



# Time off for Studying and Training Policy

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## 1.0 Introduction

- 1.1 This procedure has been adopted by the governing body of \_\_\_\_\_ School for applications from employees for time off for study and training made under the Employment Rights Act 1996 as amended by section 40 of the Apprenticeships, Skills, Children and Learning Act 2009 and in accordance with the Employee Study and Training (Procedural Requirements) Regulations 2010.
- 1.2 This procedure will be available to all employees at the School, together with details of the relevant legal provisions specifying eligibility for the statutory right to request time off for study and training.
- 1.3 In accordance with the Regulations the periods specified in this procedure for dealing with applications and making or dealing with appeals may be extended by mutual, written agreement between the head teacher, and/or appeals committee as the case may be, and the employee. The governing body supports the use of extensions where these enable the school to try to make arrangements to accommodate the proposed changes rather than refuse them.
- 1.4 Where the head teacher is on leave or sick on the date the application is made the governing body recognises the statutory requirement to defer consideration of the application to the date the head teacher returns to work or for 28 days, whichever is the sooner.
- 1.5 In this procedure :-
  - the 'Local Authority' or the 'Authority' means Birmingham City Council acting in its capacity as a Local Education Authority;
  - Any reference to a 'school', also includes an 'academy';
  - 'employee' means a non-teaching employee who is employed to work at the school as a member of support staff and teachers who are employed to work at the school as a member of teaching staff;
  - reference to a 'head teacher' includes a 'principal' in an academy as appropriate; and
  - reference to a committee of the governing body includes an 'academy trust'

## 2.0 Applications

- 2.1 An employee on the staff of the school wishing to exercise the statutory right to request time off for study or training must set out the request in writing and provide the employer with the following information. The application shall be directed to the head teacher.

That the employee is applying under section 63D of the Employment Rights Act 1996

- the proposed training or study
- where and when the proposed training or study would happen
- who would provide it or supervise it
- what qualification it would lead to (if any)
- how the proposed training or study would improve the employee's effectiveness in the organisation and the performance of the organisation
- details of any previous applications (if any) submitted

2.2 The application shall be deemed to have been made on the day it is received as defined in the Regulations, i.e. on the day on which an electronic communication is transmitted, or, if the request is sent by post, the day on which the application would be delivered in the ordinary course of post.

2.3 On receipt of the application the head teacher shall provide the employee with a copy of this procedure and of information about the statutory right to request time off for study and training and

- either agree to the request on behalf of the governing body and notify the employee in writing within 28 days after the date on which the application is made of the variation agreed and the effective date; **or**
- hold a meeting with the employee within 28 days after the date on which the application is made. In accordance with the Regulations the time and place of the meeting shall be convenient to the head teacher and the employee. The employee may be accompanied by a single companion of their choice who shall be permitted to address the meeting (but not answer questions on behalf of the employee) and confer with the employee during the meeting. If the chosen companion will not be available at the time proposed for the meeting and the employee proposes an alternative time convenient for all parties and falling within seven days of the date originally proposed by the head teacher, then the head teacher will postpone the meeting to the alternative date.

2.4 The head teacher may ask the employee for additional information before holding the meeting or making a decision. The head teacher shall advise the employee that if the employee refuses to provide this information the head teacher may inform the employee in writing that the request is considered to have been withdrawn.

2.5 Where a meeting is held as specified under 2.3 the head teacher shall give the employee notice of the decision on the application within 14 days from the date of the meeting. That notice shall be in writing. The head teacher may accept the application in whole or in part and shall state whether time off, if granted, shall be with or without pay. In addition the head teacher shall state:

- whether the request has been accepted in full or in part
- the subject of the study or training
- the duration and location of the training
- who will provide or supervise the training
- what qualification (if any) the training will lead to

- whether the time off for training will be paid or unpaid, or flexible working arrangements to allow the training to happen
- how the costs of the training will be met
- what circumstances, if any, may cause the agreement to be withdrawn at a later date

2.6 On behalf of the governing body the head teacher has a duty to consider the request seriously and can refuse only when one of the following business reasons applies:

- it would not improve the employee's effectiveness in the organisation
- it would not improve the performance of the organisation
- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to re-organise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods the employee proposes to work
- planned structural changes

2.7 If the head teacher refuses the application in whole or in part they must set out the reason for refusal in writing and explain the business reason for the refusal or partial refusal and how that business reason applies to the employee's circumstances. In addition, the written notification must give details of how the employee can appeal against the decision.

### 3.0 Appeals

3.1 An employee is entitled to appeal against a refusal or partial refusal of the application. Appeals will be heard by the appeals committee [or such other committee as may be specified by the governing body] of the Governing Body.

3.2 The employee must give written notice of an appeal within 14 days of the date on which notice of the decision is given, setting out the grounds of appeal. The notice must be dated and sent to the clerk to the governing body/appeals committee.

3.3 The appeals committee shall hold a meeting with the employee within 14 days after the employee's notice of appeal is given, unless, within those 14 days, the committee decides to uphold the appeal and notifies the employee in writing of that decision, specifying the contract variation agreed and the date from which that variation is to take effect. In accordance with the Regulations the time and place of the meeting shall be convenient to the appeals committee and the employee. The employee may choose to be accompanied by a single companion of their choice who shall be permitted to address the meeting (but not answer questions on behalf of the employee) and confer with the employee during the meeting. If the chosen companion will not be available at the time proposed for the meeting and the employee proposes an alternative time convenient for all parties and falling within seven days of the date originally proposed by the appeals committee, then the appeals committee will postpone the meeting to the alternative date.

- 3.4 Where a meeting is held as specified under 3.3 the appeals committee shall give the employee notice of the decision on the appeal within 14 days after the meeting. That notice shall be in writing and dated. If the decision is to uphold the appeal the notice shall specify the details in 2.5 above. Where the decision is to dismiss the appeal the notice shall state the business reason for the decision and how that applies to the employee's circumstances.

## 4.0 Subsequent Obligations

- 4.1 Should the employee not start, or cease to attend, training approved under the statutory right, or change the type of training from that which has been agreed, the employee must notify the head teacher. The head teacher may request this notification in writing.