



Notification of Significant Changes to the RTO Policy and Procedure

Purpose

This policy/procedure supports the requirement for ACE and is designed to ensure ACE complies to report significant changes in its control, management or operations to Australian Skills Quality Authority (ASQA), The State of Victoria through the Secretary of the Department of Education and Training (2021 Standard VET Funding Contract Skills First Program); Skills First Contract Notification - Change in Control and Other Significant Changes or other relevant regulatory agencies which states:

“The RTO provides accurate and current information on its performance and governance consistent with the Data Provision Requirements as updated from time to time.” Standard 7.5

“The RTO complies with Commonwealth, State and Territory legislation and regulatory requirements relevant to its operations.” Standard 8.5

This policy is to be read in conjunction with the following policies and procedures:

- Feedback and Data Analysis Policy and Procedure
- Continuous Improvement, QA and Compliance Policy and Procedure
- Staff Capability, Education Resources and Premises Policy and Procedure
- Compliance with Legislation Policy and Procedure
- Reporting & ensuring compliance with VET Funding Contract P&P

Scope

This policy applies to all International and Domestic learners (also referred as students or applicant) enrolled at ACE.

DEFINITIONS

ASQA	Australian Skills Quality Authority
ASQA net	is the Australian Skills Quality Authority’s (ASQA’s) online web portal for managing registration, applications and fee payment for registered training organisations (RTOs) and Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) providers.
Control	means that any person ceases to have or commences having, directly or indirectly, Control of the Training Provider, but excludes any such event resulting from the transfer of shares or other securities on a stock exchange. Control has a specific definition in the Contract, but in simple terms it means when a person (which can be either an individual or another organisation) has sufficient capacity to have overall control of the training provider.
Department	means the State of Victoria acting through the Department of Education and Training (or its successor).
Data Provision Requirements	are the requirements for data provision as agreed by the Industry and Skills Council and implemented by the VET Regulator as required by its governing legislation.
Information Privacy Principles	means the Victorian information privacy principles set out in the <i>Information Privacy Act 2000</i> .
RTO	Registered training organisation
National register	means the register maintained by the Commonwealth Department responsible for VET and referred to in section 216 of the <i>National Vocational Education and Training Regulator Act 2011</i> . http://www.training.gov.au/

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Student Identifier	Has the meaning given in the <i>Student Identifiers Act 2014</i> .
Skills First Program	means the Victorian Government’s program for funding individuals' <i>Skills First Entitlement</i> .
SVTS	Skills Victoria Training System (SVTS) – The Department’s IT system for managing contracts between the Victorian Skills Department and RTOs for delivery of Victorian government subsidised training.
Victorian Training Guarantee (VTG)	The <i>Victorian Training Guarantee</i> is an entitlement to a government subsidised place in recognised training that can be accessed in accordance with criteria set out in the Act and the Skills First Contract.
VET Quality Framework	VET Quality Framework comprises of: <ul style="list-style-type: none"> • the Standards for Registered Training Organisations • the Australian Qualifications Framework • the Fit and Proper Person Requirements • the Financial Viability Risk Assessment Requirements • the Data Provision Requirements
VET Regulator	means: <ul style="list-style-type: none"> • the National VET Regulator; and • a body of a non-referring State that is responsible for the kinds of matters dealt with under the VET legislation for that State.

Policy

In accordance with the VET Quality Framework, ACE will ensure that it complies with all relevant Commonwealth, State or Territory legislation and regulatory requirements relevant to its operations and its scope of registration. ACE will also ensure that it maintains systems which promote compliance with legislative and regulatory requirements as required in the Standard Skills First Contract - Skills First Program.

- a) ACE will ensure that it complies with the Standards for Registered Training Organisations 2015 which states that:
 - i. ACE complies with Commonwealth, State and Territory legislation and regulatory requirements relevant to its operations.
 - ii. ACE ensures its staff and clients are informed of any changes to legislative and regulatory requirements that affect the services delivered.

- b) ACE will under the VET Funding Contract (the Contract) notify the Department of certain events such as “Control”, so that ACE can manage the risks that may arise in different circumstances. ‘Control’ is demonstrated when a person and/or ACE has:
 - i. legal, financial or equitable ownership (either directly or indirectly) of 50 percent or more of share capital (or an equivalent level of other ownership interest if there are no shares)
 - ii. significant capacity to control of ACE or influence either:
 - the composition of a ACE board or other decision-making body (for example, having the right to add or remove someone from a Board or governance committee, without involving other Board or committee members)
 - decision making about ACE financial or operating policies in their own right, without seeking involvement or approval of a ACE Board, committee or other governing body
 - ‘effective control’ of ACE.



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Procedure

The following procedure ensures that information on any relevant changes to the ownership or management structure is provided to ASQA and State of Victoria through the Secretary of the Department of Education and Training (2021 Standard VET Funding Contract Skills First Program); within adequate timelines.

- Where the ownership of the provider is to change, ACE's CEO will inform SVTS of any Change in Control immediately when they become aware of it and at least 20 business days before it takes effect.
- Where the ownership of the provider is to change, ACE's CEO will notify ASQA and other relevant regulatory agencies of the proposed change as soon as practicable, and prior to the change of ownership taking effect.
- Where it is proposed to change the person holding a higher managerial position of the provider, the CEO will notify ASQA and other relevant regulatory agencies of the change as soon as practicable prior to the change taking effect. Where the change cannot be determined prior to the change taking effect, the CEO will notify ASQA of the change within a maximum of 90 calendar days of the change taking effect.
(NB: A person holding a high managerial position means an employee, agent or officer of the provider with duties of such responsibility that his or her conduct may fairly be assumed to represent the provider in dealings with the regulatory body.)
- In addition to ownership or higher managerial position changes, the CEO will notify ASQA and other relevant regulatory agencies of any of the following instances:
 - Changes in the contact details of the CEO and / or ACE Registration contact person(s) for ACE
 - Significant change in ability to meet financial viability requirements
 - Significant changes in any Guarantor arrangements that may be in place
 - Significant changes in mechanisms for securing student fee payments for the period from receipt of funds to the students' commencement of studies (i.e. Tuition Protections Services)
 - An occurrence of a critical incident within the organisation that affects changes to management or operations either of a temporary or permanent nature
 - Address changes to Head Office location or any permanent locations where ACE is delivering training and assessment services (addition of new facilities, cessation of existing facilities)
- Notification of any of the above changes will be completed in writing to ASQA and any other regulatory agency. The CEO shall ensure the written notification is provided of any 'significant change' within at a maximum of 90 calendar days of the change taking effect.
- Notification of any of the above changes will also be forwarded to all students and affected students. Notification shall occur in writing directly to those affected and through general notifications (newsletter, meetings, and notice boards) throughout ACE.
- Where a significant change also affects the ability of ACE to fulfil any obligations under the Skills First Funding Contract, ACE will notify such changes which may include but not limited to:
 - Any changes to registration status
 - If ACE becomes subject to an Insolvency Event
 - A decision is taken regarding any restructuring of its business or change in ownership or control of ACE which may have an impact on ACE's ability to carry out its obligations under their Agreement or provide the Training Services to Eligible Individuals

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- ACE shall regularly discuss any proposed changes of significance through the relevant meetings. These meetings will ensure ACE is able to implement planning processes for any proposed significant changes and provide notification of the changes where possible.
- On an annual basis ACE will review its financial situation with a certified accountant and will report to ASQA or the Department any significant changes to ACE's financial viability.
- Notifications of significant changes can be made through the appropriate ASQA forms ('Notification of change of provider' details or 'Notification of material change or event'). <http://www.asqa.gov.au/forms.html> and/or Submit an enquiry via SVTS.

Related Documents

- Notification of change of provider' details or 'Notification of material change or event' form through ASQA net
- Enquiry via SVTS

AUTHORITY

- CEO
- Compliance Officer

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