

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
FAMILIES, HOUSING, COMMUNITY SERVICES AND
INDIGENOUS AFFAIRS PORTFOLIO
2012-13 Additional Estimates Hearings

Outcome Number: Cross

Question No: 255

Topic: Education Expenses

Hansard Page: Written

Senator Boyce asked:

What is the department/agency's guidelines on study?

Answer:

FaHCSIA's Studies Assistance Guide is provided at [Attachment A](#).

Study Assistance Guide

(For approved study after 1 July 2010)

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Related Guides

- TAP – Performance Management Framework
- Hours of Work Guide
- Leave Guide
- Review of Employment Actions Guide

1. Purpose

These Guidelines set out policy and procedural guidance for FaHCSIA employees who are undertaking study and for delegates approving requests for study assistance.

2. Authority

Clause 3.8 of the FaHCSIA Enterprise Agreement 2012 - 2014.

3. Coverage

This Guide applies to:

- ongoing employees, including part-time and probationary employees. Graduates, cadets and trainees would not normally expect access to study assistance during the period of their graduate program, cadetship or traineeship, and:
- non-ongoing employees where completion of the course of study is essential to their work.

4. Delegations

Authority to decide applications for approval as a student, study leave and financial assistance has been delegated to Group Managers, Branch Managers and Section Managers in National Office and to State/Territory Managers and ICC Managers in State and Territory Offices.

5. Principles

FaHCSIA invests in its people and supports employees to maintain and improve their skills and knowledge to assist in achieving quality business outcomes at the organisational and individual level.

Study assistance is available to encourage and enable employees to develop the skills and knowledge they need to improve their work performance and career prospects.

The benefits for employees and FaHCSIA are enhanced where approved study is aligned with FaHCSIA's Strategic Framework, the FaHCSIA Organisational Learning Strategy and the Talking About Performance (TAP) System.

The approval of study assistance is at the delegate's discretion. Each application will be assessed on its merits against criteria set out in this Guide. Approved students may expect continued approval while they are undertaking the originally agreed course of study, however continued approval to all forms of study assistance is contingent on successful completion of each stage of a course of study.

6 Definitions

Definitions of terms used in this Guide are set out at Appendix A.

7. Advice for Supervisors/Managers

FaHCSIA supervisors/managers are encouraged to provide support and guidance to employees with regard to maintaining and improving their skills and knowledge through external study.

Supervisors/managers should:

- ensure that the employee has a current TAP Agreement in place and that the proposed study activity has been identified and included in the agreement;
- provide the delegate with information and advice necessary to make an informed and timely decision on a staff members application;
- assist the employee to balance work and study commitments;
- monitor the employee's progress in a course of study; and
- ensure that the employee records absences that have been approved for study purposes.

The Supervisor/manager should discuss with new employees any previously approved study program, in terms of the new work environment and operational requirements. Previously approved student status and access to any approved study leave and/or Studybank credits will continue until the end of the current study period, subject to this Guide, however continuation of study beyond their current approved study period is not automatic and is subject to usual application requirements.

8. Advice for Employees

Employees considering submitting an application for study assistance should:

- use the FaHCSIA Strategic Framework and the FaHCSIA Organisational Learning Strategy to identify opportunities to maintain and improve their skills and knowledge;
- discuss the proposed study program with their manager/supervisor in terms of both their TAP Agreement and with regard to the operational requirements of the work area;
- provide their supervisor/manager with all information necessary to support their application for assistance and to help the effective administration of any assistance provided to them (see Section 11 - Making an Application);
- understand the requirements of both work and study commitments and the need to balance work and study responsibilities;
- understand the financial commitments attached to their study and the conditions of financial assistance available under the FaHCSIA study assistance program;
- use and record their study leave in line with supervisor/manager approvals; and
- advise their supervisor/manager of any change in circumstances relating to their approved program of study.

Employees joining FaHCSIA or moving to another work unit within FaHCSIA should immediately advise their new supervisor/manager if they have current approval for study assistance. Previously approved student status and access to any approved study leave and/or Studybank credits will continue until the end of the current study period, subject to this Guide. The employee should discuss their study program with their new manager in the context of their new work environment and operational requirements. Continuation of study beyond their current approved study period is not automatic.

9. What Assistance is Available?

There are 3 levels of approval available under the FaHCSIA study assistance program:

- approval as a student;
- approval of leave for study activities; and
- approval of financial assistance – to assist with costs incurred when undertaking an approved course of study.

10. What is an Approved Course of Study?

An approved course of study includes:

- a course leading to an undergraduate or postgraduate degree, advanced diploma, diploma or certificate;
- a single subject (for example, for bridging/tertiary entrance);
- a masters degree or thesis;
- study for the attainment or maintenance of specialist skills; or
- a short course that provides vocational training (such as an English literacy program for people from a diverse cultural and linguistic background).

An approved course can be undertaken:

- at pre-tertiary, undergraduate and postgraduate level at an Australian university, college, institute of technical and further education or technical school or their overseas equivalents; and
- either on-campus or distance learning through external study.

FaHCSIA has no prescribed list of courses it supports through studies assistance. This demonstrates flexibility in the type of learning encouraged, and acknowledges that differing courses of study can provide employees with the capabilities required to achieve employment related skills.

11. Making an Application

Applications for study assistance, regardless of what level of assistance is being requested, must be lodged as early as possible before a study period commences. A new application is required for each study period.

If an application is submitted after the commencement of the study period, approval may only apply to the period after lodgment of the application with the delegate.

Preparing an application

Before preparing an application the employee should discuss, in advance, their capability development needs with their supervisor/manager in terms of the principles set out in the FaHCSIA TAP guides.

When preparing an application, the employee and their manager should address the criteria for approving a course of study and study leave as set out in sections 12, 13 and 14 of this Guide.

Applications must include:

- proof of acceptance or enrolment into the proposed course;
- a timetable of study;
- the amount of any study leave requested;
- the intention to accrue and use any Studybank credits;
- any other relevant information that may assist in supporting the application; and
- comments and a recommendation from the supervisor/manager.

Continuing students must also provide proof of successful completion of the previous period of study or an explanation about why the study was not complete or successful.

Applications for study assistance must be made on the paper based form available from the Forms page or the Studies Assistance page of FaHCSIA STAFFnet. Once the application has been approved, the study assistance application is to be forwarded to the Studies Assistance Contact Officer in the Capability, Diversity and Individual Performance Section in People Branch located in Guilfoyle House, so all study activity can be recorded and reported.

Portability of Previously Approved Study Assistance

For employees joining FaHCSIA or moving to another work unit within FaHCSIA, previously approved student status and access to any approved study leave and/or Studybank credits will continue until the end of the current study period, subject to this Guide.

Employees joining FaHCSIA or moving within FaHCSIA should immediately advise their new supervisor/manager if they have current approval for study assistance. If an employee moves to another work unit part way through a study period, the losing and gaining areas will share the costs of any approved financial assistance on a pro rata basis.

New FaHCSIA employees must notify their approved student status to the Studies Assistance Contact Officer, People Branch so that arrangements can be made for relevant approvals to be recorded.

12. Criteria for Approval as a Student

The delegates decision on a proposed course of study should take account of the following:

- how the course of study is aligned with FaHCSIA's Strategic Framework and FaHCSIA's Organisational Learning Strategy;

- the employee's work performance
- the potential benefits to the employee;
- the potential benefits to FaHCSIA;
- the supervisor/manager's recommendation;
- FaHCSIA's commitment to equity and diversity; and
- any other relevant factor.

13. Study Leave

Study leave may be granted to cover absences from the workplace to attend approved study activities and for travel to and from approved study activities. Study leave is only available for study activities occurring during an employee's regular hours of work as defined in the FaHCSIA Hours of Work Guide.

Approved study activities include attendance at formal classes and formal tuition, compulsory examinations and assessment processes, compulsory residential courses, seminars or summer schools, work placements, and any other activities organised by the institution that are considered by the employee and their supervisor/manager as essential to the successful completion of the course of study.

Study leave is available for full time and part time study, for external study or distance learning and for the completion of a thesis.

Study leave can be granted with or without pay.

The amount of study leave sought for the study period should be discussed by the employee and their supervisor/manager together, taking into account day to day and longer term operational requirements of the work area, the timetabling arrangements of the course, the number of units being studied and the reasonable time required to travel to and from study activities. The employee and the supervisor/manager should also refer to the conditions and maximum hours available for different types of study leave set out below.

The supervisor/manager will provide comments and a recommendation to the delegate when submitting an employee's study leave application for decision. The approval of study leave is at the delegate's discretion.

Leave for part time study

An approved student working full time may be granted up to a maximum of 5 hours paid study leave per week, including reasonable travel time, to attend study activities that are only available during the employee's regular hours of work. Study leave will not be granted for study activities outside regular hours. It is expected that employees will attend study activities outside regular hours where these are available.

An additional 3 hours may be granted where an employee's place of work is a significant distance from the study location or where additional time is required to attend study activities.

Part-time employees may be granted study leave on a pro-rata basis using the following formula:

$$\frac{P}{F} \times L = \text{Hours which may be granted}$$

Where: P = number of hours of ordinary duty of part time employee per week;
F = number of standard hours of duty of full time employee per week; and
L = number of study leave hours accessible (e.g. up to 5 hours per week or up to 13 hours per week for Indigenous employees or for employees with disability)

Part time Study Leave for Aboriginal or Torres Strait Islander Employees

In keeping with the APS values regarding equity in employment and consistent with FaHCSIA's core values regarding workplace diversity, an approved student who is an Aboriginal or Torres Strait Islander employee may be granted a total of up to 13 hours of paid study leave per week, including travel time, for either part-time studies or external/distance/thesis studies. Alternatively, with approval of the delegate, this time may be used to accrue Studybank credits (see Section 14 below).

Additional information on the assistance available to Aboriginal and Torres Strait Islander employees is available from the FaHCSIA Indigenous Recruitment and Retention Coordinator, People Branch (A&TSIWorkforce@fahcsia.gov.au).

Part time Study Leave for Employees with Disability

In keeping with the APS values regarding equity in employment and consistent with FaHCSIA's core values regarding workplace diversity, an employee with disability who demonstrates needs related to their condition, that cannot be adequately addressed within the standard provisions, may be granted up to 13 hours paid study leave per week, including travelling time, for part-time studies or external/distance/thesis studies. Alternatively, with approval of the delegate, this time may be used to accrue Studybank credits (see Section 14 below).

Additional information on the assistance available to employees with disability is available from the Study Leave Coordinator, Capability, Recognition and Individual Performance Section in People Branch.

Leave for external, distance and/or thesis studies

Paid study leave of up to 3 hours per week may be granted for study activities such as work placements, consultation with thesis supervisors, research or preparation for projects, essays etc. This leave may be used during the academic year on a weekly basis, as an accrued Studybank credit for use at a time agreed by the employee and their supervisor/manager, or in any other way approved by the delegate.

Additional paid study leave not covered in the 3 hours per week approval may also be granted to attend compulsory residential courses or other approved study activities that the employee and their supervisor/manager agree are essential to the successful completion of the course of study.

Miscellaneous Leave Without Pay (LWOP) for full time study

Miscellaneous Leave without Pay (LWOP) may be granted to approved students undertaking an approved course of study on a full time basis having regard to the factors in Sections 12 and 13. Leave for full time study is generally not available to employees on probation.

Approval for Miscellaneous LWOP for full time study purposes may be given on an annual basis. Continuing approval for additional Miscellaneous LWOP depends on the successful completion of each stage of study. Students must provide their record of assessment to their supervisor/manager as soon as they have received notification from their place of study.

Where full time study leave is sought, the supervisor/manager should take into account the ability of the work area to place an employee on return from study leave. Employees on Miscellaneous LWOP for full time study purposes may negotiate with their supervisor/manager to return to work during semester breaks if operational requirements allow.

One month prior to returning from Miscellaneous LWOP for full time study purposes the employee must contact their supervisor/manager to discuss their re-integration back into the workplace.

Employees wishing to return to work from Miscellaneous LWOP for full time study purposes, earlier than had previously been agreed, must send a written request to their supervisor/manager nominating a new date for return to work. The supervisor/manager must consider the operational implications of an early return to work and may re-negotiate a new, mutually suitable, return to work date.

Miscellaneous LWOP for full time study purposes counts as service for all purposes except for the accrual of recreation leave. Employees who are considering applying for, or who have been granted, LWOP for a period of more than 12 weeks, should contact Employee Services as soon as possible to discuss the effect of this leave in relation to superannuation contributions for the LWOP period. Delegates should also seek advice from the Employee Services staff in relation to superannuation contributions and possible cost liabilities for periods of LWOP when considering an application.

An approved Miscellaneous LWOP application and a copy of the approved study assistance application must be provided to Employee Services Section, People Branch as a matter of priority to ensure that salary is ceased in time.

In accordance with the Safety, Rehabilitation and Compensation (SRC) Act 1988, Part 1 Section 6 (1) (b) (v) and (vi), an employee is not covered for workers compensation while on study leave without pay.

Examination Leave

In addition to approved study leave, approved students can apply for paid examination leave to travel to and from and to sit an examination or compulsory assessment for an approved course of study that is held during an employees regular working hours.

Examination leave may be available to resit an examination. Delegate approval for leave must be sought in the usual manner and approval will be granted, depending on circumstances, on a case by case basis.

Applications for examination leave must be submitted to the supervisor/manager and recorded on the IMPACT ESSentials system at least one week prior to the examination date. Supporting documentation showing the exam schedule must be submitted with the application.

14. Studybank

Where the amount of paid study leave requested and approved for travel and study activities is less than the maximum allowed in Section 13, the unused portion may be accrued and used for other study activities during the period of study, such as assignments and preparation for examinations. Access to these accrued credits is at the delegate's discretion.

Studybank credits are not available to employees on Miscellaneous LWOP for full time study purposes.

With the supervisor/manager's agreement, accrued Studybank credits may be accessed from the beginning of an approved study period, subject to the operational needs of the work area.

Studybank credits:

- can only be used for time off during an employees regular hours;
- do not accrue during flex, other leave or mid-semester breaks;
- cannot be carried over from one study period to another;
- cannot be re-credited if another form of leave is used; and
- cannot be used without the manager's prior approval.

Applications to utilise Studybank credits must be recorded on the IMPACT ESSentials system and submitted to the manager at least one week prior to the requested leave date.

15. Criteria for approval of Study Leave

The delegate's decision on requested study leave should take account of the following:

- the proposed study load, including the amount of study leave requested, for attendance at study activities and for travel to and from the place of study;
- the impact on the operational requirements of the work area;
- any previous approval for the same course of study;
- the supervisor/manager's recommendation;
- FaHCSIA's commitment to equity and diversity; and
- any other relevant factor.

It is important that applications for study leave, particularly those for Miscellaneous LWOP, are actioned, and arrangements finalised, prior to the date of commencement of the study program as specified in the study application.

16. Recording Study Assistance Approvals and Study Leave

The employee and their supervisor/manager should ensure that:

- applications for study assistance are made only on the paper based form available from the Forms page and Studies Assistance page of FaHCSIA STAFFnet. Once the application has been approved, a copy is to be forward to the Study Assistance contact officer in the Capability, Recognition and Individual Performance Section in People Branch located in Guilfoyle House;
- all study leave is to be recorded on the IMPACT ESSentials system;
- any absences from work for study activities are recorded and approved in advance; and
- total leave taken during any approved study period must not exceed the number of hours approved on the studies assistance application.

17. Financial Assistance

Students approved under the FaHCSIA Study Assistance Program may seek reimbursement of costs incurred whilst undertaking an approved course of study, up to a maximum of \$1400 per semester or \$2800 per academic or calender year. Employees undertaking a course of study that attract fees and/or costs in excess of the reimbursable amount need to be aware that those costs are at the expense of the employee.

Reimbursable costs can include:

- the cost of higher education contribution schemes, eg HELP debt;
- compulsory course fees, tuition fees, and general service fees; and
- costs associated with supporting employees with disability, e.g. Auslan sign interpreters, scribes, personal care attendants and travel assistance.

Reimbursement is provided based on proof of successful completion of the approved study (i.e. successful completion of a semester/term of study) and the production of original receipts. Financial

assistance will not be provided for a course of study not successfully completed due to failure or withdrawal.

Fringe Benefits Tax

Study assistance attracts Fringe Benefits Tax (FBT), which will be paid by FaHCSIA. However, employees should be aware that where the total value of the fringe benefit items provided by FaHCSIA exceeds \$2,000 in any fringe benefit year (1 April to 31 March), FaHCSIA is required to record the “grossed up” value of those fringe benefits (“reportable fringe benefits”) on an employee’s payment summary (formerly group certificate). Reportable Fringe Benefits amounts may impact on a number of items, including child support payments and eligibility for some government benefits.

The taxable value of fringe benefits can be reduced using the “Otherwise Deductible Rule” (ODR). The ODR states that the taxable value of a fringe benefit **may** be reduced by the amount which the employee would have been entitled to claim as a once only income tax deduction, if the employee had incurred the cost of the benefit, rather than the employer reimbursing or paying the benefit.

The ODR **cannot be applied** to HELP debt, however the ODR may be applied to other education costs e.g. student fees, tuition costs, course fees etc, where the course of study is directly related to the employee’s current duties of employment.

Employees need to provide a completed Expense Payment Benefits declaration form to the FaHCSIA Accounts Payable team at the time of seeking reimbursement.

The rules regarding the claiming of work related self-education expenses are quite complex. Employees who require further information about the possible effects of reportable fringe benefit amounts or information relating to what they may be entitled to claim should contact the Australian Taxation Office (ATO), visit the ATO web site at <http://www.ato.gov.au>, or seek independent financial advice.

18. Criteria for Approving Financial Assistance

The delegate, when approving financial assistance, will consider the following criteria:

- the employee must be an approved student to be eligible for financial assistance;
- the availability of funds;
- the supervisor/manager’s recommendation;
- FaHCSIA’s commitment to equity and diversity; and
- any other relevant factor.

19. Claiming Financial Assistance

When seeking reimbursement at the end of each study period, an employee must provide to their delegate:

- a Reimbursement of Studies Assistance form;
- a copy of their approved study assistance application;
- evidence of the costs incurred;
- receipts showing the amounts that have been paid; and
- a certified copy of their assessment results.

The Reimbursement of Studies Assistance form is a paper based form available from the Forms page and the Studies Assistance page of FaHCSIA STAFFnet.

20. Payment of Approved Financial Assistance

The employee and their manager are responsible for ensuring that the delegate's approval for payment with the relevant paperwork is forwarded to accounts processing – **National Office accounts payable located at TOP (CE3)** or to the **relevant section in their STO** for processing at the end of a completed study period. Employees are required to send an approved copy of the Reimbursement of Studies Assistance form and all supporting documents to the Studies Assistance contact officer, in People Branch located in Guilfoyle House.

21. Review of Decisions

An employee who is dissatisfied with a decision or action taken under this Guide may seek a review of that decision or action under the FaHCSIA Review of Employment Actions Guide.

22. Need More Information?

If you need more information please contact the Studies Assistance Contact Officer, People Branch on 02 6146 3441/6146 3435 or via email to capability.development@fahcsia.gov.au.

Definitions

“TAP” Talking About Performance is the Department’s performance management framework.

“Indigenous Australian employee” includes a person of Aboriginal or Torres Strait Islander descent who identifies as an Indigenous Australian and is accepted as such by the community in which the person lives.

“Approved student” means an employee who has been approved as a student by the delegate in respect of a scheme of study undertaken or to be undertaken by that employee during a prescribed period.

“Delegate” means a person whom the Secretary has appointed to exercise discretion in granting:

- approval as a student; and/or
- study leave; and/or
- financial assistance.

Delegates include Group Managers, Branch Managers and Section Managers in National Office and STO Managers and ICC Managers in State and Territory Offices.

“Employee” includes ongoing and non-ongoing employees whether full or part-time as defined in the *Public Service Act 1999*.

“Institution” means, whether within or outside Australia:

- a. a university;
- b. a college of advanced education;
- c. a college or institute of technical and further education;
- d. a technical school; or
- e. a person, group of persons or an establishment accredited to provide learning, research assistance or facilities relevant to an approved student’s scheme of study.

“Study period” refers to the actual teaching weeks of a term, trimester or semester. It does not include examination periods or mid-semester breaks. The term “study period” also extends to encompass flexible learning styles of study.