

HUMAN RESOURCES POLICY

CAREER BREAK POLICY

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1.0 Introduction

The Trust recognises the importance of working arrangements that enable employees to balance the needs of the service with their personal needs and commitments. There may be times when employees wish to seek a longer period of time away from work than that provided for by other leave arrangements. This policy is one of a number of methods the Trust uses to support employees in achieving a strong work/life balance.

This policy reflects the requirements of Section 36, Career Break Scheme in the Agenda for Change NHS Terms and Conditions of Service Handbook.

2.0 Purpose

To define a fair and equitable process for requesting, agreeing and rejecting career breaks (also known as employment breaks). Requests will be considered fairly and consistently across the Trust giving consideration to the provision of services and availability of resources.

The Career Break scheme will enable the Trust to attract and retain the experience of employees and is consistent with the Trusts vision to provide the best cancer care to the people we serve.

3.0 Scope

This policy applies to all eligible employees (please refer to criteria section), regardless of their contracted hours or whether they are on permanent, fixed term or temporary contracts. All applications for a Career Break will be considered, unless there is a clear demonstrable reason why this is not practicable.

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4.0 Responsibilities

The Trust is responsible for:

Providing all employees with access to a Career Break Scheme which is commensurate with Agenda for Change NHS Terms and Conditions.

The HR Department is responsible for:

The HR Department is responsible for providing accurate and timely advice to managers, employees and staff side to ensure the policy is appropriately utilised across the Trust.

The Employee is responsible for:

- Ensuring that they apply in writing, using the proforma (Appendices XX), at least three months in advance of the intended date of the commencement of the break.
- Ensuring that, where applicable, they maintain their professional registration and that they keep updated regarding their career and with the Trust's activities.
- Informing their line manager of any change to their personal circumstances, including changes to their address and other contact details.
- Keeping in touch with their line manager as agreed prior to the break.
- Requesting any extensions to the break in writing, giving the appropriate amount of notice.
- Giving notice of their return to work and returning at the agreed time (failure to return when agreed may be viewed as gross misconduct and could result in dismissal).
- Should the employee not wish to return from the break, they will be responsible for resigning in writing and giving the contractual amount of notice required.
- To investigate and understand any effects on their pension (either NHS or NEST) thoroughly before commencing any career break period.

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The Line Manager is responsible for:

- Careful consideration of any requests received and only refusing requests due to demonstrable and legitimate business reasons.
- Advising employees, in writing, when breaks have been agreed / refused.
- Keeping those employees on a Career Break informed and in touch with the department and the Trust by maintaining good communications throughout the duration of the break.
- Discussing any development needs with employees on their return to work and for establishing a new development plan as necessary.
- For ensuring the issues covered in Career Break Application Form are taken into consideration for Medical and Dental staff taking Career Breaks.
- Keeping records of all applications for Career Breaks and decisions for a minimum of twelve months or the duration of the Break, whichever is longer.
- Updating ESR in relation to the start and end of Career Breaks (see Appendix 11.2)

Trade Unions Representatives are responsible for:

- Supporting the monitoring and application of this policy with Human Resources and Line Managers. This will include consideration of diversity data.

5.0 Laws & Regulations

- Equality Act 2012
- Fixed Term Employees (Prevention of less favourable Treatment) Regulations 2002

6.0 Definitions

Career Break:

a period of unpaid leave from work for a specified reason, with an intention of returning at an agreed date in the future.

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ESR System :

Electronic Staff Records system

NEST (National Career Savings Scheme):

Contribution pension scheme backed by the Government

7.0 Criteria

7.1 Eligibility

The scheme is open to all employees of the Trust who have a minimum of 12 months continuous service. Applications for a Career Break will be considered on the grounds of:

- Childcare
- Elder care
- Care for another dependent
- Training, including undertaking degree or other courses
- Study leave
- Unpaid work abroad, e.g. charity or voluntary work

This list is not intended to be exhaustive and all other reasons will be considered on their merits, taking into account the reason for the request and the operational needs of the service.

It may not always be possible to accommodate a request for a career break. Circumstances which may result in declining or postponing a request would include an inability to recruit additional staff or reorganise work amongst existing staff or where there is a substantial negative impact on service delivery.

No more than 1 application for a Career break should be made within any rolling 12 month period.

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On returning from a Career break, applications should not be made for further career breaks until a minimum of 12 months service has been completed.

7.2 Length of Break

The minimum length of a Career Break is three months and the maximum five years. The length of the break should balance the needs of the applicant with the needs of the service.

Breaks can be taken either as a single period or over more than one period, however the total length of all periods of absence must not exceed five years per employee, during career with the Trust.

7.3 Terms and Conditions of Career

7.3.1 Continuous Service

A period of absence on a Career Break will not be regarded as a break in service (for the purposes of employment and maternity rights etc.), and applicants to the scheme will not have to resign in order to take a break.

However additional benefits, such as pensions, contractual redundancy payments, annual leave entitlements etc. will be suspended and will not accrue for the period of the break and will recommence on the return to work.

7.3.2 Pay

There will be no remuneration paid during the period of the Career Break as it is effectively regarded as unpaid leave.

On return from a Career Break the salary will be at the same level as when the break began (reflecting any national cost of living increases). Incremental dates will be reset to take into account the break (e.g. if an incremental date is 1st April and a Career break of 3 months has been taken then the incremental date will be reset to 1st July).

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7.3.3 Pensions

At the start of the Career Break unless the employee chooses otherwise, the Trust will suspend pensionable service until the employee returns to work. Where the employee chooses to do so, however they can remain pensionable for a period of up to 6 months. In such a case both the Trust and the employee would continue to make pension contributions for the first 6 months of the Career Break period (for the employee this would be by means of a monthly direct debit payment to the Trust). The employee can also choose to continue to pay pension for a further period of 18 months. However should the employee choose to take this further option, they would be solely responsible for paying both the employer and employee contribution. For further details regarding pensions and Career Breaks, employees are advised to contact the Pensions Team or alternatively contact [NHS Pensions](#) directly.

7.3.4 Sick Pay

Both statutory and contractual sick pay will be suspended for the period of the Career Break.

7.3.5 Trade Union Membership

Employees can continue membership of a trade union and would still be subject to the benefits of membership, providing that subscriptions are kept up to date. Arrangements would have to be made between the employee and the trade union as to how subscriptions should be paid.

7.3.6 Long Service Awards

The term of the career break will not count towards qualifying service for the Long Service Award.

7.3.7 Applying For Other Posts during a Career Break

When on a Career break, employees are able to apply for other posts within the Trust. It should be noted however that should they be successful it is not

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guaranteed that the career break would be able to continue. This would depend on the business needs of the new service at that time. Employees are encouraged to discuss this with the recruiting manager at the time of application.

8.0 Process

8.1 Application for Career Break

All requests for a Career Break must be made in writing to the line manager by completing the application form indicating the reason for the request. Requests should normally be submitted at least three months in advance of the proposed start date of the break unless there are exceptional circumstances, and the line manager will be required to acknowledge receipt of the request within 7 calendar days and meet with the applicant to discuss the request within 14 calendar days.

The decision as to whether to grant the request for the Career Break should be notified to the applicant in writing within 7 calendar days of the meeting.

If agreed, the terms of the Career Break should be arrived at through discussions between the manager and the applicant and laid down in a Career Break Agreement. This may be amended at a future date should circumstances change and again this must be by mutual agreement between the manager and the applicant. Once agreed, copies the Career Break Agreement should be forwarded electronically to the HRCCC Inbox. The appropriate change should be made to the employee's record on ESR Manager Self Service by the line manager (Appendix 11.2).

Should the request for the break be rejected, the reasons for the rejection must also be included in this letter. Employees may appeal against such a decision in writing to the next level manger within 14 calendar days of receiving the decision.

An appeal hearing will be arranged where possible, within 14 calendar days of receipt of the appeal letter and the where possible the employee will be given a

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minimum of 7 calendar days notice of the hearing. At the meeting there will be the Hearing Manager, and a representative from the Human Resources Department. The employee will have the right to be accompanied by either a Trade Union representative or a workplace colleague.

Wherever possible the panel's decision will be given on the day however the outcome will be communicated, in writing within 14 calendar days of the hearing.

The panel's decision is final.

8.2 Other Employment During a Career Break

Some staff on Career Breaks may request to undertake a period of paid employment overseas this is not normally permitted however due consideration will be given especially where the skills learned during the period of the break will enhance the employee's skills on returning to substantive career at the Trust.

However employees must not undertake paid employment in this country with another employer without the prior written agreement of the line manager and a Career Break will not be granted to allow a period of paid employment with another employer at home. Where this is the reason for the request, a secondment to the other organisation may be considered or else the request declined.

If it is discovered that an employee has commenced working elsewhere without permission, it may be appropriate for disciplinary action to be considered, up to and including dismissal on their return.

8.3 Return to Work

For Career Breaks of up to 12 months, 2 months written notice is required of the intention to return to work. For Career Breaks of more than 12 months, 6 months written notice is required. Notice can be given by either the employee of an

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intention to return, or the line manager may give notice of a requirement to return to work should circumstances within the Trust change so that a return is required.

On receipt of the notice to return, the line manager will either:

- Confirm the details of the proposed post to which the Employee will return or, if a suitable post has not yet been identified,
- Confirm that there may be problem with finding a suitable post for the returner.

In either case, this confirmation should be given no later than one month before the return to work date where possible.

If there is a possibility that a suitable post will not be available on the return date, the Line Manager must inform the Human Resources Team as soon as possible and no later than when they receive notice from the returner. The process of identifying a suitable post will begin immediately.

Every effort will be made to give the returner similar work at the same location on the same pay as at the date of leaving.

If the employee returns to work within one year, the same job will be made available to them on their return, as far as is reasonably practicable.

If the break is longer than 12 months, the applicant should return to the same job, if that post is available, or as similar a job as possible. If the same or a similar job is not immediately available at the right time, suitable alternative vacancies will be sought.

Employees must not unreasonably refuse a suitable alternative job that subsequently becomes available.

The following factors, amongst other things, must be taken into account when seeking a suitable alternative:

- Geographical location
- Grading/Banding
- Pay and Protection of earnings
- Personal circumstances

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- Transport/travelling circumstances
- Equivalent hours of work
- Career prospects
- Length of Service
- Equal Opportunities
- Status
- Working environment
- Health & Safety

There should be a joint agreement between the employee and the line manager concerned as to whether the post is a suitable alternative to that currently being held.

If a suitable alternative post is found, the employee may request a trial period. The trial period will be four continuous working weeks and can extend up to three months. The four week trial period can be extended by an agreement which is in writing, specifies the date on which the trial period ends and sets out the employee's terms and conditions after it ends. If the employee works beyond the end of the four week period or the jointly agreed extended period, any redundancy entitlement will be lost because the employee will be deemed to have accepted the new career.

The situation will be formally reviewed in each case. This will give the opportunity for both the employee and the appropriate line manager to discuss and resolve as far as is possible any problems or concerns. Please refer to the Trust's Change Management Policy for more information regarding re-deployment.

If, after 3 months from the return date, no suitable posts have been identified, the returner will be treated as having been made redundant. If suitable alternative posts have been offered during the 3 months from the return date and the Employee has unreasonably refused/not accepted any of them, the employee will

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be treated as having forfeited any redundancy payment which may potentially have been payable.

Service or organisational changes that may take place during a Career Break will apply in the same way as if the employee had been in work. They be will neither be advantaged nor disadvantaged by the break. Any return to work with the Trust, specific department or specific post will be subject to that work/post still being reasonably available at the time of the intended return. The Trust, in the event of organisational change, reserves the right to terminate career on the grounds of organisational change/redundancy following the required consultation procedures, by giving the required period of notice set out in the contract of career.

Employees taking a break of more than 12 months will be required to attend the Trust's Corporate Induction Programme on returning to work.

Where an employee has a break of 12 months or longer, they may be required to undergo a Work Heath Assessment and/or Criminal Records Disclosure (DBS) check prior to their return to work, depending on the nature of the role they are returning to. Line Managers should seek advice from Human Resources in relation to this.

8.4 Changing the Date of Return

Where an employee currently on a Career Break wishes to extend the period of that break, this must be applied for to their line manager in writing, either two months (for breaks of initially up to one year in duration) or six months (for longer breaks) prior to the end of the break.

If an individual's circumstances change and an earlier return to work is desired, this will be fully considered by the line manager, but cannot be guaranteed. Again this must be requested to the line manager in writing.

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If an employee wishes to resign from their career with the Trust, rather than returning to work at the end of the break, they must submit their resignation to their line manager in writing in the normal manner, giving the amount of notice stipulated in their contract of employment.

8.5 Keeping in Touch During a Career Break

The key to a successful Career Break is maintaining regular and effective communication between the employee and the manager. The methods and regularity of communication between the two parties should be agreed between them, prior to the commencement of the break and should form part of the Career Break agreement, and as an example, should involve the manager sending the following to the employee:

- Team briefs
- Minutes of departmental meetings
- Details of vacancies
- Invitations to departmental social events
- Details of relevant training courses
- Any other information relevant at the time, either relating to the whole organisation or the individual department.
- Details of departmental and/or organisational change.

Employees must also inform their manager of any changes in personal circumstances, for example change of name, address and other contact details etc. and should contact their manager on a regular basis during the duration of the break, either by telephone, email or in person. It is expected that this would mean contact at least every 6 months.

It must be recognised and understood by both parties that a Career Break will only work with mutual commitment to these objectives.

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8.6 Professional Registration

Employees taking a Career Break who are required to hold a professional registration to practice in their substantive role must ensure that they maintain their relevant professional registration during the period of the break.

Failure to maintain professional registration may result in disciplinary action up to and including dismissal.

8.7 Maternity and Adoption Leave

An employee may apply for a Career break immediately following a period of maternity or adoption leave; however if, following the career break, the employee does not return to NHS career for a period of at least 3 months, they will be liable to repay any occupational maternity or adoption pay.

8.8 Departmental Changes

Should the manager of the department change during the course of a Career Break, employees taking a break should be informed of the change at the earliest opportunity and details of all employees taking breaks should be passed on to the new manager. The new manager should arrange to meet or, if this is not possible, at least make contact with employees in their team taking breaks at their earliest convenience, in order to maintain the link between the individual and the Trust.

Should organisational change processes commence within the department, all employees on a Career break must be consulted with in accordance with the Trust's Change Management Policy.

Should the employee not wish to return from the break, they will be responsible for resigning in writing and giving the contractual amount of notice required.

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8.0 Training

Managers will be briefed on the content of this policy and will be able to seek guidance and assistance on its implementation from the Human Resources Team.

9.0 Audit

This policy may be audited on an annual basis. This will be done within the Human Resources Team by using the information provided by line managers and ESR. The findings will be discussed and shared in line with partnership working with Trade Union Representatives as part of the Strategic Partnership Forum.

10.0 References

11.1 Internet

NHS Pensions

www.nhsbsa.nhs.uk/pensions

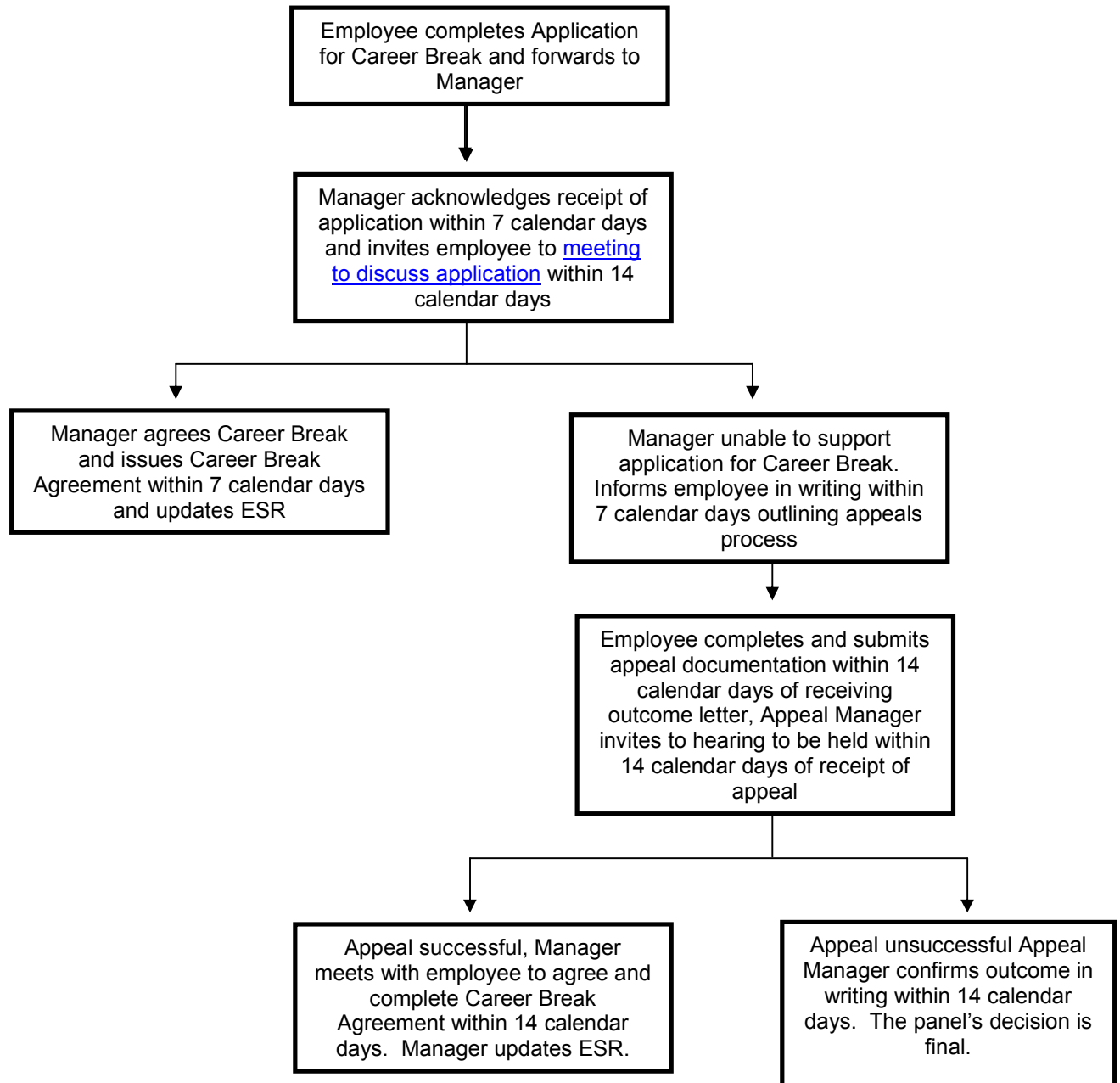
Agenda for Change Terms and Conditions

www.nhsemployers.org

11.0 Appendices

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11.1 Process Flow Chart



11.2 Manager Guidance – Updating ESR

