

Human Services Care Skills Organisation Pilot Steering Group and Working Group Terms of Reference

1. The Australian Government will work with industry to establish pilot Skills Organisations to trial innovative approaches to vocational education and training (VET) to ensure the national training system is responsive, respected and flexible to the needs for industry now and into the future (further background at **Attachment A**).
2. The Human Services Care Skills Organisation Pilot (**SO Pilot**) will lead this work on behalf of employers and in conjunction with broader industry. In doing so, it will provide advice to the Minister for Employment, Skills, Small and Family Business (the **Minister**) as well as working with key players in the national VET governance structures to advise on and obtain agreement to changes that improve the quality and the extent of training for the human services care sectors.
3. The Human Services Care Skills Organisation Pilot (**SO Pilot**) will initially be led by the Human Services Care Skills Organisation Pilot Steering Group (**Steering Group**).

Objectives and expected outcomes

4. The Steering Group will be responsible for leading the first stage of the SO Pilot's evolution. It will:
 - a. Determine focus projects for a Skills Organisation in the human services care sector and a proposed forward work program.
 - b. Lead development of a model for how a Skills Organisation will operate in the human services care sector.
 - c. Inform the improvements to national arrangements for skilling the workforce as well as the longer term arrangements for a system of Skills Organisations based on the model proposed at **Attachment B**.
5. To assist it in achieving these objectives it will:
 - a. Establish a Human Services Care Skills Organisation Pilot Working Group (**Working Group**), also to be covered by this Terms of Reference.
 - b. Develop consultation arrangements to ensure that the perspectives of other employers, broader industry and other key stakeholders in the sector are identified and considered.
6. In undertaking its work, the SO Pilot may engage with and undertake work on behalf of its own industries. In order to effect change within the national VET system, it will need to engage with and request changes through the appropriate mechanisms. These are usually at Ministerial or Departmental level or established under national governance and regulatory arrangements. The Department will be able to assist with navigation of the system.
7. The work of the Steering Group and Working Group will also inform deliberations by the Minister and the Department of Employment, Skills, Small and Family Business (**the Department**) in respect of the SO Pilot's funding and formal authority within the system.

Membership

8. Steering Group Members are representative of relevant industries and have been identified based on their capacity and capability to support the objectives and expected outcomes of the Pilot (the list of members is at **Attachment C**).
9. For the purposes of funding and recognition as part of the overall skills reform arrangements, appointments to the Steering Group will be formally confirmed by the Deputy Secretary, Skills and Training Group, the Department.
10. A Chair of the Steering Group will be elected from among the Steering Group members.
11. Should the Chair be unavailable, the members of the Steering Group will elect a member in attendance to preside as the chair of that meeting.
12. The Department will hold an Advising Observer position. Advising Observers are invited to participate in discussions but do not have voting rights on decisions. Their advice and perspective can be leveraged by the Steering Group to inform their decisions on matters under consideration.
13. A member may resign his or her position on the Steering Group by advising the rest of the Steering group and the Department.
14. Members of the Steering Group will appoint participants from across their respective organisations, or from other areas across the sector, as members of the Working Group to conduct research and other work to achieve the expected outcomes of the Steering Group.
15. The business of the Working Group will be directed by the overarching Steering Group.

Roles and responsibilities

Department of Employment, Skills, Small and Family Business

16. The roles and responsibilities of the Department are to, amongst other things:
 - a. Support the development and implementation of the SO Pilot.
 - b. Facilitate final approval of the operational model and long-term governance arrangements of the SO Pilot for the purposes of recognition and funding.
 - c. Facilitate final approval of the implementation plan and forward work program for the SO Pilot for the purposes of funding.
 - d. Provide initial secretariat support to the Steering Group, which includes meeting administrative costs such as for venues and teleconference facilities for the first stage of the SO Pilot.
 - e. Provide appropriate funding and support for project and development work, including consideration of reasonable requests for research and consultancy work.
17. The Department is to consult with the probity adviser prior to providing final approval of the operational and long-term governance arrangements, and forward work program, for the SO Pilot.

Human Services Care Skills Organisation Pilot Steering Group

18. The roles and responsibilities of the Steering Group are to:
- a. Lead the first stage of the SO Pilot.
 - b. Develop some short term projects that could be undertaken to improve the quality and availability of training.
 - c. Develop a model for the longer term operation of the Skills Organisation in the human services care sector and a proposed forward work program.
 - d. Provide advice, input and feedback to guide and inform the Government's consideration of national reforms and possible future arrangements for Skills Organisations in the longer term.
 - e. Establish the Working Group to further develop the SO Pilot, through nomination of appropriately skilled resources in the human services care sector.
 - f. Develop consultation arrangements to ensure that the perspectives of other employers, broader industry and other key stakeholders in the sector are identified and considered.
 - g. Develop and facilitate relationships with key VET stakeholders, including but not limited to, the Australian Industry and Skills Committee (AISC), the COAG Skills Council, industry reference councils (IRCs) etc.

Human Services Care Skills Organisation Pilot Working Group

19. The roles and responsibilities of the Working Group are to conduct research and other work required to achieve the objectives and expected outcomes of the Steering Group.
20. Where a participant of the Working Group is engaged in work related to the Steering Group for extended periods of time, the Department may, at its discretion, make a financial contribution to the participant's employer to assist in compensating for lost productivity. This will be considered on a case-by-case basis and a written agreement will be established between the parties.

Operating arrangements, confidentiality, probity and other matters

21. Requirements in relation to operating arrangements, confidentiality, probity and other matters is at **Attachment D**. Confidentiality Deed Poll and Conflict of Interest Declaration, for Steering Group and Working Group members, are at **Attachment D.1** and **D.2** respectively.

Review and reporting arrangements

22. The objectives, membership, operating arrangements and Terms of Reference of the Steering Group and Working Group will be reviewed periodically and updated as required by the Department.

Completion date

23. It is estimated that the first stage of work of the Steering Group and Working Group (finalisation of the detailed design) will conclude within early-mid 2020.
24. The Steering Group and Working Group will be dissolved following establishment of the next stage of governance arrangements for Human Services Care Skills Organisation Pilot.

Skills Organisation Pilots Background

1. The Australian Government announced the establishment of two pilot Skills Organisations as part of the \$525 million 2019-20 Federal Budget's Skills Package – Delivering Skills for Today and Tomorrow. The Skills Package lays the building blocks for reforms identified in the Expert Review of Australia's Vocational Education and Training System (the Joyce Review).
2. The Government's Skills Package will strengthen Australia's vocational education and training (VET) system to ensure that it remains responsive, respected and flexible, providing Australians with the skills they need to succeed in the modern workplace and providing business with the workers they need to grow a strong economy.
3. Against the backdrop of the Joyce Review, and a number of other reforms occurring in the VET sector, the Government committed \$41.7 million (as part of the Skills Package) to pilot two Skills Organisations. On 1 November 2019, the Government announced an additional investment to establish a third pilot Skills Organisation.
4. The Skills Organisation pilots, to be established by industry with the support of the Department of Employment, Skills, Small and Family Business (the **Department**), will target three key priority industries:
 - human services care (which may encompass one or more of aged care, early childhood education and care and disability services)
 - digital technologies (with a focus on cyber security)
 - mining.
5. The Joyce Review proposed Skills Organisations be owned by industry and take a leadership role to support the VET system so that it better meets the needs of employers, the economy and learners.

Detailed Design for SO Pilot

1. The detailed design must include:
 - a. Governance arrangements
 - b. A forward work program of the focus projects the SO Pilot will perform
 - c. An implementation plan.
2. The focus projects in the forward work program may include activities such as:
 - a. Assess skills needs in sector and provide information to the National Skills Commission and States and Territories.
 - b. Take responsibility for training package development.
 - c. Promote the use of skill sets within training packages.
 - d. Develop a set of core competencies that are stable and transferrable across the sector.
 - e. Record benchmark hours and any required work placement hours in qualifications to ensure all provision, including to secondary school students, clearly meets the needs of employers.
 - f. Develop stronger relationships with registered training organisations (RTOs) to improve delivery of VET qualifications and enhance outcomes, for example by:
 - translating training materials into 'industry language';
 - better aligning training and assessment with the expectations of employers;
 - facilitating work placements for learners.
 - g. Increase confidence in the quality of VET graduates, such as through:
 - independent assessment;
 - capstone testing;
 - external validation of RTO assessment
 - h. Develop a methodology to identify high performing/preferred registered training organisations (RTOs) that are delivering quality outcomes for learners.
 - i. Strengthen the links between schools and industry, for example by:
 - advising of suitable VET qualifications; endorsing RTOs for use by schools;
 - brokering relationships with employers to secure work placements and Australian School-Based Apprenticeships opportunities;
 - engaging with schools to improve the quality of careers advice.
 - j. Manage apprenticeship and traineeship support.
 - k. Consider ways to address the issues in recruitment and retention in the sector, for example by:
 - establishing sector work trials for potential workers with basic induction and a buddy system;
 - marketing the industry and its qualification pathways to prospective apprentices and students in order to meet workforce needs;
 - developing clear pathways to support workers into a career in aged care, disability care, early childhood education or teaching;

- improving post entry-level training to upskill the existing workforce to respond to the changing needs of the sector;
 - better use of traineeships to provide learners with more practical experience in human-centred work;
 - improving the public perception of the sector and promoting VET as a viable way to progress a meaningful career.
- I. Support development of micro-credentials and accredited courses in response to emerging skills needs.

Human Services Care Skills Organisation Pilot Steering Group Members

1. Steering Group Membership as at 24 February 2019

Member's Name	Organisation
Sandra Hills	Benetas
Kasy Chambers	Anglicare Australia
Benjamin Keast	ARC Disability Services
John Murray	Royal Australian Air Force Association (WA)
Russell Bricknell	BaptistCare (WA)
Liz Cohen	Cara Inc
Bronwyn Pike	Uniting Vic.Tas
Department	Department of Employment, Skills, Small and Family Business (Advisory Observer)

Operating arrangements, confidentiality, probity and other matters

Operating arrangements

1. The Steering Group and Working Group will hold meetings as are necessary for the performance of its functions. Meetings may be either face-to-face or via teleconference.
2. The Department is the central point of contact for all Steering Group related issues and questions. The Working Group reports to the Steering Group
3. Any member of the Steering Group may request that a meeting be held by issuing a written request to the Department. The Working Group is convened by request of the Steering Group.
4. The Department will provide the members of the Steering Group and Working Group at least five business days' notice prior to convening a meeting of either group. The Steering Group may convene meetings at shorter notice if the members of the Steering Group unanimously agree to do so.
5. Members of the Steering Group and Working Group are to notify the Department in advance if they will be unable to attend a meeting.
6. Where members are unable to attend a meeting of the Steering Group, a suitable proxy appointed by the member may attend meetings on their behalf. Delegated authority for decision making would reside in the proxy member.
7. A written record of all discussion at meetings of the Steering Group, and of decisions made, will be prepared and maintained by the Department.
8. The Department will meet travel and accommodation costs of members participating in the Steering Group or Working Group, as agreed to in writing prior to each meeting, and in accordance with the department's SES and non-SES travel policies and rates. Only expenses for domestic air travel and ground transport can be claimed for reimbursement.
9. The Department may, at their discretion, meet additional costs to facilitate Steering Group and Working Group meetings, as agreed to in writing prior to each meeting. For example, catering costs.
10. For workshops or meetings, the Department will:
 - a. aim to circulate an agenda and supporting papers at least three business days prior to each meeting;
 - b. document all meeting outcomes; and
 - c. circulate the outcomes to relevant parties within two weeks of each meeting.

Confidentiality

11. All members of the Steering Group, and any participants in the Working Group (other than those members or participants who are APS employees), are required to sign and provide to the Department a Confidentiality Deed Poll, in the form set out at **Attachment D.1** to these Terms of Reference.
12. Any attendees invited to participate in a meeting of the Steering Group or Working Group will also be required, by the Department, to execute a Confidentiality Deed Poll.

Media contact

13. Members of the Steering Group and Working Group will not make public statements to the media on behalf of, or on matters regarding, the Steering Group, the Working Group, the Department or Skills Organisation pilots, unless authorised to do so in writing by the Department.

Probity

14. Members of the Steering Group and Working Group (other than those members who are APS employees) are to complete and provide to the Department a conflict of interest declaration, in the form set out at **Attachment D.2** to these Terms of Reference.
15. A conflict of interest declaration is to set out any interest of the member, whether real, potential or perceived, that conflicts with the interests of the Department in respect of the Skills Organisation Pilot.
16. Members have an ongoing obligation to:
 - a. evaluate their personal and professional circumstances and consider whether any conflicts of interest have arisen or become known to them; and
 - b. if a conflict of interest does arise or become known (at any stage), the member must promptly provide an updated conflict of interest declaration to the Department.
17. The probity adviser for the Skills Organisation Pilot will record all declared conflicts of interest on a declarations register.
18. If, in the view of the Department, a conflict of interest constitutes a material probity risk to the activities of the Steering Group or Working Group, the Department may issue a direction to the groups to mitigate, manage or remove the conflict of interest. The Steering Group and Working Group is to comply with any such directions, and all members must take reasonable steps to mitigate, manage or remove the relevant conflict of interest.
19. Whilst on the Steering Group or Working Group, members must:
 - a. act with honesty, integrity and in good faith;
 - b. act fairly and impartially;
 - c. exercise due care, diligence and skill; and
 - d. use their position, and any information obtained as a result of their position, appropriately and for a proper purpose.

Confidentiality Deed Poll

This Deed Poll is made on **[Insert date]** by:

[Insert name of Confidant] of **[Insert address]** (**Confidant**) in favour of the Commonwealth of Australia as represented by the Department of Employment, Skills, Small and Family Business ABN 54 201 218 474 of 10/14 Mort Street, Canberra ACT 2601 (**Department**).

RECITALS:

- (A) The Department has committed to undertaking the establishment of a Pilot Skills Organisation in respect of the human services care sector.
- (B) In seeking further industry input and consultation on the development of the Skills Organisation Pilot, the Department has established a steering group comprising of different representatives across the human services care sector (**Steering Group**). **[The Steering Group has established a working group to assist in the conduct of research and other work required to achieve the expected outcomes of the Steering Group (Working Group)]**.
- (C) The Confidant is a member of the **[Steering Group / Working Group]**. In the course of performing their role as a member of the **[Steering Group / Working Group]**, the Confidant may become aware of or have access to Confidential Information.
- (D) The Confidant agrees to take all necessary steps to ensure that the Confidential Information is kept confidential, and is used only for the Permitted Purposes.

AGREED TERMS

1. Definitions

1.1 In the interpretation of this Deed, unless the contrary intention appears:

Confidential Information means any information that is:

- (a) included in, or related to, the papers, discussions or decisions of the **[Steering Group / Working Group]**;
- (b) by its nature confidential; or
- (c) the Confidant knows or ought to know is confidential, including without limitation by reason of it carrying special markings indicating sensitivity or confidentiality,

but does not include information which:

- (d) is or becomes public knowledge other than by breach of this Deed;
- (e) is in the possession of the party without restriction in relation to disclosure before the date of receipt; or
- (f) has been independently developed or acquired by the Confidant.

Deed means this deed of confidentiality.

Permitted Purposes means:

- (a) use of the Confidential Information by the Confidant for the purpose of performing their duties in relation to the **[Steering Group / Working Group]**; and
- (b) any other purpose that may be approved in writing by the Department from time to time.

2. Confidentiality Undertakings

2.1 The Confidant:

- (a) acknowledges and agrees that this Deed is for the benefit of the Department and is directly enforceable by the Department even though it is not a party to this Deed;
- (b) must ensure that the Confidential Information is kept confidential and secure from disclosure;
- (c) must only use the Confidential Information for the Permitted Purposes;
- (d) must not without the prior written consent of the Department, disclose or permit any person to disclose any of the Confidential Information to any person, other than as permitted under clause 2.2; and
- (e) must promptly notify the Department of any unauthorised possession, disclosure or use of the Confidential Information contrary to this Deed, and take all steps necessary to prevent the recurrence of such possession, disclosure or use.

2.2 Clause 2.1 does not apply to a disclosure of any Confidential Information to the extent that the disclosure is for any of the following purposes:

- (a) the disclosure is in connection with performance of the Permitted Purposes;
- (b) as required or authorised by law; or
- (c) as necessary for the conduct of any legal proceedings.

3. Return of Confidential Information

3.1 Without limiting the Confidant's obligations at law, the Confidant must deliver to the Department, or destroy or erase, as required by the Department, all documents (including electronically stored or otherwise) in its possession or control which contain or relate to the Confidential Information on the earlier of:

- (a) the date specified in a notice given by the Department (acting reasonably); and
- (b) the time the documents and any other material are no longer required for the Permitted Purposes.

4. Variations

4.1 No term or provision of this Deed must be amended or varied unless such amendment or variation is agreed by the Department in writing.

5. Survival

5.1 The Confidant's obligations under this Deed survives the Confidant's resignation or removal from the [Steering Group / Working Group], or following the dissolution of the [Steering Group / Working Group].

6. Applicable Law

6.1 The laws of the Australian Capital Territory apply to this Deed.

6.2 The Confidant agrees to submit to the applicable jurisdiction of the courts of the Australian Capital Territory in respect of all matters arising out of this Deed.

EXECUTED as a DEED POLL

SIGNED, SEALED and DELIVERED by
[NAME OF CONFIDANT] in the presence
of:

Signature of party

Signature of witness

Name

Address of witness

Attachment D.2

Conflict of Interest Declaration

I have read and understood the probity obligations applicable to the Human Services Care Skills Organisation Pilot Steering Group, as set out in the Terms of Reference.

I acknowledge that under the Terms of Reference for the Humans Services Care Skills Organisation Pilot Steering Group I am required to give notice of any interest, whether real, potential or perceived, that conflicts with the interests of the Department of Employment, Skills, Small and Family Business in respect of the Human Services Care Skills Organisation Pilot (**Conflict of Interest**).

Option 1: No Conflict of Interest

I declare that I have no Conflicts of Interest.

OR

Option 2: Declared Conflict of Interest

I declare that I have the following [actual/perceived/potential] Conflict of Interest.

[Insert details of the relevant Conflict of Interest].

I will retain a copy of this declaration and review it regularly to ensure that it is up to date at all times. I will notify you immediately of any material change in the facts set out above.

Item No.	Details	Signatory Information
(a)	(b)	(c)
1.	Signature	
2.	Printed Name	
3.	Level/Title	
4.	Appointment/Organisation	
5.	Phone/Email Contact	
6.	Date	
7.	Witness Signature	
8.	Name	