

A guide to time off for training

This employment law briefing sets out how a business should respond if an employee makes a request for time off work for study or training.

What is the right?

Businesses that employ 250 or more employees are obliged to consider an employee's request to take time off work for study or training.

Who is eligible?

- Only employees with more than 26 weeks' service with the business will be entitled to make a request for time off for study or training.
- The study or training applied for must be for the purpose of improving the employee's effectiveness at work and also improve the performance of the business.
- It does not have to lead to a formal qualification (for example, it could simply be training on a new piece of software or equipment).
- The right does not apply to:
 - agency workers;
 - school-age children; or
 - young employees who qualify for a separate right to time off for training.

How does it work?

- An employee may only make one application for time off for training in any 12-month period.
- Their application must be in writing and include details of the training they want to undertake.
- The business must consider all requests seriously.

What is the procedure for dealing with a request?

The procedure the business must follow mirrors the procedure for dealing with a flexible working request. The business should:

- Hold a meeting with the employee to discuss their application within 28 days of receiving it.
- Allow the employee to be accompanied by a colleague, who can address the meeting and confer with the employee making the request.

- Give the employee a written, dated notice of the decision within 14 days of the meeting.

What are the grounds for refusing a request to take time off for training?

- There are a number of specified business reasons that a business can rely on to decline a request:
- Where it does not believe that the training requested will help improve the performance of the business.
- Where there is an unacceptable cost burden
- Where the employer will not be able to reallocate work.

The right to appeal

- An employee has the right to appeal the decision. The appeal must be dated, in writing, set out the grounds on which they wish to appeal and be submitted within 14 days of the initial decision.
- A business has 14 days to either uphold the appeal and notify the employee or hold a further meeting with them to discuss the appeal.

How much time can be taken off?

The business can grant all, part of or none of the time off that is requested by the employee. There is no right to payment, even if the request for time off is granted.

On what grounds could an employee bring an employment tribunal claim against the business for failure to comply with these rules?

- The business fails to hold a meeting with the employee within 28 days of receiving their application, or within 14 days of their notice of appeal against an initial decision.
- The business fails to notify the employee of its decision within 14 days of the initial meeting to discuss their application, or within 14 days of an appeal meeting.
- The business refuses their application, in full or in part, for a reason other than one or more of the permissible grounds for refusal, and fails to correct the decision on appeal.
- The business made the decision to refuse all or part of their application on incorrect facts and failed to correct the error on appeal.
- The business fails to:
 - allow the employee to be accompanied by a colleague of their choosing at a meeting;
 - allow their colleague to address the meeting or confer with the employee during the meeting;
 - postpone a meeting under the procedure because the employee's chosen companion is unavailable.

What are the penalties for failing to deal with the request adequately?

- It is automatically unfair to dismiss an employee because an application for time off for training has been made.
- An employment tribunal may award compensation of up to eight weeks' pay (or up to two weeks' pay for a breach of the right to be accompanied provisions) and the business may be ordered to reconsider the application.

This employment law briefing just provides an overview of the law in this area.

For a complete understanding of how it may affect your particular circumstances, please contact our [Employment Team](#) for a free consultation.

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