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STATUTORY INSTRUMENTS

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**1999 No. 986**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Right to Time Off for Study or Training Regulations 1999**

*Made* - - - - *24th March 1999*  
*Laid before Parliament* *31st March 1999*  
*Coming into force* - - *1st September 1999*

In exercise of the powers conferred by sections 63A and 236(5) of the Employment Rights Act 1996<sup>(1)</sup>, the Secretary of State for Education and Employment hereby makes the following Regulations:—

**Citation, commencement, extent and application**

1.—(1) These Regulations may be cited as the Right to Time Off for Study for Training Regulations 1999, shall come into force on 1st September 1999 and shall extend to England and Wales only.

(2) These Regulations apply in relation to any employee who ordinarily works in England or Wales.

**Interpretation**

2. In these Regulations—

“the 1996 Act” means the Employment Rights Act 1996;

“BTEC” means Business and Technology Education Council;

“CSYS” means a Certificate of Sixth Year Studies;

“GCE ‘A’ level examination” and “GCE ‘AS’ examination” mean General Certificate of Education advanced level and advanced supplementary examinations respectively;

“GCSE” means General Certificate of Secondary Education;

“GNVQ” means a General National Vocational Qualification;

“GSVQ” means a General Scottish Vocational Qualification;

“NVQ” means a National Vocational Qualification;

“SQA” means the Scottish Qualifications Authority;

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(1) 1996 c. 18. Section 63A was inserted by section 32 of the Teaching and Higher Education Act 1998 (c. 30).

“GSVQ” means a Scottish Vocational Qualification.

### **Standard of Achievement**

**3.—(1)** For the purposes of section 63A(1) of the 1996 Act and subject to paragraphs (2) to (4) the standard of achievement shall be as follows:

- (a) grades A\* to C in five subjects in GCSE examinations;
- (b) SQA Standard Grades at grades 1 to 3 in five subjects;
- (c) one Intermediate level GNVQ or one GSVQ at level 2;
- (d) one NVQ or GSVQ at level 2;
- (e) one BTEC First Certificate awarded by the Edexcel Foundation;
- (f) one BTEC First Diploma awarded by the Edexcel Foundation;
- (g) the City and Guilds of London Institute Diploma of Vocational Education at Intermediate level; or
- (h) 16 SQA unit or assessment credits at least 8 of which are at Intermediate 2 or above and the remainder at Intermediate 1, where unit credits are awarded on the basis of 1 per 40 hour SQA National Unit of National Certificate module or SQA Short Course and pro rata for SQA National Units or National Certificate module of different duration.

(2) For the purposes of paragraph (1):

- (a) where an employee has been awarded a Part One GNVQ (Intermediate level) he shall be treated as having achieved grade A\* to C in two GCSE subjects;
- (b) where an employee has been awarded a GNVQ Language Unit (Intermediate level) he shall be treated as having achieved grade A in half a GCSE subject;
- (c) where an employee has been awarded a grade in an examination relating to a GCSE short course, he shall be treated as having achieved that grade in half a GCSE subject;
- (d) where an employee has been awarded—
  - (i) a SQA Standard Grade at grades 1 or 2, he shall be treated as having achieved 4 SQA unit or assessment credits at Intermediate 2,
  - (ii) a SQA Standard Grade at grade 3, he shall be treated as having achieved 4 SQA unit or assessment credits at Intermediate 1,
  - (iii) a GSVQ at level 1, he shall be treated as having achieved 12 SQA unit or assessment credits at Intermediate 1,

in any case such unit credits being treated as awarded on the basis of 1 per 40 hour SQA National Unit;

- (e) where an employee has been awarded an SQA National Certificate module or SQA National Unit of 40 hours duration or an SQA Short Course and the relevant certificate does not specify the level of award—
  - (i) if the title of the module, unit or Short Course ends with the numeral “3” or higher, he shall be treated as having achieved an SQA unit credit at Intermediate 2, and
  - (ii) in any other case, he shall be treated as having achieved an SQA unit credit at Intermediate 1; and
- (f) sub-paragraph (e) shall also apply in the case of an employee awarded an SQA National Certificate module or SQA National Unit of a duration other than 40 hours where the relevant certificate does not specify the level of award, subject to the modification that the unit credits shall be treated as awarded in that case on the same basis as is specified in paragraph (1)(h).

(3) Where an employee has been awarded any of the qualifications specified in paragraph (4) he shall be treated as having attained the standard of achievement for the purposes of section 63A(1) of the 1996 Act.

(4) The qualifications referred to in paragraph (3) are:

- (a) grades A to E in one GCE 'A' level examination;
- (b) grades A to E in one GCE 'AS' level examination;
- (c) one Advanced Level GNVQ or one GSVQ at level 3;
- (d) one SQA Higher Grade at grades A to C;
- (e) one CSYS at grades A to C; and
- (f) one NVQ or GSVQ at level 3.

#### **Awarding bodies**

4. The awarding bodies listed in the Schedule (whether acting alone or jointly with any other body) are hereby specified for the purposes of section 63A(2)(c) of the 1996 Act.

24th March 1999

*Tessa Blackstone*  
Minister of State,  
Department for Education and Employment

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## SCHEDULE

Regulation 4

### AWARDING BODIES

#### **GCSE and GNVQ Awarding Bodies**

##### **A. Assessment and Qualifications Alliance**

Edexcel Foundation

Northern Ireland Council for the Curriculum, Examinations and Assessment

Oxford, Cambridge and RSA Examinations

Welsh Joint Education Committee

#### **NVQ Awarding Bodies**

##### **B. Association of Accounting Technicians**

Association of Industrial Truck Trainers

Automotive Management and Development Limited

Awarding Body for the Built Environment

The British Computer Society

The British Horse Society

British Horseracing Training Board

British Polymar Training Association

CABWI Awarding Body

Central Council for Education and Training in Social Work

Chartered Institute of Bankers

City and Guilds of London Institute

City and Guilds of London Institute

Confederation of International Beauty Therapy and Cosmetology

Construction Industry Training Board

Construction Industry Training Board Northern Ireland

Council for Awards in Children's Care and Education

Distributive Occupational Standards Council

Edexcel Foundation

EMTA Awards Limited

Engineering Construction Industry Training Board

Engineering Training Council (Northern Ireland)

EPIC

Fibreboard Awarding Body

Glass Qualifications Authority

Hospitality Awarding Body

Institute of Linguists Education Trust

The Institute of Management Foundation

The Institute of the Motor Industry  
Institute of Personnel and Development  
Institute for Supervision and Management  
Joint Examining Board  
Joint Industry Board for the Electrical Contracting Industry  
Leather Producing Industry Vocational Qualifications Board  
London Chamber of Commerce & Industry Examinations Board  
Local Government Management Board  
Management Verification Consortium Ltd  
Meat Training Council  
NCC Education Services Ltd  
National Examining Board for Supervisory Management  
National Fencing Training Authority  
National Proficiency Tests Council  
Oxford, Cambridge and RSA Examinations  
The Open University  
Pitman Qualifications  
Process Awards Authority  
Qualifications for Industry Ltd  
The Royal College of Veterinary Surgeons  
Security Industry Training Organisation/Parking Committee for London  
Steel Industry Qualifications Board  
Telecommunications Vocational Standards Council  
Vocational Qualifications in Science, Engineering & Technology  
Vocational Training Charitable Trust

#### **National Entry Level Qualification Awarding Bodies**

- C. Assessment and Qualifications Alliance
  - Edexcel Foundation
  - Languages Development Centre (S Martin's College)
  - Oxford, Cambridge and RSA Examinations
  - The Christian Theology Trust
  - Welsh Joint Education Committee

#### **National Qualifications in Scotland Awarding Body**

- D. SQA

#### **GSVQ Awarding Bodies**

- E. Association of Accounting Technicians
- Association of Industrial Truck Trainers

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Automotive Management and Development Limited  
Confederation of International Beauty Therapy and Cosmetology  
The British Horse Society  
British Polymar Training Association  
City and Guilds of London Institute  
Electricity Training Association  
EMTA Awards Ltd  
Engineering Construction Industry Training Board  
EPIC  
Glass Qualifications Authority  
Institute for Supervision and Management  
Institute of the Motor Industry  
Leather Producing Industry Vocational Qualifications Board  
Local Government Management Board  
Museum Training Institute  
National Fencing Training Authority  
National Proficiency Tests Council  
NCC Education Services Ltd  
The Open University  
Qualifications for Industry Ltd  
The Royal College of Veterinary Surgeons  
Scottish Association of Master Bakers  
SQA  
Travel Training Company Ltd  
Vocational Qualifications in Science, Engineering and Technology  
Vocational Training Charitable Trust

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which are made under section 63A of the Employment Rights Act 1996 (the “1996 Act”), set out the standard of achievement which is prescribed for the purposes of section 63(A)(1)(c) of the 1996 Act (regulation 3). An employee who has not attained the standard of achievement has a right to take time off for study or training leading to a relevant qualification.

The Regulations also list in the Schedule the qualification awarding bodies which are specified for the purposes of section 63A(2).

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