

# 2016/17 ANNUAL REPORT





# QUEENSLAND TRAINING OMBUDSMAN

SEPTEMBER 2017

The Honourable Yvette D'Ath MP  
Attorney-General and Minister for Justice  
Minister for Training and Skills  
Level 36  
1 William Street  
BRISBANE QLD 4000

Dear Minister,

I am pleased to present the annual report for the Office of the Queensland Training Ombudsman covering the period from 1 July 2016 to 30 June 2017.

Yours sincerely,

**Geoff Favell**  
Queensland Training Ombudsman

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# PROFILE

## THE OFFICE OF THE QUEENSLAND TRAINING OMBUDSMAN

The main objective of the Queensland Training Ombudsman is to enhance the quality and integrity of vocational education and training (VET) in Queensland by providing a free, confidential and independent service to review and resolve enquiries and complaints from stakeholders in the VET system, including apprentices, trainees, students, employers, training providers and other parties.

The Queensland Government established the Office of the Queensland Training Ombudsman (the Office) as part of its election commitment to reinvigorate the state's VET sector. The Office commenced operation on 14 September 2015.

The Office was originally established under Ministerial Charter and included the appointment of an Interim Queensland Training Ombudsman, pending the passage of legislation to amend the *Further Education and Training Act 2014*. The legislation was proclaimed on 22 April 2016 which formally established the statutory position. An appointment to the role of Queensland Training Ombudsman was made on 29 September 2016.

Prior to the establishment of the Queensland Training Ombudsman, Queensland VET consumers did not have access to a sector-specific independent complaints mechanism to deal with the wide range of issues that arise within the VET sector. Complainants often faced challenges in navigating the most appropriate avenue to address their concerns or complaints.

The Queensland Training Ombudsman provides a dedicated single point of contact to support consumers with advocacy, comprehensive advice, referral services and solutions. All complaints and investigations are conducted free of charge and in accordance with the principles of procedural fairness.

Importantly, the Queensland Training Ombudsman also identifies systemic issues concerning VET delivery and recommends changes to the Minister to positively impact the provision of quality VET in Queensland.

The Queensland Training Ombudsman is also required to carry out promotional and educational activities related to Queensland VET, as well as undertake reviews and research commissioned by the Minister.

The Office complies with the Queensland Government's *Information Privacy Principles*.

## THE OFFICE STRUCTURE

The Queensland Training Ombudsman is a statutory position that reports directly to the Minister for Training and Skills.

The Queensland Training Ombudsman is Mr Geoff Favell.

In addition to the Queensland Training Ombudsman, the Office also includes three public sector staff—an office manager, a principal executive officer and an executive officer. The office manager leads the administrative, record-keeping and performance reporting functions for the Office. The two executive officer positions support the Queensland Training Ombudsman in investigating and resolving complaints and enquiries and in undertaking reviews.

## JURISDICTION

The Queensland Training Ombudsman investigates complaints about the VET sector. While the majority of investigations completed are based on complaints, the Queensland Training Ombudsman also conducts investigations on his own initiative. The Minister may also refer matters for investigation.

Under the *Further Education and Training Act 2014* (the Act), the key functions of the Queensland Training Ombudsman include:

- receiving complaints about VET provision and matters relating to apprenticeships and traineeships in Queensland
- referring complainants to appropriate agencies and supporting complainants to pursue their complaint
- making recommendations to the chief executive in relation to certain decisions\* relating to apprenticeships and traineeships, including declarations of apprenticeships and traineeships and changing their nominal terms
- developing strategies and reporting to the Minister on ways to improve the quality of VET provision in Queensland, including the provision of an annual report
- identifying systemic issues arising out of complaints made to the Queensland Training Ombudsman and making recommendations to the Minister to strengthen systems, policies and processes in relation to funded registered training organisations (RTOs) and Supervising RTOs and matters under the apprenticeship and traineeship system

- undertaking promotional and educational activities in relation to the role of the Queensland Training Ombudsman, particularly in relation to quality within the VET sector
- undertaking or promoting reviews or research on matters relating to its functions, including reviews requested by the Minister
- performing any other associated functions relating to provision of quality VET conferred under the Act or any other Act.

\* *Further Education and Training Act 2014* s.8(2)&(3)(c), s.10(1), s.17(2), s.20(8), s.23(4), s.47, s.50, s.101

The Act also sets out the conditions under which the Queensland Training Ombudsman may refuse to deal with a complaint. This includes incidents that occurred more than one year before the complaint was made, and complaints where the Queensland Training Ombudsman believes the complaint is vexatious, frivolous or lacks substance.

The Queensland Training Ombudsman is independent of government and may not be directed by any person in deciding how an investigation is undertaken.

Under the Act, the Queensland Training Ombudsman must provide an annual report to the Minister within three months of the end of the financial year.

## 02

QUEENSLAND TRAINING  
OMBUDSMAN'S MESSAGE

It is a great pleasure to introduce this annual report as the Queensland Training Ombudsman.

It has been a privilege for me to lead the Office of the Queensland Training Ombudsman since its establishment on 14 September 2015.

The work of the Office since its establishment has been considerable and influential and is based on the principles of:

- independence
- accessibility
- accountability
- efficiency
- effectiveness.

I have undertaken activities to promote the role of the Office through various communication channels including a new website, brochure and face-to-face forums, as well as meeting with VET stakeholders.

The introduction of an electronic complaints management system for the Office has further enhanced efficiency and support for more effective statistical reporting and monitoring the status of complaints.

## HIGHLIGHTS

During 2016/17, the Office received 506 complaints and enquiries about the VET sector, compared to 255 that were received in 2015/16. Fifty per cent of complaints were completed within 30 days and in 76.9% of cases the complainants' preferred outcome was achieved. The Office negotiated more than \$304,411 in course fee refunds or fee waivers during 2016/17.

These outcomes underline the vital role the Queensland Training Ombudsman plays in assisting individuals involved in the Queensland training system with an independent, impartial and unbiased process.

The Office has continued to work closely with the Department of Education and Training and the Electrical Safety Office in relation to the report, *The training of electrical apprentices in Queensland*, that included a number of recommendations submitted to the Minister and approved on 1 June 2016.

In August 2016, I was directed by the Minister to undertake a review of training within Queensland's security industry and the interface between attainment of a qualification and the issuing of a licence. The review was completed in November 2016. Key findings of the review were:

- greater industry leadership is required
- the review of the Property Services Training Package is fundamental to addressing issues raised
- there are varied approaches to the delivery of quality training
- Queensland, through the Office of Fair Trading, relies heavily on the Australian Skills Quality Authority (ASQA) regulation of Registered Training Organisations (RTO)
- Perceptions that ASQA is not an effective auditor of RTOs in the security industry
- different security licence arrangements across jurisdictions create confusion.

The recommendations from the review are being considered by Government.

## ENGAGING WITH STAKEHOLDERS

I have met with various stakeholders, including:

- Queensland Ombudsman
- Overseas Students Ombudsman
- Commonwealth VET Student Loans Ombudsman
- Office of Fair Trading (OFT)
- Australian Department of Education and Training
- Queensland Department of Education and Training (DET)
- Australian Council for Private Education and Training (ACPET)
- Australian Skills Quality Authority (ASQA)
- Group Training Queensland and Northern Territory Inc. (GTAQNT)
- Construction Skills Queensland (CSQ)
- TAFE Queensland
- Queensland Building and Construction Commission
- Commissioner for Electrical Safety
- Electrical Safety Office
- Unions and key employer associations.

As part of my responsibility to promote and educate stakeholders on the role and functions of the Office, over 620 people attended presentations delivered across Queensland.

Memoranda of Understanding have been signed with GTAQNT, ACPET, ASQA, CSQ, DET and TAFE Queensland and an Information Sharing Agreement has been entered into with OFT.

Discussions with the Queensland Ombudsman have resulted in an agreement that in certain circumstances complaints concerning TAFE Queensland received by the Queensland Ombudsman will be referred to this Office for assistance and advice.

## OPPORTUNITIES FOR THE FUTURE

The VET sector continues to undergo significant change including new approaches to the development of training packages, the transition from VET FEE-HELP to VET Student Loans and the uncertainty regarding the national VET funding arrangements. The release of the Queensland VET Quality Framework by DET during 2016/17 provides clear direction to stakeholders of the importance that is placed on ensuring that quality and perceptions of quality are addressed in the Queensland VET sector.

As Queensland Training Ombudsman, I am committed to working with all stakeholders to improve quality in the VET sector.

The establishment of the Queensland Training Ombudsman provides a positive avenue to deal with those situations where a VET stakeholder does not have a positive experience. While this may be challenging, it also provides an opportunity to build the reputation and profile of the Office, restore faith in the VET sector and ensure students and stakeholders in the VET system do not suffer disadvantage. The Office is working closely with the recently established Commonwealth VET Student Loans Ombudsman to ensure an effective service is provided to Queenslanders.

Analysis of the 761 complaints and enquiries received since 14 September 2015 has identified six key issues:

- RTO behaviour including poor communication
- fees and refunds
- apprentices not having access to the full range of work
- training package implementation
- short duration of courses
- RTO closures and difficulty in obtaining Statements of Attainment.

During 2017/18, I will continue to work with key stakeholders to address these issues. Furthermore, strategic reviews planned for 2017/18 include:

- a review of quality delivered through group training arrangements
- a review of high risk qualifications identified by DET
- a further review of training provided to electrical apprentices.

I look forward to these challenges and continuing to promote the role of the Queensland Training Ombudsman in ensuring a quality VET sector in Queensland.

I also look forward to my ongoing involvement as we continue to reinforce the importance of the VET sector as a critical link between the aspirations of individuals and the opportunities created by industries, employers and communities.

**Geoff Favell**  
Queensland Training Ombudsman



## 03

2016/17  
PERFORMANCE SNAPSHOT

## COMPLAINTS

**430**  
RECEIVED**422**  
COMPLETED**50%**  
COMPLETED  
WITHIN 30 DAYS**76.9%**  
COMPLAINANT  
OUTCOME  
ACHIEVED**\$304,411** OF FEES REFUNDED/REIMBURSED/WAIVED

## FORMAL ENQUIRIES

**76**  
RECEIVED**76**  
COMPLETED

## OTHER

**12,243+**  
WEB HITS**620+**  
STAKEHOLDERS  
ATTENDED  
PRESENTATIONS

The Queensland Training Ombudsman received and assessed 506 complaints and enquiries between 1 July 2016 and 30 June 2017. The majority of complainants, over 75%, were apprentices, trainees and students. Over half of the complainants were female and 45.1% of complainants resided in the metropolitan or north coast region of Queensland.

Just over 24% of complaints related to the community services sector, followed by business with just over 14%. RTO behaviour appears to be a predominant area of concern along with enrolment and refund issues.

Of particular note, the Queensland Training Ombudsman has:

- achieved the complainants' preferred outcome in 76.9% of completed investigations
- effected resolution of 56 cases regarding course fees to both parties' satisfaction, leading to a total refund or waiver of more than \$304,411
- formally referred 6 matters to DET
- provided information to DET on behalf of complainants. This was considered by DET and resulted in the termination of pre-qualified supplier agreements and changes to subsidy arrangements.

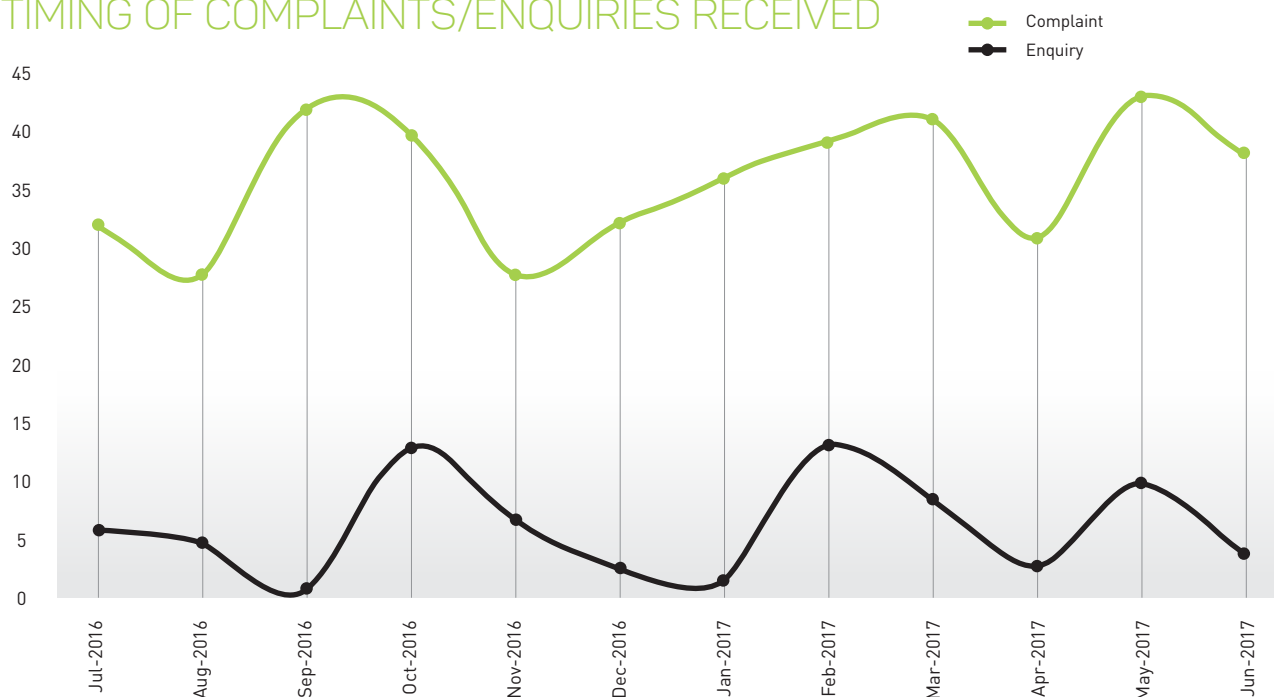
## NUMBER OF COMPLAINTS/ENQUIRIES RECEIVED

TYPE	COMPLAINTS	ENQUIRIES	TOTAL
Total complaints/enquiries for 2015/16	207	48	255
Total complaints/enquiries for 2016/17	430	76	506
<b>Total</b>	<b>637</b>	<b>124</b>	<b>761</b>








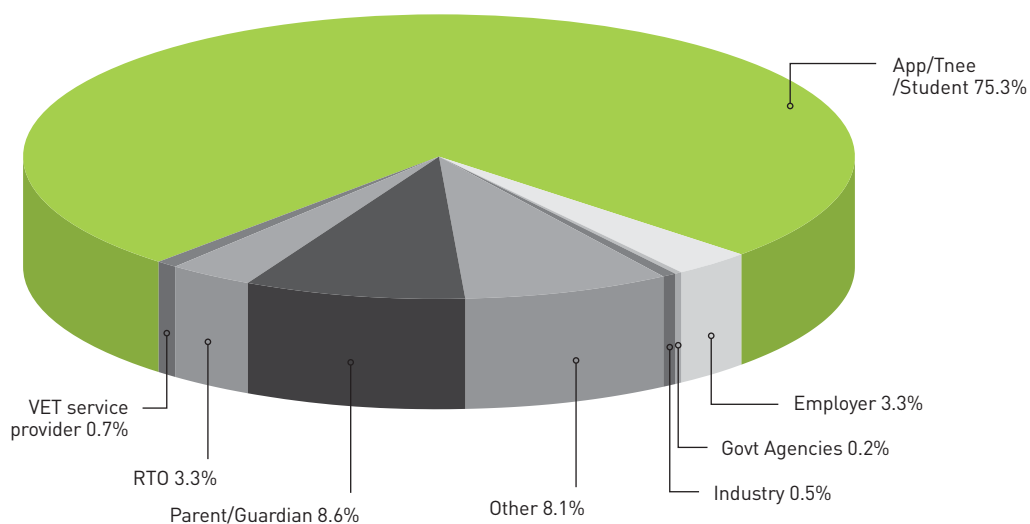
## TIMING OF COMPLAINTS/ENQUIRIES RECEIVED



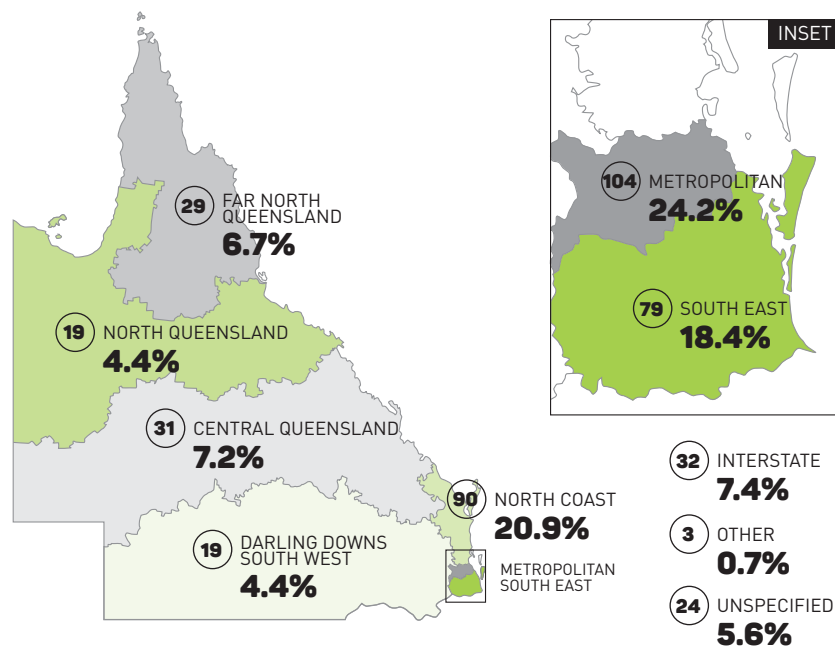
## GENDER SUMMARY OF COMPLAINTS/ENQUIRIES

<b>314</b>	<b>187</b>	<b>5</b>	<b>506</b>
			TOTAL
FEMALE	MALE	ANONYMOUS	
<b>62%</b>	<b>37%</b>	<b>1%</b>	<b>100%</b>

## TYPE OF COMPLAINANT



## COMPLAINT PROFILE: LOCATION/REGION



## COMPLAINTS BY INDUSTRY SECTOR

<b>17</b>	ARTS & ENTERTAINMENT	<b>4.0%</b>	<b>5</b>	AUTOMOTIVE	<b>1.2%</b>
<b>62</b>	BUSINESS	<b>14.4%</b>	<b>19</b>	COMMUNICATIONS	<b>4.4%</b>
<b>104</b>	COMMUNITY SERVICES	<b>24.2%</b>	<b>22</b>	CONSTRUCTION	<b>5.1%</b>
<b>9</b>	ENGINEERING	<b>2.1%</b>	<b>4</b>	FOOD PROCESSING	<b>0.9%</b>
<b>2</b>	FURNISHING	<b>0.5%</b>	<b>13</b>	EDUCATION & TRAINING	<b>3.0%</b>
<b>2</b>	GOVERNMENT	<b>0.5%</b>	<b>45</b>	HEALTH	<b>10.5%</b>
<b>7</b>	HOSPITALITY	<b>1.6%</b>	<b>8</b>	MINING	<b>1.9%</b>
<b>16</b>	MULTIPLE	<b>3.7%</b>	<b>15</b>	NOT SPECIFIED	<b>3.5%</b>
<b>11</b>	PRIMARY INDUSTRIES	<b>2.6%</b>	<b>26</b>	RETAIL	<b>6.1%</b>
<b>8</b>	SPORT & RECREATION	<b>1.9%</b>	<b>19</b>	TRANSPORT & DISTRIBUTION	<b>4.4%</b>
<b>16</b>	UTILITIES	<b>3.7%</b>			

## COMPLAINT OUTCOMES

DECISIONS	NUMBER	% OF COMPLETED COMPLAINTS
Completed—complainant outcome achieved	319	76.9
Completed—complainant outcome not achieved	86	20.7
Completed—no further action and formally withdrawn	10	2.4
<b>Total</b>	<b>415</b>	<b>100.00</b>
Complaint refused	7	
<b>Total completed</b>	<b>422</b>	

As at 30 June 2017, 415 complaints have been completed and finalised. A total of 319 (76.9%) achieved the complainants' desired outcome, including 56 cases of fee refunds or waivers totalling more than \$304,411.

Eighty-six cases did not achieve the complainants' desired outcome. These cases included unsuccessful attempts by students to partially recover course fees, and complaints that were closed without investigation due to the complainant not responding despite multiple attempts by this Office to contact them for further information.

Ten complaints were formally withdrawn as the complainant had settled the matter directly and, in some cases, had decided to continue with their studies.

As at 30 June 2017, 43 complaints are still under investigation.

## FORMAL REFERRALS TO OTHER AGENCIES

REFERRALS	NUMBER
DET	6
<b>Total</b>	<b>6</b>

The Office strives to provide complainants with full wrap-around support service and advice to help students and VET stakeholders as much as possible, even going so far as to assist complainants draft correspondence and emails to support their case.

## NOTICES ISSUED BY THE MINISTER UNDER SECTION 112S OF THE FURTHER EDUCATION AND TRAINING ACT 2014

No notices were issued by the Minister under Section 112S of the *Further Education and Training Act 2014* during 2016/17.

## 04

## CASE STUDIES

## FEE FOR SERVICE TRAINING

**THE COMPLAINT**

The complainant enrolled in a Diploma of Community Services qualification. Shortly after enrolment, and prior to beginning any training, the complainant experienced a significant change in their personal situation that led to financial difficulties. Due to this situation, the complainant decided that they needed to immediately withdraw from the course.

The complainant was unsuccessful in their attempt to have the outstanding fees not yet paid for the enrolment waived. The RTO therefore expected that the complainant continue to pay fees for a course they were not able to undertake.

**THE RESOLUTION**

The Office of the Queensland Training Ombudsman contacted the RTO involved in the matter and discussed the complainant's circumstance, and the process involved in applying for a fee waiver.

Following this communication, the Office of the Queensland Training Ombudsman assisted the complainant to complete an application for a fee waiver. This application was successful and the outstanding fees of over \$5,900 for the course were waived by the RTO.

## TRAINING PACKAGES

**THE COMPLAINT**

The complainant enrolled in a course and was advised part-way through the training that they would need to re-enrol and start the training again as there were major changes made to the qualification.

The complainant advised that they did not want to re-enrol and start the training again and contacted the Office of the Queensland Training Ombudsman to seek information about receiving a refund.

**THE RESOLUTION**

The Office of the Queensland Training Ombudsman worked with the complainant to lodge a formal complaint and request for refund with the RTO. This request was successful and the complainant received a refund of \$1,500.

## RTO CLOSURES

**THE COMPLAINT**

When several large RTOs went into liquidation in the 2016/17 financial year, the Office of the Queensland Training Ombudsman received a number of complaints from former students regarding the issuance of Statements of Attainment for training completed prior to the companies going into liquidation.

**THE RESOLUTION**

The Office of the Queensland Training Ombudsman worked closely with the RTOs, the liquidators, other government agencies and key stakeholders to assist students to obtain their Statements of Attainment and to provide advice and assistance to address other concerns following the closure of the RTOs.

## STUDENT UNABLE TO COMMENCE TRAINING

### THE COMPLAINT

The complainant resided outside of Queensland and paid in advance for training with a Queensland based RTO. The complainant enrolled in the course and paid all of the fees up-front. Just prior to the start of the course, the complainant found out that they were unable to commence the training and requested that the upfront fees that they paid be refunded. The RTO involved promised to pay a refund to the complainant but had not done so.

### THE RESOLUTION

The Office of the Queensland Training Ombudsman negotiated with the RTO to provide the complainant with a refund of the course fees less an administration fee. The complainant accepted the refund and expressed their gratitude to the Queensland Training Ombudsman regarding the outcome.

## JOBSEEKER CONCERNS

### THE COMPLAINT

The complainant advised the Office of the Queensland Training Ombudsman that they applied for a job through a recruitment agency and was told during what they thought was a job interview that they required \$12,000 worth of training to gain employment. The complainant raised concerns regarding this matter as they believed that the organisation may have conducted its operations in a dishonest manner.

### THE RESOLUTION

The Office of the Queensland Training Ombudsman conducted an investigation into the complaint and found concerns regarding the manner in which this organisation recruited students. The Office of the Queensland Training Ombudsman worked closely with a number of authorities regarding its concerns and the matters were referred to the relevant regulator to take further action.

## SUPERVISION OF APPRENTICES

### THE COMPLAINT

A dispute occurred between an employer and RTO regarding the delivery of training to a number of apprentices. The Department of Education and Training was also involved in the matter.

The complainant, who was the employer, did not feel as though they had been treated fairly in their dealings with the RTO and did not want to amend any of the arrangements for the apprenticeship. This included the employer providing the required supervision for the apprentices.

### THE RESOLUTION

The Office of the Queensland Training Ombudsman investigated the matter and provided the employer with a number of options to resolve the dispute, that included the employer completing a Recognition of Prior Learning exercise so that they would obtain the necessary qualification to supervise their apprentices.

The employer agreed to the recommendations made by the Office of the Queensland Training Ombudsman and continued to train the apprentices.

## 05

## FINANCIAL STATEMENTS

The financial statements for the Office of the Queensland Training Ombudsman are included in the Department of Education and Training 2016/17 Annual Report. Separate financial statements are not required for the Office.











Queensland  
Government

## CONTACT US

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