



People, Performance and Development Committee
25 September 2017

Surrey County Council New Learning Agreement

Purpose of the report:

The purpose of this paper is provide Members of the People, Performance and Development Committee with background on the use of Learning Agreements within Surrey County Council, outline the rationale for introducing a revised Learning Agreement and seeking approval to implement a new Learning Agreement for the Council.

Recommendation

It is recommended that the People, Performance and Development Committee approve the implementation of a revised Learning Agreement for Surrey County Council Staff undertaking a qualification that is paid for by the Council via Directorate devolved budgets.

Introduction

The aim of a Learning Agreement is to set out the terms and conditions for the provision of training for the Learner and to set out the respective obligations and responsibilities of both the learner and Surrey County Council.

Current Status

1. Learning Agreements have been in place in several forms within Surrey County Council (SCC) over the last few years with each directorate or service creating different versions tailored to their needs. This has resulted in a number of different Learning Agreements in circulation and the subsequent impact of confusion and challenge that the appropriate and relevant Learning Agreements are not being used.
2. These have been managed within services and there is no recognised central system for recording and monitoring Learning Agreements.

The Requirement for a revised Learning Agreement

3. The Apprenticeship Reform and subsequent levy on SCC's pay bill has changed the way professional and accredited learning will be delivered in the Council.
4. In preparation for this, Adult Social Care and Children's Services have put their Social Worker and Occupational Therapist Degree Training Offer under review in the anticipation that the Apprenticeship Qualification for Social Worker and Occupational Therapist Degrees will be ready for delivery in 2018/2019. All current cohorts of the degree training will be finished by 2019.
5. The Education and Skills Funding Agency, together with Department of Education, have confirmed that it is not possible to impose any recovery clauses for qualifications attained by utilising the Apprenticeship Levy. The Skills Funding Agency guidelines published in March 2017 "Apprenticeship Funding: Rules and Guidance for Employees" Section 52.4: *not be asked to contribute financially to the direct cost of learning or assessment (this includes where an apprentice leaves their programme early - you must not claim training or assessment costs back from ex-apprentices).*
6. However, until such time Apprenticeships Standards can replace many if not all of SCC's training requirements, there will continue to be a need for devolved training budgets to be spent on professional qualifications.

Financial Implications

7. The repayment clause allows for the Council to recoup fee costs for a professional qualification. Services agree for learners to obtain a professional qualification at high cost to budgets and the team (i.e. absences from office, no backfill) and therefore a tie-in agreement has been stipulated over a course of two years post qualification. The repayment sum is calculated on the fees if an employee leaves within two years of completing the training paid for by the Council as it represents a genuine loss to the Council. The repayment clause only seeks to recover the cost of training the employee and is proportionate to the unexpired portion of the two year period.
8. The Legal Team have advised that the two year tie in period is proportionate. Any clause providing a full recovery of course fees over a longer period of time would be considered a penalty. The benefits of the training would have been realised in the years of employment following the training and the Council will have had that benefit. A much more limited clause has been implemented to recoup fee costs that is calculated on fees left within two years of completing the training paid for by the Council. The clause only seeks to recover the cost of training the employee and is proportionate to the unexpired portion of the two year tie in period.

Equality

9. A Learning Agreement clearly states the responsibilities of all involved in the learning process before it takes place. It clarifies expectations on all sides and helps to ensure commitment from the signatories towards the learner

achieving their qualification. By having a central version, all will be given the same

Next steps

10. It has been agreed at HRLT and Pay & Reward Board on 2 May 2017, that Employee Services will be responsible for creating a central system for recording all Learning Agreements and connecting them to Employee Records (SAP). They will also administer any Fee Clause Recovery requests.

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Annexes: Annex 1 – Proposed new Learning agreement

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