

Time Off for Study or Training

From 1st September 1999, the Employment Rights Act 1996 was amended by the Teaching and Higher Education Act 1998.

This legislation applies to employees aged 16 or 17 (and 18 year olds who have already started training), who are not in full-time secondary or further education and who have not achieved a certain standard in their education or training. These employees will be entitled to reasonable paid time off during normal working hours to study or train for a qualification which will help them towards achieving that standard, and improve their future employment prospects.

The primary focus of the legislation is on 16 and 17 year olds. However, an employee who is aged 18 and who is undertaking study or training leading to a relevant qualification, which he or she began before attaining that age, has the same right as a 16 or 17 year old to time off to study or train for a relevant qualification. The purpose of this is to enable the employee to complete the study or training already begun.

The 'standard of achievement', which determines both eligibility for the right and that which the young person should seek to attain, is set out in the regulations. It is, in essence, "Level 2" (5 GCSEs at grades A*-C, an NVQ level 2, an Intermediate GNVQ, or the specified equivalents). The regulations also set out the qualification authenticating or awarding bodies, whose qualifications the young employees will be able to study or train for.

The way in which the learning takes place is not prescribed, and the "time off" is from normal fully productive work. The phrase does not necessarily mean time away from the workplace.

Study or training can be undertaken in the workplace, on the job or elsewhere on site; or it could take place in a college, with an approved training provider, or through open or distance learning, or elsewhere. The time that a young person can have will be what is reasonable in all the circumstances, taking into account the requirements of the course or training as well as the circumstances of the employer's business, and the effect of the 'time off' on the running of that business.

Employees will be entitled to receive payment for their time off at the appropriate hourly rate. However, the Government can contribute towards the cost of the young employee's study or training and Foundation or Advanced Modern Apprenticeships are often available.

Where an employer unreasonably refuses to permit time off, or fails to pay the employee that to which they are entitled, an employee can present a complaint to an employment tribunal.

Further information

- DfES website: www.dfes.gov.uk/tfst/
- Connexions Centres
<http://www.centrallondonconnexions.org.uk/connexions/nearyou.asp>