University of Essex

Policy on the Right to Request Time Off for Training

1. Aims and Purpose:

1.1 The University recognises that training and development benefits both the member of staff and the University, improving motivation, performance and retention.

1.2 The purpose of this document is to provide the University with a consistent framework for managers to consider individual requests for time off for training and to ensure that the University complies with all relevant employment legislation. Since 6 April 2010 all employees in businesses with 250 employees or more in England, Scotland and Wales have the right under the Apprenticeship, Skills, Children and Learning Act 2009 to request time to train. The right will be extended to cover employees in all businesses from 6 April 2011.

1.3 It is intended that this policy will operate alongside the University’s existing process for requesting training and development which is currently in the process of being revised. This policy does not apply to short courses or Tuesday Tasters arranged via Learning and Development or to any training organised by, or on behalf of, a staff member's trade union.

2. General Principles:

2.1 All members of staff have the right to make a formal request for training and the University has a duty to consider such applications seriously. There is no limit on the amount of time, or the amount of study or training, that a member of staff can request. A member of staff can ask to undertake more than one piece of training in a single request, e.g. where they would like to improve their literacy and numeracy skills in addition to another piece of training. However, there is no automatic right to insist on time off as there may be circumstances when the University is unable to accommodate a member of staff’s request.

2.2 The member of staff has a responsibility to think carefully about their desired training and development and its potential impact on their Department/School/Centre/Section, and to make an application well in advance of the date they would like to undertake the training.

2.3 The University is required by legislation to follow the procedure as outlined below to ensure that requests are considered seriously and consistently.

2.4 Where a request is agreed members of staff do not have the automatic right to be paid for the time spent training. Depending on the detail of a request, the University may agree that the individual will:

- work flexibly to make up the time spent training,
- take unpaid time off to train, or
- be paid for the time spent training.

2.5 The study or training need not lead to a qualification and may take place in or out of the workplace.
3. Eligibility:

3.1 Certain individuals are not eligible to request time off for training, specifically school leavers, who are otherwise provided for, and agency workers.

3.3 The purpose of the proposed study or training must be to help the individual develop skills relevant to their job or workplace. Whether the requested training will help the member of staff to be more effective at work is for the manager to determine following a discussion with the individual.

3.4 A member of staff can ask to undertake more than one piece of training in a single request.

3.5 If a request is accepted then, the member of staff has an ongoing obligation to keep their manager informed, for example, if he or she fails to attend or to complete the agreed study or training.

4. Making an application for time off for training:

4.1 A member of staff should give considerable thought to an application for time off for training.

4.2 The application form to make a request for time of for training can be found in Appendix 1.

4.3 An application for time off for training must:

- be in writing;
- detail the subject matter of the proposed study or training, where and when it would take place, the training provider, what qualification it would lead to (if any) and, critically, how it would improve their performance or that of the business;
- state that the application is being made under the statutory right to request time off for training;
- include details of the extent of any time commitment and cost.

4.4 The completed application form should be sent to the member of staff’s line manager for consideration.

5. Considering an application for time off for training:

5.1 Where an application is incomplete and the member of staff has not supplied all the required information, the manager should inform the individual about what has been omitted and ask them to re-submit the application when complete. The manager should inform the individual that the University may not consider the application until it is complete and re-submitted.

5.2 The manager will arrange a meeting with the member of staff to discuss the application, which will be held within 28 days of the application being received. The manager will ensure that the meeting is held at an appropriate time and place which is convenient to both parties. The manager may wish to discuss the request with the link HR Manager/Officer before the meeting.

5.3 The member of staff may be accompanied at the meeting by a Trade Union Representative or, if they wish, by another member of staff (acting as a companion and not in a
professional capacity). This companion may address the meeting or confer with the individual during it but is not allowed to answer questions on behalf of the individual.

5.4 If the member of staff or their representative is unable to attend the meeting, the meeting should be rearranged within 7 days of the original date.

5.5 Where a member of staff fails to attend the meeting without notification, the manager will contact the individual to ascertain the reasons for non-attendance. The meeting will then be rearranged to a mutually acceptable date. Where a member of staff fails to attend more than one meeting without reasonable explanation, the application for time off for training will be treated as withdrawn. The manager will advise the individual of this in writing within 7 days.

5.6 The manager will consider the application and whether the request for time off for training can be accommodated, taking into account business needs. The meeting allows both parties to discuss the requested training and to consider how it might be accommodated. Where the original request cannot be accommodated, the meeting allows the opportunity to explore alternative training options, which may be acceptable to both parties.

5.7 The Head of Department/School/Centre/Section will write to the employee confirming the manager’s decision within 14 days of the meeting and send a copy of the letter to the link HR Manager/Officer. If the manager needs more time to reach a decision, they will gain the agreement of the employee for an extension up to 14 days in which to inform them of the decision following the meeting.

6. Agreeing to the request:

6.1 If the request for time off for training has been agreed, this must be confirmed in writing including the following details:

- the subject matter of the study or training;
- where and when it is expected to take place and over what period;
- the training provider;
- what qualification it will lead to (if any);
- how the training time will be taken – i.e. whether it will be paid, unpaid or whether the member of staff will work flexibly whilst undertaking the training;
- how the costs of the training will be met.

6.2 If agreeing to the request involves changing the member of staff’s terms and conditions (e.g. a change in working hours or unpaid leave), the normal processes for making such changes should be followed.

7. Refusing a request:

7.1 If the request for time off for training has been declined, the letter confirming this decision must state the business grounds for refusing the request along with a sufficient explanation as to why the business grounds apply in the circumstances, and provide details of the member of staff’s right to appeal.

7.2 Requests for time off for training may be refused based on the following business grounds:

- training/study would not help improve the individual’s effectiveness or business performance/productivity;
• the burden of additional costs;
• detrimental effect on ability to meet customer demand;
• inability to re-organise work amongst existing staff or recruit additional staff;
• detrimental impact on quality or performance;
• planned structural changes; and
• insufficiency of work during the individual’s working period.

8. Appealing against the decision:

8.1 A member of staff has the right to appeal against a decision to refuse their request for time off for training if they feel it has not been properly considered. If the individual chooses to exercise their right of appeal, they must do so in writing, setting out the grounds for their appeal, within **14 days** of the date of the letter which notified them of the decision. Any appeal should be submitted to the Head of Department/School/Centre/Section with a copy to the link **HR Manager/Officer**.

8.2 A meeting will take place within **14 days** of receiving the appeal. A manager at an appropriate level will hear the appeal and the member of staff will have the right to be accompanied at the meeting, as outlined in section 5.3.

8.3 The member of staff will be notified in writing of the outcome of their appeal within **14 days** of the meeting. The decision made at the appeal meeting will be final.

9. Timescales:

9.1 There are two circumstances where the time limits set out above can be extended, as follows:

• through agreement between the University and the member of staff – the manager should keep a written record of such an agreement, specifying what period the extension relates to and what date the extension will end. This record should be dated and a copy should be provided to the individual.
• through the manager’s absence – in such cases, upon their return, the manager should acknowledge receipt of the application in writing and state that an extension has been applied and for what duration.

10. Withdrawal of applications:

10.1 An application may be considered as withdrawn if:

• a member of staff withdraws their application.
• the member of staff fails to attend two meetings to consider the request without reasonable explanation.
• the member of staff unreasonably refuses to provide information to enable the University to consider the request.

Any questions and/or queries on the application of this policy should be directed to the link **HR Manager/Officer**.

Human Resources
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