

RTO014 SOP Governance and Administration

1. Purpose

This Standard Operating Procedure 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 Standard Operating Procedure applies to all Board Members of HIMAA and any persons who have the authority to make a decision on behalf of the RTO.

3. Standard 7 Clause 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 the 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 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 and 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 the 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.

	<p>2. The RTO holds current 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. Definition

Data Provision Requirements – are the requirements for data provision as agreed by the Industry Skills Council and implemented by the VET Regulator as required by its governing legislation.

Executive Officer means:

- a) A person, by whatever name called and whether or not a director of the organisation, who is concerned in or takes part in the management of the RTO; or
- b) An administrator, receiver and manager, or liquidator of the organisation (other than a receiver and manager, or liquidator, appointed by a court); or
- c) If the RTO is a body corporate:
 - i. A person who, at any time during a period for which the organisation is registered, owns 15% or more of the organisation; or
 - ii. A person who, at any time during a period for which the organisation is registered, is entitled to receive 15% or more of dividends paid by the organisation; or
 - iii. The administrator of a deed of company arrangement executed by an organisation; or
 - iv. A trustee or other person administering a compromise or arrangement made between the organisation and another person or other persons.

Financial Viability Risk Assessment Requirements – means the requirements made under section 158 of the National Vocational Education and Training Regulator Act 2011 or equivalent requirements made or adopted by the VET Regulator of a non-referring State as the case requires

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Fit and Proper Person Requirements – the criteria that a person in charge of a Registered Training Organisation must meet in order to be considered fit and proper by the National VET Regulator.

High Managerial Agent – means an employee or agent of the organisation with duties of such responsibility that his or her conduct may fairly be assumed to represent the organisation in relation to the business of providing courses.

Operations – of an RTO include training, assessment and administration and support services related to its registration, including those delivered across jurisdictions and offshore.

Public Liability Insurance - protects you and your business against the financial risk of being found liable to a third party for death or injury, loss or damage of property or economic loss resulting from your negligence.

Registration – means registration as an RTO by the VET Regulator, where that registration is then entered on the National Register.

RTO – means a Registered Training Organisation

VET Quality Framework – comprises:

- a) The Standards for Registered Training Organisations
- b) The Australian Qualifications Framework
- c) The Fit and Proper Person Requirements
- d) The Financial Viability Risk Assessment Requirements
- e) The Data Provision Requirements

VET Regulator – means:

- a) The National VET regulator; and
- b) A body of a non-referring State that is responsible for the kinds of matters dealt with under the VET legislation for that State

5. References

- 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

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- 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

6. Procedure

6.1 Fit and Proper Persons

- 6.1.1 HIMAA's Quality and Compliance Officer ensures that all people prior to being nominated to become a Board Member must meet the Fit and Proper Person Requirements. The criteria the person must meet is part of the nomination process
- 6.1.2 HIMAA conducts a thorough background check on all applicants for positions of authority such as the Chief Executive Officer (CEO) or a Board Member
- 6.1.3 Checks are made using the Fit and Proper Person Requirements. If the person meets the criteria they are eligible to be nominated as a Board Member or a CEO
- 6.1.4 Once the person has been nominated and is accepted the person must complete the Fit and Proper Person Declaration. This is to be completed at the AGM and submitted to the Quality and Compliance Officer immediately
- 6.1.5 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. If the noncompliance is deemed too serious to risk submission of the FPPR, the Board will renegotiate the nomination.
- 6.1.6 Once the Quality and Compliance Officer has the Fit and Proper Person Declaration, a Notification of Change of Details form (from the ASQA website) must be filled in and submitted with the Fit and Proper Person Declaration to the National Regulator within the timeframe
- 6.1.7 This is filed in the Fit and Proper Person folder with the Quality and Compliance Officer
- 6.1.8 As soon as the change has been updated on the National Register the Quality and Compliance Officer prints the organisation details and files them with the Fit and Proper Persons

6.2 RTO Human Resources

6.2.1 Board Members

- 6.2.1.1 When HIMAA Board members are nominated the current Board Members **must** take into account the Fit and Proper Person Requirements when appointing a candidate to the HIMAA Board

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- 6.2.1.2 A person who is to be part of the HIMAA Board must meet the requirements and complete the Fit and Proper Person Declaration **within 14 days** of the person being successfully appointed to the Board
- 6.2.1.3 The Fit and Proper Person Declaration is to be completed and witnessed by a person listed on the back of the declaration. This declaration should be scanned and emailed to the Quality and Compliance Officer and the **original** posted to the Quality and Compliance officer
- 6.2.1.4 Once the Declaration has been received the Quality and Compliance Officer is to complete the Material Change of Event Form **and Submit within 21 days from the change taking place to the National VET Regulator**
- 6.2.1.5 A person who does not meet the Fit and Proper Person Requirements **cannot become a Board Member**
- 6.2.1.6 The Quality and Compliance Officer then scans and uploads the completed declarations onto the HIMAA server and the original is filed in the Fit and Proper Person folder
- 6.2.1.7 Making a false and misleading declaration can lead to time served in gaol if found to be false
- 6.2.2 **Chief Executive Officer**
 - 6.2.2.1 When the Board is recruiting for the Chief Executive Officer (CEO) position they must take into account the Fit and Proper Person requirements.
 - 6.2.2.2 A person who does not meet the Fit and Proper Person Requirements **cannot become a CEO**
 - 6.2.2.3 The CEO must meet all the requirements and complete the Declaration. This is to be witnessed by a person listed on the back of the declaration, and completed **within 14 days**
 - 6.2.2.4 The Quality and Compliance Officer completes the Material Change of Event form (from the ASQA website) and attaches the Fit and Proper Person Declaration to the Material Change of Event form and informs the National VET Regulator of the change. This must be completed **within 21 days.**
 - 6.2.2.5 The Quality and Compliance Officer scans and uploads the completed document onto the HIMAA server. The original is filed in the Fit and Proper Person folder
- 6.2.3 **Training Manager and Education Officers**
 - 6.2.3.1 When recruiting a Training Manager or and Education Officer the CEO and the Quality and Compliance Officer must ensure that they hold the necessary Training and Assessment Competencies, Vocational Competencies as well as current industry skills directly relevant to the training and assessment
 - 6.2.3.2 The Quality and Compliance Officer is to verify the qualifications of the candidates for the Training Manager or Education Officer positions
 - 6.2.3.3 The Quality and Compliance Officer is to use the 049 Form Verification of Qualifications Checklist against the National Register to ensure that the RTO exists and has the qualifications on their scope of registration

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- 6.2.3.4 If the qualifications are valid, the candidate for the Training Manager or Education Officer can be employed with HIMAA, provided they meet all the requirements of the position
- 6.2.3.5 The Quality and Compliance Officer adds the new Training Manager or Education Officer to the Trainer's Matrix
- 6.2.3.6 The newly appointed Training Manager or Education Officer is to make a file on the Document Management System to hold all their qualifications, resume and references
- 6.2.3.7 The Training Manager or Education Officer as part of their job role completes professional development reports to ensure that their skills are maintained. These are given to the Quality and Compliance officer to update on the Trainer's Matrix every 6 months

6.2.4 **Financial Viability**

- 6.2.4.1 HIMAA's Manager of Financial and Corporate Services ensures that all accounts are paid within the timeframes stated on the account/invoice
- 6.2.4.2 All information about HIMAA's course fees, administration fees and any other charges and fees are accessible to learners through the HIMAA website, student handbook and course terms and conditions
- 6.2.4.3 HIMAA informs learners of any additional fees they may incur for additional services such as misplaced credentials/statements of attainment
- 6.2.4.4 HIMAA ensures that all course fees that are paid in advance are protected. HIMAA has a Tuition Assurance Scheme with the Australian Council for Private Education and Training (ACPET)
- 6.2.4.5 HIMAA can demonstrate financial viability at any time at the Regulator's request
- 6.2.4.6 HIMAA conducts risk assessment and evaluates business continuity at least annually. HIMAA holds monthly Financial Audit and Risk Management meetings. Budgets are organised by each department and brought together in the Business Plan
- 6.2.4.7 HIMAA ensures that it has the financial resources necessary to:
 - 6.2.4.7.1 Deliver qualifications/ units of competency on its scope of registration
 - 6.2.4.7.2 Employ appropriately qualified staff to deliver courses on HIMAA's scope of registration
 - 6.2.4.7.3 Provide appropriate services to clients, learners and members
 - 6.2.4.7.4 Remain in business to ensure that learners can achieve completion of their course
 - 6.2.4.7.5 Meet all of the above requirements even in an unsure environment
- 6.2.4.8 HIMAA will obtain and submit an assessment of financial viability risk assessment by an Independent Financial Auditor nominated by the registering body when requested
- 6.2.4.9 HIMAA conducts CPA financial audits on an annual basis

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6.2.4.10 HIMAA will submit all financial data and information requested by the Registering Body in the required format that complies with the Australian Accounting Standards

6.2.5 **Collecting Learners Fees**

6.2.5.1 Enrolment fees are payable in Australian dollars

6.2.5.2 Learners are provided with fee information which is on the HIMAA website, online enrolment facility, student handbook, course terms and conditions. The Student Support and Administration Officer also informs learners of this information

6.2.5.3 HIMAA's Student Support and Administration Officer on receiving and enrolment form from a learner enters the data into the Student Management System (SMS) and gives the enrolment form to the Accounts Assistant for processing the payment and entering the enrolment on the accounting system

6.2.5.4 Once the payment has been processed the learner is enrolled into the requested course. Two days prior to course commencement the learner is given access to the online learning system. A username and password is emailed to the learner through the SMS

6.2.5.5 If a learner withdraws from a course and the learner is entitled to a refund (at HIMAA's discretion) the learner will be given a refund minus an administration fee

6.2.5.6 All learners are informed about the timing and amount of fees to be paid as well

6.2.5.7 HIMAA has a Tuition Assurance Scheme to safeguard domestic learners in the event of HIMAA's becoming insolvent and unable to refund fees that have been paid in advance. The Tuition Assurance Scheme will source similar training to allow affected learners to complete their studies without further financial burden. However, if the learner cannot be placed in similar training the Tuition Assurance Scheme will make refunds

6.2.5.8 In the event of a course not being able to be delivered by HIMAA learners will be placed with another provider. A refund will only be issued in the event that the Tuition Assurance Scheme that HIMAA holds with the Australian Council for Private Education and Training (ACPET) does not have a comparable course for learners

6.2.6 **Public Liability**

6.2.6.1 HIMAA's Manager of Financial and Corporate Services ensures that adequate public liability insurance is obtained by getting quotes from three insurance organisations

6.2.6.2 HIMAA's Manager of Financial and Corporate Services renews public liability insurance prior to the existing public liability insurance policy becoming expired

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6.2.6.3 HIMAA's Manager of Financial and Corporate Services provides a copy of the public liability insurance policy to the Quality and Compliance Officer for auditing purposes and keeps the original in a secure filing cabinet

6.2.6.4 HIMAA's Chief Executive Officer ensures that there is a current public liability insurance policy at all times

6.2.7 Data Provision Requirements

6.2.7.1 All data collected on the enrolment form for AVETMISS reporting is entered into the Student Management System (SMS). The steps are as follows:

- 6.2.7.1.1 Learner informed on HIMAA website that they need to obtain a Unique Student Identifier (USI). The link to the USI website is provided and the learner is encouraged to complete this task themselves
- 6.2.7.1.2 Once the learner has obtained their USI they can then enrol by downloading the enrolment form from the HIMAA website entering their USI and all other personal details.
- 6.2.7.1.3 Once the learner has completed the enrolment form the learner either returns the completed form by email, fax or mail.
- 6.2.7.1.4 The Student Support and Administration Officer on receipt of the completed enrolment form enters the data in the SMS. If any information is missing the Student Support and Administration Officer contacts the learner to obtain the missing information.
- 6.2.7.1.5 When the learner has completed the unit of competency or course the Student Support and Administration Officer updates the information in the SMS.
- 6.2.7.1.6 After each enrolment intake and examination the Quality and Compliance Officer checks the data to ensure integrity of the data and that it is compliant.
- 6.2.7.1.7 The Quality and Compliance Officer runs the AVETMISS report to ensure that no errors or warnings are reported in the data.
- 6.2.7.1.8 If errors are found the Quality and Compliance Officer informs the Training Manager who then informs the Student Support and Administration Officer and the data is corrected.
- 6.2.7.1.9 The Quality and Compliance Officer submits the AVETMISS data to the National Centre for Vocational Education and Research (NCVER) by the end of February each year.
- 6.2.7.1.10 This includes the records of attainment of competency for students who have successfully completed the course and reporting the information to the National VET Regulator.

6.2.8 RTO Management

6.2.8.1 HIMAA's Board, Chief Executive Officer and High Managerial Agents must meet the requirements of the Fit and Proper Person requirements 2011 these are as follows:

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- Have you been convicted of an offence against a law of the Commonwealth or of a State or Territory?
 - Have you or the entity, had its registration on the National register cancelled or suspended in part or in full?
 - Have you, or the entity, ever had a condition imposed on your registration as a training organisation on the National Register?
 - Have you, or the entity, ever breached a condition of registration in subdivision B of Division 1 of Part 2 of the Act?
 - Have you, or the entity, ever become bankrupt, applied to take the benefit of a law for the benefit of bankrupt or insolvent debtors, compounded with your creditors or assigned your remuneration the benefit of creditors?
 - Have you been disqualified for managing corporations under Part 2D.6 of the Corporations Act 2001 (Cwlth)
 - Have you, or the entity, been involved in the business of the provision of courses by another provider who is covered by the above questions 1-6 at the time of any of the events that gave rise to the relevant prosecution or other action?
 - Have you, or the entity, ever provided a State or Territory registering body and/or the National VET Regulator with false or misleading statement to a State or Territory registering body or the National VET Regulator.
 - If the answer to 7 (a) is yes, did you or the entity know that the statement made of information provided to the State or Territory registering body or the National VET Regulator was false or misleading
 - Have you ever been found not to be a fit and proper person for the purpose of the Education Service for Overseas Students Act 2000 (Cwlth)?
 - Do you consider there to be any doubt about whether the public is likely to have confidence in your ability, or that of the entity, to provide assess national qualifications?
- 6.2.8.2 The Fit and Proper Person Declaration is to be completed within 2 weeks and scanned and emailed to the Quality and Compliance Officer. The Quality and Compliance Officer is then to complete the notification of Material Change of Event form and attach the required documents and submit to ASQA. (See 6.1 Fit and Proper Person above for more information).
- 6.2.8.3 HIMAA has Heads of Department meetings every month. Any issues are raised at these meetings with the Chief Executive Officer (CEO). If urgent this is then raised with the Board of Directors. A special meeting request is sent to all Board members and the issue discussed. If not urgent the issue is brought to the next Board meeting and put on the agenda as an item for discussion and a resolution to the issue is determined by the Board.

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- 6.2.8.4 The CEO is available at any time to listen to Education Officers, Training Manager and Quality and Compliance Officer for matters of the running of the RTO. The CEO responds to such matters and takes on board what the Education Officer, Training Manager or Quality and Compliance Officer have discussed with issues that may be of concern. Issues can also be raised at one on one meeting with the CEO.
- 6.2.8.5 If escalation to the Board is required the CEO informs them at the next Board meeting or FARM meeting or requests a special meeting for urgent matters.
- 6.2.8.6 The Board or FARM Committee to make a decision and the matter is to be resolved. HIMAA Board, FARM and CEO take care when making decisions that may affect the running of the RTO. No matter is taken lightly.

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