

PROCEDURE C2.0-P2.0

THIRD-PARTY

1.0 INTRODUCTION

1.1 Related Policy

Third-Party Policy

1.2 Purpose

The purpose of this procedure is to outline the processes involved in development, implementation, management, and quality assurance of Third-Party Partners (TPP).

1.3 Scope

This procedure applies to ACHW staff and staff of TPP providing educational services under a third-party agreement with ACHW. It applies to all third-party agreements and to any courseware licensing agreement where ACHW courseware is provided under licence to a third-party.

1.4 Scope Exceptions

None.

2.0 RESPONSIBILITIES

1. The ACHW Corporate Board is responsible to approve initial discussion with a proposed TPP.
2. The Head of School, ACHW, Director of Education, Chief Financial Officer and Senior Officer Policy and Compliance are responsible to conduct due diligence on the proposed TPP.
3. The ACHW Senior Leadership Team is responsible to review the due diligence and business proposal and provide a recommendation to the ACHW Corporate Board.
4. The ACHW Corporate Board is responsible to approve the appointment of a proposed TPP.
5. The Director of Education is responsible to commission the development of Third-Party Agreement (TPA) and to establish a Partnership Committee.
6. A legal counsel is responsible to provide a template for the TPA and Schedule.
7. The Director of Education and the Head of School, ACHW are responsible to work with the legal counsel and the authorised officer of the proposed TPP to develop the TPA and Schedule(s).

8. The Chief Executive Officer, on behalf of ACHW Corporate Board, is responsible to approve the TPA and Schedule(s) and report to ACHW Corporate Board that this has been achieved.
9. The Chief Executive Officer is responsible to sign the TPA on behalf of ACHW Corporate Board.
10. The Partnership Committee and Head of School, ACHW are responsible to monitor and review the third-party relationship and course provision by the TPP.
11. The Head of School ACHW is responsible for day-to-day monitoring of course provision by the TPP.
12. Both ACHW and the TPP are responsible to comply with their obligations under the Third-Party Policy and Procedure, the Third-Party Agreement and the Framework for the Management of Third-Party Course Delivery Arrangements (the Framework).

3.0 PROCEDURE

3.1 Development of a Third-Party Partnership

1. A recommendation to pursue a third-party relationship with another company must be made to the Director of Education who will discuss this with the CEO and the ACHW Corporate Board. If the Board is interested, the Head of School will contact the company.
2. A company may approach ACHW proposing itself a third-party, and such an approach must be directed to the Head of School, ACHW, and the process outlined above will be followed.
3. A due diligence and risk assessment is conducted by the Head of School, ACHW, Director of Education, Chief Financial Officer and Senior Policy and Compliance Officer on the proposed TPP, as outlined in the Framework, including a visit to its premises to assess quality and safety of learning arrangements and resources.
4. A due diligence/risk assessment report is provided to the ACHW Corporate Board.
5. If the due diligence is approved, the ACHW Corporate Board requests the Director of Education to:
 - a. through ACHW's legal counsel and the Head of School, ACHW commission the development of a Third-Party Agreement (TPA). The legal counsel will provide a template for the TPA; and
 - b. establish a Partnership Committee for this TPP, which will be the operational committee once the TPA is signed.

3.2 The Third-Party Agreement

1. Using the template provided by the legal counsel, the Director of Education, Head of School, ACHW, legal counsel, and other ACHW staff as required, develop a draft TPA and individual Schedules for each course to be provided by the proposed TPP. The Director of Education and Head of School, ACHW will negotiate with the authorised officer of the proposed TPP during this process.
2. The TPA and/or Schedules will include, but are not limited to:
 - a. Governance
 - b. Quality Assurance and Review arrangements
 - c. Courseware licensing, if applicable
 - d. The TPP's responsibilities, which will include:
 - i. to comply with ACHW's policies and procedures, with each aspect of the student and course lifecycle noted and referring to the relevant policy and procedure with URL links.
 - ii. to uphold the requirements of the Higher Education Standards, 2015; and
 - iii. to comply with the TPA.
 - e. ACHW's responsibilities, including training and development of TPP staff as required.
 - f. Invoicing arrangements.
 - g. Staffing arrangements, including any specialist staff
 - h. Insurance cover and indemnity clauses
 - i. Health and Safety
 - j. Marketing and student recruitment
 - k. Confidentiality
 - l. Copyright
 - m. Review of the TPA
 - n. Disputes
 - o. Exit clauses - see clause 3.1.6. in the Third-Party Policy
 - p. Schedules, which include one for each course and one for the Framework for the Management of Third-Party Course Delivery Arrangements.
 - q. Course details in Schedules will comply with the course and units as approved by ACHW Academic Board, and will include all the areas listed in the Framework as well as:

- i. Language of delivery - English
- ii. Delivery sites
- iii. Minimum and maximum students where applicable.
- iv. Specialist equipment required.
- v. Work integrated learning, if applicable.
- vi. Teaching periods (normally aligned with ACHW's teaching calendar)
- vii. Student support available
- viii. Student and other records
- ix. Student fees and refunds
- x. Graduations
- xi. Testamurs
- xii. Any other aspect thought to be necessary.

3.3 Approval of the Third-Party Agreement

1. The Director of Education provides the draft TPA to the Chief Executive Office for approval on behalf of the ACHW Corporate Board.
2. The Chief Executive Officer, or delegate, approves the TPA and notifies the ACHW Corporate Board that this has been achieved. If rejected, it will be returned to the Director of Education for further work.
3. The Chief Executive Officer and/or the Director of Education are authorised to sign the agreement (four originals) on behalf of ACHW.
4. The Head of School, ACHW provides four (4) originals of the approved and signed TPA to the TPP authorised officer, requesting for all to be signed, for the TPP to retain two originals and to return two originals to be held by ACHW.
5. The CEO/Director of Education will retain one original copy and provide the Head of School with the other.
6. The TPA is recorded on in ACHW's internal shared drive.

3.4 Management of the TPP

1. The Partnership Committee is responsible to monitor and manage the TPP relationship and to provide reports to the ACHW Corporate Board as required by terms of reference.
2. The Head of School, ACHW provides day-to-day monitoring and management of course provision by the third-party.

3. The Registrar manages the admissions and issues awards for the students of the third-party.
4. Both the Partnership Committee and the Head of School, ACHW use the ACHW Framework for the Management of Third-Party Course Delivery Arrangements to guide the management of the TPP's delivery of the Course.

3.5 Review of the Third-Party Agreement

1. The TPA undergoes a full review as required by the TPA, or earlier if required.

4.0 DEFINITIONS

- **Courseware** - educational material, including software, developed for the provision of education to students.
- **Courseware licensing agreement** - the agreement whereby courseware is provided to a third-party for ongoing use in the provision of course.
- **Third-Party** - an organisation, other than ACHW, providing education services to students delivered on behalf of ACHW, such as providing an ACHW course.
- **TPP** - Third-Party Partner.

5.0 REFERENCES AND ASSOCIATED INFORMATION

- [Australian Qualifications Framework](#)
- Course and Unit Lifecycle Policy and Procedure
- Delegation of Authority Policy
- Framework for the Management of Third-Party Course Delivery Arrangements
- [Higher Education Standards Framework](#) 2015
- Third-Party Policy

6.0 POLICY/PROCEDURE OWNERSHIP

Policy Owner	Director of Education
Status	New
Approval Authority	ACHW Academic Board
Date of Approval	June 2021
Effective Date	June 2021
Implementation Owner	Head of School, ACHW
Maintenance Owner	Senior Officer Policy and Compliance
Review Due	May 2024
Content Enquiries	Contact details of position/area

7.0 AMENDMENTS

Version	Amendment Approval (Date)	Amendment Made By (Position)	Amendment Details
C2.0-P2.0	1 June 2021	Head of School, ACHW	New Procedure