
STATUTORY INSTRUMENTS

2001 No. 2801

**TERMS AND CONDITIONS OF
EMPLOYMENT, ENGLAND AND WALES**

The Right to Time Off for Study or Training Regulations 2001

Made - - - - *31st July 2001*
Laid before Parliament *3rd August 2001*
Coming into force - - *1st September 2001*

In exercise of the powers conferred by sections 63A and 236(5) of the Employment Rights Act 1996⁽¹⁾, the Secretary of State for Education and Skills 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 2001, shall come into force on 1st September 2001 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;

“AVCE” means Advanced Vocational Certificate of Education;

“ASVCE” means Advanced Subsidiary Vocational Certificate of Education;

“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;

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

“NVQ” means a National Vocational Qualification;

“Key Skills Qualification” means a qualification made up of qualifications in the Key Skills of Communication, Application of Number and Information Technology;

“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) 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 modules 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 Key Skills Qualification where level 2 in each of the qualifications which make up the Key Skills Qualification has been achieved he shall be treated as having achieved one GCSE grade A* to C;
- (c) 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;
- (d) 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;
- (e) where an employee has been awarded—
 - (i) an 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) an 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;

- (f) 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
- (g) sub-paragraph (f) 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 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 AVCE;
 - (b) grades A to E in one ASVCE;
 - (c) grades A to E in one GCE `A' level examination;
 - (d) grades A to E in one GCE `AS' examination;
 - (e) one Advanced level GNVQ or one GSVQ at level 3;
 - (f) one SQA Higher Grade at grades A to C;
 - (g) one CSYS at grades A to C or one SQA National Course at Advanced Higher level at grades A to C;
 - (h) one NVQ or SVQ at level 3; and
 - (i) one SQA Scottish Group Award at Higher or Advanced Higher level.

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.

Revocation and saving

5.—(1) Subject to paragraph (2) below, the Right to Time Off for Study or Training Regulations 1999(2) are revoked.

(2) Where before 1st September 2001 an employee has commenced a course of study or training leading to a qualification awarded or authenticated by a body which was specified in the Schedule to the Right to Time Off for Study or Training Regulations 1999 but which is not so specified in these Regulations, that body shall, in respect of that employee, continue to be specified for the purposes of section 63A(2)(c) of the 1996 Act until the employee completes or discontinues that course of study or training.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

31st July 2001

Ivan Lewis
Parliamentary Under Secretary of State,
Department for Education and Skills

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
Association of Industrial Truck Trainers Vocational Qualifications Ltd
Automotive Management and Development Limited
Awarding Body for the Built Environment
The British Horse Society
British Horseracing Training Board
British Polymer Training Association
CABWI Awarding Body
The Chartered Institute of Bankers
City and Guilds of London Institute
Construction Industry Training Board
Construction Project Management Group
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)
Extractive and Mineral Processing Industry Consortium
Fibreboard Awarding Body
Fire Services Awarding Body
Glass Qualifications Authority
Hospitality Awarding Body
The Improvement and Development Agency
The Institute of Management Foundation
The Institute of the Motor Industry
Institute of Personnel and Development
Institute for Supervision and Management
Intellect Limited

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Joint Examining Board
Joint Industry Board for the Electrical Contracting Industry
Leather Producing Industry Vocational Qualifications Board
London Chamber of Commerce & Industry Examinations Board
Meat Training Council
The National Examining Board for Supervision and Management
National Fencing Training Authority
National Proficiency Tests Council
The Open University
Oxford, Cambridge and RSA Examinations
The Pensions Management Institute
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
Vocational Qualifications in Science, Engineering & Technology
Vocational Training Charitable Trust

C. Entry Level Qualification Awarding Bodies

Assessment and Qualifications Alliance
Award Scheme Development and Accreditation Network
Birmingham Comenius Centre and Birmingham Local Education Authority
Edexcel Foundation
Languages Development Centre (S Martin's College)
National Proficiency Tests Council
Oxford, Cambridge and RSA Examinations
Salford Diocese Religious Education Centre
The Christian Theology Trust
Welsh Joint Education Committee

D. National Qualifications in Scotland Awarding Body

SQA

E. SVQ Awarding Bodies

Association of Accounting Technicians
Automotive Management and Development Limited
The British Horse Society
British Polymer Training Association
Chartered Institute of Personnel and Development
City and Guilds of London Institute

Electricity Training Association
EMTA Awards Ltd
Engineering Construction Industry Training Board
EPIC
Glass Qualifications Authority
Institute of Management
The Institute of the Motor Industry
Institute for Supervision and Management
Lantra Awards (NTFA)
Leather Producing Industry Vocational Qualifications Board
The National Examining Board for Supervision and Management
National Proficiency Tests Council
The Pensions Management Institute
Qualifications for Industry Ltd
The Royal College of Veterinary Surgeons
Scottish Association of Master Bakers
SQA
Skillset
The Open University
TWI Certification Ltd
Vocational Qualifications in Science, Engineering & Technology
Vocational Training Charitable Trust

F. Key Skills Awarding Bodies

Assessment and Qualifications Alliance
Award Scheme Development and Accreditation Network
British Horseracing Training Board
City and Guilds of London Institute
Council for Awards in Children's Care and Education
Edexcel Foundation
EMTA Awards Limited
ETC Awards Ltd
Hospitality Awarding Body
The Institute of the Motor Industry
London Chamber of Commerce & Industry Examinations Board
NCFE
Northern Ireland Council for the Curriculum, Examinations and Assessment
Oxford, Cambridge and RSA Examinations
Pitman Qualifications
Qualifications for Industry Ltd
Vocational Training Charitable Trust

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Welsh Joint Education Committee

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”), revoke and re-enact the Right to Time Off for Study or Training Regulations 1999.

The Regulations 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).

The changes effected by these Regulations are:

- (a) additional provisions regarding the standard of achievement prescribed (*regulation 3(2)(b) and 4(a), (b), (g) and (i)*);
- (b) revisions to the awarding bodies specified in the Schedule.

The Regulations make savings in respect of courses of study or training commenced before the coming into force of these Regulations (*regulation 5*).