



**An Evidence Guide to accompany the Draft Revised  
National Standards for Group Training Organisations**

**Draft for Consultation**

July 2016

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# 1 Introduction

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## The purpose of this consultation draft

This initial draft of an Evidence Guide to accompany the draft revised *National Standards for Group Training Organisations* has been prepared as the basis for discussions with State Training Authorities, Group Training Australia (GTA), state/territory Group Training Associations and their members, as well as for seeking feedback from non-GTA members and other relevant stakeholders.

Development has taken into account initial research on existing related quality and audit frameworks. This has included examining the Resource Handbook which accompanies the existing National Standards for GTOs and the User Guide associated with the Standards for RTOs (2015) for examples of evidence which might be used by organisations to show compliance with similar Standards. Further work will be undertaken to identify whether the performance management arrangements in place related to the funding of Australian Apprenticeship Support Network (AASN) and for JobActive providers includes examples of compliance which are similar applicable.

The aim has been to identify the potential for achieving consistency/complementarity, where appropriate, with other quality and audit regimes in existence within the VET sector, as well as minimizing the regulatory burden and maximizing transparency for employers and potential apprentices/trainees. As a result, the text in some sections of this draft for consultation includes sentences and sentiments drawn directly from the legislation and User Guide documentation relating to the RTO Standards, given similarities in some instances.<sup>1</sup> RTO is simply replaced by GTO in the text.

Following the consultation process, Escalier McLean Consulting will fully develop the Evidence Guide to forward to the Department of Education and Training, along with a report on the development process.

## The apprenticeship or traineeship pathway

High-quality vocational education and training (VET) is vital to Australia's economic prosperity. It provides Australians with the skills and knowledge they need to make a productive contribution to the national workforce. Industry expectations of the skills and knowledge of VET graduates are expressed in training packages and VET accredited courses, with delivery being the responsibility of Registered Training Organisations.

The achievement of a VET qualification provides the assurance that a VET graduate is job-ready.

One pathway for achieving a VET qualification is through an apprenticeship or traineeship, involving a mix of structured on-the-job and off-the-job training. The theory and practice nature of this mode of training differs from the achievement of a qualification in a fully institutional setting.

The apprenticeship model combines a contract of employment and a contract of training. It involves two legislative/regulatory systems - the training system and the industrial relations system.

The function of the legislative framework is to specify the circumstances in which an apprenticeship or traineeship can be created. This is provided for in State and Territory VET legislation. The creation of an apprenticeship or traineeship under this legislation means that the employer can access the award provisions pertaining to training wages, as provided for in the Australian Government's Fair Work legislation, and also access the various forms of support (often financial) provided by governments. The training arrangements are set out in an Apprenticeship/Traineeship Training Contract and signed by both the employer and the apprentice/trainee, as the employee. The two parties are also responsible for selecting the RTO responsible for the delivery of training. The achievement of a qualification through this

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<sup>1</sup> *Standards for Registered Training Organisations 2015*, made under the *National Vocational Education and Training Regulator Act 2011* and *Users Guide, Standards for Registered Training Organisations 2015*

mode provides the public with an assurance that not only does the person possess a theoretical understanding but has also demonstrated competency on the job. In some instances, it also provides for those qualifying as a skilled tradesperson to become licensed to undertake specific tasks within an occupation.

The quality assurance arrangements relating to the delivery of training are also set out in legislation, via the *Standards for Registered Training Organisations 2015*, enabled by the Australian Government's National Vocational Education and Training Regulator Act 2011, and through referral to this Act by all States and territories except Victoria and Western Australia. These Standards ensure graduates meet expectations by requiring learners to demonstrate their skills and knowledge through training and assessment. Learners do this through training that allows them the opportunity and the time to develop and practice these in a holistic and meaningful way.

## **Group Training Organisations**

In Australia, the employment of apprentices/trainees is undertaken directly by an employer or via group training arrangements. Group Training Organisations (GTOs) have as their core purpose to employ apprentices and trainees under a National Training Contract and place them with host employers. They undertake the employer responsibilities for the quality and continuity of the apprentices' and trainees' employment and training. They also manage the additional care and support necessary to facilitate the successful completion of the Training Contract.

Key factors to success include appropriate matching of apprentices/trainees with employers, clear information so prospective and current apprentices/trainees are well informed, and strong induction and monitoring arrangements, underpinned by a sustainable GTO that is well governed and administered.

## **The purpose of the draft revised National Standards for GTOs**

The purpose of the *National Standards for Group Training Organisations* is to ensure nationally consistent, high-quality services are provided by GTOs in carrying out their core role as outlined above and in doing so, operate ethically, with due consideration of apprentice, trainee and host employer needs, and enhance the reputation of group training as a mode of employment and training within the apprenticeship and traineeship system.

GTOs must comply with the *National Standards for Group Training Organisations* in order to be registered. Only registered GTOs are eligible to apply for Australian Government or State or Territory Government group training program funding. Registered GTOs are published on the Group Training National Register Website (<http://grouptraining.ntis.gov.au>) and are entitled to use the Group Training logo.

To ensure the existence of high-quality group training organisations, an initial set of National Standards was developed for implementation from July 2003. These Standards were slightly revised in 2006 and reviewed again in 2013. The draft revised *National Standards for Group Training Organisations 2016 (the Standards)* are the next step in this evolutionary chain (see Section 2).

## **National support for the Standards**

The draft revised Standards were endorsed by the Australian Apprenticeships Reform Working Group in February 2016 and will be submitted to the Skills Senior Officials Network (SSON) and COAG Industry and Skills Council (CISC). The Standards will be submitted together with an Evidence Guide, as a package for endorsement. This Evidence Guide provides information and guidance to GTOs to help them comply with the Standards.

The Council of Australian Governments' (COAG) Industry and Skills Council consists of the Australian, state and territory ministers with responsibility for industry and/ or skills within their jurisdiction. Once approved, therefore, the Standards will have been endorsed by a body representing the interests of all Australian states and territories, as well as the Commonwealth of Australia.

The Standards for GTOs differ from the Standards for RTOs in that they are not subject to the same degree of regulation by being embedded in the legislation of Australian and state and territory governments; nevertheless, they provide a contemporary approach to assuring quality in the delivery of apprenticeships

and traineeships by group training organisations. The new Standards are proposed to be adopted by all jurisdictions by 1 January 2017 and fully implemented from 1 July 2017.

## 2 The draft revised *National Standards for Group Training Organisations*

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### What are Group Training Organisations?

Group Training Organisations (GTOs) employ apprentices and trainees under a National Training Contract and place them with host employers. They undertake the employer responsibilities for the quality and continuity of the apprentices' and trainees' employment and training. They also manage the additional care and support necessary to facilitate the successful completion of the Training Contract.

### Purpose of National Standards for Group Training Organisations

The purpose of the *National Standards for Group Training Organisations* is to ensure nationally consistent, high-quality services are provided by GTOs in carrying out their core role as outlined above and in doing so, operate ethically, with due consideration of apprentice, trainee and host employer needs, and enhance the reputation of group training as a mode of employment and training within the apprenticeship and traineeship system.

GTOs must comply with the *National Standards for Group Training Organisations* in order to be registered. Only registered GTOs are eligible to apply for Australian Government or State or Territory Government group training program funding. Registered GTOs are published on the Group Training National Register Website (<http://grouptraining.ntis.gov.au>) and are entitled to use the Group Training logo.

### The Standards

#### 1. Recruitment, Employment and Induction

- 1.1 Before **apprentices/trainees** enter into an **Employment Contract**, the GTO informs them about their employment conditions, the **host employer** arrangement, the training, support services to be provided and the rights and obligations of the parties.
- 1.2 The GTO inducts apprentices and trainees to the apprenticeship/traineeship system, including explaining:
  - their responsibilities under the **National Training Contract**, to the **host employer**, the GTO, the **Registered Training Organisation (RTO)** and the school (if under School-based arrangements); as well as
  - the processes involved in accessing support and dealing with employment or training issues that may arise.
- 1.3 The GTO provides clear and accurate advice to **host employers** to:
  - take reasonable steps to ensure they understand the apprenticeship/traineeship system; and
  - obtain their agreement, by means of a **Host Employer Agreement**, to their role and responsibilities in training and supporting the apprentice or trainee while in their workplace, and in working cooperatively with the GTO and RTO.
- 1.4 The GTO actively participates in the RTO's development of the **Training Plan**, which is based on competency - based progression and completion principles and relevant to the qualification, the occupation, the host employer's workplace and the needs of the **apprentice/trainee**, in conjunction with the **apprentice/trainee**.

#### 2. Monitoring and Supporting Apprentices and Trainees to Completion

- 2.1 The GTO provides services that meet the individual needs of apprentices and trainees to facilitate the continuity of the **National Training Contract** to completion and the quality and breadth of the training experience, including:

- support and mentoring throughout the National Training Contract;
  - provision of any special equipment, resources or advice in the workplace in order to meet access and equity and Work Health and Safety requirements.
- 2.2 The GTO monitors each apprentice or trainee's progress against the **Training Plan** and:
- facilitates the integration of the training and employment experiences, including offering workplace **rotations** if required;
  - requests that the RTO review the **Training Plan** when changes occur with the **apprentice/trainee** employment arrangements, including any workplace **rotations**, competency-based progressions or other changes.
- 2.3 The GTO has appropriate systems in place, based on the scale and scope of its operations, to manage and support apprentices and trainees in times of economic downturn or 'stand down' to facilitate the retention of the apprentice or trainee.
- 2.4 The GTO provides assistance, coordination and accurate advice to **host employers** for the duration of the **Host Employer Agreement**, and works with the **host employer** to provide appropriate on-the-job training, supervision, support and mentoring to the hosted **apprentice/trainee**.
- 2.5 Where there are any performance issues with an **apprentice/trainee**, the GTO manages these issues fairly<sup>2</sup>, and records the outcome and the feedback provided to the apprentice or trainee.
- 2.6 The GTO complies with Commonwealth, State and Territory requirements for competency-based progression and completion and supports genuine efforts to achieve the qualification in an appropriate timeframe regardless of the nominal duration of the **Training Contract**.

### 3. GTO Governance and Administration

- 3.1 The GTO complies with Commonwealth, State and Territory legislative and regulatory requirements and policies as they relate to the employment and training of apprentices and trainees in each State and Territory in which they operate.
- 3.2 The GTO is incorporated in Australia, a government entity, or regulated by the Australian Charities and Not-for-profits Commission.
- 3.3 The GTO develops, monitors and **continually improves** its performance and strategic directions using performance data, the results of audits, assessments and surveys plus any other relevant information.
- 3.4 The GTO can demonstrate that it is financially viable and inform the registering body where early signs indicate issues associated with viability.
- 3.5 The GTO holds appropriate insurances according to the size and scope of its operations.
- 3.6 The GTO adheres to the principles of access and equity in all operations including marketing, recruitment, monitoring, support, governance and administration.
- 3.7 Clear and accurate marketing, advertising materials and other information is provided by the GTO regarding GTO services, the role and responsibilities of the **host employer** and the requirements of the apprenticeship/traineeship.
- 3.8 Complaints and appeals are dealt with by the GTO transparently in accordance with a documented complaints and appeals process, or referred to State/Territory dispute resolution mechanisms, where the completion of the **National Training Contract** is at risk.

### Definitions

In these standards:

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<sup>2</sup> The term 'fairly' refers to the need to ensure that provision for natural justice and procedural fairness are incorporated in the GTO processes associated with their assessment of an apprentice or trainee's performance.

**Access and equity** means the policies and approaches that ensure that group training services and employment practices are responsive to the diverse needs of all host employers, apprentices and trainees, including those who experience disadvantage<sup>3</sup>.

**Apprentice/Trainee** means a person employed by a GTO under an approved National Training Contract that leads to a nationally recognised qualification.

**Continuous improvement** means a planned and ongoing process that enables a GTO to systematically review and improve its policies, procedures, products and services in order to generate better outcomes for clients and to meet changing needs.

**Employment Contract** is the contract between the apprentice/trainee and the GTO which clarifies their employment conditions, including 'stand down' support and processes to be followed by the GTO.

**Host employer** means an organisation that hosts, under a written host employer agreement, an apprentice or trainee employed at that time by a GTO, provides supervision and on-the-job training and pays the GTO for the apprentice/trainee services.

**Host Employer Agreement** means a written agreement between the GTO and the host employer that specifies the responsibilities of each party in relation to the training of the apprentice/trainee and the charge out rate payable.

**National Training Contract** means a contract for an apprenticeship/traineeship, made between an employer and an apprentice/trainee, which is registered with the appropriate state/territory government department or agency.

**Registered Training Organisation (RTO)** means an organisation that is registered to deliver and issue nationally recognised qualifications.

**Rotation** means an apprentice or trainee moving from one host employer to another as part of his/her apprenticeship or traineeship with the GTO.

**Training Plan** means a program of training and assessment that is developed by the RTO in accordance with the National Training Plan Principles and agreed to by the GTO as the employer and the apprentice or trainee.

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<sup>3</sup> The following groups of learners have been identified as at risk of disadvantage in vocational education and training: people from low socio-economic backgrounds; Indigenous Australians; women; people from culturally and linguistically diverse backgrounds; people with a disability; people living in remote areas and people for whom VET may be seen as offering a 'second chance'. (National VET Equity Advisory Committee, *National Report on Social Equity in VET 2013*. <http://www.nveac.natese.gov.au>).

## 3 About this Evidence Guide

### Providing evidence of compliance with the proposed new Standards

To coincide with the release of the revised Standards, it is proposed to strengthen the information and guidance provided to GTOs, in order to help GTOs comply with the Standards.

Essentially, the Standards describe the outcomes GTOs must achieve in order to become registered and to maintain their registration status, but do not prescribe the methods to achieve these outcomes. This allows GTOs to be flexible and innovative in the delivery of the apprenticeship/traineeship. It is an acknowledgement that each GTO is different and needs to operate in a way that suits their operations, together with those of their host employers, and of their apprentices/trainees.

GTOs take a multitude of forms – they are diverse in size, structure, governance and the scope and volume of services provided. Some GTOs exist as not-for-profit organisations whilst others are for-profit; some are stand-alone organisations whilst others are structured as one element within a larger organisation; some operate nationally across a number of states and territories whilst others operate within one state or territory or operate as a community-based provider; some focus their activity across a wide range of industry areas whilst others have a single industry focus.

Describing outcomes rather than inputs recognises this diversity; accordingly, the Standards encourage flexibility and innovation while assuring the quality and continuity of the apprentice or trainee employment and training.

Similarly, the Evidence Guide does not prescribe how an GTO should be managed or what evidence must be retained to demonstrate compliance. GTOs are best placed to decide the most suitable way for their organisation to be structured and managed. As long as a GTO can present evidence that it complies with the Standards, there is no 'right way' for an GTO to conduct its operations.

Thus, the guide should not be considered as a checklist or to contain any prescriptive information. GTO staff and management should use the guide to obtain a clearer understanding of the Standards and the obligations of a GTO and use that knowledge to structure operations and gather and retain evidence of compliance.

### The structure of the Evidence Guide

This draft Evidence Guide has been structured in a manner which has some similarities to that of the User Guide established to underpin the National Standards for RTOs in that:

- a *Context* statement is provided for each of the three overarching Standards, including an indication of the benefits expected for GTOs, their hosts, the apprentice or trainee, the RTO selected, governments and the community;
- each of the Sub-Standards includes *A guide to compliance*, containing examples of the evidence which GTOs could use to demonstrate compliance with that Standard.

Equipped with this information, each GTO can apply the Standards in the context of their own operational model.

### Key users of the Guide

Key users of the Guide include:

- *Organisations applying to become GTOs* - to understand the obligations of a GTO, and develop systems and processes in preparation for submitting an application for initial registration;

- *Current GTOs* - to understand their regulatory obligations, and to establish and maintain systems and processes that both comply with the Standards and suit the GTO and its host employers and apprentices/trainees. In particular, the Guide is likely to be used by:
  - GTO staff creating and recording evidence of their compliance with the Standards as part of their day-to-day work;
  - GTO staff assessing evidence as part of internal review of compliance with the Standards and to guide improvement initiatives; and
- people outside the GTO, including auditors and State Training Authority (STA) officers, to help them make consistent judgements about the intent of the Standards and how GTOs can implement the Standards in ways that suit them and their learners and in evaluating the evidence for external review of a GTO's compliance with the Standards.

Accordingly, the final version of the Evidence Guide is being designed to:

- be practical, relevant and easy for users to understand and apply;
- explain the basic principles of evidence and data collection (not yet incorporated in this draft);
- help GTOs identify evidence to demonstrate compliance with each Standard; and
- include a template for internal review and self-assessment, noting that self-assessment could prove useful in the audit process.

## Related legislation, quality and audit arrangements

### Legislation

GTOs, as employers of apprentices and trainees, are subject to specific apprenticeship/traineeship legislation and regulations in each State and Territory. In addition, the RTOs they select to undertake the training element of an apprenticeship/traineeship are subject to the VET Quality Framework, a system which ensures the integrity of nationally recognised training in Australia. The VET Quality Framework consists of the:

- Standards for Registered Training Organisations (2015). While these *Standards* apply to all RTOs, it should be noted that not all RTOs are regulated by ASQA. RTOs not regulated by ASQA should contact their regulator for specific information regarding VET legislation, regulatory requirements and regulatory processes that apply to them;
- Australian Qualifications Framework;
- Fit and Proper Person Requirements;
- Financial Viability Risk Assessment Requirements; and
- Data Provision Requirements.

### Quality and audit arrangements

The development of this Evidence Guide has taken into account initial research on existing related quality and audit frameworks. This has included examining the Resource Handbook which accompanies the existing National Standards for GTOs and the User Guide associated with the Standards for RTOs (2015) for examples of evidence which might be used by organisations to show compliance with similar Standards. Further work will be undertaken to identify whether the performance management arrangements in place related to the funding of Australian Apprenticeship Support Network (AASN) and for JobActive providers includes examples of compliance which are similar applicable.

The aim of this exercise has been to identify the potential for achieving consistency/complementarity, where appropriate, with other quality and audit regimes in existence within the VET sector, as well as minimizing the regulatory burden and maximizing transparency for employers and potential apprentices/trainees. As a result, the text in some sections of this draft for consultation includes

sentences and sentiments drawn directly from the legislation and User Guide documentation relating to the RTO Standards, given similarities in some instances. RTO is simply replaced by GTO in the text.

## Complaints about GTOs

Stakeholder complaints about GTOs are an important source of intelligence about the operation of the group training sector of the apprenticeship/traineeship market. These are sometimes relayed to State Training Authorities by apprentices or trainees, host employers, RTOs and other members of the community. In some instances, these will relate to the employment conditions associated with the apprenticeship/traineeship system and be subject to State/Territory legislation or regulations. In other instances, they may relate to the operation of a GTO and the national standards. STAs will have in place processes and procedures for dealing with complaints.

In relation to the Standards, STAs may use the information gathered through complaints as part of its strategy for monitoring the compliance of GTOs and for gathering data on emerging risks.

## Updated advice

The Evidence Guide will be updated from time to time. Updated versions will be published on the Australian Apprenticeships and Traineeships website at [www.education.gov.au/.....](http://www.education.gov.au/.....) and on State Training Authority websites. Any printed copies should be checked for currency against the most recent digital copy.

This is version 1.1 of this Evidence Guide.

## 4 The Evidence Guide

### Providing evidence of compliance with the proposed *National Standards for Group Training Organisations*

#### Standard 1: Recruitment, Employment and Induction

##### The Context

As the employer of prospective and current apprentices and trainees, a GTO needs to ensure that the first steps are in place for achieving the desired outcome to develop an apprentice/trainee to become a skilled worker who has completed a recognised qualification.

Recruiting the 'right' person for a job as an apprentice or trainee and ensuring that their employment offers high quality on- and off-the-job training which results in their gradual development as a skilled worker and their completion of a qualification. Achieving a successful outcome requires Group Training Organisations to provide:

- a recruitment process which matches the interests, aspirations and skills of a prospective apprentice/trainee with the needs of an employer;
- transparent information relating to the employment and training arrangements, so that prospective and current apprentices/trainees know and understand the nature of the industry area and the apprenticeship/traineeship they are entering or 'signed up' to;
- an induction program which ensures the apprentice or trainee knows and understands their obligations, those of their employer and the RTO selected; the nature and operation of the workplace; and the legal/regulatory issues which need to be adhered to.

##### Standard 1.1

**Before apprentices/trainees enter into an Employment Contract, the GTO informs them about their employment conditions, the host employer arrangement, the training, support services to be provided and the rights and obligations of the parties.**

##### A guide to compliance

The GTO could demonstrate it provides transparent, accurate and accessible information about its services and performance to prospective and current apprentices and trainees by:

- demonstrating that information on all of the elements outlined in Standard 1.1 above have been provided in full and that information has been provided in a range of formats, including paper-based, online and verbally, and opportunities provided to clarify information;
- *retaining copies of actual information and any advertising and marketing material, including any material created by a third party. Retaining a copy and register of all approved material, while not mandatory, will make it easier for the GTO to monitor its information services and marketing and allows this information to be presented as part of an audit or in the investigation of a complaint;*
- providing evidence that information has been altered as a result of client feedback or as a result of the complaints process.

*(NOTE: Much of the italicised version above is drawn directly from the ASQA User Guide with some editing to ensure relevance to GTOs rather than RTOs – advice is sought on the applicability of this in relation to compliance by GTOs)*

## **Standard 1.2**

The GTO inducts apprentices and trainees to the apprenticeship/traineeship system, including explaining:

- their responsibilities under the National Training Contract, to the host employer, the GTO, the Registered Training Organisation (RTO) and the school (if under School-based arrangements); as well as
- the processes involved in accessing support and dealing with employment or training issues that may arise.

**A guide to compliance**

## **Standard 1.3**

The GTO provides clear and accurate advice to host employers to:

- take reasonable steps to ensure they understand the apprenticeship/traineeship system; and
- obtain their agreement, by means of a Host Employer Agreement, to their role and responsibilities in training and supporting the apprentice or trainee while in their workplace, and in working cooperatively with the GTO and RTO.

**A guide to compliance**

## **Standard 1.4**

The GTO actively participates in the RTO's development of the Training Plan, which is based on competency - based progression and completion principles and relevant to the qualification, the occupation, the host employer's workplace and the needs of the apprentice/trainee, in conjunction with the apprentice/trainee.

**A guide to compliance**

## **Standard 2: Monitoring and Supporting Apprentices and Trainees to Completion**

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### **The Context**

The GTO needs to have a range of effective systems in place to monitor and support the apprentice or trainee to increase their likelihood of completing their qualification and becoming a skilled worker and to reduce the level of attrition which might arise due to an unsuccessful arrangement.

Demonstrating compliance with this Standard requires a strong relationship between the GTO, as the legal employer of an apprentice/trainee; the host employer, as the purchaser of services from the GTO and the day to day supervisor in the workplace; the RTO selected, given their responsibility to engage with industry when developing training and assessment strategies for the Training Plan; and the apprentice/trainee in undertaking their training and productive work. The basis for this strong relationship is established through the understanding of the roles and responsibilities of each in the Host Employer Agreement, referred to in Standard 1.3.

Monitoring levels need to be sufficient to maintain high level oversight of the progress of the apprentice or trainee against their Training Plan (including being able to make a regular assessment of the quality and breadth of their on-the-job training with the host employer and any consequent need to coordinate rotation arrangements) as well as their level of productive work. The monitoring process will result in decisions being required about the nature and frequency of support and mentoring needed in the workplace and the nature and frequency of support and mentoring.

The nature of this third party arrangement can result in significant risks for the GTO, as the employer, if the organisation does not focus sufficient attention and resources on working with the host employer and the apprentice or trainee. In particular, there are risks to the completion of a qualification for the apprentice/trainee and for the GTO, of a decreased likelihood of repeat business with the host employer.

### **Standard 2.1**

**The GTO provides services that meet the individual needs of apprentices and trainees to facilitate the continuity of the National Training Contract to completion and the quality and breadth of the training experience, including:**

- **support and mentoring throughout the National Training Contract;**
- **provision of any special equipment, resources or advice in the workplace in order to meet access and equity and Work Health and Safety requirements.**

**A guide to compliance**

### **Standard 2.2**

**The GTO monitors each apprentice or trainee's progress against the Training Plan and:**

- **facilitates the integration of the training and employment experiences, including offering workplace rotations if required;**
- **requests that the RTO review the Training Plan when changes occur with the apprentice/trainee employment arrangements, including any workplace rotations, competency-based progressions or other changes.**

**A guide to compliance**

## Standard 2.3

The GTO has appropriate systems in place, based on the scale and scope of its operations, to manage and support apprentices and trainees in times of economic downturn or 'stand down' to facilitate the retention of the apprentice or trainee.

### A guide to compliance

## Standard 2.4

The GTO provides assistance, coordination and accurate advice to host employers for the duration of the Host Employer Agreement, and works with the host employer to provide appropriate on-the-job training, supervision, support and mentoring to the hosted apprentice/trainee.

### A guide to compliance

Evidence of compliance with this Standard can be demonstrated by:

- maintaining and analysing data that tells you about the nature, scale and quality of each of the services you provide to host employers, including data about:
  - how often and what sort of contact your field staff have with each apprentice/trainee and with host employers;
  - how often placements by rotation (when possible and appropriate) are required to take place due to the nature of the employment provided by host employers or the need for an apprentice/trainee to undertake on-the-job training to demonstrate competency across the full range of skills required within a qualification;
  - levels of downtime and the reasons for these;
  - the number and percentage of apprentices and trainees resigning and reasons for their withdrawal;
- action taken to address issues arising from analysis of the data;
- seeking feedback from host employers and apprentices/trainees on the roles expected to be undertaken within this Standard and analysis of the data and feedback, together with an analysis of the complaints register, and indicating action taken to address this analysis and feedback. Focus groups or satisfaction surveys could be used in seeking feedback.

## Standard 2.5

Where there are any performance issues with an apprentice/trainee, the GTO manages these issues fairly<sup>4</sup>, and records the outcome and the feedback provided to the apprentice or trainee.

### A guide to compliance

## Standard 2.6

The GTO complies with Commonwealth, State and Territory requirements for competency-based progression and completion and supports genuine efforts to achieve the qualification in an appropriate timeframe regardless of the nominal duration of the Training Contract.

### A guide to compliance

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<sup>4</sup> The term 'fairly' refers to the need to ensure that provision for natural justice and procedural fairness are incorporated in the GTO processes associated with their assessment of an apprentice or trainee's performance.

## Standard 3: GTO Governance and Administration

### The Context

For GTOs it is important to have in place governance and administration arrangements to underpin compliance with the Standards associated with the recruitment, employment and induction of an apprentice or trainee and monitoring and supporting them in their gradual development to become a skilled worker with a qualification.

Business viability is critical to the ongoing sustainability of a GTO and the investment it makes in its services. It is recognized, however, that the factors determining the viability of a GTO are dependent upon the business objectives and operating characteristics of the GTO. For example, the factors determining the business viability of an industry-based GTO embedded within a major Australian industry organisation may be different to those impacting upon a GTO operating across a range of occupational sectors or a community-based provider.

If GTOs are not viable, then this negatively impacts on the quality of its services and they will be less likely to achieve the skilled worker outcome. Operational and financial business standards therefore provide important protective measures for the apprentice/trainee, the GTO and the host employer, as well as acting as a disincentive for underprepared organisations to enter the market.

When GTOs comply with this Standard:

- apprentices and trainees and host employers know:
  - their GTO is stable and well-governed, so are confident it will continue to operate and be properly resourced to support the development of a skilled worker;
  - their exposure to non-completion or financial loss is limited in the case of the GTO closing or not being able to provide the employment and training;
- industry sectors and employers of apprentices or trainees can be confident that the GTO can adequately employ and resource their staff to undertake the duties required and that the GTO will continue to operate through the life of the Apprenticeship/Traineeship Training Contracts in place;
- governments can be confident of investing in the services provided by the GTO knowing they are viable and properly governed;
- a transparent complaints and appeals policy is in place which enables apprentices and trainees and host employers to be informed of and understand their rights and the responsibilities of the GTO under the Standards.

Note: For a GTO the scope of the complaints and appeals policy needs to recognise the potential for dealing with complaints about your organisation, third parties, staff or other apprentices/trainees. Care should be taken in developing such policies to distinguish between complaints which are associated with the learning and assessment process, which are governed by ASQA; complaints which relate to employment and training which are the subject of State Training Authority legislation and regulations; and those relating to the operations of the GTO and/or the host employer.

### Standard 3.1

**The GTO complies with Commonwealth, State and Territory legislative and regulatory requirements and policies as they relate to the employment and training of apprentices and trainees in each State and Territory in which they operate.**

#### A guide to compliance

### **Standard 3.2**

The GTO is incorporated in Australia, a government entity, or regulated by the Australian Charities and Not-for-profits Commission.

**A guide to compliance**

### **Standard 3.3**

The GTO develops, monitors and continually improves its performance and strategic directions using performance data, the results of audits, assessments and surveys plus any other relevant information.

**A guide to compliance**

### **Standard 3.4**

The GTO can demonstrate that it is financially viable and inform the registering body where early signs indicate issues associated with viability.

**A guide to compliance**

### **Standard 3.5**

**The GTO holds appropriate insurances according to the size and scope of its operations.**

**A guide to compliance**

For a GTO these insurances are likely to include insurance for workers compensation, public liability, professional indemnity and, building and contents.

GTOs can retain evidence that they hold these insurances by keeping a copy of a certificate of currency or similar. Quotes and invoices are not sufficient evidence to prove that insurance is actually in place.

The evidence provided must:

- identify that the GTO is covered by the policy; and
- either confirm that all activities associated with the employment and training of staff and apprentices and trainees and with host employers are covered, or that there are no restrictions on the activities covered.

### **Standard 3.6**

The GTO adheres to the principles of access and equity in all operations including marketing, recruitment, monitoring, support, governance and administration.

**A guide to compliance**

### **Standard 3.7**

Clear and accurate marketing, advertising materials and other information is provided by the GTO regarding GTO services, the role and responsibilities of the host employer and the requirements of the apprenticeship/traineeship.

**A guide to compliance**

## Standard 3.8

Complaints and appeals are dealt with by the GTO transparently in accordance with a documented complaints and appeals process, or referred to State/Territory dispute resolution mechanisms, where the completion of the National Training Contract is at risk.

### A guide to compliance

*(NOTE: Much of the italicised version below is drawn directly from the ASQA User Guide with some editing to ensure relevance to GTOs rather than RTOs – advice is sought on the applicability of this in relation to compliance by GTOs)*

GTOs could demonstrate compliance with this Standard in the following ways:

- by retaining evidence that they have a publicly available and easily accessible policy or policies to deal with complaints and appeals e.g. including them on your website and/or displaying them in common areas for staff and apprentices/trainees. Where the GTO uses third parties to deliver services, such as host employers, the policy or policies must be made available to the third parties;
- clearly showing how to lodge a complaint or appeal and explaining what will happen as a result and in what timeframes. You should show how you ensure people are not disadvantaged e.g. by:
  - *not requiring them to complete overly complex forms, which can be a barrier to apprentices/trainees expressing their concerns; or*
  - *not requiring apprentices/trainees to provide extensive written information as part of the complaints process.*
- demonstrating how your processes follow the principles of natural justice and procedural fairness e.g. by allowing anyone subject to a decision by your GTO, or anyone who has allegations made against them, to tell their side of the story before a decision is made and by ensuring that the decision maker is independent of the decision being reviewed (e.g. a staff member should not consider or decide an appeal against an assessment decision they made);
- making arrangements for an independent third party to review the complaint or appeal if the person making the complaint or appeal is not happy with the outcome. Any costs associated with a third party review should be disclosed in your policy, so all parties are aware of any costs they may need to pay;
- dealing with complaints and appeals promptly. The timeframes that will apply to resolution of complaints and appeals need to be communicated so that complainants know how long it should take to get a response from your GTO at all stages of the process. This will minimise the chance of complainants referring their complaint elsewhere or the issue escalating.
- recording all complaints and appeals received, keeping evidence of how the matter was dealt with the *outcomes and timeframes* documented. This information should then be used to *review your GTO's processes and practices to ensure the issue doesn't happen again.*

*Allowing apprentices/trainees and host employers to easily engage with the staff of your GTO about any concerns they have can stop minor issues becoming larger.*

## 5 Consultation with key stakeholders

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### Key questions to guide the consultation process

#### The structure of the Evidence Guide

1 To what degree is there support for the Evidence Guide being structured in a manner which has some similarities to that of the User Guide established to underpin the National Standards for RTOs i.e.

- a *Context* statement is provided for each of the three overarching Standards?
- each of the Sub-Standards includes *A guide to compliance*, containing examples indicating how GTOs could provide evidence which addresses the compliance required?

#### Draft examples

2 Have the four draft examples as shaded been 'pitched' appropriately? Are these examples:

- practical, relevant and easy for users to understand and apply – noting that key users are likely to be GTO staff, STAs and auditors?
- likely to help GTOs identify evidence requirements and/or provide examples of evidence compliance for each standard?

3 Are amendments needed or additional examples required? Will the examples be enough to demonstrate compliance?

#### Advice on providing evidence of compliance with the other Standards

4 Advice is sought in relation to each of the other Standards, specifically:

- whether the Standard is self-explanatory or the meaning should be enhanced within the *Guide to Compliance*?
- examples which GTOs can use to provide evidence of compliance, for inclusion in *A guide to Compliance*?

#### Templates for use by GTOs in their self-assessment against the Standards and internal assessment processes

5 It is intended that a template/checklist be attached to the Evidence Guide which can be used by GTOs in the self-assessment processes they institute relating to compliance against the Standards or for their own internal assessment processes. Do you have examples of templates/checklists which have been used by GTOs and which might be adopted for use on a broader basis?

#### The final product

6 Following the development of a final product and consideration by Ministers, should the new Standards and Evidence Guide be published separately or as one document?

7 Is there anything else which you believe should be covered in the Evidence Guide?