

Consumer Action Law Centre has received a number of complaints about some private education and training providers, and companies who market and sell their courses. Complaints have been made about the quality of teaching and support services, unfair treatment, fees, contracts, and the use of high pressure sales tactics. This document discusses common complaints that have been made, gives tips on how to avoid problems, and details on how to get more advice.

Always remember...

Colleges must provide good quality services and deliver what you paid for

Colleges must provide their services with care and skill, and supply the service they said they would. If a college doesn't provide a good quality service and deliver what you paid for, you may be entitled to a refund of some or all of the money you have paid.

If something seems unfair, get advice

Never sign a contract that seems unfair. Ask questions and know what you're agreeing to. If you have already signed a contract and you think you are being treated unfairly, get advice.

If you have asked for a refund and the college refuses, get advice

If you have a good reason for leaving the course before it is finished, you will often be able to get a refund of some or all of the money you have paid. If you think you have a right to a refund but the college refuses, get advice.

Never sign a contract right away

Sales people will often tell you that a deal is available 'today only', and you will miss out if you don't sign right away. This is almost never true. Don't sign a contract until you have had time to think about it and are sure the course is right for you. If a deal is genuine, it will still be available tomorrow.

It can also be risky to sign up to a course offered during an unsolicited phone call or by a door to door salesperson as you don't have the chance to compare their offers with other courses in the market.

Choose colleges and courses carefully

Some courses may give you a qualification that isn't recognised by employers and you may not be able to access a government subsidy to study another course at the same level. Be wary of courses which promise fast qualifications. Be sure they offer the same standard of training as other colleges before enrolling.

Know your census date: cancellation and cooling off rights

Cancellation and cooling off rights vary greatly between education providers and is determined by the "census date". It is always worth asking about your cancellation and refund rights before you sign a contract. The census date is the last day you can withdraw your enrolment without incurring fees or HELP debt for the course.

Some colleges also set an administrative date for you to submit forms or withdraw your enrolment. If you miss the administrative date, you may have to pay some late fees but you can still withdraw before the census date without incurring the full fees or HELP debt for that unit.

Private education and training: Don't get schooled

Consumer Action Law Centre has recently received a number of complaints about some private education and training providers, and companies who market and sell their courses.

Some common complaints are:

- teaching is of a poor standard, even though courses can be very expensive;
- unfair treatment, especially in relation to contracts, payments and refunds;
- and courses not being as described by the course provider or salesperson.

We have also heard reports of high pressure methods being used to sell courses.

Important note - This tip sheet is not a guide to choosing an education and training provider or a complete list of problems that students have had. It is only description of common complaints we have seen and how you might avoid them.

If you have a problem with a private education and training provider and need some advice, contact one of the services listed at the end of this document.

Problems we have seen

Poor-quality courses

When you pay for an education or training course, the provider must teach it with care and skill, and supply the service they said they would supply. If the provider said a course would lead to a certain qualification, the course must be taught in a way that allows students to get that qualification. If you don't receive a good quality service and get what you paid for, you will often be entitled to a refund.

Students have complained that:

- their college did not provide enough teachers for the number of students
- they were not taught the skills they needed to gain qualification, so they had to seek extra training at their own cost.

Unfortunately, some courses might cause problems later. Some employers may not recognise qualifications from colleges if they do not think the college provides proper training and you may not be able to access a government subsidy to study another course at the same level. Be wary about offers which promise to give you a qualification much faster than other colleges. Be sure they offer the same standard of training as other colleges before enrolling.

Tips

- Before you sign up to a course, do some research on training.gov.au to check that the college is a reputable provider.
 - If you have a complaint about the quality of a course you are studying, raise it with the college first. If you are unhappy with their response, seek advice or make a complaint (see contact details at the end of this document).
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Unfair treatment, especially in relation to contracts, payments and refunds

We have received complaints about colleges requiring payment of large amounts of money before the start of the course and others seem to have unfair policies around issuing refunds.

In one case, a student told us that they were unable to continue their course because of illness. However, the contract said that students had to give eight weeks notice to cancel the course, and had to attend classes and pay fees during that time. Other contracts we have seen simply say that no refunds will be offered once a course has started.

Tips

- If something in a contract seems unfair, get advice. Never sign a contract if it contains terms that look unfair or unreasonable. If you're in doubt, ask the college staff, get advice, or just walk away. Most colleges will treat you fairly and deliver a good service. If you have already signed a contract and you think you are being treated unfairly, get advice. Some rights cannot be taken away even if the contract says they can.
- Check the census date and know your withdrawal rights. If you withdraw from a unit of your course by the census date, you will not incur fees or a HELP debt for that unit. If you paid your fees upfront, you may still be entitled to a refund. You must correctly withdraw from the unit so you should check the college's formal withdrawal procedures. If you withdraw after the census date due to 'special circumstances', you may be able to get a refund or your HELP debt remitted.
- If you think you are entitled to a refund but the college refuses, get advice. If you leave in the middle of a course, it may be reasonable for the college to keep money you have already paid. But if you have a good reason for leaving the course, you will usually have a right to a refund.

High-pressure sales techniques

When you are signing up for an education or training course, you should be given an opportunity to read and understand the contract, consider whether a course is right for you and get advice if you need it. However, we have heard complaints from students who say they were pressured into signing contracts by college staff or sales people.

Salespeople sometimes say that an offer is available for 'today only', but this is almost never true. It is usually a trick designed to make you buy something that you don't really need or can't afford. A genuine deal will still be there tomorrow.

Examples include:

- a student who told us that he felt pressured into signing after being told that if they did not sign right away they would miss out on the course.
- another student approached a college to enter a basic course but was pressured into starting a more expensive course that was unsuitable for her.

Tips

- Never sign a contract without taking time to read it and think about it. If a salesperson tries to pressure you into signing a contract or handing over money without giving you time to think, walk away.
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- If you were pressured into signing a contract, but later realise the course is no good for you, call the college immediately. If they refuse to let you cancel the contract, or try to charge you unreasonable fees, get advice (see page 5)
- Don't sign up for a course after receiving an unsolicited phone call or a visit from a door to door salesperson. It is always a good idea to do some research and comparing different courses and their costs. If you receive a call or visit from a salesperson you are unlikely to be in a position to consider other options making it hard to make an informed decision about whether the course really meets your needs.

More information

Registers of education and training providers

- training.gov.au (for vocational education and training) <http://training.gov.au/>

Information about VET FEE-HELP

- Department of Education
www.studyassist.gov.au
Ph: 1800 020 108 or +61 3 9938 2545 from outside Australia
- Australian Taxation Office (to check your HELP debt balance)
www.ato.gov.au
Ph: 13 28 61

Advice services

- Consumer Action Law Centre
Ph: (03) 9629 6300, or 1300 881 020 for country callers.
Email: advice@consumeraction.org.au
- Consumer Affairs Victoria
Ph: 1300 55 81 81
Email: consumer@justice.vic.gov.au

Making complaints

- TEQSA (for complaints against higher education providers):
www.teqsa.gov.au/complaints
- ASQA (for complaints against vocational education and training providers)
www.asqa.gov.au/complaints/making-a-complaint.html
Ph: 1300 701 801
- Overseas Student Ombudsman
Ph: 1300 362 072 within Australia or +61 2 6276 0111 from outside Australia
Email: overseas.students@ombudsman.gov.au

None: This tip sheet is up to date as of 21 January 2015.