



Education and Skills Act 2008

2008 CHAPTER 25

PART 1

DUTY TO PARTICIPATE IN EDUCATION OR TRAINING: ENGLAND

CHAPTER 3

EMPLOYERS

Employer to enable participation in education or training

27 Duty to enable participation: initial arrangements

- (1) This section applies where—
 - (a) a person to whom this Part applies is employed under a relevant contract of employment, and
 - (b) before commencement of the employment the person notified the employer in accordance with subsection (3) of appropriate arrangements which the person had made.
- (2) The employer must permit the employee to participate in training or education in accordance with those appropriate arrangements.
- (3) A person notifies an employer (or a prospective employer) of appropriate arrangements in accordance with this subsection by giving a notice which—
 - (a) specifies the arrangements,
 - (b) states the times when the person would need to be not at work in order to participate in training or education in accordance with those arrangements, and
 - (c) if so required under subsection (4), is given in writing.

Status: This is the original version (as it was originally enacted).

- (4) Such a notice need not be given in writing, but, if it is not, the employer may, on the occasion when the notice is given, require it to be given in writing; and, if the employer does so, the notice is not to be treated as having been given until given in writing.
- (5) The obligation in subsection (2) operates as a requirement, in relation to each of the times specified in the notice under subsection (3)(b) which falls during normal working time, for the employer—
 - (a) if the contract was entered into before the notice was given, to offer to vary the terms and conditions of the contract of employment so as to secure that that time does not fall during normal working time, or
 - (b) in any case, to permit the employee to take that time off.
- (6) In this section, “normal working time”, in relation to a contract of employment, means any time when, in accordance with the contract, the employee is required to be at work.