

Document Control

Title			
Career Break Policy			
Author		Author's job title	
		Assistant Director of Human Resources	
Directorate		Department	
Workforce		Human Resources	
Version	Date Issued	Status	Comment / Changes / Approval
1.0	Sep 2005	Final	Approved by JNCC 01.09.05
2.0	Nov 2009	Final	Approved by JNCC 02.11.09
3.0	Jul 2010	Final	Presented at July 2010 Policy Group for review in line with HR Policy Review timetable.
3.1	Mar 2012	Revision	Minor amendment to Section 7 Pensions. Removed suspension of pension during career break sentence.
3.3	Jul 2014	Revision	Review Date Extension due to resource issues
3.4	May 2015	Revision	Career Break Application Form Added
3.5	June 2015	Revision	Equality Impact Assessment Screening Form added
3.6	Sep 2017	Revision	The policy is on the work plan of the Pay & Reward Sub Group scheduled for 25th October 2017. Extension to review for January 31st 2018, author changed to Tim Robinson.
4.0	April 2019	Final	Policy formally reviewed and updated
4.1	June 2021	Extension	In April-21 Governance Committee it was agreed that this document would have extended due dates until 31st May 2022.
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NDHT – Career Break Policy (version 3.6)			

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Consulted with the following stakeholders: (list all) <ul style="list-style-type: none"> • Staffside • Pay & Reward Sub-Group • Partnership Forum • Equality & Diversity Lead 		
Approval and Review Process <ul style="list-style-type: none"> • Partnership Forum • Pay & Reward 		
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1. Introduction

This Career Break Policy provides employees with the opportunity to apply for an extended period of time out from their career with the Trust. Although there is no statutory requirement to allow career breaks, the opportunity to apply to take a career break supports the Trust's flexible working culture by allowing employees the opportunity to apply to take time out from their career whilst ensuring that the Trust does not lose trained and skilled employees - it's most valuable resource.

A career break can be taken for a variety of reasons - to care for dependent or disabled relatives, to study, to work for a voluntary organisation or to travel and/or visit family overseas, as well as to provide childcare. This list is not exhaustive and there may be other reasons why an employee may wish to apply for a career break.

A career break will be for a minimum period of 3 months up to a maximum of 5 years.

Breaks of less than 3 months will be dealt with under Unpaid Leave and should be discussed with a representative from the Human Resources Department and dealt with under the Special Leave Policy.

The policy will allow for breaks to be applied for more than once, provided that there has been a 2-year gap between breaks.

This policy requires staff to have had at least 12 months continuous service with the Trust to be eligible for a Career Break. However, this may be waived in exceptional circumstances in agreement with the Director of Nursing, Quality & Workforce.

2. How to Apply for a Career Break

An existing employee must formally apply to their manager, in writing, to be considered for an employment break giving at least 3 months' notice (unless exceptional circumstance apply) of the request. In their application they should state why they wish to take a career break, when they want it to start and how long they want it to last. If the application is approved in principle the manager may require a longer notice period before the career break commences to ensure appropriate cover arrangements can be put in place.

On receipt of a career break request the manager should agree with the employee a date by which they will make a decision taking account of its urgency and complexity. This will need to factor in the need for the manager's recommendation to go to the Executive Vacancy Panel if the manager's decision is to recommend supporting the request (see below).

The line manager should then discuss with the relevant Senior Manager/Director and HR representative, the implications of the employee's departure, taking into account:

- Reason(s) why the employee wants to take a career break.
 - The employee's length of service and past performance
 - Likely benefits to be realised by the individual and the organisation.
 - Effect on operational requirements.
 - Need to recruit a replacement.
 - Length of career break requested.

Line managers may wish to refer to Appendix 1, which provides further guidance on queries relating to Career Breaks.

The opportunity to take a career break is discretionary and will depend on the organisational and operational requirements of the Trust and the ability to cover the post. This is why even if the manager recommends supporting the request; the final decision will rest with the Executive Vacancy Panel (see below).

If the request is declined, reasons for refusal should be stated by the line manager to the employee in writing.

If the line manager feels the request could be accommodated they will then submit the completed 'Career Break Application Form' (Appendix 3) to Trust Executive Vacancy Panel recommending the action they wish to pursue, how they plan to cover the post in the employee's absence and any financial implications of this cover. If there is a requirement to recruit to cover the proposed career break, an Approval To Recruit (ATR) Form must be completed to accompany the Career Break Application Form. The latest version of the ATR form is available on BOB.

The decision of the Executive Vacancy Panel will be communicated to the manager and the HR Team.

The Manager will then confirm the outcome to the employee in writing as soon as is reasonably possible.

If the employee is dissatisfied with the outcome they will have the right to appeal. See Section 9 below.

Where the Executive Vacancy Panel have supported the recommendation for the career break to be approved, the line manager should complete the Career Break Agreement form (See Appendix 2) confirming that the request for a career break has been agreed and the conditions covering the agreement.

The employee will be required to sign a copy of the conditions of the career break agreement to confirm their acceptance of these terms. This document will be placed on their personal file.

The line manager should then complete a Change of Circumstances form (attaching a copy of the Career Break Agreement form for reference) indicating the details of the career break and submit this to the Payroll Department.

3. Alternative Work

During the career break an employee will not normally be expected to take up paid employment with another employer or own business except where, for example, work overseas or charitable work could broaden experience. In such circumstances written authority from the Trust would be necessary.

4. Maintaining Contact

Employees must supply a contact address for the period of leave and are responsible for notifying any changes to that address during the leave.

Employees must assure their manager of steps being taken to maintain professional registration (if applicable).

Appropriate communications and literature will be sent to individuals by managers to keep them in touch and aware of organisational changes and work development. However, participants should continue their own subscriptions to professional journals, etc. to maintain up to date knowledge.

5. Returning to Work

The individual should give as much notice as possible (2 months minimum for a break of less than 1 year and 6 months minimum for a break of more than 1 year) of the date they intend to return to work.

Employees who take a career break of less than 1 year will, as far as reasonably practicable, be offered their original post on their return.

Where the career break is longer than 1 year the employee will be offered a similar post with the Trust but not necessarily the same post as was held previously. As far as possible, suitable alternative work will be offered on the same grade and terms as at the date of leaving.

If the individual unreasonably rejects a suitable offer of employment at an equivalent salary level, the Trust is under no obligation to offer further posts and the commitment to the individual ceases.

In exceptional circumstances, the career break may be extended or shortened by mutual agreement between the employee and the manager and adequate notice being given (see 5.1).

Where necessary, individuals will receive mandatory and statutory training prior to resuming full duties. This will be assessed by the manager following discussion with the individual. Attendance for agreed mandatory and statutory training will be paid.

Those employees who have taken maternity/adoption leave and have been paid Trust Maternity/Adoption Pay and are eligible for and subsequently go on an employment break will be required to return to work for a minimum of 3 months after their employment break or they will be liable to repay some or all of the Trust Maternity/Adoption Pay in accordance with the Family Leave & Pay Policy.

Once an individual has returned from a Career Break the Manager must complete and submit a Change of Circumstances form to Payroll to reactivate salary and entitlements.

6. Treatment of Service

An absence for a career break shall not be regarded as a break in service, although the period of the break itself will not count as reckonable service as defined in the contract of employment for the purposes of incremental dates, annual leave entitlements, sick pay or redundancy payments.

7. Pensions

An employee considering taking a career break should contact the Trust's Pension Officer for advice prior to pursuing a career break. Please also see the Career Break Pensions Fact Sheet at Appendix 4.

8. General Conditions

The period of leave from work will be unpaid but the contract of employment is not terminated. All pay and benefits will be suspended from the start of the career break and will be reactivated again on return to work.

Career breaks may effect an employee's entitlement to state benefits (e.g. statutory maternity/adoption/paternity pay, state pensions) and individuals are advised to make enquiries with their local Benefit Office.

If an employee's Department is restructured or reorganised whilst they are away on a career break, the Trust's Policy on Organisational Change will apply and individuals will be kept fully informed in the same way as staff who are at work.

Where an individual is living in Trust accommodation, this must be vacated before entering the scheme at a date to be agreed between the individual and the manager.

Failure to return on the agreed date or to confirm the date of return without providing an acceptable reason to the Trust may constitute grounds for termination of contract.

Approved career breaks must be confirmed to the HR Department and Payroll Provider by the manager responsible and the relevant documentation completed.

All copies of formal documentation confirming this agreement are to be retained in the employee's personal file by the manager.

9. Appeals

Decisions regarding career breaks should be applied as consistently as possible. An employee who believes that an application for a career break has been unreasonably refused has the right of appeal against the decision.

The appeal must be in writing, a template form is attached at Appendix 5, dated, setting out the grounds of the appeal and sent to the Assistant Director of Human Resources within 10 working days of the date of being informed that the request has been rejected.

Arrangements will be made for a meeting to take place within 28 working days of receipt of the appeal. The meeting will be held at a convenient time for all those attending and the employee may be accompanied by a workplace colleague or Trade Union Representative

An Appeal Panel will be selected specifically for the appeal; membership will normally be a Senior Manager (not previously involved in the decision making) and a Human Resources representative.

- The proceedings of the Appeal would typically be as follows:
- The employee and/or representative will put their case
- The Trust's representative i.e. the manager who refused the request and the panel may put questions to the employee
- The Trust's representative will put their case
- The employee or their representative and the panel may put questions to the Trust representative
- The Trust's representative summarises their case
- The employee and/or their representative summarises their case and speaks last
- The panel adjourn to consider the case and reconvene to confirm their decision.
- Wherever possible decisions will be made on the day of the appeal Hearing and will be communicated to both parties by recall. Where this is impractical the Hearing Panel has discretion to make alternative arrangements e.g. re-convene at a later date or inform outcome by telephone, email or letter.
- Written confirmation of the appeal panel's decision will normally be provided within 5 working days and no longer than 7 working days from the appeal hearing unless an alternative agreed date is provided during the Hearing.
- The employee will be advised that the outcome of the appeal marks the end of the internal consideration of the case.

10. Equality Impact Assessment

Equality Impact Assessment Screening Form			
Title	Career break Policy		
Author	Tim Robinson		
Directorate	Workforce Directorate		
Team/ Dept.	Human Resources		
Document Class	Document Status	Issue Date	Review Date
Policy	Review	April 2019	April 2022
1	What are the aims of the document? <p>The Career Break Policy provides employees with the opportunity to take an extended period of time out from their career with the Trust. Although there is no statutory requirement to allow career breaks, the opportunity to take a career/employment break supports the Trust's flexible working culture by allowing employees the opportunity to take time out from their career. The procedure set out ensures that the Trust does not lose trained and skilled employees - it's most valuable resource. It provides a robust framework ensuring a consistent approach across the whole organisation.</p>		
2	What are the objectives of the document? <p>Implementation of this policy will ensure that all staff are given equal opportunity to take career/employment breaks.</p> <p>The policy will allow for breaks to be taken more than once, provided that there has been a 2-year gap between breaks.</p> <p>This policy requires staff to have had at least 12 months continuous service with the Trust to be eligible for a Career Break. However, this may be waived in exceptional circumstances in agreement with the Director of Nursing, Quality & Workforce.</p>		
3	How will the document be implemented? <p>The policy will be implemented within the Trust through publication on the Trust intranet.</p>		
4	How will the effectiveness of the document be monitored? <p>Monitoring compliance of the policy will be the responsibility of the Assistant Director of HR</p>		

5	<p>Who is the target audience of the document?</p> <p>All staff employed by the Trust.</p>
6	<p>Is consultation required with stakeholders, e.g. Trust committees and equality groups?</p> <p>Yes</p>
7	<p>Which stakeholders have been consulted with?</p> <ul style="list-style-type: none"> • Staffside • HR Operations Team
8	<p>Equality Impact Assessment</p> <p>Please complete the following table using a cross, i.e. X. Please refer to the document “A Practical Guide to Equality Impact Assessment” on the Trust’s Intranet site (Bob) for areas of possible impact.</p> <ul style="list-style-type: none"> • Where you think that the policy could have a positive impact on any of the equality group(s) like promoting equality and equal opportunities or improving relations within equality groups, put a cross in the ‘Positive impact’ box. • Where you think that the policy could have a negative impact on any of the equality group(s) i.e. it could disadvantage them, put a cross in the ‘Negative impact’ box. • Where you think that the policy has no impact on any of the equality group(s) listed below i.e. it has no effect currently on equality groups, put a cross in the ‘No impact’ box. <p>If you have identified a negative discriminatory impact of this procedural document, ensure you detail the action taken to avoid/reduce this impact in the Comments column. If you have identified a high negative impact, you will need to do a Full Equality Impact Assessment, please refer to the document “A Practical Guide to Equality Impact Assessments” on the Trust’s Intranet site (Bob).</p> <p>For advice in respect of answering the above questions, please contact the Equality and Diversity Lead.</p>
9	<p>If there is no evidence that the document promotes equality, equal opportunities or improved relations, could it be adapted so that it does? If so, how?</p>

Group	Positive Impact	Negative Impact	No Impact	Comment
Age			x	

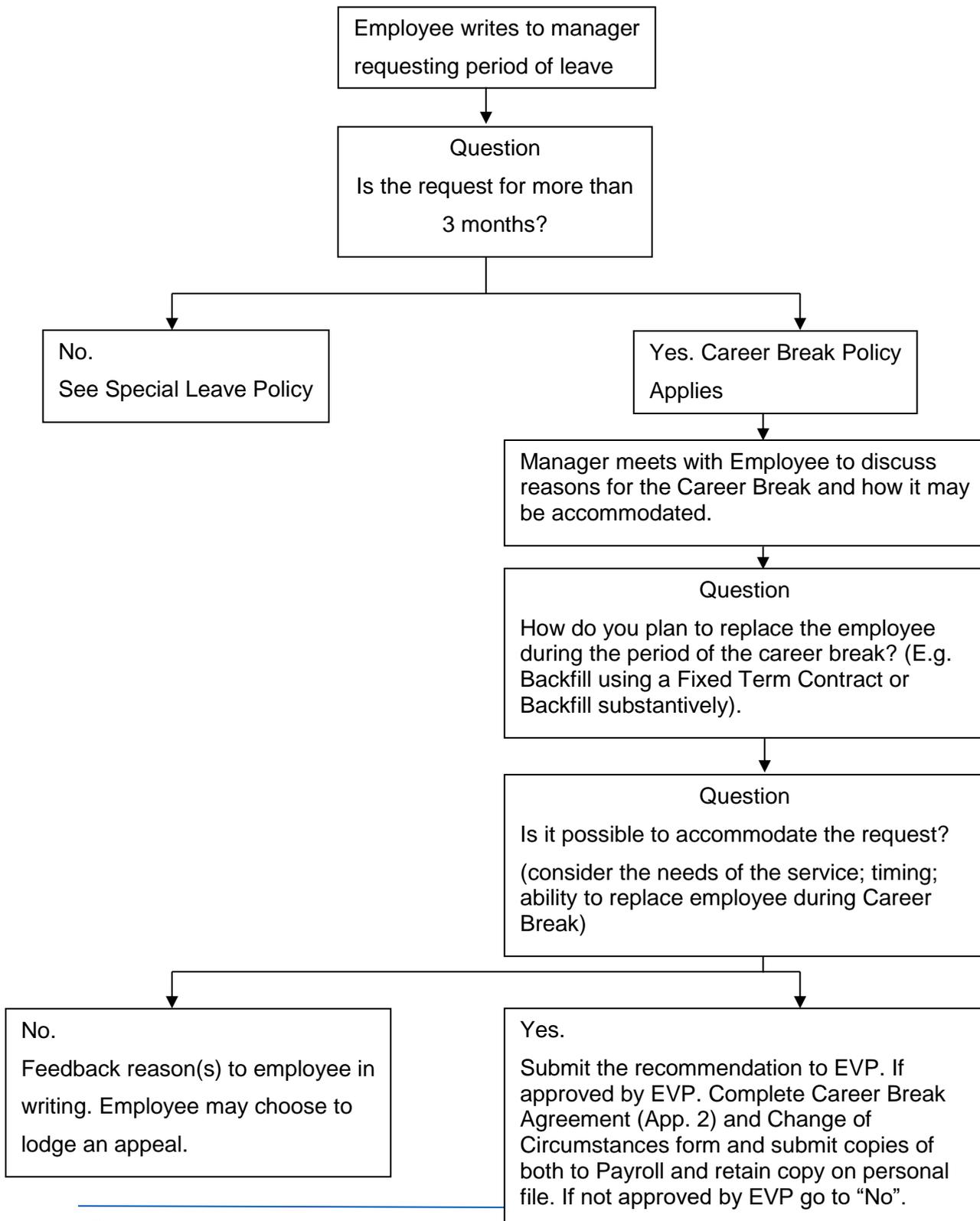
Disability			x	
Gender			x	
Gender Reassignment			x	
Human Rights (rights to privacy, dignity, liberty and non-degrading treatment), marriage and civil partnership			x	
Marriage and civil partnership			x	
Pregnancy, maternity and Breastfeeding			x	
Race (ethnic origin)			x	
Religion (or belief)			x	
Sexual Orientation			x	

Completed by

Name	Tim Robinson
Designation	Assistant Director of HR
Trust	Northern Devon Healthcare NHS Trust
Date	April 2019

APPENDIX 1 – GUIDANCE FOR MANAGERS

It is recommended that Managers' seek guidance from the HR Department regarding any queries relating to Career Breaks or Extended Unpaid Leave.



APPENDIX 2 – CAREER BREAK AGREEMENT

Name:

Job Title:

Address:

.....

.....

Purpose of Career Break:

Career Break Commences:

Career Break Terminates:

Notice:

You are required to give as much notice as possible (2 months minimum for a break of less than 1 year and 6 months minimum for a break of more than 1 year) of the date you intend to return to work.

Returning to Work:

Breaks of less than 1 year - As far as reasonably practicable you will return to the same job as you now occupy.

Breaks of more than 1 year - You will return to as similar job as possible to that which you now occupy.

Requirements to keep up to date with the training needs of the post (attach separate sheet if required):



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Training arrangements for re-induction to work (attach separate sheet if required):

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Sickness / Holidays:

You will not be entitled to payment for absences.

Pensions:

Your pension will be suspended for the duration of your career break. You are advised to seek advice from the Pensions Officer prior to commencing your career break.

This agreement sets out the main details of your career break and should be read in conjunction with the wider terms of the Career Break Policy.

Signature of Manager:

Position: Date:

I confirm that I have received a copy of this agreement which I understand sets out the main terms and conditions of my career break, which I accept.

Signature: Date:

Copy to HR Department.

APPENDIX 3 – CAREER BREAK APPLICATION FORM

<p>Appendix 3</p> <p>Career Break – Application Form</p>
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1. DETAILS OF CURRENT POST

Post-holder

Length of Service

Title of Post

Department

Line Manager

2. REASON FOR CAREER BREAK REQUEST

--

3. LENGTH OF REQUEST FOR CAREER BREAK

.....

4. PROPOSALS AS TO HOW POST WILL BE COVERED ON A TEMPORARY BASIS

--

5. ARRANGEMENTS PROPOSED TO KEEP UP TO DATE WITH MANAGER

.....
.....

6. PROPOSAL OF HOW NEEDS OF SERVICE WILL BE MET

APPENDIX 4 – CAREER BREAK PENSIONS FACT SHEET

If you are planning to go on a career break it is important that you follow the correct procedure.

At the time of application you will need to decide whether you would like to remain in the NHS Pension scheme during the period of your break.

If you decide to stay in the scheme your pension contributions will have to be paid to the Trust on a monthly basis by Standing Order, this should be organised before you start your break so that contributions are paid from commencement.

Standing order forms and information regarding your monthly payment can be obtained from the Pensions department on 01803 653303.

The completed Standing Order form and Career Break approval should be sent to the Payroll at least three months before you are due to commence your break.

PENSION AND NATIONAL INSURANCE CONTRIBUTIONS:

11.1 From 1st October 2008 the NHS pensions regulations has introduced the option whereby an employee may remain in the NHS Pension Scheme during a career break, providing they agree to pay the relevant contributions as defined below;

- First 6 months – employee contributions only
- 7 to 24 months – employee and employer contributions
- Over 24 months – check with Pensions Team

11.2 If an individual wishes to remain in the pension scheme during a career break, they must agree it with their line manager. Also the pension contributions must be paid by Standing Order to the Trust on a monthly basis while they are on the Career Break.

11.3 Individuals' who are members of the NHS Pension Scheme and who are considering a Career Break are strongly advised to seek advice from the Pensions Department. The Pensions Department will be able to advise the individual of the amount of pension contributions to be paid each month.

If you do not wish to remain in the pension scheme whilst on a career break you must complete an opting out form, these are available from the Pensions Department on 01803 653303.

APPENDIX 5: APPEAL AGAINST DECISION TO REFUSE CAREER BREAK

PLEASE COMPLETE IN CAPITAL LETTERS:

Surname: First Name:

Department: Base:

Contact Number:

Name of Trade Union Representative or Workplace Colleague:

Details of the career break applied for and decision of manager (attach a copy of your career break application form and any correspondence from/to your manager)

Grounds for your appeal (set out why you are not happy with the response received to your request for a career break):

Desired Outcome (detail your desired outcome and any compromise that you would be prepared to accept):

Employee's signature:..... Date:.....