

Changes to Smart and Skilled Contract and Operating Guidelines 2018

Smart and Skilled Operating Guidelines 2018		
Section/Clause	Identified Change	RTO2go.com Document
1.5 Requirement to Maintain Data	<p>This clause remains the same as before with regard to the Provider's obligation to provide data to the Department both for data collection and publication on the Smart and Skilled website. However, more detail has been added with regard to the type of data that must be provided in STS Online as follows:</p> <ul style="list-style-type: none"> • Personnel and course delivery • Notification of enrolment • EReports • Training delivery and assessment • Insurances 	Management Checklist
6b: Subcontractor	The words: any part have been added to this clause i.e. If the provider has approval from the Department for <u>any part</u> of the Approved Qualification to be delivered by a subcontractor, the provider must notify the Prospective Student (and any relevant employer) of the subcontracting arrangement	Management Checklist Subcontracting and Brokering Policy Student Information
8 Deferring Students	Can no longer use AVETMISS outcome code 90 when reporting deferring students	Management Checklist
9c Discontinuing Students	Changed to: Issue Statements of Attainment and Testamurs within 30 days of notice of discontinuation	Management Checklist Student Information
10.1 Transfer Out	<p>Stays the same with the addition of:</p> <p>The Provider must comply with all directions from the Department in relation to the transferring out of students</p>	Management Checklist
13.2 Apprentices and Trainees	<p>There is additional requirements with regard to the timeline for providing the Student with a Training Plan and the signing of the Plan i.e:</p> <p>The Provider should ensure that all students have input into the Training Plans and are provided with a copy of the TP within 12 weeks of the Training Contract. The Training Plan must be signed by the student, the provider and the employer</p>	Management Checklist
16 Professional Development and Continuous Improvement	Terminology change only – NVR Standards for RTOS now referred to as RTO Standards	

17.2 Record Keeping Requirements	<p>This refers to the records that must be kept by the RTO</p> <p>The following clauses have been added/changed</p> <p>Previously referred to: Credit Transfer now states the <u>student's eligibility</u> for Credit Transfer</p> <p>Previously stated : Recognitions of Prior Learning now states the <u>student's eligibility</u> for RPL</p> <p>Previously stated- the delivery of training – now states the delivery of Subsidised training including evidence of Participation in Subsidised Training</p> <p>There is also an addition regarding keeping evidence to support a UOC Achievement and keeping records in accordance with any Applicable Laws including the RTO Standards</p> <p>Previously stated - Statements of Attainment and Testamurs issued, now states; Statements of Attainment and Testamurs issued (<u>including any relevant Parchment Number or Parchment Issue Date</u>)</p>	
17.8 Examples of Evidence	<p>Learning resources has been added to the list of documents that must be kept and submitted to the Department on Request i.e:</p> <p>Learning Resources – learning materials/ resources supplied to an Enrolled Student, structured learning guides or navigation tools.</p> <p>Also must collect acknowledgement of receipt of learning materials by Enrolled Student.</p>	<p>Management Checklist</p> <p>Notification of Enrolment Policy</p>

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1-3, 5	Changes in Terminology and dates – no impact	
4.4	Changes in regions – can now deliver 15% of financial cap outside region designated in funding or neighbouring region.	Management Checklist
7/w	The length of time to issue Statement of Attainments and Testamurs on completion of UOC or Qualifications has been changed from 21 days to 30 days (This also applies to Discontinuing Students)	Management Checklist Student Information
14.1 Records	This section relates to the creation collection and maintenance of records under the program and has added the following obligation to the 2018 Record Keeping List: viii anything required by applicable laws in including the RTO Standards	
15.1 Training Activity Data	Added: b) Added the need to let the Department know immediately if a UOC Outcome Achievement has not complied with the contract	Management Checklist
15.2 Frequency of Reporting	Change from reporting all enrolled students who have commenced at least every 28 days to reporting UOC Achievement Outcomes within 28 days of awarding the UOC outcome or at least 28 days even if no UOC outcomes have occurred	Management Checklist
15.3 Training Activity data UOC Outcomes	Can no longer use <i>Outcome Code 90 – not yet available</i>	
16/b Applicable Price	Applicable Price section added that states: the price that applies for a Qualification is the price at the time the student commences	
18.3 Payment of Subsidy and Loading by Instalments	The following clause has been added: Payment of subsidies and loans are made a)The provider has complied with its obligations under the contract b) the ‘UOC Outcome Stage’ for an Approved Qualification for an enrolled student has been reached	

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18.4 Invoices and Payment Process	A clause had been added to state that acceptance of the Training Data Activity does not mean the Department accepts a Provider is entitled to subsidies and loans and does not affect the Department's Rights under the contract even if they were aware of an Event of Default at the time of acceptance	
19 .Financial Caps	Financial caps do not apply to SBAT or the ATS program	
22.2 Termination, Suspension and Variation for default (non-compliance)	Defines a non-compliance as when a Provider has not complied with any term or condition of the contract including the Operating Guidelines and Policies:	
23 Repayment	Section was previously called Overpayments the following clause has been deleted:: Deal with it in another manner as directed by the Department	
35 Information	This section was previously titled - Privacy	
37.2 Address for Notices	Change of Department Street Address for notices	
38.9 Statuary Discretion	This section has been added and states: This Contract does not restrict or otherwise affect the departments unfettered discretion to exercise its statutory powers	

Changes to AVETMISS requirements, Fee Administration, Notification of Enrolments and Subcontracting and Brokering have been covered in detail at the [RTO2Go.com Blog- Smart and Skilled](#)