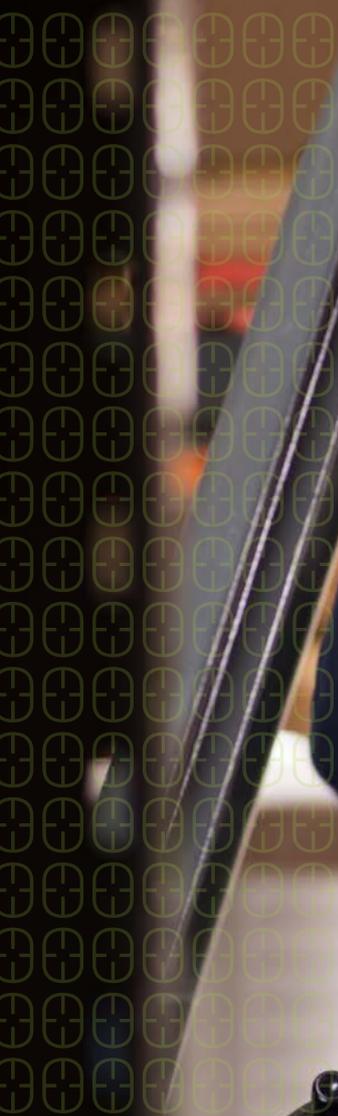


QUEENSLAND  
TRAINING  
OMBUDSMAN

2017/18  
ANNUAL REPORT





# QUEENSLAND TRAINING OMBUDSMAN

SEPTEMBER 2018

The Honourable Shannon Fentiman MP  
Minister for Employment and Small Business  
and Minister for Training and Skills Development  
Level 33  
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 2017 to 30 June 2018.

Yours sincerely,

**Geoff Favell**  
Queensland Training Ombudsman

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## THE OFFICE OF THE QUEENSLAND TRAINING OMBUDSMAN

The main objective of the Office 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 a 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 Development.

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, s101

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.

# QUEENSLAND TRAINING OMBUDSMAN'S MESSAGE

It is a great pleasure to introduce the 2017/18 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 the website, brochure and face-to-face forums, as well as meeting with VET stakeholders.

## HIGHLIGHTS

During 2017/18, the Office received 357 complaints and enquiries about the VET sector, compared to 506 that were received in 2016/17. Fifty per cent of complaints were completed within 30 days and in 86.8% of cases the complainants' preferred outcome was achieved. The Office negotiated more than \$99,441 in course fee refunds or fee waivers during 2017/18.

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 Employment, Small Business and Training (DESBT) (formerly the Department of Education and Training - DET) and the Electrical Safety Office (ESO) in relation to the training of electrical apprentices, including participation in joint visits to RTOs, to ensure that apprentices are receiving quality training that also enables them to achieve a licensed outcome.

Following the review of training provided for the security industry which was conducted in 2016, the Office has worked closely with the Office of Fair Trading (OFT), the Australian Skills Quality Authority (ASQA) and other key stakeholders to monitor training within the security industry.

During 2017/18, the following strategic reviews were undertaken:

- a follow-up report to the 2016 *The training of electrical apprentices in Queensland* identified that the previous recommendations had been implemented and were beginning to have their desired effect, but noted that ongoing monitoring would still be required.
- a review of quality delivered through group training arrangements identified that Group Training Organisations (GTOs) continue to play a critical role in Queensland's apprenticeship and traineeship system. Opportunities to enhance performance of GTOs were identified, together with opportunities for enhanced value for money outcomes to be achieved through funding arrangements. The recommendations from this review are currently being considered by DESBT for implementation.
- a review of high risk qualifications identified by DESBT with regards to pathways, funding and monitoring required to ensure achievement of quality outcomes delivered through the Queensland Government's investment in VET. The report recommendations are currently being implemented by DESBT. Qualifications included in this review were:
  - Certificate II in Resources and Infrastructure Work Preparation
  - Certificate III in Civil Construction
  - Certificate III in Civil Construction Plant Operations
  - Certificate III in Driving Operations
  - Certificate III in Early Childhood Education and Care
  - Certificate III in Rural Operations
  - Certificate III in Surface Extraction Operations
  - Certificate IV in Building and Construction (Building)
  - Diploma of Early Childhood Education and Care.

## ENGAGING WITH STAKEHOLDERS

I have continued to meet with various stakeholders, including:

- Queensland Ombudsman
- Overseas Students Ombudsman
- Commonwealth VET Student Loans Ombudsman (VSLO)
- Office of Fair Trading (OFT)
- Australian Department of Education and Training
- Queensland Department of Employment, Small Business and Training (DESBT) - formerly 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 470 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

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 also works closely with the VSLO to ensure an effective service is provided to Queenslanders.

Analysis of the 1,118 complaints and enquiries received since 14 September 2015 has highlighted that 34% of all complaints related to students undertaking fee for service training. Of these complaints, five key issues have been identified:

- RTO behaviour including poor communication
- fees and refunds
- training package implementation
- short duration of courses
- the link between the attainment of a qualification and the issuing of a licence.

A further key issue identified relates to apprentices not having access to appropriate supervision or the full range of work.

During 2018/19, I will continue to work with key stakeholders to address these issues. Furthermore, strategic reviews planned for 2018/19 include:

- a review of the interface between the attainment of a qualification or competency and the issuing of a licence in the construction industry, to be undertaken in partnership with CSQ
- a further review of the interface between the attainment of a qualification and the issuing of a licence in the security industry.

I look forward to 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

2017/18  
PERFORMANCE SNAPSHOT

## COMPLAINTS

295  
RECEIVED293  
COMPLETED50%  
COMPLETED  
WITHIN 30 DAYS86.8%  
COMPLAINANT  
OUTCOME  
ACHIEVED

\$99,441 OF FEES REFUNDED/REIMBURSED/WAIVED

## FORMAL ENQUIRIES

62  
RECEIVED63  
COMPLETED

## OTHER

10,928  
WEB HITS470+  
STAKEHOLDERS  
ATTENDED  
PRESENTATIONS

The Queensland Training Ombudsman received and assessed 357 complaints and enquiries between 1 July 2017 and 30 June 2018. The majority of complainants (79.3%), were apprentices, trainees and students. Over half of the complainants were female and 48.1% of complainants resided in the metropolitan or north coast region of Queensland.

Of the 295 complaints received, 35 related to apprenticeships or traineeships. Three of those complaints were from apprentices whose employment had ceased and their training contract had been cancelled. These apprentices were provided with advice to assist them to re-engage in the apprenticeship system and options available to them should they wish to seek reinstatement.

Just over 20% of complaints related to the business sector, followed by community services with just over 15%. Enrolment and refund issues are the predominant area of concern along with RTO behaviour.

Of particular note, the Queensland Training Ombudsman has:

- achieved the complainants' preferred outcome in 86.8% of completed investigations
- effected resolution of 43 cases regarding course fees to both parties' satisfaction, leading to a total refund or waiver of \$99,441
- formally referred 3 matters to DESBT
- provided information to DESBT on behalf of complainants. This was considered by DESBT 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
Total complaints/enquiries for 2017/18	295	62	357
<b>Total</b>	<b>932</b>	<b>186</b>	<b>1,118</b>



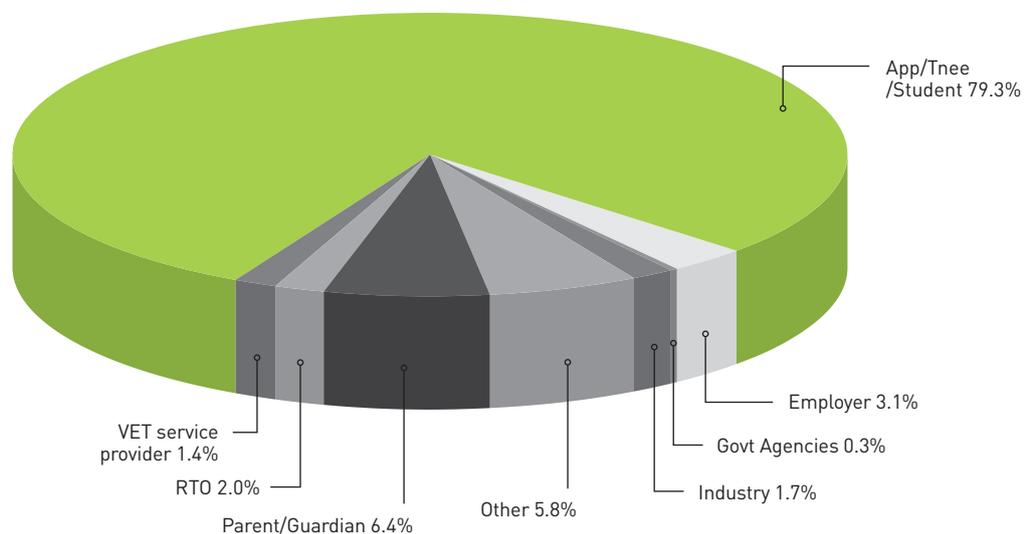
## TIMING OF COMPLAINTS/ENQUIRIES RECEIVED



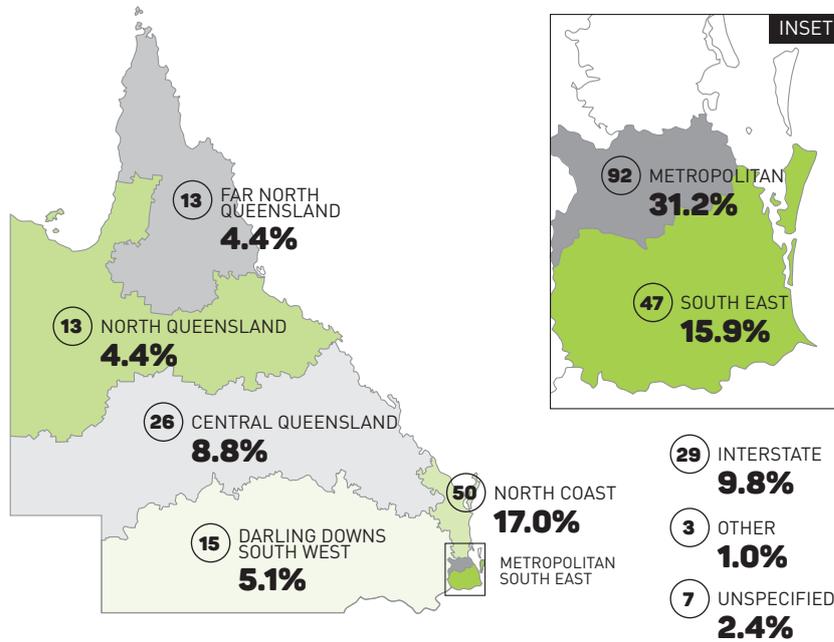
## GENDER SUMMARY OF COMPLAINTS/ENQUIRIES

<b>214</b>	<b>138</b>	<b>5</b>	<b>357</b>
			
FEMALE	MALE	ANONYMOUS	
<b>59.9%</b>	<b>38.7%</b>	<b>1.4%</b>	<b>100%</b>

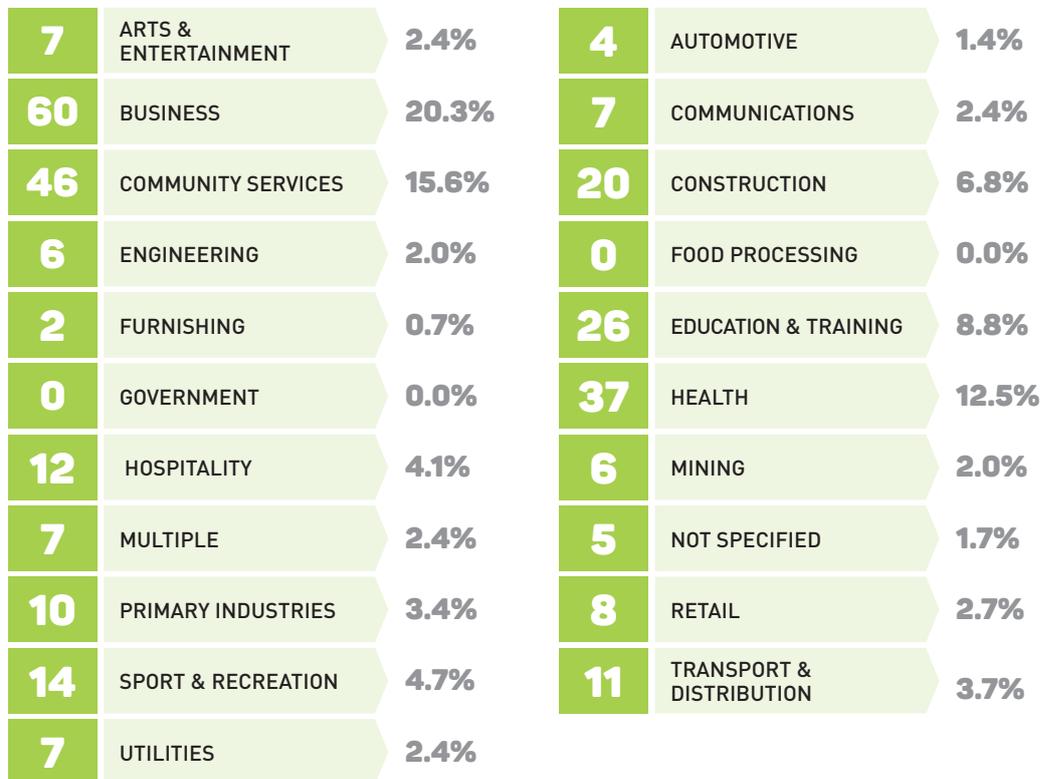
## TYPE OF COMPLAINANT



## COMPLAINT PROFILE: LOCATION/REGION



## COMPLAINTS BY INDUSTRY SECTOR



## COMPLAINT OUTCOMES

DECISIONS	NUMBER	% OF COMPLETED COMPLAINTS
Completed—complainant outcome achieved	249	86.8
Completed—complainant outcome not achieved	31	10.8
Completed—no further action and formally withdrawn	7	2.4
<b>Total</b>	<b>287</b>	<b>100.00</b>
Complaint refused	6	
<b>Total completed</b>	<b>293</b>	

As at 30 June 2018, 287 complaints have been completed and finalised. A total of 249 (86.8%) achieved the complainants' desired outcome, including 43 cases of fee refunds or waivers totalling \$99,441.

Thirty-one 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.

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

## FORMAL REFERRALS TO OTHER AGENCIES

REFERRALS	NUMBER
AMSA	2
ASQA	1
Commonwealth DET	1
DESBT/DET	3
Fair Work Ombudsman	1
OIR	3
VSL0	35
WH&S	1
<b>Total</b>	<b>47</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 2017/18.

## 04

## CASE STUDIES

## INCORRECT INFORMATION

**THE COMPLAINT**

The complainant enrolled in a Certificate III in Early Childhood Education and Care on the understanding that she could complete her vocational placement in a Family Day Care setting. After she was subsequently told that she could not complete her vocational placement in that setting, she cancelled her enrolment and enrolled with another RTO. The complainant sought a refund from the RTO as she believed that she was provided with misleading information.

**THE RESOLUTION**

The Office of the Queensland Training Ombudsman contacted the original RTO involved in the matter to clarify the arrangements required for the qualification to be completed in a Family Day Care setting.

The original RTO agreed that the information provided may have caused confusion for students wishing to undertake a vocational placement in a Family Day Care setting.

The original RTO agreed to a refund and to waive future fees, less an administration fee as the complainant had been participating in the course for 12 months prior to the cancellation.



*The refund came through over the weekend. Thank you for your help in resolving this matter.*

## APPRENTICESHIP TRAINING

**THE COMPLAINT**

The complainant was an apprentice undertaking a Diploma in Early Childhood Education and Care. Due to circumstances beyond their control, the apprenticeship had been cancelled and recommenced with a new employer and new training provider. The complainant was attempting to obtain a fee waiver for the student contribution fees owing to the original training provider for the units they believed they had not commenced.

**THE RESOLUTION****THE RESOLUTION**

The Office of the Queensland Training Ombudsman contacted the original RTO and discussed the complainants request for a fee waiver for units which had not been commenced.

As a result of the discussions with the training provider it was identified that the complainant had commenced the units in question. However, it was also identified that the training provider had not applied a proportionate refund to these units as required under the DESBT User Choice policy.

The training provider reviewed the student's fee contributions and agreed to waive the outstanding balance and provide a refund for the identified units. In addition, the training provider undertook to update the policy regarding proportionate refunds to students covered by the User Choice policy.



*I honestly cannot thank you enough for your assistance with this issue and I am overjoyed that it is finally resolved.*

## FINANCIAL HARDSHIP

**THE COMPLAINT**

The complainant found he could no longer afford the course fees and decided he had to opt out of the course despite having made good progress.

**THE RESOLUTION**

The Office of the Queensland Training Ombudsman contacted the RTO involved in the matter to determine if there was any way they could assist the student complete the course. They offered to halve the monthly fees which was accepted by the student who continued with the course.



*Thank you very much. This has helped me a lot.*

## PAYMENT VARIATION AND COURSE EXTENSION

### THE COMPLAINT

The complainant enrolled in a Certificate III in Business Administration. Due to a change in circumstances, the complainant had not commenced studies and was facing a shortened enrolment timeframe and higher weekly payments than originally anticipated

### THE RESOLUTION

The Office of the Queensland Training Ombudsman contacted the RTO involved in the matter and discussed the complainant's situation.

Following negotiations, the training provider agreed to extend the enrolment to allow the complainant the full 12 month enrolment period and also agreed to change the payment plan to be adjusted and spread over the full 12 month period.



*Great news. I will email them now to confirm acceptance of the offer. Thank you for your assistance*

## INCORRECT INFORMATION

### THE COMPLAINT

The complainant enrolled in a Certificate III & IV in Fitness and Personal Training. The complainant was denied an extension to complete the course despite claiming it was due to poor communication and lack of customer service. She requested a refund due to misinformation about course requirements received from the RTO.

### THE RESOLUTION

The Office of the Queensland Training Ombudsman contacted the RTO involved in the matter to clarify the arrangements required for the qualifications to be completed.

The RTO conceded that communication with the student could have been better and they should have provided an extension to allow her to attain certification. As the student had commenced another course, the RTO agreed to refund all fees paid.



*Thank you so much for your all your help. I really appreciate it and got the outcome I desired. I commend you on such a straightforward and stress free process.*

## CANCELLATION OF ENROLMENT

### THE COMPLAINT

The complainant enrolled in a Certificate III in Individual Support. Due to the complainant being dissatisfied with the performance of the RTO, she cancelled her enrolment. The RTO failed to process the cancellation and did not provide a Statement of Attainment to enable the student to obtain a funded position with another provider and obtain credit for units already completed.

### THE RESOLUTION

The Office of the Queensland Training Ombudsman contacted the RTO involved in the matter and discussed the complainant's situation.

Following negotiations, the training provider agreed to provide a letter acknowledging the cancellation of the enrolment and provided a Statement of Attainment for completed competencies allowing the student to continue with another RTO.



*Thank you for your prompt and successful resolution of my complaint. It is nice to see there are some select places people can still reach out to and find honest and hardworking people doing their job so well.*

05

# FINANCIAL STATEMENTS

The financial statements for the Office of the Queensland Training Ombudsman are included in the Department of Employment, Small Business and Training 2017/18 Annual Report. Separate financial statements are not required for the Office.







Queensland  
Government

## CONTACT US

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