



Time off to Train

Procedure & Guidance

The University is committed to equality of opportunity in employment for its staff and recognise the benefits of staff development for individuals and the institution as a whole and provides a wide range of opportunities for staff to undertake personal and professional development.

Line managers across the University already support staff to take paid time off to attend staff training and development activities such as courses, workshops and conferences that may be run by a variety of departments across the University. These are often open to all staff on a range of subjects and differ in length and detail. The University recognises that other courses may be appropriate for some employees to support their professional development.

The University has a responsibility to maintain services in order to meet business needs and there is no automatic right to time off for study or training. However, managers are encouraged to try to accommodate an employee's study leave needs where practicable.

The aim of this document is to inform employees and managers of their rights relating to time off for study or training.

Statutory entitlement

From 6 April 2010 employees with at least 26 weeks' continuous service have a statutory right to request *unpaid* time off for study or training; this is described as 'time to train'. Requests made under 'time to train' must be supported by evidence showing how the study or training will improve:

- the employee's effectiveness at work; and
- the performance of the business of the University.

There is no statutory limit on the length of time that can be requested for such study or training. 'Time off to train' is not an automatic right and has to be requested by the employee.

Employees' requests can be to undertake accredited programmes leading to a qualification, or for unaccredited training to help them develop specific skills relevant to their job, workplace or business.

The following groups do not have the right to request time off to train:

- Agency workers
- Members of the armed forces
- Young people of compulsory school age
- Young people who already have a statutory right to paid time off to undertake study or training under section 63A of the Employment Rights Act 1996)
- 16- or 17-year-olds who are already under a duty to participate in education or training as a result of Part 1 of the Education and Skills Act 2008
- 18-year-olds who are treated as if Part 1 of the Education and Skills Act 2008 applies to them.

What can employees request?

Employees can make requests to undertake any training which they believe will improve their effectiveness in their role and the performance of the University. Most study and training requests, and corresponding entitlements to

time off, should be discussed and agreed as development requirements as part of the employee's annual PDR or AAPR or during regular 121s with managers.

The training can include accredited programmes (leading to the award of a recognised qualification) or shorter unaccredited training to help them develop specific skills relevant to their job, workplace or business.

Employees can request training that is delivered in whichever way they believe is most appropriate and effective. For example, they might request training which would be:

- Undertaken on the employer's premises or elsewhere, including the employees home
- Delivered whilst they are performing their employment duties or separately
- Provided or supervised by the employer, a local college or training provider whether in person or virtual
- Undertaken without supervision
- Undertaken within or outside the UK

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 off to train, e.g. where they would like to improve their literacy and numeracy skills in addition to another piece of training. Employees are only able to make one application under 'Time to Train' in any twelve month period.

Procedure for requesting Time off to Train

An employee must submit an application form to their Line Manager in the first instance. Employees are only able to make one application in any twelve month period. (Unless any of the criteria in Section 5 applies).

Within 28 days of receiving a request, Human Resources and the Line Manager will arrange to meet with the employee. The meeting will explore the time off to train request and discuss how best it might be accommodated. The employee can be accompanied to the meeting by a work colleague or Trade Union Representative.

Within 14 days of the date of the meeting, HR will write to the employee with the decision on the time off to train request. If accepted the Line Manager will indicate the training start date or if denied, will provide the clear business grounds as to why the application has been refused and the reason why these grounds apply. The appeals procedure would also be explained.

The business reasons used are limited to the following areas:

- The proposed study or training would not improve the employee's effectiveness in the business
- The proposed study or training would not improve the performance of the business
- The burden of additional costs i.e. of backfilling role would be too great
- The proposed study or training would have a detrimental effect on the ability to meet customer demand
- Inability to reorganise work amongst existing staff
- Inability to recruit additional staff
- Detrimental impact on professional standards (quality)
- Detrimental impact on performance
- Insufficient work during the periods the employee proposes to work
- Planned structural changes

How should eligible employees apply?

The employee must apply in writing to their Line Manager using the application form on the HR webpages under policies and procedures. The application must include;

- the subject matter of the proposed training or study
- where and when the proposed training or study would take place
- who would provide or supervise it
- what qualification it would lead to (if any)

- Explain how they think the proposed training or study would improve their effectiveness and performance in the University
- Sign and date the application

The original application should then be given to the Line Manager. The application provides the employee with the opportunity to set out reasons why they have requested time to train.

Ignoring previous requests

There are three circumstances in which the employee, having submitted a further request, may ask for an earlier request submitted within the last 12 months to be ignored. These are:

- Where the employee notifies that they mistakenly submitted an earlier request before 12 months elapsed and they wish to withdraw the earlier application
- Where the employee did not undertake training that was agreed following a request because the training was cancelled – unless this was due to their own conduct in relation to the study or training.
- Where the employee failed to start training that was agreed as part of a request because of some unforeseen circumstance beyond their control

In these circumstances, the University will ignore the earlier application and consider the present request.

Appeals

Employees have the right to appeal against the decision within 14 days of being notified of the outcome. The appeal must be in writing and set out clearly why they are appealing. A meeting will be set up to discuss the appeal within 14 days and the employee will receive a written response from their Line Manager with a decision 14 days after this meeting. Appeals will be heard by the Manager above the employee's Line Manager.

The Employee's Right to be accompanied

The employee may ask to be accompanied to any meeting to discuss their time off to train, and to any appeal meeting if their request is declined. They may be accompanied by someone who is either a Trade Union representative or a work colleague. The companion may address the meeting and confer with the applicant during the meeting, but may not answer questions on the applicant's behalf.

If the person they choose is not available at the time proposed for the meeting by the Line Manager/University then the Line Manager may propose an alternative time which suits all parties. This should fall before the end of seven days beginning with the first day after the day originally proposed by the Line Manager.

Extension of time limits

Where both the Line Manager and employee agree, there may be an extension to time limits (this could be needed if for example, a Line Manager needs to consult colleagues/Human Resources to see if the proposed arrangement is feasible). A record should be made by the Line Manager of any agreed extension to time limits. Where the individual who would be expected to consider the application is absent because of annual/sick leave, the period commences on the day of return or 28 days after receipt of the application, whichever is the sooner.

Payment for time spent training

Employees will not be paid for the time spent training if the request is agreed. Where appropriate, an agreement may be reached with an employee that they will work flexibly to make up the time spent training, or that they will take unpaid time off to train.

The University is not obliged to meet the costs of the study or training but will consider this, where requested (this may be in full or partial costs). A number of factors will be taken into account that may include; the length and duration of training/study, relevance to current job, budget availability and return on investment.

Withdrawal of the Application

An application may be considered as having been withdrawn in the following circumstances:

- The employee notifies the Line Manager in writing that the application is being withdrawn (if it is unclear whether your application has been withdrawn, HR will write to you seeking clarification)
- The employee fails to attend a meeting to discuss the application or an appeal meeting more than once i.e. fail to attend 2 meetings
- The employee fails/refuses to provide your Line Manager with information that he/she requires in order to assess whether time off to train can be granted.

Associated Programmes

Where a member of staff is sponsored by the University through the central UoL Programmes Funding Scheme, managers are agreeing to work flexibly with staff to enable them to complete this programme and therefore the member of staff does not need to complete a separate application under 'Time off to Train'. These arrangements must be considered before a manager agrees to support the application for funding. This also applies to Apprenticeships programmes funded through the University's Apprenticeship levy scheme where staff apprentices are entitled to 20% of their working time to support their studies.

Time off to train process

