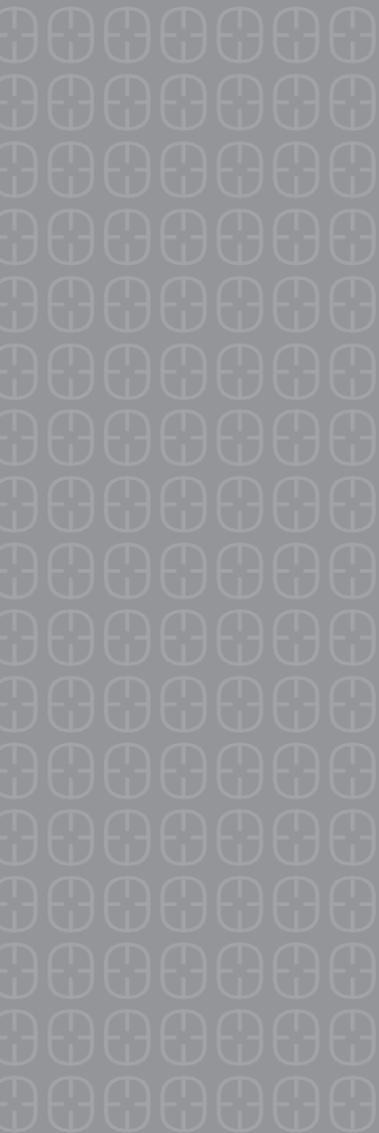


QUEENSLAND
TRAINING
OMBUDSMAN

2021–22 ANNUAL REPORT





QUEENSLAND TRAINING OMBUDSMAN

SEPTEMBER 2022

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

Dear Minister Farmer,

I am pleased to present the annual report for the Office of the Queensland Training Ombudsman covering the period from 1 July 2021 to 30 June 2022.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Geoff Favell".

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.

02 QUEENSLAND TRAINING OMBUDSMAN'S MESSAGE

It is a great pleasure to introduce the 2021-22 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. In response to the pandemic, we have expanded our communication and engagement channels to include online activities and forums. This is in addition to our website, brochure, attendance at face-to-face forums and regular meetings with VET stakeholders.

Highlights

During 2021-22, the Office received 446 complaints and enquiries about the VET sector, compared to 459 that were received in 2020-21. Forty-eight per cent of complaints were completed within 30 days and 63 per cent completed in 45 days. The complainants' preferred outcome was achieved in more than 63 per cent of cases. The Office negotiated \$149,847 in course fee refunds or fee waivers during 2021-22.

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 once again 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 2021-22, the following strategic reviews were undertaken:

- *Review of School-Based Apprenticeship and Traineeship Administrative Arrangements in Queensland* identified the following:
 - school-based apprenticeships and traineeships (SAT) are highly regarded by employers, schools and individuals and deliver quality outcomes
 - Industry continues to support the current minimum work arrangements for school-based apprentices and trainees
 - Industry continues to support the restriction on the amount of training that can be undertaken by a school-based apprentice while at school
 - there is an inconsistent approach from industry regarding qualifications declared as available through a SAT pathway, noting there are many declared qualifications generating no commencements
 - current administrative arrangements provide an adequate platform to enable the Department of Employment, Small Business and Training (DESBT) to effectively manage and regulate SATs, although some fine tuning is required, particularly in relation to employers who engage a large number of school-based apprentices or trainees
 - there is a need for a permanently established review mechanism where a school-based apprentice or trainee cannot attain minimum days due to circumstances out of their control, such as COVID-19
 - all stakeholders (including schools, Supervising Registered Training Organisations, employers, parents and students) need to be engaged effectively to ensure the best possible outcome can be achieved.

- *Interface with Licensing within the Queensland Construction Industry – a follow-up to the 2018 Review* identified the following:
 - since the 2019 report, there has been significant activity with regards to skills and licensing within the construction industry, particularly with the development of a proposed Continuing Professional Development Framework by the Queensland Building and Construction Commission, in partnership with all stakeholders. Workplace Health and Safety Queensland has also continued to refine high-risk work licensing arrangements.
 - despite this, many stakeholders are still raising a number of issues with this Office including concerns regarding areas where licences are no longer required and concerns with training for rigging, dogging and scaffolding.
- *Review of support provided to Queensland Apprentices and Trainees, with a focus on female apprentices in male dominated occupations* identified the following:
 - whilst major systemic changes are not required, enhancements can be made that focus on:
 - preparing prospective employers and apprentices and trainees
 - supporting apprentices, trainees, and their employers throughout their training contract
 - ensuring that where intervention is required it happens in a co-ordinated manner and as early as possible.

The Office has also continued to work closely with 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.

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

Similarly, the Office has worked with Jobs Queensland, the Australian Skills Quality Authority, the Office of Fair Trading and other stakeholders in the development of a security industry workforce 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 also working closely with the community services sector to address the high number of complaints received from that industry.

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
- Queensland Department of Employment, Small Business and Training
- Independent Tertiary Education Council Australia
- Australian Skills Quality Authority
- Apprentice Employment Network
- Construction Skills Queensland
- TAFE Queensland
- Jobs Queensland
- Queensland Building and Construction Commission
- Office of Industrial Relations
- Commissioner for Electrical Safety
- Electrical Safety Office
- Queensland Small Business Commissioner
- 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 1000 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.

I also continue to chair the Queensland VET Quality forum, with members including the Director-General of DESBT and senior representatives from Office of Industrial Relations, Australian Skills Quality Authority and Office of Fair Trading. This forum provides an avenue for information sharing and a co-ordinated approach to address quality issues in the Queensland VET system.

In addition, I participated in a number of roundtables facilitated by the Minister for Employment and Small Business and Minister for Training and Skills Development and as a panel member at the Queensland Workforce Summit held in March 2022.

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.

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 2743 complaints and enquiries received since 14 September 2015 highlights that more than 50 per cent of all complaints relate to students undertaking fee-for-service training.

Key issues identified through the complaints received, include:

- RTO behaviour, including poor communication
- fees and refunds
- training package implementation
- the link between the attainment of a qualification and the issuing of a licence
- apprentices not having access to appropriate supervision or the full range of work.

During 2022-2023, I will continue to work with key stakeholders to address these issues and other systemic issues as they are identified.

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.

Geoff Favell
Queensland Training Ombudsman

03 2021-22 Performance Snapshot

| Complaints | | | |
|------------------------|-------------------------|---|---|
| 377 RECEIVED | 378 COMPLETED | 48.1% COMPLETED WITHIN 30 DAYS | 63.3% COMPLAINANT OUTCOME ACHIEVED |

\$149,847 OF FEES REFUNDED/REIMBURSED/WAIVED

| Formal Enquiries | | Other | |
|-----------------------|------------------------|---------------------------|---|
| 69 RECEIVED | 69 COMPLETED | 12,115 WEB HITS | 1000+ STAKEHOLDERS ATTENDED PRESENTATIONS |

The Office received and assessed 446 complaints and enquiries between 1 July 2021 and 30 June 2022. The majority of complainants (75 per cent) were apprentices, trainees and students. Over 60 per cent of the complainants were female and 47 per cent of complainants resided in the Metropolitan or North Coast region of Queensland.

Twenty-two per cent of complaints related to the community services sector, followed by business with 19 per cent. The predominant area of concern is RTO behaviour along with enrolment and refund issues.

Of the 378 complaints completed, 18 complaints were refused for investigation as they related to universities or government agencies and are therefore not within the remit of the Office. A total of 228 (63.3 per cent) achieved the complainants' desired outcome, including 69 cases of fee refunds or waivers totalling \$149,847.

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.

Eighty-nine (24.7 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 refuted 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.

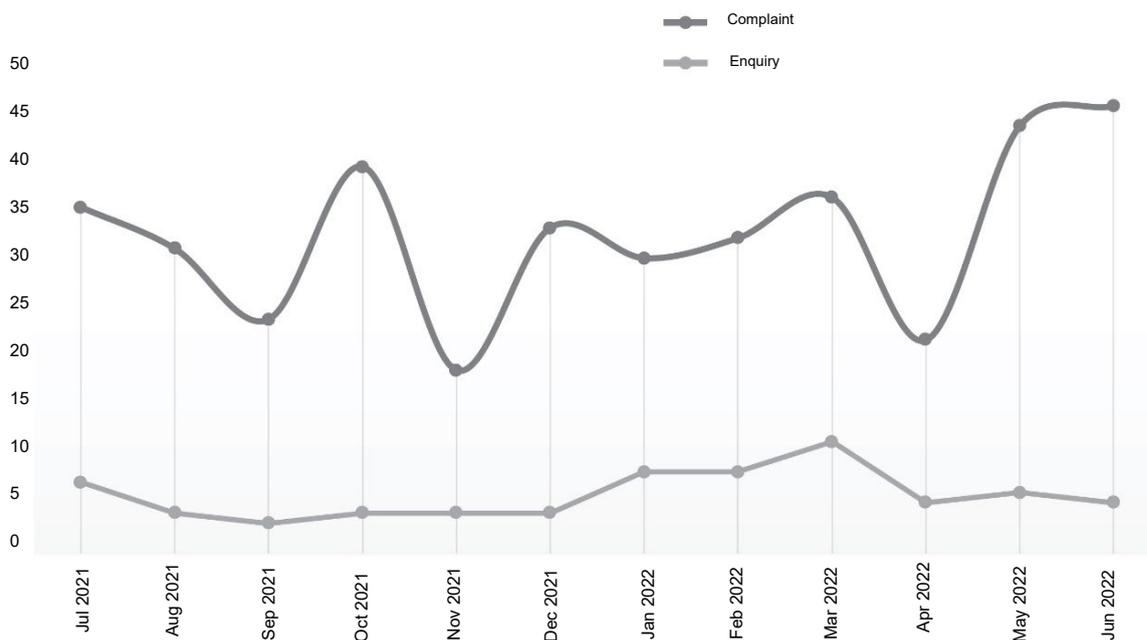
Forty-three (11.9 per cent) complaints were formally withdrawn as the complainant had settled the matter directly and, in some cases, had decided to continue with their studies.

The Office formally referred 11 matters to the VSLO as they related to VET FEE-HELP/VET Student Loans.

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 |
| Total complaints/enquiries for 2020–21 | 392 | 67 | 459 |
| Total complaints/enquiries for 2021–22 | 377 | 69 | 446 |
| Total | 2326 | 417 | 2743 |

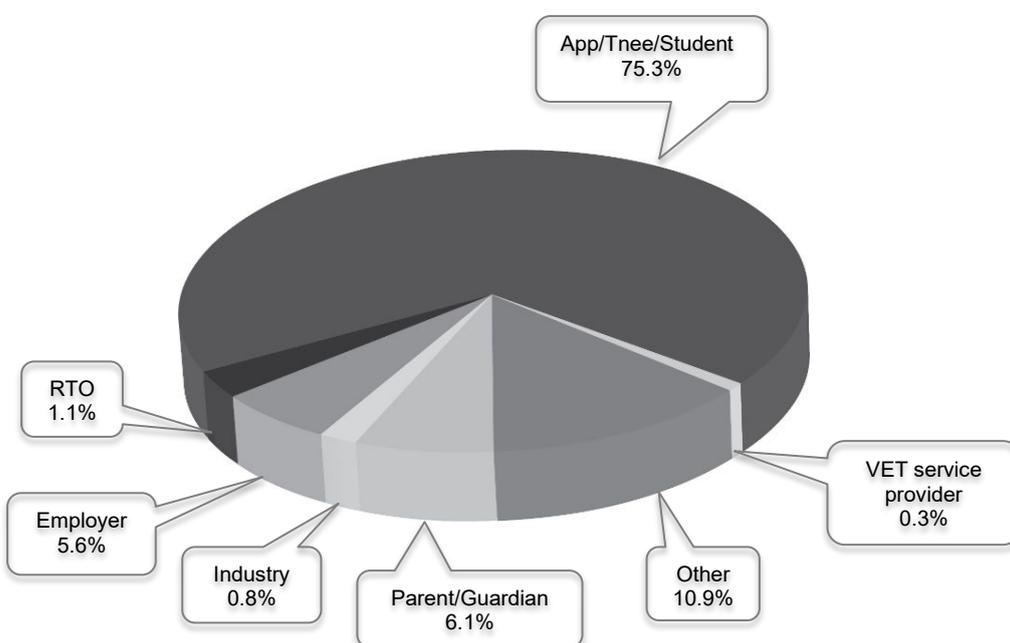
Timing of Complaints/Enquiries Received



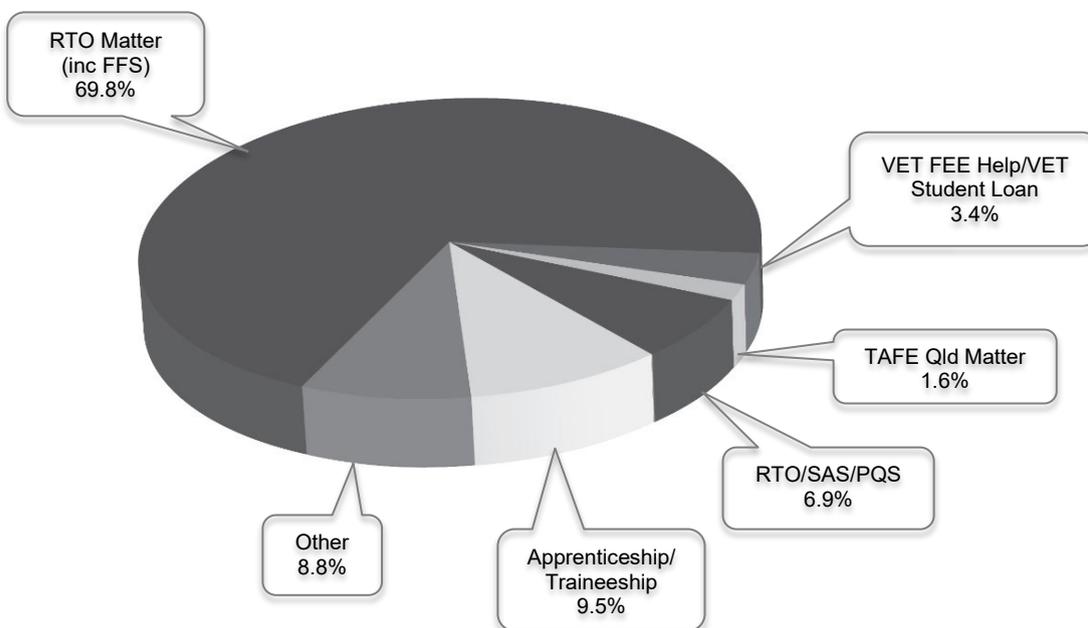
Gender Summary of Complaints/Enquiries Received

| | | | |
|---|---|--|--------------|
| 276 | 166 | 4 | 446 |
|  |  |  | TOTAL |
| FEMALE | MALE | ANONYMOUS | |
| 63% | 36% | 1% | 100% |

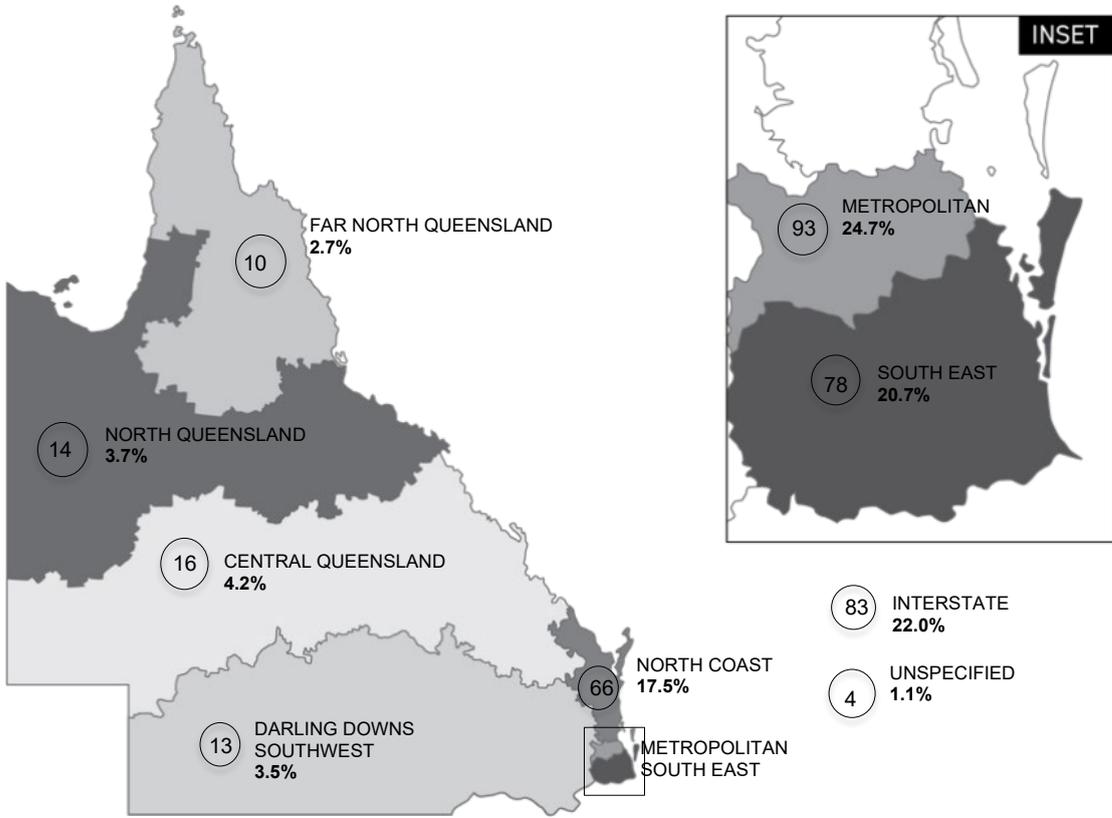
Type of Complainant



Type of Issues



Complaint Profile: Location/Region



Complaints by Industry Sector

| | | | | | |
|----|----------------------|-------|----|--------------------------|-------|
| 7 | ARTS & ENTERTAINMENT | 1.9% | 3 | AUTOMOTIVE | 0.8% |
| 72 | BUSINESS | 19.1% | 7 | COMMUNICATIONS | 1.9% |
| 83 | COMMUNITY SERVICES | 22.0% | 27 | CONSTRUCTION | 7.2% |
| 2 | ENGINEERING | 0.5% | 2 | FOOD PROCESSING | 0.5% |
| 3 | FURNISHING | 0.8% | 18 | EDUCATION & TRAINING | 4.8% |
| 4 | GOVERNMENT | 1.1% | 45 | HEALTH | 11.9% |
| 12 | HOSPITALITY | 3.2% | 4 | MINING | 1.1% |
| 7 | MULTIPLE | 1.9% | 6 | NOT SPECIFIED | 1.6% |
| 13 | PRIMARY INDUSTRIES | 3.4% | 18 | RETAIL | 4.8% |
| 21 | SPORT & RECREATION | 5.6% | 12 | TRANSPORT & DISTRIBUTION | 3.2% |
| 11 | UTILITIES | 2.9% | | | |

Complaint Outcomes

| Decisions | Number | % of Completed Complaints |
|--|------------|---------------------------|
| Completed - complainant outcome achieved | 228 | 63.3% |
| Completed - complainant outcome not achieved | 89 | 24.7% |
| Completed - no further action and formally withdrawn | 43 | 11.9% |
| Total | 360 | 100% |
| Complaint refused | 18 | |
| Total completed | 378 | |

Formal Referrals

| Agencies referred to | Number of referrals |
|----------------------|---------------------|
| VSLO | 11 |
| Total | 11 |

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 2021-22.

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 2021-22 Annual Report. Separate financial statements are not required for the Office.



Queensland
Government

Contact us

Level 17

53 Albert Street Brisbane 4000

PO Box 15090 City East

QLD 4002 Australia

Phone: 1800 773 048

Email: info@qto.qld.gov.au

Website: trainingombudsman.qld.gov.au

