

Smart and Skilled: Consumer Protection Strategy



About the strategy

All Smart and Skilled students and potential students (consumers) have the right to expect that the training they receive is consistent with the national VET regulator's requirements (the Australian Skills Quality Authority) and the requirements of the Smart and Skilled contract.

The Consumer Protection Strategy:

- defines the rights and obligations of students and consumers with respect to their training under Smart and Skilled
- defines the consumer protection obligations of a training provider with a Smart and Skilled contract
- explains the measures the NSW Department of Industry (the Department) has implemented to protect the rights of students receiving training under Smart and Skilled
- describes Smart and Skilled's complaints handling and dispute resolution process
- lists other agencies that may assist in the complaints handling process.

Rights and obligations

The Consumer Protection Strategy is based on a set of principles regarding the rights and obligations of consumers and the obligations of Smart and Skilled training providers to protect the rights of consumers.

Consumer rights and obligations

A consumer has the right to:

- expect that the education and training they receive will be of a quality consistent with the national VET regulator's requirements (the Australian Skills Quality Authority) and the requirements of the Smart and Skilled contract (available on www.training.nsw.gov.au)
- expect that the training provider will meet the NSW Government's rigorous expectations in the areas of quality, ethics, accountability and responsiveness as set out in the *Statement of Expectations for Smart and Skilled providers* (available on www.training.nsw.gov.au)
- be informed about personal information that is collected about them and the right to review and correct that information
- have access to a training provider's consumer protection complaints system.

A consumer has obligations that include but are not limited to:

- providing accurate information to their training provider
- behaving in a responsible and ethical manner.

Training provider obligations

A Smart and Skilled training provider has obligations that include but are not limited to:

- providing the training and support necessary to allow a consumer to achieve competency
- providing a quality training and assessment experience for all consumers
- ensuring their organisation, staff and agents meet public expectations of ethical behaviour at all times
- conducting marketing activities with integrity, accuracy and transparency and without financial incentives or other inducements to consumers
- ensuring prospective consumers are properly informed about their subsidised training entitlements, their fees and their responsibilities and obligations
- providing a clear and accessible feedback and consumer protection system including an identified consumer protection officer
- maintaining procedures for protecting a consumer's personal information.

Training provider responsibilities

A Smart and Skilled training provider must implement a consumer protection and complaints handling system in line with the Australian Skills Quality Authority's requirements (available on www.asqa.gov.au), the NSW Quality Framework and the Smart and Skilled contract.

Comply with the Smart and Skilled contract and policies

The Smart and Skilled contract (available on www.training.nsw.gov.au) requires a training provider to:

- have established, documented and accessible consumer feedback and complaints handling policies and procedures
- identify a dedicated consumer protection officer and list their contact details
- provide consumers with details of the pathways for resolving or escalating complaints.

A Smart and Skilled training provider is also required to include the Smart and Skilled website details and 1300 772 104 on all public information, enrolment forms and student induction material so that all consumers are aware of their rights and options for making a complaint or providing feedback about their training.

A Smart and Skilled training provider will also be expected to obtain a signed declaration from each student to confirm receipt of this information.

Further information

The following publications are available on www.training.nsw.gov.au:

- *Smart and Skilled NSW Quality Framework*
Includes measures to ensure consumers are well informed of their rights and given a clear avenue for complaint.
- *Smart and Skilled Contract Terms and Conditions*
Outlines the consumer protection measures required of Smart and Skilled training providers.
- *Smart and Skilled Operating Guidelines*
Provides further directions for Smart and skilled training providers to ensure they implement measures to protect consumer rights.
- *Statement of Expectations for Smart and Skilled Providers*
Explains what the Department expects from a Smart and Skilled training provider concerning quality, ethics, accountability and responsiveness.

Consumer protection measures

The Department, through Training Services NSW, will assist with complaints relating to training under Smart and Skilled. For complaints outside the scope of Smart and Skilled, Training Services NSW will direct a consumer to the relevant agency.

Smart and Skilled's consumer protection measures give a consumer a central place to seek assistance with a complaint relating to a Smart and Skilled training provider.

The measures include:

- provide information and advice on consumer rights
- facilitate discussions between the consumer and their training provider with a view to resolving complaints
- provide suggestions to parties about referrals to other government agencies.

Training Services NSW administers these measures.

Information and advice for consumers

The Smart and Skilled website (see smartandskilled.nsw.gov.au) provides information on:

- consumer protection
- training provider obligations, minimum standards and grievance procedures
- the escalation of complaints and Smart and Skilled's dispute resolution process

And also includes a link to an online form for making an enquiry or complaint, or giving feedback.

The complaints process

Step 1: Consumer discusses complaint with training provider

A consumer must first make their complaint to their training provider. This is their first port of call for all complaints.

Where Training Services NSW receives a complaint, we will ask the consumer if they have complained to their training provider and if their training provider responded.

Step 2: Consumer contacts Training Services NSW

If a consumer cannot resolve their complaint with their training provider then they contact Training Services NSW by:

- applying online (www.training.nsw.gov.au/build/online_forms/general_enquiry_form.html)
- phone on 1300 772 104
- in person at a Training Services NSW regional office (see http://www.training.nsw.gov.au/about_us/sts_contacts.html)

Step 3: Training Services NSW offers dispute assistance

Training Services NSW will ask a consumer a series of questions to understand their complaint.

A Training Services NSW officer will investigate the complaint and will attempt to resolve the matter through information and mediation. They may also provide the consumer with options about which other government agencies may be able to assist with their complaint.

The officer will contact the consumer's training provider and the consumer to help them to resolve the matter. They will try to get each party to understand and respect each other's different points of view, negotiate differences and discuss possible

solutions. These discussions and communications may take place through letters, emails, telephone conferences, video conferences or in-person meetings. The officer will decide what is most appropriate.

A resolution of any complaint or dispute is not guaranteed. The officer will inform the consumer and provider when they believe Training Services NSW has done all it can to assist the parties. Then it is up to the parties to seek a more formal process to resolve their dispute.

Information obtained through dispute assistance process

The Department may use any information that Training Services NSW receives, including through its involvement in any dispute assistance process, in any actions against any individual, including a training provider. The Department may also provide that information to any third party including another state or Australian Government agency.

Involvement in dispute assistance process

Training Services NSW involvement in any dispute assistance process does not affect the Department's rights or ability to enforce any rights under the Smart and Skilled contract or at law.

Other complaint handling agencies

A consumer may ask for help with a VET-related complaint to the following agencies:

- Anti-Discrimination Board of NSW (www.antidiscrimination.justice.nsw.gov.au)

The Anti-Discrimination Board of NSW investigates and conciliates complaints of discrimination.

- Australian Human Rights Commission (www.hreoc.gov.au)

The Australian Human Rights Commission investigates and conciliates complaints about discrimination because of age, race, sex or disability and other human rights.

- Australian Skills Quality Authority (ASQA) (www.asqa.gov.au)

ASQA investigates and addresses complaints made by students, training provider staff, parents, industry and the general community regarding training and assessment and the issuing of qualifications, particularly in relation to:

- information the training provider has provided about the training being undertaken
- delivery and assessment of the training undertaken
- the qualification that has or has not been issued

in breach of the *National Vocational Education and Training Regulator Act 2011* (Cth).

- Commonwealth Ombudsman (www.ombudsman.gov.au)

The Commonwealth Ombudsman investigates complaints regarding the conduct and decisions of Australian Government agencies.

- Ethnic Communities' Council of NSW (www.eccnsw.org.au)

This is the peak body for all culturally and linguistically diverse communities providing advocacy, education and community development.

- Independent Commission Against Corruption (www.icac.nsw.gov.au)

ICAC investigates complaints of corrupt conduct in public sector agencies.

- Information and Privacy Commission NSW (www.ipc.nsw.gov.au)

The Information and Privacy Commission NSW investigates complaints of breaches of the *Privacy and Personal Information Protection Act 2002* (NSW).

- NSW Civil and Administrative Tribunal (www.ncat.nsw.gov.au)

The NSW Civil and Administrative Tribunal hears a wide range of complaints including breaches of the *Anti-Discrimination Act 1977* (NSW) relating to discrimination, vilification, harassment and victimisation.

- NSW Fair Trading (www.fairtrading.nsw.gov.au)

NSW Fair Trading investigates complaints relating to breaches of consumer protection legislation.

- NSW Ombudsman (www.ombo.nsw.gov.au)

The NSW Ombudsman investigates complaints regarding the conduct and decisions of NSW public authorities and community service and childcare training providers.

- NSW Police
(www.police.nsw.gov.au)

The NSW Police investigate complaints of a criminal nature against person and property, including violence and fraud.

- Office of the Australian Information Commissioner
(www.oaic.gov.au)

The Office of the Australian Information Commissioner investigates complaints of breaches of the *Privacy Act 1988* (Cth).

- People with Disability Australia Inc
(www.pwd.org.au)

People with Disability Australia investigates matters where rights have been infringed.

- Workcover NSW
(www.workcover.nsw.gov.au)

Workcover NSW investigates complaints and deals with issues about work health and safety.

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