STATUTORY RULES OF NORTHERN IRELAND

2000 No. 193

EMPLOYMENT

Employment Rights (Time Off for Study or Training) Regulations (Northern Ireland) 2000

Made . . . . . 23rd May 2000

Coming into operation . . 1st September 2000

The Department of Higher and Further Education, Training and Employment, in exercise of the powers conferred by Article 91A(1) and (2) of the Employment Rights (Northern Ireland) Order 1996(**a**), and now vested in it(**b**) and with the approval of the Department of Education, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Employment Rights (Time Off for Study or Training) Regulations (Northern Ireland) 2000 and shall come into operation on 1st September 2000.

Interpretation

2. In these Regulations—

"the 1996 Order" means the Employment Rights (Northern Ireland) Order 1996;

"BTEC" means Business and Technology Education Council;

"CSYS" means a Certificate of Sixth Year Studies;

"GCE 'A' level examination" and "GCE 'AS' examination" mean General Certificate of Education advanced level and advanced supplementry examinations respectively;

"GCSE" means General Certificate of Secondary Education;

"GNVQ" means a General National Vocational Qualification;

"GSVQ" means a General Scottish Vocational Qualification;

"NVQ" means a National Vocational Qualification;

"SQA" means the Scottish Qualifications Authority;

"SVQ" means a Scottish Vocational Qualification.

(**a**) S.I. 1996/191 (N.I. 16). Article 91A was inserted by Article 3 of the Employment Rights (Time Off for Study or Training) (Northern Ireland) Order 1998 (S.I. 1998/1761 (N.I. 15)

(**b**) The Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) transferred functions under the Employment Rights (Northern Ireland) Order 1996 to the Department of Higher and Further Education, Training and Employment

Standard of achievement

3.—(1) For the purposes of Article 91A(1) of the 1996 Order and subject to paragraphs (2) to (4) the standard of achievement shall be as follows:

(*a*) grades A* to C in five subjects in GCSE examinations;

(*b*) SQA Standard Grades at grades 1 to 3 in five subjects;

(*c*) one Intermediate level GNVQ or one GSVQ at level 2;

(*d*) one NVQ or SVQ at level 2;

(*e*) one BTEC First Certificate awarded by the first Edexcel Foundation;

(*f*) one BTEC First Diploma awarded by the Edexcel Foundation;

(*g*) the City and Guilds of London Institute Diploma of Vocational Education at Intermediate level; or

(*h*) 16 SQA unit or assessment credits at least 8 of which are at Intermediate 2 or above and the remainder at Intermediate 1, where unit credits are awarded on the basis of 1 per 40 hour SQA National Unit or National Certificate module or SQA Short Course and pro rata for SQA National Units or National Certificate module of different duration.

(2) For the purpose of paragraph (1):

(*a*) where an employee has been awarded a Part One GNVQ (Intermediate level) he shall be treated as having achieved grade A* to C in two GCSE subjects:

(*b*) where an employee has been awarded a GNVQ Language Unit (Intermediate level) he shall be treated as having achieved grade A in half a GCSE subject;

(*c*) where an employee has been awarded a grade in an examination relating to a GCSE short course, he shall be treated as having achieved that grade in half a GCSE subject;

(*d*) where an employee has been awarded—

(i) a SQA Standard Grade at grades 1 to 2, he shall be treated as having achieved 4 SQV unit or assessment credits at Intermediate 2,

(ii) a SQA Standard Grade at grade 3, he shall be treated as having achieved 4 SQV unit or assessment credits at Intermediate 1,

(iii) a GSVQ at level 1, he shall be treated as having achieved 12 SQA unit or assessment credits at Intermediate 1,

in any case such unit credits being treated as awarded on the basis of 1 per 40 hour SQA National Unit;

(*e*) where an employee has been awarded an SQA National Certificate module or SQA National Unit of 40 hours duration or an SQA Short Course and the relevant certificate does not specify the level of award—

(i) if the title of the module, unit or Short Course ends with the numeral “3” or higher, he shall be treated as having an SQA unit credit at Intermediate 2, and

(ii) in any other case, he shall be treated as having achieved an SQA unit credit at Intermediate 1; and

(*f*) sub-paragraph (*e*) shall also apply in the case of an employee awarded an SQA National Certificate module or SQA National Unit of a duration other than 40 hours where the relevant certificate does not specify the level of award, subject to the modification that the unit credits shall be treated as awarded in that case on the same basis as is specified in paragraph (1)(h).

(3) Where an employee has been awarded any of the qualifications specified in paragraph (4) he shall be treated as having attained the standard of achievement for the purposes of Article 91A(1) of the 1996 Order.

(4) The qualifications referred to in paragraph (3) are:

(*a*) grades A to E in one GCE 'A' level examination;

(*b*) grades A to E in GCE 'AS' examination;

(*c*) one Advanced Level GNVQ or one GSVQ at level 3;

(*d*) one SQA Higher Grade at grades A to C;

(*e*) one CSYS at grades A to C; and

(*f*) one NVQ or SVQ at level 3.

Awarding bodies

4. The awarding bodies listed in the Schedule (whether acting alone or jointly with any other body) are hereby specified for the purposes of Article 91A(2)(*c*) of the 1996 Order.

Sealed with the Official Seal of the Department of Higher and Further Education, Training and Employment on 23rd May 2000.

(L.S.) *R. B. Gamble*

A senior officer of the Department of Higher and Further Education, Training and Employment

The Department of Education hereby approves these Regulations.

Sealed with the Official Seal of the Department of Education on 23rd May 2000.

(L.S.) *C. Jendoubi (Mrs)*

A senior officer of the Department of Education

SCHEDULE Regulation 4

Awarding Bodies

A. GCSE and GNVQ Awarding Bodies

Assessment and Qualifications Alliance

Edexcel Foundation

Northern Ireland Council for the Curriculum, Examinations and Assessment Oxford, Cambridge and RSQ Examinations

Welsh Joint Education Committee

B. NVQ Awarding Bodies

Association of Accounting Technicians

Association of Industrial Truck Trainers

Automotive Management and Development Limited

Awarding Body for the Built Environment

The British Computer Society

The British Horse Society

British Horseracing Training Board

British Polymer Training Association

CABWI Awarding Body

Central Council for Education and Training in Social Work

Chartered Institute of Bankers

City and Guilds of London Institute

Confederation of International Beauty Therapy and Cosmetology

Construction Industry Training Board

Construction Industry Training Board Northern Ireland

Council for Awards in Children's Care and Education

Distributive Occupational Standards Council

Edexcel Foundation

EMTA Awards Limited

Engineering Construction Industry Training Board

Engineering Training Council (Northern Ireland)

EPIC

Fibreboard Awarding Body

Glass Qualifications Authority

Hospitality Awarding Body

Institute of Linguists Education Trust

The Institute of Management Foundation

The Institute of the Motor Industry

Institute of Personnel and Development

Institute of Supervision and Management

Joint Examining Board

Joint Industry Board for the Electrical Contracting Industry
Leather Producing Industry Vocational Qualifications Board
London Chamber of Commerce & Industry Examinations Board
Local Government Management Board
Management Verification Consortium Ltd
Meat Training Council
NCC Education Services Ltd
National Examining Board for Supervisory Management
National Fencing Training Authority
National Proficiency Tests Council
Oxford, Cambridge and RSA Examinations
The Open University
Pitman Qualifications
Process Awards Authority
Qualifications for Industry Ltd
The Royal College of Veterinary Surgeons
Security Industry Training Organisation/Parking Committee for London
Steel Industry Qualifications Board
Telecommunications Vocational Standards Council
Vocational Qualifications in Science, Engineering & Technology
Vocational Training Charitable Trust

C. National Entry Level Qualifications Awarding Bodies

Assessment and Qualifications Alliance
Edexcel Foundation
Languages Development Centre (St Martin's College)
Northern Ireland Council for the Curriculum, Examinations and Assessment
Oxford, Cambridge and RSA Examinations
The Christian Theology Trust
Welsh Joint Education Committee

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which are made under Article 91A of the Employment Rights (Northern Ireland) Order 1996 (the "1996 Order"), set out the standard of achievement which is prescribed for the purposes of Article 91A(1)(*c*) of the 1996 Order (regulation 3). An employee who has not attained the standard of achievement has a right to take time off for study or training leading to a relevant qualification.

The Regulations also list in the Schedule the qualification awarding bodies which are specified for the purposes of Article 91A(2).

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