

# Employment Break Policy

## Policy reference – HR007

SUMMARY	This policy identifies the CCGs principles and procedures as they apply to employment breaks.
AUTHOR	Human Resources
VERSION	2.0 FINAL
EFFECTIVE DATE	April 2018
APPLIES TO	All employees of the CCG
APPROVAL COMMITTEE	CCG Remuneration Committee
REVIEW DATE	April 2021

***This policy has been aligned to Greater Huddersfield and North Kirklees CCGs in light of shared staff working across the CCGs.***

**THIS POLICY HAS BEEN SUBJECT TO AN EQUALITY IMPACT ASSESSMENT**

**VERSION CONTROL SHEET**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Status/Approval Body</b>	<b>Circulation</b>
0.1	Sept 2013	Kelly Brook	Draft	To share with SMT for comments
0.2	18.11.13	Kelly Brook	Draft	Updated following comments from SMT
0.3	14.4.2014	Vera Savarani	Draft	Minor amendments and updated EIA template incorporated
0.4	4/6/2014	Vera Savarani	Draft	Minor reformatting amendments and confirmation of approval process and accountability. To remuneration committee 26/6/2014
1.0	26.06.2014	Rebekah Drury	Final	Approved by Remuneration Committee
1.1	26.02.2018	Tazeem Hanif	Draft	Revised policy aligned to GH/NK CCGs submitted to SMT for comment – policy approved.
1.2	15.03.2018	Tazeem Hanif	Draft	Policy agreed by Trade Unions at the Social Partnership Forum
2.0	16.04.2018	Tazeem Hanif	Final	Policy approved by the Remuneration Committee, in line with the electronic policy approval process.

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## **1. POLICY STATEMENT**

- 1.1 The Clinical Commissioning Group (CCG) 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 The CCG encourages a culture where employees can seek a positive work life balance and help them find a balance that enables them to combine work with their other responsibilities or aspirations. For the CCG, the benefits of offering 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 CCG 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, and annual leave, during the period of the break.
- 2.2 To qualify for an employment break, employees must:-
- Have been employed by the CCG, continuously on a permanent basis for a period of twelve months or more, or have TUPE transferred;
  - Have demonstrated a commitment to continuing their career with the CCG;
  - Have the approval of an appropriate Head of Service.
- 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 in writing 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. The length of any break must balance the needs of the employee, with the needs of the organisation.

- 2.5 Line Managers, where appropriate, should make every opportunity to maintain contact with those employees 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. In the case of any matter requiring formal consultation, such as organisational restructure, the Line Manager is responsible for contacting the employee, and ensuring they are given the opportunity to participate in consultation. Should there be a change in line management during the employment break; the Line Manager is responsible for contacting the employee to advise them of the change, or for liaising with their own manager to agree an alternative contact.

The Line Manager will contact the employee in the month before the employment break ends, to discuss return to work arrangements.

- 2.6 Employees will be expected to maintain contact with their line manager, and should inform the CCG of any changes to personal circumstances, e.g. change of home address.

- 2.7 Employees should also demonstrate their commitment to CCG by:

- Not undertaking any other paid employment with another employer during the employment break, unless in exceptional circumstances, and with prior approval in accordance with the CCGs policies on Conflict of Interest and Working Time Regulations (including secondary employment).
- Being in touch with their Line Manager in the month before the employment break ends, to discuss return to work arrangements.
- Returning to the CCG on the agreed return date.
- Keep in touch days will be agreed before the employment break commences, if appropriate. The CCG is not obliged to offer keep in touch days, nor is the individual obliged to take them up. The number of keep in touch days should be commensurate with the length of the employment break, and should not exceed 10 days. Keep in touch days will be paid at the individual's normal rate of pay, and the line manager is responsible for liaising with payroll to arrange payment.

- 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 take or accrue annual leave during the employment break. The period of the employment break will not count as reckonable service for leave purposes and on return to work, entitlement to annual leave would be the same as when the break started.

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 will return to the equivalent salary level, reflecting any increases awarded during the break. Any increases will not be backdated. This will be subject to restructuring or substantial organisational change.

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, in accordance with the terms of the NHS maternity scheme.

2.8.5 **Pensions** – an employee may choose to continue making contributions to the NHS Pension Scheme during an employment break. The form found in 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, immediately prior to the employment break starting. 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, and employees are advised to check pension scheme regulations, as these may change from time to time: <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, Line Managers must ensure that appropriate arrangements have been made in respect of company property, for example:

- Return of CCG property, such as mobile telephones, laptops, keys, passes etc. The Line Manager is responsible for liaising with IT and any other relevant departments, to ensure access to systems is suspended for the period of the employment break.

2.8.8 **Applying for other Positions** – when on an employment break, an employee is free to apply for other positions within the CCG. 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.

2.8.9 **Professional Registration** – The employee is responsible for ensuring that they keep up to date with their relevant professional registration requirements.

2.9 All records of applications and decisions will be kept on an employee's file for a minimum of 12 months.

### **3. EQUALITY STATEMENT**

- 3.1 In applying this policy, the CCG 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, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, carers and sexual orientation. A consistent Equality Impact Assessment is used for all policies and procedures.

### **4. ACCOUNTABILITY**

- 4.1 The Chief Officer is accountable for this policy.

### **5. IMPLEMENTATION AND MONITORING**

- 5.1 The Remuneration Committee is responsible for the formal approval of this policy. Following approval, the policy will be disseminated to staff via internal communication methods and available through the staff intranet.
- 5.2 The policy and procedure will be reviewed periodically by the HR Team in conjunction with Trade Union representatives. Where review is necessary due to legislative change, this will happen sooner.

### **6. PROCEDURE**

- 6.1 Employees wishing to apply for an employment break should complete the application form at appendix 1, in conjunction with the relevant Head of Service. Both the proposed commencement date and return to work date should be included.
- 6.2 Applications must be submitted to the relevant Head of Service, 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 Line Manager should satisfy themselves that the individual has a clear commitment to continuing a career with CCG, and that the reasons for requesting the break are valid. They should also be satisfied that the employee's work can be covered during the employment break, and that there will not be a significant detrimental effect on the organisation or its employees.
- 6.3 Applicants will be notified in writing of the decision within 21 days of the date of submission of their application.
- 6.4 If the employment break has been agreed then the relevant Line Manager will need to complete the payroll change form so that the Electronic Staff Records (ESR) is updated and also send HR the completed forms found in appendix 1 and 2.
- 6.5 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).
- 6.6 There is no right of appeal if an application is refused. Employees may refer to the CCGs Grievance Policy if a request for a break is refused.

- 6.7 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 make their request, giving 2 months' notice in writing. An earlier return will be at the Line Manager's discretion, and if this cannot be accommodated, this will be confirmed in writing. Employees wishing to extend the length of their break must apply in writing, at least 2 months before the agreed end date, so that appropriate consideration can be given to an extension. An extension is at the Line Manager's discretion, and if this cannot be accommodated, it will be confirmed in writing.
- 6.8 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, for instance due to restructuring, or if the break has been for longer than a year, then every effort will be made to find a suitable alternative role for the employee i.e. 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.
- 6.9 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.
- 6.10 The CCG 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 for 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 employment.



## Appendix 1 - EMPLOYMENT BREAK SCHEME – APPLICATION FORM

FULL NAME	DEPARTMENT
EMPLOYEE NUMBER	START DATE WITH CCG (or other organisation if TUPE transferred).

**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.

<b>SIGNATURE OF EMPLOYEE:</b>	<b>DATE:</b>
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### To be completed by the Head of Service

I support / do not support this application for an employment break from the CCG. I have attached a written statement outlining the reasons why this application has been accepted / rejected (delete as applicable).

<b>SIGNATURE:</b>	<b>DATE</b>
<b>NAME (Block letters):</b>	

## Appendix 2 - EMPLOYMENT BREAK FINANCIAL AGREEMENT

FULL NAME:	DEPARTMENT:
EMPLOYEE NUMBER:	START DATE WITH CCG (or other organisation if TUPE transferred):
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 CCG will continue to pay employer 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 CCG's contributions;
- I understand that contributions will be based on my normal earnings;
- I agree to make monthly payments to CCG 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**

<b>Option 1</b>	I do <b>not</b> 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 <b>OR</b>	
<b>Option 2</b>	I wish to treat the initial six months of my employment break as pensionable and undertake to pay monthly employee contributions via standing order/Direct Debit <b>OR</b>	
<b>Option 3</b>	I wish to treat my employment break as pensionable for a period of <b>months</b> . I undertake to pay monthly employee contributions for the first six months and both employee and employer contributions for the remainder of the period. All contributions will be made via standing order/Direct Debit <b>OR</b>	
<b>Option 4</b>	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:

## Appendix 3 - Equality Impact Assessment

<b>Title of policy</b>	Employment Break Policy		
<b>Names and roles of people completing the assessment</b>	Tazeem Hanif ) – HR Business Partner) Kym L Brearley, Equality and Diversity Advisor		
<b>Date assessment started/completed</b>	March 2018	04.04.2018	
<b>1. Outline</b>			
<b>Give a brief summary of the policy</b>	This policy sets out a procedure for receiving and considering employment break requests.		
<b>What outcomes do you want to achieve</b>	For the policy to comply with statutory requirements, NHS Litigation Authority Standards and best practice.		
<b>2. Analysis of impact</b>			
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			
	<b>Are there any likely impacts? Are any groups going to be affected differently? Please describe.</b>	<b>Are these negative or positive?</b>	<b>What action will be taken to address any negative impacts or enhance positive ones?</b>
<b>Age</b>	No		
<b>Carers</b>	Yes, employees with caring responsibilities are potentially more likely to apply for an employment break.	Positive	Under this Policy, employees who wish to take an employment break due to caring responsibilities are entitled to do so.
<b>Disability</b>	Yes, employees with a disability or long-term health condition are potentially more likely to apply for an employment break.	Positive	Under this Policy, employees who wish to take an employment break due to a disability, long-term health condition, or the effects of these, are entitled to do so.
<b>Sex</b>	Yes, more women may apply for an employment break to care for children; men may also apply for these reasons.	Positive	Under this Policy, female and male employees who wish to take an employment break are entitled to do so. There is no difference in how the Policy is applied to male and female employees.
<b>Race</b>	No		

<b>Religion or belief</b>	Yes - it is recognised employees with certain beliefs may request an employment break for religious or cultural observances.	Positive	Under this Policy, employees who wish to take an employment break for religious or cultural observances are entitled to do so.
<b>Sexual orientation</b>	No		
<b>Gender reassignment</b>	Yes – employees who undergo gender reassignment may request an employment break.	Positive.	Under this Policy, employees who wish to take an employment break related their transgender/gender identities are entitled to do so.
<b>Pregnancy and maternity</b>	Yes – employees who wish to care for children following maternity leave may request an employment break.	Positive	Under this Policy, employees who wish to take an employment break following maternity leave are entitled to do so.
<b>Marriage and civil partnership</b>	No		
<b>Other relevant group</b>	Yes – all employees.	Positive	All employees may refer to the CCG's Grievance Policy if they feel that they have been treated unfairly in relation to application of this policy.
<b>If any negative/positive impacts were identified are they valid, legal and/or justifiable? Please detail.</b>	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 who have experienced ill health.		
<b>4. Monitoring, Review and Publication</b>			
<b>How will you review/monitor the impact and effectiveness of your actions</b>	Whilst it is acknowledged that under section 2.3 'caring for children' is one of the defined criterion for a successful application and female workers are generally considered as more likely to apply for these reasons, the policy indicates other reasons for an employment break. Equality monitoring on applications can be used to check if there are any adverse trends and identify appropriate action.		
<b>Lead Officer</b>	Tazeem Hanif	<b>Review date:</b>	01.04.2021
<b>5. Sign off</b>			
<b>Lead Officer</b>	Kym L Brearley		
	<b>Date approved:</b>	04.04.2018	