

Local Negotiating Committee for Teachers – Agreement No.8

Guidance for Head Teachers on the use of Career breaks in relation to Teaching Staff

Agreed at LNCT - 18 September 2012
Approved at Committee – 18 September 2012

1. Introduction

- 1.1 This document sets out the procedure to be followed when considering an application for a career break for teaching staff.
- 1.2 These procedures are in line with the SNCT handbook part 2 appendix 2.15 “Career breaks” and clarify the use of career breaks within West Dunbartonshire Council.

2. Commonly Used Terms

- 2.1 Career break – A period of Special Leave without pay, the purpose of which is to provide Teachers and associated professionals with an opportunity to obtain an extended break.

3. Key Facts

Use of Career breaks

- 3.1 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. *Career breaks should not be used as an alternative to a secondment and employees should not undertake regular paid employment during the Career break period.* (see paragraph 4.33). If an employee wishes to request a secondment this should be put in writing to their manager in the first instance.

Eligibility

- 3.2 Eligible employees are required to have at least 2 years’ continuous employment 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.

4. Guidance on Related Procedure

Applications

- 4.1 Employees should submit their application for a career break on the Career Break Request Form (Appendix 1) to their manager/ Head Teacher in the first instance, stating the anticipated length and purpose of the career break. The manager/Head Teacher should forward the completed form to the Education Staffing Team.
- 4.2 The application should be submitted at least 3 months prior to the proposed date of commencement. The date of commencement should normally correspond with the beginning of a school term.
- 4.3 Teachers and associated professionals who are on maternity, paternity or adoption or surrogacy leave, and who otherwise meet the criteria set out above, may apply for a career break. The start-date of the career break could commence from the end-date of the maternity, paternity, adoption or surrogacy leave period, if so desired by the applicant.

Considering Requests

- 4.4 It is for the council's staffing section to decide whether the exigencies of service provision allow for a career break to be granted. In judging individual applications, a range of operational issues will be considered, 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 will take precedence over other matters when applications are considered.
- 4.5 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.
- 4.6 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.

Duration

- 4.7 A career break will last for a minimum of 6 months and a maximum of 5 years. The length of the intended career break should be identified at the point of application and it will be for the staffing section to consider whether to grant the career break as requested or whether, taking into account factors arising from paragraph 4.1 above, to grant the request but to place a condition on the duration of the request.
- 4.8 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.

- 4.9 When applying for a career break employees should be aware that for any break up to 2 years the department will endeavor to grant the employee the right to return to the post which they held prior to their career break. However, this will be subject to service requirements e.g. where there are school closures, amalgamations, other organisational restructuring.
- 4.10 In the event that a career break lasts more than 2 years the department will not be able to guarantee the employee a return to their own post. If the career break is approved the employee will be advised that on their return they will be deployed by the Council but not necessarily to the post vacated prior to the career break.
- 4.11 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.

Extensions

- 4.12 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 the exigencies of service provision.
- 4.13 As with the original application, when judging applications for extensions, a range of operational issues will be considered, 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 will take precedence over other matters when applications are considered.
- 4.14 The departments will also consider the employment rights of the cover arrangements.
- 4.15 In line with LNCT agreement No. 04 'any contract extended beyond 2 years will be made permanent unless the authority can objectively justify not doing so'.
- 4.16 This must be taken into account when considering extensions. While this does not automatically mean an extension will be declined or that the cover Teacher will be offered permanency it is a factor that must be considered.
- 4.17 It is likely, if the cover Teacher has the right to request permanency; that this would result in the extension being refused.

Early Return to Work

- 4.18 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 paragraph 4.1 above.
- 4.19 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.

Contact during career breaks

- 4.20 Prior to the commencement of a career break the employee is obliged to provide the council with appropriate contact details, e.g. telephone number or email. They should also discuss if and how contact can be maintained should there be a requirement to discuss any work related issues. If this is required both parties should have a clear understanding of the nature and frequency of any contact.
- 4.21 The employee should also be informed of changes to the workplace or work organisation that may impact on her or him e.g. surplus within department / school or any restructuring proposals.
- 4.22 If requested by the employee, the council can advise an employee on a career break of vacancies and, in the later stages of the career break, of acting appointments, in service or CPD where appropriate. Such informal contact, as detailed above, does not constitute “work” and employees will not receive any remuneration in respect of such informal contact.
- 4.23 For the purposes of preparation for a return to work it shall be open to the council and employee to agree either a formal engagement during the career break and/or an induction period on return to work. A formal engagement will normally be undertaken in the 3 month period prior to the end of the career break and may encompass:
- (i) Attending INSET days.
 - (ii) Team teaching.
 - (iii) Attending CPD events, including annual review discussions.
 - (iv) Attending team or departmental meetings
 - (v) Attending a refresher course.
 - (vi) Work shadowing with a colleague or liaison with a colleague.
- 4.24 A formal engagement would be paid or subject to time off in lieu on return to work. Any induction would take place on the commencement of paid employment following the career break.

Continuous Service and Reckonable Service

- 4.25 On an employee’s return from a career break their separate periods of employment (i.e. 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.
- 4.26 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.
 - (iv) Occupational Maternity Pay
- 4.27 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.

Annual Leave and Public Holidays

- 4.28 Entitlement to annual leave during the leave year(s) in which the career break commences and ends will be calculated pro rata to the part year period of service.
- 4.29 For associated professionals entitlement to public holidays will only be for those public holidays which occur during the part year of service

Pension Rights and National Insurance

- 4.30 For employees who contribute to the Scottish Teachers' Superannuation Scheme (STSS) or the Local Government Pension Scheme (LGPS) contributions to their pension 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.
- 4.31 There is currently a facility within both the Teachers' scheme and the LGPS to purchase additional pension on return to work, details of which can be obtained from the SPPA or LGPS. More broadly, it is the responsibility of Teachers to consider the implications of taking a career break with regard to pension matters.
- 4.32 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.

Paid Employment during a career break

- 4.33 A Teacher or associated professional should not undertake alternative full -time employment while on a career break. However, if there are financial difficulties on a career break, it may be permissible to take part time employment.
- 4.33.1 If an employee wishes to take up full employment a secondment may be appropriate and the secondment process will apply. (LNCT 12).
- 4.33.2 It is recognised, however, that there may be occasions when a request for a break does not clearly fall under either the secondment process or the career break process. For example, where a Teacher has the opportunity to work out with Scottish Education, or abroad, this can be difficult to manage through a secondment arrangement. Where the request can be supported this will be approved under the Career Break scheme. The employee will not retain the right to return to their post but will not continue to accrue additional service during the break.

Note: para 4.33.1 and 4.33.2 have been implemented following agreement at LNCT on 3 June 2014.

Vacancies

- 4.34 A post vacated by a Teacher or associated professional taking a career break should be filled by a suitably qualified replacement.
- 4.35 When looking to fill a career break the manager / Head Teacher may want to consider other opportunities this vacancy provides. e.g. using post for probationer.

- 4.36 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 and LNCT Agreement No 4 Code of Practice on the use of Temporary Contracts).
- 4.37 Where a Head Teacher or Depute is being replaced on a temporary basis, the Head Teacher will 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.
- 4.38 There may be some instances where a career break post will not be backfilled as leaving the post vacant may assist staffing on a temporary basis.

Surplus Staff

- 4.39 Where there is a surplus number of staff when an employee returns from a career break the employee returning will not automatically be considered as the surplus individual unless this was a specific agreed term of the career break approval. The procedures for the voluntary / compulsory transfer of surplus staff should be followed.

Return to Work

- 4.40 Within the terms of every career break the employee will be required to contact the department / school to confirm their return date and be advised of their time table for the next sessions etc. It is standard practice to request this contact 3 months prior to the agreed return date.
- 4.41 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 by the job sizing toolkit.
- 4.42 Principal Teachers will be returned to a post of the same status. In the cases of Head Teachers and Depute Head Teachers the council should offer an equivalent post.
- 4.43 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.
- 4.44 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 will be followed (SNCT Handbook Part 2, Section 1.60-1.66).

Non-return to Work

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

Appeals

4.46 Where an employee has made an application for a career break and that application has been rejected, the employee may appeal against this decision to the Executive Director of Educational Services. From this stage the appeal will be treated in the same manner as a grievance and will follow the same internal process. There is no right of appeal to the SNCT on the decline of career breaks.

Supporting Documents

- Appendix 1 – Career Break Request Form

CAREER BREAK REQUEST FORM FOR TEACHING STAFF



Section 1: To be completed by Applicant

Current post details

Name of Applicant:

Current Post:

School/Establishment:

Reason for Career Break:

Proposed Start Date of Break:

Proposed End Date of Break

Have you been granted a break before? YES/NO

If yes, please provide details with dates.

I confirm that I have at least 2 years' continuous employment 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.

I have read and understood the Career Break Scheme.

Signature of Applicant:

Date:

(request must be submitted and agreed at least 3 months before proposed start date)

Section 2: To be completed by Head Teacher/Head /Manager

Comments of Head Teacher/Manager on any operational issues associated with this request.

Signature of Head Teacher/Manager

Date:

Section 3: To be completed by Educational Services

Decision of ESO - Staffing.

Agreed Start Date of break (must coincide with the start of a term)

Agreed finish date of break

Signature of ESO - Staffing:

Date of Decision