

## SECTION 3 – TRAINING AND SKILLS COMMISSION

### CODE OF PRACTICE—OVERSEAS STUDENTS

#### FOR EDUCATION AND TRAINING ORGANISATIONS REGISTERED TO PROVIDE TRAINING SERVICES AND ASSESSMENT SERVICES AND ISSUANCE OF RECOGNISED QUALIFICATIONS TO OVERSEAS STUDENTS

##### 1. INTRODUCTION

This *Code of Practice* provides the basis for good practice in the marketing, operation, financing and administration of education and training services to overseas students by the ICHM Pty Ltd (trading as the International College of Hotel Management, a Training Organisation registered in South Australia by the Training and Skills Commission).

This *Code of Practice* complements the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* established under Commonwealth law (the *ESOS Act, 2000* and *ESOS Regulations 2001*).

For the purpose of this *Code* "student" (or parent or legal guardian if the student is under 18 years of age) refers to any person (whether within or outside Australia) who holds a student visa as defined by the *ESOS Act, 2000*, and is participating in education or training delivered by this organisation. A "client" is a person or organisation who may enter into a contract with the registered training provider for the delivery of education and training services. "*National Code*" refers to the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*.

##### 2. PROVISION OF TRAINING AND ASSESSMENT SERVICES

- 2.1 Our organisation has policies and management practices that maintain high professional standards in the delivery of education, training and assessment services, and which safeguards the interests and welfare of students
- 2.2 Our organisation maintains a learning environment that is conducive to the success of students
- 2.3 Our organisation has the capacity to deliver and assess the courses/ qualifications for which it has been registered, including: human and physical resources that meets the requirements of Standard 14 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*
- 2.1 Our organisation monitors and assesses the performance and progress of its students
- 2.2 Our organisation ensures that assessments are conducted in a manner that meets the endorsed components of the relevant Training Package(s) and/or recognised courses
- 2.3 Our organisation is committed to the principles of access and equity in the delivery of its services.

##### 3. ISSUANCE OF QUALIFICATIONS

Our organisation issues Qualifications and Statements of Attainment to students who meet the required outcomes of a Qualification or Unit of Competence, in accordance with all relevant National Guidelines, acknowledging where applicable.

#### 4. MARKETING OF TRAINING AND ASSESSMENT SERVICES

- 4.1 Our organisation accepts responsibility under this Code of Practice for the actions of its appointed agents or those responsible for the provision of a course under an arrangement with our organisation in relation to information on the recruitment and placement of overseas students, including prescriptions specified at Standards 1 and 4 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*
- 4.2 In marketing our services to overseas students, our organisation aims to enhance the reputation of South Australia and Australia as a source of quality education and training
- 4.3 Our organisation markets its services consistently with the educational, cultural and regulatory systems of countries in which it seeks to market and accurately represents education and training products and services to prospective students and clients
- 4.4 Our organisation accurately represents recognised education and training products and services to prospective students and clients and does not:
  - 4.4.1 make any inaccurate claims of association with any other provider or organisation, or give inaccurate advice as to acceptance into another course
  - 4.4.2 draw false or misleading comparisons with any other provider or qualification
- 4.5 Our organisation gains written permission from a student or client before using information about that individual or organisation in any marketing materials
- 4.6 Our organisation ensures students and clients are provided with full details of conditions in any contract arrangement with the organisation and will not enrol a student unless we have provided the student with accurate and current information consistent with Attachment A to this Code.

#### 5. RECRUITMENT AND PLACEMENT

- 5.1 Our organisation ensures that offers of course placement are based on assessments by qualified persons of the extent to which the student's qualifications and proficiencies are appropriate to the course of education /training
- 5.2 Our organisation obtains evidence that assessment of an intending overseas student's proficiency in English has been carried out (unless this is clearly not relevant). Evidence of assessment meets the requirements of the Migration Regulations
- 5.3 Our organisation ensures that the educational background and English language proficiency of intending students is assessed by suitably qualified persons, and provides for the training of such staff and agents, as appropriate
- 5.4 Our organisation includes, in any offer of course placement, information on requirements for English language skills (unless this is clearly not relevant), or bridging courses where these are considered necessary
- 5.5 Our organisation provides accurate information to overseas students of the requirements of courses, enrolls overseas students only in courses as defined in Standard 1 and 9 and under Part C, Section 7, Course Duration of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* under the *ESOS Act, 2000*.
- 5.6 Our organisation notifies and has a documented process for the notification of the relevant Commonwealth authority, for matters relating to overseas student attendance.
- 5.7 Our organisation ensures that the recruitment and placement of overseas students complies with equal opportunity legislation and is consistent with DIAC requirements.

## **6. RECOGNITION OF PRIOR LEARNING/RECOGNITION OF CURRENT COMPETENCE**

6.1 In instances when our organisation grants RPL/RCC, it does so in accordance with a documented process, maintains records of RPL/RCC assessments and in compliance with the requirements specified in Standards 2.1 (a) and 12 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*.

## **7. FINANCIAL STANDARDS**

- 7.1 Our organisation provides on an annual basis a statement from an appropriately qualified accountant attesting to our financial viability
- 7.2 Our organisation has appropriate measures in place to ensure students are not financially disadvantaged in the event of the financial failure of the organisation
- 7.3 Our organisation makes available to students our fair and equitable refund policy which is consistent with Standards 2.1 (e) and 3 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* under the *ESOS Act, 2000*
- 7.4 Our organisation ensures that the contractual and financial relationship between the student/client and the organisation is fully and properly documented consistent with Standards 3 and 13, and that copies of the documentation at Attachment A, are made available to the student/client. Our organisation will not accept payment of any fees for a course from an overseas student unless our organisation has rendered unto the student:
  - 7.4.1 A copy of the agreement, if the provider and the student have a written agreement in accordance with ss 28(1) of the *ESOS Act 2000*; or
  - 7.4.2 A statement in writing to that effect, if there is no such agreement
  - 7.4.3 Advice in relation to refunds specified in Standard 3.2 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* and covered by the provisions of the *ESOS Act, 2000* and the *ESOS Regulations 2001*.

## **8. INFORMATION**

- 8.1. Our organisation has a documented process for ensuring the information provided in Attachment A, is current and relevant
- 8.2 Our organisation has a process for ensuring students are aware that, under the *ESOS Act, 2000*, any personal information may be made available to the state recognition authority, the Commonwealth and the Manager of the ESOS Assurance Fund
- 8.3 Our organisation advises and has a process for advising students of:
  - 8.3.1 changes to student visa conditions as advised by the DIAC or its equivalent
  - 8.3.2 changes to the student's enrolment;
  - 8.3.3 breaches by students of student visa conditions relating to attendance or satisfactory academic performance
- 8.4 Our organisation will ensure that staff are informed of their responsibilities under this Code of Practice, consistent with Standard 6.7 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*, the *ESOS Act, 2000* and the *ESOS Regulations, 2001*.

**9. STUDENT SUPPORT SERVICES**

- 9.1. Our organisation has documented processes that ensure the protection for the health, safety and welfare of students together with adequate and appropriate support services in relation to student accommodation, orientation, academic and personal counselling
- 9.2. Our organisation has documented processes that enable the discharge of our responsibilities under DIAC requirements to approve accommodation/welfare arrangements for overseas students under 18 years of age
- 9.3. Our organisation has documented processes to ensure adequate orientation, information and advice on accommodation, concurrent assistance, bridging courses and welfare facilities
- 9.4. Our organisation has documented processes consistent with Standards 5, 6 and 7.3 (ii) of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* or the appointment and direction of a suitably qualified person as a contact officer for overseas students.

**10. COMPLAINTS AND APPEALS MECHANISMS**

- 10.1. Our organisation ensures that students and clients have access to a fair, equitable and inexpensive process for expeditiously dealing with grievances and provides an avenue for students to appeal against decisions that affect their progress. Every effort is made by our organisation to resolve students and clients grievances
- 10.2. For this purpose, our organisation has a grievance policy and a member of staff is identified as the reference person for such matters. The grievance mechanism as a whole is made known to students at the time of enrolment
- 10.3. Where a grievance cannot be resolved internally, our organisation advises students and clients of arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals consistent with Standard 8 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*.

**11. RECORD KEEPING**

Our organisation keeps complete and accurate records of the attendance and progress of students. We also keep financial records that reflect all payments and charges, the balance due, and provide copies of these records to students on request.

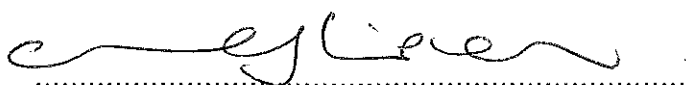
**12. QUALITY CONTROL**

Our organisation seeks feedback from students and clients on their satisfaction with services received and seeks, through our fully documented quality assurance mechanisms, to improve our service.

**13. NATIONAL REQUIREMENTS**

Our organisation complies with the *ESOS Act, 2000*, *ESOS Regulations, 2001* and the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*.

Signed:  
Principal Officer of:



Dated:

21/1/2007

## CODE OF PRACTICE – OVERSEAS STUDENTS

### ATTACHMENT A INFORMATION TO BE PROVIDED TO STUDENTS BY THE REGISTERED TRAINING PROVIDER BEFORE ENTERING INTO A CONTRACT WITH THEM.

1. copy of the signed Training and Skills Commission's Code of Practice
2. copy of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*
3. course information, including content and vocational outcomes
4. the accreditation status of the course
5. student selection, entry requirements, enrolment and induction/orientation procedures
6. the commencement dates and duration of courses
7. the time commitment involved in undertaking the training offered
8. requirements to achieve the qualification
9. the qualification/certification to be issued on completion or partial completion of the course of study
10. Australian and overseas recognition given to qualifications
11. teaching methods used (including field trips or work experience requirements)
12. policies on assessment, including methods, grading, resubmission of work etc
13. Recognition of Prior Learning (RPL) arrangements
14. itemised list of fees payable
15. the conditions under which students will be eligible to receive a refund of fees
16. arrangements for the protection of students' funds
17. internal and external grievance/appeal processes
18. students' rights and responsibilities, including withdrawal arrangements
19. Registered Training Provider's rights and responsibilities
20. conditions under which tuition may be terminated
21. welfare and guidance services relevant to overseas students
22. general description of:
  - the facilities (for example classrooms, furniture, fittings)
  - the equipment (for example audio-visual teaching aids)
  - the learning resources (for example reference texts and software) available to students undertaking the course
23. work rights
24. course requirements (including the need to be enrolled in a full time course of study, and requirements relating to attendance and academic progress)
25. the requirement to maintain current overseas student health cover, and to maintain adequate arrangements for the education of dependants

26. the requirement to seek the prior approval of DIAC or its equivalent for certain course changes, or before commencing a new course, or changing courses
27. Information about the minimum level of English language proficiency, educational qualifications and work experience required for the student to be accepted for the course (unless this is clearly not relevant), including bridging courses and details of pre- and in-session English language programs
28. An accurate representation of the local environment in which our organisation is operating, including location of campuses and indicative costs of living
29. Advice that any school-aged dependants accompanying an international student to Australia will be required to pay full fees if they are enrolled in either a government or non-government school
30. Provisions of the Migration Act and Regulations governing overseas student entry and stay in Australia