

RTO0014 Policy Governance and Administration

1. Purpose

This policy is to ensure that Health Information Management Association of Australia Limited (HIMAA) complies with the National VET Regulator and Standards at all times throughout the registration of HIMAA as a Registered Training Organisation (RTO).

2. Scope

This Policy applies to all Board Members of HIMAA and any persons who has the authority to make decisions on behalf of the RTO.

3. Standard 7 Clauses 7.1 – 7.5

7. The RTO has effective governance and administration arrangements in place.

To be compliant with Standard 7 the RTO must meet the following:

7.1 The RTO ensures that its executive officers or high managerial agent:

- a) Are vested with sufficient authority to ensure the RTO complies with the RTO Standards at all times; and
- b) Meet each of the relevant criteria specified in the Fit and Proper Person Requirements in Schedule 3.

7.2 The RTO satisfies the Financial Viability Risk Assessment Requirements.

7.3 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 \$1500 (being the threshold prepaid fee amount), the RTO must meet the requirements set out in the Requirements for Fee Protection in Schedule 6.

7.4 The RTO holds public liability insurance that covers the scope of its operations throughout its registration period.

7.5 The RTO provides accurate and current information as required by the Data Provision Requirements as updated from time to time.

Schedule 3 Fit and Proper Persons Requirements

In assessing whether a person meets the Fit and Proper Person Requirements, the VET Regulator will have regard to the following considerations:

- a) Whether the person has been convicted of an offence against a law of the Commonwealth or a State or Territory of Australia, or of another country, and if so, the seriousness of the offence and the time elapsed since the conviction was recorded;
- b) Whether the person has ever been executive officer or high managerial agent of an RTO at a time that the RTO had its registration on the National Register cancelled or suspended by its VET Regulator for having breached a condition imposed on its Registration;
- c) Whether the person has ever been an executive officer or high managerial agent of an RTO at a time that the RTO was determined to have breached a condition of its

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registration under the Education Services for Overseas Students Act 2000 or the Tertiary Education Quality and Standards Agency Act 2011;

- d) Whether the person has ever become bankrupt, applied to take the benefit of a law for the benefit of bankrupt or insolvent debtors, compounded with his or her creditors or assigned his or her remuneration for the benefit of creditors, and if so, the time elapsed since this event occurred;
- e) Whether the person has ever been disqualified from managing corporations under Part 2D.6 of the Corporations Act 2001, and if so whether the disqualification remains in place;
- f) Whether the person was involved in the business of delivering courses or other services on behalf of a person that was the subject of regulatory action described in points b) or c) above, and if so, the relevance of the person's involvement;
- g) Whether the person has ever provided a VET Regulator with false or misleading information or made false or misleading statement to a VET Regulator, and if so, whether it is reasonable to assume that the person knew that the statement made or information provided to the VET Regulator was false or misleading;
- h) Whether the person has ever been determined not to be fit and proper person as prescribed under any law of the Commonwealth or a State or Territory of Australia, and if so, whether that determination remains in place;
- i) Whether the public is likely to have confidence in the person's suitability to be involved in an organisation that provides, assesses or issues nationally recognised qualifications;
- j) Whether the person has ever been an executive officer or high managerial agent of an RTO at a time the RTO was determined to have breached a government training contract; and
- k) Any other relevant matter

Schedule 6

Requirements for protecting fees prepaid by individual learners, or prospective learners, for services.

These requirements do not override obligations and requirements of the Education Services for Overseas Students Act 2000 (cth).

Type of RTO	Requirements
All other RTOs	<p>The RTO addresses learner fee protection by implementing one or more of the following arrangements:</p> <ol style="list-style-type: none"> 1. The RTO holds an unconditional financial guarantee from a bank operating in Australia where: <ol style="list-style-type: none"> a. The guarantee is for an amount no less than the total amount of prepaid fees held by the RTO in excess of the threshold prepaid fee amount for each learner for services to be provided by the RTO to those learners; and b. All establishment and ongoing maintenance costs for the bank guarantee are met by the RTO.

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	<p>2. The RTO holds membership of a Tuition Assurance Scheme approved by its VET Regulator which, if the RTO is unable to provide services for which the learner has prepaid, must ensure:</p> <p>a. The learner will be placed into an equivalent course such that:</p> <ul style="list-style-type: none"> - The new location is geographically close to where the learner had been enrolled; and - The learner receives the full services for which they have prepaid at no additional cost to the learner; or <p>b. If an equivalent course cannot be found, the learner is paid a refund of any prepaid fees for services yet to be delivered above the threshold prepaid fee amount.</p> <p>3. Any other fee protection measure approved by the VET Regulator.</p>
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4. References

This policy has been developed within the guidelines for:

- Standards for Registered Training Organisations (RTOs) 2015
- User Guide Standards for Registered Training Organisations (RTOs) 2015
- Financial Viability Risk Assessment Requirements
- Data Provision Requirements 2012
- NRSCH.gov.au
- Fit and Proper Person Requirements
- VET Act 2011
- Business.gov.au
- RTO014 SOP Governance and Administration
- ORG008 Policy HIMAA Payroll Arrangements
- ORG008 SOP HIMAA Payroll Arrangements
- RTO004 Work Instructions Refund Process
- RTO005 Work Instructions Collecting Student Fees
- ORG009 Policy Work Related Expenses
- ORG009 SOP Work Related Expenses
- RTO012 Policy Learners Informed and Protected
- RTO012 SOP Learners Informed and Protected
- Australian Council for Private Education Training (ACPET) Guidelines for Tuition Assurance Scheme
- Fit and Proper Persons Requirements Declaration

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5. Policy

5.1 Fit and Proper Persons

- 5.1.1 HIMAA's Board Members and the Chief Executive Officer (CEO) must meet the Fit and Proper Persons requirement (schedule 6) prior to being nominated to become a Board Member or when recruiting a person for the CEO position
- 5.1.2 HIMAA's Quality and Compliance Officer ensures that the Fit and Proper Person's Declaration is completed by the newly appointed Board Member or CEO
- 5.1.3 HIMAA's Quality and Compliance Officer informs the National VET Regulator of any changes to High Managerial Agents or Executive Officers within the specified timeframe
- 5.1.4 All HIMAA's Board Members and the CEO ensure that they comply with the Standards at all times
- 5.1.5 In the Event that a nominated Board member does not meet all the requirements of the Fit and Proper Persons Requirements Act 2011 FPPR4 a) or schedule 3 Fit and Proper Persons Requirements a) on this document, the CEO and Quality and Compliance Officer will refer to the section of the Act regarding the seriousness of the noncompliance and the CEO will refer the matter to the Board as required.

5.2 RTO Human Resources

- 5.2.1 HIMAA supports the success of the RTO by only employing staff who meet the requirements of the regulatory and contractual bodies, perform their duties and responsibilities to the best of their ability and adhere to the VET Quality Framework and the requirements of the Training Package
- 5.2.2 HIMAA ensures that it does not engage, employ or offer a contract to persons who do not meet the Fit and Proper Persons requirement
- 5.2.3 HIMAA ensures that when it appoints Education Officers they hold the necessary training and assessment competencies and have the relevant vocational competencies at least to the level being delivered or assessed
- 5.2.4 HIMAA ensures that all Education Officers keep their industry skills current
- 5.2.5 HIMAA ensures that all Education Officers develop their Vocational Education and Training (VET) knowledge and skills to keep current with the VET sector

5.3 Financial Viability

- 5.3.1 HIMAA has in place management strategies which
 - Ensure financial and administration practices
 - Guarantee HIMAA's sound financial position
 - Safeguard learners' fees until they are used for training purposes
- 5.3.2 HIMAA accounts are certified by a qualified accountant to Australian Accounting Standards at least annually and provide the certification to the registering body upon request

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- 5.3.3 HIMAA provides all learners with information regarding fees and charges. This includes any possible additional fees such as reprinting of Statements of Attainment or any other additional charges a student may incur whilst training with HIMAA
- 5.3.4 HIMAA has a Tuition Assurance Scheme in place with the Australian Council for Private Education and Training (ACPET)
- 5.3.5 HIMAA's policies and procedures are in line with the Standards, VET Act and Vet Quality Framework
- 5.3.6 Learners are informed and protected when paying upfront fees for their chosen course

5.4 Collecting Learners Fees

- 5.4.1 HIMAA ensures that all learners are aware of fees and charges prior to the learner enrolling into the HIMAA course.
- 5.4.2 HIMAA ensures that learners are informed about the timing and amount of fees to be paid as well as the administration fee
- 5.4.3 HIMAA will maintain a Tuition Assurance Scheme to safeguard domestic learners in the event of HIMAA becoming insolvent and unable to return fees that have been paid in advance. The Tuition Assurance Scheme will source similar training to allow the affected participants to complete their studies without further financial burden. However if the learner cannot be placed, the Tuition Assurance Scheme will make refunds
- 5.4.4 In the event of a course not being able to be delivered, learners will be placed with another provider. Refunds will only be issued in the event that the Tuition Assurance Scheme that HIMAA has with the Australian Council for Private Education and Training (ACPET) does not have a comparable course for HIMAA learners

5.5 Public Liability

- 5.5.1 HIMAA's Manager of Financial and Corporate Services ensures that adequate Public Liability insurance is obtained and maintained for HIMAA
- 5.5.2 HIMAA ensures that this insurance is renewed each year when due

5.6 Data Provision Requirements Reporting

- 5.6.1 HIMAA reports all AVETMISS data to the National Centre for Vocational Education Research (NCVER) within the required timeframe
- 5.6.2 All data is compliant and has the necessary AVETMISS data to meet reporting requirements
- 5.6.3 HIMAA uses an AVETMISS compliant Student Management System to record and report AVETMISS data to the NCVER
- 5.6.4 HIMMA reports all records of attainment as requested by the National VET Regulator within the timeframe

5.7 RTO Management

- 5.7.1 HIMAA's senior management consults with Education Services Training Manager, Quality and Compliance Officer and Education Officers when making decisions regarding the running of the RTO

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- 5.7.2 HIMAA's senior management has completed the Fit and Proper Persons requirements declaration. This is completed when a new Director or FARM Committee member is appointed
- 5.7.3 HIMAA's CEO informs the Board of Directors of any issues that arise within the RTO after gaining advice from the Training Manager, Quality and Compliance Officer or Education Officers

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