

PART 2

APPENDIX 2.15

1.0 Definition of a Career Break

- 1.1 A Career Break is defined as a period of special leave without pay. The purpose of a career break is to provide teachers and associated professionals with an opportunity to obtain an extended break. While there are no prescribed activities that a career break must involve, examples might include the care of children (or other family members), voluntary work, travel or study.
- 1.2 Career breaks should not be confused with arrangements for family leave as set out in Part 2: Section 7, Family Leave, but can be used in addition to such leave.
- 1.3 Career breaks are different from other periods of special leave. The arrangements for special leave are devolved to the Local Negotiating Committee for Teachers (LNCTs) (Part 2: Section 9, paragraph 9.19). This is distinct from the career break scheme, which provides a formal opportunity to obtain an extended break of up to 5 years.
- 1.4 In addition to special leave, all employees have a statutory right to take reasonable time off work, without pay, to deal with unexpected or sudden problems concerning a dependant and to make any necessary long-term arrangements (Part 2: Section 9, paragraph 9.20). Time taken off work for this purpose does not constitute a career break.

2.0 Eligibility

- 2.1 Eligible employees are required to have at least 2 years' continuous employment, on a permanent or temporary basis, with any Scottish Council. In the case of teachers, the employee is required to have at least 2 years' continuous employment following full registration with the General Teaching Council of Scotland.
- 2.2 It is for the council to decide whether the exigencies of service provision allow for a career break to be granted. In judging individual applications, the council might wish to consider a range of operational issues, such as the number of teachers on approved leave of absence (including those already undertaking a career break), along with the prospects of recruiting a suitably qualified replacement. The needs of pupils should take precedence over other matters when applications are considered.
- 2.3 Teachers and associated professionals who are on maternity, paternity or adoption leave, and who otherwise meet the criteria set out in paragraph 2.1 above, may apply for a career break. The start-date of

the career break could commence from the end-date of the maternity, paternity or adoption leave period, if so desired by the applicant.

3.0 Duration and Frequency

- 3.1 A career break will last for a minimum of 6 months and a maximum of 5 years. Breaks of a shorter duration will be covered by special leave requests (see paragraph 1.3 above). The length of the intended career break should be identified at the point of application and it will be for the council to consider whether to grant the career break as requested or whether, taking into account factors arising from paragraph 2.2 above, to grant the request but to place a condition on the duration of the request.
- 3.2 Within a 20 year service period in Scottish Local Government, a teacher or associated professional may be granted a single 5 year break or may be granted a maximum of 3 shorter breaks, the cumulative total of which must not exceed 5 years. The employee must undertake a minimum of 1 year's continuous service with any Scottish Council between career breaks.

4.0 Extension of or Reduction in the Duration of a Career Break

- 4.1 A teacher or associated professional on a career break can apply for an extension, with the provision that the cumulative total of the time already taken together with the extension period does not exceed the 5 year limit within the 20 year service period. The council is not obliged to grant the extension, but should consider the merits of the application in line with paragraphs 2.1 to 2.3 above.
- 4.2 An employee is entitled to apply for early return from a career break. In this circumstance, an application should be made to the council asking for a contraction of the agreed period. The council is not obliged to grant the contraction but should consider the merits of the application in line with paragraphs 2.1 to 2.3 above.
- 4.3 In applying for an extension of or reduction in the duration of a career break the employee must provide the council with a minimum of 3 months' notice.

5.0 Contact During Career Breaks

- 5.1 Prior to the commencement of a career break the council and employee must discuss if and how contact can be maintained. Both parties should have a clear understanding of the nature and frequency of any contact. The employee is obliged to provide the council with appropriate contact details.

- 5.2 A Council and employee are allowed to make reasonable contact during a career break to discuss a range of work-related issues. Recommended arrangements are set out in Annex A.

6.0 Conditions of Service

- 6.1 A career break is a period of special leave without pay.
- 6.2 On an employee's return from a career break their separate periods of employment (ie before the career break and after the career break) will be treated as continuous for statutory and contractual purposes. The period of the career break is not a period of employment and will not count towards reckonable service.
- 6.3 Entitlement to annual leave during the leave years in which the career break commences and ends will be calculated pro rata to the part year period of service.

For associated professionals entitlement to public holidays will only be for those public holidays which occur during the part year of service

- 6.4 The period of the career break will not be recognised for the following:
- i) Incremental progression of pay.
 - ii) Qualification for and entitlement to sickness allowance.
 - iii) Annual leave entitlement.

The career break will however be taken into account in relation to compulsory transfer arrangements as agreed by the Local Negotiating Committee for Teachers.

- 6.5 All occupational remuneration including employment benefits will be suspended during the period of the career break and will recommence when the employee returns to work. For the avoidance of doubt, in particular:
- i) Employees on a career break who become pregnant have no entitlement to Occupational Maternity Pay (OMP).
 - ii) Employees on a career break who become ill have no entitlement to occupational sick pay.
- 6.6 During the period of a career break employees will not accrue any annual leave entitlement under the Working Time Regulations.

7.0 Pension Rights and National Insurance

- 7.1 The Scottish Teachers' Superannuation Scheme (STSS) is administered by the Scottish Public Pensions Agency (SPPA). Contributions to the STSS will cease at the point at which the career break begins and will recommence upon return to work. It is the responsibility of the employee to ensure that the appropriate parties are made aware of the career break.
- 7.2 There is currently a facility within the teachers' scheme to purchase additional pension on return to work, details of which can be obtained from the SPPA. More broadly, it is the responsibility of teachers to consider the implications of taking a career break with regard to pension matters.
- 7.3 For employees who contribute to the Local Government Pension Scheme (LGPS), contributions will cease at the point at which the career break begins and will recommence upon return to work. It is the responsibility of the employee to ensure that the appropriate parties are made aware of the career break.
- 7.4 From 1 April 2009 there will be a facility within the Local Government Pension Scheme to purchase additional pension on return to work, details of which can be obtained from the LGPS. More broadly, it is the responsibility of employees to consider the implications of taking a career break with regard to pension matters.
- 7.5 Employees considering a career break must also be aware of implications regarding National Insurance benefits. It is the responsibility of employees to consult with the Department of Work and Pensions (DWP) on this matter. DWP will also advise on how a career break could affect entitlement to state benefits.

8.0 Paid Employment During a Career Break

- 8.1 A teacher or associated professional can undertake alternative employment while on a career break, subject to the agreement of the employer. However, a career break should not normally be used to undertake alternative full-time employment.

9.0 Resultant Vacancies

- 9.1 A post vacated by a teacher or associated professional taking a career break should be filled by a suitably qualified replacement. When appointing a temporary replacement the employer should be guided by the SNCT Code of Practice on the Use of Temporary Contracts (Part 2, Appendix 2.8) , where it exists, the local agreement deriving from that Code of Practice.

- 9.2 Where a teacher is appointed on a temporary basis to carry out the duties of a promoted post-holder in a school, education establishment or education team, pending a permanent appointment to the promoted post or in place of a teacher who is temporarily absent, the Council shall pay the salary applicable to the post.
- 9.3 Where a head teacher or depute is being replaced on a temporary basis, the council should nonetheless consult with the Parent Council of any schools that are affected by the change, in accordance with the requirements of the Scottish Schools (Parental Involvement) Act 2006.

10.0 Return to Work

- 10.1 Employees who are granted a career break of 2 years or less will be offered the right to return to the post which they held prior to their career break. This will be subject to the outcome of those circumstances where there are school closures, amalgamations, other organisational restructuring.

Confirmation of return to work must be given 3 months prior to the agreed return date.

- 10.2 Where employees return to their previous post, there will be implications for incumbent post-holders. In this circumstance, where necessary, the employer should be guided by the SNCT Code of Practice on the Use of Temporary Contracts (Part 2, Appendix 2.8) or, where it exists, the Local Agreement deriving from the Code of Practice.
- 10.3 Employees who are granted a career break of more than 2 years duration are entitled to be deployed by the Council but not necessarily to the post vacated prior to the career break. While there is a need to be sensitive to the needs and preferences of the returning employees the employer is entitled to place the returning employee in any similar post within the council.
- 10.4 In the circumstances set out in paragraph 10.3 above teachers on the Main Grade Scale and Chartered Teacher Scale and associated professionals will be returned to a post of the same remuneration. The pay of promoted teacher post holders will be determined in line with paragraph 10.6 below. Principal teachers will be returned to a post of the same status. In the cases of headteachers and depute headteachers the council should offer an equivalent post.
- 10.5 Where a post considered by a council to be suitable is offered on different terms and conditions from the post held prior to the career break then placement should be by agreement of the employee.
- 10.6 It is recognised that there may be issues for promoted teacher post holders who are transferred to a differently-sized post following a

career break. In this circumstance, the provisions for salary conservation should be followed (Part 2, Section 1.60-1.66).

11.0 Non-return to Work

- 11.1 Teachers or associated professionals on a career break who wish to resign from their post must provide contractual notice.

12.0 Application, Decision and Appeals

- 12.1 Employees should submit their application for a career break in writing to the council, stating the anticipated length of the career break. The application should be submitted at least 3 months prior to the proposed date of commencement. The date of commencement should correspond with the beginning of a school term.
- 12.2 Employees will be given a written response, setting out the decision in principle normally within four working weeks of application. Where the decision taken has been to refuse the request for a career break the council will set out the reasons for this decision in writing.
- 12.3 An employee who has been granted a career break and who, prior to the date of commencement, decides not to proceed must give the council 4 working weeks notice.
- 12.4 Where an employee has made an application for a career break and that application has been rejected, the employee may appeal against this decision through a properly constituted appeals committee of the council. There is no right of appeal to the SNCT.