

## Consumer Protection, Complaints & Appeals Policy and Procedure

### Purpose:

The purpose of this policy and procedure is to outline the steps that Real Estate Training Solutions (RETS) takes to safeguard the interests and rights of all with whom it engages including students, employees, third parties and all other RETS stakeholders.

RETS has obligations to provide consumer protection to students as required by the:

- Competition and Consumer Act 2010
- NSW Fair Trading Act 1987
- Standards for registered Training Organisations, (RTOs) 2015

This policy and procedure applies to all staff and contractors, employers and prospective and current students. This policy and procedure is also supported by the following:

- Marketing, Promotion, Publication and Advertising Policy & Procedure
- Enrolment Policy and Procedure
- Quality Assurance Policy and Procedure
- Fees, Charges & Refunds Policy & Procedure
- Data Protection & Student Privacy Policy & Procedure
- Customer Feedback Policy & Procedure

This policy is also designed to meet the requirements of:

- The Standards for Registered Training Organisations (RTOs) 2015: Clause 4.1 5.2, 5.4, 6.1 – 6.5, 7.3
- Smart & Skilled, Consumer Protection Policy
- Smart & Skilled Operating Guidelines: Standard 3.1,3.2, 4
- NSW Quality Framework
- ACT Standards for Delivery of Subsidised Training: Clause 1.11

### Policy:

RETS has procedures in place to protect stakeholders from unethical practices, including the handling of complaints and appeals, and the provision of a timely redress process to any grievances expressed about the services provided by RETS.

The procedure includes:

1. Ethical and accurate advertising and marketing
2. The provision of accurate and comprehensive information
3. Fee protection processes
4. Protection of a student's personal information
5. Stakeholders under 18 years
6. Consumer feedback mechanisms

7. Complaints and appeals handling processes
8. Dedicated Consumer Protection Officer

RETS will not guarantee that students will successfully complete their training program, gain employment on completion of their course of study.

RETS will explicitly outline in materials provided to student at the time of enrolment its obligations to students, including that RETS is responsible for the quality of the training and assessment in compliance with the Standards for RTOs 2015, and for the issuance of the AQF certification documentation.

Where there are any changes to agreed services, RETS will advise students as soon as practicable, including a change in ownership or changes to existing third party arrangements, if applicable.

## **1. Ethical and accurate advertising and marketing**

RETS ensures that information provided to prospective and current learners and clients is transparent, accurate and consistent across all modes of information distribution and reflects the needs of prospective and current students. Marketing and promotional information accurately represents the services RETS provides.

RETS marketing of Smart and Skilled will be in accordance with the Smart and Skilled Operating Guidelines and the Contract.

RETS Marketing of the ACT User Choice Australian Apprenticeships will be in accordance with the ACT Standards for Subsidised Training and its Training Initiative Funding Agreement with Skills Canberra.

Refer to: *Marketing, Promotion, Publication and Advertising Policy & Procedure.*

## **2. Provision of accurate and comprehensive information**

RETS ensures that Information, whether disseminated directly by RETS or on its behalf, is both accurate and factual so that prospective students may make informed decisions about the training they wish to complete.

RETS also ensures that it only markets and publicises information about Smart & Skilled in accordance with its contract with the NSE Department of Education. In addition, RETS ensures that prospective students are properly informed about the availability of subsidised training as soon as practicable after contact with RETS.

Refer to:

- Marketing, Promotion, Publication and Advertising Policy & Procedure.
- Enrolment Policy and Procedure

## **3. Fee protection processes**

When RETS requires a prospective or current student to prepay fees for future services, such pre-paid fees will not exceed \$1,500 for each pre-paid fee instalment request.

For Smart & Skilled subsidised training, RETS process regarding fees are in accorded with the Smart & Skilled Fee Administration Policy.

For ACT User Choice subsidised training, RETS ensures that information about all fees and charges is clear, accurate and sufficient to enable an informed choice.

Refer to *Fees, Charges & Refunds Policy & Procedure*

#### **4. Protection of a student's personal information**

All prospective and current student personal information is protected in accordance with the National Privacy Principles under as part of the privacy protection framework under the Privacy Act 1988 (Privacy Act) including:

- RETS will only collect personal information required during the application and enrolment processes.
- Prospective and current students are provided with information on the Unique Student Identifier (USI).
- RETS requires prospective student to sign a declaration/consent authorising RETS to verify and/ or use their USI for the purpose of formalising their enrolment.
- Information collected from students is securely stored and only accessed by authorised staff for the purposes of the student's enrolment.
- Students are provided with information on how their information will be collected, used and stored during the enrolment process.
- During the enrolment process, students must complete a declaration on their Application Form stating that they consent to their personal information being collected and used by RETS, governments and other agencies for the purpose of the administration of their enrolment and research by government agencies.
- Student's personal information cannot be disclosed to another party without the individual's written consent.
- Students have a right to access their personal information and requestions be made to such information if errors are identified.

Refer to *Data Protection & Student Privacy Policy & Procedure*

#### **5. Stakeholders under 18 years**

*Reporting obligations:*

If RETS identifies concerns about the safety, welfare and well-being of students under 18 years prior to and during their period of enrolment (as protected under the Child Protection (Working with Children) Act 2012, it will report such concerns to the NSW Department of Family and Community Services and Justice.

*Child-related screening obligations:*

RETS will conduct the appropriate child related employment screening of employees, agents or other parties it engages, in accordance with the requirements established by the NSW Office of the Children's Guardian.

RETS also adheres to the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013

## 6. Consumer Feedback Mechanisms

RETS encourages feedback from all its stakeholders. RETS ensures that students, employees, employers and other stakeholders are given the opportunity to provide feedback about the services it provides. RETS uses this feedback, including complaints and appeals, to identify amendments to its operations and processes that can contribute to the continuous improvement process and to mitigate the likelihood of the reoccurrence of the causes of unfavourable feedback.

Refer to *Customer Feedback Policy & Procedure*

## 7. Complaints and Appeals Handling Processes

*Complaint:* a statement from a person (the complainant) that a product or service or action of RETS is unsatisfactory or unacceptable. Examples of complaints include, but are not limited to:

- student services support received by students
- training and assessment delivered by trainers/ assessors
- assessment outcomes
- person considers an act that they consider unjust, wrong or discriminatory and which is under the control of RETS
- services provided by third parties acting on behalf of RETS, if applicable.

*Appeal:* A request by a person (the appellant) to reverse a decision made about that person by RETS. Examples of when a person could submit an appeal include, but are not limited to:

- a complaint not being substantiated
- a decision to cancel a student's enrolment because a breach of the student Code of Conduct or non-payment of course fees
- assessment decisions made by a trainer/ assessor

RETS Complaints and Appeals Policy & Procedure will respond to allegations involving the conduct of:

- RETS, its trainers/ assessors or other employees
- a third-party providing services on behalf of RETS, if applicable
- a RETS student

RETS Complaints and Appeals process ensures the following:

- A guarantee of the complainant or appellants rights including that RETS will ensure:
  - the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process

- the complainant or appellant has the right to have an independent witness accompany them to any face-to-face meeting that might occur during the investigation of the complaint or appeal
- Information about the Complaints and Appeals process is publicly available and accessible via the RETS website and in the Student Handbook
- Information set out the procedure for making a complaint
- Information set out the procedure for making an appeal
- Complaint or Appeal requests submitted to RETS are acknowledged in writing
- RETS ensure the complaint or appeal requests are finalised as soon as practicable
- The Complaints and Appeals process include a mechanism that provides for the review by an appropriate party independent of RETS and the complainant or appellant, at the request of the person making the complaint or appeal, if RETS processes fail to resolve the complaint or appeal.
- The independent party that may be used if RETS processes fail to resolve the complaint or appeal include:
  - The National Training Complaints Hotline
  - NSW Fair Trading:
  - Training Services NSW/ Smart & Skilled
  - Skills Canberra
- The outcome of the complaint or appeal referral, with the reason(s) for the decision, will be forwarded to the student in writing within two (2) days of the decision being made by the independent party.
- The complainant or appellant may also choose to lodge a complaint with the national regulator, the Australian Skills Quality Authority (ASQA). If the complainant or appellant chooses this option, they will be directed to ASQA complaints lodgment webpage at <https://www.asqa.gov.au/complaints>

### *Complaints/ Appeals handling timelines*

- A complaint or appeal formally submitted in in writing will be acknowledged within five (5) business day of receipt by the receiving officer.
- The complaint or appeals will be finalised within ten (10) business days of receipt.
- During the investigation of a complaint or appeal, RETS may request supporting evidence from the complainant or appellant.
- If such requests results in a delay in finalising the complaint or appeal within the 10-day timescale, the complainant or appellant will be notified of the delay in writing and the reasons for the delay.
- If supporting evidence is requested from the complainant or appellant to support their application, they will be given a timeframe to submit the supporting evidence.
- Complaints or appellants who are requested to provide further evidence to support their application will also be notified that a decision will be made about their complaint or appeal if the supporting evidence is not submitted within the specified timeframe.
- If the complaint or appeal cannot be finished within the ten-day timeframe, the complainant or appellant will be notified in writing about the delay in finalising the complaint or appeal and the reason(s) for the delay.
- If RETS considers more than 60 calendar days are required to process and finalise a complaint or appeal, RETS will notify the complainant/appellant in writing via email including reasons why more than 60 calendar days are required
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- In the instance of needing more than 60 days to finalise the complaint/ appeal, RETS will provided the complainant, appellant with fortnightly updates about the progress of the complaint/ appeal.

### *Complaints & Appeals Records*

- RETS securely maintains records of all complaints and appeals and their outcomes.
- RETS also maintains a '(a) Complaints and (b) Appeals Register which describes:
  - a complaint or appeal reference number
  - the name of the complainant or appellant
  - the role of the complainant or appellant, e.g., student, employee role, etc.
  - the date on which the complaint was submitted to RETS
  - the date on which the complaint was responded to
  - the outcome of the complaint
  - the date on which the outcome of the complaint was issued to the complainants/ appellant
- RETS stores records of complaints including the Complaints & Appeals Register on appeals on organisation's Share Drive at RETS - Accounts – Student Journey – Support & Progression – Complaints & Appeals
- As part of quality assurance process, RETS identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.
- Amendments to current policies and processes resulting from the outcomes of complaints or appeals are recorded in RETS Continuous Improvement Register.

## **8. Smart & Skilled Complaints Process**

- RETS will provide Smart & Skilled subsidised complainants with the option to use Training Services NSW's complaints handling process as described in the Smart & Skilled Consumer Protection Strategy.

## **9. Dedicated Consumer Protection Officer**

- RETS has a dedicated Consumer Protection Officer.
- The Consumer Protection Officer, RETS CEO, Ms Sasha Boe.
- The Consumer Protection Officer's name and contract details are listed in the Student Handbook and other documentation issued to student at the time of enrolment and/ or to employees at the time of induction.

## Procedures

- Contact RETS for details of internal Consumer Protection, Complaints & Appeals procedures.

### Pro-forma and supporting documentation

- Marketing, Promotion, Publication and Advertising Policy & Procedure
- Enrolment Policy and Procedure
- Fees, Charges & Refunds Policy & Procedure
- Data Protection & Student Privacy Policy & Procedure
- Customer Feedback Policy & Procedure
- Continuous Improvement Register
- Complaints Form
- Appeals Form

### Version Control:

<b>Title</b>	<b>Consumer Protection, Complaints &amp; Appeals Policy &amp; Procedure V1.0</b>			
<b>Description</b>	Describes processes used by RETS to manage complaints and appeals processes and other state training services consumer protection requirements			
<b>Created By</b>	Joe Lynch			
<b>Date Created</b>	23.11.2021			
<b>Maintained By</b>	Joe Lynch			
<b>Version Number</b>	<b>Modified By</b>	<b>Modifications Made</b>	<b>Date Modified</b>	<b>Status</b>