

1999 No. 986

TERMS AND CONDITIONS OF EMPLOYMENT

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

<i>Made</i> - - - -	<i>24th March 1999</i>
<i>Laid before Parliament</i>	<i>31st March 1999</i>
<i>Coming into force</i>	<i>1st September 1999</i>

In exercise of the powers conferred by sections 63A and 236(5) of the Employment Rights Act 1996^(a), 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 or 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;

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

- (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 SVQ 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 or 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’ 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 SVQ 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

SCHEDULE

Regulation 4

AWARDING BODIES

A. GCSE and GNVQ Awarding Bodies

Assessment and Qualifications Alliance
Edexcel Foundation
Northern Ireland Council for the Curriculum, Examinations and Assessment
Oxford, Cambridge and RSA Examinations
Welsh Joint Education Committee

B. NVQ Awarding Bodies

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 Polymer Training Association
CABWI Awarding Body
Central Council for Education and Training in Social Work
Chartered Institute of Bankers
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

C. National Entry Level Qualification Awarding Bodies

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

D. National Qualifications in Scotland Awarding Body

SQA

E. SVQ Awarding Bodies

Association of Accounting Technicians
Association of Industrial Truck Trainers
Automotive Management and Development Limited
Confederation of International Beauty Therapy and Cosmetology
The British Horse Society
British Polymer 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

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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