

Covering letter

Lifelong Learning Directorate
Employability and Skills Division

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26 September 2008

Dear Sir/Madam

CONSULTATION ON THE RIGHT TO REQUEST TIME TO TRAIN FOR EMPLOYEES IN SCOTLAND

The UK Government intends to introduce the right to request time to train for employees in England in 2010. This consultation seeks views on extending this right to Scotland.

We are inviting responses to this consultation paper **by 31 October 2008**. Please send your response with the completed Respondent Information Form to:

timetotrain@scotland.gsi.gov.uk

Or by post to:

Lynn Forsyth
Scottish Government
Europa Building
450 Argyle Street
Glasgow G2 8LG

If you have any questions about this consultation document please contact me on 0141 242 0215.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at: <http://www.scotland.gov.uk/consultations>. You can telephone 0800 77 1234 to find out where your nearest public internet access point is.

The Scottish Government now has an email alert system for consultations (SEconsult: <http://www.scotland.gov.uk/consultations/seconsult>). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete Section 1, Respondent Information Form of the Consultation Question Form as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library (see the attached Respondent Information Form) and on the Scottish Government consultation web pages as soon as possible. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on the proposal. We aim to issue a report on this consultation process by Friday 28 November 2008.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to: lynn.forsyth@scotland.gsi.gov.uk or to me at the address set out above.

Yours faithfully

Lynn Forsyth

Consultation on the right to request time to train for employees in Scotland

September 2008



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Foreword



The Scottish Government recognises that a skilled workforce is crucial to achieving our key purpose of sustainable economic growth and to creating a smarter, fairer country in which we all have an opportunity to develop to our full potential. A better skilled workforce is a more productive and innovative workforce, which is better able to adapt to changes in the economy, in technology and in the international arena.

Skills for Scotland, our lifelong skills strategy, recognises that enhancing and properly using our skills plays a vital role in driving and supporting economic growth. Employers and employees have much to gain from encouraging and participating in skills development opportunities and I believe that a right for employees to request time off to train offers a useful vehicle for supporting this.

I believe this is a step in the right direction for lifelong learning in the workplace, giving employees an opportunity to have a meaningful conversation with employers about training which would benefit them both. It will also help ensure that our workforce not only becomes more skilled, but also that these skills are fully utilised in the workplace. That is the right combination for Scotland and will allow us to deliver higher levels of sustainable economic growth. It will add to our resilience in challenging economic times and better prepare us to prosper when global economic conditions improve.

The Scottish Government has taken the lead in proposing the extension of the territorial scope of the Westminster Government's proposal so Scottish employees can now enjoy the same right to request time off to train. I encourage employers, trade unions, trainers in education and individuals in Scotland to ensure your views are heard on this important issue.

A handwritten signature in black ink that reads "Fiona Hyslop". The signature is written in a cursive, flowing style.

FIONA HYSLOP MSP
Cabinet Secretary for Education and Lifelong Learning

Introduction

1. The UK Government recently consulted on a proposal to introduce a right for employees in England to be given the right to request time off to train. This document seeks views on extending that right to employees in Scotland. The Welsh Assembly Government is currently consulting on extending the right to cover Wales. Subject to the outcome of these consultations, it is the intention of the Scottish Government to ask the Westminster Government to implement the right to request time to train in 2010 by amending the Employment Rights Act 1996.

2. Chapter 1 of this consultation document outlines the strategic context of skills development in Scotland as well as the other measures that the Scottish Government has implemented to support and encourage workforce development. Chapter 2 provides more detailed information on the proposed right, including eligibility and scope and Chapter 3 demonstrates how it relates to existing rights. Chapter 4 contains the consultation questions.

Summary of the proposal

3. The key features proposed for the right to request time to train are that:
- Those employees who have a contract of employment in the public or private sector (including volunteers) and who have worked for their employer for a minimum of 26 weeks would be eligible.
 - Training must be linked to helping employees to be more productive and effective at work and to helping to improve the performance of the business for which they work.
 - There is no compulsion on employers to pay for training, nor to grant every request, however, they should accept a duty to consider any request.
 - Employers have the right to turn down requests based on clear business grounds and employees have the right to appeal.
 - The training would not be bound to qualifications nor to any specific time or location - these are matters for discussion and agreement between the employer and employee.
 - Requests are limited to one in every 12 month period but could cover more than one type or course of training.

How to respond

4. We welcome your views and comments on the proposal and a series of questions are set out in Chapter 4. Your responses can be submitted electronically to timetotrain@scotland.gsi.gov.uk or in writing to [Lynn Forsyth](#), Scottish Government, Europa Building, 450 Argyle Street, Glasgow G2 8LG. The closing date for responses is [Friday 31 October 2008](#). This consultation document is available electronically on the Scottish Government website, under the consultation section www.scotland.gov.uk/Consultations/Current. If you are unable to access the document or would like it in a different format, please contact Lynn Forsyth on [0141 242 0215](tel:01412420215). The closing date for responses is [Friday 31 October 2008](#).

Chapter 1 - The Strategic Context of Skills in Scotland

Towards a more successful Scotland

1. The Scottish Government has a single Purpose - to create a more successful country where all of Scotland can flourish through increasing sustainable economic growth. Higher sustainable economic growth is the key which can unlock Scotland's full potential and create benefits for all our people.

2. The Government Economic Strategy sets out a clear and achievable way forward that will deliver the purpose and secure Scottish success over the long term. Our vision for success is described and measured in four parts which support and reinforce each other -

- The Government's Purpose and its associated targets
- Five Strategic Objectives that describe where we will focus our actions
- 15 National Outcomes that describe what the Government wants to achieve
- 45 National Indicators that enable us to track progress

3. The relationship between the purpose, target, strategic objectives and national outcomes and indicators is shown in the following diagram of Scotland's National Performance Framework.



4. A challenging set of high level Purpose Targets that include specific benchmarks will track progress in boosting Scotland's economic performance and ensure that the benefits of higher growth are sustainable and shared by all of Scotland.

5. We have aligned the Scottish Government around five Strategic Objectives that underpin our Purpose and describe the kind of Scotland we want to live in - a Scotland that is Wealthier and Fairer, Smarter, Healthier, Safer and Stronger and Greener.

6. Success for Scotland lies in focusing all of Government and public services on the achievement of our Purpose. By working together across all of these strategic objectives, we can increase sustainable economic growth so that all of Scotland can flourish.

7. The Strategic Objectives are described in more detail in the following diagram.



5 STRATEGIC OBJECTIVES

8. Fifteen National Outcomes describe what the Government wants to achieve over the next ten years, articulating more fully this Government's Purpose. They help to sharpen the focus of government, enable our priorities to be clearly understood and provide a clear structure for delivery. By achieving these outcomes together, we will make Scotland a better place to live and a more prosperous and successful country.

9. Forty-five National Indicators enable us to track progress towards the achievement of our National Outcomes and ultimately the delivery of the Purpose. Indicators have been carefully chosen to demonstrate progress towards the achievement of a more successful and prosperous Scotland.

10. The Scottish Government has established new relationships with Local Authorities, national agencies, trade unions and employers. Single Outcome Agreements with Local Authorities demonstrate how they will contribute towards achieving sustainable economic growth and the national outcomes.

The Role of Learning and Skills in Driving Economic Growth

11. The introduction of the right to request time off for training has the potential to stimulate greater economic growth in Scotland. Learning, skills and well-being are a critical component to economic growth and in turn economic growth will help reduce inequalities between individuals and reduce the disparity between the different regions in Scotland. The Government Economic Strategy commits to removing any barriers that stand in the way of individuals participating in skills development and realising their potential in the workplace.

12. This right will be a universal right for all employees and the Scottish Government will encourage employees to take advantage of it. Research by FutureSkills Scotland indicates that not all employees receive training and, often those who do, already have higher level skills. The introduction of the right to request time off for training could help increase workplace training by stimulating a better dialogue between all employees and their employers, which focuses on identifying training that brings benefits to both.

13. In Scotland figures show that 65% of employers trained their employees in the last 12 months. To achieve the successful Scotland we aspire to requires this percentage to increase. A better dialogue between employer and employee has the potential to drive forward real culture change in skills development in the workplace.

Skills for Scotland

14. We set out our vision for a smarter Scotland in our lifelong skills strategy, Skills for Scotland, which describes what needs to be done to develop a cohesive lifelong learning system centred on the individual but responsive to employer needs. Skills for Scotland focuses on three key areas:

- **Individual development**
A lifelong learning system centred on the individual but responsive to employer needs where all individuals are encouraged and supported to participate in learning.
- **Economic Pull**
A Scotland where employers demand high skills and are able to fully utilise the skills of their employees.
- **Cohesive Structures**
A lifelong learning system that values all types of learning, where all those involved in developing and delivering learning work together to provide individuals with the right support and guidance.

15. The introduction of the right for employees to request time off for training fits well with Skills for Scotland's focus on increasing the skills of individuals that in turn support business growth.

16. Skills for Scotland highlights the skills challenges that Scotland faces, in particular the disconnect between our high skills profile and our economic growth rate. Scotland outperforms the rest of the UK on skills, yet our level of economic growth lags behind. It is therefore not enough to simply increase the skills levels of individuals - we need to ensure that these skills are used effectively in the workplace. The introduction of the right to request time off for training has the potential to address these issues by engaging both employer and employee in a discussion about what skills are required and how new and existing skills are being put to use.

17. In Scotland, while we have high levels of participation in education and training, there is still a significant minority who have few or no qualifications. Research has highlighted that 25% lack even basic skills of literacy and numeracy. The introduction of the right for employees to request time off for training could encourage more individuals to engage in education and training and benefit from increased confidence, fuller participation in the workplace and higher wages.

18. The Scottish Government hopes that the right to request time off to train will establish a fruitful, ongoing dialogue between employer and employee which will focus on identifying learning and training opportunities that meet the needs of both the individual and the business. We want to support a culture of lifelong learning in Scottish workplaces where -

- employers and employees see the mutual benefits of training,
- ongoing skills development and effective use of employees' skills is positively embraced, and
- individuals and businesses have the knowledge and skills to flourish.

Supporting individuals

19. The Scottish Government is committed to ensuring that employees have the right support to enable them to access education and training and we have put in place a number of measures to enable individuals to train in a variety of ways and settings, recognising that different options suit different people.

20. Earlier this year the Scottish Government introduced a range of measures to support individuals in the workplace. For employees earning £18,000 or less who wish to undertake a course of higher education on a part-time basis, we introduced a £500 part-time fee grant through ILA (Individual Learning Accounts) Scotland. This new grant, which replaces the previous loans system, will support 20,000 students a year. We have also increased the amount of funding allocated to provide hardship funds to institutions by £1 million annually. This additional discretionary support will enable institutions to provide more flexible support for part-time students and can be used for study costs, travel and childcare costs. We will also continue to provide fee support for students on low incomes through the Scottish Funding Council's part-time fee waiver scheme.

21. ILA Scotland supports a range of learning opportunities. We have reduced the minimum age to 16 - allowing more individuals to access funding. We have increased the range of courses that are eligible for ILA funding to include work related courses, meaning individuals who identify suitable training with their employers will have financial support to undertake their training where the employer is unable to provide funding. For employees who earn £18,000 or less, this provides access of up to £200 per year towards the cost of learning or training.

22. ILA Scotland can now be used for workplace literacy and numeracy programmes which are delivered in conjunction with an employer. This is in addition to the free literacy and numeracy programmes that are delivered in the community. We hope this will encourage employers and employees to work together to address the basic skills needs of those in the workplace.

23. Individuals need access to up-to-date high quality information, advice and guidance that enables them to make informed decisions about the type of training that best meets their needs. This is one of the reasons we established Skills Development Scotland which brought together Careers Scotland, the Scottish University for Industry, and most of the skills and training elements of Scottish Enterprise and the Highlands and Islands Enterprise.

24. Unions have an important role in supporting and providing advice on skills development to individuals in the workplace. The Scottish Government is providing £1.4 million per year to enable Scottish Union Learning to further develop the network of union learning representatives. We expect that union learning representatives will play an important role in helping employees to make the most of their new right to request time off to train, both by helping them to identify appropriate training and accompanying employees when they meet with their employer.

Supporting employers

25. Skills Development Scotland plays an important role in supporting workforce development through the funding of skills interventions and by providing advice and guidance on training issues to small businesses. The Scottish Government is committed to ensuring that skills interventions meet the needs of employers, and we have tasked Skills Development Scotland with improving the quality of its skills interventions. They are in

the process of considering what type of skills interventions are required for Scotland now and in the future.

26. Skills Development Scotland will continue to deliver the legacy services of *lds4business* to small and medium-sized businesses, those that are often least likely to train their employees. Previously *lds4business* provided access to expert advisers who help employers assess the skills needs of their business, sources training to meet business pressures and offers a range of free resources such as online training packages. **To offer advice on what support is available to small businesses in relation to the new right for employees to request time off to train, Skills Development Scotland will establish a dedicated helpline based around the inherited expertise of the *lds4business* service.**

27. The Scottish Government has re-focused Scottish Enterprise and Highlands and Islands Enterprise to better assist Scottish business to innovate and grow. As part of this process, the management of the Business Gateway contracts has been transferred to Local Authorities and their role will be to ensure a more responsive and joined up business development service which will make business support more accessible at local level.

28. Earlier this year, we introduced the Small Business Bonus Scheme, which will substantially reduce business rates for all businesses with premises with a combined rateable value of £15,000 or less. This relief will be available to all non-domestic ratepayers whatever their business activity, provided they meet the eligibility criteria. Once the Small Business Bonus is fully implemented, it will benefit up to 150,000 business properties, potentially saving small businesses around £165 million per year.

Chapter 2 - The Right to Request Time off for Training

1. We propose to introduce the right for employees to ask their employer to give them time to undertake training.

2. Employers - in both public and private sectors - would have to consider requests fairly and seriously. To make it easier for employers to manage the new right, we propose to base the processes for the new right to request time to train on the existing model of the right to request flexible working. Employers are used to dealing with requests under these arrangements and are likely to have well developed and understood processes for managing the flow of requests. It is envisaged these processes could be easily adapted and extended to support a new right to request time to train. The introduction of a right to request flexible working has stimulated a real change in cultural attitudes to flexible working, and a real increase in the incidence of flexible working arrangements. We believe that the introduction of a new right to request time to train could have an equally powerful effect on attitudes and behaviours of both employers and employees in relation to skills.

Who would the right to request time to train apply to?

3. We propose to create a new right to request time to train for all employees in Scotland, in line with that being introduced in England. By 'employee' we mean someone who has entered into or works under a contract of employment. The right would apply to employees working in both the public and private sectors but would not apply to members of the armed forces.

4. We propose making it a condition that an employee would have to have worked for their employer for a reasonable period before being able to make a request for time to train. Under the existing flexible working arrangements, employees are eligible to apply to vary their contracts of employment if they have been continuously employed by their employer for a period of not less than 26 weeks. We consider a reasonable period of prior continuous employment by an employee to be eligible for the right to request time to train may also be 26 weeks.

5. Casting the coverage of the new right in this way would mean that employers would only be dealing with requests from employees with whom they had developed a substantial working relationship, and who had demonstrated a degree of loyalty to the business.

6. We also propose that, where they are considered to be 'employees', volunteers should be covered by the new right.

What sort of training would be covered?

7. We propose to cast the right in terms that enable employees to request time to undertake any training that will help them to be more productive and effective at work, *and* that helps their employer to improve productivity and business performance.

8. So, people would be able to request time to address a particular skills need, for example working with spreadsheets, as well as full qualification-bearing programmes such as Scottish Vocational Qualifications (SVQs) or English for Speakers of Other Languages courses. Such a broad scope for the right would mean that all employees - whatever their prior level of skills attainment - could exercise the right, thereby maximising its potential

as a lever for cultural change, and maximising its direct impact on the skills of the workforce.

Would employers have to pay for the training?

9. Many employers already invest significant resources in training for their employees, and will want to align that spend with requests they receive from their employees. But we do not propose that employers be compelled to pay for training when they grant a request for time to train.

10. Individuals undertaking training will have access to various funding streams dependent on their circumstances and we will ensure that information on funding is readily available.

How would employees make a request for time to train?

11. There is, of course, a wide range of ways in which an individual employee might identify they have a training need. This could be through discussion with a colleague, their Line Manager, a Union Learning Representative, or by contacting Skills Development Scotland.

12. Once an employee has identified the training they believe will help them improve their skills, and help them become more productive and effective in work, they will be able to submit a request for time to train to their employer.

13. To do this, it is proposed employees should set out their requests in writing. So that it was clear what the application was, and to help the employer consider the request, we think that employees should explain:

- a. Exactly what training it is that they want to undertake, taking full account of their training needs at that time.
- b. What, if any, qualification(s) they would receive as a result of successfully completing that training.
- c. The amount of time they are requesting, how much time it would take, and when it would start.
- d. Where and how they would like to undertake the training.
- e. How they believe the training is related to their work, how it would help them to be more effective and productive at work, and how it would help the employer improve business performance and productivity.

14. We propose that employees should be able to ask that they are accompanied to any meeting with their employer about the request for time to train, and we would not propose to specify or limit who that companion might be. In practice, employees might want to be accompanied by a friend, colleague or their Union Learning Representative.

Would employers have to grant all requests?

15. The proposed new right would be a right to *request* time to train, and *not* a right to time to train. After considering the request they receive, employers would be able to

reject a request for one or more acceptable business reasons. Based on the existing list for flexible working provisions, it is proposed the acceptable reasons could be as follows:

a. Relevance of training to business productivity and performance

Where the employer does not believe that the training being requested would help the individual employee to become more effective and productive at work, or contribute to improved business productivity and performance in the short or long term.

b. Suitable training is not available

Where the training the employee has requested is either not available, or is not available at time or location compatible with the effective running of the business.

c. Burden of additional costs

Where the cost associated with granting the request, for example arranging for cover of the employee's shifts whilst they undertake their training, is a burden the employer cannot afford to meet.

d. Detrimental effect on ability to meet customer demand

Where granting a request for time to train would have a negative impact on the employer's ability to conduct its normal business and meet the needs of their customers.

e. Inability to reorganise work among existing staff

Where, perhaps because of the amount of time being requested, it is not possible to reorganise the work among the remaining staff to enable a request for time to train to be granted.

f. Inability to recruit additional staff

Where the employer is unable to recruit staff to provide cover for a member of staff undertaking training as a result of a request for time to train being granted.

g. Detrimental impact on quality

Where there would be a negative impact on the quality of output of the business as a result of a right to request time to train being granted.

h. Detrimental impact on performance

Where there would be a negative impact on the performance of the business as a result of a right to request time to train being granted.

i. Insufficiency of work during the periods the employee proposes to work

Where an employee proposes working alternative hours to accommodate their time to train but they are not needed at these times as there is insufficient work.

j. Planned structural changes

Where the business will be undergoing changes which mean it is not clear whether a request for time to train could be granted.

16. Employers should be able to judge each individual request for time to train on its own merits. That may mean that they accept a request for time to train from one employee, but later reject an apparently similar request from a different employee

because one of the business reasons outlined above is relevant in one case and not the other.

How much time could an employee request?

17. It would be down to the employee and the employer to agree how much time was taken. This would be a key element when any request is being considered and would, in most cases, be dictated by the particular skill the employee needs to develop and how they had chosen to do that. What would be important is that an employee gets sufficient time to acquire the skills or qualification that has been agreed with the employer as economically valuable to the business.

18. We propose limiting the number of requests to one in any 12 month period. This is again in line with the flexible working arrangements. However, it would be possible for this one request to cover more than one type or course of training, depending on the needs of the employee. For example, an employee could ask to undertake an SVQ level 1 and have literacy or numeracy needs that need to be addressed as well. What would be important is for the request to stimulate a proper dialogue between the employee and employer about the employees' individual learning needs.

How could the time be taken?

19. It would be for each employee and their employer to consider and agree what would work best for them. Employees might take time away from their main duties to undertake training at work, or they might agree with their employer that their training need would best be met by their taking time off work to undertake training. In cases where an employee undertook training away from the workplace this could be achieved through negotiating changes to working arrangements to accommodate the training, or by the employer agreeing to give the employee paid time off to undertake training.

Will applicants have a right of appeal?

20. It is proposed that employees would have a right of appeal at two levels. In the first instance to their employer; and following that, to an Employment Tribunal.

21. Appeals to Employment Tribunals would only be allowed where the employer has failed to follow the correct procedure, for example, by not holding meetings with the employee, or where the employer had rejected an application on the basis of incorrect facts.

22. It is envisaged that the Tribunal could require the employer to re-consider the application where it finds in favour of the applicant and may make an award of compensation within certain defined limits.

What will the impact of time to train be?

23. We believe that the introduction of the right to request time to train will be a significant driver of cultural change, and action, in relation to skills, empowering individual employees by effectively giving them a right to a serious dialogue with their employer about their skills needs. It will encourage them to think about how, by improving their skills, they could realise their potential and progress in their careers. There is a good deal of support available through, for example, Individual Learning Accounts, Skills Development Scotland, and the network of union learning representatives, to support individuals in considering their skills and training needs.

24. The introduction of time to train will also serve to raise employers' awareness of the importance of skills to their business, and encourage them to engage with their employees about how they can develop the skills that they need to drive their business forward. For those employers who already recognise the role that skills can play in driving increased productivity, innovation, and business performance the introduction of time to train will go with the grain of their existing people strategies. For example, employers that have achieved recognition against the Investors in People Standard are likely to already have policies and processes in place to support their employees to develop their skills.

25. The introduction of the right to request flexible working has contributed to a much wider change in employer attitudes and behaviour in relation to flexible working, with 92% of employers reporting that they would consider a request to change a working pattern from *any* employee (despite legislation only requiring employers to do so for some employees) and a significant increase in the number of employers who actively promote flexible working.

26. We hope that many employers will see the business benefits of time to train, choose to respond to time to train in the same positive and proactive way they have to the right to request flexible working. There is support available, through Skills Development Scotland and Local Business Gateways, to help employers to do that. Many may also want to include discussion on skills and training as part of their ongoing dialogue with their employees through their Trade Unions.

Chapter 3 - Interaction with existing rights to training

1. The introduction of the right to request time to train will complement other rights in relation to training, most notably for 16 to 18 year olds and for Union Learning Representatives. Those rights will not be affected by the introduction of the right to request time to train.

Union Learning Representatives

2. The network of 1500 union learning representatives will have an important role to play in supporting employees to make the most of their new right to request time to train. Union learning representatives, trained with the support of Scottish Government funds, are making a real difference to the lives of working people in all areas of the country - helping them to learn new skills and update existing ones.

3. In 2003, Union Learning Representatives were given statutory rights to time off - with pay - to train and carry out the following duties -

- a. Analysing learning or training needs
- b. Providing information and advice about learning or training matters
- c. Arranging learning or training
- d. Promoting the value of learning or training
- e. Consulting the employer about carrying out these activities and
- f. Preparing to carry out any of the above activities.

4. These rights will not be affected by the introduction of the right to request time to train. Where they meet the eligibility criteria described in Chapter 2, Union Learning Representatives will be covered by the right to request time to train, and will be able to submit requests for time to train that will help them to become more effective and productive at work and that will help their employer to improve productivity and business performance.

Young people

5. To ensure that all young people have the best possible start to their working lives, young people aged 16 or 17 (and some 18 year olds) who are not in full-time education, who are not qualified to level 2, and who are seeking paid time off work to study or train for relevant qualifications, have a right to paid time off to train. The right is particularly important for those young people who do not realise their full potential at school.

6. Under the right to paid time off, young people can undertake study or training in the workplace, in a college with an approved training provider, or through open or distance learning. They can take whatever amount of time is reasonable in their particular circumstances, taking into account the requirements of the course or training as well as the circumstances of the employer's business, and the effect of the right to request time to train on the running of that business.

7. Young people exercising the right are entitled to receive payment for their time off at the appropriate hourly rate.

Chapter 4 - Consultation Questions

Section 1: Your details

Please tick one box which best describes you as a respondent?

Employer	
Employer organisation / representative body	
Trade Union	
Individual	
Other - please specify	

Section 2: Questions for employers or employer organisations only (if trade union, individual or other, please skip to Section 3)

How many employees do you have?

Less than 20	
21-49	
50-249	
250-999	
1000-4999	
5000 or more	

Have you achieved, or are you working towards Investors in People status?

Yes	
No	

Section 3: General Questions

1. Could a request for time to train help skills development in your organisation?

Yes	
No	

Please give reasons for your answer in the box below

2. Do you think the right to request time to train should cover:

Any training that the individual and the employer agree	
Only training that is nationally recognised and accredited	

Please explain or comment on your answer in the box below

3. For which of the following reasons do you think an employer should be able to reject a request for time to train? (Please tick all of the reasons you think should be included)

Relevance of training to business productivity and performance	
Suitable training is not available	
Burden of additional costs	
Detrimental effect on ability to meet customer demand	
Inability to reorganise work among existing staff	
Inability to recruit additional staff	
Detrimental impact on quality	
Detrimental impact on the performance	
Insufficiency of work during the periods the employee proposes to work	
Planned structural changes	
None of the above	

Please explain or comment on your answers to this question in the box below

4. Are there any other reasons you think employers should be able to cite in rejecting a request for time to train?

Yes	
No	

Please give details in the box below

5. Are there any circumstances in which an employer should be able to withdraw their support for an individual's time to train where they had previously granted a request?

Yes	
No	

Please give details in the box below

6. Do you think any employers should be exempted from the right to request time to train?

Yes	
No	

7. If you answered yes to question 6, which employers do you think should be exempt?

Employers with fewer than 25 employees	
Employers with fewer than 250 employees	
Another reason	

Please specify in the box below

8. If you are an employee and had a formal right to request time to train, would you be more likely approach your employer about your training needs than you are now?

Yes	
No	

Please give reasons for your answer in the box below

9. If you are an employer and a statutory right to request time to train was introduced would this change your behaviour in terms of giving your staff time off to train?

Yes	
No	

Please give reasons for your answer in the box below

All respondents

Please use the box below for any other comments you wish to make about the proposed right to request time to train

How to respond

1. We welcome your views and comments on the proposal and a series of questions are set out in Chapter 3. Your responses can be submitted electronically to lynn.forsyth@scotland.gsi.gov.uk or in writing to [Lynn Forsyth](#), Scottish Government, Europa Building, 450 Argyle Street, Glasgow G2 8LG. The closing date for responses is [Friday 31 October 2008](#).

2. This consultation document is available electronically on the Scottish Government website, under the consultation section ([insert link](#)). If you are unable to access the document or would like it in a different format, please contact Lynn Forsyth on [0141 242 0215](#).



