

Byron Yoga Centre  
Policies and Procedures Manual



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## Overview

This Policy and Procedure Manual is to be used as a reference for all Byron Yoga Centre staff when involved with their daily activities with the Registered Training Organisation (RTO). It provides clear instruction and advice regarding the organisation's stance on a variety of topics and direction for readers in terms of the importance of quality control and how to maintain compliance.

## Byron Bay, New South Wales

Cape Byron is Australia's most easterly point, located on the North Coast of New South Wales. With its numerous beaches, unspoilt hinterland, and relaxed lifestyle, Byron Bay is a popular tourist destination. It is also a place where artists, musicians, dancers, writers, surfers, healers and of course yogis express their diversity and individuality.

The town has all major facilities: a hospital, cinema, supermarket, health food stores and great restaurants, as well as a flourishing alternative health industry. Bicycle is the easiest way to get around town and easily organised through Byron Yoga Centre.

The average summer temperature is 21C - 28C, and average winter temperature is 15C - 21C, there are also periods of heavy rainfall, especially in summer. The area has a total annual rainfall of 1734mm.

Byron Shire has a population of close to 30,000, while the town of Byron Bay has a population of about 9,000.

Byron Bay is located just off the Pacific Highway, 800kms north of Sydney, 175kms south of Brisbane. Airports are located in Ballina (30mins south) or Coolangatta (60mins north) and buses and trains arrive regularly.

The following websites provide information about Byron Bay and the surrounding area:

[www.byronbay.com](http://www.byronbay.com) [www.echo.net.au](http://www.echo.net.au) [www.byronbaynow.com](http://www.byronbaynow.com) [www.byronbay.org](http://www.byronbay.org)

## Available Public Transport

[byronbaytaxis.com.au](http://byronbaytaxis.com.au) t.131008

[brunswickvalleycoaches.com.au](http://brunswickvalleycoaches.com.au) t.0266801566

Emergency Services : 000 (mob 112)

Police t.0266859499

Byron Hospital t.0266856200

Rural Fire Service t. 0266715500

Lifeline t. 131114

Other support services available

North Coast Medical Centre, 24 Shirley Street, Byron Bay t. 0266858666 - general medical practitioners, osteopaths, naturopaths, psychologists, psychiatrists

## Byron Yoga Centre Code of Practice

## PREAMBLE

The Teachers of Yoga at the Byron Yoga Centre acknowledge the sensitive nature of the student-teacher relationship and recognise that ethical behaviour is the foundation of all good

yoga practice and yoga teaching. We believe that it is the responsibility of the yoga teacher to ensure a safe and protected environment in which a student can grow physically, mentally and spiritually.

Our Code of Ethics lists important principles of conduct that guide our ethical and professional behaviour. It is intended to serve as a basis for yoga ethics for our teachers and students and corresponds with the recommendations of Patanjali in the Yoga Sutras *Yamas* and *Niyamas*, for example, *Ahimsa*, acting with care; *Satya*, speaking truth in the service of all; *Asteya*, behaving honestly; *Brahmacharya*, being wise and caring in sexual conduct.

As Teachers of Yoga at the Byron Yoga Centre we agree to uphold the highest professional standards as set forth in the following Code of Ethics.

1. We welcome all students with respect and friendliness and do not discriminate against or refuse professional help to anyone on the basis of race, gender, sexual orientation, religion or national origin.
2. We make only realistic statements regarding the benefits of yoga, make responsible decisions to determine if and when we can assist a student, and use our yogic knowledge and skills only for their benefit.
3. We provide rehabilitative and therapeutic instruction only for those problems or issues that are within the reasonable boundaries of our competence.
4. We do not misrepresent our professional qualifications and promote our services with accuracy and dignity.
5. We establish and maintain professional relationship boundaries at all times.
6. We understand that all forms of sexual behaviour or harassment with students is unethical, and use only appropriate methods of touch when assisting students.
7. We conduct our public and private affairs with honesty in all financial, material, emotional and spiritual interactions.
8. We respect the rights, dignity and privacy of all students, and treat all communications from students with professional confidence.

### What is Competency Based Assessment?

Competency based assessment is a system of assessing a person's knowledge and practical skills. Assessment is based on actual skills and knowledge a person can demonstrate in the workplace or in other relevant contexts.

Competency based assessment is also a system for providing portable qualifications and statements of attainment against nationally recognised competency standards. In a competency based assessment system, it is recognised that learning can come from a variety of sources, both on the job and off the job, formal and informal. Recognition is given for prior learning and for skills and knowledge which can already be shown.

Competency based assessment is also evidence based. The assessor gathers different forms of evidence to make the decision as to whether a student is competent or not in the required skills and knowledge set out in the competency standards. The assessor may use several approaches to gather this information such as observation, questioning and evaluating projects and presentations.

## Governance

The Chief Executive Officer of Byron Yoga Centre is responsible and accountable for the overall operations of the organisation and its compliance with the Standards for Registered Training Organisations 2015.

The Chief Executive Officer may appoint senior staff members to assist in the running of the Registered Training Organisation, and where authority has been issued in this regard, this will be clearly reflected in staff Position Descriptions and the latest Organisation Chart of the company. The Chief Executive Officer liaises with all staff regularly about the operations and direction in which the organisation moves, and requests feedback from staff in order to ensure a more inclusive and fair decision making process.

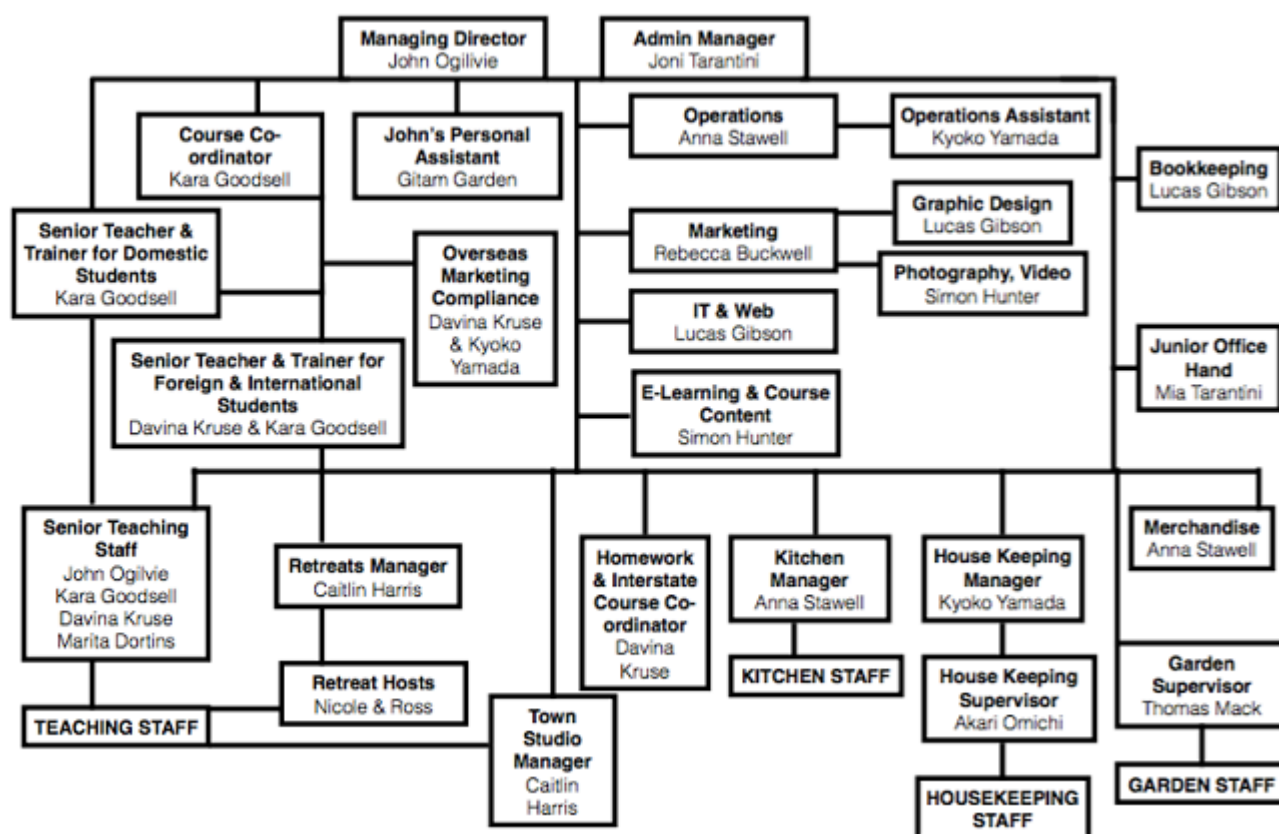
The Chief Executive Officer holds the right of discretion in this regard and may choose whether to implement any aspect of the staff's feedback or not. The Chief Executive Officer retains the right to make final decisions on all aspect of the organisation's operations.

Some aspects of the RTO Chief Executive Officer's responsibilities may be seen below:

- Responsible for day to day operations of the RTO;
- Responsible for overall compliance of the RTO;
- Notifying the Registering Body of material changes;
- Responding to information requested by the Registering Body;
- Cooperating with the Registering Body during audits and data provision;
- Manage the Continuous Improvement process including the Internal Audit process and signing off on the audit findings and required changes to be implemented and
- Managing the implementation and marketing of new products/courses.

Please refer to the latest Organisation Chart for further information.

## Purna Yoga Organisational Chart



### Compliance with State and National Legislation

As a Registered Training Organisation, Byron Yoga Centre has agreed to operate within the Standards of Registration under the NVR Act 2011.

As part of the Standards for Registered Training Organisations 2015, RTOs must be compliant with Commonwealth and State legislation and all of its regulatory requirements. Byron Yoga Centre will observe laws governing:

- vocational education and training
- occupational health and safety
- workplace harassment, victimisation and bullying
- equal opportunity
- privacy

## Important Legislation which affects Byron Yoga Centre includes:

National Vocational Regulator Act 2011 (Commonwealth)  
Standards Registered Training Organisations 2015 (Commonwealth)  
National Vocational Education and Training (Consequential Amendments) Act 2011 (Commonwealth)  
National Vocational Education and Training Regulator (Transitional Provisions) Act 2011 (Commonwealth)  
Financial Viability Risk Assessment Requirements 2011 (Commonwealth)  
Fit and Proper Person Requirements (Commonwealth)  
Racial Discrimination Act 1975 (Commonwealth)  
Sex Discrimination Act 1984 (Commonwealth)  
Disability Discrimination Act 1992 (Commonwealth)  
Age Discrimination Act 2004 (Commonwealth)  
Privacy Act 1988 (Commonwealth)  
Fair Work Act 2009 (Commonwealth)  
Copyright Act 1968 (Commonwealth)  
Student Identifiers Bill 2014 (Commonwealth)  
Education Services for Overseas Students Act 2000 (Commonwealth)  
Education Services for Overseas Students Act 2000 - Regulations (Commonwealth)  
National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Commonwealth)  
Work Health and Safety Act 2011 (NSW)  
Work Health and Safety Regulation 2011 (NSW)  
Child Protection (Working With Children) Act 2012 (NSW)

All staff of Byron Yoga Centre are briefed on the above legislation during their induction, while the company maintains a Legislation Register that is regularly updated and easily accessible to all staff during the time of their employment.

Staff will be notified of any changes to legislation that impact upon the operations of the RTO via staff meetings and e-mail correspondence. This information is also made clear to all students in the Student Handbook. Students are expected to adhere to national and state legislation and not behave in any way that may impact on the physical or emotional wellbeing of another. Students will be notified of any changes to legislation that impact upon the operations of the RTO via e-mail correspondence and any other suitable means of communication approved by the RTO Chief Executive Officer.

## Communication with the Registering Body

Byron Yoga Centre agrees to keep an open communication channel with its Registering Body, the Australian Skills Quality Authority (ASQA), at all times. Senior management are aware of their obligations with regard to accurate and consistent record keeping and will consent to provide the Registering Body with an answer to requests for information in a timely and courteous manner.

Byron Yoga Centre also agrees to participate in scheduled audits of its operations, including financial audits, as deemed appropriate by the Registering Body or any State or Commonwealth applicable regulator including the Department of Education and Training. Should at any time a significant change be undertaken by the Registered Training Organisation, operationally or in terms of ownership, the Registered Contact or any other suitably nominated staff member will advise ASQA of the changes as soon as possible and



within the guideline set by the Registering Body. Any further instruction put forward by the Registering Body in this regard will be recorded and acted upon immediately.

Staff members of Byron Yoga Centre are also informed of the Quality Indicator reporting requirements of the RTO as well as other reporting that the RTO is required or has volunteered to participate in. Although Byron Yoga Centre covers much of its compliance obligations within its induction of new staff, the compliance officer will manage its relationship with the Registering Body.

Byron Yoga Centre will also endeavour to stay abreast of notices and updates by other VET sector authorities such as the National Skills Standards Council (NSSC), Training.gov.au, relevant Industry Skills Councils or any of their successors.

Senior staff members have been registered for alerts by these authorities. Where possible, staff are booked on Professional Development sessions to gain further information on changes to the industry.

### **Financial Management**

Byron Yoga Centre Accountant Tim Limbert will have direct access to the Byron Yoga Centre Chief Executive Officer and have defined responsibility and authority to:

- i. Ensure that Byron Yoga Centre complies with sound and nationally recognised accounting principles and practices
- ii. Monitor and report on compliance using nationally recognised accounting principles and practices for review and as a basis for improvement; and
- iii. When requested, provide the Registering Body with a formal assurance that Byron Yoga Centre has found financial management standards for matters related to Byron Yoga Centre' scope of registration and scale of operations.

### **External Reporting Requirements**

Byron Yoga Centre accounts will be certified at least annually by a qualified accountant with membership of Certified Practising Accountants Australia or the Institute of Chartered Accountants of Australia and, on request, the report will be made available to the registering body.

Byron Yoga Centre agrees to participate in financial audits as required and deemed appropriate by the registering body.

### **Insurance**

Byron Yoga Centre will maintain uninterrupted public liability insurance that is at an appropriate level for the scope of its operations.

Evidence to be maintained includes:

- Certificates of currency for public liability insurance for each year that the RTO operates;
- Correspondence with insurers recording the determinations made to ensure that insurance was at an appropriate level and that this level of insurance was reviewed at renewal and when the size and scope of the RTO's operations changed;
- Other insurances required to maintain a business.

## Advertising and Marketing

Byron Yoga Centre endeavours to be accurate and honest in its advertising and marketing initiatives.

At a minimum, all marketing material will be reviewed on a quarterly basis to ensure currency and accuracy. All marketing material and advertising platforms are to be vetted by the Chief Executive Officer. The CEO will ensure the following:

- All information made available to the public makes reference to the RTO by including the RTO's National RTO Code - 91522;
- Marketing/Advertising material will only make reference to another person or organisation if the consent of that person or organisation has been formally obtained;
- Marketing/Advertising material will clearly distinguish and clarify any third party/subcontracting arrangements in place, either where the RTO is delivering services on behalf of another organisation, or where another organisation has been engaged to deliver services on the RTO's behalf;
- Marketing/Advertising material will clearly distinguish between accredited/nationally recognised training and non-accredited training on offer by the RTO;
- Advertising/Marketing material is not discriminatory or exclusionary in any way;
- Any official logos displayed are only used as directed by the guideline issued by the relevant authority. Byron Yoga Centre maintains updated versions of logo guidelines for each VET sector authority on their system as a point of reference (including Australian Qualifications Framework and Nationally Recognised Training logos);
- Wording or images used in the material are not ambiguous or misleading;
- Information provided will clearly illustrate the outcomes of the qualification/accredited course and will make reference to their official Code and Title as they appear on the National Register; Certificate IV in Yoga Teaching 10540NAT.
- Students will be informed of the skills or abilities required to participate in the course successfully. This includes providing information, where necessary, about literacy and numeracy requirements;
- Only courses that are officially on the RTO's scope of registration are marketed;
- Marketing or advertising of accredited courses is as in the agreement the RTO has with the original course owner;
- Information regarding the RTO's Mutual Recognition policy is clearly stated;
- Information regarding the RTO's Credit Transfer policy is clearly stated;
- Reasonable attention has been given to Recognition of Prior Learning as a valid option for students;

Byron Yoga Centre must meet obligations contained within the **National Code of Practice for Providers of Education and Training to Overseas Students 2018** (The National Code 2018) in relation to students seeking to transfer between providers of educational services

- Information on the refunding of courses and the nature of the RTO's guarantee to complete the training are clearly stated;
- Where any third party is used to recruit students into the RTO's courses, this will be clearly stipulated on the RTO's website and other marketing material;
- Any training which is subsidised through the government, or is able to be undertaken through a loan arrangement such as VET Fee-Help, is made clear to the public;
- No false or unsubstantiated guarantees are made in relation to the training offered by the RTO.

Where there is any confusion, the RTO CEO will seek further advice from its assigned case manager or regulatory authority.

## Use of Copyrighted Material

Byron Yoga Centre is aware of legislation around the use of copyrighted material within its operations and endeavours to act responsibly in this regard. Copyrighted material can take a range of forms, including images, videos, music, articles and many more.

Should Byron Yoga Centre wish to incorporate material into its operations whereby it is not the original author or owner, a number of steps will be followed to ensure the rights of all parties are protected and respected. These steps are outlined below:

- Once a decision has been made that Byron Yoga Centre would like to incorporate a piece of material into its operations, action will be taken to determine the name and contact details of the original owner;
- The original owner will be contacted and sent a Request for Permission letter stating, amongst other items:
  - A description of the material that Byron Yoga Centre wishes to utilise
  - The context in which it will be used by Byron Yoga Centre
  - The length of time which Byron Yoga Centre will require to use the material
- Byron Yoga Centre will await a response from the original owner. Where the owner makes contact, Byron Yoga Centre will negotiate a contract or licensing agreement with regard to the copyrighted material and its use;
- Where no contact has been made by the owner, or permission has not been granted, Byron Yoga Centre will not incorporate the material within its operations;
- All permission that has been granted to use copyrighted material, and all licensing agreements in place, will be recorded on the company's Copyright Register. This register will be reviewed periodically to ensure that it is up to date and that the company is meeting its obligations in terms of license expiry dates;
- Prior to any material being distributed by staff of Byron Yoga Centre which exhibits copyrighted material, permission must be granted by Byron Yoga Centre CEO.

## Fees and Charges

Byron Yoga Centre advises students prior to enrolment of:

- The fees applicable to the training and/or assessment to be undertaken;
- The organisation's cancellation and refund policy;
- The nature of the organisation's guarantee should it not be able to deliver the training outlined in the agreement with the student.

Payment plans will be developed for each student and payments dates are advised at the time of enrolment so that they may understand their financial obligations to the RTO and may budget accordingly.

## Fees Collected in Advance

As a Registered Training Organisation, Byron Yoga Centre is required to implement a process or strategy that will ensure that fees collected in advance from students are suitably protected.

Byron Yoga Centre has chosen to meet this requirement by accepting no more than \$1,500 upfront from each domestic student, which is the stipulated threshold prepaid fee amount (refer to Standard 7.3 of the Standards for Registered Training Organisations 2015) . This principle does not apply when the fees of a learner are paid by a third party, for example, the student's employer.

For international students, no more than 50% of the entire course fee will be requested upfront.

Fees collected in advance from international students are protected under the provision of the Tuition Protection Service (TPS). Byron Yoga Centre will manage a designated bank account in this regard, where all tuition collected in advance from international students will be housed until the student commences the course.

Please note, a student will be deemed to have defaulted as per Section 47 of the ESOS Act 2000 where the following occurs:

- A student does not start or fails to arrive on the first day of the course as nominated by Byron Yoga Centre (this includes Orientation)
- The student withdraws from the course whilst in Australia (before the start date)
- Byron Yoga Centre refuses to allow the student entry into the course as they have failed to pay the required upfront fees, the student has breached a condition of their visa or other misbehavior by the student

Once the student has been granted a visa, in the case of a student default as stated above, no refund is applicable except at the discretion of Byron Yoga Centre.

Student Defaults will be reported to the Secretary and TPS Director within 5 business days of the default. Refunds will be provided to students within 4 weeks of receiving a claim from the student in question. Byron Yoga Centre will notify the Secretary and TPS Director within 7 days after this of the outcome of the default, including if a refund has been issued and the amount involved.

After commencement, a student may withdraw from a unit or course at any time during their course of study. However, students need to be aware of the consequences of such an action based on the National Code 2018. Students are encouraged to read and understand the Byron Yoga Centre Monitoring Course Progress and Variation to Training policies.

## Payment Arrangements

- Payment of invoices is expected within normal business terms of 14 days.
- If government funded candidates transfer to another RTO then fees collected are subject to applicable state, territory or national legislation governing such arrangements.

## Payment Options

On enrolment students will take up one of the following options:

- Pay the required upfront fees prior to the commencement of training;
- Present a signed letter from the employer to invoice that employer for the Course Fees (and other charges as applicable) that relate to that student.

Students who fail to take up one of the above options will not be enrolled.

## Concessions

Some domestic students who are enrolled in government funded training may be eligible for further concessions. Where further concessions are available, the RTO will review and implement any requirements applicable under state, territory or national legislation governing such arrangements.

## Financial Hardship

Students enrolled with Byron Yoga Centre may apply for special consideration with regard to their fees if they are experiencing financial hardship.

Financial hardship is defined by Byron Yoga Centre as follows:

*Where a student is unable to discharge their financial obligations because of illness, unemployment or other reasonable cause.*

Any student who would like to apply for an amendment to their fees or payment schedule due to financial hardship will be required to complete a Financial Hardship form. This form is to be completed prior to enrolment with Byron Yoga Centre, or in the event of unforeseen circumstances, during enrolment.

In making application, the student should include the reason(s) behind their hardship. This may include (but is not limited to):

- receipt of pension / government support
- single carer status
- dependents living with you
- unexpected medical or other health issues, especially if likely to be prolonged
- young person who is refused school entry
- young person (under 25) living independently (with no parental support)
- homelessness
- long term unemployed
- recent loss of job, and enrolment at Byron Yoga Centre for purposes of retraining
- career change required due to reduced physical capacity

Each case is handled individually and all decisions made are at the sole discretion of the RTO Chief Executive Officer.

The RTO Chief Executive Officer may also, at their sole discretion, devise payment plans for students experiencing financial hardship. It is expected that students will agree to and adhere to the payment plans provided to them.

For the full procedure, please see below.

## Procedure

1. Student contacts Byron Yoga Centre and expresses an interest in a course offered;
2. Student requests Financial Hardship Form from RTO Administration;
3. Completed form to be returned to RTO Administration;
4. Application to be considered within 5 working days;
5. Outcome of Application sent to student in writing (may also include verbal confirmation over the phone);
6. Student to decide whether to proceed with enrolment or not;
7. If decision made to proceed with enrolment, normal enrolment process followed.

Should a student be in a situation where they are experiencing financial hardship mid enrolment, the same procedure will apply from point 2. The RTO Chief Executive Officer will consider the student's remaining fees when deciding how to progress with the application.

## Refund Policy

In the event that a student does not receive a visa, an administration fee of AU\$250 will be retained by Byron Yoga Centre and all other monies paid by the student will be refunded.

Please note, a student will be deemed to have defaulted as per Section 47 of the ESOS Act 2000 where the following occurs:

- A student does not start or fails to arrive on the first day of the course as nominated by Byron Yoga Centre (this includes Orientation)
- The student withdraws from the course whilst in Australia (before the start date)
- Entry into the course refused by Byron Yoga Centre because either the student has failed to pay the required upfront fees; the student has breached a condition of their visa; or other misbehaviour by the student

Once the student has been granted a visa, in the case of a student default as stated above, no refund is applicable except at the discretion of Byron Yoga Centre.

Application for refund may be made by completing the appropriate form, a copy of which can be obtained from Byron Yoga Centre administration [admin@byronyoga.com](mailto:admin@byronyoga.com)

Requests for refunds need to be made in writing and submitted to the RTO Administration Department [admin@byronyoga.com](mailto:admin@byronyoga.com). Refund Forms are available from the Administration Department.

Reasons to request a refund may include:

- Withdrawing from a training program
- Enrolment in another training program, or a university program
- Inability to obtain a valid visa
- Inability to continue the training program due to illness, or injury

If the request for refund is made prior to 6 weeks before the commencement of training, then a refund of any fees paid is applicable, less administration fee of AU\$500.00. If the student withdraws within 6 weeks of course commencement date regardless of visa status, no refund is applicable.

After course commencement, refund due to compassionate and compelling circumstances will only be considered if a student withdraws due to circumstances beyond their control, for example the loss of an immediate family member. In all cases, relevant documentary evidence will be required.

If a student withdraws from a course prior to its completion for reasons other than those related to occurrences that were beyond their control (see Compassionate/Compelling Refund), then no refund is applicable. A change of mind does not constitute compassionate and compelling circumstances.

If a student's visa is cancelled during the course due to a breach of their visa conditions or any other reason allocated by the Department of Home Affairs, no refunds are applicable.

Students may apply to temporarily suspend or defer their studies under compassionate and compelling circumstances. Students who wish to temporarily suspend or defer their studies are encouraged to read the Deferral and Suspension of Studies (International Students) policy and procedure before proceeding with this application. Evidence of the circumstance must be included in the application. It should be noted that such suspension or deferment will affect the student's visa.

Further information in relation to International Students is available at the following links: [ESOS framework](#)

This agreement, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws.

### **Compassionate/Compelling Refund**

Compassionate and Compelling refunds will only be considered if students withdraw for reasons of personal circumstances beyond their control, for example, the loss of a loved one. In all cases relevant documentary evidence will be required.

Requests for refunds must be lodged in writing within two weeks of the withdrawal date. Byron Yoga Centre will refund up to 40% of the course fees to successful applicants.

### **Deferments, Suspensions and Extensions**

Byron Yoga Centre will permit extensions to students seeking extra time to complete assignments. The first extension application will be free of charge. All subsequent applications will be charged at a rate of \$100. Extension periods last for a period of 2 weeks. Students must contact Byron Yoga Centre at least 1 week prior to a submission or completion due date to apply for an extension.

Byron Yoga Centre reserves the right to refuse an extension in its absolute discretion.

Students seeking to defer their studies must state an intention to do so prior to the commencement of training or within 2 weeks following the commencement of training. Deferments will only be granted for a period of up to 6 months additional time.

Applications for suspension must be made in writing.

In the event that a student does not complete their course in time, and does not seek either an extension or deferment for the course as directed above, then their training will be considered incomplete. No refund will be given and a new enrolment must be pursued.

### **Other Fees and Charges**

Incidental fees and charges are listed on Byron Yoga Centre Fees Schedule. Items on this list include fees pertaining to the replacement of lost certificates and fees associated with multiple re-assessments.

### **Byron Yoga Centre Cancellations or Postponements**

Should unforeseen circumstances occur that impact on the successful commencement delivery of the course in question, then Byron Yoga Centre will advise all clients/participants at least 3 working days prior to the course commencement date. Under TPS arrangements, Byron Yoga Centre will complete the following actions within 14 days ("Provider Obligation Period") after the default day:

- Where at all possible the course or training module will be offered at alternative times and dates. If clients/participants are not able to attend alternative courses or training modules, all fees paid for that course or training module will be fully refunded;



- Offer a refund of unused pre-paid tuition fees to all affected students where alternative times and dates are not possible;
- Arrange for students to be offered a place at a suitable alternative provider at the expense of Byron Yoga Centre (students will be required to accept the alternative placement in writing prior to implementation)

Where Byron Yoga Centre is forced to halt a course or program midway, the company will endeavour to refund any fees collected for phases of study not yet completed and also assist students in every way possible to find a suitable alternative provider.

## Engaging in Partnerships

Prior to signing a partnership agreement with any other organisation, Byron Yoga Centre will nominate an internal committee to complete a Partnership Checklist and report the outcome of the checklist to the Chief Executive Officer. Where required, a Risk Management form will be completed. This process forms part of Byron Yoga Centre's commitment to Risk Management.

Should Byron Yoga Centre want to proceed with the joint venture, it will have, and comply with, a written Memorandum of Understanding with each organisation that it enters into partnership with. Memorandums of Understanding will:

- Be lodged with the RTO Registering Body within 30 calendar days of entering into the agreement, or prior to the obligations under the agreement taking effect, whichever occurs first;
- Require the Registering Body to be notified within 30 calendar days if the Memorandum of Understanding comes to an end;
- Specify that the subcontractors will provide accurate and factual responses to information from the VET Regulator relevant to its operations, and
- Specify that the subcontractors will participate in audits and any monitoring activities which the VET Regulator requests.

The agreement will specify how each party will discharge its responsibilities for compliance and will detail a joint, cooperative activity monitoring schedule that will ensure the terms and conditions of the Memorandum are being met. Byron Yoga Centre will maintain a register of all agreements entered into with its partner organisations.

All written agreements as described above will also include the following information:

- The names of senior executives for both organisations;
- The official names and principal operating offices of both entities;
- Official contact details for both organisations;
- If the agreement involves Nationally Recognised or Accredited training, all details relating to relevant training packages, accredited courses, AQF guidelines and Mutual Recognition will be noted;
- A clear outline of the responsibilities of each organisation;
- A clear outline as to the division of resources;
- A clear indication of responsibility for effective Financial Management;
- Clear termination of contract policy and options for termination;
- Dates for the period of the agreement;
- Signatures of relevant senior management;
- Verified documents of the organisation's registration.



## Risk Management

Byron Yoga Centre understands its obligations to identify and manage risk applicable to its scope of operations. The risk assessment process will identify priorities, treat, measure and monitor factors, events and/or practices that may affect the effectiveness and economic status of Byron Yoga Centre.






Risk assessment will occur during:

- Entering into a partnership agreement;
- Annual strategic planning processes;
- Implementation of new training packages and/or accredited courses;
- Annual auditing processes;
- Specific events that require a risk assessment.

All staff are made aware of these obligations during their induction and are informed on how to access the Risk Management Template and follow procedure. The Risk Management Template encourages the individual to outline the risk, its potential impact on the company and a potential solution.

Below is a sample of the Risk Identification matrix used by Byron Yoga Centre.

Consequences	Catastrophic (1)	Major (2)	Moderate (3)	Minor (4)	Insignificant (5)
<b>Likelihood</b>					
A (almost certain)	1	2	4	7	11
B (very likely)	3	5	8	12	16
C (moderately likely)	6	9	13	17	20
D (unlikely but could happen)	10	14	18	21	23
E (very unlikely)	15	19	22	24	25

-  **High** - Immediate action is required
-  **Very High Risk** - Need close scrutiny and action. Potential serious risk of injury/disruption to operations
-  **Medium** - Examine activity and reduce risk where possible
-  **Low** - Monitor activity
-  **Insignificant** - Monitor activity

The completed Risk Management template must be signed by the RTO Chief Executive Officer.

### Procedure

- Risk identified by the relevant staff member;
- Risk Management Template opened and information recorded;
- Risk Management Template discussed with Chief Executive Officer;
- Plan of Action agreed and documented on Risk Management Template;

- Follow-up schedule determined between staff member and RTO Chief Executive Officer;
- Monitoring to continue until risk removed or resolved;
- Item to be discussed at RTO Meetings and other staff members briefed;
- Details to be added to the Continuous Improvement Register and for review during internal audit.

## Version Control

Byron Yoga Centre implements Version Control through the insertion of a multi-field footer in each document outlining its origin and currency. All changes to documents are recorded on the Version Control Register.

Information that is captured in the footer of a document will include:

- Author of the document
- Reviewer of document
- Initial date of creation
- Date of next review
- Revision/Version Number

Upon employment, all staff are inducted and introduced to the Version Control policy and procedure. Staff are encouraged to remain aware of the version of a document that they are using and to check that it is the latest version.

## Procedure

The RTO Chief Executive has the sole authority to approve changes to documents associated with the following:

- An update to a policy;
- An update to a procedure;
- Marketing material;
- An update to Learning and Assessment material where 1 or more entire sections are affected;
- Matters to do with corporate client relationships;
- Matters to do with funding received for training;

Where a document has been reviewed, A Document Review Form will be completed detailing the relevant changes. As a general rule, where only minor adjustments or a single section has been changed, the version will be changed in point form (e.g. Version 1.1). Any greater change than just described and the document will move to the next version (e.g. Version 2, Version 3).

The completed Document Review Form will be given to the appropriate administrative staff member to complete the following:

- Update the footer on the document with the new details
- Enter details of the change in to the Version Control Register
- Archive the old version of the document
- Distribute a notice to all staff detailing the update of the document

- Filing of the Document Review Form

The RTO Chief Executive may issue authority to another senior staff member to approve certain documents at their discretion. If this is the case, the same procedure is to be followed as described above.

A basic schedule for the review of documents can be seen below.

Policies and Procedures	yearly or as needed
Learning & Assessment Strategies	yearly or as needed
Assessment Plans	commencement of each training program or as needed
Training Package material	commencement of each training program or as needed
Training Resources	commencement of each training program or as needed
Forms	yearly or as needed
Marketing material	Quarterly or as needed

### Continuous Improvement

Byron Yoga Centre implements a system of Continuous Improvement throughout its operations. It implements policies and procedures that provide for the collection of data which is in turn analysed by senior management. It is the responsibility of the Chief Executive Officer to promote awareness and encourage use of the organisation's Continuous Improvement system and processes. Guidance from the Chief Executive Officer will ensure that all RTO staff, both in training and administration, strive toward a culture of Continuous Improvement to ensure a high standard of quality for all students.

With this in consideration, the RTO will follow a yearly Continuous Improvement Schedule.

The RTO will also hold fortnightly meetings to be attended by all staff. These meetings may be used as a platform for both airing issues that may have arisen in various areas of the company and for finding solutions through a collaborative and team effort. Agendas for each meeting are circulated to all staff prior to attending and minutes of each meeting are taken and distributed to each attendee (and other relevant persons) 2 days upon closing.

Ongoing Continuous Improvement opportunities can be unplanned and occur as often as they are identified and required. The RTO endeavours to capture as many improvements as it can on its Continuous Improvement Register, and ensures that changes are circulated amongst all staff.

All significant changes to the business and its operations are approved by the RTO Chief Executive. Staff will be provided with information regarding the areas that require the CEO's approval during their induction. At any time when in doubt, guidance should be sought by a supervisor or senior manager of the company.

To ensure consistent implementation, the following occurs:

- Conducting regular and systematic reviews of key data and areas of the business;
- Eliciting and analysing stakeholders feedback about the organisation's overall performance;
- Actively engaging staff in continuously improving the system and the implementation process;

- Evaluation of professional development needs for any staff requiring new skills or knowledge;
- Carrying out a trial run of the amendment to test its effectiveness;
- Communicating details of the amendments throughout the organisation.

Continuous improvement focus areas include:

- Training and assessment services;
- Training and assessment tools and instruments;
- Facilities, equipment and resources;
- Policies and procedures;
- Management/Operational Planning;
- Strategic/Business Planning;
- Staff performance, competencies and professional development;
- Partnership agreements.

## Feedback

Client and student feedback is a very important aspect of the Continuous Improvement cycle. All participants studying with Byron Yoga Centre are required to complete an evaluation form. The evaluation form is completed at the end of each course. The evaluation forms are then reviewed by the RTO Chief Executive and a summary report generated. If the report highlights any areas that are in need of improvement or further investigation, this will be implemented as soon as possible.

All forms may be completed anonymously.

Employers of students will also be given an opportunity to provide feedback. Byron Yoga Centre will also, as part of its annual reporting requirements, complete the official Learner and Employer Surveys and forward the responses to the relevant authority.

## Procedure

- Continuous Improvement opportunity identified by Byron Yoga Centre staff member;
- Opportunity discussed with first line manager/supervisor/ Continuous Improvement Committee;
- Improvement implemented or approval sought by the RTO Chief Executive Officer;
- Associated documents updated and version controlled;
- Continuous Improvement Register updated;
- Notice of change circulated to all staff;
- Continuous Improvement Register reviewed at relevant meetings and at every internal audit.

## Internal Audits

An internal audit of the RTO's operations against the Standards for Registered Training Organisations 2015 will be completed once a year. The RTO Chief Executive Officer is responsible for conducting the audit with the assistance of senior staff members. Some areas in particular that will be audited are listed below:

- General Policies and Procedures;

- Compliance with government agreements to provide funded training;
- Use of official logos on RTO documents and website pages;
- Student Files - *accuracy of data/records kept*;
- Trainers and Assessors competencies and qualifications;
- Live training sessions/assessment sessions;
- Training facilities and equipment.

Byron Yoga Centre may conduct additional internal audits within the prescribed twelve-month period at the discretion of the Chief Executive Officer.

Outcomes of these internal audits will be sent to the Australian Skills Quality Authority (ASQA) as required. This will be the responsibility of the Chief Executive Officer.

### Procedure

- RTO Chief Executive to initiate internal review of operations;
- Staff to be nominated who will assist with the audit;
- Internal Audit Checklist to be completed by nominated staff;
- Action points listed on checklist to be completed by responsible person;
- Where applicable, Risk Management Forms will be completed;
- All changes/updates to be recorded on the Continuous Improvement Register;
- All staff will be notified of the changes/improvements that are being implemented;
- When all outstanding items actioned, the RTO Chief Executive will write a report outlining the audit process and key findings.

### Validation

Byron Yoga Centre has implemented a strategic approach to the validation of its training and assessment procedures. Regular validation sessions help Byron Yoga Centre to maintain consistency in training quality outcomes and are completed in the spirit of Continuous Improvement.

Items that would typically be covered in a scheduled validation session include:

- A discussion of whether the current content and delivery of the training are meeting industry requirements;
- Whether all aspects of the packaging rules for a qualification or unit are being sufficiently met;
- Whether the current content and delivery of the training are being pitched at the appropriate AQF level;
- Whether there is room for improvement in terms of Access and Equity issues.

When validating assessment methods, Byron Yoga Centre is ensuring that processes and procedures are being followed uniformly by all assessors and that all students are being treated equally and fairly during their assessments.

Items that would typically be covered in a scheduled validation of assessment session include:

- Whether the assessment sufficiently covers the *Principles of Assessment*: Fairness, Flexibility, Reliability, Validity;
- Whether the assessment sufficiently covers the *Rules of Evidence*: Valid, Sufficient, Authentic and Current;

- An analysis of the degree in variation of assessment results for the same training by two or more different assessors;
- Whether sufficient information about the assessment is given to student prior to and during assessment;
- Whether there is room for improvement in terms of Access and Equity issues.

When validating the assessment activities conducted by the RTO, Byron Yoga Centre will follow a sampling approach which would involve gathering a 'statistically valid sample size' through random selection. The validation outcomes of this sample would allow a reasonable inference to be made on the overall validity of assessment judgements put forward by the RTO over a period of time.

The RTO will ensure that validation of each training product occurs at least once every five years, with at least 50% of products on its scope validated within the first three years of each five year cycle.

Those nominated to participate in a validation or session will meet the requirements set out by the Standards for Registered Training Organisations 2015, including matters such as Vocational Competencies and Experience. Validation will be undertaken by a person who is not directly involved in the particular instance of delivery and assessment of the training product being validated. Prior to any validation taking place, the RTO Chief Executive Officer must refer to the Standards (and any guidelines issued by the Registering Body) to ensure all applicable criteria have been met.

The RTO will maintain a Validation Schedule which will be updated each year. Staff are encouraged to liaise with the RTO Chief Executive to discuss the Schedule and their participation in any validation activities.

Changes to training and assessment processes and procedures need to be recorded on the Continuous Improvement Register following approval from the RTO Chief Executive Officer. Past recorded changes will also be reviewed at scheduled validation sessions.

Outcomes of both client and student feedback will be referenced and reviewed in validation sessions. Where possible, Byron Yoga Centre will invite an industry expert to sit in on validation sessions to provide further insight and new perspective.

### Transition of Training Products

Byron Yoga Centre endeavours to ensure that the training and qualifications that students are enrolled in with the RTO are the latest and most recent version of the relevant training package. Byron Yoga Centre takes on the responsibility and duty to manage the transition of students from older to newer versions of the nationally recognised courses and qualifications that it delivers.

In all instances, the Standards for Registered Training Organisations 2015 will be referred to, as well as any complementary guidelines from the Registering Body.

As a minimum, the RTO will ensure that no learner commences training and assessment in a training product that has been removed or deleted from the National Register.

### Procedure



- Compliance staff and senior management will register for alerts from Training.gov.au for any updates to training packages that may be relevant to the RTO's scope of registration. Staff will also register for alerts from the relevant Industry Skills Council (or its successor);
- Where minor changes to a Training Package have been made, necessary amendments will be incorporated within the RTO's delivery and assessment operations and recorded on the Continuous Improvement Register;
- A communication will be sent to all staff outlining the changes;
- Where an entire qualification/accredited course or Unit of Competency been superseded or deleted, compliance staff and senior management will complete a Transition to New Training Checklist;
- Roles and responsibilities for assisting in the transition will be delegated by the RTO Chief Executive Officer. This is to be recorded on the Checklist for continual monitoring of progress at staff meetings;
- All changes are to be recorded in the RTO Continuous Improvement Register.

## Extending Scope of Qualifications

Where an opportunity has presented itself and Byron Yoga Centre would like to put additional qualifications onto its scope of registration, the company will initiate a number of risk management activities to ensure it proceeds in a cautious and diligent manner. One such activity includes completing an Extension to Scope Checklist. This checklist raises a number of areas for consideration by the RTO's management and other staff and will allow for action items to be recorded next to each point. A more detailed procedure is listed below:

### Procedure

- Following the decision to extend the RTO's scope of registration to include additional qualifications, a copy of the relevant training package and qualification packaging rules will be downloaded from Training.gov.au and filed for access by relevant staff members;
- The RTO CEO will nominate suitable staff members to complete an Extension to Scope Checklist;
- The outcome of this checklist will be discussed with the RTO CEO at the next available staff meeting;
- Senior Management will decide whether or not to proceed with the extension to scope application. If the decision is to proceed with the application, then an Action List will be drafted and certain staff members will be allocated specific duties to complete in this regard;
- All Action items will be followed up and monitored at fortnightly staff meetings;
- Once all the relevant information has been gathered, the RTO CEO will submit the documents to the Registering Body and ensure that the relevant application fee is paid;
- The RTO CEO will monitor the progress of the application and communicate the outcome to all staff.

## Safety and Critical Incidents

Byron Yoga Centre recognises its responsibilities to ensure the safety and health of its students, staff and visitors and realises its obligations under the WH&S Act with regard to its duty of care. To achieve this, Byron Yoga Centre will comply with all relevant Workplace Safety and Health legislative and statutory requirements and provide appropriate training, induction and resources to this effect, including the identification, assessment and control of

hazards in the workplace. Byron Yoga Centre nominates Anna Stawell as the organisation's Health and Safety Representative and will provide the appropriate training for this role. Byron Yoga Centre have a number of staff are trained in the application of First Aid.

The RTO will also ensure that Emergency Procedures are posted in highly visible locations around its premises and that emergency drills are carried out at least once a year.

Byron Yoga Centre believes that Workplace Safety & Health is a shared responsibility, adapting a consultative approach to hazard management and expecting all individuals to be safe at all times. Byron Yoga Centre carries out regular safety inspections of its premises to ensure a safe workplace and safe training facility. The procedure is as follows:

### Procedure

- Nominated Health and Safety Representative conducts an audit using the WHS Checklist;
- Where a hazard has been identified, a Risk Control Plan is to be completed;
- All documents are to be signed off by parties listed;
- Following the treatment or removal of the risk, all documents are to be filed by the RTO Administration Department.

Where an incident or injury has occurred, the following procedure is applicable:

### Procedure

- Nominated Health and Safety Representative/First Aider to attend to scene of incident and assist any injured persons, organising trips to Emergency Services as required;
- Any outstanding hazards are to be dealt with by the nominated Health and Safety Representative using the Hierarchy of Control approach;
- Nominated witness or Health and Safety Representative to complete an Incident Log Form. All documents are to be signed off by parties listed;
- Emergency contacts and Next of Kin of the affected individuals to be contacted;
- Relevant authorities to be contacted, including WorkCover, Australian Police, Department of Home Affairs as required;
- Remaining staff to be briefed on incident and any actions/activities to be implemented going forward;
- Incident is to be recorded on the Incident Register.

Students are also informed of their responsibilities to behave and act in a safe manner, while all training and assessment, particularly on heavy machinery, is carried out to strict, industry recognised safety standards.

Byron Yoga Centre subscribes to regular updates from the relevant authorities in regard to Workplace Safety & Health.

## Enrolment Policy and Procedure

Byron Yoga Centre provides prospective students with information about, amongst other things, fees, assessment, credit transfer and Recognition of Prior Learning (RPL) prior to enrolment to ensure that the student can make a sound decision based on all the relevant aspects of the training they wish to undertake. Information provided will:

- Refer to all applicable qualifications/courses by the appropriate code and title;



- Outline the currency of the qualifications/courses in question;
- Outline the duration of training and the assessment requirements;
- Specify modes of delivery and delivery locations;
- Discuss fees and charges;
- Specify entry requirements into the training;
- Specify any work placement requirements attached to the training;
- Provide information specific to student contributions and responsibilities;
- Outline if any training/assessment is to be conducted under third party/sub-contracting arrangements.

The Student Handbook, which is provided to students prior to enrolment, provides further information around the nature of the guarantee offered by the RTO should it not be able to deliver the training, and also how to lodge a formal complaint and appeal.

The RTO will advise all students and potential students of any changes to services offered by the RTO which may impact them directly.

### **Unique Student Identifier (USI)**

All students who commence training with Byron Yoga Centre from 1 January 2015 will be asked to obtain a Unique Student Identifier. This can be completed by refer to the USI website hosted by the Australian Government Department of Industry. Students who feel that they require assistance in applying for a USI may request this assistance from the RTO. Byron Yoga Centre will require students to provide their consent prior to assisting them obtain a USI.

Every USI presented to the RTO by a student will be checked for validity.

Byron Yoga Centre will not be able to issue any certificates or Statements of Attainment until a student obtains a valid USI (unless an exemption applies under the Student Identifiers Act 2014, in which instance, students will be informed of the exemption and any conditions which apply).

At all times, staff of the RTO must abide by legislation and guidelines which host and support the implementation of the USI within the VET sector.

### **Enrolment Process continued:**

Once a student has reviewed the information that pertains to their chosen path of study, they are to complete the Enrolment Form and return it to the Administration Department of the RTO.

A Student File will be opened for the student and their details will be updated on the Learner Management System (LMS). The RTO Administration Department should ensure that all other necessary documents and information have been collected from the student using the Enrolment Checklist.

Students will be asked to complete a Special Needs Form during the enrolment process. The RTO may also choose to implement other procedures to help determine the level of numeracy and literacy of each potential student. Both of these procedures contribute to ensuring that the RTO is able to assist students it identifies in extra need and support with the most appropriate resources.

The student's upfront fees will be calculated (no more than \$1500 is requested) and the student will be invoiced.

After payment is done, the student will then receive a copy of their Learning and Assessment material in preparation for their studies. These documents will be the responsibility of the student for the duration of the course. Any lost material that needs replacing may incur a replacement fee.

Each student will participate in a pre-enrolment interview in regard to language, literacy and numeracy requirements, yoga experience and suitability for the course.

On the commencement of training, the student will be provided with further information about the college and its operating policies and procedures before proceeding.

Once the student and trainer are satisfied that there are no further outstanding queries or information to be covered, training will commence.

Please see the enrolment Flow Chart on the next page for a better understanding of the Enrolment Process:

**Enrolment Flow Chart:**

Student provides an expression of interest for a course offered by the RTO.



Administration Department to forward the following documents to the student:

- Student Handbook
- Fees Schedule
- Course Information Package (including Assessment information)
- Enrolment form



Should the student wish to proceed, they are to complete the enrolment form and return it to the RTO Administration Department.



Student is invoiced for relevant upfront fees.



When payment received, Administration Department to create a Student File and enter individual's details on the Learner Management System.



Administration Department to seek further information from student as required, e.g. copy of driver's license.



Welcome Letter to be sent to student. Student to be provided with a copy of the relevant Learning and Assessment material for their course.



Mini Induction of student by trainer.



Proceed with training.

## Enrolment Policy and Procedure - International Students

Byron Yoga Centre provides prospective students with information about, amongst other things, fees, assessment, direct credit transfer and Recognition of Prior Learning (RPL) prior to enrolment to ensure that the student can make a sound decision based on all the relevant aspects of the training they wish to undertake. Information provided will:

- Refer to all applicable qualifications/courses by the appropriate code and title;
- Outline the currency of the qualifications/courses in question;
- Outline the duration of training and the assessment requirements;
- Specify modes of delivery and delivery locations;
- Discuss fees and charges;
- Specify entry requirements into the training;
- Specify any work placement requirements attached to the training;
- Provide information specific to student contributions and responsibilities;
- Outline if any training/assessment is to be conducted under third party/sub-contracting arrangements.

The Student Handbook, which is provided to students prior to enrolment, provides further information around the nature of the guarantee offered by the RTO should it not be able to deliver the training, and also how to lodge a formal complaint and appeal. All International Students will be provided with an Overview of the ESOS Framework and information about life in Australia in general.

The RTO will advise all students and potential students of any changes to services offered by the RTO which may impact them directly.

Potential international students seeking to enrol in a course at Byron Yoga Centre must meet the following International English Language Testing System (IELTS) competency scores:

- For Vocational Education and Training (VET) students: minimum overall score of 5.5 (Academic English or General Training).

Byron Yoga Centre will require proof of English Language proficiency completed no longer than 2 years prior to the commencement of the proposed first study period. Normally proof of English Language proficiency will be provided by the submission of the original results of an IELTS test - Academic or General Version.

The RTO Administration Manager has the authority, in rare circumstances, to waive or vary the requirement for proof of English Language proficiency as part of the admission process. On such occasions, the RTO Administration officer will record the action and place it in the relevant student file. An interview will be taken by the Coordinator of the course to evaluate the level of English spoken by the student. Such actions are not to be taken as precedent.

### Unique Student Identifier (USI)

All students who commence training with Byron Yoga Centre from 1 January 2015 will be asked to obtain a Unique Student Identifier. This can be completed by refer to the USI website hosted by the Australian Government Department of Industry. Students who feel that they require assistance in applying for a USI may request this assistance from the RTO. Byron Yoga Centre will require students to provide their consent prior to assisting them obtain a USI.

Every USI presented to the RTO by a student will be checked for validity.

Byron Yoga Centre will not be able to issue any certificates or Statements of Attainment until a student obtains a valid USI (unless an exemption applies under the Student Identifiers Act 2014, in which instance, students will be informed of the exemption and any conditions which apply).

At all times, staff of the RTO must abide by legislation and guidelines which host and support the implementation of the USI within the VET sector.

### **Enrolment Process continued:**

Once a student has reviewed the information that pertains to their chosen path of study, they are to complete the Enrolment Form (and other applicable application documents) and return it to the Administration Department of the RTO.

Byron Yoga Centre will review the application for completeness and make a decision on how to proceed.

If the application is approved:

1. The student will be notified within 15 days of the receipt of their application.
2. The student will be provided with a Letter of Offer.
3. The student's upfront fees will be calculated and the student will be invoiced.
4. The student is to sign the Letter of Offer and return it to the RTO within 10 days of receiving it.
5. A Student File will be opened for them and their details will be entered on the Learner Management System (LMS). The RTO Administration Department should ensure that all other necessary documents and information have been collected from the student using the Enrolment Document Checklist.
6. Once the signed Letter of Offer and payment of the deposit are received by the RTO, Byron Yoga Centre will provide the Student with a Confirmation of Enrolment (COE) generated through the Provider Registration and International Student Management System (PRISMS).
7. Students will be asked to complete a Special Needs Form during the enrolment process. The RTO may also choose to implement other procedures to help determine the level of numeracy and literacy of each potential student. Both of these procedures contribute to ensuring that the RTO is able to assist students it identifies in extra need and support with the most appropriate resources.
8. The student will then receive a copy of their Learning and Assessment material in preparation for their studies. These documents will be the responsibility of the student for the duration of the course. Any lost material that needs replacing may incur a replacement fee.
9. On the commencement of training, the student will be provided with further information about the college and its operating policies and procedures before proceeding.
10. Once the student and trainer are satisfied that there are no further outstanding queries or information to be covered, training will commence.

If the application is denied:

1. The student will be notified within 15 days of the receipt of their application.

2. The notification will be in writing and will outline the reasons behind the decision.
3. Students will be provided with a copy of the Complaints, Grievances and Appeals policy and procedure for International Students.

All applicants who are successfully admitted entry into a course offered by Byron Yoga Centre and who are granted a Student Visa will be required to participate in an Orientation Program hosted by the RTO. This program helps to familiarise new students with Byron Yoga Centre and with Australia in particular.

### **Enrolment may be Deferred, Suspended or Cancelled:**

Students who wish to defer their studies must apply to Byron Yoga Centre in writing. Deferment is considered when a student wishes to halt their studies for a period more than 2 weeks. Students must have evidence to support their request for a deferment. For example, where a student requires a deferment due to medical illness, it is expected that a valid, signed medical certificate will be provided as evidence. Students are to be advised that Deferments and Suspensions are only granted under very special circumstances, usually involving compassionate and compelling reasons.

Further information describing what circumstances would be considered for the potential approval of a deferment can be found below:

International students may defer studies at Byron Yoga Centre when significant personal circumstances have interfered, or threaten to interfere, with the educational process. These significant personal circumstances may include, but are not limited to:

- a. The health and physical well-being of the student or their spouse or family members, whether residing in Australia, in the student's country of origin, or in a third country.
- b. The economic well-being of the student and/or their spouse or family members, whether residing in Australia, in the student's country of origin, or in a third country.
- c. Changes to the personal freedom and social well-being, whether actual or threatened, that are brought about by legal, criminal, or political processes and which have a direct affect upon the student, the student's spouse or family members, whether residing in Australia, in the student's country of origin, or in a third country.

Byron Yoga Centre will evaluate the evidence provided and reserves the right to determine the suitability of that which is provided.

Once Byron Yoga Centre has the application and the required evidence, the RTO Chief Executive Officer will decide whether or not to grant the student the requested deferment. Items that the Chief Executive Officer will take into consideration include, amongst other things:

- The student's academic progress to date;
- The student's attendance records to date;

The student will be informed in writing of the outcome of their application and will be asked to sign their agreement to any conditions placed on the request being granted and their

understanding of their overall obligations. This may include a revised Confirmation of Enrolment (COE) being issued to the student.

Should a request be denied, the student may access Byron Yoga Centre Complaints and Grievances Policy for International Students and follow the guidelines outlined in this document.

Where a student chooses to temporarily suspend their studies (usually 2 weeks or less), the same steps and principles listed above will apply. However, Byron Yoga Centre will take extra steps to determine whether the suspension period requested would still enable the student to continue to complete their course within the timeframe of their original Confirmation of Enrolment, with extra support if required. Byron Yoga Centre will again take into consideration the student's academic progress and attendance to date.

Byron Yoga Centre may choose to suspend a student's enrolment under the following circumstances:

- a. The student is disruptive on site and in class, evidenced by 2 or more complaints from fellow students and trainers/assessors;
- b. The student is the subject of complaints from the wider Australian community (evidenced by 2 or more complaints);
- c. The student causes minor (less than \$500) damage to the property of Byron Yoga Centre or is involved in inciting others to do so.

Byron Yoga Centre may choose to cancel a student's enrolment under the following circumstances:

- a. Academic Misconduct - defined as attempts by students to cheat, plagiarise or otherwise act dishonestly in undertaking an assessment task, or assisting other students to do so. Students are considered guilty of cheating if they seek to gain advantage by unfair means such as copying another students' work, or in any way mislead a trainer/assessor about their knowledge, ability, or the amount of original work they have done.
- b. The student fails to pay the required fees, or abide by any other conditions, as stipulated in their agreement with Byron Yoga Centre;
- c. The student is the subject of an investigation by the Australian Police Force;
- d. The student steals or causes significant damage (more than \$500) to the property of Byron Yoga Centre or is involved in inciting others to do so.

Student's involved in the stealing or damage to Byron Yoga Centre property will be charged accordingly.

Where Byron Yoga Centre has chosen to suspend or cancel a student's enrolment, the student will be informed in writing and the 20 day appeal period will apply.

## Access and Equity

### What do the terms "Access" and "Equity" mean?

**Access** generally refers to the ability to enter training. Improving access might include improving physical access to a training venue or ensuring that selection criteria do not discriminate against clients.

**Equity** in this context means equality of access to, and potentially equal outcomes from training regardless of the individual's circumstances, background and identity.

Byron Yoga Centre is of the firm belief that every individual regardless of personal history, present circumstances or any other factor that can commonly be considered as an inhibiting factor to self-development, should be provided the opportunity to improve their life through further education. Byron Yoga Centre embraces multiculturalism and diversity in Australia, and is pleased to be a contributor to quality education as a whole.

Access and equity issues are addressed during staff induction and during staff meetings and professional development activities. Access and equity are addressed within Byron Yoga Centre Code of Practice. The Code of Practice is openly communicated to all training participants and training and assessment staff.

Byron Yoga Centre endeavours to eliminate discrimination against persons on the ground of:

- Sex
- Marital status or pregnancy
- Family responsibility or family status
- Race
- Religious or political conviction
- Impairment
- Age

This Access and Equity Policy will be made available to students and potential students through the Student Handbook available on our website and in hardcopy.

## Procedure

Potential students seeking to enrol with Byron Yoga Centre will be assessed for entry to study through the same published entry requirements and through the same process, regardless of their background, circumstances or eligibility for funding. Entry requirements for each of our courses are published on our website, while general information about enrolment can be found within the Enrolment Policy and Procedure.

Upon enrolment, all students will be requested to complete a Special Needs Form. Prior to the commencement of training, all participants will have the opportunity to discuss any specific learning needs with their facilitators/assessors. Students will be asked during their welcome to the course to raise any access and equity issues they may face with the administration staff of Byron Yoga Centre. Further steps are listed below:

1. Students may be asked to complete a short Literacy and Numeracy test to identify any potential areas of difficulty that they may have, or any skill gaps that may need to be addressed;
2. Information received from this test will be analysed by the facilitator. Students identified as being in need of help will be contacted by the facilitator. Privacy and Confidentiality will be discussed with the student;
3. The Facilitators will discuss with participants at the commencement of each training session or course, the topic of Access and Equity. The Facilitator will request that any outstanding Special Needs forms be submitted to the Administration Department of the RTO;



4. Any unresolved queries relating to access/equity issues will be referred to the Chief Executive Officer (for instance, if they cannot be resolved by the Facilitator);
5. The Chief Executive Officer will then contact the participant to discuss their access/equity issue and make appropriate arrangements which may include notifying the training venue, arranging a meeting with the participant and the Facilitator, arranging extra assistance from the Facilitator or external assistance as required;
6. File notes will be made of the action taken in each case where access/equity assistance is required and the outcome recorded for the participant.

Access and Equity issues are not only addressed in terms of the services offered by Byron Yoga Centre, but also in terms of its own employment principles and in terms of addressing the wellbeing of all staff.

In addition to eliminating potential discrimination on the previously listed points, Byron Yoga Centre also takes a very firm stance on Sexual Harassment and Workplace Bullying. Byron Yoga Centre follows guidelines available by Fair Work Australia and WorkCover on these issues.

Should it come to light that harassment in any form is occurring in the workplace, Byron Yoga Centre will endeavour to end the situation as soon as possible. The following steps will be taken.

- The employee who is felt to be discriminated against is advised to confide in a trusted mentor or friend about the situation;
- The employee is encouraged to discuss the situation with their immediate supervisor or manager. If either of these is in fact the person involved in the harassment or discriminatory behaviour, the employee is to seek the next line of management and discuss the situation at hand.
- An investigation will be completed by the nominated manager and a resolution sought in which all parties can agree. All notes and documents associated with the incident will be kept under the strictest confidence;
- A schedule will be put in place to monitor the situation and wellbeing of the affected employees;
- Where no resolution can be determined by the nominated Manager, the Chief Executive Officer will become involved;
- A review of the information provided will be undertaken and further investigation completed as required. A resolution will be sought in which all parties can agree. All notes and documents associated with the incident will be kept under the strictest confidence;
- Where appropriate, disciplinary action, up to and including termination of employment will be considered.
- Where it has been found that an employee's personal and human rights have been severely impacted, Byron Yoga Centre will endeavour to support that employee in seeking external resolution and compensation as they choose;
- If at any point, the victimised employee feels that their needs in this regard are not being suitably catered for by Byron Yoga Centre, they will be directed to seek support from external authorities that govern fair work practice in Australia.

## Monitoring Attendance - International Students

Byron Yoga Centre will systematically monitor students' compliance with student visa conditions relating to attendance. Trainers will mark an Attendance Sheet at each class.

The nominated RTO administration assistant will follow up student attendance at the close of each study day.

Arriving to class late three (3) times will equal one (1) absence. Leaving class early three (3) times will equal one (1) absence.

After three (3) unexcused absences a Warning Letter will be sent to the student reminding the student of responsibilities and consequences of failure to maintain attendance and satisfactory progress. The letter will include details of counselling available relating to both learning skills and personal issues which may be affecting study.

Where the student has been absent for five (5) consecutive scheduled study days the nominated RTO administration assistant will notify the RTO Chief Executive Officer and send an email or letter advising the student to contact Byron Yoga Centre immediately or it will be assumed that they are no longer studying.

If a response has not been received within seven (7) days of the sent date of the letter, and all other means of contacting the student have failed, the student's Confirmation of Enrolment (CoE) will be cancelled accordingly.

Students who have failed to attend at least 80% of classes at the end of the first study period will be subject to an Intervention Strategy to assist them meet course progress. Students will be required to make an appointment with the RTO Chief Executive Officer, who will design an Intervention Strategy to be agreed to by the student in question. The Strategy may include activities such as extra lessons with trainers, implementation of a mentoring system or formal counselling as required.

The intervention strategy must be explained and the student must indicate whether or not they agree to abide by the terms. All parties, including the student must sign the intervention strategy. The document will be placed in the student's file. At the time that the intervention strategy is agreed to, the student will be made aware that further unsatisfactory attendance will lead to the student being reported to the Department of Home Affairs which may lead to the cancellation of his/her visa, depending on the outcome of any appeals. A record of all intervention measures implemented and all relevant documentation will be kept in the students file.

Should an International Student for a second compulsory study period miss five (5) consecutive study days or fall below the 80% attendance requirement, Byron Yoga Centre will notify the student of their intention to report them via the Provider Registration and International Student Management System (PRISMS) and provide the student with an opportunity to appeal (20 day period).

Immediately following the 20 working days where the student has not submitted a request to appeal or after the appeals process is completed and the original decision stands, the student will be reported to DHA via PRISMS with the approval of the RTO CEO. Byron Yoga Centre will report the student within five (5) working days of finalising the decision to report.

Byron Yoga Centre may decide not to report a student for breaching their attendance requirements if it deems that the student is clearly and without question, meeting satisfactory course progress. This includes passing all units in a study semester. Byron Yoga Centre may question its trainers for further evidence regarding a student's progress and use this as part of

its decision making process. The decision not to report a student for breaching attendance requirements sits solely with Byron Yoga Centre.

**Note: In the event that a student's enrolment is suspended, the period of suspension of enrolment (as entered in PRISMS) will not be calculated in the attendance monitoring calculations.**

## Monitoring Course Progress - International Students

### Academic Progress

The progression of students through courses in which they are enrolled to achieve the consequent awards in the required time is a desirable goal and a key indicator of the quality of an educational institution. Notwithstanding, some students will have difficulty with various units and on occasion receive a fail grade. While the occasional fail will slow progress towards completion of an award, it hopefully indicates difficulty in only one aspect of a course that may be balanced by ability in another.

However, if the student has failed a number of units, it is necessary for Byron Yoga Centre to exercise its duty of care towards the student by attempting to help them to explore the options available to them so as to prevent the incurring of significant costs and not meeting the original timeframe of their Confirmation of Enrolment (CoE).

Byron Yoga Centre is obliged to comply with the **National Code of Practice for Providers of Education and Training to Overseas Students 2018** and the ESOS Act 2000. Standard 10 of the National Code mandates monitoring of course progress by international students.

### Standard 10 - Monitoring course progress

***Registered providers systematically monitor students' course progress. Registered providers are proactive in notifying and counselling students who are at risk of failing to meet course progress requirements. Registered providers report students, under section 19 of the ESOS Act, who have breached the course progress requirements.***

10.1 The registered provider must monitor, record and assess the course progress of each student for each unit of the course for which the student is enrolled in accordance with the registered provider's documented course progress policies and procedures.

10.2 The registered provider must have and implement appropriate documented course progress policies and procedures for each course, which must be provided to staff and students, that specify the:

- Requirements for achieving satisfactory course progress
- Process for assessing satisfactory course progress
- Procedure for intervention for students at risk of failing to achieve satisfactory course progress
- Process for determining the point at which the student has failed to meet satisfactory course progress, and
- Procedure for notifying students that they have failed to meet satisfactory course progress requirements.

10.3 The registered provider must assess the course progress of the student in accordance with the registered provider's course progress policies and procedures at the end point of every study period.

10.4 The registered provider must have a documented intervention strategy, which must be made available to staff and students, that specifies the procedures for identifying and assisting students at risk of not meeting the course progress requirements. The strategy must specify:

- Procedures for contacting and counselling identified students
- Strategies to assist identified students to achieve satisfactory course progress, and
- The process by which the intervention strategy is activated.

10.5 The registered provider must implement the intervention strategy for any student who is at risk of not meeting satisfactory course progress requirements. At a minimum, the intervention strategy must be activated where the student has failed or is deemed not yet competent in 50% or more of the units attempted in any study period.

10.6 Where the registered provider has assessed the student as not achieving satisfactory course progress, the registered provider must notify the student in writing of its intention to report the student for not achieving satisfactory course progress. The written notice must inform the student that he or she is able to access the registered provider's complaints and appeals process as per Standard 8 (Complaints and appeals) and that the student has 20 working days in which to do so.

10.7 Where the student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the registered provider, the registered provider must notify the Department of Education through PRISMS of the student not achieving satisfactory course progress as soon as practicable.

<https://www.aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD10.aspx>

Progression of students in their enrolled course of study will be evaluated during the processing of unit results normally occurring at the end of each study period. However, during semester, students with two events such as the late submission of an assignment or failure of an assignment/assessment shall be deemed "at risk" and be sent an appropriate warning letter.

The Progression Rules against which the academic progress of students in a course shall be evaluated are as follows:

- A. At least two late assignments or two failed assignments/assessments
- B. Passing more than 50% of enrolled units in a study period;
- C. Failing at least 50% of the enrolled units in a study period;

The following circumstances will lead to the application of the outcomes in accordance with the Byron Yoga Centre progression rules:

1. The progression of any student who complies with Progression Rule “A” in a study period will be assessed as marginal and the student declared “at risk” and the student warned of the implication of continuing such behaviour.
2. The progression of a student who complies with Progression Rule “B” will be assessed as satisfactory and the student declared “in good standing”.
3. The progression of any student who complies with Progression Rule “C” in a study period will be declared in need of intervention, with the student and Byron Yoga Centre to define and implement a strategy that will meet the student’s needs and assist them in meeting course progress requirements.
4. Where the progression of an international student complies with Progression Rule “C” for a second consecutive study period, Byron Yoga Centre shall inform the student of its intention to report the student to the Department of Home Affairs.

### **Completion Within the Expected Duration of Study**

Standard 9 of the National Code mandates completion by an international student of their course of study within the expected duration of study.

#### **Standard 9 - Completion within the expected duration of study**

*Registered providers monitor the enrolment load of students to ensure they complete the course within the duration specified in their CoE and do not exceed the allowable portion of online or distance learning. Registered providers only enable students to extend the expected duration of study for the course through the issuing of a new CoE in limited circumstances.*

9.1 The registered provider must have and implement documented policies and procedures for monitoring the progress of each student to ensure that at all times the student is in a position to complete the course within the expected duration as specified on the student’s CoE. In monitoring this enrolment load, the registered provider must ensure that in each compulsory study period for a course, the student is studying at least one unit that is not by distance or online learning.

9.2 The registered provider may only extend the duration of the student’s study where it is clear that the student will not complete the course within the expected duration, as specified on the student’s CoE, as the result of:

- a. compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student was unable to attend classes or where the registered provider was unable to offer a pre-requisite unit)
- b. the registered provider implementing its intervention strategy for students who were at risk of not meeting satisfactory course progress, or
- c. an approved deferment or suspension of study has been granted under Standard 13.

9.3 Where there is a variation in the student’s enrolment load which may affect the student’s expected duration of study in accordance with 9.2, the registered provider is to record this variation and the reasons for it on the student file. The registered provider must correctly report the student via PRISMS and/or issue a new CoE when the student can only account for the variation/s by extending his or her expected duration of study.

9.4 The registered provider may allow the student to undertake no more than 25 per cent of the student’s total course by distance and/or online learning. However, the registered

provider must not enrol the student exclusively in distance or online learning units in any compulsory study period.

9.5 Except in the circumstances specified in 9.2, the expected duration of study specified in the student's CoE must not exceed the CRICOS registered course duration.

The Department of Education has prepared an extensive explanatory guide in order to assist providers with the implementation of the National Code 2018. The Explanatory Guide can be found at the following link:

<https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Factsheets-.aspx>

The Explanatory Guide offers the following advice in relation to the workload required of international students:

**QUESTION:** Can a provider allow a student to study less than what was previously considered a 'full-time' load?

**ANSWER:** Yes, a provider can allow a student to enrol in less than a 'full-time' load in any study period if:

- There are compassionate or compelling reasons for reducing the load;
- The reduced load is part of the provider's intervention strategy;
- The student has studied, or plans to study, extra units in another study period;
- The student has only a few units left to complete and these do not constitute a full-time load;
- Pre-requisite units are not available in that study period.

The National Code has moved away from the concept of full-time to focus on a student completing within the expected duration of the course. As a result, the National Code offers greater flexibility to manage a student's work load. It allows students to spread their workload over more teaching periods, where a provider offers non-compulsory study periods, or to reduce their workload if they are having trouble adjusting.

This allows a student's enrolment load to fluctuate during the course. However, the provider must ensure the student follows an enrolment pattern that will allow the student to finish within the expected duration in the normal course of events.

**Note:**

By studying less than what used to be considered a 'full-time' load, a student is at risk of not completing the course within the expected duration as specified on the student's COE. This may require the student to catch up by studying subjects during a non-compulsory study period or by overloading in some compulsory study periods to compensate for those study periods in which the student was studying a reduced load. Alternatively, a provider may extend the duration of the student's study as a result of the circumstances listed in Standard 9.2.

Byron Yoga Centre is obliged to monitor the enrolment load of international students to ensure that at all times they are in a position to complete their course within the duration on each student's COE, usually the normal duration of the course.

Before the commencement of study and each study period the International Student Liaison Officer shall negotiate/confirm with each international student a program of study designed to complete the student's course within the period specified on the student's COE.

Course Pathway Advisors will ensure that students will be provided with responsible guidance as to course requirements for each semester, including details of the assessment requirements within each unit.

In discussion with the International Student Liaison Officer before the commencement of each study period, the student may request a variation of the agreed program of study (in writing) which may extend the period of study beyond the expected duration only on the grounds of:

- Compassionate and compelling circumstances; or
- Approved deferment or suspension of study.

The International Student Liaison Officer shall record approval of such a request on the student's file, along with the reasons for the approval.

If, during a study period, the student has reason to vary their enrolment due to compassionate and compelling circumstances, the student may apply in writing for the details of their enrolment to be altered accordingly. The International Student Liaison Officer shall record this approval on the student's file along with the reasons for the approval and advise the CEO of this action.

At the beginning of the student's penultimate study period, if it has been determined the student is unable to complete by the end of the next study period, the International Student Liaison Officer may request of the CEO the extension of the student's enrolment and the issue of a new COE should the student meet the requirements of compassionate and compelling circumstances.

Byron Yoga Centre will not allow international students to undertake more than 25% of their total course by distance and/or online learning. Byron Yoga Centre will not enrol an international student exclusively in distance or online learning units in any compulsory study period.

### **Compassionate and Compelling Circumstances**

In order for a student to establish compassionate and compelling circumstances they must provide proof of these circumstances. The evidence will be reviewed and a decision made at the discretion of Byron Yoga Centre.

**Definition:** Compassionate or compelling circumstances are generally those beyond the control of the student, when they have an impact on the student's course progress or wellbeing. These could include:

- Serious medical condition or injury
- Bereavement of close family members such as parents or grandparents.
- Major political upheaval or natural disaster in the home country requiring their immediate travel
- A traumatic experience which could include but is not limited to:
  - Involvement in or witnessing of an accident or
  - A crime committed against the student or
- The student has been a witness to a crime and this has impacted on the student.

## Guidelines for Compassionate and Compelling Circumstances

Medical certificates provided as evidence must:

- Be issued by a registered doctor and include the Doctor's contact details
- State that the student has a medical condition and is unfit for study
- State the length of time the student will be unfit for study

Death certificates provided as evidence must be certified and translated into English.

Evidence of a major political upheaval or natural disaster must be within reasonable proximity to the student's family and will be investigated by the RTO.

Evidence of a traumatic experience must include a police report or psychologist's report/letter or a report/letter issued by a suitably qualified professional.

### Transferring Between Providers (International Students)

Byron Yoga Centre must meet obligations contained within the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018* (The National Code 2018) in relation to students seeking to transfer between providers of educational services.

### Definitions:

**Principal course:** The principal course of study refers to the main course of study to be undertaken by an International Student where a student visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the International Student arrives in Australia with a student visa that covers multiple courses.

**PRISMS:** Provider Registration and International Student Management System

### Prospective students seeking to transfer to Byron Yoga Centre from another provider

Byron Yoga Centre will not enrol a student wishing to transfer from another registered provider's course prior to the student completing a minimum of six months of that principal course except where:

- 1) The original provider has ceased to be registered;
- 2) The course in which the student is enrolled has ceased to be registered;
- 3) The original provider has provided a written letter of release;
- 4) The original provider has had a sanction imposed on its registration that prevents the student from continuing his or her course;
- 5) Any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

Where a student enrolled with another registered provider of educational services requests to be enrolled with Byron Yoga Centre prior to completing six months of their principal course, has met all of the necessary entry requirements and one or more of eligibility criteria listed above, that student shall:

- 1) Receive a formal Offer of Admission letter from Byron Yoga Centre;



- 2) Receive supplementary information around their chosen course, Byron Yoga Centre policies and procedures and refunding of course fees;
- 3) Be asked to produce a Letter of Release from the previous provider;
- 4) Present the Letter of Release together with the completed Acceptance of Offer of Admission as the initial part of the enrolment process with Byron Yoga Centre.

Where a student has completed six months of their Principal Course, Byron Yoga Centre does not require a Letter of Release from the original provider.

### Prospective students seeking to transfer from Byron Yoga Centre to another provider

Byron Yoga Centre recognises that, from time to time, there will be requests from International Students for a Letter of Release so that they may enrol at another registered provider of educational services. Students are required to obtain a Letter of Release should they wish to transfer prior to completing six months of their principal course with Byron Yoga Centre. Valid circumstances for requesting a Letter of Release include, but are not limited to, the following:

- personal or financial hardship,
- familial trauma or social anxiety caused by separation, and
- better prospects for educational success and advancement.

Where an International Student enrolled with Byron Yoga Centre requests to transfer to another registered provider of educational services prior to completing six months of their Principal Course, that student shall:

- 1) Make a written request for release from Byron Yoga Centre;
- 2) Provide a formal Offer of Admission from the other provider;
- 3) Receive a written response to the request within five (5) working days.

Where an International Student enrolled with Byron Yoga Centre lodges a written request for a Letter of Release, accompanied by a formal Offer of Admission from another registered provider, Byron Yoga Centre shall:

- 1) Acknowledge receipt of the request and process it without cost to the student;
- 2) Make a determination regarding the request and respond, in writing, within five (5) working days.

If the request is granted, Byron Yoga Centre shall:

- 1) Provide the student with a formal Letter of Release within 5 working days of the determination being made;
- 2) Provide a Statement of Attainment where applicable in accordance with Australian Qualifications Framework guidelines;
- 3) Inform the student, in writing, that he or she is required to contact the nearest DHA Office in order to obtain advice about whether or not a new Student Visa is required;
- 4) Update the PRISM database with regard to the student's current status at Byron Yoga Centre

If the request is refused, Byron Yoga Centre shall:

- 1) Provide the student with a written explanation of the grounds upon which the application was rejected;
- 2) Advise the student that he or she retains the right to appeal the decision in accordance with the Byron Yoga Centre Complaints and Grievances Policy for International Students.

Byron Yoga Centre reserves the right to refuse a request for a Letter of Release in the following instances:

- 1) The student has failed to provide a valid Offer of Admission or other supporting documentation from the other Provider;
- 2) The student has outstanding financial obligations to the Byron Yoga Centre; and
- 3) The student has not returned resources borrowed from the Byron Yoga Centre.

In accordance with Academic Administration best practice, Byron Yoga Centre will maintain a record of all requests for Letters of Release. Copies of all documentation related to each student's request and the response of Byron Yoga Centre will be stored in that particular student's file.

### **Students seeking to transfer from Byron Yoga Centre to another provider after completing 6 months of their Principal Course**

Where an international student enrolled with Byron Yoga Centre requests to transfer to another registered provider of educational services after completing six months of their Principal Course, that student shall:

- 1) Notify the Byron Yoga Centre in writing of their intention to withdraw;
- 2) Ensure all outstanding fees are paid and property belonging to Byron Yoga Centre is returned;
- 3) Ensure all personal details in the Byron Yoga Centre are up to date prior to departure.

Upon receiving such notification from a student, Byron Yoga Centre will:

- 1) Update the student's details in the Byron Yoga Centre database;
- 2) Encourage the student to contact the nearest Department of Home Affairs to discuss their situation;
- 3) Update the PRISM database with regard to the student's current status at Byron Yoga Centre.

### **Student Support Services**

Byron Yoga Centre will endeavour to support a student through their course of study through means such as access to additional time with trainers and access to professional career guidance counselling when available.

Byron Yoga Centre will also maintain a directory of organisations known throughout the VET sector to provide assistance and guidance to students (Support Agencies Register). Staff at Byron Yoga Centre will assist the student in making contact with the relevant organisation and where possible, implement additional requirements or special circumstances needed by the student in order to have a higher chance of success at completing their studies.

All students are required to complete a Special Needs Form upon enrolment and submit it to the RTO Administration Department.

### **Variation to Training Schedule**

Should a student require a variation or amendment to the agreed training schedule for any reason, this is to be formally documented with detail surrounding the request for the change.

The RTO Chief Executive Officer and the relevant Trainer/Assessor are responsible for ensuring that any changes implemented still meet the requirements of the qualification and relevant Training Package and that the quality of the training and assessment provided are not negatively impacted in any way.

The student, the relevant trainer/assessor and RTO Chief Executive Officer are all to sign off on the amendment and the document is to be filed in the student's hard copy file. A note in the Learner Management System is also to be made by the Administration Department.

The RTO Chief Executive Officer retains the sole right to approve or decline requests for amendments to a student's training schedule. Students have the right to appeal decisions which involve a request being declined and may follow the formal Complaints and Grievances procedure in this regard.

The Variation to Training Schedule Form can be used for the purposes outlined above.

### Withdrawing from Studies

Students who wish to withdraw from their studies at Byron Yoga Centre are required to inform the RTO in writing. This can be done by completing a Withdrawal Form. This ensures that Byron Yoga Centre can appropriately close off the student's enrolment and maintain accurate and up-to-date records. Students will have an opportunity when notifying the RTO of their withdrawal to apply for a refund. Any request for a refund will be assessed in accordance with the Byron Yoga Centre Fees, Charges and Refund Policy.

### Privacy and Confidentiality

Byron Yoga Centre has undertaken to comply with the requirements of the Privacy Act 1988, including in particular, the 13 Australian Privacy Principles (APPs) that fall under this Act.

As a Registered Training Organisation, Byron Yoga Centre is required to report on data it obtains from its students to State and or Federal Government agencies for reasons such as research, statistical analysis and the generation of performance reports for RTOs so they may gain a better understanding of their standing with other RTOs in relation to customer satisfaction.

Information RTOs are required to share includes the courses and subjects in which students are enrolled, their age and gender, details of where they were born and went to school. The data collected by the RTO must conform to the Australian Vocational Education and Training Management Information and Statistical Standard (AVETMISS). Following AVETMISS guidelines allows for there to be a benchmark in vocational education and training (VET) measurement that in turn provides a more accurate and defined picture of what is happening in the sector.

It enables comparison and analysis at all levels of the training system, nationally and within each state and territory. Byron Yoga Centre collects this information from students through the issuing of its Enrolment Form provided upon expression of interest in any of our courses.

Information about a student, except as required by law or as required under the Standards for Registered Training Organisations, is not disclosed without the student's written permission and that of their parent or guardian if the student is under 18 years of age. Where a student/guardian consents to disclosure of information, they will be requested to complete

the Permission to Disclose Information Form, which provides specific information around what is to be disclosed and to whom. A copy of the completed form will be kept in their student file.

Student files are kept in secure facilities at Byron Yoga Centre offices with access restricted to only key RTO personnel. All RTO personnel are required to sign a Confidentiality Declaration upon being appointed by the company.

Student assessment records are retained in a secure location for a period of 30 years in accordance with current Federal and State legislation, before being destroyed.

Students are encouraged to keep the RTO abreast of changes to their personal circumstances so that information held on file is accurate and the most recent available.

### Student Access to Information

Byron Yoga Centre is able to provide students with copies of information held about them at their request. Please provide adequate notice (at least one week) in this regard.

### Procedure

- Student to complete an Request for Information Form;
- Completed form to be submitted to RTO Administration Department;
- Allow 1 week for processing;
- RTO to contact student when information is ready for collection;
- Administration to sign off that information has been collected.

### Provision of Quality Training and Assessment

Byron Yoga Centre is committed to providing training that meets the needs of its students as well as the wider industries in which it operates. As a minimum, Training and Assessment Strategies will be developed for each qualification, course or Unit of Competency on the RTO's scope of registration. These strategies will be developed in consultation with industry and will be subject to a review once a year. The following procedure is to be implemented:

- Learning and Assessment Strategy in need of review identified by the Chief Executive Officer;
- Strategy to be revised to ensure it reflects current delivery and assessment practice of the RTO;
- Industry Consultation Questionnaire template to be sent out to chosen industry partners with revised Learning and Assessment Strategy;
- Industry Consultation Questionnaire to be retrieved and reviewed. Further follow up with industry partners to be conducted as required;
- Where possible, recommendations and feedback from consultation with industry partners is to be incorporated within the Learning and Assessment Strategy of the RTO;
- Industry Consultation Questionnaires to be files appropriately;
- Industry Consultation Register to be updated with activities undertaken.

Other methods to be used to ensure that industry is being effectively engaged include:

- Inviting industry partners to attend and participate in meetings being held by the RTO as part of it Continuous Improvement Schedule;

- Negotiating with industry partners to allow trainers/assessors working for Byron Yoga Centre to have access to work sites and gain exposure to current industry practice;
- Inviting guest speakers of applicable industries to give talks/presentations to students when possible; and
- Attending industry networking events as part of the RTO's overall Professional Development agenda.

Training and Assessment Strategies will reflect the requirements of the relevant Training Package and will identify target groups. The strategies will contain information on Byron Yoga Centre staff, facilities, equipment, training and assessment materials. All of these areas may be subject to review and improvement following engagement with industry and any recommendations it puts forward.

## Staff

Byron Yoga Centre utilises the services of both training contractors and full time facilitators to provide training and assessment in accordance with its scope of registration. Administrative staff are employed to provide support to both the training and assessment staff as well as senior management to assist in ensuring compliance with the requirements of the NVR Act 2011.

All staff are required to undertake professional development and undergo a staff review at least once a year.

## Facilities

Byron Yoga Centre endeavours to have suitable facilities for its training and assessment services. Facilities used for training will be either under the direct ownership of Byron Yoga Centre or used under a long-term lease agreement. These facilities are to be fitted with the relevant technology and furniture that can facilitate a comfortable and supportive learning experience.

Where appropriate and agreed to, Byron Yoga Centre will use facilities provided by the employers of students for the purpose of training and assessing. In all instances a Site Capacity Checklist will be completed to ensure that the premises provide a suitable platform for the delivering of training and that it is able to meet the requirements as outlined by all the relevant qualification packaging rules.

## Equipment

Equipment and machinery are used within training and assessment where possible to ensure students receive understanding of the equipment as per the workplace requirements. At all times the standard operating procedures are used to ensure safety is maintained.

It is the intent of Byron Yoga Centre to invite industry representatives to participate in an annual review of industry-related equipment and infrastructure. When developing training plans, equipment and machinery that are used at the workplace are assessed for the availability for training and assessment activities.

## Training and Assessment Material

Where possible, Byron Yoga Centre will endeavour to design and create its own training and assessment material.

Where it is not possible to develop its own material, Byron Yoga Centre will purchase the materials from a suitable, reputable supplier.

All material purchased for use in Byron Yoga Centre's services to the public will be validated by its own suitably qualified staff or an external consultant to ensure that standards of the relevant training package and industry requirements are being met.

Byron Yoga Centre staff has access to all relevant resources for training and assessment.

## Assessment

In developing the assessment procedure for each qualification, the RTO will ensure:

- Compliance with the assessment guidelines from the relevant Training Package or accredited course;
- Assessment leads to a qualification or statement of attainment under the Australian Qualifications Framework (AQF);
- Suitable pre-assessment procedures are in place to prepare student for assessment;
- Formal assessment complies with the principles assessment (i.e. assessment is valid, reliable, flexible and fair);
- Formal assessment complies the rules of evidence (valid, sufficient, current and authentic) guide the collection of evidence;
- There is a focus on the application of knowledge and skills to the standard expected in the workplace, including skills for managing work tasks, contingencies and the job environment;
- Timely and appropriate feedback is given to students;
- Assessment complies with access and equity guidelines as outlined by Byron Yoga Centre Access and Equity Policy;
- Student's right to appeal is clearly noted.

All records of assessment will be in accordance with the requirements of the NVR Act 2011 and Byron Yoga Centre Record Keeping policies and procedures.

## Plagiarism

It is not permissible to attempt to pass off another person's work and ideas as one's own. To do so constitutes plagiarism and will result in penalties, including exclusion from the unit or cancellation of enrolment. All attempts at plagiarism will be treated extremely seriously and all students will be made aware of their responsibilities in this regard.

Students will be expected to sign a Plagiarism Declaration prior to submitting any work for assessment.

## Submission of Assignments

All assignments and homework given to a student must be completed and submitted on the date specified by the trainer/assessor. This is in order for the training and assessing staff to complete assessments before certification can be issued. Should there be any delay, a student is requested to contact our office to discuss their concerns.

## Alcohol and Drug Policy

Byron Yoga Centre stands firmly against the use of Drugs and Alcohol on its premises and by any persons, including staff, students and contractors, during its hours of operation. It is felt that a zero tolerance in this regard is in the best interest of all parties and will contribute to ensuring Byron Yoga Centre's compliance with all State and national legislation associated with such behaviour.

Students who are suspected of being under the influence of Drugs or Alcohol will not be permitted to attend class. Neither will staff members who are suspected of being under the influence of Drugs or Alcohol be permitted to attend their normal work activities.

Byron Yoga Centre will endeavour to educate both staff and students about the potential harm and lifelong effects of consistent Drug and Alcohol abuse and in turn, endeavour to promote healthy lifestyle habits and practices.

Byron Yoga Centre's policy on Alcohol and Drug use is clearly stated in the Student Handbook and is addressed in the corporate induction process. In both instances, participants are asked to sign off on their understanding to this and other Byron Yoga Centre policies and procedures.

Byron Yoga Centre will promote organisations known to be subject matter experts in this regard and will supply suitable reference material to students and staff alike.

## Procedure

- Any person who suspects that an Byron Yoga Centre staff member or student may be intoxicated and of potential harm to fellow students or staff members should contact the first line of authority. For students, this is their trainer. For staff members, this is their supervisor. If the first line of authority is unavailable, endeavour to contact the RTO Chief Executive Officer;
- The nominated authority is to then, where safe and appropriate, escort the intoxicated individual from the premises;
- The RTO Chief Executive is to be notified immediately after the event;
- Details of the incident and all witness accounts are to be recorded as soon as is practicable;
- In the context of the offender being a student, Byron Yoga Centre may request that the student be transferred to an alternative provider and will support this process as necessary. Where the staff member is the offender, Byron Yoga Centre Chief Executive Officer will arrange a consultation between both parties so that a resolution may be negotiated that is agreeable to all concerned and will assist everyone involved moving on from the event;
- Police will be contacted where it is determined that there is severe risk of damage to any persons or property.

## Work-Based Training

The term “work-based training” is considered to mean training and/or assessment that will occur in a workplace other than in a provider’s own simulated workplace environment.

In some instances, students may be required to undertake work-based training for courses offered by Byron Yoga Centre. Where work-based training is a course requirement, the RTO will ensure that students have access to suitable and appropriate host employers as part of their training. Host employers will be chosen using strict selection criteria and will at a minimum, include the following steps:

- Site visit of the premises and facility, including a general inspection;
- Interviews with business owners/directors;
- Signing of Memorandum of Understanding with business owners/directors interested in acting as host employers in partnership with Byron Yoga Centre;
- Completion of a Site Capacity Checklist to ensure the facilities/premises meet the requirements of the course in question;
- Completion of ongoing risk assessment activities to ensure requirements and the conditions of the MOU are continually being met.

Students will be informed of all work-based training requirements through course material issued to them prior to formalising their enrolment. Upon enrolment and prior to commencing work-based training, Byron Yoga Centre will hold an Orientation Session for all affected students. This session will be used to convey, amongst other items, the following information:

- Rights and responsibilities of students in the workplace;
- Rights and responsibilities of Host Employers;
- Rights and responsibilities of Byron Yoga Centre
- Assessment in the workplace.

Students will be required to sign a ‘Work Placement Agreement’ to demonstrate their understanding of the above information and commitment to the program. Any variations to the hours worked and conditions of the work placement must be approved by the RTO Chief Executive Officer and the Host Employer.

Student attendance throughout the work placement will be recorded by the Host Employer and the student via standard workplace timesheets or Training Journal.

Course progress will be monitored by having regular meetings between the Byron Yoga Centre Assessor, the student and the host employer. Where the student is not felt to be meeting course progress requirements, coaching and mentoring will be offered, and in the case of International Students, the Monitoring Course Progress policy and procedure will be followed.

In the context of traineeships and apprenticeships, a formal Training Plan will be negotiated with the student, employer and Byron Yoga Centre prior to the commencement of training. Once agreed, all parties will sign the document.

Byron Yoga Centre does not accept assessment conducted by workplace supervisors and managers. Assessment is reserved for assessors employed by Byron Yoga Centre.

## Recognition of Prior Learning



Recognition of Prior Learning (RPL) is a process that recognises a student's current skills and experience regardless of where and when the learning occurred. Applications for RPL are based on whole units of competency and are to be submitted prior to the commencement of training.

Students can base their application on any combination of formal or informal training and education, work experience or general life experience. In order to recognise prior learning, it is necessary to compare the informal or non-formal learning the individual has achieved against the relevant unit of competence. This comparison includes learning outcomes, required skills and knowledge and their application within the range specified for that unit of competence.

The RPL process is to determine if the prior learning fulfils all, some or any of them.

## Procedure

- Student is to discuss request with the relevant Byron Yoga Centre Assessor;
- Should the decision be made to progress with RPL, an RPL Application Form will be issued to the student;
- Where required, appropriate fees to be paid;
- Student will be issued with an RPL Kit;
- All items requesting information in the RPL Kit to be completed and returned to the Administration Department of the RTO;
- The Assessor will assess the information provided and will make a decision if and for what to grant RPL. If a student presents an AQF qualification or Statement of Attainment to the Assessor from another RTO, the Assessor will take a copy and verify its authenticity.
- The Assessor will discuss the outcome of the assessment with the student. Both the student and the Assessor will sign off on the outcome.
- This information will be forwarded to RTO Administration staff for input into the Learner Management System and students' hard copy files.
- Successful candidates will be issued with a Qualification or Statement of Attainment.
- Unsuccessful candidates will be given feedback with options to provide further evidence. A Gap Analysis will be conducted in this regard, and where possible, the RTO will provide the student a range of options to address the missing evidence. This may be in the form of further assignments including questioning, workbook activities and work-based projects.

All applicants have a right to formally appeal the RPL assessment through Byron Yoga Centre Appeals process. All information is handled according to Byron Yoga Centre Privacy and Confidentiality guidelines.

With regard to International Students, if credit granted shortens the student's course, this will be reflected in the Student Offer Letter (as this is the contract with the student) and will be indicated on the Confirmation of Enrolment issued for that student. Such students are reminded that a successful RPL or credit transfer application can affect their visa status and should they have any further queries in this regard, they are to contact the Department of Home Affairs.

Where credit is granted to an international student during their course of study, and their period of study is shortened, the RTO will inform the Department of Education and DHA through the use of PRISMS.

All students will be asked to confirm their understanding and provide their approval for the implementation of the outcome of their application for credit.

## National Mutual Recognition and Credit Transfer

National Mutual Recognition is the process whereby a Registered Training Organisation agrees to recognise the AQF qualifications and Statements of Attainment issued by any other Australian registered educational institution (whether it be VET, Higher Education or secondary) or the Unique Student Identifier Registrar, and provide credit as applicable. Byron Yoga Centre follows the principles of National Mutual Recognition in this regard. The RTO will seek verification of the certification supplied with each application that it receives.

Should a student wish to have their qualifications reviewed in order to obtain credit, the steps below must be followed. There is no charge for a Credit Transfer application.

### Procedure

- Student is to discuss request with the relevant Byron Yoga Centre Assessor;
- Should the decision be made to progress Credit Transfer, a Direct Credit Transfer Application Form will be issued to the student;
- Original certificates and Statements of Attainment to be witnessed by the Assessor. Copies to be made. The student may also wish to provide certified copies;
- The Assessor to verify authenticity of documents provided;
- Information will be forwarded to RTO Administration staff for input into the Learner Management System and students' hard copy files. The student may be granted an exemption from certain aspects of the training as deemed appropriate.

With regard to International Students, if credit granted shortens the student's course, this will be reflected in the Student Offer Letter (as this is the contract with the student) and will be indicated on the Confirmation of Enrolment issued for that student. Such students are reminded that a successful Credit Transfer application can affect their visa status and should they have any further queries in this regard, they are to contact the Department of Home Affairs.

Where credit is granted to an international student during their course of study, and their period of study is shortened, the RTO will inform the Department of Education and DHA through the use of PRISMS.

All students will be asked to confirm their understanding and provide their approval for the implementation of the outcome of their application for credit.

Note that providing credit for previous studies is not recognition of prior learning. RPL is an assessment-only pathway of determining the competence of a person, while providing credit is recognising the equivalence in content and learning outcomes between different types of learning and/or qualifications previously undertaken and completed successfully.

### Appeals

Appeals arise when a client is not satisfied with a decision that has been made in relation to their assessment of competency. Byron Yoga Centre endeavours to treat all appeals requests with equal weighting and due consideration.

The RTO will ensure that the principles of natural justice and procedural fairness are adopted at every stage of the appeals process.

Students will be informed of the RTO's formal appeals process through the Student Handbook, obtained prior to enrolment and available on the RTO's website.

All formal appeals will be attended to within 10 working days of being received. Please see the steps for the Appeals process below.

## Procedure

- The client should first discuss their concerns with their Trainer/Assessor, or other staff member they feel comfortable with. If the matter is satisfactorily resolved during initial discussions, no further action is required.
- Where the concern is not satisfactorily resolved, the student may wish to submit their appeal in writing via a completed Appeals Form. This form needs to be submitted to the RTO Administration Department. The student may be accompanied by a representative to any meetings it holds with the RTO staff.
- Allow for 10 working days for the matter to be processed. During this time, your request will be reviewed and where appropriate, a date for re-assessment will be booked. The person responsible for handling Appeals applications may also implement the following:
  - Interviewing persons involved in the matter;
  - Requesting another assessor review the assessment if applicable;
  - Reviewing all documentation associated with the matter.
- The outcomes will be communicated to the student in writing.
- If the student remains dissatisfied with the outcome, the matter will be forwarded to the RTO Chief Executive for review.
- The RTO Chief Executive will assess the situation and put forward a resolution within 7 working days of being notified.
- Should the student remain dissatisfied with the results, they will be provided with the option of having their case heard by a suitable, independent body (independent to both the student and the RTO) who will review the case. This body will be asked to formally declare its independence to both parties and both parties will be asked to agree to it acting in the nominated capacity of case manager.
- Principles outlined in Byron Yoga Centre's Privacy and Confidentiality Policy are applicable at all times.
- The student is to be informed regularly of the progress of their application. Should it appear likely that the application will take more than 10 days to process, the student will be informed in writing stating the reasons for the delay.
- Records of all Appeal processes and outcomes will be recorded by the RTO and saved according to the RTO's Record Keeping Policy.

- All Appeals applications and processes will be carefully reviewed by senior management following finalisation to identify any areas of improvement that the RTO can act upon.

The appellant may withdraw an appeal at any stage in the process. If the appeal is withdrawn, the matter will be deemed to be closed.

## Complaints and Grievances

Disputes arise when a client is not satisfied with an aspect of the RTO's services and requests action to be taken to resolve the matter. Students and other members of the public may wish to lodge a complaint in some of the following areas (amongst others):

- The conduct of the RTO, its trainers, assessors or other staff;
- An RTO Subcontractor, its trainers, assessors or other staff;
- A Learner of the RTO.

All formal complaints will be attended to within 10 working days of being received. Complaint and Grievances forms are available in all student handbooks and on Byron Yoga Centre website.

The RTO will ensure that the principles of natural justice and procedural fairness are adopted at every stage of the complaint process.

Please see the steps for the Complaints and Grievances process below.

### Procedure

- The client should first discuss their concerns with their Trainer/Assessor, or other staff member they feel comfortable with. If the matter is satisfactorily resolved during initial discussions, no further action is required.
- Where the complaint is not satisfactorily resolved, the student may wish to submit their complaint in writing via a completed Complaints and Grievances Form. This form needs to be submitted to the RTO Administration Department. The student may be accompanied by a representative to any meetings it holds with the RTO staff.
- Allow for 10 working days for the matter to be processed. During the review, the nominated and responsible staff member may implement some of the following steps:
  - Interviewing persons involved in the matter;
  - Reviewing all documentation associated with the matter.
- The outcomes will be communicated to the student in writing.
- If the student remains dissatisfied with the outcome, the matter will be forwarded to the RTO Chief Executive for review.
- The RTO Chief Executive will assess the situation and put forward a resolution within 7 working days of being notified.

- Should the student remain dissatisfied with the results, they will be provided with the option of having their case heard by a suitable, independent body (independent to both the student and the RTO) who will review the case. This body, where possible, will be asked to formally declare its independence to both parties and both parties will be asked to agree to it acting in the nominated capacity of case manager. For International Students, this body is most often the Overseas Students Ombudsman (see further information below).
- Principles outlined in Byron Yoga Centre' Privacy and Confidentiality Policy will be applicable at all times.
- The student is to be informed regularly of the progress of their application. Should it appear likely that the application will take more than 10 days to process, the student will be informed in writing stating the reasons for the delay.
- Records of all Complaints/Grievances processes and outcomes will be recorded by the RTO on the Complaints Register and saved according to the RTO's Record Keeping Policy.
- All Complaints/Grievances applications and processes will be carefully reviewed by senior management following finalisation to identify any areas of improvement that the RTO can act upon.

The complainant may withdraw a grievance at any stage in the process. If the grievance is withdrawn, the matter will be deemed to be closed.

### Complaints, Grievances and Appeals - International Students

Disputes arise when a client is not satisfied with an aspect of the RTO's services and requests action to be taken to resolve the matter. Students and other members of the public may wish to lodge a complaint in some of the following areas (amongst others):

- The conduct of the RTO, its trainers, assessors or other staff;
- An RTO Subcontractor, its trainers, assessors or other staff;
- A Learner of the RTO.

All formal complaints will be attended to within 10 working days of being received. Complaint and Grievances forms are available in all student handbooks and on Byron Yoga Centre website.

The RTO will ensure that the principles of natural justice and procedural fairness are adopted at every stage of the complaint process.

Please see the steps for the Complaints and Grievances process below.

### Procedure

- The client should first discuss their concerns with their Trainer/Assessor, or other staff member they feel comfortable with. If the matter is satisfactorily resolved during initial discussions, no further action is required.

- Where the complaint is not satisfactorily resolved, the student may wish to submit their complaint in writing via a completed Complaints and Grievances Form. This form needs to be submitted to the RTO Administration Department. The student may be accompanied by a representative to any meetings it holds with the RTO staff.
- Allow for 10 working days for the matter to be processed. During the review, the nominated and responsible staff member may implement some of the following steps:
  - Interviewing persons involved in the matter;
  - Reviewing all documentation associated with the matter.
- The outcomes will be communicated to the student in writing.
- If the student remains dissatisfied with the outcome, the matter will be forwarded to the RTO Chief Executive for review.
- The RTO Chief Executive will assess the situation and put forward a resolution within 7 working days of being notified.
- Should the student remain dissatisfied with the results, they will be provided with the option of having their case heard by a suitable, independent body (independent to both the student and the RTO) who will review the case. This body, where possible, will be asked to formally declare its independence to both parties and both parties will be asked to agree to it acting in the nominated capacity of case manager. For International Students, this body is most often the Overseas Students Ombudsman (see further information below).
- Principles outlined in Byron Yoga Centre's Privacy and Confidentiality Policy will be applicable at all times.
- The student is to be informed regularly of the progress of their application. Should it appear likely that the application will take more than 10 days to process, the student will be informed in writing stating the reasons for the delay.
- Records of all Complaints/Grievances processes and outcomes will be recorded by the RTO on the Complaints Register and saved according to the RTO's Record Keeping Policy.
- All Complaints/Grievances applications and processes will be carefully reviewed by senior management following finalisation to identify any areas of improvement that the RTO can act upon.

## Appeals

Appeals arise when a client is not satisfied with a decision that has been made in relation to their assessment of competency. Byron Yoga Centre endeavours to treat all appeals requests with equal weighting and due consideration.

The RTO will ensure that the principles of natural justice and procedural fairness are adopted at every stage of the appeals process.

Students will be informed of the RTO's formal appeals process through the Student Handbook, obtained prior to enrolment and available on the RTO's website.

All formal appeals will be attended to within 10 working days of being received. Please see the steps for the Appeals process below.

### Procedure

- The client should first discuss their concerns with their Trainer/Assessor, or other staff member they feel comfortable with. If the matter is satisfactorily resolved during initial discussions, no further action is required.
- Where the concern is not satisfactorily resolved, the student may wish to submit their appeal in writing via a completed Appeals Form. This form needs to be submitted to the RTO Administration Department.
- Allow for 10 working days for the matter to be processed. During this time, your request will be reviewed and where appropriate, a date for re-assessment will be booked. The person responsible for handling Appeals applications may also implement the following:
  - Interviewing persons involved in the matter;
  - Requesting another assessor review the assessment if applicable;
  - Reviewing all documentation associated with the matter.
- The outcomes will be communicated to the student in writing.
- If the student remains dissatisfied with the outcome, the matter will be forwarded to the RTO Chief Executive for review. The student may be accompanied by a representative to any meetings it holds with the RTO staff.
- The RTO Chief Executive will assess the situation and put forward a resolution within 7 working days of being notified.
- Should the student remain dissatisfied with the results, they will be provided with the option of having their case heard by a suitable, independent body (independent to both the student and the RTO) who will review the case. This body will be asked to formally declare its independence to both parties and both parties will be asked to agree to it acting in the nominated capacity of case manager.
- Principles outlined in Byron Yoga Centre' Privacy and Confidentiality Policy are applicable at all times.
- The student is to be informed regularly of the progress of their application. Should it appear likely that the application will take more than 10 days to process, the student will be informed in writing stating the reasons for the delay.
- Records of all Appeal processes and outcomes will be recorded by the RTO and saved according to the RTO's Record Keeping Policy.
- All Appeals applications and processes will be carefully reviewed by senior management following finalisation to identify any areas of improvement that the RTO can act upon.

The complainant may withdraw a grievance/appeal at any stage in the process. If the grievance/appeal is withdrawn, the matter will be deemed to be closed.

## External Dispute Resolution - International Students

International students have the right to address any complaints, appeals, or grievances to the Overseas Students Ombudsman. The Ombudsman's services are free, independent and impartial. More information about the services provided by the Ombudsman is available on the internet at [www.oso.gov.au](http://www.oso.gov.au) or by telephone on 1300 362 072.

## Legal Services

The Australian Government and Byron Yoga Centre are committed to providing the necessary legal support to International Students facing legal issues. Where required, Byron Yoga Centre will endeavour to assist students source appropriate and affordable legal representation whilst they are studying in Australia.

## Engaging Education Agents

Education Agents play an important role in connecting prospective international students with Byron Yoga Centre. The ethics and procedures followed by Education Agents are essential to maintaining Byron Yoga Centre reputation for its international educational quality and services.

Byron Yoga Centre is committed to appointing and working with Agents that demonstrate the following qualities:

- A comprehensive understanding of students' requirements, Australian culture and Australia's education system in general;
- The nature of Byron Yoga Centre's programs, policies and procedures;
- Honesty, integrity and the highest ethical standards.

Byron Yoga Centre will not accept students from an Agent or enter into an agreement with an Agent if it knows or reasonably suspects the Agent to be:

1. Engaged in, or to have previously been engaged in, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under National Code Standard 7 (Transfer Between Registered Providers);
2. Facilitating the enrolment of a student who the Agent believes will not comply with the conditions of his or her student visa;
3. Using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment (COEs) for other than a bona fide student; or
4. Providing immigration advice where not authorised under the Migration Act 1958 to do so.

Byron Yoga Centre does not allow Agents to access PRISMS or issue COEs on its behalf.

Byron Yoga Centre Engaging Education Agents Policy is designed to ensure that its partnerships with appointed Education Agents comply with all the necessary legislative and regulatory requirements established under the:

- ESOS Act 2000 and subsequent amendments;



- ESOS Regulations;
- National Code 2018;
- Migration Act and Migration Regulations;
- Trade Practices Act 1974 (Commonwealth)

## Appointment of Education Agents

Byron Yoga Centre requires all potential Migration Agents interested in representing the RTO to overseas or international students to undergo a formal application process. This process assists Byron Yoga Centre in obtaining important background information on the Education Agent to determine whether the Agent should be engaged as a formal representative of the company.

Where it has been determined that the agent meets the standards and requirements set by Byron Yoga Centre in this regard, the RTO Chief Executive Officer, at their sole discretion, may appoint the Education Agent as a formal representative by drafting a suitable Memorandum of Understanding (MOU) and having all parties sign it. A more detailed procedure may be seen below:

### Procedure

1. Potential Education Agent contacts Byron Yoga Centre expressing interest in representing the company to overseas/international students;
2. Expression of interest acknowledged in writing and the Agent is forwarded an Education Agent Application Form;
3. Completed Education Agent Application Form returned to RTO Chief Executive Officer for review;
4. Listed referees to be contacted and verified;
5. Chief Executive Officer to make decision whether to formally engage Agent as a representative of the RTO or not:
  - a. If the decision is to *not* engage the potential Agent, then this decision will be acknowledged in writing to the Agent.
  - b. If the decision is to proceed with formally engaging the Agent, then the RTO Chief Executive Officer will draft a Memorandum of Understanding for both parties to agree to and sign.
  - c. If a Memorandum of Understanding is signed, each party is to receive a copy of the Memorandum of Understanding. Byron Yoga Centre will retain the Memorandum of Understanding for the life of the agreement and as per its own Record Keeping policy and procedure.
  - d. Any Education Agent formally engaged through a signed Memorandum of Understanding will be listed on the Byron Yoga Centre website with the applicable contact details.
  - e. Any Education Agent formally engaged through a signed Memorandum of Understanding will be added to the Byron Yoga Centre Education Agent Register, which will regularly be monitored and updated.
  - f. Education Agent formally engaged through a signed Memorandum of Understanding will be provided with marketing and other support material to help facilitate the recruitment of students. Any other detailed instructions regarding the material provided and actions to be taken by the Education Agent will be supplied by Byron Yoga Centre.

## Monitoring of Education Agents

Byron Yoga Centre will monitor the performance of the Education Agents that it engages to recruit students on its behalf and will encourage an open communication channel in this regard. Monitoring activities will be conducted as per the conditions agreed to in the signed Memorandum of Understanding and at a minimum will occur once a year.

Agents will be asked to complete an Education Agent Performance Review form and return this form to Byron Yoga Centre. Students who have used the Agents services will also be interviewed and asked to complete Student Feedback - Education Agents form.

Byron Yoga Centre will ensure that Education Agents are kept abreast of changes to the RTO's activities via e-mail, newsletters, webinars and face-to-face events when circumstances allow.

## Procedure

1. RTO Chief Executive Officer (or nominated representative) to access corporate calendar listing all Education Agents due for a Performance Review by the RTO.
2. Byron Yoga Centre representative to contact the applicable Agents informing them of upcoming review.
3. Education Agent Performance Review forms to be distributed and a date set for them to be returned.
4. RTO Chief Executive Officer to review completed forms and take notes for discussion with applicable agents.
5. A sample of students who have used the services of each agent to be contacted and asked to complete relevant Student Feedback forms.
6. RTO Chief Executive Officer to schedule appointments with each Agent to discuss outcomes of the Performance Review.

## Termination of Education Agents

Byron Yoga Centre may terminate an Agent's appointment where it knows or has a reasonable suspicion that an Agent may have been engaged in Unprofessional Conduct or is in any way non-compliant with the ESOS Act, National Code or Byron Yoga Centre Policies and Procedures.

Byron Yoga Centre retains the right to veto any Agent activity that in Byron Yoga Centre's opinion is not compliant with:

1. The signed Memorandum of Understanding;
2. Any Relevant Legislation; or
3. Any information provided to the Agent by Byron Yoga Centre.

If at any time Byron Yoga Centre believes that the Agent is not meeting the obligations of the signed Memorandum of Understanding or the National Code, is being negligent, careless or incompetent, or is engaged in false, misleading or unethical advertising and recruitment practices, Byron Yoga Centre Chief Executive Officer will follow this review process:

1. Identify and gather information about the issue.
2. Contact the Agent to seek their response on the issue.
3. Discuss the issue and the response from the Agent with the Deputy CEO and/or the CEO.
4. Decide on action to be taken.

Where it has been determined that no breach of the Memorandum has taken place, the Agent will be thanked in writing for their input and no further action will be taken.

Where it has been determined that a minor breach of the Memorandum has taken place, the Agent will be given a written warning advising them that any further breach will result in the termination of the Memorandum of Understanding. If necessary the Agent will be provided with advice and/or training to ensure that the breach is not repeated.

Where it has been determined that a major breach of the Memorandum has taken place, the Agent will be advised in writing that the Memorandum of Understanding has been immediately terminated and that Byron Yoga Centre may advise all applicable authoritative bodies of the breach.

## **Payment of Commissions**

Commissions are payable according to the Memorandum of Understanding signed with Byron Yoga Centre. Specifically, a commission is payable if a student is recruited by the Agent, is accepted into a course, and has paid the respective course fee to Byron Yoga Centre.

An Agent will not be regarded as having recruited a student unless:

- (a) The Agent submits the student's application for enrolment and that application also bears the Agent's name or stamp; and
- (b) The Agent submits an acceptance by the student of any letter of offer from the Byron Yoga Centre of a place in a Course.

If a student recruited by the Agent at any time undertakes any course or courses offered by Byron Yoga Centre other than those specifically identified in the application for enrolment and for which the student was first recruited by the Agent, no fee or other amount will be payable by Byron Yoga Centre to the Agent. No commission will be payable to the Agent where the student is recruited through the Byron Yoga Centre's own marketing activities for recruitment of students within Australia.

## **Record Keeping**

Byron Yoga Centre stresses the importance of accurate and consistent record keeping with its entire staff. Record Keeping is conveyed as being an integral aspect of the company's compliance obligations under the Standards for Registered Training Organisations 2015.

## **Student Information**

Records of the following, amongst other items, are maintained:

- Student enrolment records
- Student attendance records
- Student assessment records
- Student work
- Student/Employer Workplace Agreements
- Student workplace experience and learning
- Fees paid and refunds given
- Details of complaints and appeals

The above records will be kept for:

- a period of 2 years *or*
- the duration of the student's enrolment *or*
- or the duration of an Appeals application

whichever is the longer period.

Records of results, qualifications and Statements of Attainment for all students are stored in individual student files and the nominated Learner Management System at a central location. These records and records of summative assessment sheets will be kept for a period of 30 years.

In the event that Byron Yoga Centre ceases to operate, it will transfer, within 5 working days, all records to the Registering Body and ensure all participants have all received a copy of their records.

### **Collection of Information**

Personal information will not be collected unless:

- 1) The information is collected for a purpose directly related to student or staff member; and
- 2) The collection of the information is necessary for or directly related to that purpose.

Personal information will not be collected by unlawful or unfair means.

Where personal information is collected for inclusion in a record or in a generally available publication Byron Yoga Centre will take reasonable steps to ensure that, before the information is collected or, if that is not practicable, as soon as practicable after the information is collected, the individual concerned is generally aware of:

- 1) The purpose for which the information is being collected;
- 2) If the collection of the information is authorised or required by or under law the fact that the collection of the information is so authorised or required; and
- 3) With whom the information may be shared (such as the Australian Government or Tuition Assurance Scheme).

Where Byron Yoga Centre solicits and collects personal information for inclusion in a record or in a generally available publication it will take reasonable steps to ensure that:

- 1) The information collected is relevant to that purpose and is up to date and complete; and
- 2) The collection of the information does not intrude to an unreasonable extent upon the personal affairs of the individual.

Students are encouraged to liaise with Byron Yoga Centre staff to ensure their details are accurate and up to date.

### **Learner Management System**

Byron Yoga Centre has purchased and implemented the use of an AVETMISS compliant Learner Management System (LMS). Certain nominated staff within Byron Yoga Centre are specifically trained in how to record and extract data related to students and our training services.

Information that the LMS is able to record, amongst other things, include:

- Student demographics like age, sex, ethnicity and disability information
- Personal details, e.g. address, phone numbers, etc.
- Course selection of each student
- Training Progress Reports for each student
- Assessment outcomes for each student
- File notes of all interactions and communications with the student
- Payment and refund details
- Copies (scanned or photo) of certificates / qualification / Statement of Attainment issued
- Disciplinary actions (if applicable)
- Details of complaints and appeals

### **File Note Policy**

Byron Yoga Centre implements a File Note Policy with regard to student records and information. Any changes to a student's enrolment or training activities will be captured using a File Note system that will include the date, a short description of the relevant item and the name of the person who actioned it.

File notes will be kept against a student's enrolment on the Learner Management System. Hard copy file notes may also be kept in the students hard copy file as appropriate.

### **Electronic Back Up Policy**

Electronic files are kept up to date and backed up regularly each day. The backup copy is to be kept offsite or in a fireproof and flood-proof safe.

### **Contact Details**

Byron Yoga Centre will endeavour to obtain the latest contact details for every student on a six (6) monthly basis.

### **Privacy**

All records are dealt with in accordance with Byron Yoga Centre confidentiality and privacy guidelines.

### **Secure Disposal of Records**

Byron Yoga Centre will dispose of all records which house sensitive information, or information about its students or staff members, in a secure manner. This may include leasing a locked, document disposal waste bin or other machinery as required.

### **Staff Records**

Byron Yoga Centre endeavours to ensure that all Personnel Files are updated regularly with assistance by the staff member themselves. Personnel Files include items such as resumes, national qualifications and tickets, copies of performance reviews and personal contact details. No staff information is disclosed to a third party without consent from that staff member, unless required by law.

Staff records will be kept for a period of 5 years.

## Records of Performance

Byron Yoga Centre will also maintain accurate records of activities conducted during its day-to-day operations. These records will be made available to the Registering Body upon request.

Byron Yoga Centre will keep, amongst other things, record of the following items:

- All internal audits undertaken and their outcomes
- All validation and moderation sessions completed
- All risk management matters
- Agreements in place with partner organisations
- Documents related to financial management
- Minutes of meetings
- All Continuous Improvement activities and changes implemented

Records of Performance will be kept for a period of 5 years.

## Issuing of Qualifications and Statements of Attainment

Byron Yoga Centre is committed to maintaining a high level of accuracy and integrity with regard to the issuing of nationally recognised qualifications. It endeavours only to issue certificates to those candidates who have successfully completed assessment activities that have been assigned to them and who have been deemed Competent in particular units or entire qualifications.

The company has implemented stringent guidelines and procedures for issuing certificates, which can be seen below:

- The RTO will issue AQF qualifications, Statements of Attainment and Academic Records within 30 calendar days of course completion;
- The RTO will only issue qualifications and Statements of Attainment to those who have a valid Unique Student Identifier (USI);
- All qualifications and Statements of Attainment issued by the RTO will comply with standards outlined in the Australian Qualifications Framework (AQF) Issuance Policy;
- Qualifications will only display the logos of entities such as the AQF and NRT as outlined by the Logo Use Guideline issued by the particular authority. These guidelines are kept on Byron Yoga Centre system for reference by the appropriate staff;
- The RTO will only issue AQF qualifications and Statements of Attainment within its scope of registration;
- All qualifications and Statements of Attainment will also have a unique Corporate Identifier that cannot be easily copied so as to ensure against fraudulent issuance.

## Procedure

1. Upon completion of the training, Byron Yoga Centre Assessor will review the student's work and assessments and make an overall decision on competency.
2. This decision will be recorded on the Student Assessment Record and will be signed by the Assessor.
3. Completed Competency Assessment Records will be handed over to the RTO Administration Department for input into the nominated Learner Management System.

4. RTO Administration to confirm accuracy of the Summary of Assessment sheet by confirming all assessments and outcomes thereof are present in the student's file. This will also include completing a Qualification Issuance Checklist and confirming the student has a valid USI.
5. Certificates and Statements of Attainment are to be signed off by the Chief Executive Officer.
6. Where a student has completed all requirements to obtain the qualification, the RTO Administration Department will supply a Certificate and Academic Record to the student. Where a student has only completed a number of units, a Statement of Attainment will be issued.
7. Certificates and Statements of Attainment are to be handed to students personally.
8. Students are required to sign an Acknowledgement of Receipt for the certificate in question.
9. Copies of Certificates, Academic Records and Statements of Attainment are to be kept in students' hard copy and electronic files, and according to the Byron Yoga Centre Record Keeping policy and procedure.

Where possible, the RTO will make use of a shared calendar system, or tools supplied with its Learner Management System, to ensure the timeframe of 30 calendar days is being met.

Byron Yoga Centre reserves the right to withhold certificates and Statements of Attainment until all outstanding fees for its services have been paid in full.

## Staff Recruitment

Byron Yoga Centre implements Equal Opportunity principles in terms of its recruitment of staff. Recruitment and selection will be undertaken in an ethical and lawful way, ensuring that all employees and applicants are treated fairly according to their qualifications, experience, skills, abilities and competencies.

The RTO Chief Executive Officer is responsible for the overall flow of authority for the company and responsible for the appointing, promoting and dismissal of employees. Steps for the recruitment of competent and suitable staff are listed below:

## Procedure

- Chief Executive Officer or other nominated person to draw up relevant Position Description for post to be filled. Position Descriptions will include information such as minimum experience needed and formal qualifications required;
- Where deemed appropriate, the Chief Executive Officer will have a second staff member review the Position Description and provide feedback;
- Position to be advertised using local media and Byron Yoga Centre website;
- Candidates to be screened during the application process;
- Suitable candidates to be contacted and interview times arranged;
- Scheduled interviews to take place - where deemed appropriate, an interview panel will be arranged to allow greater perspective and fairness in the recruitment process;
- Following interviews, discussions between senior and nominated staff to take place as required;
- Reference checks will be conducted as required;
- Unsuccessful candidates to be notified through phone call or e-mail;
- Successful candidate to be given Letter of Offer;

- Letter of Offer to be signed and returned to Chief Executive Officer;
- Upon acceptance, RTO Chief Executive to schedule first day of employment and staff induction.

Staff members appointed in the capacity of Trainer/Assessor must meet the latest requirements as set out by the Standards for Registered Training Organisations 2015 under the NVR Act 2011. These include:

- Required Vocational Competencies;
- Required Training/Assessment or Adult Education Competencies;
- Required industry experience and knowledge.

The RTO Chief Executive Officer is responsible for ensuring that Training/Assessment staff are suitably qualified to act in their nominated position. This will be aided by ensuring that all Trainers/Assessors complete a Trainer and Assessor profile form. This will be kept in the employee's Personnel File.

All original qualifications of staff are to be sighted upon employment. Alternatively, certified copies of all qualifications may be submitted to the RTO Administration for filing. Each staff member will have a Personnel File to house all their personal information and documents related to their employment with Byron Yoga Centre.

All employees are required to participate in a staff induction and sign the Induction Checklist to acknowledge their participation. Some topics covered in the induction include:

- Compliance with the Standards for Registered Training Organisations 2015;
- OHS policies and procedures;
- Training Packages and the RTO's scope of registration;
- Byron Yoga Centre Code of Practice;
- Information on relevant legislation and related rights and responsibilities;
- Requirements of competency-based training and assessment;
- Requirements for Apprenticeships/Traineeships (if applicable);
- Internal auditing.

### Updating Personal Details

Byron Yoga Centre staff are to ensure that the company has the latest contact details for themselves and next of kin (in the event of an emergency). Staff are responsible for updating their details with the RTO Administration team, which includes providing certified copies of new qualifications and competencies obtained.

### Staff Performance Reviews

The CEO, or other suitably nominated Senior Executive, will endeavour to undertake staff performance reviews on an annual basis. These reviews will provide a platform for employees and managers to come together and discuss any concerns that they may have in an open and confidential manner. Reviews will follow a structured process, with both parties signing off on action points and agreed outcomes as listed on the Staff Performance Review document. Procedural steps are outlined below:

### Procedure



- CEO or other nominated Senior Executive to inform employees of upcoming staff reviews;
- Managers are to confirm dates and times of appointments for each of their responsible team members;
- Performance Reviews to be conducted as scheduled using the Staff Performance Review documents;
- Managers are responsible for monitoring any agreed action points stemming from a performance review held with one of their team members;
- Managers are to provide an overview report to the RTO CEO detailing critical aspects and outcomes of the completed Performance Review process;
- The CEO and nominated Managers are to provide and agree to an Action Plan for any areas described as being in need of immediate attention.

## Professional Development

Byron Yoga Centre staff are expected to complete varying hours of professional development per year. Hours to be completed will be determined by the RTO Chief Executive Officer and will be outlined in the employee or contractor's Letter of Offer or Memorandum of Understanding.

Professional Development helps to ensure that all staff remain current in their skill and knowledge of the industry. Staff are to record their professional development activities in the Professional Development Log.

These activities will be reviewed during annual Staff Performance Reviews and on an ad-hoc basis as deemed appropriate by senior management.

Some examples of professional development activities include:

- Formal structured professional development;
- Non-formal learning (i.e. in-house courses);
- Informal learning resulting from networks, mentoring and industry journals.

Where fee for service professional development is required, the costs and time away from work will be negotiated with the RTO Chief Executive Officer.

## Supervision of Trainers

Where an individual is hired to provide training, but does not hold the full TAE40110 Certificate IV in Training and Assessment qualification, Byron Yoga Centre will arrange and implement a process of supervision by a suitably qualified staff member whilst the trainer completes their studies in this regard. As a minimum, the individual under supervision must have the skill set defined in Item 4 of Schedule 1 of the Standards for Registered Training Organisations 2015, or, prior to 1 January 2016, is able to demonstrate equivalence of competencies.

Arrangements for supervision must meet the latest guidelines issued by the Registering Body and the requirements under the Standards for Registered Training Organisations 2015. Prior to any supervision arrangement taking place, the RTO Chief Executive Officer must ensure that these guidelines and requirements have been addressed (confirmation to be recorded on the Trainer Supervision Form).

Those who are under Supervision Arrangements are not to conduct assessment outcomes.

## Procedure

- Trainer to be placed under supervision to be identified by the RTO Chief Executive Officer;
- Suitable supervisor to be identified by the RTO Chief Executive Officer;
- Meeting to be scheduled between RTO Chief Executive Officer, Supervisor and Trainer;
- Supervision arrangement to be discussed and Trainer Supervision Form to be completed;
- Progress Reviews to be scheduled with the RTO Chief Executive Officer;
- Feedback from students to be examined by the supervisor and discussed with the RTO Chief Executive Officer;
- Copies of all documents related to the supervision arrangement to be stored in staff Personnel File.

## Course Preparation

Prior to the commencement of any course or individual class, trainers and assessors employed by Byron Yoga Centre are expected to check and ensure a number of things:

- All relevant equipment is in good working order;
- Training rooms have been booked where required;
- Support material used during the training is suitably prepared for implementation during delivery.

Any outstanding issues may be brought to the attention of the RTO Administration Department who will endeavour to assist the trainer resolve the issues prior to the successful delivery of the course.

As per our safety requirements, Byron Yoga Centre expect that Trainers and Assessors to participate in and conduct safety inspections of training venues when required.

## Completion of Paperwork

Byron Yoga Centre expects that its Trainers and Assessors understand the importance of good record keeping. Trainers and Assessors are responsible for completing all paperwork associated with the course they are delivering and return any required paperwork to the RTO Administration Department as instructed.

Documentation that Trainers and Assessors will be partly responsible for include the following:

- Attendance forms
- Evaluation sheets
- Student competency record sheets
- Validation sheets

## Public Statements

The company's relationships with the media and community are conducted exclusively by the RTO CEO. Staff members are not permitted to make any public statements regarding Byron Yoga Centre without the express permission of the CEO.

## Gifts and entertainment

Gifts should never be offered or accepted in circumstances where the outcome of a transaction may be influenced or give rise to the perception that the transaction may be influenced by the gift. Under no circumstances must employees offer or accept money.

## Email and Internet Use

### Email

Email facilities are provided for formal business correspondence.

Take care to maintain the confidentiality of sensitive information. Private use of emails is not permitted at any time.

All emails sent must include the approved business disclaimer.

To protect Byron Yoga Centre from the potential effects of the misuse and abuse of email, the following instructions are for all users:

1. No material is to be sent as email that is defamatory, in breach of copyright or business confidentiality, or prejudicial to the good standing of Byron Yoga Centre in the community or to its relationship with staff, customers, suppliers and any other person or business with whom it has a relationship.
2. Emails must not contain material that amounts to gossip about colleagues or that could be offensive, demeaning, persistently irritating, threatening, discriminatory, involves the harassment of others or concerns personal relationships.
3. The email records of other persons are not to be accessed except by management (or persons authorised by management) ensuring compliance with this policy, or by authorised staff who have been requested to attend to a fault, upgrade or similar situation. Access in each case will be limited to the minimum needed for the task.
4. When using email a person must not pretend to be another person or use another person's computer without permission.
5. Failure to comply with these instructions is a performance improvement offence and will be investigated. In serious cases, the penalty for breach of policy, or repetition of an offence, may include dismissal.

### Internet use

The internet is provided by Byron Yoga Centre for business and training use only. Employees and students are not permitted to use the internet for personal use e.g. Facebook, MSM, pornography, gambling or any sites that do not relate directly to the business of Byron Yoga Centre.

Management has the right to access the system to check if employees and students have used the internet for private use. Failure to comply with these instructions is an offence and will be subject to appropriate investigation. In serious cases, the penalty for an offence, or repetition of an offence, may include dismissal or disciplinary action.

Individuals need to be aware that some forms of internet conduct may lead to criminal prosecution.

### Access in the Workplace

### Reasonable adjustments

Reasonable adjustments are changes that allow people with a disability to work safely and productively. Byron Yoga Centre will make reasonable adjustments for a person with a disability who:

- Applies for a job, is offered employment, or is an employee, and;
- Requires the adjustments in order to participate in the recruitment process or perform the genuine and reasonable requirements of the job.

Examples of reasonable adjustments can include:

- Reviewing and, if necessary, adjusting the performance requirements of the job;
- Providing telephone typewriter (TTY) phone access for employees with hearing or speech impairments;
- Purchasing screen reading software for employees with a vision impairment;
- Buying desks with adjustable heights for people using a wheelchair.

When contemplating reasonable adjustments Byron Yoga Centre will weigh up the need for change with the expense or effort involved in making it.

### Gross or Serious Misconduct

Summary (instant) dismissal for gross or very serious misconduct is possible (depending on the facts involved).

The following list provides examples of offences which are normally regarded as gross misconduct:

- Theft, fraud, deliberate falsification of records;
- Fighting, assault on another person;
- Deliberate damage to organisational property;
- Serious incapability through alcohol or being under the influence of illegal drugs;
- Serious negligence which causes unacceptable loss, damage or injury;
- Serious act of insubordination;
- Unauthorised entry to computer records.

### Procedure

1. The RTO CEO is to investigate the alleged offence thoroughly, including talking to witnesses, if any.
2. The RTO CEO should ask the employee for their response to the allegation (taking notes of this discussion) and allow them to have representation. The CEO should also have a witness present. The CEO shall give genuine consideration to the employee's response and circumstances.
3. If still appropriate, following a thorough investigation, the RTO CEO can terminate/dismiss the employee.
4. The CEO should keep a file of all evidence collected and action taken in these circumstances.
5. Byron Yoga Centre will send the employee a letter of termination noting brief details.

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on

completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

## Conflict of Interest

Conflict of interest arises whenever the personal, professional or business interests of an employee are potentially at odds with the best interests of Byron Yoga Centre.

All employees are required to act in good faith towards Byron Yoga Centre. Employees need to be aware of the potential for a conflict of interest to arise and should always act in the best interests of Byron Yoga Centre.

As individuals, employees may have private interests that from time to time conflict, or appear to conflict, with their employment with Byron Yoga Centre. Employees should aim to avoid being put in a situation where there may be a conflict between the interests of Byron Yoga Centre and their own personal or professional interests, or those of relatives or friends. Where such a conflict occurs (or is perceived to occur), the interests of Byron Yoga Centre will be balanced against the interests of the staff member and, unless exceptional circumstances exist, resolved in favour of Byron Yoga Centre.

It is impossible to define all potential areas of conflict of interest. If an employee is in doubt if a conflict exists, they should raise the matter with their manager.

## Procedure

Employees must:

- Declare any potential, actual or perceived conflicts of interest that exist on becoming employed by Byron Yoga Centre to management;
- Declare any potential, actual or perceived conflicts of interest that arise or are likely to arise during employment by Byron Yoga Centre to management;
- Avoid being placed in a situation where there is potential, actual or perceived conflict of interest if at all possible

If an employee declares such an interest, Byron Yoga Centre will review the potential areas of conflict with the employee and mutually agree on practical arrangements to resolve the situation.

Employees must disclose any other employment that might cause a conflict of interest with Byron Yoga Centre to their manager. Where there are external involvements that do not represent a conflict of interest, these must not affect performance or attendance whilst working at Byron Yoga Centre. If such involvement does affect performance or attendance it will be considered a conflict of interest.

Employees must not set up or engage in private business or undertake other employment in direct or indirect competition with Byron Yoga Centre using knowledge and/or materials gained during the course of employment with Byron Yoga Centre. Engaging in other business interests during work hours will result in strong performance improvement action. Failure to declare a potential, actual or perceived conflict of interest or to take remedial action agreed

with Byron Yoga Centre, in a timely manner, may result in performance improvement proceedings including dismissal.

## Intellectual Property and Security

All intellectual property developed by employees, trainers or assessors during their employment with Byron Yoga Centre, including discoveries or inventions made in the performance of their duties related in any way to the business of Byron Yoga Centre, will remain the property of Byron Yoga Centre. Employees may be given access to confidential information, data, business property, keys to premises or any other business related property/information in the performance of their duties. This must be protected and used only in the interests of Byron Yoga Centre.

Employees must not:

- Disclose or use any part of any confidential information outside of the performance of their duties and in the interests of Byron Yoga Centre; or
- Authorise or be involved in the improper use or disclosure of confidential information

during or after their employment without the Employer's written consent, other than as required by law.

'Confidential information' includes any information in any form relating to Byron Yoga Centre and related bodies, clients or businesses, which is not in the public domain. Employees must act in good faith towards Byron Yoga Centre and must prevent (or if impractical, report) the unauthorised disclosure of any confidential information. Failure to comply with this policy may result in performance improvement proceedings including dismissal, and Byron Yoga Centre may also pursue monetary damages or other remedies.

Company property, funds, facilities and services must be used only for authorised purposes.

## Accommodation for Minors (International Students)

International students under 18 years of age applying for a student visa will need to provide confirmation of the arrangements that they have in place to assure appropriate and suitable welfare arrangements for themselves. These arrangements must meet the requirements of the Australian Government Department of Home Affairs and this includes either:

- a) living with a parent or approved guardian; or
- b) staying at approved accommodation in a homestay arrangement.

Where a minor is living with a parent, custodian or eligible relative over the age of 21, or an approved care-giver as nominated by parent, these arrangements must be approved by the Department of Home Affairs when applying for a student visa.

Where a minor is not being cared for in Australia by a parent or suitable nominated relative, the student or Byron Yoga Centre may nominate alternative arrangements which must be approved by the student's parents and Byron Yoga Centre. Byron Yoga Centre will complete a number of steps prior to approving or refusing to approve accommodation arrangements. This will include a site visit, interviews of all parties and the completion of Homestay Provider Eligibility Checklist.

Once approved, Byron Yoga Centre will notify the DIBP of its approval and intention to take responsibility for monitoring the student's welfare at their new home. Students will be asked to sign an agreement outlining their understanding of the conditions of the Homestay arrangement. This document must also be signed by the Homestay Provider and Byron Yoga Centre.

Byron Yoga Centre will arrange and document regular visits to the nominated Homestay Provider to ensure that it remains appropriate and suitable. The time, length and schedule of these visits must be signed off and approved by the student, the Homestay provider and Byron Yoga Centre.

If the arrangements change and are no longer acceptable, the Byron Yoga Centre is required to advise DIBP as soon as possible.

All minors will be required to complete a Living Arrangements Form and submit the completed form to Byron Yoga Centre.

Where Byron Yoga Centre terminates, suspends or cancels the enrolment of the student, Byron Yoga Centre will continue to check the suitability of arrangements for that student until:

1. the student is accepted by another registered provider and that registered provider takes over responsibility for approving the student's accommodation, support and general welfare arrangements
2. the student leaves Australia
3. other suitable arrangements are made that satisfy the Migration regulations; or
4. the registered provider reports under Standard 5.1.d that it can no longer approve of the arrangements for the student

A minor who changes their accommodation and welfare arrangements without seeking prior approval from Byron Yoga Centre will be considered to have failed to comply with Byron Yoga Centre procedures, who will report such non-compliance to the DIBP.