



Bulletin 161

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**NEW RIGHT TO REQUEST TIME OFF FOR TRAINING**

A new statutory right for employees to request time off work to undertake study or training comes into force from 6<sup>th</sup> April 2010. It is hoped that this new right will ultimately aid the recovery of the UK economy.

Initially the right will only be available to employees who work in businesses with 250 or more employees. It will be rolled out to employees in businesses of all sizes in April 2011.

The key features of the right are:

- Only employees with more than 26 weeks' service will be eligible to exercise this right. Various groups, including agency workers, will not have the right to request time to train
- The employee must consider that the training will help them to be more productive and effective at work and that it will help to increase the productivity and performance of their employer's business
- The training requested can be in whatever format the employee thinks most effective. There is no limit to the amount of time, study or training that an employee can request
- The procedure for making a request for time off to train resembles the procedure for making a flexible working request
- The right is to **unpaid** time off work and employers are not required to pay for the training
- An employee is only permitted to make one request in a 12 month period
- Employers have to consider all valid requests seriously and respond within a reasonable time
- Employers can refuse a request for a sound business reason and/or where they do not consider that the training will improve the employee's effectiveness at work or the performance of the employer's business
- An employee must not be treated detrimentally or be dismissed for a reason relating to their request for time off for training.

**Practical Tips**

Although employers are not required to pay for the training you may consider it appropriate to do so if it will improve your business' performance. If you do offer training options for employees it would be sensible to put in place a policy for dealing with applications. If an employee requests time off for training which is not relevant to your business you may instead suggest other training pursuant to your training policy.

If you require any specific advice in connection with the material contained in this bulletin, or on any other Employment Law issues, please contact: Paul Chamberlain in Manchester on 0161 836 8864, Andrew Cross in Liverpool on 0151 600 3062 or Kevin James in Preston on 01772 229847.

If you no longer wish to receive the bulletin please let us know by return e-mail to [helen.calvert@brabnerscs.com](mailto:helen.calvert@brabnerscs.com)

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