

REPORT
of the
TRAINING ADVOCATE

1 September 2008

to

31 December 2008



March 2009

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The Honourable Michael O'Brien MP
Minister for Employment, Training and Further Education
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Dear Minister

I am pleased to present you with my first report in accordance with section 25 (1) of the *Training and Skills Development Act 2008* proclaimed on 1 September 2008.

The report provides a brief summary of activities undertaken by the Office of the Training Advocate between the period 1 September 2008 and 31 December 2008.

To fulfil the arrangements in place prior to 1 September 2008, a separate report for the period 1 January 2008 to 31 August 2008 has been included as Part 3 of the Training and Skills Commission's 2008 Annual Report.

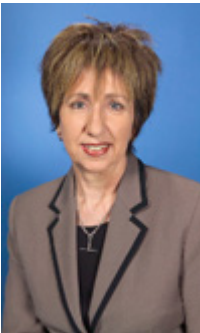
Yours sincerely,

Thérèse O'Leary
Training Advocate

27 March 2009

Office of the **TRAINING ADVOCATE**

Message from the Training Advocate



I am pleased to provide my first report as the Training Advocate, established as a statutory authority on 1 September 2008.

A Charter, tabled in Parliament, sets out the functions which are designed to enhance consumer protection. These functions aim to improve access and participation in employment and skill formation opportunities and contribute to strategies which raise the quality and responsiveness of the training system in South Australia.

Unique in the Australian vocational education and training system, the Training Advocate provides a public contact point to promote the benefits of education and training, offer advocacy, handle complaints and influence the development of employment and skills formation policy.

During this first four months in office, we assisted 214 new clients of whom 73% required information or advice, 22% were provided with advocacy and the remaining 5% required investigation to reach a resolution. While it is acknowledged that this is a small proportion compared to the numbers involved in the training system, the majority of these clients

were able to continued participating in training as a result of the help they received.

I have also commenced a series of meetings with key stakeholders to promote the role of the Training Advocate and explore ways of working collaboratively to respond to the future education and training needs particularly in the changing economic climate.

South Australia's training system offers many opportunities for learning and employment that are highly valued by industry and the community. Taking advantage of these opportunities can be both exciting and challenging. However, there may be times when advice and support along the way is necessary to achieve goals.

Over the next year, I will continue to provide a tailored and confidential service to respond to any questions or concerns about training. Importantly, I will have the opportunity to represent the views of our clients in the ongoing improvements to the training system.

I would like to acknowledge and thank my staff for their valued contribution in assisting me meet my responsibilities outlined in the Charter of Functions.

I also extend my appreciation to the Chief Executive and staff of the Department of Further Education, Employment, Science and Technology for their support in the establishment of the Office.

Thérèse O'Leary
South Australian Training Advocate

Introduction

The results of an extensive consultation with key stakeholders and participants of the training system provided the foundation for legislative change.

Accordingly, the *Training and Skills Development Act 2008* (the *Act*) was proclaimed on 1 September 2008.

This *Act* relates to higher education, vocational education and training, adult community education and education services for overseas students.

The objects of this *Act* are to further the State's economic and social development through the operations of the Training and Skills Commission, also established under this *Act*.

The *Act* includes the provision of advice on workforce development, the registration of training providers, course accreditation, arrangements for traineeships and apprenticeships and protections for students.

The Training Advocate was established under Part 2 Division 4 of the *Act* with functions designed to enhance consumer protection and focus on monitoring the effectiveness of the training system.

The Training Advocate's functions are described in a *Charter* in accordance with Section 21 of the *Act*. This *Charter* was prepared by the Minister after consultation with the Training Advocate and the Training and Skills Commission. As required by the *Act*, copies were laid before both Houses of Parliament on 25 September 2008.

Division 5 Part 5 of the *Act* provides the Training Advocate with the powers necessary to carry out the functions. This includes the power to request or provide information to or from a prescribed authority. In addition it provides the power to enter and inspect training or employment premises if necessary to address training related matters.

The Training Advocate is not subject to the direction of the Minister in relation to an investigation undertaken in performing the functions.

Pursuant to section 25 (1) of the *Act*, a report on the Training Advocate's activities for the preceding calendar year must be provided to the responsible Minister by 31 March in each year.

Accordingly, this report introduces the statutory role and summarises activities related to the functions undertaken from 1 September 2008 to 31 December 2008.

Charter establishing the Training Advocate's functions under the *Training and Skills Development Act 2008* (the *Charter*)

The *Charter* refers to the 'training system' which, consistent with the *Act*, comprises higher education, vocational education and training (including apprenticeships and traineeships), adult community education and education services for overseas students.

The functions are designed to improve access and effective participation in employment and skill formation opportunities, and to contribute to strategies which raise the quality and responsiveness of the training system in South Australia.

The functions, which provide the basis for services available to clients or prospective clients of the training system, are described in the *Charter* under five clauses:

- Clause 1 - Promotion of employment, education and training
- Clause 2 - Independent complaint handling
- Clause 3 - Advocacy
- Clause 4 - Information and advice
- Clause 5 - Monitoring the training system

Administrative guidelines have been developed to underpin the implementation of the functions.

With respect to Clause 2, the Training Advocate has been declared an exempt agency under the *Freedom of Information Act 1991* through the *Freedom of Information (Exempt Agency) Regulations 2008*.

A copy of the *Charter* is attached.

The *Charter* and corresponding administrative guidelines can be accessed via the website at www.trainingadvocate.sa.gov.au

Statistical Information

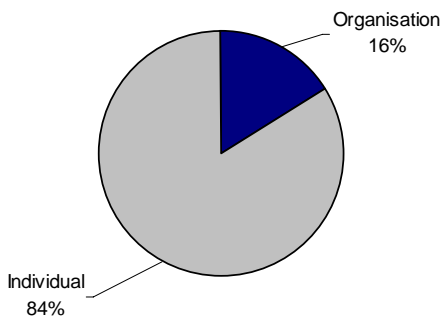
This section provides a general summary of activities over four months from 1 September 2008 to 31 December 2008.

It provides brief information about:

- client groups
- enquiries and complaints
- types of enquiry or complaint
- categories within those types
- actions taken to address a matter
- gender by age group
- geographical region

There were 214 clients who accessed the services of the Training Advocate identified as either an individual or an organisation (Figure 1).

Figure 1. Client Type
1/9/08 - 31/12/08



Individuals - apprentices, trainees, students (international and domestic) or their representatives (eg parents, friends, unions), trainers, and members of the public.

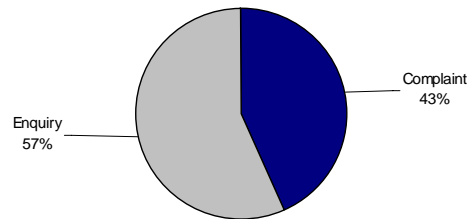
Individual clients receive a personalised service aimed at empowering them to address their enquiry or complaint

Organisations - Registered Training Organisations, employers, Australian Apprenticeships Centres, schools, peak bodies and other government agencies.

Primarily, organisational clients are provided with information, advice, referral and/or assistance in navigating the system or in relation to systemic issues.

The proportion of enquiries and complaints received during this reporting period are as follows (Figure 2).

Figure 2. Enquiries & Complaints
1/9/08 - 31/12/08

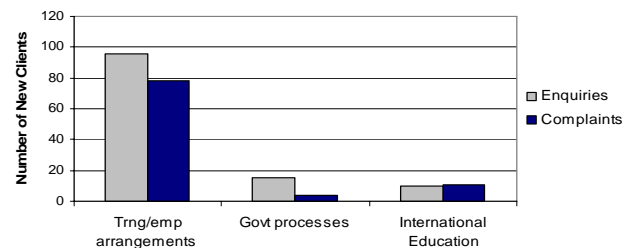


Enquiry - general information sought about any aspect of the training system. This may include information about rights and obligations for participation in the training system or information that will enable clients to navigate their way to the appropriate authority to respond to their enquiry

Complaint - an expression of dissatisfaction with any aspect of the training system, a formal complaint, the registration of a concern, or assistance sought in dealing with a training related grievance or dispute.

Enquiries or complaints are classified into three broad **types** described below. In this period the matters raised were primarily associated with training and/or employment arrangements (Figure 3).

Figure 3. Enquiries & Complaints by Type
1/9/08 - 31/12/08



Training/employment arrangements - any aspect of the delivery of training and/or the related services and products, including apprenticeships or traineeships.

Government processes - processes implemented by Government for the administration and/or regulation of the training system

International education - any aspect relating to an international student living and studying in South Australia.

The majority of issues raised by clients were complex, often requiring the involvement of multiple agencies and organisations in order to reach a satisfactory resolution.

The most commonly raised matters regarding *training and/or employment arrangements* were about:

- the termination of a training contract
- wages and other working conditions within an apprenticeship or traineeship
- alleged poor quality of training
- training fees
- lack of support for training
- information about training courses
- recognition of prior learning processes

A key matter raised in relation to *Government processes* related to the availability of funding or grants to support workforce development.

Matters relating to *international education* ranged considerably from concerns about the commercial arrangements, transfers to other training providers and academic issues. Six of these were formal complaints lodged in accordance with the *Education Services for Overseas Students Act 2000* and were subsequently resolved.

The data collected about enquiries and complaints in the three main Types above (*Figure 3*), is further classified into the relevant **category** described in the following box.

Apprenticeships and traineeships – relates to training contacts including Australian School Based Apprenticeships

Registered Training Organisation – relates to the delivery or administration of training by a provider registered to deliver nationally accredited training. This includes both domestic and international education

Adult Community Education – relates to delivery and or administration of programs delivered under Adult Community Education sector

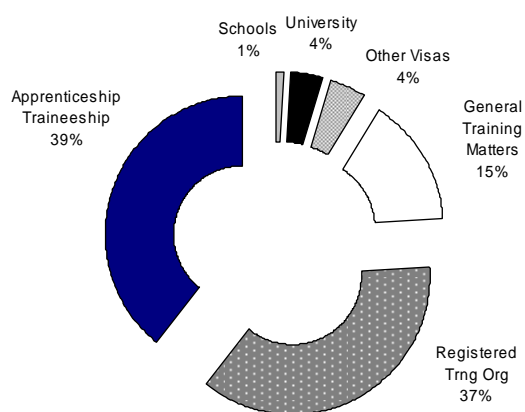
Other Visas – relates to those on visas other than international student visas. For example, a skilled migrant visa

University – relates to education or services delivered by a University although primarily this category relates to international education

Schools – relates to the delivery of vocational education and training in schools (VET in schools) and education to international students

General training matters – relates to a variety of other areas that relate to the training and employment system including skills recognition programs, employment programs, access to funding for example.

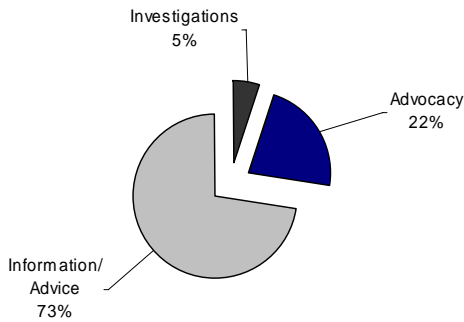
Figure 4. Category of Enquiry and Complaint 1/9/08 - 31/12/08



In this reporting period, (*Figure 4*) there were no matters relating to Adult Community Education.

The following diagram demonstrates the type of **action** taken to assist clients. It identifies that the majority of clients required specialist advice and information to assist them address their particular matter (*Figure 5*).

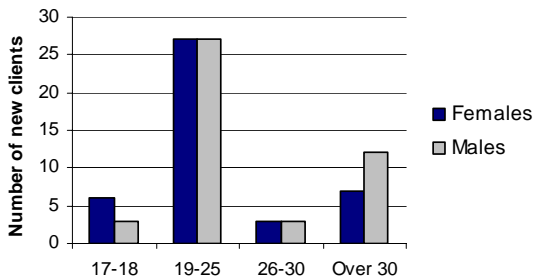
Figure 5. Actions taken
1/9/08 - 31/12/08



These actions include assistance provided to two apprentices and three trainees in accessing the Industrial Relations Commission of South Australia to address their dispute or grievance.

Of the 41% of clients who elected to reveal their **age**, the majority fell within the 19 – 25 year age bracket (*Figure 6*).

Figure 6. Gender by Age Group
1/9/08 - 31/12/08



The information captured relating to **geographical region** indicates that requests for assistance are also received from clients living overseas and interstate (*Figure 7*).

Figure 7. Geographical Region
1/9/08 - 31/12/08



In summary, of the 214 clients assisted in this period, 82% of matters were finalised, as clients were satisfied with the result. The remaining 18% of client cases required continued management in 2009.

In conclusion, it would appear that the common underlying theme during this period has been an apparent lack of upfront information, resulting in confusion about rights and responsibilities.

In this regard there is more work to be done across the relevant agencies and organisations to promote the system and improve the quality of information available.

The Office of the Training Advocate

The Office of the Training Advocate is located on the ground floor, 55 Currie Street Adelaide with an entrance at Bus Stop W1.

Office hours are weekdays between 8.30am and 5.30pm. The toll-free telephone number, 1800 006 488, is also monitored after hours to respond to urgent messages.

The Training Advocate can be contacted at trainingadvocate@saugov.sa.gov.au

The website can be accessed at www.trainingadvocate.sa.gov.au

The Training Advocate is supported by an Investigations Officer, an International Student Adviser and a Client Information Officer. These officers carry functions under delegated authority in accordance with Section 23 of the Act.

In supporting clients with their questions or concerns about the training system, clients can expect a service that is:

- **accessible**
easy to use and free
- **equitable**
fair and respectful
- **responsive**
individually tailored and confidential
- **effective**
achieves the best possible results
- **communicative**
educative and informative
- **accountable**
taking responsibility for actions

To enable access to the services of the Training Advocate other support can be provided including:

- TTY (through the National Relay Service)
- counter hearing system phone for the hearing impaired
- Auslan interpreters
- interpreting and translating
- consultation at an alternative location (including rural locations) where appropriate

A confidential client register has been developed as a mechanism to manage complaints and enquiries lodged with the Training Advocate. This register captures comprehensive information that relates to the functions of the Training Advocate. It also facilitates the ability to identify emerging patterns or trends associated with the training system.

The Department of Further Education, Employment, Science and Technology provides the resources required for the Office of the Training Advocate to function.

Financial Statement

The financial report for the Office of the Training Advocate is incorporated within the Department of Further Education, Employment, Science and Technology's financial statement audited by the Auditor-General's Department and published for the South Australian Parliament.

CHARTER

Office of the TRAINING ADVOCATE



Government of South Australia
Office of the Training Advocate

Charter establishing the Training Advocate's functions under the *Training and Skills Development Act 2008*

The office of the Training Advocate is established under section 18 of the *Training and Skills Development Act 2008* (the Act). The Training Advocate is an independent statutory authority charged with the functions set out in this Charter in accordance with section 21 of the Act.

The functions are designed to enhance consumer protection by improving access and effective participation in employment and skill formation opportunities, and to contribute to strategies which raise the quality and responsiveness of the training system in South Australia.

This Charter refers to the "training system" which, consistent with the Act, comprises higher education, vocational education and training (including apprenticeships and traineeships), adult community education and education services for overseas students.

An expression defined in the Act that is used in this Charter has the same meaning as in the Act.

Functions

The Training Advocate has the functions set out under the following 5 clauses:

Clause 1. Promotion of employment, education and training

The Training Advocate will:

- 1.1 promote the benefits of higher education (other than that provided by a State University as defined in the Act), vocational education and training and adult community education in the State;
- 1.2 promote the development of employment and skills formation policies and procedures.

Clause 2. Independent complaint handling process

The Training Advocate will:

- 2.1 provide an independent complaint handling process and investigate complaints (other than those deemed to be trivial or vexatious) relating to the provision of higher education, vocational education and training, education services for overseas students, adult community education and training contracts.

- 2.2 work to resolve matters arising out of:
 - 2.2.1 the delivery of education and training; and/ or
 - 2.2.2 apprenticeships and traineeships under Part 4 of the Act

The independent complaint handling process may include:

- the investigation of a complaint;
- the negotiation and mediation of matters arising out of a complaint;
- reporting the outcome of any such process

Clients may include:

- participants or prospective clients of education and training providers;
- training providers;
- apprentices or trainees;
- employers

- 2.3 under an agreement entered into with a provider of education services registered under the Education Services for Overseas Students Act 2000 of the Commonwealth:

- 2.3.1 provide an independent complaint handling process;
- 2.3.2 investigate complaints;
- 2.3.3 make recommendations in relation to complaints;

relating to the provision of education services to the clients of the provider.

Clause 3. Advocacy

The Training Advocate may:

- 3.1 speak for and negotiate on behalf of education and training providers and clients (and prospective clients) of education and training providers in the resolution of any matters arising out of the delivery of education and training;
- 3.2 speak for and negotiate on behalf of an employer or an apprentice/ trainee in the resolution of any matters arising under Part 4.

Clause 4. Information and advice

The Training Advocate will:

- 4.1 provide information and assist people to navigate the training system in South Australia;
- 4.2 give advice on the powers that may be exercised in relation to matters arising under the Act.

Clause 5. Monitoring the training system

The Training Advocate will:

monitor the administration of the Act and make recommendations (if any) for legislative change.

Authority

Part 5, and sections 72 and 73 of the Act provide the Training Advocate with powers necessary to enable the Training Advocate to carry out the functions given by this Charter, including powers to obtain information, question people, require records or documents and inspect any premises.

Administrative Guidelines

The Training Advocate publishes guidelines that support the implementation of the functions. See www.trainingadvocate.sa.gov.au

Reporting

Section 25 of the Act requires the Training Advocate, on or before 31 March in each year, to provide the Minister with a report on the Training Advocate's activities for the preceding calendar year. This report will be tabled in Parliament.

The Training Advocate and the Training and Skills Commission have been consulted in the preparation of this Charter in accordance with section 21(1) of the Act.

This Charter will come into force and be binding on the Training Advocate on 4 September 2008.

The Hon Paul Caica, MP

Minister for Employment, Training and Further Education