

# Contract Notification

<b>CN No.</b>	<b>2020-05</b>	<b>Date:</b>	<b>17 April 2020</b>
<b>To:</b>	Chief Executive Officer or equivalent		
<b>Purpose:</b>	Contract variation		
<b>Scope:</b>	All 2018-19 VET Funding Contracts (extended to 31 Dec 2020)		
<b>Subject:</b>	Government response to novel coronavirus (COVID-19)		

## For all Training Provider staff

### Purpose

This Contract Notification is to advise training providers about arrangements under the VET Funding Contract (the Contract) to support continued training activity during the Commonwealth and Victorian Government response to the novel coronavirus (COVID-19). This includes:

- A contract variation to temporarily amend the 'Notice' requirements in the Contract.
- Advice about flexibility in relation to compliance requirements.

### Background

Victoria's TAFEs and training organisations remain open, in line with the latest advice from Australia's Chief Medical Officer and Victoria's Chief Health Officer. As previously advised, the Department continues to meet its obligations to pay for eligible training services under the Contract.

### Main Points

#### *Contract variation - Notice requirements*

To avoid communication delays in the current environment of increased remote working arrangements, the Contract is varied under Clause 1.16 1.16(a)(iii), in a manner that the Department considers is necessary to accommodate external changes that have occurred since entry into the Contract (namely, the emergence of the novel coronavirus (COVID-19)).

This variation is with immediate effect, as follows:

- Until further notification, all Notices under the Contract must be sent and received via SVTS, rather than either of the mechanisms specified in clause 15.1(c) of the Contract. In particular:
  - Training providers must submit all Notices through the 'Enquiry' function in SVTS.
  - The Department will issue all Notices by publishing Contract Notifications in the 'Memos' section of SVTS or via raising an enquiry directly with an individual training provider through the "Enquiry" function of SVTS.

Such Notices will be deemed to have been received when properly submitted via SVTS, using the 'Enquiries' function. A properly submitted Notice will have an SVTS 'Enquiry ID' assigned to it when it is successfully lodged, and the submission will be visible within the Enquiries function of SVTS against the Enquiry ID. If such submission occurs outside of Business Hours, it will be taken to be received at the start of Business Hours on the following Business Day.

If a training provider has sent any Notices by post since 10 April 2020, you are requested to re-submit the Notice via the SVTS to ensure that it is received.

Training providers are also reminded to continue to inform the Department of any changes or events, as outlined in Clause 7 of the Contract.

#### *Advice about flexibility in relation to compliance requirements*

Given the current situation in Victoria where 'stage three' restrictions on activity are in place, it is acknowledged there are a range of impacts on training providers' capacity to operate in a business-as-usual manner, including conducting face-to-face enrolment and training delivery and managing administrative functions.

The Department expects training providers to make all reasonable efforts to comply with the requirements of the Contract and associated Guidelines, however until further notification, the Department will allow flexibility to be applied to the specific requirements outlined in Attachment 1 to this Contract Notification.

Training providers are also advised that in relation aspects of the Contract and Guidelines that reflect regulatory requirements (ASQA or VRQA), the Department will refer to and accept advice about the flexibility they will apply in their regulatory approach

### **Resources**

The Department has published a document with answers to commonly asked questions in the 'Documents' section of SVTS, titled '*Skills First* and Covid-19 – Questions and Answers'.

Please also refer to the [Department of Education and Training's coronavirus \(COVID-19\) web page](#) for the most up-to-date information.

Lodge an enquiry via SVTS.

### **Greg Norton**

Executive Director

Training Market Services

## ATTACHMENT 1 – FLEXIBILITY APPLIED TO CONTRACT REQUIREMENTS

CLAUSE	HOW FLEXIBILITY WILL BE APPLIED
Clause 11.4 of main Contract	<p><b>Extension of deadline for submission of Internal Audit Checklist</b></p> <p>Training providers are advised the deadline for submission of the Internal Audit Checklist is extended to 30 September 2020.</p>
Clause 1.4(d) of Schedule 1	<p><b>Online Service Standards</b></p> <p>Where training providers deliver any amount of online training and assessment, they are required to publish on their website their 'online service standards' that meet the requirements prescribed via Contract Notification 2020-04.</p> <p>Training providers who are adopting online training and assessment in response to Covid-19 should still develop these online service standards, but should prioritise providing practical information to students rather than publishing the document on their website.</p>
7.23 of Schedule 1	<p><b>Additional requirements for workplace-based assessment</b></p> <p>The Contract states that where a Training Package or course curriculum requires assessment in the workplace, the training provider must visit the workplace in person to carry out the assessment.</p> <p>Training providers are advised that the Department will accept the advice of regulators in relation to their expectations of how this will be managed in the current circumstances. In particular, ASQA has published advice as follows:</p> <p><i>Where an RTO is unable to attend a workplace to conduct training or assessment, consideration could be given to how it can remotely observe the learner. For example, an RTO can:</i></p> <ul style="list-style-type: none"> <li><i>i. use video recordings (from recording on a phone to more complex technologies)</i></li> <li><i>ii. use Skype and other video conferencing software.</i></li> </ul> <p><i>Assessors can view students' participation in activities remotely and, using the same observation checklists they have when on site, can continue to make valid and sufficient judgements.</i></p> <p><i>It may also be necessary to defer conducting the observations until such time as the RTO can effectively undertake this process.</i></p> <p>ASQA has <a href="#">advice</a> for circumstances where workplace assessment is required, but the student can't attend the workplace.</p> <p>VRQA has <a href="#">answers to frequently asked questions</a> from employers about delivery of training to apprentices and trainees.</p>
Clause 7.24 of Schedule 1	<p><b>Professional development (PD) for Skills First Teachers delivering online training/assessment</b></p> <p>Under the Contract, if training is delivered online, the training provider must adopt a PD program specific to this delivery mode, and ensure that all trainers and assessors involved undertake the PD. Under current circumstances, the Department expects that training providers will focus on making sure any Skills First Teachers involved are equipped to deliver modified and online training. More comprehensive professional development can be conducted later.</p>

<p>Clause 12.11-12-12 of Schedule 1</p>	<p><b>Pre- and post-testing of Foundation Skills</b></p> <p>Training providers are not required to collect and submit the data required in relation to students undertaking Foundation Skills courses.</p>
<p>Clause 3.10 of Guidelines About Fees</p>	<p><b>Evidence of concession entitlement</b></p> <p>Sighting and retaining evidence of concession entitlement currently must be done by either:</p> <ul style="list-style-type: none"> <li>○ sighting a hard copy original and retaining a photocopy or electronic version</li> <li>○ viewing the card on a digital wallet app and making a declaration</li> <li>○ using Centrelink e-Confirmation Services and retaining an extract from the system OR</li> <li>○ using the Document Verification Service (DVS).</li> </ul> <p>Training providers must make all reasonable efforts to sight and retain evidence using one of the currently accepted methods, however if this is not possible due to Covid-19 restrictions, the Department will allow training providers to sight electronic copies of concession cards (for example, a scan or image of the original document sent via email).</p> <p>The electronic copy of the card must show:</p> <ul style="list-style-type: none"> <li>○ the customer reference number of the card</li> <li>○ the student's name</li> </ul> <p>Training providers must retain a declaration and attach it to the student file along with the electronic copy of the card, including:</p> <ul style="list-style-type: none"> <li>○ name of the authorised delegate who sighted the digital concession card</li> <li>○ date the digital concession card was sighted</li> </ul>
<p>Clause 2.2 of Guidelines About Determining Student Eligibility and Supporting Evidence</p>	<p><b>Evidence of eligibility</b></p> <p>Sighting and retaining evidence of eligibility currently must be done either by:</p> <ul style="list-style-type: none"> <li>○ sighting a hard copy original and retaining a photocopy or electronic version</li> <li>○ sighting a physical certified copy (not an electronic version) and retaining a photocopy or electronic version OR</li> <li>○ use of the DVS.</li> </ul> <p>Training providers must make all reasonable efforts to sight and retain evidence using one of the currently accepted methods, however if this is not possible due to Covid-19 restrictions, the Department will allow training providers to sight and retain uncertified copies of documents (for example, a scan or image of the original document sent via email).</p>

Apprenticeship/ Traineeship  
Guidelines

**Workplace visits and other face-to-face requirements**

The 2020 Guidelines about Apprenticeship/Traineeship Delivery contain a number of requirements for inductions, workplace visits and other face-to-face contact between the training provider, employer and apprentice/trainee. This may not be possible at present due to measures taken to limit the spread of COVID-19. The Department will, under the current circumstances, accept training providers making contact usually conducted face-to-face by alternative means available such as via phone or through teleconferencing or video recording.

For training and assessment activity, training providers must ensure they review the assessment requirements of each unit of competency. Where the training and assessment requirements for a unit of competency specifically require training and assessment to take place in the workplace, training providers will need to defer training and assessment until it is possible to attend the workplace.

Withdrawal times set out in the Guidelines still apply as they are mandated by Approved Training Schemes. If the training provider is conducting training through distance or online methods, the trainee/apprentice should be supported by the workplace to do this in line with current withdrawal requirements.

Please ensure that the approach to be taken is clearly communicated to the employer and the apprentice/trainee and ensure that you document the approach you are taking for future reference (for example, through a file note).