



Schools Sabbatical and Career Break Guidance



This is issued as Guidance

The Schools HR Advisory Service will automatically update this Policy/Procedure to comply with any changes to legislation or ACAS guidance, to make corrections or increase the understanding and notify schools of the amendments.

This guidance should not be amended by a School, any changes will invalidate the guidance.

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Introduction

This guidance recognises that there may be times when employees wish to take a break from work for personal reasons and it is beneficial to the School to agree to a period of absence e.g. to help enable the individual to develop skills to bring back to the workplace and/or retain key staff.

A career break or sabbatical may be considered to:

- care for children or other dependents
- for other family reasons
- undertake further education or unpaid career development training
- take an extended holiday
- fulfil other outside commitments e.g. volunteering or community work.

This guidance details the arrangements for employees to take a career break or sabbatical where this can be accommodated without compromising the needs of the service.

There is no entitlement to a career break or sabbatical and the needs of the service will take priority when determining whether an application can be approved, and then the:

- purpose of or reasons for the career break
- proposed period and start / end dates requested
- employee's length of service
- employee's remaining length of employment contract
- employee's attendance and performance record
- availability of suitable cover arrangements to maintain continuity of service.

Career Break or Sabbatical applies to all employees who have completed two years continuous service with the school at the time of applying.

Overview for Schools

This guidance explains the difference between a short-term sabbatical (up to 3 months) and a longer-term career break (3-12 months) and the different arrangements that apply.

This is especially important for career breaks, as it may affect the employee's entitlement to statutory benefits with no guarantee that the employee can return to their post or to the same work at the end of the period e.g. if their post is redundant.

Overview for Employees

It provides practical guidance for employees on short-term sabbaticals (up to 3 months) and longer-term career breaks (3-12 months) and the arrangements that apply. Career breaks may involve a break in service and it is important employees read the guidance and understand the potential implications on their contractual terms and conditions and entitlement to statutory benefits before they consider applying.

Definitions: Sabbaticals and Career Breaks

A sabbatical is a period of unpaid leave of under 3 calendar months, after which the employee returns to their substantive post.

A career break is a longer period of unpaid absence from work, from 3 up to a maximum 12 calendar months. This may affect the employee's entitlement to statutory benefits and there is no guarantee that the employee

will be able to return to their post or to the same work location at the end of the period e.g. if there is a restructuring situation and their post is redundant etc.

Note: Sabbaticals and career breaks will not be extended under any circumstances and employees must return to work for a minimum 2 months before they can take any other long periods of leave e.g. over 10 calendar days. Sabbaticals cannot be extended beyond 3 months or converted into career breaks.

Sabbaticals

Where a sabbatical is agreed, the employee will be allowed to take a period of unpaid leave of less than 3 calendar months.

At the end of that period, they must return to their substantive post. If the employee fails to return to work on the agreed date i.e. the first working day after the end of their sabbatical, they will be considered to be absent without leave. Examples of when a sabbatical may be considered include:

- Attend to family matters (e.g. following a bereavement)
- Care for a dependent
- Have a break from work
- Travel
- Visit relatives outside of the United Kingdom

Career breaks

Where a career break is agreed, the employee will be allowed to take a period of unpaid absence from their substantive post from a minimum 3 months, up to a maximum 12 calendar months only.

Agreement to a career break is conditional on the understanding that there is no guarantee that the employee will be able to return to their post or same work location at the end of the period e.g. if there is a restructure.

The employee will be advised of any workplace issues affecting their employment and are expected to participate in the consultation process on any redundancies or restructurings relating to their post.

If the employee fails to return to work on the agreed date, the first working day after the end of their career break they will be considered to have resigned their post.

Where the employee's post ceases or is made redundant, every effort will be made to redeploy them, in accordance with the Council's Redeployment Arrangements but there is no guarantee that alternative work will be available or may be found.

General

Sabbaticals

As sabbaticals involve unpaid leave from work (up to a maximum 3 months), employees must discuss the proposal(s) with the Head Teacher before applying. The issues to be considered include the:

- Operational needs of the service
- Period of the sabbatical and proposed start date e.g. does this coincide with a busy period or scheduled inspections and/or impact on deadlines etc)
- How the proposed absence will be covered
- Circumstances where the sabbatical may be terminated early by the employee or school and the minimum notice required

Career breaks

As career breaks involve a longer break from work, the school and employees must ensure they are clear as to the arrangements that will apply during this period and for the employee to return to their post afterwards, (or apply for redeployment where the post has been deleted or made redundant). The issues to be considered include the:

- Operational needs of the service

- Period of the career break and proposed start date e.g. does this coincide with a busy period or scheduled inspections and/or impact on deadlines etc)
- Arrangements for maintaining contact and for the employee to be kept informed of any changes at the workplace (e.g. new legislation or proposed restructures)
- Circumstances where the career break may be terminated early by the employee or the school and the minimum notice required

Rules that will apply during the career break, e.g. the employee must

- stay in regular contact with the school
- ensure the school has their up-to-date contact details
- arrange to participate in the consultation process on any redundancies or restructurings relating to their post
- comply with school policies and procedures
- not take up any other paid employment

Pay and pension matters including

- Tax and National Insurance contributions
- pension arrangements
- membership of salary sacrifice schemes
- repayment of any loans, overpayments
- impact on entitlement to statutory benefits (maternity and sick pay etc)

▪ Contractual terms and conditions of employment that will/will not apply during the career break and the impact on continuous service.

The arrangements that will apply during the career break period must be clarified and confirmed in writing to the employee before the absence commences. Advice must be obtained from Schools HR Advisory Team or your HR Provider if there are any queries as to the contractual arrangements before an application is agreed.

Note: It is the employee's responsibility to ensure that they fully investigate the implications for themselves of taking a career break, especially where there is a potential for a loss of statutory benefits, prior to applying.

Travelling outside of the United Kingdom

Employees must notify the school in advance if they are planning to travel outside the United Kingdom, including when on an unpaid sabbatical or career break. They are not allowed to work or take School equipment outside of the United Kingdom when on a sabbatical or career break.

Applications to work outside the United Kingdom will not be considered from employees on sabbaticals and career breaks, (annual leave or other long-term absence) until after they have returned to work for a minimum 2 months, i.e. they cannot apply when living or travelling abroad / overseas etc.

The school cannot help employees if they are stranded abroad or offer financial assistance (advances of salaries or loans), provide equipment (lap-tops) or help with any costs or expenses that they incur, such as accommodation, food and flights. It is the employee's responsibility to ensure:

- they have suitable travel insurance
- they have access to funds (to cover emergencies if they are required to isolate or stranded or need to return for any reason)
- they comply with the laws of, and accepting liability for any incidents that occur in the country that they are in
- they comply with any applicable public health guidance e.g. quarantine periods in the country that they are in and on their return to the United Kingdom
- they accept personal liability for their personal safety in the country that they are in at their own risk

- they accept personal liability for making additional tax and social security declarations, if required
- they accept personal liability for their (and their family's) repatriation if they need to return to the United Kingdom for any reason including in times of emergency.

Roles and Responsibilities

The school and employees are required to comply with arrangements. These are intended to ensure that they consider the operational needs of the service and contractual implications when considering an application for a career break and if agreed, they understand their responsibilities during the period of absence.

Employees' responsibility

Employees are required to:

- Submit a written application to the Head Teacher:
 - 1 month in advance of the date that they would like the sabbatical to start, or as soon as practically possible, using the Form at Appendix A
 - 3 months in advance of the date they would like the career break to start using the form provided at Appendix B
- Discuss the proposal and the implications for the operational needs of the service and work colleagues with the Head Teacher before applying.
- Notify the Head Teacher if they are planning to travel outside of the United Kingdom.
- Keep in contact with the Head Teacher and ensure they are kept informed as to the employee's contact details, including any change of address.
- Notify the Head Teacher at the earliest opportunity of any event which may have a bearing on their employment e.g. if under investigation of a criminal offence
- Participate in the consultation process on proposed redundancies/restructures relating to their post and attend any meetings at the time and place designated.

Additional requirements for career breaks, employees are required to:

- Investigate the potential implications of a career break on their contractual terms and conditions and entitlement to statutory benefits before applying, this includes: continuous service; pay; Tax and National Insurance; pensions; sickness and maternity benefits.
- Ensure that they do not enter into any financial or other commitments which are dependant on the approval of a career break prior to a decision being made. The school will not be liable for any costs incurred by employees who make arrangements prior to a career break being granted.
- Use any outstanding annual leave entitlement, flexi-time, TOIL, accrued up to the start of the career break as they are not allowed to retain this to take on their return or to receive payment in lieu. They must clear any outstanding "flexi-time" or other leave debit before the start of the career break.
- Make alternative arrangements before the start of the career break for payment of any outstanding overpayments.
- Return all school property prior to the start of the career break including their ID badge, any keys, parking permits, purchasing cards, equipment (including mobile devices, and memory sticks etc), files and work papers held electronically or on hard copy.
- Provide at least 6 weeks written notice if they wish to apply to return to work early i.e. before the scheduled end of the career break

Schools' responsibility

Schools are required to:

- Advise employees of the process for applying for a sabbatical or career break including their responsibility to investigate the implications for themselves, especially the potential for a loss of benefits, prior to applying.

- Consider the operational feasibility of approving the request and how the post can be covered during the employee's absence.
- Discuss any employee plans to travel outside of the United Kingdom with Schools HR Advisory Team or HR provider, before the application is agreed.
- Where the application is approved, ensure that the employee is included in the consultation process on proposed redundancies / restructures relating to their post.
- Ensure that employees comply with the rules on returning to work at the end of the sabbatical or career break (and do not agree to any request for an extension)

Additional requirements for career breaks, Head Teachers are required to

- Discuss the implications of a career break with the employee in relation to their terms and conditions, e.g. continuous service, pension, leave and sick pay etc, and the impact on the operational needs of the service and work colleagues.
- Where a career break is agreed:
 - keep in contact with the employee during the absence and inform them of any workplace or organisational issues that may affect their employment
 - ensure that the employee is included in the consultation process on proposed redundancies or restructures relating to their post.
 - meet with the employee before the scheduled end of the career break to discuss the arrangements for their return to work including any training needs, temporary support or induction.
 - consider a request to return to work early, taking advice from Schools HR Advisory Team or HR provider as appropriate.
 - Consult with Schools HR Advisory Team or HR provider as to the contractual arrangements that will apply during a career break before an application is agreed.

Conditions

Applications

Employees are only allowed to make one application within any 12-month period.

Applications should be made in writing to the Head Teacher using the forms provided at Appendix A and B at least:

- i) 1 month before the employee wishes to take a sabbatical, or as soon as practically possible; or
- ii) 3 months before the employee wishes the career break to start. If approved, the employee will be required to sign a written agreement of the terms and conditions attached to the career break.

Maintaining contact

The Head Teacher and employee must remain in contact during the sabbatical or career break period.

The Head Teacher will keep the employee updated on any workplace or organisational issues that may affect their employment and include them in any consultation process on proposed redundancies or restructures.

The employee is expected to participate in any consultation process relating to their post, and to attend any meetings at the time and place designated.

The employee must keep the Head Teacher informed of any changes in their circumstances and report, at the earliest opportunity, any event which occurs to them during the career break that may have a bearing on their employment, e.g. if they are under investigation of a criminal offence. The Head Teacher will then decide whether the matter should be taken further.

Note: The employee should be invited to attend any training or refresher courses which are considered appropriate. Attendance will be voluntary and without pay.

Other employment

Employees are not allowed to undertake any paid employment, with the school or any other employer, whilst on a sabbatical or career break.

Employment with another employer not covered by the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Orders will result in a break in continuity of service and the termination of their employment with the school.

Resignations

If the employee resigns or decides not to return to work after the sabbatical or career break, they should inform the Head Teacher at the earliest opportunity. They will be required to repay any loans or financial assistance that have received through the school (e.g. bicycle, car or season ticket loans or in relation to relocation or training).

If an employee resigns during a sabbatical or career break, their normal contractual notice period will apply.

The employee may be required to work for some or all of the notice period at the discretion of the Head Teacher.

If they do not return to work their service with the school will be taken to have ended at the beginning of the career break.

Career breaks

Career break period

Employees may apply for a break for any period of between 3 months up to 1 year only.

Where a career break is approved, the employee must return to their post at the end of the agreed period, (except where the post has been deleted or made redundant); they are not be allowed to apply for:

- i) an extension to the career break;
- ii) a delay to take annual leave before they return to work; or
- iii) another career break within 12 months of their return.

If the employee does not return to work immediately after the end of the career break, (unless they have commenced adoption or maternity absence), they will be deemed to have resigned from their employment with the school.

Employment terms and conditions

The pay and leave arrangements that apply during the career break will be as follows:

- Pay: career breaks are unpaid and there is no entitlement to payment of salary, allowances, non-statutory leave, occupational sick pay or occupational maternity / paternity / adoptive pay etc.
- Childcare vouchers: participation in the scheme will cease on the start of the absence and employees must re-apply to join on their return to duty
- Cost of living increases; any cost-of-living increases / decreases and changes to pay and grading structures that the school implement during the employee's absence will only apply on their return to work.
- Tax and National Insurance; the school will not be liable for any tax or National Insurance contributions during the period of absence and this could affect the employee's right to and payment of statutory payments such as:
 - Statutory Sick Pay (SSP)

- Statutory Maternity Pay (SMP)
- Statutory Adoption, Paternity and Shared Parental Pay

School loans: employees must make alternative payment arrangements before the start of a career break for any loans whilst they are on leave.

Pension: employees in the Local Government Pension Scheme must continue making contributions for the first 30 days of a career break, after which a break in pensionable service will apply and no further contributions can be made.

Annual leave: employees will continue to accrue statutory annual leave only during their breaks. The break shall count as 'qualifying service' towards leave entitlements on the employees return to duty the break.

Continuous service: a career break period will be regarded as continuous service for the purposes of statutory redundancy, maternity pay and unfair dismissal rights; it does not count for any enhanced redundancy provision which will be based on continuous service accrued prior to and after the career break.

Policies and procedures: employees will be subject to the school's policies and procedures during the career break, this includes:

- Employees' Code of Conduct
- Disciplinary Procedure and Rules
- Data protection / information governance including the use of social media

Sick pay: employees will not be entitled to occupational sick pay while on a career break, but the duration of the break will count towards their sick pay entitlement on their return to work.

▪ Maternity: a career break will automatically end on the day before an employee commences adoption, maternity or shared parental leave. Employees can apply to go on a career break immediately after their maternity, adoption and shared parental leave period ends.

Annual leave

During the career break the Employee will continue to accrue statutory annual leave in accordance with the Working Time Regulations 1998 (SI 1998/1833) (statutory annual leave) and not on the basis set out in the contract of employment. Any annual leave over and above statutory leave (that is the 5.6 weeks provided by the WTR 1998) does not accrue during the career break.

The Employee must take any accrued statutory annual leave during the Career break before it ends. The Employee will be paid for those days of accrued statutory annual leave at the time that they are taken, at the salary rate that applied prior to the Employees career break.

School property

Employees are required to return all school property to the Head Teacher before the start of the career break; this includes their ID badge and any keys, parking permits, equipment (including lap-tops, mobile devices, CD/DVD's and memory sticks etc), files and/or work papers whether held electronically or hard copies and purchasing cards.

Maternity, adoption and shared parental leave

The career break will automatically terminate on the date the employee commences maternity, adoption or shared parental leave.

Returning to work

The employee must give 4 weeks' written notice to confirm their intention to return to work and agree starting details with the Head Teacher.

If the employee's circumstances change and they wish to return to work early, they must contact the Head Teacher as soon as possible and give a minimum 6 weeks' notice of the proposed return date. Requests will be considered subject to the needs of the service and whether another person has been recruited to cover the career break.

Application process

Employees who are contemplating applying for a sabbatical or career break should discuss this with the Head Teacher in the first instance, including:

- Their reason(s) for wishing to take a career break;
- The proposed length of the break, including the start and end dates;
- How they think the absence can be covered, this may include;
 - leaving the post vacant;
 - an acting-up arrangement or secondment;
- The implications relating to the employee's terms and conditions, (including continuous service, pension and leave and sick pay), and how this may impact on their entitlement to statutory benefits.

It is the employee's responsibility to fully investigate this for themselves before applying.

If it is agreed that a sabbatical or career break may be accommodated, the employee should then complete and submit a formal application to the Head Teacher using the forms at Appendix A and B.

The Head Teacher will consider the application with the Governing Body to ascertain the feasibility of the proposed sabbatical or career break.

They will notify the employee in writing of their decision within 10 working days (excluding school closure periods) of receipt of the application.

- i) If the application is approved, the school will issue a sabbatical or career break agreement which must be signed and returned before the period of absence can commence. This will include the terms and conditions, dates and requirements to be fulfilled by both parties during the sabbatical or career break.
- ii) If the application is not approved, the employee will have a right to appeal to the Governing Body. There is no other right of appeal.

Monitoring

Applications for sabbaticals and career breaks will be monitored and reviewed annually to ensure that the arrangements are applied fairly and consistently across the school.

Schools HR Advisory Service will automatically update the arrangements to comply with any changes to legislation and / or ACAS guidance and notify schools of the amendments.

Appendix A

Application for a sabbatical

Part 1: To be completed by employee (and submitted at least 1 months before the proposed starting date of the sabbatical)

Employee Name: _____ **Job Title:** _____
Department: _____
Reason for the sabbatical: _____

Note: Employees are not allowed to take up any other paid employment which on a sabbatical.

Period requested, (up to 3 months), including start/finish dates: _____

Additional comments, e.g. how can this be accommodated within your area of work: _____

Date discussed with Head Teacher: _____

To be signed by employee:

I confirm that I understand and agree to the terms of a sabbatical if the application is agreed.

Signed: _____ **Print Name:** _____
Date: _____

Please forward the signed Form to the Head Teacher

Part 2: To be completed by the Head Teacher, recommendations (if supporting the application, how do they think the post may be covered):

Decision (to approve/not approve sabbatical): _____

Reason(s): _____

Any conditions attached to the sabbatical (where appropriate): _____

Signed: _____ **Print Name:** _____
Date: _____

Please notify the employee of the decision and submit the completed form via the Schools HR Portal or to your HR Provider.

Appendix B

Application for a Career Break

Part 1: To be completed by employee (and submitted at least 3 months before the proposed starting date of the career break)

Employee Name: _____ **Job Title:** _____

Department: _____

Reason for the career break: _____

Note: Employees are not allowed to take up any other paid employment while on a career break.

Period requested, (min 3 months/max 12 months), including start/finish dates: _____

Additional comments, e.g. how can this be accommodated within your area of work: _____

Date discussed with the Head Teacher: _____

To be signed by employee:

I confirm that I have investigated for myself the implications of taking a career break on my contractual terms and conditions and the potential loss of statutory benefits and I understand and agree to the terms of a career break if the application is agreed.

Signed: _____ **Print Name:** _____
Date: _____

Please forward the signed Form to the Head Teacher

Part 2: To be completed by the Head Teacher

Head Teacher's recommendations (if supporting the application, how do they think the post may be covered): _____

Decision (to approve/not approve career break): _____

Reason(s): _____

Any conditions attached to the career break (where appropriate): _____

Signed: _____ **Print Name:** _____
Date: _____

Please notify the employee of the decision and submit the completed form via the Schools HR Portal or to your HR Provider.