

The Right to Time Off for Study or Training

The Right to Time Off for Study or Training is an important right that allows 16 and 17 year olds in employment to reach a certain standard in their education and training.



The Right to Time Off for Study or Training legislation aims to develop in everyone a commitment to lifelong learning - to enhance their lives, improve their employability and create the skills that our economy and employers need.

Who is covered by the legislation?

16 or 17 year olds in employment who are not already qualified to Level 2 and are not in full-time secondary or further education.

The legislation does not cover anyone who is not an employee - for example, freelancers or independent contractors, members of the Armed Forces or employees who are contracted to work outside Great Britain, including offshore oil and gas installations.

Employees subcontracted to work for another organisation or person also have the right to be permitted to take time off during their normal working hours to study or train for a relevant qualification.

Level 2 qualifications are defined in precise detail in the Regulations and include:

- 5 GCSE A* - C
- Intermediate GNVQ
- NVQ Level 2
- Edexcel BTEC First Certificate/First Diploma
- City and Guilds Diploma of Vocational Education at Intermediate Level
- Scottish Equivalent

The awarding bodies which are recognised as national qualification awarding bodies are the only ones which are acceptable. In other words, by law 16/17 year olds have the right to study for qualifications which are recognised as having national standing.

The Regulations list the awarding bodies in greater detail but they include:

- GCSE and GNVQ awarding bodies
- NVQ awarding bodies
- National Entry Level Qualifications awarding bodies
- Scottish Qualifications Authority
- SVQ awarding bodies

What is 'reasonable time off'?

The legislation does not specify the amount of time that an employer should allow or when, during the working week, it may be taken.

The amount of time given and the occasions on which time off may be taken must take into consideration the requirements of the employee's study or training as well as the effect the time off has on the running of the employer's business.

Where can the training take place?

To allow flexibility in deciding what is reasonable, the study or training may take place in the workplace (including on the job training), with a training provider, another employer, at a college or in any combination of these.

Other key points

- You'll be entitled to payment for your time off at the appropriate rate
- Because the legislation applies to all young people it is not necessary to go for Level 2 in one step, but the qualification must contribute to the standard
- Certain 18 year old employees will have the right to complete any study or training they have already started
- This is an enforceable right and employee complaints can be made through an employment tribunal
- If you're away from work but don't attend a college or other training establishment when expected you may be liable to disciplinary action in respect of any unauthorised absence

For more information

Click onto the 'It's your choice' pages on the Directgov website at www.direct.gov.uk/en/EducationAndLearning/14To19/OptionsAt16 or talk to your Personal Adviser.

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