

SABBATICAL LEAVE POLICY (H21)

If you require a copy of this policy in an alternative format (for example large print, easy read) or would like any assistance in relation to the content of this policy, please contact the Equality and Diversity team on 01803 656680.



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Career Break Police			
Organisational Cha			

Amendment History

Issue	Status	Date	Reason for Change	Authorised
1		2016	New Trust logo and policy template. Integration of previous Trust policies	JCNC
1.1		2018	General review – no change	JCNC Staff Side Chair & HR
1.2	Approved	July 2021	Updated wording around People Hub Team & People Directorate / contact details / logo / Version / date	People Hub



Rapid (E)quality Impact Assessment (EqIA) (for use when writing policies)

Policy Title (and number)			Sabbatical Leave Policy		Version and Date		V1.1 N	V1.1 March 2018	
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1 Policy Statement

1.1 This policy is designed to give staff the opportunity to have a break from their employment for a pre- determined time period to develop their career or to pursue a topic of special interest that is of benefit to the Trust.

2 Purpose or Introduction

2.1 A sabbatical is a period of extended leave, either paid or unpaid to allow an employee to develop their career, or pursue a topic of special interest. Sabbaticals may be used to allow an employee to work for another organisation for a short period of time, to allow employees to pursue special projects or to enhance their career development.

3 Scope

3.1 This policy applies to all staff employed by Torbay & South Devon NHS Foundation Trust, together with those on a joint contract with the organisation and another employer.

4 Equality and Diversity Statement

- 4.1 The Trust is committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics (as governed by the Equality Act 2010): sexual orientation; gender; age; gender re-assignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership. In addition to these nine, the Trust will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.
- 4.2 The Trust is committed to ensuring all services, policies, projects and strategies undergo equality analysis.

5 Roles and Responsibilities

- 5.1 Managers are responsible for:
 - Having an open and constructive discussion with the employee following receipt of their application.
 - Considering all requests for Sabbatical leave in a timely and reasonable manner.
 - Ensuring that any decision is balanced against the needs of the service and the needs of the individual.
 - If granting paid sabbatical leave that they can evidence the sabbatical as having specific benefits to the Trust.
 - Confirming in writing the reasons for their decision to the employee.
 - Completing appropriate documentation to ensure that the sabbatical is effectively managed through the ESR and payroll.

5.2 Employees are responsible for

 Providing sufficient information on the application and in discussion to enable the manager to make an appropriate decision.

- Recognising the demands of service provision and be prepared to constructively discuss alternatives or changes to their plans in order to balance their own wishes with the needs of the service.
- Ensuring they comply with and meet the terms and conditions of the sabbatical leave.
- Maintaining in contact with their line manager during the period of the sabbatical.
- Where applicable maintain professional registration or other fundamental requirements affecting their role.

6 Eligibility

Applications will be considered from all employees who:

- 6.1 Are employed on a permanent contract by Torbay and South Devon NHS Foundation Trust.
- 6.2 Have a minimum of 24 months' continuous employment with Torbay and South Devon NHS Foundation Trust with a satisfactory work record, i.e. there should be no recent or pending formal or informal action for issues relating to performance, conduct or attendance. When considering attendance managers should have regard to any disability arising from long term ill health and/or absence and may wish to seek further advice from The People Hub team.
- 6.3 Have already discussed with their line manager their wish to take a sabbatical which will normally have been identified within their Personal Development Plan (PDP) as being of benefit to the Trust.
- 6.4 Have an outline structure of their career development when they discuss taking a sabbatical with the relevant general manager e.g. an agreement in principle to work in another organisation, or an agreement to take up a place on a particular course of education.
- 6.5 Apply at least 4 months in advance and undertake a commitment to remain employed with the organisation for two years following their return from sabbatical leave. In exceptional circumstances the Trust would consider applications of less than 4 months, however there needs to be a legitimate reason why the applicant is not able to give the required 4 months' notice.
- 6.6 Understand that all contractual study leave entitlement must be previously agreed prior to the commencement of the sabbatical leave and can be included within the sabbatical time period.

7 Entitlement to Sabbatical Leave

- 7.1 An employee may be entitled to paid sabbatical leave where the leave has been identified as having specific benefits to the organisation and funding is available. The costs of providing cover during the period of absence will also be a major factor in the decision making process. These factors will influence whether the sabbatical, if granted, will be paid or unpaid.
- 7.2 An employee can undertake a sabbatical for a maximum of 6 months whole time equivalent. If an employee wishes to pursue a sabbatical for longer, this must be negotiated and agreed locally in advance between the relevant senior manager, line manager and the

- employee. The employee wishing to extend a sabbatical should give a minimum of 2 months' notice.
- 7.3 There is no entitlement to either extend or return early from a Sabbatical; where possible such requests will be considered.
- 7.4 Failure to return on a specified date without seeking a formal extension will be regarded as a fundamental breach in contract. The Trust therefore reserves the right to terminate employment in these circumstances.
- 7.5 If an unpaid sabbatical immediately follows a period of maternity/paternity/adoption leave, staff will be required to repay occupational maternity/paternity/adoption leave benefits less statutory pay.
- 7.6 For employees wishing to take unpaid leave for reasons not relating to work the Career Break Scheme is applicable. See the Career Break Policy.

8 Terms and Conditions of a Paid Sabbatical

- 8.1 During the agreed period of the sabbatical leave the Trust will pay the employee their basic salary and any increments due during their absence. No other allowances or expenses will be allocated.
- 8.2 During the period of paid sabbatical leave the Trust will contribute pension contributions into the NHS Pension scheme, subject to the employment contract remaining in force during the sabbatical leave and to the employee maintaining their pension contributions during the period where they are in receipt of salary from the Trust.
- 8.3 A sabbatical will count towards continuous employment for statutory purposes.
- 8.4 Other provisions dependent upon length of service i.e. annual leave, contractual redundancy payments, sick leave, maternity leave or performance related pay, will be deemed to be suspended during the period of the sabbatical and not included in reckonable service.
- 8.5 During the period of the sabbatical the employee remains the employee of the Trust on their current terms and conditions of employment except as amended by this policy.
- 8.6 An employee cannot take up paid employment during the sabbatical if their salary continues to be paid by the Trust. However, if the sabbatical is to be unpaid the employee will be permitted to take up other paid employment.
- 8.7 Employees should be sent any information that the general manager and the line manager considers relevant in relation to developments within the Trust or their department in order to keep the employee up to date. This is the responsibility of the line manager.

9 Terms and Conditions of an Unpaid Sabbatical

- 9.1 An unpaid sabbatical will count towards continuous employment for statutory purposes.
- 9.2 Other provisions dependent upon length of service i.e. annual leave, contractual redundancy payments, sick leave, maternity leave or performance related pay, will be deemed to be suspended during the period of the sabbatical and not included in reckonable service.

- 9.3 If the sabbatical leave is unpaid, the Trust will not pay an employee's National Insurance. The individual will be responsible for making arrangements with the Department of Work and Pensions if they wish their NI contributions to be preserved.
- 9.4 An employee can choose to continue to contribute to the NHS Pension scheme providing they agree to pay the relevant contributions as defined below:
 - For the first 6 months the employer will continue to meet their contributions but the employee must make provision for their employee contribution.
 - The employee can continue to contribute to the scheme for a further 18 months following the initial 6 month period, but they must make both employer and employee contributions during this period.
- 9.5 If an individual wishes to remain in the pension scheme during a sabbatical they must agree it with their line manager and indicate their intention using the relevant form at appendix 3. The pension contributions must be paid by Standing Order to the Trust on a monthly basis.
- 9.6 Individuals who are members of the NHS Pension Scheme and who are considering an unpaid Sabbatical are strongly advised to seek advice from the Pensions Department:

The Pensions Team Manager Regents House Regents Close Torquay TQ2 7AN

Tel: 01803 653303

9.7 Further details are available from the Pensions Agency website www.nhsba.nhs.uk/pensions. In particular the document 'NHS Pension Scheme: Authorised Leave/Career Breaks FAQs

10 Application Procedure

- 10.1 Employees should submit a written application on the form provided at Appendix 1. The form should be submitted to the individual's line manager a minimum of 4 months before the proposed start date.
- 10.2 The line manager should arrange to meet with the individual to discuss the application in more detail including the reason for the sabbatical and the structure of the career development. The manager should ensure the individual has a copy of the Sabbatical policy and understands the implications of taking a sabbatical.
- 10.3 Following this meeting the line manager should pass the application to the senior manager who will have final authorisation, (subject to Vacancy and Scrutiny panel approval if it is to be paid). For Medical and Dental staff the application form should also be approved by the Associate Medical Director. When considering a request for a sabbatical the consideration must be given to the provision of cover during the period of absence.

- 10.4 If the request is for the sabbatical to be paid applications should be forwarded to the Vacancy and Scrutiny Panel by the line manager with an attached business case and endorsed by the senior manager of the service.
- 10.5 Each application will be considered on its own merits but the following criteria will form part of the considerations:
 - The purpose of the application
 - The employee's present post and the ease with which the individual can be covered on a temporary basis.
 - Service pressures and performance and how the employee's absence may affect these.
 - Flexibility or alternative arrangements which would enable the sabbatical to take place.
 - The length of sabbatical requested
 - Other staff absences within the service
 - Forthcoming organisational change or service changes pending
 - The employee's attendance, performance and disciplinary records
 - The employee's record of previously agreed periods of paid/unpaid leave.
- 10.6 If granted, the period of leave may be delayed until adequate cover arrangements are made.
- 10.7 If the application is approved, either as requested or subject to conditions, the line manager should meet again with the employee to agree the details of how the break will be managed. This meeting should cover the following:
 - Detailed confirmation of dates of break
 - Employee responsibilities during the break
 - Keep in touch arrangements
 - Applications to extend the career break
 - Notice requirements for return to work
 - Terms and conditions associated with the break
 - Managing outstanding annual leave
 - Managing the period until the break ensuring robust arrangements for work handover

11 Keeping in Touch Arrangements

When the sabbatical is arranged, the line manager and employee will discuss keep in touch arrangements. These should reflect the nature of the individual's role, the length of the sabbatical and the wishes of the employee during the break. The arrangements should be sufficient however, to ensure that the employee continues to feel connected with the Trust. Where the sabbatical extends beyond 12 months the line manager should arrange to meet/speak with the employee at least annually in order to update them on organisational changes and to reconfirm the commitment to the scheme.

- 11.2 On return from a sabbatical the line manager must ensure that the employee is appropriately inducted back into the Trust. This should include plans for refresher and mandatory training where appropriate. The line manger may also wish to consider meeting with the employee 3 months from their return to review how the employee is settling back into the workplace and to determine whether any further support or training is needed.
- During a sabbatical an employee may continue to apply for Trust advertised vacancies. Employees should be aware however, that if they are successful, it is not guaranteed

that the sabbatical can continue and this will depend on the exigencies of the service in the area where the new post works.

12 On Return from Sabbatical Leave

- 12.1 An employee must confirm their date of their return to work in writing to their line manager, prior to taking the sabbatical.
- 12.2 Under the provisions of this scheme there is no guarantee of re-employment or appointment to a particular post at the end of a sabbatical.
- 12.3 Where a sabbatical is for 6 months or less the Trust will endeavour to facilitate the individual's return to their substantive post. Where this is not possible then the Trust will endeavour to offer a post at a similar pay band and responsibility to that held before the sabbatical, taking into account the employee's experience, achievements and qualifications.
- 12.4 Where a sabbatical is for 6 months or more and/or where an individual wishes to extend their sabbatical beyond the original 6 months agreement this must be negotiated and agreed locally in advance between the relevant senior manager, line manager and the employee. These discussions should include agreement regarding the individual's return and whether or not the Trust is in a position to facilitate the individual's return to their substantive post or where this is not possible the ability to offer a post at a similar pay band and responsibility to that held before the sabbatical.
- 12.5 If there are no suitable posts available immediately then the Trust will seek to find appropriate duties for a period not exceeding 3 months to enable time to find a suitable alternative. In circumstances where a post is offered at a lower pay band than the substantive post held before the sabbatical, pay protection arrangements will not apply. In accepting the post the employee does so on the terms and conditions of the role offered.
- 12.6 If the individual has failed to maintain their registration, or another absolute requirement for their role, they will forfeit their right to return to their former role, and then the Trust will consider this a breach of contract and reserves the right to terminate the employee's employment without notice. Employees will be required to provide evidence of their registration before their return to work.

Where an Employee Decides Not to Return to Work

13.1 If an employee wishes to end their employment during the sabbatical they should place their resignation in writing to their line manager as soon as possible

14 Disciplinary Action

- 14.1 The Trust reserves the right to take appropriate disciplinary action and/or terminate the employment of a member of staff if:
 - They fail to co-operate with the requirements of the sabbatical
 - They fail to return at the end of the sabbatical and have not notified the Trust

15 Review Procedure against decision not to grant a Sabbatical

- 15.1 Decisions regarding sabbatical leave should be dealt with in a reasonable manner. An employee who believes that their request has been unreasonably refused has the opportunity to request a review against the decision using the following procedure.
- 15.2 A written letter of review must be submitted to the appropriate manager (at a level above the manager who made the original decision) within 14 calendar days of the letter confirming the refusal. The letter should detail the reasons why the employee believes the original decision was not appropriate.
- 15.3 The senior manager will review the original decision and assess whether or not the decision reached was appropriate in all the circumstances. In making this decision the senior manager may find it helpful to meet with either or both the employee and manager where appropriate. The outcome of the review will be communicated in writing. The outcome of the Senior Manager's decision is final

16 Training and Awareness

- 16.1 Advice and support will be provided by the People Hub team to support staff and managers in adhering to this policy and their understanding of dealing with requests for Sabbatical Leave.
- 16.2 The People Hub team will raise awareness of this policy through the publication of information on ICON and to advise staff of changes to the policy through the staff bulletin and ratification processes.

17 Contact Details

- 17.1 Any queries regarding this policy should be directed to the People Hub Team within the People Directorate:
 - People Hub Advice Line 01803 655754 (ext. 55754) or
 - Email tsdft.humanresources@nhs.net

18 Monitoring, Audit and Review Procedures

18.1 This policy will be monitored and audited on a regular basis. A full review will take place every two years by the People Directorate unless legislative changes determine otherwise.

19 Appendix 1 – Sabbatical Leave Application Form

Name			
Post Held		Contract Hours	
Department			
Start date with the Trust	Sta Po	art Date in Current st	
Home Address			
nome Address			
Talankana Mumban			
Telephone Number			
D			
Payroll Number			
Professional Registration Number			
Are you a member of the NHS Pension Scheme?			
The Aims and Objectives of			
the Sabbatical Leave			
Specific details of the			
Sabbatical Leave. – to include venue, timescale, cover			
arrangements.			
Proposed Start date			
Proposed Return Date			
have road the Sabbatics	al policy and agree to	a ita tarma	
have read the Sabbatica Signed	ii policy and agree to	J IIS LETTIS	
Name (Print)			
Date			

Section B – To be completed by Line Manager

Name		

Position						
Do you support this application?	YES details		No*		*Please	give
Reasons Application is not supporte	ed:					
Signed						
Date						
Section C – To be completed b	v Senio	r Manag	or			
Name	y Seriio	i wanay	CI			
Position						
Do you Approve this application	Do you Approve this application? YES No* Please give details					
Reasons application is denied				i loudo gr	vo dotalio —	
Cianad	Ι,	Datas				
Signed		Date:				
Section D – To be completed b	y Assoc	iate Med	dical Di	rector (for	medical and denta	l staff only)
Position						
Do you Approve this application? YES No* Please give details						
Reasons application is denied		1				
Signed		Date:	•		-11	
Copy to be retained on the personal	Tile with	additiona	ı copy se	nt to Payro	OII	

20 Appendix 2 – Approval of Application for Sabbatical Leave

Dear

I am writing further to your request to take a Sabbatical, to confirm that your application has been approved. This offer is in accordance with the terms and conditions set out in the Trust's Sabbatical policy, which you agreed to abide by during the course of your break.

The individual details agreed are as identified below:

1. Length of Break

Your sabbatical will commence on [insert start date] and will be for a period of [insert duration] you will be required to return to work on [insert date]

2. Salary Arrangements

For funded sabbaticals: (remove if not applicable)

- (a) The Trust undertakes to pay your basic salary and any increments due for the period of the Sabbatical leave. Your conditions of employment remain unchanged.
- (b) As your sabbatical is funded you are not permitted to take up any paid employment during the sabbatical
- (c) You undertake to remain employed by the Trust for a period of two years from the date of your return. Should you leave the Trust for any reason (other than ill health retirement or any reasonable grounds as agreed with your line manager before this period expires, you will be required to repay 100% of the costs of the cover required during your leave during the first 12 months and 50% during the second year.

For unfunded sabbaticals: (remove if not applicable)

- (a) If your sabbatical is unfunded, you will be entitled to take up other paid employment if you so wish.
- (b) You are not liable for the cost of your cover

3. Keeping In Touch

You will be kept informed of developments in your department through relevant staff newsletters and key information regarding changes in the development/service. Where feasible you will be invited to relevant training updates and key developmental meetings, paid at the rate for the banding of the post when you commenced your sabbatical, but including any subsequent pay awards.

You have a responsibility to keep in touch with your line manager keeping them informed of any change of personal circumstances, such as a change of address.

4. Professional Registration

During your sabbatical and upon return to work you are required to keep up to date with your relevant professional registration needs, including attendance at specified training courses. It will be your responsibility to finance any attendance at training courses and or conferences/updates.

5. Return to Work

Your date of return should be confirmed in writing to your line manager 2 months prior to your recommencement date.

Wherever possible and according to job availability, the job offered on return will be either your substantive post or if this is not possible a post similar in pay band and responsibility to that held before the sabbatical and will take into account the employees experience, achievements and qualifications. Although no guarantee can be given that this will be in the same department or area.

Where you return to the same post you will return to the equivalent salary level, reflecting any increases in basic pay awarded during the sabbatical. Should you return to work in a post at a lower band, pay protection arrangements will not apply.

In circumstances where a similar post is not available you will be placed at risk of redundancy under the relevant Trust policy and a search for suitable alternative employment will commence.

There is no guarantee of re-employment or appointment to a particular post at the end of the career break

6. Contractual Terms Suspended

Your contract will be held in suspension and during this period you will /will not be paid (delete as appropriate) and you will not be entitled to any other contractual entitlements including redundancy, maternity, adoption, paternity, annual leave and sick pay.

The sabbatical will count towards continuous employment for statutory purposes.

A break of more than 12 months will constitute a break for sick pay purposes.

7. Pension Contributions

You have the option to remain part of the NHS Pension Scheme providing you agree to pay the following contribution;

- First 6 months employee contributions only
- 7 to 24 months employee and employer contributions

If you decide to treat your sabbatical as Pensionable you should complete the Financial Agreement (Appendix 3) and in doing so agree to make appropriate payments to the Trust whilst you are on Sabbatical.

8. Agreement

I have enclosed a copy of the Career Break policy for your information. If you are in agreement to the terms and conditions upon which this Career Break is offered please sign and return the second copy of this letter to me.

Yours sincerely

PLEASE DO NOT DETATCH		
Name of Manager:	Signed:	Date:
For Medical & Dental Staff Name of Associate Medical Director:		Signed:
Date:		
Name of Applicant:	Signed:	Date:

Copy: to be retained on individuals personal file and sent to payroll with the application form.

21 Appendix 3 – Sabbatical Financial Agreement NHS Pension Contributions

To be completed and sent to Payroll Dept.

Upon commencement of a Career Break the employee has the right to choose if the break of up to two years is Pensionable. When selecting to treat the break as Pensionable Service the employee remains liable for Monthly Pension Contributions.

Initially for the first six months of the Career Break, the employee will pay their contribution and the Trust will continue to pay the employer contribution. After six months the employee may continue to pay an additional 18 months employee contribution but must also pay the employer contribution. All contributions will be based on pre-break earnings.

Where the Employee selects to treat the break as Pensionable they agree to make monthly payments to the Trust via standing order.

<u>Application</u>	<u>on</u>	
Name	Payroll Number	
Job Title.	Dept	
Career Br	eak Details	
Start	Return to Work Date	
Please sel	ect:	
Option 1	I do not wish my career break to be treated as Pensionable Service	
Option 2	I wish to treat the initial six months career break as Pensionable and undertake to pay monthly employee contributions via standing order.*	
Option 3	I wish to treat the full term of my career break as pensionable (up to maximum of 2 years) and undertake to pay monthly employee contributions for the first 6 months and thereafter employee and employer contributions. All contributions will be made via standing order*	
Sign	ed Print Name	

^{*}A standing order mandate will be sent to the applicant once pension contributions payable during the career break have been calculated. Upon return to work any difference between actual contributions made and employee standing order payments will be adjusted through the employees pay.

22 Appendix 4 - Rejection of Application for Sabbatical Leave

Dear

Thank you for submitting your application for Sabbatical Leave. Having given your application due consideration and following discussion with senior colleagues, it is with regret that I am writing to advise you that I am unable to support your application for the following reasons:

- Xxx
- Xxx
- Xxxx

I would be happy to discuss these reasons in more detail with you should you wish.

You may also request a review of my decision. You can do this by submitting a written letter towithin 14 calendar days of this letter. The letter should detail the reasons why you believe my decision is not appropriate.

Yours sincerely