

## **TIME OFF TO TRAIN POLICY**

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## 1. Introduction

This Time Off to Train policy and procedure follows legislation on time off to train as outlined in *The Apprenticeships, Skills, Children and Learning Act 2009* and the *Employee Rights Act 1996*.

This policy augments the already generous [staff development](#) provisions offered by the College. It is envisaged that it will be used by staff only in the exceptional circumstance that they are unable to access and use the resources already widely available for all staff, via informal routes. Therefore, members of staff wishing to train are encouraged to explore their request with their line manager prior to using this policy and procedure and to check what is already available across the College. Staff should also note that, unlike training agreed under this policy, training agreed to via an informal route will not be subject to a minimum continuous service qualifying period and time off work to undertake training, where agreed via an informal route, will be paid.

Under this policy staff may apply to attend accredited programmes leading to a qualification, or unaccredited training to help them develop specific skills relevant to their job or the College.

Requests agreed under this policy provide **unpaid time off** to undertake training. Therefore, prior to making their request, the member of staff should consider carefully the implications of a reduction in pay, and the impact on pension contributions and benefits which may also be reduced accordingly. Further advice can also be sought from the [Pensions Team](#)

This procedure provides advice for line managers and members of staff about how the right to request time off to train operates and the duty of line managers to consider all such requests seriously.

### Equality and Diversity

The College treats equality of opportunity seriously and has an equality framework that is applicable to staff in order to promote and ensure equality of opportunity. Implementation of this procedure must be clear and transparent and not subject to any unfair discriminatory practices.

Line managers and supervisors are required to familiarise and understand this procedure.

### The amount of training recommended for staff by the College

In order to keep up-to-date with developments in the College's field of work, technology, legislation and College policies and procedures etc, most staff will need approximately five days' staff development a year. Typically this will be gained through a blend of formal sessions, at conferences, through coaching or learned "on the job". Clearly, however, members of staff are all at different stages of their careers and the demands and responsibilities of some posts are different to that of others. It would be expected, therefore, that the number of days of development for each member of staff might alter from year to year and in response to changing circumstances. Thus five days a year is an average figure rather than a cast iron rule. In the case of postdoctoral Research Associates, ten days is the recommended figure.

## **Part time Staff attending Training in their own time**

When part time members of staff attend **training sessions for half days or full days outside of their normal working hours** they may be entitled to time off in lieu (TOIL) or payment at plain time as set out in the table below.

### **2. Policy**

#### **A. Eligibility**

A member of staff wishing to request time off to train must have 26 weeks' continuous service at the date the application is made.

The purpose of the proposed training must be to improve the member of staff's effectiveness within the College and also the performance of the College.

The member of staff will not be eligible if any of the following applies:

- They are aged 16 or 17 and are required by the Education and Skills Act 2008 to continue to participate in education or training until the age of 18
- They are aged 18 and currently participating in a course of training or education for the purpose of fulfilling the duties of their post (e.g. an apprenticeship)
- They are a young person who already has a statutory right to paid time off to undertake study or training (under section 63A of the Employment Rights Act 1996)
- They have made another application under this procedure during the preceding 12 months, taken from the day on which the current application is received by the College (see section **G** for when this does not apply).
- They are a casual or agency worker

#### **B. How to apply**

A member of staff who wishes to request time off to train must make such an application in writing to their line manager. A request form is attached at appendix A for this purpose.

An application for time off to train must give the following details of the proposed training or study:

- State the training or study subject matter;
- Set out where and when it would take place;
- Give details of the training provider or supervisor;
- State what qualification (if any) it would lead to;
- Explain how it will improve the member of staff's effectiveness in the College, and the performance of the College
- State that it is being made under the statutory right to request time off to train
- Be signed and dated

There may be occasions where the line manager requires the member of staff to provide them with certain additional information in order to consider the request. If the member of staff unreasonably refuses to provide the requested information, then the line manager can treat the application as withdrawn.

The application for training should be submitted sufficiently far in advance of when the training is due to commence to allow time for the request to be considered. Ideally, an application will be considered and a decision made within 6 to 8 weeks. However, applicants should take into account that, where the line manager or

learning and development representative is absent from work, or where insufficient information has been provided by the member of staff, this time period may be longer.

### **C. Considering an application**

The member of staff's line manager has a legal duty to seriously consider all applications and to establish whether the requests for time off to train can be accommodated within the needs of the department.

The line manager should provide the member of staff with a written acknowledgement of receipt of the application.

If the application is incomplete, or fails to provide all the required information the line manager will inform the member of staff, in writing, of what they have omitted within 28 days and ask them to resubmit their application. The member of staff may then resubmit their request with the additional required information incorporated. Upon receipt, the line manager will treat this as a new request in regard to timescales stated within this policy and will consider the initial request as no longer valid.

Similarly, if the member of staff has previously submitted an application for time off to train within the preceding 12 months, the line manager will inform them, within 28 days, that the request may not be considered under the right for time off to train.

The line manager has the option to agree to the request based on the written information submitted and to notify the member of staff in writing of this agreement. Alternatively, if the line manager is unsure as to whether agreement can be given to the request, or if they wish to discuss with the member of staff how the training should be delivered, a meeting can be arranged to discuss the application. Prior to convening a meeting, the line manager should seek advice from Human Resources on the process and points to consider in relation to the time off training policy. Any meeting of this kind should occur within 28 days of the completed application being received by the line manager. If it is difficult to arrange a meeting within this time scale, or if there is a delay in Human Resources providing professional advice due to staff absence, the line manager should seek the member of staff's agreement to extend the period in which to hold the meeting (see **G** below).

### **D. Meeting**

The meeting will give both parties the opportunity to discuss the application made and to explore how best it might be accommodated. This meeting will also provide an opportunity to consider other alternatives should there be a problem in accommodating the request as outlined in the member of staff's application.

There may also be cases where the line manager is content to accept the request, but thinks the training need can be met in a different way to the requested proposal. For example, it may be preferable to deliver training in-house rather than using an external training provider, or the line manager may be aware of different courses or qualifications that they believe would better meet the training need the member of staff has highlighted.

The member of staff may be accompanied to the meeting by a Trade Union representative or a work colleague, if desired. The representative can address the meeting and confer with the member of staff. However, the representative is not permitted to answer questions on behalf of the member of staff.

If a Trade Union representative or work colleague is unable to attend the meeting, it should be re-arranged within five working days of the date originally proposed. The new date should be convenient to all parties. If this is not possible, the member of staff should consider an alternative representation.

The line manager may have an HR representative present at the meeting if they wish.

The line manager should write to the member of staff, giving the date, time and venue of the meeting and advise them that they may be accompanied to the meeting by a Trade Union representative or a work colleague, if desired. They should also inform the member of staff if they have asked an HR representative to attend the meeting. Human Resources will provide a sample letter containing the above information at the line manager's request.

The member of staff should come to the meeting prepared to expand on any points in their application. They should also be prepared to be flexible with their request.

### **E. Decision on Application** **Where an application is accepted**

The line manager should provide Human Resources with the information listed below as soon as possible, in order that Human Resources is able to write to the member of staff within 14 days following the meeting, approving the application and confirming the following points, together with any additional points relevant to the application.

- The subject of the study or training
- Where and when it is expected to 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 – e.g. confirmation that it will be unpaid, and whether the member of staff will work flexibly whilst undertaking the training

Human Resources will also confirm, in the letter details, any changes to the member of staff's working hours, pay, pension or benefits.

### **Where part of the application is accepted**

When a member of staff has requested more than one type of training at once and a decision has been made to agree to part of the application and refuse another part, the letter must include the information above and make clear which part of the application has been agreed to and which part has been refused, or state that due to operational staffing reasons, the application has been put on hold until a later date. The line manager will need to provide Human Resources with this information.

### **Where a different training outcome is agreed**

As a result of the line manager's discussions with the member of staff about their request, an agreement may be reached with the member of staff to meet their training need in a different way. The line manager should inform Human Resources of any such agreement, in order that the letter to the member of staff may confirm the details of that agreement. Provision for signed confirmation from the member of staff

stating that they agree to the amended training arrangements will be included within the letter.

### **Later withdrawal of agreement**

The line manager might agree to a member of staff's request, but foresee circumstances in which it may need to later be withdrawn. In such cases, the line manager should agree with the member of staff the circumstances in which agreement would be withdrawn. This should also be confirmed in writing to the member of staff by Human Resources, as part of the written acceptance of their request and, include provision for signed confirmation from the member of staff that they understand and agree to the possible withdrawal of agreement.

Once the request has been approved and confirmation given to the member of staff, s/he must inform the line manager if s/he:

- Fails to start the agreed study or training
- Fails to complete the agreed study or training
- Undertakes, or proposes to undertake, study or training that differs from the agreed study or training in any respect (including those points specified in the 'How to Apply' section above).

### **Where an application is refused**

Where the request cannot be accommodated, the line manager will inform Human Resources, providing clear business reasons as to why the application cannot be accepted and the reasons why the grounds for refusal apply in the circumstances. Human Resources will, in turn, write to the member of staff, informing them of the decision and providing details of their right of appeal against the decision.

Business reasons for refusing a request could be for some of the following reasons:

- The proposed study or training to which the application, or the part in question, relates would not improve the member of staff's effectiveness in the College or the performance of the College;
- Burden of additional costs to cover work whilst the member of staff is absent
- Unable to reorganise work amongst existing staff
- Unable to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Planned structural changes
- Insufficient work during the periods the member of staff proposes to work
- Have a detrimental effect on the ability to meet customer demand;

When specifying business reasons for refusing an application the line manager should include an explanation about why the business reasons apply in the circumstances.

### **More time needed to reach a decision**

If the line manager needs more time to reach a decision, they must obtain the agreement of the member of staff for an extension to the 14 days (see G below).

## **F. Appeals Procedure**

In all cases where it has not been possible for the line manager to agree to a request for time off to train, the member of staff has the right of appeal against the decision.

In the written notification of the decision, the member of staff will be informed of the name of the person to whom an appeal should be addressed and the time scale for doing so. If the member of staff wishes to appeal they must set out the grounds of their appeal in writing. Any appeal should be dated and submitted within 14 days of being notified of the original decision.

An appeal meeting should take place within 14 days after receiving notice of the appeal, subject to staff availability.

Appeals will be heard by a senior line manager with a member of Human Resources, both of whom will have had no previous involvement in the original application.

The member of staff has the right to be accompanied at the appeal meeting by a trade union representative or work colleague.

Appeal hearings will be conducted in accordance with the following terms of reference:

- To review whether the request for Time Off to Train was given adequate consideration;
- To review whether the College's procedures were correctly and fairly implemented; and
- To consider whether the decision was reasonable in the circumstances known to management

The member of staff will be informed of the outcome of the appeal in writing within 14 days after the date of the appeal meeting.

If the appeal is upheld the written decision must include the information contained in section E of this policy.

If the Appeal is dismissed the written decision must state the following:

- The grounds for the decision. These will be appropriate to the member of staff's own grounds for making the appeal
- Provide an explanation as to why the grounds for refusal apply in the circumstances
- Be dated

The College regards the appeal decision as final.

## **G. Extension of time limits**

There are two circumstances mentioned in D and E above where the time limits can be extended.

### **Through agreement by the line manager and the member of staff**

There will be occasions when it is not possible to complete a particular part of the procedure within the specified time limit. Reasons for requesting to extend the period could be, for example, the member of staff is going on annual leave, or the line manager requires extra time to speak to another member of staff about whether they could work the hours left uncovered by the member of staff's time off while training. Extensions of time can only take place if both parties agree. The line manager must make a written record of the agreement and this must:

- Specify what period the extension relates to
- Specify the date on which the extension is to end
- Be dated
- Be copied and the copy forwarded to the member of staff

### **Through the line manager's or learning and development representative's absence**

Where a line manager is absent from work due to leave or illness, or where professional advice has been sought from a learning and development representative who is absent from work due to leave or illness, an automatic extension applies. The period that the line manager has to arrange the meeting will commence either on the day they return or 28 days after the application is made, whichever is sooner. When the line manager returns they should acknowledge receipt of the application so that the member of staff is aware that the extension has been applied and the time period when they can expect to meet to discuss the request. Human Resources will provide a sample letter at the line manager's request.

### **G. When an application can be treated as withdrawn**

There are three reasons why an application may be treated as withdrawn. These reasons are as follows:

1. The member of staff withdraws the application
2. The member of staff fails to attend two meetings
3. The member of staff unreasonably refuses to provide their line manager with the required information

### **The member of staff withdraws the application**

A member of staff may decide to withdraw a request at any point before they have been notified of the decision. They can notify the line manager of their decision not to pursue their application orally or in writing. If the line manager does not receive written notification from the member of staff that their request is withdrawn, they must confirm the withdrawal of the application to the member of staff in writing.

If a member of staff withdraws a request, it will still count as a request that has been received for the purposes of this policy.

### **Ignoring earlier requests**

There are three circumstances in which the member of staff having submitted a further request may ask the line manager to ignore an earlier request submitted within the last 12 months. These are:

- Where the member of staff notifies the line manager that they mistakenly submitted an earlier request before 12 months elapsed and they wish to withdraw the earlier application
- Where the member of staff 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 member of staff failed to start training that was agreed as part of a request because of some unforeseen circumstance beyond their control

In these circumstances, the College will ignore the fact that the member of staff submitted an earlier application, and consider their present request.



**The member of staff fails to attend two meetings**

Where a member of staff misses two meetings without reasonable cause the line manager may treat the application as withdrawn. It is therefore in the member of staff's interest to inform their line manager as soon as possible if and why they are not able to attend a meeting. If a member of staff misses a meeting and does not explain why, they can expect their absence to be treated less sympathetically. When rearranging the meeting, the line manager should warn the member of staff that they risk their application being treated as withdrawn if they miss a further meeting without reasonable cause.

**The member of staff unreasonably refuses to provide their line manager with the required information**

There may be occasions where the line manager is willing to accept a request to train but requires the member of staff to provide them with certain information before they can do so. If an employee unreasonably refuses to provide the line manager with the information, then the line manager can treat the application as withdrawn.

## REQUEST FOR TIME OFF TO TRAIN

Prior to completing this form, you are encouraged to explore the already generous [staff development](#) provisions offered by the College and to discuss your request with your line manager. No prior service eligibility is needed in order to be considered for these provisions and salary and College benefits will not be affected.

Before making an application under the Time Off to Train Policy, you should view the policy to ensure that you are eligible to make a request via this route, (i.e. staff must have been employed by the College for at least 26 weeks). If you are not eligible under this policy, you are advised to discuss your training needs with your line manager. Please note that training approved via this route will not be funded by the College, any time off work will be unpaid and there will be pension implications to consider.

In order that a request can be considered, you must provide the information requested below, giving as much detail as possible. Once completed, this form should be given to your line manager.

### Personal Information

|                          |  |
|--------------------------|--|
| College Identifier (CID) |  |
| Surname                  |  |
| First name(s)            |  |
| School/Institute/Dept    |  |

### Details of the Proposed Training

|  |
|--|
| 1. What is the training or study subject matter? |
|  |

|  |
|--|
| 2. Where and when would it take place? |
|  |

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|--|
| 3. Who is the training provider or supervisor? |
|  |

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|--|
| 4. Does this training or study lead to a qualification? If so, please specify. |
|  |

|   |
|---|
| 5. How will it improve your effectiveness in the College? |
|   |

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|--|
| 6. How will it improve the performance of the College? |
|  |

|   |
|---|
| 7. Please use the space below to provide any additional information, which you consider relevant to your request. |
|   |

I confirm that this application is made under the statutory right to request time off to train. I understand that the College will not pay for this training and that any absence from College due to this training will be treated as unpaid leave.

Signed: ..... Date:

Print name: