



## Case studies

# Training contract completion

### Case study A:

Amy has completed all the on and off the job requirements of the training contract and on 1 January 2016 her employer and the registered training organisation agreed that she had achieved competency. The expiry date for the contract is 10 January 2016. The RTO notified the Department of the completion of Amy's training contract on 31 January 2016.

**Assessment:** *The Vocational Education and Training (VET) Regulations* provide that an RTO must notify the Department of the completion of Amy's training contract within 21 days from the agreed completion date. The completion date in this scenario is 1 January 2016. Therefore the RTO must notify the Department of the completion of the training contract on or before 22 January 2016.

### Case study B:

Sally's training contract has an expiry date of 1 February 2016. On 30 January 2016 the employer and the RTO agreed that Sally has achieved competency and completed the requirements of the training contract. The RTO realises on 15 February 2016 that they have not notified the Department of the completion of Sally's training contract and the Department's TRS system now shows this training contract with a 'pending' status.

**Assessment:** *The VET Regulations* provide that an RTO must notify the Department of the completion of the training contract within 21 days. In this scenario, parties to the training plan reached agreement on completion, on 30 January 2016, which was prior to the expiry date of 1 February 2016. Therefore, Sally's training contract completion will be processed so long as notification occurs on or before 20 February 2016.

### Case study C:

Steve's training contract has an expiry date of 1 February 2016. Steve, his employer and the RTO agreed on 10 February 2016 that Steve has achieved competency and completed the requirements of the training contract. The RTO unsuccessfully tries to complete Steve's training contract on 10 February 2016.

**Assessment:** *The VET Regulations* provide that an RTO must notify the Department of the completion of the training contract within 21 days. Steve's training contract expired on 1 February 2016; therefore there is no active training contract in place to complete. If Steve would like to continue and complete his apprenticeship his employer will need to enter into a new training contract. All the competencies

attained during the previous training contract should be recognised, allowing Steve to complete his new training contract ahead of the expiry date.

If an RTO identifies that it is unlikely that an apprentice/trainee will attain the required competencies of the training contract by the expiry date, it is recommended that the RTO advise the parties to seek an extension to the training contract. Forms to extend the training contract are available on our website, under *Forms and fact sheets relating to a training contract*.

#### **Case study D:**

Jake is a fourth year apprentice undertaking a Certificate III in Bricklaying. On 1 February 2016 Jake's training contract was terminated. Jake continued to attend training with the nominated RTO and completed all the units of competencies on 1 May 2016. The RTO has issued Jake a qualification under the apprenticeship pathway.

**Assessment:** A qualification achieved via an Australian apprenticeship/traineeship pathway can only be obtained through a training contract. In this case Jake was not under a training contract on 1 May 2016, the qualification issued by the RTO to Jake is invalid.

Jake can achieve a valid qualification by one of two ways:

- (i) Find another employer and enter into a new training contract, to complete the off the job component.
- (ii) Jake may be eligible for recognition of prior learning. This is a skills recognition assessment process undertaken by the RTO.

#### **Case study E:**

Sam has completed the off the job training for his final unit of competency on his training plan on 25 March 2016. The RTO, without seeking agreement from Sam or his employer regarding his competency, decided to complete Sam's training contract using the 25 March 2016 as the date.

**Assessment:** Completion of a training contract can only occur when the employer, apprentice/trainee and the RTO agree that all required competencies have been attained, including both the on and off the job elements. In this scenario the RTO has not obtained agreement from all parties on when Sam has attained all required competencies, which could be different to the 25 March 2016 date.