

CARDIFF COUNCIL

SCHOOL SABBATICAL LEAVE SCHEME - POLICY AND PROCEDURE

BACKGROUND

1. The School is committed to helping its employees to achieve a balance between their work and outside lives. The School supports the ethos that Work-Life Balance is an opportunity for all employees and not just those with family or caring responsibilities or in particular grades or posts.
2. This policy and procedure is one of a suite of benefit policies developed to support employees in achieving a Work Life Balance. As with all Work Life Balance policies there will be benefits for the School in implementing such practices, including; improving employee morale and positively impacting upon sickness absence levels; aiding recruitment and improving retention. In addition, there is potential for the School to achieve cost savings following successful applications for Sabbatical Leave.

PURPOSE

3. This policy and procedure outlines the option and process for requesting Sabbatical Leave and details the terms of subsequent Sabbatical Leave agreements/ variation of contracts. It has been developed with the dual purpose of assisting the School in achieving cost savings and further assisting employees achieve a Work Life Balance. This Scheme offers more favourable benefits to an employee to those provided under the Schools existing Career Break scheme. For this reason the School's Career Break Scheme will be withdrawn for the two year interim period this scheme is in place.
4. The purpose of the Sabbatical Leave Policy is to enable the School to retain an employee who requires an extended period of leave from the School and who might otherwise need to terminate their employment. It also benefits the employee in allowing them to preserve their current employment status at the time of taking the break and return on the same terms and conditions.
5. Sabbatical Leave may be taken for care of dependants or other domestic circumstances, or to undertake education or study. However, eligibility will not be confined to such criteria. Each request will be assessed by the Headteacher on a business case basis taking into the needs of the pupils/children.

DEFINITIONS

6. Sabbatical Leave: A period of unpaid leave for absences of a minimum of 3 months to a maximum of 2 years. It is 'reason neutral' in that employees are not limited to applying for reasons associated with childcare/ caring responsibilities or time off for travel or training etc.
7. The employee's contract of employment is maintained throughout the period of leave. Employees should however be aware that a return to the same post may not always be feasible. If it is not possible for the School to return the employee to the same post at the end of the Sabbatical Leave period the School will use its best endeavours to redeploy the employee to a similar post in the School, with no detriment in terms of grade, pay, benefits or conditions of service – subject to the outcome of job evaluation and the new pay and grading structure in relation to support staff.

SCOPE

8. This policy applies to all employees of the School (except centrally based employees who will be subject to the Corporate policy) regardless of age, ability or disability, gender, language of choice, race, religious or non-religious beliefs, or sexual orientation. It includes those in permanent or temporary positions whether in full time, part time or job share positions. It also includes those covered by JNC terms and conditions.

ELIGIBILITY

9. Requests for Sabbatical Leave must be in writing and will be accepted from any employee with at least 26 weeks continuous service with the School.

KEY PRINCIPLES

10. As with all flexible working arrangements there is no automatic entitlement for employees to be granted Sabbatical Leave. All requests will be considered by Headteachers on a business case basis and whilst the presumption is to allow employees as much flexibility as possible the need to meet the needs of the pupils/children is paramount. Where requests cannot be supported, the Headteacher will provide business case reasons to explain why that is the case and explore other options with the employee.

11. Sabbaticals will be approved on the basis that the employee will return to the same post or a similar post in the School, with no detriment in terms of grade, pay, benefits or conditions of service wherever possible. The employee will retain continuity of service, including the period of Sabbatical leave.
12. The key elements of Sabbatical agreements include the following:
 - The School must not incur additional costs and still be able to meet the needs of the pupils/children.
 - The employee will retain continuity of service and employment rights whilst off
 - The employee and Headteacher sign up to a written agreement
13. Employees who wish to undertake paid work whilst on Sabbatical Leave must consult their Headteacher to ensure no conflict of interest exists.
14. Employees on sickness leave will not normally be eligible for Sabbatical leave. In general, an employee should have satisfactory health, (which also takes into consideration the Disability Discrimination Act 1995), attendance and conduct records.
15. The decision to approve or not approve an employee's application for sabbatical leave rests with the employee's Headteacher in consultation with the Chair of Governors. Advice should be sought from HR People Services.

PROCEDURE

16. Employees must apply in writing to their Headteacher (on a Sabbatical Leave Request Form – [Appendix 1](#)), at least three months in advance of their proposed start date, which should ideally coincide with the start of a school term, and (except in exceptional circumstances) the request will:
 - Confirm the employee meets the criteria
 - Specify the reason for the Sabbatical, the proposed commencement date and duration
 - State the reason for requesting Sabbatical leave; explain how the employee thinks the request could be accommodated by the School; include any potential benefits for the employee and / or the School.
17. Requests for Sabbatical Leave will be considered on a business case basis. Reasons for requesting Sabbatical Leave may include but are not limited to the following:
 - Personal and / or professional development

- Domestic reasons; e.g. Childcare or caring responsibilities
 - Travel
 - Training / Development
 - To follow a full time course of education
 - To take up public or voluntary services
 - Following the birth or adoption of a child
 - Other purposes providing they will comply with the terms and conditions of the scheme
18. The Headteacher will arrange a meeting as soon as possible with the employee to discuss the request and ensure the employee is fully aware of the conditions of the scheme.
19. The Headteacher, in consultation with the Chair of Governors and HR People Services will consider the request.
20. The Headteacher will write to the employee within 14 calendar days of the meeting giving a decision on whether the request can be accommodated. In providing the decision made with regard to the request, the Headteacher will either
- a) Accept the request in full and detail in the letter the arrangements that will be made, including the start date, duration and return date, **or**
 - b) Reject the request as it was made but confirm a mutually agreed alternative, which will be detailed, including start date, duration and return date. The Headteacher will outline the reasons why the original request could not be accommodated and will also outline the appeals procedure in this letter, **or**
 - c) Reject the request in full. The Headteacher will detail for the employee the business reasons why the request could not be accommodated. The Headteacher will also outline the appeals procedure in this letter.
21. Where the application is approved the employee will be required to sign a Sabbatical Leave agreement.

Appeals

22. The employee can appeal against the decision made by writing to the Chair of Governors outlining the reason for the appeal. The appeal must be made within 14 calendar days of the date of the letter giving the decision.

23. The relevant committee of the Governing Body will meet with the employee and their representative within 14 calendar days of receipt of the appeal.
24. A decision regarding the appeal will then be given to the employee, in writing, within 14 calendar days of the appeal meeting. The decision shall be deemed final. If the appeal is unsuccessful the reasons for that decision will be given.

RESPONSIBILITY

25. Headteacher

It is the Headteacher's responsibility to:

- Consider requests on a business case basis, taking into account operational needs
- Support the School's commitment to help employees achieve a Work-Life Balance.
- If refusing a request, provide business case reasons in writing within 14 calendar days and work with the employee to explore other options.
- Seek advice from HR People Services when required.

26. Employees on Sabbatical Leave

It is the employee's responsibility to:

- Advise their Headteacher of any change in circumstances e.g. address
- Keep-up-to-date with their profession (where one exists) by maintaining membership of the relevant institution, undertaking any relevant Continuous Professional Development training required to maintain professional membership.
- Ensure all accrued annual leave entitlement, if applicable, is taken before commencing Sabbatical Leave. (Leave taken in excess of the accrued entitlement must be repaid prior to the commencement of the break.)
- Establish impact on employee's pay deductions. Where the employee has deductions from pay for Child Care Vouchers for example, they are required to contact the relevant offices / officers to establish the impact of the Sabbatical Leave period on the terms and conditions of the scheme/s.
- Make arrangements to protect their state pension entitlement by making good any shortfall in National Insurance contributions.

27. HR People Services

- HR People Services will issue the employee with a Sabbatical Leave agreement to sign and provide advice and support to Headteachers and employees as required.

LINKS WITH THE SCHOOL DURING SABBATICAL LEAVE

28. Both the Headteacher and the employee are obliged to maintain links during the period of Sabbatical Leave.

29. Reasonable Contact

Both parties are entitled to make 'reasonable contact' with each other during the leave period. For example, the Headteacher may contact the employee to discuss whether or not the planned date of return to work has changed or is likely to do so or to keep the employee up to date with work place developments. Equally the employee may request to maintain contact for similar purposes. The means for 'Reasonable Contact' will be discussed and agreed before leave commences.

30. Keeping in Touch Days

In line with the principles of Keeping in Touch Days the Headteacher and employee can agree for the individual to undertake work activities up to 10 days per year. This may include attendance on training courses, meetings etc. This will be arranged by mutual agreement and where practicable. Whether the employee works for one hour or a whole day this will be counted as one Keeping in Touch day. The employee will receive pro rata remuneration for hours worked.

31. Notification of Vacancies

Employees on Sabbatical leave will be eligible to apply for posts advertised during their period of leave. It is the responsibility of the employee to undertake to find out about suitable vacancies.

32. Reimbursement of Professional Subscription Fees

Employees on Sabbatical Leave will be eligible to apply to have professional subscription fees using reimbursed (Reimbursement of Professional Fees procedure [1.CM.159](#)) by submitting Claim form [4.C.173](#).

OTHER AREAS FOR CONSIDERATION

33. Annual Leave, Support Staff

There will be no entitlement to Annual Leave during the Sabbatical Leave period. Employees must ensure all accrued annual leave entitlement, if appropriate, is taken before commencing Sabbatical Leave.

34. Sick Pay

There will be no entitlement to Occupational sick pay during the Sabbatical leave period.

35. Maternity / Adoption & Maternity / Adoption Support Leave

There will be no entitlement to occupational maternity / adoption pay or support pay or during the Sabbatical leave period.

36. Statutory Maternity / Adoption / Sick Pay:

Whilst eligibility for statutory pay remains the above earnings are based on pay received over specified periods. In the majority of occasions the School will not be required to pay the statutory element as the employee will not have been earning in the weeks prior. Employees are however advised to contact payroll for advice if necessary.

37. Special Leave

There will be no entitlement to Special Leave during the period of Sabbatical Leave.

38. Ending the Sabbatical Leave Agreement

The School may terminate the agreement if any of the obligations of the employee under the terms and conditions of the scheme are breached. This includes instances where the employees conduct or activity brings the School into disrepute; or failure or inability of the employee to return to the School on the agreed date. Where such instances occur the matter will be considered under the School's Disciplinary Policy and Procedure.

39. The employee may terminate their contract of employment with the School at any time by notifying the Headteacher in writing and giving appropriate notice.

40. Pensions Contributions – Local Government Pension Scheme

In the case of support staff, as the employee's contract continues, the employee and the employer must pay contributions for the first 30 days of the leave of absence. Employees granted Sabbatical Leave who are members of the LGPS must read [Appendix A](#) – 'The effect on your pension entitlement of Sabbatical Leave' and contact the Pensions Department. Teachers are advised to contact the TPA or access the website at www.teacherspensions.co.uk

RETURNING TO WORK

41. Post

Employees will be entitled to return to work in the same or similar post within the School, with the same conditions and benefits, (taking into account any relevant pay rises or agreed changes).

42. Pay

Salaries of employees returning from Sabbatical Leave will be increased notionally on an incremental basis so that on their return to work they will be placed on the point they would have reached had they not taken leave. Due to the national terms and conditions of teachers this is not possible for them and upon their return they would only go to the point they would have been on prior to taking the sabbatical leave. Where they return in September they may receive one increment if they had enough service in the last academic year that they worked.

43. Continuity of Service

The employee's length of service will include the period of Sabbatical Leave. Service related terms of employment including annual leave entitlement and sickness benefits will accrue throughout the leave period.

44. Requesting to change return date

Employees who wish to request to return early must put their request in writing to their Headteacher at the earliest opportunity. Whilst there can be no guarantee of an early return; requests will be given sympathetic consideration, taking into account operational needs and reasons for the request.

Employees who wish to seek to extend their leave period should apply in writing to their Headteacher at the earliest opportunity and no later than 3 months before the agreed return date. The extension will be subject to the approval of the Headteacher in consultation with the Chair of Governors. The maximum period of the Sabbatical leave period must not exceed 2 years.

45. Appropriate checks

If necessary the School may need to renew the employee's Criminal Records Bureau (CRB) clearance and / or attain a satisfactory medical assessment. Therefore the School reserves the right to obtain such clearances before the employee returns to work.

46. Training and / or Induction

Where appropriate, the Headteacher will determine the training and / or induction the employee is required to undertake to ensure an efficient smooth return to work. This will reflect the duration of the break and the extent of any changes to the employee's role and / or work environment.

47. MONITORING AND REVIEW

The scheme will be monitored to provide the following information:

- the numbers of those applying for Sabbatical Leave
- the reasons for wishing to take Sabbatical Leave
- the number of applications accepted / rejected

RELATED DOCUMENTS

- [Appendix A](#): The effect on your pension entitlement (support staff) of 'Sabbatical Leave'
- Sabbatical Leave Application Form – [Appendix 1 \(4.C.472\)](#)
- Sabbatical Leave Agreement – [Appendix 2 \(4.C.473\)](#)
- Standard Letters Templates (to be produced)

Appendix A – ‘The effect on your pension entitlement of Sabbatical Leave’ (Support Staff)

CARDIFF COUNCIL

Local Government Pension Scheme – Pension implications for support staff of a period of Sabbatical Leave.

If you are a member of the Local Government Pension Scheme during a period of Sabbatical Leave you will remain a member of the scheme (unless you opt out) and the following will apply.

- Pension Contributions must be paid for the first 30 days of the leave and this would normally be done by a payroll adjustment immediately before the commencement of the leave.
- For the remainder of the leave, you may choose to pay contributions. If you elect to pay it must be for the remainder of the leave after the first 30 days.
- Contributions will be payable at your normal contribution rate and will be based on your deemed pay, that is the pay you would have received but for the leave. Generally this would be pay based at the date leave commenced, plus any annual pay awards, and include any incremental progression.
- You have 3 months¹ from the date of your return to work (or the date of termination if you do not return) to elect to pay the contributions. An election to pay will not be accepted after this period has elapsed.
- You may make payments during the leave or on return to work. If payment is made during the period of leave it will be your responsibility to contact Her Majesty’s Revenue and Customs (HMRC) regarding tax relief on the contributions. If payment is made on return to work, tax relief on the contributions (where appropriate) will be made automatically through payroll.
- Any period for which contributions are paid will count as pensionable membership when calculating your benefit. Where contributions are not paid the leave will not count as pensionable membership.
- During the period of the leave you will be treated as an active member of the pension scheme for the purposes of entitlement to benefits whether or not contributions are being paid.

- If you are making additional payments for added years or additional pension these must continue during the leave whether or not you elect to pay normal contributions. If you are paying AVC's for additional life cover you must continue to pay this or the cover will lapse.
- The employer will pay contributions for the first 30 days of the leave and for the remainder of the leave if you opt to do so.
- If you are going on a period of Sabbatical Leave please contact the pension section prior to the commencement of the leave and on your return to work so that the appropriate action may be taken. You may contact the pension section by telephone on 029 208 72334.

The above note is based on the Local Government Pension Scheme Regulations. Nothing contained in this note can override the provisions of the Regulations.