

## Policy: Consumer Protection Policy

**Objective:** The Australian Institute of Fitness ('AIF') is committed to providing effective, efficient, timely, fair and confidential consumer protection, through implementation of a policy for the handling of all complaints and appeals from students. This includes students who are part of AIF's 'Smart & Skilled' program.

**Last updated:** 02 July 2020

**Definitions:** **The Act** refers to the *Higher Education Support Act 2003*  
**Students** refers to all persons enrolled or seeking to enrol in a course at AIF including those enrolled or seeking to enrol in a course or unit of study.  
**Complainant** refers to Students (as defined above) who have lodged a grievance with AIF.  
**Respondent** refers to the person who is required to respond to the complaint or appeal.  
**Informal Complaint** – feedback received from a Student or other person expressing concern regarding some aspect of AIF's operations, services, Employee or other Students which is ad-hoc or informal in nature and does not include a complaint which has been submitted in writing and which does not require a formal response.

**Formal Complaint** – feedback received from a Student or other person expressing concern regarding some aspect of AIF's operations, services, Employee or other Students which is presented formally, in writing and requires a formal response. This includes complaints which may have been initiated informally but attempts at resolution have failed resulting in escalation to a formal (written) complaint.

### Policy:

#### Overview

The Australian Institute of Fitness ('AIF') uses a comprehensive and systematic strategy ensuring Students protection and that the AIF follows and adheres to all relevant legislation and regulatory requirements, items of which include, but is not limited to:

#### Protection of Student's personal information

All prospective and current Student's personal information is handled and protected in accordance with the Australian Privacy Principles.

- The AIF collects personal information only for the purposes of enrolment and regulatory requirements. Information is stored securely and accessed by staff for the purposes of the Student's enrolment.
- Students are provided with information on how their information will be collected, used and stored prior to enrolment and complete a declaration in their Online Enrolment Form consenting to personal information being collected and used in line with the Privacy Policy.
- Upon enrolment, prospective Students provide the AIF with a Unique Student Identifier (USI) / request the AIF to create this on their behalf. The Student is required to sign a declaration authorising the AIF to verify / create their USI for the purpose of their enrolment in line with the USI Privacy Notice as outlined in the Student Handbook.
- Students have a right to access and correct their personal information

For more information, see the AIF's '[Privacy Policy](#)' on our website

### **Transparent and accessible complaints and appeals policy and processes**

This policy and procedure covers both academic and non-academic complaints and appeals.

An appeal or complaint may include, but is not limited to:

Complaints:

- Course advice and enrolment
- Suspension and/or cancellation of enrolment by the AIF
- Course delivery including both online and face to face
- Marketing or other promotional activity
- Safety issues
- Access and equity issues
- Bullying or harassment
- Fees and charges
- Administrative issues
- Record Keeping

Appeals:

- Training (Learning) activities
- Assessment activities
- Assessment decisions after re-assessment processes have been exhausted

Academic matters include those matters that relate to Student's progress, assessment, course content or awards in a VET course of study.

Non-academic matters include those matters which do not relate to a Student's progress, assessment, course content or awards in a course and include complaints in relation to personal information that the AIF holds in relation to the Student. Non-academic complaints tend to arise from events occurring at an AIF campus or from decisions made by the AIF.

Complainants are entitled to access the complaints procedures regardless of the location of the Campus at which the complaint has arisen, the Complainant's place of residence or mode of study.

These principles are adhered to by the AIF and apply to all stages of the complaints handling process:

- The AIF deals with all complaints in a fair, constructive and timely manner.
- The Complainant and any Respondent can present their case at each stage of the process.
- The Complainant and any Respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire. Where a complaint is submitted on behalf of an enrolled Student, any responses by the AIF will only be directed back to the Student – or where the Student is under 18 years old, the response may be directed back to the Student's supervising parent or legal guardian
- The Complainant and any Respondent is not discriminated against or victimised.
- At all stages of the process, discussions relating to complaints are recorded in writing and details are stored in the AIF's electronic 'Complaints Register'.
- Reasons and a full explanation in writing for decisions and actions taken as part of this procedure are provided to the Complainant and/or any Respondent.

- Records of all complaints are kept for a period of five years to allow parties to the complaint appropriate access to these records. These records are kept strictly confidential and stored electronically by the AIF.
- The AIF and the Complainant observe strict confidentiality during all stages of the complaint resolution process. All communications and proceedings relating to the complaint and its resolution remain confidential.
- A Complainant has the right to appeal a decision.
- No Student, Employee or other stakeholder is disadvantaged in any way during the complaint and resolution process.
- A Student's progress through a study program is not disrupted whilst a complaint is being heard unless the nature of the issue itself means further progress is not possible.
- The AIF will make all reasonable effort to resolve the complaint. Where a complainant has not responded to communication from the AIF for a period of 60 calendar days, the complaint will be deemed 'closed' and no further action will be taken by the AIF unless or until the complainant recommences communications.

If the complaint remains unresolved, the complainant is able to request an external review from an appropriate independent third party / mediator. The National Training Complaints Hotline and website will be able to direct the complainant to the right authority in their state:

Phone: 13 38 73

<https://www.employment.gov.au/national-training-complaints-hotline>

The AIF and the Student share the cost of the mediator and the cost of a mediation venue, but the parties each pay their own costs of their own lawyers should a mediation be required.

It is not the role of the Australian Skills Quality Authority (ASQA) to act as an advocate for individual student complaints.

For more information, see the AIF's '*Complaints and Appeals Policy*' on our website - [Important Information](#).

### **Fee protection**

Prior to enrolment with the AIF, prospective Students are made aware of the following;

- Fee protection mechanisms
- Fees to be charged, by when and what frequency (i.e. Deposits, Payment Plan Agreement)
- Refund Policy
- How to apply for a Refund / Cancel a course (and Extenuating Circumstances procedure)
- Complaints and Appeals processes

For more information, see the AIF's '*Fees and Charges Policy*'.

**Ethical and accurate marketing**

The AIF ensures all prospective and current Students are provided with accurate, factual and accessible information about the AIF, its performance and services provided. All marketing and advertising processes are reviewed periodically and ensure adherence to the AIF's Marketing Policy.

The AIF ensures that all products as per the Scope of Registration are free of inducements and do not provide guarantee of a completion outcome, course completion that is not consistent with the Volume of Learning requirements or employment guarantees for courses that are commenced.

**Responsibility**

The AIF has a dedicated Consumer Protection Officer (CPO), who will manage and respond to queries, complaints or allegations (including queries, complaints or allegations involving the conduct of any member of AIF's staff or subcontractors) with relation to Smart & Skilled.

**David Hatch**

[david.hatch@fitness.edu.au](mailto:david.hatch@fitness.edu.au)

The CEO, Steve Pettit is responsible for implementation of this policy and procedure and ensuring that all staff are fully trained in its operation and Students and Complainants are made aware of its availability.

**Contact Smart and Skilled**

**State Training Service Customer Support Centre:**

[enquiries@smartandskilled.nsw.gov.au](mailto:enquiries@smartandskilled.nsw.gov.au)

Ph: 1300 722 104

**Compliance:**

In accordance with the AIF Code of Conduct, any breach of this policy is dealt with seriously and may result in disciplinary action including termination of employment, depending on the severity of the breach.

Where Team Members consider that significant departures from the principles of this Policy have occurred, they are obligated to report it immediately to their Line Manager or iExec Team Member. Failure to do so constitutes a breach of this Policy & AIF Code of Conduct

**Associated documentation:**

- Complaint and Appeals Policy
- Complaints and Appeals Procedure
- Corrective Action Register
- Friends' (Student) Handbook
- Privacy Policy
- USI Privacy Notice
- Fees and Charges Policy
- Marketing Policy

**Supersedes:**

Student Grievance Policy 131106 V1

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**Authorised by:**

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