

Consumer Protection Policy

Purpose

The purpose of this Consumer Protection Policy is to ensure all potential and enrolled students are aware of their rights as a consumer in accordance with consumer protection legislation.

This policy is to be read in conjunction with the following documents:

- Complaints and Appeals Policy and Procedure
- Marketing Policy and Procedure
- Privacy Policy and Procedure
- Financial Management Policy and Procedure
- Student Handbook

Student rights and obligations under Smart and Skilled

As a student receiving government-subsidised training under Smart and Skilled, you have certain rights and obligations.

You have the right to:

- Expect that the education and training you receive will be of a quality consistent with the national VET regulator's requirements (the Australian Skills Quality Authority) and the requirements of the Smart and Skilled contract (available on www.training.nsw.gov.au)
- Be informed about personal information that is collected about you and the right to review and correct that information
- Have access to Linked 2's consumer protection complaints system

Students' obligations include:

- Providing accurate information to Linked 2
- Behaving in a responsible and ethical manner

Training provider obligations and responsibilities under Smart and Skilled

Linked 2 has obligations under Smart and Skilled that include but are not limited to:

- Providing the training and support necessary to allow a consume to achieve competency
- Providing a quality training and assessment experience for all consumers
- Ensuring our 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 consumers
- Ensuring prospective consumers are properly informed about their subsidised training entitlements, their fees and their responsibilities and obligations
- Providing a clear and accessible feedback and consumer protection system including an identified consumer protection office
- Maintain procedures for protecting a consumer's personal information

The Smart and Skilled contract requires Linked 2 to:

- Have established, documented and accessible consumer feedback and complaints handling policies and procedures
- Identify a dedicated consumer protection officer and list their contact details
- Provide consumers with details of the pathways for resolving or escalating complaints

From the NSW Department of Education Smart and Skilled: Consumer Protection Strategy

Marketing

It is Linked 2's Policy that all relevant Linked 2 marketing is ethical towards students and/or relevant stakeholders.

Linked 2 will achieve this by marketing and advertising AQF and VET qualifications that are consistent with our Scope of Registration and by not misleading our stakeholders in any way.

'Ethical and accurate marketing' means:

- Obtaining prior written permission from any person or organisation for use of marketing or advertising material which refers to them
- Accurate representation of training products and services
- Ensuring that advertised outcomes are consistent with AQF and VET Qualifications or VET Statements of Attainment
- Only advertising AQF and VET Qualifications or units of competency if they are on Linked 2's Scope of Registration

'Marketing' includes but is not limited to:

- Website information
- Advertising banners
- Brochures
- Flyers
- Faxes
- Emails
- Handbooks
- Any other materials promoting the services of Linked 2

Linked 2 ensures that any activity relating to qualifications to students is ethical, accurate and consistent with Linked 2's Scope of Registration. It is also aligned to the Standards for Registered Training Organisations 2015.

All marketing and advertising materials (including brochures, flyers, newspaper advertisements, website content and any other media advertising materials) that relate to the Scope of Registration are to be developed in consultation with relevant stakeholders within the organisation or in consultation with external parties responsible for developing marketing and advertising materials. If reference is made to any individual or other organisation as part of the materials content, written permission is to be obtained and kept on file for future reference.

Training and assessment services are accurately represented ensuring that communication is not misleading or indicates false claims regarding these services to students which, in turn, may impact their decision to use Linked 2's training services. Nationally Recognised Training is clearly separated from non-accredited training for all materials to ensure that employees/clients/students/stakeholders are not misled as per the Standards for Registered Training Organisations 2015 guidelines regarding using the Australian Qualifications Framework (AQF) and Nationally Recognised Training (NRT) logos.

Any advertised outcomes to training and/or assessment are consistent with AQF Qualifications or Statement of Attainment guidelines. All outcomes are checked to ensure they align with the advertising materials. All published material regarding information about Training Packages/Accredited Courses contains the correct Training Package codes and titles. Copies of all published advertising and marketing materials are maintained as a soft copy and in a hard copy folder.

Privacy

Types of information we collect

Linked 2 collects personal information about individuals including students, employees, contractors, job applicants and other people with whom Linked 2 or a third party has contact with in connection with Linked 2's activities.

Information is collected for enrolment or employment purposes.

The personal information which Linked 2 collects and holds generally includes:

- Full name
- Contact details (such as address, phone number, email)
- Emergency contact details
- Employment details
- Educational background (such as academic record)
- Demographic Information (e.g. date of birth, gender)
- Course progress and achievement information
- Financial billing information (e.g. credit card information, bank details)

Clients and potential students do not have to provide Linked 2 with their personal information, however, Linked 2 is not obliged to enrol students or deal with clients in these cases.

Linked 2 may also collect and hold sensitive information. Sensitive information includes:

- Identity details (such as passport number, nationality, visa status, social welfare benefit, employment status, income statement, racial or ethnic origin, health information, disability, special needs, employment report, and Language Literacy and Numeracy level, etc.)
- Unique Student Identifier (USI)
- Employee details and HR information (such as a report provided by employer, job network, a medical professional or references from other than Linked 2)
- Complaint information
- Disability status and other individual needs
- Indigenous status
- Background checks (such as National Criminal Checks or Working with Children checks)
- Copies of security licences and clearances

Use of information

Linked 2 will use student and client information as they would reasonably expect. Linked 2 only collects personal information about students or clients when that information is necessary for any of the following purposes:

- Providing services to clients e.g.
 - Enrolling students into a qualification
 - Process RPL and Credit Transfer applications
 - Processing payments for courses
 - Entering and managing student training and assessment data (student progress, assessment results, certification)
- Government and Regulatory reporting requirements
- Managing employee, franchisee and contractor teams
 - Confirming trainer/assessor qualifications
 - Checking licensing/registration requirements
 - Meeting legislative requirements around superannuation, taxation, wages etc.
- Promoting products and services
- Conducting internal business functions and activities
- Requirements of stakeholders

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If Linked 2 also obtains client or student information that is considered sensitive, it will only use that sensitive information for the purposes listed above; or other directly related purposes; or purposes to which the student or client otherwise consents to.

Marketing

Personal information of potential, current or past students is only used for direct marketing purposes where consent has been given by the individual. Direct marketing is done by Linked 2 only. Individuals can opt out of direct marketing at any point.

Disclosure of personal information

Information will not be disclosed to a third party without written consent of the student. Students are able to access their files and information on request. Request for copies, or details, of student records must be in writing to Linked 2. The Privacy Act is adhered to throughout this process.

As a supplier to government registered training organisation (Linked 2) clients, regulated by the ASQA, Linked 2 is required, by law, to collect, hold, use and disclose a wide range of personal and sensitive information on clients and their participants enrolled in nationally recognised training programs.

This means that any personal information students or clients provide to Linked 2 may be disclosed, if appropriate, to the relevant government departments and other service providers. Linked 2 expects these service providers to also look after student and client information carefully. Linked 2 will only disclose student and client personal information for the purposes for which it was initially collected, and other directly related purposes to which the student or client otherwise consents.

Other than as stated above, Linked 2 will not share student and client personal information. However, it is possible, though unlikely, that Linked 2 might be forced to disclose personal information in response to legal process or when Linked 2 believes, in good faith, that the law requires it, for example, in response to a court order, subpoena or a law enforcement agency request.

Financial Management

Linked 2 accounts are certified by a qualified accountant against Australian Accounting Standards at least annually.

Certifications of accounts are provided to our registering body on request. Should the registering body reasonably deem it necessary, Linked 2 will provide a full audit report on its financial accounts from a qualified and independent accountant.

Any request for financial and other forms of information from the regulating body is requested in writing.

It is Linked 2's Policy to ensure that all financial policies are included in the Student Handbook and on the website.

Any monies paid to Linked 2 by students in advance are protected and a fair and reasonable refund policy exists and is followed. Linked 2 does not collect up-front fees from any individual student in excess of \$1500.00.

Linked 2 ensures that information on fees, charges and eligibility for refund is provided to students, clients and all other stakeholders prior to enrolment through the Student Handbook and the enrolment process. This information is provided on the Linked 2 website (www.linked2.org.au) and the Student Handbook.

Linked 2 issues receipts on payment of a fee, ensures that the payment details are recorded, and that fees are banked into the Linked 2 business account. All payments and refunds are processed through Linked 2's financial system.

Student Fee Protection

Linked 2 will comply with Clause 7.3 of the Standards for Registered Training Organisations 2015

"Protect prepaid fees by learners" regarding the collection of student fees. The CEO is responsible for ensuring that Linked 2 complies with all fee collection requirements.

Under the requirements of ASQA, Linked 2 accepts payment as scheduled:

- \$1,500 maximum from an individual student at enrolment
- Maximum \$1,500 per instalment to the end of the training course – this amount will differ dependent on the course being undertaken. The CEO will administer student fee payments and instalments

Complaints and Appeals

Complaints and appeals

It is Linked 2's Policy to ensure that complaints and appeals are addressed efficiently and effectively. Linked 2 undertakes the following methods to ensure that this is achieved:

- Effective management of complaints and appeals
- Resolution of complaints and appeals is demonstrated
- Continuous monitoring and review of complaints and appeals to prevent their recurrence and to improve the operations or services of Linked 2

A complaint or appeal relates to any type of concern or problem pertaining to your work or course being undertaken which may be raised by either a member of staff or a Student.

Linked 2 will strive to establish a consistent atmosphere of trust and openness with students so that any type of complaint is dealt with in a timely, constructive and effective manner. All complaints and appeals are considered serious and an investigation of the complaint or appeal will commence within 24 hours receiving the said complaint or appeal.

All students making any form of complaint or appeal have the right to have an independent person or panel to act on their behalf or hear their complaint or appeal at any time or even to support them whilst the complaint or appeal is being resolved.

All students have the right to formally present their complaint or appeal. All complaints or appeals will be recorded in writing and the outcomes will be communicated back in writing explaining the outcome.

The steps in the complaints and appeals process are:

(A) LOCAL LEVEL RESOLUTION

Any Student with a complaint or appeal is firstly encouraged to raise the matter directly with the other party concerned. A meeting should be requested, by the student, at which time the matter in dispute can be raised and a resolution sought. In other words, talk directly to the person you have a problem with, and try to sort the problem out between you.

(B) RESOLUTION BY TRAINER/ASSESSOR

Should the matter remain unresolved following (a) or should (a) be considered inappropriate, the Student is encouraged to contact their trainer/assessor, who will help to sort out a solution. This may be by means of a mediated discussion or by talking individually with each person involved in the dispute.

(C) RESOLUTION BY THE CEO

Should the matter remain unresolved following (b), or should (b) be considered inappropriate, the Student is encouraged to contact the CEO who will investigate the matter. The CEO will ask you to put your concerns in writing and will review and help to your concerns and will give you a written response to your complaint explaining the outcome including the reason for the decision.

(D) RESOLUTION BY ARBITRATION

Should the matter remain unresolved following (c), the CEO will appoint an independent arbiter or panel to review the dispute and suggest an amicable solution, consistent with the Linked 2 Procedure Manual.

If the individual is still not satisfied they may escalate their complaint directly to the relevant Consumer Protection Agency for investigation:

NSW Office of Fair Trading

13 32 20

www.fairtrading.nsw.gov.au

Smart & Skilled Subsidised Students

Smart & Skilled Subsidised Students can also contact the Smart and Skilled customer support centre to seek assistance, ask for advice, make a complaint or provide feedback.

<https://smartandskilled.nsw.gov.au/for-students/consumer-protection-for-students>

13 28 11 or 1300 77 21 04

smartandskilled.enquiries@det.nsw.edu.au

Or in person at a Training Services NSW centre (<https://education.nsw.gov.au/skills-nsw/contact-us>)

Alternatively, a complaint may also be lodged with the ASQA complaints handling service for complaints against RTOs:

Australian Skills Quality Authority

www.asqa.gov.au

Phone: 1300 701 801

Contacts

Linked 2 Consumer Protection Officer

Hillary Jorey-Hughes

02 8000 9175

info@linked2.org.au

Contact Training Services NSW

Online: https://www.training.nsw.gov.au/build/online_forms/general_enquiry_form.html

Phone: 1300 772 104

In person at a Training Services NSW Regional Office: <https://education.nsw.gov.au/skills-nsw/contact-us>

NSW Education Department Customer Support Centre

1300 772 104

<https://smartandskilled.nsw.gov.au/>

smartandskilled.enquiries@det.nsw.edu.au

