

Right to Request Time for Training Policy		No.54
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Introduction

Loretto is committed to providing training, learning and development opportunities for staff within an annual plan to meet individual, team and organisational needs.

All employees within Loretto have a legal right to request time for training and for your line manager to consider your request and notify you of their decision.

This policy allows employees to manage their own training needs, meeting individual's needs as well as the organisations, recognising that on the whole this will be addressed via supervision and annual appraisal. Should you wish further information or clarification on this please contact your line manager or the Learning and Development Officer/Manager.

Training

Under your 'time to train' right, employees can request:

- training leading to a qualification
- training to help develop skills relevant to their job, workplace or business

There is no time limit for the length of time that the study or training may take.

The most important requirement is that the training will help improve business performance and employee effectiveness within the Organisation.

The training could be:

- in an area directly related to the type of work being undertaken
- something that will help employees progress within the business
- something that will help employees progress in a different area

For example, you could decide that you need to improve your English because it is your second language. If doing this will help your performance in your employer's business, you could make a request for English for Speakers of Other Languages (ESOL) course.

You can request training delivered in a number of ways. For example, training which is: undertaken on your employer's premises or elsewhere, including at your home, for example e-learning delivered whilst you are working or separately, for example on-the-job training provided or supervised by your employer or by someone else, for example a course run by a college or other training provider with or without someone supervising you within or outside the UK.

Making a 'time to train' request

All employees within Loretto have a new right to request 'time to train'. If you are putting together a request under this right, the following information explains what the process will be and what you should include.

Before making your request

Before making your request, it is important that you:

- are sure it is something you want to do
- decide on the training you need
- consider how to best meet your training need (e.g. is it already included in the annual Learning and Development Plan)

For example, if you would like training with an external provider or college then the timing of your request will be important to meet enrolment deadlines.

You should make your request well before you apply for a course at a college or similar institution. This will allow time for you and your line manager to discuss the request and help you to decide whether you will have the time to attend.

For example, you may need to agree with your line manager time off work or change your working hours/shift pattern before starting. Please see the flexible working policy.

The new right does not automatically change any existing arrangements you have with your employer about payment for wages while training, or meeting the cost of course fees. These are important things that you might need to think about carefully when deciding what training to request. It is up to you to agree with your employer about how to meet any costs, please see the Organisations Training Policy.

The Organisation only has to consider one request from you in any 12-month period. If you make more requests than this, we may not consider them.

How to apply and what to include

Your request must be in writing (on paper or electronically) and be dated.

A template request letter is attached at **Appendix 1**.

Your request must include the following details:

- that it is a request under 'Section 63D of the Employment Rights Act 1996'
- the subject matter of the study or training
- where and when the study or training would take place
- who would provide or supervise the study or training (for example, a training provider, or someone at work supervising on-the-job training)
- the name of the qualification the training will lead to (if any)
- an explanation of if and how you see this study or training making you more effective at work and improving the performance of your employer's business

- whether you have made a previous request and, if so, the date the request was made and whether it was emailed or posted to your employer
- Fees that will be incurred (see below)

If you do not include all the above information your request will not be considered. If this happens, your line manager will tell you if they are not going to consider your request and what information is missing. You will not have to wait another year to submit a new request.

To help your line manager consider your request, try to include as much information as possible about the likely costs of the training, for example any tuition fees. Where you propose on-the-job training and you do not know the costs, you should make this clear in your request.

Help completing your request

Advice on training is available from a variety of sources, including your line manager, the learning and development team, colleagues within the workplace or you can contact Careers Scotland on 0845 8502 502.

Amending a request after you have submitted it

You are not able to amend your request after you have given it to your line manager.

However, during your meeting to discuss your request, you and your line manager could discuss possible changes and reach a different agreement in deciding your request.

Withdrawing a request before your line manager considers it

You will be able to withdraw your request before your line manager considers it.

You should only withdraw a request if you no longer wish to pursue it. If you do withdraw your request you will probably not be able to make a further request for 12 months.

If you decide to withdraw your request you should notify your line manager as soon as possible. This will avoid them using their time unnecessarily considering your request.

Asking your line manager to ignore a request

You can ask your employer to ignore an earlier request you made if:

- you made a mistake and applied too soon after your last request (you must tell your employer your mistake when making your next request and say that you want to withdraw the request you submitted too early)
- your training doesn't happen because it was cancelled (except if the cancellation was your responsibility)
- you can't go on your training because of an emergency or something happens which is beyond your control

Asking your line manager to ignore a request in these cases will mean that you can make another request. Your line manager will have to consider the request even if it is less than 12 months since your last one.

Discussing your 'time to train' request

If you make a request, your line manager must follow a set process for considering your request and discussing it with you. This process is outlined below.

Time periods for considering your 'time to train' request

Within 28 days of receiving your request your line manager must either:

- accept it and give you their decision in writing – **Appendix 2**
- arrange a meeting with you to discuss it and within 14 days of that meeting inform you of their decision – **Appendix 2**
- If the person who would normally consider your request is not at work because of annual leave or illness, this time period is extended.

The 28 days starts either:

- on the day the person returns to work
- 28 days after the request is received, if the person is still off work at that point

Time limits for holding meetings and issuing notices of decisions on requests and appeals can be extended with your agreement.

Where they are, your line manager must:

- confirm the extension to you in writing and date it
- state how long the extension is for
- state when the extension ends

Arranging the meeting

Your line manager should arrange any meeting to discuss your request at an appropriate time and place for everyone attending.

Bringing a companion to the meeting

You can bring a fellow worker to the meeting, who could be a trade union representative, friend or colleague. Your line manager must allow workers time off during work hours to act as a companion and pay them for this time.

The companion can talk with you and talk at the meeting, but they cannot answer questions independently of you.

If your companion is unable to attend the meeting you can propose a new time that is suitable for you, your line manager and your companion. The re-arranged meeting must be within seven days of the day after the original meeting was planned.

Your line manager does not have to let you to bring someone who does not work for them to the meeting. However, if you have special needs and need someone other than a work colleague to attend, you can ask your employer if this would be possible and they will need to consider this.

Discussing your request with your line manager

You should be ready to discuss all aspects of your request with your employer including how the training will:

- improve your performance
- improve business performance
- be delivered
- be paid for

During the discussion your line manager may suggest some different training options or different ways in meeting your training need. You should be open to discussing these ideas with your employer. It is likely that your line manager will also want to discuss how the training may be accommodated (e.g. through working flexibly) and the costs.

Not attending the meeting

If you have a good reason why you cannot attend the meeting, you should contact your line manager as soon as possible and explain why. Your line manager will then rearrange it.

If you fail to attend the meeting (or appeal meeting) more than once without a reasonable explanation, your line manager will treat your request as withdrawn.

Withdrawal of agreement

There might be circumstances that your line manager may wish to withdraw their support for your training e.g. if the training course is over a long period.

You should be open to discussing this with your line manager in your meeting and consider agreeing to circumstances when their support may be withdrawn. Your line manager may confirm this in writing as part of their written acceptance of your request.

Decisions on your 'time to train' request

Your line manager will notify you on what was taken into consideration when making a decision on your request in writing.

Accepted 'time to train' requests

If your line manager agrees to your request they must outline in writing:

- the subject of your study or training
- where and when it will take place
- who will provide or supervise it
- the name of the qualification it will lead to (if any)
- how the training time will be taken - for example, whether it will be paid, unpaid, or whether you will work flexibly
- how the costs of the training will be met
- Part-accepted 'time to train' requests

You should keep a copy of this letter.

Template letters are attached at **Appendix 3** and **Appendix 4**

Your line manager can decide to agree to one part of your request and refuse another part e.g. if you have applied for more than one type of training. In these cases, your line manager must write to you setting out all of the above points and include:

- which part of the request they agree to
- which part of the request they refused, the reasons for this and provide details of the appeals procedure

Agreeing on different training

You and your line manager can agree to do a different type of training to the original request or to meet your training need in a different way. Your line manager needs your written agreement to this change. They should then write to you setting out all the points outlined in the 'accepted training requests' section above.

If your request is refused

Your employer can reject your request for one or more of the following reasons:

- the training would not improve your effectiveness in their business
- the training would not improve the performance of their business
- it would cause a detrimental impact on business performance
- the additional costs

- it would cause a detrimental (negative) effect on their ability to meet service needs or demands
- they cannot re-organise your work among existing staff
- they cannot recruit additional staff
- it would cause a detrimental impact on quality
- there is insufficient work during the periods you propose to work
- it conflicts with planned structural changes

When considering your request, your line manager will make sure that they do not discriminate against you.

If your line manager rejects your request, they must write to you setting out which of the above reasons apply and why. They should explain accurately and relevantly the key facts about why this reason applies in your case. Appendix _.

Evidence of attendance

You must tell your line manager in writing and include the relevant date if you:

- do not start the training
- stop attending the training
- do anything different to the training you have agreed

If you do not attend the agreed training without telling your line manager and get their agreement, this could result in disciplinary action being taken against you.

If you change your mind about attending the training after your line manager has agreed to your request, you should discuss this with your line manager at the earliest convenience.

Appealing against a 'time to train' decision

If you make a request for training under your legal right and your line manager refuses it, you can appeal this decision. There are certain steps you must take when appealing a 'time to train' decision, these are outlined below.

Making an appeal

There are no restrictions on the grounds you can appeal a 'time to train' decision on. However, if you decide to appeal you must do it within 14 days of your line manager's decision. Your appeal must:

- be in writing

- be dated
- set out why you are appealing the decision (the grounds for your appeal)

If you intend to make an appeal, you can use the template letter at **Appendix 5**.

Appeal meeting

Your line manager will arrange a meeting with you to discuss your appeal within 14 days of you sending it to them. **Appendix 6**

Following the meeting, your line manager must give you their decision on your appeal in writing within 14 days. **Appendix 7**.

The same guidelines apply to this meeting as your first meeting to discuss your request with your employer.

Discussing your 'time to train' request

Resolving problems with your request

If the appeal does not resolve the problem you have, try other informal ways of resolving the problem. Talk to your line manager about your problem. For example, if a manager misses a deadline to respond to your request, check why this is, it may just be an oversight.

You could involve a third party to talk through the problem.

If it is not possible to resolve your problem informally, please follow the organisation's grievance with your employer.

Complaint to an Employment Tribunal

If you have tried the other ways of resolving your problem, including a formal grievance, you may be able to make an Employment Tribunal claim. You can claim to an Employment Tribunal if your employer:

- failed to follow the procedure properly
- rejected your request on the basis of incorrect facts

You need to make an Employment Tribunal claim within three months, unless you have good reasons why this is not reasonably practicable.

ACAS may be able to offer its 'pre-claim conciliation' service before you make a complaint to an Employment Tribunal.

Review

The Co-ordinating Management Group has responsibility for ensuring that the policy is reviewed on a regular basis. This will ensure that it remains current, complies with

legislation and national guidance and therefore reflects best practice. This policy will be reviewed every two years.

Distribution

This policy will be available at all Loretto designated locations. Copies will also be available through the intranet.

Data Protection

Data collected in respect of this policy will be used for the purpose of monitoring and managing the SVQ process. Information including reports, statistics, anonymised service user / tenant documentation and any other correspondence will be held in confidence in line with the Policy on Data Protection.

Equality

This policy has been produced with the aim of supporting Loretto's strategy in relation to equality and diversity which welcomes individuals from all backgrounds. When using this policy Loretto expects that all members of staff will treat individuals fairly and with respect. This policy should be read in conjunction with the organisations policies on Learning and Development, Training, Disciplinary and Grievance and the SSSC Codes of Practice for Social Service Workers.

Line management and the Learning and Development Team will identify any support required in order that individuals can fully participate in the learning process and not feel discriminated against in any way.

If specific learning or support needs are identified Line managers will, following discussion with the employee, refer him/her to Occupational Health in order to further support the individual.

Loretto recognises and values diversity and actively works to promote equality of access for all staff in line with the Commission for Equality and Human Rights.

Loretto will take action should there be a breach of the policy relating to equality and diversity.

Pro forma's

Appendix 1 Template letter for a time to train request

Dear [manager's name]

I would like to apply under section 63D of the Employment Rights Act 1996 for time to undertake study or training (time to train).

I would like to carry out study or training on [include detail about:

- the subject of the training or study you would like to do
- where and when the training or study would take place
- who will provide or supervise it (e.g. study at home, in a college etc)
- what qualifications (if any) it will lead to]

I believe this training will make me more effective at work and improve my performance in your business because [include information about how the training will help make you better in your job, as well as how it will benefit your employer – your employer will assess your application based on business reasons for their company, so it is important that you include as much information and explanation as possible].

[include the statement below that applies to you and delete the rest]

[a] I will meet the costs of the training myself.

[b] I would like to discuss with you how to meet the training costs. [include any details you have about how much the training might cost and how you would like the costs to be met]

[c] The training is free of charge.

I have been an employee of the organisation for at least 26 weeks, starting employment on _____. I have not made a time to train request during the past 12 months.

[include the statement below that applies to you and delete the rest]

[a] I have previously made a request for time to train on [date in DD/MM/YYYY format]. I submitted this application by [include how you sent your application to your employer, e.g. email].

Or

[b] I have never made a request under my right to request time to train before.

Yours sincerely,

[signature}

Name: [your name]

Date: [date in DD/MM/YYYY format]

Appendix 2

Template letter acknowledging receipt of the time to train request / approval

Dear [Employees Name]

Time to train request date: [date in DD/MM/YYYY format]

I acknowledge receipt of your time to train request and can confirm:

[a] I agree your time to train request as outlined by you

Or

[b] I have arranged for us to meet on _____ at ___am/pm at _____ to discuss your request further.

You are entitled to be accompanied by a friend, trade union representative or colleague at this meeting. I would delete this

Please confirm your attendance at the meeting.

Yours sincerely

Name [Line Manager]
Designation

Copy: Learning and Development Manager/HR

Appendix 3

Template letter – Acceptance of right to time to train

Dear [Employees Name]

Time to train request date: [date in DD/MM/YYYY format]

Thank you for meeting with me on _____ to discuss your time to train request.

I have considered your request and can confirm that your request to training has been agreed in full or in part, as follow:

[Please detail the summary of your decision, including what aspects have not been agreed]

Should any circumstances change regarding your request please let me know.

Yours sincerely

Name [Line Manager]
Designation

Copy: Learning and Development Manager / HR

Appendix 4

Template letter – Rejection of right to time to train

Dear [Employees Name]

Time to train request date: [date in DD/MM/YYYY format]

Thank you for meeting with me on _____ to discuss your time to train request.

I have considered your request and can confirm that on this occasion your request for time to attend training has been rejected, as follow:

[Please detail the summary of your decision, including what aspects have not been agreed]

You have the right to appeal this decision within 14 days. By writing to myself at the above address

Yours sincerely

Name [Line Manager]
Designation

Copy: Learning and Development Manager / HR

Appendix 5

Template letter for appealing a decision on your time to train request

Dear [employer's name]

Time to train request date: [date in DD/MM/YYYY format]

Date we discussed the request: [date in DD/MM/YYYY format]

I hereby notify you that I would like to appeal against your decision to refuse my time to train request.

I am appealing on the grounds [set out why you are appealing - to help your employer reconsider their earlier decision, you should think carefully about what information would be useful for you to provide].

Yours sincerely

[signature]

Name: [your name]

Date: [date in DD/MM/YYYY format]

Appendix 6

Template letter Appeal

Dear [Employee]

Time to train request date: [date in DD/MM/YYYY format]

Following your letter requesting to appeal the decision made to decline your right to time to train I have arranged a meeting on _____ at ____am/pm at _____ in order to discuss your appeal further.

You are entitled to be accompanied by a friend, trade union representative or colleague at this meeting. Again I would delete this

Please confirm your attendance at the meeting.

Yours sincerely

Name [Line Manager]
Designation

Copy: Learning and Development Manager / HR

Appendix 7

Template Letter Appeal Outcome

Dear [Employee]

Time to train request date: [date in DD/MM/YYYY format]

Following our meeting on _____ to discuss your appeal against the decision to request time to train.

I have considered information supplied at your appeal hearing and can confirm that your request has been agreed in full or in part or rejected, as follows:

[Please detail the summary of your decision, including what aspects have not been agreed]

Yours sincerely

Name [Line Manager]
Designation

Copy: Learning and Development Manager / HR