



**SOLIHULL METROPOLITAN BOROUGH COUNCIL**

# **Statutory Requests for Time to Train or Study**

# Procedure for responding to Statutory Requests for Time to Train or Study

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## 1. Introduction

From 6th April 2010 all Council/ School employees who meet the eligibility criteria will have a statutory right under the Employment Rights Act 1996, (Section 63D of the Apprenticeships, Skills, Children & Learning Act 2009) to apply for time off for training. The employee will be responsible for providing all necessary information to ensure that their application is valid and the Council/ School will be required to follow this procedure to ensure requests are considered carefully.

The Council/ School recognises that investment in the learning and development of employees enhances its ability to achieve its corporate objectives, improve its performance and maintain and improve the quality of its services to the Community.

The Council/ School already has an established policy for learning and development together with systems for identifying and responding to learning and development needs (for example through Performance Management, Performance and Development Reviews, council sponsored Post Entry Training requests etc.). The statutory right to request time off for study or training **will not** replace these systems.

This document lays out the specific procedure under this legislation.

## 2. Eligibility

To make a request under the statutory right to apply for time off for study or training, employees must have completed 26 weeks' continuous service.

Requests may not be submitted more than once every 12 months.

## 3. Scope of the Request

Eligible employees may submit a request in relation to any type of study or training, provided that they can reasonably demonstrate that the study or training is likely to lead to an improvement in their effectiveness at work, and consequently an improvement in the performance of the Council/ School.

Requests can be made in relation to an accredited programme leading to the award of a recognised qualification, or in relation to unaccredited training that will help the employee develop specific skills relevant to his/her job. The proposed training can be conducted in any location and at any time, and can be supervised or unsupervised. However it must be relevant to the employee's employment within the Council/ School.

## 4. Procedure

Only one statutory request per employee for time off to train or study may be made within any 12 month period. The application should be sent to the Line Manager/ Headteacher and to be valid, the request must contain the following information:

- That the application is an "application under the Employment Rights Act 1996 (Section 63D of the Apprenticeships, Skills, Children & Learning Act 2009)
- 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)
- How the employee thinks the proposed training or study would improve their effectiveness in their role and the performance of the Council
- The date of the application
- The date and method - e.g. email or letter - that the employee's last application (if any) was submitted

Where a valid request has been submitted, the employee's Manager/ Headteacher, with guidance from Human Resources, will arrange a meeting with him/her to discuss the request as soon as practicable. The meeting will normally take place no later than 28 days after the date on which the request was submitted. The purpose of the meeting will be to discuss the request, its appropriateness to the employee's job and the needs of the Council/ School and any possible alternative arrangements that might meet the employee's training needs.

A decision will be given to the employee in writing within 14 days of the meeting.

Further information, advice and support is available from Human resources

## **5. Decisions on Statutory Requests to Train or Study**

The Council/ School will endeavour, wherever possible, to accommodate an employee's request in relation to study or training, provided that the needs of the business are not likely to be adversely affected if the request is granted.

Each request will be dealt with on an individual basis, taking into account the nature of the employee's request and any likely effects for granting it, for example, any effects on the employee's work or on the employee's colleagues. Requests will be considered fairly and consistently, however agreeing to one employee's request will not set a precedent or create a right for other employees to have their requests in relation to study or training granted.

**5.1** Where a statutory request for time off to train or study is approved the confirmation of approval will contain the following information:

- The subject of the study or training
- Where and when we expect that it will take place, and over what period
- Who will provide or supervise the training (where appropriate)
- What qualification (if any) the training will lead to the award of
- How the training time will be taken - e.g. unpaid or whether the employee will work flexibly during the training\*

In circumstances where only part of a request has been approved, the decision in writing will contain the information detailed above and will make clear which parts of

the application have been approved/ refused. Should the agreement involve changing an employee's terms and conditions then the normal Council practices for making such changes will be followed.

**\*PLEASE NOTE:**

**Where the Council has approved a statutory request for training or study, it is not obliged, by law, to pay for the agreed training or to give paid time off to undertake the agreed training. Therefore any time off for training agreed will be unpaid.**

5.2 Although the Council encourages employees to seek opportunities in learning and development, it is not always possible to grant requests in relation to study and training.

Where a statutory request for time off to train or study is not approved the Manager/ Headteacher should in the first instance contact their HR Advisor for advice and support. The decision will be conveyed to the employee in writing including the date of the decision.

The Council may reject a statutory request for one or more specified "business reasons". The confirmation of non-approval of the request will therefore confirm the "business reason"(s) why approval has not been forthcoming. These circumstances are:

- The proposed course of study would not improve the employee's effectiveness at work
- The proposed study or training would not improve the Council's performance
- The burden of additional costs would be too great
- The proposed study or training would have a detrimental effect on our ability to meet customer demand
- We would be unable satisfactorily to cover the employee's absences on training (e.g. unable to reorganise work amongst existing staff or recruit additional staff)
- The proposed study or training would have a detrimental impact on quality or performance
- There are planned structural changes during the proposed study or training period

Following discussion with the employee agreement may be reached that a different outcome to the original request is approved. In these circumstances the employee will be provided with written confirmation of the new outcome and the employee's agreement to it.

## **6. Appeals Procedure**

If an employee's request in relation to study or training is refused, the employee has the right to appeal against this decision. Any appeal should be submitted within 14 days of the decision to refuse the request. The appeal must be in writing and must include grounds on which the employee wishes to base the appeal.

The appeal may challenge the "business reasons" cited in the rejection and/or may bring to the Council's attention, any new information that was not known at the time of the rejection.

The appeal will be made to a designated Senior Manager/ School Appeals Panel who was not involved in the original decision to refuse the request.

Upon receipt of the appeal, an appeal meeting will be arranged and heard by the designated Senior Manager/ School Appeals Panel together with a representative from Human Resources. The employee will have the right to be accompanied by a trade union representative or work colleague.

The decision of the Senior Manager hearing the appeal will be conveyed to the employee in writing within 14 days. The written confirmation of the decision will be dated and will detail the business grounds for the decision and why such grounds apply in the circumstances.

The time limit for arranging an appeal meeting or notifying the employee of your decision on the appeal can be extended with the employee's consent.

## **7. Monitoring**

Solihull Borough Council is committed to eliminating unlawful discrimination, promoting equality of opportunity and promoting good relations between persons of different backgrounds.

In order to ensure fairness and consistency, statutory requests for time to train or study under will be subject to equality monitoring arrangements.

## REQUEST FOR TIME OFF TO TRAIN OR STUDY

<b>Full Name</b>		
<b>Department/ School</b>		
<b>Job Title</b>		
<b>Start Date with the Council</b>		
<b>Date Form Submitted</b>		
<i>I wish to submit a request in relation to study or training as detailed below. This is an application under s.63D of the Employment Right Act 1996.</i>		
<b>Previous applications in relation to study or training</b>		
I have/ have not (delete as applicable) submitted a previous request in relation to study or training.  If you have submitted a previous request, please provide details below:		
<b>Application for Time off for study or training</b>		
What are the main subjects that you will study?		
Will the course of study or training lead to an award of an accredited qualification?	Yes	No
If so, please state the qualification you will obtain:		
Please name the organisation or individual that you intend to be the provider of the training:		
Will the study/training be supervised?	Yes	No
If the study/ training is supervised, who will be the supervisor?		
Where do you propose to undertake the requested study/ training?		
At Work	At Home	At an external location (please state):

When do you propose to undertake the requested study/training?  
Please provide dates:

Please explain how you think the proposed study or training would improve your effectiveness in your role.

Please explain how you think the proposed training will improve the effectiveness or performance of the Council/ School

**Notes:**

- It will help us to deal with your application if you provide as much information as you can about the study or training that you wish to undertake. If on receipt of this form, your manager/ Headteacher, thinks that further detail is required before your request can be properly considered, he/she will contact you.
- If you do not complete every section of this form fully, your request for time off work for study/ training will not be legally valid and the Council/ School not are under a duty to consider it. If this should occur, we will notify you accordingly and identify the information that is missing from the request, inviting you to submit it with the required information included.
- Please note that where a request is made and agreed, the Council/ School will not be obliged to pay for the training or to give paid time off to undertake the training.

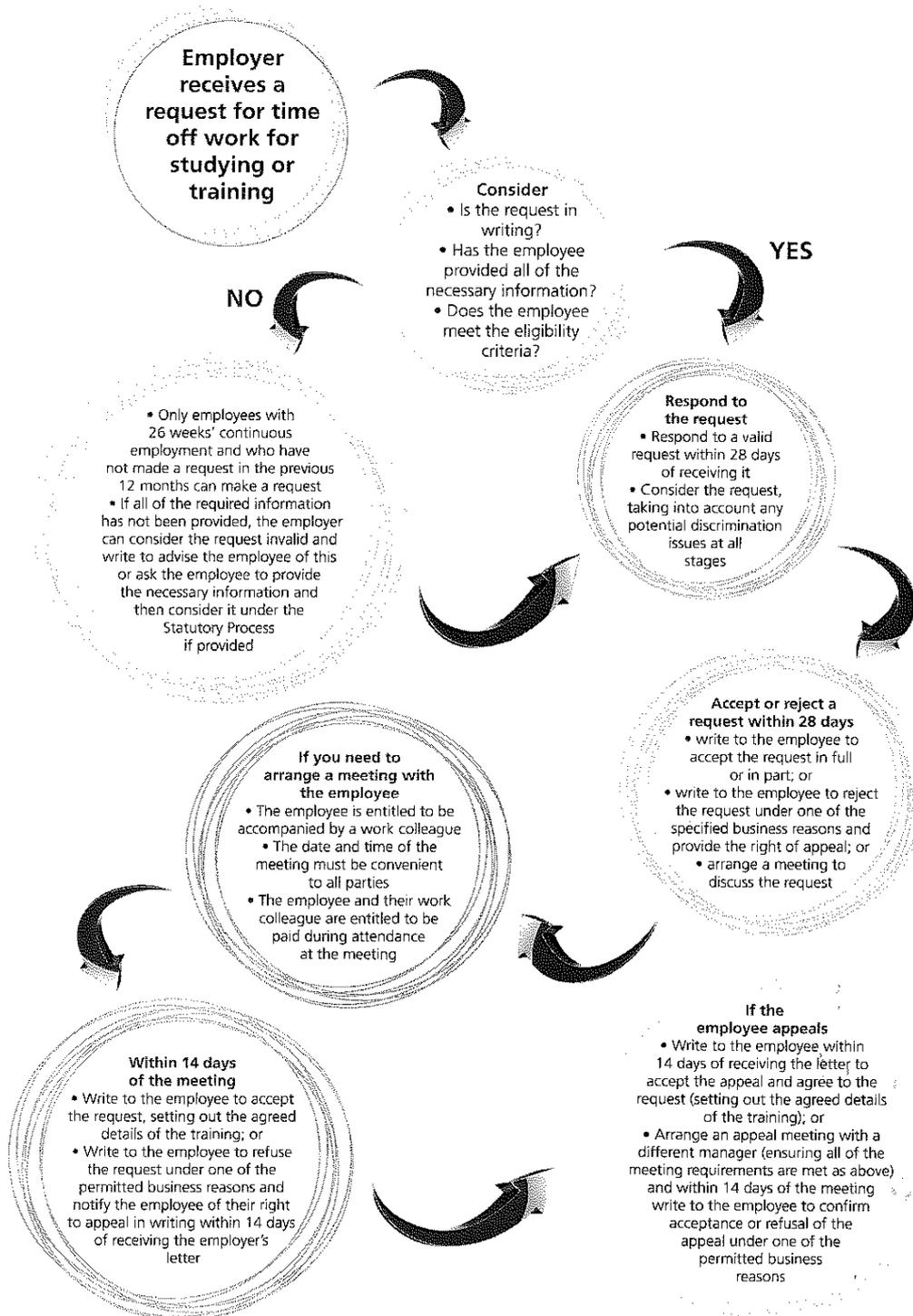
<b>Signed:</b>		<b>Date:</b>	
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Please forward this complete application form to your Line Manager/ Headteacher. Your Manager/ Headteacher will contact you to arrange a meeting within 28 days (or sooner) to discuss your request.

## **GUIDANCE DOCUMENTS**

The following documents are for guidance only and may be amended by SMBC from time to time. They are not, nor intended to be, incorporated into individual contracts of employment

## Time to Train – summary of the statutory process



[www.lge.gov.uk/timetotrain](http://www.lge.gov.uk/timetotrain)

## FREQUENTLY ASKED QUESTIONS

### **Q1. WHAT IS THE STATUTORY RIGHT TO REQUEST TRAINING?**

A. With effect from 6 April 2010, employees have the right to request time off for study or training. The training should be considered to improve your effectiveness at work and the performance of the Council/ School.

### **Q2. WHO IS LEGALLY ENTITLED TO ASK FOR TIME OFF FOR TRAINING?**

A. Any employee who has a minimum of 26 weeks' continuous service as at the date the request is made.

### **Q3. WILL I BE PAID FOR TIME OFF FOR TRAINING**

A. No. Any time off agreed under a statutory request for training or study will be unpaid.

### **Q4. HOW MANY TIMES CAN I MAKE A STATUTORY REQUEST TO TRAIN?**

A. Only one statutory request for training or study may be made within any 12 month period.

### **Q5. HOW DO I MAKE A REQUEST FOR TIME OFF FOR TRAINING?**

A. Put your request in writing to your Line Manager/ Headteacher and complete the application form provided. Your request will need to state the reason for the training, how this will improve your effectiveness at work and what benefits this will bring to the Council. Think about your proposal, how this will affect the department/School in which you work and how any issues may be dealt with.

### **Q6. HOW WILL MY MANAGER RESPOND TO MY REQUEST?**

- A. Your Line Manager/ Headteacher will arrange a meeting with you within 28 days of receipt of your application. It is at this meeting that you can both discuss in detail your application and any implications this may have. Your Line Manager/ Headteacher will then notify you in writing of their decision within 14 days of the meeting. They can either:
- Accept your request and confirm the detail agreed
  - Reject your request with a clear business reason why this has been necessary

### **Q7. IF MY REQUEST IS ACCEPTED, WHAT HAPPENS NEXT?**

A. The detail of the agreement will be confirmed to you in writing and will include the nature and period of training and any associated contractual changes at this time.

### **Q8. IF MY REQUEST IS REJECTED, WHAT CAN I DO?**

- A. Your Line Manager/ Headteacher will have stated clearly why the request has been rejected. You can appeal against this decision in writing within 14 days of notification. The notification you receive will state to whom an appeal should be made and your appeal will be heard within 14 days. This will normally be dealt with by the next most Senior Manager in your Department/ Service Area/ School. You may be accompanied at this meeting by a Trade Union representative or a work colleague, if you want to.

**Q9. WHY MIGHT MY REQUEST BE REJECTED?**

A The Council/ School has to consider all time off for training requests and make a decision taking into account the impact your request might have on the operations within your department and the Council/ School. Some reasons that will have been considered are:

- The relevance of the training to the organisation and the benefits this may bring
- Additional costs required to meet your request
- The effect your request may have on the ability to deliver customer service
- The inability to reorganise workloads across other staff
- The inability to recruit additional staff
- There are planned changes to the structure of your department

## Template Letter – Responding to Request

Dear [ ]

Thank you for application form making a request in relation to study or training. We would like to discuss your request with you to establish its relevance to your employment and to the business and consider whether or not granting the request is practicable. I therefore suggest that you come to a meeting with [name of manager/ Headteacher] on [date] at [time]. You may, if you wish, bring a trades union representative or work colleague with you to the meeting.

Following the meeting, a decision will be made on the feasibility of your request and the decision will be communicated to you in writing no later than 14 days after the meeting. We will endeavour to grant your request in relation to study or training if it is at all possible to do so, but we will need also to consider the effects of the request on the the work of your [department/ school] and your colleagues.

[We may also wish to discuss with you alternative ways in which your training needs may be met. It would therefore be helpful if you are willing at the meeting to discuss possible alternative training arrangements with a view to seeking a compromise that suits both parties (if this is necessary).]

In the event that your request is refused, we will explain in writing the reason why we believe that granting your request is not feasible.

Please could confirm whether or not you are able to attend the meeting suggested above or, if not, to suggest an alternative time and date.

Yours sincerely

[ ]

**Template Letter - Agreeing to Employee's Request**

Dear [ ]

Following our meeting held on ....., in which we discussed your request in relation to study or training, I am pleased to inform you that your request has been granted.

We have agreed that [set out details of what has been agreed]. It is understood and agreed that the study or training will lead to [qualification that the employee will obtain on conclusion of the study or training]. [The study or training will be provided by [who will provide or supervise the study or training] and will take place [in the workplace/at an external location].]

The times at which you have been granted time off and will therefore be away from the workplace are [state when the study or training will take place, and over what period of time]. You will not be paid in respect of the time off work granted for the purpose of the study or training and the Council/ School will not pay the costs of the agreed study or training.

***Where applicable include***

*[We confirm that, as from [date], your hours of work will change to [state days and times of revised hours of work]. This represents a working week of [state number of hours] hours.]*

*[Your revised rate of pay will therefore be £ [state revised rate of weekly or monthly pay].]*

Please sign the attached copy of this letter and return it to [ ] to signify your agreement to the changes detailed above.

Yours sincerely

[ ]

I agree/ do not agree (delete) to the changes detailed above

Signed :.....

Date: .....

## Template Letter – Declining Employee’s request

Dear [ ]

I refer to our meeting held on [date], in which we discussed your request in relation to study or training.

Having given the matter thorough consideration, I regret that we are unable to agree to your request. The reason(s) for this is/are that we think that the proposal in relation to study or training would [list the appropriate points and expand on them as necessary]:

- not improve your effectiveness at work;
- not improve the performance of the business;
- create an unreasonable burden of additional costs on the Council/ School;
- have a detrimental effect on our ability to meet our customers’ demands;
- have a detrimental impact on quality;
- have a detrimental impact on performance;
- make it unacceptably difficult for us to provide cover for you during the periods of time off that you proposed as we would be unable to [make arrangements to allocate your work among other staff/recruit additional staff to cover for you];
- be inappropriate due to planned structural changes within the [Council/ Department/ School]

The reason why this is relevant to your application in relation to study or training is [explain further how the reason(s) for refusal apply in the employee’s case].

You have the right to appeal against the decision to refuse your request in relation to study or training. If you wish to appeal, you must do so in writing within 14 days of receipt of this letter to [name or job title of appropriate senior manager/ Chair of Governors]. Your letter requesting an appeal hearing must set out the grounds on which you wish to appeal against the decision.

Yours sincerely

[ ]

**Template Letter – Responding to employee who wishes to Appeal against decision to decline request**

Dear [ ]

We are in receipt of your [letter/email] appealing against the Council/ School's decision to refuse your request in relation to study or training. The Council/ School's decision was communicated to you by letter on [date].

We would like to discuss your appeal with you, and I therefore suggest that you come to a meeting with [name of senior manager/ School Appeals Panel] on [date] at [time] at [place]. You may, if you wish, bring a trade union or nominated work colleague with you to the meeting. At the meeting, you will have the opportunity to explain the ground(s) on which you believe the Council/ School's earlier decision to refuse your request should be overturned.

Following the meeting, a final decision will be made on whether or not it is feasible for the Council/ School to grant your request in relation to study or training, and this will be communicated to you in writing within 14 days of the meeting. In the event that the Council/ School decides to reject your appeal, we will explain in writing the reasons why.

Please could you confirm whether or not you are able to attend the meeting suggested above and, if not, to suggest an alternative time, date or place.

Yours sincerely

[ ]

## Template Letter – Upholding an Appeal

Dear [ ]

I refer to the appeal hearing held on [date] in which we discussed your appeal against our earlier decision to refuse your request in relation to study or training.

I am pleased to confirm that your appeal has been upheld.

We have agreed that [set out details of what has been agreed]. It is understood and agreed that the study or training will lead to [state qualification that the employee will obtain on conclusion of the study or training]. [The study or training will be provided by [state who will provide or supervise the study or training] and will take place [in the workplace/at an external location].]

The times at which you have been granted time off and will therefore be away from the workplace are [state when the study or training will take place, and over what period of time]. You will not be paid in respect of the time off work granted for the purpose of the study or training and the Council/ School will not pay the costs of the agreed study or training.

### ***Where applicable include***

*[We confirm that, as from [date], your hours of work will change to [state days and times of revised hours of work]. This represents a working week of [state number of hours] hours.]*

*[Your revised rate of pay will therefore be £ [state revised rate of weekly or monthly pay].]*

Please sign the attached copy of this letter and return it to [ Name ] to confirm your agreement to the changes detailed above.

Yours sincerely

[ ]

## Template Letter – Rejecting an Appeal

Dear [ ]

I refer to the appeal hearing held on [date], in which we discussed your appeal against the Company's earlier decision to refuse your request in relation to study or training.

Having given the matter thorough consideration, I regret that the Council/ School is unable to uphold your appeal. The ground(s) for this is/are that we think that the proposed study or training would [list the appropriate points and expand on them as necessary]:

- [not improve your effectiveness at work;
- not improve the performance of the business;
- create an unreasonable burden of additional costs on the Company;
- have a detrimental effect on our ability to meet our customers' demands;
- have a detrimental impact on quality;
- have a detrimental impact on performance;
- make it unacceptably difficult for us to provide cover for you during the periods of time off that you proposed as we would be unable to [make arrangements to allocate your work among other staff/recruit additional staff to cover for you];
- be inappropriate due to planned structural changes within the [Council/ Department/ School.]

The reason why this is relevant to your application in relation to study or training is [explain further how the reason(s) for refusal apply in the employee's case].

As your appeal has now been dealt with, and there is no further right of appeal, the matter is concluded.

If you have any queries on the above, please do not hesitate to contact me.

Yours sincerely

[ ]