

## 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 Operating Guidelines Section 3 Consumer Protection
- Smart and Skilled Consumer Protection Strategy

### Purpose

Pivotal Education is committed to developing and communicating consumer protection strategies directly in accordance with the Smart and Skilled Consumer Protection Strategy. Pivotal Education has a complaint handling procedure in place to ensure that students are aware of their consumer rights and know how to make a complaint.

Pivotal Education Consumer Protection Policy defines:

1. Student Rights and Obligations under Smart and Skilled
2. Pivotal Education Consumer Protection Obligations and Responsibility under Smart and Skilled
3. NSW Department of Education (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 Education will be of a quality consistent with ASQA requirements and the requirements of the Smart and Skilled contract
- b. Be informed that personal information that is collected about them and they have the right to review and correct that information
- c. Have access to Pivotal Education complaints resolution system as outlined in the Complaints Handling and Appeals Process Policy

#### Student Obligations:

A student has an obligation to:

- a. Provide accurate information to Pivotal Education 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

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- Smart and Skilled Subsidised Training Eligibility Form
- Consent to Use and Disclosure of Personal Information
- Signed declaration to confirm receipt of consumer protection information

## 2. Pivotal Education Consumer Protection Obligations and Responsibility

### Pivotal Education Consumer Protection Obligations:

Pivotal Education has obligations that include but are not limited to:

- Providing the training and support necessary to allow a student to achieve competency
- Providing a quality training and assessment experience for all students
- Ensuring that staff and relevant external stakeholders associated with Smart and Skilled 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 that prospective students are properly informed about their subsidised training entitlements, their fees and responsibilities and obligations
- Providing a clear and accessible feedback and consumer protection system including the Administration Officer/Training Coordinator as the appointed consumer protection officer
- Maintaining procedures for protecting a student’s personal information

### Pivotal Education Responsibility

Pivotal Education implements a consumer protection and complaints handling system in line with ASQA requirements, NSW Quality Framework and the Smart and Skilled contract being responsible to:

- Have established, documented and accessible consumer feedback and complaints handling policies and procedures
- Identify the Administration Officer/Training Coordinator as the dedicated Consumer Protection Officer and publish their contact details
- Provide students with details of the pathways for resolving or escalating complaints

## 3. NSW Department of Education (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:

- Provide information and advice on consumer rights
- Facilitate discussions between the student and Pivotal Education with a view to resolving complaints

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- c. Provide suggestions to parties about referrals to other government agencies

The Smart and Skilled website (see [www.smartandskilled.nsw.gov.au](http://www.smartandskilled.nsw.gov.au)) 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 Education and the Department:

**Step 1: Student discusses complaint with Pivotal Education:** The student must make an appointment with the Chief Executive Officer 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 Education, 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 Education, the student may contact Training Services NSW can contact Training Services NSW by:

- Applying online  
([www.training.nsw.gov.au/build/online\\_forms/general\\_enquiry\\_form.html](http://www.training.nsw.gov.au/build/online_forms/general_enquiry_form.html))
- Phone on 1300 772 104
- In person at a Training Services NSW Regional Office (see [http://www.training.nsw.gov.au/about\\_us/sts\\_contacts.html](http://www.training.nsw.gov.au/about_us/sts_contacts.html))

**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 Education and the student to help resolve the matter and communicate through any or all of the following:
  - discussions
  - letters
  - email
  - telephone conference

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- in person meetings
- try to understand the student and Pivotal Education 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 Education 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	
<b>Anti-Discrimination Board of NSW</b>	<ul style="list-style-type: none"> <li>• The Anti-Discrimination Board of NSW investigates and conciliates complaints of discrimination</li> <li>• <a href="http://www.antidiscrimination.justice.nsw.gov.au">www.antidiscrimination.justice.nsw.gov.au</a></li> </ul>
<b>Australian Human Rights Commission</b>	<ul style="list-style-type: none"> <li>• The Australian Human Rights Commission investigates and conciliates complaints about discrimination because of age, race, or disability and other human rights</li> <li>• <a href="http://www.hreoc.gov.au">www.hreoc.gov.au</a></li> </ul>
<b>Australian Skills Quality Authority (ASQA)</b>	<ul style="list-style-type: none"> <li>• ASQA investigates and addresses complaints made by students, training provider staff, parents, industry and the general community regarding training and assessment and the issue of qualifications, particularly in relation to:               <ul style="list-style-type: none"> <li>○ Information the training provider has provided about the training being undertaken</li> <li>○ Delivery and assessment of the training undertaken</li> <li>○ The qualification that has or has not been issued</li> </ul> <p style="text-align: center;"><i>in breach of the National Vocational Education and Training Regulator Act 2011 (Cth)</i></p> </li> <li>• <a href="http://www.asqa.gov.au">www.asqa.gov.au</a></li> </ul>

<b>Commonwealth Ombudsman</b>	<ul style="list-style-type: none"> <li>The Commonwealth Ombudsman investigates complaints regarding the conduct and decisions of Australian Government Agencies.</li> <li><a href="http://www.ombudsman.gov.au">www.ombudsman.gov.au</a></li> </ul>
<b>Ethnic Communities' Council of NSW</b>	<ul style="list-style-type: none"> <li>This is a peak body for all culturally and linguistically diverse communities providing advocacy, education and community development</li> <li><a href="http://www.eccnsw.org.au">www.eccnsw.org.au</a></li> </ul>
<b>Independent Commission against Corruption (ICAC)</b>	<ul style="list-style-type: none"> <li>ICAC investigates complaints of corrupt conduct in public sector agencies</li> <li><a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a></li> </ul>
<b>Information and Privacy Commission NSW</b>	<ul style="list-style-type: none"> <li>The Information and Privacy Commission NSW investigates complaints of breaches of the Privacy and Personal Information Protection Act 2002 (NSW)</li> <li><a href="http://www.ipc.nsw.gov.au">www.ipc.nsw.gov.au</a></li> </ul>
<b>NSW Civil and Administrative Tribunal</b>	<ul style="list-style-type: none"> <li>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</li> <li><a href="http://www.ncat.nsw.gov.au">www.ncat.nsw.gov.au</a></li> </ul>
<b>NSW Fair Trading</b>	<ul style="list-style-type: none"> <li>NSW Fair Trading investigates complaints relating to breaches of consumer protection legislation</li> <li><a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a></li> </ul>
<b>NSW Ombudsman</b>	<ul style="list-style-type: none"> <li>The NSW Ombudsman investigates complaints regarding the conduct and decisions of NSW public authorities and community service and child care training providers.</li> <li><a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a></li> </ul>
<b>NSW Police</b>	<ul style="list-style-type: none"> <li>The NSW Police investigate complaints of a criminal nature against person and property, including violence and fraud</li> <li><a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a></li> </ul>
<b>Office of the Australian Information Commissioner</b>	<ul style="list-style-type: none"> <li>The Office of the Australian Information Commissioner investigates complaints of breaches of the Privacy Act 1988 (Cth)</li> <li><a href="http://www.oaic.gov.au">www.oaic.gov.au</a></li> </ul>
<b>People with Disability Australia Inc.</b>	<ul style="list-style-type: none"> <li>People with Disability Australia investigates matters where rights have been infringed</li> <li><a href="http://www.pwd.org.au">www.pwd.org.au</a></li> </ul>
<b>WorkCover NSW</b>	<ul style="list-style-type: none"> <li>WorkCover NSW investigates complaints and deals with issues about Work, Health and Safety</li> <li><a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a></li> </ul>