

DIGITAL HEALTH AND CARE WALES

STUDY LEAVE POLICY PROCEDURE & GUIDELINES

This policy is designed to provide control, advice and guidance on the process of application and approval of study leave and associated costs.

Document Version	1
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Status	Approved
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Document author:	Velindre NHS Trust
Approved by:	Velindre NHS Trust
Date approved:	November 2010
Review date:	31/03/2022

STRATEGIC OBJECTIVE	Delivering High Quality Digital Services
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WELL-BEING OF FUTURE GENERATIONS ACT	A healthier Wales
If more than one standard applies, please list below:	
A prosperous Wales, A resilient Wales, A more equal Wales, A Wales of cohesive communities, A Wales of vibrant culture and thriving Welsh language, A globally responsible Wales	

DHCW QUALITY STANDARDS	ISO 20000
If more than one standard applies, please list below:	
ISO 27001, ISO 9001, BS 76000:2015, BS 76005, SDI (Service Desk Institute Standard)	

HEALTH CARE STANDARD	Staying Healthy
If more than one standard applies, please list below:	
Individual Care, Staff and Resources	

EQUALITY IMPACT ASSESSMENT STATEMENT	Date of submission: April 2014
No, (detail included below as to reasoning)	Outcome: Approved
<p>Statement: Digital Health and Care Wales (DHCW) is committed to ensuring that, as far as is reasonably practicable, the way it provides services to the public and the way it treats its employees reflects their individual needs and does not discriminate against individuals or groups. An Equality Impact Assessment (EQIA) has been undertaken on this policy and the way it operates. The Organisation wanted to know of any possible or actual impact that this policy may have on any groups in respect of gender (including maternity and pregnancy as well as marriage or civil partnership issues) race, disability, sexual orientation, welsh language, religion or belief, gender identity, age or other protected characteristics.</p> <p>The assessment found that there was no impact to the equality groups mentioned and this policy will have a positive impact on all the 'protected characteristic' groups. Where appropriate, the organisation will make plans for the necessary actions required to minimise any stated impact to ensure that it meets its responsibilities under the equalities and human rights legislation.</p>	

APPROVAL/SCRUTINY ROUTE:
Person/Committee/Group who have received or considered this paper prior to this meeting

COMMITTEE OR GROUP	DATE	OUTCOME
Local Partnership Forum	23/03/2021	Approved

IMPACT ASSESSMENT	
QUALITY AND SAFETY IMPLICATIONS/IMPACT	No, there are no specific quality and safety implications related to the activity outlined in this report.
LEGAL IMPLICATIONS/IMPACT	No, there are no specific legal implications related to the activity outlined in this report.
FINANCIAL IMPLICATION/IMPACT	No, there are no specific financial implication related to the activity outlined in this report
WORKFORCE IMPLICATION/IMPACT	No, there is no direct impact on resources as a result of the activity outlined in this report.
SOCIO ECONOMIC IMPLICATION/IMPACT	No. there are no specific socio-economic implications related to the activity outlined in this report

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1 DOCUMENT HISTORY

1.1 REVISION HISTORY

Date	Version	Author	Revision Summary
Nov 2010	1	Velindre NHS Trust	Policy finalised

1.2 REVIEWERS

This document requires the following reviews:

Date	Version	Name	Position
Nov 2010	1	Velindre NHS Trust	Host Organisation until 31/03/2021

1.3 AUTHORISATION

Signing of this document indicates acceptance of its contents.

Author's Name:	Velindre NHS Trust		
Role:	Host Organisation until 31/03/2021		
Signature:	N/A	Date:	November 2010

Approver's Name:	Velindre NHS Trust		
Role:	Host Organisation until 31/03/2021		
Signature:	N/A	Date:	November 2010

1.4 DOCUMENT LOCATION

Type	Location
Electronic	Integrated Management System

2 INTRODUCTION

An effective training and development programme for all staff requires a significant investment and appropriate targeting of resources. The organisation recognises this and is committed to this investment. Digital Health & Care Wales will support all job related training and development activities, within available resources and taking account of identified priorities. All staff must identify and prioritise their training and development needs during the annual Appraisal process and via ongoing two-way communication with their manager.

The organisation is committed to delivering the highest standard of service and care to the population which it serves. To achieve and maintain a first class service it is the responsibility of the organisation and its managers to ensure that members of staff have a clear direction and purpose regarding their role and are trained and developed to meet the knowledge, skill and competence requirements of their job.

These commitments and responsibilities can be achieved via the regular application of the organisation's Appraisal processes, resulting in the use of Personal Development Plan (PDP) and Continuing Professional Development (CPD) opportunities which identify and meet the individual's training and development needs. It is therefore important that all training undertaken has been identified via the appraisal process, and planned to satisfy personal, departmental and Divisional strategic objectives. Training events for which study leave is granted will, in the overwhelming majority of cases, be reflected by the developmental needs identified in an individual's PDP and in the case of certain professional groups, also form a significant element of their CPD or wider developmental needs.

Key Messages Within This Policy

- The organisation is committed to the appropriate training and development of all its staff.
- The need to identify and provide training needs via Personal Development Plans.
- The recognition that not all training and development actions will require study leave.

The final decision on what can be reimbursed within the parameters of this policy lies with the manager.

3 PURPOSE

The purpose of this policy is to ensure that the organisation adopts a fair and consistent approach to the granting of study leave for education, training and employee development. The organisation believes that appropriate training is crucial to the future development of the organisation and its services, and wherever appropriate, the organisation wishes to support staff in their continued development. With limited resources it is essential the maximum value is obtained from the training resources available.

The organisation must also be able to demonstrate that the resources invested in education and training/education are used to meet the needs of its service plans and are applied cost effectively. Additionally, this policy and its guidelines are intended to inform managers and staff on the methods

used for application and approval of study leave, all of which will be supported by the organisation's Appraisal processes. Managers and staff must therefore adhere to the following guidelines.

4 APPLICATION

This Policy is designed to be applied to all staff within the organisation, whatever their role or profession.

5 SCOPE

Any event of “off the job” training and development included in an individual’s PDP and/or as a part of their Continuing Development activities, should be recorded by using a Study Leave Form and will fall within the remit of these policy guidelines. It is important that attendance at all appropriate events is recorded in this way for purposes of PDP and CPD, risk management and record keeping. For the purposes of consistency it will also be necessary to complete a Study Leave Form for approved requests under the legal right to ‘Time to Train’ (see Appendix C).

Examples of activities requiring Study Leave include:

- Courses of vocational training such as college or university courses.
- Attendance at short courses such as a 1-day workshop.
- Attendance at professional conferences.
- Participation at development activities such as coaching or clinical supervision.

NB:

- Study Leave Forms should also be completed where leave is not required but expenses will be incurred.
- Accredited Trade Union representatives are entitled, under law, to be given appropriate time off (study leave), with pay, to attend relevant and recognised training courses.
- A Study Leave Form is not required to authorise attendance at in-house mandatory or statutory training courses.

6 FURTHER ADVICE

Advice in the use of this Policy is available via the Workforce and Organisational Development team.

7 ROLES AND RESPONSIBILITIES

The Role of the Manager

The ultimate responsibility for employee development in line with individual, departmental, and organisation requirements lies with the Executive Team. However, in respect of the practical granting of employee study leave the responsibility lies with the Authorising Manager (normally the line manager or departmental manager). Managers must identify the purpose, direction and objectives

of their department in line with the business objectives, set the standards of performance required and through the Appraisal process identify the training needs in terms of skill and knowledge required for their staff to effectively perform their roles. Managers will then need to be able to prioritise these needs.

The evaluation of learning and the application of associated benefits to the workplace or for the individual is an essential element of staff and organisational development, therefore to help facilitate this, and monitor the transfer of learning to the workplace, the manager and employee must commit to and use the strategies identified in the 'Study Leave Guidance Notes' (see Appendix A) prior to any study leave being granted and this should be reviewed at appropriate times following the event.

Where appropriate, managers should provide individuals with the opportunity to share their training with colleagues, in a formal or informal setting, e.g. departmental meeting, 'Lunch & Learn' session or any other appropriate forum.

8 CRITERIA FOR APPROVAL OF STUDY LEAVE

With the exception of statutory and mandatory training, study leave is granted at the discretion of the organisation as is the re-imbursement of expenses. **It must be stressed that study leave expenses are not granted as a right.** NB: staff attendance will not be enforced at courses where expenses are not payable.

It may often be the case that members of staff will discuss with their manager a personal contribution in terms of their time when the Trust is paying fees etc. This is acceptable and is a personal negotiation between the manager and the individual, but note should be taken of the need for equity in these circumstances. NB: managers should consider staff's domestic arrangements when negotiating on issues of flexibility.

All applications for study leave should be judged by the authorising manager against the following criteria:

- That the training event, course or conference is included in the individual's PDP and/or is necessary for their Continuing Professional Development.
- It should be of benefit to the person concerned, the department and to the organisation.
- The costs of the event are not excessive in relation to its apparent value. *This can rarely be established without a knowledge of the contents of the course/conference (a copy of which should be provided with the application form) and the person's present or future duties, KSF Outline and training and development needs.*
- Resources are available and the member of staff can be released in order to attend. *Consideration needs to be given to the impact on service provision before authorisation is given.*

8.1 Legal Right to Request Time To Train

Study Leave and expenses should only be agreed where the above criteria are met. Once granted, study leave should not be cancelled unless there are exceptional circumstances, and wherever possible an appropriate alternative delegate from within the organisation should be sourced to attend events where refund of monies paid is not possible. **Legal Right to Request Time to Train**

Under Section 63D of the Employment Rights Act (1996) Digital Health & Care Wales has a legal obligation to 'seriously consider' a formal request from employees (who have been employed by the

organisation continuously for at least 26 weeks) for unpaid time away from their core duties to undertake training.

There are clear procedural guidelines to support both staff and managers in making, administering and responding to 'Time to Train' requests presented as Appendix C.

9 CATEGORIES OF STUDY

9.1 Mandatory

For training/education to be considered mandatory it must be identified as essential for all or some staff groups by either departmental management or at Executive level, or a professional body. Training/education is normally considered mandatory when there is an obligation to deliver the training/education on grounds of health and safety, or some other duty of care towards staff or services.

9.2 Statutory

Statutory training/education, as the term suggests, is identified via statute. However, in some instances the law is not prescriptive, and instead organisations are expected to follow "codes of practice" that have no formal legal status. Nevertheless, in cases of vicarious liability¹ organisations will be assessed on whether or not they follow the codes, e.g. in cases of negligence. In these situations, the Executive Board would normally consider such training/education to be mandatory.

9.3 Essential

The organisation will support training/education that adds value to the service. The degree to which the organisation will support training/education, will depend on whether the training/education is defined as essential or desirable. For training/education to be considered essential it must have been acknowledged as such by the employee's manager on the grounds that it meets one or more of the following criteria:

The training/education supports:

- the delivery of services, a National Service Framework, or another national strategy identified by Welsh Government,
- some other organisation change, or service development that is outside of the criteria in the previous paragraph, but which has been identified as part of the organisation's Integrated Medium Term Plan.
- the training/education has been identified as essential on a person specification and KSF Outline, relating to a particular job role and as such, it relates to the competence required for that post,

¹ An employer is vicariously liable for negligent acts or omissions by his employee in the course of employment whether or not such act or omission was specifically authorised by the employer. To avoid vicarious liability, an employer must demonstrate either that the employee was not negligent in that the employee was reasonably careful or that the employee was acting in his own right rather than on the employer's business.

- the training /education has been identified as part of an individual's PDP, or as a result of essential CPD points accrual, and is required to enable the individual to perform to the level of competence that would be assessed as acceptable for that person's job role.

9.4 Desirable

Training/education that has been identified as desirable will enable an employee to develop beyond the basic requirements of their current role, and as such may add value to the service or individual. However it is not considered fundamental to the member of staff's basic competence to do their job. Training/education that is considered desirable will normally be identified as part of a staff development review, or through a route of CPD review.

The granting of Study Leave or expenses for training/education that has been identified as desirable is to be considered with reference to the balance of Essential and Desirable requests which have been/are likely to be made, individual/organisational benefits and learning transfer; along with wider resource considerations (E.g. workplace cover & financial constraints).

NB: Courses Lasting More Than One Year.

Support can be given for such courses, but managers need to be particularly aware of the level of commitment required from the organisation and the applicant in such cases. Approval for a course can in some instances only be granted for one academic year at a time. This is because the level of support offered in the future may vary dependent upon service demands, availability of finance and training and development priorities.

10 STUDY LEAVE APPLICATION PROCEDURE

- 1 All applications must be discussed and agreed in advance with your manager.
- 2 All information requested on the study leave application form must be completed before final approval is given.
- 3 Completed application forms should normally be submitted as soon as possible prior to the closing date for receipt of applications. Failure to do so may result in the application not being processed in time.
- 4 Retrospective submission for approval will only be granted in exceptional circumstances.

11 PROCEDURE FOR THE PROCESSING OF STUDY LEAVE APPLICATION FORMS

Study Leave Application Forms should be fully and accurately completed by the applicant, with appropriate attachments, before the manager's signature is requested. The manager will clearly define, and indicate on the form, the level of support being granted, bearing in mind equity within the department, the needs of the service, the benefits to the individual, department and organisation and the costs involved. Once all sections of the appropriate study leave form have been completed

an authorised signatory will complete the form by signing it, dating it and forwarding it as appropriate.

The manager will arrange for the study leave forms to be processed:

- First copy - Workforce & Organisational Development
- Second copy - Department Manager
- Third copy - Finance Department
- Fourth copy - Personal e-file
- Fifth copy - Applicant

NB: Applicants and manager's co-operation is requested to ensure ALL copies of the form are legible and completed in full (or photocopied). It is acceptable to complete this form electronically.

12 STUDY LEAVE AS PAID/UNPAID LEAVE

Study leave can be approved as either paid or unpaid leave, dependent upon the statutory/mandatory, essential or desirable status of the learning and bearing in mind the availability of resources, normal working hours of the applicant and whether a course is held on a working day.

NB: mandatory and statutory courses should be granted paid study leave. This is subject to negotiation between the individual applicant and the manager who should always be aware of the principles of equity within the Department when negotiating on this issue.

NB: Please take account of the legal right to request unpaid leave under the 'Time to Train' legislation in this regard. Further advice is presented as Appendix C.

As a general rule staff who attend courses that require attendance for an afternoon and evening (E.g. University courses) should be expected to work for the organisation in their usual capacity during the morning of that day. If managers wish to offer morning release from the workplace then staff should be expected to work the hours owing at another, pre-agreed time, or it may be granted as unpaid leave at manager's discretion.

Additionally – staff who are not expected to attend their University/College on their usual Study Leave day, perhaps due to academic holidays, should be expected to work for the organisation in their usual capacity as there is no attendance-based reason to grant Study Leave for that day. It is possible for individual managers to grant either paid or unpaid Study Leave for purposes of revision or assignment completion, and this is a matter for personal negotiation between the manager and the individual, but note should be taken of the need for equity.

13 FINANCIAL ASSISTANCE/EXPENSES

General

It must be stressed that reimbursement of study leave expenses and related expenses, is not a right. Course/conference fees must be accurately indicated on the study leave application form before a manager can grant approval.

Conditions of Reimbursement

Reimbursement of Study Leave expenses may be granted if an application fulfils the criteria for approval of study leave. Staff should be informed of and understand the level of reimbursement before the study leave commences. Expenses will be reimbursed in line with the amount/s approved by the manager and notified to the finance department and Workforce & Organisational Development. Guidelines on reimbursement are provided below.

14 GUIDELINES ON RE-IMBURSEMENT

The support identified in this section is for guidance only - it is flexible and the final decision rests with the Manager and can be subject to negotiation between the Manager and the applicant, although Managers should be aware of the need for equity in these circumstances.

14.1 Course/Conference Fees

As a guideline course/conference fees will be funded 100% in cases where the training/education is defined as mandatory, statutory, or essential, or where the organisation has otherwise agreed that training/education will be offered free of charge. As a guideline course/conference fees will be funded 50-100% (locally negotiable) where the training/education is defined as desirable, with local negotiation between employee and manager being required to determine a suitable and equitable percentage. The employee will then be responsible for personally meeting any shortfall in fees.

14.2 Scholarships

Wherever possible employees should be encouraged to seek scholarships to support their course of study. Support and guidance in this area is available from line managers or Workforce & Organisational Development.

14.3 Examination Fees

Examination fees will be funded 100% for any programmes defined as mandatory, statutory or essential, and 50-100% (locally negotiable) for programmes defined as desirable. In the case of courses that are identified as mandatory, statutory or essential, the organisation will fund, one re-sit of examinations. However, the cost of further re-sits will be met by the individual unless there are exceptional circumstances. The organisation will not contribute to the cost of any re-sit for courses that are identified as desirable.

14.4 Registration Fees

Registration fees will be funded 100% for any programmes defined as mandatory, statutory or essential, and 50-100% (locally negotiable) for programmes defined as desirable.

14.5 Professional Membership Fees

Membership fees of professional institutes or other bodies are wholly the responsibility of the member of staff and will not be reimbursed by the organisation.

14.6 Additional Fees

Should any fees become payable, over and above those agreed at the commencement of a programme, the candidate must seek the advice of the manager giving study leave approval and

obtain written authorisation before incurring payment. Failure to do so will automatically render the employee liable for the fees

14.7 Subsistence

For courses that are defined as mandatory, statutory, or essential and involve overnight stays, a subsistence allowance may be claimed in respect of accommodation and meals, where these are not included in the course fees. (All costs must be justified and reasonable, receipted, and be agreed in advance with the Authorising Manager.). Where training/education is identified as desirable, members of staff will not be eligible for a subsistence allowance, also, staff attending day or block release courses will not be eligible to claim subsistence allowances.

Claims can be made in accordance with Agenda for Change provisions and organisation procedures, as appropriate, for any excess costs that are incurred during a period of study leave. These fall into two categories:

14.7.1 Overnight Accommodation

Accommodation should be booked by the individual using a personal payment method, repayment will subsequently be made via the expenses system upon proof of a receipt. To receive reimbursement staff will need to provide invoices/receipts for accommodation and meals.

14.7.2 Meals Allowance

- a) Where an employee unavoidably spends more on a meal than would have been spent at the normal place of work, or where meals are not included in the course fee etc., reimbursement will be made on production of a receipt.
- b) When an employee is on study leave away from base overnight or is required to leave home prior to 8.00am. and returns after 6.00pm they are entitled to claim for expenditure on meals, as agreed in advance with the authorising manager. This expenditure must be receipted.

14.8 Travelling Time

It is recognised that attendance at some courses necessitates significant travelling time or overnight stay before, during or after the event. Neither the Working Time Regulations 1998 or relevant Department of Trade and Industry guidance provide a definitive resolution to the issue of whether time spent travelling before or after a study leave event is classed as 'working time'. As such the following is provided as internal organisation guidance for local implementation within departments as necessary:

- Where the course of study is agreed as being Essential or Desirable by the manager and member of staff (but not Mandatory or Statutory), it should be noted that time spent on the course, or travel time to it, outside of normal working hours will not be considered as working time.
- No payment, or time in lieu, will be granted in relation to time spent travelling time to or from, or overnight stay before, during or after a study leave event.
- Wherever possible travel to and from a study leave event should be undertaken within the 'normal' working hours for the member of staff attending. Staff who normally work part time hours may request an alternation to their 'normal' working hours for the purposes of travelling

time. Managers are required to give all such requests due consideration and grant at their discretion and only if service demands allow.

14.9 Travelling Expenses

Travel expenses will be reimbursed for travel to and from courses that are identified as mandatory, statutory or essential. Where training/education is identified as desirable, members of staff will not automatically be eligible to claim travel expenses (locally negotiable). Travelling expenses which may be reclaimed are second class rail, bus and tube fares and in certain circumstances taxi and air fares. These should be agreed in advance with the manager, taking account of price, convenience and personal safety issues. The employee may travel by car, if preferred, when reimbursement will be at Public Transport rates with allowances for passengers. Only excess travelling may be claimed, i.e. anything in excess of normal expenditure in travelling to and from work. Employees will be expected to share car journeys where appropriate.

NB: Travel expenses will be paid in line with the organisation's current policy and managers should note that travel claims will not be centrally funded. Also please note that all employees will be expected to take advantage of cheap fares whenever possible.

14.10 Payment of Expenses

All payment and reimbursement of expenses is dealt with by the organisation's Finance Department. Study leave expenses must be claimed using the form as detailed in the Training Request Procedure (Appendix B)

14.11 Re-imbursement for Materials, Books and Other Resources

Staff are expected to pay for any materials, books or other resources that they need when undertaking a training/education programme. However, authorising managers may consider funding the cost of books (50-100%) if deemed appropriate; E.g if the purchase is of resources that could be used by a number of employees (providing the books are placed within a library or resource centre).

14.12 Typing, Photocopying & Binding of Course Work

Expenses incurred for typing, copying or binding of dissertations or assignments are to be met by the member of staff.

15 REPAYMENT OF FINANCIAL SUPPORT

Managers must ensure as far as is possible, that any employee of the organisation who wishes to undertake training either involving regular release over one academic year or more and/or is applying for study leave where there is significant financial outlay, is intending to remain in the organisation for at least two years after the training/course is completed.

Any employee who is thinking of undertaking such training and who may be entitled to financial assistance from the organisation must be made aware of the commitments they have to both completing the course and to the organisation itself. Serious consideration should be given to the possibility of reclaiming the financial assistance given if an employee fails to complete the course or leaves the organisation within two years of finishing it, without good reason. Reclamation rates are based on the following:

The period of time elapsed between final date of course attendance, assignment submission or examination attendance (whichever falls on the most recent date and/or would be considered the 'end' of the course) and employee leaving Digital Health & Care Wales employment falls within this period:	% of the course cost, met by Digital Health & Care Wales, for the total, or final year* (*in cases of Further or Higher Education courses where attendance extends beyond a single academic year), fees to be repaid by the employee:
12 months	50%
18 months	25%
24 months	10 %
<i>NB: The pursuit of financial reclamation will be at Director's discretion.</i>	

It is the authorising manager's responsibility to explain the conditions for granting leave and financial support with regard to continued employment in the organisation. It is recommended that the Authorising Manager obtain a signed agreement from the applicant confirming their intention of remaining in the organisation for two years and an understanding that the financial assistance or a proportion thereof may be reclaimed. Further advice and an appropriate agreement is available from Workforce & Organisational Development.

It is also a condition of financial support that members of staff who have been offered/have received financial assistance to attend training/education may have support withdrawn/be required to reimburse the organisation in certain other circumstances. In the case of monies being reclaimed, an appropriate sum may be deducted from the member of staff's salary. It is not possible to be totally prescriptive about this, since the circumstances of each individual case will vary. Before a decision is made the matter will be discussed with the individual, their manager, and where relevant the training/education provider and/or budget holder. During such discussion, the employee may be accompanied by a trade union representative, or a work colleague. Where monies are to be withheld/reclaimed, the Payroll Department must be notified as soon as possible by the employee's manager. However, no monies will be reclaimed whilst discussions are still in progress.

The organisation reserves the right to withhold support/ask for reimbursement in the following circumstances, although the individual circumstances of each case will be assessed on its merits:

15.1 Failure to Complete/Withdrawal From a Course

Where a member of staff fails to complete a course, or withdraws from a course following commencement, the member of staff may be asked to make a repayment of the financial assistance provided by the organisation, unless there are exceptional circumstances, or a medical certificate is provided in the case of sickness. N.B. Failure to sit exams or assignments after the normal period of instruction will count as failure to complete a course.

15.2 Unsatisfactory Progress

Where a member of staff is unsuccessful in examinations or assignments at the second attempt, the organisation will not provide any further assistance or time off.

15.3 Unsatisfactory Level of Attendance

Where attendance on a course falls below the minimum acceptable to the training/education provider/awarding body, taking into account illness, annual leave, and/or other extenuating circumstances, the employee may be asked to make a repayment of the financial assistance provided by the organisation.

16 PRE-PAYMENT OF FEES

If the organisation has agreed to fund or part fund course fees, the applicant can be issued with a letter instructing the college/course organisers to invoice the Finance Department. If necessary, and with the individual's agreement, the applicant's proportion of the fee will be deducted from their salary via the normal process.

17 ACCEPTANCE OF GIFTS AND HOSPITALITY/SPONSORSHIP

Care should be taken in accepting sponsorship or honoraria from commercial sources to speak at or attend conferences, courses, etc. particularly where these are sponsored wholly or in part from a single commercial source.

18 LEASE CARS

In normal circumstances, all employees participating in the organisation's Car Lease arrangements will be expected to use their lease car for travel to and from their place of study.

19 WORKING TIME DIRECTIVE

For the purpose of calculation of hours of work under the European Working Time Directive, training on a course run by an education institution or training establishment is excluded. However, work related training provided by a commercially run body, during normal working hours should be included. Staff are advised to follow existing local procedures, taking account of EWTD as necessary; and to seek advice from Workforce & Organisational Development as appropriate.

NB: You may wish to refer to the 'Travelling Time' section on page 13 for further guidance on travelling time as working time.

20 DEFINITIONS

TERM	DEFINITION
Study Leave	Study leave is defined as 'leave of absence from normal working duties for an event directly related to an individual's training and development' as identified within the individuals personal development plan.

Appendix A

STUDY LEAVE GUIDANCE NOTES FOR MANAGERS

ADVICE TO MANAGERS

These notes are to help you make sure that the person attending a course gains the most from it and returns to work with clear priorities to implement what has been learned.

PRE-COURSE

- 1 Create the right frame of mind and tell the individual that;
 - By identifying this learning need via the KSF Development Review and PDP process, the organisation is making a considerable investment, which is a sign of the individual's value and potential.
 - The benefits are two-way. The organisation will have a more effective employee, and the individual will have the opportunity to:
 - Learn new skills
 - Brush up on old ones
 - Gain the enthusiasm needed to become more effective at work
 - Overcome problems and find better ways of doing things, allowing for achievement of their KSF Post Outline competencies.
 - Develop themselves and enhance prospects for progression and promotion.
- 2 Review the course content together and ensure that learning objectives are set and recorded on the Study Leave application form.
- 3 Tell the individual that following the course they will be encouraged to develop a list of specific Action Points, which when implemented will improve results at work.

ON RETURN FROM THE COURSE

- 1 See the individual promptly, but briefly, to set a date to discuss the course learning in an 'Evaluation Meeting' – a guideline would be in approximately 3-5 days time to allow time for the employee to review and reflect upon the learning and it's usefulness in the workplace.
- 2 At the 'Evaluation Meeting':
 - Ask the individual to outline the course briefly and give an overall reaction to it – its relevance, its use, the way it was conducted etc.
 - Ask the individual to evaluate whether each of the original Learning Objectives have been met (in full or partially). Explore what future learning might meet essential learning objectives that have not been achieved by this course.
 - Ask the individual for 'Action Points' arising from the course, and discuss what is to be done, how, by when and what help you can give. You may need to ask specific questions to ensure that precise actions have been defined. Do not allow vague generalisations to pass, e.g. 'improve communication'.
 - Explain that you will both review progress, in, say, two to three months time but you will be monitoring progress and will be available for help and advice in the meantime.
 - Update the Evaluation of Learning section of the PDP within the e-KSF tool.
 - Review any further learning needs which have been identified as a result of this course and ensure to add to the individual's PDP if appropriate.

GENERAL POINTS

When arranging time for preview/review, always set times and dates for meetings and put in your

diary rather than making it 'sometime next week' or 'Friday afternoon'. Be specific and allocate adequate time for discussion. Also, brief the individual so they can prepare in advance.

Appendix B

Training Request Procedure

Appendix C

LEGAL RIGHT TO REQUEST 'TIME TO TRAIN'

PROCEDURES TO BE FOLLOWED

Under Section 63D of the Employment Rights Act (1996), which came into force in April 2010, Digital Health & Care Wales has a legal obligation to 'seriously consider' a formal request from employees for time away from their core duties to undertake training and respond within 14 days of receiving the request.

To make a request for time to train an individual must be an employee of Digital Health & Care Wales and have been employed by the organisation continuously for at least 26 weeks on the date they make their request.

Upon receipt of a request for training the line manager will consider the request holistically, taking into account:

1. The applicability of the learning to the employee's current role
2. Value of the learning to the wider team and workplace given current and future objectives
3. Future career development of the individual
4. Service development/improvement
5. Motivational factors for the individual

Employees have a legal right to make requests to undertake any training which they believe will improve their workplace effectiveness, and the performance of Digital Health & Care Wales. Employees can request training that is delivered in whichever way they believe is most appropriate and effective. There is no limit on the amount of time - or the amount of study or training - that an employee can request. Employees can ask to undertake more than one piece of training in a single request for time to train, e.g. where they would like to improve their literacy and numeracy skills in addition to another piece of training.

Payment for time spent training

Employees will have the right to request time to undertake training. They do not however have the right to be paid for the time spent training. This may be agreed to as a result of recognising the organisational value of the investment. It is therefore appropriate to consider an agreement with the employee that they will work flexibly to make up the time spent training, or that they will take unpaid time off to train.

Request Decisions

Acceptance of the request may be made in the following ways:

- Digital Health and Care Wales is content to accept in full the employee's proposals for training as set out in their request.
- Digital Health and Care Wales is content to accept the request, but the line manager may stipulate that the training need can be met in a different way to the request proposal. *E.g, accessing in-house opportunities rather than using an external training provider, or discussion of alternative courses or qualifications that would better meet the training need the employee has highlighted.*

Refusal of an employee's request for time to train may legally only be made based on one of the following reasons:

1. The proposed study or training would not improve the employee's effectiveness in the organisation
2. The proposed study or training would not improve the performance of the organisation
3. The burden of additional costs
4. Agreeing to the request would have a detrimental effect on the ability to meet service demand

5. Digital Health and Care Wales would be unable to reorganise work among existing staff
6. Digital Health and Care Wales would be unable to recruit additional staff
7. Agreeing to the request would have a detrimental impact on quality
8. Agreeing to the request would have a detrimental impact on performance
9. There would be an insufficiency of work during the periods the employee proposes to work
10. There are planned structural changes during the proposed study or training period

Communicating Digital Health & Care Wales Decisions on 'Time to Train' Requests

Once the request has been considered and a final decision made, the line manager will need to confirm that decision to the employee in writing no more than 14 days from receipt of the original request.

1. Notifying an employee that their request has been accepted

Confirm the details of agreement to an employee's request in writing, including the following details:

- The subject of the study or training
- Where and when you expect that it will take place, and over what period
- Who will provide or supervise the training
- What qualification (if any) the training will lead to the award of
- How the training time will be taken - eg whether it will be paid, unpaid, or whether the employee will work flexibly whilst undertaking the training
- How the costs of the training will be met

NB: If approval of an employee's request involves changing their terms and conditions - e.g. a change in working hours or if training time will be unpaid - then normal practices should be followed for informing Workforce & Organisational Development of changes.

2. Notifying the employee part of their request has been accepted

An employee might request more than one type of study or training at once which results in agreement to part of the application but refusal of another part. The decision notice must include the information above and make clear which part of the application is being agreed to and which part refused, with reasons described as defined below.

3. Notifying the employee when a different training outcome has been agreed

If agreement has been reached with the employee to meet their training need in a way which differs from the original request your written notification should confirm the details of your agreement, including written evidence of the employee's agreement to it. N.B: it may be helpful to draft such an agreement with the employee at the meeting where this is discussed.

4. Later withdrawal of agreement

An employee's request may gain agreement in principle, but various reasons may suggest that circumstances in which you may need to later withdraw that agreement may arise. In such cases, you should agree with your employee the circumstances in which you will withdraw your agreement. You should also confirm this in writing to the employee as part of your written acceptance of their request. N.B: it may be helpful to draft such an agreement with the employee at the meeting where this is discussed.

5. Notifying an employee that you have rejected their request

If an employee's request for time to train is refused, you must inform them of your decision in writing, setting out:

- which of the business reasons you are turning down their request for
- why the business reason, or reasons, apply in their circumstances
- the appeal procedure
- the date of the notice

Meetings to discuss rejection of a request

It may be appropriate to convene a meeting to communicate the rejection decision or discuss the rejection in further detail. If a meeting is required the employee has a statutory right to be accompanied by a colleague of their choosing who also works for Digital Health & Care Wales, e.g. a union learning representative. The companion can address the meeting and confer with the employee during it but may not answer questions independently of the employee.

If the companion is unable to attend the meeting, the employee can ask that the line manager rearrange the meeting. The time the employee proposes must be convenient for all attendees and should take place within 7 days of the date originally proposed for the meeting.

Digital Health & Care Wales must pay the employee and their companion for any time taken away from their normal working duties to attend the meeting.

Appealing 'Time to Train' Request Decisions

An employee can appeal to Digital Health & Care Wales to challenge an original decision. They must make their appeal in writing within 14 days of receiving the written notice refusing their request or part of their request.

The appeal notice must be dated and must set out the employee's grounds for making the appeal.

An employee might appeal because they want to either:

- Challenge a fact given to explain why the business reason applies
- Bring to your attention something you weren't aware of when you rejected the application, e.g. that another member of staff is now willing to cover the hours the employee wishes to train.

The appeal must be sent to the Workforce & Organisational Development team, who must act within 14 days of receipt. If it is practical, the appeal will be reviewed by a different manager to the person who considered their initial request.

If Digital Health & Care Wales decide to accept the appeal, the employee will be sent a letter setting

out the same information as is required when accepting an initial request.

If Digital Health & Care Wales do not accept the appeal, an appeal meeting will be convened within 14 days of receipt of the employee's appeal notice. The principles on the right to be accompanied pay for attending the meeting and what happens if the employee fails to attend are the same as for the initial meeting.

In either circumstance the employee must be informed of the outcome of their appeal in writing within 14 days of the date of the meeting.

[Training Request Form / Study Leave Form](#)