

ATIS-051

Version 4, February 2020

Compliance and complaints – training plan and employer resource assessment

Compliance

This information sheet refers to the legislative responsibilities of a supervising registered training organisation (SRTO) and an employer under the [Further Education and Training Act 2014](#) (the Act). This information sheet does not cover all the legislative requirements for an SRTO or employer under the Act.

The following information relates to the capacity of the workplace in providing, or arranging to provide, the necessary supervision, range of work and facilities to support an employment-based pathway towards the achievement of a qualification, being an apprenticeship or traineeship.

It also covers the monitoring of the progression of an apprentice or trainee throughout the term of the training contract and the requirement to notify the Department of Employment, Small Business and Training if progression is not occurring (under the Act, the chief executive delegates authority to departmental officers).

Section 56 – Employer to provide supervision, facilities and training

The employer of an apprentice or trainee must provide, or arrange to provide, the apprentice or trainee with the facilities, range of work, supervision and training—

- (a) the employer is required to provide under the apprentice's or trainee's training plan; or
- (b) prescribed by regulation.

Section 57 – Employer not to prevent participation in training

The employer of an apprentice or trainee must not directly or indirectly—

- (a) obstruct the apprentice or trainee from participating in the training required under his or her training plan to be delivered by the supervising registered training organisation for the apprentice or trainee (the **required training**); or
- (b) prejudice the apprentice's or trainee's employment, or place the apprentice or trainee at a disadvantage, because the apprentice or trainee participates or attempts to participate in the required training; or
- (c) discourage the apprentice or trainee from participating in the required training; or
- (d) induce or coerce the apprentice or trainee to not participate in the required training.

Section 58 – Employer to report notifiable events

- (1) This section applies if any of the following events (a **notifiable event**) happens in relation to a registered training contract—
 - (c) the employer decides—
 - (i) the apprentice or trainee is unlikely to meet the requirements of his or her training plan; or
 - (ii) the training required under the apprentice's or trainee's training plan cannot be completed within the nominal term of the contract;
 - (d) The employment of the apprentice or trainee has ceased;
 - (e) The apprentice or trainee—
 - (i) made an application for unfair dismissal under the *Fair Work Act 2009* (Cwlth), section 394; or
 - (ii) made an application for reinstatement under the *Industrial Relations Act 2016*, section 317; or
 - (iii) commenced another proceeding contesting the cessation of employment.
- (2) The employer must give the chief executive signed notice of the notifiable event within 14 days after the notifiable event happens.

Section 66A – Supervising registered training organisation must complete employer resource assessment

The supervising registered training organisation must—

- (a) complete an employer resource assessment in the approved form for the apprentice's or trainee's training plan; and
- (b) regularly review and, if necessary, revise the employer resource assessment during the period of the training plan; and
- (c) on request, give the chief executive a copy of the most recent employer resource assessment completed for the training plan.

Section 67 – Availability of facilities

The supervising registered training organisation for an apprentice or trainee must provide, or arrange to provide, the apprentice or trainee with the facilities,

services, supervision and training required under the training plan for the apprentice or trainee.

Section 68 – Supervising registered training organisation to ensure delivery of training

The supervising registered training organisation for an apprentice or trainee must ensure the training and assessment required to be delivered under the apprentice's or trainee's training plan is delivered to the apprentice or trainee

Section 69 – Supervising registered training organisation to notify chief executive if progress not made under training plan

- (1) This section applies if the supervising registered training organisation for an apprentice or trainee considers the apprentice or trainee is not making the progress required under his or her training plan.
- (2) The supervising registered training organisation must give the chief executive written notice stating that it considers the apprentice or trainee is not making the progress required under the apprentice's or trainee's training plan.

What does this mean for the SRTO and employer?

The communication between the employer, apprentice or trainee and the SRTO is one of the most important aspects of a successful apprenticeship or traineeship arrangement.

When a training plan is being developed it is important the SRTO provides the employer and apprentice or trainee context of how the units of competency in the training plan relate to the tasks being undertaken in the workplace. This process performs two major tasks, firstly providing the employer and apprentice or trainee an explanation of how the everyday work relates to the qualification and secondly, identifying any areas in which the workplace does not provide the required tasks.

When the SRTO identifies a gap between the apprenticeship or traineeship requirements and the tasks available in the workplace they must document how the employer is planning to provide for the gap. This may be achieved through:

- temporary transfer
- permanent transfer
- simulated assessment (in conjunction with the SRTO when appropriate and available)
- use of a group training organisation.

If the employer is unable or unwilling to make these arrangements available, the training contract cannot continue. If this occurs contact the department to seek assistance.

A good process from the beginning requires ongoing monitoring to ensure the arrangements which were negotiated at the point of producing the training plan continue throughout the term of the training contract. It is a legislative requirement for the employer or SRTO to update the training record at intervals of no greater than **3 months**. This allows the

employer and SRTO to enter the details of the training which has been undertaken to ensure progress is occurring and determine whether the apprentice or trainee may need more exposure to work tasks in identified areas.

When a lack of progression is identified and a resolution to the progression is not able to be decided on, the department must be notified.

Penalties

The department has a range of penalties which can be imposed on an employer or SRTO under the Act and the Skills Assure supplier agreement if applicable. The department may also refer issues to Australian Skills Quality Authority (ASQA) if appropriate.

Complaints

The Department of Employment, Small Business and Training is committed to continually improving the quality of our services. We value feedback, both positive and negative.

There are several options available to make a complaint about an apprenticeship or traineeship:

- to make a complaint or provide feedback please contact Apprenticeships Info on 1800 210 210 or email apprenticeshipsinfo@qld.gov.au.
- [complaints may be lodged](#) using the online apprenticeship or traineeship complaint form
- contact the [Queensland Training Ombudsman](#) who provide a free, confidential and independent service to review and resolve enquiries and complaints from apprentices, trainees, students, employers and other parties about the vocational education and training system.

For further information

Contact Apprenticeships Info on 1800 210 210.

View the [ATIS-049 Employer resource assessment information sheet](#).

