

East Dunbartonshire Council

Education Procedure Manual 2/37

Career Breaks

For

**Teachers and Employees on Scottish Negotiating Committee for
Teachers (SNCT) Conditions of Service**



Education, People & Business

October 2022



sustainable thriving achieving

East Dunbartonshire Council

www.eastdunbarton.gov.uk

Contents

1.	INTRODUCTION	3
2.	SCOPE	3
3.	REFERENCES AND RELATED DOCUMENTS.....	3
4.	WHAT IS A CAREER BREAK?	3
5.	WHO IS ELIGIBLE FOR A CAREER BREAK?	3
6.	LENGTH OF BREAK	4
7.	EXTENSION OF OR REDUCTION IN LENGTH OF CAREER BREAK	4
8.	COMMUNICATIONS	5
9.	CONDITIONS OF SERVICE.....	5
10.	NATIONAL INSURANCE IMPLICATIONS	6
11.	PENSION SCHEME	6
12.	PAID EMPLOYMENT DURING A CAREER BREAK	7
13.	FILLING THE RESULTANT VACANCY	7
14.	RETURN TO WORK.....	7
15.	NON RETURN TO WORK.....	8
16.	APPLICATION PROCEDURE.....	8
17.	NATIONALLY AND LOCALLY AGREED TERMS AND CONDITIONS.....	9
18.	GDPR STATEMENT.....	9
19.	POLICY REVIEW STATEMENT	9
	APPENDIX 1: Application for Career Break	10
	APPENDIX 2: Application to Undertake Outside Employment / Private Work	10

1. INTRODUCTION

- 1.1. East Dunbartonshire Council is committed to the development of policies that introduce flexibility into working arrangements to the benefit of the Council, its employees and the community that it services.
- 1.2. A career break provides a formal opportunity to obtain an extended break from work of up to 5 years. The allocation of career breaks should be undertaken in accordance with a mechanism agreed at LNCT.

2. SCOPE

- 2.1. The Career Break Procedure Manual applies to all Teaching employees and those on Scottish Negotiating Committee for Teachers (SNCT) Conditions of Service, who have at least 2 years of continuous employment, on a permanent or temporary basis, with any Scottish Council. Such service can be with one or more councils.

3. REFERENCES AND RELATED DOCUMENTS

- 3.1. This forms part of the Councils Policies and Procedure base surrounding employment and certain policies, procedures and toolkits may be referenced throughout this document. This policy has been developed to ensure compliance with relevant employment legislation and SNCT Conditions of Service.
- 3.2. This Procedure Manual should be applied with reference to the Charter of **Roles & Responsibilities** for Employment based Policies and Procedures.

4. WHAT IS A CAREER BREAK?

- 4.1. A career break is a period of special leave without pay from work which differs from other types of special leave. The purpose of which is to provide teachers and associated professionals with an opportunity to obtain an extended break.
- 4.2. While there are no prescribed activities that a career break should involve, some examples may include the care of children or family, voluntary work, study, travel or personal circumstances. Undertaking alternative employment should not usually be the purpose of a career break, however, under certain circumstances, employees may apply for this (see Section 12.0).
- 4.3. At an agreed future date the employee will return to work taking up their career with the Council where he/she left prior to taking a career break. Requests for leave for other purposes will be dealt with as appropriate through Procedure Manual 2/11 Leave of Absence for Teachers.

5. WHO IS ELIGIBLE FOR A CAREER BREAK?

- 5.1. All permanent and temporary employees who have **two years' continuous service with East Dunbartonshire Council** are eligible to apply for a career break. Regarding teachers, the employee must have at least 2 years' continuous service after achieving the Standard for Full Registration with the General Teaching Council of Scotland. The scheme is equally available to both male and female, part time and job-share employees.

- 5.2. The Council already has a number of policies which support work life balance and the career break scheme can only be used where the reason for, or period of, special leave without pay is not covered by any other policy, e.g. maternity leave. Each application will be considered on the merits of the individual case. The needs of pupils should take high priority in the consideration of career breaks.
- 5.3. Teachers and associated professionals who are already on maternity, paternity or adoption leave and meet the criteria set out within paragraph 5.1, can apply for a career break. The start-date of this career break can commence from the end-date of the maternity/paternity/adoption leave period, if the employee wishes for it to do so.
- 5.3.1. Employees (non-teachers) eligible for Occupational Maternity/Adoption Pay paid by the Council i.e. 12 weeks at half pay can decide to defer payment of this until they return to work after the career break. If employees elect to receive this and decide not to return to work for a minimum period of 3 months at the end of the career break, this money must be refunded to the Council.

6. LENGTH OF BREAK

- 6.1. Subject to the business/service needs of the Department an employee may be allowed a career break of between six months, which is the minimum period up to a maximum period of five years.
- 6.2. 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.

7. EXTENSION OF OR REDUCTION IN LENGTH OF CAREER BREAK

- 7.1. An employee can apply for an extension of their career break, 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. Each application will be considered on the merits of the individual case.
- 7.2. Managers should recognise that an individual's circumstances can change rapidly, and should allow flexibility, in exceptional circumstances, for employees to return to work sooner than envisaged. Employees should be aware that there is no automatic right to return early and it may not be operationally feasible for managers to accommodate this. Each application will be considered on the merits of the individual case
- 7.3. Should employees request an extension of or reduction in the length of their career break, they will be required to give a minimum of 3 months' notice.

8. COMMUNICATIONS

- 8.1. During a career break the Council and employee should where possible maintain informal contact.
- 8.2. Prior to commencement of the career break, a meeting should be arranged to discuss how contact will be maintained. Both the council and employee should have an understanding of the nature and frequency of the contact.

Communication should be facilitated, where possible, by electronic communications.

- 8.3. The council will advise an employee on a career break, of vacancies and, in the later stages of the career break, of acting appointments, in service or CLPL where appropriate. The employee should also be informed of changes to the workplace or work organisation that may impact on her or him.
- 8.4. Such informal contact, as detailed in paragraphs 1, 3 and 4 above, does not constitute “work” and employees will not receive any remuneration in respect of such informal contact.
- 8.5. 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 CLPL 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.

A formal engagement would be paid or subject to time off in lieu on return to work. An induction would take place on the commencement of paid employment following the career break.

9. CONDITIONS OF SERVICE

- 9.1. 9.1 A career break is a period of special leave without pay. Pay and benefits will be suspended during the period of the career break and will start again on the employee’s pay and conditions at the stage they were at prior to the career break.
- 9.2. The period of a career break will not be recognised for the following:
 - Incremental progression of pay.
 - Qualification for and entitlement to Occupational Sick Pay.
 - Entitlement to Occupational Maternity Pay.

- 9.3 A career break will be taken into account in relation to compulsory transfer arrangements as agreed by the LNCT.
- 9.4 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. Additionally, employees will not accrue any annual leave entitlement under the Working Time Regulations.
- 9.5 Regarding associated professionals, entitlement to public holidays will only be for those public holidays which occur during the part year of service.
- 9.6 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 therefore will not count towards reckonable service.

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.

10. NATIONAL INSURANCE IMPLICATIONS

- 10.1 Employees considering a career break must be aware of the implications regarding National Insurance Benefits if they take a career break. It is therefore the responsibility of employees to check with the local Department of Work and Pensions office about potential implications based on their individual circumstances at the time of applying and during the career break.

11. PENSION SCHEME

- 11.1 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.
- 11.2 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.
- 11.3 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.

- 11.4 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.

12. PAID EMPLOYMENT DURING A CAREER BREAK

- 12.1 As previously stated, the purpose of a career break should not usually be for undertaking alternative work. However, employees who are on a career break and wish to undertake work for another employer should complete an “Application To Undertake Outside Employment/Private Work” Form. (See Appendix 2)
- 12.2 Employees wishing to undertake any other employment whilst on a career break must seek prior approval from the Chief Education Officer.

13. FILLING THE RESULTANT VACANCY

- 13.1 How the resultant vacancy is filled/covered will depend on each individual case e.g. such as the length of the break, type of vacancy and could the vacancy be filled by one of the following:-
- Employees temporarily acting up
 - Responsibility Payments
 - Advertised internally as a temporary post with the successful applicant, if currently employed on a permanent basis, having the right to return to their original post.
 - Advertised externally as a temporary contract.
 - Advertised internally/externally and filled on a permanent basis, in exceptional circumstances
- 13.2 When appointing a temporary replacement, the employer should be guided by the SNCT Code of Practice on the Use of Temporary Contracts.
- 13.3 Where a Head Teacher or Depute is being replaced on a temporary basis, the Council should 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.

14. RETURN TO WORK

- 14.1. If an exact date has not been agreed at the start of the career break, employees must give three months’ notice to their line manager confirming the exact date of when they wish to return to work after a career break.
- 14.2. As previously highlighted, employees may require training immediately before returning to work from the career break. Employees should arrange to attend a meeting with their line manager in advance of their return to work to discuss the post they are returning to and to agree any appropriate programme of training.

- 14.3. 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. If this is not practicable due to organisational change, employees will be offered a post of a similar nature requiring similar skills with similar reward and responsibility to that held prior to the career break.
- 14.4. If an employee returns to their previous post and there are implications for the incumbent post-holder, the employer should be guided by the SNCT Code of Practice on the Use of Temporary Contracts or the Local Agreement deriving from the Code of Practice.
- 14.5. Employees who are granted a career break of more than 2 years are entitled to be deployed by the Council. However, this may not be the post which they held prior to their career break. Whilst the needs and preferences of the returning employee should be considered, employers are entitled to offer the employee a post of a similar nature within the Council.
- 14.6. 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 the job sizing toolkit.
- 14.7. Issues regarding transfers of promoted Teachers to differently-sized posts following a career break should be managed by following the provisions for salary conservation.
- 14.8. 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.
- 14.9. Where a post considered by the 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 the agreement of the employee.
- 14.10. Any Department which has specific difficulties in finding a suitable vacancy for an employee following a career break should contact Human Resource Services for advice and assistance.

15. NON RETURN TO WORK

- 15.1. Employees on a career break who do not wish to return to their post must provide contractual notice.

16. APPLICATION PROCEDURE

- 16.1. Employees who wish to apply for a career break should discuss the matter initially with their line manager in accordance with the principles of the career break scheme.
- 16.2. Applications for a career break should then be made on an application form (see Appendix 1 for Application Form). Employees should submit their application for a career break in writing **at least three months prior to the proposed date of commencement**, to their manager stating the anticipated length of the career break as well as providing full details of the reason for the

career break. Additionally, the date of commencement should correspond with the beginning of a school term.

- 16.3. When considering a career break application, managers must balance the requirements of the employee with the operational needs of the Department and how the resultant vacancy could be filled/covered. Both Managers and employees will have to ensure that it will be possible to meet the operational needs of the Department and therefore employees should give as much notice as possible of their application for a career break. Managers must complete section C of the application form and forward it to their Head of Service for approval/rejection as appropriate. Employees will normally be given a written response within four weeks from receipt of the application.
- 16.4. If approved, the Head of Service will pass the application form to the Human Resources and Organisational Development Manager who will advise the employee and line manager accordingly. The correspondence will be filed in the employee's personal file.
- 16.5. If an employee decides to not proceed with a career break, they must give the Council four working weeks' notice.
- 16.6. If a Head of Service is considering refusing an application, this should be discussed with the Human Resources and Organisational Development Manager. 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 the Council's formal Grievance procedures if appropriate.

17. NATIONALLY AND LOCALLY AGREED TERMS AND CONDITIONS

- 17.1. This agreement complements existing Council decisions and nationally agreed terms and conditions of service and the entitlement of individual employees to seek enforcement of their rights and within nationally and locally agreed terms and conditions of service.

18. GDPR STATEMENT

- 18.1. East Dunbartonshire Council holds, uses and processes information in accordance with the General Data Protection Regulations and all other relevant national data protection laws. Further information detailing how East Dunbartonshire holds and uses personal information and copies of privacy notices used throughout the Council are available on our website:
www.eastdunbarton.gov.uk/council/privacy-notices.

19. POLICY REVIEW STATEMENT

- Legislative Change
- Changes to SNCT National Conditions of Service
- Other external factors
- Feedback on the effectiveness of the policy
- Requests for review by Elected Members, Trades Unions and/or Management

APPENDIX 1: Application for Career Break

Application for Career Break from attached below – also available on the Hub.



Career break
application.pdf

APPENDIX 2: Application to Undertake Outside Employment / Private Work

Application for Undertaking Outside Employment / Private Work – also available on the Hub



Application to
Undertake Outside En

Other Formats & Translations

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages. Please contact the Council's Corporate Communications Team at:

East Dunbartonshire Council, 12 Strathkelvin Place, Southbank

Kirkintilloch G66 1TJ Tel: 0300 123 4510

本文件可按要求翻譯成中文，如有此需要，請電 0300 123 4510。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر 0300 123 4510 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0300 123 4510 ਫੋਨ ਕਰੋ।

Gabhaidh an sgriobhainn seo cur gu Gàidhlig ma tha sin a dhith oirbh. Cuiribh fòn gu 0300 123 4510

अनुरोध करने पर यह दस्तावेज़ हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फोन कीजिए।