

1. Scope

1.1 The right to request time to train applies to all Aberystwyth University employees.

1.2 To make a request for time to train an employee must have worked for the University continuously for at least 26 weeks on the date they make the request.

The Procedure for making a statutory request for time to train

2 Making a request

2.1 Employees should, in the first instance, request training and development in accordance with the Staff Development Policy and departmental practice. If a request for training, or time off for training, **is declined**, then employees have the statutory right to request time off for training in line with *The Employee Study and Training (Procedural requirements) Regulations 2010* and the process for so doing is outlined below.

2.2 The *Time to Study/Train Request Form* must be used when making a request. The form (which is available in Welsh or English) can be found in the Human Resources section of the AU website. The completed form must be sent to the relevant Head of Department with a copy sent to the Director of Human Resources. The Head of Department should acknowledge receipt of the request.

Requests should be made well in advance and certainly well before any application is made for a course at a college or similar institution.

2.3 The Regulations only permit an employee to submit one such request in a rolling 12 month period.

2.4 A request for time to train must be submitted in writing by the employee and contain the following information:

- a statement that the application is an 'application under Section 63D Employment Rights Act 1996';
- the subject matter of the proposed training or study;
- where and when the proposed training or study would take place;
- who would provide or supervise it;
- what qualification it would lead to (if any);
- how the proposed training or study would improve the employee's effectiveness and the performance of the University.

2.5 Where an employee's request does not include all of the necessary information, he/she will be notified and informed that they may revise and resubmit their request with the information required. This would be considered as a new request.

2.6 An employee can withdraw a request if they no longer want to pursue it. However, it may be a further 12 months before the University will consider another request under the Regulations.

3. Consideration of the request

3.1 Within 28 days of receiving a request from an employee, the Head of Department must have either;

- accepted the request and confirmed the decision in writing, or
- arranged to meet with the employee (or have his/her nominee meet with the employee) and a representative of Human Resources to discuss the request. The employee may use Welsh in this meeting and if necessary a simultaneous translation service will be provided to facilitate this. The decision will be communicated to the employee in writing within 14 days of the meeting taking place.

3.2 If the Head of Department is absent and cannot comply with timescales, the request may be referred to the relevant Dean or to the Registrar and Secretary or nominee. The above time limits can be extended following agreement between the parties.

3.3 Employees have the right to be accompanied at the meeting referred to in paragraph 3.1, by a trade union representative or a work colleague. If the employee fails to attend the meeting more than once without a reasonable explanation, the Head of Department or nominee can consider the request as being withdrawn. In such circumstances, the Head of Department or nominee will write to the employee confirming that the request is now considered withdrawn.

3.4 The aim of the meeting is to discuss the request in detail. Employees should be prepared to discuss how the training will:

- improve their performance;
- improve business performance;
- be accommodated by the Department;
- be delivered;
- be paid for.

During the discussion it may be appropriate for the Head of Department or nominee to suggest alternative training options or different ways of meeting the employee's training needs. The employee should be open to discussing these. All parties are encouraged to find a positive, appropriate and amicable solution to the request.

4. Formal response to the request

4.1 In the formal response to the employee, the Head of Department or nominee will communicate one of the following decisions:

- the request is agreed or different training is agreed;
- the request is partially accepted, i.e. the Head of Department or nominee can decide to agree to part of a request made by a member of staff and refuse another part;
- the request is denied.

Where the request is denied the written notification of this decision will include the reasons why their request was unsuccessful on this occasion. This may be for one of the following business reasons:

- the proposed study or training would not improve the employee's effectiveness in the University;
- the proposed study or training would not improve the performance of the University;
- the burden of additional costs;

- agreeing to the request would have a detrimental effect on the University's ability to meet customer demand;
- it would not be possible to reorganise work among existing staff;
- it would not be possible to recruit additional staff;
- agreeing to the request would have a detrimental impact on quality;
- agreeing to the request would have a detrimental impact on performance;
- there would be an insufficiency of work during the periods the employee proposes to work;
- there are planned structural changes during the proposed study or training period.

5. Appeal

5.1 An employee who wishes to appeal against the decision must do so by setting out the grounds of appeal to the Director of Human Resources within 14 days of receiving the University's decision. An appeal must be in writing and must set out the grounds of appeal. The appeal may be submitted in Welsh or English.

5.2 Within 14 days of receiving the appeal letter an appeal hearing will take place. The appeal will be heard by a Pro Vice-Chancellor. Staff have the right to be accompanied at the hearing by a trade union representative or a work colleague. Employees may use Welsh in this meeting and if necessary a simultaneous translation service will be provided to facilitate this. The decision will be communicated in writing within 14 days of the meeting taking place.

6. Terms of financial arrangements for training agreed

6.1 Where the request for training is agreed, financial assistance may be given by the University. A contribution towards the financial costs of the training may be made by the employee. If during the training, or within two years of the completion of the training, the employee's employment ends due to their resignation or summary dismissal by the University, repayment of fees will be considered by the Head of Department. The process for recovery of the fees will be in line with University financial procedures.

6.3 The University also reserves the right to withdraw its support if, in the University's judgement, results or attendance levels fail to justify continuance with the training.

7. Policy Review

7.1 CDSAP will provide a report to the Staff Development Committee on all Time to Train requests (and their outcomes during the academic year) submitted under this procedure.

7.2 The Director of Human resources will co-ordinate a review of this policy on an annual basis to maintain compliance with legislation and good practice.

7.3 The review will be undertaken in liaison with the recognised trade unions and any proposed amendments will be submitted to Staffing Committee for approval.

7.4 The University is committed to embedding the Single Equality Scheme into its policies, procedures and practices. This policy has been equality impact assessed in accordance with the scheme.

8. Welsh Language – Employee Rights

In accordance with the Welsh Language Standards that came into effect on 1 April 2018 employees have the right to use the Welsh language to

- (a) make a complaint
- (b) respond to a complaint or allegation

and employees also have the right to use the Welsh language in meetings where they are the subject of

- (c) complaints and allegations (or have made the complaint)
- (d) disciplinary proceedings
- (e) effective contribution scheme discussions
- (f) individual consultation meetings

A simultaneous translation service from Welsh to English will be provided at the meeting when the meeting cannot be conducted solely in Welsh.

The university has, in conjunction with its recognised trade unions, incorporated the above requirements into all relevant HR policy and procedural documents.

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