

Falkirk Council

Local Negotiating Committee for Teachers

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Dear Colleague

LNCT 36 Guidance on Assessing Career Break Applications

1. Context

A Career Break is a defined period of special leave without pay within Falkirk Council's Flexible Working Policy.

The purpose is to provide employees with the opportunity for an extended break from work. Whilst there are no prescribed activities, reasons might include the care of children (or other family members), voluntary work, study or travel.

This option is open to all employees who have a minimum of 2 years continuous service with Falkirk Council, with the exception of Teachers who have separate arrangements in place (see SNCT Handbook References overleaf). Agreement will primarily be determined by the nature of the employee's work activity, the operational needs of the service and the impact on other employees.

A career break should not be used to undertake alternative paid employment. During any career break, the employee should not carry out paid work for another employer without the prior knowledge and approval of their manager/Head of Service. Failure to comply with this requirement may mean that the provisions of the career break policy will no longer apply.

2. SNCT Handbook: Appendix 2.15

Appendix 1 is a summary of useful reference information from the SNCT Handbook Appendix 2.15.

3. Assessment Criteria

The following considerations set out within the Policy will be factored into considering requests for career breaks:

- Burden of additional costs;
- Inability to meet customer demand;
- Inability to reorganise work with existing employees;
- Inability to recruit additional employees;
- Impact on workload of others within the team;
- Detrimental impact on quality;
- Detrimental impact on performance;
- Planned structural changes.

4. Refusal

The Head Teacher/ Manager will provide an explanation of the business reasons for the request not being supported drawing from the considerations set out above.

5. Review

This guidance will be reviewed at the discretion of the Joint Secretaries.

Yours sincerely

Gary Greenhorn (Management Side)

Margaret Smith (Teachers' Side)/Colin Finlay (Staff Side)

Joint Secretaries

APPENDIX 1
SNCT Handbook References (Appendix 2.15)

- 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.
- 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 after achieving the Standard for Full Registration with the General Teaching Council for 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.
- 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.
- 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.
- 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.
- 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.
- 12.4 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.