



BROADWATER
CHURCH OF ENGLAND
PRIMARY SCHOOL

Rectory Gardens
Worthing
West Sussex
BN14 7TQ

TEL 01903 235389
EMAIL office@broadwaterce.org

Headteacher: Mrs N Simpson

www.broadwater.w-sussex.sch.uk

Career Break Scheme (Policy) 2020-23

(This Procedure is derived from the WSCC November 2016 reviewed 2019. If the West Sussex Scheme were to change then staff would be referred to the latest information.)

Turn your ear to wisdom and apply your heart to understanding (Proverbs 2:2)

Broadwater is a Christian School. We will enable children to become wise, confident, successful learners with the motivation, skills and responsibility to make a positive difference in God's world. Our vision is underpinned by the values we live by.

The Holy Spirit produces this kind of fruit in our lives: love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control. There is no law against these things! Galatians 5:22

It is this fruit that, in partnership with parents, we will instil in the children of our school.

Career Break Scheme for all School Employees

The purpose of the Career Break Scheme is to enable staff to take a break from their job for an agreed amount of time. Reasons for taking a career break are varied and may include:

- To bring up children;
- To care for a dependent person;
- To undertake charitable work;
- To obtain further educational qualifications or
- To go travelling.

A career break also supports the principles of the School's equality policies and allows eligible employees the right to request a period of unpaid leave ranging from a minimum of one term to a maximum of 1 academic year. The career break must start at the beginning of a term and finish at the end of a term.

Career breaks operate in conjunction with, but do not replace, existing leave schemes, such as parental, dependency, paternity, adoption, maternity and compassionate leave.

This policy applies to all employees of this school and applies to staff on permanent, temporary and fixed term contracts (as long as they have two years of continuous service).

Career breaks are a staff benefit which can help retain the key skills and experience of employees who would like to have a long break from work for personal reasons.

They demonstrate a commitment to flexible working practices, which can help improve staff morale and motivation.

Eligibility criteria

To be eligible to request a career break an employee must have two year's continuous service.

There is not an automatic right to take a career break and the needs of the school will remain paramount, however the break will be granted, wherever possible. There may be circumstances where a request cannot be accommodated, e.g. where the children's education may be compromised, or finding a temporary replacement is not an option. All requests will however be given serious consideration by this school's Governing Body.

Duration and number of Career Breaks

There is no maximum number of career breaks that an employee may take during their employment; however, the maximum duration of a career break is one academic year, unless there are exceptional circumstances.

The minimum time for a career break is one term.

Applying for a Career Break

Teachers and support staff should apply to the Headteacher for a career break using form CBI "Career Break Application". The form can be downloaded from the Human Resources Guide on the West Sussex Services for Schools.

So that the Headteacher is able to consider all the implications, teachers and support staff are encouraged to apply as early as possible before the proposed start date of a break, this would normally be at least one term beforehand, unless there are exceptional circumstances.

A response to the request should be given as soon as possible, but no later than 28 calendar days from receipt of the request.

Before responding to a request, the Headteacher is required to seek approval from the Governing Body. This stage is required to understand any cost or teaching and learning implications that would occur if the Headteacher was to authorise the request.

If the Headteacher or Deputy Headteacher is applying for a career break, the application must be made to the Chair of Governors, who will then seek approval from an appropriate committee of the Governing Body. This stage is required to understand any cost or leadership and/or teaching and learning implications that would occur if the Chair of Governors was to authorise the request.

Form CBI should be retained on the employee's personnel file and a copy sent to HR Shared Services Schools for processing.

If, due to unforeseen circumstances, the employee needs to alter the dates of their career break prior to its commencement, then they can do so with the agreement of the headteacher or Governing Body when the application is for the Headteacher.

For Headteacher applications for the remainder of this document, any reference to management actions as Headteacher would be expected to be completed by the Chair of Governors.

Keeping in Touch and Returning to Work

If appropriate, occasional meetings during the career break should be organised by the Headteacher to keep the employee up-to-date on school and national developments.

Inclusion on 'In service training (inset) days' should be encouraged where possible.

Any relevant information should be forwarded to the member of staff during their career break. This could include information relating to organisational changes such as consultation documents and information packs, and the employee should be given the option to attend any consultation meetings.

The headteacher and employee should identify any training and return to work induction required.

The headteacher should contact the employee approximately 4 weeks prior to their return to discuss and agree arrangements.

Although a return date is agreed at the time the career break is approved, sometimes an individual's circumstances may change during the break. If an employee wishes to change the return date, then this may be done by mutual consent. Usually this would require an employee to give 4 weeks written notice.

Where an employee experiences long-term sickness during their career break (i.e. a certified medical condition either in excess of, or likely to be in excess of, 6 weeks), then the employee can choose to contact their headteacher and terminate their career break. The employee would then receive occupational sick pay, but would be treated as having returned to work and so would not be entitled to take the remainder of their career break at the end of their period of sickness. Their absence would then be dealt with in accordance with the Sickness Absence Policy.

If during a career break an employee is injured whilst working on a self-employed basis or for another employer (or as a result of misconduct, neglect or active participation in professional sports) and this results in sick leave, the school may choose to suspend sick pay. If this decision is taken, the employee will be notified in writing and can appeal against the decision (details of the appeal mechanism will be provided to the employee in such cases).

Terms & Conditions of Employment

Continuity of service will be maintained throughout the break.

If an employee decides to resign during their break, then their continuity of service will be maintained until their last day of employment, i.e. the last day of their contractual notice period. The employee would need to resign in writing, but their notice period would be unpaid in accordance with the Employment Rights Act 1996, Part IX, section 91(1).

Where staffing reductions are proposed when an employee is absent on a career break and such change may affect the employee, then the absent individual should be contacted and treated in the same way as other employees. Where it is impossible to make contact (e.g. if the person is travelling abroad), decisions may need to be made without consulting the employee, in which case the employee will be informed at the earliest opportunity. Employees should be encouraged to leave details of a friend or family member who could forward messages in case such circumstances arise.

Any loans should normally be repaid before the start of the career break.

Alternative Work

- Employees who wish to use a career break to take up alternative paid employment with another employer may do so, provided that any employment undertaken does not result in a conflict of interest with their substantive role. Prior to taking up any alternative employment, employees should seek the agreement of their Headteacher (that there is no conflict) AND check with their local tax office the impact this will have on their taxation status and coding.
- Employees who already have secondary employment with another WSCC school (or for WSCC directly), may continue with this work during a career break. Secondary employment means a second job that is separate from the substantive role (for example a casual appointment). Employees holding secondary employment should declare this when making their career break application and discuss this with their Headteacher, before the career break is agreed.

Return to work

On return to work, the employee will be re-employed in the same or a similar post, but in a position with no less favourable terms and conditions of employment. Where for example a restructuring or reorganisation has taken place, a suitable alternative post would be sought.

Is a career break paid?

Career breaks will be unpaid.

On return to work the employee will resume receiving pay. They will be paid at the rate of pay that they would have received if they had not taken a career break – e.g. any pay award that was awarded during the employee's absence will be honoured on their return.

Annual Leave

During a career break, employees will be entitled to receive **statutory minimum annual leave (SMAL)** under the Working Time Regulations – but will not be entitled to receive contractual annual leave.

Part time employees will receive a pro-rata entitlement based upon the hours they worked prior to the commencement of the career break.

Teachers do not have a contractual right to paid annual leave but they do have a right to statutory annual leave under the Working Time Regulations. When an employee is on a career break their entitlement to statutory annual leave continues to accrue.

For the purposes of calculation of statutory annual leave entitlement, the leave year runs from 1st September to 31st August. Statutory annual leave entitlement will be calculated at the rate of 1/260th of pay per day.

This annual leave will be taken during the career break and will be paid automatically pro-rata'd on a monthly basis during the break.

Pension implications

LGPS

LGPS members have a choice as to whether they wish the period of their career break to be counted as pensionable service.

- If an employee intends to return to work after their career break, the employee can choose to pay additional pension contributions (APC's) for any period of unpaid leave so that the period of absence will count in full for pension purposes.
- The amount of pension lost is calculated as the appropriate fraction of an employee's assumed pensionable pay for that period of absence (i.e. 1/49th of an employee's assumed pensionable pay if they were in the main section of the scheme or 1/98th if they were in the 50/50 section).
- If an employee wishes to purchase the amount of lost pension, they can do this at any time that they are contributing to the scheme however if they make the election within 30 days of returning to work then the cost of the APC is split between them and the County Council. They will pay one-third of the cost and the County Council (on behalf of the school) will pay the rest. This is known as a Shared Cost Additional Pension Contract (SCAPC). An employee can pay these additional contributions in a one-off lump sum or through regular payments from their wages.
- An employee will need to request details of their lost pensionable pay from Payroll Shared Services, if it is not shown on their payslip as a deduction (this depends on the period of absence) so early contact is advised to ensure they are able to make an election within the 30 day time limit.
- The 30 day limit may be extended by the County Council (on behalf of the school) if it is clear that the employee was unable to meet the normal time period due to circumstances beyond their control. For further information an employee can refer to the County Council's discretions policy.
- Death in service benefits would not be affected during a career break. Further details can be obtained from pensions@westsussex.gov.uk

The maximum period of absence an employee can elect to buy back by a SCAPC is a period of 3 years.

An employee can obtain a quote and print off an application form to buy lost pension at <https://apc.lgps2014.org/>

If an employee elects not to buy back their lost pension then this will not count for pension purposes.

The Teachers' Pension Scheme

Please find attached a link to the Teachers' Pension Scheme website which provides advice on taking a break from the pension scheme.

<https://teacherspensions.co.uk/members/faqs/taking-a-break-from-teaching.aspx>

What happens if the career break is not approved?

In certain circumstances a career break may be denied or postponed. This could be because of the following reasons:

- Inability to reorganise work among existing staff;
- Inability to recruit staff cover;
- Detrimental impact on quality of learning and education;
- Detrimental impact on performance;
- Planned organisational changes.

If this is the case the Headteacher will meet with the employee to discuss the reasons and then confirm these in writing. Where this happens, an employee may appeal against the decision by putting this in writing to the Chair of the Governing Body within 14 calendar days.

A review meeting with the employee, their representative (which can be a work colleague or trade union official), the Headteacher and a representative from the Governing Body, will be held within 21 calendar days. Both sides will have the opportunity to put forward their case and a final written decision will be conveyed to the employee within 14 calendar days of the meeting.

There is no right of appeal against the decision of the Headteacher and governor; however, the employee remains eligible to re-apply for a career break in the future.