



Washwood Heath
Multi Academy Trust

Career Break Policy & Procedure

Prepared by:	Director of HR, WHMAT
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1.0 Introduction

- 1.1 Washwood Heath Multi Academy Trust (“WHMAT”) is committed to developing People policies which will support employees at various stages of their working careers. WHMAT acknowledges that it can be beneficial to both employees and WHMAT to allow for periods of unpaid leave from work.
- 1.2 This career break scheme will enable employees to request and possibly take an extended period of unpaid time away from work and help employees strike a balance between paid work and their personal life.
- 1.3 Career breaks can be taken for a variety of reasons including study, travel, to fulfil caring responsibilities, or to pursue a personal interest or project.
- 1.4 The aims are to attract and to retain employees by demonstrating a commitment to their long term career and personal development, to reduce the number of leavers, and to help employees to achieve a positive work-life balance.
- 1.5 Any references in this policy to the CEO, also include the Deputy CEO of WHMAT.

2.0 Eligibility

- 2.1 Employees with 3 or more years' continuous service with WHMAT, are eligible to request a career break in line with this policy. Both full-time and part-time employees with the relevant service are equally eligible.

3.0 Career Break Conditions

- 3.1 A career break is a mutually agreed period of unpaid leave which usually lasts between three months and two years. In exceptional cases, and where practicable, a career break of less than three months or more than two years may be taken by mutual agreement. The actual period of the break will be subject to agreement between WHMAT and the individual and will depend on the circumstances.
- 3.2 An employee may apply for a maximum of 2 career breaks during their employment with WHMAT provided that there is a minimum of at least 3 calendar years between each career break.
- 3.3 In certain circumstances, a career break may not be the most appropriate arrangement for the employee or for WHMAT. In such circumstances, alternatives may be discussed and agreed, subject to the individual's circumstances and the appropriate WHMAT policy. Alternatives may include maternity leave, adoption leave, shared parental leave, parental leave, study leave or a request to work flexibly (see WHMAT's Family Friendly and/or Flexible Working Policy at www.washwoodmat, policies tab).
- 3.4 Where an employee applies for a career break immediately following the end of a period of maternity leave, and this is agreed by WHMAT, it will not count as a return

to work for the purposes of entitlement to occupational maternity pay. For example, a condition of the Teachers' occupational maternity leave schemes is that employees must return to work at WHMAT, in a full or part-time capacity, for at least 13-weeks following maternity leave (12 weeks for support staff under the occupational maternity leave scheme). WHMAT therefore reserves the right to reclaim all the non-statutory elements of maternity pay if an employee leaves or starts an agreed career break before these periods back at work have been completed.

- 3.5 Employees on a career break will not be eligible for maternity, shared parental, paternity or adoption pay. Eligibility for statutory maternity/adoption/shared parental/paternity pay may be affected during a career break and advice should be sought from WHMAT's transactional team at hroperations@whmat.academy.
- 3.6 It is the responsibility of the employee taking a career break to establish with Jobcentre Plus whether they are entitled to any benefits and to check the position regarding national insurance contributions.

4.0 Application Process

- 4.1 All requests for a career break should be made in writing using the application at Appendix A. Applications will be considered as follows:
 - 4.1.1 Applications from the CEO/DCEO should be considered by the Chair of Trustees, with input from the Director of HR as appropriate.
 - 4.1.2 Applications from all other head office colleagues should be considered by the CEO/DCEO as appropriate.
 - 4.1.3 Applications from Heads of Academy should be considered by the CEO/DCEO in consultation with the Chair of Trustees.
 - 4.1.4 Applications from all other WHMAT colleagues should be considered by the Head of Academy in consultation with the CEO, although the decision should be made by the Head of Academy, so that the CEO can remain impartial for any appeal.
- 4.2 The application should include all of the points at appendix A; namely:
 - 4.2.1 Preferred start date;
 - 4.2.2 Anticipated duration;
 - 4.2.3 Reasons for career break;
 - 4.2.4 How WHMAT might be affected by the career break & suggestions of how any potential problems might be overcome.

- 4.3 Acceptance of a career break request is solely at the discretion of WHMAT and it reserves the right to refuse a request. The granting of a career break and the agreed length/start date of the break will depend on the reasons for the employee's request balanced against the potential impact on the team/function/department that the employee is a member of. The person considering the request may take into account, but is not limited to, the following factors:
- 4.3.1 Operational requirements;
 - 4.3.2 Anticipated workload (individual and/or team) during the proposed period & impact on the workload of others;
 - 4.3.3 Ability to cover the role on a temporary basis e.g. fixed-term contract v. acting up opportunity;
 - 4.3.4 Retention of key skills/needs going forward;
 - 4.3.5 Good performance and/or attendance levels prior to the request being made; and
 - 4.3.6 Whether other career break requests have been received in the same team/department/academy.
- 4.4 An application for a career break should normally be made at least 2 months prior to the proposed start date (although WHMAT will consider applications at shorter notice where appropriate).
- 4.5 The career break application form should be completed and forwarded to the Head of Academy (CEO for Head Office employees/Chair of Trustees for CEO or Deputy CEO) and copied to the WHMAT People Matters team at peoplematters@whmat.academy. A member of the People Matters team will meet with the Chair of Trustees, CEO or Head of Academy to discuss the request, and where appropriate, meet with the employee to clarify any aspects of the application. If viable, an alternative period and/or duration for the career break may be proposed by WHMAT.

Turning Down a Request

- 4.6 Career breaks may be refused for operational reasons. If the application is refused, the decision maker will provide reasons for the refusal in writing to the employee within 6 working weeks of receipt of the written application, unless there are exceptional circumstances.

Appeals

- 4.7 An employee who wishes to appeal against a decision to turn down their request for a career break should set out their grounds of appeal in writing to WHMAT's People Matters team, copied to the original decision-maker at

peoplematters@whmat.academy within 10 working days of receiving the original outcome letter.

4.8 Appeals will be heard as follows:

4.8.1 Appeals from CEO/DCEO/Heads of Academy – Committee of 3 impartial WHMAT Trustees;

4.8.2 Appeals from Head Office colleagues – CEO (if previously decided by DCEO), or Committee of 3 impartial WHMAT Trustees;

4.8.3 All other appeals – heard by CEO or DCEO.

4.9 The role of the person or persons hearing the appeal will be to consider the employee's appeal letter and any relevant supporting evidence from the employee or from the original decision-maker and to decide whether or not to:

4.9.1 stick with the original decision not to grant the leave as requested (i.e. to dismiss the employee's appeal); or

4.9.2 to grant the leave of absence request (i.e. to uphold the employee's appeal); and

4.9.3 to confirm in writing to the employee within a reasonable period the outcome of the appeal. This letter to include clarification that this matter is now concluded and that there is no further right of appeal

Approving a Request

4.10 Where an application is accepted, the date for the start and end date of the career break will be by mutual agreement between the employee and the appropriate manager (see 4.1) and will take into account outstanding work activities and cover arrangements.

Before the Career Break Commences

4.11 Before the career break commences, the relevant line manager should hold a "pre-break meeting" to cover areas of mutual interest such as a) mechanisms for keeping in touch; contact details for the employee whilst they are away; c) arrangements for returning to work etc.

Before the Employee Returns to Work

4.12 Prior to returning to work, the employee and the line manager should hold a "return to work planning meeting". This should cover areas of mutual interest such as changes within the team/department, hand over arrangements, return date and pattern of work, queries re salary etc.

5.0 Terms and conditions during career break

Salary & Pay Awards

- 5.1 During the period of the employee's career break, they will not be paid any salary. Incremental progression via appraisal and/or appraisal meetings will be suspended during a career break. If, however, an employee's career break is agreed to start at the end of the appraisal cycle/year, their final year review should be concluded and the pay award re-instated on their return, if they have met all of the previously agreed appraisal objectives for that year. The appraisal cycle will continue on the employee's return and they should be set new objectives that can reasonably be achieved for the remainder of that appraisal cycle.

Annual Leave

- 5.2 Employees on a career break will not accrue contractual or statutory annual leave and will not therefore be eligible for holiday pay.
- 5.3 Employees will be required to take any accrued but untaken annual leave prior to the start date of the agreed career break. There will be no payment in lieu for any holiday outstanding. If an employee has taken more of their annual leave than has been accrued at the commencement of the career break, WHMAT will agree repayment arrangements with the employee prior to the career break.

Sick Pay

- 5.4 Employees on an agreed career break will not accrue contractual sick pay during their leave period, but may be entitled to statutory sick pay in line with the rules of the scheme. Contact the transactional HR team at hroperations@whmat.academy if advice is needed.

Length of Service

- 5.5 The career break period will count as continuous service for statutory purposes (e.g. statutory redundancy pay entitlements and service for unfair dismissal) but will not be included for the purposes of service accrual for occupational benefits. Service prior to and following the career break will be aggregated for the purposes of entitlement to occupational benefits such as maternity pay, long service awards and increases in annual leave based on accrual of length of service.

Pension

- 5.6 A career break will not count towards pensionable service unless employer and employee contributions are maintained during the period of absence. Employees are strongly advised to contact the relevant pensions team prior to requesting or starting a career break so that the specific pension implications can be understood.

6.0 Alternative Employment During Career Break

- 6.1 Employees must not undertake paid work for another organisation or for themselves e.g. consultancy/self-employed during the period of the career break without the prior approval of the original decision maker, or their successor (if they are no longer at WHMAT). Such approval will not be unreasonably withheld and the requirement is primarily designed to avoid any conflicts of interest.
- 6.2 In respect of undertaking work for another employer, the intellectual property of work done during that employment will rest with that employer rather than with WHMAT.

7.0 Keeping in touch

- 7.1 In advance of the employee's career break, their line manager should arrange to keep in contact during the leave. Typically, the employee and line manager should arrange to make contact at least once a month, although this is a matter for agreement between the employee and line manager.
- 7.2 The line manager should also contact the employee to inform them of any important workplace developments, such as a restructure, job opportunities and upcoming training events. Similarly, it is up to the employee to inform the line manager of any changes in personal circumstances of which WHMAT should be made aware, such as a change of address or contact details.

8.0 Returning to work

- 8.1 On completion of a career break, the employee will return to the same job as before or, if that is not reasonably practicable, to a job of equivalent seniority and on terms and conditions not less favourable than those that would have applied had the career break not been taken.
- 8.2 If an employee wishes to return early from their career break they will be required to provide a minimum of one month's notice in writing to the Head of Academy (or CEO in the case of Head Office colleagues).
- 8.3 If an early return is not viable for WHMAT, then the original agreed period of the career break will remain in force.

9.0 Redundancy

- 9.1 In the case of a restructure, relocation or possible redundancy situation, an affected individual on a career break shall be treated in the same way as other WHMAT colleagues. If an employee's post is likely to become redundant during the career break, WHMAT HR will inform the employee and discuss the situation with them, as required under WHMAT's Managing Organisational Change Policy & Procedure.

10.0 Failure to Return to WHMAT

- 10.1 The employee will be expected to return to work at the mutually agreed time/date after the career break has come to an end.
- 10.2 An employee who does not wish to return to WHMAT after a mutually agreed career break must resign formally in writing in line with their notice period. Their resignation letter/email should be directed to the original decision-maker, copied to WHMAT's transactional HR team at hroperations@whmat.academy. Required notice periods may only be waived at the discretion of the CEO.
- 10.3 For the avoidance of doubt, employees who do not return to WHMAT as agreed and/or who do not tender their written resignation as set out at 10.2, will not be paid and their absence will be treated as unauthorised unless they are sick and unable to fulfil their contract of employment (only statutory sick pay will be payable during this time).

11.0 Policy Review

- 11.1 This Policy will be reviewed by the People Matters team 24 months from ratification by the Board of Trustees.

Appendix A – Career Break Application Form

NAME:
JOB TITLE:
BASE ACADEMY:
GRADE (SUPPORT) or SCALE (TEACHERS e.g. MS3, Leadership)
DATE COMMENCED EMPLOYMENT WITH WHMAT:
PLEASE EXPLAIN YOUR REASONS FOR REQUESTING A CAREER BREAK (INCLUDING PROPOSED DURATION & START DATE):
PLEASE EXPLAIN HOW WHMAT MIGHT BE AFFECTED BY YOUR CAREER BREAK & YOUR SUGGESTIONS AS TO HOW ANY POTENTIAL PROBLEMS MIGHT BE OVERCOME:

WHAT ARE THE POTENTIAL BENEFITS TO WHMAT OF YOU COMPLETING THIS CAREER BREAK?:

PLEASE GIVE DETAILS OF ANY SUPPORTING INFORMATION ENCLOSED WITH THIS APPLICATION (INSERT N/A IF THERE IS NONE):

CONTACT DETAILS DURING CAREER BREAK (ADDRESS/EMAIL/MOBILE):

I HAVE READ & UNDERSTOOD WHMAT'S CAREER BREAK POLICY:

SIGNED:

DATED:

REQUEST CONSIDERED BY CEO/DCEO/HEAD OF ACADEMY/CHAIR OF TRUSTEES ON

[]

DECISION – YES (SUMMARISE REASONS)

DECISION NO (SUMMARISE REASONS)

SIGNED:

DATED:

Appendix B – Model Outcome Letter

[To be completed by relevant decision-maker in line with paragraph 4 of the Policy & provided to employee who has submitted an application for a career break within 6 working weeks of receiving the application, unless there are exceptional circumstances]

Dear x

Thank you for your application of [date], requesting an unpaid career break in line with WHMAT's Career Break Policy & Procedure.

You have requested a career break of **[duration]**, starting on **[date]**, in order to **[summarise reasons presented by the employee]**.

[Insert next paragraph if request has been agreed]

Having carefully considered your application, I/we **[delete as appropriate]** have decided to **[EITHER]** agree to your request. This means that you will start your career break on **[date]** with an anticipated return date of **[date]**.

I will arrange a date to meet with you prior to you starting your career break to confirm contact details and frequency of communication during your career break. Please note that if you no longer wish to return to WHMAT for any reason once your career break has started, you will need to formally resign in writing and submit this to me in line with your notice period. It is recommended that if you do not know what this is, that you clarify this with a member of the transactional HR team before you start your career break. They can be contacted at hroperations@whmat.academy. Alternatively, if you would like your return date to change, please let me know as soon as possible and at least one month before your agreed return date, so that this can be considered.

In terms of your conditions of employment during the career break, a reminder that the duration of your career break will be unpaid. You will not accrue any annual leave during the period of your career break and will need to take any accrued but untaken leave before your career break starts. In addition, if you have already taken more annual leave than you have accrued prior to starting your career break, HR will arrange for you to pay this back or to make up the time before you start your career break.

You will not accrue contractual sick pay during your career break and cannot claim this during your career break if you are unwell. Your continuity of service will not be broken during your career break for the purposes of statutory benefits such as entitlement to statutory redundancy pay or service that counts towards rights to claim unfair dismissal but it will not count for other contractual entitlements such as sick pay and/or annual leave.

In terms of your pension, your career break will not count towards the pensionable service and entitlements that you accrue and you should take advice from your pension provider before starting your career break, so that you understand the implications.

If you wish to undertake any paid work during your career break, this will not be unreasonably refused. However, you should make this request to me before starting the work.

On behalf of WHMAT, I would like to wish you the very best for your career break and look forward to welcoming you back in due course.

[Insert next paragraph if request is being turned down]

Having carefully considered your application, I/we **[delete as appropriate]** have decided to **turn down your** request. The reasons for this are [summarise reasons/see paragraph 4 of policy].

This means that you will not be in a position to start your career break on **[date]** with an anticipated return date of **[date]**.

I appreciate that you may be disappointed with this outcome. However, in coming to this decision, I have had to balance the needs of your request with the operational needs of **[insert base academy/WHMAT]**.

Should you wish to appeal against this outcome, please notify me in writing, ensuring that you state clearly what your specific grounds of appeal are, within 10 working days of receiving this letter. Please also send a copy of your appeal letter to peoplematters@whmat.academy, so that a member of the team can co-ordinate the appeal meeting. You will receive an invite to that meeting in due course.

[Insert in all cases]

Yours sincerely

[Chair of Trustees/CEO/DCEO/Head of Academy]