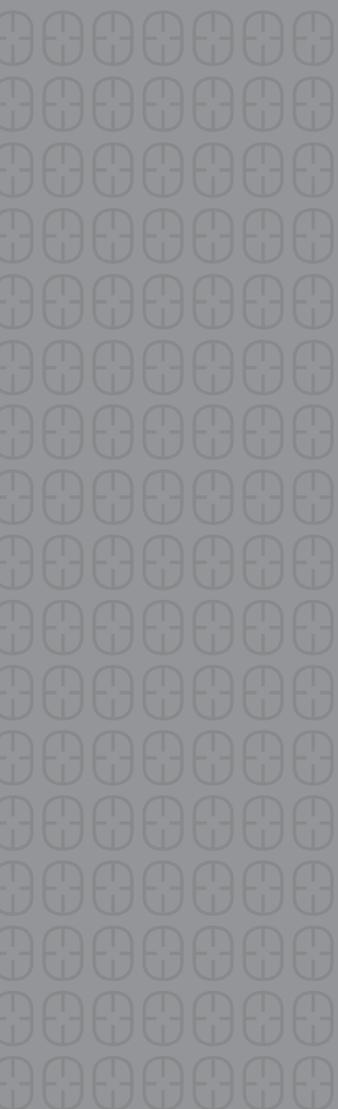


QUEENSLAND  
TRAINING  
OMBUDSMAN

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2019–20  
ANNUAL REPORT





# QUEENSLAND TRAINING OMBUDSMAN

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SEPTEMBER 2020

The Honourable Shannon Fentiman MP  
Minister for Employment and Small Business  
and Minister for Training and Skills Development  
PO Box 15483  
CITY EAST QLD 4002

Dear Minister Fentiman,

I am pleased to present the annual report for the Office of the Queensland Training Ombudsman covering the period from 1 July 2019 to 30 June 2020.

Yours sincerely,

**Geoff Favell**  
Queensland Training Ombudsman



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## 01

## PROFILE

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.

The main objective of the Office of the Queensland Training Ombudsman (the Office) 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 Queensland Training Ombudsman and supporting Office as part of its commitment to reinvigorate the state's VET sector. The Office commenced operation on 14 September 2015.

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. 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 and Human Rights Act 2019*.

## THE OFFICE STRUCTURE

In addition to the Queensland Training Ombudsman, the Office 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
- 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 matters relating to 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), s23(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 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 2019–20 Annual Report as the Queensland Training Ombudsman.

It has been a privilege 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. The work 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 2019-20, the Office received 385 complaints and enquiries about the VET sector, compared to 335 that were received in 2018–19. Forty-five per cent of complaints were completed within 30 days and 64 per cent completed in 45 days. The complainants' preferred outcome was achieved in more than 69 per cent of cases. The Office negotiated \$203,292 in course fee refunds or fee waivers during 2019-20.

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.

I would like to acknowledge the engagement and efforts displayed by Office staff in response to the COVID-19 pandemic. The Office staff have maintained high quality services for all stakeholders of the Queensland VET sector during this challenging time and maintained a focus on delivering outcomes consistent with the human rights of Queenslanders.

During this period, the Office dealt with issues related to suspension/cancellation of trainees and apprentices, difficulty encountered by students moving to online training, and difficulty encountered by students in completing a qualification where there is a mandatory vocational placement component.

The Office has continued to work closely with the Department of Employment, Small Business and Training (DESBT) and the Electrical Safety

Office 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.

The Office has worked with Jobs Queensland, the Australian Skills Quality Authority, the Office of Fair Trading and other key stakeholders in the development of a security industry workforce development plan.

The Office also worked closely with the Queensland Building and Construction Commission, and other key stakeholders, to consider the development of continuing professional development framework for licence holders in the construction industry.

The Office is working closely with DESBT to monitor activities of Group Training Organisations (GTOs) following the 2018 GTO review.

During 2019-20, the following strategic reviews were undertaken:

- *Review of group training arrangements in Queensland – a follow-up to the 2018 Review* identified the following:
  - all recommendations from the 2018 report had been implemented
  - market share of apprentices employed by GTOs continued to fall
  - completion rates for apprentices employed by GTOs increased
  - apprentice satisfaction with services provided by GTOs increased
  - issues with the current funding model in terms of its ability to directly influence behaviour of GTOs.
- *Review of VET provision in regional, rural and remote Queensland*, requested by the Minister for Employment and Small Business and Minister for Training and Skills Development, identified the following:
  - an analysis of Total VET Activity data indicates the Queensland VET system is responsive to the needs of industry, individuals and local communities, and is used for a variety of purposes across the State
  - the majority of training is occurring in the classroom, but this does not mean that the training is being delivered in local communities and comes at a cost to local employers and individuals in terms of required travel.

- there is a need for a strategy that ensures adequate and equitable access to VET for Aboriginal and Torres Strait Islander people across Queensland.

## 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
- Australian Department of Education, Skills and Employment – formerly Education and Training
- Queensland Department of Employment, Small Business and Training
- Independent Tertiary Education Council Australia – formerly Australian Council for Private Education and Training
- Australian Skills Quality Authority
- Apprentice Employment Network – formerly Group Training Queensland and Northern Territory Inc.
- Construction Skills Queensland
- 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, more than 370 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 the 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 existence 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 1838 complaints and enquiries received since 14 September 2015 has highlighted that more than 42 per cent 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 2020-21, I will continue to work with key stakeholders to address these issues. Furthermore, strategic reviews under consideration for 2020-21 include:

- a review of training offered to job seekers seeking employment opportunities as the economy recovers from the effects of COVID-19
- a review of training undertaken in the Community Services and Health industries
- a review of school-based apprenticeship and traineeship arrangements in Queensland
- a review of VET in Schools.

I look forward to continuing to promote the role of the Queensland Training Ombudsman in ensuring a quality VET sector across the state, as the Queensland economy recovers from the effects of the COVID-19 pandemic.

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

# 2019-20 PERFORMANCE SNAPSHOT

COMPLAINTS			
<b>325</b> RECEIVED	<b>318</b> COMPLETED	<b>45%</b> COMPLETED WITHIN 30 DAYS	<b>69.2%</b> COMPLAINANT OUTCOME ACHIEVED
<b>\$203,292</b> OF FEES REFUNDED/REIMBURSED/WAIVED			
FORMAL ENQUIRIES		OTHER	
<b>60</b> RECEIVED	<b>60</b> COMPLETED	<b>7405</b> WEB HITS	<b>370+</b> STAKEHOLDERS ATTENDED PRESENTATIONS

The Office received and assessed 385 complaints and enquiries between 1 July 2019 and 30 June 2020. The majority of complainants (80 per cent) were apprentices, trainees and students. Over half of the complainants were female and (50.1 per cent) of complainants resided in the Metropolitan or North Coast region of Queensland.

Twenty-four per cent of complaints related to the community services sector, followed by business with more than 12 per cent. The predominant area of concern is RTO behaviour along with enrolment and refund issues.

As at 30 June 2020, 312 complaints have been completed and finalised. A total of 216 (69.2 per cent) achieved the complainants' desired outcome, including 52 cases of fee refunds or waivers totalling \$203,292.

The course fees refunded, reimbursed or waived was a result of:

- students encountering medical conditions during their study which prevented them from completing their course
- students being impacted by a significant change in their financial circumstances during their study, which prevented them from paying course fees and from completing their course
- students seeking fee waivers for extensions to the duration of their course as a result of changed individual circumstances or concerns with the level of service provided by their RTO.

Ninety-two (29.5 per cent) cases did not achieve the complainants' desired outcome. The inability of students to provide sufficient evidence to support their complaint was the main reason an outcome was not able to be achieved. When a claim is refused by the RTO, it is often necessary to request additional information from the complainant to substantiate the claim. In some instances, complainants advise they have no further evidence, or they fail to respond to repeated requests from the Office.

Four (1.3 per cent) complaints were formally withdrawn as the complainant had settled the matter directly and, in some cases, had decided to continue with their studies.

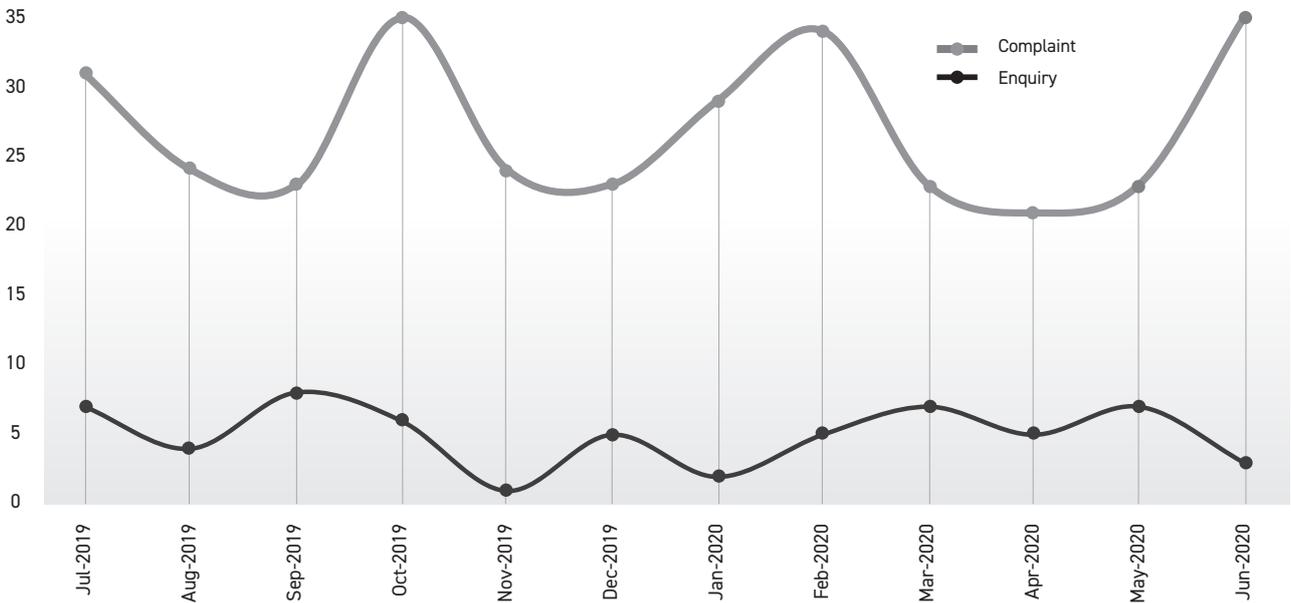
Six complaints were refused for investigation as they related to universities or government agencies and are therefore not within the remit of the Office.

The Office formally referred three matters to DESBT. One case was a request to consider access to subsidised training for a complainant who did not meet current eligibility requirements. The other two cases related to alleged breaches of a DESBT Pre-Qualified Supplier contract.

## 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 complaints/enquiries for 2019-20	325	60	385
<b>Total</b>	<b>1557</b>	<b>281</b>	<b>1838</b>

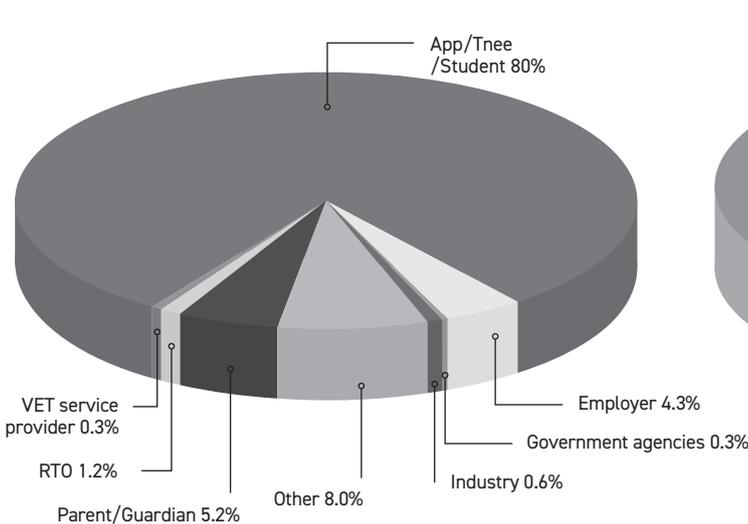
### TIMING OF COMPLAINTS/ENQUIRIES RECEIVED



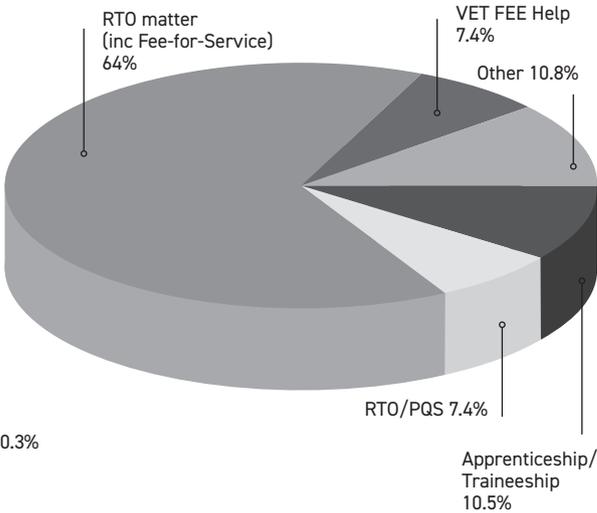
### GENDER SUMMARY OF COMPLAINTS/ENQUIRIES

<b>230</b>	<b>155</b>	<b>0</b>	<b>385</b>
			TOTAL
FEMALE	MALE	ANONYMOUS	
<b>60%</b>	<b>40%</b>	<b>0%</b>	<b>100%</b>

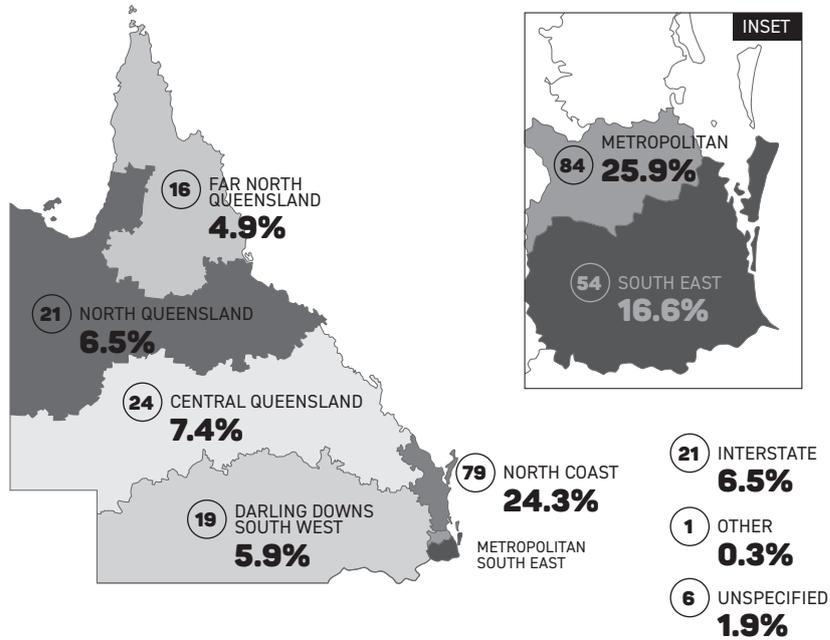
### TYPE OF COMPLAINANT



### TYPE OF ISSUES



## COMPLAINT PROFILE: LOCATION/REGION



## COMPLAINTS BY INDUSTRY SECTOR

7	ARTS & ENTERTAINMENT	2.2%	7	AUTOMOTIVE	2.2%
40	BUSINESS	12.3%	12	COMMUNICATIONS	3.7%
78	COMMUNITY SERVICES	24.0%	26	CONSTRUCTION	8.0%
7	ENGINEERING	2.2%	8	FOOD PROCESSING	2.5%
6	FURNISHING	1.8%	15	EDUCATION & TRAINING	4.6%
3	GOVERNMENT	0.9%	25	HEALTH	7.7%
9	HOSPITALITY	2.8%	4	MINING	1.2%
5	MULTIPLE	1.5%	8	NOT SPECIFIED	2.5%
18	PRIMARY INDUSTRIES	5.5%	12	RETAIL	3.7%
14	SPORT & RECREATION	4.3%	10	TRANSPORT & DISTRIBUTION	3.1%
11	UTILITIES	3.4%			

## COMPLAINT OUTCOMES

DECISIONS	NUMBER	% OF COMPLETED COMPLAINTS
Completed—complainant outcome achieved	216	69.2
Completed—complainant outcome not achieved	92	29.5
Completed—no further action and formally withdrawn	4	1.3
<b>Total</b>	<b>312</b>	<b>100.00</b>
Complaint refused	6	
<b>Total completed</b>	<b>318</b>	

## FORMAL REFERRALS

AGENCIES REFERRED TO	NUMBER OF REFERRALS
DESBT	3
VSLO	19
<b>Total</b>	<b>22</b>

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 2019-20.

04

## FINANCIAL STATEMENTS

The financial statements for the Office of the Queensland Training Ombudsman are included in the Department of Employment, Small Business and Training 2019-20 Annual Report. Separate financial statements are not required for the Office.





Queensland  
Government

## CONTACT US

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