

STUDY LEAVE

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Authority and Application

Clause 69 of the *Victorian Public Service Enterprise Agreement 2020* (the Agreement) applies to Victorian Public Service Departments and Agencies (Employers) and their Employees covered by the Agreement.

Overview

Clause 69 of the Agreement sets out the circumstances in which the Employer may grant any Employee paid leave to undertake an accredited course of study and time off without loss of pay for professional development including Continuing Professional Development (CPD), short courses, micro-credentialing or other training.

Study leave may be granted at the Employer's discretion taking into consideration matters such as the relevance of the proposed course of study to the Employee's employment, the development of the Employee's capability and skills, and the Employer's operational requirements.

Where Study Leave with pay is approved, the Employee may be granted paid leave, as specified in clause 69, for the purposes of travel to and participation in classroom activity, preparation for and participation in exams and completion of major projects.

The Employer may grant additional paid or unpaid Other leave (clause 70) for study purposes as considered necessary.

Relevant provisions of the VPS Agreement

Supplementary Guidance Information

1. Eligibility

- 1.1. Employees covered by the Agreement (including casual Employees) may make application for Study Leave.
- 1.2. Employees who work less than full-time hours may be granted Study Leave on a pro-rata basis calculated on the number of ordinary hours worked.

2. Effect of Study Leave on service

- 2.1. For full-time or part-time Employees, paid full-time or part-time Study Leave counts as service for all purposes.
- 2.2. Additional leave for study purposes granted as Other Leave without pay does not break an Employee's continuity of service but will not count as service for leave accrual and other purposes (clause 70.3).

3. Accredited course of study and professional development

- 3.1. Study Leave may be granted to an Employee to undertake an accredited course of study, or professional development (as defined in clause 69.3 of the Agreement) at a recognised educational institution or a Registered Training Organisation. Generally speaking, Study Leave will not be granted where the study provider is not an educational institution or a Registered Training Organisation or in the case of CPD, organised or run by the peak professional body for that profession. Educational institutions are those recognised by the Tertiary Education Quality and Standards Agency (TEQSA). However, the Employer may use its discretion to approve Study Leave to allow an Employee to complete an accredited course of study provided by an overseas educational institution.

4. Employee applications for Study Leave

- 4.1. Applications for Study Leave must be made and granted prior to the course of study, or professional development commencing.
- 4.2. An Employee should make written application for Study Leave, including providing relevant information to the satisfaction of their Employer with details about, if applicable (including but not limited to):
 - 4.2.1. the study/course provider and the name of the study/course or the details of the professional development course and the name of person/organisation who will deliver the professional development (as relevant);
 - 4.2.2. the duration of the study/course/professional development;

- 4.2.3. details on the relevance of the study/course/professional development to the Employee's role and how undertaking the study/course/professional development aligns with organisational goals and Employee's capability and skill development;
- 4.2.4. the location of the study/course/professional development;
- 4.2.5. the likely hours the Employee is required to complete the study/course/ professional development;
- 4.2.6. the mode of delivery of the course of study (full-time, part-time, online or face to face delivery, etc.);
- 4.2.7. where applicable, evidence that the times for attendance at the study/course/ professional development are not available outside of normal working hours;
- 4.2.8. the periods of leave required; and
- 4.2.9. details of the study/course / professional development content.
- 4.3. At the conclusion of the course of study/ professional development proof of successful completion may be required by the Employer.
- 4.4. Employees who undertake an accredited course of study or professional development may be expected to complete some of the course requirements in their personal time in addition to any Study Leave approved by their Employer.

5. Approving a request for Study Leave

- 5.1. The Employer retains discretion at all times to accept or decline an application for Study Leave.
- 5.2. In assessing an Employee's application for Study Leave, the Employer must take into consideration the following:
 - 5.2.1. the relevance of the proposed study/course/professional development to the Employee's employment;
 - 5.2.2. the study/course/professional development's alignment to organisational goals;
 - 5.2.3. the reasonable operational requirements of the Employer;
 - 5.2.4. the need to develop the Employee's capability and skills; and
 - 5.2.5. any other relevant factors.
- 5.3. Additionally, the Employer may also take into consideration the following matters:
 - 5.3.1. whether the proposed knowledge, skills and competencies can be gained by other means (for example, through internal training and learning and development programs);
 - 5.3.2. whether the course of study can be undertaken outside of ordinary hours of work, arranged into blocks or undertaken via distance learning to minimise disruption to the workplace and/or travel time;
 - 5.3.3. whether the Employee will be able to organise their work and study arrangements to minimise conflicts and disruptions;
 - 5.3.4. the operational and budgetary impact of granting Study Leave;
 - 5.3.5. the current performance and conduct standards of the Employee;
 - 5.3.6. any requirement for the Employee to remain employed by the Employer for an agreed duration after completion of the study;
 - 5.3.7. whether upon commencement of employment with the Employer the Employee was undertaking pre-existing study that has been formally endorsed by the Employer;
 - 5.3.8. whether the study/course/ professional development is a condition of employment;

- 5.3.9. whether flexible work arrangements can be used to facilitate the study; and
- 5.3.10. any other relevant consideration.
- 5.4. Requests for Study Leave are approved on the basis of the Employee's current position. If the Employee takes up a new position any Study Leave arrangements will need to be renegotiated with the new Employer.
- 5.5. Details of the Study Leave approved and ongoing review requirements if applicable, should be documented and provided to the Employee prior to the commencement of the Study Leave.
- 5.6. Requests for Study Leave are approved on the basis of a course, subject, professional development program, semester or year (academic or calendar), whichever is relevant to the circumstances or as agreed by the Employer and do not automatically roll over. At the cessation of the course, subject, semester, year or professional development program (as relevant) the Employee will be required to re-apply for Study Leave for future courses, semesters, years or professional development program (as relevant).
- 5.7. Employers may continue to authorise time off without loss of pay for short course and professional development activities (for example, attendance at half day or full-day training or workshops) by agreement with employee's manger/supervisor, without a formal application.

6. Use of Study Leave

- 6.1. Approved Study Leave must be used for the purpose for which it was approved.
- 6.2. Examples of the types of Study Leave arrangements that may fall within the provisions of clause 69 include:
 - 6.2.1. Classroom based activities– to attend lectures, tutorials and other approved study activities;
 - 6.2.2. Seminars – to attend seminars, excursions, field experience sessions, placements and practice that form part of formal study activities;
 - 6.2.3. Pre-exam study – to prepare for examinations;
 - 6.2.4. Examinations – to complete examinations or undertake other assessment tasks in lieu of an examination;
 - 6.2.5. Major project work – to complete a major project for assessment purposes, which may include thesis development or other major project work; professional development program, placement, short courses, micro-credentialing or other training.
- 6.3. The Employee must attend for work at their normal hours of employment during any breaks in the course of study (e.g. term or semester breaks), unless otherwise approved by the Employer.
- 6.4. The paid leave provided for in the Agreement enables travel to and attendance of up to seven hours of classroom activity or related project work per week, with employer approval, can be banked to support attendance at intensive courses.

7. Changes to study obligations

- 7.1. If the amount of Study Leave initially requested is not required, the Employee should notify their Employer as soon as reasonably practicable to arrange to resume duty and manage any requisite changes to leave arrangements. Study Leave does not accrue from year to year and cannot be carried over and will not be paid out on termination.
- 7.2. An Employee must notify their Employer of any changes to the circumstances of their study or/course, including their withdrawal from the study/course, as soon as reasonably practicable.

8. Review of study arrangements for an accredited course of study

- 8.1. Study Leave for an accredited course arrangement should be regularly reviewed, as a minimum at the end of every semester or term (unless otherwise agreed), to ensure they are still current and meeting both the needs of the Employee and the operational requirements of the Employer.
- 8.2. An Employee must satisfy their Employer that suitable progress is being made in their course of study. Study Leave may be withdrawn at any time due to lack of suitable progress, changes to corporate priorities or other relevant circumstances. Any changes to approved Study Leave must be discussed with the Employee and be reasonable in the circumstances.

9. Financial assistance and full-time study

- 9.1. The Agreement does not require the Employer to make a financial contribution towards courses of study, even where Study Leave is approved in accordance with clause 69 of the Agreement. The Employer retains complete discretion as to whether to pay for any, all or part of the costs associated with the study/course/professional provided the study/course/professional development is successfully completed.
- 9.2. Where the Employer uses its discretion to pay for all or part of the costs associated with the study/course/professional development, the Employer retains the discretion, where reasonable, to seek reimbursement for all or part of the study assistance/professional development.. Reimbursement may be required for reasons such as, but not limited to, failure to complete part or all of the requirements of the course or subject or failure to obtain a satisfactory grade within any subject. In considering whether reimbursement may be required, the Employer will have consideration for any relevant circumstances contributing to non-completion or unsatisfactory progress of the course.

10. Additional leave

- 10.1. An Employer may grant an Employee other forms of paid leave or unpaid leave, such as Annual Leave, Other Leave (clause 70) or additional Study Leave as the Employer considers necessary.

Making decisions under this policy

Under section 20(1) of the *Public Administration Act 2004*, the public service body head has all the rights, powers, authorities and duties of an employer, which may be delegated to staff within their Department or Agency. Employers should ensure that any actions under this policy are only taken by an Employee with the delegation to do so. Each Department and Agency should give effect to this policy in accordance with its own delegations.

Dispute resolution

An Employee who is directly affected by a decision made or action taken pursuant to clause 69 may apply for a review of actions under the Employer's review of actions policy or seek to resolve a dispute through the Resolution of Disputes procedure at clause 13 of the Agreement.

Further Information

Employees should refer to their Department or Agency's intranet for information on procedural requirements, systems and approval delegations.

For further information and advice please contact your local Human Resources or People and Culture Unit (or equivalent).

Related policies or documents

VPS Enterprise Agreement Common Policies

- Flexible Working Arrangements
- Annual Leave
- Other Leave
- Review of Action

All policies in the VPS Enterprise Agreement common policies collection can be found at <https://www.vic.gov.au/common-policies-victorian-public-service-enterprise-agreement>

Authorised by Industrial Relations Victoria:

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