

Learning and Development Leave Policy

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Functional Sub group Personnel/Workforce - Leave
Personnel/Workforce - Learning and Development

Summary Requires organisations in the NSW public health system to develop strategies to ensure that all staff can access learning and development opportunities and provides guidance around eligibility and grant of learning and development leave. This Policy Directive will comprise a chapter of the Leave Matters Manual.

Replaces Doc. No. Learning and Development Leave Policy - NSW Health [PD2005_178]

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Applies to Area Health Services/Chief Executive Governed Statutory Health Corporation, Board Governed Statutory Health Corporations, Affiliated Health Organisations - Non Declared, Affiliated Health Organisations - Declared, Public Health System Support Division, NSW Ambulance Service

Audience Human resources, line manager, HRIS staff

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Director-General

Compliance with this policy directive is mandatory.

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1. INTRODUCTION

This document contains the policy for the NSW Health Service on learning and development leave. In addition, as the Determination of Conditions of Subsidy requires (to the extent permitted by law) non declared affiliated health organisations to comply with policy directives issued by the Department dealing with terms and conditions of employment of staff employed in the NSW Health Service, the policy is to be applied across the NSW public health system (see Definitions) with the following exception.

This policy does not apply to staff covered by awards or determinations that specify study leave arrangements ie VMOs, Senior Medical Practitioners or Department of Health employees.

NSW Health is committed to the development of strategies that focus on the recruitment and retention of appropriately qualified staff, and continuous learning.

Employers must develop strategies to ensure that all staff within their Division/organisation can access appropriate learning opportunities.

Leave for learning activities should be made available to all eligible staff within the NSW public health system to promote the development of a highly trained, skilled and versatile workforce supporting the provision of safe, quality health care.

2. SCOPE OF THIS POLICY

Leave for learning and development applies to external courses offered by educational institutions or registered training organisations, conferences, seminars, and, short courses.

Leave is **not** required for the following types of employer supported learning activities that are undertaken by staff on a routine basis, and at which staff are considered to be “on-duty”:

- “In-house” courses or activities;
- Mandatory training and education.

3. PURPOSE

The purpose of this policy is to:

- Provide a policy framework for employers to develop or review learning and development leave procedures.
- Establish a culture throughout the health system that facilitates learning and enables the organisation to achieve its corporate goals.
- Encourage staff to pursue excellence in performance by attaining high educational standards in their career or profession.

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- Assist employees to access learning and development opportunities so that the NSW public health system has an appropriately trained workforce to meet its service delivery needs.

4. DEFINITIONS

Division of the NSW Health Service consists of the group of staff employed in or in connection with an area health service, a statutory health corporation, or a declared affiliated health organisation; in connection with the provision of ambulance services; or in connection with public health organisations providing corporate and other health support services to those public health organisations.

Educational institutions are those institutions accredited to provide undergraduate and/or postgraduate tertiary studies that culminate in a recognised academic and/or professional qualification including a degree, diploma or certificate.

Employer means any person authorised to exercise the functions of the employer of staff to which this policy applies.

Learning activities enhance the staff member's capacity to contribute to organisational goals. It may include tertiary study, conferences, seminars, workshops or short courses conducted by a relevant professional body or by the employer. Attendance at learning activities may utilise learning and development leave, or may be on an 'on duty' basis, depending on the priority of the activity.

Learning and development leave includes leave granted to undertake tertiary studies at an accredited educational institution (and includes leave for examinations), or leave granted to attend external activities, such as conferences, seminars, and short courses. Staff may also attend lectures, tutorials, conferences or seminars on days they are not rostered for duty, for which no payment is made.

Mandatory training and education refers to learning activities which meets identified organisational skills required by the organisation in response to legislative, policy and/or service delivery needs. Each employer must make decisions relating to whether or not a particular activity is mandatory. The trigger for this may be external stimuli such as government grants or legislation, internal organisational factors such as temporary skill shortages, or required training in fire safety, infection control, and occupational health and safety for example. While attending mandatory training and education, staff are considered to be "on duty".

NSW Health Service consists of those persons who are employed under Chapter 9, Part 1 of the *Health Services Act 1997* by the Government of New South Wales in the service of the Crown.

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NSW public health system consists of all area health services, all statutory health corporations, and all affiliated health organisations in respect of their recognised services, as well as the Ambulance Service of NSW, Institute for Medical Education and Training, Health Technology and Health Support.

Registered training organisations also offer accredited training which lead to nationally recognised qualifications.

5. PRINCIPLES

This section articulates a number of concepts and principles to provide a basis on which employers will develop or review local procedures.

NSW Health as a “learning organisation”

A learning organisation is one which has structures and processes in place to encourage and reward continuous learning. A learning organisation recognises people as its most valuable asset.

In a learning organisation, every individual is encouraged and supported to locate and create his/her own learning opportunities. The organisation facilitates access to relevant opportunities by establishing structures and processes which enable staff to learn from actual work situations.

The performance of all staff and their contribution to the organisation in meeting its strategic objectives and goals will therefore be improved. It is the intention of this document to support and promote the development of such a culture in the NSW public health system.

All learning and development must help the organisation to achieve its goals

Learning and development activities must provide benefits to the organisation as well as the individual, and be consistent with the organisation’s strategic plan. Priority is to be given to those activities that facilitate achievement of NSW Health and local strategic goals.

The Chief Executive and senior managers must actively sponsor and support learning activities

Ensuring access and availability of learning opportunities is an essential part of the responsibilities of the Chief Executive because it is central to the organisation’s success. In line with this, the performance agreements of all executives and line managers should include performance indicators that promote learning activities.

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Performance management

NSW Health is committed to the development of an effective performance management process for all staff.

It is recognised throughout NSW Health that there is both a corporate and personal responsibility for assessing, achieving and maintaining a high level of organisational, team and individual competence to ensure the safe and effective delivery of health care.

At the local level performance management allows early identification of systemic, environmental or individual factors that may affect the ability of the organisation, team or individual to perform effectively.

Employers should have a performance management system in place to ensure that all staff within their Division/organisation have a clear understanding of both the individual and the organisational priorities. Individual or team workplans, which incorporate personal learning and development objectives, are to be linked to the organisational goals.

All employees must share the responsibility for their own development

Learning and development is a shared responsibility between the organisation and the individual. Staff should be prepared to pursue their own development and the organisation should promote an environment that supports individual initiative.

6. ACCOUNTABILITIES

NSW Department of Health

The NSW Department of Health is responsible for setting policy direction to ensure that all staff receive appropriate learning opportunities.

Chief Executive

Chief Executives are responsible and accountable for ensuring that staff in their Division/organisation receive appropriate learning opportunities in line with the present and future needs of the organisation.

Chief Executives are also responsible for allocating an appropriate budget for learning activities, which may include replacement costs for rostered staff who are on leave to attend an approved workshop, conference or tertiary studies.

Managers and supervisors

Managers and supervisors are responsible and accountable for promoting and supporting learning activities for staff in their area of responsibility. Managers and supervisors are also responsible for arranging replacement staff, when

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necessary, for staff who may be attending learning activities. Managers and supervisors must advise all staff of the protocol for review procedures relating to non-approval of learning and development leave.

Human resources/learning and development managers

Workforce, human resources and/or learning and development managers are responsible for working with executive and line managers to ensure that the learning and development procedures in their organisation are in line with this policy framework.

In developing local procedures, consideration should be given to processes for requesting, approving, recording and monitoring of leave for staff.

Consideration should also be given to the nature of the workforce (24 hours a day, 7 days a week environment with shiftworkers).

Workforce and human resources managers are responsible for ensuring that the organisation's learning and development leave procedures incorporate a review process regarding situations where learning and development leave has been declined. This process is to be incorporated into local policy documents.

7. ELIGIBILITY

Access to learning and development leave is at the discretion of the organisation. It should be made available to all eligible staff to promote the development of a highly trained, skilled and versatile workforce which is responsive to the requirements of government and health service delivery.

Both permanent and temporary staff (whether full-time or part-time) are eligible to apply for leave. Part-time staff are granted leave on a pro-rata basis. Casual staff are not eligible for this form of leave.

Where learning and development leave is not approved, employers should ensure that:

- Advice is timely to allow the staff member to consider alternative arrangements;
- The reason for non-approval of leave is clear and stated in writing to the staff member;
- The staff member is advised of the availability of a review process.

7.1 Types and amount of leave

7.1.1 Seminars, conferences, and short courses

The approval of leave and/or financial assistance for attendance at seminars, conferences, or short courses should be considered in light of the organisation's

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strategic plan. Staff may be granted learning and development leave, or may be considered on duty depending on the priority for this activity.

The amount of leave available is at the discretion of the employer. Decisions in relation to financial assistance should be made in the context of the budget and the expected benefits to the organisation.

7.1.2 Tertiary study

All staff are encouraged to acquire management skills and qualifications. In recognition of the shortage of specialist nurse skills across NSW public health system, nurses wishing to attend a part-time postgraduate course of study, who are working shift work, are to be given priority in being released from rostered shifts to attend lectures/tutorials where there are no alternative and feasible attendance options. Replacement staff should be provided where appropriate. This applies only to further studies that lead to a recognised clinical qualification, as this is currently the targeted area of skill shortage.

It is recognised that areas of skill shortage may vary over time across all classifications of staff. Chief Executives should ensure that appropriate means exist to identify those areas, and that strategies are developed to overcome them.

When developing local learning and development leave procedures for tertiary study each employer will need to advise staff within their Division/organisation of local approval arrangements, including:

- The notice period required to be given by the staff member which takes account of the local approval process.
- The issue of travel time to attend lectures/tutorials.
- What information is required from the staff member. For example
 - Proof of enrolment/acceptance for course of study
 - Title of program of study
 - Anticipated pattern of leave required.

These arrangements should be agreed between the employee and supervisor/manager prior to the commencement of the course.

Leave is not to be approved for failed or repeated subjects.

7.1.3 Face to face

The amount of leave granted is at the discretion of the employer. As a guide, in respect of attendance at an educational institution, staff may be granted 50% of compulsory attendance times up to 4 hours per week per semester or term.

The amount of leave to attend examinations should be based on the specific requirements of the individual course. Employers should grant pre-examination leave for staff where it is considered appropriate and there is no direct impact

on the provision of services. A staff member's request not to be rostered to work night shift on the day prior to a scheduled morning examination should, wherever practicable, be agreed to by the employer.

7.1.4 Distance education

With an increasing number of accredited courses being available via alternative delivery options, such as the Internet, this mode of study is likely to increase. In the interests of equity, the equivalent amount of learning and development leave available for face to face study is to be granted to staff undertaking distance education.

8. ACCRUAL OF LEAVE

Learning and development leave associated with tertiary studies may be accrued up to a maximum of 5 days per semester or term and may be accrued until the last examination of the semester, or the last attendance day of the semester if there is no final examination.

8.1 Residentials

The amount of leave to attend a compulsory residential program should be based on the specific requirements of the course and should be negotiated at the time of application for learning and development leave.

8.2 Thesis/research or combination thesis/research/coursework

Periods of leave may also be granted to staff undertaking higher degrees by thesis, research, coursework, or a combination of these. The amount of leave will be based on 4 hours per week for each academic year of study. An academic year for these purposes is considered to be a year of full-time study. Where a staff member is undertaking the study on a part-time basis the periods of leave should be granted on a pro rata basis. For example:

- If the higher degree takes 1 academic year and an academic year is 30 weeks, the entitlement for leave would be calculated as 30 weeks x 4 hours = 120 hours available over the year.
- If the higher degree takes 2 academic years, the entitlement would be 240 hours, available over 2 years.
- If the employee completes a 2-year degree on a part-time basis over 4 years, the entitlement would be 240 hours, available over 4 years.

Rather than being taken on a week-to-week basis the leave is available over the course of study in amounts mutually agreeable between the staff member and the employer.

9. APPROVAL AND REVIEW PROCESSES

Employers are to ensure that local learning and development leave procedures provide for an approval and review process and that this process is communicated to all staff.

As a guide, employers should respond within 21 days of receipt of an application for learning and development leave for tertiary studies. Where learning and development leave is not approved the review process should be completed within a further 14 days.

Where learning and development leave is not approved, employers will need to ensure:

- The reason for non-approval is clear and stated in writing to the staff member, and
- The staff member is advised of the availability of a review process.

The following table is a summary of learning and development activities.

| Type | Benefit | Leave |
|---|---|---|
| Mandatory training/ education | Directly to the organisation to meet legislative, policy, or service delivery needs | Not required as staff member "on duty" |
| Inhouse or employer arranged | Benefit to staff member and meets identified need for organisation | Not required as staff member "on duty" |
| Conference, seminar, or short course | Benefit to staff member and potential benefit to organisation | Leave may be approved or may be "on duty" |
| Tertiary education or other registered training provider | Benefit to staff member and potential benefit to organisation | Leave may be approved |
| Personal development | Benefit to staff member | No leave available |

10. PAYMENT FOR LEAVE

Leave approved for the purposes of learning activities is to be paid on the basis of the staff member's ordinary rate of pay, ie in accordance with the relevant award, agreement and/or determination in relation to the payment of ordinary hours, and excluding penalty rates.

11. WORKERS COMPENSATION

Generally, staff on approved leave during normal working hours or in travelling between their place of work and education are covered for the purposes of Worker's Compensation. Given the variety of situations in which staff undertake study, specific information regarding coverage will be provided through each organisation's human resources and/or risk management units.

12. FINANCIAL ASSISTANCE

The employer should meet fees associated with training that is required by the organisation.

Staff are responsible for meeting all fees/costs associated with tertiary studies, and fees associated with other educational activities unless the employer offers scholarships or other forms of financial assistance.

13. DATA COLLECTION

Employers will be collecting data relating to learning activities to contribute to their own management information systems. This may include, for example, attendance at mandatory education and training, student results, and financial information.

The Department of Health requires that the following data relating to learning activities be retained to meet its information requirements, as advised from time to time.

- Learning and development leave taken (in hours) for external learning activities categorised by:
 - a. Tertiary study;
 - b. Seminar, conference, or short course.
- Learning activities undertaken on an on-duty basis (in hours) categorised by:
 - a. Tertiary study;
 - b. Seminar, conference, or short course.
- Course names and content;
- Classification of staff member.

14. ENQUIRIES

Any enquiries regarding this policy directive should be directed to the human resource personnel in the relevant Health Service. Only human resource personnel in the Health Service are to contact the Department.

Robyn Kruk
Director-General