

## CAREER BREAK POLICY

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## **1 INTRODUCTION**

- 1.1 City Hospitals Sunderland NHS Foundation Trust (“the Trust”), is committed to developing work practices and policies, which support work-life balance. In doing so, the Trust recognises that some employees may wish or need to take an extended break from work for a variety of personal reasons, during the course of their employment.
- 1.2 Employees are not entitled to take a career break, but the Trust recognises that there may be circumstances where it may be beneficial to the employee, and to the Trust, to allow an unpaid period of time away from work.

## **2. PURPOSE AND SCOPE**

- 2.1 This policy sets out the Trust’s approach to career breaks and the basis on which they may be taken.
- 2.2 The policy applies to all staff who meet the eligibility criteria set out in Section 5.
- 2.3 Due to immigration regulations, it may not be feasible to consider requests from individuals who do not have a permanent right to work in the UK.
- 2.4 A career break will not be an appropriate response to all requests by staff for extended time off from work. As a result, this policy should be read in conjunction with other Trust policies, which provide opportunities for extended leave of absence.

## **3. DUTIES**

### **3.1 Board of Directors**

The Board of Directors is responsible for ensuring that there is a robust system of corporate governance within the organisation. This includes having a systematic process for the development, authorisation and management of policies.

### **3.2 Chief Executive**

The Chief Executive is ultimately responsible for ensuring effective Corporate Governance within the organisation.

### **3.3 Director of Human Resources**

Overall responsibility for the implementation and monitoring of this policy lies with the Director of Human Resources. HR staff will advise managers and staff on the content of the policy and support a consistent approach to decision making.

### **3.4 Managers**

- To give full consideration to career break applications in consultation with the employee and his/her line manager.
- To notify the employee of the decision in writing, providing reasons where a career break has been refused.
- To ensure that approved career breaks can be accommodated within the team/department/work group and that suitable arrangements are in place to cover the period of absence.
- To maintain contact with the employee during their career break and inform them of any significant workplace developments, which may be relevant to his/her employment.
- To ensure that the employee receives a comprehensive re-induction on his/her return to work.
- To ensure that in implementing the policy, all staff are treated fairly and within the provisions of the Trust's Equality and Diversity Policy.
- To make all the necessary changes to the employee's ESR record in relation to their career break.

### **3.5 Employees**

- To discuss their application with his/her line manager.
- To submit an application to their Divisional General Manager/Executive Committee member in accordance with required notice periods.
- To sign a copy of the letter outlining the terms and conditions of an approved career break, confirming their acceptance.
- To providing his/her line manager with contact details for the period of absence.
- To maintain good two-way communication with his/her line manager during the career break.
- To maintaining professional registration or skill competencies whilst on the career break.
- To make a request in writing to his/her Divisional General Manager/Executive Committee member to undertake paid employment during the career break.
- To giving his/her Divisional General Manager/Executive Committee member notice of his/her intention to return to work in accordance with required notice periods.
- To notify his/her Divisional General Manager/Executive Committee member if unable to return to work on the agreed date and the reason(s) for this.

## **4. DEFINITIONS**

- 4.1 A career break is an extended period of unpaid leave, which is a minimum of 3 months and a maximum of 5 years' duration, is available for approved purposes and subject to specific conditions.
- 4.2 It offers the employee an opportunity to take an extended period away from work, beyond that provided through normal leave arrangements or other provisions, e.g. parental leave. A career break is a discretionary provision and

the Trust will consider a range of factors before making a decision on individual requests.

4.2 A career break will be considered for the following reasons:

- Care and/or responsibility for children or other dependants;
- Personal study, training, education or development ;
- Overseas travel;
- Voluntary work;
- Any other purpose agreed with the Trust.

4.3 In every case there must be a clear commitment on the part of the individual to return to employment with the Trust. Requests for a career break for reasons not outlined above will be considered on a case by case basis.

4.4 Career breaks will not normally be considered to enable staff to take up paid employment elsewhere, unless in exceptional circumstances e.g. paid charitable work.

4.5 In normal circumstances, the Trust will not grant a career break, which is longer than an employee's length of service.

4.6 An employee may seek to take more than one career break, but there will normally be at least 3 years between each break and separate approval must be sought on each occasion.

4.7 A career break may be extended provided that the total period does not exceed 5 years.

4.8 The total period of career breaks during an employee's service with the Trust should not exceed 5 years.

## **5. ELIGIBILITY**

5.1 To be considered for the scheme, employees must have a permanent contract and at least 12 months' continuous service with the Trust. In exceptional circumstances, applications may be considered from employees who have less than 12 months' service, on a case by case basis.

5.2 When considering a career break application, the following factors will be taken into account:

- The purpose of/reasons for, the career break;
- The period of absence requested;
- The employee's length of service;
- Whether the employee has taken a career break on a previous occasion;
- The operational needs of the Department;

- The need to retain key skills, knowledge and experience to achieve the Trust's strategic objectives and ensure that staff expertise is aligned to the requirements of the service / service delivery.
- The potential to be able to cover the post on a temporary basis;
- The potential for the employee to return to a similar / the same post;
- The potential benefits to the Department / Trust / individual employee

This list is non-exhaustive therefore other factors may influence the Trust's decision.

- 5.3 Not all applications will be approved so an employee must not commit themselves to any plans prior to his/her application being approved.
- 5.4 The granting of a career break and the duration of the break will be entirely at the Trust's discretion and the Trust's decision will be final.
- 5.5 In certain circumstances, a career break may not be the most appropriate arrangement. Where this is the case, an alternative which is more appropriate to the individual case may be agreed between the employee, Head of Department, and relevant HR Manager.

## **6. APPLICATION PROCEDURE**

- 6.1 An employee wishing to apply for a career break should first discuss this with his/her line manager. Employees should then submit their application using the form provided at **Appendix A**, providing as much supporting/additional information as possible, e.g. details of a course of study.
- 6.2 The form should be submitted to the relevant Divisional General Manager/Executive Committee member, at least 3 months before the proposed start date of the career break. It is recognised that there may be circumstances, when it may not be possible to provide 3 months' notice (e.g. linked to caring responsibilities) and these will be considered sympathetically. Where the employee is on maternity leave, the application form should be submitted at least 3 months before the proposed start date of the career break.
- 6.3 On receipt of the application, the Divisional General Manager/Executive Committee member should arrange to meet with the employee and their line manager to discuss it in more detail. The application will be considered in line with the factors outlined in Section 5.2 and any points of confusion clarified. The Divisional General Manager/Executive Committee member should also ensure that the employee has a copy of the policy and has read/understood the implications on their employment of the career break.
- 6.4 Following the meeting, the Divisional General Manager/Executive Committee member will inform the employee of the decision in writing at the earliest opportunity and will provide reasons in cases where a career break is refused or the terms applied for changed.

- 6.5 Where a career break is approved, the employee will be required to sign a copy of the letter outlining the terms and conditions of the career break as confirmation of their agreement.
- 6.6 Where a career break is approved, the line manager will meet with the employee to agree the details of how the break will be managed. This meeting should cover the following:
- Detailed confirmation of dates of the career break;
  - Employee responsibilities during the career break;
  - Keep in touch arrangements;
  - Notice requirements for return to work;
  - Terms and conditions associated with the break;
  - Managing any outstanding annual leave;
  - Managing the period until the break ensuring robust arrangements for work handover.
  - Any queries that the employee may have.
- 6.7 The outcome of this meeting must be confirmed in writing setting out the detailed arrangements relating to the career break.
- 6.8 The line manager should also make all the relevant changes to the employee's record in ESR.
- 6.9 The HR Department will liaise with the NHS Pensions Agency if appropriate.
- 6.10 Before an employee starts a career break, they will be required to return all Trust property to the Trust. This will include lease cars, IT equipment, ID badge, keys and any uniform.

## **7. APPEAL**

- 7.1 Where the application is refused or approved with amendments, the individual has a right of appeal. The appeal should be submitted in writing to the Director of Human Resources, within 14 days of receipt of the decision letter, who will then arrange for another/independent senior manager to consider it and respond to the individual.

## **8 TERMS AND CONDITIONS OF EMPLOYMENT**

### **8.1 Continuity of Employment**

There is no requirement for an employee to resign before a break but the break does result in changes to the contract of employment. During the career break, all rights under the contract of employment will be suspended, except for continuity of service, which will be maintained for statutory purposes.

Career breaks will not be counted towards reckonable service and therefore will not count towards length of service related conditions such as annual leave and sick pay. The break will also not count towards long service awards.

## **8.2 Pay and Conditions**

As the contract is considered to be suspended during the break, there will be no entitlement to pay, including maternity pay for pregnancies arising during the break, or to sick pay.

There will be no incremental pay progression for the period of the break.

## **8.3 Leave**

There will be no entitlement to annual leave and bank holidays.

## **8.4 Salary Sacrifice Schemes**

Any existing salary sacrifice arrangements will cease during the career break. An employee will not be entitled to receive childcare vouchers and where the salary sacrifice is linked with repayment or purchase e.g. Cyclescheme, the employee will be expected to settle the outstanding balance before the start of the career break.

## **8.5 National Insurance**

No National Insurance contributions will be made on behalf of the employee during their career break. The individual will be responsible for making arrangements with the Department for Work and Pensions if they wish their contributions to be preserved.

## **8.6 Pension**

When taking an authorised career break an employee can choose to continue to contribute to the NHS pension scheme on the following conditions:

- For the first 6 months, the Trust will continue to meet their contributions but the employee must make provision for their employee contribution;
- The employee can continue to contribute to the scheme for a further 18 months, following the initial 6 month period, but they must make both the employer and employee contributions during this period;
- Employees must make arrangements to ensure that their contributions are made to the Trust who will in turn make the contributions to the Pension Scheme on their behalf;
- If the employee fails to make the agreed contributions or decides not to make contributions, then they cannot restart them during the break or pay them in arrears when they return to work.

Pension contributions can only be continued for a period of up to 2 years. If the career break is longer than 2 years, the employee's pension record will be closed down after this date. Whilst the employee continues to contribute, they will remain in their current section of the pension scheme. However if the employee chooses not to continue their contributions then they will rejoin the pension scheme in the 2008 section when they return to work.

Further details are available from the NHS Pensions Agency at (<http://www.nhsbsa.nhs.uk/pensions>). In particular, employees are strongly



advised to read the document '*NHS Pension Scheme: Authorised Leave/Career Breaks Fact Sheet*', before applying for a career break.

#### **8.7 Recall**

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

### **9 RETURN TO WORK**

9.1 If the career break is 12 months or less, then the employee can, as far as reasonably practicable, return to their original job.

9.2 If the career break is longer than 12 months, then the Trust reserves the right to fill the employee's role permanently and as a result only commits to return the employee to as similar a post as possible. For operational roles, this is likely to be the same role, but there can be no guarantee of location or rota pattern, though consideration will be given to travelling distances.

9.3 Where the job offered is of a lower grade, the employee will be required to accept the terms and conditions of the role offered. The purpose of providing a career break is to enable a break to employment without unduly disrupting an individual's career, so the Trust recognises that it is in its best interests to find a suitable role to utilise the individual's skills. However if there are no suitable posts immediately available, then the Trust will try to find appropriate alternative duties for a period not exceeding 3 months to enable time to find a suitable alternative.

9.4 If the individual has failed to maintain registration, or other absolute requirement for their role, they will forfeit their right to return to their former role. The Trust will consider this to be a breach of contract and reserves the right to terminate the employee's employment without notice.

9.5 If organisational change affecting the employee's role or directorate takes place during the career break, then the employee will be dealt with in the same way as other staff affected by the change. This will include discussing the implications of the change with the individual as soon as practicable. As an employer, the Trust will make reasonable efforts to contact the individual but there is an equal obligation on that individual to ensure that appropriate contact arrangements are in place.

9.6 Any requests to return on a part-time or flexible working basis will be considered on their merits in line with Trust policies.

### **10 NOTICE**

10.1 Where the career break is 12 months or less, the individual will be required to give 2 months' notice of their intended return to work.

- 10.2 Where the career break is more than 12 months, the individual will be required to give 6 months' notice of their intended return to work.
- 10.3 In all cases, the notice of intended return to work must be made in writing to the Divisional General Manager who approved the career break.

## **11. CONDITIONS OF RETURN TO WORK**

- 11.1 An employee whose post requires them to be registered or who holds a qualification requiring regular reassessment, must maintain their registration during a career break or reacquire it at their own expense, prior to their return to work. Employees in professional roles are also required to maintain continuous professional development during the career break. Employees will be expected to provide evidence of their registration before return to work.
- 11.2 The employee is expected to maintain appropriate standards of conduct and behaviour during the career break and where there are any acts or omissions during it, which might undermine the employee's suitability for employment, this will be dealt with through the Trust's Disciplinary Procedure prior to return to work.
- 11.3 Where the duration of a career break is longer than 12 months, the employee will, before they can return to work, be required to undergo a criminal records check, where this is essential for the post into which they are returning.
- 11.4 Were the employee has been travelling abroad and / or has developed a health condition during the break, the Trust reserves the right to refer them for a medical examination to assess their fitness for work before their return. In all cases, where an individual is returning to a post with substantially different duties to the post in which they were previously employed, then Occupational Health clearance will be required before their return to work.
- 11.5 Failure to return on a specified date without seeking a formal extension to a career break (see Section 13) will be regarded as a fundamental breach of contract entitling the Trust to terminate employment without notice. Such a decision will only be made after a formal hearing has been arranged under the Trust Disciplinary Procedure.

## **12 KEEP IN TOUCH ARRANGEMENTS**

- 12.1 When a career break is arranged, the line manager and employee will discuss keep in touch arrangements. These should reflect the nature of the individual's role, the length of and reason(s) for the career break and the arrangements should be sufficient to ensure the employee continues to feel connected with the Trust. Where the break is more than 12 months, the line manager should arrange to meet with the employee at least annually, to update them on organisational changes and to reconfirm the commitment to the scheme.

- 12.2 On return from a career break, the line manager must ensure that the employee completes both Trust and local / departmental induction. This should include the necessary refresher mandatory training where appropriate. The line manager should also carry out an appraisal within 3 months of the employee's return.
- 12.3 During a career break the employee may apply for internally advertised vacancies, where they have requested a copy of the Vacancy Bulletin. Employees should be aware however, that if they are successful, they will be expected to accept the post, terminate their career break and commence employment in the new post once all the usual employment checks have been completed.

### **13 EXTENSION OF CAREER BREAKS / EARLY RETURNS**

- 13.1 If an employee wishes to apply for an extension to their career break or return earlier, they should write to the Divisional General Manager/Executive Committee member who approved the career break, at least 3 months in advance of the agreed return to work date. It is recognised that there may be circumstances beyond an employee's control that prevent him/her from adhering to this timescale and managers should consider requests accordingly.
- 13.2 The Divisional General Manager/Executive Committee member (in consultation with the relevant HR Manager) will consider the request to return early or extend the career break. However there is no guarantee that such requests will be accommodated.
- 13.3 If an employee is prevented from returning to work on the date agreed due to ill-health, they must contact the relevant Divisional General Manager/Executive Committee member as soon as possible. The right to return to work may be extended beyond the notified date of return, providing an appropriate medical certificate has been submitted.
- 13.4 If an employee is prevented from returning to work on the date agreed due to other events outside of the employee's control, they must contact the Divisional General Manager/Executive Committee member as soon as possible. The right to return to work may be extended beyond the notified date of return providing that appropriate evidence to support the reason for the delay is submitted.
- 13.5 Where there is failure to return on the due date and no alternative date has been agreed, the employee may lose their right to return to work.

### **14 RESIGNATION**

- 14.1 If an employee decides to resign from his/ her post during a career break, s/he must submit a written statement of resignation to the relevant Directorate

Manager in advance of the agreed return to work date in accordance with his/her contractual notice period.

- 14.2 If the career break immediately follows a period of maternity leave, the employee will be required to repay occupational maternity benefits less any Statutory Maternity Pay, in line with national terms and conditions.

**15. MONITORING COMPLIANCE/EFFECTIVENESS OF THE POLICY**

Requirement	Frequency	Person Responsible	Reporting To	Action Plan	Monitored By
Duties still current and appropriate	3 years or during any policy update	Author	Sponsor	Author	Policy Committee
High level of assurance of policy compliance	To be agreed with Internal Audit.	Director of HR Head of Internal Audit.	HR Strategy Group	Director of HR and Head of Internal	Executive Committee

**16. DISSEMINATION, IMPLEMENTATION AND TRAINING**

Dissemination via:

- E-mail to Senior Manager Forum;
- Intranet;
- Team Brief;
- HR Workshops;
- HR Directorate Briefings

**17. CONSULTATION, REVIEW AND APPROVAL/RATIFICATION**

Consultation

- Human Resources Strategy Group
- Joint Consultative Group
- Executive Committee

Ratification

- Policy Committee

**18. REFERENCES**

- Employment Rights Act 1996
- Equality Act 2010
- NHS Terms and Conditions

**19. ASSOCIATED POLICIES AND DOCUMENTS**

- Parental Policy
- Flexible Working Policy
- Special Leave Policy

- Annual Leave Policy
- Grievance Policy and Procedure
- Disciplinary Procedure
- Recruitment and Selection Policy
- Mandatory Training Policy
- Professional Clinical Registration Policy
- Training Needs Analysis Policy

**APPENDIX A**

**CITY HOSPITALS SUNDERLAND NHS FOUNDATION TRUST**

**CAREER BREAK APPLICATION FORM**

**Note to the employee**

Before completing this form you are advised to read the Trust's **Career Break Policy** and discuss the matter with your line manager. To apply for a career break please complete this form and send it to your Divisional General Manager or Executive Committee member for consideration at least 3 months before the proposed start date of the career break.<sup>1</sup>

**Note to the Divisional General Manager/Executive Committee member**

Before reviewing this form please read the Trust's **Career Break Policy**. You may contact your Human Resources Manager for clarification or advice at any time.

<b>Section A - (to be completed by the employee)</b>			
<b>Name</b>			
<b>Job Title</b>		<b>Grade</b>	
<b>Department/Ward</b>			
<b>Directorate</b>			
<b>Trust Start Date</b>			
<b>Purpose / reason(s) for the career break (continue on a separate sheet if necessary and attach any relevant supporting information)</b>		<b>Please tick to indicate the purpose / reason(s)</b>	
Care and/or responsibility for children or other dependants;			
Personal study, training, education or development			
Overseas travel			
Voluntary work			
Other ( <i>please give details</i> )			
<b>Proposed start date</b>		<b>Proposed return to work date</b>	
<b>Proposed length of the career break</b>			
<b>Estimated date of childbirth (if career break is to follow maternity leave)</b>			

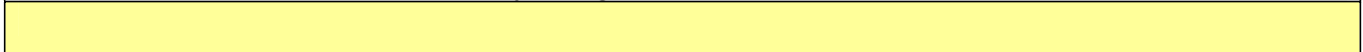
<b>Have you taken a career break on a previous occasion?</b> (as an employee of City Hospitals Sunderland?)	No <input type="checkbox"/>
	Yes <input type="checkbox"/> <i>(please give details)</i>

**Please provide further information in support of your request** e.g. what is the potential benefit of the proposed career break to you, your Department and the Trust? What practical difficulties or problems might arise from the proposed career break with respect to the service and/or your colleagues and how they might these be overcome?

Signature of Applicant	
------------------------	--

Date	
------	--

Please forward this form to your Divisional General Manager/Executive Committee member at least 3 months before the proposed start date of the career break. On receipt of the application, your Divisional General Manager/Executive Committee member will arrange a meeting with you and your line manager to discuss the request. You will be advised of the outcome of your request in writing at the earliest opportunity. Where the career break is refused you will be given reasons for the refusal; where it is approved, you will be required to sign a copy of the letter outlining the terms and conditions of the career break as confirmation of your agreement.



**Section B (to be completed by the Divisional General Manager/Executive Committee member)**

Have you discussed the reason(s) for the application with the above applicant?	Yes/No* (delete as appropriate)  If not, please give details below as to why.
--	---

Do you support this application? (please tick the appropriate box below)

**YES**

**YES, WITH AMENDMENTS**

**If yes, please confirm below the start date and return to work date and give your reasons for approving the application.**

**Start Date:**

<b>Return to Work Date:</b> <b>Reasons for approving the application (with or without amendments):</b>	
<b>NO</b> <input type="checkbox"/> <b>If no, please give below your reasons for rejecting the application:</b>	
Signature of Divisional General Manager/Executive Committee member	
Print Name	
Date	

|

**PLEASE PLACE A COPY OF THIS FORM ON THE EMPLOYEE'S PERSONAL  
FILE**