

Queensland Government's response to

## **the Queensland Training Ombudsman's (QTO) report:**

*Review of Training Delivery linked to Advertising of Vacant Positions in Queensland.*



**Queensland  
Government**



The Queensland Government welcomes the Queensland Training Ombudsman's (QTO) report titled *Review of Training Delivery linked to Advertising of Vacant Positions in Queensland*.

The QTO plays a vital role helping apprentices, trainees, students, employers and other stakeholders navigate the complex vocational education and training (VET) sector. The independent office offers support to resolve disputes within the VET system and performs an advocacy role for the sector by reporting annually to the Minister for Employment and Small Business and Minister for Training and Skills Development on any issues and ways to improve the system.

This review was conducted at the request of the (former) Minister.

### **Queensland Government commitment to quality in the vocational education and training sector**

The Queensland Government is committed to a VET system that maintains the highest standards of quality and transparency to ensure that students receive the best possible training.

The Queensland Government agrees that it is unacceptable for any organisation to make a false or misleading claim to induce a prospective student to undertake training with a specific RTO and that more needs to be done to assist students to make informed choices.

Investing in Skills is one of the six key priorities identified in the Queensland Government's Economic Recovery Plan – Unite and Recover for Queensland Jobs and the Government's objectives for the community. This reaffirms the government's focus on skills development and training as a critical part of the post-pandemic economic recovery.

As the QTO report states, maintaining quality in the VET sector is a shared responsibility between governments at state and national levels, regulators, industry, training providers and students.

In July 2020, the Department of Employment, Small Business and Training (DESBT) introduced Skills Assure, a new contracting framework and approach to quality for government subsidised training. The key initiative of the Queensland Skills Strategy, *Skills for Queensland – Great training for quality jobs*, makes it easier to recognise providers that offer training subsidised by the Queensland Government. Only registered training organisations that meet the government's entry requirements are authorised to use the Skills Assure identifier.

### **Overall findings response**

The Queensland Government accepts five of the QTO review recommendations and accepts in principle the one remaining recommendation.

The review found that the regulators, including the Office of Fair Trading and the Office of Industrial Relations, did not identify any breaches of legislation. While the review concluded that major systemic changes were not required, it did recommend more timely and targeted action against poor behaviours by contracted Skills Assure Suppliers (SAS) and improved transparency and communication with stakeholders.

The government agrees that jobseekers should not be misled by recruitment companies and where this occurs, action should be taken immediately. DESBT will continue to work with the QTO and other regulators to address the findings of this review.

Queensland Training Ombudsman recommendation	Government response
<p><b>Recommendation 1</b></p> <p>DESBT should review current practices to:</p> <ul style="list-style-type: none"> <li>a) consider the timeliness of actions taken for alleged contract breaches;</li> <li>b) identify and take decisive action in relation to funding qualifications it identifies as high risk; and</li> <li>c) focus audit and compliance activity to high-risk areas.</li> </ul>	<p><b>Recommendation accepted</b></p> <p>DESBT will continue to play a central role in connecting Queenslanders to quality training through effective evaluation and monitoring of training providers under Skills Assure Supplier (SAS) arrangements. DESBT has strong risk mitigation mechanisms in place with the recent implementation of Skills Assure, and compliance monitoring has been improved. The improvements include new compliance checks and increased access to records and requirements for third-party training arrangements to be declared. DESBT accepts this recommendation with the following comments:</p> <ul style="list-style-type: none"> <li>a) DESBT acknowledges the feedback of stakeholders and is committed to improving the timeliness of actions taken for alleged contract breaches. DESBT takes strong and decisive action against contracted training providers who do not meet the government's high expectations of quality training delivery. DESBT's investigations focus on identifying evidence to support any allegation of non-compliance. Once non-compliance has reasonably been proven, DESBT takes action based on its contractual rights and with awareness of the potential legal implications and the need for confidentiality.</li> </ul> <p>DESBT agrees with the QTO on the need to provide clear and transparent updates regarding compliance and SAS behaviour. DESBT will focus on operational improvements to address timeliness, build upon current practices and publish more information on finalised matters.</p> <ul style="list-style-type: none"> <li>b) DESBT monitors investment trends on a monthly basis and undertakes reviews of investment that involves industry consultation to identify any high-risk qualifications. In 2020, DESBT completed a review of qualifications identified in the QTO report, and subsequently implemented 'investment caps' for 2020-21. As in previous years, DESBT will work with the QTO to identify further improvements and actions in relation to high-risk qualifications.</li> <li>c) DESBT will implement a more targeted approach to monitoring and compliance of SAS. The risk-based approach will further integrate the use of data, market intelligence and local expertise. DESBT is continually reviewing its compliance monitoring and audit processes and acknowledges the imperative to respond quickly to issues and risks.</li> </ul>

Queensland Training Ombudsman recommendation	Government response
<p><b>Recommendation 2</b></p> <p>DESBT should review all guidelines, frameworks and directives to ensure they adequately identify the behaviours required for contracted suppliers.</p>	<p><b>Recommendation accepted and implementation underway</b></p> <p>DESBT will continue to review and refine its compliance approach and associated documentation.</p> <p>Following the implementation of the Skills Assure initiative in July 2020, DESBT has updated key policies and guidelines and communicated the changes to SAS.</p>
<p><b>Recommendation 3</b></p> <p>DESBT should consider placing additional requirements on contracted suppliers to enhance quality outcomes where appropriate.</p>	<p><b>Recommendation accepted in principle</b></p> <p>While the SAS Agreement has increased supplier compliance requirements and strengthened provisions, DESBT will continue to consider further conditions and requirements to ensure quality training delivery, including consideration of minimum training duration requirements to ensure students are job ready at the completion of their qualification.</p> <p>Through partnering with the Queensland VET Quality Forum regulators (recommendation 5), DESBT will consider additional penalties, including the option of introducing an enforceable code of conduct for all RTOs in Queensland (as raised in the QTO Review). Additional stakeholder engagement, via roundtable sessions, will be undertaken with relevant industry bodies, TAFE Queensland, the Independent Tertiary Education Council Australia (ITECA) and other SAS training providers.</p>
<p><b>Recommendation 4</b></p> <p>DESBT should improve transparency of actions it is taking to ensure all stakeholders are aware of the importance DESBT places on quality.</p>	<p><b>Recommendation accepted (noting commercial in confidence implications)</b></p> <p>DESBT accepts and supports the recommendation from the QTO of the need to prioritise stakeholder awareness.</p> <p>To increase awareness and protections for consumers, DESBT will prioritise the promotion of existing reporting avenues, such as the training scammer hotline, to report issues with training providers. DESBT will ensure that these channels are easily accessible and available for students, prospective students, jobseekers and the general public.</p> <p>DESBT currently distributes a monthly newsletter to contracted training providers, <i>Contract Connector</i>, to provide information on topical or emerging issues. DESBT will consider publishing non-identifying information about non-compliance cases in future newsletters.</p> <p>DESBT will also look to develop a quarterly newsletter to industry stakeholders and employers regarding key quality and compliance updates. DESBT will also consider options for publishing compliance information on the departmental website to provide transparency for current and prospective students. DESBT will continue to treat investigations and enforcement action confidentially as a matter of natural</p>

Queensland Training Ombudsman recommendation	Government response
	justice and refer matters to both State and Federal integrity and law enforcement agencies where appropriate. Confidentiality will be maintained until the matter has reached completion.
<p><b>Recommendation 5</b></p> <p>A new Queensland VET Quality Forum should be established.</p>	<p><b>Recommendation accepted</b></p> <p>The government supports the establishment of a new Queensland VET Quality Forum, with representatives from the Australian Skills Quality Authority (ASQA), Office of Fair Trading, Office of Industrial Relations, DESBT and the Queensland Training Ombudsman.</p> <p>Whilst collaboration and liaison between these agencies currently occurs, DESBT supports the opportunity to formalise meetings and focus on key sector-wide issues.</p> <p>DESBT will support the QTO in establishing the forum, including the development of Terms of Reference. The forum will report regularly to the Minister for Employment and Small Business and Minister for Training and Skills Development and the Ministerial Skills Roundtable. DESBT will also explore opportunities for VET sector stakeholders as well as consumers to engage with the new forum to swiftly identify key issues.</p>
<p><b>Recommendation 6</b></p> <p>The Queensland VET Quality Forum should initially review existing referral mechanisms and student communication channels and implement enhanced processes.</p>	<p><b>Recommendation accepted</b></p> <p>The Queensland Government supports this recommendation to ensure that various regulatory bodies are working together to address issues raised by students in a timely and effective manner.</p> <p>DESBT acknowledges that more needs to be done to assist students to make informed choices including clear and accessible information to students to assist them in navigating the complex VET system and make complaints where appropriate.</p>