

Smart and Skilled: Consumer Protection Policy

Policy

Focal Holdings Pty Ltd is aware of its obligations to provide consumer protection for all students as designated in the Competition and Consumer Act 2010, the NSW Fair Trading Act 1987, the NVR Standards for RTO's 2015 and the Smart and Skilled Consumer Protection Policy. To ensure our customers are fully protected and are aware of their rights and of avenues of complaint we have developed a Customer Protection Strategy as listed below.

Focal Holdings Pty Ltd is committed to ethical marketing practices; we will not undertake marketing that is misleading, deceptive or of unconscionable conduct. We will take extra care when marketing to vulnerable consumers who may be less able to understand what they are signing up for.

We understand that Australian Consumer Law applies to all education and training services, including:

- advertising, marketing and promotion
- soliciting and taking enrolments
- training delivery
- student assessment
- handling of complaints by training providers
- requests to cancel a student's enrolment.

The ACL also applies if and when these services are provided by third parties on our behalf.

Customer Protection Strategy

The following procedures form Focal Holdings Pty Ltd's Customer Protection Strategy

- All information provided about training products and services will be accurate and factual.
- A Quality Assurance Statement will be published that ensures training and assessment services will meet the legislative requirements of a Registered Training Organisation, be fit for purpose and delivered in the advertised timeframe.
- Information about any Third Party Arrangements, if any, with regard to recruitment and training and assessment, will be provided.
- We will monitor any marketing made on our behalf by Third Parties in accordance with our Third Party Partnership Policy.
- We will inform students in our course brochures and via our website of any entry requirements before they enrol. These entry requirements may include English language proficiency or meeting particular regulatory licensing requirements.
- We will not make any guarantees to the effect that students will successfully complete their training program, obtain employment on completion or that a training product will be delivered in a manner that does not meet the Standards for RTO's 2015.
- Written consent will be obtained from anyone whose photograph, testimonial, logo or work is used in any form of marketing or promotion.
- All personal information will be treated, recorded and stored in line with the National Privacy Principles
- All marketing and promotions, including unsolicited methods such as telemarketing or direct marketing at a location other than our premises (including door to door sales), will meet the requirements of the Australian Consumer Law including the requirement for cooling off periods.¹
- Marketing by email will meet the Legal obligations of the Spam Act 2003.

¹ As detailed in the NSW Department of Fair Trading Fact Sheet: Training Providers and Marketers

- Students will be informed of any limited entitlement schemes that may impact them by enrolling in a training product. This includes where students can only access one course in a limited time frame and where they may be excluded from funding for other training.
- Students will be provided with the following information prior to enrolment:
 - The Complaints and Appeals Process
 - The Fee, Charges and Refund policy including Fee Protection
 - Their rights and responsibilities
 - Arrangements if training and assessment services in which they are enrolled can no longer be provided
- Any complaint will be treated as an opportunity to review and improve our service and will be included as part of our Continuous Improvement Process.

Smart and Skilled

For students undertaking training and assessment under the NSW Government's Smart and Skilled Programme the following procedures are additional to the points above:

- The **National Manager** will be the designated Customer Protection Officer. Their role will be to handle any complaints and grievances and to ensure compliance with Consumer Protection legislation and Funding Body contractual compliance.
- The contact details of the Customer Protection Officer will be made available to all clients on the website and in pre-enrolment information.
- Details of, or links to, the Smart and Skilled website and 1300 772 104 contact number will be made available on all public information including the website, brochures/information printed or downloaded from the website, enrolment forms and student induction material.
- A link to the Smart and Skilled Consumer Protection Strategy will be included in Student Information available on our website.
- Every attempt will be made to resolve any student complaints using the Complaints and Appeals Policy.
- If, after following the Complaints and Appeals Process, a student considers matters are not resolved to their satisfaction and wish to inform a third party, they will be provided with contact details for [NSW Department of Education and Communities Consumer Protection Unit for Students](#).
- We will not offer inducements of any kind, either directly or through marketing agents, to encourage student enrolment.

Related Policies/Documents

Fees, Charges and Refunds Policy
 Marketing Policy
 Complaints and Appeals Policy
 Record Keeping Policy
 Privacy Policy
 Third Party Partnership Policy
 Student Rights and Responsibilities
 Code of Practice

References

[Competition and Consumer Act 2010 \(as explained by ACCC\)](#)
[NSW Fair Trading Act 1987](#)
[NVR Standards for RTO's 2015](#)
[Smart and Skilled Consumer Protection Policy](#)
[Australian Privacy Principles](#)
[Unsolicited Consumer Agreements ACC](#)
[Marketing by Email ACMA](#)
[The Australian Consumer Law](#)
[The Australian Consumer Law: Unsolicited Marketing](#)
[Study Assist](#)
[NSW Department of Fair Trading Fact Sheet: Training Providers and Marketers](#)