



HR: Sabbatical Leave Policy

Review Due:	May 2023
Last Review	May 2020
Applicable to:	All Trust Schools
Reviewed By:	SP
Approved By:	Board of Trustees May 2020

Comments:

This is a new policy which sets out the Trust's obligation to consider a period of sabbatical leave for staff with more than 5 years' service. The draft policy was reviewed by Trust Leaders and additional consideration was given to the minimum length of service required, checks needed upon return to work and staff who have been through capability/disciplinary procedures. Draft approved by external solicitors.

SABBATICAL LEAVE POLICY

1. POLICY

1.1 Long-serving employees with five or more years' service at The Bath and Mendip Partnership Trust ('the trust') will be eligible to apply for unpaid sabbatical leave to undertake, for example, research, further education or travel.

1.2 Both full-time and part-time employees with the relevant service are potentially eligible. The purpose of sabbatical leave will normally be linked to personal development outside the usual confines of the job, allowing the employee to return to work with new ideas and enhanced skills. Unless exceptional circumstances apply, sabbatical leave will only be granted once during the course of an employee's employment.

1.3 Employees will not be eligible to apply if they have been through capability/disciplinary proceedings in the 24 months prior to their application for sabbatical leave.

1.4 School managers will weigh any application against existing staffing levels, taking into account any known or expected periods of staff absence to ensure the smooth running of the school and reserve the right to refuse an application for sabbatical leave where it is felt that staffing levels cannot be maintained at an operational level.

2. PROCEDURE

2.1 Any eligible employee wishing to make an application for sabbatical leave should do so in writing to their Headteacher/CEO, stating the proposed objectives and duration of the sabbatical and the perceived benefits for the trust and the employee. Any such request will be referred to the Trust Board for consideration.

2.2 The trust will consider any such request and sabbatical leave, where granted, will be entirely at the trust's discretion and with such qualifications and conditions as the trust sees fit. There is no statutory right for an employee to be granted sabbatical leave and requests will usually only be granted when they are at no additional cost to the trust (except in regard to pension payments where the employee chooses to continue making regular payments – see 3.1 below).

2.3 Sabbatical leave will be granted for a minimum of one month and a maximum of one year. Employees may request to use some of their annual leave towards their sabbatical leave which will be paid, but the remainder of the period will be unpaid.

2.4 Employees who wish to take a prolonged absence from work in order to care for a child also have an entitlement to unpaid leave in accordance with the Parental Leave Policy.

3. IMPACT ON TERMS AND CONDITIONS OF EMPLOYMENT

3.1 If an employee is a member of the Teacher's Pension or Local Government Pension Scheme, for any period of unpaid leave, he or she will be invited to pay contributions based on the pay they were receiving immediately before the unpaid period started, as follows:

- For the first 30 days of any period of unpaid leave, the employee and the employer must pay the contributions which would have been paid if not for the leave of absence.

- For periods in excess of 30 days (up to a maximum of three years) the employee can choose whether or not to pay pension contributions. If they choose to pay, both the employee and employer must pay the contributions which would have been paid if not for the leave of absence.
- Regardless of the employee's choice any additional contributions (e.g. for the purchase of extra pension) must continue to be paid in full.

3.2 Employees have up to 30 days after they return to work to decide whether they wish to make up any missed contributions. Figures can be provided to the employee by the Payroll Team on the amount due before a decision is made.

3.3 Any accrued but unused annual leave entitlement for the current leave year must be taken prior to the start of the employee's sabbatical leave. During the sabbatical leave the employee will accrue holiday at the rate required under the Working Time Regulations 1998 (SI 1998/1833) and not on the basis set out in your contract of employment. The employee will therefore receive a pro rata leave entitlement, based on complete months worked, for the leave year(s) that the unpaid sabbatical period falls within.

3.4 If an employee is due to receive an increment during their period of sabbatical leave, this will be payable on their return to work provided that performance before commencing sabbatical leave has been satisfactory. This increment will not however, be backdated.

3.5 During the period of the employee's sabbatical leave, the employee remains an employee of The Bath and Mendip Partnership Trust on the normal terms and conditions of employment save as amended by this policy.

3.6 The following benefits will cease to apply during the unpaid sabbatical period but will resume when the employee returns to work:

3.6.1 Child Care Vouchers: Entitlement to Child Care Vouchers will cease during unpaid sabbatical leave. The employee may not be eligible to re-join the scheme when they return to work, please contact the child care voucher provider for further information.

3.6.2 Other Allowances: If the employee is in receipt of a payment for first aider, fire warden, emergency planning duties or standby, these will cease to be paid during unpaid sabbatical leave. Where applicable, the allowances will be paid on a pro rata basis for complete months worked when the employee returns to work.

3.6.3 Deductions from salary: During unpaid sabbatical leave, employees will need to make alternative arrangements for any deductions which are usually made from their salary, e.g. UNISON subscriptions etc.

4. CONTINUOUS EMPLOYMENT

4.1 The employee continues to be employed during their sabbatical leave period, which counts towards their period of continuous employment for the purposes of entitlement to other statutory employment rights (for example, the right to a redundancy payment).

5. RIGHT TO RETURN TO WORK

5.1 The employee has the right to return to the same job in which he or she was employed under their original contract of employment and on terms and conditions not less favourable than those which would have been applicable had they not been absent.

5.2 However, there can be exceptions to this, as follows. Where it is not practicable by reason of redundancy for the trust to permit the employee to return to work in their original job, the employee shall be entitled to be offered a suitable alternative vacancy, where one exists. Any new job must be suitable to the employee and appropriate to the circumstances, and the capacity and place in which he or she is employed and the terms and conditions of employment must not be substantially less favourable than if they had been able to return in the job in which they were originally employed. In addition, if the period of sabbatical leave is longer than three months, the employee will be subject to a new DBS check on their return and, if applicable, overseas checks will also be undertaken as necessary. The applicant's return to employment will be dependent on these checks being clear.

5.3. Suitable alternative employment may also be offered if exceptional circumstances occur (other than redundancy) whilst the employee is on sabbatical leave and would have occurred had the employee not been absent. For example, a reorganisation may occur where it may be necessary to change an employee's post. Any new position offered to the employee must be suitable to and appropriate to the circumstances, and the capacity and place in which he or she is to be employed and the terms and conditions should not be less favourable.

5.4 If the employee decides not to return to work following a period of sabbatical leave, they must give notice of their resignation as soon as possible and in accordance with the terms and conditions of their contract of employment.

5.5 If the employee wishes to end their sabbatical leave early, they must make a written request to their Headteacher/CEO to do so, giving at least eight weeks' notice wherever possible. If the employee wishes to return to work earlier than the eight week notice period, it is at the trust's discretion to consider such requests and decide whether or not it can be approved subject to business needs.

6. KEEPING IN TOUCH

6.1 The employee will be required to keep in contact with his/her line manager whilst on sabbatical leave, usually on a monthly basis, to be agreed with the line manager before sabbatical leave begins. This contact should ideally be by telephone or e-mail, but could alternatively be by post, depending on the employee's access to communications technology whilst they are away on sabbatical leave.

7. WORKING WHILST ON SABBATICAL LEAVE

7.1 The employee will not be permitted to take up alternative employment during sabbatical leave without the prior written permission of their Headteacher/CEO. Any such request should be included in the employee's written application for sabbatical leave.

8. CONDUCT

8.1 Employees will continue to be employed by the trust during any period of sabbatical leave and must therefore maintain conduct of the highest standard such that public confidence in their integrity is sustained.

8.2 All provisions as to confidential information will continue to apply.

9. FURTHER INFORMATION

9.1 Employees and line managers can seek guidance or further information about the Sabbatical Leave Policy by contacting the HR department.