

ITECA National Code Of Ethics For Independent Providers

Introduction —

1. As a condition of admission to, and continuing, membership of the Independent Tertiary Education Council Australia (ITECA), all members must agree to abide by the ITECA 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 ITECA, and with other organisations.

Objectives —

3. This Code is intended to fulfil the following functions:
 - 3.1 To define standards of conduct expected of members of ITECA in their dealings with one another; and with ITECA, in accordance with the ITECA Constitution and By-laws;
 - 3.2 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;
 - 3.3 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
 - 3.4 To promote confidence and community trust in the services provided by members of ITECA.

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 ITECA member.

6. Aide memoirs and ples 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 ITECA 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 ITECA, into disrepute.

Quality Education —

10. Members will:
 - 10.1 ensure the highest possible standards in the selection of staff and the planning and delivery of courses and training;
 - 10.1 ensure that teachers and trainers are suitably qualified and have relevant industry experience;
 - 10.3 maintain a learning environment that is conducive to the success of trainees/students/clients;
 - 10.4 be vigilant in ensuring that student attendance levels/academic progress are met;
 - 10.5 ensure they have the necessary facilities and use methods and materials appropriate to the requirements and levels at which courses are offered;
 - 10.6 monitor their training and education to ensure effective delivery and continued relevance;
 - 10.7 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;
 - 10.8 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 ITECA will be available;

- 10.9 for VET providers, provide a copy of completed self-assessment report to relevant regulator(s) within 14 days of completing self-assessment report;
- 10.10 demonstrate a comprehensive understanding of qualification completion rates and utilise recruitment and student support strategies to maximise completion;

10.11 give priority and utilise the ITECA Preferred Agent/Broker List under the 'ITECA Code of Practice for the Engagement of Education Agents' (refer Attachment 1); and

10.12 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:

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

13.2 the quality of teaching, learning and assessment, and

13.3 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.

13.3 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 ITECA in ensuring students can be effectively placed in accordance with the ITECA 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 ITECA 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 ITECA 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, ITECA 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. ITECA 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 ITECA and other Council Members —

29. Members will conduct their affairs in such a way as to ensure the best interests of ITECA and the Australian private education and training sector; and to ensure the continued high standing of ITECA and its members in Australia and overseas.
30. Members will not engage in misleading or deceptive conduct, including but not limited to:
 - 30.1 Making false statements of fact
 - 30.2 Making statements that are factually true but which are capable of inducing students, ITECA or other members into error
 - 30.3 Conduct which misleads or deceives, including conduct that is negligent or reckless and results in misleading or deception
 - 30.4 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 ITECA 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 ITECA 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 ITECA 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 ITECA member entering provider default, other ITECA 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 ITECA membership or having their membership terminated, former members will refrain from claiming ITECA membership or the grant of any licence from, or accreditation or recognition by, ITECA.
38. Members agree to provide accurate and timely information when requested, in accordance with the ITECA By-laws and/or Constitution. Members must also notify ITECA 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 ITECA designated officer or to a member of the ITECA 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 ITECA staff member.

Sanctions —

41. Complaints to ITECA 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 ITECA being terminated. Depending on the nature of their business and of their ITECA membership, termination of membership may include termination of membership of an ITECA 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 ITECA logo on their website and marketing material, to emphasise they are an ITECA endorsed quality member.

Monitoring and Review –

44. The ITECA designated officer will report to the Board every six months on
 - 44.1 the operation of the Code,
 - 44.2 measures taken to promote awareness of the Code,
 - 44.3 any legislative or official policy developments relating to prudential or ethical standards affecting the Code, and
 - 44.4 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.

Approved – February 2015 (Reprinted June 2019)

Approv

Introducing The Independent Tertiary Education Council Aust.

The Independent Tertiary Education Council Australia (ITECA) is the peak umbrella organisation bringing together independent providers in the higher education, vocational education and training sectors. Individually and collectively these providers share a commitment to providing students and their employers with the quality outcomes they are looking for.

The [ITECA Higher Education Network](#) brings together more than one-half of the independent providers in the higher education sector.

The [ITECA Vocational Education and Training Network](#) provides the membership vehicle for independent providers that deliver training to around two-thirds of all students undertaking vocational education and training in Australia.

Through the [ITECA College of Vocational Education & Training Professionals](#), individuals also have the opportunity to affiliate themselves with ITECA and the collective commitment to excellence.

Through ITECA the independent tertiary education system has a strong advocate that has a proven track-record of achieving legislative reform. ITECA's members identify the changes to funding and compliance models that ensure quality outcomes can be delivered while the same time freeing providers from an unnecessary regulatory burden. ITECA's policy team in Canberra take an evidence-based approach to policy advocacy to press the case for reform with their established contacts at a parliamentary and departmental level.

Australia's independent tertiary education system has a strong track record of providing the educational outcomes and skills required by Australia's changing economy. The *ITECA State Of The Sector Report* published each year pulls together data from a range of government and non-government sources to showcase the success of the independent tertiary education system.

ITECA members come together under a number of sector interest groups (e.g. construction, healthcare, manufacturing and tourism) in order to build and awareness and share information about the issues facing the industry sectors in which they educate, train and reskill the workforce. These sector interest groups provide a powerful networking tool for these employed by members of the [ITECA Higher Education Network](#) and [ITECA Vocational Education and Training Network](#).

For more information on ITECA visit the website:

www.iteca.edu.au