

Policy Overview

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.

Objective

- To define the rights and obligations of students and consumers with respect to their training under Smart and Skilled Funding Contract.
- To define the consumer protection obligations of a training provider with a Smart and Skilled Contract.
- To explain measures the NSW Department of Education (the Department) has implemented to protect the rights of students receiving training under Smart and Skilled Contract.
- To describe the NSW Smart and Skilled complaints handling and dispute resolution process.
- Lists other agencies that may assist in the complaints handling process.

Scope

This policy applies to the personal and sensitive information of all stakeholders of the RTO.

Staff Responsible:

- National Compliance and Quality Manager
- Operation Managers
- Administration Staff
- Training and Assessment Staff

Related Policies/Templates/Documents:

- P-006.6 Complaints and Appeals Policy and Procedure
- D-001.6 Student Information Guide - TIC
- F-102.6 Appeals Form - TIC
- F-116.6 Complaints Form - TIC
- P-039.6 Privacy and Personal Information Policy - TIC
- P-057.6 Training and Assessment Policy and Procedure - TIC
- R-907 Complaints and Appeals Register
- R-910 Continuous Improvement and Risk Management Register

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 The Instruction Company Pty Ltd (TICRail) as an approved Smart and Skilled training provider to protect the rights of consumers.

Consumer Rights and Obligations

- A Consumer has a right to:
 - expect that the education and training they receive will be of a quality consistent with the national VET regulator's requirements (Australian Skills Quality Authority (ASQA)) and the requirements of the Smart and Skilled Contract (available on www.nsw.gov.au/education-and-training/resources/smart-and-skilled-terms-and-conditions)
 - 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.

The Instruction Company Pty Ltd Obligations

As a Smart and Skilled approved training provider, TICRail has the following obligations which 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 always 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.

TICRail has a Complaints and Appeals Policy in line with the Australian Skills Quality Authority's requirements (www.asqa.gov.au), the NSW Quality Framework and the Smart and Skilled Contract. This policy can be found on our website at: www.ticrail.com.au.

Our Consumer Protection Officer is:
Vicki Searl
National RTO Quality & Compliance Manager
The Instruction Company Pty Ltd.
t: 1300 036 390
e: complaints@ticrail.com.au

Smart and Skilled

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.

The Smart and Skilled 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 will administer these measures.

Information and Advice for Consumers from Smart and Skilled

The Smart and Skilled website (www.education.nsw.gov.au/skills-nsw) provides information on:

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

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

The Complaints Process for Smart and Skilled

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. This can be done online through the TICRail website – www.ticrail.com.au

Where Training Services NSW receives a complaint, they 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 the Instruction Company Pty Ltd, then they contact Training Services NSW by:

- submitting a complaint form: (www.nsw.gov.au/education-and-training/resources/tsnsw-complaint-or-compliment)
- phone on 1300 772 104
- email: smartandskilled.enquiries@det.nsw.edu.au
- in person at a Training Services NSW regional office (www.education.nsw.gov.au/skills-nsw/contact-us)

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 Instruction Company Pty Ltd 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.