

Changing the mode of delivery of a training plan (with or without an application)

Purpose

This procedure details the process to change the mode of delivery of a training plan under the *Further Education and Training Act 2014* (FET Act) upon application from one party to the training plan, or without application at the discretion of the Department of Employment, Small Business and Training (DESBT).

Overview

A party to a training plan (i.e. employer, apprentice/trainee, or supervising registered training organisation (SRTO)) may apply to change the mode of delivery of the training plan if the party considers an apprentice/trainee has not made sufficient progress to achieve the qualification or statement of attainment under the training plan.

Alternatively, DESBT may decide to change the mode of delivery of a training plan without an application if satisfied the change is necessary to assist the apprentice/trainee make the required progress to achieve the qualification or statement of attainment under the apprentice/trainee's training plan.

Process

The party applying to change the mode of delivery of a training plan (i.e. the employer, apprentice/trainee or the SRTO):

- If a party to a training plan considers an apprentice/trainee has not made sufficient progress to achieve the qualification or statement of attainment under the training plan, and a change to the mode of delivery of the training plan is necessary to assist the apprentice/trainee to progress, the party may apply to DESBT in the approved form to change the mode of delivery of the training plan.
- The party applying will be required to –
 - state the proposed change to the mode of delivery of the training plan;
 - state the reasons for the proposed change;
 - if the apprentice/trainee is the party making the application, arrange for the parent/guardian to provide signed consent to the application if the apprentice/trainee is under 18 years and it is appropriate (e.g. it may be inappropriate for a parent/guardian to sign the application if the apprentice/trainee is living independently of his or her parents).

A [Change to mode of delivery under a training plan \(by one party\) \(ATF-051\) form](#) is available to assist the party apply. DESBT will not regard the application as complete unless all the above is included in the application.

- If a written notice is received from DESBT asking for further information to assist with the decision making process, the party will be given a period of at least 14 calendar days after the notice is given, to comply with the notice.
 - If the party does not respond within the period stated in the notice, DESBT will regard the application to change the training plan to have been withdrawn by the party and no further action will be undertaken in relation to changing the mode of delivery of the training plan.
- If the decision of DESBT is to change the mode of delivery of the training plan, DESBT will advise details of the change and the date the change takes effect.

Note – a change to the mode of delivery of the training plan may affect the current SRTOs ability to provide the training required under the training plan. If required, DESBT will discuss and assist the parties with a change of SRTO.

Employer:

- Upon receiving a show cause notice from DESBT proposing to change the mode of delivery of the training plan, provide a written response to the information outlined in the notice if required, by the date stated in the notice.
 - **Note** – Only responses provided by the date stated in the notice will be considered by the delegated officer when making a decision to change the mode of delivery of a training plan.
- Upon receiving a written notice from DESBT of the decision, the employer must comply with the decision. If DESBT decides to change the mode of delivery of the training plan, the written notice will state the change, and the day the change takes effect.

Apprentice/trainee:

- Upon receiving a show cause notice from DESBT proposing to change the mode of delivery of the training plan, provide a written response to the information outlined in the notice if required, by the date stated in the notice.
 - **Note** – Only responses provided by the date stated in the notice will be considered by the delegated officer when making a decision to change the mode of delivery of a training plan.
- Upon receiving a written notice from DESBT of the decision, the apprentice/trainee must comply with the decision. If DESBT decides to change the mode of delivery of the training plan, the written notice will state the change, and the day the change takes effect.

Supervising Registered Training Organisation (SRTO):

- Upon receiving a written notice from DESBT to change the mode of delivery of the training plan, the SRTO should provide a revised copy of the training plan to the employer and apprentice/trainee.
- If a change to the mode of delivery of the training plan affects the SRTOs ability to deliver the training, the SRTO must immediately contact DESBT on telephone 1800 210 210.

Australian Apprenticeship Support Network (AASN) Provider:

IMPORTANT – Limitation of delegated authority **MUST** be observed. AASN Providers do not have delegation to change the mode of delivery of a training plan under section 82D or 82G of the FET Act. Refer to the [Executive Director's sub-delegations under the FET Act 2014](#) for details of delegated authority.

- Upon receiving an application by one party to change the mode of delivery of a training plan, immediately email it to DESBT at apprenticeshipsinfo@qld.gov.au using the following naming convention in the subject line of the email to assist prioritisation:
<ChangeTrainingPlan> <Registration number> <Apprentice/trainee's surname>.

Training and Skills, Department of Employment, Small Business and Training (DESBT):

- Upon receiving an application by one party to change the mode of delivery of a training plan, create a Case in CEDRIC against the training training, save the application in CEDRIC against the Case, and immediately assign the Case to the relevant region for actioning by a delegated officer – DESBT.
- If a party has not made an application to change the mode of delivery of the training plan, however DESBT becomes aware an apprentice/trainee is not making progress and may benefit from a change to the mode of delivery, DESBT officers are to firstly attempt to facilitate a suitable outcome between the parties to the training plan
 - If the facilitation pathway does not result in a productive outcome, a delegated officer – DESBT will need to instigate a formal process in accordance with Subdivision 5 of the FET Act.

Note – the decision to use Subdivision 5 will depend on the time sensitivity and specific circumstances of the case, with the overarching principle being that there needs to be enough time to allow proper consideration as provided in the FET Act.

Decision making process for changing the mode of delivery of a training plan

Delegated officer – DESBT:

Limitation of delegated authority MUST be observed when making a decision whether to change the mode of delivery of the training plan. Refer to the [Executive Director's sub-delegations under the FET Act 2014](#) for details of delegated authority.

- Upon receiving an application by one party to change the mode of delivery of a training plan, conduct an investigation into the matter, or instigate an investigation and formal process to decide whether or not to change the mode of delivery of a training plan (in situations where no application has been made). The investigation can be allocated to an investigating officer – DESBT, however the delegated officer must oversee the investigation, and review and sign off on all show cause notices and written notices prepared by the investigating officer.
- A range of factors may impact on the decision of the delegated officer, and these will vary from case to case. Whilst not an exhaustive list of factors and considerations, Attachment 1 may assist in identifying matters that could be scrutinised in any investigation of a proposal to change the mode of delivery of a training plan.
- The investigation into the matter should commence as soon as an application is submitted by one party (or if considering changing the mode of delivery of a training plan without an application, as soon as an officer becomes aware of an issue with an apprentice/trainee making the required progress to achieve the qualification or statement of attainment), regardless of whether the application contains all the required information. For an application to contain all the required information it must –
 - state the proposed change to the mode of delivery of the training plan;
 - state the reasons for the proposed change;
 - if the party applying is the apprentice/trainee, contain the signed consent of the parent/guardian of the apprentice/trainee if the apprentice/trainee is under 18 years and it is appropriate.
- If further information is required to decide an application by one party to change the mode of delivery of a training plan, refer to the section below titled 'Request for further information'.
- Undertake a show cause process if the delegated officer is proposing to change the mode of delivery of the training plan. Refer to the below section titled 'Show cause process'.
 - If not proposing to change the mode of delivery of the training plan, a show cause process is not necessary. Give the parties to the training plan a written notice that the decision is not to change the mode of delivery of the training plan (note – a letter is also available to send to the parent/guardian if applicable and appropriate).

Request for further information

Delegated officer – DESBT:

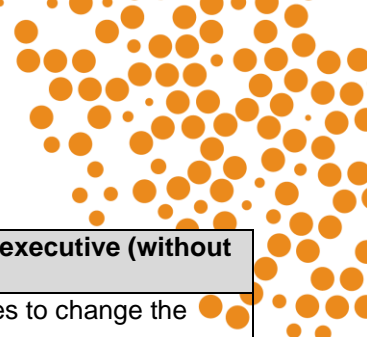
- If further information is required to decide the application, the delegated officer may give the applicant written notice asking for further information reasonably required to decide the application.
- This written notice must be given to the applicant within 21 calendar days after DESBT receives an application by one party to change the mode of delivery of the training plan.
- The applicant must be given a reasonable period of at least 14 calendar days to comply with the written notice.
- The delegated officer must consider any information provided by the applicant within this period. If the applicant does not comply with the written notice within the period stated in the notice, the delegated officer is to regard the application to have been withdrawn by the applicant and no further action is required. The delegated officer may give the applicant a written notice stating the application has been withdrawn due to the applicant not complying with the request for further information.

Show cause process

Delegated officer – DESBT:

- If the delegated officer is proposing to change the mode of delivery, prior to giving a show cause notice, undertake a HR compatibility review (by completing Part A of the *Human Rights Act 2019 – compatibility review form. Show Cause Notice process*) regarding the proposed decision, taking into account the 23 fundamental Human Rights under the [Human Rights Act 2019](#).

- Send a show cause notice to the parties to the registered training contract stating –



Changing a training plan on application by one party -	Changing a training plan – chief executive (without application)
<ul style="list-style-type: none"> ○ that an application has been made under section 82A; ○ the reasons, as stated in the application, for the proposed change; ○ the reasons the chief executive proposes to change the training plan; ○ the proposed change to the mode of delivery of the training plan; ○ the day the proposed change is to take effect; ○ that the party may, within 14 days after the show cause notice is given, give the chief executive a written response to the proposed change. 	<ul style="list-style-type: none"> ○ that the chief executive proposes to change the training plan; ○ the reasons the chief executive proposes to change the training plan; ○ the proposed change to the mode of delivery of the training plan; ○ the day the proposed change is to take effect; ○ that the party may, within 14 days after the show cause notice is given, give the chief executive a written response to the proposed change.

Note – a letter is also available to send to the SRTO, and parent/guardian if applicable and appropriate.

- When the show cause period has elapsed, consider the reasons stated in the application (only applicable to changing a training plan on application), and any written responses received from the parties, and make a decision (note – if the delegated officer decides to change the mode of delivery of the training plan, the delegated officer **must** be satisfied that the change is necessary to assist the apprentice/trainee make the required progress to achieve the qualification or statement of attainment under the training plan).
- Undertake a HR compatibility review (by completing Part B of the *Human Rights Act 2019 – compatibility review form. Show Cause Notice process*) regarding the decision, taking into account the 23 fundamental Human Rights under the [Human Rights Act 2019](#).
- Send each party to the training plan a written notice about the decision
 - If the decision is to change the mode of delivery of the training plan the written notice must also state the change; and the date the change takes effect, being not less than 14 calendar days after the day the notice is given to the parties.

Note – a letter is also available to send to the parent/guardian if applicable and appropriate.

- Where the decision is to change the mode of delivery of the training plan, discuss the change with the parties to the training plan, as the current SRTO may not be able to provide the training required via the new mode of delivery that the apprentice/trainee requires to progress under the training plan.
 - If a change of SRTO is necessary, assist the parties with the process.
- Save a copy of the completed Human Rights Compatibility Review Form (Parts A and B) in CEDRIC against the training contract.
- Detailed information must be recorded in CEDRIC against the training contract throughout the process.
- A copy of the application by one party to change the mode of delivery of the training plan (if applicable), the written notice requesting further information (if applicable), the show cause notice, and written notice given to the employer, apprentice/trainee, and SRTO (and correspondence given to the parent/guardian if applicable), and any other documentation relating to this matter, including written responses provided by the employer and/or apprentice/trainee, must be saved in CEDRIC against the training contract.

Investigating officer – DESBT:

- A delegated officer – DESBT may decide to allocate the investigation of the change to the mode of delivery of a training plan to an investigating officer – DESBT. In these cases, the investigating officer will follow the process as per the delegated officer – DESBT above. The delegated officer will oversee the investigation. The investigating officer will prepare all show cause notices and written notices for review and signing off by the delegated officer.

Definitions

Approved form	A form approved by the chief executive (Department of Employment, Small business and Training).
Australian Apprenticeship Support Network (AASN) Provider	AASN Providers, also known as Apprenticeship Network Providers, are contracted by the Australian Government to provide targeted services which deliver tailored advice and support to employers, apprentices and trainees. AASN Providers also have an



	agreement with DESBT to provide training contract related services. The AASN Provider is the first point of contact for the administration of all training contracts.
CEDRIC	A Client Relationship Management system used by DESBT to capture information on client and stakeholder engagement and correspondence (for internal access only).
Days	Where a timeframe is expressed in days, the reference is to calendar days. Twenty-one (21) calendar days, in relation to timeframe during which DESBT may give the applicant a written notice asking for further information is calculated as – date the FULLY COMPLETE application is received by DESBT is 0, then count 21 days. Day 21 is the last day DESBT may give the applicant a written notice requesting further information reasonably required to decide the application. Similar calculations apply to 14 day timeframes.
Delegated officer	An appropriately qualified person to whom the chief executive has delegated functions and powers.
DELTA	Direct Entry Level Training Administration, DESBT's database of registered apprentices and trainees (for internal access only).
DESBT	Department of Employment, Small Business and Training
Signed consent of a parent (if appropriate)	It may be inappropriate for a parent to sign the application if the apprentice or trainee is living independently of his or her parents.
Supervising registered training organisation (SRTO)	Is a registered training organisation that: <ol style="list-style-type: none"> 1. accepts a nomination to deliver training and assessment to apprentices or trainees as negotiated and agreed under individual training plans; 2. assesses an employer's capacity to provide the supervision, facilities and training required under the training plan for an apprentice or trainee; 3. assesses whether the apprentice or trainee has completed the training and assessment required to be completed under a training plan; and 4. when satisfied the apprentice or trainee has completed the training and assessment required, issues the qualification or statement of attainment stated in the training plan, and is a signatory on a completion agreement verifying that all training and assessment required under the training plan has been completed by the apprentice or trainee.

Legislation

- [Further Education and Training Act 2014](#) Sections 82A to 82H

Delegations/Authorisations

- [Director-General's delegations under the Further Education and Training Act 2014](#)
- [Executive Director's sub-delegations under the Further Education and Training Act 2014](#)

Related policies

- [Declaration of apprenticeships and traineeships in Queensland policy](#)
- [Electronic signing policy for apprenticeships and traineeships in Queensland](#)

Related procedures

- [Amending registered training contracts](#)
- [Adequate training arrangements](#)
- [False and misleading information](#)

Supporting information/websites

Agreements (DESBT and AASN Providers only)

- Protocols between DESBT and the AASN Providers
- Services Agreement (or Deed of Agreement) between DESBT and AASN Providers

Forms

- [Change to mode of delivery under a training plan \(by one party\) \(ATF-051\)](#)
- [Change of supervising registered training organisation \(ATF-010\)](#)

- **SharePoint** – HR compatibility review form – Show Cause notice (*Human Rights Act 2019 – compatibility review form. Show Cause Notice process*) (DESBT)

Work instructions

- Change mode delivery – with or without application (DESBT)
- Change of supervising registered training organisation (SRTO)

AASN Providers can access AASN Work Instructions at this [internal web site](#)

DESBT officers can access DESBT Work Instructions at this [internal website](#).

Online materials

- [Guide to training plans and training records](#)
- **SharePoint** – Guide to the show cause process and evidence based decision making (DESBT)

Letters

- DocumentCorePack – Change mode of delivery by CE – 82G – written notice, change training plan (DESBT employees only)
- DocumentCorePack – Change mode of delivery by CE – 82G – written notice, NOT change training plan (DESBT employees only)
- DocumentCorePack – Change mode of delivery of training plan, by CE – 82F – show cause (DESBT employees only)
- DocumentCorePack – Change mode of delivery one party – 82D – NO show cause – written notice, NOT change (DESBT employees only)
- DocumentCorePack – Change mode of delivery one party – 82D – show cause given – WN, NOT change (DESBT employees only)
- DocumentCorePack – Change mode of delivery one party – 82D – show cause given – written notice, change (DESBT employees only)
- DocumentCorePack – Change mode of delivery, application one party – 82C – show cause (DESBT employees only)
- DocumentCorePack - Request information from applicant – APP-TNEE – 32B, 35B, 82B (DESBT employees only)
- DocumentCorePack - Request information from applicant – EMP – 32B, 35B, 82B (DESBT employees only)
- DocumentCorePack – Notice – 32B, 35B, 82B – application withdrawn – APP-TNEE (DESBT employees only)
- DocumentCorePack – Notice – 32B, 35B, 82B – application withdrawn – EMP (DESBT employees only)

Website

- Human Rights: www.qld.gov.au/law/your-rights/human-rights

Contact

For further information, please contact Apprenticeships Info:

- **Website:** www.desbt.qld.gov.au
- **Telephone:** 1800 210 210
- **Email:** apprenticeshipsinfo@qld.gov.au

Attachment 1

Factors to consider in decision making process

A range of factors may impact on the decision of the delegated officer and these will vary from case to case. Whilst not an exhaustive list of factors and considerations, the information below may assist in identifying matters that could be scrutinised in an investigation of a proposal to amend the mode of delivery on the application of one party or on the initiative of the delegated officer.

Factor	Consideration
If considering changing a training plan on application by a party to the training plan, has the application been received in the approved form?	<p>That is –</p> <ul style="list-style-type: none"> ○ state the proposed change to the mode of delivery of the training plan; and ○ state the reasons for the proposed change. <p>Note – the parties to the training plan are the employer, the apprentice/trainee, and the supervising registered training organisation. If the apprentice/trainee makes the application and is under 18, their parent/guardian must provide signed consent to the application (if appropriate).</p> <p>The FET Act requires that the application be in the approved form, and DESBT has developed a form template to assist the applicant to provide all the required information. 'In the approved form' does not, however, require the applicant to use the available template, but that they provide all the required information in writing, under signature (which includes, for example, by electronic signature).</p>
What are the reasons or need for the change to the mode of delivery?	It is important to understand the reasons for the application to amend the mode of delivery and how a change will assist the apprentice or trainee make progress in achieving the requirements of the qualification.
What was the process for developing and negotiating the training plan?	For example, did this involve a face to face or online development and/or negotiation of the training plan that afforded the ability of all parties to contribute to the selection of the mode of delivery, or is it a standard training plan that provided little opportunity for input and consideration of specific circumstances.
What are the requirements currently outlined in the training plan?	<p>An important point is to obtain a copy of the training plan and verify that it is the version all parties are working towards. If this is not obtained from the SRTO it is important to compare it with the version the SRTO considers to be current.</p> <p>The requirements outlined in the training plan will include the competencies selected to achieve the qualification, the timeframes in which the competencies will be trained and assessed, and the delivery and assessment methods.</p>
What modes of delivery are available?	<p>The common modes of delivery used in the delivery of the off-the-job component for apprenticeships and traineeships may include:</p> <ul style="list-style-type: none"> ○ Classroom style delivery – the apprentice/trainee attends the SRTO's workplace and learns in a classroom environment with a teacher/trainer. ○ Online delivery – the apprentice/trainee completes workbooks and assessment by logging into a website through the internet. ○ Workplace delivery – the apprentice/trainee is provided workbooks by the SRTO to complete in work time. ○ Flexi-mode – the apprentice/trainee may attend the SRTO's workplace to undertake training and assessment without being in a formal classroom environment.
Why was the current mode of delivery selected?	Often the reason why the current mode of delivery was selected will assist in identifying if the needs of the apprentice/trainee were considered in the selection process.

Is the current mode of delivery suitable for this apprenticeship or traineeship?	It is important to determine whether a specific delivery mode has been identified as being not suitable for the industry area. For example, there may be reports from the Queensland Training Ombudsman or another government department or agency.
Are there any specific requirements of the qualification and/or units indicated in the training package?	The qualification and unit requirements may outline issues that need to be addressed in selecting a mode of delivery. It is important to analyse these requirements in some detail as the requirements may impact on a mode of delivery rather than there being a specific statement on mode of delivery. For example there may be assessment conditions that are relevant.
Does the apprentice/trainee have any specific learning needs?	If the apprentice or trainee has any specific learning needs how are they addressed in the current mode of delivery and how might that be improved by the selection of the suggested mode of delivery.
Have any circumstances changed?	Are there any changes in circumstances that necessitate the change to a new mode of delivery?
Does the apprentice/trainee require any reasonable adjustments to be made in order to progress?	Has allowance been made for reasonable adjustments for the apprentice/trainee as allowed for under the qualification requirements outlined in the training package?
How will changing the mode of delivery impact on progress?	Ultimately, there should be some consideration on how changing the proposed mode of delivery will improve the likelihood of the apprentice/trainee achieving the requirements to be issued a qualification and completion certificate.
What are the views of the apprentice/trainee and employer?	Where the apprentice/trainee and employer agree to change the mode of delivery this should be given significant weight in decision making, unless there is a substantial reason advanced by the SRTTO against changing the mode of delivery that will conflict with achieving the qualification requirements.