

**HR Procedure**

**Right to Request Time Off for Study or Training**

[Statement](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) of Intent

Cumbria County Council is fully committed to staff training and development, recognising that affording employees the opportunity to undertake study or training will benefit both the employee and the Council. Encouraging employees to improve their knowledge and skills through study or training and creating an environment in which employees are encouraged to learn and develop has many positive benefits, not least of which is that the performance and productivity of Cumbria County Council is likely to be enhanced, thus benefiting everyone who works within it.

[Legislation](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc)

The right to request time off for study or training applies to employees in organisations with 250 or more employees from 6 April 2010.

[Eligibility](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) for the right to request time off for study or training

Employees who have a minimum of 26 weeks’ continuous service have the right to request time off for study or training and to have their request considered by their employer.

It is Cumbria County Council’s policy to consider requests for time off for study or training from all employees, ie not only those who are eligible under the legislation above to submit such requests.

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[What](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) type of study or training does this relate to:

Employees may submit a request to undertake 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 business.

There is no limit on the amount of time off for study or training that an employee can request at any one time. When submitting a request for time off, the employee can ask to undertake more than one type of training.

Requests can be made either to undertake an accredited programme leading to the award of a recognised qualification, or for unaccredited training that will help the employee to 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 Cumbria County Council.

[Payment](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) for time off

Cumbria County Council is not obliged by law to pay an employee for any time off granted for study or training. Therefore, any time off agreed will be unpaid.

However, the Council may, at its discretion, agree to pay the employee his/her normal wage/salary during some or all of the time off granted for study or training purposes.

[Employee’s](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) responsibilities

For a request for time off for study or training to be valid, it must be in writing (email is acceptable) and must stipulate:

* that it is an application to request for time off for study or training;
* the date of the application;
* whether or not the employee has made a previous application for time off for study or training, and if so when and how the last application was submitted;
* the subject matter of the proposed study or training;
* where and when the proposed study or training would take place;
* who (if anyone) would provide or supervise the study or training;
* what qualification (if any) the study or training would lead to; and
* how the employee thinks the proposed study or training would improve his or her effectiveness in the business and the performance of the business.

Where the employer agrees to an employee’s request, the employee must inform the employer if he or she subsequently fails either to start or complete the agreed study or training, or decides to undertake a programme of study or training that differs from what was agreed.

[Frequency](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) of requests

Employees who wish to submit a request for time off for study or training should do so in writing (email is acceptable) to their line manager. Requests may not be submitted more than once every 12 months.

[Request](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) for additional information

If, following a valid request for time off for study or training, the manager thinks that they need additional information before they can give proper consideration to the request, they can ask the employee to provide further information.

[Invalid](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) requests

Any request that is not in writing or that does not contain the required information, will not be dealt with under the statutory procedure. In this eventuality the manager will inform the employee of the reason(s) why it considers the application to be invalid.

[Employers’](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) Duties

Cumbria County Council are not obliged automatically to agree to a request for time off for study or training, but are under a duty to consider a valid request and adhere to a prescribed procedure. However the Council will try, wherever possible, to accommodate an employee’s request for time off for study or training, provided that the needs of the business are not likely to be adversely affected as a result of the employee taking time off work.

Each request will be dealt with individually, taking into account the amount of time off requested by the employee and any likely effects of granting the time off, eg any effects on the employee’s work or on the employee’s colleagues.

Agreeing to one employee’s request will not set a precedent or create a right for another employee to be granted time off work for study or training purposes.

If the manager is able to immediately agree to the employee’s request and provides written notification of such agreement to the employee within 28 days, no further procedure is required. Otherwise, the employer is under a statutory duty to:

* hold a meeting with the employee within 28 days of receiving a valid request for the purpose of discussing the request;
* grant the employee the right to be accompanied at the meeting by a fellow worker of the employee’s choice;
* provide a written response to the employee within 14 days of the meeting, which must:

- accept the employee’s request;

- confirm any compromise arrangement previously agreed with the employee at the meeting; or

 - reject the employee’s request, providing a business reason and an explanation as to why this is relevant to the employee’s application; and

* grant the right of appeal where a request is refused

[Meetings](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc)

Where a valid request has been submitted, the employee’s manager 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 business 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.

[Where](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) a request is agreed

Where the manager decides to agree to the employee’s application for time off work, they must write to the employee setting out:

* the subject of the study or training for which time off has been granted;
* where and when the study or training will take place;
* who will provide or supervise the study or training; and
* what qualification (if any) the study or training will lead to.

The manager must also state clearly:

* whether or not the employee will be paid in respect of the time spent on the study or training;
* any changes to the employee’s working hours agreed to accommodate the study or training; and

Where the manager and employee have agreed at the meeting that the employee’s training needs can be met in a way that is different from the way originally requested by the employee, the written notification should confirm the details of that agreement, including evidence of the employee's agreement to it.

[Where](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) a request is refused

Where the manager decides to refuse the employee’s application, they must write to the employee stating:

* the business reason(s) for the refusal;
* why the specified reason(s) apply/applies in the particular circumstances; and
* the appeal procedure.

If the manager decides to agree to the employee’s application in part, it must make it clear to the employee in writing which part is agreed and which part is refused.

[Business](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) reasons for refusing a request for time off for study or training

Although Cumbria County Council encourages employees to undertake courses of study or training that are relevant to their employment, it will not always be possible to grant requests for time off for study or training. The circumstances in which the Council may have to refuse a request include where:

* + the proposed study or training would not improve the employee's effectiveness at work, or the performance of the business itself;
	+ the cost to the business of granting the time off would be too great;
	+ granting time off would have a detrimental effect on the organisation’s ability to meet customer demand;
	+ the employer would be unable satisfactorily to cover the employee’s absences;
	+ there would be a detrimental impact on quality or performance; or
	+ there are planned structural changes in Cumbria County Council which would impact on the need for the study or training requested.

 [Appeals](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc)

If an employee’s request for time off for study or training is refused, the employee will have the right to appeal against this decision. Appeals should be made in writing to the relevant Assistant Director, within 14 days of the decision to refuse the request and must include the grounds on which the employee wishes to base the appeal.

**March 2010**