

Extension of probationary period

Purpose

This procedure details the process for granting, or not granting, an application for an extension to the probationary period for an apprentice or trainee under the *Further Education and Training Act 2014* (FET Act).

Note – Racing Queensland has delegations under the FET Act to manage training contracts with support from the Metropolitan North Regional Office of the Department of Employment, Small Business and Training (DESBT) relating to:

- Stablehand traineeship
- Trackrider traineeship
- Advanced Stablehand traineeship
- Jockey apprenticeship.

This procedure does not apply to training contracts in the above mentioned traineeships/apprenticeships. The procedure titled 'Racing Queensland – management of training contracts' applies to these training contracts.

Overview

The probationary period allows the employer and the apprentice/trainee time to assess their compatibility.

An application to extend the probationary period may occur for a variety of reasons, such as:

- the employer is dissatisfied with the apprentice/trainee's progress, or
- the apprentice/trainee is uncertain about their suitability to the apprenticeship/traineeship.

Process

Employer and apprentice/trainee (and parent/guardian, if applicable and appropriate)

- To extend the probationary period of a registered training contract, the parties (i.e. the employer and apprentice/trainee, and parent/guardian if applicable and appropriate) must apply in the approved form and send the application to the relevant Australian Apprenticeship Support Network (AASN) Provider or DESBT. Form [Extension of probationary period of a registered training contract – ATF-014](#) is available to assist the parties to apply.
 - The application must be submitted at least 14 calendar days before the end of the training contract probationary period, unless there are exceptional circumstances (see Attachment 1)
 - The probationary period can only be extended to a maximum of six months from the commencement date of the training contract.

Delegated officer – Australian Apprenticeship Support Network (AASN) Provider or Training and Skills, Department of Employment, Small Business and Training (DESBT)

- Give priority to processing applications to extend the probationary period.
 - The decision must be made within seven calendar days after receiving the application. In circumstances such as an office closure period over Christmas, ensure that immediately upon the first business day after the closure any applications received during the period are reviewed, a decision is made and the parties are contacted.

- Decide to grant or not grant extensions to probationary periods.
 - Applications must be received at least 14 calendar days before the end of the probationary period. Applications received after this period cannot be granted unless satisfied exceptional circumstances caused or contributed to the lateness of the application.
 - The extended probationary period must not exceed six months from the date of commencement of the training contract.
 - For factors to be considered when deciding whether to grant or not grant an extension to the probationary period, see [Attachment 1](#).
- In making a decision, take into account the 23 fundamental Human Rights under the [Human Rights Act 2019](#).
 - If the decision is not to grant the extension to probationary period, undertake a HR compatibility review (for the apprentice/trainee, and if applicable, the employer) by completing the associated compatibility review form.
 - i. DESBT officers - retain against the apprentices/trainees training contract record in CEDRIC
 - ii. AASN officers – retain on file and also forward a copy via DELTA.
- Depending on the reason given for the application, take action to assist the employer and/or apprentice/trainee to address the situation, for example:
 - unacceptable behaviour/conduct/attitude
 - concerns regarding the long-term commitment to the apprenticeship/traineeship
 - concerns that the apprentice/trainee is not achieving competence.

AASN Provider:

- Send relevant documentation and details of the decision to DESBT via DELTA.

Definitions

AIRDOCS	A system used by DESBT for letter templates which are subsequently generated through DELTA.
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).
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
Exceptional circumstances	An example may be absence of the apprentice/trainee from the workplace due to illness/injury and the employer has been unable to get the apprentice's/trainee's signature or a natural disaster that affects the employer and/or the apprentice/trainee.
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.

Legislation

- [Further Education and Training Act 2014](#) Sections 12 and 13

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

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

Related procedures

- Nil

Supporting information/websites

Agreements (DESBT and AASN Providers only)

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

Forms

- [Extension of probationary period of a registered training contract \(ATF-036\)](#)
- **SharePoint** – HR compatibility review form – general decision (*Human Rights Act 2019 – compatibility review form. Australian Apprenticeship Support Network (AASN) Provider decision*) (AASNs)
- **SharePoint** – HR compatibility review form – general decision (*Human Rights Act 2019 – compatibility review form. Decision (when no Show Cause process undertaken)*) (DESBT)

Work instructions

- Extension to probationary period

AASN officers can access AASN Work Instructions in the [AASN library on SharePoint](#).
DESBT officers can access DESBT Work Instructions at this [internal website](#).

Online materials

- [Guide to completing the national apprenticeship/traineeship training contract](#)

Letters

- AIRDOCS – Probation period amendment approved (DESBT employees only)
- DocumentCorePack – General NOT approved letter – EMP-APP-Parent-SRTO (DESBT employees only)
- SharePoint – General not approved (AASN employees)
- SharePoint – Extend probation TC not e-lodged (AASN employees only)

Websites

- Human Rights: www.qld.gov.au/law/your-rights/human-rights
- [Queensland Training Information Service \(QTIS\)](#)

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 be considered 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 this is not an exhaustive list of factors and considerations, the information below may assist with taking the most appropriate action.

Factor	Consideration
Has the application been received in the approved form?	<p>That is –</p> <ul style="list-style-type: none">○ application by the employer and apprentice/trainee (and, if the apprentice/trainee is under 18, their parent/guardian if appropriate). <p>The FET Act requires that the application be in the approved form, and DESBT has developed a form template to assist the applicants to provide all the required information. 'In the approved form' does not, however, require the applicants 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>
Has the application been received 14 calendar days before the end of the probationary period?	<p>This is a requirement of section 12(3) of the FET Act, although a further provision allows for consideration in 'exceptional circumstances'.</p>
If the application was not received at least 14 calendar days before the end of the probationary period, were there exceptional circumstances that caused or contributed to the lateness of the application?	<p>Exceptional circumstance which may warrant consideration of a late application may include, for example, a delay caused by the apprentice/trainee being in hospital, or natural disasters such as floods, cyclones, etc.</p> <p>DESBT would not regard an email mix-up resulting in an employer's email not being received by an AASN Provider as an exceptional circumstance.</p>
Is the proposed new expiry date of the probationary period for a period not exceeding six months from the commencement of the training contract?	<p>This is a requirement of section 12(2) of the FET Act.</p> <p>Note – Multiple applications may be submitted, however the cumulative approved extensions must not exceed six months from commencement of the training contract.</p>
Can an extension to probationary period be considered if the training contract is lodged, but not registered?	<p>Yes. AASNs are to refer to the Extension to Probationary Period Work Instructions for details regarding the process.</p>
Can an extension to probationary period be considered when an extension to probationary period is requested at sign-up?	<p>Yes. AASNs are to refer to the Extension to Probationary Period Work Instructions for details regarding the process.</p>
Is there somewhere that lists the standard probationary period for apprenticeships/traineeships?	<p>Yes. The Declaration of Apprenticeships and Traineeships in Queensland Policy provides information on the standard probationary periods.</p> <p>Information for the specific apprenticeship/traineeships can be found on the Queensland Training Information Service (QTIS).</p>
Is the training contract probationary period the same as the minimum employment period?	<p>No. The training contract probationary period relates only to the apprenticeship/traineeship training contract.</p> <p>The minimum employment periods set out in the <i>Fair Work Act 2019</i> (Cth) apply to an employee and employer irrespective of the training contract probationary period, and depend on the size of the employer's business (e.g. twelve months for small business employers, and six months for all other employers).</p>