering Arrangement(s), the Provider must not allow the broker to further assign their obligations to any other organisation or person.

NOTE: The Department may, in its absolute discretion, rollover an approved Brokering Arrangement into any subsequent Activity Period. Where this does not occur, the Provider must reapply.

What is a Third Party Arrangement?

Smart and Skilled providers sometimes work with other organisations and/or person(s) (third parties) to deliver a range of services, including marketing, undertaking recruitment, using facilities and resources and training and/or assessment of vocational education and training (VET) courses. A Third Party Arrangement occurs where the Provider defers day-to-day responsibility to another organisation or person for such services.

Brokering Arrangements

Brokering Arrangements are a type of Third Party Arrangement defined in Schedule 1 of the Smart and Skilled Contract Terms and Conditions, as an arrangement between the Provider and another person for the person to do one or more of the following:

- (a) recruit students, or enrol students, or accept applications for enrolment, in Subsidised Training
- (b) market, or provide information or advice in relation to, Subsidised Training
- (c) assist students to complete or submit applications for Subsidised Training; or
- (d) assist, or provide support for, students who could be eligible for Subsidised Training to complete any assessments required to show that students are academically suited to undertake the Subsidised Training.

The Department will consider a Brokering Arrangement where the Provider is able to justify their proposed use of a broker. This may encompass a specific alignment with NSW Government priorities, including but not limited to:

- improving outcomes for disadvantaged groups
- supporting and/or improving student outcomes
- supporting specific government initiatives and targeted program deliverables
- improving outcomes in regional and rural communities
- improving apprenticeship and traineeship commencements and completions; and
- strengthening connections with industry.

What is a Passive Intermediary?

A Passive Intermediary is a person or organisation who refers clients to various programs including Subsidised Training that does not recruit learners on behalf of specific Providers, but rather fulfils their obligations in relation to their clients, normally on behalf of a government department. They do not receive funding from a government department, Providers or Prospective Students in exchange for referrals.

Examples of Passive Intermediaries

A government-appointed intermediary, 'ABC Training Centre', has an arrangement in place with a government department to provide programs to unemployed youth, which may include a training component. 'ABC Training Centre' refers its clients to one or more government contracted RTOs in order to provide training to its clients.

Examples of government appointed Passive Intermediaries may include Australian Apprenticeship Centres, Disability Services Commission, Correctional Services NSW, some employment service providers and the Australian Migrant Resource Centres.

In New South Wales, intermediaries may include those operating in relation to programs such as Regional VET Pathways, or programs such as the Refugee Employment Support Program.

Brokering Arrangements involving a Passive Intermediary do not require the approval of the Department.

What is the process for applying for Brokering Arrangement approval?

The application

The Provider is responsible for submitting the application, which must be lodged at least 28 days prior to the intended commencement of the proposed Brokering Arrangement. To apply for a Brokering Arrangement the Provider must provide the Department with:

- the Provider's details

- details of the proposed third party to the Brokering Arrangement
- details of the responsibilities that the Provider proposes to broker (including information regarding the relevant program, Approved Qualification(s), unit(s) of competency, skills set(s) and region(s))
- justification for the selection and use of the Broker
- justification on the benefit of the proposed Brokering Arrangement, this should explain how it will meet any student, industry and community training needs
- start and end date* of the Third Party agreement
 - * *the end date must not fall outside of the current Activity Period*
- details of strategies to mitigate any identified risk(s)
- a signed copy of the Third Party Agreement; and
- verification that the Provider has an appropriate completed third party agreement with the proposed broker as required by the Australian Skills Quality Authority (section 2.3 of the *Standards for Registered Training Organisation (RTOs) 2015*).

The Provider must submit a fully completed Brokering Arrangement application. Where an application is deemed incomplete, the application will be rejected. The Department may also request additional information regarding an application.

NOTE: Providers who want to enter into a Brokering Arrangement associated with the Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Program must seek the Department’s approval before submitting a Training Need Identification (TNI) application. The relevant Brokering Arrangement approval numbers must be submitted as part of the TNI application. Obtaining an approval number for a Brokering Arrangement does not guarantee that the TNI application will be accepted or that a Provider Activity Schedule (PAS) will be issued.

Assessment of applications

The Department will assess the Third Party Brokering Arrangement application against the following mandatory criteria:

Organisation	Criteria
Smart and Skilled Provider	<ul style="list-style-type: none"> • Training quality and compliance including: <ul style="list-style-type: none"> ○ compliance with the NSW Quality Framework and NSW Fair Trading ○ compliance with the <i>VET Student Loans Act 2016</i> (Cth) or any legislation governing the VET Student Loan program ○ any regulatory condition(s), suspension(s), sanction(s) or written direction(s) associated with the delivery of the qualification(s), unit(s) of competency or skills set(s) on the RTO’s scope of registration

	<ul style="list-style-type: none"> ○ compliance with the Smart and Skilled Contract or any other vocational education and training (VET) related contract with a Government Agency, whether in New South Wales or any other Australian jurisdiction, and ○ whether there is any pending investigations against the Provider.
Third Party Organisation/Person	<ul style="list-style-type: none"> ● Compliance and performance history in the last 5 years: <ul style="list-style-type: none"> ○ held a Smart and Skilled Contract or any other VET related contract terminated due to any reason, and/or ○ held a Smart and Skilled Contract or any other VET related contract where non-compliance or poor performance were identified. ● Personnel that held, or currently hold, a management position within, or ownership of, a company that is linked to an organisation that: <ul style="list-style-type: none"> ○ held a VET related contract that was terminated for non-compliance or poor performance ○ the RTO's registration was refused, cancelled, terminated or revoked, or ○ have any pending investigations.
Third Party Agreement	<ul style="list-style-type: none"> ● Associated service charges or inducement(s)

The Department also takes a case-by-case approach to evaluate the risk when assessing a Third Party Brokering Arrangement application against the criteria listed below:

Criteria
<ul style="list-style-type: none"> ● Any similarity of the arrangement to that of a Passive Intermediary ● The proportion and volume of the request associated with: <ul style="list-style-type: none"> ○ the Program(s), qualification(s), unit(s) of competency and/or skills set(s) and region(s) being considered; and ○ occurrence and track record of training delivery in the qualification(s), skills set(s) and/or unit(s) of competency. ● The relevance and adequacy of the Third Party Arrangement and the third party agreement ● The extent to which student, industry, the Department's priorities and community training needs are being met ● The relationship with the Third Party organisation, in that, are there any: <ul style="list-style-type: none"> ○ shared ownership/operational structure, whether indirect or direct ○ shared personnel at any level of management, and ○ any perceived conflict of interest from the past or present. ● Whether the mitigation strategies adequately address the identified risk(s) ● The adequacy of quality assurance, monitoring and validation of the Third Party Arrangement, and ● Any other Third Party Arrangements that may be in place.

NOTE: The Department applies a risk-based approach to determine the outcome of the Brokering Arrangement application. Any decision regarding the Brokering Arrangement application will remain at the Department's absolute discretion.

How will the Provider be notified of the outcome of the application?

The Provider will be advised of the Brokering Arrangement application outcome via a Notice. Where a Brokering Arrangement application is approved, the Department will issue a 'reference number' which the Provider should maintain for future reference.

Related information

- [Smart and Skilled Contract Terms and Conditions](#)
- [Smart and Skilled Operating Guidelines](#)
- [Application for Approval of a Smart and Skilled Third Party Brokering Arrangement](#)

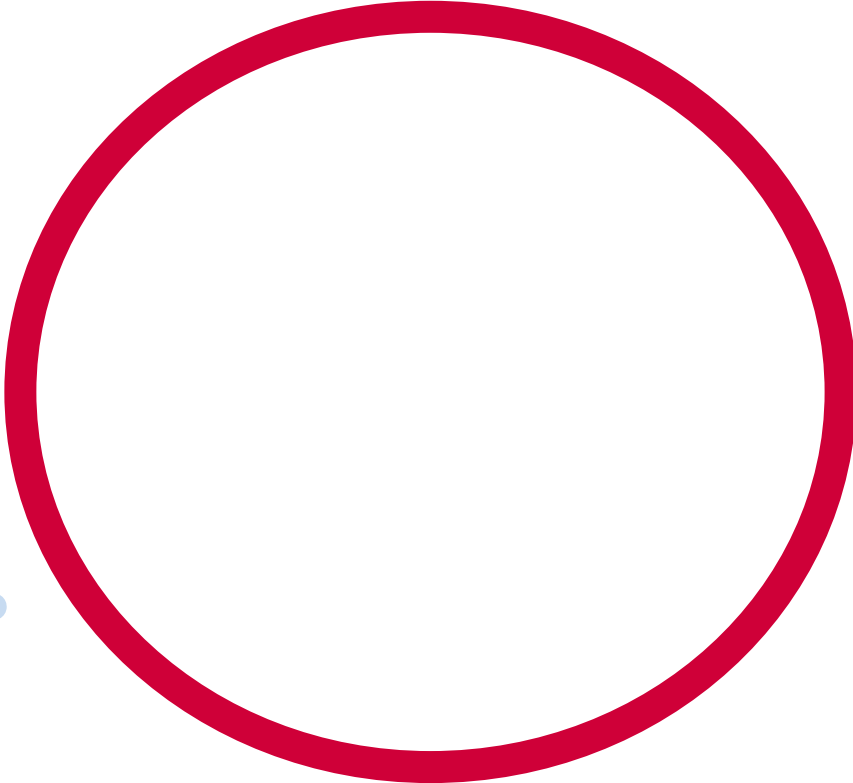
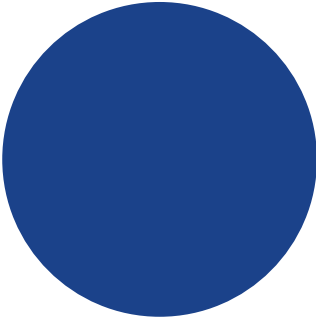
These documents are available on the [NSW Government website](#).

Further information can be obtained by contacting smartandskilled.application@det.nsw.edu.au

Smart and Skilled - Skills Delivery and Management Policy For Smart and Skilled Providers 2023-24 Activity Period

Version 1.0

Released May 2023



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1. Purpose of this policy

The Smart and Skilled Skills Delivery and Management Policy (the policy) provides the framework for the management of training supplied by the NSW government subsidised vocational education and training sector. The policy may be further updated before or during the activity period.

The purpose of the policy is to set out the Providers' responsibilities and the Department's approach to managing the supply of Subsidised Training and Financial Caps for the 2023-24 Activity Period.

The Department has released Approved Qualifications Activity Schedules (AQAS) to Providers for their approved programs, regions, qualifications and Financial Caps where applicable. Providers are to deliver training to meet the skills needs of students and industry within these parameters and in compliance with the Smart and Skilled Contract (including this policy).

The Department will monitor which training is delivered across programs, regions and qualifications and the use of Financial Caps.

This may lead to opportunities to vary components of the AQAS during the Activity Period. The Department may also identify issues regarding provider performance. The Department will determine actions to address opportunities or issues including but not limited to increasing or decreasing Financial Caps. Providers cannot expect to be entitled to or to receive any variation(s), and these decisions remain at the Department's absolute discretion.

Student outcomes and indicators and financial cap utilisation will form part of the management decisions in 2023-24.

Requests to adjust financial caps and qualifications will also be scrutinised against the NSW Skills Assessment (formerly the NSW Market Assessment), the profile of training funded through initial contract offers and the ongoing skills needs of NSW. Providers will need to operate within their allocated financial caps and approved qualifications.

2. What this policy covers

- Smart and Skilled priorities
- NSW Skills Assessment (formerly the NSW Market Assessment)
- Provider Performance and Quality
- Financial Caps
 - Provider responsibilities - Financial Caps
 - Over committing/exceeding Financial Caps – stopping enrolments
 - Monitoring and adjusting Financial Caps by the Department
 - Provider requests to vary Financial Caps
- Approved Qualifications
 - Adding qualifications
 - Removing qualifications
- Adding the Entitlement Apprenticeships and Traineeships (EAT) program and/or the School Based Apprenticeships and Traineeships (SBAT) program to a Smart and Skilled Contract
- Applications for a Smart and Skilled Contract (refer to the Provider Access policy).

3. Smart and Skilled priorities

Smart and Skilled is the NSW government program of subsidised vocational education and training that supports citizens' lifelong learning to acquire skills required to enter and advance in work today and in the future.

TAFE NSW is central to Smart and Skilled. NSW aims to increase the skills of people living and working in NSW for the benefit of individuals, their employers, the community and the NSW economy.

The NSW Skills Assessment underpinned the initial allocation of Financial Caps and approved qualifications for the 2023-24 activity period. Ongoing management of Skills Delivery will occur in line with the NSW Skills Assessment and this policy, which may be updated periodically.

Smart and Skilled - Skills Delivery and Management Policy– 2023-24 Activity Period

3.1. NSW Skills Assessment

The [NSW Skills Assessment](#) (formerly the NSW Market Assessment) was developed to maximise coverage of skills. The analysis linked labour training sector occupational data with qualifications and training delivery a to identify the level of training needed across regions to support the labour market needs.

3.2. Student cohorts

In addition to considering the NSW Skills Assessment and contracted/actual activity relative the NSW Skills Assessment, the Department may consider varying AQAS to accommodate training designed to meet the needs of students in the following cohorts and to enhance their student outcomes:

- Disadvantaged Learners
- People with a disability
- Aboriginal and/or Torres Strait Islander people
- Long term unemployed
- Young people who have been in out-of-home care
- People who are experiencing or have experienced domestic and family violence, and their dependents
- Asylum seekers and refugees.

4. Provider Performance and Quality

The Department will examine a Provider's performance across a range of areas when exercising its rights and discretion under this policy during the 2023-24 Activity Period. This will include whether the Provider has met its obligations in relation to its Financial Caps, the quality of training and assessment delivered by the Provider, Smart and Skilled Contract compliance and student outcomes and indicators. If the Department identifies adverse performance (including financial cap utilisation, outcomes and indicators), quality or compliance issues, then these findings will be taken into consideration when the Department is acting and making decisions on matters covered by this policy, including (but not limited to):

Vocational Education & Training · Smart and Skilled

- (a) variations to Financial Caps as described in sections 5.4 of this policy
- (b) adding or removing Approved Qualifications, Smart and Skilled Programs and/or Regions from the Provider's AQAS
- (c) ceasing enrolments; and
- (d) determining a Provider's contract for 2024-25.

4.1. Provider Performance Assessment

The consideration of requests to vary AQAS during the 2023-24 Activity Period will factor in the Provider Performance Assessment that is current at the time. The Department uses seven indicators to assess each provider's relative performance. The indicators are:

- Personal benefit
- Employment benefit
- Achieved main reason
- Training relevance
- Satisfaction score
- Overall non-dropout rate
- Disadvantaged non-dropout rate

In addition, the Department may use other student outcomes and indicators data, if available, to support any decisions relating to requests.

4.2. Additional flexibility for High Performing Providers

The Department may consider requests from High Performing Providers (HPPs) outside the areas outlined in section 4 of this policy. In addition, there may be flexibility if there are no other HPPs approved to deliver in the area outlined in the request.

5. Financial Caps

Financial Caps allow the Department to manage expenditure on subsidised training within the program budget and to direct funds towards programs, regions, providers

Smart and Skilled - Skills Delivery and Management Policy– 2023-24 Activity Period

and qualifications to achieve program objectives.

Standard Subsidies from the relevant Financial Cap.

5.1. Provider responsibilities – Financial Caps

5.1.1. Track standard subsidy against Financial Cap

A Provider is required to implement an accurate method for tracking the commitment and usage of Standard Subsidies against Financial Caps. This information on Standard Subsidy commitments and usage per student must be kept up to date, which includes reviewing and adjusting Standard Subsidy information in line with changes in a student's circumstances, progress and achievement and the impact this has on future payment instalments.

The purpose of tracking Standard Subsidies is to enable the Provider to comply with its obligations and responsibilities in relation to Financial Caps.

The Department may make available information and/or tools to assist Providers to track Standard Subsidy. This in no way reduces the Provider's obligation to track standard subsidy against Financial Cap, as it is outlined in the contract and in this policy.

Refer to the Provider Guide to Financial Caps in STS Online – Support Documents for further practical information about tracking commitments and Standard Subsidies.

5.1.2. Use all reasonable endeavours to maximise the use of each financial cap and achieve 85-100% cap usage in the Activity Period

A provider will:

- (a) deliver training sector Approved Qualifications
- (b) inform students of the availability of subsidised training
- (c) only enrol eligible students where doing so will assist the Provider to maximise the use of its financial cap but not lead to the Provider exceeding the Financial Cap
- (d) commence and deliver training to enrolled students; and
- (e) submit Training Activity Data in order to receive payment of

5.1.3. Avoid exceeding any Financial Cap

A Provider is obliged to manage its Financial Cap to ensure there is enough Financial Cap available for all Continuing Students first, then only enrol new students to use the available remainder of the Financial Cap.

The Provider's method of tracking Standard Subsidies must incorporate elements that prevent the Provider from exceeding any Financial Cap.

The Department will not pay any amount above a Financial Cap. The treatment of over-committing and exceeding Financial Caps is set out below in section 5.2.2.

5.1.4. Request a reduction in a Financial Cap

A Provider is to achieve 85-100% cap usage by the end of the Activity Period. If, at any time, a Provider becomes aware that it will not use all the Financial Cap, the excess amount of Financial Cap that will not be used should be returned to the Department by requesting a reduction. See Appendix B for more details.

5.1.5. Manage enrolments and commitments for next period

When a Provider is planning the commencement and delivery of Subsidised Training in the 2023-24 Activity Period to use the current Financial Cap, it is to also consider where training extends into the next Activity Period. The total commitments generated for 2023-24 should not exceed the value of the Financial Cap allocated for the current Activity Period.

To be clear, the Provider must not create a higher commitment for the payment of Standard Subsidies in the next Activity Period, which is in excess of the current Financial Cap amount.

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5.2. Over-committing and exceeding Financial Caps

5.2.1. The Department will cease enrolments against over-committed Financial Caps

Notwithstanding a Provider's obligation to properly manage Smart and Skilled enrolments and training activity delivery so as not to exceed its allocated Financial Caps, the Department intends to stop a provider from enrolling students during the Activity Period where the Department has identified a high risk and likelihood that a Financial Cap will be exceeded.

Where possible, the Department will issue a warning to the Provider before stopping enrolments, however, is not obliged to do so.

In the event that the Department assesses a substantive and material risk of over-cap financial commitments based on enrolments and projected activity (including but not limited to the Cap Usage and Cap Usage Estimate), the Department will prevent the Provider from creating Commitment IDs for the affected Financial Cap(s) and will notify the Provider accordingly.

The Provider will have an opportunity to respond to the Department's concerns and if the Provider agrees in writing not to enrol any further students, or supplies evidence that there are in fact enough funds available within the existing Financial Cap to support additional enrolments and that the Provider has appropriate mechanisms in place to avoid exceeding the Financial Cap(s), then the Department will consider allowing the Provider to enrol further students.

After the Department ceases enrolments against a Financial Cap, the Provider may request a variation to their Financial Cap(s) in accordance with this policy, however the Department is not under any obligation to make a variation.

5.2.2. Exceeding Financial Caps

Exceeding a Financial Cap may be treated as an Event of Default.

Exceeding a Financial Cap may lead to:

- (a) the Department preventing further

enrolments in the affected Financial Caps

- (b) ineligibility to be considered for adjustments or variations covered by this policy
- (c) a reduction in allocation of financial caps for the next Activity Period.

If the Contract continues after the end of the Activity Period, the amount to be paid under clause 18.4 (c) of the Contract will count against the relevant Financial Cap for the next Activity Period. If there is no relevant Financial Cap, the Department may, in its absolute discretion, determine which Financial Cap the excess amount will count against.

If the Contract does not continue after the end of the Activity Period, the Provider will not be eligible to receive any amount that exceeds the Financial Cap.

5.3. Financial Cap Monitoring and Financial Cap Reviews conducted by the Department

The Department will monitor performance against Financial Caps throughout the Activity Period and may contact a Provider about its progress and performance at any time.

The Department's approach to monitoring and reviewing Financial Caps will be shaped by the performance of the training sector, program budget and any other factors materially relevant. Financial Cap Commitment and Cap Usage targets are shown in Table 2 below. The Department will take into consideration the impact of COVID-19 and natural disasters on training delivery and the broader economy where Providers are unable to meet these targets.

5.3.1. Reviewing Financial Cap Allocations

The Department will review Financial Caps in consultation with Providers during the Activity Period. The proposed dates for the Financial Cap Reviews are shown in Table 2 below. The Department will measure provider performance at Reviews 2 and 3 to assess if a Provider is on track to utilise the Financial Cap(s). The proposed dates for the

Smart and Skilled - Skills Delivery and Management Policy– 2023-24 Activity Period

Financial Cap Reviews are shown in Table 2 below.

Table 2: Financial Cap Reviews

Financial Cap Review	Date	Commitment % of relevant Financial Cap	% of the relevant Financial Cap the Provider has received or is eligible to receive
1	July 2023	General Smart and Skilled Continuing Students	
2	Mid September 2023	35%	15%
3	1 December 2023	50%	30%

To allow the flexibility to respond to changing economic and training sector conditions and government policy, the Department will determine the scope of each Review and advise details to Providers via a Smart and Skilled Update in the weeks leading up to the proposed start date of each review. This may limit a Review to specific Providers, Financial Caps, Regions and/or Qualifications, and/or whether the Review will include an opportunity to request additional Financial Caps.

5.4. Variations to Financial Caps

The Department may allow Providers to request variations to Financial Caps at each Financial Cap Review, subject to the scope of the Review.

Only in very exceptional circumstances will the Department consider a request for extra financial cap at other times in the Activity Period.

HPPs may request an increase to financial caps at any time. HPPs will be required to demonstrate that the existing financial cap allocation will be utilised. All decisions in relation to requests to vary Financial Caps remain at the Department's absolute discretion.

The Department is responsible for managing expenditure on training activity within the overall Smart and Skilled budget. The Department may offer a variation to Financial Cap to Provider(s) to achieve program objectives.

The Department also uses a variety of mechanisms to maintain compliance with the budget which are designed to minimise the need for in year cap reductions. However, the Department reserves the right to decrease Financial Caps to manage training activity so that program expenditure does not exceed the Smart and Skilled budget.

5.5. Out of Region Activity

Clause 18.3 (b) of the Smart and Skilled Contract sets out the circumstances in which a regional Financial Cap may be used to deliver training activity outside of the allocated region.

In relation to a Financial Cap allocated to the Sydney Region, the intent of clause 18.3 (b) (i) is that the Financial Cap can be utilised to deliver training activity in any other Smart and Skilled Region (and within the same program).

Clause 18.3 (b) in no way allows a Financial Cap allocated to a region other than the Sydney Region to be used to deliver training activity in the Sydney Region.

6. Approved Qualifications

6.1. Adding qualifications to an Approved Qualifications Activity Schedule (AQAS)

The Department will consider requests to add Approved Qualifications which address the priorities set out in Section 3 of this policy.

When a Provider requests the addition of an Approved Qualification to their Approved Qualifications Activity Schedule (AQAS), the Department will also consider whether a Provider is already approved to deliver a similar qualification under Smart and Skilled. For example, a qualification at the same AQF level from the same Training Package.

Requests to add an approved qualification to a program with Financial Caps should only be made where the Provider has enough Financial Cap to fund the standard subsidies for training activity in the additional Approved Qualification(s).

6.2. Removing Approved Qualifications

A Provider may request the removal of an Approved Qualification from an AQAS.

The Department may remove an Approved Qualification from an AQAS:

- (a) as a result of adverse findings from performance monitoring activities; or
- (b) for program management purposes including but not limited to managing expenditure on training activity within the Smart and Skilled budget; or
- (c) To align enrolments in particular qualifications to labour training sector demand for skilled workers.

Refer to Appendix A for the process for requesting a variation.

7. Adding the EAT program and/or the SBAT program

Providers may request approval to deliver training in the EAT or SBAT programs at any time during the Activity Period. The Department will consider the NSW Skills Assessment, current supply of training and other factors including but not limited to whether the provider is an interstate RTO and/or pre-qualified for the program and proposed scope of training.

Refer to Appendix A for the process for requesting a variation – to add a program.

8. Further information

For further information and to seek a variation to your Approved Qualifications Activity Schedule, please refer to Appendix A.

9. Appendix A: Process for Providers requesting a variation

Providers will need to complete an *Approved Qualifications Activity Schedule Variation Request* form as follows:

1. Download the request form from STS Online.
2. Complete all the relevant sections of the request form and return it to your Training Services NSW Strategic Relationship Manager (SRM), along with all supporting evidence.

Note: the variation form includes detailed instructions for completing the form.

Subject to Section 3 and 5.4 above, the Department will assess requests and you will be notified of the outcome of the request(s) by your SRM.

Full qualification pathways for trade-related qualifications

If you wish to add trade-related qualifications to your AQAS for EFQ or TPFQ programs, please refer to the *Smart and Skilled policy on non-apprenticeship pathways for trade-related qualifications* for the qualifications covered by this policy and the criteria for adding these qualifications. This document is available on STS Online under the Support Documents page.

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10. Appendix B: Variation Type

Variations to Financial Caps for Providers with a standard Smart and Skilled Contract (Satisfactory and Low Performing Providers)

Although the Department allows Providers to request some types of variations to Financial Caps at any time during the Activity Period, specific types of requests will only be considered at a Financial Cap Review, see the table below for details.

Variation Type	Criteria for variation	Timeframe for requests
Decrease Financial Cap	No restrictions A provider can request at any time in the Activity Period to return all or part of a Fin Cap	Phase 1 - From 1 July 2021 – 30 June 2024 Phase 2 From 1 July 2022 – 30 June 2025
Transfer between existing Financial Caps	Transfers of Financial Cap will be considered if between: <ul style="list-style-type: none"> two regional Financial Caps (i.e. all Smart and Skilled Regions excluding the Sydney Region) two Financial Caps both of which are allocated to the Sydney Region The Department will assess each request to transfer financial cap against the program objectives, priorities and training sector performance. Decisions in relation to transferring Financial Caps are at the Department's absolute discretion. 	Phase 1 - From 1 July 2021 – 30 June 2024 Phase 2 From 1 July 2022 – 30 June 2025
Increase Financial Cap	Department to confirm whether requests to increase a Financial Cap can be made and the applicable criteria prior to each Financial Cap Review	Review 1 - From July 2023 Review 2 - Mid September 2023 Review 3 – 1 December 2023
New Financial Cap for 2023-24 Activity Period	Department to confirm whether requests to add a new Financial Cap can be made and the applicable criteria prior to each Financial Cap Review	Review 1 - From July 2023 Review 2 - Mid September 2023 Review 3 – 1 December 2023

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11. Appendix C: High Performing Providers (HPP)

Variations to Program Streams, Financial Caps, Regions and/or Qualifications

The Department allows HPPs to request variations to Financial Caps during the Activity Period, The Department will assess each request against the program objectives, priorities and training sector performance.

Decisions in relation to variations are at the Department’s absolute discretion, see the table below for details.

Variation Type	Criteria for variation	Timeframe for requests
Decrease Financial Cap	No restrictions	From 1 July 2021 – 30 June 2024
Transfer between existing Financial Caps	Transfers of Financial Cap will be considered if between: <ul style="list-style-type: none"> ▪ two regional Financial Caps (i.e., all Smart and Skilled Regions excluding the Sydney Region) ▪ two Financial Caps both of which are allocated to the Sydney Region ▪ 	From 1 July 2021 – 30 June 2024
Increase Financial Cap	Requests from HPPs will be given priority for Department consideration over requests received from non-high performing providers. HPPs must be able to demonstrate that the existing Financial Cap allocation will be utilised.	Can submit anytime. The Department will review requests from HPPs on a monthly basis.
Addition of Program Stream	Priority will be given where there are no HPPs delivering in the requested program, region and qualification	Can submit anytime. The Department will review requests from HPPs on a monthly basis.
Adding Regions	Priority will be given where there are no HPPs delivering in the requested region and qualification	Can submit anytime. The Department will review requests from HPPs on a monthly basis.
Adjustments due to the impact of and natural disasters	Priority will be given where there are no HPPs delivering in the requested program, region and qualification	Can submit anytime. The Department will review requests from HPPs on a monthly basis.

Additional conditions related to Financial Caps

Financial Cap allocations will continue to be made on an Activity Period basis for HPPs. HPPs will be informed of allocations per Activity Period, for each Activity Period covered by the 3-year term.

Unused Financial Cap at the end of an Activity Period

Where an HPP is unable to fully utilise a Financial Cap by the end of an Activity Period, the HPP may request to carry forward a portion of the unused Financial Cap to the next Activity Period. In making such a request, the Provider will need to explain the reasons for under-utilising the Financial Cap, and how the amount requested for carry forward would be used, and also confirm the Provider’s capacity to utilise the Financial Cap already allocated for the next Activity Period.

The Department will consider any such request to carry forward unused Financial Cap in the context of the program and budget management and may choose to not approve the request on these grounds. The Provider’s overall performance (utilisation, outcomes and indicators) will

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also be taken into consideration. All decisions relating to requests to carry forward unused Financial Cap remain at the Department's absolute discretion.

Setting Financial Cap(s) for the final Activity Period of the HPP contract term

Subject to the HPP's performance at the Mid Term Review the Department will determine the Financial Caps to be allocated for the subsequent (and final) Activity Period that is covered by the Term.

Performance Review

The Department will communicate regularly with HPPs to provide feedback. This will include six-monthly check-ins with HPPs, which may cover:

- updated outcomes and indicators data (where available)
- Financial Cap utilisation
- updates on programs and initiatives
- details relating to Smart and Skilled Terms and Conditions (Contract, Operating Guidelines and Policies)
- the Department's surveys
- the impact of any QA issues;
- any other areas relevant to the HPP contract raised by the HPP or Department.

To be clear, this requirement is separate and in addition to the Performance Monitoring process, outlined in clause 12 of the Contract Terms and Conditions. This does not negate a Provider's obligation relating to the Department's requests for information under clauses 12 and 21 of the Contract (or any action required as a result of an Event of Default).

Mid-Term Review

A mid-term review will be conducted between January and April of the second Activity Period covered by the Term. The review will include student outcomes and indicators, Financial Cap utilisation and ensuring that the HPP has no quality assurance issues.

Performance measure	Performance review criteria
Student outcomes and indicators	Maintain a similar standard of performance against the indicators reported in the HPP version of the scorecard. Indicators are: <ul style="list-style-type: none"> • Combined non-dropout rate • Employment benefit • Personal benefit • Achieved main reason • Student satisfaction • Training relevance
Financial Cap utilisation and spend	<u>Entitlement Foundation Skills, Entitlement Full Qualifications, Targeted Priorities Full Qualifications</u> First Activity Period covered by the Term – use all reasonable endeavours to maximise the use of each Financial Cap and achieve 85-100% cap usage, Second Activity Period covered by the Term – Financial Cap estimated usage >75%, actual cap usage >45%, and That no Financial Cap is exceeded.
Quality Assurance issues	<u>The provider maintains satisfactory compliance with the Smart and Skilled Contract.</u>

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Note. The Performance review criteria in the table above are subject to review by the Department as the approach for performance-based contracting evolves.

Providers will be assessed against the program(s) they participate in.

The Department will provide a notice to the Provider outlining the outcome of the mid-term performance review. This would also include eligibility of the additional 10% increase of the Financial Cap.

The Department will work with Providers to understand issues and circumstances that has affected performance. Where HPPs have a poor review outcome, the Department may vary the Provider's contract.

The Department may vary indicators over time. HPPs will be notified of these changes in accordance with section 21.3 of the Smart and Skilled Contract Terms and Conditions.

Marketing and Communication

In addition to requirements in section 1.3 the Provider may promote they are a HPP in marketing and information to Prospective Students. If the Provider chooses to promote HPP they must use the statement:

'The NSW Department of Education has recognised our organisation as a High Performing Provider.'

Promoting quality student outcomes is a key priority of the performance based contracting arrangements, with High Performing Providers (HPP) important partners in this. In collaboration with each HPP, the Department intends to develop and promote examples and/or case studies of the HPP's best practices related to the NSW Quality Framework, on Departmental websites and social media platforms. This may also involve media opportunities.

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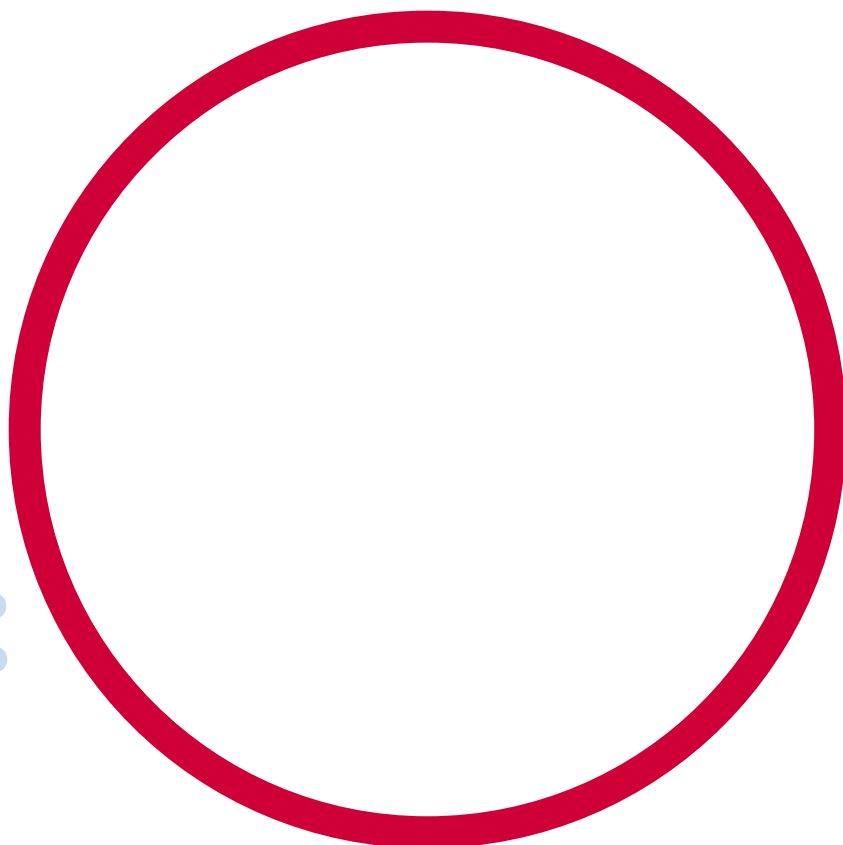
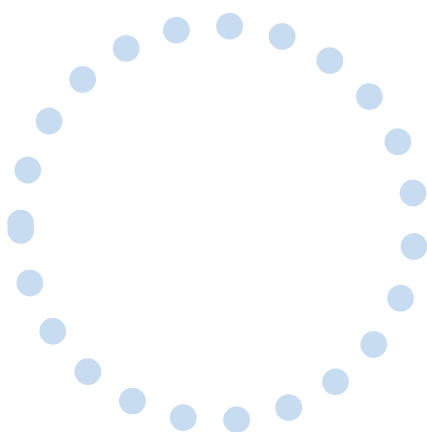
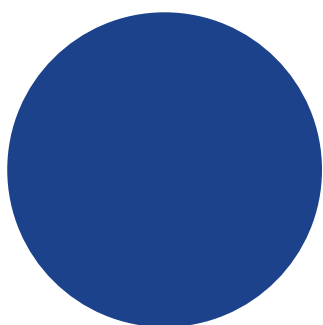
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NSW Quality Framework

Version 2.1

Released 27 April 2021



The NSW Quality Framework

What is the NSW Quality Framework?

The NSW Quality Framework promotes a shared vision for quality and quality assurance in NSW Government-subsidised vocational education and training (VET) delivered through Smart and Skilled.

The framework does the following:

- Sets out the standard of quality expected under Smart and Skilled
- Explains how the quality of Smart and Skilled Providers is measured
- Signals the intent of linking performance on quality measurements to funding and other Smart and Skilled market management activities
- Details Training Services NSW's approach to quality assurance activities.

Underpinning the framework is the expectation that quality under Smart and Skilled exceeds the minimum standards required to operate as a Registered Training Organisation (RTO). Instead there is a focus on best practice. What best practice looks like is detailed in the following areas that are key to training delivery and assessment:

- Striving for improvement through a student-centred approach to the training experience
- Expanding connection to industry so training is innovative and meets employer needs, and students have access to placements and exposure to the workplace
- Providing high level individualised support for students, particularly disadvantaged students
- Capability building of staff and systems
- Using external sources to validate assessment practices.

The framework sets out examples of best practice in these areas but this is not intended to be exhaustive or prescriptive. Providers should seek to explore their own innovative ways of improving in these areas. Providers are encouraged to also seek to develop best practice in other areas of the training experience.

The NSW Government is moving to measure the effectiveness of services through the outcomes achieved for NSW citizens. Consistent with this is an approach to measuring the quality of training under Smart and Skilled through the outcomes for students and employers. Completion of a qualification is a positive outcome but we are also looking to measure satisfaction and post-training outcomes. These are referred to as 'student outcomes' in the framework.

There is an expectation that Providers engaged in best practice will see the highest results in the student outcome measurements. So instead of seeking to observe every Provider directly, student outcomes will be used to determine provider performance. This does not place an additional reporting burden on Providers.

The framework will support discussion with each Provider about how to reach best practice. The Department is also committed to prioritising funding towards training that gives students and employers the best outcomes.

At a minimum, Smart and Skilled Providers must ensure compliance with the Australian Skills Quality Authority (ASQA) *Standards for Registered Training Organisations 2015* (the ASQA Standards) and the Smart and Skilled contract.

The framework details how Training Services NSW will conduct close monitoring of Providers' compliance with the Smart and Skilled contract and give students better information and clear avenues for complaint.

What is Smart and Skilled?

Smart and Skilled is designed to give the people of NSW the skills they need to get a job or advance their career. It includes:

- An entitlement for eligible individuals to government-subsidised training up to and including Certificate III qualifications
- Government subsidies for eligible individuals for higher level training and skill sets in priority areas.

Foundation Skills courses are also delivered by TAFE NSW and approved Adult and Community Education (ACE) training providers.

For more information on Smart and Skilled go to: <https://smartandskilled.nsw.gov.au>.

Relationship Management

The Department will support Providers to understand the shift towards outcomes and high performance. Smart and Skilled Providers have a single person in the Department of Education to contact for advice, their allocated Strategic Relationship Manager (SRM).

An SRM has an ongoing relationship with a Provider that allows them to understand the Provider's circumstances and provide tailored advice. The NSW Quality Framework informs discussions between SRMs and their Providers, in supporting them to be compliant with the Smart and Skilled contract and policies, understanding their funding management and working towards achieving high performance and better student outcomes.

Measuring student outcomes and performance indicators

The Department has been gathering a variety of information on the outcomes that students achieve from undertaking training under Smart and Skilled.

Initiatives such as the annual Student Outcomes Survey provide the Department with data on the effects of vocational education and training. This includes information such as student satisfaction, employment benefit, personal benefit, training relevance and whether students achieved their main reason

for training. This is in addition to training data including non-dropout rates. The Glossary to this document has further information on each outcome and indicator.

The Department understands that student outcomes can vary for different programs and student cohorts and will reflect this when comparing Providers.

The Department will continue to explore additional mechanisms and improve existing tools for measuring student outcomes to expand the measurement and application of indicators in Smart and Skilled decisions.

Provider High Performance

The Department will assess provider performance against the standard of quality highlighted in this document through student outcomes and other relevant indicators. The Department will be using student outcomes to measure performance. Providers' relative performance will be assessed against similar Providers.

Strong results will be taken as an indication that a Provider is adopting best practice. The Department will recognise high performing Smart and Skilled Providers through:

- The VET Student Outcomes Snapshots, measuring and sharing the level of Provider performance, which the Department began to share in late 2019
- Using measured student outcomes to more directly inform decisions regarding Providers' funding and contracts, and market management more broadly.

Setting out the Department's expectations as the funder of Smart and Skilled training is essential for the successful operation of the program. Through the framework, the Department is encouraging Providers to achieve above the minimum standards and improve the outcomes for students.

The Department acknowledges that many Providers are already exhibiting high quality behaviours and encourage them to share these best practices with the Department and one another.

The NSW Quality Framework

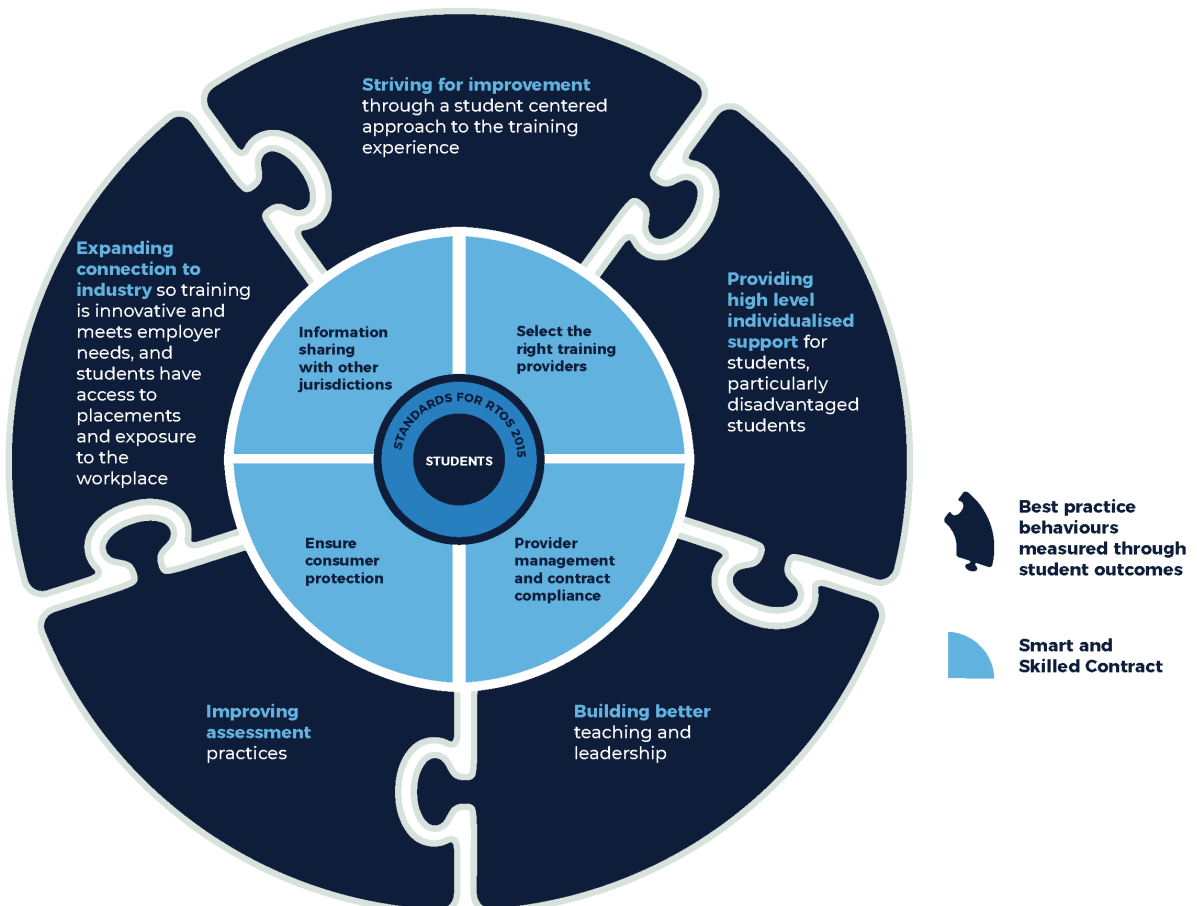
Moving from the centre to the first two rings in the graphic below, Smart and Skilled Providers must comply with the ASQA Standards and their obligations under the Smart and Skilled contract.

The Department also expects Providers to expand their focus from the centre rings of compliance toward achieving better student outcomes by actively seeking to become high performing in the market.

Areas of the training experience identified by the Department as linked to high performance are shown in the outer ring in the graphic below, and are detailed with examples of best practice behaviours from the next page of this document.

By focusing on best practice behaviours, Providers will be focusing on the student and working toward maximising their outcomes and overall experience in their vocational education and training journey.

Maximising the Student Experience



High quality under Smart and Skilled

Striving for improvement through a student centred approach to the training experience

Students and their interests should be at the heart of the training experience. Providers should be looking to understand and respond to the goals and needs of their students and employers. Student centred approaches inform all the best practice activities listed in sections below but there are overarching practices that Providers can put in place:

- Focus on the student journey so that training is designed to meet the training requirements and circumstances of each student from enrolment through to post-training outcomes
- Come to an understanding with each student their expected outcomes from training, to help them achieve their reason(s) for training
- Access to your trainers and support staff should be flexible, approachable and available for students
- Seek regular feedback from students and employers on the training experience through surveys or other tools
- Contextualise training delivery to the abilities of the student and their special needs in undertaking a standard qualification
- Contextualise training delivery to the needs of employers.

Expanding connection to industry so training is innovative and meets employer needs, and students have access to placements and exposure to the workplace

Industry plays an important and ongoing role in identifying the current and future skills needs of NSW through their input into the NSW Skills List and engagement with Providers.

Industry and employers, as end users of the training sector, help drive the quality of training. Where there is a strong alignment between the skills and standard of performance expected by an employer, and the training and assessment delivered by a provider, the stronger the expected student outcomes will be.

Employers are active participants in the engagement of students, particularly apprentices and trainees, and help to ensure that training meets their needs. This also includes strong relationships with Providers to support students undertaking full qualifications.

The Department is encouraging Providers to actively engage with industry to demonstrate excellence in their training delivery that meets the needs of the student and employer.

The Department is encouraging Providers to be actively working with industry at a level that demonstrates excellence and high performance. Examples of best practice include:

- Incorporating the requirements of the given industry and workplace to contextualise training
- Providing employers with regular progress updates and feedback on their apprentices and trainees
- Delivering pre-vocational training that incorporates the skills expected by employers for people entering the workforce
- Following and supporting students into appropriate employment
- Consultation with employer advisory groups and networks to understand business needs and maintain currency with industry trends
- Use of industry case studies and speakers in the classroom to help students understand their chosen industries
- Providing training that reflects an understanding of market delivery gaps, such as identifying and working to address skills shortages in local industries
- Responding to the Department's directions on priority industries,

qualifications and areas of focus, at the local, regional and state level

- Rewarding provider innovation in training delivery and business practice
- Supporting industry to innovate and contribute to the prosperity of NSW
- Promoting industry participation in student mentoring and coaching opportunities.

Providing high level individualised support for students, particularly disadvantaged students

The provision of support for students is key to high performance, especially in terms of student completion rates. NSW Student Outcomes Survey data show that students that receive additional support are more likely to successfully complete their qualification. For students who needed additional support but did not receive it, their completion rate is substantially below the overall average.

Support for students can take many forms, including (but not limited to):

- Counselling
- Mentoring
- Assistance with managing training schedules alongside other commitments (for example, childcare and work)
- Support with reading/writing and maths (LLN)
- Assistance with English (for those from a non-English speaking background)
- Reasonable adjustments and extra support for students with disability or special needs (for example, sign language interpreting, screen magnifiers for computers, modified assessment conditions)
- Accessibility to technology support.

The Department is encouraging Providers to adopt a person-centred approach to education that understands the strengths and interests of the individual. At its best this means taking steps to have a two-way conversation with each student, particularly young people and those in disadvantaged cohorts, to build rapport so they can feel

empowered to ask questions and raise issues related to their training. Providers should also understand their students' training needs and aspirations and contextualise training and support accordingly.

Support for students is particularly important regarding:

- Appropriate course selection for the individual
- Reasonable adjustment to training and/or assessment practices, for example, to accommodate the needs of a student with disability
- Work placements and exposure to the workplace
- Assistance to enter employment, for example by connecting students to employers, and assistance with job search and interview preparation.

The Department is encouraging Providers to apply a principle of generalised access to support. Accessing support as needed should be normalised and encouraged for all students. Disclosure of a particular status should not be a barrier to accessing support (for example diagnosis of a specific disability or condition). Providers should also recognise that an individual may experience multiple forms of disadvantage that require support.

Nonetheless, Providers should pay particular attention to the needs of specific groups of students who tend to experience barriers and challenges that disadvantage them in training, including:

- Aboriginal and Torres Strait Islander people
- People with disability
- People who are/have been long-term unemployed
- People living outside of metropolitan areas, especially people in remote areas
- People eligible for a Smart and Skilled fee exemption, concession or fee-free scholarship
- People from culturally and linguistically diverse backgrounds
- Refugees and asylum seekers
- People experiencing poverty
- Disengaged youth.

Examples of best practices include:

- Collaboration with schools and employers to ensure students experience smooth transitions into further education and into employment. Collaboration with other service providers, for example National Disability Insurance Scheme (NDIS) providers or Jobactive employment services, to ensure integrated support of students throughout their training. Collaboration is especially important in regional and remote areas

Use of individual education-to-employment plans, including accommodating reasonable adjustments to the training and/or assessment practices and any additional support available to the student (including support delivered collaboratively by external service providers).

- Providers should be aware of requirements related to students with disability.
- Identification of any additional learning needs to complete the training, such as development of foundation skills, and assistance to access this.
- Personalised course selection support when requested by students.
- Clear communication (especially online) of the requirements and expectations of training including week-by-week learning outcomes and the scope for students to progress at their own pace. It is also helpful to identify the inherent requirements of training and opportunities to modify learning experiences to meet individual student needs.
- Foster a culture that normalises support and accommodation of student needs in training and actively counters stigma associated with disclosure of student characteristics, such as disability.
- Staff undertake regular professional development around delivering training and communicating effectively with specific groups, for example Aboriginal cultural competence and disability awareness.
- 'Champions' within Providers who increase the visibility and understanding

of disadvantaged student groups, such as Aboriginal and Torres Strait Islander people and people with disability. This helps to break down the stigma and discrimination that these groups of students may experience.

- Sharing of learnings and expertise with other Providers and not 'reinventing the wheel' in developing good practices.

Improving assessment practices

The Department is encouraging Providers to consider the effectiveness of their assessment practices and systems to ensure they reach beyond the assessment requirements of the relevant training package.

Examples of best practice include:

- The development of assessment materials that are compliant with the relevant training package requirements
- Reasonable adjustment to assessment practices, taking each student's individual circumstances into consideration when planning how they will be assessed and providing additional support where required. Setting appropriate benchmarks that measure students using hands-on and practical 'observable behaviours', to show each individual student has actually undertaken the required tasks and this has been contextualised appropriately
- Use of external evidence to validate the assessment process (see next section).

Using external sources to validate assessment

The integrity of competency based training relies on students who have been assessed as competent being able to apply that knowledge and skill to the standard of performance expected in the workplace.

High performing Providers will look for ways to ensure their assessment practices align with the workplace outcomes expected by employers. The use of external evidence is a good way to gain confidence in the assessment process. This can be used to highlight the effectiveness of the training experience to students and employers

Examples of using external sources to validate include:

- External review of assessment processes
- Independent validation of assessment: The ASQA Standards require that RTOs must undergo independent validation of assessment practices in regard to the Training and Education (TAE) Training Package. Independent validation of assessment beyond TAE qualifications is one way to aim for best practice under Smart and Skilled.
- Independent assessment of students (either for all students or a sample) by a third party assessing body. This can be a voluntary exercise that gives the student an additional demonstration of fulfilling competency requirements
- Assessment can be designed to include a final independent assessment through a capstone exam
- Surveys of employers to ask if graduate students had the skills expected

Monitoring post-training outcomes for students.

Building better teaching and leadership

Building capability in teaching and leadership is critical to quality training and improved student outcomes.

To build the capabilities of trainers, assessors and administrators, the *Smart and Skilled Training and Leadership Policy* (available on the Training Services NSW website) gives Providers direction on:

- Developing and implementing a Continuing Professional Development Policy
- Ensuring opportunities for improvement identified in performance reviews are implemented
- Providing feedback on professional development needs.

The Department is encouraging Providers to use their *Continuing Professional Development Policy* to demonstrate professional development and continuous improvement above and beyond the requirements of the

Smart and Skilled Training and Leadership Policy. This will help to ensure high performance in the market and quality training for students.

The Department is encouraging the adoption of best practice in the areas listed in this section above to ensure that the student experience and outcomes are maximised, and they receive the best support and quality training from their selected Provider.

Through the NSW Quality Framework, the Department continues to ensure that Providers are complying with their obligations as an RTO and as a Smart and Skilled Provider.

Training Services

NSW's approach to quality assurance

It is integral that Smart and Skilled Providers maintain compliance with the ASQA Standards and their obligations under the Smart and Skilled contract. The following sections highlight the areas of compliance that contribute to quality.

Information sharing with other jurisdictions

Working with ASQA

The Department shares an interest with the national regulator, ASQA, in:

- maintaining quality
- managing risk
- protecting students.

ASQA focuses on compliance with national standards for RTOs. The Department focuses on Provider compliance and performance under the Smart and Skilled contract.

The Department has an information sharing protocol with ASQA to foster cooperation and information sharing in relation to audit and monitoring arrangements. The Department is interested in the performance of Providers including their financial viability. This ensures appropriate, timely action by ASQA and the Department so student needs are met.

The Department meets with ASQA on a regular basis.

Working with other governments and agencies

The Department works with other governments and agencies to share information on the performance of Providers that deliver government-subsidised training.

We share an interest with other governments and agencies, including the Australian

Department of Education, Skills and Employment and NSW Fair Trading in:

- safeguarding the rights of consumers
- creating a fair and equitable VET market
- protecting students.

Training Services NSW signed a memorandum of understanding with NSW Fair Trading to this effect in April 2016.

Selecting the right training providers

An RTO applying to deliver training and assessment under Smart and Skilled must meet stringent quality and performance criteria.

The Department assesses eligible RTOs on their capacity, capability and performance as an RTO and in delivering training required for Smart and Skilled. This includes consideration of the learning environment provided by the RTO.

The eligibility criteria and assessment criteria for RTOs wishing to apply for Smart and Skilled are included in the *Smart and Skilled Policy for Market Management 2020-21 (Application for a Smart and Skilled Contract)* available on the Training Services NSW website.

Provider management and contract compliance

Effective contracting

The Smart and Skilled contract states the Department's objectives and expectations for delivering training under Smart and Skilled.

Through the contract, the Department works with Smart and Skilled Providers to both ensure compliance with requirements, and build capability and proactively encourage good practice.

The Department applies a risk-based approach to monitoring performance and viability, including the financial viability of Providers under contract (see Performance Monitoring below).

Where it is not possible for issues to be resolved, the Department has a range of

sanctions which can be imposed when unresolved issues are considered an Event of Default.

These measures include:

- suspending all or part of the Provider's rights under the contract
- withholding in whole or in part any subsidies payable to the Provider
- placing any further conditions in relation to government-subsidised training
- varying the contract
- exercising other rights under the contract or terminate the contract.

Performance monitoring

The Department monitors and reviews the performance of Smart and Skilled Providers to maintain and enhance quality training.

Our performance monitoring strategy is flexible so it can respond to varying risks and Provider performance issues.

The objectives of performance monitoring are to:

- Confirm delivery of the intended government-subsidised training
- Confirm ongoing contractual compliance
- Ensure maintenance of standards
- Inform Provider risk assessment.

Risk and Performance Indicators

Measurable risk and performance indicators guide the Department's performance monitoring priorities.

The risk and performance indicators assigned to a Smart and Skilled Provider will inform the nature and level of monitoring activities the Department will undertake with the Provider.

Risk indicators include:

- Industry factors or qualifications where there are identified risks
- Level of funded activity
- Reported subcontracting and brokering arrangements.

Performance indicators are based on:

- Obligations under the Smart and Skilled contract
- Timeliness and accuracy of data lodgement
- Training completion rates
- Complaints lodged.

Methods

Performance monitoring methods include:

- Self-assessment
- Surveys
- Interviews
- Desktop monitoring
- Site visits
- Investigations.

The Department also relies on information provided from ASQA, NSW Fair Trading, Smart and Skilled consumers and other jurisdictions to alert the need for performance monitoring of a Smart and Skilled Provider.

Ensure consumer protection

Students must have a clear avenue of complaint.

A Smart and Skilled Provider must have complaints handling procedures in place to ensure students are aware of their consumer rights and know how to make a complaint.

The Department can assist a consumer – a student, employer or other interested party – if they need to seek assistance or advice about Provider, or give feedback about one. The Department can assist a consumer with a complaint about a Provider or refer them to the appropriate agency, as explained in the *Smart and Skilled Consumer Protection Strategy* (available on the Training Services NSW website).

The Department complements other help available to consumers of VET:

- National Training Complaints Hotline
- Fair Trading NSW
- ASQA
- Australian Competition and Consumer Commission (ACCC).

Measuring consumer protection

The Smart and Skilled contract protects the rights of consumers by requiring Providers to:

- Have established, documented and accessible consumer feedback and complaints handling policies and procedures
- Identify a dedicated consumer protection officer and make their contact details readily available
- Provide students with details of an organisation's processes and pathways for resolving or escalating complaints
- Obtain a signed declaration from each student to confirm receipt of consumer protection information.

Glossary of student outcomes and indicators

The Department has been collecting information on the outcomes that students achieve from training under Smart and Skilled. Below are some of the student outcomes and indicators that the Department may use in assessing high quality under Smart and Skilled.

Employment Benefit (Source: Student Outcomes Survey)

This is the percentage of students who have gained an employment benefit from undertaking training. Examples of employment benefits include a student getting a job or getting increased earnings. This indicator is related to questions 19, 29, 36 and 37 of the 2019 Student Outcomes Survey (SOS).

Personal Benefit (Source: Student Outcomes Survey)

This is the percentage of students who have gained a personal benefit from undertaking training. Examples of personal benefits include a student getting into further study or gaining confidence. This indicator is related to questions 15 and 35 in the 2019 SOS.

Achieving Main Reason (Source: Student Outcomes Survey)

This is the percentage of students who were able to achieve the main reason for undertaking training. This indicator is related to questions 4 and 5 in the 2019 SOS.

Satisfaction Score (Source: Student Outcomes Survey)

This is the percentage of students who stated that they were satisfied or very satisfied with their training overall. This indicator is related to question 14 in the 2019 SOS.

Training Relevance (Source: Student Outcomes Survey)

This is the percentage of students who were employed in a field relevant to their qualification. This indicator is related to question 30 in the 2019 SOS.

Overall Non-Dropout Rate (Source: Smart and Skilled enrolment data)

Students who had completed or were continuing in Smart and Skilled training in 2018 as a percentage of all students that commenced in 2018.

This is the percentage of disadvantaged students who commenced Smart and Skilled training in 2018, who had completed their training or were still in training in 2020.

Disadvantaged Non-Dropout Rate (Source: Smart and Skilled enrolment data)

Disadvantaged students who had completed or were continuing in Smart and Skilled training in 2018 as a percentage of all disadvantaged students that commenced in 2018.

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Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Policy

Released May 2023

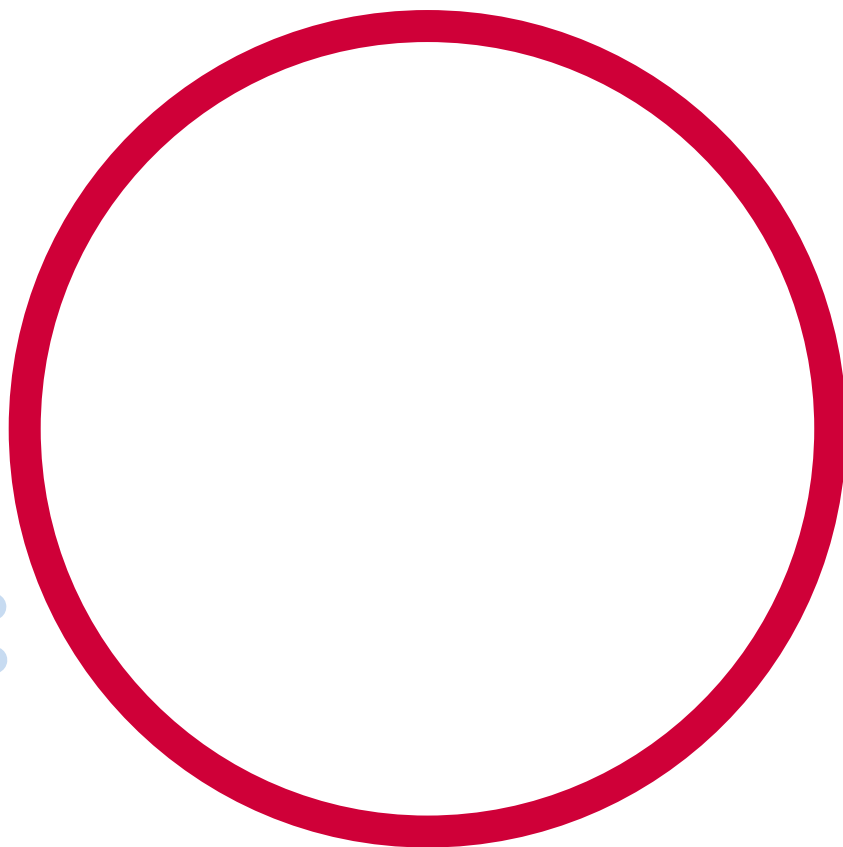
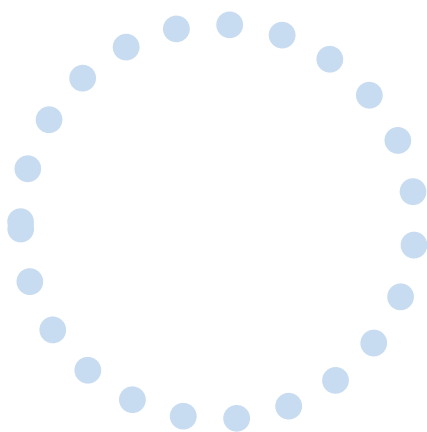
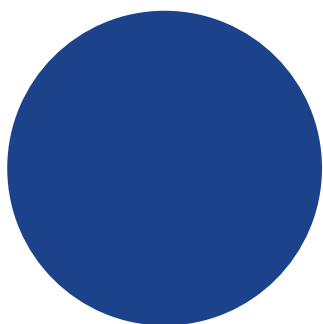


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1. About the Targeted Priorities Prevocational and Part qualifications Program

The Smart and Skilled Targeted Priorities Prevocational and Part Qualifications (TPPPQ) Program is designed to respond to changing economic conditions and the skills needs of NSW industries by funding the delivery of part qualifications (also known as short courses) that meet local business and community needs.

Its primary aim is to fund training that:

- supports jobseekers, seeking to train, retrain or upskill, get the skills they require to gain employment
- assists jobseekers to progress to further training e.g. an apprenticeship or traineeship or a full qualification under Smart and Skilled
- supports small business by providing a pipeline of skilled workers
- helps learners/students obtain an apprenticeship or traineeship through pre-apprenticeship or pre-traineeship training.

The Program also supports, to a lesser extent, improving the capability of existing workers looking to upskill to meet changing needs at work.

There are three streams to the program:

- **Pre-vocational:** For jobseekers seeking pre-employment or foundation skills training. This is targeted to students who want to get employment, change their job, or make a more informed decision to continue training to complete a full qualification. Training consists of Units of Competencies (UoCs) from Foundation Skills as well as language literacy and numeracy (LLN) units within a qualification (Certificate II and above) to support students undertaking higher level vocational qualifications
- **Pre-apprenticeship/Pre-traineeship:** For individuals seeking to obtain an apprenticeship or traineeship
- **Targeted skills:** Part qualifications that support targeted industries, priority groups and assist individuals to gain the skills they need as identified by the Department.

Part qualifications funded under the Program is driven by demands to meet the needs of specific student cohorts, industry and local employers and communities.

Part qualifications can be nationally accredited skill sets or bundles of nationally accredited Unit of Competencies/modules that are developed in consultation with industry, employers, and relevant stakeholders.

2. About this Policy

This Policy sets out the requirements and the Providers obligations for funding under the TPPPQ Program and any other Part qualifications Programs or Initiatives that the Department deems to be covered by the Policy.

Smart and Skilled Providers are required to comply with

- The Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Policy (this policy)
- The Smart and Skilled Contract Terms and Conditions and Operating Guidelines (on STS Online)
- The *Smart and Skilled Training Needs Identification User Guide* – a technical guide on how to create and submit a TNI Application through STS Online.

The above documents can be found on the [Smart and Skilled NSW Contracts and policies for training providers](#) website.

Providers who do not comply with any of the above Smart and Skilled policies may be deemed an event of default. This may lead to suspension of funding or the termination of the Smart and Skilled Contract.

The Department retains the right to amend this policy without notice. Where this occurs, an updated policy will be provided.

Note: This document sets out the conditions of funding under the TPPPQ Program or any other Program/initiative the Department deems to be covered by the Policy. Please refer to the Smart and Skilled Contract Terms and Conditions and Smart and Skilled Operating Guidelines for Providers obligations.

3. Eligibility

3.1. Provider Eligibility

To deliver Part Qualifications under this Program, the Provider must have a Smart and Skilled Contract and current Unit of Competencies (UoCs) on their Australian Skills Quality Authority (ASQA) scope of registration training.gov.au.

3.2. Student Eligibility

All students undertaking a part qualification funded under this Program must meet the Smart and Skilled eligibility criteria, as specified in the *Smart and Skilled Student Eligibility Policy*, found [here](#).

3.3. Ineligible scenarios

The following scenarios will not be funded under the Program unless approved by the Department under special circumstances.

- Employees or sub-contractors working for the Provider delivering the part qualification funded under the Program cannot undertake the part qualification
- Part qualifications will not be funded for State, or Commonwealth Government employees where the upskilling or professional development of the employees is the responsibility of the Government agency
- Elective units for apprenticeship or traineeship qualifications. The appropriate units should be delivered under the full qualification.

4. Identifying Training Need

4.1. Funding is at the sole discretion of the Department

As per Clause 4.5(d) of the *Smart and Skilled Contract Terms and Conditions* (found [here](#)) funding of part qualifications under the TPPPQ Program is at the sole discretion of the Department and will be assessed on a case-by-case basis through submitted Training Need Identification (TNI) applications.

4.2. The Training Needs Identification Application

An online TNI application must be submitted to the Department by the Provider for the part qualification that funding is being sought. Only TNI applications submitted via the Department's STS online portal will be considered.

4.3. Identifying Training Need

The training needs must align to the skill requirements of the region where the training will be delivered, considering priority groups and targets as per 4.4 of this Policy.

Part qualification funding (i.e. TNI is accepted/approved, and a PAS is issued) is at the discretion of the Department. A part qualification that has been previously funded, does not mean that it will be funded again by the same Training Services NSW regional office or any other Training Services NSW regional office. Each TNI application is considered on its own merits at the time of submission and is assessed according to the regional priorities of the centre that it is submitted to.

4.4. Priority Cohorts

Jobseekers and disadvantaged cohorts are a priority for funding under the TPPPQ Program and will be given precedent. Funding to support the skills of existing workers will be assessed on a case-by-case bases against regional priorities and available budget.

Disadvantaged priority cohorts:

- Aboriginal and Torres Strait Islander peoples
- People with disabilities and their dependents
- Commonwealth Government Benefit recipients
- Asylum seekers and refugees
- People who need extra learning support.

For a TNI application to be considered, the Provider must ensure the TNI clearly identifies a priority group and industry as outlined in Section 2 of the *Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Operating Guidelines*, found on STS Online.

4.5. Provider Activity Schedule

If the TNI is approved, a Provider Activity Schedule (PAS) (defined as “Activity Schedule” in the *Smart and Skilled Terms and Conditions* (found [here](#)) will be issued which outlines the part qualification to be delivered and funded.

As per Clause 4.5(e) - of the *Smart and Skilled Contract Terms and Conditions*, found [here](#), the Provider must accept each PAS provided by the Department before enrolling and commencing training delivery in the part qualification. The Department will not fund a part qualification where enrolments and training commenced prior to the PAS being accepted by the Provider. If enrolment and/or, training commences prior to the PAS acceptance, it may lead to an event of default under the contract.

Note: Training delivery cannot commence prior to the Notification of Enrolment has been undertaken and a CID has been obtained for the student enrolment. Failure to do this may lead to an event of default under the contract and the Department is under no obligation to pay for this training in these instances.

As per Clauses 4.5(e) and 4.5(f) of the *Smart and Skilled Contract Terms and Conditions* (found [here](#)), each PAS forms part of the Smart and Skilled Contract from the date it is accepted by the Provider. Therefore, the PAS is a legally binding contract between the Department and the Provider. The Provider must comply with the conditions set out in the PAS.

4.6. Training Places on Provider Activity Schedule

The Provider MUST enrol and commence all the student places they have been allocated on their current PAS(s) before submitting a new TNI for the same part qualification in the same location, and for the same target group. For example, if the Provider has a TNI for 20 places for a particular part qualification in a particular location and has only enrolled/commenced 10 students, the Provider should use the remaining 10 allocated places before applying for additional funding.

A Provider submitting a new TNI, who has unfilled places for the same part qualification, that has previously been funded in the same location, must provide supporting evidence to demonstrate their ability to fill the student places in the part qualification in the new TNI request for funding. Supporting evidence must outline how the Provider will be able to fill the training places and explain why the training places on the previous PAS were unable to be filled. Evidence should be attached to the TNI application.

As per Clause 9 of the *Smart and Skilled Contract Terms and Condition* (found [here](#)), the Provider MUST comply with the process of the notification of enrolment of Prospective Students in all Approved Qualification as set out in the *Smart and Skilled Operating Guidelines*. The Notification of Enrolment Process MUST be carried out simultaneously with the Provider's enrolment process and MUST be completed before any Subsidised Training is delivered to the student.

The Provider MUST successfully submit Training Activity Data for an Enrolled Student who have commenced as per Clause 14.2 of the *Smart and Skilled Contract Terms and Conditions* (found [here](#)).

4.7. Training enrolment period on Provider Activity Schedule

The training enrolment period on the PAS is the period in which students can be enrolled and training can commence. This period generally cannot be longer than 6 weeks. Enrolments and training commencements outside of the period specified on the PAS will not be funded.

Extensions to training enrolment periods may be granted from time to time. For details on an extension, refer to Section 4.4 Extending a PAS in the *Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Operating Guidelines*, found on STS Online.

4.8. Training Outcomes

Following the completion of training, the Department may request a report of training outcomes for a PAS from the Provider. This is to confirm that:

1. the part qualification has been delivered in accordance with the PAS
2. the training outcome(s) submitted in the TNIs applications have been achieved
3. whether the part qualification has been delivered in accordance with this Policy, the special instructions on the PAS, the *Smart and Skilled Contract Terms and Conditions/Operating guidelines* and any other relevant policy or guidelines.

The Department may also contact relevant employers to obtain feedback and survey students.

The success of previously funded part qualifications may be used when considering future TNIs applications and in the decisions to future part qualifications.

Note: A submitted TNI application does not guarantee subsidised training under the TPPPQ Program. As per 3.1 above and Clause 4.5(d) of the *Smart and Skilled Contract Terms and Conditions* (found [here](#)), funding of part qualifications is at the sole discretion of the Department.

5. Notations regarding TNIs, PASs and part qualifications

5.1. Number of student places

The Provider must comply with any policy details in *Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Operating Guidelines* with regards to number of places on a PAS (Section 3.6.2 refers). Operating guidelines can be found on STS Online.

5.2. Timeline for submitting TNIs

TNIs must be submitted at least 21 working days prior to the proposed enrolment/commencement period. The Department is not obliged to consider any TNIs that are not submitted within this timeframe.

5.3. UoCs included in the part qualification

It is the Providers responsibility to check all UoCs in the part qualification for which they are seeking funding, UoCs must be:

- implicitly listed on the Providers NSW delivery ASQA scope of registration on training.gov.au
- remain current throughout the requested training period
- not expire prior to the training completion date.

The Provider should also check if there are prerequisites required for all UoCs selected for delivery in NSW. Where applicable, the Provider must ensure its organisation is approved by the relevant government agency to deliver the training. This can be checked on

<https://www.onegov.nsw.gov.au/PublicRegister/#/publicregister/search/RTO>.

Refer to Section 4.3 of the *Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Operating Guidelines* (found on STS Online) for requirements when selecting UoCs.

Note: If the part qualification is a nationally accredited skill set, the skill set must be on the Providers NSW scope of registration.

Note: Students must not be enrolled in a series of part qualifications that make up a full qualification. This may be deemed an event of default under the Smart and Skilled contract. Students who wish to undertake a full qualification must enrol in a full qualification under the relevant Smart and Skilled program.

5.4. Licensing, regulatory, refresher, mandatory and single UoCs

Jobseekers - Licensing, regulatory, refresher, or mandatory UoCs may be considered for funding where the part qualification also includes at least three VET UoCs and the TNI includes evidence from an employer of an actual employment outcome. TNI applications for part qualifications which are made up only of Licensing, regulatory, refresher, or mandatory UoCs will not be considered.

Existing workers - Licensing, regulatory, refresher, or mandatory UoCs will not be funded.

Single UoCs - Part qualifications which contain a single unit will not be funded unless specified by the Department. Part Qualifications containing one UoC will not be approved unless exceptional circumstances apply. Refer to 4.3.1 of the *Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Operating Guidelines*, found on STS Online.

Note: Heavy Vehicle Licence training (**TLILIC2015** - Licence to drive a medium rigid vehicle, **TLILIC2016** - Licence to drive a heavy rigid vehicle, **TLILIC3017** - Licence to drive a heavy combination vehicle, **TLILIC3018** - Licence to drive a multi-combination vehicle) will not be funded under the TPPPQ Program in any type of part qualification, single unit only or otherwise.

Refer to section 4.3.2 of the *Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Operating Guidelines* (found on STS Online). for a non-exhaustive list of licensing, regulatory, refresher, or mandatory UoCs. This list may be updated from time to time.

The Provider must inform the Department of any known UoCs of this type which are not listed, and in good faith should comply with the above conditions for any such UoCs not listed.

5.5. Intended outcomes

It is important that the intended outcomes of the part qualification are fully detailed in the TNI. The submitted TNI application must provide details on the extent of the training need. Refer to Section 3.8 of the *Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Operating Guidelines*, found on STS Online.

5.6. Mandatory workplace UoCs

Letters of support from employers or partnering organisations are required for all TNIs which include mandatory work placement UoCs. Refer to Section 3.9 of the *Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Operating Guidelines*, found on STS Online.

5.7. Letters of support

Letters of support from employers or partnering organisations are required for existing worker training. Student names and date of birth are required for Existing Workers and must be provided to the Training Services NSW regional office with submission of the TNI or prior to approval of the TNI. Letters of Support should address the need for the upskilling, the industry demand for the part qualification, and the skills gaps that will be addressed by the proposed training.

Refer to Section 3.9 of the *Smart and Skilled Targeted Priorities Prevocational and Part Qualifications Operating Guidelines*, found on STS Online.

Letters of support may be requested for Jobseekers where an employer or partnering organisation is associated to the TNI application.

As per section 5.4. evidence from employers must be included in TNIs for part qualifications for jobseekers which include licensing, regulatory, refresher, or mandatory UoCs.

Note: The integrity of the content in TNIs is critical to the success of the Program. This ensures that the appropriate training has been identified and **suitable people will be selected** to participate in training according to the training needs identified in the TNI.

6. Delivery, Completion and Reporting Timeframes in an Activity Period

Part qualifications funded in a Smart and Skilled Contract Activity Period, must be completed in the same Activity Period.

All Training Activity Data for all part qualifications funded in an Activity Period must be reported by the end of the Activity Period. i.e. by the 30 June of each Activity period. This means that training delivery and assessment must be completed in enough time to meet this reporting requirement.

Note: To ensure that Training Activity Data is submitted by the 30 June, TNIs with proposed training completion dates beyond the 31 May of each year may not be approved.

7. Performance monitoring and review

7.1. Performance measures

The Department will monitor the Provider's performance under the programs to:

- inform future decisions on further funding under the Program

- assess compliance.

Performance monitoring and review will include:

- reviewing funding levels, training outcomes (completion rates and student employment outcomes), employer feedback
- PAS performance (e.g. filling training places, rate of cancelled, expired PAS)
- quality of TNI applications
- training and assessment quality assurance
- compliance against Policy and Smart and Skilled contract and PAS requirements
- possible site visit from a Training Services NSW representative.