

*This is Annex 20 referred to in the foregoing determination by the Scottish Ministers under regulation 25 of the Police Service of Scotland Regulations 2013*

**Annex 20**

**Regulation 25**

**CAREER BREAKS**

- 1) The chief constable must make arrangements for the consideration of any application to take a career break submitted by a constable of the Police Service of Scotland who has completed the required period of probation under regulation 8 of the Regulations.
- 2) A constable who has submitted an application for consideration in accordance with paragraph (1) must be:
  - (a) notified of the decision to accept or reject the application within 28 days of the application being submitted, and
  - (b) in the case of rejection of the application, given at the same time as the rejection written reasons for the decision.
- 3) The chief constable must put in place arrangements :
  - (a) to enable a constable whose application to take a career break has been rejected to submit a notice of appeal within 28 days of being notified of the decision, and
  - (b) for that appeal to be considered by someone who was not involved in the decision on the original application.
- 3) Before the start of the career break, the constable must agree with the chief constable-
  - (a) the date on which the career break is to start;
  - (b) the length of the career break, which shall not be greater than five years, save that in exceptional circumstances the chief constable may allow more than five years;
  - (c) the end date of the career break, which must not be later than the compulsory retirement age for the constable's rank within the meaning of regulation A18 of the Pensions Regulations 1987 or regulation 19 of the Police Pensions (Scotland) Regulations 2007, as the case may be; and
  - (d) objectives with timescales for the career break, which may be varied at any time during the career break by agreement between the constable and the chief constable.
- 4) The constable must inform the chief constable during the career break of any circumstances which may affect the objectives or timescales of the career break.

- 5) During the career break the constable must not undertake full-time education or activities for which they are paid or reimbursed expenses or which involve them in the sale of goods or services, by way of business, except with the prior agreement of the chief constable.
- 6) Where the chief constable has reasonable grounds to believe that the agreed objectives and timescales of a career break may not be achievable, the chief constable may require the constable to attend a review. Following such a review, the chief constable may require the constable to return to duty after a minimum notice period of one month, provided that if the chief constable is minded to require the constable to return to duty the chief constable must allow the constable the opportunity to make representations before a final decision is made.
- 7) Except as provided for in paragraph (6) the chief constable must not require the constable to return from the career break earlier than the agreed date.
- 8) On the agreed return date, the constable is entitled to return to duty with the same determined hours as before the start of the career break.
- 9) The chief constable must allow the constable before the agreed end date of the career break to return to duty with the same determined hours as before the start of the career break -
  - (a) in the case that there is a suitable vacancy, within one month of the constable giving a notice of intention to return to duty;
  - (b) in any other case, within three months of the constable giving a notice of intention to return to duty.
- 10) During the career break the constable remains a constable of his police force for the purposes of the Regulations and the Scottish Ministers determinations thereunder other than, subject to (11), the regulations and determinations of the Scottish Ministers under Part 4 (Pay), Part 5 (Leave) and Part 6 (Allowances and Expenses).
- 11)
  - (a) A constable of the Police Service of Scotland on a career break who becomes pregnant must give notice to the chief constable as soon as reasonably practicable:
    - (i) that she is pregnant;
    - (ii) of the expected date of birth of her child;
    - (iii) of her decision whether to exercise her entitlement under (b).
  - (b) Such a constable is entitled to suspend her career break so that regulations 22 and 25(7) of the Regulations and Scottish Minister's determinations thereunder apply to her.

- (c) Resumption of the career break at a later date is subject to further agreement between the chief constable and the constable.