



Employment Break Policy

Policy reference – HR04

SUMMARY	The Employment Break Policy has been designed to allow employees the opportunity to take an unpaid break from their employment.
AUTHOR	Human Resources
VERSION	Version 3 - FINAL
EFFECTIVE DATE	17 th July 2017
APPLIES TO	Single shared management policy revised, amended and applicable to all NHS Airedale, Wharfedale and Craven, Bradford City and Districts CCGs employees
APPROVAL BODY	Senior Management Team of the CCG
RELATED DOCUMENTS	Flexible Working Policy Annual and Special Leave Policy
REVIEW DATE	July 2020

CCGs working together

Airedale, Wharfedale and Craven CCG
Bradford City CCG
Bradford Districts CCG

THIS POLICY HAS BEEN SUBJECT TO A INITIAL EQUALITY IMPACT ASSESSMENT

VERSION CONTROL SHEET

Version	Date	Author	Status	Comment
Draft	January 2014	Alison Ewart	HR Lead	The EIA has been supplied to the Equality and Diversity Team
Draft	January 2014	Alison Ewart	HR Lead	Consultation with Trade Unions via the Collaborative Social Partnership Forum
Final	March 2014	Alison Ewart	HR Lead	Ratified
Final	June 2014	Alison Ewart	HR Lead	SMT (previously approved at SMT on 14 th October 2013
Revised	July 2015	Tazeem Hanif	HR Lead	Amendments made to the policy and taken to the West Yorkshire HR Policy Sub Group on 04.08.2015 to consult on changes.
Revised	August 2015	Tazeem Hanif	HR Lead	Further amendment agreed with CCG management and approved at the Policy Sub Group meeting 25.08.2015.
Final	02.12.2015	Tazeem Hanif	HR Lead	Ratified at the Social Partnership Forum
Draft	28.06.2017	Tazeem Hanif	HR Lead	AWC CCG and Bradford City and Districts policies merged to reflect single shared management arrangements. Change in logo and front sheet Amended policy consulted with Trade Unions at the HR Policy Workshop and comments incorporated.
Final	17.07.2017	Tazeem Hanif	HR Lead	Ratified at SMT

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Part 1

1. POLICY STATEMENT

- 1.1 The Organisation recognises that during an employee's working life there will be times when personal commitments take priority over work. The Employment Break Policy has been designed to allow employees the opportunity to take an unpaid break from their employment, of up to 5 years.
- 1.2 We encourage a culture where staff can seek a satisfactory 'work-life balance' to improve the quality of life and help them find a balance that enables them more easily to combine work with their other responsibilities or aspirations. For the organisation, the benefits of offering its flexible ways of working include reducing stress, increasing productivity, improving recruitment and retention, and increasing motivation.

2. PRINCIPLES

- 2.1 For statutory purposes, the period of the break will count towards continuous employment, however all other terms and conditions of employment with the Organisation will be suspended. The period of the employment break will therefore not count as reckonable service when calculating contractual entitlement to benefits such as annual leave, sick pay, contractual redundancy payments and any other benefits dependent upon length of service. There will be no entitlement to benefits, such as sick pay, during the period of the break.
- 2.2 To qualify for an Employment Break, employees must:-
 - have been employed by the Organisation, continuously, on a permanent basis for a period of twelve months or more;
 - have demonstrated a commitment to continuing their career with the Organisation;
 - have the approval of an appropriate authorising manager.
- 2.3 Subject to business needs, applications will normally be approved for the purpose of;
 - caring for a sick or dependent relative;
 - caring for children;
 - extended periods of travel, or voluntary services to broaden experience, skills and knowledge in relation to current employment
 - personal reasons or personal circumstances at the line manager's discretion. e.g. following ill health;
 - Undertaking further education or training in relation to current employment.

This list is not exhaustive and any request for an employment break will be considered as an individual case taking into account the needs of the employee and the impact on service delivery. Any other reason will be considered on its merit. The approval of an employment break is at the discretion of the line manager who will provide a reason to the employee where the request has been declined.

- 2.4 The length of the employment break will normally be for a minimum of 3 months up to a maximum of 5 years. More than one employment break may be granted in the course of employment provided that the combined length of the breaks does not exceed the maximum of 5 years.
- 2.5 Managers, where appropriate, should make every opportunity to maintain contact with those staff taking employment breaks. The amount and level of contact will vary depending on the length of the employment break and the individual circumstances relating to the break.
- 2.6 Employees will be expected to maintain contact with their manager, and should inform the Organisation of any changes to personal circumstances, e.g. change of home address.
- 2.7 Employees should also demonstrate their commitment to the Organisation by;
- Not undertaking any other paid employment with another employer during the employment break except where, for example, work overseas or charitable work could broaden experience. In such circumstances written authority should be sought prior to the start of the employment break. Employees who may need to obtain employment to support themselves financially, for example whilst travelling abroad, may do so, but on a casual basis;
 - Returning to the Organisation on the agreed return date.
- 2.8 Employees considering an employment break should be aware of the following:
- 2.8.1 **Annual Leave** – all accrued annual leave must be taken before commencement of the employment break. No payment in lieu of outstanding leave will be made, neither will any “carry over” of leave be allowed. There is no entitlement to annual leave during the employment break. On return to work, entitlement to annual leave would be the same as when the break started, and the period of the employment break will not count as reckonable service for leave purposes.
- 2.8.2 **Trade Union Membership** – should an individual wish to continue their trade union membership during the break, they must make their own arrangements for subscriptions to be paid.
- 2.8.3 **Pay** – on return to work, employees would resume, for pay purposes, at the same pay point which had been reached at the time the employment break began, subject to restructuring or substantial organisational change. If applicable, incremental dates will be deferred accordingly, to ensure that the employee’s terms remain unchanged.
- 2.8.4 **Occupational Maternity Pay** – employees commencing an employment break immediately following a period of maternity leave will be liable to repay any Occupational Maternity Pay received should they fail to return to work for a period of 3 months after the break.
- 2.8.5 **Pensions** – an employee may choose to continue making contributions to the NHS Pension Scheme during an employment break. The form at Appendix 2 must be completed prior to the break to determine the employee’s option in respect of their pension. Arrangements for continuing payments must be made prior to commencement of the break.

For the first 6 months contributions are payable, by both the employee and employer, as if the employee was at work.

An individual, who has paid contributions regularly during the first 6 months of a break, may continue to contribute to the Scheme for a further period of up to 18 months (maximum of 2 years). During the extended period, the employee will be responsible for paying both their own and the employer's contributions.

Contributions will be based on the employee's normal pensionable pay. They must continue to be paid monthly, by standing order or Direct Debit; arrears will not be allowed to accumulate.

Further information is available from the NHS Pensions website
<http://www.nhsbsa.nhs.uk/pensions>

- 2.8.6 **Long Service Award** – the term of the employment break will not count towards qualifying service for any Long Service Award.
- 2.8.7 **Company Property** – prior to an employee commencing an employment break, where applicable, managers must ensure that appropriate arrangements have been made in respect of company property, i.e.
- Return (or otherwise) of a lease car;
 - Return of Organisation property, such as mobile telephones, lap tops, keys, etc.
- 2.8.8 **Applying for other Positions** – when on an employment break, an employee is free to apply for other positions within the organisation. However, employees should note that, should they be successful, continuation of the break cannot be guaranteed as it will depend upon the business needs and demands of the service in the area in which the new post sits. It is advised that a discussion is held with the recruiting manager prior to an application being submitted.
- 2.9 All records of applications and decisions will be kept on an employee's file for a minimum of 12 months.

3. EQUALITY

In applying this policy, the Organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

4. MONITORING & REVIEW

- 4.1 This policy and procedure will be reviewed periodically by the Senior Management Team, in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.
- 4.2 The implementation and operation of this policy will be audited on an annual basis by the Senior Management Team of the organisation.

5. CONSULTATION, APPROVAL AND RATIFICATION

- 5.1 The HR Policy Workshop which is composed of management, staff side and HR representatives considers all draft HR policies and guidance. All members have the opportunity to make comments and suggestions on the document content which is debated within the group and amendments made and agreed.
- 5.2 The CCGs Senior Management Team and/or other relevant Committees ratify the final HR policies. The role of the Staff Partnership Forum is to discuss and minute the policies and procedures that are submitted to the HR Policy Workshop.

Part 2

1. PROCEDURE

- 1.1 Employees wishing to apply for an employment break should complete the application form at Appendix 1, in conjunction with the relevant Senior Manager. Both the proposed commencement date and return to work date should be included.
- 1.2 Applications must be submitted to the relevant Senior Manager, at least 3 months prior to commencement of the intended break. Requests made less than 3 months before, will be considered only in exceptional circumstances. In deciding whether to support an applicant, the manager should satisfy themselves that the individual has a clear commitment to continuing a career with the Organisation, and that the reasons for requesting the break are valid.
- 1.3 Applicants will be notified in writing of the decision within 21 days of the date of submission of their application.
- 1.4 If the employment break has been agreed then the relevant Senior Manager needs to complete an ESR assignment change form and sent to HR accompanied with the forms found in Appendix 1 and 2,
- 1.5 The individual must also complete the form at Appendix 2 to confirm their option in respect of their pension membership during the break (see 2.8.5 above).
- 1.6 Employees may resort to the grievance procedure if a request for a break is refused.
- 1.7 Employees will be required to give written notification of their return to work. Where the employment break is for less than a year, 2 months' notice of return is required. For breaks of longer than a year, 6 months' notice of return is required. Employees wishing to return earlier than originally anticipated must give 2 months' notice in writing. Employees wishing to extend the length of their break must apply in writing, at least 2 months' before the agreed end, so that appropriate consideration can be given to an extension.
- 1.8 Where an employee returns to work within a year, they will return to the same post they held when the employment break started, as far as is reasonably practicable. If this is not possible, due to restructuring etc, or if the break has been for longer than a year, then every effort will be made to find the employee a post with similar duties and responsibilities to those of the previous post held. Should it not be possible to find a suitable similar position then redundancy may be considered.
- 1.9 Employees may be required to undertake a period of training on their return to work. The content and duration will depend on the length of the break, the post, and any changes in working practices, legislation or policy.
- 1.10 The organisation may terminate the employment break by giving notice under the employee's employment contract (if notice is given to terminate during the employment break then the notice period is without pay). Any individual, whose contract is terminated and who qualifies for redundancy, will be eligible to statutory redundancy pay for the period they are on their employment break and for contractual redundancy for any other period. The employee must give notice, equivalent to the notice period required to terminate their employment contract, to end the career break and resign from their employment.

EMPLOYMENT SCHEME – APPLICATION FORM

FULL NAME	DEPARTMENT
EMPLOYEE NUMBER	START DATE WITH THE ORGANISATION
FORWARDING ADDRESS	TELEPHONE NUMBER:

THIS FORM SHOULD BE SUBMITTED AT LEAST 3 MONTHS BEFORE THE EMPLOYMENT BREAK IS TO START

I would like my employment break to start on	
I would like to return to work on	
Reason for employment break	
My contact details (including phone number) during the break will be	

I wish to apply for an extended period of unpaid leave under the Employment Break Scheme. I confirm that:

- I have read and fully understood the conditions detailed within the Employment Break Policy;
- I will complete and submit an Employment Break Financial Agreement prior to my break.

SIGNATURE OF EMPLOYEE	DATE
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To be completed by the Senior Manager
 I support / do not support this application for an employment break from the Organisation. I have attached a written statement outlining the reasons why this application has been accepted / rejected (delete as applicable).

SIGNATURE OF MANAGER	DATE
MANAGER’S NAME (Block letters)	

Note: Manager to complete the ESR assignment change form and submit to the HR representative.

EMPLOYMENT BREAK FINANCIAL AGREEMENT

FULL NAME	DEPARTMENT
EMPLOYEE NUMBER	START DATE WITH THE ORGANISATION
START DATE OF EMPLOYMENT BREAK	DATE OF RETURN TO WORK

I confirm that:

- I understand that I have the option to decide whether my employment break should be pensionable for a period of up to two years;
- I understand that, should I decide that I would like my employment break to be pensionable, I remain liable for monthly pension contributions for the period and that, for the first six months of the employment break, I will pay my own contributions and that the Organisation will continue to pay employer's contributions;
- I understand that, if I pay my contributions continuously for the first six months of the employment break, I may continue to pension the break for a further period of up to 18 months. During this additional period, I will be liable to pay both my own, and the Organisation's contributions;
- I understand that contributions will be based on my normal earnings;
- I agree to make monthly payments to Organisation via standing order/Direct Debit.
- I understand that, if I fail to make my contributions as agreed, my pension record will be closed down at the date of the last contribution made.

Please select **ONE** of the following four options

Option 1	I do not wish my employment break to be treated as pensionable service and understand that my pension record will be closed down at the start of my break with no contributions payable OR	
Option 2	I wish to treat up to the initial six months of my employment break as pensionable and undertake to pay monthly employee contributions via standing order/Direct Debit OR	
Option 3	I wish to treat my employment break as pensionable for a period of months . I undertake to pay monthly employee contributions for the first six months and both employee's and employer's contributions for the remainder of the period. All contributions will be made via standing order/Direct Debit OR	
Option 4	I wish to treat my employment break as pensionable for the maximum period of two years. I undertake to pay monthly employee contributions for the first six months and both employee's and employer's contributions for the remaining 18 months of the period. All contributions will be made via standing order/Direct Debit.	

SIGNATURE OF EMPLOYEE	DATE
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Equality Impact Assessment

Title of policy	Employment Break Policy (HR04)	
Names and roles of people completing the assessment	Alison Ewart, HR Business Partner Nadeem Murtuja, Senior Associate Equality and Diversity.	
Date assessment started/completed	Started 03.01.2014	To be reviewed July 2020

1. Outline	
Give a brief summary of the policy	The Employment Break Policy has been designed to allow employees the opportunity to take an unpaid break from their employment, of up to 5 years with the appropriate approvals.
What outcomes do you want to achieve	The purpose of this policy is to ensure that all employees and managers are aware of the correct policy to follow where employees may be considering an employment break.

2. Analysis of impact			
This is the core of the assessment, using the information above detail the actual or likely impact on protected groups, with consideration of the general duty to; eliminate unlawful discrimination; advance equality of opportunity; foster good relations			
	Are there any likely impacts? Are any groups going to be affected differently? Please describe.	Are these negative or positive?	What action will be taken to address any negative impacts or enhance positive ones?
Age	No		
Carers	Yes, carers are potentially more likely to apply.	Positive	Caring responsibilities are recognised as a legitimate reason for applying for an employment break and therefore this would have a positive impact.
Disability	Yes, disabled staff with certain impairments is potentially more likely to apply at times.	Positive	Taking an employment break for ill health is recognised as a legitimate reason and therefore this would have a positive impact.

Sex	Yes, it may be anticipated female staff are more likely to apply.	Positive	More women may apply for an employment break to care for children, however it is acknowledged men may also apply for these reasons. This is recognised as a legitimate reason for applying.
Race	No		
Religion or belief	No		
Sexual orientation	No		
Gender reassignment	No		
Pregnancy and maternity	No		
Marriage and civil partnership	No		
Other relevant group	No		

<p>If any negative/positive impacts were identified are they valid, legal and/or justifiable? Please detail.</p>	<p>No anticipated detrimental impact on any equality group. The policy is applicable to all employees and adheres to the NHS Litigation Authority Standards, statutory requirements and best practice. Makes all reasonable provision to ensure equity of access to all employees. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic. Reasons for applying are outlined which supports particular groups i.e. carers, staff with ill health.</p>
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3. Monitoring, Review and Publication

How will you review/monitor the impact and effectiveness of your actions	All employment break applications are recorded on ESR. The appropriate manager is required to monitor the impact of the employee absence under this Policy.		
Lead Officer	Tazeem Hanif	Review date:	July 2020

4. Equality and Diversity Sign off

Equality Lead Officer	Nadeem Murtuja		
		Date approved:	March 2014

5. Sign off

Lead Officer	Fiona Jeffrey		
Director	Associate Director of Corporate Affairs	Date approved:	July 2015