NATIONAL COLLEGE
OF VOCATIONAL EDUCATION

RTO: 90283

Consumer Protection, Complaints & Appeals Policy and Procedure

Purpose:

The purpose of this policy and procedure is to outline the steps that National College of Vocational Education (NCVE) takes to safeguard the interests and rights of all with whom it engages including students, employees, third parties and all other NCVE stakeholders.

NCVE 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 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
- Stakeholder Feedback Policy & Procedure

This policy is 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

Policy:

NCVE 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 NCVE.

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

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

NCVE will explicitly outline in materials provided to student at the time of enrolment its obligations to students, including that NCVE 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, NCVE 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

NCVE 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 NCVE provides.

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

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

2. Provision of accurate and comprehensive information

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

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

Refer to:

- Marketing, Promotion, Publication and Advertising Policy & Procedure

- Enrolment Policy and Procedure

3. Fee protection processes

When NCVE 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, NCVE processes, regarding fees, are in accordioned with the Smart & Skilled Fee Administration Policy.

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 as part of the privacy protection framework under the Privacy Act 1988 (Privacy Act) including:

- NCVE 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).
- NCVE requires prospective student to sign a declaration/consent authorising NCVE 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 NCVE, 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 NCVE 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:
NCVE 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.

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

6. Consumer Feedback Mechanisms

NCVE encourages feedback from all its stakeholders. NCVE ensures that students, employees, employers and other stakeholders are given the opportunity to provide feedback about the services it provides. NCVE 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 *Stakeholder 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 NCVE 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 NCVE
- services provided by third parties acting on behalf of NCVE, if applicable.

Appeal: A request by a person (the appellant) to reverse a decision made about that person by NCVE. 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.

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

- NCVE, it's trainers/assessors or other employees
- a third-party providing services on behalf of NCVE, if applicable
- a NCVE student.

NCVE Complaints and Appeals process ensures the following:

- A guarantee of the complainant or appellants rights including that NCVE 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 NCVE 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 NCVE are acknowledged in writing
- NCVE 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 NCVE and the complainant or appellant, at the request of the person making the complaint or appeal, if NCVE processes fail to resolve the complaint or appeal.
- The independent party that may be used if NCVE 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 lodgement 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, NCVE 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 NCVE considers more than 60 calendar days are required to process and finalise a complaint or appeal, NCVE will notify the complainant/appellant in writing via email including reasons why more than 60 calendar days are required.
- In the instance of needing more than 60 days to finalise the complaint/appeal, NCVE will provided the complainant, appellant with fortnightly updates about the progress of the complaint/appeal.

Complaints & Appeals Records

- NCVE securely maintains records of all complaints and appeals and their outcomes.
- NCVE also maintains an (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 NCVE
    - the date on which the compliant was responded to
    - the outcome of the complaint
    - the date on which the outcome of the compliant was issued to the complainants/appellant
- NCVE stores records of complaints including the Complaints & Appeals Register on the organisation's Share Drive
- As part of quality assurance process, NCVE 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 NCVE Continuous Improvement Register.

8. Smart & Skilled Complaints Process

NCVE 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

- NCVE has a dedicated Consumer Protection Officer.
- The Consumer Protection Officer, NCVE CEO, Mr Steve Millard
- 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

1. Ethical and accurate advertising and marketing
See • Marketing, Promotion, Publication and Advertising Policy & Procedure.
2. Provision of accurate and comprehensive information
See: • Marketing, Promotion, Publication and Advertising Policy & Procedure • Enrolment Policy and Procedure.
3. Fee protection processes
See • Fees, Charges & Refunds Policy & Procedure.

4. Protection of a student's personal information

- Data Protection & Student Privacy Policy & Procedure.

5. Stakeholders under 18 years

- The Administration Officer:
  - will be the first point of contact between NCVE and a prospective student:
    - makes initial contact with the prospective student via telephone call
    - be aware of the prospective student's declared age from a range of enrolment documentation.
  - uses an interview script and checklist to guide the initial induction conversation and to record input provided by the prospective student.
- If the prospective student has disclosed to the Administration Officer information that raises concerns about the safety, welfare or wellbeing of the young person that constitute risk of significant harm, the Enrolments Officer immediately reports the issue to the CEO.
- The CEO in consultation with the Enrolments Officer use the NSW Mandatory Reporter Guide at https://reporter.childstory.nsw.gov.au/s/mrg to determine if they should proceed to formally report their concerns to family and Community Services.
- The CEO will ensure that all records of disclosures are securely maintained.

6. Consumer Feedback Mechanisms

See

Stakeholder Feedback Policy & Procedure

7. Complaints and Appeals Handling Processes

Complaints

Informal Complaints Resolution

- If a student has a concern about any aspect of their experience with NCVE, in the first instance, they should speak to their assessor/trainer who will endeavour to assist the student including identifying a remedy to the student issue of concern.
- If the trainer/assessor is unable to assist, or the complaint relates to the trainer/ assessor, the student should contact the Training Manager based at NCVE office.
- The Training Manager, in the first instance, will endeavour to identify a remedy to the student's concern.
- If the complainant is a stakeholder other than a student, then the complainant should also initially contact the Training Manager based at NCVE office.

Formal Complaints

- If unable to reach an informal resolution with the complainant, the Training Manager advises the complainant that, if they wish to make a formal complaint, they must complete a 'Complaints Form' available from Student Services or

downloadable from the NCVE website and send the completed form to NCVE Student Services at the email reception@ncve.edu.au

- The application form requests the complainant to attach supporting documentation, if available, to support their complaint.
- NCVE Student Services will use the '*Complaints Acknowledgement email'* template to acknowledge receipt of complaint within one working day of receipt.
- The acknowledgment email will outline the timeframe for responding to the complaint.
- The Training Manager will commence assessment of the complaint within five working days of it being made.
- Investigation of the complaint may include, but is not limited to the following:
    - review of supporting documentation submitted by the complainant
    - interviews with other parties that may be the subject of the complaint
    - review of documentation relating to the complaint, for example, completed assessments, student records, written communications
    - interview with the complainant; the complainant will be contacted to arrange a suitable meeting time and advised that they may bring a support person to any scheduled meeting.
- The Training Manager will document all matters discussed at meetings with the complainant or any other parties involved during the investigation of the complaint.
- In the instance of needing more than 60 days to finalise the complaint, NCVE will provide the complainant with fortnightly updates about the progress of the complaint.
- Once the complaint is finalised, the Training Manager sends the complainant a written statement via email using the *'Complaint Outcome email'* template detailing the outcome of the complaint, including detailed reasons for the outcome.
- The Training Manager will advise the complainant of the complaint outcome within two (2) working days of concluding the complaint review.
- When advising the complainant of the outcome of the complaint, the Training Manager will also advise the complainant of their right to access NCVE appeals process if they are dissatisfied with the complaint outcome.
- The communication will advise that the complainant should first exhaust NCVE appeal process before referring their complaint to any external third party.
- The complainant will also be advised that, if the wish to appeal the complaint outcome, they must do so within 20 working days of receipt of being notified in writing of the complaint outcome.
- Complaints lodged by employees including trainers/assessors and student services staff or NCVE third parties will be managed similarly to the processes outlined above.

- Complaint outcomes that identify areas for improvement will result in remedial action and amendments to current processes.
- All records associated with a complaint submission are stored on the college Share Drive
- Complaint documentation is stored in folders named by complaint number. For example, '*2022-xx*'
- Complaint information is also recorded on the Complaints Register at Share Drive

Appeals

- Appeals must be submitted in writing using the Appeals Form available from the NCVE website.
- The Appeals Form requests that the complainant submit supporting documentation to support their appeal, if available.
- The Appeals Form and supporting documentation may be submitted to NCVE by hand or by email to reception@ncve.edu.au
- NCVE Student Services will use the 'Appeals Acknowledgement email' template to acknowledge receipt of the appeal within one working day of receipt.
- The acknowledgment email will outline the timeframe for responding to the appeal.
- The Training Manager will commence assessment of the appeal within two working days of it being made.
- The assessment of the appeal will be conducted in a professional, fair and transparent manner.
- The Training Manager will investigate the appeal. Investigation of the appeal may include, but is not limited to the following:
    - review of supporting documentation submitted by the appellant
    - interviews with other parties that may be the subject of the appeal
    - review of documentation relating to the appeal
    - interview with the appellant; the appellant will be contacted to arrange a suitable meeting time and advised that they may bring a support person to this meeting.
- In the instance of needing more than 60 days to finalise the appeal, NCVE will provided the appellant with fortnightly updates about the progress of the complaint.
- The Training Manager will document all matters discussed at meetings with the appellant or any other parties involved during the review of the appeal
- Once the appeal is finalised, the Training Manager sends the appellant a written statement via email using the *'Appeal Outcome email'* template detailing the outcome of the appeal, including detailed reasons for the outcome.

- The Training Manager will advise the complainant of the complaint outcome within two (2) working days of concluding the appeal review.
- When advising the appellant of the outcome of the appeal, the Training Manager will also advise the complainant of their right to access an external appeal handling process at minimal or no cost to the student.
- The Training Manager will also be given the appellant the contact details of the appropriate complaints handling body.
- For the purposes of this process, the external agencies that may be accessed include:
    - The National Training Complaints Hotline: 13 38 73 (email at skilling@education.gov.au)
    - NSW Fair Trading: 13 38 73 (via website at https://www.fairtrading.nsw.gov.au/help-centre/online-tools/make-a-complaint) Consumer rights including tuition fee refunds
    - Training Services NSW/ Smart & Skilled (for NSW subsidised training students)
      Smart and Skilled enquiries/complaints Phone: 1300 772 104
      Email: SmartandSkilled.Enquiries@det.nsw.edu.au
      https://www.training.nsw.gov.au/build/online_forms/general_enquiry_form.html
    - ASQA complaints portal at: https://www.asqa.gov.au/complaints/complaints-about-training-providers
- If the internal or any external appeal process results in a decision or recommendation in favour of the appellant, NCVE will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision and advise the appellant of that action.
- All records associated with an appeal submission are stored on the college Share Drive
- Appeal documentation is stored in folders named by appeal number '*2022-xx'*
- Appeal information is also recorded on the Appeals Register at Share Drive

Complaints lodged with Training Services NSW

- The complainant must first complete the NCVE complaints and appeals processes.
- If the complainant is unhappy with the complaint and/or appeal outcome, they may lodge a complaint with Training Services NSW.
- If the complainant has not resolved their complaint with NCVE, they may contact Training Services NSW by:
    - Applying online at https://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

- Training Services NSW will ask the complainant if they have completed NCVE's complaints processes.
- Training Services NSW will ask the complainant a series of questions to understand their complaint.
- A Training Services NSW officer will investigate the complaint and will attempt to resolve the matter through information and mediation. They may also provide the consumer with options about which other government agencies may be able to assist with their complaint.
    - The officer will contact NCVE and the complainant to help them to resolve the matter.
    - Training Services NSW will try to get each party to understand and respect each other's different points of view, negotiate differences and discuss possible solutions.
    - These discussions and communications may take place through:
        - letters
        - emails
        - telephone conferences
        - video conferences
        - in-person meetings.
    - A resolution of any complaint or dispute is not guaranteed by Training Services NSW.
    - The officer will inform the complainant and NCVE when they believe Training Services NSW has done all it can to assist both parties.
    - If the complaint is not resolved, then NCVE and the complainant may seek further formal processes to resolve their dispute.

8. Dedicated Consumer Protection Officer

NCVE, CEO, Mr. Steve Millard performs the role of Consumer Protection Officer:
Phone: 1800 180 881

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
- Stakeholder Feedback Policy & Procedure
- Continuous Improvement Register
- Complaints Form
- Appeals Form

Version Control:

Title	Consumer Protection, Complaints & Appeals Policy & Procedure			
Description	Describes processes used by NCVE to manage complaints and appeals processes and other state training services consumer protection requirements.			
Created By	Jill Millard			
Date Created	10.01.2017			
Maintained By	Jill Millard			
Version Number	Modified By	Modifications Made	Date Modified	Status
V2.0	Joe Lynch	Distinction between complaints and appeal clarified	04.10.2022	Current
V2.1	Jill Millard	Minor edit fix typos Reviewed 29/04/2024	04/04/2025	Current