

SHETLAND ISLANDS COUNCIL

LOCAL NEGOTIATING COMMITTEE FOR TEACHERS

Agreement: Guidance on Self-Funded Sabbaticals

Agreed by LNCT: 28/09/22

1.0 Introduction:

- 1.1 This agreement is the result of a teacher trade union and management side working group and is presented jointly by both sides on behalf of the working group.
- 1.2 This agreement provides guidance on the process for applying for a self-funded sabbatical (Appendix 2.23 of the SNCT Handbook), and the procedure to be followed for reviewing requests and allocating sabbaticals in a fair and equitable manner.
- 1.3 On an annual basis, the number of self-funded sabbaticals which may be approved each year, will be a minimum of 1% of the total number of employees within the Council covered by SNCT terms and conditions. The number of requests approved will be monitored and reported to LNCT on an annual basis.

2.0 Definition of a self-funded sabbatical:

- 2.1 A self-funded sabbatical is separate and distinct from family leave as set out in SNCT Handbook Part 2: Section 7, Family Leave or Career Breaks as set out in paragraph 9.21 and Appendix 2.15.
- 2.2 A self-funded sabbatical provides a formal opportunity to obtain an extended break from work of up to 1 year.

3.0 Purpose of Sabbatical:

- 3.1 The purpose of a self-funded sabbatical is to provide employees with an opportunity to refresh and re-energise their careers and as such, there are no prescribed activities that a sabbatical must involve.

4.0 Eligibility for Sabbatical

- 4.1 Eligible employees are required to have at least 5 years of continuous employment, on a permanent or temporary basis, with any Scottish council.

5.0 Duration and Frequency

- 5.1 A self-funded sabbatical will last for a minimum of 3 months and a maximum of 1 year. The intended duration of the self-funded sabbatical should be identified when application is made.
- 5.2 An employee may be granted up to 3 self-funded sabbaticals within the employee's career. A minimum of 5 years of continuous service with any Scottish council is required between each period of self-funded sabbatical.
- 5.3 During the self-funded sabbatical the employee should maintain GTC registration.

6.0 Applying for Self-funded Sabbatical

- 6.1 Employees seeking to be released for a self-funded sabbatical should submit their request on the "Self-funded Sabbatical Request Form" (Appendix 1), stating the anticipated length of the self-funded sabbatical.
- 6.2 Due to the challenges faced by Shetland Islands Council with recruitment and selection and the number of probationers applying to Shetland the following rules apply to applications. The application should be submitted at least 12 months prior to the proposed date of commencement and no later than the end of June each academic year. The date of commencement should correspond with the beginning of a school term, preferably the beginning of the summer term (August).
- 6.3 Following application for a self-funded sabbatical, employees will be given a written response setting out the decision in principle, and terms and conditions associated with approval (Appendix 2).
- 6.4 Where the application has been denied the employee may apply again for the following school session.
- 6.5 An employee who has been granted a self-funded sabbatical and who, prior to the date of commencement, decides not to proceed must give the council 8 working weeks' notice.

7.0 Granting of sabbaticals

- 7.1 Where the demand for sabbaticals is greater than the level referenced in 1.2, the prime consideration for eligibility will be time served under SNCT conditions of service.
- 7.2 Where an applicant is not granted a sabbatical, for reasons outlined above, they may apply again for the following school session or for a future date, and will be given priority within that group.
- 7.3. Where an applicant has already been on sabbatical, the 'time served' will be calculated as starting from the end of the previous sabbatical, ie the clock is reset to start at the end of their previous sabbatical.

8.0 Extension or Reduction of duration of self-funded sabbatical

- 8.1 An employee on a self-funded sabbatical may apply for an extension to the duration of such, subject to the cumulative total of the time elapsed and the extension period not exceeding 1 year.
- 8.2 An employee is entitled to early termination of a self-funded sabbatical but may be required to wait up to 8 working weeks before resuming work. The Headteacher should be notified by the employee of the request for early termination.
- 8.3 Any application for extension or early termination of a self-funded sabbatical should be made at least 8 working weeks prior to the original date of termination.
- 8.4 Where the reason for wishing to end the self-funded sabbatical is pregnancy the employee should be returned to paid work as quickly as possible in order to be eligible for statutory benefits such as maternity leave and pay. Where another employee is covering the post they must be provided with their statutory notice of early termination of the contract.

9.0 Contact during Sabbaticals

- 9.1 Prior to the commencement of a self-funded sabbatical agreement should be reached regarding arrangements, if any, for contact during the period. There should be a clear understanding of the nature and frequency of any contact. The employee is obliged to provide their Line Manager with appropriate contact details e.g. telephone number or email.
- 9.2 The Head Teacher is responsible for informing the employee of changes to the workplace or work organisation that may impact on them e.g. surplus within school or any restructuring proposals.

10.0 Conditions of Service

- 10.1 A self-funded sabbatical is unpaid. The contract of employment continues during the self-funded sabbatical and the employee retains statutory and contractual rights as applicable. This includes the right to notice of termination of employment.
- 10.2 Entitlement to annual leave and public holidays during the leave years in which the self-funded sabbatical commences and ends will be calculated pro-rata to the part year period of service. During the period of self-funded sabbatical employees will not accrue any annual leave entitlement under the Working Time Regulations.
- 10.3 A self-funded sabbatical will be taken into account and counted as service in relation to compulsory transfer arrangements as outlined in LNCT Agreement “Transfer Agreement for Teachers” June 2017.

- 10.4 Time spent on self-funded sabbatical will impact on entitlements to statutory maternity pay and leave, which is calculated based on periods of paid work in the period ending 15 weeks before the expected date of childbirth. Employees should take account of this when planning a sabbatical.

11.0 Pension Rights and National Insurance

- 11.1 The Scottish Teachers' Pension Scheme (STPS) and Scottish Teachers' Superannuation Scheme (STSS) are administered by the Scottish Public Pensions Agency (SPPA). Contributions to the STPS and STSS will cease at the point at which the self-funded sabbatical 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 self-funded sabbatical.
- 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. It is the responsibility of teachers to consider the implications of taking a self-funded sabbatical with regard to pension benefits.
- 11.3 For employees who contribute to the Local Government Pension Scheme (LGPS), contributions will cease at the point at which the sabbatical 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 self-funded sabbatical.
- 11.4 Since 1 April 2009 there has been 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. It is the responsibility of employees to consider the implications of taking a self-funded sabbatical with regard to pension benefits.
- 11.5 It is the responsibility of employees to consider the implications of taking a self-funded sabbatical with regard to national insurance. Employees should consult with the Department of Work and Pensions (DWP) on this matter. DWP may also advise on how a self-funded sabbatical could affect entitlement to state benefits.

12.0 Paid Employment during a Self-Funded Sabbatical

- 12.1 An employee can undertake alternative employment while on a self-funded sabbatical, subject to the agreement of the Chief Education Officer. However, a self-funded sabbatical should not normally be used to undertake alternative full-time employment, although placement and internship arrangements may be acceptable.

13.0 Return to Work

- 13.1 A secondee normally has the right to return to the job in which they were employed prior to the secondment on the same terms and conditions. This is unless the role has changed through an organisational restructure. If there are any changes within a secondee's substantive post, the secondee will retain the same rights as if they had not been seconded i.e. if the substantive post has been subject to a restructure and/or

review or other substantial changes, the secondee will be treated as if they had still been occupying the substantive post.

14.0 Non-return to Work

- 14.1 Where an employee on a sabbatical wishes to resign from their post the required contractual notice must be provided.

SELF-FUNDED SABBATICAL REQUEST FORM

PERSONAL DETAILS				
NAME:		SURNAME:		
CURRENT POST:		SCHOOL:		
EMPLOYEE NO:		HOURS:		
CONTACT NO/ EMAIL ADDRESS:		CURRENT SALARY/GRADE:		
DURATION OF SABBATICAL				
PERIOD (From-To) (minimum 3 months / maximum 12 months)				
Note: in line with SNCT Appendix 2.23 applications must be submitted at least 12 months prior to date of commencement (see published schedule)				
ELIGIBILITY CRITERIA				
Eligible employees are required to have at least 5 years of continuous employment, on a permanent or temporary basis, with any Scottish Council. Please provide details of your continuous service below:				
Name of Scottish Council	Start Date	End Date	Post Title	Permanent/Temp
SIGNED:		DATE:		

Completed forms should be emailed to:

APPROVED CONFIRMATION

Name/
Address

Dear

Self-funded Sabbatical

I refer to your application for a self-funded sabbatical and I can confirm that this has been considered and your request has been approved.

This letter confirms the proposed terms of your sabbatical from Shetland Islands Council as follows:

1. Duration:

Your sabbatical will start on XX XX XXXX until XX XX XXXX.

2. Terms and Conditions:

During your sabbatical you will remain an employee of Shetland Islands Council and retain Council terms and conditions as applicable, this includes the right to notice of termination of employment.

The period of the sabbatical will be taken into account and counted as service in relation to the Transfer Agreement for Teacher 2019 as agreed by LNCT.

If there are changes to your terms and conditions during your sabbatical you will be notified of these as soon as possible.

3. Salary/Pay Arrangements:

A self-funded sabbatical is unpaid.

4. Leave/Holiday Entitlement

Entitlement to annual leave and public holidays during the leave years in which your sabbatical commences and ends will be calculated pro-rata to the part year period of service, During the sabbatical you will not accrue any annual leave entitlement under the Working Time Regulations.

5. Maternity Pay/Leave

The period of the sabbatical will impact on entitlements to statutory maternity pay and leave, which is calculated based on periods of paid work in the period ending 15 weeks

before the expected date of childbirth. This should be taken into account when planning a sabbatical.

6. Pension Rights and National Insurance

The Scottish Teachers' Pension Scheme (STPS) and the Scottish Teachers' Superannuation Scheme (STSS) are administered by the Scottish Public Pensions Agency (SPPA). Contributions to the STPS and STSS will cease at the point when your sabbatical begins and will recommence upon your return to work. It is your responsibility to ensure that the appropriate parties are made aware of your self-funded sabbatical.

For employees who contribute to the Local Government Pension Scheme (LGPS) contributions will cease at the point when your sabbatical begins and will recommence upon your return to work. It is your responsibility to ensure that the appropriate parties are made aware of your self-funded sabbatical.

There is currently a facility within both the teachers' scheme and the local government scheme to purchase additional pension on return to work, details of which can be obtained from SPPA or LGPS. It is your responsibility to consider the implications of taking a self-funded sabbatical with regard to pension benefits.

You should also consider the implications of taking a self-funded sabbatical with regard to national insurance. You should consult with the Department of Work and Pensions (DWP) on this matter. DWP may also advise on how a self-funded sabbatical could affect entitlement to state benefits.

7. Contact during Sabbatical:

You are required to maintain contact with your current Line Manager (*insert Name and contact number*) during the period of your sabbatical in line with agreed arrangements and frequency. You should ensure that you update your Line Manager with any changes to your contact details, and/or with any other circumstances that may affect your substantive post with Shetland Islands Council.

8. Returning to Work:

You must contact your Line Manager at least 1 school term before the date you are due to return to your post to enable appropriate arrangements to be made for your return to your post.

A secondee normally has the right to return to the job in which they were employed prior to the secondment on the same terms and conditions. This is unless the role has changed through an organisational restructure. If there are any changes within a secondee's substantive post, the secondee will retain the same rights as if they had not been seconded i.e. if the substantive post has been subject to a restructure and/or review or other substantial changes, the secondee will be treated as if they had still been occupying the substantive post.

Where a post considered by the council to be suitable is offered on different terms and conditions from the post held prior to your sabbatical then placement will be through agreement with yourself.

9. Non-return to Work:

If during the sabbatical period you wish to resign from your post you must provide contractual notice.

10. Extension or Reduction:

You may apply for an extension to the duration of your sabbatical, subject to the cumulative total of time elapsed and the extension period not taking you beyond the maximum period of 1 year. You must provide at least 8 working weeks notice prior to the original date of the end of your sabbatical.

You may apply to end the sabbatical at an earlier date and this application should be made at least 8 working weeks prior to the original end date of the sabbatical, and you may be required to wait up to 8 working weeks before resuming work.

To confirm your acceptance please complete the acceptance section below and return this to the XXXXXX by XXXXXXXX. If you do not wish to proceed with your application please let us know by return. Once you have confirmed your acceptance, if you decide not to proceed prior to the agreed date of commencement, you must notify the XXXXXX at least 8 working weeks' notice.

If you require clarification of any of the above points, or have questions about other issues regarding your sabbatical, please discuss these with your Line Manager or contact the Human Resources on XXXXXXXXXX

Yours sincerely

XXXXXXXXXX

ACCEPTANCE:

I accept and understand the terms of my self-funded sabbatical as stated in this letter and confirm I wish to process with the sabbatical.

Signed

Print Name

Dated