

NSW Smart and Skilled Changes to Enrolment Policy

Relevant NSW Smart and Skilled Requirements

This policy has been informed by the following relevant Smart and Skilled publications related to changes to enrolment:

- Smart and Skilled Contract Terms and Conditions 2017 – Section 12 “Transferring Students”
- Smart and Skilled Operating Guidelines Section 8 “Deferring Students”
- Smart and Skilled Operating Guidelines Section 9 “Discontinuing Students”
- Smart and Skilled Operating Guidelines Section 10 “Transferring Students”

Purpose

Pivotal Training and Development assists students that require changes to their Smart and Skilled enrolment to be informed of the changes that can be made including any conditions that may apply.

For any changes to enrolment, students are required to use the relevant Pivotal Training and Development form and submit required evidence that must be maintained to comply with the records management obligation of the Smart and Skilled 2017 Contract Terms and Conditions

This policy outlines the changes to enrolment in a Smart and Skilled Approved Qualification for:

1. Deferring Students
2. Discontinuing Students
3. Transferring Students (Transfer In and Transfer Out Processes)

1. Deferring Students

Pivotal Training and Development will make every effort to assist Enrolled Students that need to defer their Subsidised Training in an Approved Qualification to continue training where possible through strategies that accommodate their particular needs. Students commence the course deferral process by submitting a completed and signed Course Deferral Request Form providing evidence where required that demonstrates the student meets the conditions of deferral.

Conditions of Deferral:

- a. If an enrolled student proceeds with the deferral of Subsidised Training in an Approved Qualification, Pivotal Training and Development may only permit deferrals totalling 12 months from the date of receipt of notice from the student
- b. Pivotal Training and Development advises the student of the Fee implications of deferring their Subsidised Training in accordance with the Fee Administration Policy

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- c. An enrolled student must start within 12 months of enrolment despite any deferrals
- d. Enrolled Students who do not recommence Subsidised Training within a 12-month period of deferral must be reported as discontinuing subsidised training as per “Discontinuing Students” (below)
- e. A student who wishes to recommence training after discontinuing an Approved Qualification must be treated as a new student and the Notification of Enrolment Process must be carried out

Reporting Obligation:

Pivotal Training and Development submits the relevant Training Activity Data (including reporting Code D) and update:

- a. The end dates for any Unit of Competency for which a UoC Outcome Code of 70 or 90 has been reported; and
- b. The start date and end date of any Unit of Competency which has not been commenced

Record keeping obligation:

Pivotal Training and Development obtains and keeps records of all requests/notices together with evidence of all deferrals made

2. Discontinuing Students

Pivotal Training and Development first ascertains if the reason for discontinuing relates to performance in relation to Subsidised Training, then reasonable steps will be taken to address the concerns of the enrolled student related to delivery and assessment. If it is for other reasons, support will be provided based on the reason provided by the student. Students commence the course discontinuation process by submitting a completed and signed Smart and Skilled Course Discontinuation Request Form providing evidence where required that demonstrates the student meets the conditions of discontinuation and are provided with required documentation.

If the enrolled Student proceeds to discontinue their training, Pivotal Training and Development will:

- a. Obtain formal notification from the Enrolled Student including the date that Training will end using the Smart And Skilled Course Discontinuation Request Form
- b. Comply with the Fee Administration Policy including the refund of any applicable fee
- c. Issue the Enrolled Student with a Statement of Attainment and associated transcript for completed Units of Competency within 21 days of notification of discontinuance
- d. Update the Training Plan listing all Units of Competency where an outcome has been
 - o Achieved
 - o commenced but not completed, and/or
 - o not commenced
- e. Provide the updated Training Plan to the Enrolled Student

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- f. Return results of any outstanding completed training activities and/or assessments to the enrolled Student
- g. For Apprentices or Trainees, notify the local Training Services NSW Regional Office within 14 days of notification of discontinuation of training; and
- h. Submit Training Activity Data to finalise the record and, if eligible, receive any further payments or Subsidies and Loadings

Reporting Obligation:

- a. Pivotal Training and Development submits the relevant Training Activity Data (including reporting Code TNC)
- b. Pivotal Training and Development will not report UoC Outcome Code 40 (Withdrawn) for any Unit of Competency in which the enrolled student did not participate in Subsidised Training

Record keeping obligation:

Pivotal Training and Development obtains and keeps records of all requests/notices for notices for discontinuation together with evidence of discontinuations made including evidence that Pivotal Training and Development fulfilled its obligations to provide the student with documentation and update both VETtrak and the Portal.

3. Transferring Students (Transfer In and Transfer Out Process)

Pivotal Training and Development complies with the process for transferring students both into and out of Pivotal Training and Development using relevant forms and collection of documentation to provide essential evidence of the process and actions.

If a student chooses to transfer to Pivotal Training and Development from another RTO, Pivotal Training and Development will follow the relevant Transfer In process applicable as set out in the Operating Guidelines including:

- a. Provide information and assistance to the student
- b. Review the student’s records and determine whether they are entitled to receive Credit Transfer for any Units of Competency previously completed and will grant such credit; and
- c. Follow the Recognition Process in relation to the student’s current competencies and/or prior learning and give the student all reasonable opportunity to be granted Recognition of Prior Learning for those current competencies and prior learning

Pivotal Training and Development will comply with respect of any transferring student and the transfer of the student is subject to the relevant financial cap where relevant.

Transfer In Process

A student transferring in to Pivotal Training and Development will be treated as a new student and will carry out the Notification of Enrolment Process (The Transfer In Process).

Where the student may be entitled to course credit for training and assessment completed

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at the previous RTO, the student will be required to also complete the Credit Transfer Application Form.

Pivotal Training and Development will contact the Department to determine the Fee as per Fee Administration Policy.

Reporting Obligation:

If the Enrolled Student is an Apprentice or Trainee, Pivotal Training and Development will follow the process required for the change of RTO named on the Training Contract as part of the Transfer in Process.

Transfer Out Process

Pivotal Training and Development will provide advice to an enrolled Student that requires a transfer out as soon as practicably possible and commences with the student submitting the Smart and Skilled Course Discontinuation Request Form.

When the Smart and Skilled Course Discontinuation form has been received, Pivotal Training and Development will provide advice to the Enrolled Student and required actions will include:

- a. The date of the forthcoming termination of the Contract or of ending the delivery of Subsidised Training as indicated on the Smart and Skilled Course Discontinuation Form
- b. Options to assist the Enrolled student to continuing training may include:
 - o Referring the Enrolled Student to the Smart and Skilled website to identify an alternative RTO who can provide Subsidised Training
 - o Referring the Enrolled Student to the local Training Services NSW Regional Office for assistance
 - o The Enrolled Student opting to remain with Pivotal Training and Development and continue training on a fee for service basis (that is without the benefit of Subsidies); or
 - o Pivotal Training and Development suggesting an alternative provider
- c. Fee arrangements for transferring Enrolled Students will be processed in accordance with the Fee Administration Policy
- d. Issuing of Statements of Attainment/Qualification credentials reflective of their actual training and assessment progress to date
- e. Issuing an updated Training Plan listing all units of competency where an outcome has been:
 - o Achieved
 - o commenced but not completed; and/or
 - o not commenced
- f. Ensure all current Enrolled Students in training receive any funds owed in accordance with Fee Administration Policy
- g. Return results of any outstanding completed training activities and/or assessments to the enrolled Student; and

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- h. Submit Training Activity Data to finalise the record and, if eligible receive any further payments of Subsidies and Loadings

In the event that Pivotal Training and Development Smart and Skilled Contract is terminated or suspended, the transfer out process will commence prior to the termination of the Contract and/or end of delivery of Subsidised Training to the relevant Enrolled Student.

Reporting Obligation:

- a. Pivotal Training and Development submits the relevant Training Activity Data (including reporting Code TNC if applicable)
- b. If the Enrolled Student is an Apprentice or Trainee, Pivotal Training and Development will follow the process required for change of RTO named on the Training Contract

Record keeping obligation:

Pivotal Training and Development obtains and keeps records of all requests for transfer in or out together with evidence of transfers made including evidence that Pivotal Training and Development fulfilled its obligations.

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NSW Smart and Skilled Enrolment Process Policy

Relevant NSW Smart and Skilled Requirements

This policy has been informed by the following relevant Smart and Skilled publications related to the enrolment process:

- Smart and Skilled Contract Terms and Conditions 2017 – Section 10 “Notification of Enrolment Process”
- Smart and Skilled Contract Terms and Conditions 2017 Schedule 2 Eligibility”
- Smart and Skilled Operating Guidelines Section 5 “Information Pre-Enrolment”
- Smart and Skilled Operating Guidelines Section 6 “Notification of Enrolment Process”
- Smart and Skilled Operating Guidelines Section 7. Credit Transfer and Recognition of Prior Learning”
- Smart and Skilled Operating Guidelines Schedule 2 Defined Interstate NSW Border Areas
- Smart and Skilled Operating Guidelines Schedule 1 Consent Wording
- Smart and Skilled Operating Guidelines 17.8 “Examples of Evidence”

Purpose

Pivotal Training and Development adheres to the process which applies to the notification to the Department of the enrolment in Subsidised Training of eligible Prospective Students.

This policy outlines the additional Smart and Skilled pre-enrolment enrolment information and notification of enrolment requirements that will be provided to and obtained from prospective students to enrol in a Smart and Skilled Approved Qualification:

1. Unique Student Identifier
2. Student Information
3. Notification of Enrolment
4. Credit Transfer and Recognition of Prior Learning

1. Unique Student Identifier

Pivotal Training and Development provides information regarding the Unique Student Identifier (USI) in pre-enrolment information for Smart and Skilled as follows:

- a. The USI may be used for:
 - The Notification of Enrolment Process; and
 - Reporting Training Activity Data to the Department with the consent of the student in accordance with Notification of Enrolment
- b. Pivotal Training and Development will:
 - Assist students to apply for a USI from the Student Identifiers Registrar as defined in the legislation including publishing on Pivotal’s website information for students on how to obtain a Student Identifier; or

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- o Apply to Student Identifiers Registrar for a Student Identifier to be assigned to a student if authorised by a student to do so
- c. Pivotal Training and Development ensures that every prospective student sets their access controls in relation to their USI to allow the Department and Pivotal Training and Development the appropriate levels of access to their USI records
- d. Pivotal Training and Development must request Student Identifiers Registrar to verify that an identifier is the USI of that student prior to using it or providing it to the Department.

2. Student Information

Pivotal Training and Development ensures that all students considering enrolling in subsidised training, receive or are aware of how to access information either in electronic or hard copy form before enrolment which is designed to make them aware of policies relating to their training, including their rights and responsibilities and avenues for complaints.

Relevant student information includes:

- a. Fee information
- b. RPL/Credit Transfer
- c. Deferring or discontinuing studies including implications
- d. Consumer Protection Information
- e. Process to defer or discontinue subsidised training
- f. Access support and assistance during training
- g. Contact details for various support services within Pivotal Training and Development
- h. VET Student Loans Program Information (not applicable)
- i. Subcontractor information (currently not applicable)

3. Notification of Enrolment

The following applies to notification to the Department of enrolment in Subsidised Training of eligible prospective students.

Eligibility criteria

Pivotal Training and Development adheres to the eligibility criteria for students outlined in the Contract Terms and Conditions - Schedule 2 (Attachment 1 & Attachment 2)

Consent Form

Pivotal Training and Development will obtain written consent of the Prospective Student for the Department’s use of the prospective student’s information using the exact wording set out in Schedule 1 “Consent to Use and Disclosure of Personal Information to the Department of Industry, Skills and Regional Development and Other Government Agencies” Operating Guidelines (Attachment 3). Students will be required to read and sign the consent form as part of the enrolment process. If a prospective student does not provide this consent, Pivotal Training and Development will not proceed with the Notification of Enrolment process.

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Notification of Enrolment

- a. Pivotal Training and Development complies with the process for the enrolment of Prospective Students in all Approved Qualifications as set out in the Operating Guidelines including:
 - Obtaining all required consents from the prospective student
 - Determining if the prospective student is eligible for Subsidised Training
 - Providing the prospective student with the details of the Fee that a prospective student would have to pay for the Approved Qualification
 - Obtaining the prospective student’s USI
 - Obtaining a declaration from the prospective student in respect of the correctness of the information provided by the prospective student and confirming the receipt of certain information from Pivotal Training and Development
 - Reporting enrolments with all required information including the proposed date of commencement (Planned Start Date) via the Provider Calculator
- b. The planned start date where Notification of Enrolment Process is completed:
 - Prior to the start date of the Activity Period, may not be later than 4 months from the Start Date of the Activity Period; or
 - After the start of the Activity Period, may not be later than 4 months after the date of issue of Commitment ID
- c. The Notification of Enrolment process will be completed for a prospective student when:
 - All of the above steps have been taken
 - A Commitment ID is issued by the Department for the prospective student
- d. A prospective student only becomes an Enrolled Student once the Notification of Enrolment process has been completed, a Commitment ID has been issued and the prospective student has enrolled in an Approved Qualification with Pivotal Training and Development.
- e. If a Commitment ID has been issued for a Prospective Student that does not enrol in an Approved Qualification with Pivotal Training and Development, Pivotal Training and Development will cancel the Commitment ID immediately.
- f. Pivotal Training and Development will take all steps to:
 - Commence the enrolled student in the Approved Qualification connected to the Commitment ID on the planned start date; and
 - Submit Training Activity Data for the enrolled student within 6 weeks of the planned start date

Notification of Enrolment Process

Pivotal Training and Development carries out the notifications of enrolment via the Portal in accordance with the following process:

- a. Pivotal Training and Development obtains the consent of the prospective student to the Department use of prospective student information through the student signing a copy of the “Consent to Use and Disclosure of Personal Information to the

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Department of Industry, Skills and Regional Development and Other Government Agencies”.

- b. Pivotal Training and Development uses the Provider Calculator to:
 - Validate eligibility
 - Input details of any Credit Transfer or Recognition of Prior Learning
 - Generate details of Fees chargeable and the applicable Subsidy together with any Loadings (if applicable)
 - Provide the student with the a copy of details of the Fees chargeable
- c. Pivotal Training and Development generates and maintains an electronic copy of the Notification of Enrolment – Provider Copy that can be referred to where the Fee and Subsidy is adjusted after the Commitment ID is issued.
- d. Pivotal Training and Development confirms that the Prospective Student signs the Student Declaration in the Smart and Skilled Subsidised Training Eligibility Form confirming:
 - All information provided by the prospective student to Pivotal Training and Development in connection with the Notification of Enrolment Process is true, accurate, complete and not misleading in any way
 - The Prospective Student is aware of any subcontracting arrangements if applicable; and
 - The Prospective Student has been provided with the details of the Fee chargeable and the student information
- e. Successful completion of the Notification of Enrolment Process will result in the issue of a Commitment ID.

The Notification of Enrolment Process is carried out simultaneously with Pivotal Training and Development’s enrolment process and will be completed before any Training is delivered to the student.

4. Credit Transfer and Recognition of Prior Learning

Pivotal Training and Development identifies the difference between Credit Transfer and Recognition of Prior Learning to ensure that the correct process is carried out and the correct Unit of Competency Outcome Code is reported.

Credit Transfer

Pivotal Training and Development complies with the VET Regulator guidelines in connection with granting credit transfer.

Record keeping obligation:

- a. Pivotal Training and Development obtains and keeps all evidence used to establish credit transfer by using the Credit Transfer Application Form
- b. Evidence includes a student’s Statement of Attainment or Transcript and any other evidence types as specified in Attachment 4

Reporting Obligation:

- a. Pivotal Training and Development uses Unit of Competency Outcome Code 60

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- b. The start and end dates will reflect the date of granting Credit Transfer

Recognition of Prior Learning

Pivotal Training and Development ensures the Recognition Process aligns with the NSW Recognition Framework as published from time to time.

Record keeping obligation:

Pivotal Training and Development maintains records for all Subsidised Training and for all Enrolled Students as evidence of Recognition of Prior Learning as specified in Attachment 4

Reporting Obligation:

- a. Pivotal Training and Development uses Unit of Competency Outcome Code 51
- b. The start and end dates will reflect the Recognition of Prior Learning process

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**Attachment 1:
Schedule 2 Eligibility**

1. Eligibility criteria for all Smart and Skilled Programs except Smart and Skilled Entitlement Apprenticeships and Traineeships Program

A person who is eligible to receive Subsidised Training in all Smart and Skilled Programs except Smart and Skilled Apprenticeship and Traineeship Program is a person who, at the time of enrolment in an Approved Qualification:

- (a) Either:
- Lives or works in NSW (determined by postcode of the usual place of residence or place of work); or
 - Lives in a defined NSW border area (as identified by a postcode in the list in Attachment 2) and is Australian Aboriginal or Torres Strait Islander: and
- (b) Is:
- An Australian citizen; or
 - A permanent Australian Resident; or
 - A humanitarian visa holder; or
 - A New Zealand citizen;
- and
- (c) Is aged 15 years or older;
and
- (d) Is no longer in secondary education

2. Eligibility criteria for Smart and Skilled Entitlement Apprenticeships and Traineeships Program

A person who is eligible to receive Subsidised Training in the Smart and Skilled Apprenticeship and Traineeship Program is a person who:

- (a) At the time of commencement in an Approved Qualification is an Apprentice or New Entrant Trainee and has an Approved Contract in NSW;
and
- (b) Has the Approved Qualification shown on their Training Contract

3. Exceptions

Despite clauses 1 and 2 of this Schedule 2:

- (a) If a person is approved or registered as an Existing Worker Trainee, they will not be eligible to receive Subsidised Training in an Approved Qualification that is associated with the Training Contract for their existing worker traineeship, in relation to any Smart and Skilled Program;
and

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- (b) The Department may, in its discretion, allow a provider to treat a person who does not fit any criteria set out in clauses 1 or 2 of this Schedule 2 as eligible to receive Subsidised Training

4. Eligibility criteria for School Based Apprenticeships and Traineeships Program

A person who is eligible to receive Subsidised Training in School Based Apprenticeships and Traineeships Program is one who:

- (a) At the time of commencement in an Approved Qualification is approved or registered as a School Based Apprentice or School Based Trainee in NSW;
and
- (b) Has the Approved Qualification shown on their Training Contract

“Smart and Skilled Contract Terms and Conditions excerpt: Schedule 2 Eligibility” (pp.55-56)

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**Attachment 2:
Schedule 2 Defined Interstate NSW Border Areas**

Location	Postcode
One of the towns in the postcode area	
ACT	
	2600 – 2612 2614 – 2617 2900 – 2906 2911 - 2914
QLD	
Elanora	4221
Currumbin	4223
Coolangatta	4225
Tallebudgera	4228
Texas	4385
Goondowindi	4390
Hebel	4486
Bollon	4488
Bungunya	4494
Talwood	4496
Thallon	4497
Kioma	4498
VIC	
Nangiloc	3494
Red Cliffs	3496
Irymple	3498
Mildura	3500
Hattah	3501
Cabarita	3505
Echuca	3564
Koondrook	3580
Shepparton	3630
Yalca	3637
Kotupna	3638
Barmah	3639
Katunga	3640
Ulupna	3641
Cobram	3644
Chiltern	3683
Rutherglen	3685
Barnawartha	3688
Wodonga	3690
Bonegilla	3691
Bandiana	3694

“Smart and Skilled Operating Guidelines excerpt: Schedule 2 Defined Interstate NSW Border Areas” (p.33)

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Attachment 3:

CONSENT TO USE AND DISCLOSURE OF PERSONAL INFORMATION TO THE DEPARTMENT OF INDUSTRY, SKILLS AND REGIONAL DEVELOPMENT AND OTHER GOVERNMENT AGENCIES

I _____
(First, Middle and Last Name)

Of _____
(Current Residential Address)

with date of birth _____
understand and agree that personal information (information or an opinion about me), collected from me, my parent or guardian, such as my name, Unique Student Identifier, date of birth, contact details, training outcomes and performance, or sensitive personal information (including my ethnicity or health information) (together Personal Information) collected by Pivotal Training and Development may be disclosed to the Department of Industry, Skills and Regional Development (Department).

The Department may disclose my Personal Information to other Australian government agencies, including those located in States and Territories outside New South Wales.

The above government agencies may use my Personal Information for any purpose relating to the exercise of their government functions, including but not limited to the evaluation and assessment of my training, the determination of my eligibility to receive subsidized training or for any Fee Exemptions or Concessions. My Personal Information may also be disclosed to other third parties if required by law.

I consent to the collection, use and disclosure of my Personal Information in the manner outlined above.

I also acknowledge and agree that the Department may contact me by telephone, email or post during or after I have ceased subsidised training with Pivotal Training and Development for the purposes of evaluating and assessing my subsidised training.

PRINT FULL NAME _____

SIGNATURE: _____ DATE: ____/____/____

Note: If under 18 years of ages at the time of giving consent, then the consent of their guardian is required

PRINT FULL NAME OF GUARDIAN: _____

SIGNATURE OF GUARDIAN: _____ DATE: ____/____/____

“Smart and Skilled Operating Guidelines excerpt: Schedule 1 Consent Wording” (p.32)

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Attachment 4: 17.8 Examples of Evidence

This table outlines a non-exhaustive list of additional records that the Provider is required to keep and submit to the Department upon request.

Records Required for:	Evidence Type:
Training Activity:	
Training Plan	<ul style="list-style-type: none"> • Training Plan
Attendance	<ul style="list-style-type: none"> • Class Roll with dates and signatures • Online course attendance record • Phone logs, emails, assessments and other training activities submitted
Learning Resources	<ul style="list-style-type: none"> • Learning materials/resources supplied to an enrolled student, structured learning guides or navigation tools • Acknowledgement of receipt of learning materials/resources by an enrolled student
Support	<ul style="list-style-type: none"> • Record of support provided to an enrolled student including primary evidence, a log and/or a file note
Release from Work (apprentices and trainees)	<ul style="list-style-type: none"> • Record of release from work for training and/or assessment purposes
Assessment	
Workplace relevance	<ul style="list-style-type: none"> • Documents that demonstrate how the assessment meets the requirements of the Training Package and standard of performance required in the work place
Assessment Plan	<ul style="list-style-type: none"> • Outlines the Unit(s) of Competency • The standard of performance/criteria required by the Unit(s) of Competency in the work place • The assessment strategies/tools/tasks to be used
Completed Assessments	<ul style="list-style-type: none"> • Completed assessment strategies/tools/tasks for each Unit of Competency for each enrolled student, including the evidence used to support the assessment outcomes
Employer's support and agreement on achievement of competence (for Apprentices or Trainees)	<ul style="list-style-type: none"> • The employer's signature on the Training Plan supporting the achievement of competence, or other such record which clearly identifies the Enrolled Student and the Unit(s) of Competency
A summary record of assessment progress and/or outcomes for each Unit of Competency	<ul style="list-style-type: none"> • The name and signature of the Enrolled Student • The Unit of Competency or module and its identifier (National Code) • The actual result consistent assessment (eg. Competency Achieved/Pass or Competency Not Achieved/Fail) • The type of evidence used in the assessment • An assessment record that supports enrolled Student

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	<p>activity in the Unit of Competency or module</p> <ul style="list-style-type: none"> • The date of the assessment • The name and signature of the assessor • Evidence of participation in Subsidised Training by the enrolled student • The date of participation in Subsidised Training
Qualifications and Recognition	
Credential Used	<ul style="list-style-type: none"> • Certified copies of credentials used
Completion Details	<ul style="list-style-type: none"> • Outcomes of specific qualifications, part of qualifications or accredited courses delivered
Credit Transfer	<ul style="list-style-type: none"> • Testamur or Statement of Attainment
Recognition of Prior Learning	<ul style="list-style-type: none"> • Observation of workplace performance, demonstration, simulation • Third party evidence eg: reports from work place supervisors, references from past/present employers; testimonials from clients • Challenge test on elements • Work samples collected and/or documented
Other	
Other	<ul style="list-style-type: none"> • Any other evidence requested by the Department

“Smart and Skilled Operating Guidelines excerpt Examples of Evidence” (pp.21-22)

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Academic Appeals Policy

Relevant Standard/s
<i>Standards for Registered Training Organisations (RTOs) 2015</i> <ul style="list-style-type: none"> • Standard 6 – Clauses 6.2, 6.3, 6.4

Purpose

Pivotal Training and Development offers students right of appeal to comply with Standard 6 – Clauses 6.2, 6.3, 6.4 - *Standards for Registered Training Organisations (RTOs) 2015*. Pivotal Training and Development ensures that students have access to a fair and simple appeals process, retaining all outcomes in student files.

Compliance with Standards for Registered Training Organisations (RTO’s) 2015:

Pivotal Training and Development appeals process for individual students complies as follows:

- a. Pivotal Training and Development academic appeals policy manages requests for a review of assessment decisions, made by Pivotal Training and Development trainers and assessors
- b. Pivotal Training and Development’s appeals policy:
 - ensures the principles of natural justice and procedural fairness are adopted at every stage of the appeal process
 - is publicly available
 - clearly sets out the procedure for requesting an appeal
 - ensures requests for an appeal are acknowledged in writing and finalized as soon as practicable; and
 - provides for a review by an appropriate party independent of Pivotal Training and Development and the student appealing at the request of the student making the appeal, if the processes fail to resolve the appeal
- c. In cases where Pivotal Training and Development considers more than 60 calendar days are required to process and finalise the appeal, Pivotal Training and Development:
 - Informs the student in writing, including reasons why more than 60 calendar days are required
 - Regularly updates the student on the progress of the matter

Grounds for Appeal

Students may apply for appeal of an assessment based on the following:

- a. Student believes they have demonstrated the skills and knowledge required to evidence competency against the unit if competence assessment requirements
- b. Student believes that the assessment does not match with the training that has been provided

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- c. Any other grounds presented by a student will be considered by the Trainer, VET Head Teacher & Academic Manager in consultation pending the Academic Manager’s final approval

Appeals Process

Students may access Pivotal Training and Development’s appeals process as follows:

1. Students complete the Pivotal Training and Development Academic Appeals Form and arrange a first interview with their Trainer
2. Pivotal Training and Development Trainer in consultation with the Training and Compliance Manager will initially review their decision and the assessment used to make the decision against the Assessment Policy and relevant Training Package ensuring the evidence presented by the student meets requirements of the assessment as per training package requirements
3. If the student, trainer and Training and Compliance Manager cannot reach a decision that satisfies all parties, the Chief Executive Officer will interview the Training and Compliance Manager, trainer and student if necessary to find out if there is any other relevant information
4. In cases where it has been deemed that the assessment has demonstrated competence with the skills and knowledge, the assessment will be changed from NYC to C
5. In cases where the Training and Compliance Manager’s decision is to uphold the trainers initial judgement of not demonstrating competence, the student will be provided with the reasons and support to attain competence and be reassessed
6. In cases where the Training and Compliance Manager has identified the assessment as requiring revision and amendment, the assessment will undergo the assessment validation process
7. Training and Compliance Manager will make a decision and inform the student and trainer in writing within 7 days
8. In cases where a student has not been granted an appeal at this level they may escalate the academic appeals process internally to the Chief Executive Officer as per Complaints Handling and Appeals Process Policy
9. If the academic appeal is still not granted through the escalation within Pivotal Training and Development internal appeals process, the student may access appropriate, independent external persons/organisations. Refer to external agencies in the Complaints Handling and Appeals Process Policy for additional details.

Recording Appeals Evidence

- a. Pivotal Training and Development maintains all academic appeals information in the students file

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b. Pivotal Training and Development process for recording appeals is as follows:

- Training and Compliance Manager gives the completed academic appeals information to the Student Support Officer
- In cases where the appeal has been upheld, the Student Support Officer will update VET Trak to evidence the assessment and unit of competency result as competent
- In cases where the appeal was not upheld, the Student Support Officer will update VET Trak in the client journal to record the request and outcome
- Student Support Officer will update the Academic Appeals Register with the details of the appeal
- Student Support Officer will file all hard copies of the academic appeal in the student's file

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Complaints Handling and Appeals Process Policy

Relevant Standard/s

<i>Standards for Registered Training Organisations (RTOs) 2015</i>

Standard 6 – Clauses 6.1, 6.2, 6.3, 6.4, 6.5, 6.6

Purpose

Pivotal Training and Development has developed their complaints handling process to ensure that a positive student experience is central to all aspects of learning journey including the student’s right to complaints resolution to comply with Standard 6 – Clauses 6.1, 6.3, 6.4, and 6.5 - *Standards for Registered Training Organisations (RTOs) 2015*.

As the major target group of students studying with Pivotal Training and Development are existing workers through traineeships, the employer is also regarded as a significant stakeholder in the complaints handling process.

Pivotal Training and Development ensures that students have access to a fair and simple complaints process, retaining all outcomes in student files.

Compliance with Standards for Registered Training Organisations (RTO’s) 2015:

Pivotal Training and Development complaints handling process for individual students complies as follows:

- a. Pivotal Training and Development complaints handling policy is set out to manage and respond to allegations involving the conduct of:
 - trainers, assessors, staff
 - third party/ies who may be engaged at some point in time to provide services on Pivotal Training and Development’s behalf, its trainers, assessors, or other staff; or
 - student(s)
 - employers (work place delivery)
- b. Pivotal Training and Development complaints policy:
 - ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint process
 - publicly available
 - sets out the procedure for making a complaint
 - ensures complaints are acknowledged in writing and finalized as soon as practicable; and
 - provides for a review by an appropriate party independent of and the complainant at the request of the individual making the complaint, if internal processes fail to resolve the complaint
- c. Where Pivotal Training and Development considers more than 60 calendar days are required to process and finalise the complaint, Pivotal Training and Development:

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- informs the complainant in writing, including reasons why more than 60 calendar days are required
 - regularly updates the complainant on the progress of the matter
- d. Pivotal Training and Development:
- securely maintains records of all complaints and their outcomes; and
 - identifies potential causes of complaints and takes appropriate corrective action to eliminate or mitigate the likelihood of occurrence

Principles for Handling Complaints

Pivotal Training and Development makes sure that the process for lodging a complaint is clear and explains what will happen as a result. Students engage with staff about any concerns they have to stop minor issues becoming more serious.

Pivotal Training and Development ensures students are not disadvantaged and specifically:

- a. does not require students to complete overly complex forms, which can be a barrier to students expressing their concerns; or
- b. does not require students to provide extensive written information as part of the complaints process
- c. allows students to have a support person (not legal) to be with them at all stages of the complaints process
- d. ensures students know the timeframe necessary to handle the matter (where it requires more than 60 days will inform in writing)
- e. informs students of external organisations they can refer to if they are dissatisfied with the outcome of internal complaint's handling processes
- f. allows anyone who has allegations made against them, to give their side of the situation before a decision has been made
- g. maintains student enrolment during the complaints handling process
- h. where the matter involves work place delivery, the employer is positively engaged as a stakeholder in the complaints handling process

Procedural Fairness

During all stages of the complaints procedure Pivotal Training and Development will take all steps to ensure that:

- a. student(s) will not be discriminated against with students maintaining their enrolment
- b. a full explanation for decisions and actions taken as part of the process will be maintained at each stage
- c. no cost to the student for accessing internal complaints processes

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- d. records relating to complaints are treated as confidential and adhere to the principles of privacy and personal information requirements
- e. transparent information regarding external organisations is made available
- f. a student will maintain their enrolment during the complaint process unless the presence of the student/complainant creates an unsafe or hostile environment for staff and other students, the CEO may suspend enrolment till the duration to resolve the complaint has reached a mutually agreed and understood outcome
- g. all matters are handled with sensitivity to enable a safe environment for reaching a mutually satisfying outcome
- h. students may have a support person (Not legal) to be with them at any stage of the complaints process

Relevant Staff Responsible to Handle Complaints

The following staff are responsible for handling student complaints:

Area of Concern	Staff	Appeal of Decision if required	Final Decision
Training and assessment	Trainers	Training and Compliance Manager	Chief Executive Officer
Finance Matters	Marketing and Recruitment Consultant	Chief Executive Officer	Chief Executive Officer
Marketing services	Marketing and Recruitment Consultant	Training and Compliance Manager	Chief Executive Officer
Administration services	Enrolment Officer	Training and Compliance Manager	Chief Executive Officer
Student Service Provisions	Student Support Officer	Training and Compliance Manager	Chief Executive Officer

Complaints and Appeals Procedure

- a. Early resolution
 - The complainant is advised to speak directly with the person or person responsible to solve a complaint first to see if it can be resolved through consultation
 - Although a formal complaints form is not required at this stage, the Pivotal Training and Development staff member is obligated to make a file note and record it in the Complaints Register to risk manage escalation
 - Where a student is involved, the file note must also be retained on the student file
 - Where an employer is involved, the file note must also be retained on the employer file
- b. Making a complaint

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- Pivotal Training and Development will receive complaints from any stakeholder that is engaged with Pivotal Training and Development
- In the case where early resolution has not resulted in a positive outcome, the complainant may complain using the Complaints Resolution Form which may be filled in by the complainant directly or by the relevant Pivotal Training and Development staff member that conduct the complaints process
- The Complaints Resolution Form:
 - includes the details of the complaint
 - includes provision for strategies to ensure that where it involves a student it results in agreed action to ensure a positive student experience
 - where it is a complaint about a student, the strategies includes any details regarding agreed actions that the student is required to undertake as part of their training program
 - other stakeholders will be recorded and actions agreed upon as required
 - in the case of work place training, the employer may be involved where appropriate as agreed by all relevant stakeholders involved in the complaints process

c. Complaint Handling Process

- Pivotal Training and Development receives a completed Complaint Resolution Form or the complainant may make an appointment with the relevant Pivotal Training and Development staff member to verbally provide information and the relevant staff member will complete the form
- The complainant will be provided with acknowledgement that the complaint has been received and/or appointment made to commence the process within 24 hours or at the complainants earliest possible convenience
- A written record, predominantly using the Complaints Resolution Form will be retained as evidence to utilise as an agreement for rectification and institutional improvement where possible
- Where the complaint involves another person, Pivotal Training and Development will inform the other person about the complaint and provide them with an opportunity to respond to the issues raised as part of the process to establish a mutually satisfactory outcome for both parties.
- Where the complaint involves a Pivotal Training and Development service including but not limited to pre-enrolment information, marketing, training and assessment or other services, the published steps for rectification as per “ASQA’s Student Centred Audit Approach” and “Addressing Non Compliances” will be referred to and included as positive corrective action to adopt to ensure a positive student experience and mutually productive outcome
- Provided that the matter is resolved mutually and any recommended rectifications are made, the details will be maintained on the student file and complaints register

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- In the event that the complaint involves any perceived or alleged criminal conduct, Pivotal’s Chief Executive Officer will refer the matter directly to the relevant authority

d. Appeals Process

- If the complaint is dealt with by the relevant Pivotal Training and Development staff member (as per Relevant Staff to Handle Complaints Chart) and the complainant is dissatisfied with the outcome, they may access Pivotal Training and Development Internal Appeals Process
- The complainant may then refer the matter to the relevant staff member in the column “Appeal of Decision if Required” as per nature of complaint
- The relevant staff member will objectively assess the information that was retained in the original complaint and listen to the reason the complainant is dissatisfied
- If the relevant staff member agrees that the complainant has reasonable grounds for appeal and review of the original decision, the original decision may be reviewed and a new outcome mutually agreed between the complainant, original relevant staff and relevant appeal staff
- If the relevant staff member does not agree with the complainant but has reviewed the decision and supports the original decision, the complainant is advised that the matter may be escalated to the Chief Executive Officer who makes the final decision on any internal complaints and appeals matters.
- The Chief Executive Officer will review both the details provided by the complainant and procedural fairness to ensure that the complainant was afforded fair and due process
- In the event that the Chief Executive Officer decides that the complainant has reasonable grounds, the original decision and first step appeal will be reviewed and the final outcome will be agreed upon, actioned and documented
- In the event that the Chief Executive Officer finds that the original decision was reasonable and that the complainant had been afforded fair and due process, will support the original decision.
- Where the internal appeals process has supported the original decision, the Chief Executive Officer will explain the external appeals process that the complainant may access.
- Pivotal Training and Development will not charge the complainant for any information regarding accessing the external appeals process but will the student is there is any cost the external appeals process charges.

External Review Organisations

The complainant may go to the external review organisation who will consult with the student and Pivotal Training and Development to resolve the complaint. The student will bear any costs associated with external review as per external reviewer charges only if they

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are applied. The student may ask another person to accompany them to interviews with the external reviewer.

Pivotal Training and Development agrees to be bound by the independent reviewer’s recommendations. The Chief Executive Officer or delegate will ensure that any recommendations made are implemented immediately upon receipt of the report.

If a complaint still remains unresolved after the external dispute resolution process, the complainant may decide to refer the matter to an external agency such as The NSW Anti-Discrimination Board or The NSW Office of Fair Trading (Sydney Centre)

External agency options available to students include:

- ASQA (<http://www.asqa.gov.au/complaints/making-a-complaint.html>)
- Department of Fair Trading (<http://www.fairtrading.nsw.gov.au>)
- NSW Ombudsman (www.ombo.nsw.gov.au/contact-us)
- Administrative Appeals Tribunal (<http://www.aat.gov.au>)

ASQA can directly deal with complaints about:

- the information provided by an RTO about its course/s
- the delivery and assessment of training received
- the qualifications issued or to be issued

NSW Smart and Skilled Consumer Protection

Pivotal Training and Development is an Approved Provider to deliver Approved Qualifications under the NSW Smart and Skilled training which is subsidised by the NSW Government. To ensure consumer satisfaction and protection, Pivotal Training and Development also adheres to the consumer protection requirements of the NSW Government.

Students undertaking NSW Government subsidised training that have a complaint must also refer to the Pivotal Training and Development “Smart and Skilled Consumer Protection Policy” for details of additional support from the NSW Department of Industry, Skills and Regional Development.

Recording Complaints

Pivotal Training and Development maintains complaints information in the students file, employers file and Complaints Register

Pivotal Training and Development process for recording complaints is as follows:

- a. Appointed staff give the complaints documentation to the Student Support Officer
- b. Student Service Officer
 - updates the student’s client journal on VET Trak to identify a complaint has been made

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- updates the Complaints Register
- files one hard copy of the complaint in the Complaints file and one copy in the student file

The Complaints Register is kept up to date at all times to accurately reflect how complaints were dealt with and the duration from the date the complaint was received to the date the complaint was resolved

Student Notification about Complaints Process & Student Rights

Students are informed about the complaints process and their student rights in the following ways:

- Student Induction Session
- Student Handbook
- Website

Consumer Rights

Nothing in this policy limits the rights of students or potential students to take action under Australia's Consumer Protection laws. The procedures set out in this policy do not replace or modify procedures or any other responsibilities which may arise under statute or any other law. In addition, these complaint resolution procedures do not circumscribe an individual's rights to pursue other legal remedies.

Complaints as Action for Improvement and Addressing Matters of Compliance

The Chief Executive Officer monitors the data contained in the Complaints Register as part of internal systems audit. The appropriate Manager provides this information for staff in meetings for review and improvement of services and systems.

If the complaint raised is in direct relation to a service provided by Pivotal Training and Assessment, opportunities for improvement are identified as a result of service related complaints which are to be submitted for meetings that include continuous improvement on the agenda. The Chief Executive Officer may follow-up with a student(s) that complained after consideration by the continuous improvement process to inform the complainant of the improvement actions identified and actioned.

Any rectifications that Pivotal Training and Development are required to make includes guidance from ASQA in the Fact Sheets “Student Centred Audit Approach” and “Addressing Non Compliances Following an Audit”. This information is utilised as a quality approach to maintaining compliant daily operations.

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Fees and Refund Policy

Relevant Standard/s
<p><i>Standards for Registered Training Organisations (RTOs) 2015</i></p> <ul style="list-style-type: none"> • Standard 5 – Clause 5.3 <p><i>Smart and Skilled Contract Terms and Conditions 2017</i></p> <ul style="list-style-type: none"> • Sections 14, 16, 17 <p><i>Smart and Skilled Fee Administration Policy 2017 v1.2</i></p> <p><i>Smart and Skilled Operating Guidelines 2017</i></p>

Purpose

Pivotal Training and Development ensures that information regarding fee collection, cancellation and refund requirements comply with Standard 5 Clause 5.3, Standards for Registered Training Organisations (RTOs) 2015 and the conditions of any State or Commonwealth Australian Government funded and/or subsidised training.

Compliance with Standards for Registered Training Organisations (RTOs) 2015:

Pivotal Training and Development collects fees directly from individual students and/or employers for Traineeships under government funded and/or subsidised training, providing information prior to enrolment or the commencement of training, whichever comes first specifying:

1. All relevant fee information including:
 - Fees that must be paid;
 - Payment terms and conditions including deposits and refunds
2. Student's rights as a consumer, including but not limited to any statutory cooling off period, if one applies
3. Student's right to obtain a refund for services not provided in the event that:
 - Arrangement is terminated early
 - Pivotal Training and Development fails to provide agreed services

Schedule of Fees and Charges Information

Pivotal Training and Development publishes the Schedule of Fees and Charges to provide prospective and current students information regarding all fees and charges including but not limited to:

1. Course list with duration and course fees
2. Materials/resource fees
3. RPL fees
4. Reassessment Fees
5. Repeating a Unit of Competency fee
6. Certificate, Qualification or Statement of Attainment Reissue fee
7. Resource/materials reissue fee

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8. Copy of records fee
9. Student Card replacement fee
10. Course fee information
11. Refund information

Course Fee Information

Pivotal Training and Development provides the following course fee information:

1. No enrolment fees are to be charged
2. In relation to total course fees, fees are not levied for credit transfer applications or transition for superseded qualifications
3. Fees may be paid in 10 equal instalments that amount to the total course fee
4. All overdue fees must be paid prior to the issuance of a Certificate, Qualification or Statement of Attainment or certification will not be issued until full payment has been received
5. The Fee for Service Payment Plan Option is as follows:
 - This option is available in some circumstances and must be negotiated with Pivotal prior to the administration date
 - A deposit of \$500 per study session is payable before the administration date
 - Payment must be made by the end of the teaching period for which the student is enrolled
6. Payment Methods for upfront fees:
 - Cheque or Money Order
 - Credit Card (not Amex or Diners Club)
 - Bank Deposit
7. Students will be liable for any bank fees and charges associated with dishonoured cheques
8. Students are required to pay their tuition fee instalments on or before the due date

Cancellation of Studies and Refund Conditions

Students intending to cancel their studies must give written notice using the Refund Request Form, which is available for download at www.pivotaltraining.com.au Students may contact Pivotal Training and Development staff if they need assistance with understanding their rights with regard to the refunding of course fees.

Refund Information

The following refund policy conditions will apply:

1. Students who give notice to cancel their enrolment 10 days or more prior to the commencement of a program will be entitled to a full refund of fees paid
2. Students who give notice to cancel their enrolment 9 days or less prior to the commencement of a program will be entitled to a 75% refund of fees paid

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3. The amount retained (25%) by Pivotal Training & Development is required to cover the costs of staff and resources which will have already been committed based on the students initial intention to undertake the training
4. Students who cancel their enrolment after a training program has commenced will not be entitled to a refund of fees.
5. Where refunds are approved, the refund payment will be paid to the student within 14 days from the time the student gave written notice to cancel their enrolment.
6. Refunds are paid via electronic transfer using the authorised bank account nominated but the student on the Refund Request Form

Limiting Fees Paid in Advance

Pivotal Training and Development acknowledges that it has a responsibility under the Standards for Registered Training Organisations to limit the fees paid by students in advance of their training and assessment services being delivered. Pivotal Training and Development accepts payments of no more than \$1,500 from each student prior to the commencement of a course. This requirement only applies when the payment for the fees are being made directly by an individual that falls under the protection of Australian Consumer Law.

This requirement is not applicable where the fees are being paid by the student’s employer or funding authority. This is an entity to entity transaction and does not require limiting fees in advance.

Following the course commencement, Pivotal Training and Development may require payments of additional fees in scheduled payments in advance from the student but only on such that at any given time, the amount required to be paid in advance is consistent with the portion of training being delivered.

Statutory Cooling Off Period

Pivotal Training and Development complies with the Standards for Registered Training Organisations to ensure prospective students are provided with a statutory cooling off period of 10 days. This statutory cooling off period applies in the case where a prospective student as consumer is allowed to withdraw from a consumer agreement in the case where the agreement established was through unsolicited marketing or sales tactics including but not limited to door to door sales or telemarketing.

Pivotal Training and Development does not engage in unsolicited marketing or sales tactics and therefore a statutory cooling off period is not likely to be applicable as all marketing is undertaken by Pivotal Training and Development staff directly.

Provider Default

If for any reason Pivotal Training and Development fails to provide agreed services with a student, Pivotal Training and Development will issue a full refund for any services not

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provided. The basis for determining “services not provided’ will be calculated by the units of competency completed by the student and which can be issued in a Statement of Attainment at the time the service is terminated by Pivotal Training and Development. The amount calculated for refund will be paid in 14 days from the date of notification and assessment of units completed.

Student Complaints about Fees or Refunds

Students who are dissatisfied with Pivotal Training and Development arrangements for fees and refunds may lodge a formal complaint. This must be conducted in accordance with Pivotal Training and Development complaints handling policy and process.

This policy and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia’s consumer protection law.

NSW Smart and Skilled Subsidised Training and Fee Information

Pivotal Training and Development complies with the requirements for Smart and Skilled eligible students to contribute towards the cost of subsidised training through the payment of a student fee. Refer to the Smart and Skilled Fee Administration Requirements Policy for information about the conditions for Smart and Skilled student fee and subsidy payments as well as exemption/concession eligibility.

Smart and Skilled Fee Refunds

Pivotal Training and Development adheres to the refund requirements as follows:

1. “Withdrawal no penalty date” for enrolled students to withdraw from a Smart and Skilled approved qualification is prior to commencement
2. In the case of provider default where Pivotal Training and Development either closes or no longer offers Smart and Skilled training, the section on Provider Default above will be implemented for students requiring a refund
3. Where RPL or Credit Transfer has been granted and the student is eligible for a partial refund of fees as per Fee Calculator generated by the Portal
4. If a student withdraws and have completed the requirements of a lower level approved qualification, Pivotal Training and Development may still issue certification provided all requirements of the lower level course have been met, but there will be no refund as it is after the withdrawal no penalty date.

Recovery of Outstanding Fees

Pivotal Training and Development accounts department provides the marketing & recruitment consultants with a list of outstanding fees to be collected each fortnight. The marketing and recruitment consultants will then collect the outstanding fees from student/employer.

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NSW Smart and Skilled Consumer Protection Policy

Relevant NSW Smart and Skilled Requirements

This policy has been informed by the following relevant Smart and Skilled publications related to consumer protection:

- Smart and Skilled Contract Terms and Conditions 2017 – Section 7 Provider general obligations “(n) consumer protection”
- Smart and Skilled Operating Guidelines Section 3 Consumer Protection
- Smart and Skilled Consumer Protection Strategy
- Smart and Skilled Quality Framework “Ensure Consumer Protection”
- Provider’s Guide to Smart and Skilled “Consumer Protection”
- Statement of Expectation for Smart and Skilled Providers

Purpose

Pivotal Training and Development is committed to developing and communicating consumer protection strategies directly in accordance with the Smart and Skilled Consumer Protection Strategy.

Pivotal Training and Development Consumer Protection Policy defines:

1. Student Rights and Obligations under Smart and Skilled
2. Pivotal Training and Development Consumer Protection Obligations and Responsibility under Smart and Skilled
3. NSW Department of Industry (The Department) measures to protect the rights of students receiving training under Smart and Skilled
4. Smart and Skilled complaints process
5. Other agencies that may assist in the complaints handling process

1. Student Rights and Obligations under NSW Smart and Skilled

Student Rights:

A student has the right to:

- a. Expect that the education and training provided by Pivotal Training and Development will be of a quality consistent with ASQA requirements and the requirements of the Smart and Skilled contract
- b. Expect that Pivotal Training and Development will meet 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 (Attachment 1)
- c. Be informed that personal information that is collected about them and they have the right to review and correct that information
- d. Have access to Pivotal Training and Development complaints resolution system as outlined in the Complaints Resolution Policy

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Student Obligations:

A student has an obligation to:

- a. Provide accurate information to Pivotal Training and Development on all enrolment and other information forms that is used to assess eligibility for Subsidised Training
- b. Behave in a responsible and ethical manner
- c. Sign the following to confirm that they understand all information regarding eligibility and consumer protection:
 - Student Enrolment Form
 - Smart and Skilled Subsidised Training Eligibility Form

2. Pivotal Training and Development Consumer Protection Obligations and Responsibility

Pivotal Training and Development Consumer Protection Obligations:

Pivotal Training and Development has obligations that include but are not limited to:

- a. Providing the training and support necessary to allow a student to achieve competency
- b. Providing a quality training and assessment experience for all students
- c. Ensuring that staff and relevant external stakeholders associated with Smart and Skilled meet public expectations of ethical behaviour at all times
- d. Conducting marketing activities with integrity, accuracy and transparency and without financial incentives or other inducements to consumers
- e. Ensuring that prospective students are properly informed about their subsidised training entitlements, their fees and responsibilities and obligations
- f. Providing a clear and accessible feedback and consumer protection system including the Training and Compliance Manager as the appointed consumer protection officer
- g. Maintaining procedures for protecting a student's personal information

Pivotal Training and Development Responsibility

Pivotal Training and Development is responsible to:

- a. Make the Pivotal Training and Development complaints resolution process available to students in conjunction with this Consumer Protection Policy to include consultation and reporting to The Department
- b. Appoint and publish the details of the dedicated Consumer Protection Officer
- c. Provide students with details of the pathways for resolving or escalating complaints
- d. Obtain a signed declaration from each student to confirm that they have received information regarding consumer protection

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3. NSW Department of Industry (the Department) measures to protect the rights of students receiving training under Smart and Skilled

The Department, through Training Services NSW will assist with complaints related to training under Smart and Skilled. Smart and Skilled consumer protection measures give students a central place to seek assistance with complaints relating to a Smart and Skilled training provider.

Training Services NSW administers the following measures:

- a. Provide information and advice on consumer rights
- b. Facilitate discussions between the student and Pivotal Training and Development with a view to resolving complaints
- c. Provide suggestions to parties about referrals to other government agencies

The Smart and Skilled website provides information on:

- a. Consumer protection
- b. Training provider obligations, minimum standards and grievance procedures
- c. The escalation of complaints and Smart and Skilled dispute resolution process
- d. A link is included to an online form for making an enquiry or complaint, or giving feedback.

4. Smart and Skilled complaints process

Students undertaking Smart and Skilled Subsidised Training will adhere to the following complaints process with Pivotal Training and Development and the Department:

Step 1: Student discusses complaint with Pivotal Training and Development: The student must make an appointment with the Training and Compliance Manager to discuss the complaint with the aim of addressing and rectifying where required the student complaint as per complaints resolution process. In the case of trainees, the employer may be included in the complaints process.

Where Training Services NSW receives a complaint, they will confirm if the student has complained to Pivotal Training and Development, and if the student received a response or not.

Step 2: Student contacts Training Services NSW: If a student cannot resolve their complaint with Pivotal Training and Development, the student may contact Training Services NSW can contact Training Services NSW by:

- Applying online (www.training.nsw.gov.au/build/online_forms.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)

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Step 3: Training NSW Offer of Dispute Assistance: Upon receipt of a student complaint, Training Services NSW may undertake the following:

- investigate the complaint and attempt to resolve the matter through information gathering and mediation
- may provide students with options about other government agencies that may assist with their complaint
- will contact Pivotal Training and Development and the student to help resolve the matter and communicate through any or all of the following:
 - discussions
 - letters
 - email
 - telephone conference
 - in person meetings
- try to understand the student and Pivotal Training and Development different points of view and negotiate differences with possible solutions decided by Training Services NSW Officer
- does not guarantee resolution of a complaint – in these cases it will be up to the student and Pivotal Training and Development to seek a more formal process to resolve the dispute

The Department may use any information it received including any information that is provided through dispute assistance process, in any actions against any individual including a training provider. It may also provide that information to any third party including another State or Territory Government Agency

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

5. Other agencies that may assist in the complaints handling process

This chart contains information regarding other organisations, the nature of the complaint the agency deals with and the links to access information

Other Complaint Handling Agencies	
Anti-Discrimination Board of NSW	<ul style="list-style-type: none"> • The Anti-Discrimination Board of NSW investigates and conciliates complaints of discrimination • www.antidiscrimination.justice.nsw.gov.au
Australian Human Rights Commission	<ul style="list-style-type: none"> • The Australian Human Rights Commission investigates and conciliates complaints about discrimination because of age, race, or disability and other human rights • www.hreoc.gov.au
Australian Skills Quality	<ul style="list-style-type: none"> • ASQA investigates and addresses complaints made by

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Authority (ASQA)	<p>students, training provider staff, parents, industry and the general community regarding training and assessment and the issue of qualifications, particularly in relation to:</p> <ul style="list-style-type: none"> ○ 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 <p>in breach of the <i>National Vocational Education and Training Regulator Act 2011 (Cth)</i></p> <ul style="list-style-type: none"> • www.asqa.gov.au
Commonwealth Ombudsman	<ul style="list-style-type: none"> • The Commonwealth Ombudsman investigates complaints regarding the conduct and decisions of Australian Government Agencies. • www.ombudsman.gov.au
Ethnic Communities' Council of NSW	<ul style="list-style-type: none"> • This is a peak body for all culturally and linguistically diverse communities providing advocacy, education and community development • www.eccnsw.org.au
Independent Commission against Corruption (ICAC)	<ul style="list-style-type: none"> • ICAC investigates complaints of corrupt conduct in public sector agencies • www.icac.nsw.gov.au
Information and Privacy Commission NSW	<ul style="list-style-type: none"> • The Information and Privacy Commission NSW investigates complaints of breaches of the Privacy and Personal Information Protection Act 2002 (NSW) • www.ipc.nsw.gov.au
NSW Civil and Administrative Tribunal	<ul style="list-style-type: none"> • 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 • www.ncat.nsw.gov.au
NSW Fair Trading	<ul style="list-style-type: none"> • NSW Fair Trading investigates complaints relating to breaches of consumer protection legislation • www.fairtrading.nsw.gov.au
NSW Ombudsman	<ul style="list-style-type: none"> • The NSW Ombudsman investigates complaints regarding the conduct and decisions of NSW public authorities and community service and child care training providers. • www.ombo.nsw.gov.au
NSW Police	<ul style="list-style-type: none"> • The NSW Police investigate complaints of a criminal nature against person and property, including violence and fraud

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	<ul style="list-style-type: none"> • www.police.nsw.gov.au
Office of the Australian Information Commissioner	<ul style="list-style-type: none"> • The Office of the Australian Information Commissioner investigates complaints of breaches of the Privacy Act 1988 (Cth) • www.oaic.gov.au
People with Disability Australia Inc.	<ul style="list-style-type: none"> • People with Disability Australia investigates matters where rights have been infringed • www.pwd.org.au
WorkCover NSW	<ul style="list-style-type: none"> • WorkCover NSW investigates complaints and deals with issues about Work, Health and Safety • www.workcover.nsw.gov.au

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Attachment 1

“Statement of Expectations for Smart and Skilled Providers”

The NSW Government is committed to ensuring that NSW residents have access to high quality training that will help them get a job; and that NSW businesses have ready access to the skilled workforce they need to grow.

Through Smart and Skilled, the NSW Government approves public, private and community training providers to deliver vocational education and training that is high quality, industry relevant and accessible.

The NSW Government closely monitors the performance of all Smart and Skilled providers and takes action where the provider performance or behaviour does not meet the State’s expectations. The NSW Government will also act to cancel contracts where there is evidence of Smart and Skilled providers engaging in unethical or illegal behaviour in other States or under other funded programs such as VET FEE-HELP.

The NSW Government has committed to a 65% completion rate for apprentices and traineeships by 2019 and expects all Smart and Skilled providers who are approved to deliver training to apprentices or trainees to work with industry to achieve this outcome.

Principles and Obligations

Students enrolled with a Smart and Skilled approved training provider should be confident in the services delivered by the organisation. Students and employers should expect the same level of quality whether training is provided by TAFE NSW, a private provider or an adult and community education provider.

All Smart and Skilled training providers have been assessed against the NSW Quality Framework. Contracts with the NSW Government outline the performance requirements training providers must meet to receive funding. Contracts enable the Government to take action if providers do not meet these requirements.

The statement sets out the NSW Government’s rigorous expectations of Smart and Skilled providers in the areas of: Quality; Ethics; Accountability and Responsiveness.

The NSW Department of Industry as the chief agency responsible for NSW Smart and Skilled, regularly shares information with NSW Fair Trading and Commonwealth agencies such as Australian Skills Quality Authority and the Australian Competition and Consumer Commission where it has concerns with illegal or unethical practice.

Students or employers with any concerns should contact the NSW Department of Industry on 13 28 11 or visit www.smartandskilled.nsw.gov.au

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1. Quality	3. Accountability
<p>Smart and Skilled Approved Providers must:</p> <ul style="list-style-type: none"> • Deliver training, assessment and support services that are high quality, flexible and will improve students' qualification completion rates • Ensure that facilities, resources, student support and administration are of a high standard and appropriate to the skill being taught • Maintain compliance with all Australian Skills Quality Authority requirements and the Smart and Skilled Quality Framework • Demonstrate continuous improvement and professional development for trainers, assessors and other staff 	<p>Smart and Skilled Approved Providers must:</p> <ul style="list-style-type: none"> • Meet all State and Federal legislative requirements, and all other legal requirements as per their contract • Report timely, accurate and complete student data on student progress and outcomes to the NSW Department of Industry • Notify the Department immediately should anything arise that prevents the provision of contracted services • Cooperate fully with any departmental monitoring or compliance procedures • Maintain active membership of provider industry association, meeting industry accountabilities for quality and responsiveness to student needs
2. Ethics	4. Responsiveness
<p>Smart and Skilled Approved Providers must:</p> <ul style="list-style-type: none"> • Ensure their organisation, staff and agents meet public expectations of ethical behaviour at all times • Conduct marketing activities with integrity, accuracy and transparency and without financial incentives or other inducements to students • Use all public money in accordance with the provider's contract • Identify and act immediately to respond to any evidence of fraud, misconduct, maladministration or inappropriate use of public funding • Ensure prospective students are properly informed about their subsidised training entitlements, their fees and their responsibilities and obligations • Ensure students are charged the correct fees in accordance with current approved fee arrangements • Actively avoid any conflict of interest between their Smart and Skilled responsibilities and any other training or private interests 	<p>Smart and Skilled Approved Providers must:</p> <ul style="list-style-type: none"> • Engage with industry, businesses and the community to ensure the relevance of their qualifications and the skills of trainers and assessors • Tailor training to meet the learning needs of students and provide appropriate support to assists students to progress and complete their qualifications • Ensure all students and prospective students are treated fairly and equally, in an environment free from discrimination and harassment • Ensure students with a disability can access and participate in training on the same basis as other students • Provide clear, current and easily accessible information to all students and prospective students, including a clear fee and refund policy • Offer flexible fee schedules which allow for staged payments • Implement a clear, timely, accessible complaints process

For more information, contact us on 13 28 11 or visit www.smartandskilled.nsw.gov.au

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Student Information and Protection Policy

Relevant Standard/s
<p><i>Standards for Registered Training Organisations (RTOs) 2015</i></p> <ul style="list-style-type: none"> • Standard 5 - Clauses 5.1, 5.2, 5.3

Purpose

Pivotal Training and Development provides students with information prior to selection of Pivotal Training and Development products and services including the protection of the student’s rights and the obligations of Pivotal Training and Development to comply with *Standard 5 Clauses 5.1, 5.2, & 5.3 Standards for Registered Training Organisations (RTOs) 2015*

In order to ensure students are adequately informed about the services they are to receive, their rights and obligations and Pivotal Training and Development’s responsibilities under these standards, Pivotal Training and Development provides students with information prior to commencement of services including third party arrangements (if relevant) affecting the delivery of training and/or assessment. This is to occur regardless of the manner in which the student has been engaged and whether the student was initially engaged by Pivotal Training and Development or a third party.

Compliance with Standards for Registered Training Organisations (RTO’s) 2015:

Pivotal Training and Development ensures that information provided to students prior to or on commencement complies as follows:

- a. Pivotal Training and Development provides advice to the prospective student about the training product appropriate to meeting the student’s needs, taking into account the individual’s existing skills and competencies

- b. Pivotal Training and Development provides in print or through referral to an electronic copy, current and accurate information that enables the student to make informed decisions about undertaking training with Pivotal Training and Development which includes the following content:
 - code, title and currency of the training product to which the student is to be enrolled, as published on the National Register;
 - training and assessment, and related educational and support services Pivotal Training and Development will provide to the student including:
 - estimated duration
 - expected locations at which it will be provided
 - expected modes of delivery
 - name and contact details of any third party that will provide training and/or assessment, and related educational & support services to the student on Pivotal Training and Development’s behalf (if relevant); and
 - any work place arrangement (if relevant)

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- Pivotal Training and Development’s obligations to the student, including responsibility for the quality of training and assessment in compliance with these Standards, and the issuance of AQF certification documentation
 - the students’ rights including:
 - details of Pivotal Training and Development’s complaints and appeals process required by Standard 6
 - if Pivotal Training and Development closes or ceases to deliver any part of the training product that the student is enrolled in
 - the student’s obligations:
 - in relation to the repayment of any debt to be arising from the provision of services;
 - any requirements Pivotal Training and Development requires the student to meet to enter and successfully complete their chosen training product;
 - any materials and equipment that the student must provide
 - information on the implications for the student of government training entitlements and subsidy arrangements in relation to the delivery of the service
- c. Where Pivotal Training and Development collects fees from directly from the individual student, they are provided with information prior to enrolment or the commencement of training and assessment, whichever comes first specifying:
- All relevant fee information including:
 - fees that must be paid to Pivotal Training and Development; and
 - payment terms and conditions including deposits and refunds
 - The student’s rights as consumers including but not limited to any statutory cooling off period if one applies
 - The student’s right to obtain a refund for services not provided by Pivotal Training and Development in the event that:
 - arrangement is terminated early; or
 - Pivotal Training and Development fails to provide the agreed services
- d. Where there are any changes to agreed services, Pivotal Training and Development advises the student as soon as practicable, including in relation to any new third party arrangements (if relevant) or a change in ownership or changes to existing third party arrangements

Pivotal Training and Development Information for Prospective Students

Pivotal Training and Development provides clear information to prospective students to enable them to decide if a course is suitable for them, taking into account their existing skills and knowledge and any specific needs. Prior to enrolment or commencement of training and assessment activities (including RPL), Pivotal Training and Development provides clear information to students about the following:

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Full Course Code and Title	<ul style="list-style-type: none"> a. The code and full title of the relevant training product as listed on the National Register b. Includes relevant currency information such as whether a qualification has been superseded or removed from a training package
Venue, Length & Modes of Delivery and/or Assessment	<p>Provide the student with clear information about:</p> <ul style="list-style-type: none"> a. Location of training and/or assessment b. Actual duration for completion c. Modes of delivery such as face to face, workplace, simulation environment
Third Party Arrangements (if applicable)	<ul style="list-style-type: none"> a. In the event a third party is involved in the training and assessment, students have a right to know who this is b. Students should be able to contact both Pivotal Training and Development and the third party at any time c. Pivotal Training and Development must confirm to prospective students that Pivotal Training and Development is responsible for the quality of training and assessment provided and for the issuing of qualifications and statement(s) of attainment and that any changes to the arrangements will be communicated to them d. Pivotal Training and Development provides information on how students can lodge a complaint or appeal against Pivotal Training and Development or the third party
Entry Requirements	<ul style="list-style-type: none"> a. To ensure students fully understand their obligations, inform prospective students of any entry requirements and/or specific requirements they need to meet to successfully complete the program b. Pivotal Training and Development must make it clear if the student needs to provide any materials/equipment c. Pivotal Training and Development to make it clear whether the training package includes mandatory work placements.
Support Services	<ul style="list-style-type: none"> a. Pivotal Training and Development provides information about support services available to students and any cost associated with them
Fee Information	<p>If Pivotal Training and Development requires individual students to pay fees (this requirement does not apply if Pivotal Training</p>

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	<p>and Development contracts with a company to deliver training to their employees, paid for by that company) provide fee information prior to enrolment or commencement of training/assessment (whichever is earliest) about:</p> <ul style="list-style-type: none"> b. All fees payable to Pivotal Training and Development, clearly describing all costs involved with the course c. How and when fees must be paid d. How to request a refund, and e. Conditions under which a refund will be provided <p>Where a student is being enrolled under any loan or delayed payment arrangement the terms of the arrangement must be clearly stated, including any debt that may be incurred; when repayment is required and under what conditions; and any associated fees, indexation or interest</p>
Funding Entitlements	<p>If students may be accessing any government funding entitlement that may reduce their ability to access funding in the future (such as arrangements that limit funding to one qualification for a person) provide this information prior to enrolment</p>
Consumer Rights	<ul style="list-style-type: none"> a. Inform prospective students of their rights as a consumer, in accordance with state/territory laws b. If state/territory laws where the course is being offered require a cooling off period, Pivotal Training and Development must provide information about this

Student Fee Collection

Pivotal Training and Development provides the following fee information to students prior to commencement:

- the total amount of all fees including course fees, resource fees and any other charges;
- payment terms, including the timing and amount of fees to be paid;
- the fees and charges for additional services, including such items as issuance of a replacement qualification testamur and the options available to students who are deemed not yet competent on completion of training and assessment; and
- Pivotal Training and Development's Fees and Refund Policy

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Forms of Pivotal Training and Development Information for Prospective Students

Pivotal Training and Development provides consistent information to prospective students through the following documents:

- Marketing materials – hard copy & online
- Enrolment form
- Induction presentation
- Pivotal Training and Development Student Handbook
- Training plans
- Training contracts
- Pivotal Training and Development Fees and Refund Policy

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