Suspension of an Apprenticeship or Traineeship by consent

Apprenticeship and Traineeship Act, 2001 Section 22

Version 4.0

VT13 (April 2020)

Request is for an [ ] Apprenticeship [ ] Traineeship Training Contract ID:

I (apprentice/trainee)

of (address)

and (employer)

of (address)

being the parties to a training contract in the vocation of:

hereby mutually and voluntarily agree to the suspension of the apprenticeship/traineeship training contract for the period commencing

Start Date: End Date:

Reason for the Suspension:

Suspension Reason

Additional Comments

[ ] I certify that I have read and understood the information and instructions on page 2 & 3.

[ ] I understand that by lodging this form I am confirming my consent to suspension of the training contract.

[ ] I understand that at the end of the suspension period the apprenticeship/traineeship will resume and the apprentice/trainee will return to work on the first working day after the suspension date.

[ ] I agree to the additional undertakings listed on page 2 & 3 when the reason for the suspension is "lack of work".

If either party does not agree to the suspension, contact Training Services NSW for assistance.

Signatures

Employer

Witness (Independent person)

Date

Apprentice/Trainee

Witness (Independent person)

Date

Print Form
Information on the mutual suspension of an apprenticeship/traineeship

(Section 22 of the Apprenticeship & Traineeship Act, 2001)

Submitting suspension requests

Applications for suspension should be made on this form and submitted to Training Services NSW as soon as practicable after the parties have agreed, and no later than 14 days from the date on which the suspension commenced.

Consent

An apprenticeship or traineeship may be suspended by the mutual and voluntary consent of the employer and the apprentices/trainee. If either party is either uncertain or does not agree to suspension of the training contract they should seek assistance from Training Services NSW (see page 3).

Neither party should be forced to "agree" to suspension of the apprenticeship/traineeship as a result of undue pressure or coercion.

Withdrawal of consent

If you have submitted a signed suspension form, you can withdraw your consent by notifying Training Services NSW in writing within 7 days from the date on which you submitted the suspension form.

Application by one party only

Both parties should sign this form to indicate their consent to the the proposed suspension. If one of the parties is not available to sign, or does not consent to the proposed suspension, a form signed by one party only may be submitted. The reasons why the other party has not signed the suspension application form should be included in the comments section of this form.

Reason for suspension

An apprenticeship or traineeship may be suspended if there is a sound reason why the apprentice/trainee cannot continue their training for a defined period. These reasons include lack of work, sickness, injury, maternity leave, travel, study or personal reasons.

Term may be extended

Where any time lost through suspension affects the progress of the apprentice/trainee in developing their skills, time lost may be added by extending the term of the apprenticeship/traineeship. Extensions of term require the mutual consent of the employer and the apprentice/trainee, and requests to extend the term should be made separately on the appropriate form, available from the Training Services NSW website at www.training.nsw.gov.au.

Resumption of work

At the end of the suspension period the apprentice/trainee will return to work and both parties will resume their obligations under the apprenticeship/traineeship. The parties may apply for an extension to the period of suspension if the apprentice/trainee is not able to resume work at the end of the approved suspension period. The apprentice/trainee may resume work before the end of the suspension subject to the agreement of the employer. Training Services NSW must be notified of any change to the return to work date.

Lack of work

Where the reason for suspension is lack of work the following conditions will apply:

- Both parties will make efforts to locate an alternative employer to whom the apprentice/trainee can be transferred.
- In the event that an alternative employer is found who is unwilling to employ the apprentice/trainee without first cancelling the existing contract, then the parties will agree to cancellation.
- If possible, the apprentice/trainee will continue their formal training with the RTO during the period of suspension.
- Should work become available in the employer's business the employer will invite the apprentice/trainee to resume work immediately and must notify Training Services NSW of the amended return to work date.

Employers should be aware of industrial implications where an apprentice/trainee is required to take leave entitlements due to lack of work, rather than entering into a suspension agreement.
Information on the mutual suspension of an apprenticeship/traineeship

Effective suspension date

If there are various suspension dates write “multiple dates” and provide the dates in the template: Bulk spreadsheet schedule, column “Effective Date/ Periods”.

Recommencing the apprenticeship or traineeship with another employer

An apprentice or trainee whose training contract has been suspended can continue their apprenticeship or traineeship with another employer. Credit for time spent working as an apprentice or trainee with a previous employer will apply when a person recommences their apprenticeship or traineeship.

Apprentices and trainees should continue to attend any off-the-job training with the RTO while they actively look for another apprenticeship or traineeship position.

Bulk Applications

A bulk application may be lodged for the suspension of 10 or more apprenticeships or traineeships. To lodge a bulk application:

- complete this form (leaving out learner details and signatures)
- record details of apprenticeships or traineeships to be suspended using the Bulk Apprenticeship and Traineeship Schedule
- contact each apprentice or trainee on the list and:
  - explain the situation;
  - discuss the proposed suspension and effective period; and
  - obtain their consent/agreement to the suspension and effective dates. Note: Employers must maintain evidence of apprentice/trainee consent and be able to provide this to Training Services NSW if requested.

Commissioner for Vocational Training

<table>
<thead>
<tr>
<th>Training Services NSW</th>
<th>Call 13 28 11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central and Northern Sydney</td>
<td>CHATSWOOD NSW 2067</td>
</tr>
<tr>
<td>Southern &amp; South Western Sydney</td>
<td>BANKSTOWN NSW 2200</td>
</tr>
<tr>
<td>Western Sydney &amp; Blue Mountains</td>
<td>PARRAMATTA NSW 2150</td>
</tr>
<tr>
<td>Hunter &amp; Central Coast</td>
<td>NEWCASTLE WEST NSW 2302</td>
</tr>
<tr>
<td>Illawarra &amp; South East NSW</td>
<td>WOLLONGONG NSW 2500</td>
</tr>
</tbody>
</table>

| New England | TAMWORTH NSW 2340 | ts.tamworth@det.nsw.edu.au |
| North Coast & Mid North Coast | LISMORE NSW 2480 | ts.lismore@det.nsw.edu.au |
| Riverina | WAGGA WAGGA NSW 2650 | ts.waggaWagga@det.nsw.edu.au |
| Western NSW | ORANGE NSW 2800 | ts.orange@det.nsw.edu.au |

An authorised representative of the employer should then email this form and schedule to their home Training Services NSW centre (see contact details below) for processing. This email MUST also include the following statement:

I certify that a representative of (insert employer legal name) has contacted each apprentice or trainee on the attached template schedule, explained the need to suspend their apprenticeship or traineeship for the nominated period dates, and have gained their consent/agreement to this suspension. I also certify that I acknowledge/understand/agree to the additional certifications detailed on the attached “Suspension of an apprenticeship or traineeship by consent form”.

Commissioner for Vocational Training