

Consumer Protection Policy

Name: Consumer Protection Policy

Endorsed by: Continuous Improvement Committee

Date approved: July 2020

Review Date: January 2022

PURPOSE

Benchmark College is committed to ensuring that it remains compliant with the relevant legislation and regulations that protect the rights of consumers as well as fair trade, competition and accurate information in the marketplace.

The following outlines Benchmark College's Consumer Protection Policy identifying processes and systems for the transparency of business operations designed to protect its consumers. This policy is in line with the NSW Smart and Skilled Consumer Protection Strategy. This policy should be read in conjunction with all related documents listed in the 'Related Documents' section of this policy.

SCOPE

Benchmark College's Consumer Protection Policy applies to staff (general staff, trainer/assessors and contractors) students and employers.

RELEVANT STANDARDS AND GUIDELINES

The Consumer Protection Policy addresses Standards for Registered Training Organisations (RTOs) 2015; Standards 1, 4, 5, 6 and 7.3

ADDITIONAL REFERENCES

- Competition and Consumer Act 2010 (Cth)
- Australian Consumer Law (ACL)
- Fair Trading Act 1987
- Fair Trading Regulations 2012 (NSW).
- NSW Smart and Skilled Consumer Protection Strategy
- NSW Quality Framework
- Complaint Handling Policy Guidelines, NSW Department of Education¹
- Conflict of Interest Guidelines, Commonwealth Ombudsman²

¹ <https://education.nsw.gov.au/about-us/rights-and-accountability/complaints-compliments-and-suggestions>

² https://www.ombudsman.gov.au/_data/assets/pdf_file/0030/29919/Conflict-of-Interest-Guidelines-September-2017.pdf

RELATED DOCUMENTS

- Pre-enrolment Information
- Course Application Form and Enrolment Form
- Benchmark College Policies and Procedures, including
 - Access and Equity Policy and Procedures
 - Complaints and Appeals Policy and Procedures
 - Continuous Improvement Policy and Procedures
 - Fees and Charges Policy and Procedures
 - Marketing Policy and Procedures
 - Privacy Policy and Procedures
 - Refund Policy and Procedures
 - Student Behaviour & Misconduct Policy and Procedures
 - Student Selection and Enrolment Policy and Procedures
- Benchmark College NSW Fee Schedule
- Student Handbook
- Consent to use Content Form
- Code of Conduct for staff and contractors
- Staff Manual

DEFINITIONS / ACRONYMS

Accountable Officer	Chief Executive Officer (CEO)
AQF	Australian Qualifications Framework.
Complainant	A person who makes a complaint.
Commercial program	A program where students are charged and required to pay a course fee on enrolment.
Consumer	A person or a group of people who are users of the organisations products/services
Consumer Protection Officer	Compliance Manager
Financial hardship	A financial situation where an individual is unable to meet the costs of daily living if they were to pay an upfront enrolment fee
NSW Government subsidised program	Smart and Skilled qualifications are subsidised by the NSW Government. Eligible students are only required to pay a compulsory course fee (some Fee-Free Scholarships, Fee Exemptions and concessions apply), determined by NSW Smart and Skilled.
Significant financial hardship	A financial situation where an individual is unable to meet the costs of daily living if they were to pay an enrolment fee either up front or through a payment plan.
Student	A person enrolled or engaged in the application process.

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POLICY

Benchmark College supplies services and guarantees that these services will be:

- Provided with due care and skill;
- Fit for the specified purpose; and
- Provided within a reasonable time.

Benchmark College ensures it uses an acceptable level of skill or technical knowledge and takes all necessary care to avoid loss or damage when providing course services.

Benchmark College does not provide any guarantee that:

- A student will successfully complete a training product on its scope of registration; or
- A training product can be completed in a manner which does not meet the requirements of the Standards for RTOs 2015; or
- A student will obtain a particular employment outcome where this is outside the control of Benchmark College.

Benchmark College applies a systematic approach to its consumer protection strategy. This approach includes:



Benchmark College ensures it:

- Provides the training and support necessary to allow students to achieve competency;
- Provides a quality training and assessment experience for all students;
- Provides a clear and accessible feedback and consumer protection system, including a designated and identified consumer protection officer;
- Maintains procedures for protecting consumers' personal information – please refer to the Provision of Information section of this policy for further information;
- Has established, documented and accessible consumer feedback and complaints handling policies and procedures; and
- Provides clients with details of these pathways for resolving or escalating complaints.

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Clients Rights and Obligations

Benchmark College clients have the right to:

- Expect that the quality of your training meets the standards, regulations and requirement set down by the Australian Skills Quality Authority (ASQA) and relevant government subsidy body (where applicable);
- Be informed about the collection of personal information and can review and correct that information; and
- Access Benchmark College's consumer protection complaints process.

Clients' obligations include:

- Providing accurate information to Benchmark College; and
- Behaving in a responsible and ethical manner.

For more information, please refer to the Student Behaviour & Misconduct Policy and Procedures.

1. Ethical and accurate marketing

Benchmark College ensures that its advertising and marketing materials promote the College as professional, ethical, non-discriminatory and a trusted centre of learning. Through its advertising and marketing channels, Benchmark College informs its potential clients about its programs and outcomes accurately and realistically.

All advertising and marketing material is approved internally by both the Compliance Manager and/or CEO (or approved delegate), prior to publication.

Benchmark College complies with its contractual obligations to all funding bodies with regards to the promotion of government subsidised and Government HELP loans programs such as VET Student Loans.

Where promotional platforms or materials refer to fees and charges, Benchmark College ensures that all participants are provided with clear and accurate information relating fees and charges.

Should Benchmark College promote programs that are non-accredited, it does not represent a non-accredited course as providing an AQF qualification.

Benchmark College promotes its services by:

- Marketing only those products and services which it provides; and
- Identifying accurately and realistically those products and services in documentation and promotional material; and
- Provides advice to potential students and other clients on its services to ensure clarity of understanding.

Where Benchmark College refers to its RTO status it will provide the following details:

- Company Name
- RTO Provider Number
- Qualification/ Unit of Competency codes applicable.

Benchmark College's promotional materials do not:

- Encourage unrealistic expectations about the level of qualifications attainable and the facilities and equipment provided
- Make claim to approval or recognition that is inaccurate or use misleading or false comparison of courses with others provided by competitors
- Make misleading statements concerning the qualifications or experience of staff
- Make misleading or false statements about employment outcomes of its courses.

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1.1 Testimonials and other References

Where Benchmark College refers to another person or organisation (such as testimonials or photos) in marketing or advertising material, it has gained consent from the person or organisation for the use of that reference. This includes references via text, statements, logos and photos. Benchmark College ensures all testimonials are true and correct before using them to endorse products.

All Benchmark College students provide consent to the use of photos and other images that are taken during learning activities and events, through the Consent to use Content Form. Usage in these instances is generally one off, group images for general operational and promotional purposes.

Students can 'opt out' of this release if they wish, by advising Benchmark College in writing (via their personal email address) to info@benchmark.edu.au

See Benchmark College Marketing Policy and Procedures for more information.

1.2 NSW Smart & Skilled

Benchmark College includes the Smart and Skilled website details and 1300 number on all NSW relevant public information, enrolment forms and client induction material so that all students are aware of their rights and options for making a complaint or providing feedback about their training.

www.smartandskilled.nsw.gov.au

Phone: 1300 77 21 04

2. Provision of information

Benchmark College's pre-enrolment, induction and enrolment process enables students to make informed decisions about their training and assessment requirements and enter a training pathway that is suitable and free from discriminatory barriers.

To achieve this, Benchmark College;

- Provides consumer protection information and approaches to all clients by being publicly published on the Benchmark College website www.benchmark.edu.au
- Provides accurate and ethical marketing through its pre-enrolment information.
- Informs prospective students about pre-requisite and eligibility requirements, subsidised training entitlements, census dates and fees for the training program in which they are seeking to enrol.
- Provides students with a variety of different methods to access information required to protect their rights relevant to consumer protection e.g. information is available in written and electronic available information, information and induction sessions
- Provides students with information about their responsibilities and obligations via pre-enrolment information, the Student Handbook and at induction sessions
- Where students are under 18 years of age their Parent or Guardian co-signs all application/enrolment forms and is encouraged to attend information/induction sessions.

For more information see Student Selection and Enrolment Policy and Procedures.

3. Quality training and assessment

Benchmark College will provide the training and support necessary to allow students the opportunity to achieve competency. Benchmark College has the student at the centre of service delivery and as such provides students with the support required to successfully complete their qualification. Benchmark College trainers and assessors are highly qualified, dynamic and experienced industry professionals that will optimise student's ability to meet course requirements by delivering a quality training and assessment experience.

4. Protecting fees being paid in advance

Benchmark College acknowledges that it has a responsibility under Standard 7.3 and relevant state funding contracts to protect the fees paid by students in advance of their training and assessment services being delivered. To meet our responsibilities Benchmark College will not accept more than \$1,500 in any one payment or additional funds until suitable progress has been made within their training. For students accessing VET Student Loans, tuition protection arrangements are available.

4.1 Refunds

Benchmark College has a separate policy, which describes the circumstances in which a refund may be available to students. Please refer to Benchmark College Refund Policy and Procedures for more information.

4.2 Benchmark College Tax Invoice

Benchmark College's Tax Invoice is transparent – expressed in plain language, legible and clear - and clearly states:

- The total fees payable, including fees for all additional items;
- Payment options
- Payment terms
- Benchmark College's
 - RTO ID: 90274
 - Business address and post box number;
 - Australian Business Number (ABN) Number; and
 - Telephone and Fax numbers and email address.

4.3 Government Loan, Funding, Subsidy or other Support

Where students would be accessing VET Student Loans or any other government loan or subsidy, Benchmark College provides details of these arrangements. Details include:

- Any costs associated (including interest or similar costs);
- Any debt that will be incurred; and
- Any loss of entitlement from the student undertaking a course at Benchmark College.

This includes, in the cases of limited entitlement schemes, where students are only able to access one course or there are restrictions on what courses may be subsidised after completing their study at Benchmark College.

5. Consumer Protection Complaints

Despite the best efforts of Benchmark College to provide quality services and outcomes to its students, complaints may occasionally arise that require formal resolution. The Complaints and Appeals Policy and Procedures addresses Benchmark College's formal, systematic approach to complaints handling, providing a mechanism for lodging and ensuring a prompt, objective resolution of any complaints and/or assessments appeals. This policy is publicly available at www.benchmark.edu.au

If an individual feels that Benchmark College or one of its third-party representatives has breached its obligations in the undertaking of marketing and sales activities, they may raise a complaint. We encourage individuals to discuss the situation with their Benchmark College representative in the first instance, before making a complaint.

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Consumer Protection Officer

Compliance Manager

☎: 1800 286 916

✉: compliance@benchmark.edu.au

✉: Benchmark College

PO Box 4098

Penrith NSW 2750

The complaints handling process can be obtained by viewing Benchmark College's Complaints and Appeals Policy.

6. Protecting Personal Information

Benchmark College collects personal information to properly and efficiently carry out its functions. Benchmark College only collects personal information that is required for the purposes of employment or education, requests for Australian Government fee assistance or to meet government reporting requirements. Benchmark policies and procedure abide by the Australian Privacy Principles and outlines the reasonable measure taken to protect the privacy of individuals and staff in line with state and federal legislation.

A mechanism exists in which individuals and staff can raise a complaint in relation to how their personal information is handled. See Benchmark College Privacy Policy and Procedure for more information.

7. Staff Conduct

Benchmark College ensures the organisation and its staff and agents meet public expectations of ethical behaviour through use of the following:

- Access and Equity Policy and Procedures.
- Code of Conduct for staff and Contractors.
- Staff Manual.

8. Continuous Improvement

Benchmark College is committed to the provision of high-quality vocational education that meets the needs of industry, employers and individuals and is compliant with the Standards for Registered Training Organisations 2015, relevant legislation and funding provider guidelines.

To ensure continual compliance and high-quality education Benchmark College is committed to an integrated continuous improvement process that reviews and evaluates our training and assessment services, student services and administrative management systems. If opportunities are identified to improve our consumer protection strategy the organisation will take the corrective action required.

See Benchmark College Continuous Improvement Policy and Procedures for more information.