



Australian Government

Migration Review Tribunal · Refugee Review Tribunal

Studies Assistance Scheme
Certified Agreement Guideline

This guideline will be reviewed as required and any changes that are being considered will be put to the Joint Consultative Committee of the MRT & RRT for its input before finalisation.
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1 INTRODUCTION

- 1.1 This guideline provides details of the administration of the studies assistance scheme for the Migration Review Tribunal and the Refugee Review Tribunal (the Tribunals) and includes guidance for Delegates in determining employee entitlements.
- 1.2 The Tribunals support the training and development of their employees. The studies assistance scheme is one means that is used to encourage employees to enhance their skills and knowledge in areas that are relevant to the operations of the Tribunals.
- 1.3 The level of studies assistance which may be granted to an employee is dependent on the relevance of the study or learning to the employee's job and / or future career development.

2 AUTHORISATION

The Migration Review Tribunal and the Refugee Review Tribunal will ensure that employees can access learning opportunities which enable them to do their jobs better and which support their career development within the APS.

- 2.1 In accordance with clauses 3.19 to 3.27 of the Migration Review Tribunal and Refugee Review Tribunal Certified Agreement 2005-2008, employees may be provided with assistance in meeting reasonable costs associated with learning activities including travel.

3 DELGATIONS

- 3.1 The delegations for the approval of studies assistance are:

Approval of course or scheme of study and entitlements as Tier One	Deputy Registrar Director, Human Resources
Approval of course or scheme of study and entitlements as Tier Two	Deputy Registrar Director, Human Resources
Approval of learning activity and entitlements as Tier Three	Deputy Registrar Director, Human Resources
Approval to access leave for study purposes	Deputy Registrar Director, Human Resources
Approval of Study Leave requests	APS6 Learning and Development Team Leader APS4 Training Officer APS6 Team Leader APS4 Supervisor
Recommendation of course or scheme of study as Tier One	EL2 managers
Recommendation of course or scheme of study as Tier Two	EL2 managers EL1 managers
Recommendation of course or scheme of study as Tier Three	EL2 managers EL1 managers APS6 Team Leaders

4 DEFINITIONS

APS: Australian Public Service

Core Hours: Normal Core Hours are 10.00 a.m. to 12.00 midday and 2.00 p.m. to 4.00 p.m., Monday to Friday. Core Hours for part time employees are specified in their Part Time Work Agreement.

Bandwidth: The normal Bandwidth is 7.00 a.m. to 7.00 p.m., Monday to Friday.

Scheme of study: A scheme of study may be a course or program of study, a single subject, research, instruction, training arranged by or conducted by a recognised institution. Internal courses and external conferences/seminars are not included.

Study purposes: Means attendance at compulsory course requirements, preparation of assignments and study for examinations.

Tier One scheme of study: A scheme of study that is highly and directly relevant to an employee's job, or expected job, which takes into consideration the Tribunals' strategic and operational requirements during the period of study. Where approval is given to a scheme of study as Tier One, the approval will cover the full program of study undertaken, not individual subjects, and will be approved for the academic year.

Tier Two scheme of study: A scheme of study that is not Tier One, but is relevant to the work of the Tribunal and the employee's current job or potential career path.

Tier Three scheme of study: A scheme of study that is not Tier One or Two and is relevant to career or personal development.

5 ENTITLEMENTS

- 5.1 All ongoing staff, both part-time and full-time are eligible to receive studies assistance for an approved scheme of study. Non ongoing staff and trainees will not generally be eligible for studies assistance however, applications will be considered on a case by case basis.
- 5.2 Employees on probation may not apply for studies assistance. Probationers may retrospectively apply for studies assistance after successful completion of probation.
- 5.3 To receive any studies assistance, an employee must seek approval for the scheme of study. Consideration will be given to the benefit of the proposed scheme of study to the Tribunals and the capacity of the employee to balance the study commitments with his or her work responsibilities.
- 5.4 Factors which will be considered by the Delegate in approving a scheme of study for studies assistance are as follows:
 - (a) the competencies required by the employee for their current and future jobs;
 - (b) the career and personal development needs of the applicant, including any special needs;
 - (c) the strategic and operational needs of the Tribunals;
 - (d) the skills needs of the APS; and
 - (e) any other factors the Delegate considers relevant.

- 5.5 Approval of a scheme of study and a determination on entitlements will be given for the entire course of study regardless of its duration. Employees will not need to reapply for approval of a scheme of study each semester, but will need to lodge a Continuing Studies form confirming that they are continuing their study on the terms originally approved. However, if an employee needs to defer their study, they should notify the Delegate through the SAS Officer as soon as that intention is known. In this instance, an employee will be required to reapply for studies assistance if they wish to recommence the study. Approval and a determination on entitlements will generally be given prior to commencement of the scheme of study. All financial assistance is payable on a reimbursement basis ie: following the production of receipts of expenditure.
- 5.6 To obtain the full benefit of study entitlements prospective students should apply prior to commencement of a scheme of study as retrospectivity will only apply to reimbursement of fees and compulsory expenditure such as books and materials ie: study leave will not be approved retrospectively. Paperwork should be submitted well before commencement of a scheme of study if an employee is seeking study leave.

Tier One Scheme of Study

- 5.7 To obtain approval of a scheme of study as Tier One, an employee must demonstrate to the satisfaction of the Delegate that the scheme of study is highly and directly relevant to the employee's current job or expected job during the period of study.
- 5.8 The types of factors the employee could include in his or her application to demonstrate this are:
- (a) the extent to which the knowledge gained from the course will be used in the employee's work and not only in a general manner;
 - (b) the impact that knowledge will have on the employee's work in terms of quality and/or output; and
 - (c) why the employee considers that the study will be highly and directly relevant to his or her current job or expected job.
- 5.9 An application for approval of a scheme of study as Tier One must include a supporting statement by the employee's supervisor and section EL2 Manager or Registrar.
- 5.10 The decision on whether a scheme of study is Tier One relates only to that employee's application and has no relevance to applications by other employees.
- 5.11 Examples of schemes of study that may be approved as Tier One are:
- (a) an employee who is working as a Legal Officer studying Refugee/Migration Law or Administrative Law;
 - (b) an employee who is working in the IT support area studying network systems; or
 - (c) an employee who is working in the HR area studying Human Resource Management.

5.12 It is expected that only a small percentage of schemes of study will be assessed as meeting Tier 1 requirements.

Tier Two Scheme of Study

- 5.13 To obtain approval of a scheme of study as Tier Two, the employee must demonstrate to the satisfaction of the Delegate that the scheme of study is relevant to both the work of the Tribunal and the employee's current job or potential APS career path. The relevance must be demonstrated in relation to the specific course content rather than by reference to generic skills that are applicable across the workforce.
- 5.14 The types of factors the employee could include in his or her application to demonstrate the relevance of the scheme of study to his or her current job or potential career path are:
- (a) the knowledge gained from the scheme of study that will be used in the employee's work; and
 - (b) explanation of how that knowledge will impact on the employee's work in terms of quality and/or output.
- 5.15 An application for approval of a scheme of study as Tier Two must include a recommendation by the employee's EL1 or EL2 Manager.
- 5.16 The following schemes of study may be approved as Tier Two depending on the employee's circumstances:
- Administration/Management;
 - Asian, African, Arabic/Islamic, Eastern European Studies;
 - Commerce;
 - Human Resource Development;
 - Human Resource Management;
 - Information/Information Technology;
 - Languages;
 - Law;
 - Literacy/Numeracy (basic courses designed to assist functional literacy/numeracy);
 - Multicultural Studies;
 - Pre-tertiary Education Bridging Courses;
 - Public Policy;
 - Refugee/Immigration Studies;
 - Social Research; and
 - Other courses may be approved if they are considered relevant to the Tribunals' needs.
- 5.17 Schemes of study that are not included in the above list may be approved as Tier Two where the employee is able to demonstrate that it is relevant to both the work of the Tribunal and to the employee's current job or potential career path.
- 5.18 Where a scheme of study is not approved as Tier Two, it will automatically be considered for approval as Tier Three.

- 5.19 It is expected that the majority of approved schemes of study will be at the Tier 2 level.

Tier Three Scheme of Study

- 5.20 To obtain approval of a scheme of study as Tier Three, an employee must demonstrate to the satisfaction of the Delegate that the scheme of study is relevant to their career or personal development.
- 5.21 An application for approval of a scheme of study as Tier Three must include a recommendation by the employee's APS6 supervisor.
- 5.22 Reimbursement of financial assistance for a Tier Three scheme of study will be subject to the production of receipts and, where applicable, a certificate of attendance for the entire course.

Studies Assistance and Performance Agreements

- 5.23 A proposed scheme of study does not need to be included in an employee's Performance Agreements to be approved. However, where an employee is undertaking a scheme of study at the time a performance agreement is negotiated, it would be relevant to include that study as a component of the learning agreement or development plan.
- 5.24 The content of an employee's learning agreement or development plan may need to be reviewed where an employee commences a scheme of study that overlaps proposed development or learning included in the agreement or plan or where the employee's study commitments will affect his or her capacity to participate in scheduled development or learning activities.

6 FINANCIAL ASSISTANCE

- 6.1 An employee may not be reimbursed for any costs incurred for a scheme of study where he or she discontinued or did not pass the course.
- 6.2 Employees must provide documentary evidence of the compulsory expenditure incurred.
- 6.3 To be eligible for reimbursement of compulsory expenditure such as books or materials, the acquisition of those books and materials must be specified as compulsory in the course documentation.
- 6.4. Compulsory expenditure does not include any travel, accommodation or meal costs associated with a course.
- 6.5 Compulsory fees include HECS and FEE HELP and all compulsory association memberships.

- 6.6 Employees will be eligible for the reimbursement of costs at the end of the academic semester and after the employee has received confirmation of the successful completion of each subject.
- 6.7 Students who leave either of the Tribunals for another APS agency will be reimbursed for studies successfully completed in the semester of departure, that is, students can apply to the RRT or MRT for reimbursement after leaving the Tribunal.

Tier One Financial Assistance

- 6.8 Employees undertaking a scheme of study that has been approved as Tier One are entitled to reimbursement of the higher of:
- (a) 100 per cent of course fees and other compulsory expenditure such as books and materials, with a maximum of \$1000 per semester for one subject, \$1900 per semester for two subjects and \$2800 per semester for three subjects, to a maximum of \$5,600 per academic year or 12 month period; or
 - (b) 75 per cent of the cost of course fees and other compulsory expenditure such as books and materials to a maximum of \$2,700 per semester (\$5,400 per year). However, only up to \$2,700 of the claimed amount will be reimbursed after the first semester with the balance and any further claims to the maximum amount being reimbursed at the end of the academic year.
- 6.9 Where an employee is undertaking an approved Tier One scheme of study for part of the academic year only, the \$5400 limit will be reduced to a pro rata amount. As an example, if the course is for one semester only, the \$5400 limit will be reduced to \$2700.

Tier Two Financial Assistance

- 6.10 Employees undertaking a scheme of study that has been approved as Tier Two are entitled to reimbursement of the higher of:
- (a) 100 per cent of course fees and other compulsory expenditure such as books and materials, with a maximum of \$1000 per semester for one subject, \$1750 per semester for two subjects and \$2500 per semester for three subjects, to a maximum of \$5,000 per academic year or 12 month period, or
 - (b) 75 per cent of the cost of course fees and other compulsory expenditure such as books and materials to a maximum of \$2,100 per semester (\$4200 per year). However, only up to \$2,100 of the claimed amount will be reimbursed after the first semester with the balance and any further claims to the maximum amount being reimbursed at the end of the academic year.

- 6.11 Where an employee is undertaking an approved Tier Two scheme of study for part of the academic year only, the \$4200 limit specified above will be reduced to a pro rata amount. As an example, if the course being studied runs for one semester only, the \$4200 limit will be reduced to \$2100.

Tier Three Financial Assistance

- 6.12 Employees undertaking a scheme of study that has been approved as Tier Three are entitled to reimbursement of up to \$200 per calendar year. Reimbursement is conditional upon proof of attendance at the activity being provided.

7 STUDY LEAVE

- 7.1 Part time staff who have been granted studies assistance may access study leave on a pro rata basis.
- 7.2 Study leave may not normally be:
- applied for retrospectively, or
 - carried over to subsequent calendar years.

Where a Semester of approved study goes over subsequent calendar years eg; study at the Legal Practitioner's Admissions Board, an employee may seek approval to carry over study leave.

- 7.3 Study leave may be taken in hourly units.
- 7.4 Study leave will not be approved while an employee is already on some other form of leave, including unpaid leave. Consistent with this policy, employees are not able to break a period of leave by a period of study leave.

Tier One and Two Study Leave

- 7.5 Employees undertaking an approved Tier One or Tier Two scheme of study are entitled to the following leave for study purposes up to 73.5 hours (10 days) study leave per calendar year with a maximum of 5 days (36.75 hrs) per semester.
- 7.6 Employees wishing to obtain other leave or variation to the distribution of the leave above may seek this via application to the Delegate.
- 7.7 Where an employee is undertaking an approved Tier One or Tier Two scheme of study for part of the year only, he or she is entitled to a pro rata amount of study leave.

Tier Three Study Leave

- 7.8 Employees undertaking an approved Tier Three scheme of study are entitled to:
- up to 36.75 hours (5 days) study leave per calendar year for study purposes; and

- access to other leave on application to the Delegate.

Leave for Travel

- 7.9 Additional leave of up to 3 hours per week for travel may be granted by the Delegate to staff undertaking a Tier One or Two scheme of study when:
- (a) travel time between the workplace and the institution exceeds 45 minutes;
 - (b) personal circumstances warrant special assistance; and
 - (a) the operational requirements of the work area at the time the application is made allow the supervisor to recommend this additional leave.
- 7.10 Any recommendation for travel time for study purposes is only valid for a particular semester or academic year. Any recommendation for travel time should be reviewed and may need to be renegotiated when an employee transfers to another section or is promoted.
- 7.11 Additional leave may be granted by the Delegate for external students for use within an academic year, at a time agreed between the students and their supervisors for:
- leave to attend compulsory residential courses and to travel to and from the institution. This is elaborated in paragraph 8.8; and
 - blocks of leave may be taken from the bank of study leave approved at the start of the semester to complete residential programs.

Adjustment to Pattern of Hours

- 7.12 Supervisors, in negotiating an employee's pattern of hours, must be aware that the employee is entitled to work a pattern of hours that allow him or her to attend compulsory requirements of his or her course where they cannot be met using their study leave entitlement. The negotiation of hours must also take into consideration normal restrictions on hours as specified in the Certified Agreement. Supervisors should, subject to operational requirements, approve hours that will meet the employee's needs.

Examination Leave

- 7.13 Leave to attend examinations held during the standard day will be granted on application to the Delegate. Leave granted to attend examinations is additional to any Study Leave credits which may have been granted.

Coverage for worker's compensation

- 7.14 Employees on approved Study Leave or leave to attend examinations are covered for workers' compensation.

Leave for Full Time Study

- 7.15 Leave without pay (LWOP) for study purpose may be granted to an employee for up to three consecutive years to undertake full-time study. Any extension beyond three years is at the discretion of the Delegate. To be eligible for the reimbursement of

costs for fulltime study while on LWOP, the course must be approved as at least Tier Two, the employee must successfully complete the course and he or she must resume working for the Tribunal on completion of the course.

- 7.16 There is no minimum length of service requirement for LWOP, but applications for staff on probation will not generally be approved.
- 7.17 An employee who wishes to take more than one year of LWOP for study purposes may:
- apply for separate grants of one year each; or
 - apply for a single grant of two or three years - conditional upon proof of successful completion at the end of each year.
- 7.18 Except in extenuating circumstances, leave is granted on the basis that each year of study is successfully completed. If staff on LWOP for study purposes fail a unit or do not complete their course they should advise the Delegate, providing information about their situation and stating why further leave should be approved. When study is undertaken in Australia, employees are expected to return to work from the end of semester 2 until the beginning of semester 1 the following year.
- 7.19 Any LWOP taken for study purposes in excess of 30 days will not count as service.
- 7.20 Students on LWOP for more than 12 weeks can opt to discontinue their superannuation contributions but should discuss this with Human Resources before deciding. They must advise Human Resources in writing if they would like to exercise this option.
- 7.21 Students on LWOP do not have workers' compensation coverage.
- 7.22 Students who move to another agency before the commencement of their approved LWOP must obtain approval from the relevant Delegate of the new agency and should note that the new agency may well have very different arrangements for leave without pay including possibly no provisions.

8 SPECIAL CASES

Thesis Subjects

- 8.1 Thesis subjects are special cases as they generally do not have any specific semester or academic year structure. Where this is the case, the following guidelines will apply.
- (a) The thesis subject will be treated, for the purpose of studies assistance entitlements, as a full year subject, unless the subject is actually completed in a semester or less, in which case, the subject will be treated as a one semester subject for all purposes.
 - (b) The treatment of the thesis subject as a full year subject means that, over the duration of the study, the employee is entitled to the study leave applicable to

the Tier of study at which the scheme of study is approved. The Leave for Travel provisions outlined above also apply. Paid leave to travel to and from, and to attend compulsory residential seminars, or any other study activities which are essential to the successful completion of the scheme of study eg meetings with tutors/supervisors may be approved.

- (c) The employee does not need to spread the available leave evenly over the duration of the course and may, subject to approval, take all or most of the available leave early in the course or save it to take all or most of the leave towards the end of the course.
- (d) The maximum financial assistance available to the employee for a thesis course without a semester or academic year structure is equal to one year of financial assistance for the relevant Tier, or one semester if the course is completed in one semester or less.
- (e) Normally, the financial reimbursement will be held over until the successful completion of the course. However, an employee may request pro-rata progress payments where:
 - (i) he or she provides evidence of payment; and
 - (ii) his or her course supervisor provides confirmation of the employee's progress with the study including a broad indication of the proportion of the course requirements that have been completed.
- (f) Where the employee receives a reimbursement and does not successfully complete the scheme of study, he or she must repay to the Tribunal the amount of any reimbursement already paid.
- (g) If the employee is studying semester based subjects at the same time as the thesis subject, the entitlements outlined in this part will be on a pro rata basis. For example, if an employee is studying one semester based subject per semester throughout the academic year in which the employee commences the thesis based subject, the thesis will be assessed as the equivalent of one subject for each semester and financial assistance will be based on entitlements for two (or more) subjects for each semester.

College of Law

- 8.2 Practical Legal Training courses are offered by legal professional associations like the Law Society of NSW and the Law Institute of Victoria, as well as through universities. Compared to other tertiary courses of study, the duration and workload content of the course offered by the professional associations is, typically, an agreed number of subjects, to be taken for more than one semester but less than an academic year.
- 8.3 Within the context of a university course, the PLT theoretical component is now one semester's duration if undertaken on a full time basis. Nevertheless, the workload of the course is greater than that undertaken in postgraduate courses of a similar length. The workload varies from being approximately equivalent to a little over one semester to one academic year.
- 8.4 Applications for College of Law will be considered on their merits taking into account the duration of study and number of subjects proposed.

Disadvantaged groups

- 8.5 Applicants for studies assistance from particular disadvantaged groups eg. people with a disability, or Aboriginal and Torres Strait Islander staff, can apply to the Delegate for extended study leave to the maximum of 10 hrs per week.
- 8.6 The following criteria will be considered when approving additional leave under this provision:
- whether study is in a Tribunal priority area;
 - any personal circumstances of the applicant which could jeopardise completion of the approved scheme of study;
 - whether the scheme of study is relevant to the officer's current duties and is strongly supported by the supervisor and manager.

Outside Placements

- 8.7 Some schemes of study (such as a degree in social work) may require work placements outside the Tribunal. This should be negotiated between the approved student and their manager. Accumulated study leave credits may be accessed as a block (eg.. up to 73.5 hours per year) with access to other leave on application for the duration of the placement.

External Students

- 8.8 External students may access study leave approved at the start of a semester for attending compulsory courses. External students may use study leave in blocks to complete a residential program. Additional leave to travel to and from the institution for compulsory residential courses not exceeding the equivalent of three hours per week per semester may also be approved by application to the Delegate. This provision should be read in conjunction with paragraphs 7.9 to 7.11.

Summer and Winter Schools

- 8.9 For the purpose of these guidelines “Winter School” and “Summer School” will have the same meaning as “semester”.

Self Paced Learning / Internet Based Courses

- 8.10 Some schemes of study do not have prescribed workloads or prescribed timeframes in which to complete the program hence the workloads and/or timeframes do not correspond to those of traditional “semesters”. For such schemes of study the workloads and timeframes will be converted to traditional semesters to ensure that the student is neither disadvantaged nor advantaged in entitlements. Compulsory expenditure may be reimbursed up to 4 times per calendar year.

Staff considering applying for self paced learning or internet based courses are strongly encouraged to discuss such schemes of study with the SAS Officer prior to enrolling and lodging formal applications.

Public Sector Management Program (PSMP)

- 8.11 The PSMP is a joint NSW and Commonwealth Government initiative leading to post graduate qualifications. The course consists of face to face sessions, a workplace project and written course work. There are no exams. A condition of acceptance into this program is that the sponsoring agency fully fund the fees and attendance of approved students. As such, the PSMP will be treated as a series of training events, and not as part of the SAS scheme; ie the Tribunals will pay the full cost of the fees, and attendance at the sessions will be treated as normal duty. Time spent on the workplace project will also be treated as normal duty.

Approved students may seek additional leave for preparation of course related papers, by application to the Delegate, to a maximum of 2 days per study unit.

Studies Assistance and Repeating a Subject

- 8.12 Paid study leave to repeat a scheme of study or subject which has not been successfully completed will only be approved in exceptional circumstances. Staff in this situation may approach their manager with a request for consideration of their circumstances if work related but must also apply to the Delegate outlining their situation. An employee's manager is expected to make a recommendation to the Delegate.

Variations to Reimbursement Apportionment

- 8.13 Students who have concerns with the apportionment of financial reimbursement may seek variation by application to the Delegate.

9 ROLES AND RESPONSIBILITIES

Outline of procedures

- 9.1 Employees seeking approval of their study must submit a completed Studies Assistance Approval Form to the Studies Assistance Officer, via their supervisor. A separate form must be submitted at the commencement of each semester, confirming course content and the attendance pattern as approved in the original application.
- 9.2 If the employee is seeking to have a scheme of study approved as Tier One, he or she should attach a supplementary statement to the Studies Assistance Approval form which includes:
- details of the subject matter that will be covered, including a relevant course/subject outline from the study institution or web site;

- the skills and/or knowledge the employee will obtain from the course; and
- how the subject matter is highly and directly relevant to the employee's job or future job.

- 9.3 If the employee is seeking approval of a scheme of study as Tier Two and this is based on relevance to his or her potential career path, the employee will need to demonstrate that the intended potential career path is reasonable. For example, if the intended potential career path is only possible in another State, he or she must demonstrate an intention to relocate to pursue that career path.
- 9.4 Applications for studies assistance at the Tier Three level must include a statement by the employee of the relevance of the course to their career or personal development. Financial assistance will only be paid where a certificate of attendance at all sessions is provided by the employee.
- 9.5 The completed and approved Studies Assistance Approval form will represent the formal agreement between the employee and the Tribunal. This will ensure that the employee is covered to and from the place of study for compensation purposes.
- 9.6 To receive reimbursement upon successful completion of a subject, evidence of completion of the subject and the costs incurred must be forwarded to the SAS Officer with a completed Application for Reimbursement of Costs form.

Employees Responsibilities

- 9.7 The employee must apply for study leave on each occasion he or she takes leave by recording the leave on their SAS Study Leave Form and flex sheet.
- 9.8 Where the employee is approved to take study leave, he or she must use the leave for the intended study purposes.
- 9.9 The employee must provide a copy of his or her results on completion of each component of the scheme of study and in the case of Tier Three study, a certificate of attendance verifying attendance at all parts of the study or activity.
- 9.10 Where the employee withdraws from or discontinues a scheme of study, he or she should advise his or her supervisor and the Studies Assistance Officer (HR) in writing, as soon as possible.
- 9.11 Where the employee is negotiating a pattern of hours to enable him or her to attend compulsory elements of his or her course, the supervisor should co-operate and not unreasonably reject a pattern of hours that provides the employee with the necessary time off work.

Employees Rights

- 9.12 Where the Delegate is considering rejecting an employee's application for approval of a scheme of study for approval as Tier One or Two, the employee has a right to respond to the Delegate's concerns before a final decision is made.

- 9.13 The employee's application for study leave should be approved unless there are serious operational imperatives.
- 9.14 Where the application for study leave is to attend a component of the course that is essential for its successful completion, such as a compulsory examination, the application should be approved except in an absolute emergency.

Managers and Supervisors Responsibilities

Making Recommendations

- 9.15 Supervisors are required to make a recommendation to the Delegate as to whether a proposed scheme of study should be approved and whether it should be approved as Tiers One, Two or Three.
- 9.16 Supervisors should ensure their recommendation is timely to ensure consideration of the employee's application is not delayed unnecessarily.
- 9.17 Supervisors are also required to prepare a statement relating to an employee's application for approval of a scheme of study as Tier One.
- 9.18 Supervisors may need to discuss the subject with the employee before preparing the statement. This could involve discussion of the course content and its relevance to the employee's current or expected job.
- 9.19 Where the supervisor agrees that the scheme of study should be approved as Tier One, the statement should support the employee's case and explain why the supervisor considers the subject to be highly and directly relevant to the employee's current or expected job.
- 9.20 Where the supervisor disagrees that the scheme of study should be approved as Tier One, the statement should state this and explain why the supervisor does not consider the subject to be highly and directly relevant to the employee's current or expected job. This should focus in particular on any parts of the employee's statement which are inconsistent with the supervisor's views.
- 9.21 Supervisors are required to make a recommendation for employees seeking Tier Three approval for career or personal development.
- 9.22 Following the completion of the supporting statement or recommendation, the supervisor should submit the application to the SAS Officer.

Adjustment to ordinary hours

- 9.23 Supervisors are required to negotiate a pattern of hours for an employee who is undertaking an approved course of study where this is necessary to allow the employee to attend compulsory elements of the course.

- 9.24 In negotiating the pattern of hours, the supervisor should first identify the times the employee is not able to attend work and then ensure that the hours negotiated allows the employee to be absent at those times.

Managing workload for students

- 9.25 Supervisors and employees will need to negotiate workloads and work expectations to take account of the employee's approved study leave. If necessary, the employee's Plan on a Page (POAP) or personal development plan should also be adjusted.

Performance Agreement System/ Plan on a Page or Personal Development Plans

- 9.26 Supervisors should consider whether the learning component of the Performance Agreement System / POAP or personal development plan should be amended to take account of the employee's study, particularly if there is scheduled development or learning that will no longer be necessary as it will be adequately covered by the study program.
- 9.27 Supervisors should be alert to opportunities to provide an employee with work that will reinforce or use knowledge and skills gained in the employee's study.

Monitoring

- 9.28 Where a supervisor believes that an employee's study is having an adverse effect on the employee's work, he or she should raise this with the employee with a view to making adjustments such as to the employee's work organisation or his or her working hours to allow the study to continue.
- 9.29 Where the supervisor and the employee have attempted to make suitable adjustments and the employee's work is still being adversely affected by the study, the supervisor should advise the Delegate.

10 GUIDELINES FOR DELEGATES

Approval of scheme of study

- 10.1 The Delegate should not approve an employee's application for approval of a scheme of study, where:
- the Delegate does not consider the employee will be able to balance his or her work and study commitments – a possible indicator would be any previous history where the employee's work was adversely affected by study commitments;
 - the employee is subject to an under-performance process and the Delegate believes that the study will impact on efforts being made to improve the employee's performance to the required standard;

- the Delegate does not believe the employee will have a reasonable chance of passing the proposed scheme of study based on his or her previous results with approved schemes of study while working with the Tribunal; or
- the Delegate does not consider the proposed scheme of study to be relevant to either the Tribunal or the APS in general.

10.2 When considering an application for approval of a scheme of study as Tier One, the Delegate should consider:

- the employee's statement attached to his or her application;
- the employee's supervisor's statement;
- whether the information provided by the employee and his or her supervisor is sufficient to demonstrate that the scheme of study will be highly and directly relevant to the employee's current or expected job.

10.3 When considering an application for approval of a scheme of study as Tier Two, the Delegate should approve the scheme of study as Tier Two where:

- the course is relevant to the employee's work and/or potential career path.

10.4 Where the Delegate does not consider he or she should approve an employee's application for approval of a scheme of study, as Tier Two or as Tier One, the Delegate should, before making a final decision, advise the employee of this and his or her reasons and provide the employee with an opportunity to respond to those reasons.

10.5 When considering an application for approval of a scheme of study as Tier Three, the Delegate should consider whether the employee has demonstrated the relevance of the study to their career or personal development.

Withdrawal of approval

10.6 Where the Delegate is advised by a supervisor that an employee's study is having an adverse effect on the employee's work, the Delegate should consider whether to withdraw approval, taking into account the following:

- whether the supervisor has attempted reasonable adjustments to the employee's working hours and/or work organisation;
- the amount of the semester or academic year remaining;
- the significance of the adverse effect on the employee's work; and
- any views put forward by the employee.

10.7 Generally, the Delegate should not withdraw an approval partway through a semester, or academic year for full-year subjects, unless there is still a substantial period of time remaining in the semester or academic year and the adverse effect on the employee's work is significant.

Approval of Study Leave

10.8 Approval of study leave must take into account operational requirements. However, such leave should only be rejected where there is no other reasonable option

available. Leave for compulsory elements of a course such as compulsory examinations should be approved if at all possible.

- 10.9 Where a request for study leave is not approved, the Supervisor should, where possible, identify another time that will be suitable for the employee to take leave that is consistent with his or her course requirements.
- 10.10 The Delegate must not approve leave for study purposes where the employee is already on some other form of leave or the study leave would break a period of leave.

Review of study assistance scheme decisions

- 10.11 Unsuccessful applicants should first discuss the decision with their supervisor and, if appropriate, the Delegate. If not satisfied with the outcome of those discussions, an employee may apply to the Registrar for review of actions in accordance with the Tribunals' Review of Actions policy.

11 HR RESPONSIBILITIES

- 11.1 The Human Resources section has a central role in the application of the Studies Assistance Scheme. All applications go to the Human Resources section before going to the Delegate for consideration. The Human Resources section has three key responsibilities:
- informing the Delegate of the extent of the employee's possible entitlements under the Studies Assistance Scheme;
 - maintaining a complete set of records to enable reconciliations to be undertaken;
 - ensuring that recommendations are provided by managers and supervisors where required; and
 - making recommendations to the Delegate as specified in this guideline.
- 11.2 Recommendations should be made and passed on to the Delegate with the relevant paperwork within 5 working days of their receipt in the Human Resources section.
- 11.3 The holding of the delegations for approving a scheme of study and for entitlements for all Tiers at the level of Director, Human Resources and the Deputy Registry is to ensure consistency of decision-making across the Studies Assistance Scheme. To this end, the Director, Human Resources and the Deputy Registrar must ensure that he or she applies consistent standards to approvals across all Tiers. This does not mean that the recommendations should be the same for the same course, but does mean that the Director, Human Resources and the Deputy Registrar should apply the same criteria and standards for determining the entitlements of prospective students.

Reimbursement of financial costs

- 11.4 All applications for reimbursements of financial costs should go to the Delegate through the Human Resources section.

- 12.5 The role of the Human Resources section is to verify that the claimed reimbursements are allowable under the Studies Assistance Scheme. and to determine which of the methods of calculating the financial assistance should be applied.

Documentation and reconciliation

- 11.6 All documentation, including copies of approved applications and reimbursements are to be maintained on the employee's individual Studies Assistance file.