



## EMPLOYMENT CAREER BREAK POLICY

Policy Type	People & Organisational Development
Directorate	Corporate
Policy Owner	Director of People and Organisational Development
Policy Author	Human Resources Officer
Next Author Review Date	1 <sup>st</sup> September 2023
Approving Body	Policy Management Sub-Committee 21 <sup>st</sup> February 2020
Version No.	5.0
Policy Valid from date	1 <sup>st</sup> February 2020
Policy Valid to date:	28 February 2024

**‘During the COVID19 crisis, please read the policies in conjunction with any updates provided by National Guidance, which we are actively seeking to incorporate into policies through the Clinical Ethics Advisory Group and where necessary other relevant Oversight Groups’**

**DOCUMENT HISTORY**

(Procedural document version numbering convention will follow the following format. Whole numbers for approved versions, e.g. 1.0, 2.0, 3.0 etc. With decimals being used to represent the current working draft version, e.g. 1.1, 1.2, 1.3, 1.4 etc. For example, when writing a procedural document for the first time – the initial draft will be version 0.1)

<b>Date of Issue</b>	<b>Version No.</b>	<b>Date Approved</b>	<b>Director Responsible for Change</b>	<b>Nature of Change</b>	<b>Ratification / Approval</b>
12.08.13	1.1		Executive Director of Nursing and Workforce	Refresh of policy – no change	
27.08.13	1.1		Executive Director of Nursing and Workforce		Opened for consultation Partnership Forum and JLNC
24.09.13	1.1		Executive Director of Nursing and Workforce		Consultation closed – no comments or changes
24.09.13	1.1		Executive Director of Nursing and Workforce		Ratified at Policy Management Group
14.10.13	2.0	14.10.13	Executive Director of Nursing and Workforce		Approved at Trust Executive Committee
27.05.14			Executive Director of Nursing and Workforce		Ratified at Partnership Forum
27.05.14	3.0	24.06.14	Executive Director of Nursing and Workforce		Insert paragraph '5.5 Effects on Pension'. Approved at Policy Management Group
03.05.16	3.1		Executive Director of Financial and Human Resources	Review of policy – Title changed to Employment (Career) Break Policy	Consultation opened at Partnership Forum including LNC
02.06.16	3.1		Executive Director of Financial and Human Resources		Feedback from Chair of LNC
05.06.16	3.1		Executive Director of Financial and Human Resources		Partnership Forum not quorate in May and June – carried over to July
05.07.16	3.1		Executive Director of Financial and Human Resources		Consultation opened at Partnership Forum
02.08.16	3.1		Executive Director of Financial and Human Resources	For ratification	Consultation closed at Partnership Forum
11.10.16	4.0	11.10.16	Executive Director of Financial and Human Resources	For Approval	Corporate Governance & Risk Sub-Committee
13.01.20	4.1		Director of Human Resources and Organisational Development	Review of policy	
07.01.20	4.1		Director of HROD	Endorsed at	Partnership Forum
21.02.20	5.0	21.02.2020	Director of HROD	Approved via voting buttons at	Policy Management Sub-Committee
29 Jan 2021	5.0	21.02.2020	Director of People and Organisational Development	12 month blanket policy extension due to covid 19 applied with author review date set 6 months prior to Valid to Date	Quality & Performance Committee
6 May 2021	5.0	21.02.2020	Director of People and Organisational Development	Extended policy uploaded and linked back with new cover sheet	Corporate Governance

NB This policy relates to the Isle of Wight NHS Trust hereafter referred to as the Trust

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## **1 Executive Summary**

The Isle of Wight NHS Trust (herein after referred to as 'The Trust') is committed to supporting staff to improve their health and wellbeing.

It is accepted that individuals work best when they can balance their work responsibilities with the rest of their lives, and as such may have times during their career when they wish to seek a longer period of time away from work than that provided for by other leave arrangements. As a result, every reasonable effort will be made to try to accommodate all requests for Career Breaks in a fair and consistent manner whilst continuing to provide a high quality service to patients.

## **2 Introduction**

Employees are contracted to work for the Trust to meet the needs of our patients, either directly or indirectly. The Isle of Wight Trust recognises that a motivated and happy workforce will provide the best service possible to our patients. The Trust will therefore try to accommodate individual requests for career breaks. However, requests may be refused where there are justifiable reasons for not agreeing, and following consultation with Human Resources. The employee will be notified of the reasons for any refusal.

In addition to this Career Break Policy there are other policies for:

- Maternity Leave
- Adoption Leave
- Shared Parental Leave
- Flexible Working
- Paternity and Parental Leave
- Special Leave Definitions

Career Break: unpaid leave for an extended period of time which other types of leave which is not provided for. Examples include childcare, fostering, elderly care; care for dependants, training, study leave, work abroad or to travel. This list is not exhaustive.

## **3 Scope**

Any employee with 12 months continuous service with the Trust or the NHS can ask the Trust for a career break.

## **4 Purpose**

This policy outlines the procedure to follow when an employee requests a career break.

## **5 Roles and Responsibilities**

### **5.1 EMPLOYEES RESPONSIBILITIES**

- 5.1.1 To ensure that they have read and understood the Career Break Policy prior to submitting their request.
- 5.1.2 To ensure that they have requested a Career Break within the timeframes outlined in this policy.
- 5.1.3 To maintain communication as agreed with their line manager during their Career Break.
- 5.1.4 To maintain their professional registration as agreed with their line manager.
- 5.1.5 To take responsibility for ensuring that they have considered any impact on their Pension, seeking advice from the SBS Helpdesk where needed.
- 5.1.6 In the event that they wish to return to work earlier than agreed to ensure that they notify their line manager in accordance with this policy.

### **5.2 LINE MANAGER RESPONSIBILITIES**

- 5.2.1 To consider all Career Break applications fairly and consistently.
- 5.2.2 To ensure that they provide justifiable business reasons in the event that an application is refused.
- 5.2.3 To seek advice and guidance from their line manager and/or Human Resources on the application of this policy.
- 5.2.4 To maintain contact as agreed with the employee during the period of the Career Break.
- 5.2.5 In a timely manner notify payroll via a change form of the arrangements for the Career Break to ensure that there is no overpayments or underpayments at the start and end of the Career Break period.
- 5.2.6 To ensure that there is documentation of the agreement including the requirements in relation professional registration.

## **6 Policy detail/Course of Action**

### **6.1 GENERAL PRINCIPLES**

- 6.1.1 Main reasons for which a career break can be used include childcare, fostering, elderly care, care for dependants, training, study leave, work abroad or to travel. This list is not exhaustive and other reasons will be considered on individual merit.
- 6.1.2 The minimum length of break is three months. Breaks of less than three months should be made through a request for unpaid leave of absence.
- 6.1.3 The Trust will consider requests for Career Breaks of up to five years.
- 6.1.4 Breaks can be taken either as a single period or as more than one period of three months or more.

- 6.1.5 Applications for a Career Break must be submitted in writing giving a minimum of 3 months' notice of the requested start date. Applications should be made on the application form at Appendix A.
- 6.1.6 If during the period of an Employment (career) Break the employee seeks to request an extension to the employment (career) break period they should request this in writing with a minimum of 3 months' notice. Each application will be considered and assessed by the employee's Line Manager and they will determine whether the request may be granted. The length of any break should balance the needs of the applicant with the needs of the service. There may be occasions where if the complete period requested may not be possible a proportion of the total period might be offered.
- 6.1.7 An earlier return to duty may be requested and accommodated where it is possible for the manager to make suitable arrangements for this. Each application will be considered and assessed by the employee's Line Manager and they will determine whether the request may be granted. The length of any break should balance the needs of the applicant with the needs of the service. There may be occasions where if the complete period requested may not be possible a proportion of the total period might be offered.
- 6.1.8 If an employee wishes to terminate their contract of employment during a Career Break they must do so by giving the written notice required according to their contract of employment
- 6.1.9 Failure to return on the specified date without seeking a formal extension of leave will be regarded as a fundamental breach of contract entitling the Trust to terminate the employment without notice. Such a decision will only be made after a formal hearing has been convened under the terms of the Trust's Disciplinary Procedure and will allow the employee the opportunity to either attend in person or to offer a written submission.

## **6.2 PAID EMPLOYMENT**

Employees on a Career Break will not normally be allowed to take up paid employment with another employer except, for example, where work overseas or charitable work could broaden experience. In such circumstances written authority from the Trust would be necessary.

## **6.3 FORMAL AGREEMENT**

All breaks will be subject to written agreement between the employer and applicant before the break begins. A letter confirming the agreement must be forwarded to the employee including details of any agreed specific provisions relevant to the individual. Employees do not have to resign to take a Career Break. A change form is to be completed by the manager and returned to HR.

## 6.4 CONTINUITY OF SERVICE

- 6.4.1 During the Career Break all rights under the Contract of Employment will be suspended. However for the purpose of continuity of employment, the period of the Career Break will count in computing the period of employment for statutory purposes and to the extent provided for in the Agenda for Change Terms and Conditions and the Medical and Dental Terms and Conditions during the Career Break period.
- 6.4.2 For the avoidance of doubt there will be no entitlement to any contractual benefits or pay during the period of the Career Break. Other provisions depending upon length of service, i.e. contractual redundancy payments, leave entitlements etc., should be suspended for the period of the break.

## 6.5 EFFECTS ON PAY

- 6.5.1 The total period of the Career Break will be unpaid.
- 6.5.2 Return to work will be at the salary level (grade/ banding) applicable immediately prior to the break, reflecting pay awards made during the break unless the employee is on mark-time pay protection in which case they will receive the protected amount upon return, should that amount not have been exceeded by pay awards during the period of the break.
- 6.5.3 Where at the start of a Career Break an employee has pay protection, either as a result of Agenda for Change or some other reason, the period of the Career Break will form part of the period for which the protection has been/is being applied.

## 6.6 EFFECTS ON PENSION

- 6.6.1 It is not compulsory to pay pension contributions during a period of a career break. If you decide not to pay your pension contributions during your period of career break, your last day of Scheme membership will be recorded as the day before the leave commences.
- 6.6.2 The employee may choose to continue to pay their pension contributions during the duration of their career break, if they chose to continue to pay their pension contributions the Trust will continue to contribute employer contributions for a period of up to six months.
- 6.6.3 After a period of six months has elapsed the employee may wish to extend their career break and remain within the pension scheme for a further period of up to 18 months.
- 6.6.4 Should the employee wish to take up this option and extend their career break they will be responsible for paying **both** the employee and employer pension contributions.
- 6.6.5 If pension contributions are not paid for the first six months, you will not have the option to continue to be pensionable for the further period of up to 18 months.
- 6.6.6 It is the employee's responsibility to make these arrangements with the pensions department via the SBS helpdesk prior to the commencement of their career break.

## **6.7 PROFESSIONAL REGISTRATION**

- 6.7.1 The employee will be responsible for ensuring that their professional registration requirements are met in readiness for their return to work.
- 6.7.2 At the time of the application for the career break, the impact on professional registration and revalidation must be discussed between the employee and line manager to ensure that both parties are clear on the requirements for maintaining professional registration.

## **6.8 RETURN TO WORK**

- 6.8.1 Upon returning from the Career Break employees will be entitled to return to their contracted role at the salary level (grade/ banding) applicable immediately prior to the break, reflecting pay awards made during the break unless the employee is on mark-time pay protection in which case they will receive the protected amount upon return, should that amount not have been exceeded by pay awards during the period of the break.
- 6.8.2 However, in circumstances where service or organisational changes take place during an employee's Career Break the procedure to follow will apply in the same way as if the employee had been at work. The employee will be neither advantaged nor disadvantaged by the Career Break.
- 6.8.3 Any return to work with the Trust, specific department or specific post will be subject to that work/post still being available, as reasonably practicable at the time of the intended return. The Trust, in the event of organisational change, reserves the right to seek suitable alternative employment and/or terminate employment on the grounds of organisational change/redundancy following that the required consultation procedures has been followed and by giving the required period of notice set out in the Contract of Employment or by making a payment in lieu of notice.
- 6.8.4 If during the Career Break period the employee engages in any acts or omissions, which in the opinion of the Trust impacts on their employment, the Trust may invoke the Conduct Procedures under the relevant Disciplinary Policy during the Career Break period.
- 6.8.5 The employee will be required to confirm their intention to return to work by providing their line manager with two months' notice if the break is less than one year and six months if the break is more than a year.
- 6.8.6 For clinical staff who have had a break of 12 months or longer, or after a shorter period if working/travelling abroad, they will be required to have a Health Screening/Immunisation update prior to their return to work.

## **6.9 COMMUNICATIONS**

Employees are required to maintain a level of contact during the Career Break, as agreed with their manager prior to commencement of the Career Break, with an obligation on both parties to keep in touch. If there is no communication from the employee then the agreement may be deemed null and void on the basis that the employee has failed to comply with the conditions of the Career Break. In the event of this occurring; the Trust may choose to follow the process detailed in section 6.1.9 to terminate the employee's contract.



## **6.10 RECALL**

In exceptional circumstances, in order to maintain the service, an employee on a Career Break may be contacted to ascertain if they were willing to return to their position with the Trust earlier than the specified date.

## **6.11 TRAINING AND DEVELOPMENT**

6.11.1 The employee is required at their own cost, to keep up to date with any relevant professional training, mentorship, accreditation needs, including attendance at specified training / development courses to ensure they maintain their professional registration/membership, and to provide any necessary evidence of such to their manager on or prior to return to work.

6.11.2 Where an employee has a Career Break of 12 months or longer, upon return to work the line manager, in agreement with the employee, should put in place training arrangements for reintroduction to the workplace. This could include the employee voluntarily attending the workplace for an additional number of days in the 3 months prior to date of return, or an intensive induction including mandatory training on return.

6.11.3 Where an employee has a Career Break of less than 12 months, either upon return to work or in the three months prior to return to work, the line manager should arrange an appropriate orientation/re-induction to ensure the employee is able to effectively fulfil the requirements of the role giving due regard to the length of the break.

## **6.12 GENERAL CONDITIONS**

6.12.1 Any equipment e.g. mobile phones, IT equipment will be reallocated by the Trust for the duration of the Career Break period. However in the event of this being impracticable the employee is required to meet the full costs of any hire/lease charges or costs arising during the period of the Career Break to ensure there is no cost to the Trust during the Career Break period. Employees must surrender their Identity/Access Badge to their line manager for the duration of the Career Break.

6.12.2 Other specific conditions relating to the Career Break can be applied as agreed by the employer (manager) and the applicant.

## **6.13 APPEALS**

6.13.1 Staff will be given a written reason for the refusal of any application.

6.13.2 Staff may resort to the grievance procedure if they consider a request for a Career Break has been unreasonably refused.

## **6.14 RECORDING**

6.14.1 All records of applications and decisions will be kept for a minimum period of 12 months by the line manager.

6.14.2 For approved Career Breaks the line manager must complete a change form to instruct payroll to suspend pay for the duration prior to the career break commencing. The line manager must forward the change form to the Workforce Information Team with a copy of the application form (Appendix A). A copy is retained on the employees' personnel file in Human Resources.

## **7 Consultation**

This Career Break Policy will be consulted via Partnership Forum and LNC. It will be published on the corporate draft policy site and notification will be in the e-bulletin and the line manager workforce bulletin. A copy will be provided to the Deputy Director of Nursing for review in relation to professional registration.

## **8 Training**

This Career Break Policy does not have a mandatory training requirement or any other training needs.

## **9 Monitoring Compliance and Effectiveness**

The overall responsibility for the monitoring of effectiveness of this policy is with the Director of Human Resources and Organisational Development. Any issues with the application of this policy will be raised via the Human Resources and Organisational Development Management Group.

## **10 Links to other Organisational Documents**

- Adoption Leave policy
- Maternity Leave policy and procedures
- Attendance Management policy
- Special Leave policy
- Grievance policy and procedures

## **11 References**

- Agenda for Change Terms and Conditions of Service Handbook
- NHS Business Service Authority – NHS Pensions – Authorised Leave / Career Breaks
- Terms and Conditions of Service – Consultants (2003)
- Terms and Conditions of Service – Specialty Doctors and Associate Specialists (2008)

## **12 Appendices**

Appendix A – Employment (career) Break application form.

Appendix B – Financial and Resourcing Impact Assessment on Policy Implementation

Appendix C - Equality Impact Assessment (EIA) Screening Tool

**Application for an Employment (career) Break**

**PART A**

<u>Surname:</u>		<u>First Name(s):</u>	
<u>Job Title:</u>		<u>Ward/ Department:</u>	
<u>Full Time / Part Time</u> (circle)	<u>Hours Worked:</u>	<u>Payroll Number:</u>	
<b>Details of Career Break Requested:</b>			
From: _____ To: _____			
<b>Reason for Request:</b>			
I confirm my request for a career break as detailed above and I have read and understood the Career Break Policy. Signature _____ Date _____			

**PART B**

**For completion by Manager**

I agree to \_\_\_\_\_ (Employee's name) taking a career break  
 from: \_\_\_\_\_ to: \_\_\_\_\_

\*\*\*\*\* OR \*\*\*\*\*

I do not agree to \_\_\_\_\_ (Employee's name) taking a career break  
 for the following reasons \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Continue on a separate piece of paper if required*

Signed \_\_\_\_\_ Name \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

- Guidance notes:**
- A copy of the completed form must be provided to the employee.
  - For requests refused – a copy of the form must be retained for 12 months on the management file
  - For approved requests the line manager must complete a change form attaching a copy of this document to the Workforce Information Team (HR)

**Financial and Resourcing Impact Assessment on Policy Implementation**

*NB this form must be completed where the introduction of this policy will have either a positive or negative impact on resources. Therefore this form should not be completed where the resources are already deployed and the introduction of this policy will have no further resourcing impact.*

<b>Document title</b>	<b>Employment (Career) Break Policy</b>
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<b>Totals</b>	<b>WTE</b>	<b>Recurring £</b>	<b>Non Recurring £</b>
Manpower Costs	0	0	0
Training Staff	0	0	0
Equipment & Provision of resources	0	0	0

**Summary of Impact:**

There are no additional financial or resourcing implications as this is an existing policy.

**Risk Management Issues:**

**Benefits / Savings to the organisation:**

**Equality Impact Assessment**

- Has this been appropriately carried out? YES/NO
- Are there any reported equality issues? YES/NO

If "YES" please specify:

**Use additional sheets if necessary.**

Please include all associated costs where an impact on implementing this policy has been considered. A checklist is included for guidance but is not comprehensive so please ensure you have thought through the impact on staffing, training and equipment carefully and that ALL aspects are covered.

<b>Manpower</b>	<b>WTE</b>	<b>Recurring £</b>	<b>Non-Recurring £</b>
Operational running costs	0	0	0
<b>Totals:</b>	0	0	0

<b>Staff Training Impact</b>	<b>Recurring £</b>	<b>Non-Recurring £</b>

<b>Totals:</b>	0	0
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<b>Equipment and Provision of Resources</b>	<b>Recurring £ *</b>	<b>Non-Recurring £ *</b>
Accommodation / facilities needed		
Building alterations (extensions/new)		
IT Hardware / software / licences		
Medical equipment		
Stationery / publicity		
Travel costs		
Utilities e.g. telephones		
Process change		
Rolling replacement of equipment		
Equipment maintenance		
Marketing – booklets/posters/handouts, etc.		
<b>Totals:</b>		

- Capital implications £5,000 with life expectancy of more than one year.

Funding /costs checked & agreed by finance:	
Signature & date of financial accountant:	
Funding / costs have been agreed and are in place:	
Signature of appropriate Executive or Associate Director:	



### Equality Impact Assessment (EIA) Screening Tool

Document Title:	Career Break Policy
Purpose of document	This policy outlines the procedure to follow when an employee requests a career break
Target Audience	<i>Employees</i>
Person or Committee undertaken the Equality Impact Assessment	<i>Senior HR Manager</i>

1. To be completed and attached to all procedural/policy documents created within individual services.
2. Does the document have, or have the potential to deliver differential outcomes or affect in an adverse way any of the groups listed below?

If no confirm underneath in relevant section the data and/or research which provides evidence e.g. JSNA, Workforce Profile, Quality Improvement Framework, Commissioning Intentions, etc.

If yes please detail underneath in relevant section and provide priority rating and determine if full EIA is required.

		Positive Impact	Negative Impact	Reasons
<b>Gender</b>	Men	✓		<i>This policy applies to all staff and provides a consistent and fair procedure to follow when requesting a career break.</i>
	Women	✓		<i>As above</i>
<b>Race</b>	Asian or Asian British People	✓		<i>As above</i>
	Black or Black British People	✓		<i>As above</i>
	Chinese people	✓		<i>As above</i>
	People of Mixed Race	✓		<i>As above</i>

	White people (including Irish people)	✓		As above
	People with Physical Disabilities, Learning Disabilities or Mental Health Issues	✓		As above
<b>Sexual Orientation</b>	Transgender	✓		As above
	Lesbian, Gay men and bisexual	✓		As above
<b>Age</b>	Children			
	Older People (60+)	✓		As above
	Younger People (17 to 25 yrs)	✓		As above
<b>Faith Group</b>		✓		As above
<b>Pregnancy &amp; Maternity</b>		✓		As above
<b>Equal Opportunities and/or improved relations</b>		✓		As above

Notes:

Faith groups cover a wide range of groupings, the most common of which are Buddhist, Christian, Hindus, Jews, Muslims and Sikhs. Consider faith categories individually and collectively when considering positive and negative impacts.

The categories used in the race section refer to those used in the 2001 Census. Consideration should be given to the specific communities within the broad categories such as Bangladeshi people and the needs of other communities that do not appear as separate categories in the Census, for example, Polish.

### 3. Level of Impact

If you have indicated that there is a negative impact, is that impact:			
		<b>YES</b>	<b>NO</b>
<b>Legal</b> (it is not discriminatory under anti-discriminatory law)			
<b>Intended</b>			

If the negative impact is possibly discriminatory and not intended and/or of high impact then please complete a thorough assessment after completing the rest of this form.

3.1 Could you minimise or remove any negative impact that is of low significance? Explain how below:
3.2 Could you improve the strategy, function or policy positive impact? Explain how below:

3.3 If there is no evidence that this strategy, function or policy promotes equality of opportunity or improves relations – could it be adapted so it does? How? If not why not?	
Scheduled for Full Impact Assessment	Date:
Name of persons/group completing the full assessment.	
Date Initial Screening completed	

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