



# ACPET CODE OF ETHICS FOR MEMBERS

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# ACPET CODE OF ETHICS

1. As a condition of admission to, and continuing, membership of the Australian Council for Private Education and Training (ACPET), all members must agree to abide by the ACPET Code of Ethics.
2. This Code affirms the professional standards expected of education and training providers. Members are required to act with integrity in all dealings with students (past, present and future), employers, with ACPET, and with other organisations.

## Objectives

3. This Code is intended to fulfil the following functions:
  - i. To define standards of conduct expected of members of ACPET in their dealings with one another; and with ACPET, in accordance with the ACPET Constitution and By-laws;
  - ii. To provide students and clients with a clear statement of the standards which they can expect member organisations to adopt in their dealings with them, subject to equivalent provisions in any code or codes which the organisation has adopted to regulate dealings with its staff, students and other clients;
  - iii. To reflect the Code of conduct requirements of Commonwealth and State Government agencies for accrediting and registering organisations and courses under legislation which fund and/or regulate the provision of educational and training services for local and overseas students; and
  - iv. To promote confidence and community trust in the services provided by members of ACPET.

## Definition and interpretation

4. Words defined in the Constitution or By-laws shall have the same meaning in this Code unless expressly stated to the contrary.
5. The word “student” includes all learners and other clients receiving education and training services from an ACPET member.
6. Aide memoirs and examples have been included in the Code to assist with interpretation but do not derogate from or limit the general meaning.
7. Wording of particular significance to members is shown in **bold**.

## Scope

8. This Code is binding on all ACPET members. Adherence to the principles of the Code, or, so far as the application of paragraphs 14 to 24 of the Code are concerned, to an internal Code committing the organisation to equivalent standards to those laid down in these paragraphs in relation to its students, clients, staff and other clients, **will be** considered a formal condition of all applications for membership of the Council under the By-laws.

## General

9. Members will adopt and maintain practices that ensure high professional standards in all aspects of their operations, including but not limited to their general management and the marketing and delivery of education and training services. Members must not engage in any conduct that is contrary to government policy or has the **potential** to bring their institution, the sector, or ACPET, into disrepute.

## Quality Education

10. Members will:
  - i. ensure the highest possible standards in the selection of staff and the planning and delivery of courses and training;
  - ii. ensure that teachers and trainers are suitably qualified and have relevant industry experience;
  - iii. maintain a learning environment that is conducive to the success of trainees/students/clients;
  - iv. be vigilant in ensuring that student attendance levels/academic progress are met;
  - v. ensure they have the necessary facilities and use methods and materials appropriate to the requirements and levels at which courses are offered;
  - vi. monitor their training and education to ensure effective delivery and continued relevance;
  - vii. for higher education providers, within 6 months of membership, and annually thereafter ensure evidence is maintained of self-assessment and continuous improvement of the organisation against national standards and the requirements of this Code;
  - viii. for VET providers, within 6 months of membership, and annually thereafter complete a self-assessment of the organisation against the national standards and the requirements of this Code. Where required a toolkit provided by ACPET will be available;
  - ix. for VET providers, provide a copy of completed self-assessment report to relevant regulator(s) within 14 days of completing self-assessment report;
  - x. demonstrate a comprehensive understanding of qualification completion rates and utilise recruitment and student support strategies to maximise completion;
  - xi. give priority and utilise the ACPET Preferred Agent/Broker List under the 'ACPET Code of Practice for the Engagement of Education Agents' (refer Attachment 1); and
  - xii. through monitoring of any agents/brokers used; ensure that they are honest and ethical in their business dealings and place an emphasis on student welfare.
11. Members recognise that in pursuing excellence in tertiary education and training, self assessing quality is more than a determination of compliance against standards. Self assessment needs to be a continuous improvement process that involves managers, staff, learners, employers, subcontractors and other partners.
12. To further improve the outcomes from the sector, members will build into their assessment the evaluation of learners' progress and achievement.

13. In addition, members will assess their overall effectiveness and efficiency in meeting the needs of learners and other users. Evidence would incorporate:

i. outcomes for learners,

Members will incorporate an assessment of student outcomes through an external peer review of learning and assessment strategies.

ii. the quality of teaching, learning and assessment, and

Members will drive an approach to teaching and learning excellence through an external peer review of teaching and assessment practice and the extent to which:

*i. learners benefit from high expectations, engagement, care, support and motivation from staff*

*ii. staff use their skills and expertise to plan and deliver teaching, learning and support to meet each learner's needs,*

iii. the effectiveness of leadership and management.

The effectiveness of leadership and management by evaluating the extent to which leaders and managers:

*i. demonstrate an ambitious vision, have high expectations for what all learners can achieve, and attain high standards of quality and performance*

*ii. improve teaching and learning through rigorous performance management and appropriate professional development*

*iii. evaluate the quality of the provision through robust self assessment, taking account of users' views, and use the findings to promote and develop capacity for sustainable improvement*

*iv. successfully plan, establish and manage learning resources and programmes to meet the needs and interests of learners, employers and the local and national community, and*

*v. safeguard all learners.*

## Financial Standards

14. Members **must** safeguard the funds paid by students in accordance with relevant legal requirements. They will properly document their contractual and financial relationships with students and provide students and clients with copies of this documentation. Where they are unable to provide agreed services they will make a refund to students in accordance with relevant Commonwealth and State legislation or work with ACPET in ensuring students can be effectively placed in accordance with the ACPET Australian Student Tuition Assurance Scheme (ASTAS), and for overseas students in accordance with the Commonwealth's Tuition Protection Scheme (TPS).

## Student Services

15. Members will ensure that all students/trainees/clients are given appropriate orientation, and are given reliable and up-to-date advice on accommodation, counselling, in course placements, remedial education and welfare facilities having regard to the cultural and special needs of disabled students/trainees/clients and those from different backgrounds. Members will monitor the progress of students/trainees/clients and ensure individualised support and counselling for those having difficulties with a course.

16. Members will be sensitive to the specific cultural and social needs of all students. They will ensure that students receive adequate orientation, appropriate information and advice on accommodation, counselling, health and welfare services, and assistance in accessing bridging courses or additional educational support. Members will ensure that those students under 18 years of age will receive additional support with the above services as required in keeping with the student's underage status and in compliance regulatory requirements.
17. Members will insist on the maintenance of generally accepted ethical standards in the educational and social relations between staff and students/trainees/clients.
18. Members will respect the confidentiality and privacy of their students/trainees/ clients. Members understand that students/trainees/clients and prospective students/trainees/clients provide them with information for the purpose of offering and providing training and education and will not use or disclose this information for other purposes except with the consent of the individual concerned, in accordance with a legal requirement or where relevant information is routinely used or disclosed in a particular way and this is notified to the student/trainee/client at the time the information is collected.
19. Members will assume a level of responsibility appropriate to the industry or profession for which they provide education or training to assist graduates who have completed their courses to obtain employment. They will promote equality of opportunity in placement.
20. Members will provide effective complaint resolution and grievance procedures to deal with students' problems.

## Marketing

21. Members will market their education and training services with integrity and accuracy, avoiding vague and ambiguous descriptions of courses or the qualification or capacities required by students to undertake them. They will not make false or misleading comparisons with other education and training providers. They will not take any action that may damage the reputation of Australian education and training either domestically and internationally.
22. Members will assume responsibility for the actions of their appointed agents for marketing services and processing applications for students. They will ensure that their agents and partners maintain standards of behaviour and operation in relation to joint or agency activities that are consistent with this Code.
23. Members marketing their services locally will provide accurate information about opportunities for further study and prerequisites for undertaking relevant courses. If appropriate, they will provide Australian students with details of their ASTAS membership.
24. Members will ensure that in the recruitment of students they:
  - 24.1 assess a potential student's desire to participate in a course;
  - 24.2 assess a potential student's intention to complete a course;
  - 24.3 assess the potential student's ability to complete the course through entry level assessments and recommend lower level AQF qualifications Certificates II and III for example that are better suited to the student's capability at the time of assessment
  - 24.4 ensure the potential student understands the requirements of the course in accordance with the policies and procedures of ACPET members
  - 24.5 ensure the potential student understands transfer policies;

- 24.6 ensure the potential student is made aware of, and understands, the costs in relation to pre-requisites, course tuition fees, textbook fees and any other charges. This is particularly important where a student is going to access VET FEE HELP or FEE HELP to facilitate meeting the cost of the ACPET member's course; and
- 24.7 ensure the potential student understands the VET FEE HELP or FEE HELP conditions (including loading rates, interest rates and repayment requirements) where applicable.
25. Members will recruit and support students with the express aim of maximising their capacity to complete the qualification
26. Members marketing their services overseas will do so in a manner that is consistent with the educational, cultural and regulatory systems of the relevant countries. They will provide accurate information about cost of living, health and welfare, opportunities for further study and language prerequisites for undertaking relevant courses. If appropriate, they will provide overseas students with details of their TPS membership.
27. Where international students are applying for English language courses, ACPET expects that its members will provide sound advice regarding courses leading to English language tests, such as TOEFL, IELTS etc. but under no circumstances should providers give any guarantee or misleading information regarding the scores a student might achieve in outcomes of such tests.
28. ACPET recognises that for some groups of learners that the use of incentives may support students in taking a decision to enrol in, and complete, a course. Incentives should only be offered if they are embedded into the institution's learning activities and add to the quality of the learning experience.

## Obligations to ACPET and other Council Members

29. Members will conduct their affairs in such a way as to ensure the best interests of ACPET and the Australian private education and training sector; and to ensure the continued high standing of ACPET and its members in Australia and overseas.
30. Members will not engage in misleading or deceptive conduct, including but not limited to:
- i. Making false statements of fact
  - ii. Making statements that are factually true but which are capable of inducing students, ACPET or other members into error
  - iii. Conduct which misleads or deceives, including conduct that is negligent or reckless and results in misleading or deception
  - iv. A failure to disclose facts where there is a reasonable expectation that a member should do so
31. Conduct will be taken to be misleading if the member making it cannot show they have reasonable grounds. In these situations, the burden of proof is on the member making the representation to produce evidence to show that they had reasonable grounds.
32. Members will not deliberately criticise the services or quality of education or training provided by other members, entice students or trainees from other member colleges or encourage students or trainees enrolled at another college to change colleges.

33. Members agree to raise legitimate concerns about other members and about ACPET staff in the complaint and dispute resolution framework provided in this Code and the By-laws. All complaints and concerns will be dealt with confidentially and expeditiously. Any complaints that are deemed by ACPET not to be legitimate or made for nefarious reasons shall be subject to disciplinary review.
34. Members will co-operate with fellow members in upholding and enforcing this Code.
35. Where members also have Tuition Assurance Scheme coverage, they have specific obligations in the event of another ACPET member closing their operations and entering provider default. In these circumstances, TAS members are required to take all reasonable measure to accept displaced students where they have similar courses on their scope of registration and are within the same geographic location.
36. In the event of another ACPET member entering provider default, other ACPET members are not to accept any inducements to accept students where these are offered by agents, students or other parties and are offered in a manner contrary to the National Code.
37. On relinquishing ACPET membership or having their membership terminated, former members will refrain from claiming ACPET membership or the grant of any licence from, or accreditation or recognition by, ACPET.
38. Members agree to provide accurate and timely information when requested, in accordance with the ACPET By-laws and/or Constitution. Members must also notify ACPET within 48 hours if regulatory sanctions or conditions are placed on the organisation's registration by a national or State regulatory body.

## Complaints

39. Members will adopt clearly defined procedures for dealing with complaints that involve alleged breaches of this Code or any internal code. They will ensure that students and clients are made aware of these procedures and, where a complaint is not able to be resolved internally, there are other avenues available to them to resolve it. Members will ensure that students or clients are not penalised or victimised for pursuing a complaint in good faith.
40. Complaints relating to an alleged breach of a provision of this Code may be made to the ACPET designated officer or to a member of the ACPET Board by a student, staff member or client of a member, or by a member other than a member to whom the complaint relates, or to an ACPET staff member.

## Sanctions

41. Complaints to ACPET about a breach of the Code by a member will be dealt with in accordance with the Constitution and By-laws. Members recognise that it is their responsibility to be informed about the impact that a failure to uphold the requirements of this Code of Ethics may affect them and their business. Failure to act in accordance with the Code of Ethics may result in their membership of ACPET being terminated. Depending on the nature of their business and of their ACPET membership, termination of membership may include termination of membership of an ACPET Tuition Assurance Scheme, and may have a negative impact on their business operations, including the potential withdrawal of approval by government and regulatory bodies for members to offer courses to Australian or overseas students and the cancellation of their registration as approved providers.

## Publicity

42. Members will publicise the fact that they adhere to a Code which defines their obligations to students, the public and to other providers of education and training services and will have copies of this Code or an equivalent internal Code available for inspection by students and other clients who ask to inspect it.
43. Members will publish the ACPET logo on their website and marketing material, to emphasise they are an ACPET endorsed quality member.

## Monitoring and Review

44. The ACPET designated officer will report to the Board every six months on
  - i. the operation of the Code,
  - ii. measures taken to promote awareness of the Code,
  - iii. any legislative or official policy developments relating to prudential or ethical standards affecting the Code, and
  - iv. any issues, which they believe, the Code fails to address.

On receipt of this report the Board will review the Code and consider any amendment of the Code or any other action required to address issues raised in the report.



**Rod Camm**  
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Australian Council for Private Education and Training

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