



# Office of the Training Advocate

## Administrative Guidelines

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Contact Officer: Therese O'Leary  
Training Advocate

Phone: 8226 4242

Email: [therese.o'leary@sa.gov.au](mailto:therese.o'leary@sa.gov.au)

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These Administrative Guidelines are issued in accordance to the Charter and the *Training and Skills Development Act, 2008*. They are binding on all Office of the Training Advocate employees. The Training Advocate reserves the right to review and modify these Guidelines as the need arises.

**Warning: OTA Administrative Instructions are uncontrolled if printed**

## Introduction

The Training Advocate is established pursuant to Part 2 Division 4, section 18 of the *Training and Skills Development Act 2008* (the *Act*)

The Training Advocate is an independent statutory authority charged with carrying out functions set out in a Charter and in accordance with section 21 of the *Act*.

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

The Training Advocate is declared to be an exempt agency in respect of functions set out in Clause 2 of the Charter (independent complaint handling process) under the *Freedom of Information Act 1991*. (Ref: *Freedom of Information (Exempt Agency) Variation Regulations 2008 pursuant to Section 4 (1) of the Freedom of Information Act 1991*)

Where reference to the “training system” occurs in any documentation produced by the Training Advocate, this means higher education, vocational education and training (including apprenticeships and traineeships), adult community education and education services for overseas students as prescribed in the *Act*.

Where reference to the “Training Advocate” occurs in this document, this means all staff employed in the Office of the Training Advocate.

## Object

The object of these administrative guidelines is to outline a framework which underpins the operations of the Training Advocate.

## Overarching Principles

The Training Advocate, in providing assistance to clients, complies with current Government policy by ensuring that the service is:

<b>Accessible</b>	easy to use and free
<b>Equitable</b>	fair and respectful
<b>Responsive</b>	individually tailored and confidential
<b>Effective</b>	achieves the best possible results
<b>Communicative</b>	educative and informative
<b>Accountable</b>	taking responsibility for our actions

The Training Advocate will conduct complaint handling processes and investigations in accordance with principles of procedural fairness.

The Training Advocate will comply with the *National Code of Good Practice for Responding to Complaints about Vocational Education and Training Quality* in managing the complaint handling processes (Ref: [http://www.dest.gov.au/NR/rdonlyres/275CA6F3-827E-46D3-9AA8-EF811D24DEEB/11064/complaints\\_code.pdf](http://www.dest.gov.au/NR/rdonlyres/275CA6F3-827E-46D3-9AA8-EF811D24DEEB/11064/complaints_code.pdf)).

The Training Advocate will comply with the Government of South Australia’s Information Privacy Principles (PC012) Instruction issued on 3 July 1992.  
<http://www.archives.sa.gov.au/privacy/principles.html>

## **Powers to carry out the functions**

The Training Advocate may request information from a prescribed authority in order to assist a client with their complaint or enquiry in accordance with Part 5, s.72 of the Act.

The Training Advocate may provide information to a prescribed authority in accordance with Part 5 s 72 of the Act.

The Training Advocate has powers to obtain information, question people, require records or documents and/or inspect employment and training related premises in accordance with Part 5 s73. In exercising these powers the Training Advocate:

- will produce an authorisation to do so
- may consult with the business/organisation to determine a mutually convenient time

## **Administrative Guidelines**

1. The Training Advocate will operate in accordance with the *Training and Skills Development Act 2008* and any other appropriate legislation.
2. The Training Advocate will provide its services in accordance with its overarching principles set out above.
3. The Training Advocate will not duplicate existing services under the *Training and Skills Development Act 2008* or any other *Act*.
4. The Training Advocate may monitor the progress of matters which have been referred to an alternative service or agency for action.
5. The Training Advocate may consult with education, training and employment stakeholders to determine operational protocols for addressing clients' needs.
6. The Training Advocate will provide independent advice on powers outlined in the Act. This advice is intended to provide clients with sufficient information to enable them to make an informed choice about their options within the training system. It should not be interpreted as legal advice.
7. The Training Advocate will offer advice and support to clients to enable them to access the most appropriate complaint resolution process (eg South Australia Industrial Relations Commission).
8. The Training Advocate will maintain client confidentiality unless:
  - authorisation to waive confidentiality is received from the client
  - other legislation requires a matter to be disclosed (eg mandatory reporting *Children's Protection Act 1993*)
  - the safety of others may be at risk. In these circumstances all reasonable precautions will be taken to protect the identity of the client

9. The Training Advocate will require written consent from a client before acting on their behalf. The Training Advocate claims the right to make exceptions.
10. The Training Advocate relies on the information given by its clients to be factual and complete.
11. The Training Advocate, after consulting the client, may decide to manage a complaint where the complainant is under the age of 18 years, in consultation with their parent or legal guardian.
12. The Training Advocate will give primacy to the protection of consumer rights where there is a conflict, or perceived conflict, between the consumer and an organisation (eg association, business, service provider, government agency).
13. The Training Advocate will determine the point at which a matter is finalised. In making this decision, the Training Advocate will consider (but not be limited to) whether:
  - a resolution is achieved
  - the client is advised that the matter is unable to be resolved
  - the client withdraws their complaint
  - the matter is unable to be progressed if the complainant can not be contacted within a reasonable timeframe or following a number of attempts.
14. The Training Advocate may decline to undertake an investigation or deal with a complaint if the matter:
  - has already been investigated in another jurisdiction
  - is currently being dealt with in another jurisdiction
  - is subject to a Police investigation
  - is restricted by specific timeframes
  - the matter is considered to be trivial or vexatious.
15. The Training Advocate will work collaboratively with clients and stakeholders in promoting the training system and in the development of associated employment and skill formation policies and procedures.
16. The Training Advocate will rely on credible statistical data to identify emerging trends and patterns within the training system in order to make recommendations for continuous improvement.
17. The Training Advocate's Annual Report may make a general comment about the nature of enquiries or complaints. The report may describe these through generalised case studies. However, the name of individuals or organisations will not be revealed.
18. The Training Advocate will not endorse training related products or services.
19. The Training Advocate will not overturn an individual's academic result issued by a Training Provider.
20. The Training Advocate does not provide formal legal advice or legal representation.