



Sabbatical and a career break - What is the difference?



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The terms 'sabbatical' and 'career break' are sometimes used interchangeably. Both relate to periods of time that is taken out by an employee from employment to do something different. So, what is the difference?

What is a sabbatical?

A 'sabbatical policy' may exist in the company's policy, whereby an employee is able to take an agreed amount of time off employment. The usual elements of a job, such as being paid and pension contributions, may be suspended for the duration of the sabbatical. The period of time allowed depends on the company and may only be accessible to employees at a certain level in the organisation, such as full time staff or senior managers. The employee has the security of returning back to the job at the end of the sabbatical.

Key consideration for an employer's 'sabbatical policy':

Having clear rules on the company's 'sabbatical policy' is key to ensure consistency in the process:

- Does your company have a sabbatical policy and if so, what is the maximum duration? Are there any forms that the employee needs to complete? Who does the employee need to inform? What benefits would be suspended for the duration? Which benefits will continue?
- How to decide whether to accept a sabbatical request: is the decision based on taking into account individual circumstances and/or business needs?

- What if you want to refuse the request: take care to ensure that you are not breaching equality laws by making fair decisions.
- Plan what will happen with the employee's workload while they are away – does the business need to arrange cover?
- Get the agreement in writing: always make sure that all agreements relating to a sabbatical between the employer and employee are in writing.

What should be in writing?

- Start and return date.
- Whether either party can alter the return date, and if so on what basis.
- Whether the employee will be required to attend work at any point during the sabbatical for training.
- Whether the employer requires the employee to be contactable, and if so on what basis.
- Whether the employee will continue to be paid during the sabbatical.
- Whether the employee will continue to receive any benefits during the sabbatical.
- Whether the employee will have the right to return to his/her old job at the end of the sabbatical.

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What is a career break?

For a career break, an employee normally resigns from their job quite often with agreement they can return, assuming nothing has significantly changed in the meantime. Career break schemes can work well in large organisations which can accommodate individuals returning with greater ease.

Key considerations for an employer's 'career break policy'?

Echoing the key points to be taken into account for a 'sabbatical policy', an employer should include a clear resignation policy within the company's staff handbook, setting out the following:

- A notification period;
- The method of notification; and
- The person to be notified.

Where an employer has a formal career break policy in place and accepts a request, it is advisable to document the agreement reached, setting out the terms, the employee's status during the break and what happens when they want to come back (or not).

What remains unclear is how this pay should be calculated as no definitive ruling has been given on this. It is suggested that this should be done by averaging pay over a given reference period, usually the 12 weeks' prior to the leave being taken but this is by no means clear. British Gas may settle this point without the need to go to court but if it does not,

it is hoped that the tribunal should provide some much needed guidance on how exactly holiday pay including commission should be calculated. Further guidance is eagerly awaited!

Support is available from Brachers and Kent HR in drafting effective sabbatical and career break policies. Contact us on 01622 690691.

The information contained in this document provides background information only. The document may be misleading if relied upon as an exhaustive list of the legal issues involved. If any matter referred to in this document is sought to be relied upon, further information should be sought.