

QUEENSLAND
TRAINING
OMBUDSMAN

2018/19
ANNUAL REPORT





QUEENSLAND TRAINING OMBUDSMAN

SEPTEMBER 2019

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 2018 to 30 June 2019.

Yours sincerely,

Geoff Favell
Queensland Training Ombudsman

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TABLE OF CONTENTS

<u>01</u>	PROFILE	2
<u>02</u>	QUEENSLAND TRAINING OMBUDSMAN'S MESSAGE	4
<u>03</u>	2018/19 PERFORMANCE SNAPSHOT	6
<u>04</u>	CASE STUDIES	10
<u>05</u>	FINANCIAL STATEMENTS	12

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 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 Employment and Small Business and 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 2018/19 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, and to promote quality within the Queensland VET sector, through various communication channels including the website, brochure and face-to-face forums, as well as meeting with VET stakeholders.

HIGHLIGHTS

During 2018/19, the Office received 335 complaints and enquiries about the VET sector, compared to 357 that were received in 2017/18. Fifty per cent of complaints were completed within 30 days and in 71.1% of cases the complainants' preferred outcome was achieved. The Office negotiated \$139,311 in course fee refunds or fee waivers during 2018/19.

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) 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), DESBT and other key stakeholders to monitor training within the security industry.

The Office is also working closely with DESBT to monitor activities of Group Training Organisations following the 2018 review.

During 2018/19, the following strategic reviews were undertaken:

- *A Review of Training and Assessment for Queensland's Security Industry – A follow-up to the 2016 Report* identified some specific recommendations from the 2016 report were not implemented. However, greater co operation between regulators and the review of the training package addressed many of the concerns raised in 2016. Importantly, the number of mutual recognition applications received in New South Wales, from Queensland licence holders, has now reduced to a level that is considered normal.
- the interface between the attainment of a qualification and the link to licensing in the construction industry has been a consistent theme raised with this Office. A review was conducted, in partnership with Construction Skills Queensland (CSQ), with support received from the Office of Industrial Relations (OIR), Department of Housing and Public Works, Department of Natural Resources, Mines and Energy and Queensland Building and Construction Commission. The report, *Review of Training and Assessment and the Interface with Licensing within the Queensland Construction Industry*, focusses on the first phase of the review which includes White Card and High Risk Work Licences and Painting, Plumbing and Draining Licences, noting that implications were also identified for gas work licences.

ENGAGING WITH STAKEHOLDERS

I have continued to meet with various stakeholders, including:

- Queensland Ombudsman
- South Australian Training Advocate
- 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)
- Independent Tertiary Education Council Australia – formerly 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
- Department of Housing and Public Works
- Office of Industrial Relations
- Department of Natural Resources, Mines and Energy
- 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 320 people attended presentations delivered across Queensland.

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 1453 complaints and enquiries received since 14 September 2015 has highlighted that over 37% of all complaints related to students undertaking fee for service training. 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 2019/20, I will continue to work with key stakeholders to address these issues. Furthermore, strategic reviews under consideration for 2019/20 include:

- phase two of the review of the interface between the attainment of a qualification or competency and the issuing of a licence in the construction industry, which will focus on landscaping, carpentry, formwork, gasfitting, concreting and a more detailed review of demolition
- a follow-up to the review of Group Training Organisations in Queensland
- a review of the delivery of VET in regional, rural and remote Queensland.

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

2018/19
PERFORMANCE SNAPSHOT

COMPLAINTS

300
RECEIVED**315**
COMPLETED**50%**
COMPLETED
WITHIN 30 DAYS**71.1%**
COMPLAINANT
OUTCOME
ACHIEVED**\$139,311** OF FEES REFUNDED/REIMBURSED/WAIVED

FORMAL ENQUIRIES

35
RECEIVED**35**
COMPLETED

OTHER

8655
WEB HITS**320+**
STAKEHOLDERS
ATTENDED
PRESENTATIONS

The Queensland Training Ombudsman received and assessed 335 complaints and enquiries between 1 July 2018 and 30 June 2019. The majority of complainants (80%), were apprentices, trainees and students. Over half of the complainants were female and 49.7% of complainants resided in the metropolitan or north coast region of Queensland.

Of the 300 complaints received, 32 related to apprenticeships or traineeships.

Just over 22% of complaints related to the community services sector, followed by business with just over 17%. Enrolment and refund issues are the predominant area of concern along with RTO behaviour.

Of particular note, the Queensland Training Ombudsman has:

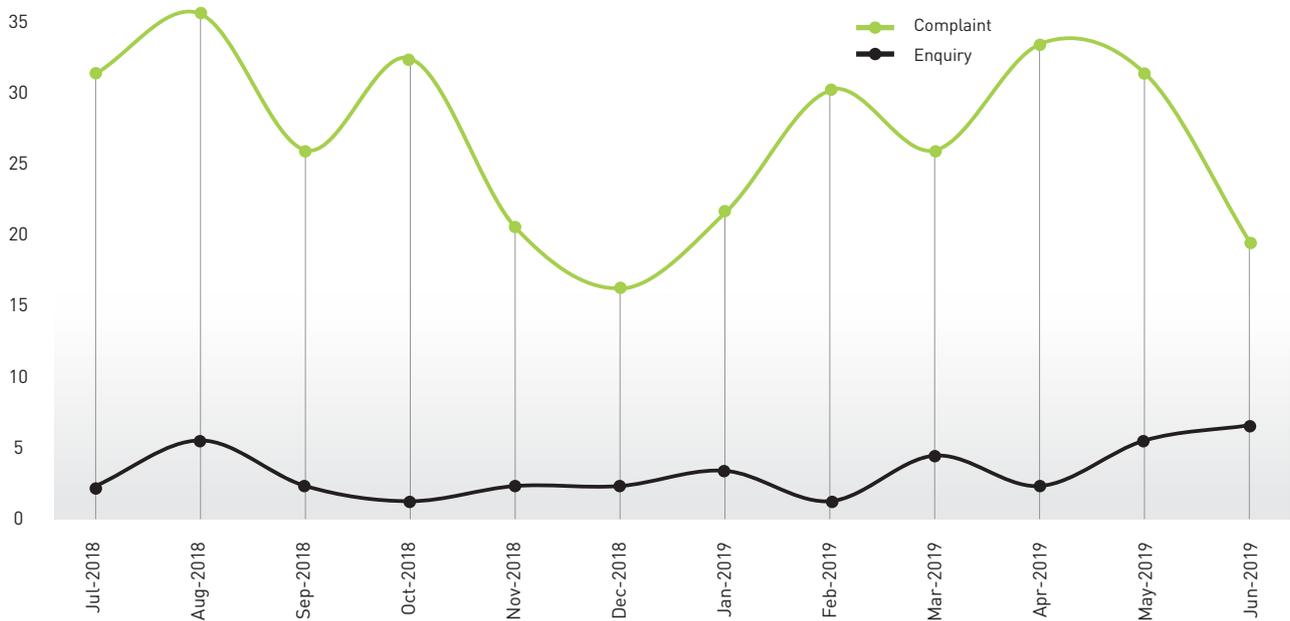
- achieved the complainants' preferred outcome in 71.1% of completed investigations
- effected resolution of 56 cases regarding course fees to both parties' satisfaction, leading to a total refund or waiver of \$139,311
- formally referred five matters to DESBT

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
Total complaints/enquiries for 2018/19	300	35	335
Total	1232	221	1453



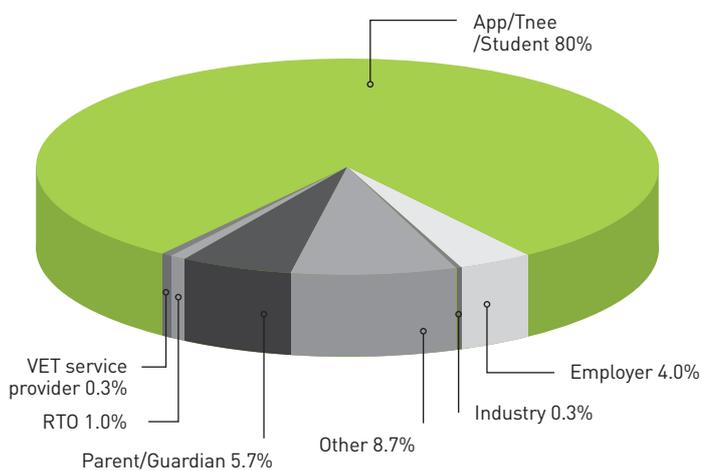
TIMING OF COMPLAINTS/ENQUIRIES RECEIVED



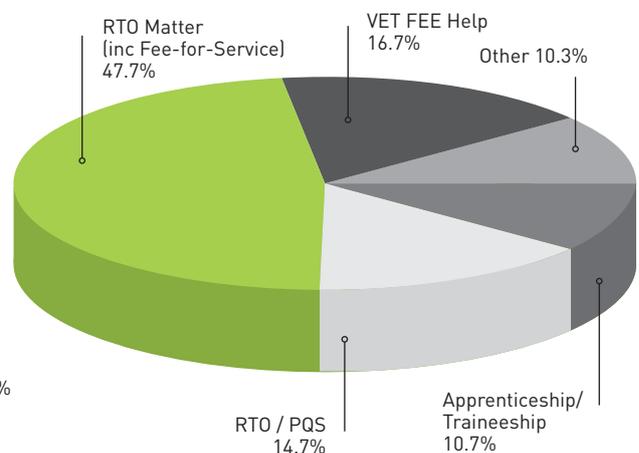
GENDER SUMMARY OF COMPLAINTS/ENQUIRIES

198	133	4	335
♀	♂	○	TOTAL
FEMALE	MALE	ANONYMOUS	
59.1%	39.7%	1.2%	100%

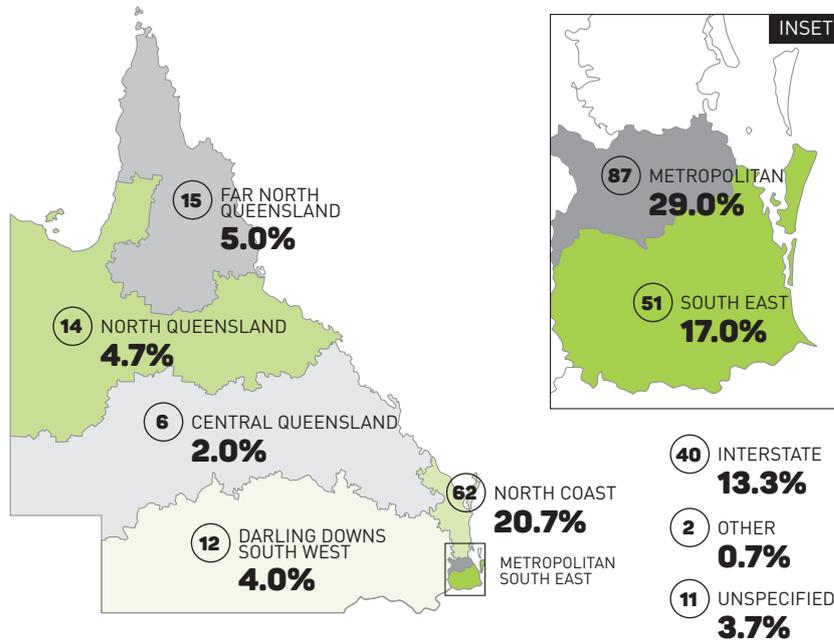
TYPE OF COMPLAINANT



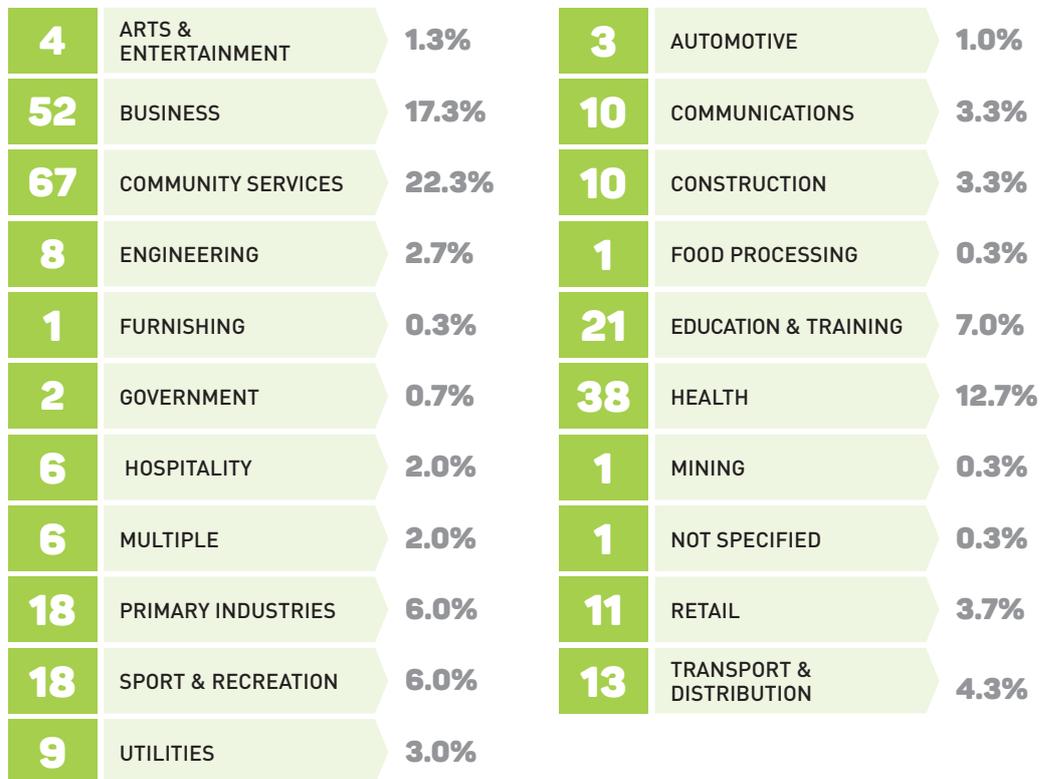
TYPE OF ISSUES



COMPLAINT PROFILE: LOCATION/REGION



COMPLAINTS BY INDUSTRY SECTOR



COMPLAINT OUTCOMES

DECISIONS	NUMBER	% OF COMPLETED COMPLAINTS
Completed—complainant outcome achieved	216	71.1
Completed—complainant outcome not achieved	76	25.0
Completed—no further action and formally withdrawn	12	3.9
Total	304	100.00
Complaint refused	11	
Total completed	315	

As at 30 June 2019, 304 complaints have been completed and finalised. A total of 216 (71.1%) achieved the complainants' desired outcome, including 56 cases of fee refunds or waivers totalling \$139,311.

Seventy-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.

Twelve 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
ASQA	2
DESBT	5
VSLO	24
Total	31

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

CANCELLATION OF ENROLMENT

THE COMPLAINT

The complainant enrolled in a Certificate IV qualification. Shortly after commencing the course, the complainant had a significant change in personal circumstances and was no longer in a position to continue. After approaching the RTO for a refund, and being refused, a complaint was raised with the Queensland Training Ombudsman.

THE RESOLUTION

The Office of the Queensland Training Ombudsman contacted the RTO to discuss the complaint and work towards a resolution. After liaising with the parties involved and assisting the complainant with gathering the required evidence for consideration, the RTO reviewed its position. The RTO agreed to cancel the enrolment and waive all remaining fees.



Thank you so much. That's great news and I really appreciate the help received from your office.

ISSUING OF A QUALIFICATION

THE COMPLAINT

The complainant had completed a Certificate III in Retail. However, after six months and multiple contact with the RTO, a qualification had still not been issued. The complainant then made contact with the Queensland Training Ombudsman to seek further assistance.

THE RESOLUTION

The Office of the Queensland Training Ombudsman contacted the RTO to resolve the issue. Assurances were given that the certificate had been processed and would arrive within the next 28 days. The certificate did not arrive after this time and further follow ups were made by the Office of the Queensland Training Ombudsman to escalate the matter. The certificate was then promptly issued.



My certificate has finally arrived! Many thanks for all your hard work.

REFUND OF FEES

THE COMPLAINT

The complainant enrolled in a Certificate III in Early Childhood Education and Care and was unable to complete their studies due to a medical issue encountered during the course. The complainant was informed by the RTO that the fees were still required to be paid as it was outside the period of time allowed in their refund policy.

THE RESOLUTION

The Office of the Queensland Training Ombudsman assisted the complainant to apply for a refund due to special circumstances and to present the medical evidence required by the RTO for consideration. The RTO subsequently agreed to refund outstanding fees and to forward a Statement of Attainment for completed competencies.



Thank you for this great outcome. The assistance you provided was fantastic.

RTO BEHAVIOUR

THE COMPLAINT

The complainant enrolled in a Certificate IV in Mental Health. The complainant was a victim of domestic violence and, due to the severe circumstances in their personal life, was unable to continue their studies without more support. The complainant accepted they had initially received great support from the RTO. However, after moving to a new location the level of support provided by the RTO reduced, and the RTO refused a request for a twelve month deferral.

THE RESOLUTION

The Office of the Queensland Training Ombudsman contacted the RTO and discussed the situation. It was agreed that the complainant's circumstances be reviewed which eventuated in the complainant receiving additional support to assist towards the completion of the course, and the complainant is continuing her studies.



Thank you for your support and understanding of my situation and for the support and assistance provided by the Office of the Queensland Training Ombudsman.

RE-CREDIT OF VET FEE-HELP DEBT

THE COMPLAINT

The complainant was enrolled in a Diploma of Community Services and explained on enrolment they had difficulty in writing and was advised this would not be a problem as assistance and support would be provided. When the complainant realised this was not working out, they asked to cancel their enrolment but were told the full fees for the course still need to be paid. As the RTO went into receivership, the complainant did nothing more until they realised they had incurred a VET FEE-HELP debt for the course so lodged a complaint with the Queensland Training Ombudsman.

THE RESOLUTION

The Office of the Queensland Training Ombudsman contacted the new owner of the RTO and presented the complainant's case for a re-credit of fees due. There was little evidence available due to the length of time since the complainant's enrolment in the course. However, the RTO agreed to re-credit the fees on behalf of the complainant.



I am very surprised and happy with the result.

VOCATIONAL PLACEMENT

THE COMPLAINT

The complainant was a single parent living in Brisbane, working several casual jobs, and was studying a Diploma of Nursing. The complainant had completed all the theory work required of the course and was awaiting the final two vocational placements to complete the qualification. However, the RTO offered the vocational placement outside of Brisbane, which did not suit the personal needs of the complainant and would put them in serious financial hardship.

THE RESOLUTION

The Office of the Queensland Training Ombudsman contacted the RTO to resolve the issue. The RTO agreed for the complainant to organise their own placement, subject to their approval, at a more suitable location, and confirmed that the final vocational placement would be offered locally.



Thank you for all of your support. This is a great outcome to assist me finish the qualification and get a new job.

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 2018/19 Annual Report. Separate financial statements are not required for the Office.







Queensland
Government

CONTACT US

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