

A1. Request for Study or Training

A1.1 The right to make a formal request for study or training

This section of the framework supports the implementation of the: Employee Study and training (Qualifying Period of Employment) Regulations 2010 (SI 2010/800); Employee Study and training (Procedural Requirements) Regulations 2010 (SI 2010/155); and Employee Study and training (Eligibility, Complaints and Remedies) Regulations 2010 (SI 2010/156) (the “Regulations”) which give certain employees the right to make a request in relation to study or training and sets out a legally compliant procedure for the University to carefully consider such requests.

A1.2 Scope and Eligibility

The law grants employees who have a minimum of 26 weeks’ continuous service the right to make a request in relation to study or training and to have their request considered by the University. 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. In addition, such requests must be in relation to:

- An accredited programme leading to the award of a recognised qualification
or
- In relation to unaccredited training that will help 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 the University. The University 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 individually, taking into account the nature of the employee’s request and any likely effects of granting it, for example, 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 other employees to have their requests in relation to study or training granted.

Although the University encourages employees to undertake courses of study or training that are relevant to their employment, it will not always be possible to grant requests in relation to study or training. The circumstances in which the University may have to decline a request include, but are not limited to, 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 time off for training would be too great;
- Granting the employee’s request would have a detrimental effect on the University’s ability to meet student/customer demand;

- The University would be unable to satisfactorily cover the employee's absences on training;
- There are planned structural changes in the University;
- The cost of the activity is deemed to be too great.

A1.3 Payment for time off granted for study or training

The University is not obliged to pay an employee for any time off granted for study or training. In granting a request for time off, the University may agree with the employee that he/she will work flexibly to make up for the time off work granted for study or training. Any changes to the employee's hours of work or pay implemented as a result of an agreement to grant time off work must be expressly agreed with the employee.

Time off for examinations will be granted on the following basis: one day's leave per examination, i.e. half day preparation and half day examination, or half day preparation and full day exam. This is subject to the School/Service having adequate staff provision in place during the absence and only where the examination is relevant to the employee's role rather than that for personal development.

A1.4 Procedure

Employees who wish to submit a request in relation to study or training should do so using the SDTF01 Request for Study or Training Form and must stipulate:

- That it is an application to make a statutory request in relation to study or training;
- The date of the application;
- Whether or not a previous application has been made in relation to 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;
- To what qualification, if any, the study or training would lead;
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.

All requests should be submitted to the employee's line manager and a copy issued to the Senior HR Officer designated to Staff Development. Requests for the same type of development or training may not be submitted more than once every 12 months, unless a revised business case has been created and submitted the following academic session. A copy of this document and the required SDTF01 Request for Study or Training Form is available via the HR Web/Portal.

Requests for additional information

If, following a valid request in relation to study or training, the University thinks that it needs additional information before it gives proper consideration to the request, it can ask the employee to provide further information.

Invalid requests

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

Meeting to discuss request

Where a valid request has been submitted, the employee's line manager may 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 School/Service; 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.

If the employee fails more than once (without good reason) to attend a meeting to discuss a request in relation to study or training, the University may treat the request as withdrawn. In this case, the University will confirm in writing that the application is being treated as withdrawn.

Where a request is agreed

Where the University decides to agree to the employee's application in relation to study or training, it will write to the employee setting out:

- The subject of the study or training;
- Where and when the study or training will take place;
- Who will provide or supervise the study or training;
and
- To what qualification, if any, the study or training will lead.

The University will also state clearly:

- Whether or not the employee will be paid in respect of the time spent undertaking the study or training;
- Any changes to the employee's working hours agreed to accommodate the study or training;
and
- How any tuition fees or other direct costs of the agreed study or training will be met.

Where the University 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 will confirm the details of that agreement, including evidence of the employee's agreement to it. Where the University agrees to an employee's request, the employee must inform the University if he/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.

Where a request is declined

Where the University decides to decline the employee's application, it will 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 University 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 declined.

A1.5 Appeals

If an employee's request in relation to study or training is declined, the employee will have the right to appeal against this decision to the Head of Human Resources, who was not involved in the decision to decline the request. Any appeal should be submitted within 14 days of the decision to decline the request. The appeal notice must be in writing and must include the grounds on which the employee wishes to base the appeal. The University will make arrangements to hear the appeal within another 14 days and communicate the outcome in writing to the employee within a further 14 days.

A1.6 Timescales

The University and the employee may, if they wish, agree to extend any of the time periods specified in the Regulations. In this case, the University shall record the agreement in writing and send a copy to the employee.