

Communication with Regulators and Accreditation Agencies Policy



Institute of Health and
Nursing Australia

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Purpose

1. The purpose of this policy is to establish an effective regulatory communication strategy with the Australian Skills Quality Authority (ASQA), the Australian Nursing & Midwifery Accreditation Council (ANMAC) and other regulatory/accreditation/funding agencies.

Scope

2. This policy applies to all staff of IHNA.

Principles

3. IHNA is committed to compliance with ASQA quality assurance and its risk and regulatory framework including the Standards for RTOs 2015.
4. IHNA is committed to conducting electronic communication with regulators, accreditation and funding agencies including students by means of systems that
 - 4.1 are secure.
 - 4.2 provide for disaster recovery; and
 - 4.3 are sufficiently up to date.
5. To ensure appropriate communication is maintained with ASQA, ANMAC and other regulating and funding agencies, IHNA will:
 - 5.1 cooperate with ASQA/ANMAC and other regulators/accreditation/funding agencies within the prescribed deadlines.
 - 5.2 provide timely advice on matters relating to significant changes to IHNA's nominated contact officers.
 - 5.3 consult with the ASQA/ANMAC and other regulatory/accreditation/funding agencies' representatives where appropriate and encourage on-going and open exchange of information.
 - 5.4 provide material change notifications and annual financial statements.
 - 5.5 meet any advised conditions of registration or course accreditation.
 - 5.6 endorse this policy and procedure and ensure its regular review.
6. ASQA's regulatory processes may require information that is confidential to IHNA, including commercial-in-confidence information. IHNA may also determine that the information requested is confidential or is subject to privacy principles.

Responsibility

7. The Chief Executive Officer (CEO) has the overall responsibility of the policy, including its review. The Chief Operations Officer (COO) is responsible for the implementation of this policy by staff.

The Director Quality Management is responsible for keeping track of any changes to reporting requirements and/or legislation.

Definitions

8. **ASQA:** The Australian Skills Quality Authority (ASQA) is the national regulator for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.
9. **ANMAC:** The Australian Nursing & Midwifery Accreditation Council (ANMAC) is the agency appointed by the Nursing and Midwifery Board of Australia (NMBA) as the independent accrediting authority for nursing and midwifery education under Australia's National Registration and Accreditation Scheme.
10. **Confidential information:** includes but is not limited to information regarding IHNA:
 - 10.1 Students and associated student data lists and agreements, student information and other personal information.
 - 10.2 Courses and components of the courses.
 - 10.3 Business and marketing methods and strategies.
 - 10.4 Budgets, costings, financial affairs, and accounting methods.
 - 10.5 Intellectual Property/trade secrets and commercially valuable information.
 - 10.6 Students and associated student data lists and agreements, student information and other personal information.
 - 10.7 Courses and components of the courses;
 - 10.8 Business and marketing methods and strategies;
 - 10.9 Budgets, costings, financial affairs and accounting methods;
 - 10.10 Intellectual Property/trade secrets and commercially valuable information;
 - 10.11 Manuals, procedures, training and assessment materials, and computer programming information;
 - 10.12 Records of commercial discussions or dealings in relation to possible or actual arrangements with third parties;
 - 10.13 Legal advice;
 - 10.14 Staff information held under privacy principles, records of disciplinary proceedings against individual staff members;
 - 10.15 Research and development; or
 - 10.16 Any information that could be assumed to amount to commercial-in-confidence or confidential information and means IHNA information considered confidential where IHNA believes that:
 - 10.16.1 if the information were disclosed it would be in some way detrimental to IHNA, or advantageous to others;

10.16.2 the information is confidential, secret and not in the public domain

10.17 Considering the use by, or practice of, VET providers, the information would be regarded as worthy of protection.

11. **Nominated contact officers:** IHNA CEO, COO and/or Director Quality Management are the nominated contact officers for regulatory/accreditation/funding agencies. The National Training Manager (Nursing) or the Chief Executive Officer (CEO) is the nominated contact officer for ANMAC.
12. **Privacy principles:** means all personal, sensitive and health information collected, held, or shared by IHNA in accordance with its privacy policy and the Australian Privacy Principles, and includes student information and data.
13. **Funding agencies** refer to the Department of Education and Training Skills First Victoria and Department of Training and Workforce Development (DTWD) Western Australia.
14. **VET Student Loan (VSL)** is a Commonwealth assistance loan that helps eligible students, studying for a diploma qualification or higher, to pay their tuition fees. Students who qualify for the VSL still need to make upfront payments for materials and auxiliary fees and the Student Services and Amenities Fee (SSAF).
15. **VET Quality Framework** comprises
 - 15.1 the Standards for Registered Training Organisations
 - 15.2 the Australian Qualifications Framework
 - 15.3 the Fit and Proper Person Requirements
 - 15.4 the Financial Viability Risk Assessment Requirements
 - 15.5 the Data Provision Requirements

Interaction with the National VET Regulator

16. IHNA's CEO is responsible for meeting its obligations under the NVR Act 2011 (ss 21 -28) and comply with any conditions imposed on the organisation's registration under subsection 29(1) to notify ASQA and/or any regulatory authorities of any 'significant changes' to its control, management or operations.

Significant Changes

17. Significant changes include, but are not limited to, changes in
 - 17.1 Company ownership
 - 17.2 CEO
 - 17.3 Contact details of CEO, Senior management on training.gov.au
 - 17.4 Facilities – addition of new facilities, cessation of existing facilities
 - 17.5 Financial viability

- 17.6 Financial guarantor arrangements
- 17.7 Mechanisms for securing student fee payments prior to commencement of studies
- 17.8 Offshore delivery – introduction/cessation
- 17.9 In compliance with Standards 8 - Standards for Registered Training Organisations 2015, IHNA must co-operate with ASQA
 - 17.9.1 in the conduct of audits and the monitoring of its operations
 - 17.9.2 by providing accurate and timely data relevant to measures of its performance
 - 17.9.3 by providing information about significant changes to its operations
 - 17.9.4 by providing information about significant changes to its ownership
 - 17.9.5 In the retention, archiving, retrieval and transfer of records consistent with ASQA's requirements.

Information required upon request by ASQA

- 18. In compliance with DPR 5 Information required upon request of Data Provision Requirements 2012 of VET Quality Framework, following information must be provided to ASQA if requested for the purposes of initial registration, renewal of registration or audits:
 - 18.1 type of legal entity (for example, corporation, trust, sole trader, incorporated association, partnership or government entity);
 - 18.2 copy of Certificate of Incorporation, Articles of Association or equivalent.
 - 18.3 current financial viability risk assessment information including:
 - 18.3.1 strategic business plan;
 - 18.3.2 financial projections, including underlying assumptions;
 - 18.3.3 business plans, including forecast income stream and forecast expenditure;
 - 18.3.4 assets and liabilities;
 - 18.3.5 audited financial statements;
 - 18.3.6 financial records for the previous 12 months, including profit and loss balance sheets;
 - 18.3.7 cash flow and bank account details;
 - 18.3.8 short term budgets and forecasts, including assumptions;
 - 18.3.9 information on current and projected student enrolments, including assumptions;
 - 18.3.10 tax records;
 - 18.3.11 information about current debts and debtors, credits and creditors, loans and repayment details;
 - 18.3.12 plans and information on any legal disputes;
 - 18.3.13 inter-company dealings, transfers, ownerships and loans;
 - 18.3.14 contingent liabilities;
 - 18.3.15 ultimate ownership details; and
 - 18.3.16 post reporting activities.



- 18.4 Business Name Registration Certificate showing registered business (trading) name(s);
- 18.5 Australian Company Number (ACN);
- 18.6 Australian Business Number (ABN);
- 18.7 type of training organisation (for example, school, university, community-based adult education, other training provider);
- 18.8 address and contact details for:
 - 18.8.1 head office;
 - 18.8.2 principal place of business; and
 - 18.8.3 permanent delivery sites or campuses.
- 18.9 name and contact details for:
 - 18.9.1 executive officers;
 - 18.9.2 high managerial agents; and
 - 18.9.3 any person or entity which exercises a degree of control or influence over the management or direction of the registered training organisation.
- 18.10 previous registration details;
- 18.11 whether or not the applicant, the registered training organisation, an executive officer or higher managerial agent have any other application for registration currently lodged with any other registering body;
- 18.12 Fit and Proper Person information for each relevant person to include:
 - 18.12.1 whether the person has been convicted of an offence against a law of the Commonwealth or of a State or Territory and if so, the seriousness of the offence;
 - 18.12.2 whether the person has ever had his, her or its registration on the National Register cancelled or suspended;
 - 18.12.3 whether the person has ever had a condition imposed on his, her or its registration on the National Register;
 - 18.12.4 whether the person has ever breached a condition of registration in Subdivision B of Division 1 of Part 2 of the Act;
 - 18.12.5 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;
 - 18.12.6 whether the person has ever been disqualified from managing corporations under Part 2D.6 of the Corporations Act 2001;
 - 18.12.7 whether the person was involved in the business of the provision of VET courses by another provider who is covered by any of the above paragraphs at the time of any of the events that gave rise to the relevant prosecution or other action;
 - 18.12.8 whether the person has ever provided a State or Territory registering body and/or the National VET Regulator with false or misleading information or made a false or misleading statement to a State or Territory registering body or the National VET



- Regulator, and whether the person knew that the statement made or information provided to the State or Territory registering body or National VET Regulator was false or misleading; and
- 18.12.9 whether the person has ever been found not to be a fit and proper person for the purposes of the Education Services for Overseas Students Act 2000;
- 18.13A list of the correct national code and title of the Training Package, VET qualifications, VET accredited courses, modules, or units of competency that the applicant/NVR registered training organisation delivers, or intends to deliver, including:
- 18.13.1a training and assessment strategy for each VET qualification, VET accredited course, module and unit of competency applied for;
- 18.13.2 evidence to demonstrate that each trainer and assessor has the necessary training and assessment competencies and the relevant vocational competency for each VET qualification, VET accredited course, module and unit of competency that they deliver and assess;
- 18.13.3 evidence to demonstrate that each trainer and assessor has current industry skills directly relevant to the training/assessment being undertaken
- 18.13.4 evidence of the supervisory arrangements for trainers who do not possess the required training competencies; and
- 18.13.5 evidence of ongoing access to staff, facilities, equipment and training and assessment materials, that are consistent with the requirements of the Training Package or VET accredited course and the IHNA's own training and assessment strategy.
- 18.14 Details of any license/regulatory outcomes of the VET qualification and VET course applied for including details of the licensing body;
- 18.15 whether or not the applicant/NVR registered training organisation delivers, or intends to deliver, any training online, interstate, or by distance, and if so, in which jurisdictions;
- 18.16 whether or not the applicant/NVR registered training organisation delivers, or intends to deliver, any training offshore (overseas);
- 18.17 whether or not the applicant/NVR registered training organisation offers, or intends to offer, any training to international students, and if so, details of the CRICOS approval;
- 18.18 whether or not the applicant/NVR registered training organisation intends to apply for, or already receives, Commonwealth, State or Territory government funding for training;
- 18.19 whether or not the applicant/NVR registered training organisation intends to enter, or is in, a partnership/sub-contracting arrangement for training;
- 18.20 whether or not the applicant/ NVR registered training organisation collects, or intends to collect, fees paid in advance from students for enrolment in training;
- 18.21 whether or not the applicant/ NVR registered training organisation delivers, or intends to deliver, training to students under the age of 18, and if so:

- 18.21.1 Working With Children Checks for all relevant persons; and
- 18.21.2 policies and procedures for managing these students.
- 18.22 evidence of appropriate finance and AVETMISS compliant VET student records management systems
- 18.23 copy of public liability insurance.

Compliance to Standard with the National Code 2018

- 19. In compliance with the Standard of the National Code of Practice 2018, IHNA's CEO is responsible to proactively inform the designated authority of the following prospective ownership and/or management changes:
 - 19.1 any prospective changes to IHNA's ownership as soon as practicable prior to the change taking effect
 - 19.2 any prospective or actual change to the high managerial agents (as defined in Obligations on Registered Providers of the ESOS Act) of IHNA as soon as practicable prior to the change taking effect or within 10 working days of the change taking effect where the change cannot be determined until it takes effect.
 - 19.3 Information on the new owner or high managerial agent for the purpose of making an assessment under section 7A of the ESOS Act.

Implementation and communication

- 20. This policy and procedure will be implemented and communicated via:
 - 20.1 Announcement on IHNA's webpage
 - 20.2 Internal circulation to staff through SharePoint
 - 20.3 Staff professional development.
- 21. Where IHNA staff receive a request for information from ASQA/ANMAC/funding agencies, the request must be submitted to a nominated contact officer together with a prepared response (if applicable).
- 22. No staff member will provide a response to ASQA/ANMAC/funding agencies directly, nor may they provide directly or indirectly any information relating to an ASQA/ANMAC/funding agencies request or response to any third party.

References

- [Data Provision Requirements 2012](#)
- [Education Services for Overseas Students Act 2000](#)
- [Glossary, Standards for RTOs 2015](#)
- [VET Quality Framework](#)

Associated Information

Related Internal Documents	HCI Business Code of Conduct and Ethics Communication with Regulators and Accreditation Agencies Procedure
Related Legislation, Standards, and Codes	<i>National Vocational Education and Training Regulator Act 2011</i> (NVR Act 2011) <i>Education Services for Overseas Students Act 2000</i> (ESOS Act) Privacy Act 1988 Data Provision Requirements 2012 Standards for Registered Training Organisations 2015 National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) Enrolled Nurse Accreditation Standard 2017 Skills First Quality Charter
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Change History

Version Control		Version 4.0
Change Summary	Date	Brief description of the change, incl version number, changes, who considered, approved, etc. change in name of policy
	10/03/2021	Separated the Policy from the Procedure document; revised and updated with pertinent sections as per the legislative changes