

2001 No. 211

TERMS AND CONDITIONS OF EMPLOYMENT

The Right to Time Off for Study or Training (Scotland) Amendment Regulations 2001

Made 24th May 2001

Laid before the Scottish Parliament 7th June 2001

Coming into force 1st September 2001

The Scottish Ministers, in exercise of the powers conferred by sections 63A and 236(5) of the Employment Rights Act 1996(a) and of all other powers enabling them in that behalf, having consulted with the Secretary of State, hereby make the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Right to Time Off for Study or Training (Scotland) Amendment Regulations 2001 and shall come into force on 1st September 2001.

Amendment of the Right to Time Off for Study or Training (Scotland) Regulations 1999

2. The Right to Time Off for Study or Training (Scotland) Regulations shall be amended in accordance with regulations 3 and 4 of these Regulations.

3. In regulation 3(2) (Standard of achievement) after sub-paragraph (f) there shall be inserted—

“(g) where an employee has been awarded a Key Skills qualification at level 2 (intermediate level) he shall be treated as having achieved a GCSE grades A* to C.”.

4.—(1) The Schedule (Awarding Bodies) shall be amended in accordance with the following paragraphs.

(2) In section B (SVQ Awarding Bodies)—

(a) the references to the following awarding bodies shall be deleted—

- (i) Association of Industrial Truck Trainers;
- (ii) Confederation of International Beauty Therapy and Cosmetology;
- (iii) Local Government Management Board;
- (iv) Museum Training Institute;
- (v) National Fencing Training Authority;
- (vi) National Proficiency Tests Council NCC Educational Services Ltd; and
- (vii) Travel Training Company Ltd;

(a) 1996 c.18; section 63A was inserted by the Teaching and Higher Education Act 1998 (c.30), section 32. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750), Schedule 1.

- (b) there shall be inserted in the appropriate places in alphabetical order the following awarding bodies–
- “Chartered Institute of Personnel and Development
 - Institute of Management
 - Lantra Awards Ltd (NTFA)
 - National Proficiency Tests Council
 - Skillset
 - The National Examining Board for Supervision and Management
 - The Pensions Management Institute
 - TWI Certification Limited”;
- (c) before “Institute of the Motor Industry” there shall be inserted “The”; and
- (d) for “Vocational Qualifications in Science, Engineering and Technology” there shall be substituted the words “Vocational Qualifications in Science, Engineering & Technology”.
- (3) In section D (NVQ Awarding Bodies)
- (a) the references to the following awarding bodies shall be deleted–
- (i) The British Computer Society;
 - (ii) Central Council for Education and Training in Social Work Chartered Institute of Bankers;
 - (iii) Confederation of International Beauty Therapy and Cosmetology;
 - (iv) Construction Industry Training Board Northern Ireland;
 - (v) EPIC;
 - (vi) Institute of Linguists Education Trust;
 - (vii) Local Government Management Board;
 - (viii) Management Verification Consortium Ltd;
 - (ix) NCC Education Services Ltd;
 - (x) The Open University Oxford, Cambridge and RSA Examinations; and
 - (xi) Telecommunications Vocational Standards Council;
- (b) there shall be inserted in the appropriate places in alphabetical order the following awarding bodies–
- “Association of Industrial Truck Trainers Vocational Qualifications Ltd
 - Construction Project Management Group
 - Extractive and Mineral Processing Industry Consortium
 - Fire Services Awarding Body
 - Intellect Limited
 - Oxford, Cambridge and RSA Examinations
 - The Chartered Institute of Bankers
 - The Improvement and Development Agency
 - The Open University
 - The Pensions Management Institute”;
- (c) for “National Examining Board for Supervisory Management” there shall be substituted “The National Examining Board for Supervision and Management”.
- (4) In section E (National Entry Level Qualification Awarding Bodies)–
- (a) for “National Entry Level Qualification Awarding Bodies” there shall be substituted “Entry Level Qualification Awarding Bodies”; and
- (b) there shall be inserted in the appropriate places in alphabetical order the following awarding bodies–
- “Award Scheme Development and Accreditation Network
 - Birmingham Comenius Centre and Birmingham Local Education Authority
 - National Proficiency Tests Council
 - Salford Diocese Religious Education Centre”.

(5) After Section E (National Entry Level Qualification Awarding Bodies) there shall be inserted the following section–

“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

London Chamber of Commerce and Industry Examinations Board

NcFE

Northern Ireland Council for the Curriculum, Examinations and Assessment

Oxford, Cambridge and RSA Examinations

Pitman Qualifications

The Institute of the Motor Industry

Vocational Training Charitable Trust

Welsh Joint Education Committee”.

Savings

5. Where before 1st September 2001 an employee has commenced a course of study or training leading to an academic or vocational qualification awarded or authenticated by an awarding body which was specified in the Schedule to the Right to Time Off for Study or Training (Scotland) Regulations 1999 but which is deleted or amended by these Regulations, that body shall in respect of that employee continue to be a specified body under regulation 4 of the Right to Time Off for Study or Training (Scotland) Regulations 1999 until the employee completes or discontinues that course of study or training.

St Andrew’s House,
Edinburgh
24th May 2001

ALASDAIR MORRISON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Right to Time Off for Study or Training (Scotland) Regulations 1999 (S.I. 1999/1058) (“the 1999 Regulations”), which set out the standard of achievement and the qualification awarding bodies as prescribed for in sections 63A(1)(c) and 63A(2)(c) of the Employment Rights Act 1996. An employee who has not attained the relevant standard of achievement has the right to take time off for study or training leading to a relevant qualification, as awarded or authenticated by the specified qualification awarding bodies. These Regulations amend the 1999 Regulations to reflect qualifications developments and changes in the list of awarding bodies.

Regulation 3 adds a further standard of achievement, based on the Key Skills qualification.

Regulation 4 amends the Schedule to the principal Regulations, by deleting and adding bodies to those listed which may award or authenticate a relevant qualification. It also makes a number of minor drafting amendments to the bodies listed.

Regulation 5 makes savings provision where an employee has begun a course of training or studying leading to a qualification authenticated or awarded by an awarding body listed in the 1999 Regulations and which awarding body is deleted or amended by these Regulations.

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