

Smart and Skilled Consumer Protection Strategy

This document explains consumer
rights and Smart and Skilled
provider obligations



**Education &
Communities**
Office of Education

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Smart and Skilled consumer protection system

Consumers play an important role in promoting quality training. The Smart and Skilled Quality Framework includes measures for students and potential students (consumers) to ensure that they are well informed of their rights and given a clear avenue for complaint.

The administration of this Smart and Skilled consumer protection system will be within the Office of Education (State Training Services) (STS).

The system will be the central point for consumers seeking assistance if they have a complaint relating to an approved Smart and Skilled registered training organisation (a **provider**). It will:

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

STS will assist with complaints relating to Smart and Skilled funded training with a provider. Consumers will be referred to other agencies for complaints that are within the scope of the other agencies.

Consumer information / advice

Information on consumer rights and obligations relating to Smart and Skilled will be made publicly available on the Smart and Skilled website.

Consumers may also make enquiries to the Customer Support Centre.

The consumer protection system will provide:

- information on consumer rights
- a set of frequently asked questions
- information on provider obligations, minimum standards and grievance procedures
- information on the escalation of complaints and the dispute resolution process.

Complaints handling by RTOs

Consumers must first make their complaint to the RTO. This is the first port of call for all complaints. Where STS receives a complaint the consumer will be asked if they have first complained to the provider and whether the provider responded.

All providers are required to have a consumer protection and complaints handling system in place in line with ASQA requirements and the *NSW Quality Framework* (www.training.nsw.gov.au/smartandskilled/nsw_quality_framework.html).

Providers will also be required to include the Smart and Skilled website details and 1300 number 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.

Under the Smart and Skilled Application process, RTOs will be required to identify a dedicated consumer protection officer and have a readily available documented consumer protection system for students. RTOs will also be expected to obtain a signed declaration from each student to confirm receipt of this information.

Dispute assistance process

Consumers may make a complaint, or provide feedback, through an on-line form on the Smart and Skilled website; over the phone with the Customer Support Centre; or in person with STS Regional Offices.

The consumer will be asked a series of questions, to get information about their complaint.

Complaints will be investigated by an STS Officer who will attempt to resolve the issue through information and mediation. Consumers may also be provided with options about which other agencies may be able to assist with their complaint.

An STS Officer will contact the provider and consumer and assist them to resolve the issue. This will be done by trying 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 STS Officer will decide what is most appropriate.

A resolution of any complaint or dispute is not guaranteed. The STS Officer will inform the consumer and provider when they believe STS has done all it can to assist the parties. It will then be up to the parties to seek a more formal process to resolve their dispute.

Managing consumer protection

Consumer protection under Smart and Skilled will be administered by STS. Care will be taken to facilitate a complementary approach to addressing complaints related to Smart and Skilled and existing complaints handling processes related to Apprenticeships and Traineeships, Training Market and the Department's Complaints Policy.

Information obtained through dispute assistance process and involvement in process

The Department may use any information that STS receives, including through its involvement in any dispute assistance process, in any actions against any person including a provider. The Department may also provide that information to any third party including another State or Commonwealth Government agency.

STS involvement in any dispute assistance process does not affect the Department's rights or ability to enforce any rights under the Contract or at law.

Contract compliance

Smart and Skilled Contract requirements will obligate providers 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 these pathways for resolving or escalating complaints.

Code of practice

Consumer rights and obligations

All consumers have the right to:

- expect that the education and training they receive will be of a quality consistent with ASQA regulations and Smart and Skilled Contract requirements
- be informed about personal information that is collected about them and the right to review and correct that information
- access to a provider's consumer protection complaints system.

All consumers have obligations, including but not limited, to:

- provide accurate information to the provider
- behave in a responsible and ethical manner.

Provider obligations

All providers have obligations, including but not limited to:

- provide the training and support necessary to allow the consumer to achieve competency
- provide a quality training and assessment experience for all consumers
- provide a clear and accessible feedback and consumer protection system including an identified consumer protection officer
- maintain procedures for protecting consumers' personal information.

Other VET complaints handling agencies

Australian Skills Quality Authority: www.asqa.gov.au

Investigates and addresses complaints made by students, registered training organisation personnel, parents, industry and the general community regarding training and assessment and the issuing of qualifications and particularly in relation to:

- information the registered training organisation 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)*.

NSW Vocational Training Tribunal - Department of Education and Communities: www.training.nsw.gov.au

Hears complaints from RTOs, NSW registered apprentices, trainees and employers.

NSW Ombudsman: www.ombo.nsw.gov.au

Investigates complaints regarding the conduct and decisions of NSW public authorities and community service and childcare RTOs.

Commonwealth Ombudsman: www.ombudsman.gov.au

Investigates complaints regarding the conduct and decisions of Australian government agencies.

Australian Human Rights Commission: www.hreoc.gov.au

Investigates and conciliates complaints about discrimination because of age, race, sex or disability and other human rights.

Anti-Discrimination Board of NSW: www.antidiscrimination.lawlink.nsw.gov.au

Investigates and conciliates complaints of discrimination.

People with Disability Australia Inc: www.pwd.org.au

Investigates matters where rights have been infringed.

Workcover NSW: www.workcover.nsw.gov.au

Investigates complaints and deals with issues about work health and safety.

NSW Civil and Administrative Tribunal: www.ncat.nsw.gov.au

Hears a wide range of complaints including breaches of the *Anti-Discrimination Act 1977* relating to discrimination, vilification, harassment and victimisation.

NSW Fair Trading: www.fairtrading.nsw.gov.au

Investigates complaints relating to breaches of consumer protection legislation.

Independent Commission Against Corruption:

www.icac.nsw.gov.au

Investigates complaints of corrupt conduct in public sector agencies.

NSW Police: www.police.nsw.gov.au

Investigates complaints of a criminal nature against person and property, including violence and fraud.

Ethnic Communities' Council of NSW: www.eccnsw.org.au

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

Information and Privacy Commission NSW:

www.ipc.nsw.gov.au

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

Office of the Australian Information Commissioner:

www.oaic.gov.au

Investigates complaints of breaches of the *Privacy Act 1988 (Cth)*.

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